# Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION

OF THE

SIXTY-FOURTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LIV



48003

WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

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# Congressional Record.

SIXTY-FOURTH CONGRESS, SECOND SESSION.

# VOLUME LIV, PART 4.

FROM FEBRUARY 13, 1917, TO FEBRUARY 24, 1917.

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# Congressional Record.

# PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS. SECOND SESSION.

# SENATE.

Tuesday, February 13, 1917.

The Senate met at 11 o'clock a. m. The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the

following prayer.

Almighty God, Thou hast taught us in Thy Word that if we are to look for a new heaven and a new earth it will be through the balance of the powers that Thou hast committed to us, powers of our civil, social, and religious life. The path of progress means the maturing of the full life of man, for Thou who didst send to us the message of life Divine hast said, I came that ye might have life and have it more abundantly. May we enter into such personal and intimate spiritual contact with God as that our lives may show forth that Divine conception of life and ever become fuller and diviner in its expression of service and sacrifice. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. James and by unanimous consent, the further reading was dispensed with and the Journal

was approved.

#### CALLING OF THE BOLL.

Mr. PENROSE. Mr. President, I suggest the absence of a

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

DALPECTE CO. PERC.	T. Thereware		
Beckham Brandegee Bryan Chamberlain Chilton Culberson Cummins Fall Fernald Fletcher Gallinger	Johnson, S. Dak. Jones Kenyon Kirby La Follette Lea, Tenn. Lodge McCumber McLean Martine, Va. Martine, N. J.	Overman Page Penrose Pittman Ransdell Reed Robinson Saulsbury Shafroth Sheppard Sherman	Smith, Md. Smith, S. C. Smoot Stone Sutherland Swanson Thompson Tillman Townsend Vardaman Wadsworth
Hollis James	Myers Nelson	Shields Simmons	Weeks Williams
Johnson, Me.	Oliver	Smith, Ga.	Works

Mr. MARTINE of New Jersey. I beg to announce that the Senator from Oklahoma [Mr. Gore] is detained from the Senate owing to illness. I ask that this announcement may stand for

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

# ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House:

S. 1061. An act to allow additional entries under the enlarged homested act;

S. 1553. An act for the relief of Peter Kenney;

S. 2222. An act for the relief of the heirs of Antoine Bayard;

S. 2749. An act for the relief of George L. Thomas; S. 2880. An act for the relief of Martin V. Parmer;

S. 3681. An act for the relief of the owners of the steamship Esparta:

S. 3743. An act to reimburse John Simpson;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 5632. An act for the relief of Aquila Nebeker;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship Republic to be enrolled and licensed as a vessel of the United States;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle

by the Bureau of Animal Industry, Department of Agriculture; S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of

S.7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation:

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county; H. R. 8492 An act to restore homestead rights in certain cases;

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture.

### SAN JUAN COUNTY BRIDGE, NEW MEXICO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county and at a cost to the Government of the United States not to exceed \$25,000, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense and cost of constructing said bridge: Provided, That said sum is to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians of the State of New Mexico.

Mr. CATRON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

# PAYMENT OF CLAIMS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

Mr. BRYAN. I move that the Senate disagree to the amendments of the House and ask a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BRYAN, Mr. ROBINSON, and Mr. GRONNA conferees on the part of the Senate.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 809. An act authorizing the Secretary of the Interior to

accept the application for land entry of Richard Daeley;

S. 1361. An act for the relief of Thomas Smart; and S. 1378. An act to amend the military record of John P. Fitzgerald.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 455) to define the rights and privileges of the trustees of municipally owned inter-state railways and construing the act to regulate commerce with reference thereto.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Lever, Mr. Lee, and Mr. Haugen managers at the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate No. 13 to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; agrees to the amendment of the Senate No. 98 with an amendment, in which it requested the concurrence of the Senate; disagrees to the remainder of the amendments of the Senate to the bill; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. Page of North Carolina, Mr. McAndrews, and Mr. Davis of Minnesota managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1764. An act for the relief of John Minahan, alias John Bagley; H. R. 2212. An act for the relief of George F. Reid;

H. R. 2743. An act for the relief of the widow of Joseph C. Akin:

H. R. 3253. An act for the relief of Hudson Bros., of Norfolk,

H. R. 4626. An act to reimburse the Farmers' Savings Bank

of Brandon, Iowa, for currency destroyed by fire; H. R. 5091. An act for the relief of Preston B. C. Lucas;

H. R. 5182. An act requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington;

H. R. 5690. An act for the relief of Alfred Rebsamen;

H. R. 5948. An act for the relief of Hays Gaskill; H. R. 9335. An act for the relief of Mrs. W. E. Crawford; H. R. 10255. An act for the relief of David Kirch; H. R. 10869. An act to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation in South Dakota;

H. R. 10872. An act making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation;

H. R. 13354. An act to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor;

H. R. 13754. An act for the relief of Charles A. Carey;
H. R. 14345. An act to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen;

H. R. 14679. An act for the relief of Jacob B. Moore;

H. R. 14695. An act for the relief of Mrs. H. O'Neill; H. R. 14754. An act for the relief of Charles M. Way

H. R. 15233. An act for the relief of William A. Persons; H. R. 15644. An act for the relief of James S. Risher; and H. R. 16116. An act for the relief of Adelaide L. Gibbs, widow of Robert M. Gibbs.

# ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 17055) providing when pat-ents shall issue to the purchaser or heirs on certain lands in the State of Oregon, and it was thereupon signed by the Vice President.

# PETITIONS AND MEMORIALS.

Mr. LODGE. I present a resolution of the Board of Trade of Brookline, Mass., indorsing the action of the President in severing diplomatic relations with Germany. I ask that the resolution be printed in the RECORD without reading. It is a very brief one.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BROOKLINE BOARD OF TRADE, Brookline, Mass., February 9, 1917.

Hon. Henry Cabot Lodge,
United States Senate, Washington, D. C.

My Dear Sir: It is with pleasure that I affix hereto a copy of the resolution which it was my privilege to present at the meeting of the Brookline Board of Trade last evening and which was unanimously adopted and ordered spread upon our records:

"Resolved, That we, members of the Brookline Board of Trade in meeting assembled, heartily indorse the action of Woodrow Wilson, President of these United States, in severing diplomatic relations with Germany, and fully realizing the possible consequences, but recogniz-

ing no lines of party, race, or creed, do hereby pledge our loyal, patriotic support to the President and the Congress of the United States in this grave national crisis."

Cordially, yours,

W. D. ALLEN. Secretary.

Mr. LODGE presented petitions of the Fitchburg Training School, of Fitchburg, and of Old Middlesex Chapter, Sons of the American Revolution, of Lowell, in the State of Massachusetts, praying for compulsory military training, which were ordered to lie on the table.

Mr. OLIVER. I have here three short telegrams relating to postage on second-class mail matter, which I should like to have printed in the Record. The first of them I should like to have

read by the Secretary.

There being no objection, the telegrams were ordered to be printed in the RECORD and the first one was read by the Secretary, and they were ordered to lie on the table, as follows:

PHILADELPHIA, PA., February 12, 1917.

Senator OLIVER, United States Senate, Washington, D. C.:

Change in second-class postal rates would seriously affect business of American Baptist Publication Society and cripple the work of over 12,000 Baptist Sunday schools. We seek a hearing.

GUY C. LAMSON, Secretary.

SMETHPORT, PA., February 12, 1917.

Hon. George T. Oliver, Senate of the United States, Washington, D. C.:

If proposed increase of second-class postal rate goes through it will be the rulnation of many hundreds of publications. Publishers simply can not stand any increase in second-class postal rate at this time. The increased cost of paper alone has already wiped out a large number of publications.

THE BOYS' MAGAZINE.

NEW YORK, February 12, 1917.

Hon. George T. Oliver, Washington, D. C.:

Can not protest too strongly against increase in postal rate at this time. Increased cost of paper and other manufacturing necessities threaten to cause many publications to suspend. A few rich corporations might be able to stand an increase, which would create for them a monopoly, because their poorer competitors would be put out of business. Very few religious publications are now able to make ends meet. If they are compelled to pay the increased rate it will be impossible for them to survive.

THE CHRISTIAN HERALD.

Mr. OLIVER presented a petition of the Socialist Party of McKeesport, Pa., praying that no further action be taken that would involve this country in war with Germany, which was referred to the Committee on Foreign Relations.

Mr. JONES. I have a telegram here from Mr. J. F. Duthie & Co., of Seattle, and also one from the Chamber of Commerce, of Aberdeen, Wash., protesting against the proposed amendment to the shipping act by which vessels built here can not enter navigable waters until they become owned by American citizens. They are similar to the telegrams I submitted yesterday, which were printed in the RECORD. I ask that the telegrams be referred to the Committee on Commerce.

The VICE PRESIDENT. They will be so referred.

Mr. JONES presented a petition of sundry citizens of Lake Samish, Wash., praying for national prohibition, which was

ordered to lie on the table.

Mr. CHAMBERLAIN. Referring to the statement of the Senator from Washington [Mr. Jones] I desire to say that I have received a number of telegrams along the same line as those he presented yesterday and along the line of his statement this morning, protesting against the enactment of any law which might provide that no vessel now being constructed or to be constructed in the United States shall enter upon the navigable waters of the United States unless owned by citizens of the United States. I have not thought it necessary to print them in the Record, because I have received a good many from citizens in my State and I merely desire to call attention to

Mr. MARTINE of New Jersey. I present a petition of members of Princeton University, Princeton, N. J., tendering military service. I ask that it be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

GENTLEMEN: We, the undersigned, members of Princeton University, Princeton, N. J., hereby petition the Congress of the United States to enact immediately legislation establishing in the United States a system of compulsory universal military training. We, as men upon whom the burden of such training would naturally fall, believe that under actual existing circumstances the time has now arisen when such a step should be taken.

Mr. MARTINE of New Jersey. I present a telegram from A. A. Gray, of Chicago, Ill., protesting against an increase in rates on second-class postage, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHICAGO, February 10, 1917.

Hon. James E. Martine, Washington, D. C.:

The associated business papers representing publishers of professional, scientific, industrial, and business journals of this country, respectfully request your assistance in opposing at this time any increase in rates for second-class postage. Our publications are all struggling under great increases in cost of paper, printing material, and labor. Any increase now would impose extra burden from which many publishers of very valuable publications, rendering great service to the country, could not recover.

A. A. GRAY. President.

Mr. MYERS. I present a memorial from the Legislaure of Montana, favoring the enactment of hydroelectric power legislation, which I ask may be printed in the Record.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint resolution -. (Introduced by Harbert.) A resolution memorializing Congress for the passage of hydroelectric-power legislation that will enable the Government to lease power sites to private legitimate enterprises under proper rules and regu-

To the honorable Senate and House of Representatives in the Congress of the United States assembled:

of the United States assembled:

Whereas the waterways of this State abound in water power, it being conservatively estimated that about one-tenth of the total potential water power in the United States lies within the borders of our own State, a very small proportion of which is now developed;
Whereas the development of the various Government power sites in this State by private enterprise would add millions of dollars to our tax rolls and develop the greatest national resource we have;
Whereas the members of this legislative assembly believe that our forests and coal beds should not be needlessly exploited and the development of the Government power sites would help conserve two of our greatest natural resources;
Whereas an early development of the aforesaid water-power sites would induce manufacturing industries to operate in this State, would encourage railways to electrify their lines and would furnish electrical energy in such abundance that our people could cheaply electrify and heat their homes: Now, therefore, be it

electrify and heat their homes: Now, therefore, be it

Resolved, That the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring herein, that we petition the Congress of the United States for the necessary legislation that will enable the Government to lease power sites to private enterprises under such rules and regulations as will safeguard the interests of the people and yield to the lessee a fair return upon the money actually invested.

Resolved further, That a copy of this memorial be forwarded by the secretary of state of Montana to the Senate of the United States. And that a copy of this memorial be forwarded by the secretary of state of Montana to the House of Representatives of the United States. And be it further

Resolved, That a copy hereof be transmitted by the secretary of state of the State of Montana to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

James F. O'Connor,

Speaker of the House.

W. M. McDowell,

President of the Senate.

Mr. JAMES. I have telegrams here from the Christian

Mr. JAMES. I have telegrams here from the Christian Herald, of New York; from Urey Woodson, of Owensboro, Ky. and from the Georgetown News, of Kentucky, protesting against an increase in the rate upon newspapers. I ask to have the telegrams printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

NEW YORK, February 12, 1917.

Hon. OLLIE M. JAMES. Washington, D. C .:

Can not protest too strongly against increase in postal rate at this time. Increased cost of paper and other manufacturing necessities threaten to cause many publications to suspend. A few rich corporations might be able to stand an increase, which would create for them a monopoly, because their poorer competitors would be put out of business. Very few religious publications are now able to make ends meet. If they are compelled to pay the increased rate, it will be impossible for them to survive.

THE CHRISTIAN HERALD.

OWENSBORO, KY., February 12, 1917.

Hon. Ollie M. James, Washington, D. C .:

Proposed increase in second-class postage rate would cost papers like mine \$1,000 per year first year, \$2,000 thereafter. This in addition to high price of paper would put many out of business. HREY WOODSON.

GEORGETOWN, KY., February 11, 1917.

Senator Ollie James, Care Schate Office Building, Washington, D. C.:

Care Schafe Office Building, washington, D. C.

Please do all in your power to strike out 1½-cent postage amendment
in Senate Post Office appropriation bill on second-class mail matter,
which deals a heavy blow under the high cost of news-print material
o every Kentucky newspaper. Advise me regarding same
Geomeetown News,
By J. M. ALVERSON.

Mr. GALLINGER. For the purpose of relieving the pressure upon the columns of the Congressional Record I will state in very few words the substance of three or four telegrams I have in my hand.

The first one is from W. P. Davis, secretary of the Granite State Dairymen's Association, protesting against a reduction of the tax on oleomargarine; one from the National Housewives League, signed by Mrs. Julian Heath, in favor of the reduction of the tax on oleomargarine; and two telegrams, one from the Christian Herald and the other from Edwin R. Graham, chairman of some organization, both protesting against the increase of rate on second-class mail matter. I will not ask that they be printed in the Record, but merely make this statement to show that I have called attention to them.

Mr. SMITH of South Carolina. I present a memorial, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the memorial was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Beaufort Chamber of Commerce, Beaufort, S. C., February 16, 1917.

Hon. E. D. Smith, United States Senate, Washington, D. C.

Hon. E. D. SMITH,

United States Senate, Washington, D. C.

Dear Sir: We, the mayor and city council, chamber of commerce, and citizens of Beaufort, town and county, South Carolina, respectfully desire to call your attention, as our duly authorized representative, to the entirely defenseless condition of Port Royal Harbor.

This harbor is one of the best on the South Atlantic coast, and, though it is true that the town of Beaufort is small, the amount of property exposed to attack is limited in value, it is equally true that from a military point of view Port Royal would be of immense value to an enemy as a naval and military base, and was so utilized by the Union forces in the war of 1861-1865.

It is possible to take a vessel drawing 26 feet across the bar at the entrance to Port Royal Sound and to a point on the mainland known locally as Foot Point. From that point, within range of modern guns, are three trunk lines of railroad, the Atlantic Coast Line, the Southern, and the Seaboard Air Line, from Charleston to Savannah, crossing Broad River.

The city of Savannah is distant 21 miles in an air line, while Fort Screven, distant less than 19 miles, could be shelled in reverse.

At Fort Fremont, Port Royal's only defense, are four 10-inch guns, with absolutely no force to handle or protect them. The wharf for landing supplies has been allowed to fall to pieces to such extent that ammunition for these guns would have to be landed in small boats from a transport. An individual with a case of high explosives can now at any hour of the day or night go there and destroy these guns unhindered.

A large marine recruit depot lies open to attack within this harbor.

We have been informed that at least one commander of the Savannah artillery district has recommended that Port Royal be made the left fank of the defenses of which Brunswick, Ga., is the right and Savannah the center, and that a powerful battery of 14-inch rifles be installed at Fort Fremont, and that a railroad be run down St. Helena Island from Beaufort,

water.

We are not in the least alarmed or excited in making this request, but respectfully submit that it is the duty of the General Government to protect so open a harbor from possible possession or aggression by a foreign foe, and also to protect us, its citizens, from danger and insult incident to such possession.

Yours, respectfully,

fully,

CHAS. E. DANNER,

Mayor of Beaufort.

W. F. MARSCHER,

Member of Council.

W. E. RICHARDSON,

Member of Council.

George Waterhouse,

J. B. Turner,

Special Committee from Chamber of Commerce.

Mr. SHIELDS. I have two telegrams from Tennessee concerning postal rates on daily papers and some others. I ask that the first be read and that the others be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the Record, and the first one was read, as follows:

NASHVILLE, TENN., February 12, 1917.

Hon. John K. Shields, Washington, D. C.:

Amendment to Post Office appropriation bill increasing rates on newspapers, with enormously increased cost of white paper exacted by manufacturers, will mean that either the circulation price of paper must be largely increased or that the newspapers will have to quit publication. There would be no serious objection to an increase of postage rate outside of a zone of, say, 300 miles from point of publication, but to apply the advance otherwise would be ruinous to daily newspapers published in the South and other sections.

E. B. STAHLMAN.

NASHVILLE, TENN., February 12, 1917.

Hon. J. K. SHIELDS, United States Senate, Washington, D. C.:

Regardless of the merits of the main question, this is no time to increase postage rates to publishers. A Government which is unable to protect us against an outrageous hold-up by paper mills should not multiply our troubles while we are engaged in a fight for existence.

Southern Agriculturist Co.

FRANKLIN, TENN., February 3, 1917.

Hon. JOHN K. SHIELDS, United States Senate, Washington, D. C.

DEAR SIR: I wish to call your attention to section 10 of the Post Office appropriation bill now pending in Congress (H. R. 19410), and also to a bill recently introduced by C. H. RANDALL, Member of Congress from California (H. R. 20204) "to establish rates of postage on second-class matter."

from California (H. R. 20204) "to establish rates of postage on seconuclass matter."

The purpose of these measures is to have certain papers and magazines delivered hereafter by parcel post, paying zone rates. This would greatly increase the cost of delivery and practically put many of them out of business.

You will realize that such a law would be a blow at the education and enlightenment of the masses of our people by curtailing their sources of information, a result, in a great measure, disastrous to progress. I believe that you fully realize the evil effects of such a law, and that you will use your influence and vote to defeat it should it come before the Senate.

Sincerely, yours,

N. O. Walker.

ATLANTA, GA., February 12, 1917.

Hon. John Knight Shields, United States Senate, Washington, D. C.:

Thirty-five trade publications and allied printing interests of the South and their employees beg that you will not put a tax on intelligence and curtail the educational work these publications are doing for the South by increasing the cost of second-class postage.

SOUTHERN PERIODICAL PUBLISHERS' ASSOCIATION.

CHICAGO, ILL., February 11, 1917.

JOHN K. SHIELDS, United States Senate, Washington, D. C.:

We represent over 7,000,000 farmer subscribers to high-grade farm papers, and in their behalf and in behalf of our already overburdened publishers we vigorously oppose any disturbance of existing postal rates for second-class matter at this time. No one is now qualified to foretell the future. Wait until conditions are normal, then reorganize entire system. Give us a chance to be heard. Change now would work great hardship to all and rulnation to many and would not bring a gain to the Government.

FRANK B. WHITE,
Managing Director Agricultural Publishers' Association

CHATTANOOGA, TENN., February 12, 1917.

Hon, John K. Shields, Washington, D. C.:

Hon. John K. Shields, Washington, D. C.:

Executive committee of Southern Newspaper Publishers' Association, in session here to-day, begs to bring before you the fact that newspapers already have had great burdens placed on them by enormous increase in cost of white paper and in all other expenses of publication. Hundreds have been forced out of business, and others probably will be if additional burdens are imposed. We protest against proposed increase of pound postage under bill reported by Post Office Committee in Senate. Subscriptions paid for largely in advance and with no anticipation of such an increase in postage. If advance is found absolutely necessary on second-closs postage, we believe zone system to be fairer and will not impose such unjust burdens.

Robt. S. Jones, president of the Citizen, Asheville, N. C.; F. G. Bell, first vice president of the News, Savannah, Ga.; D. D. Moore, second vice president of the Times-Picayune, New Orleans, La.; Walter C. Jones, secretary-treasurer of the News, Chattanoga, Tenn.; Victor Hanson, Birmingham (Ala.) News; E. M. Foster, Nashville (Tenn.) Banner; C. B. Johnson, Knoxville (Tenn.) Sentinel; Jas. H. Allison, Nashville (Tenn.) Tennessean; A. F. Sanford, Knoxville (Tenn.) Journal and Tribune; G. J. Palmer, Houston (Tex.) Post; W. T. Anderson, Macon (Ga.) Telegraph; W. A. Elliott, Jacksonville (Fla.) Times-Union; Robt. Latham, Charleston (S. C.) News and Courler; Elmer Clark, Little Rock (Ark.) Democrat; W. E. Thomas, Roanoke (Va.) Times; W. B. Sullivan, Charlotte (N. C.) Observer.

NASHVILLE, TENN., February 12, 1917.

Hon. John K. Shields.
United States Senate, Washington, D. C.:

We protest against passage of amendment to Senate bill increasing postage on second-class mail matter. Publishers are now burdened with great increase of cost of paper and all printing material.

SMITH & LAMAR.

Publishing Agents M. E. Church South.

NEW YORK, N. Y., February 12, 1917.

Senator John K. Shields, Washington, D. C.:

The religious press of America earnestly protest against the passage of Senate amendment increasing second-class postage. It will work hardship to publications of Protestants, Catholics, and Hebrews, many of which are published without profit. It will discontinue many of these publications, thus removing their influence for moral and religious training in the homes of America, where the foundations for the citizenship are laid.

EDWIN R. GRAHAM. Chairman

NEW YORK, N. Y., February 12, 1917.

Hon. John K. Shields, Washington, D. C.:

Can not protest too strongly against increase in postal rate at this time. Increased cost of paper and other manufacturing necessities threaten to cause many publications to suspend. A few rich corporations might be able to stand an increase, which would create for them a monopoly, because their poeter competitors would be put out of business. Very few religious publications are now able to make ends meet. If they are compelled to pay the increased rate, it will be impossible for them to survive.

THE CHRISTIAN HERALD.

Mr. VARDAMAN. I ask to have printed in the Record a telegram from a numebr of people of Vicksburg, Miss., favoring the adoption of the Gronna amendment for prohibition in Porto Rico.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

VICKSBURG, MISS., February 12, 1917.

Senator James K. Vardaman, Washington, D. C .:

Your support asked for Gronna prohibition amendment for Porto

T. B. Holloman, Geo. A. Smith, F. H. Henderson, A. K. Brokshear, Mrs. R. L. McLaurin, Louis G. Corliss, Mrs. Vick Robbins, J. G. Hackle, Mrs. C. B. Droke, Mrs. C. D. Yerger, H. C. Allein, E. B. Henderson, and others.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the

There being no objection, the joint memorial was ordered to

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the Record, as follows:

Senate joint memorial 15.

To the honorable the Senators and Representatives in Congress assembled:

We, your memorialists, the members of the Oregon Legislature, would most respectfully call the attention of your honorable body to an incongruity in our laws relative to naturalization and citizenship which works an injustice to quite a number of the citizens of the Republic.

Several States of the Union have adopted equal suffrage, whereby both men and women are accorded equal prerogatives and privileges in the exercise of the elective franchise. Under the law a woman having all the qualifications of a legal voter—in fact, she may have exercised the right to vote—should she marry a foreigner not yet naturalized is thereby disfranchised, while if the woman from a foreign country, ignorant of our laws, should marry a citizen of the United States she at once becomes a legal voter. This manifest injustice should be corrected, and we earnestly urge your honorable body to do so, either by amending the present laws or by some adequate enactment that will accomplish such desired result. All that we ask is that equal qualifications be required of and equal privileges granted to each individual voter, irrespective of sex or the marriage relation in the States adopting equal suffrage, thereby harmonizing the operation of our laws with the civic progressiveness of twentieth century civilization.

And your memorialists will ever pray.

The chief clerk of the senate is directed, upon the adoption of this memorial by the house and senate, to transmit copies of the same to the Members of the Oregon delegation in Congress.

Concurred in by the house February 2, 1917.

R. N. STANFIELD,

Speaker of the House,

Adopted by the senate January 30, 1917.

GUS C. MOSER, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-nint Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial 15. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 30, 1917, and concurred in by the house February 2, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 6th day of February, 1917.

J. W. COCHRAN.

Chief Clerk Senate.

Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 1C, relating to the recession to the State of Oregon by the United States of all its right, title, interest, and claim in and to "Lower" or "Little Klamath Lake" in Klamath County, Oreg., and all its right, title, interest, and claim in and to any and all of the lands surrounding said Lower Klamath Lake in Klamath County, Oreg., ceded to it by an act of the Legislature of the State of Oregon, approved January 20, 1905 (Stats. of 1905, p. 63).

Whereas the Legislature of the State of Oregon passed an act, approved January 20, 1905, of which the following is a copy:

"CHAPTER V.

An act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County, Oreg., in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels, or by the drainage of any or all of said lakes.

"Be it enacted by the people of the State of Oregon:

"Sec. 1 That for the nurrose of aiding in the operations of

Be it enacted by the people of the State of Oregon:

"Sec. 1. That for the purpose of aiding in the operations of irrigation and reclamation, conducted by the Reclamation Service of the United States, established by the act of Congress, approved June 17, 1902 (32 Stat., 388), known as the reclamation act, the United States is hereby authorized to lower the water level of Upper Klamath Lake, situate in Klamath County, Oreg., and to lower the water level of, or to drain any or all of the following lakes: Lower or Little Klamath Lake, and the Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County, Oreg.; and to use any part or all of the beds of said lakes for the storage of water in connection with such operations.

"Sec. 2. That there be, and hereby is, ceded to the United States all the right, title, interest, or claim of this State to any land uncovered by the lowering of the water levels, or by the drainage of any or all of said takes not already disposed of by the United States; and the lands hereby ceded may be disposed of by the United States; and the lands hereby ceded may be disposed of by the United States; free of any claim on the part of this State in any manner that may be deemed advisable by its authorized agencies, in pursuance of the provisions of said reclamation act."

Approved January 20, 1905.

Filed in the office of the secretary of state January 20, 1905; and Whereas the Reclamation Service of the United States has not, during the 12 years which have elapsed since the approval of the aforesaid act, lowered the water level of said "Lower" or "Little Klamath Lake" nor used the bed of said lake for the purpose of storing water to use in connection with the reclamation of the land adjacent to said lake, and there are no indications that the Reclamation Service intends to ever reclaim the land, thereby accomplishing the purposes of the Legislature of the State of Oregon as expressed in said act of January 20, 1905; and

Whereas there is a large body of swamp and overflowed land surrounding said lake in Klamath County unfit for cultivation without reclamation upon the title to which a cloud has been cast by the abovementioned act, which it is necessary to remove before such land can be successfully thrown open to entry, reclamation, and cultivation: Therefore

Therefore

Resolved by the senate (the house concurring), That we request our Senators and Representatives in Congress to use their influence to have a bill introduced and passed by Congress and approved by the President of the United States, ceding back to the State of Oregon the right to use all or any part of the bed of "Lower" or "Little Klamath Lake" for the storage of water connected with the operations of the Reclamation Service of the United States, and also ceding back to the State all the right, title, interest, or claim of the United States in or to any of the lands surrounding or connected with said lake in Klamath County, ceded to it by the above-mentioned act of the Legislature of Oregon, to the end that such lake, water, and land shall be returned to said State as they were prior to the approval of said act, and be governed by the general laws by which they were governed prior thereto, reserving, however, to the United States the right to lower the water level in said lake as provided in said act.

Resolved, That the chief clerk of the Senate of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Senators and Representatives from the State of Oregon in Congress.

Concurred in by the house February 2, 1917.

R. N. STANFIELD, Speaker of the House.

Adopted by the senate January 30, 1917.

GUS C. MOSER, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. '10, Twenty-ninth Legislative Assembly. State of Oregon, with the original thereof as adopted by the senate January 30, 1917, and concurred in by the house February 2, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 6th day of February, 1917.

J. W. Cochran

J. W. COCHRAN,
Chief Clerk Senate.
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. KERN presented memorials of sundry citizens of Indianapolis and Gas City, in the State of Indiana, remonstrating against the United States becoming involved in the European war, which were referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to provide for making the Pacific coast safe for marine travel, which was referred to the Committee on Commerce.

Mr. McLEAN presented petitions of sundry citizens of Meri-den and Stamford, in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the Socialist Party of Hamden, Conn., praying for peace in Europe, which was referred to the Committee on Foreign Relations.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were ordered to lie on the table.

Mr. WEEKS presented a petition of the United Irish Societies of Springfield, Mass., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a petition of Typographical Union No. 81, of Bay City, Mich., praying for an increase in the salaries of printers in the Postal Service, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Detroit, Mich., praying the the United States keep out of the European war, which were referred to the Committee on Foreign Rela-

# REPORTS OF COMMITTEES.

Mr. BECKHAM, from the Committee on Claims, to which was referred the bill (H. R. 1584) to carry out the findings of the Court of Claims in the case of Louis Landram, administra-

tor of William J. Landram, deceased, reported it without amendment and submitted a report (No. 1041) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amend-

ment and submitted reports thereon:

H. R. 11498. An act making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States (Rept. No. 1044); and H. R. 17406. An act for the relief of Eugene Fazzi (Rept.

No. 1045)

Mr. FERNALD, from the Committee on Claims, to which was referred the bill (H. R. 8093) for the relief of Wilson M. Dent, reported it without amendment and submitted a report (No. 1043) thereon.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (H. R. 16855) for the relief of Riverside Military Academy, reported it without amendment and submitted a report (No. 1042) thereon.

Mr. POMERENE, from the Committee on Civil Service and Retrenchment, to which was referred the bill (S. 3079) for the retirement of employees in the classified civil service, reported it with amendments and submitted a report (No. 1046) thereon.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 16827) for the relief of Henry P. Grant, of Phillips County, Ark., reported it without amendment and submitted a report (No. 1047) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4570) to authorize the President to appoint Col. L. Mervin Maus to the grade of brigadier general in the United States Army and place him on the retired list, reported it without amendment and submitted a report (No. 1040) thereon.

#### THE REVENUE.

Mr. SIMMONS. Mr. President, from the Committee on Finance, I present a favorable report on the bill (H. R. 20573) to provide increased revenue, to defray the expenses of the increased appropriations for the Army and the Navy and the extensions of fortifications, and for other purposes, with sundry amendments, and I submit a written report (No. 1039) thereon.

Mr. PENROSE. Mr. President, does the chairman of the

committee file a report with that measure?

Mr. SIMMONS. Yes; I file a report with it.
Mr. PENROSE. The minority will file a report to-day or tomorrow and, of course, dissent from the favorable report of the bill.

Mr. SIMMONS. That is entirely satisfactory.
Mr. PENROSE. The minority were permitted to be in the committee room for about two minutes.

Mr. SIMMONS. Mr. President, the Senator from Pennsylvania means that he stayed but two minutes. He was invited

to stay as long as it was convenient for him to stay. Mr. PENROSE. I merely want to state, for the information of the Senate, that the minority have not yet had an opportunity even to have the bill read. They were permitted about two minutes yesterday to see the outside of the measure in the committee room. Hence their inability to frame a report in time for this morning's session.

Mr. SIMMONS. Mr. President, I think I probably ought to state to the Senate that, following the usual custom, I shall not be disposed to call this bill up until the minority has had reasonable time to examine the bill and to prepare for its discussion. I should like, however, to inquire now of the Senator from Pennsylvania, who is the ranking member of the minority on the Finance Committee, if it would be satisfactory to call

this bill up on Friday? That would allow three days.

Mr. PENROSE. Mr. President, I am informed that there are eulogies set down for Saturday, and so I would suggest to the chairman of the committee the propriety perhaps of calling the

bill up on Monday.

Mr. SIMMONS. If the bill is not called up on Friday I shall prefer to call it up on Thursday. I think that the time before the session expires is so short that we ought not to put it off the checked and the control of the checked and the che until Monday, unless it is absolutely necessary to do so.

I trust that some arrangement may be made by which the eulogies, referred to by the Senator from Pennsylvania, may be delivered on Sunday, instead of taking up Saturday for that purpose, because, after we once start with the consideration of the bill, I hope to continue its consideration until final disposition.

Mr. PENROSE. Of course, this is the first information that

in the Senate whatever may have been the custom in the other House. I recall on a similiar occasion when the former Senator from Georgia, the late Senator Bacon, very vigorously protested against such an innovation as the holding of eulogy

ceremonials in the Senate on Sunday.

So far as the minority of the committee are concerned, I am literally correct when I state that they have had no oppor-tunity even to read this bill. The hearings, such as were had, were had only before members of the majority. The minority members were certainly not invited to attend, and I do not know whether or not they would have been permitted to be present. I am not even informed as to whether or not the hearings were printed or whether stenographers were present to take down the hearings. I ask the chairman of the committee whether those hearings have been taken down by stenographers?

Mr. SIMMONS. I will state to the Senator from Pennsyl-

vania that the hearings were open to the public; the press were invited, if they so desired, to attend. The hearings were all taken down stenographically, and the hearings, together with all the briefs that have been filed, will be printed for the use of the Senate.

Mr. PENROSE. "Will be," Mr. President,

Mr. SIMMONS. The hearings have been ordered to be printed. They have not yet been received at my office, so far as I am advised. I can not state to the Senator exactly when they will be ready for distribution and for the use of the Sen-

ate. They may be ready to-day, possibly not until to-morrow.

Mr. PENROSE. I ask the Senate to note the remark of the chairman—"will be printed." As the ranking member of the minority on the Finance Committee I have never received any official notice of these hearings, nor has any other member of the minority. I have no information, direct or indirect, as to when these hearings were held or who appeared before the committee, nor, Mr. President, have I any information as to how anyone wanting a hearing could obtain a hearing from the subcommittees of the majority.

Mr. LODGE. Will the Senator from Pennsylvania permit me a moment?

Mr. PENROSE. Yes, sir.

Mr. LODGE. All that the Senator from Pennsylvania says is quite true about our having no opportunity to be present; but neither was there opportunity given at any of these hearings to cross-examine the witnesses.

Mr. PENROSE. No.
Mr. SIMMONS. I beg pardon of the Senator from Massachusetts. I did not hear his statement. There is so much noise in the Chamber that we can not hear Senators.

Mr. PENROSE. Then I should like to have order, and I will repeat my statement. I said that not a member of the minority had any notice officially, direct or indirect, of the hearings, when they were to be held, the personnel of the subcommittees, or how hearings could be obtained. Some of the greatest manufacturers in my own State came to me to ask for hearings, and I was unable to get any information as to the time or the place of the hearings or how they could be obtained, and I told them to go home.

The chairman says these hearings "will be printed," and the minority are asked to agree on a date for the consideration of the bill when they have not even had an opportunity to read the printed hearings, much less to examine the printed bill, which only saw the light of day yesterday evening and was reported this morning.

It is not disclosing any confidential act of the committee to state that the most perfunctory session was held; the bill was not read; and the minority was simply afforded an opportunity to record their dissent.

I have been a member of the Finance Committee, Mr. President, for 15 or 20 years, and for a period of that time I was chairman of the committee; but I do not recall an instance where hearings, supposed to be open to the public and to those interested, held at the expense of the contingent fund of the Senate, with stenographers taking the testimony, were not held before the full committee, Democrats and Republicans. I myself know that when I was chairman of the committee hearings were held for months on the reciprocity bill and other tariff measures pending before the committee, and in every case the records of the committee will show that the then minority were invited and that many of them were glad to attend. The hearings were held with open doors, with scores of people present, the testimony taken, and that testimony will indicate that the then Democratic minority had ample opportunity to crossexamine the witnesses, and did so cross-examine them. I recall that the Senator from Mississippi [Mr. Williams] was exceedingly active on more than one occasion in cross-examining busi-

ness men who appeared before the committee; but we the minority have had no such opportunity or courtesy extended to us.

I do not rise, Mr. President, by way of complaint, because I have become somewhat calloused to these methods of the majority and cheerfully and thankfully take whatever crumbs may fall from the table; but I do feel that it is my duty to call the attention of the country to the methods by which this legislation comes before the Senate. It is an old story, and I shall not elaborate further on it.

When the chairman of the committee says that he wants to when the chairman of the committee says that he wants to bring this bill up on Friday and postpone the eulogies set for Saturday, transfer them in a flippant way to Sunday, I can not do more than record a mild dissent. Thursday certainly seems a remarkably early period, Mr. President; in fact, any sugges-tion of a time for bringing up the bill seems to me premature until the hearings have been printed and are before the Senate.

Mr. SIMMONS. Mr. President, with reference to holding memorial services on Sunday, it is well known that the other House has for many years adopted that as a custom and has followed it. I see nothing wrong about it. However, if there is an objection to doing that, an arrangement might be made by which the memorial services could be held Saturday night instead of during the day, so that we might have a continuous consideration of the revenue measure after we enter upon it on

Friday until the end of the week.

Mr. President, the Finance Committee with respect to this measure has not pursued any different course from that which it has uniformly pursued with reference to tariff and revenue measures. There has been no concealment about the manner of

our procedure and absolutely no secrecy about it.

When the tariff act of 1913 was prepared, the committee was divided into subcommittees, and those subcommittees were composed entirely of Democrats. The majority party was responsible for the legislation; it was regarded as a party measure, and the Democrats thought they had a right to frame it. We did so; and, in doing that, we were simply following the unbroken precedent, so far as I know, that had been set us by the Republican Party.

I have been a member of the Finance Committee for quite a while and was a member under both the chairmanship of Senator Aldrich and the chairmanship of the Senator from Pennsylvania. The tariff bill of 1909, the Payne-Aldrich bill, was framed by the then majority, just as the tariff bill of 1913 and all other revenue bills which have been passed since then have been framed by the majority.

The Senator complains that he did not have an opportunity to attend the sessions of the committee or to see the bill until it was presented to him for a vote on yesterday. Neither did I, Mr. President, in 1909, as a member of the Finance Committee, have an opportunity to see the Payne-Aldrich bill until the Democrats were called in at the final meeting of that committee, when the bill was laid down on the table, and we were told to take it or reject it. We have simply followed that policy.

Now, Mr. President, with reference to the hearings, they were exactly like the hearings held in 1913 and exactly like the hearings held on other revenue bills. They were open hearings before a subcommittee of the majority membership. Anybody who desired to be heard was given a hearing. I took extraordinary precautions this year to see that there should be no ground of complaint.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. SIMMONS. Yes.

Mr. GALLINGER. Can the Senator give any valid reason why the minority were not notified of the meeting of the Finance I never received any notice.

Mr. SIMMONS. There was no meeting of the full Finance

Committee until yesterday.

Mr. GALLINGER. The only information that came to me

Mr. SIMMONS. There was a meeting of the majority members of the Finance Committee for the purpose of framing the bill, and we did frame it in accordance with the unbroken custom of both parties. I do not care to enter into any controversy about that. We do not make any concealments about it. If there is anything wrong about it, we take the responsibility

for it. Mr. GALLINGER. If the Senator will permit me to make a very brief statement-and it will be only a few words-I wish to state that the only information I ever had that the bill was under consideration by the Finance Committee, or any part of that committee, was a newspaper item to the effect that the bill had been referred to three members of the majority. That is all I knew about it. I did not know officially as a member of the committee that it was being considered in any way.

Mr. SIMMONS. I will state that upon the bill coming over from the House I proceeded, as chairman, almost at once to appoint subcommittees from the majority membership. I announced in the newspapers, the press of the country, and an-nounced to Senators who spoke to me about it before the publication was made in the newspapers, that these subcommittees had been appointed; that hearings would be given on a certain day and at a certain hour of the day before these two subcommittees; that anybody desiring to be heard would be given an opportunity to make his statement; and that if he had any briefs in addition to his statement which he wished to file, both the statement and the briefs would be printed. That notice went out to the country; it was put in the press dispatches and published in the local newspapers. I do not think there is any doubt about Senators knowing that these hearings were going

Mr. PENROSE. Mr. President, does the Senator contend for one moment that the minority members of the Finance Committee must rely upon press dispatches to learn when hearings are to take place before a subcommittee of that great standing committee of the Senate?

Mr. SIMMONS. I said to the Senator that we had pursued the same course that has always been pursued with reference to such matters. Up to the time the bill is reported to the full committee the majority members of the Finance Committee from time immemorial under all parties have framed the bill.

Mr. PENROSE. Mr. President, the Senator states that the

minority had notice. I again repeat that we had no notice.

Mr. SIMMONS. I did not say that the minority had special notice. I stated that the country and the Senate had notice both the minority and the majority-so far as the publications

in the papers could give notice.

Mr. PENROSE. Well, Mr. President, I have not arrived at the state where I get my information regarding the proceedings of the Senate or the Finance Committee from the newspapers.

Mr. SIMMONS. Mr. President, all I desire is to have the facts before the Senate. We pursued the regular course and the precedents set us by the Senator's party. If we are wrong, they were wrong. I do not say that they were wrong. I think that both were right. I think the course that we pursued is proper, and I have no apologies to make for it. The majority members of the committee have no apologies to make for it.

Mr. PENROSE. Mr. President, I challenge the Senator to cite an occasion when the Republican Party upon the Sabbath Day, or any other day, held a secret caucus upon a revenue measure.

Mr. SIMMONS. I am not going to enter into a discussion with the Senator from Pennsylvania as to the morality of the Democratic caucus meeting on Sunday. If I wanted to get lessenger to the Synator from sons in morality, I certainly would not go to the Senator from Pennsylvania.

Mr. PENROSE. No, Mr. President; the conservation of

Democratic morality would be too great a task for me.

Mr. SIMMONS. Well, Mr. President, that is a by-matter that I am not going to take the time of the Senate in discussing. I had understood, from the conferences that I had with Senators on that side yesterday and to-day, that there would be no disposition on the part of the minority to delay the taking up of this bill or to delay action upon it unnecessarily after it is taken up for consideration. I wish to ask the minority whether it would be satisfactory to them to take up this bill on Friday?

Mr. GALLINGER. Mr. President, the Senator can rest con-

tent that there will be no disposition on this side, certainly not any so far as I know, to obstruct the consideration of this bill at the proper time; but I want to fortify what the Senator from Pennsylvania has said, that the bill has only been reported this morning. The minority concede that the bill should have prompt consideration, but we surely ought to have access to the hearings

in order to aid in the preparation of a minority report.

Mr. SIMMONS. If the Senator will pardon me, I think probably most of the hearings are printed now. If they are not, they will be put on the desks of Senators at some time

during the day

Mr. GALLINGER. I want to suggest to my friend the Senator from North Carolina that I think if we get to this bill by Friday morning—there are other important matters before the Senate to engage our attention until then—the Senator ought to be content; and I feel sure there will be no objection to that on this side of the Chamber.

Mr. SIMMONS. Do I understand the Senator to say Friday

morning?

Mr. GALLINGER. Friday morning.

Mr. SIMMONS. Well, that is the time I suggested.

Mr. GALLINGER. The Senator first suggested Thursday. Mr. SIMMONS." In my first inquiry I suggested Friday, and then on account of the eulogies on Saturday I suggested Thurs-

day.

Mr. GALLINGER. I did not understand the Senator to say

Mr. GALLINGER. I did not understand the Senator to make it Friday morning, I feel sure there will be no objection on this side.

Now, Mr. President, I want to say just a word about having the eulogies on Sunday. I once proposed that, thinking it would be a good change; but I recall that the late Senator from Georgia [Mr. Bacon] made a very vigorous speech in opposition to it, and that he apparently had the sentiment of the Senate with him, and it was immediately abandoned. Now, I am not going to say that that may not be a good thing to do, and yet I think we ought to give it careful consideration before we make the change.

So far as the revenue bill is concerned, while those of us on this side who have given it some thought, and especially those of us who are members of the Finance Committee, deprecate the structure of the bill, thinking that better means should have been devised to raise the needed revenue for the Government, yet we know that the bill has gone through the Democratic caucus, and aside from one provision in it, as we understand, the Democratic Senators have been unanimous in support of it; and as a result we have no doubt that it will pass substantially as it has been reported.

I have been told, not confidentially, that the provision relating to the reduction in the tax on what is now known as oleomargarine and which hereafter is to be known as margarine was not agreed to in caucus to the extent that it bound the members of the majority. I am very glad to know that, because it is a very serious matter, so far as the interests of New England are concerned, as well as other sections of the country. I am glad that we are to have a chance to debate that proposition openly without having it foreclosed by caucus action. I feel confident that when that provision of the bill is debated and the facts presented to the Senate we will have votes enough on this side, aided by votes from the other side, to defeat that proposition; but I have little hope that we will be able to amend the bill in any other particular.

Mr. SIMMONS. Mr. President, I have just been informed by my clerk that the hearings will be ready to be placed upon the desks of Senators by 1 o'clock; that they were delayed by the failure of the dairymen to send in certain representations

and briefs that they desired to submit.

Mr. GALLINGER. I am very much gratified to learn that

fact.

The VICE PRESIDENT. The bill will be placed on the calendar. Mr. NEWLANDS. Mr. President, I wish to inquire whether

any arrangement has been made for taking up the revenue bill?

Mr. CHILTON. On Friday.

Mr. SIMMONS. I gave notice that I should seek to bring that bill before the Senate on Friday. Of course, nothing can be done until that time.

Mr. NEWLANDS. I wish to state in that connection, Mr. President, that the Committee on Interstate Commerce has made a report of certain legislation, following the recommendations of the President, regarding the late threatened railroad strike. Those measures, two in number, one increasing the Interstate Commerce Commission with a view to enabling it to discharge its statutory duties, and the other-Mr. LA FOLLETTE. Mr. President—

Mr. LA FOLLETTE. Mr. President—
The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin? Mr. NEWLANDS. I do.

Mr. LA FOLLETTE. Under what rule is this debate proceeding?

The VICE PRESIDENT. Under the rule of common comity.

Mr. LA FOLLETTE. I ask for the regular order. The VICE PRESIDENT. The Senator from Nevada is out of order. Further reports of committees are in order.

# RIVER AND HARBOR APPROPRIATIONS.

Mr. KENYON. I submit the views of the minority (Rept. No. 1020, part 2) on the bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. I present it on behalf of five members of the Committee on Commerce, and ask that it may be printed.

I also present an amendment in the form of a substitute for that bill, which I ask may be printed and lie on the table and

also that it be printed in the RECORD.

There being no objection, the views of the minority and the proposed substitute were ordered to be printed and lie on the table and to be printed in the RECORD, as follows:

VIEWS OF THE MINORITY.

table and to be printed in the Record, as follows:

VIEWS OF THE MINORITY.

Certain members of the Commerce Committee, unable to agree with the majority of the committee, submit a brief minority report.

There is no desire on the part of the minority to stop or impede the construction of those river and harbor improvements of benefit to the people of the Nation. A system has grown up in river and harbor appropriations resulting in waste and extravagance inexcusable, and in which national seems secondary to local importance.

The minority believe the present system of river and harbor appropriations should be changed; that a commission along the line of other commissions now rendering effective service in governmental matters should be created to have general charge of the construction and repair of waterway improvements and questions relating thereto and the full utilization of our water resources.

At a time when a search is being made for additional means of taxation of the people, and where a bond issue is proposed to be resorted to in order to meet an enormous deficit in the Treasury for the ensuing year, it certainly is no time to indulge in such waste and extravagance as the present river and harbor bill now reported to the Senate.

The minority therefore will propose, during consideration thereof, a substitute for said bill, said substitute to provide a lump sum of \$25,000,000, to be expended by the Army engineers upon such projects already approved by Congress as the Secretary of War shall deem advisable, and also authorizing expenditures, under direction of the Secretary of War, upon certain improvements not as yet approved by Congress but which are of pressing naval and commercial importance, such as some of the projects of New York Harbor, East River, Boston Harbor, Mobile Harbor, and San Juan Harbor at Porto Rico. Sald substitute will also contain a provision for a waterway commission, as hereinbefore referred to.

The minority believe that this plan will not cripple any legitimate waterway improvem

WM. S. KENYON.
W. L. JONES.
L. Y. SHERMAN.
W. G. HARDING.
JAMES E. WATSON.

Amendment intended to be proposed by Mr. Kenyon to the bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public work on rivers and harbors, and for other purposes, viz: Strike out all after the enacting clause and insert:

"That there is hereby appropriated, out of any money in the United States Treasury, for the maintenance and improvement of rivers and harbors, \$25,000,000, to be expended by the Secretary of War in such way as he may deem best upon such projects as have been approved by Congress, and also those projects set forth in section 2 hereof.

"Sec. 2. That the Secretary of War is specifically authorized to expend a portion of said \$25,000,000 upon the following improvements accommended by the Board of Army Engineers and not as yet approved by Congress:

"(a) Narrows of Lake Champlain, N. Y. and Vt.: For improvement in accordance with the report submitted in House Document No. 1387, Sixty-second Congress, third session.

"(b) Boston Harbor, Mass.: For improvement in accordance with report submitted in House Document No. 931, Sixty-third Congress, second session.

"(c) New York Harbor, N. Y.: For improvement in accordance with report submitted in House Document No. 518, Sixty-third Congress, second session.

"(c) New York Harbor, N. Y.: For improvement in accordance with report submitted in House Document No. 518, Sixty-third Congress, second session.

"(c) New York Harbor, N. Y.: For improvement in accordance with report submitted in House Document No. 518, Sixty-third Congress, second session.

"(d) For completing improvement at Craven Shoal, New York Harbor, N. Y., in accordance with report submitted in House Document No. 557, Sixty-fourth Congress, first session.

"(e) Hudson River Channel, New York Harbor, N. Y.: For improvement in accordance with the report submitted in House Document No. 1697, Sixty-fourth Congress, second session.

"(f) East River, N. Y.: For continuing improvement in accordance with report submitted in House Document No. 188, Sixty-third Congress, first session: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$6,500,000, exclusive of the amounts herein and heretofore appropriated: And provided further. That so much as may be necessary of this and any other appropriations made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

"(g) Norfolk Harbor and channels, Va.: For improvement, including channel of Norfolk, in accordance with report submitted in House Document No. 605, Sixty-third Congress, second session.

"(h) Charleston Harbor and channels, S. C.: For improvement in accordance with report submitted in House Document No. 288, Sixty-second Congress, second session, subject to conditions set forth in said document.

"(i) Savannah Harbor and channels, Ga.: For improvement in ac-

document.

"(i) Savannah Harbor and channels, Ga.: For improvement in accordance with report submitted in House Document No. 1471, Sixty-fourth Congress, second session, and subject to the conditions set forth in said document: Provided, That no expense shall be incurred to the United States for any lands acquired for the purpose of this improvement.

ment.

"(j) Mobile Harbor and Bar, Ala.: For improvement in accordance with report submitted in House Document No. 1763, Sixty-fourth Congress, second session.

"(k) San Juan Harbor, P. R.: For improvement and cooperation with the local government in accordance with report submitted in House Document No. 865, Sixty-third Congress, second session.

"SEC. 3. That not more than \$100,000 of said appropriation shall be expended in the following surveys or such of them as the Secretary of War may deem advisable in the public interest, namely:

"Harbor at Corea, Me.
"Providence Harbor, R. I.
"Pawtucket River, R. I., with a view to increasing the width of channel through the ledge near Pawtucket.

"Sterling Basin, at Greenport, N. Y., with a view to securing adequate width and depth.

"Inland water route along the southern shore of Long Island, N. Y., from Jamaica Bay to Peconic Bay, with a view to providing a channel of adequate width and depth.

"Flushing Bay, N. Y.

"The Kill Van Kull from Shooters Island West to junction of channels, with a view to dredging shoals between channels to provide anchorage grounds.

"Bay Ridge Channel, New York Harbor, N. Y.

"Harlem River, N. Y.

"New York Harbor: West side of upper bay from Constable Hook to Ellis Island.

"Gardiners Island. N. Y., with a view to the construction of a breakwater.

to Ellis Island.

"Gardiners Island N. Y., with a view to the construction of a breakwater.

"Youghiogheny River, Md. and Pa.: Kiskiminitas River and Clarion River, Pa., with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based upon the value to navigation.

"Harbor at Poplar Island, Md.

"Elizabeth River, Va., including eastern, western, and southern branches, and approaches thereto.

"Trent River, N. C., with a view to deepening the channel along that portion of the river known as Foys Flats.

"Harbor of Sliver Lake, Ocracoke Island, and entrance thereto from Pamlico Sound, N. C.

"Little River, N. C. and S. C.

"Charleston Harbor and Cooper River, S. C., from the entrance to Sanders Creek, including Town Creek channel.

"Ashley River, S. C., from the Standard Wharf to the Virginia-Carolina Chemical Co. to Lambs, with a view of improving the channel to a depth of not less than 8 feet.

"For the construction of a navigable waterway, of suitable depth and width to answer the needs of commerce, connecting the waters of the Flint and Ocmulgee Rivers in the State of Georgia.

"Savannah River at and near Augusta, Ga., for the purpose of determining what additional improvement is necessary, if any, in the interest of navigation and of flood protection; also the consideration of any proposition for cooperation on the part of local or State interests.

"Canaveral Harbor, Fla.

"Little Sarasota Bay, Fla., from Sarasota Bay to Venice.

"Miami Harbor (Biscayne Bay), Fla.

"Little Sarasota Bay, Fla., between Dunnellon and Lake Panasoffkee.

"Lake Worth inlet, Palm Beach County, Fla.

"Charlotte Harbor, Fla., between Dunnellon and Sake Panasoffkee.

"Eack Bay of Biloxi, Miss.. with a view to securing a channel of increased depth from the Gulf of Mexico to the town of Boca Grande.

"Braden River, Manatee County, Fla.

"Back Bay of Biloxi, Miss.. with a view to

"Hillsboro River, Fla., from Michigan Avenue to Lafayette Street Bridge, Tampa.

"Back Bay of Biloxi, Miss.. with a view to removing shoals at Cranes Neck and Biloxi Mud Flats and securing a depth of 12 feet.

"Bayou Tigre, La., through Lake Bistaneau and Loggy Bayou.

"Bayou Dercheat, La., through Lake Bistaneau and Loggy Bayou.

"Bayou Terrebonne, La., between Houma and Thibodaux.

"Bayou Chene, La.,

"Intracoastal waterway from Calcasieu River, La., to Sabine River, Tex., and La., with a view to securing such width and depth as will meet the demands of commerce.

"Calcasieu River from the Gulf of Mexico to the city of Lake Charles.

the demands of commerce.

"Calcasieu River from the Gulf of Mexico to the city of Lake Charles, La., with a view to providing greater depth of water.

"Old River, Chambers County, Tex.

"Galveston Bay at Smiths Point, Tex.

"Waterway in Texas from the jettles at Sabine Pass through the Port Arthur Ship Channel to Port Arthur and through the Sabine-Neches Canal to the mouths of the Neches and Sabine Rivers, and thence up said rivers to Beaumont and Orange, respectively, and also through Taylors Bayou from the Government turning basin to the Southern Pacific Railway bridge, with a view to deepening and widening such waterways, making necessary cut-offs, and otherwise improving same for navigation and commerce.

"Black River, Ark. and Mo.

"The Secretary of War is bereby authorized and directed to appoint a board of engineers to make a survey of Galveston Island and Galveston Channel, Tex., east of the causeway, and to prepare plans and estimates for their protection against storms and erosions, including the protection of the instrumentalities and aids to commerce located there.

there.
"Tennessee River, Tenn., with a view to locating one low dam at mouth of Whites Creek and one low dam at the mouth of the Clinch

"Tennessee River, Tenn., with a view to locating one low dam at mouth of Whites Creek and one low dam at the mouth of the Clinch River.

"Little Tennessee River, Tenn.

"Black River at Lorain, Ohlo.

"New Buffalo Harbor, Mich.

"Pentwater Harbor, Mich.

"Kenosha Harbor, Wis.

"Bar in Lake Michigan in front of the United States Naval Training Station. Great Lakes, Ill., with a view to dredging said bar so as to permit lake vessels to land at said station.

"The Secretary of War is authorized to make such preliminary examinations as can be made from available data without making field surveys, touching the creation of conditions in or paralleling the St. Lawrence River from Lake Ontario to the Canadian border, suitable in all respects for navigation by ocean-going ships, including such approximate estimate of cost of improvement as can be predicated on such available data, and an approximation of the amount of power, if any, that would be incident thereto.

"Missouri River between Yankton and Vermilion, S. Dak.

"Los Angeles Harbor, Cal., with a view to dredging a channel of adequate width and depth in the West Basin.

"Barbor at Newport, Cal.

"Sacramento River, Cal., from the city of Sacramento to the city of Columb with a view to providing a channel 6 feet in depth.

"Haydens Slough. Columbia River, near Portland, Oreg., with a view to the relocation of the dike near upper end.

"Columbia River, from Brookfield, Wash., to the mouth with a view to securing a channel depth of at least 30 feet.

"Main ship channel in or near the mouth of the Columbia River on the southerly or Oregon side from a point in the vicinity of Point Adams along channel to or a short distance above Tongue Point, and of Youngs Bay from the Columbia River Chaunel to a point 1 mile above the county bridge, so as to give a depth of 40 feet at low tide.

"The Secretary of War is directed to make a survey and submit a report to Congress upon the advisability of securing a channel in a central print of the city of Vancouver, Wash, equal in width and depth to the project channel from the mouth of the Willamette to the city of Vancouver, Wash, equal in width and depth to the project channel from the mouth of the Willamette to the city of Vallamod.

"An of the Congress of the Wash, and the Wash."

"Mouth of the Cowlitz River, Wash, for the purpose of determining the advisability of the construction of a jetty, or other means, for deepening the channel at the mouth of the river, or the commencement of the Government shall not be deemed to have entered upon any project for the improvement of any waterway or "Provided," That the Government shall not be deemed to have entered upon any project for the improvement of any waterway compared to the United States, by and with the advice and consent of the commencement of the proposed work shall have been actually appropriated by law.

"Sec. 4. That a commission, to be known as the waterways commenced to the United States, by and with the advice and consent of the commencement of the proposed work shall have been actually appropriated by law.

"Sec. 4. That a commission is authorized from the active of the United States, by and with the advice and consent of the States, by and with the advice and consent of the States, by and with the advice and consent of the States, by and with the advice and consent of the States, by and with the advice and consent of the States for the purposes of navigation, including the states of the United States for the purposes of navigation, including her related questions of irrigation, drainage, forestry, and and water resources of the United States for the purposes of navigation, including the related questions of irrigation, drainage, forestry, and water for appropriate and conserved the security of the states of the States and the security of the states, and the security of the subjects, invest

# BRIDGE BILLS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 18529) granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce,

La., and I submit a report (No. 1051) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14074) granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois, and I submit a report (No. 1048) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 17602) granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States, and I submit a report (No. 1049) I ask unanimous consent for the present consideration thereon. of the bill.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 17710) authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry, and I submit a report (No. 1050) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the fhird time, and passed.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Texas if these bills contain the usual provision for alteration and amendment on the part of Congress if conditions should so require?

Mr. SHEPPARD. Each of the bills contains that provision.

ADDRESS BY FRANKLIN W. HOBBS (S. DOC. NO. 709).

Mr. CHILTON, from the Committee on Printing, reported the following resolution, which was considered by unanimous consent and agreed to:

Senate resolution 358.

Resolved, That the pamphlet submitted by the Senator from New Hampshire | Mr. Gallinger | on February 1, 1917, entitled "Textiles—The Backbone of New England," an address by Franklin W. Hobbs, be printed as a Senate document.

PROHIBITION ON FEDERAL JUDGES (S. DOC. NO. 708).

Mr. CHILTON, from the Committee on Printing, reported the following resolution, which was considered by unanimous consent and agreed to:

Senate resolution 359.

Resolved, That the pamphlet submitted by the Senator from Utah [Mr. SUTHERLAND] on February 6, 1917, entitled "Power of the Supreme Court to Declare Acts of Congress Unconstitutional," an address before the Legislature of Oklahoma in joint session, January 23, 1917, by Hon. C. B. Stuart, of Oklahoma City, Okla., be printed as a Senate document.

AUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 710).

Mr. CHILTON, from the Committee on Printing, reported the following resolution, which was considered by unanimous consent and agreed to:

Senate resolution 360.

Resolved, That the report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1916, transmitted to Congress pursuant to law by the Secretary of the Smithsonian Institution, be printed as a Senate document, with illustrations.

REPORT OF NATIONAL ACADEMY OF SCIENCES (S. DOC. NO. 707).

Mr. CHILTON, from the Committee on Printing, reported the following resolution, which was considered by unanimous consent and agreed to:

Senate resolution 361.

Resolved, That the report of the National Academy of Sciences for the year ended December 31, 1916, be printed as a Senate document.

# GRAND ARMY OF THE REPUBLIC.

Mr. CHILTON, from the Committee on Printing, to which was referred House concurrent resolution 65, to print as a House document 1,500 copies of the Journal of the Fifty-first National Encampment of the Grand Army of the Republic for the year 1917, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-first National Encampment of the Grand Army of the Republic for the year 1917, not to exceed \$1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

#### DIGEST OF CONTESTED-ELECTION CASES.

Mr. CHILTON. From the Committee on Printing, I report back favorably with amendments House concurrent resolution 70, to print for the use of the House of Representatives 5,000 copies of the Hon. Merrill Moores's Digest of Contested-Election Cases in the House of Representatives, and so forth, and I ask

unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present

consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider

the concurrent resolution.

The amendments of the Committee on Printing were, in line 3, after the word "buckram," to strike out "for the use of the House of Representatives," and, in line 9, after the word "expenditures," to insert "of which 1,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives."

The amendments were agreed to.

The concurrent resolution as amended was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed 5,000 copies, bound in buckram, of the manuscript prepared by Hon. Merrill Moores, being a digest of contested-election cases in the House of Representatives from 1901 to 1917, together with laws relating to contested elections in the House of Representatives and campaign contributions and expenditures, of which 1,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives. of Representatives.

HEARINGS BEFORE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 319, submitted by Mr. Swanson on the 15th ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as fol-

Resolved, That the Committee on Public Buildings and Grounds, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fourth Congress, to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

# HEARINGS BEFORE COMMITTEE ON PATENTS.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 356, submitted by Mr. James on the 12th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved. That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fourth Congress, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

# BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS: A bill (S. 8237) granting an increase of pension to Julina Sams (with accompanying papers); to the Committee on Pen-

By Mr. JOHNSON of Maine:

A bill (S. 8238) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the town of Orono, Me.; to the Committee on Military Affairs.

By Mr. LANE:

A bill (S. 8239) granting an increase of pension to Samuel Gray (with accompanying papers); to the Committee on Pen-

By Mr. OWEN:

A bill (S. 8240) granting an increase of pension to Jeremiah

Shine (with accompanying papers); and
A bill (S. 8241) granting an increase of pension to William Watson (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 8242) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes; to the Committee on Fisheries.

By Mr. KERN:

A bill (S. 8243) to amend an act concerning State or Territorial Soldiers' Homes, pensions of inmates (collections), being the act of March 4, 1911 (25 Stats. L., 450); to the Committee on Pensions

By Mr. NELSON: A bill (S. 8244) granting a pension to Caroline Fust; to the Committee on Pensions

By Mr. BRANDEGEE:

A bill (S. 8245) to regulate promotion in the Regular Army of

the United States; to the Committee on Military Affairs. By Mr. THOMPSON: A joint resolution (S. J. Res. 212) authorizing the Postmaster General to provide the postmaster at Wichita, Kans.. with a special canceling die for the fall carnival and exposition of that city; to the Com: '# 2 on Post Offices and Post Roads.

#### USE OF HARBORS IN TIME OF WAR.

Mr. SAULSBURY. I introduce a bill, and ask that it be read and referred to the Committee on Foreign Relations.

The bill (S. 8236), to discourage the violation of international law upon the high seas, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That whenever a state of war exists between two or more nations with whom the United States are at peace, and one or more of the belligerents shall, upon the high seas, enter upon, engage in, or permit a course of warfare or use a method not justified or warranted by the laws of war as generally accepted or as construed by this Government, the ports, harbors, and waters of the United States may, as freely as in time of universal peace, be resorted to, used, and frequented by the warships or other vessels of any other belligerent, however armed, for the possible purpose of capturing, destroying, resisting, or escaping from any vessel of the belligerent or belligerents engaged in such unwarranted course of warfare, or using such illegal methods: Provided, That before the ports, harbors, and waters of the United States may be so resorted to, used, and frequented, the President shall by proclamation declare that proper occasion has arisen therefor under the terms of this act.

The VICE PRESIDENT. The bill will be referred to the Committee on Foreign Relations.

Mr. OVERMAN. Mr. President, the bill probably ought to go to the Committee on the Judiciary.

The VICE PRESIDENT. The bill has to do entirely with

foreign relations, and will be so referred.

# UNIVERSAL MILITARY TRAINING.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 1695) to provide for the military and naval training of the citizen forces of the United States, which was ordered to lie on the table and be printed.

# PUBLIC BUILDINGS.

Mr. CULBERSON submitted six amendments intended to be proposed by him to the public-building bill (H. R. 18994), which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

# RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. JONES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. OLIVER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

# WITHDRAWAL OF PAPERS-SAMUEL M. BRADSHAW.

# On motion by Mr. Overman, it was

Ordered, That the papers accompanying the bill (S. 1415, G4th Cong., 1st sess.) granting an increase of pension to Samuel M. Bradshaw be withdrawn from the files of the Senate, no adverse report having been made thereon.

# WATER-POWER LEGISLATION.

Mr. SHAFROTH. I have here a document, being a protest from the John Doe Oil Co., of Arizona, relative to water-power legislation, which I desire to have printed as a public document. ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. That action will be taken.

PATENTS TO INDIANS IN WASHINGTON-CONFERENCE REPORT. Mr. PITTMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1

and 2.

KEY PITTMAN. MOSES E. CLAPP. HARRY LANE, Managers on the part of the Senate. JOHN H. STEPHENS, C. D. CARTER, Managers on the part of the House.

Mr. JONES. Mr. President, I have not had an opportunity to examine this report. I should like to look at it for a second or two, to see just what it provides. I may not have any objection to it.

The VICE PRESIDENT. The conference report has been read, and there is an objection to its present consideration.

Mr. JONES subsequently said: Mr. President, I have no objection to the consideration of the conference report submitted a moment ago by the Senator from Nevada.

The VICE PRESIDENT. The question is on agreeing to the

conference report.

The report was agreed to.

# AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of South Carolina. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be

appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. Smrth of South Carolina, Mr. Smith of Georgia, and Mr. WARREN conferees on the part of the Senate.

# DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action. of the House of Representatives agreeing to the amendment of the Senate No. 13 to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, with an amendment; agreeing to the amendment of the Senate No. 98, with an amendment; disagreeing to the remainder of the amendments of the Senate to the bill, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Maryland. I move that the Senate disagree to the amendments of the House to the amendments of the Senate, insist upon its amendments to the bill, and agree to the conference asked for by the House; the conferees on the part

of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. Smith of Maryland, Mr. Robinson, and Mr. Gallinger conferees on the part of the Senate.

# HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 2743. An act for the relief of the widow of Joseph C. Akin

H. R. 3253. An act for the relief of Hudson Bros., of Norfolk,

H. R. 4626. An act to reimburse the Farmers' Savings Bank, of Brandon, Iowa, for currency destroyed by fire;

H. R. 5091. An act for the relief of Preston B. C. Lucas;

H. R. 10869. An act to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation in South Dakota;

H. R. 10872. An act making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation;

H. R. 13354. An act to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor;

H. R. 14679. An act for the relief of Jacob B. Moore;

H. R. 14695. An act for the relief of Mrs. H. O'Neill;

H. R. 14754. An act for the relief of Charles M. Way; and H. R. 16116. An act for the relief of Adelaide L. Gibbs, widow of Robert M. Gibbs

The following bills were severally read twice by their titles and referred to the Committee on Post Offices and Post Roads:

H. R. 9335. An act for the relief of Mrs. W. E. Crawford; H. R. 13754. An act for the relief of Charles A. Carey; and

H. R. 14345. An act to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1764. An act for the relief of John Minahan, alias John Bagley

H. R. 2212. An act for the relief of George F. Reid; H. R. 5182. An act requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington;

H. R. 5690. An act for the relief of Alfred Rebsamen:

H. R. 5948. An act for the relief of Hays Gaskill; H. R. 10255. An act for the relief of David Kirch;

H. R. 15233. An act for the relief of William A. Persons; and

H. R. 15644. An act for the relief of James S. Risher.

### POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed. Mr. BRYAN. I ask that the Senate resume the consideration of the Post Office appropriation bill.

The VICE PRESIDENT. Is there objection? There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes

The VICE PRESIDENT. The pending question is the motion of the Senator from Florida [Mr. BRYAN] to suspend clause

3 of Rule XVI.

Mr. SMITH of South Carolina. Mr. President, I wish to give notice now that in case the motion to suspend the rules in reference to the rate on second-class mail matter is agreed to I shall offer to the paragraph which has just been stricken out on a point of order an amendment, on page 4, line 20, after the word "matter," to insert "except newspapers"; and, on page 5, line 6, to strike out all of the proviso after the word "newspapers," so that that proviso will read:

That nothing contained.

That nothing contained herein shall affect the free-in-county privi-lege on second-class matter or the present rate of postage on news-

My object is to except newspapers from the operation of this I think the committee is fully agreed that the magazines and those publications which carry just a minimum of reading matter, the majority of which is not desirable, and a maximum of advertising matter, should bear their share of the loss entailed in carrying that class of matter,

I think that perhaps no question has been deliberated over and the equities involved gone into more than this question of the burden of postage and the losses entailed and the profits which are made. The \$88,000,000 loss in carrying second-class matter, the bulk of which is pure advertising, is a business

proposition, pure and simple.

Mr. RORINSON. What does the Senator say is the loss?

Mr. SMITH of South Carolina. Eighty-eight million dollars, It means that first-class matter, the ordinary letters, the rank and file of the people in their communication socially and in a business way, covering all the desires of the people to communicate with each other, must bear a rate approximating 35 cents a pound in order to make up the deficit that these gentlemen who flood the country with their advertisements may be enabled to carry their published matter without a loss themselves. But I do differentiate between them and the newspapers, which are a necessary evil. We have to depend upon them for the dissemination of news. We have learned in the past to discount the personal equation that the writers of newspapers inject; but I do think at this time they should be exempt perhaps from the operation of this tax, because I think they fall in the category of necessities, just like first-class matter.

If we do not at this time raise the tax on the proper secondclass matter and put 1-cent postage on drop letters, as is now proposed in this bill, you will not hereafter raise the postage on the one or raise it on the other, and the Post Office Department will be face to face with an absolute loss in the prosecu-tion of its business. I am not an advocate of the Post Office Department making money, but I am glad that there is a condition where by the use of sound judgment and fair dealing it can be made to pay its way and give the people the proper service.

If the motion to suspend the rule prevails, as a member of the committee, acting on my own initiative, I shall make the motion to amend that I have referred to.

Mr. SMOOT. Mr. President, I wish to give notice that if the amendment relative to the rate of compensation providing that after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof is defeated while the bill is in Committee of the Whole, I shall reserve the right to offer that amendment in the Senate; that is, I am not reserving the right to offer the amendment increasing the second-class postage rate, but I shall reserve the right to offer the amendment that drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof. At the time I offer the amendment I shall submit whatever remarks I wish to make.

Mr. HITCHCOCK. Mr. President, the notice given by the Senator from South Carolina does not, in my opinion, by any means remove the objection to this proposed amendment. is, in any event, an attempt in the closing days of Congress to enact revolutionary legislation upon an appropriation bill. While it avoids revolution as far as the newspapers are concerned, it proposes the revolution as far as the magnzines and the weekly publications of the country are concerned, without giving them an opportunity and without giving the country an opportunity to be heard upon it.

Mr. President, the 1-cent per pound rate of postage was established in 1885 after a considerable discussion and after a great deal of agitation. It was established by an overwhelming vote; the vote in the Senate was nearly 2 to 1; and it has been in uninterrupted effect throughout the country now for something like 32 years. Under it the whole publication business of the United States has been built up. To attempt to revolutionize this by an enormous change in the cost for transportation means to revolutionize the publication business.

Mr. VARDAMAN. Mr. President— Mr. HITCHCOCK. I will not submit to an interruption just now, if the Senator will permit me. It means to revolutionize the publication business in the United States. When it was proposed in the Congress to reduce the second-rate postage on magazines, weeklies, and daily papers the claim was made that it would involve a loss. That was admitted. The country knew it was a loss. The country knew that it was proposed to carry these daily and weekly papers and these magazines at a loss for it was accepted as a desirable thing to do because of the tremendous educational effect that would result to the country. The predictions then made, Mr. President, have proven true Since that time the publication of newspapers, magazines, and other periodicals in the United States has constituted a great educational institution. It is as much an educational institution as our public schools. It has had a tremendous effect not only in spreading intelligence among the American people and making them the best advised and best informed and most intelligent people in the world but it has had a tremendous material effect upon the American people.

The daily paper now which goes upon the rural route to the farmer gives that farmer the market that he must appeal to within a few hours after the close of the day. I do not know how it is with farmers in the South and in other parts of the country, but I know that in the West and Northwest there are millions of farmers taking these daily papers upon the rural routes and depend upon them absolutely for their price quotations on live stock and on farm products at proper seasons of

It has a tremendous effect also, in a material way, in bring-ing together the vendor and the purchaser, the manufacturer, and the consumer.

Mr. President, the newspapers can adjust themselves to these things, the magazines can adjust themselves to the change after the shock, but they will do it by increasing the price to the subscribers just as they reduced the price to the subscribers when the low rate of postage was put in. The average newspaper in the West, at least, goes out six days a week to all subscribers upon the rural routes, and there are millions of them. Heretofore it has been paying for that paper approximately a little more than 2 cents a pound, but not much more.

Now, we propose to charge that paper as much for the transportation of it as the paper costs the publisher. It is simply an outrage, in my opinion, and it is an outrage which ultimately is going to fall upon the newspaper subscribers.

Mr. President, this great interest which has been built up in this country, embracing some 1,200 daily papers or more, and approximately 15,000 weeklies, the large number of religious publications, the large number of trade publications, form a part of the very body of American civilization. It has entered

into our daily lives, and it is proposed in this eleventh-hour legislation upon an appropriation bill to uproot that whole

Do you think that the subscribers of these papers, who have been getting them at the low price for the last few years, are going to be content to see their subscription prices increased \$1 a year, as they probably will be if this is put in effect, and as they must be? The fact is well known fo-day throughout the country that thousands of publications are in serious straits because the cost of print paper has been violently advanced 50, 60, or even 70 per cent. This year there are newspapers and magazines and weeklies and monthlies upon the ragged edge of bankruptcy because of the increased cost in the price of paper. Many of the wiser ones have already advanced their rates; others may be compelled to do so. For the others that are attempting to meet the situation; that are attempting still to bridge over the serious difficulties that confront them; that are still attempting to maintain the cheap \$4 a year rate, or \$3 a year rate, for the six-day paper, shall it be made impossible for them to do so by this violent increase in the price of postage without a hearing, without warning, simply because the president of some weekly publication has informed the Post Office Committee that he is willing to concede it?

Mr. President, this cheap newspaper postage does not involve the loss to the Government of the United States which has been stated here upon the floor of the Senate. I know that Senators who have stated it have the warrant of the so-called Hughes report made upon figures something like 10 years ago, but I have every reason to believe, and every newspaper man has reason to believe, that those estimates are reckless. Our whole bill for railroad transportation for mails of the United States is between fifty and sixty million dollars a year. All the post-office transportation for all classes of mail all over the United States is \$60,000,000 a year or less. There is very little actual expense incurred by the Post Office Department for the transportation of newspapers that does not consist of the payment to the railroads for the haul. You mail a letter here in Washington in a box on the street. A letter collector comes and empties that box, takes your letter to the post office, and there it goes through one or two hands and is distributed, is put in the mail, sent to the town, is taken out, and it is delivered by a carrier, or it is put in a box in the post office. There is no such performance with newspapers, either daily or weekly. The overwhelming majority of newspaper mail is either delivered at the post office sacked in bags and routed upon the routes, or it is actually delivered at the railroad station and thrown into the railroad car, the papers themselves furnishing all that trans-

Mr. SMITH of Georgia. And furnishing the work in their own offices, their own mail clerks in their own mail department, doing all the work that the Government does in the post offices

in preparing the mail.

Mr. HITCHCOCK. That is very true. Every newspaper of any considerable size maintains a small post office of its own. It has got to know the routes over its own territory, and it has got to put the paper into sacks which it procures from the post office, and in a very large proportion of the cases it delivers those sacks to the railroad train and they are thrown upon the railroad train, 200, 300, or 500 papers in a sack. When those sacks are opened the packages for each town are found there, and the railway mail clerks only throw those packages off at the proper town when it is reached. To say that that sort of service is anything like the service which is given in letter transportation is absurd. Practically the only expense of any amount which the Government is put to in the transportation and delivery of newspapers is the railroad transportation. It is not within the possibilities that any such enormous loss can be figured out as that which has been computed; but I am willing to say, Mr. President, that if there were a loss as high, or even 50 per cent higher than has been stated here, it would be a good investment for the United States.

This was a proposition which was placed upon the statute books when the eyes of the country were open. It was admitted here upon the floor of the Senate in that discussion that it would involve a loss, and the people were willing to bear the loss because it was predicted that the price of newspapers and of magazines would be reduced to consumers and that there would be a great spread of intelligence. All that has occurred. Newspaper subscriptions are not one-half so high as they were at that time. The penny paper has come into existence since that time; and the farmers since then have been able to secure a daily paper delivered at their doors and to get in close touch with the markets of the country. So I say that every prediction that was made as an inducement to the cheapening of newspaper postage has come true, and the whole system has become part of the web and the woof of American life. Now, it is here proposed, without any due consideration, without any hearings that amount to anything, without any debate that can be at all thorough, without any statistics that are less than 10 years old, to tear that whole system up, and to compel thousands of publications in the United States to do what? Not necessarily to go into bankruptcy, but to increase their subscription price to their millions of subscribers.

I say that such legislation is reckless; and while I have spoken particularly of the newspaper, because it is the newspaper that I understand and know something about, I would be equally unwilling to see this thing done as against the magazines of the country or against the weeklies of the country. I believe that this system under which we give free distribution to the weekly papers within the county lines is a good one. I believe that the 1-cent rate is a wise one. I do not deny that there ought to be some discrimination. I believe that the great magazines that are transported throughout the country a thousand miles, 2,000 miles, 3,000 miles, 4,000 miles across the country, that only go once a month and flood the mails at that time and make extra work, should pay some higher cost for transportation than the paper which circulates in a comparatively small area every day as an actual necessity of life. But I do not believe that it is just to those magazines nor that it is just to those weekly newspapers to make this change without proper hearings and without consideration.

I have telegrams received from various publications. I have one here from Edwin R. Graham, who signs himself as chairman, and he says:

NEW YORK, N. Y., February 12, 1917. Senator G. M. HITCHCOCK, Washington, D. C .:

The religious press of America earnestly protest against the passage of Senate amendment increasing second-class postage. It will work hardship to publications of Protestants, Catholics, and Hebrews, many of which are published without profit. It will discontinue many of these publications, thus removing their influence for moral and religious training in the homes of America, where the foundations for better citizenship are laid.

EDWIN R. GRAHAM. Chairman.

I have a similar telegram from the Christian Herald, of New York, to this effect: G. M. HITCHCOCK, Washington, D. C.: NEW YORK, February 12, 1917.

Can not protest too strongly against increase in postal rate at this time. Increased cost of paper and other manufacturing necessities threaten to cause many publications to suspend. A few rich corporations might be able to stand an increase, which would create for them a monopoly, because their poorer competitors would be put out of business. Very few religious publications are now able to make ends meet; if they are compelled to pay the increased rate it will be impossible for them to survive. THE CHRISTIAN HERALD.

Those papers have a nation-wide circulation, and while I be-Those papers have a nation-wide circulation, and while I believe that the lowest rate ought to be given to the local publication with its own constituency, yet I would not localize the whole thing. I think we must have national publications, and I believe it would be a very foolish thing for Congress, without proper hearings, to inflict this change upon them.

The Senator from Indiana [Mr. Kern] hands me a telegram from Frank B. White, managing director Agricultural Publishers' Association, to this effect:

CHICAGO, ILL., February 11, 1917.

CHICAGO, ILL., February 11, 1917.

JOHN W. KERN,

United States Senator, Washington, D. C.:

We represent over 7,000,000 farmer subscribers to high-grade farm papers, and in their behalf and in behalf of our already overburdened publishers we vigorously oppose any disturbance of existing postal rates for second-class matter at this time. No one is now qualified to foretell the future. Wait until conditions are normal; then reorganize entire system. Give us a chance to be heard. Change now would work great hardship to all and ruination to many, and would not bring a gain to the Government.

FRANK B. WHITE.

FRANK B. WHITE, Managing Director Agricultural Publishers' Association.

Mr. President, that is the case. I made the point of order against the amendment, first, because it is legislation on an appropriation bill and ought not to be there; second, because it has not had any due consideration; third, because it proposes to uproot, practically without debate or discussion and practically without any demand, a law which was put upon the statute books 32 years ago after a general discussion and after popular education upon the subject.

Senators may think that they are only discriminating against the publications, but, as a matter of fact, they are legislating against the millions who subscribe for these publications, because it is to those millions that the rates will inevitably be

raised.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House

agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

ENROLIED RILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

WATER-POWER DEVELOPMENT-CONFERENCE REPORT.

Mr. SHIELDS. For the managers on the part of the Senate, I desire to submit a report of general disagreement on Senate bill 3331. I ask for the approval of the report and move that the Senate ask for a further conference, and that the Chair appoint conferees to continue the conference with the House.

The VICE PRESIDENT. The Senator from Tennessee submits a conference report, which the Secretary will read.

The Secretary read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. two Houses on the amendment of the House to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, having met, after full and free conference hereby report to their respective Houses that it is impossible for the managers on the part of the respective Houses to agree upon any report that would secure legislation in the premises

They find themselves at such variance on the provisions of the Senate act and the House amendment thereto that they have agreed on a general disagreement, and hereby report to the Senate and House that they can not reach any agreement upon the Senate act and the House amendment thereto under consider-

ation.

JOHN K. SHIELDS, J. H. BANKHEAD, KNUTE NELSON. Managers on the part of the Senate. W. C. ADAMSON, T. W. SIMS, JOHN J. ESCH, Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. SHIELDS. I move that the Senate request a further conference with the House and that the conferees on the part of the Senate be appointed by the Chair.

Mr. GALLINGER. As we have agreed to a report stating that the conferees can not agree, and have ratified that fact, I do not know that it is in order

Mr. SHIELDS. I can not hear the Senator.

Mr. GALLINGER. I suggest as the conferees themselves have reported to the Senate that they can not agree and have asked us to ratify that fact it seems to me a little singular that a new conference should be created on a bill that is in hopeless disagreement. I do not know whether there has been a similar case heretofore; it may have been done in some cases, but it looks to me as being rather anomalous.

Mr. SHIELDS. I do not think the situation is hopeless. I think some good will result from a further conference. It is very important legislation, and almost all of those with whom I have consulted desire that a further effort be made to adjust

differences and agree upon a bill.

Mr. GALLINGER. I do not at all antagonize the Senator's desire, but it struck me as being rather unusual; that was all.

Mr. BANKHEAD. As I understand, the situation is this: Conferees were appointed on this bill some time ago—I do not remember exactly when—and when they went into conference it was developed that there was some misunderstanding on the part of the conferees of the House as to what could be done with reference to this bill without going back to the House before making any agreement at all. At a recent conference it was agreed that the only thing left was to report a general disagreement, have the matter go back to the House, and request a further conference without any limitations or instructions. That was the trouble with which we were confronted in the original conference. I do not believe that there is going to be much difficulty in securing an agreement when we get down to a real conference on this bill.

Mr. BORAH. Mr. President-

Mr. BANKHEAD. One moment. The report of the conferees on the part of the House is on the table; it has been adopted by the House, and I suggest that it be read.

Mr. BORAH. Mr. President, I suppose the indications of the situation are that the conferees are going to write a new

Mr. BANKHEAD. No; I do not think so. I think the conferees will be perfectly able to take the two bills—the Senate bill and the House substitute for the Shields bill—and after they have had an opportunity to sit down around a table and consider the matter they will be able to work out a bill, taking the best parts of both bills.

Mr. BORAH. There will be the same bill and the same con-

ferees, and I do not understand how they are going to make

progress unless they propose to write a new bill.

Mr. BANKHEAD. I have just said that we have never had a real conference. The conferees have met, but it was understood at the time that the House conferees were in such a situation, owing to some conditions that were imposed by the House on the conferees of the House, that they were not at liberty to go into a conference with a view of agreeing upon a bill. So we have reported a general disagreement; the matter has been sent back to the House, and the House has adopted the report with a view of allowing the conferees to have a full and free conference. Under these circumstances, there will be no trouble perhaps in reaching an agreement.

Mr. BORAH. I think I understand. Mr. SHIELDS. I desire to assure the Senator from Idaho that there is no disposition, at least so far as one of the conferces making this report is concerned, to write a new bill. There are some matters in the Senate bill that could be compromised and adjusted.

Mr. BORAH. The conferees would have ample precedent for writing a new bill. It has come to be more or less customary here for conferees to write new bills. I was not criticizing this particular conference, but was simply trying to keep up with the procession, and note incidents in the establishing

of this rule.

Mr. GALLINGER. I will ask the Senator from Alabama if I understood him correctly to say that the conferees were embarrassed because of the fact that the House by action that

it took on certain provisions of the bill bound the conferees of the House to a certain line of procedure?

Mr. BANKHEAD. No; it did not bind the conferees, Mr. President, but the chairman of the conference on the part of the House stated to the House that he would not consent to changes in the House bill without going back to the House and making a report.

Mr. GALLINGER. Well, was that agreed to? Did that pro-

cedure take place?
Mr. BANKHEAD.

As I understand, the bill was ordered to conference on that statement of the chairman of the conference committee on the part of the House. I want to say to the Senator from Idaho that I think we understand the rules, and that if we were to undertake to write into this bill something that was not in conference we would at once get into very considerable trouble.

Mr. BORAH. The Senator is perfectly familiar with the fact that that has been done quite often.

Mr. BANKHEAD. Well, I think it has been done.

Mr. BORAH. It is growing into quite an established custom here.

Mr. BANKHEAD. Yes; I know.

Mr. BORAH. And I felt justified in making the observations I did for two reasons-first, because it has become a custom, and, secondly, because it was not quite clear to my mind how the conferees would make progress under the peculiar conditions here as they have been outlined. That was the reason why I made the suggestion.

Mr. BANKHEAD. I think we will have no trouble in making

Mr. OWEN. Mr. President—
The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Oklahoma?

Mr. BANKHEAD. I do.

Mr. OWEN. Referring to what has been said by the Senator from Idaho that it is becoming the custom for conference committees practically to write a new measure, I do not think the practice of the Senate ought to be regarded as established permitting that, because obviously that would lead to very serious consequences if it were conceded to be the practice. I assume it is said in a critical aspect rather than in the sense of re-

garding it as really an established practice.

Mr. BORAH. Well, I trust it will not become any more thoroughly established; but the Senator is quite familiar with might yet be accommodated.

the fact that that precedent has been partially established. It is not necessary to go into the discussion of it. But some bills coming back into the Senate within the last 90 days have been practically rewritten, and, so far as I am concerned, I want to see a halt called on it.

Mr. OWEN. I should like to have it understood that the conferees representing the Senate are not at liberty to write new bills or to do anything more than to reconcile existing differences between the two Houses. That I understand to be the practice, and the established practice, from which no variation should be permitted; and I hope that that will be regarded as the established practice in dealing with such questions.

Mr. BANKHEAD. There will be no question about that. Mr. SHIELDS. Mr. President, I will say to the Senator from Oklahoma that we understand the rules of the Senate exactly as he does-that the conferees have no power or jurisdiction except to adjust the differences between the two Houses that have been committed to them for consideration.

Mr. OWEN. Yes; I only wanted to have that understood, because I think otherwise it might have led us into some unpleas-

ant consequences

Mr. SHIELDS. Oh, I think so. It would be entirely wrong to do so.

Mr. THOMAS. Mr. President, I do not think a single instance makes a custom any more than that one swallow makes a summer. I recall only one instance of the kind to which the Senator from Idaho [Mr. Borahl] refers, although I do not pretend to say that there may not have been others. The one which I recall occurred when the conference committee on public lands reported the so-called 640-acre live-stock homestead bill. For the purpose of securing an agreement, new matter was inserted in the bill and reported to the Senate as such. The committee stated at the time that they had exceeded their authority. They also informed the Senate that they had so stated at the conference to the House conferees, and of course the bill as reported was subject to any objection that might have been made to it. During the discussion it was distinctly stated by those who protested against it, and I think accepted without question, that it was not to be considered a precedent under any circumstances. It was permitted to become a law because of the benefits which would flow from the bill and because of the impossibility otherwise of having a bill upon the subject at all.

I feel in some degree responsible—perhaps I should say guilty-of making or joining in the making of such a report contrary to the usual practice and powers of a committee of conference; and I should greatly regret if that incident should ripen into a custom, notwithstanding the great benefit it has conferred upon the people of the West, who have very largely

even now availed themselves of its provisions.

Mr. BANKHEAD. Mr. President, I think I can say for the conferees on the part of the Senate that they understand what the rule is with reference to conference reports. Our only purpose and hope is that we can reach a conference in which we will be able to adjust in a measure the differences between the two Houses, retaining, of course, the provisions of one or the other of the bills. We certainly will not attempt to write any new legislation into this bill, nor will any absolutely new legislation be contained in the report. Mr. President, the purpose of a conference is to adjust differences, and there are differences between the House and the Senate that I believe can be adjusted to the satisfaction of both Houses, and I believe we will be able to frame a report that the Senate will adopt.

Mr. WALSH. Mr. President, I am very sure that general regret would be felt if the differences between the two Houses

should be found to be entirely irreconcilable, as would appear from the report of the committee.

Mr. BANKHEAD. Mr. President, let me say for the information of the Senator from Montana that the only reason why there were irreconcilable differences between the two Houses is just what I have stated-that the chairman of the conference committee on the part of the House stated to the Senate and the House conferees, for some reason, I do not know what, that he would not concede any of the provisions of the House bill until he had made a report back to the House. Now, that is what we have done. We have reported a general disagreement, with the understanding in the conference and in the House, I think, that a further conference might be held in order that we might have an opportunity to work out these differences without any strings being tied to the matter.

Mr. WALSH. That is what I rose to inquire of the Senator from Alabama-what recommendation he had to make in the matter and what hope he could hold out that the differences

Mr. BANKHEAD. Mr. President, if the Senator from Montana means to ask me what my views are and what I am going to concede in the conference and what I hope to work out of the conference, I will frankly tell him that I can not state. He knows enough about the work of a conference committee to know that it is always a matter of give and take. That is the purpose of the conference. No conference on the part of the Senate can hope to go into a conference with the conferees on the part of the House and sit down and say, "Here is what we will accept, and we will not accept anything else." That is not a free conference. What we want to do is to have an opportunity, as we have not had for the reasons I have stated, to sit down around our conference table, take these two bills, compare them section by section, and agree upon what the conferees will report, with the hope and expectation that when we have made that report it will be accepted on the part of the House and the Senate.

Mr. WALSH. I merely wanted to find out from the Senator what line of action he felt he could recommend to the Senate.

Mr. BANKHEAD. Mr. President, I do not hesitate to say that as one of the conferees I shall adhere as closely as I can to the provisions of the Senate bill. We may not be able to retain, without some amendment or some change, some of those provisions; but the general principle involved, I think I might

say with confidence, will be retained.

Mr. WALSH. Mr. President, one of the great projects the development of which was contemplated by the legislation which it was hoped the Congress would enact is in the State of Washington. It contemplates the development of a site capable of generating over 400,000 horsepower. In anticipation of action by the present Congress, steps had already been taken looking to the development of that great project. For the purpose of indicating to the Congress now the tremendous loss to which the country is subject by reason of the failure of Congress to legislate on this important question, if the Senator from Alabama does not object, I should like to send to the desk and have read y the Secretary a clipping from a recent paper telling briefly about the property and the importance of it.

Mr. BANKHEAD. I have no objection. The VICE PRESIDENT. As the Chair understands, the mo-

ion is to request a further conference with the House, and that the Chair appoint the conferees. Is that correct?

Mr. SHIELDS. That is correct.

The motion was agreed to; and the Vice President appointed Mr. Shields, Mr. Bankhead, and Mr. Nelson conferees at the further conference on the part of the Senate.

Mr. WALSH. Mr. President, I ask that the newspaper extract to which I refer be read from the desk.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

[From the Tacoma (Wash.) Daily News of Saturday, Jan. 27, 1917.] MILWAUKEE PLANS STIR-FEDERAL OFFICIAL BRINGS NEWS OF GIGANTIC PLANT-RUMORED THAT 500,000-HORSEPOWER PROJECT ON PRIEST RAPIDS, WHICH TACOMA UNITED STATES ENGINEER INVESTIGATES, MAY FURNISH CURRENT FOR ELECTRIFICATION OF MILWAUKEE ROAD TO THIS CITY.

The development of 500,000 horsepower at Priest Rapids, 9 miles from Beverly, the crossing of the Milwaukee Railroad on the Columbia River, is planned by the Washington Irrigation & Development Co., according to G. L. Parker, district engineer in charge of the United States Geological Survey headquarters for Washington, in Tacoma.

The total horsepower development in the State now aggregates only 400,000; so that the contemplated plant will use more power than all the present plants. It is said that an expenditure of between \$25,000,000 and \$30,000,000 at a minimum will be necessary for construction.

TACOMA ENGINEERS CALLED.

TACOMA ENGINEERS CALLED.

The company, a New York concern, through its consulting engineer, Mr. O. Leighton, of Washington, D. C., is cooperating with the State and Government geological surveys on the preliminary work of determining the stream flow at Priest Rapids. The company is paying the expenses and the Government salaries of the men employed. Mr. Parker spent several days there outlining the work, and J. E. Stewart, of the Tacoma office, returned from there to-day. C. G. Paulsen, assisted by John McCombs, from here, are in charge of the work, and will be on the ground until the survey is complete. Mr. Parker was not at liberty to state the use to which the power would be put.

The geological survey here is also cooperating in the development of a great power project at Metaline Falls on Clarks Fork, or the Pen d'Oreille River. Hugh L. Cooper, of New York City, consulting engineer, is representing the firm which proposes to develop eventually 600,000 horsepower. The first installation of machinery will care for about half that amount. This company already has spent \$175,000 for investigation. The dam proposed at Metaline Falls will be 375 feet high, 25 feet higher than the present highest dam in the world—the Arrow Rock Dam near Boise, Idaho. Mr. Cooper built the Keokuk Dam on the Mississippi River, one of the greatest engineering projects in the country.

A third power development is being investigated on the Snake River near Almota, but the Tacoma office is not cooperating with them.

Action, which it is expected Congress will take within 30 days, may determine the location of the power plant to supply hydroelectric power for electrification of the Milwaukee from Othello to Tacoma.

The mountain electric division of the company is supplied from the Montana Power Co. This power is now under Government control, but the rights are privately owned, and passed to the company before Government regulation of the water power of the country was taken up.

LEGISLATION RESTRICTS.

The incorporation of the Intermountain Power Co. is said to be a branch of the Montana Power Co. Another report is that the company proposes to supply power to mines in Idaho, while it is also believed the same plant may supply the Milwaukee.

Government agents have been investigating the Priest Rapids project recently. The development of water power at this point has been retarded the last three years, say water-power experts, since it is now possible to obtain only a 10-year lease from the Government of water-power projects, and restrictions are such that capital has hesitated to enter the business.

### CONNECTED WITH MILWAUKEE.

It is said it will take several months for the Milwaukee to work out the preliminary details of the proposed electrification of 200 miles to the coast, and in the meantime action is expected to be taken by Congress which will aid the development of such projects.

The Priest Rapids project often has been associated with the Milwaukee in its electrification work.

The fact that Government representatives are investigating the Priest Rapids project at this time makes it evident, according to water-power men in this State, that legislation is forthcoming soon to warrant the development of this project.

Mr. WALSH. Mr. President, I am quite sure it will interest readers of the RECORD to learn about the success which has attended the electrification of the Milwaukee road. the desk and ask to have printed in the RECORD, without reading, a newspaper account of that. I also send to the desk a resolution recently passed by the Legislature of the State of Montana, praying Congress for the enactment of legislation upon the water-power question, and ask that that be incorporated in the Recorp without reading.

There being no objection, the matter referred to was ordered

to be printed in the RECORD, as follows:

ELECTRIFICATION OF "MILWAUKEE" TO BE EXTENDED—PREPARATIONS UNDER WAY FOR MANY MORE MILES OF "JUICE" TRACKAGE—COLD HELPS ELECTRIC ENGINES—GREATEST ELECTRIFICATION PROPAGANDA NOW IN MONTANA IS WORKING O. K. DESPITE SEVERE COLD—THEY BUCK THE SNOW DRIFTS.

Electrification of the Chicago, Milwaukee & St. Paul Railway completed through the Rocky and Belt Mountains and nearly finished in the Bitter Roots will be extended to the Pacific coast. Announcement of the plans was made by C. A. Goodnow, assistant to the president of the Milwaukee system, who has had charge of the electrification work, according to P. H. Scanlan, local Milwaukee agent.

Success of the electrification already completed has been so phenomenal that the electrified line will be extended through the Cascade Mountains. Surveys have been made and the improvement will be completed as soon as possible.

HAS 416 MILES NOW ELECTRIFIED.

HAS 416 MILES NOW ELECTRIFIED.

Four hundred and sixteen miles of the St. Paul's Puget Sound line in Montana—from Harlowton to East Portal—is now under electrified operation, and work on the 24 miles from East Portal to Avery, Idaho, is to be completed in February. This will furnish the original electrification program of 440 miles.

This work was done in four units, the third of which, from Deer Lodge to Alberton, was completed about two months ago. Winter weather has somewhat delayed the work on the fourth unit, but already electric engines are in operation from Alberton to East Portal, and a month is expected to bring completion of electrification across the Bitter Root Mountains.

# EASE OF OPERATION IS FEATURE.

The outstanding feature of the success of electrification is the ease with which heavy freight trains are handled on the mountain grades. Five trains of about 62 cars each are moved daily each way across the mountains by the big electric engines, and estimates are that four hours are saved by each train on each 100 miles.

Recently Louis W. Hill, president of the Great Northern, and J. M. Hannaford, president of the Northern Pacific, took a trip over the 339 miles of the electrified line and they were greatly interested in the sight of electric engines hauling heavy freight trains up the steep mountain grades at a speed of 15 miles an hour.

# NO TROUBLE THIS WINTER.

"We have had no trouble in maintaining schedules over our electrified lines this winter, for cold weather helps rather than hinders electric engines, which also buck through snow drifts which stall the steam engines," says Mr. Scanlan. "The time we save on the mountain division has helped insure delivery of freight and passengers on time. Electrification with its increased comforts has brought a marked growth in our business.

"The ease of operation, the time-saving, and other advantages already brought out have led the management to take up the extension of electrification. It is hoped that soon the difficulties of the Cascade Mountains will be solved as have been those of the other ranges. Power can be developed in the Cascades just as it has been in the Rockies. Engineers are now at work on other problems of the improvement. It is a big undertaking, but the system hopes to push it to completion soon."

House resolution 2. (Introduced by Mr. Scott.)

To the honorable PRESIDENT OF THE SENATE OF THE UNITED STATES: We, your memorialists, the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, do hereby respectfully submit the following resolution:

Whereas there is now pending in the Senate of the United States a bill for an act providing for the development of water power and the use of public lands in relation thereto; and Whereas the State of Montana is desirous of the reasonable development of its resources under such laws and regulations as will effectively conserve the public interest, is vitally interested in the consideration of such water-power bill; and

"Whereas there exists in our State an urgent need for the opportunity of developing its water power as an aid to its industrial growth and progress; and
"Whereas there are situated within the State of Montana many large streams and natural power sites of magnitude and great potential possibilities, the early development of which, for the production of hydroelectric energy and other kindred uses, depends in large measure in the attitude and action of the National Congress in connection therewith: Now, therefore, be it "Resolved, That we, the House of Representatives of the State of Montana, respectfully ask, in connection with the water-power bill now under consideration in the Senate of the United States, for immediate legislation such as will permit, fully and freely, the development of water power in the streams and power sites on the public lands, and on the Indian reservations in Montana, under such rules and regulations as the Congress of the United States may prescribe.

"Resolved, That a copy of this resolution be transmitted by the secretary of state to the Hon. Henry L. Myers and Hon. Thomas J. Walsh, United States Senators, at Washington, D. C."

I hereby certify that the foregoing resolution transmitted to you this day originated in the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana and was duly passed this 16th day of January, 1917.

S. V. Stewart,

S. V. STEWART, Governor. JAS. F. O'CONNOR, Speaker of the House.

Attest:

Approved January 16, 1917.

Filed on January 16, 1917, at 1.45 p. m.

C. H. TREACY, Chief Clerk.

S. V. STEWART, Governor.

C. T. STEWART, Secretary of State.

United States of America,

State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of an act entitled "House resolution 2," memorializing the Congress of the United States for the early consideration of water-power legislation, enacted by the fifteenth session of the Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State on the 16th day of January, 1917.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 16th day of January, A. D. 1917.

[SEAL.]

C. T. Stewart, Secretary of State.

C. T. STEWART, Secretary of State.

# POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. CUMMINS. Mr. President, I desire to make a parliamentary inquiry. I do not know whether the Chair will be willing to rule proper the matter in advance on rather than I take the constant of the cons

ing to rule upon the matter in advance or not, but I take the

liberty of putting the question.

If the motion now pending is agreed to, will the amendment proposed by the committee and referred to in the motion be open to amendment in the same way and to the same extent as though it were originally in order? I think that parliamentary question will determine some votes upon the suspension of the

Mr. BRYAN. Mr. President, I do not think there is any doubt that the amendment will be open to further amendment.

We set a precedent for that recently.

The VICE PRESIDENT. The opinion of the Chair is that if the rules are suspended for the purpose of enabling the Senator from Florida to offer an amendment, which is general legislation, that opens the door for all amendments upon the particular subject embraced in the amendment of the Senator from Florida, but does not open the door for all general legislation on the bill.

Mr. CUMMINS. But any amendment pertaining—
The VICE PRESIDENT. Any amendment which has to do
with newspaper, periodical, and letter postage.
Mr. CUMMINS. Anything pertaining to letter postage would

be in order?

The VICE PRESIDENT. That is the opinion of the Chair.

Mr. BORAH obtained the floor.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 8148) to define and punish

Mr. OVERMAN, I ask unanimous consent that the unfinished business be temporarily laid aside that the Senate may proceed with the consideration of the Post Office appropriation bill.

The VICE PRESIDENT. Is there objection to laying aside the unfinished business temporarily for the purpose of proceeding with the Post Office appropriation bill? The Chair hears none. The Senator from Idaho.

Mr. BORAH. Mr. President, it is not my purpose to discuss the merits of this amendment, either as it has been proposed or as it may, by reason of other amendments, come before the Senate; but no one could have listened to the statement of the selate, but no one could have instelled to the statement of the able and courageous Senator from Florida [Mr. Bryan] without knowing that there is an evil here to be remedied, that there is an injustice to be righted. The only thing that I desire to say is that it seems to me to be the clear and unmistakable duty of the Senate to openly and candidly meet this question, and to that end that we should suspend the rule to enable the matter to come directly before the Senate for disposition.

I do not commit myself at this time as to what particular method should be pursued in order to remedy the wrong, but I am very clear in my mind that some legislation ought to be had, and that the Senate can do no less than to meet the situation by suspending the rule and enabling it to come before the Senate. When it comes properly before us we can work out the detail, but that something should be done I have no doubt.

There has been a great deal said upon this subject from time

to time. There is one extensive and illuminating report in regard to it; there have been hearings; and I am rather of the opinion that most Senators have made up their minds in a general way as to what ought to be done. It does not seem to me that we need to take very considerable time to dispose of it. I do sincerely hope that the Senate will suspend the rule and enable us to meet this matter and dispose of it. Let us not

shirk the responsibility.

I have received during the last 48 hours, as every Senator in the Chamber no doubt has received, a great number of telegrams, and I have received some most extraordinary communications, communications which make it all the more desirable upon my part that we should come out in the open and dispose of it. do not want them writing to me as a Senator of the United States and saying that it is a dangerous matter as a political proposition to touch or deal with this subject, and to call my attention to the fact that some who have undertaken to deal with it have been punished politically for doing so. If there is that kind of a threat pending over this body, it ought to meet it by disposing of this question, and I sincerely hope that we may do so.

Mr. VARDAMAN. Mr. President, I am very glad the able and patriotic Senator from Idaho [Mr. Borah] has made that statement. I am not in any way interested in the publication of a newspaper, and, therefore, what I say will not be colored by personal interests. However, I have devoted a good deal of my life to the newspaper business. I know the difficulties, trials, and tribulations of the country newspaper because I have been a part of it. The country newspaper does a great service to mankind. Its editor lives in close contact with his subscribers; he is familiar with their wants, moved by their necessities, sympathizes with them in their sorrow, and renecessities, sympatmizes with them in their sorrow, and re-joices in their hour of happiness. His columns are devoted to the protection of their interests. He supports the measures that will promote the interests of the toiler, publishes the news useful and helpful to his subscribers in the management of their affairs. He stands for measures of reform and inculcates moral truths, all of which is for the public good. I would not have this Congress enact a law that would in any way hinder or engagement the honest newspapers in the performance of its or encumber the honest newspaper in the performance of its proper function or deny to its owner a fair return from the money invested in the plant.

I realize the very great advantage which the people of the country derive from the circulation of a great, clean, intelligent, brave newspaper. The opportunity of the editor to serve gent, brave newspaper. The opportunity of the editor to serve his country and help his countrymen is greater than any other function in modern society. I realize also that the rural mail delivery and all the facilities provided by the Government for the distribution of newspapers have wrought a wonderful work

in the matter of education.

The able and learned Senator from Nebraska [Mr. HITCH-COCK] spoke of the great newspapers that have grown up under this system which was established many years ago. He referred to the fact that newspapers are sold cheaper now than heretofore. That is all very good and very true; but the newspaper did not reduce the subscription price to serve an altru-istic purpose because of any special desire to benefit the reader. That was not the sublime purpose that inspired the newspaper manager's soul. The price was reduced that all people might be able to buy it, the circulation increased, and the value of its advertising space enhanced. The newspapers do not make any money on the subscription price, any way, but every subscriber added to the list increases the rate charged the advertiser.

Now, to say that the American people should be forced to give this subsidy to the newspapers to the amount I think the

Senator from South Carolina [Mr. SMITH] said of about \$80,-000,000 a year is not fair, it is not just to the other taxpayers, and the Senate can not afford to be intimidated in the performance of its manifest duty because perhaps you may incur the displeasure of some newspaper publisher who would resent cutting down his profit. I can not think there is a Senator in this Chamber who would be deterred from the performance of his duty by such an ignoble consideration.

The same argument made by the Senator from Nebraska would apply against revising the tariff, because all the great business enterprises of this country grew up under the foster-ing care of a protective tariff. Shall the abuse be permitted to continue when we know it is a subsidy, when we know we are giving it to an enterprise, that it is not altruistic in its purposes, that it is not a charitable concern by any means, but rather

a cold-blooded business undertaking?

To-day in the United States the large newspapers are making more money than they ever made before; they are getting larger prices for their advertising space and therefore better able to bear a part of the enormous expense of government at this time.

The newspapers of the country are responsible more than any other agency for the creation of the public sentiment that has caused Congress to make the unprecedented, unparalleled appropriations that have created the deficit in the Treasury.

I submit, Mr. President, it is not fair to the American people to further increase that deficit by voting this undeserved and unnecessary subsidy to the metropolitan newspapers and maga-

zines of the United States.

The motion made by the Senator from Florida ought to prevail, the rule should be suspended, and the amendment proposed by the committee should be adopted because it is right. We owe by the committee should be adopted because it is right.

it to the American people to do that.

Mr. LEE of Maryland. Mr. President, the question of doing something to regulate the large newspaper corporations of the country and to discourage and destroy if possible the venality which now so largely controls them is a very grave question before the American people. I have recently become aware of an instance that I think exceeds in corruption and lack of patriotism on the part of many of the large newspapers of the country anything that ever happened before in the history of the press. Some years ago I saw a ballad, possibly by Kipling—it ce tainly was Kiplingesque—entitled "The Russian Battleship," story of a battleship that had been built, equipped, and paid for out of the Russian treasury, and yet never existed at all. The books of the Imperial treasury were balanced, so to speak, by entering, according to the ballad, against the entries for this fictitious ship, charges against the resources of Russia, the simple statement, "Lost at sea."

Mr. President, this story, poetical or imaginary, as it may be, of corruption in the Russian naval administration was doubtless smiled at, in rather a superior way, by the English-speaking peoples who read it. Such a thing happening in the Russian Navy or the Turkish Navy or the Chinese Navy, from our standpoint of Angle-Saxon superiority, could not possibly hap-

pen to our navies.

Yet, Mr. President, something as bad as that or worse has been attempted and, so far as many of our great newspapers are concerned, has happened within the last three or four weeks, and I am under the impression that the Members of the Senate, so skillfully has this matter been concealed, are hardly aware of the point of the matter. This thing that was acceptable to so much of the press of the country not only implied the loss of one battleship, but it implies the possible destruc-tion of our whole fleet. It implied, in effect, leaving our coasts undefended by our battleships, and, in the face of the great movement for preparedness, shows a combination between the venality of a great corporation and the assistant venality of Yet the incident itself has escaped the attention and understanding of the American people as well as of many of their legislative representatives here in Washington.

I refer to the question of the quality of shells for the Navy. What good is there in having a Navy, in having educated naval officers, in having expensive battleships, in having great guns upon those battleships, and manufacturing your powder with

expense and care when, by a conspiracy for profit, defective shells must be used in meeting an enemy fleet?

Mr. President, the policy of having defective shells to fire at an enemy, which has been defended by some of the great shellmaking corporations in this country has been covered up, in its horrid details, by venality and suppression of news in many of our great newspapers, evidencing a willingness to disarm our fleet and leave our country undefended, if carried to the conclusion that these people evidently desired.

But fortunately we have a brave and honest man at the head of the Navy Department in Secretary Daniels. He had been

caricatured by these very people who would disarm our fleet, extensively caricatured, because they knew the type of man they had to deal with. They sought to break him down, knowing him to be too well informed and too courageous for We have also brave and able officers in the their purposes. control of our Navy, officers standing behind an honest Secretary, and they were all willing to expose this thing as far as it lay in the power of the Secretary and the officers of the Navy to expose it, when most of the press of the country was en-

deavoring to conceal it.

Mr. President, money seems to have passed. This betrayal of our Navy by the press was apparently paid for. The head of the great concern that made most of the defective shells put in the newspapers of the country expensive advertisements attacking the Navy Department for giving this contract to a foreign company. Immediately after that the Secretary of the Navy prepared a bulletin, and that bulletin gave the details of this defective-shell business, but the heart of that bulletin was cut out by the newspapers of the country. I have mentioned the matter to a half dozen Senators and none of them, with one exception, had any knowledge of the actual facts in the One great newspaper, the New York Times, had a full statement of the Navy Department bulletin. public service if it could be exactly ascertained just what papers accepted the advertising and suppressed the most convincing details of the Navy Department bulletin. So far as I am advised a great number of the papers of the country have suppressed the vital portions of that bulletin.

Mr. President, does the country understand that the Bethlehem Steel Co., out of thirty-four 14-inch shells submitted for test, could only pass three of them, or, in other words, that an American battleship firing 34 such shells at an enemy would be firing only 3 perfect shells? So it went through the list. One company, however, got up to 73 per cent of good shells.

On the other hand, the foreign company that got the contract qualified every one of its shells, or 100 per cent; so that using those shells every one fired at an enemy would be good, and our Navy would at least have an equal chance with a navy equally well provided with good missiles in its great guns.

Mr. WADSWORTH. Will the Senator yield? I desire to

ask him a question for my own information. I understood him to say a moment ago that a foreign company had made the test

with its shells.

Mr. LEE of Maryland. The foreign company qualified 100 per cent. So the Secretary of the Navy says. I will read from this statement very briefly, the main part that was apparently suppressed by the newspapers, so that the Senator, who naturally may not have seen what had been suppressed, will understand the situation:

stand the situation:

In 1913 the Bureau of Ordnance, convinced by reports from abroad that the makers of shells for foreign navies had succeeded in perfecting an armor-piercing shell which could pass more severe tests than those we were stipulating up to that time, increased the severity of our own requirements, and, convinced that there was no good reason why our manufacturers could not manufacture shells of equally good quality, raised our test requirements. There was an immediate storm of protest from those companies enjoying practically the monopoly of this business, although it was pointed out that these conditions were no more severe nor even as severe as those enforced abroad, and that shells that could meet these tests were actually being manufactured abroad and could be manufactured here. Some American companies seemed to think that it was our duty to let them go ahead in the same old way, manufacturing shells inferior to the best rather than to expect them to improve their product. Of course, their pleas and even their thinly veiled threats to go out of the business if we did not concede this right to them were ignored.

Now. Mr. President, here come the deadly actual facts. Here

Now, Mr. President, here come the deadly actual facts. Here come the facts that the press quite generally, so far as I am informed, suppressed, the very newspapers that received the large advertisements from this great corporation a few days before. The Senator from Mississippi [Mr. Vardaman] said just now that the newspapers to-day are not running on their subscriptions, that they are running on their advertisement accounts, and this is a pretty good illustration of how completely they are running on their advertisement accounts, especially when dealing with a matter that is absolutely vital to the defense of the country. The Secretary of the Navy, continuing this bulletin, says:

I regret to say that these companies, apparently secure in the belief that we would have to take whatever kind of shells they manufactured anyway, and at any price they saw fit to make, have not improved their projectiles to meet the real requirements. I would be most reluctant to publish these figures did I not believe that they were well-known abroad, and in view of this I feel no harm can be done in letting our own country know the facts.

Out of thirty-four 14-inch shells submitted by the Bethlehem Steel Co. for test 3 passed, a percentage of S.S. The Crucible Steel Co. managed to get 37.7 per cent of the sample shells submitted passed, and the Midvale, which apparently showed more enterprise and real desire to bring up the standard than others, passed 73 per cent, a most gratifying improvement over the others, and which shows that our contention that American companies can produce good shells is well founded. Of

the shells submitted by the Hadfields (Ltd.), consisting of three sample shells and six additional test shells, not a single one failed to meet all the requirements.

Mr. President, I would like to put this entire bulletin from the Navy Department in the RECORD, and if there is no objection I will not read it further.

The PRESIDING OFFICER (Mr. Brandegee in the chair). Without objection consent is given.

The matter referred to is as follows:

STATEMENT FROM NAVY DEPARTMENT.

WASHINGTON, D. C., January 20, 1916.

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STATEMENT FROM NAY DEPARTMENT.

WASHINGTON, D. C., January 20, 1916.

Several newspaper comments on the recent award of armor-piercing shells to an English firm, evidently based on a complete misunder-standing of the situation, and a particularly silly article in the Daily Metal Reporter of January 15 convince me that a concise statement of the experiences of the department in obtaining shells equal in quality to those used by foreign navies at a reasonable price is necessary to those used by foreign navies at a reasonable price is necessary to the to those used by foreign navies at a reasonable price is necessary to the price of the third price of the strain of the British Government to create a panic in the American steel market, so that the British purchasers of steel could batter down the prices. Aside from the patter absurdity of the strain of the British Government to create a panic in the American steel market, so that the British purchasers of steel could batter down the prices. Aside from the patter absurdity of the same shells at that time. When certain was able to forecast the situation to-day, as Hadfields put in their original bid for practically the same shells at that time. When certain American manufacturers learned in 1914 that Hadfields would submit bids, they reduced their price from \$500 to \$515 each on 14-inch shells and on other sizes in Navy to effect a saving of \$1,077,210 on the one order. The department wishes to give all its orders to American manufacturers whenever they quote reasonable prices and furnish shells that meet Navy requirements. When the average and furnish shells that meet Navy requirements of the Government to build a projectile factory and give a construction of the Government to build a projectile factory and give a construction of the Government of the host patients and the papers with advertisement criticising the Navy Department, admits in its latest advertisement criticising the Navy Department, admits in its latest advertise

of defense, when the fate of the battle may easily depend upon this single element, can not possibly be expressed by any amount of money, however large.

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I regret to say that these companies, apparently secure in the belief that we would have to take whatever kind of shells they manufactured, anyway, and at any price they saw fit to make, have not improved their projectiles to meet the real requirements. I would be most reductant to publish these figures did I not believe that they were coll

known abroad, and, in view of this, I feel no harm can be done in letting our own country know the facts. Out of thirty-four 14-inch shells submitted by the Bethlehem Steel Co. for test, three passed, a percentage of 8.8. The Crucible Steel Co. managed to get 37.7 per cent of the sample shells submitted passed; and the Midvale, which apparently showed more enterprise and real desire to bring up the standard than others, passed 73 per cent, a most gratifying improvement over the others, and which shows that our contention that American companies can produce good shells is well founded. Of the shells submitted by the Hadfields (Ltd.), consisting of three sample shells and six additional test shells, not a single one failed to meet all the requirements. ments.

six additional test shells, not a single one failed to meet all the requirements.

In view of this record and of the necessity of having our ammunition equal to that of other countries, I felt that I would have been criminally negligent, even if no question of price were involved, in refusing to accept the bid of the Haddelds. I am determined that our Navy shall have as good ammunition as any other nation and, if possible, better ammunition, and will buy such ammunition at any time and any place that it can be best obtained.

As I have repeatedly pointed out, all questions of price or profits being eliminated, a monopoly invariably leads to stagnation. It is only human nature for a firm certain of getting an order to avoid the expense of the experiments and improved processes required to improve the quality of its goods. This is exactly what has happened in the manufacture of armor-piercing projectiles. Nothing could better illustrate the necessity of competition if we are to keep abreast of other Governments and of the soundness of my contention that if competition can not be secured otherwise the Government itself must compete.

As to the contention that by establishing a Navy plant we are going to force private manufacturers out of business, it is an absurd and untenable theory. Our requirements, with an ever-increasing Navy, will of necessity be greater each year than the year previous. There will always be plenty of work for the private manufacturers so long as they are willing to improve their product so as to keep abreast of foreign Governments and to quote a just and reasonable price for what they make.

I have never had in mind a Navy plant of greater capacity, working

make.

I have never had in mind a Navy plant of greater capacity, working one shift of men, than one-third of the total amount required by the Navy. The two-thirds left for the private manufacturers, with our new ships in commission, will be greater than the whole amount of a few years ago. Only in case of an utter failure on the part of the private manufacturers to keep their product abreast of the times or to quote prices in any way reasonable would it be necessary for the Navy, by working three shifts instead of one, to manufacture enough material to cover our entire needs.

In recent years the Navy has built some of its own ships, has manufactured a large amount of its own powder, and has also undertaken to manufacture a number of smaller articles which are also purchased; yet to-day we have more work for the shipyards than they can handle; the powder manufacturers are still receiving contracts; and in the smaller materials we have no complaints from the private manufacturers that we have driven them out of business. The theory that a Navy plant will result in a Government monopoly has been proved false by what has happened as well as being obviously unsound.

Mr. THOMAS, Mr. President I morely wish to say if the

Mr. THOMAS. Mr. President, I merely wish to say, if the Senator from Maryland will permit me, that the suppression of important information which is detailed in that bulletin is not an isolated instance. During the existence of the present Congress the Senator from Nebraska [Mr. Norris], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from North Dakota [Mr. McCumber], and myself, upon more than one occasion, called attention to the testimony of certain naval officers, presumably experts upon the subject, to the effect that before the outbreak of the European war the Navy of the United States ranked second in strength to all the navies of the world; in other words, that our naval strength was only second to that of Great Britain at that time; and the same statement was made two or three times from other sources. I have never been able to observe that that information was given to the public; yet it is a very important matter.

Mr. LEE of Maryland. Mr. President, I will briefly conclude what I have to say on this subject, as I do not expect to vote for the amendment suggested by the Senator from Florida. I do not believe, Mr. President, that this matter of newspaper postal rates, which should go with some regulation or provision for fair journalism, ought to be taken up in this way. I think the question of these rates is a very large and a very grave question. I think it is so large a question that it has got to be dealt with more completely than is possible on an appropria-tion bill and under the circumstances which now confront the Senate. I am convinced that the whole matter has to be more fully gone into, and the question of the rates dealt with at a time when the Senate and the American people can pay full and proper attention to it. It is a subject really most vital to the interest of our country. I do not think it can be disposed of under circumstances such as those that confront the Senate and on an appropriation bill. It should be broadly considered and the whole matter disposed of as a matter of general legislation, and in a way that will protect the interests of the country, and not be brought up here under an extraordinary motion to be handled on an appropriation bill in the expiring days of the Congress. It is a large matter, as I have shown, going to the very vitals of the defense of the country. We really do not know where this proposition comes from about increasing these rates. I would rather see the rate of one and a half cents a pound stand than to increase it to 2 cents and not know what the effect is going to be in shutting the door to the little crack

of light that does come through the darkened journalism of the country to enlighten the consciences and inform the voters of

Very frequently propositions fatal to liberty come to us veiled with the suggestion of economy. I would go on and bear the burdens we are bearing rather than close down upon smaller newspapers or the possibility of slashing newspapers and periodicals through which the news may creep out to the people.

Nor do I believe, Mr. President, that this is the time to reduce the rate of postage on the postal matter mentioned in the first portion of the amendment. It is better to raise that money under present conditions in the way that it has already been raised, and if there is a surplus let it go to relieving the burdens that will fall on the people of the country in other respects in the Postal Department and in other departments of the Government.

This is a very broad question, Mr. President, and I am disposed to vote against the motion of the Senator from Florida, because it is so large a matter that I do not believe it can be wisely settled by this type of an amendment on an appropria-

tion bill.

Mr. KENYON. Mr. President, I shall vote for the motion of the Senator from Florida and wish to give my reasons for doing Certain things have been established in this debate very clearly, namely, that there is an injustice in our postal rates; and that the second-class matter is not carrying its part of the burden. Just what portions of the second-class matter are receiving benefits or favors or subsidies, call it what we may, is a difficult point in my mind to determine, but I will vote to set aside the rule in order that the whole question may be thrown open and see if we can not reach a just basis. My vote on this question does not indicate my vote on the amendment pending.

Certain it is that the magazines of the country are receiving favors from the Government in transportation that they should not receive. It has been cited here that the distribution through the mail of the Saturday Evening Post is costing the Government something like \$3,000,000 more than the Government receives for the service. That is wrong. I do not know just the way to correct it. There is a difference, it seems to me, between the magazines and the newspapers. I think there should be some differentiation in the newspapers themselves and postal Many of the large newspapers of the country with heavy advertising can carry an increased burden without any difficulty. On the other hand, there are a great many small papers just struggling along, and especially just at this time, educational papers, religious papers, agricultural papers that may have to suspend publication if their rates are raised. I do not know whether that is true or not. If true, it would be very unfortunate; and it is claimed by many of them that it is true.

Of course, the diffusion of knowledge is the argument that is always presented, and it is a strong one. I would be in favor of the Government bearing a very great burden to carry knowledge out to the people, and perhaps to do more in that respect than at first glance might seem to be a proper thing to do. You go into the homes of this country on the farms or the homes of the great mass of the people who toil and you will find they gather around at night and take up the papers. They become acquainted with the events of the day. A home without a newspaper is a pretty barren and desolate place. They are instrumentalities to diffuse knowledge.

When, however, we come to talk about subsidies I think we ought to go a little further and consider how we are subsidizing ourselves in the mails, and whether or not there should be some remedy as to that. You can go by the offices in the Senate Office Building and other places and find sacks and sacks of free material amounting in the aggregate to tons that are going out free into the mails of the country, burdening the mails by the excessive exercise of the franking privilege. If we are going to stop subsidy, we had better stop subsidizing ourselves.

However, I merely rose to say that I shall vote to suspend the

rule in order that the whole subject may be thrown open here, and, if possible, that we may reach a fair measure which will place the burden where it properly belongs as to second-class

postage rates

Mr. NORRIS. Mr. President, I was necessarily absent from the Senate during all of yesterday, and have not heard nor had an opportunity to read the debate as it has progressed on

the question now pending.

I intend to vote for the motion of the Senator from Florida [Mr. Bryan]; and yet in the end, if it prevails, and the amendment that the Senator has offered—which I take to be the same amendment which appears on pages 4 and 5 of the bill—is to come to a vote and I am required to vote for or against the amendment without change I shall vote against it.

The amendment consists of two distinct propositions. is that after the 1st of July next so-called drop letters may be mailed for 1 cent instead of 2 cents in cities where there is delivery of the mail. Of that proposition I have been in favor for several years. It seems to me that a letter mailed in a city, a letter that is not to be carried on the railroads or over a star route, but is simply to be delivered in the city, ought not to require the same amount of postage as do other letters. tain it is that at the rate of 1-cent postage there would be a very large profit to the Government in the business. I think the estimates which have been made at various times as to the loss are erroneous, because there is no doubt that that change of the law as to rates would vastly increase the number of letters of this kind. Business men in all the cities of the United States would avail themselves of the opportunity which it would present to do a vast amount of business through the mail which they now do through the messenger service. I think it is conceded by everybody that at 1 cent there would be a large profit. So I should favor that proposition under practically any kind of circumstances. It seems to me that it is but justice.

Now, as to the remainder of the amendment, that part which provides for increasing the rates on second-class mail matter from 1 cent to 2 cents, although it takes two years to finally reach that rate, it seems to me that the form of the amendment will not accomplish what those who favor it desire to accomplish. I am favorable to an amendment that would properly increase some of the charges that are made against secondclass mail matter. The instance given by the Senator from Iowa [Mr. Kenyon] a few moments ago, of the Saturday Evening Post, it seems to me is absolutely unanswerable. The publishers of that paper ought to be required to pay something nearer the actual cost of the transportation which the Government furnishes. It is not right that the Government should subsidize one publication to the vast amount that it is claimedand, so far as I know, admitted—goes to that publication and to all similar publications. But the amendment proposed by the Senator from Florida and also the amendment proposed by the Committee on Post Offices and Post Roads seek in their effect simply to double the rate, to raise it from 1 cent to 2 cents.

Mr. President, as I look at it, that would simply extend the territory over which the express companies could operate with a profit in the handling of these publications. As I understand, even at 1 cent, a large amount of second-class mail matter is sent by express within reasonable territorial limits of the place of publication. I understand that the publication referred tothe Saturday Evening Post—sends a large amount by express at a rate even less than 1 cent a pound. It seems therefore that the Government of the United States, in carrying secondclass mail matter at 1 cent a pound within certain limits, makes a profit on the business. I do not want to make any profit out of this business; I would not complain if there were a small deficit. So it seems to me that when we simply increase the rate from 1 cent to 2 cents we extend the territory over which the express companies can operate. The result will be that the profit of a part of the business will be done by the express companies and the unprofitable part of it will be handled by the Government; in other words, the publisher of a magazine will, of course, patronize the express company-and I am not complaining about that; that is what I would do; that is what any business man would do-wherever he could do that and save money by the operation. So, if we increase the rate to 2 cents, we have simply added to the territory in which express companies can operate; and when it gets beyond the limit where the express company can not carry the papers at a profit, and will therefore refuse to carry them, then the publisher will utilize the United States mails. Therefore, where these publications are carried at a loss, we shall do all the business, and where they are handled at a profit the express companies will do it all.

It seems to me that a fair way to do would be to base the postage upon the zone system similar to the parcel post, and in that connection in the first zone I think it ought to be a decreased rate; it ought to be less than 1 cent. Perhaps it should also be less in the second zone. That would depend, of course, upon the size of the zone; but, at least, we ought to so regulate it that we should get paid in some degree for the amount of work and labor involved in the transportation proposition, which the Government performs. It is not right that we should carry a carload of Saturday Evening Posts from Phila-delphia to New York and carry another load from Philadelphia to San Francisco and charge the same rate, the same amount of money in both instances.

It strikes me, Mr. President, that what we ought to do is to reach, if we can-and we can do so, comparatively speaking, of course, not definitely in all conditions, but we can do it in a similar way to that by which it has been done by the Parcel -gauge the price by the service. No man ought to object to that.

There is another proposition involved in this which I should be glad to meet if we could. I think it might be possible to differentiate between publications that are published for profit and those that are published for charitable or for other similar The Senator from Mississippi, it seems to me, has well said that the newspapers-and he said it without criticism; and I say it in the same way, without criticism-are not published, at least a large majority of them are not published, as a matter of charity or of philanthropy, but as a financial proposi-tion by the owners and publishers. On the argument that the Government ought to do something toward the dissemination of information, it might be that the Government could afford to pay, or ought to pay, some subsidy. That, I think, is a question that has two sides to it; but it strikes me that when we come to pay the enormous subsidy that the Government is paying for some publications, it is so far beyond reason and justice that it ought not longer to be tolerated.

I shall vote for the motion of the Senator from Florida on the theory that, if the matter comes before the Senate, it will be subject to any relevant and material amendment, and in the hope that we may be able to get out of it something that will be practicable and fair.

Mr. JONES. Mr. President, the first question that will come before the Senate in connection with this matter is the motion to suspend the rules. I do not think that the usual objection to a motion of that kind applies in this case. I think the rule which prohibits legislation upon general appropriation bills is generally a good one and serves a good purpose, but the reason

for its application in this case, I think, does not apply This is no new question; it is a matter that has been discussed for a great many years. It has been generally conceded that we are paying for the carriage of second-class mail matter many millions of dollars more than the revenue derived from it. I never heard the loss to the Government estimated so high as it has been in this debate; but it seems that the higher figures are based upon reliable information.

Like the Senator from Nebraska [Mr. Norris], I would not object to paying something more than it costs the Government to carry these publications. I think they serve a very useful purpose. I do not think it is the intention of the Post Office Department to make money out of the service it renders, but, in spite of all that, the people of the country should not be required to pay such tremendous sums over and above what is derived from the service rendered various publications.

So I hope that the motion to suspend the rules will be adopted, in order that the Senate may have an opportunity, at any rate, to pass upon the various questions involved in this amendment and in the amendments which may be proposed to it. I do not think we ought even to appear to hide behind this rule in order to prevent a vote upon the merits of the question presented. As I have said, the subject has been considered more or less in Congress and out of Congress for a great many years. Commissions have been appointed to investigate it, and one commission especially made a very thorough investigation and reported the facts. The amendment now proposed was prepared by the committee having jurisdiction of this subject matter. The committee has no doubt given it careful consideration, and it brought the amendment into the Senate as a part of the Post Office appropriation bill. It went out on a point of order, and now the committee itself is endeavoring to have it considered under this motion to suspend the rules. So all of the reasons for the application of the rule are really obviated by the conditions and the circumstances under which this motion is made.

The only consideration that makes me hesitate in regard to voting for both of the propositions concerned in the amendment is the present condition of things. If conditions were normal, I would not have any hesitancy about voting upon the substance of these propositions. I might like to see one or two changes or amendments made in some respects; but as to the merits of them, the principle of them, and the substance of them, under normal conditions I would vote for them without any hesitation whatever. I hesitate to vote for a proposition to reduce postage rates on certain first-class matter to 1 cent because of the effect it would have upon the revenues. It seems to be conceded generally—not by all, but by many—that it would involve a loss in our revenues of possibly \$15,000,000 or \$20,000,000. That is a very serious matter at the present time and under present conditions.

Then it is claimed by those who know that the conditions under which the newspaper and magazine publishers are working are very bad, almost desperate, and that to increase the postal charges, even by so small an amount as it is proposed to increase them by the amendment, will work very great hardship. These, however, are questions that we can consider upon their merits, and will be open to consideration if we suspend the rule. In order to get the matter before the Senate, in order to have an opportunity for us to vote one way or the other upon the different propositions and pass upon them on their merits and that the Senate may take a position upon them, I myself am going to vote for a suspension of the rule, without indicating especially how, under the peculiar circumstances, I shall vote upon the different propositions.

In line with the last suggestion of the Senator from Nebraska [Mr. Norris] in regard to a zone system with reference to secondclass mail matter, which appealed to me somewhat, to ask the Senator in charge of the bill whether that has been given consideration by the committee? In that connection I will read a telegram which I received this morning from one of

the leading newspaper men of my State:

SPOKANE, WASH., February 12, 1917.

Senator W. L. Jones, Washington, D. C.:

Proposition for blanket increase second-class postage to 2 cents destructive to all local publishing enterprises. Unjust to carry competing publications from points 2,000 or 3,000 miles away into our territory at same rate charged us for 25 or 50 miles in our immediate field. If increased rates necessary, zone system only fair method. Government now makes profit on short haul on local publications at 1 cent pound; loss is on long haul.

W. H. COWLES,

W. H. COWLES,
For the Washington Farmer, the Oregon Farmer,
and the Idaho Farmer.

It seems to me that there is considerable force in the suggestion contained in that telegram, and I should like to ask the Senator from Florida what consideration the committee has given to that phase of the subject?

Mr. BRYAN. Mr. President, I intend to refer to that before

the debate is concluded.

Mr. JONES. Very well. Then the Senator can state that when he makes his address. I think I have said all that I care to say at this time. I believe we ought to have an opportunity to vote on the merits of this proposition and not suppress it by

voting against the motion to suspend the rules.

Mr. SMOOT. Mr. President, I have never voted to suspend the rules for the purpose of placing legislation upon an appropriation bill. Since I have been a Member of the Senate I have refused to do so whenever that question has been before the Senate of the United States. I have said on several occasions that the only condition under which I would vote to suspend the rules in order to put legislation on an appropriation bill would be in the case of legislation of vital interest to our country requiring immediate consideration. I see no reason, Mr. President, why I should change my position, and I make this statement so that my vote will not be misunderstood on this or any other motion made to suspend the rules. I should not vote to suspend the rules even if I were deeply interested in the subject matter, and therefore, Mr. President, under the statements I have made in the past, which position I maintain to-day, I shall vote against the suspension of the rules in this instance.

Mr. SMITH of Georgia. Mr. President, I undertook on yesterday to call attention to some of the objections to the proposition which comes from the Post Office Committee, but if I presented my views as unsatisfactorily as I find them in the Record they carried but little impression to those who heard them.

I am opposed to suspending the rules to consider this subject, because I do not think the Post Office Committee has presented us a proper mode of handling it. I believe that we ought to change the rates, at least as to quite a large part of second-class mail matter; but the rates should be increased based upon the service rendered to the various publications and the cost to the Government of that service. The difficulty about the suggestion which comes from the committee is that it provides a uniform increase of half a cent a pound the first year and then of a cent the second year, without regard to the service rendered or the cost to the Government.

As I sought to bring to the attention of the Senate on yesterday, there are two elements of cost to the Government incident to the handling of second-class mall matter. First, the handling proper; that is, the handling at the place where the mail is received, the handling incident to the collection from the boxes, the handling in the post office, the handling on the train, the handling at the office of destination, and the handling out of that office by carriers to the parties to whom the mail is directed. That is one element of the expense. The other is the cost of the haul from point to point, which the Government is called upon

to pay to the railroad companies. Until recently the Government paid the railroad companies a flat rate per pound for the haul. Now I think the rate is computed by space, but I suppose, computed by space, it is practically the same as it was by pound per mile.

The cost to the Government under the old system was a cent a pound for approximately each 200 miles hauled. I think I am right about that. I will inquire of the Senator from Florida

[Mr. BRYAN] if that is not correct?

Mr. BRYAN. I am not sure. I have sent to get the figures. Mr. SMITH of Georgia. It was approximately that; it was perhaps a little over 200 miles that a pound was hauled for a cent by the railroads. Now, if the haul was the only expense to the Government for the transportation of a particular kind of second-class postal matter, then it did not cost the Government a cent until the haul had reached a distance of at least

There is a class of publications which the Post Office Department informs me has an average haul of 907 miles. The average newspaper published in the smaller cities-I do not mean the great metropolitan papers of New York and perhaps of Chicago and one or two other large cities, but the average haul of the average daily paper is less than 100 miles. That paper puts a burden of only half a cent on the department for the haul, even if the average haul be a hundred miles, while publications such as the Ladies' Home Journal, the Saturday Evening Post, and Colliers—so I am advised by the Post Office Department—have an average haul of 907 miles. Those are the figures given me by the department. The average cost to the department to haul them, therefore, is at least nine times as much as the average cost of the paper in Iowa, Indiana, Georgia, New Jersey, Maryland, Nebraska, or Kansas, and nine times as much cost for haul falls on the department from many publications as falls upon the department from the average daily newspapers. What I object to in the proposition of the committee is that it makes no distinction in its proposed increase of rates based upon the cost to the department of the service rendered.

Again, a large part of the service rendered to the daily papers in the States, other than the few great metropolitan papers, is nothing but haul. As a rule, the newspapers in the cities of ordinary size, and I suppose in the very large cities, have their own mailing departments in their own buildings. They employ men expert in preparing their mail, just as they do in the post office, and those experts in the office of the newspaper make up the newspaper mail. The Government has nothing to do in the post office of the place from which the newspapers start with the expense of the preparation of the newspapers for their The Government furnishes the newspaper mail bags journey. just as they are used in the post office; and expert mailing clerks, paid by the newspaper, in the offices of the newspaper, classify the papers, route the papers, and wrap them in separate The newspaper proprietors do all the work preparing the newspapers for shipment, which as to ordinary mail is done

I know, as to some papers with which I am familiar-growing out of the fact that at one time I was considerably interested in a daily paper, though I have no interest in any newspaper nowthat newspaper companies, after preparing their papers for the mail and putting them, properly classified, into a mail pouch, transport them with their own machines to the train, and, as a rule, put them into the mail coach. The men in the coach simply take the pouch and throw it off at the station to which it is destined, and there again employees of the paper take the pouch and distribute the papers to their carriers-not postal carriers but newspaper carriers—who at once distribute the papers throughout the cities. I do not mean that this practice is universal among newspapers. I know this practice prevails on some papers.

Of course, where the mail goes out on rural routes to the country, then the paper would receive from the Post Office Department the services of the rural distribution throughout the country. But as to a large part of the service rendered to the newspapers in the States such as I have mentioned, the haul is all that the Government does for the paper, and that haul does not average 100 miles, and the cost of that haul to the Government is not over half a cent, while, on the other hand, the magazines that go across the entire continent, a 3,000-mile haul, cost the Government 15 cents a pound for the haul. The news paper with which I am illustrating costs a half cent, and the magazine with which I am illustrating costs 15 cents just for the

I object to the report of the committee, because I do not think it discriminates properly between the different classes of publications, and I think it puts upon one class a burden in excess of the cost to the Government of the service rendered. I which these varying publications place a charge upon the Post

I think no system should be adopted which does not take into complete recognition the increased cost to the Government from the length of haul, and that just as in the parcel-post service we have zones of charges, so in this second-class postal service, where weight is a great element of the expense to the Government, and where length of haul fixes the cost of the haul, the length of the haul should be fully considered in connection with the charge by the Government. There ought to be, perhaps, a zone of 50 miles with a certain charge, and another zone of 200 miles; but a zone system, with increasing charges for increasing distance, is the only fair plan, the only equitable plan, by which to fix these charges. I am in favor of increasing them where the Government has had a loss, but I am not in favor of increasing them where the Government has not had a loss.

I desire, Mr. President, to send to the desk as a part of my remarks a telegram from the Christian Herald of New York, a telegram from the managing director of the Agricultural Publishers' Association of Chicago, and I will read a telegram re-

ceived from Chattanooga, Tenn.:

CHATTANOOGA, TENN., February 12, 1917.

Hon. Hoke Smith, Washington, D. C .:

Executive committee of Southern Newspaper Publishers' Association in session here to-day begs to bring before you fact that newspapers already have had great burdens placed on them by enormous increase in cost of white paper and in all other expenses of publication. Hundreds have been forced out of business, and others probably will be if additional burdens are imposed. We protest against proposed increase of pound postage under bill reported by Post Office Committee in Senate. Subscriptions paid for largely in advance and with no anticipation of such an increase in postage. If advance is found absolutely necessary on second-class postage, we believe zone system to be fairer and will not impose such unjust burdens.

Robt. S. Jones, president the Citizen, Asheville, N. C.; F. G. Bell, first vice president of the News, Savannah, Ga.; D. D. Moore, second vice president the Times-Picayune, New Orleans, La.; Walter C. Jones, secretary-treasurer the News, Chattanooga, Tenn.; Victor Hanson, Birmingham (Ala.) News; E. M. Foster, Nashville (Tenn.) Banner; C. B. Johnson, Knoxville (Tenn.) Sentinel; Jas. H. Alilson, Nashville (Tenn.) Tournal and Tribune; G. J. Palmer, Houston (Tex.) Post; W. T. Anderson, Macon (Ga.) Telegraph; W. A. Elliott, Jacksonville (Fla.) Times-Union; Robt. Latham, Charleston (S. C.) News and Courier; Elmer Clark, Little Rock (Ark.) Democrat; W. E. Thomas, Roanoke (Va.) Times; W. B. Sullivan, Charlotte (N. C.) Observer.

The PRESIDING OFFICER. What does the Senator wish done with the telegrams he sent to the desk?

Mr. SMITH of Georgia. I wish them printed as part of my remarks. I do not care to stop to have them read.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The telegrams are as follows:

NEW YORK, February 12, 1917.

HOKE SMITH, Washington, D. C .:

Can not protest too strongly against increase in postal rate at this time. Increased cost of paper and other manufacturing necessities threaten to cause many publications to suspend. A few rich corporations might be able to stand an increase, which would create for them a monopoly, because their poorer competitors would be put out of business. Very few religious publications are now able to make ends meet. If they are compelled to pay the increased rate, it will be impossible for them to survive.

THE CHRISTIAN HERALD.

CHICAGO, ILL., February 11, 1917.

CHICAGO, ILL., February 11, 1917.

United States Senator, Washington, D. C.:

We represent over 7,000,000 farmer subscribers to high-grade farm papers, and in their behalf and in behalf of our already overburdened publishers, we vigorously oppose any disturbance of existing postal rates for second-class matter at this time. No one is now qualified to foretell the future. Wait until conditions are normal, then reorganize entire system. Give us a chance to be heard. Change now would work great hardship to all and rulnation to many, and would not bring a gain to the Government.

FRANK B. WHITE.

FRANK B. WHITE,
Managing Director, Agricultural Publishers' Association.

Mr. SMITH of Georgia. Mr. President, Senators have said that they could not be driven into opposition to this increased rate. I hope no Senator could be driven against his judgment into any vote. I hope every Senator exercises his own judgment, is guided by it, and follows it.

It is because, as a matter of fact, I believe the increased rate unjust to a certain class of publishers I am opposed to it. It is because I believe that if the recommendation of the committee be adopted we will place upon some publishers a charge in excess of the cost to the Government of carrying their publications, and upon others we will place an increase that does not approximately reach the charge to the Government of carrying their publications, that I am opposed to it.

I think the plan is not equitable; that it is not fixed to meet the facts; and it is the facts with reference to the mode in Office Department that I bring to the attention of the Senate and urge as a reason why this uniform increase does not meet the needs of the situation.

I believe we should undertake to bring this second-class postal matter to rates that will substantially make each publication bear the charge which the distribution of its matter places upon the Post Office Department; but certainly we ought not to load down those who are now paying for all the Government does for them to meet the excessive contribution by the Government to others that do not approximately pay the expense they place upon the Post Office Department.

Mr. CURTIS. Mr. President, I shall detain the Senate only a minute. I have received a large number of telegrams and letters opposing an increase in the postage on second-class matter. I have not submitted them for printing in the Record because other letters and telegrams of like character have been printed, and I thought it was unnecessary.

Personally I am opposed to the increase of postage on secondclass matter. I mean by that the proposed amendment as it now stands. I think second-class matter should be classified, and that newspapers, religious, fraternal, and other magazines composed largely of reading matter should be placed in one class and that magazines that are issued largely for advertising purposes should be placed in another class and should pay a larger rate of postage. If an amendment of that kind were prepared by the committee I would gladly support it. I am in favor of reducing the postage on drop letters to 1 cent. I think that should be done, and if I had a chance to yote upon that amendment separately I should vote in favor of it.

Before I close I desire to read a telegram which I have received, stating that the Kansas Editorial Association, at the annual meeting held at Topeka, Kans., on January 27, which was the largest meeting of editors ever held in the State, adopted by unanimous vote resolutions opposing the increase in rates. Of course the reasons for their objecting to the increase in rates have been stated here time and time again, and they object to it at this time especially because of the increased cost of print paper. There is not a Member on this floor but who knows that many of the smaller papers are having a hard time to get along because of the increase in the price of print paper.

I am going to oppose the motion of the Senator from Florida to suspend the rules, because I believe it is unwise to suspend the rules to put general legislation upon an appropriation bill.

Mr. SHEPPARD. Mr. President, I am in favor of 1-cent letter postage as an independent proposition. I am not in favor of it, however, at the expense of religious, agricultural, and fraternal publications, many of which have a Nation-wide circulation and afford the masses of the people the only opportunity they possess of keeping in touch with national affairs, and many of which are circulated almost, some entirely, at cost.

It may well be that the rates on certain forms of second-class matter should be increased. I am not in favor, however, of making the decrease in the rates on first-class matter dependent on an indiscriminate increase of the rates on second-class matter. I think it unfair to the great movement for a decrease in rates on first-class matter for 1-cent letter postage to make it dependent on and to tie it up with a proposition for a general increase on all forms of second-class mail matter.

Mr. FERNALD. Mr. President, I had hoped that I might remain in my seat the entire session. It was not my intention to rise to discuss any proposition that might come before the Senate during the session. But when a hardship is about to be inflicted on any industry or enterprise in my State, I feel it a duty to rise and oppose the proposition.

I am opposed to the suspension of the rules in this case. I have listened with a great deal of interest to the remarks pro and con on this question. I happen to come from one of the rural communities which have been mentioned by some of the Senators on the floor. I know something about the post-office regulations in those communities of farmers; and I realize, as every Senator here does, that since we increased the post-office service by rural carriers, to every farmer comes the daily paper every morning, as sure as the sun is to rise. I assume that the founders of this Republic never intended to make the Post Office Department a money-making proposition. There are other departments connected with this Government that are not money-making propositions, but I can conceive of none which gives such tremendous facilities to all the people of the entire country as those offered by the Post Office Department.

I think I know something about the rates connected with this department. The Senator from Georgia [Mr. SMITH] only yesterday, and again to-day, told you of the rates that are charged by the great railroad and transportation companies of this country, and I know that the figures presented and offered by

the commission must be tremendously misleading. As a matter of fact, those figures were made up or reckoned by the pound of postal matter carried. Now, every Senator here knows that every star route in this whole country is not leased or let out by the pound, but it is so much per trip, and the man must go whether he carries any second class matter or not.

Now, what happens to the rural post offices? In the first place, the fourth-class postmaster gets his revenue from the cancellation both of the first and the second class matter. The Government does not have any extra expense incurred upon it by that postmaster. The only charge is in the carriage; and, Senators, the man gets his pay for the carriage whether he carries any postal matter of the second or third class or not. He is obliged to make his trip. He is paid so much per trip for going and carrying whatever mail there may be. So in that instance the Government has no extra charge; and I am very much in doubt about these figures that it costs the Government \$88,000,000 for second-class matter. They have been proposed because of a pound rate, so termed. Now, suppose that from a small rural community there were sent eight letters weighing altogether a pound, or 2 ounces each, and in that same mail there were 19 pounds of second-class matter. The carrier would get \$3 for his trip of 20 pounds. According to that proposition, the Government would be charged up with \$2.84 for the 19 pounds of second-class matter as against 16 cents for the first-class matter. It is an unfair and absurd proposition, so undiscriminating that I consider it exceedingly unjust.

The Senator from Georgia has told you in the Senate of the expense of the carriage per hundred miles. Now, Senators, if a package were to be sent by express 600 miles the charge would be less than 2½ cents per pound. These papers are put up in bundles, as you have heard so often here this afternoon. They are sent without any extra charge by the postmaster; they are delivered to the train; and from the train delivered at its destination to the carrier without any charge to the Government, so far as postmasters' charges may be concerned.

Why, Senators, if you wish to build up the greatest monopoly that was ever known in this country, vote for this proposal, because we are all going to read. The fact that a few small daily papers which disseminate knowledge to all the rural communities in this country are put out of existence will not stop us from reading. It is a matter of which we are all exceedingly proud that every farmer in the rural community may read his morning daily paper. It has its great moral, political, and religious influence upon this country of ours; and I believe the founders of this Republic intended that the dissemination of knowledge should be made so cheap and so low that everybody could have his magazine and morning paper.

I am willing to admit that it is quite necessary to have a difference between daily papers and magazines which go for many miles. I am ready to admit that there ought to be a difference; but I am not willing to suspend the rules to bring this matter, in such a crude form, before the Senate.

As I say, Senators, it has been the judgment of the people in the past few years that we ought to avoid building up monopolies; but if you put the small papers out of business—which you are sure to do under this proposal—you will build up great newspapers in this country that will have a monopoly of the entire field. Instead of having the hundreds of daily papers which may be sent to the farmers and rural communities around home, you will have a few large papers; and after the field is cleared the 2-cent papers will be made 5 cents, and then you will have built up here just what we are all trying to avoid.

I am opposed to this proposition, and I shall vote against suspending the rules.

Mr. CUMMINS. Mr. President, I have been disposed to favor the motion made by the Senator from Florida [Mr. Bryan]; but I do not intend to vote for it because I accept the report of the department with regard to the cost of performing the service with respect to the second-class mail matter. I intend to vote for it because I think that an appropriation bill is the proper place to legislate upon this subject; for if we do not readjust our system upon an appropriation bill the chances are that we never will readjust it, in view of the constant pressure we observe in Congress. I do not vote for it because I am at all satisfied with the readjustment proposed by the committee. I think it is inadequate. I think it is based upon misinformation and does not place the burden where it should be placed.

I do not believe in the theory that each class of the mail should be compelled to sustain its own cost, for there are a great many other considerations which enter into the service rendered by the Government in the distribution of the mail.

When the Senator from Florida alleges that the Government lost last year \$85,000,000 or something like that in the transmission of second-class mail matter, I know that he does it upon the estimate of the department; but he has only to examine that estimate in its details to know that it is founded upon a theory that no reasonable man can accept. I dwell on that particular subject for a moment because if this motion be adopted I intend to contribute what little I can toward a fair and reasonable readjustment of the various classes of our mail matter.

This matter has been investigated a great many times, and I beg to state how, as I am informed, the conclusion stated by the Senator from Florida is reached. In the first place the department—and I am not speaking of this particular administration, because the same error was made in even a more exaggerated form by a prior administration—the department en-deavors to ascertain what the Government pays the railways of the country for the carrying of mail. These payments are made, as everybody understands, according to weight, with a very slight modification. Possibly 10 per cent or 5 per cent of the entire payment is determined by either space or in some other way than by weight, but practically speaking the Government pays the carriers of the country according to the weight of the mail without any regard to the service performed by the railway companies or the cost to the railway companies for a particular class of the service. In that way it ascertains the cost per pound, so far as the railway compensation is concerned, and charges up each pound of mail matter carried according to that computation. There then remains what might be called the overhead cost, the cost of maintaining the Post Office Department in Washington, the cost of conducting all the post offices of the country, the railway-mail clerks, the rural-route carriers, and all other expenses incident to the conduct of the department.

I have not examined the particular estimate made recently

upon this subject, but formerly at least this entire cost was then divided among all the pounds of mail carried throughout the year, and, with some allowances which were obviously demanded on account of the peculiar service rendered in the letter department, the cost of handling a pound of mail is the result. The number of pounds carried in the second-class service is known, and thus is determined the entire cost of that service.

Just to show how uncertain the department has been in that respect I read a brief extract from a report made by a Joint Committee on Postage on Second-Class Mail Matter and Compensation for the Transportation of Mail, which was made a public document August 31, 1914. This committee was a joint committee of which I think originally Senator Bourne, of Oregon, was the chairman. After examining a great many subjects pertaining to railway pay I find in Chapter XI this statement:

While we regret to criticize any branch of the Government

He was not speaking expressly of the present administration; he was speaking of a former administration, and therefore I can use it without any charge of political prejudice.

Mr. BRYAN. Does not the Senator from Iowa think there is a little irony in the statement he has just read, of which the author was Senator Bourne, that he regretted to criticize the department?

Mr. CUMMINS. I know the former Senator from Oregon very well and I have never thought that he was addicted to irony. He always seemed to me to be very direct and earnest in all his statements. I read again:

While we regret to criticize any branch of the Government and it is unpleasant to believe that public business affairs are carelessly conducted, yet we believe that the country and Congress are entitled to know the facts. We would hesitate to discuss this subject, if our own experience were unique—

I may say that this part of the report receives the approval of all the members of the committee, as I understand it.

Mr. BRYAN. No; if the Senator will look he will see that

several members agreed only to a certain part of the report.

Mr. CUMMINS. I think a majority of the committee joined in this part of the report:

We would hesitate to discuss this subject, if our own experience were unique, but in the course of our work we have learned that other commissions which bave studied postal problems have had similar experiences and that the formation of satisfactory conclusions by them was made difficult or impossible by the unreliability and inadequacy of statistics furnished by the Post Office Department regarding its own activities.

activities.

As already stated herein, the subject of railway mail pay was studied by a congressional commission from 1898 to 1901. While the result of that commission's work was under consideration in the House, Congressman Moody, of Massachusetts, afterwards justice of the United States Supreme Court, declared in an address in the House of Representatives that during hearings before the commission the Post Office Department submitted statistics showing that the railroads were paid on an average 6.58 cents per pound for transporting mail, averaging 40 cents per ton-mile, with an average haul of 328 miles, whereas a special weighing demonstrated that the average payment was, in fact,

2.75 cents per pound, averaging only 12.56 cents per ton-mile, with an average haul of 438 miles. Commenting upon these statistics, Congressman Moody said:

"In other words, we were not paying one-third as much as the Post Office Department had led the people of the country to believe we had been paying."

Very similar was the experience of a commission appointed in 1911 to investigate the subject of postage on second-class mail matter, of which commission Justice Hughes, of the Supreme Court, was chairman. Repeatedly the statistics submitted by the Post Office Department were shown to be erroneous, and the department changed its figures when compelled to do so by the demonstration of their inaccuracy. So numerous and so glaring were the errors that the commission commented upon some of them as follows:

"It seems hardly worth while to include subsidiary tables from which these results are taken or to criticize the details, as the commission has little confidence in their accuracy."

The Hughes Commission also said in its report, in commenting upon the effort of the Post Office Department to present statistics showing a proper apportionment of general post-office expenses to the different classes of mail:

"In view of the errors and inconsistencies in which the returns of the post offices abound (we do not extend this report to review them), our examination has convinced us that the computation is not sufficiently accurate to base an apportionment of the cost of the general post-office service."

I read this extract from the report which I have named, not

I read this extract from the report which I have named, not so much to criticize the department as to furnish a basis for the statement which I make without any fear of successful contradiction. It is utterly impossible for the Post Office Department to determine how much it costs to transact the business relating to any particular class of the mail. The very best that can be done is to make an estimate with regard to each part. I have no doubt the estimates are made in good faith, but in my judgment-and I have given some study to the subject at a former time, indeed, not now-the estimate with regard to the second-class mail matter generally is exaggerated, and when it is applied to particular classes of second-class mail matter it is absolutely unfounded and necessarily misleading.

I would not comment upon this at this time and upon this motion were it not for the fact that I intend to vote for the motion, and I want it distinctly understood that when we enter upon the work of readjusting the postage upon letters and upon second-class mail it is a serious undertaking and will require a great deal of time and much consideration if we do it justly and intelligently. I do not believe in reducing letter postage to 1 cent unless all letter postage is reduced. If I must choose between drop letters and general letters, I am in favor of reducing the postage upon general letters instead of drop letters, for those who are least able to bear the burden will receive an advantage in the reduction of postage generally far more than in a reduction in drop letters. Everybody knows with regard to drop letters that those who will be principally benefited are the large business institutions, the banks, the great factories, and other institutions of that kind which deposit regularly in the mails vast number of letters for distribution either in the city in which such an institution may be located or in the immediate

vicinity.
Mr. BRYAN rose.
Mr. CUMMINS. Does the Senator from Florida desire to interrupt me?

Mr. BRYAN. I merely wished to ask the Senator a question before he got too far away from the discussion of the estimate of the department. The department states that the receipts from second-class mail matter amounted to eleven million three hundred and some odd thousand dollars. The Senator does not question that statement. The department can easily ascertain that.

Mr. CUMMINS. I would think that could be easily ascertained.

Mr. BRYAN. That could be easily ascertained, of course. Now, the Senator has not any doubt, whether the estimated loss is \$80,000,000 or not, it is a great sum, amounting to much more than the receipts?

Mr. CUMMINS. I was about to say that. Leaving for the moment the question of reduction in postage on letters, and I have said all I desire to say upon that, notwithstanding the inaccuracy and unreliability of the estimate with regard to the cost of performing the service relating to second-class mail, I have no doubt that we are performing this service for much less than we are receiving for it.

Mr. BRYAN. The Senator from Georgia [Mr. SMITH] stated that it cost 1 cent to carry 1 pound of second-class mail matter 200 miles, and that it cost that before certain increases on account of the parcel post were allowed by the department. It is more than 1 cent now. It is a small fraction, it is true, but that small fraction when applied to tons makes a considerable difference. The fraction given-I think it was figured out; in fact, I am sure it was-was thirty-two one-thousandths. If the Government only got the \$20, as it would under the 1-cent rate, it would lose 64 cents on every ton, and when carried into the enormous amounts of second-class mail we would find even that small fraction of a cent would amount to many millions of dollars

Mr. CUMMINS. Mr. President, I do not dispute at all the correctness of the figures just given by the Senator from Florida.

Mr. BRYAN. Just one word further. If the Senator from Georgia is correct, he showed that for the transportation alone there would be a large deficit. The transportation of railroad freight is not the whole of this cost by any means. It is a small part of it.

Mr. CUMMINS. But, answering the statement just made by the Senator from Florida, I beg that he will remember that the cost of transportation to which he refers contemplates a haul

of 200 miles, very much beyond the average haul of newspapers.

Mr. BRYAN. The Senator referred to the report of the Bourne Commission. I think it was a very able commission and it made a very able report. The report of that commission re-ferred to the report of the Hughes Commission. The Hughes Commission states that the average distance the daily newspapers are carried throughout the country-of course, speaking of them altogether-is more than 200 miles.

Mr. CUMMINS. I do not so understand the report of the Hughes Commission.

Mr. BRYAN. I do.

Mr. CUMMINS. If the Hughes Commission did so state, it adopted an erroneous plan for the computation of averages. did not include the number of papers distributed, I am sure, because that would be contrary to the observation of every

Mr. BRYAN. I was surprised that it was so great a mileage, but I have no reason to question the report prepared by men admittedly of the character of the gentlemen composing the com-

Mr. CUMMINS. I am not able to refer to the part of the Hughes Commission report that deals with that matter. It is before me, but it would require more than the report of the commission to convince me that the average transportation of the daily newspapers of this country was as great as 200 miles.

But, Mr. President, that possibly would be better dealt with at a little later time. I agree with the Senator from Florida that the whole subject of second-class matter ought to be now dealt with, and he is proposing that it shall be now dealt with. not agree with him, first, that all kinds of second-class matter should be made self-sustaining, for I think there is a great public consideration that must determine in some degree the postage that should be charged for the service. I think there ought to be at least five different classes in the matter now embraced in second-class matter, and we can not deal with the subject justly unless we do divide it into something like five separate classe

Mr. VARDAMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield. Mr. VARDAMAN. If the motion to suspend the rules should prevail, I hope the Senator will present his ideas in the form of an amendment and give us an opportunity to correct the defect which he has outlined. I think it is a matter that ought to be thoroughly and exhaustively discussed. Now is the time, as the Senator says, to settle it.

Mr. CUMMINS. I think so, and for that reason I intend to vote for the motion. I have no doubt it will require several days to settle this matter as it should be settled, but that makes no difference. We ought to settle it, and I think we might as

well settle it now as at any other time.

The first division of the second-class matter should be the county newspapers. I understand that it is not proposed to change the law with regard to them. Why, Mr. President, are the county newspapers, with their circulation within the county, relieved of all burden of postage? I want Senators to ask themselves that question. It will be easily answered. We have relieved them from all the burden relative to the distribution of the mail, because we believe their existence is essential to the welfare of the people of the various communities of the country. Have you any reason to doubt it? Is there any Senator here who desires to change the policy of the country with regard to them? Yet in the language of my friends from Mississippi and from Florida we are subsidizing the county newspaper every year by contributing for the distribution of their papers a large sum of money, how much no one knows. I for one believe that the public welfare can not be better promoted than by continuing this policy.

We pass to the divisions, and these ought to be distinct classes, not all grouped as second-class matter. The secondclass is, of course, the daily newspapers, which are usually published in the larger cities, but there is not a single con-

sideration which has led us to give county newspapers free circulation that does not apply in some degree to the daily newspaper. We have never intended that they should pay the entire cost of that service. Why? Because they are doing a part of the work which the Government is bound to do. It is rather difficult to tell just how much of the work, but they are doing just the same sort of work that the instructors whom we send out from the Agricultural Department and from the Department of Commerce, the educators in every field, and whose compensation and expenses we pay. They are doing in part that work; they are the allies of good government; and without them it would be utterly impossible for us to sustain our Government for a half decade. Therefore this consideration ought to be taken into account when we determine the postage which they should pay in order to secure the widest circulation.

Nor is it any answer that they occasionally circulate a falsehood, that they occasionally misrepresent what takes place here or what takes place elsewhere. There are some men in the newspaper fraternity who may be utterly unworthy. but that does not impeach the general standing of the newspapers or the general value of the work which they are per-

forming. That is the second class.

Now, the third division, and it is a distinct class, are what might be called the publications of societies and organizations which have been brought together for mutual help, mutual advantage, mutual upbuilding, the fraternal orders, and all such associations of men and women who are doing a purely altruistic work, who have no hope of profit. Their publications ought to be distributed by the Government for less than it costs the Government to distribute them. They are also doing a work without which the Government would find it difficult to pursue the even and peaceful tenor of its way.

The fourth division would be composed of the periodicals and the magazines which are of real value, which are filled with real instruction, in which literature of real merit can be discovered even though they are published with the hope and with the expectation of profit. That is the fourth class; and I think it ought to bear the expense incident to the circulation or the distribution of their material, although it be very worthy material.

Mr. CLAPP. Mr. President-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. CLAPP. Ought there not be and might there not be made a still other line of distinction in the latter class the Senator has referred to, between those which contribute to information. Take, for instance, the agricultural journals. They are putting out the same kind of information we are putting out through the publications of the Department of Agriculture. It seems to me that there ought to be, under the analysis the Senator has made, at least five classes instead of four.

Mr. CUMMINS. I am coming to another class.

Mr. CLAPP. Is it within those fields?

Mr. CUMMINS. The class I have in mind will not embrace the suggestion of the Senator.

Mr. CLAPP. That is what I was getting at. Among those classes which appeal for special consideration it strikes me that, as to the fourth class enumerated by the Senator, an effort should be made to divide that into two classes

Mr. CUMMINS. That may be possible, Mr. President, and the suggestion is well worthy of thought, but I had believed that with regard to these publications, worthy as they are, the fact that they were being published for profit might require them to pay to the Government the cost of distribution.

Mark you, I am not suggesting that there shall be put on that class the deficit, if there be one, created by carrying the

other classes at less than the cost of carrying them. The fifth division, and it ought to pay a very high rate, if it ought to go as second-class mail matter at all-which I very greatly doubt-comprises those publications which are issued chiefly for advertising, their main purpose being to advertise the industries of the country or the commodities of the country, and the reading matter being entirely secondary and usually entirely worthless as well.

Mr. CLAPP. And often worse than worthless.
Mr. CUMMINS. And, as the Senator from Minnesota suggests, oftentimes not only valueless but vicious. Those are the classes into which we should divide second-class mail matter, in my judgment.

I have taken this opportunity to mention the subject at some length because, if the motion is sustained, as I hope it will be, then the Senate will gather itself together for a serious and responsible work and will undertake to revise our postal regulations upon second-class mail matter so that justice will be

done not only as between second-class mail matter and firstclass mail matter; but as between the various natural classifi-

cations of second-class mail matter.

The Senator from Florida has been upon the Post Office Committee for a good while; there is not a man in the Senate who has more information upon the subject than has he. That committee has been inundated with evidence and testimony and showings, and a great many plans have been put before it, as I know, and the Senator is probably already equipped to lay before the Senate some one of these plans which will meet his real opinion concerning this division which we are now asked to make. So I hope, if the subject is opened up, that he will give us the benefit of the conclusions which he has formed through a long and valuable service to the Senate and to the Committee on Post Offices and Post Roads.

Mr. BRYAN obtained the floor.

Mr. ROBINSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. BRYAN. I yield. Mr. ROBINSON. I shall vote for the motion to suspend the rules in order that the Senate may have an opportunity of readjusting the rates on both first-class and second-class mail matter. I think it is impossible to determine exactly the cost of carrying second-class mail matter; but it has been admitted in the course of this debate that the Government is losing a large sum by reason of its carriage of the second-class mails at the present rate. It is also making a great profit out of the first-class mail. No one advocates imposing upon second-class mail all the expense incident to its carriage, but it does seem to me that if a readjustment can be made without great difficulty, it will meet the approval of all fair-minded people and will do no injustice to anyone.

It is absurd, it seems to me, Mr. President, to say that merely because this question has long been a mooted one we should not deal with it. During the last 15 years at almost every session of Congress which I have attended this question, in one form or another, has arisen, and it will continue to arise until Congress takes some action which the public believes to be

founded upon good conscience and fairnes

It does seem to me that a distinction should be made between newspapers and some other kinds of second-class mail I do not believe that the amendment proposed by the committee is acceptable in its present form; but if the question is opened-and it can only be done by carrying the motion to suspend the rules-I hope that the Senate may be able to apply itself to the subject with an intelligence and diligence which will promptly produce a provision which will be satisfactory to fair-minded people.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Flor-

ida yield to the Senator from West Virginia?

Mr. BRYAN. I yield to the Senator.
The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. CHILTON. I desire to speak only for a moment, Mr. President. I see by the calendar of the business of this body that there are 16 appropriation bills to be dealt with during this session. Of that number this body has acted upon 7, leaving 9 that have not yet been passed, 1 of them being now under consideration, and 8 of them having received no consideration whatever. In addition to that, we have what is known as the revenue bill, which was reported to the Senate to day. We also have perfect from Mambers of this body that We also have notice from Members of this body that to-day. We also have notice from Members of that bill is to be discussed somewhat at length.

We have, in addition, the bills which are known as the pre-paredness bills, of which the Senator from North Carolina [Mr. OVERMAN] has charge, that are to be more or less debated in this body. We have an Executive Calendar which now does not reach merely into the scores, but into the hundreds, of names, a matter as to which I do not want to speak in open

session further than to state that one fact.

We have in all, after to-day, but 19 days until this session shall close. There are 3 Sundays which will intervene, leaving but 16 working days. There are at least parts of two days which have already been set apart, under custom of the Senate, to memorial services in honor of departed Members of one or the other body

Mr. GALLINGER. Mr. President, the Senator from West Virginia omitted to mention one other bill, which will doubtless excite a good deal of debate, and that is the river and harbor

Mr. CHILTON. That was included in the 16 appropriation bills to which I referred.

The PRESIDING OFFICER. And there is also the Porto Rican bill.

Mr. CHILTON. And the Chair reminds me-for which I thank him-that there is the Porto Rican bill. Each one of

these bills has in it a good-sized fight and debate.

Mr. President, the pending subject has been debated enough on this floor to convince all of us that it is of such importance to the country that to consider it from any standpoint will of necessity require extensive debate. It is necessary, in order that all of us may explain our votes as to each feature of the matter, that it should consume much time. It is apparent to all of us, from what has been said, especially by the distinguished Senator from Iowa [Mr. Cummins], that this is a most important subject, and that we ought not approach it without that kind of information which, in my judgment, the Senate should have to dispose of so far-reaching a subject.

For these reasons, Mr. President, I intend to vote against the motion to suspend the rule, and to oppose it in every way I can. I do not believe that we have the time or that we have the information to decide the matter now. I think possibly there is some readjustment in the second-class mail matter that ought to be made, but I certainly do not want to do it without the fullest investigation and without complete data before us.

I desire to say beforehand that, if we do get into a debate upon this matter, upon everything as to which I have any doubt I shall vote to leave it as it is. I know that the present rate upon fourth-class mail matter is of great good to a large number of people, and I am not going to take the chances of breaking up or injuring some people and of withholding from many people of this country information which they ought to have unless I am sure that, in doing so, it is required by justice to the Government and to the service, and after a full and careful investigation of every fact which ought to enter into the consideration of the subject.

I think it is absolutely useless for us to try to go into another great, big subject like this with practically only about 14 working days left, 2 of which have practically been preempted. Practically speaking, we have but a dozen days to do the entire business of this session, and we know that is not sufficient.

For these reasons I intend to vigorously oppose the motion.

Mr. BRYAN. Mr. President, "and they all with one consent began to make excuse." Senators are in favor of changing the present rates upon second-class mail matter, but this is not the opportune time to do it. The opportune time has never yet come to rectify this great wrong that has been perpetrated upon the American people for so many years. There are \$88,000,000 of loss; we all want to correct that, but this is not the time to do so; there is another way, that is a better way, to do it. But let us do something with it. Here is the situation confronting us: Some Senators speak as if this question had never presented itself to the committee or to the Senate until this session of Congress, and yet it has been a mooted question for a score of years.

A commission was created during President Taft's administration to study the rates upon second-class mail matter and to make recommendations to Congress. The members of that commission were Hon. Charles E. Hughes, associate justice of the Supreme Court of the United States; President A. Lawrence Lowell, of Harvard University; and Mr. Harry A. Wheeler, president of the Association of Commerce of the city of Chicago. They investigated this whole subject. Some Senators can come in here to-day, without having studied the question an hour, and assert with great positiveness that this is crude legislation; that it has never been given consideration; that the statements of a commission appointed by the President in pursuance of an act of Congress were all wrong. But, Mr. President, if you examine the recommendations of the commission, if you examine the report, if you undertake to find out what they did, you will ascertain that it was a report drawn after very thorough and very careful consideration, and that before them appeared representatives of the Post Office Department and representatives of the newspapers and periodicals of this country enjoying the second-class mail privilege. That commission, after full and final hearing, made this recommendation:

(1) The rate of 2 cents a pound on copies mailed by publishers to subscribers, to news agents, and as sample copies, and by news agents to their subscribers or to other news agents.

(2) The rate of 1 cent for each 4 ounces for copies mailed by other than publishers and news agents; that is, the present transient rate.

(3) The present free-in-county privilege retained, but not extended.

Mr. VARDAMAN. Mr. President, I will ask the Senator to state again who made that report.

Mr. BRYAN. The Hughes Commission.

Mr. CHILTON. If the Senator will pardon me, what Hughes

Mr. BRYAN. Charles E. Hughes-Judge Hughes.

Mr. CHILTON. The Senator has described this as being a This is not the first mooted question that mooted question. has come from that source, and I think it will be a mooted question unless we debate it for three or four weeks longer.

Mr. GALLINGER. I think perhaps the Senator from Florida had better read the names of those who were associated with Justice Hughes. If the Senator from West Virginia does not think Justice Hughes should count, let us see who the others were who composed that commission. They were very distinguished men.

Mr. BRYAN. I read the names once, and will do so again. The commission was composed of Hon. Charles E. Hughes, Associate Justice of the Supreme Court of the United States; President A. Lawrence Lowell, of Harvard University; and Mr. Harry A. Wheeler, president of the Association of Com-

merce of the City of Chicago.

Mr. THOMAS. Mr. President, I desire to say that the report of Mr. Justice Hughes upon a question of that sort would have almost controlling weight with me, if there was no one asso-

ciated with him.

Mr. CHILTON. Mr. President, I want to hasten to say that I was not meaning to reflect upon Mr. Justice Hughes by anything that I said. If the Senator from Florida will pardon me, I called his attention to the fact that he said that this has been a mooted question for a long time, and I was simply joking as to the conditions during the last campaign and the result of it, and meant to impress upon the Senate the idea that we certainly have not time to dispose of something that has been a mooted question for a long time. That was all. I have great respect for Justice Hughes, however much I may have opposed his political opinions or may dissent from some of his judicial opinions. I am rather disappointed that anyone took seriously what seemed to me as pardonable pleasantry during a protracted discussion; and I insist that if this be a mooted question now

there is not time to debate it into a state of certainty

Mr. BRYAN. Mr. President, that is, as I have said, an excuse that has always been made. If you want information, however, it has been provided; if you want to take action, here is the information that has lain upon the desks of Senators for five years; if you want to allow this subsidy to continue, then almost any excuse will do. I want to put in the RECORD right here from this report what newspapers pay and what magazines pay in The people of this country do not know the facts. this country. The people of this country do not know the facts. I tell you, Mr. President, that this question will be settled, because when the people know, when the man who writes a letter knows that he pays 32 times as much for his letter as newspaper publishers pay for the circulation of their newspapers, when he understands that out of the funds placed in the Treasury of this Republic the people who write and pay the first-class mail rates contribute over two hundred and a quarter million dollars and out of that nearly \$100,000,000 go back into the pockets of the newspaper and magazine publishers, they will insist that this question be settled.

Now, let us see what are the privileges of second-class matter:

The general rate of 1 cent a pound on copies mailed by publishers to subscribers, to news agents, and as sample copies, and by news agents to their subscribers or to other news agents.
 The free-of-postage privilege for copies mailed to subscribers residing in the county where the publications are printed and published, when not addressed for delivery from a city letter-carrier office.

Do these letter writers know that it does not cost a periodical publisher a solitary cent to circulate his publication in the county of its publication? I heard a Senator make a remark yesterday afternoon in this Chamber that shows he did not know it; but that is a fact, and it is a fact that ought to be

(3) The cent-a-pound rate on copies mailed for delivery by rural carriers on routes emanating from a city letter-carrier office.

They have the privilege now that is being asked for on behalf of first-class mail matter. They enjoy a privilege at the expense of this Government which the committee has asked the Senate to grant to the people who supply the surplus to take care of the

(4) The cent-a-pound rate on weekly publications mailed at a city letter-carrier office for local delivery.

(5) The cent-a-copy rate for newspapers other than weeklies, and for periodicals not exceeding two ounces in weight, when mailed at a city letter-carrier office for local delivery by carriers.

(6) The rate of 2 cents a copy for periodicals exceeding 2 ounces in weight when mailed at a city letter-carrier office for local delivery by carriers.

(7) The rate of 1 cent for each 4 ounces for copies mailed by others than publishers and news agents.

One man pays thirty-two times as much as the other. cents will take an ounce of first-class mail matter; 2 cents will take 2 pounds of second-class mail matter.

Mr. President, the Hughes Commission investigated the subject of the cost of the Railway Mail Service in the handling of second-class mail matter. The Post Office Department contended that 26.02 per cent of the total cost was on account of the secondclass mail matter. They investigated the rural delivery, and I believe it was conceded that 45.88 per cent of the cost should be charged to second-class mail matter. They investigated the general post-office service. The Post Office Department claimed that 26.86 per cent of the cost was due to the general service. The Hughes Commission said that they could not arrive at that conclusion, but, Mr. President, the Post Office Department have gentlemen who have spent many years making these investigations and calculations. I admit that it seems to me it would be a very difficult thing to pro rate to a nicety the part that should be charged to second-class mail matter. There is no difficulty, however, in determining that the receipts from second-class mail matter last year amounted to \$11,383,000.

It will be noticed that the Hughes Commission did not recommend a rate less than 2 cents upon any sort of newspapers or magazines except in county of origin. It will be further noticed that even that rate will not pay to the Government the expense

for any of them.

There is much in what the Senator from Iowa [Mr. Cummins] has said, but, inasmuch as the increase here recommended will not be sufficient, will lack very much of being sufficient to pay the actual expenses to which the Government is put, it occurred to the committee that we might recommend this much, in the hope that at least that much could be completed, and settle other questions hereafter. The step, it seems to us, ought to be taken now.

The Senator from Iowa says that we ought to have many divisions; that the paper of a fraternal organization or a religious society ought not to pay as high a rate as a paper conducted society ought not to pay as high a rate as a paper conducted for profit, and that the advertising paper ought to pay the highest rate of all, and so forth; but, Mr. President, what injustice can be done when it is conceded that all of them ought to pay at least the amount provided in this bill? If some of them ought to pay more, that can be determined hereafter, or can be de-termined now if the motion to suspend the rules prevails.

Mr. CLAPP. Mr. President, will the Senator pardon an inter-

ruption?

Mr. BRYAN. I yield, of course, to the Senator from Minne-

Mr. CLAPP. Supposing that one class are required to pay 2 cents and, we will say for the sake of the argument, that would not be in excess of what that class ought to pay, and that another class ought to pay 4 cents. Now, the man who pays 2 cents, while he is not paying any more than he ought to pay, is called upon to contribute to a deficit that is occasioned by another man getting for 2 cents what he ought to pay 4 cents for; and the rule of inequitable burdens and injustice is just as plain there as it would be if a man who pays 2 cents is paying more than his share in a direct tax on postal matter. In the end he is called upon to pay something that he ought not in justice to pay in contributing for the expenses of the Government.

Mr. BRYAN. But if this amendment prevails, not a single one of them will be paying up to the cost of the service ren-

No; but outside of his postage he will be called Mr. CLAPP. upon to contribute to expenses of the Government that ought to be borne in part by somebody else. You can not get away from the principle.

Mr. BRYAN. I want now to pay attention just for one moment to the point made by the Senator from Georgia [Mr. The Senator from Georgia says that it costs under SMITH]. the rate the Government pays for the carriage of the mails 1 cent for each 200 miles per pound; that is, it costs the Government 1 cent to carry a pound of mail matter 200 miles. Now, speaking in round numbers that is true, but speaking accurately it is 0.01032 cent. Multiply that and see what it would cost to carry a thousand pounds 200 miles. It would cost \$10.32, or to take a ton 200 miles it would cost \$20.64. The Government would receive \$20 and it would lose 64 cents on each ton each 200 miles; and when you take that into account and consider that last year there were over a billion pounds of second-class mail matter, it will be seen that as small a fraction as that can create a very large deficit without any trouble.

But, Mr. President, the Senator from Georgia spoke as if transportation was the whole of the cost, when the information from experts who have examined this subject is that the handling charge is 5 cents a pound. If the transportation charge were all, of course the Post Office Department would be mistaken in saying that there was an \$88,000,000 loss, because we do not pay that much for the transportation of the mails; and that is why I call attention to the report of the Hughes Commission, which took into consideration the other elements that enter into the cost of running this establishment.

Mr. President, I have argued as far as I care to the merits of the proposition. I think we might settle those questions when the amendment is properly before the Senate. The Senator from Nebraska [Mr. Hitchcock] raises the point of order. He says this is not the sort of bill upon which to have this sort of legislation placed; that it is ill-considered legislation. Well, Mr. President, the present rates were placed on Post Office appropriation bills. The Committee on Post Offices and Post Roads deals with other matters than appropriations. In fact, as is known by everybody here, its chief business is dealing with other matters than appropriation bills. It handles the annual bill and it has been questioned for that committee the annual bill, and it has been customary for that committee to place upon the bill legislation affecting the department.

The claim of altruism of several of these gentlemen does not strike me with the force that perhaps it should. The claim that this is being done in the interest of the farmer is the old story so familiar to us all, and if you can base your objection story so familiar to us an, and it you can base your objects or your excuse upon that, you have something to stand upon. Mr. President, the farmer that writes his letter is contributing to this deficit. The claim that farmers get the market reports is put forward as a sufficient reason. Why, Mr. President, they pay for those papers. They pay pretty well for them. They pay for those papers. They pay pretty well for them. They pay for them so well that this pauper paper that sent a telegram to the Senate yesterday is making a fortune every year. They pay for it out of the charges made, and they are made by business men conducting their hydrogeness were conducting their hydrogeness. ness men conducting their business upon business principles.

I have no feeling of antipathy toward the press of this coun-

try—the daily press, the weekly press, or the magazines. Some of them are excellent, some of them are fair, and some of them are bad. Neither do I claim that in all cases the rates paid by the press ought to be self-sustaining; but I do say that as a proposition considered in the aggregate, second-class mail mat-ter ought to maintain itself. Each class ought to be self-

supporting. Mr. President, I hope that we may have a vote, and that the Senate may see fit to waive the rules and allow us to take a vote upon an amendment that is recommended by a great commission, and that has been too long delayed now. Whatever may be our views as to the proper adjustment of these rates, no man can say that this proposed rate is too high upon a single, solitary newspaper or magazine; and after it is adopted

two-thirds of the cost of maintaining this service will still be borne by the tax upon first-class mail matter.

Some Senators say that they will vote for the reduction of the first-class rate, and against the raise in the second-class Very well, let us have a chance to vote upon that. I would not vote to do that, because I know that if I did that I would be voting to create a deficit, and I am not willing to do that. But the Senate, when it gets the matter before it, can handle it as it sees fit. I do not think that it is proper, although handle it as it sees it. I do not think that it is proper, although it is in conformity with the rules, to deprive the Senate of a right to vote upon this matter that affects the rates charged, that affects this department. When the Postmaster General comes before us and says: "I can reduce the charge upon firstclass mail matter somewhat; I think we could put it in on the drop letters and on the rural routes, but the deficit will be pretty large, and I suggest that you raise it some on second-class mail matter," that is a question that properly comes before that committee, and that ought in good conscience to be submitted to the Senate.

But if you do nothing with it, Senators, what position are you in after the 1st of July? You are in this position—that you will have a surplus of ten or twelve million dollars. It is generally conceded that the Post Office Department ought not to be conducted for the purpose of making money. Then you have \$10,000,000 or \$12,000,000 of surplus. By the time the next annual bill comes, if you postpone this matter, there will be a strong demand to distribute that money in the payment of salaries among the men employed in the Post Office Department and in the Postal Service, and yet it is a fact that they are conceded to be the highest paid men in this country. They know it. The Post Office Department knows it, and prides itself upon it. They say they have in the Postal Service men who are efficient, men who are worth the high salaries paid; but they are getting pretty high salaries now.

What are you going to do? Are you going to accumulate this \$10,000,000 of surplus? If you do, with the organizations that they have been allowed to build up—which, in my judgment, ought to be against the civil-service rules, because I think it is a dangerous power that they are creating—they will come here and say: "We made that money. Give it to us." Made it out of whom? Made it out of first-class mail matter; made it out of inst-class mail matter; made it out of inst-class mail matter; made it out of a branch of the service that is contributing three-fourths of the postal revenues, contributing somewhere between eighty and ninety million dollars, after paying the full cost of the service, to the people who enjoy the secondclass service.

That is the situation. That is the reason why, on behalf of the committee, I made this motion in the absence of the chairman on Saturday. I trust the Senate will give it the consideration it deserves, and that we may now proceed to vote, with the understanding that if this amendment is not satisfactory to the Senate, the Senate is a self-governing body and can change it as it sees fit. But let us do something. Let us make a start toward correcting an evil that admittedly exists, that nobody

undertakes to deny.

Why, the representatives of these newspapers and magazines know that this has got to come. If they could be assured to-day that Congress would not go any further than 2 cents a pound they would be glad to make that compromise. Their hope is that you will stop one-third of the way. Whether the various classes are properly made up now or not—whether there ought to be more than the first, second, third, and fourth classes—at least we ought to come to an agreement upon this proposition: That no harm can be done by making this change, because after this is done Congress will not then have provided even for a rate that more than one-third sustains itself upon the literature or the class on which it loses the smallest amount of

I think it is absurd to say that a publication like the one I had on my desk yesterday, weighing 5 pounds, and made up of nothing but advertising matter, should be carried at an expense per copy to this Government of 35 cents, or that any newspaper publisher in this country should have contributed by his Government to his business the enormous sum of between three end four millions of dellers.

three and four millions of dollars.

That is the situation that Congress has to confront, and, if we can get a chance to vote upon it, I am confident that the Senate will at least make some correction. Maybe we can not go as far as we ought to go. These matters have to grow, and they can not all be settled at once; but surely we are safe when we follow the recommendations of the department, which has investigated this question for years, and when we follow the investigated this question for years, and when we follow the recommendations of the Hughes Commission created by Congress, and when we follow the recommendations of the Presi-

dent based upon the report of that commission.

Mr. ASHURST. Mr. President, before the vote is taken I wish to say a few words. I shall be brief, as I appreciate the

necessity for action at the earliest moment.

No man appreciates more than I the immense amount of labor and painstaking and valuable work which the Senate Committee on Post Offices and Post Roads has accomplished; and I especially appreciate the speech of the Senator from Florida [Mr. BRYAN]. I deem it my duty to lay before the Senate some facts that have not been adverted to in detail; and I wish also, to avoid appearing to be inconsistent, to state why I expect to vote against the motion to suspend the rules.

I am in favor of the 1-cent-per-ounce drop-letter provision. Indeed, Mr. President, I have heretofore introduced a bill providing for the rate of 1 cent per ounce or fraction thereof for drop letters. But I do not wish nor do I seek the 1-cent-per-ounce feature of the law at the expense of the publications of

the country, which are the people's forum.

We can not close our eyes to the fact that it has been the historic, the ancient policy of this Government to encourage, by low postal rates, the easy and sometimes the free dissemination of literature in order that we may have an informed, enlightened public opinion, because in our government public opinion controls, and nothing is worse than a misinformed or a noninformed public opinion. Hence, I say again, it is our ancient and historic policy to encourage rather than discourage the dissemination, frequently free and at all times easy, of what we call second-class mail. Moreover, Mr. President, large numbers of the publications that are going to be affected by this legislation, should it be enacted, have made their contracts upon the law as it now stands, and a radical, sudden increase in the rate of postage would have the effect of dislocating their avenues of revenue; and would have the effect, in many instances—
Mr. VARDAMAN. Mr. President, will the Senator permit me
to make a suggestion just there?

Mr. ASHURST. Certainly. Mr. VARDAMAN. If that is the Senator's only objection to this proposal, that one injustice could be avoided by simply providing that the law should take effect at some time in the future, so that the publisher could accommodate himself to the changed law.

Mr. ASHURST. That is a most valuable suggestion, which I am indebted to the Senator from Mississippi for making.

Mr. VARDAMAN. If the Senator will permit me further, if this motion prevails, all inequalities and imperfections of the character the Senator has brought out can be corrected; but we

can not do it unless the Senate votes to suspend the rules.

Mr. ASHURST. I thank the Senator for his interruption, and there is force in it; but, in my judgment we can not and will not pause at this particular time, with only 14 or 15 working days ahead of us, to give adequate thought and care to this proposed plan; such plan should be carefully worked Small enterprises, some with very slender means, have made advertising contracts with their subscribers and with their advertisers, having in front of them the law as it now exists, and some of these advertising contracts are made to cover a period of two and three years. Hence, if a change is sought to be made, it ought to be far enough in the future as not to dislocate and practically ruin these worthy and laudable enterprises or publishing concerns which have engaged in this

occupation.

I fear, should the proposed legislation be adopted, that the educational magazines, the various religious and trade publications, the scientific and the philanthropical publications, would be seriously injured by a sudden and radical raise, especially at this time, when the publishers, both large and small, and especially the small ones, are about to be driven out of business. I measure my words when I say that the publications, large and small, especially the small publications of the country, are many of them on the verge of bankruptcy for the reason that the increase in the price of print paper has been so sudden and so enormous that they can not adapt quickly themselves to the new situation which has suddenly come down upon them. So, Mr. President, I think it would be unjust now to lay upon the publishers of this country the additional burden of meeting this increased expenditure as proposed here, when we have in view the peril which confronts the small and the large publishers of this country by reason of the extortions that are being practiced upon them by the manufacturers of print paper.

Mr. President, some time ago a million circulars went out over this country stating there was a shortage in print paper. I am informed that there is and there was no shortage in print paper at all. Why? Because everybody got all the paper he wanted, if he paid the price. How can there be a shortage when everybody can have all he wants? One of the metropolitan newspapers advocated the worthy movement of gathering in certain waste paper. We were led to believe that they were going to gather that paper and manufacture print paper out of it. The truth is, the paper thus gathered in, so I am advised, can not be used for the purpose of manufacturing print paper, although it may be used to manufacture wrapping

paper, and so forth.

Now, Mr. President, in order that the Senate and the country may see just the peril that is confronting the publishers of this country, both large and small, and especially the small ones, I will ask the Senate to indulge me for four or five minutes until I lay before the Senate this startling information:

The market price of print paper until the summer of 1916 was about \$40 per ton, f. o. b. the mill, to what I am going to call the big buyers, the big buyers being men who could take enormous quantities. The price to what I am going to call the small man, the man who could not take a large quantity but could take only a somewhat limited amount of print paper, was from fifty-five to sixty dollars per ton. Bear in mind, the price per ton to the large user was \$40 per ton in the summer of 1916; to the small user, fifty-five to sixty dollars per ton. Since this raise that I am going to speak of in a moment took place, the advance in the cost of the manufacture of this print paper has been only about \$3 per ton. In other words, as this time, when these prices have been so radically and so tremendously elevated, the price of producing the print paper has been increased only \$3 per ton; so that if the manufacturers sold now as they did a year ago, and took into consideration the increased cost of production, they would be selling to the large publisher at \$43 per ton and to the smaller publisher at fifty-eight and sixty-three dollars per ton, respectively.

But what is the situation now? The large publisher to-day is paying \$62 per ton. The small publisher is paying from \$85 to \$200 per ton-not less than \$85 per ton for his white print paper; and possibly, if he advocates a cause or is propagating

something that does not please the Print Paper Trust, it is \$200 per ton. And then Senators gravely sit here and consider the proposition, in the closing days of Congress, of adding to that burden an increased expenditure in the way of postal expenses.

Mr. President, by reason of this advance in print paper, the newspapers of this country for the year 1917 will pay \$60,000,000 more for print paper than they paid in 1916, assuming that they use the same amount and quantity of paper they did in 1916.

Mr. McLEAN. Mr. President-

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Connecticut?

Mr. ASHURST. I yield to the Senator. Mr. McLEAN. I should like to ask the Senator from Arizona if the new Federal Trade Commission, to his knowledge, has

taken any steps to prevent this extortion?

Mr. ASHURST. Mr. President, I thank the distinguished Senator for asking me that question. I wish to say that so far as I know—and I have no official information—the Federal Trade Commission has investigated the question, and it is fairly shocked and astounded at the situation it finds. I think I have given the figures accurately, although I did not get them from the Trade Commission; but I noticed by the newspapers that the Federal Trade Commission or the Department of Justice is now seeking to have a Federal grand jury called to investigate the matter, and, if the evidence shows an unlawful act, to indict and convict those monopolies that are seeking to crush the very life out of the publishers, large and small, in our

There is a very unhappy commentary in connection with this whole business. The press of this country—I do not agree with it sometimes; especially do I disagree with those papers that criticize me—but the press of this country is courageous. Without regard to what they advocate, as a rule, the newspapers are courageous; but it is not to their credit at all that they have been silent, that they have been issuing their papers from day to day and have failed to call attention to this situation. Some of them are so hard pressed, some of them are required to pay such high prices for print paper, that I have no doubt they fear they will be unable to get print paper at all if they fly in the face of and criticize and call to the bar of justice and the bar of public opinion this outrageous extortion which the Print Paper Trust is now imposing upon them. That is the only hypothesis to which I am driven as an explanation for the silence of these various journals that are so meekly submitting to this extortion.

Mr. STONE. Mr. President-

Mr. ASHURST. I yield to the Senator from Missouri.

Mr. STONE. Some days ago I read a statement sent out from Chicago to the effect that a convention or meeting had been called-perhaps I would have better described it by saying a conference had been called-between the manufacturers of print paper and the publishers at Chicago to try to adjust their differences. The manufacturers, according to this report, declared in a defiant way to the publishers that if they sought to remedy through public authority—that is, through the Federal Trade Commission or the Department of Justice—the manufacturers would, in combination and cooperation, quit the manufacturing of print paper, and close the printing establishments of the country.

Mr. ASHURST. I thank the Senator for his statement. Mr. President, it is an absolute fact that certain papers, courageous otherwise, are, metaphorically speaking, on their knees implor-ing this Print Paper Trust to sell them white print paper at any price. Moreover, Mr. President, as the distinguished Senator from Missouri has said, the print-paper combination, or this combination making print paper, has issued to certain publishers, so I am told-I can not vouch as a fact for this one statementthat if they presume to advocate a particular line of policy contrary to the views of some of the men who are owners of and stockholders in this print-paper combination they will be crushed, and not be allowed to buy any print paper at all. As I say, I do not vouch for the truth of that statement, but I have been informed regarding it by what I believe to be a reliable author-As to the other information I have given to the Senate, there is little doubt as to the facts being in accordance with

So, Mr. President, the publishers of this country are facing an increase in expense of print paper of \$60,000,000 over the year just closed. I will take a few newspapers as an example. The profit of the Boston Post last year was \$165,000. uses the same amount this year that it did last year, it will pay \$\$12,000 for its print paper alone. Not only will its profit of \$165,000 be swept out, but it will be required to go down into its reserves to the tune of over \$600,000 more to pay for print paper alone.

Mr. SMOOT. Mr. President, I should like to ask the Senator

where he gets the figures quoted?

Mr. ASHURST. I think so much of the Senator from Utah that it is painful for me to refuse to give him my source of information.

Mr. SMOOT. I accept that statement of the Senator; but I want to say to the Senator that the Federal Trades Commission, as he has already stated, has made an examination into the cost of making print paper and also has made an examination into the price at which the paper has been sold. That report will be made to Congress, I suppose, within a short time. But I wish to say to the Senator, in regard to the statement he made that no newspaper of any importance in the United States is compelled to pay to-day 10 cents a pound for print paper Mr. ASHURST. I did not catch the Senator's remark.

Mr. SMOOT. I say there is no newspaper in the United States of any importance that is paying 10 cents a pound, or \$200 a ton, for print paper. I will say to the Senator that I believe and I have every reason to say that I know-the report of the commission will show that the cost of print paper for the year 1916 over and above the cost of print paper for 1915-I am not speaking now of 1913 and 1914; I am speaking of 1916—will show an increase of only about 4 cents per hundred pounds.

I will also say to the Senator I am quite sure this report will show that there is a great deal of paper furnished by the paper manufacturers to-day on contracts that have not yet expired and at a price of about 2 cents a pound, or \$40 a ton. I know myself of a great many papers in the United States that are still using paper under a contract made in the year 1914, at which time the general price was 2 cents a pound, or \$40 a ton, and some papers were purchasing it for a little less than that.

I wish to say to the Senator that this report, I think, will show that the price where there is no contract price will run from 2½ cents up to 7 cents a pound. Seven cents, of course, is where the purchaser buys it from a dealer or distributing agent in small quantity. The dealer perhaps buys a carload and then he sells it at retail at as high a price as he can get

In what I said, Mr. President, I do not want the Senator to feel that I justify some of the high prices that are being charged for print paper, and the only reason why it could happen at all is because of the conditions existing in the world

I knew the Senator wanted to make no statement on the floor of the Senate, no matter where he gets the information,

that is not borne out by the facts.

Mr. ASHURST. The Senator has correctly stated my attitude. I do not wish, here or elsewhere, to make a statement that is not in accordance with the facts. I have verified my statements to the best of my capacity. That I may be inaccurate in some detail I, of course, grant.

Mr. SMOOT. Mr. President, just a word in that connection

before we leave the subject concerning print paper. Not only has print paper advanced in its price, but book paper of all kinds has advanced. I wish to say to the Senator now that if we were compelled to buy the paper for the Government of the United States to-day and purchase just the same amount of each kird of paper that we purchased last February it would cost the Government of the United States a little over \$1,000,000 more than it did last year. I will state to the Senator it is on no one class of paper, but the increases have run from, on the high-price papers, 12 to 20 per cent; on medium-class papers, 40 to 50 per cent; and on the cheapest paper it has advanced, sometimes, over 150 per cent. That comes about, however, because of the fact that the price of wood pulp has increased enormously and the price of everything that goes into the manufacture of paper has increased enormously.

Mr. ASHURST. That may be true, but I have another fact relating to that question which I will bring out in a moment.

Mr. WORKS. Mr. President—

Mr. ASHURST. I yield to the Senator from California, though I would like to finish at the earliest moment, of course.

Mr. WORKS. Conceding all that has been said by the Senator from Arizona as to the increased price paid, I am a little puzzled to know what that has to do with the question before the Senate. I should like to ask the Senator whether he thinks the Government ought to forego the right to increase the rate of postage to a reasonable amount because somebody else is extorting from the newspapers?

Mr. ASHURST. In reply to the distinguished Senator from California, I confess my arguments are not always powerful and frequently not to the point, and although they seem clear to me

they are about as clear as a concrete wall to some other Senators. But it has seemed to me that when I am pointing out that newspapers are about to be and are being mulcted to the tune of \$60,000,000 a year, it is pertinent to take into consideration the question as to whether we should impose an additional burden in the way of postal rates. That is the reason why I am reading these figures to show the burdens under which they are now laboring.

Mr. President, when I was interrupted I was calling attention to the fact that the Boston Post will be required to pay, assuming that it uses the same amount of paper this year that it did last year, \$812,000 for its print paper alone, and that its profit was last year, I am advised, \$165,000. Take one more illustration. I am not going to tire the Senate by going down a list of newspapers and show what the profits were and what they paid out, but taking one more illustration, the Kansas City Star, a paper printed in the State so ably represented here in the Senate by her two Illustrious sons and Senators—if the Kansas City Star in the year 1917 uses the same amount of paper that it used last year, it will pay \$900,000 more for print paper than it paid last year.

Mr. POMERENE. Mr. President—
The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Ohio?

Mr. ASHURST. I yield for a moment.
Mr. POMERENE. Has that paper increased its advertising?
Mr. ASHURST. I do not know. I wish to say that most of these papers, especially the country weeklies, the philanthropic, the trade and educational journals, the fraternal journals, and many of the weeklies and dailies make contracts for one, two, and three years in advance.

Mr. POMERENE. Can the Senator tell us what the profit

was compared with that of last year?

Mr. ASHURST. I do not know what the profits were. I have not those figures

Mr. POMERENE. May I ask the Senator another question? His position is that these publications are paying too much for their print paper. Clearly, that does not appeal to a Senator who thinks along a straight line as a reason why we should give this service for less than cost.

Mr. ASHURST. I premised my argument by saying it is the historic and ancient policy of our Government to encourage in every proper way the dissemination of information so that we may have an informed public opinion, because a misinformed public opinion is worse than monarchy

Mr. POMERENE. In other words, if I— Mr. ASHURST. Just let me finish. If an institution or business laudible in itself is fairly staggering under a load, is it wise, is it statesmanlike, to put upon it an additional burden that will in many instances crush and annihilate it altogether, when its income and revenues are required to meet the demands of this extortionate monopoly of print paper?

Mr. POMERENE. In other words, if I am a farmer and pay

too much for a horse, the Government ought to relieve me from

the payment of my taxes.

Mr. ASHURST. Not at all. I ask the Senator if he thinks this is right: I know of a chain of newspapers in his State the profits of which last year were \$500,000. This year they will pay \$750,000 more for print paper than they paid last year.

Mr. POMERENE. Can the Senator tell me what their profits

Five hundred thousand dollars, so I am told.

Mr. POMERENE. The profits last year? Mr. ASHURST. So I am told. Mr. POMERENE. What are the profits this year?

For this year I do not know. I am talking Mr. ASHURST. about the year 1916.

Mr. POMERENE. But the Senator is only presenting to us one view of this case. I should like to see the whole financial statement and then we could tell more about it.

Mr. ASHURST. I should like to see it myself.
Mr. TOWNSEND. May I ask the Senator a question also?

Mr. ASHURST. Certainly.
Mr. TOWNSEND. If I have followed the argument of the Senator correctly, he is arguing that because of additional cost to the newspapers the Government should be lenient with them this year and not impose what most of us believe is a just share of the taxes. Is it not a fact that the Government is laboring under all the disabilities that the newspapers are laboring under, its burdens have been increased during the year, and we are called upon this year to make the largest ap-

propriation that the country ever asked of the Government?

Mr. ASHURST. I think the statement of the distinguished Senator from Michigan is very pertinent, and I thank him;

but I have never argued that the Government should be lenient with the papers. Search my remarks with a microscope, and you will not find the word "lenient." They have made their They have made their advertising contracts in accordance with what they have a right to presume would be the postal rates for this year. Here Congress is about to close, and a Madical, sudden, and, I suspect, a not fully considered question of enormous increase is presented. The law is 32 years old, and they are to be required to meet this additional expense without notice,

Mr. VARDAMAN. Mr. President—
Mr. ASHURST. I wish to conclude in a moment.

Mr. VARDAMAN, I did not want to interrupt the Senator. It is not my purpose or desire to break the orderly chain of his The Senator has stated correctly, I think, the purpose of the great system of dissemination of knowledge among the people as one of great consideration, one of the essential prerequisites to good citizenship. Now he is considering the newspaper as a philanthropical enterprise conducted for the good of humanity with incidential profits. If the Senator wants to help the farmer, who seems to be the object of so much solicitude and love, does not the Senator think it would be very proper for the Post Office Department to give to the farmer, who is now burdened with taxation, groaning under the load which he is carrying to maintain the Government, with the high cost of living, and all that, an opportunity to carry his wares cheaper?

Mr. ASHURST. I certainly do.

Mr. VARDAMAN. To carry the things he wants to sell to town cheaper and bring the things from town that he wants to buy cheaper, and then his condition might be ameliorated.

Mr. ASHURST. I think so.

Mr. VARDAMAN. Would the Senator, then, be in favor of

lowering the parcel-post rate?

Mr. ASHURST. On some of the zones I would be. I am in favor of lowering the rates not on all zones but on some of

Mr. President, I trust I may finish this very dislocated statement without further interruption. I shall be through in

four or five minutes.

The distinguished Senator from Utah [Mr. Smoot], who furnishes information on nearly every subject on which he speaks, and he speaks on nearly every subject, stated that by reason of some advances in material, equipment, and so forth, necessary to produce the print paper a large part of the increase was occasioned thereby. Now, let us see about that. The Chicago Tribune owns its own paper mill and makes its own paper. I think, but I am not certain that I am accurate, it holds it through an auxiliary or a subsidiary corporation, and after making print paper sells to that great newspaper, the Chicago Tribune, print paper at \$44 a ton and makes a profit. Here are these monopolists confederated together selling print the property of the small user at, as I paper to the large user at \$62 per ton, to the small user at, as I said before, at some eighty-five to two hundred dollars a ton. So we put into juxtaposition that situation. The paper in Chicago had its own plant—I do not know where it is located—selling paper, I am advised, and meeting all its needs, at \$44 a ton. The argument must fall to the ground like a house of cards blown in a cyclone that they must increase their rates because of the enormous increase in expense of manufacture.

Mr. SMOOT. I suppose the Senator desires an answer, or he would not have called my attention to his argument.

Mr. ASHURST. I wanted to call the Senator's attention to

the situation.

Mr. SMOOT. I think I know the situation pretty well throughout the country. I want to say to the Senator in speaking of the cost of print paper I do not speak of one particular manufacturer in the United States that purchased thousands of acres of wood for the purpose of manufacturing it into print paper. He no doubt bought the standing forest years ago at the stumpage value of a dollar per 1,000, and general stumpage has increased up to five, six, and seven dollars. The Chicago paper spoken of by the Senator, of course, is not compelled to charge the cost of paper that it now manufactures based on the present stumpage price of wood. That would be like putting a dollar out of one pocket into another.

Mr. ASHURST, Yes.

Mr. SMOOT. But when you come to take all the thousands of newspapers in the United States that do not manufacture a pound of paper, and when you take the paper manufacturers who have been and are compelled to buy every pound of wood pulp that they put into the paper manufactured by them, or every pound of sulphide used in the paper, then you have got to take into consideration what it costs to-day and not what it cost in 1914. The Senator will find when the Federal Trade

Commission's report comes in as to the price of wood pulp that is sold to our paper manufacturers in this country, that as they have no forests of their own and no machinery to manufacture wood pulp, they are compelled to pay exceedingly high prices for it.

The Senator will find that the price of wood pulp to all of this class of manufacturers has increased not 100 per cent, but 200 and 300 per cent. It was to that I had reference. I had no reference to simply one Chicago newspaper that manufactures its own paper from wood which was purchased years and years ago when the stumpage of wood was almost nothing. The Senator, however, is too wise a man not to take into consideration the conditions as they exist to-day, what a manufacturer has to pay for what enters into the manufacture of paper to-day. Everything that is required to produce paper, no matter what it is, costs more than it did in 1914.

Mr. ASHURST. Mr. President, I have no doubt that there is

much of truth in the Senator's statement. With one sentence I am going to close. I have laid these facts, as I believe them to be facts, before the Senate, so that it might be informed and have all the information in the matter before it decided, in addition to the great burdens which these publications are bearing, whether we shall increase those burdens or shall let the status quo remain until there has been time for further investi-

gation and examination.

The VICE PRESIDENT. The question is-

Mr. HITCHCOCK. I suggest the absence of a quorum, Mr. President

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bernaid -	Nelson	Smoot
Bankhead	Fletcher	Norris	Stone
Beckham	Gallinger	Overman	Sutherland
Borah	Gronna	Page	Swanson
Brady	Harding	Penrose	Thomas
Brandegee	Hitchcock	Pittman	Tillman
Broussard	Hollis	Pomerene	Townsend
Bryan	Johnson, Me.	Ransdell	Vardaman
Catron	Jones	Robinson	Wadsworth
Chamberlain	Kenyon	Shafroth	Warren
Chilton	Kirby	Sheppard	Watson
Clapp	Lane	Sherman	Weeks
Clark	Lewis	Shields	Williams
Culberson	Lodge	Simmons	Works
Cummins	Martin, Va.	Smith, Ga.	HOIRS
Curtis	Martine, N. J.	Smith, S. C.	

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The pending question is, Shall clause 3 of Rule XVI be suspended for the purpose of enabling the Senator from Florida [Mr. BRYAN] to submit his amendment.

Mr. BRYAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary pro-

ceeded to call the roll.

Mr. GALLINGER (when his name was called). general pair with the Senator from New York [Mr. O'GORMAN]. He is absent. Not knowing how he would vote if present, I

withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. Underwood), but I note his absence from the Chamber, and therefore I will withhold my vote. If I were permitted to vote, I should

ote "yea."
Mr. LEA of Tennessee (when his name was called). On account of my special interest in this question, I ask to be ex-

cused from voting.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Tennessee is excused from

voting.

Mr. TOWNSEND (when the name of Mr. Smith of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. Reed]. This announcement may stand for the day.

Mr. STONE (when his name was called). I have a pair on this vote with the senior Senator from Indiana [Mr. Kern], who has been called from the Chamber on account of illness. If he were present, he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from New Jersey [Mr. Hughes] and vote "nay."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. Lippitt] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator, and, in his absence, I withhold my vote.

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the senior Senator from Oklahoma [Mr. Gore] and vote "yea."

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. In view of his absence and my inability to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. POMERENE. I am requested to announce the absence of the senior Senator from Maryland [Mr. SMITH] on official business. He is paired with the senior Senator from Vermont

[Mr. DILLINGHAM]

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. HARDWICK], who is necessarily absent, and I therefore withhold my vote.

I also desire to announce that the Senator from Vermont [Mr. Dillingham] is absent on account of illness and is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. BANKHEAD. I announce that the junior Senator from Georgia [Mr. Hardwick] is absent from the Chamber on ac-

count of sickness. If present, he would vote "yea."

Mr. SMITH of South Carolina (after having voted in the affirmative). I have a general pair with the Senator from South Dakota [Mr. Stebling]. Inadvertently I voted. I see that that Senator is absent, and I transfer my pair to the Senator from Arigona [Mr. Stepling]. from Arizona [Mr. SMITH] and will let my vote stand.

Mr. CHILTON (after having voted in the negative). Mr. President, I was not aware that I had any personal interest in the matter before the Senate, but, since the statement made by the Senator from Tennessee [Mr. Lea], I am informed that probably I have. I own some interest in a newspaper, and I do not want to vote so that anybody can now or hereafter say that I had a personal interest in any public act which I may have done. I am sure that I never thought about it, but I own an interest in a newspaper. For that reason I ask leave to withdraw my vote.

The VICE PRESIDENT. Is there objection? The Chair

hears none.

Mr. CURTIS. I have been requested to announce that the Senator from Rhode Island [Mr. Colt] is paired with the Senator from Delaware [Mr. Saulsbury].

The roll call resulted—yeas 34, nays 37, as follows:

#### YEAS-34.

Bankhead Borah Bryan Catron Clapp Cummins du Pont Fall	Hollis Husting Johnson, Me. Jones Kenyon Kirby La Follette Lane	Nelson Norris Overman Page Pittman Pomerene Reed Robinson	Thomas Townsend Vardaman Wadsworth Warren Williams Works
Fletcher	McCumber	Smith, S. C.	V SILES SI SI
	NAY	S-37.	
Ashurst Beckham Brady Brandegee Broussard Clark Culberson Fernald Gronna Hitchcock	James Johnson, S. Dak, Lee, Md. Lewis Lodge McLean Martin, Va. Martine, N. J. Myers Owen	Penrose Phelan Poindexter Ransdeli Shafroth Sheppard Sherman Shields Simmons Smith, Ga.	Smoot Sutherland Swanson Thompson Tillman Watson Weeks
	NOT VO	TING-25.	
Chamberlain Chilton Colt Curtis Dillingham Gallinger Goff	Gore Harding Hardwick Hughes Kern Lea, Tenn. Lippitt	Newlands O'Gorman Oliver Saulsbury Smith, Ariz, Smith, Md. Smith, Mich.	Sterling Stone Underwood Walsh

The VICE PRESIDENT. On the question, Shall the rule be suspended? the yeas are 34 and the nays are 37. The motion is not agreed to.

Mr. JONES obtained the floor.

Mr. BRYAN. Mr. President-

Mr. JONES. I understand there are other committee amendments, and I yield to the Senator from Florida.

Mr. BRYAN. There are some other committee amendments. The amendments on page 11 were passed over.

The VICE PRESIDENT. The Secretary will state the amend-

ments passed over

Mr. SMOOT. Mr. President, the amendments on page 11 and page 14 went over at my request; but since the adoption of what is known as the Smoot amendment, increasing the salaries of certain employees, I shall make no objection at all to the amendments of the committee with relation to the substitute clerks, nor to those relating to the letter carriers, as found on page 14 of the bill. So far as I am concerned, as I asked that they go over, I have no further objection to them.

The VICE PRESIDENT. The amendments passed over will be stated.

The amendments were, on page 11, line 9, after the word "of." to strike out "all" and insert "75 per cent of"; in line 12, before the words "per cent," to strike out "twenty-five" and insert "five"; in line 14, before the words "per cent," to strike out "twenty-five" and insert "five"; in line 17, after the word "of," to strike out "all" and insert "75 per cent of"; in line 19, before the words "per cent," to strike out "twenty-five" and insert "five"; and in line 20, before the word "offices" to insert insert "five"; and in line 20, before the word "offices," to insert post," so as to make the clause read:

And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 5 per cent of the clerks in the sixth grade to the designation of "special clerk" in the \$1,300 grade, and for the promotion of 5 per cent of the designated "special clerks" in the \$1,300 grade to the designation of "special clerk" in the \$1,400 grade, and to provide for the promotion of 75 per cent of the clerks in second-class post offices from the fourth to the fifth grade, and for the promotion of 5 per cent of the clerks in second-class post offices from the fifth to the sixth grade: And provided further, That there may also be employed at first-class post offices foremen and stenographers at a salary of \$1,300 or more per annum; in all, \$49,740,000.

The amendments were agreed to.

The amendments were agreed to.

The next amendments passed over were, on page 14, line 11, after the word "of," to strike out "all" and insert "75 per cent"; in line 13, after the word "of," to strike out "all" and insert "75 per cent"; in line 14, before the word "offices," to insert "post"; in line 15, before the words "per cent," to strike out "twenty-five" and insert "five"; and in line 16, before the word "offices," to insert "post," so as to make the clause read:

The part of letter carriers at offices already established including

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class post offices from the fourth to the fifth grade and for the promotion of 5 per cent of the letter carriers in second-class post offices from the fifth grade and for the promotion of 5 per cent of the letter carriers in second-class post offices from the fifth to the sixth grade, City Delivery Service, \$40,550,000.

The amendments were agreed to.
Mr. BRYAN. Mr. President, at the top of page 29, line 7, I offer a substitute. It will be necessary to reconsider the vote by which the committee amendment on page 29 was adopted, and I ask to have that done.

The Secretary. -On page 29, line 7, there was a committee amendment agreed to which read as follows:

Provided further, That hereafter the compensation of carriers on horse-drawn vehicle routes shall be at the rate of \$24 per annum for each mile of said routes in excess of a standard vehicle route of 24 miles, and any major fraction of a mile shall be counted as a mile.

Mr. BRYAN. I move to reconsider the vote whereby that amendment was agreed to.

The VICE PRESIDENT. Without objection, the vote will be reconsidered.

Mr. BRYAN. Now I offer as a substitute for it the matter which I send to the desk on behalf of the committee.

The VICE PRESIDENT. The amendment to the amendment

The SECRETARY. In lieu of the amendment agreed to, on page 29, beginning on line 7, it is proposed to insert:

Provided further, That on and after July 1, 1917, the compensation of carriers on daily rural routes shall be at the rate of \$24 per annum for each mile of said routes in excess of the standard vehicle route of 24 miles, and any major fraction of a mile shall be counted as a mile. A standard motor-vehicle route shall not be less than 36 miles in length and shall not be established unless a majority of the proposed patrons who are heads of families residing upon such proposed route shall, by written petition, ask the Post Office Department to establish the same.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BANKHEAD. Mr. President, I offer the amendment which I send to the desk,

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 2, following line 1, under the heading of "Office of the Postmaster General," it is proposed to

For rent of suitable buildings for the use of the Post Office Department, including the mail bag repair shop and lock-repair shop, \$2,666.67.

The amendment was agreed to.

Mr. BRYAN. Mr. President, there is one other committee amendment, that was passed over at the request of the Senator from Mississippi [Mr. Vardaman]. That is the amendment on page 15, relating to the pneumatic-tube service.

Mr. VARDAMAN. Mr. President, I shall not consume very

much of the time of the Senate in the discussion of this ques-

I confess that at the beginning of the consideration of this item of the bill I was very much in favor of this appropriation; but it was because I was not informed as to the work the tubes were doing in the distribution of the mail. This is a question about which Congress has differed in opinion ever since the establishment of the system. The Committee on Post Offices and Post Roads held extended hearings, and citizens from the cities of New York, Boston, Chicago, St. Louis, and Philadelphia came in great numbers with their counsel, able lawyers, and influential newspaper men, to convince the committee that the tube system should be continued. All the information I have on the subject has been given to me by the Post Office Department. That the officers and employees of the Post Office Department know what they are talking about and are qualified to speak upon this question, when you consider the history of this proposed legislation and read the story they tell, I do not think you will question the accuracy of their conclusion. I want to say that I have no interest in this matter except to bring out the facts that the Senate may be in possession of the truth about it, as I understand it. There is in this matter not only saving to the taxpayers, the question of the efficiency of the Postal Service, but there is a moral question also involved. The act of April 21, 1902, making appropriations for the serv-

ice of the Post Office Department for the fiscal year ending June 30, 1903, contains the following provision:

June 30, 1903, contains the following provision:

For the transmission of mail by pneumatic tubes or other similar devices, \$500,000, or so much thereof as may be necessary; and the Postmaster General is hereby authorized to enter into contracts for a period not exceeding four years, after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. That the contracts for this service shall be subject to the provisions of the postal laws and regulations relating to the letting of mail contracts, except as herein otherwise provided, and that no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until, in the judgment of the Postmaster General, the needs of the Postal Service are such as to justify the expenditure involved.

Pursuant to that law the Postmaster General, on the 17th of July, 1915, appointed a commission composed of Joe P. Johnston, General Superintendent Division of Railway Mail Service; W. S. Ryan, superintendent of Division of City Delivery; John C. Koons, chief inspector; I. T. Mullins, post-office inspector; and George A. Gardner, Assistant Superintendent of Railway Mail Service.

Mr. POINDEXTER. Mr. President-

The PRESIDING OFFICER (Mr. KENYON in he chair). Does the Senator from Mississippi yield to the Senator from Washington?

Mr. VARDAMAN. I yield to the Senator from Washington. Mr. POINDEXTER. I do not want to interrupt the Senator's argument. I was out of the Chamber when this amendment was reached. I should like to inquire whether a point of order has been made against the amendment?

Mr. VARDAMAN. A point of order has not been made

Mr. POINDEXTER. I make the point of order against it, Mr. Without desiring to interrupt the argument of the President. Senator, I just want to reserve that right.

Mr. VARDAMAN. I think the point of order will lie. I do not think there is any question about its being general legisla-

tion on an appropriation bill.

Mr. POINDEXTER. I make the point of order that it is general legislation on an appropriation bill.

Mr. SMOOT. Does the Senator make that point of order now? The PRESIDING OFFICER. The Senator from Mississippi

has the floor. Does he yield to the Senator from Utah?

Mr. VARDAMAN. For what purpose does the Senator rise?

Does he wish to ask me a question?

Mr. SMOOT. All I wanted was to ask whether the Senator from Washington made his point of order now, and whether it was going to be ruled upon at this time. I do not want to take the Senator off the floor, of course. I could not do it if I wanted to.

Mr. VARDAMAN. Of course, the Senator from Washington can not make the point of order with the Senator from Missis-

sippi occupying the floor.

The PRESIDING OFFICER. The Chair will say to the Senator from Mississippi that he understands the Vice President has ruled, as to similar amendments, that they are in order; and the present occupant of the Chair will so rule.

Mr. POINDEXTER. Mr. President, my sole purpose was to protect myself in the right to make the point of order. If it can be done without taking the Senator from Mississippi off the floor, I desire to pursue that course. I do not want to interfere with his speech in any way.

Mr. VARDAMAN. The Chair has ruled that it is in order. The PRESIDING OFFICER. The Chair will say to the Senator that the Chair is not ruling. He is simply stating to the Senator the line the Vice President has followed in his rulings.

The Senator from Mississippi has the floor, and the Chair does not understand that he could be taken off the floor.

Mr. VARDAMAN. Well, Mr. President, we will raise the point of order later, if the Senator from Washington wants to make that point. I do not know what the Vice President has decided, but I am satisfied the point of order ought to be sus-

tained; but we will look after that later.

Mr. THOMAS. Mr. President, may I interrupt the Senator

for a question?

Mr. VARDAMAN. I yield to the Senator from Colorado.

Mr. THOMAS. I notice that the amendment which the Senator THOMAS. tor is discussing so intelligently is an amendment to a House provision; or, to be more accurate, the House provision upon the same subject is stricken out and this amendment substituted

Mr. VARDAMAN. Yes; but this amendment does a great deal more than that.

Mr. THOMAS. Now, my question is whether the Senator is satisfied with the House provision concerning this subject?

Mr. VARDAMAN. No; I am not.

As I was about to state, Mr. President, and probably I did state, on the 17th of July, 1915, this commission was appointed This commission reported to the Senate the pursuant to law. result of its investigation, and I am going to give the Senate succinctly what that commission discovered.

They say:

While the pneumatic tubes are free from surface congestion and the containers travel at a high rate of speed between stations, these advantages are outwelghed because of—
"1. The necessity of relaying containers at way stations, thus

involving a great loss of time;

"2. Requiring all intermediate stations to be kept open, with

the employees on duty;
"3. The impossibility of dispatching mail to the point where it is received by or taken from the railroad companies without additional handling;

"4. The inability to prevent dampness and moisture in the

tubes, thus causing damage to the mail;

"5. The stoppage of the operation of the entire service when the line is discontinued between any two points;

6. The inflexibility of the service:

"7. Its inability to meet current emergency conditions, thus resulting in congestion; and

"8. Its excessive cost of \$17,000 per mile per annum.

"The use of the tubes is confined to the transportation of first-class mail, which represents, according to the report of the Hughes Commission, approximately 12 per cent of the entire weight of all classes of mail. However, since the establishment of the Parcel Post Service this percentage has been greatly reduced as to bulk and somewhat reduced as to weight. In two of the cities having pneumatic-tube service less than 50 per cent of the first-class mail (which constitutes less than 12 per cent of all mail) is transported by tube between the points having such service, while in some cities the volume is greater; but notwithstanding this fact it is necessary, because of the limited capacity of the tubes, to parallel the tube service in each instance by surface transportation, not only for the transmission of other classes of mail but for mail of the first class, all of which in theory should be handled by the tubes.

Of the letter mail transported by tubes from 82 to 97 per cent could be handled by the present means of surface transportation without any delay or additional cost. The department therefore derives no benefit from the transportation of a large percentage of the mail that is now forwarded through the tubes. The volume of mail advanced by the use of the tube service at stations having such service, even under the present screen-wagon schedules, which are arranged with a view of utilizing the tube service to the fullest extent, is almost infinitesimal, varying from 1 per cent of the entire volume of mail in New York City to as low as 0.21 per cent in the city of Philadelphia, the average for all cities having tube service amounting to about 0.7 per cent.

"The price paid for the tube service is the same in all instances (\$17,000 per mile per annum), which is a higher rate per mile than the total paid all the railroads that enter New York City for carrying all of the mail, approximately three times as much as that paid all the railroads for the same purpose that enter Boston, more than twice as much as that paid the railroads that enter St. Louis, and greater than the amount paid the railroads that enter Philadelphia, notwithstanding the fact that they only advance from 0.21 per cent to 1 per cent of the mail.

'If the tubes are abandoned other means of transportation can be furnished at less than one-third the cost, which will not only transport the mails as expeditionsly as the present tube service but even more so. The postmasters at the cities of Boston, Philadelphia, St. Louis, Chicago, and Brooklyn have stated that the tube service can be discontinued and more efficient service rendered by other means; and although the pneumatic tubes cost \$17,000 per mile per annum, the statements made by these efficials show clearly that better service can be rendered at a cost that would equal \$3,500 per mile.

The question therefore resolves itself into one as to whether or not the Postmaster General shall be directed to continue a service at \$17,000 per mile per annum when better service can be rendered at a cost of \$3,500 per mile or less, and which the postmasters and supervisory officers at offices involved have urged be discontinued. Against the statements of the persons having charge of the Postal Service we have those of the hired attorneys, agents, and officers of the tube companies urging that they be continued, and who have rallied to their support business organizations whose representatives have no knowledge of the Postal Service and have not the slightest responsibility resting upon them for its successful administration.
"The evidence before the committee shows that during one

evening recently in New York City more than 700 containers of mail originating below Forty-second Street were delayed, some of them for a great length of time, because of the congestion in the tubes. This congestion involved a delay of more than 11 tons of important business mail originating in the financial and business districts of New York City. Much of this mail missed its connections, involving delays from 12 to 24 hours in delivery. If the business organizations in New York City knew the true facts of this service, I am persuaded to believe they would be insisting on its discontinuance instead of its continuance.

The percentage of the additional mail which it would be necessary to provide transportation for in case the tubes are to be discontinued is so small its effect upon the congestion of the streets would not be noticeable; besides, the Post Office Department should have the same right to place vehicles upon the streets as merchants and business men of the various cities There was no evidence before the committee that any protest had been made by the traffic officers or officials of any city against the merchants placing such machines on the streets as might be necessary to deliver their parcels; besides, a very large portion of the tube service in Boston was built for the merchants for the delivery of parcels, but abandoned by them more than 15 years ago as an unsuccessful business venture. No protests were made by the merchants of the city at that time against the discontinuance of this service and placing their traffic on the streets. In endeavoring to discontinue the service at this time the Post Office Department is attempting to discontinue a service that the merchants of Boson 15 years ago considered as obsolete and useless.

"The Senate must therefore decide between the recommendations of the department, the postmasters, and those responsible for the Postal Service and whose duty it is to render efficient postal service on the one hand and the inspired representations made by the tube companies on the other; and the only practical conclusion would be to follow the recommendations of the Post Office Department and not appropriate a million dollars to be used in the next year in extravagance and waste. In directing that the Post Office Department continue the use of the service for another year the Senators are directing that the Postmaster General use a utility which the Members of Congress themselves are not willing to use, because the tube line which is built between the Capitol and the House Office Building has never been utilized to any purpose because it has not been found by the Members themselves to be practicable."

Mr. President, I have a statement prepared for me by the First Assistant Postmaster General of the cost and the saving to the Government if the Post Office Department is permitted to do what the Post Office Department believes to be in the interest of the public service.

The act of 1902 provided this contract should not be renewed until the Postmaster General had appointed a commission of not less than three expert postal officials to investigate it, believing that he would do that which would promote the public service rather than take care of private interests. The Post-master General has done that. This report has been made as I have stated heretofore. Now, listen to what they discovered: The percentage of mail of all classes which is first class is 12. The percentage of letter mail received and dispatched by tubes at stations having tube service in New York is 46.92. In portation if tubes are abolished—New York I, Brooklyn, Brooklyn, 47.75 per cent of first-class mail; in Boston, 89.36; 0.53; no data for Boston; 0.99 for Chicago; 0.68 for St.

in Chicago, 67.03; St. Louis, 80.96; and in Philadelphia, 67.44; that is, 67 per cent of 12 per cent of the total mail handled

Percentage of mail of all classes, percentage of letter mail received and dispatched by tubes at stations having tube service in New York is 5.63; Brooklyn, 5.73; Boston, 10.72.

[At this point Mr. VARDAMAN yielded to Mr. BRYAN, on whose motion the Senate agreed to meet at 10 a. m. to-morrow.]

Mr. VARDAMAN. Now, Mr. President, I am going to repeat this table and I hope Senators will listen to it. They talk about economy, retrenchment, and reform. Unless the officers of the Post Office Department are incompetent and dishonest this statement will convince you that the continuation of the pneumatic system is an unwarranted and indefensible extravagance of something over \$600,000 per annum. It is a gratuity voted out of a depleted Treasury to men who have no legal or moral right to receive it.

As I said in the beginning, I do not know whether these facts are true or false, but I am going to indulge the presumption that the officers of the law, the Postmaster General, and those who have cooperated with him in making this investigation are honest and patriotic. I am convinced also that they are informed and inspired by a sincere desire and purpose to perform properly the functions of their respective offices.

Mr. THOMAS. May I ask the Senator a question? The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. VARDAMAN. I do.

Mr. THOMAS. Is it not a fact that the pneumatic-tube system of Boston was constructed as a commercial enterprise, and having proved a failure for that purpose was then taken over by Government for its mail system at an expense of \$17,000 a mile? I have been so informed.

Mr. VARDAMAN. I understand that is true. This commis-

sion reports

Mr. MARTINE of New Jersey. Permit me to state that it does not militate against the policy of the tubes because it was started for a parcel-post business.

Mr. VARDAMAN. I want to say to the Senator who interrupts me without permission-but he is always welcome to any time I may have at my disposal-

Mr. MARTINE of New Jersey. I humbly beg the Senator's pardon.

Mr. VARDAMAN. That the judgment of the Postmaster General and the expert officers of the Government who have investigated it is worth quite as much as my superficial investigation and the investigation of the able Senator from New Jersey, and I think they are quite as honest and patriotic as Members of this body. They know more about this question than any Senator knows about it, and they are not interested in anything else than the public service. They have no friends with investments to protect. It matters not with them whether the \$10,000,000 or \$7,000,000 invested in the tubes pay dividends or not. They are sworn to serve their Government and the American people, and I believe they are doing it fearlessly and well.

Now, listen, I repeat, what they say about it: The percentage of mail of all classes which is first class is 12.

Percentage of letter mail received and dispatched by tubes at stations having tube service, New York, 46.92.

Mr. WEEKS. Does that refer to weight or to pieces?

Mr. VARDAMAN. It means for the total mail.

Mr. WEEKS. I mean is the Senator using the basis of pieces or of weight?

Mr. VARDAMAN. I am using the basis, as I said, of letter mail received and dispatched by tubes at stations having tube service; that is, letter mail that is sent through the tubes.

Mr. WEEKS. What I want to know is, does that mean 12 per cent of pieces or 12 per cent of weight?

Mr. VARDAMAN. No; it is 12 per cent of all the mail.

Mr. WEEKS. Total of what; weight?

Mr. VARDAMAN. I suppose it means 12 per cent of the mail. In New York it is 46.92; Brooklyn, 47.75; Boston, 89.36; Chicago, 67.03; St. Louis, 80.96; Philadelphia, 67.44.

Now, the percentage of mail of all classes received and dispatched by tubes at stations having tube service is 5.63 at New York, at Brooklyn 5.73, at Boston 10.72, at Chicago 8.04, St. Louis 9.71, Philadelphia 8.19.

Percentage of letter mail received and dispatched by tubes that can be handled by existing means of transportation without delay or additional expense, New York, 82.21; Brooklyn, 90.82; there is no data given for Boston; Chicago it is 87.73; St. Louis, 82.79; Philadelphia, 97.46.

Percentage of entire volume of mail handled at tube stations for which it will be necessary to provide other means of trans-

office.

Louis; 0.21 for Philadelphia. Cost per mile for tube service \$17,000 in all these cities. Cost per mile for transporting entire volume of mail arriving and departing on all railroads in New York, \$16,764 (that includes Brooklyn; Boston is \$6,038; Chicago, \$26,509; St. Louis, \$7,236; and in Philadelphia, \$15,898).

Cost of present surface transportation (excepting collection service) in New York, \$568,873; in Brooklyn, \$142,367; in Boston, \$99,549; in Chicago, \$346,308; in St. Louis, \$101,752; in Philadelphia, \$133,216.

Cost of existing tube service in New York, \$449,293; Brooklyn, \$22,950; Boston, \$115,158; Chicago, \$168,419; St. Louis, \$33,796; Philadelphia, \$169,998, making a total of \$959,614.

The estimated cost of surface transportation if tubes be

abolished is \$250,000 in New York (that includes Brooklyn),

\$29,000 in Boston, \$28,000 in Chicago, \$4,700 in St. Louis, \$34,000 in Philadelphia, making a total of \$345,700.

The estimated annual saving in New York is \$199,293, Brooklyn \$22,950, Boston \$86,158, Chicago \$140,419, St. Louis \$29,096, Philadelphia \$135,998, or a saving if the report of this committee shall be adopted to the people of the United States of \$613,914.

Mr. WALSH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Montana?

VARDAMAN. I yield to the Senator.

Mr. WALSH. I should like to ask the Senator what the percentage of increase of haulage would be if the mail now transported by tubes were transported by means of automobile trucks—that is, through all these cities?

Mr. VARDAMAN. It is right here; I just read it. Percentage of entire volume of mail handled at tube stations for which it will be necessary to provide other means of transportation if tubes are abolished, in New York, 1; in Brooklyn, 0.53; no data for Boston; in Chicago, 0.99; in St. Louis, 0.68; and in Philadelphia 0.21.

Mr. WALSH. Let me inquire, Is it the opinion of the Senator from Mississippi that no additional trucks would need to be put upon the streets for the purpose of effecting a haulage?

Mr. VARDAMAN. It would require some, I think.

Mr. WALSH. How many?

Mr. VARDAMAN. Here it is, Percentage of letter mail re-ceived and dispatched by tubes that can be handled by existing means of transportation without delay or additional expense, in New York, 82.21; in Brooklyn, 90.82; no data for Boston; in Chicago, 87.73; in St. Louis, 82.79; and in Philadelphia, 97.46.

As a matter of fact, Mr. President, when this matter was

brought to my attention I could not understand, as I stated a moment ago, and I do not understand now-if we indulge the presumption that the Postmaster General is honest, patriotic, and worthy of the great place he occupies, and I believe he is; if those associated with him in this investigation are capable, sincere, and trustworthy, and I believe they are; if they have stated the truth in this report-I repeat, I can not see how there can be any justification for the continuance of this tube service. But it is urged by the proponents of this measure that additional trucks upon the streets will bring about congestion of the commerce of the city; that they will hinder and delay the movement of commerce along the streets. Now, I submit that nobody raised that question when the merchants of Boston abandoned the tubes and put upon the streets wagons for distributing their goods throughout the city. The number of trucks that will be necessary to carry the mail that is now carried by the tubes in addition to the trucks already in use by the Post Office Department is so infinitesimally small that it will not block the channels of commerce in these great cities to any appreciable extent. In conversation with the Postmaster General about this matter he said to me with great earnestness that if he had the power to act for the Government he would abandon the use of the tubes, even if the stockholders were to deed the entire system to the Government without cost, because he thought it would be a wise economy and a great saving of public funds, besides adding materially to the efficiency of the service.

Mr. WALSH. That is what I wanted to inquire about. Mr. JONES and Mr. WADSWORTH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missis-

sippi yield; and if so, to whom?

Mr. VARDAMAN. I will yield to the Senator from Washington in a moment.

Mr. WALSH. I simply want to inquire of the Senator if he can tell us what additional percentage of trucks it would be necessary to put upon the streets in order to do this work?

Mr. VARDAMAN. I can not tell the Senator from Montana

offhand, but it would require very few more trucks. I now yield to the Senator from Washington.

Mr. JONES. Mr. President, I merely want to say that in the copy of a letter which the Postmaster General wrote, and which I received this morning, I think there is a direct answer to the question of the Senator from Montana [Mr. Walsh]. If the Senator from Mississippi will permit me, I will read just a few lines from the letter.

Mr. VARDAMAN. I shall be very glad to have the Senator

from Washington do so.

Mr. JONES. The Postmaster General states:

Approximately \$7½ per cent of the mail now transported by tubes can be transported by the present means of surface transportation without additional cost or delay. If the tubes are abandoned, it will be necessary to provide transportation for 12½ per cent of the first-class mail now forwarded by tubes, which represents 0.7 per cent of the entire volume handled at the station having tube service. It can be easily seen that the claim that this would greatly congest the streets is ridiculous.

Assuming the statement of facts to be as the Postmaster General has made it, it gives a pretty good idea as to the situ-

Mr. VARDAMAN. If the Senator from Washington will pardon me, I had already put that information into the Record.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New York?

Mr. VARDAMAN. I yield to the Senator from New York with pleasure.

Mr. WADSWORTH. The Senator from New York thanks the Senator from Mississippi for his patience, but I had an idea that I might contribute to an answer to the Senator from Montana [Mr. Walsh] when he inquired as to what increase there would have to be in the service of trucks in order to take care of the mail which is now handled in the tubes. The assistant postmaster of the city of New York appeared before the Post Office Committee and incidentally very strenuously urged the retention of the tube service in that city. I might say, in passing, that the present postmaster of New York rose from the ranks, starting in as a civil-service clerk in that

He says with respect to that that on two circuits, which in a sense are now paralleled by the tubes, they make 24 trips a day with automobile trucks, while if the tubes were abandoned there would have to be 38 trips a day. On another circuit, where they are now making 20 trips a day with the trucks, if the tubes should be abandoned they would have to make 41 trips. His testimony goes much further into the merits of the case, and at the proper time I shall call it to the attention of the Senate, for the postmaster arrives at conclusions utterly different from those of the Postmaster General.

Mr. VARDAMAN. Mr. President, in reply to the information which the Senator from New York has given for the purpose of showing the necessity for retaining the tubes, let me say that if the trips are made with automobiles or with screened wagons they can be made for so much less than the tubes cost and do the work quite as expeditiously. It costs only about \$3,500 to do the work with trucks, screened wagons, and automobiles, while it costs \$17,000 by the tubes. It strikes me that in these strenuous times, with a depleted Treasury and the enormous outlay which must be made for armaments and other expenses of the Government, when the underpaid clerks and employees of the Government are knocking at the Treasury for help, that this item of three-quarters of a million dollars, aside from the moral question involved, should appeal to Senators as worthy of consideration.

Mr. President-Mr. THOMAS.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. VARDAMAN. I do. Mr. THOMAS. Will it interrupt the Senator if I inquire whether the Postmaster General's report does not recommend the retention of the tubes between the post office and the Grand Central Station in New York?

Mr. VARDAMAN. Yes; he recommends that with reference to New York.

Mr. President, I have discharged what I believe to be my duty to the American people. I have put into the RECORD the facts of the case as I understand them. It now remains with the Senate to do as its sense of prudence, economy, and loyalty to the American people may dictate.

Mr. President, I now ask permission to print as a part of my remarks a letter from the Postmaster General which is addressed to the Senator from Alabama [Mr. Bankhead], chairman of the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted.

The letter referred to is as follows:

FERRUARY 10, 1917.

Hon. John H. Bankhead, Chairman Committee on Post Offices and Post Roads, United States Senate.

Hon, John H. Bankhead,

Chairman Committee on Post Offices and Post Roads,

United States Senate.

My Drar Senator Bankhead: The bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, now under consideration by the Senate, contains a provision, on page 15, which authorizes and directs the Postmaster General to extend existing contracts for pneumatic-tube service until June 30, 1918. This proposed amendment is a change in existing law and practically nullifies the act of Congress of 1902 relating to this service, which provides:

"(a) That no advertisement shall issue until after careful investigation shall have been made as to the needs and practicability of such service and until a favorable report in writing shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials, to be named by him; and
"(b) Nor shall such advertisement issue until in the judgment of the Postmaster General the needs of the Postal Service are such as to justify the expenditure involved."

In accordance with this act a commission composed of the ablest postal experts in the service was appointed, and, after thorough investigation, recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis. These recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved, and from the facts before me I am thoroughly convinced that the needs of the Postal Service are not such as to justify the expenditure involved for pneumatic tubes, as the act of 1902 requires. The rental paid for the tubes (\$17,000 per annum per mile) is exorbitant, and more efficient service can be rendered by other means at less than one-fifth of the cost.

Notwithstanding the inefficiency and limited capacity of the tubes, the rental paid is greater per mile than the entire amounts paid the railroads per mile that enter New York City for carrying the

The contracts for this service will expire on March 4, 1917, and the department is not under the least moral obligation to renew these contracts or to continue the service further, and the representatives of one of the companies so admitted when appearing before your committee.

one of the companies so admitted when appearing before your committee.

This pneumatic-tube service as a means of transportation is obsolete and has little or no merit. To continue its use would be an extravagance and waste of public money. The companies, realizing this, have no hope of securing a renewal of their contracts under the law of 1902, and are now endeavoring—although they admit the department is not under the slightest obligation to them to have the service extended—to continue the service by having Congress direct the Postmaster General to extend the contracts to June 30, 1918. If this amendment prevails and the Congress directs the extension of the contract without competition or regard to the merits of the service involved, it will be establishing a precedent, as there would be nothing to prevent any other contractor for any other branch of the service coming to Congress and asking that the same consideration be shown him.

That the pneumatic tubes as a means of transportation are obsolete can not be demonstrated better than by the fact that a large portion of the system in Boston, which was installed more than 15 years ago for the use of the merchants in transporting parcels, proved an absolute failure and was abandoned and then railroaded on the Postal Service.

Service.

The department is confronted with this situation—whether it shall continue the use of the service at an enormous rental and continue to impose on the public an inefficient service by delaying its mail when the mail can be expedited by other means which are efficient and which can save the Government \$613,000 each year.

The Postmaster General is charged with the responsibility of administering the Postal Service in an efficient manner, and must stand the criticisms of the public when he falls to do so. For that reason he should not have an inefficient service imposed on him, and I trust that the amendment will not prevail and that the department will be permitted to undertake the responsibility for working the matter out in its own way under the law as Congress has written it and in the interest of the public and without an extravagant waste of money.

Very sincerely,

A. S. Burleson,

A. S. BURLESON, Postmaster General.

During the delivery of Mr. Vardaman's speech, Mr. BRYAN. Mr. President—Mr. VARDAMAN. I yield to the Senator.

Mr. BRYAN. Will the Senator allow me to make a motion with reference to the hour of meeting to-morrow?

Mr. VARDAMAN. Certainly; I will be very glad to yield for that purpose.

Mr. BRYAN. I move that when the Senate adjourns to-day it be until 10 o'clock to-morrow.

Mr. PENROSE, Mr. President—
The PRESIDING OFFICER. Does the Senator from Missis-

sippi yield?

Mr. VARDAMAN. I have yielded for that purpose, but I was going to ask the Senate, if there is nothing else to engage the attention of the Senate to-night, to give the friends of the flood-control bill an opportunity to discuss that measure at a night session.

Mr. BRYAN. That would not interfere with this motion. Mr. PENROSE. If the Senator will permit me, I earnestly hope the Senator will not insist on meeting at the hour of 10 o'clock. Experience has shown conclusively, I think, that we accomplish nothing by it except greatly inconveniencing those Senators who are conscientious enough to be here when the Senate meets. We wait for 30 or 40 minutes to get a quorum

and just waste our time and the time of the Senate. Mr. BRYAN. It seems to me it is just a choice between meeting at an early hour to-morrow and having a night session, and I feel sure that we would not be likely to have a quorum

to-night.

Mr. PENROSE. I am as sincerely anxious to expedite the legislative program as any member of the majority.

Mr. VARDAMAN. If this discussion is going to continue, I

Mr. PENROSE. I beg the Senator's pardon; I understood we were discussing in a kind of unanimous-consent way the suggestion of the Senator from Florida. If I am wrong, of course, I will yield. Mr. VARDAMAN.

I have no objection to yielding to the

Senator at all. Go ahead.

Mr. PENROSE. That is what I thought, that I had the Senator's consent. I am as earnestly anxious as any Member of this body to expedite the legislative program and get every bill passed that properly ought to be considered in the limited time allowed, and let us adjourn. I view with abhorrence the mere possibility of an extra session unless something unexpected occurs to require it. But experience shows, and I think a little reflection will convince the Senator from Florida of the fact, that we accomplish nothing by trying to overwork the Senate. We are all busy men; we have committee meetings and other matters outside of our actual physical presence on this floor.

Mr. BRYAN. Would the Senator prefer to go on to-night rather than to meet earlier to-morrow?

Mr. PENROSE. I have no personal preference one way or the other, but I know you will not have a quorum here at 10 o'clock to morrow, and you may have to wait until nearly 11 o'clock to get a quorum. I doubt whether you would have a quorum to-night. My suggestion would be—

Mr. VARDAMAN. Will the Senator consent to have a night

session to consider the flood-control bill?

Mr. PENROSE. Yes; as far as I am concerned.

Mr. WEEKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. VARDAMAN. I yield to the Senator from Massachu-

setts

Mr. WEEKS I hope to have an opportunity to make some comments on this matter. I have a very important engagement to-night, and it would be extremely inconvenient for me to attend. I am willing that the Senate shall convene at 9 o'clock

to-morrow, so far as that is concerned.

Mr. VARDAMAN. I should be glad to meet the Senator's convenience by confining the discussion to-night to the flood-

control bill

Mr. BRYAN. If the Senator will permit me just a moment, it was my idea that the Senate would stay in session until 6.30 and go on discussing this bill.

Mr. SMOOT. Six o'clock. Mr. BRYAN. Or 6 o'clock. Mr. BRYAN. Or 6 o'clock. At any rate, it was not the intention to adjourn immediately; but while a number of Senators are here who will probably not remain much longer I wished to make the motion. If agreeable to the Senator from Mississippi, I will move that when the Senate adjourns to-day it be until 10 o'clock to-morrow.

Mr. PENROSE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Pennsylvania?
Mr. VARDAMAN. I yield to the Senator from Pennsylvania.
Mr. PENROSE. If the Senator from Florida insists on overtaxing this body with work which I know they are not willing to respond to, I want to say that, while I do not want to make myself disagreeable, I shall insist on having a quorum during these extraordinary hours. My advice to the Senator would be to go along as he is doing. He is making good progress; we are drawing very nearly to the end of this bill; and he will

gain just as much by having us here fresh and invigorated and attentive to the job instead of having the bell ringing every 15 minutes to summon laggards into the Chamber.

Mr. BRYAN. I hope the Senator will be here at 10 o'clock to-morrow.

Mr. PENROSE. I will be here, and I want the rest here.

Mr. BRYAN. I ask the Chair to state the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida, that when the Senate adjourns to-day it adjourn to meet at 10 o'clock to-morrow.

The motion was agreed to.

After the conclusion of Mr. Vardaman's speech, Mr. MARTINE of New Jersey obtained the floor.

Mr. POINDEXTER. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. MARTINE of New Jersey. I yield to the Senator.

Mr. POINDEXTER. Mr. President, I desire to renew the point of order which I made against this provision, and I beg leave briefly to state the grounds upon which I make the point of order. I make it, first, upon the ground that the amendment is general legislation. The general legislation consists in the fact that it contains a mandatory provision requiring the Postmaster General to make a contract for pneumatic tubes. is no such law now upon the statute books, and the provision to that effect in this amendment is a new law of a general nature, changing the existing law. It is general legislation, Consequently, it comes within the prohibition of the rule of the Senate as to general appropriation bills.

Furthermore, the amendment provides for the establishment of a commission consisting of three members of the Committee on Post Offices and Post Roads of the Senate, to be appointed by the Vice President, a similar committee on the part of the House of Representatives, and so forth, as to the constituent

members of the commission.

It then proceeds to define the duties and powers of the commission. "to investigate the value of the pneumatic-tube service, their properties, their franchises, and other equipment, with a view to the purchase and operation of the same, or any portion thereof, by the Government, and to ascertain the cost and the terms upon which such purchase may be made." That has nothing whatever to do with the limitations upon the use of the money that is appropriated by this bill. It is a new subject matter, distinct in itself, and of a most general nature.

Mr. VARDAMAN. If the Senator from Washington will

permit me right there, I think the failure of the other House to go any further than it did was because it desired to avoid the

question which the Senator is now raising.

With this bill as the House passed it and with the present law unrepealed, the Postmaster General can not be compelled to make these contracts. It is only by this amendment, which repeals a general law, that this service can be continued. I myself think that the amendment is subject to a point of order.

The PRESIDING OFFICER. The Chair is ready to rule on

the point of order.

Mr. LODGE. Mr. President, I should like to be heard on the

point of order, if I may be.

The PRESIDING OFFICER. The Chair will say to the Senator before he argues the matter that the Chair has changed his mind as to the announcement he made some time ago. Upon further consideration it seems to the Chair now that the point of order is good.

Mr. LODGE. Mr. President, in the first place, this amendment contains two distinct propositions, and I ask that it be

divided.

The PRESIDING OFFICER. If there is no objection, that course will be followed.

Mr. LODGE. I think under the rules the division has to be

I now address myself to the first division of the amendment. The first division of the amendment relates wholly to the appropriation made. It has been held over and over again in both Houses that any provision limiting or directing or controlling in any way the expenditure of money appropriated is in order. think there can be no doubt about that general proposition. Of course, the proposition that we can not compel the Postmaster General to make a contract or prevent his prohibiting a contract being made is untenable. We can direct him to do anything we please. But my single point is that the first part of the amendment which is now divided, and therefore the first amendment really, relates solely to the control of the appropriation. The second part of the amendment relates to the creation of a commission and the appropriation of money, which, so far as I know, is not estimated for; but I think that it has been I hearings, running for some six or seven days. Mayor Mitchel,

held in the past that provision for a commission concerned with the investigation of an expenditure of money appropriated in the bill is in order. However, I am not discussing that now. I am making my contention in favor of the first division of the amendment being in order on the ground that it relates solely to the control of the appropriation.

The PRESIDING OFFICER. Does the Senator from Washington make his point of order to the separate portions of the

amendment as they now stand? Mr. POINDEXTER. I do.

The PRESIDING OFFICER. The first portion of the amendment contains no new proposition. The amount of compensation is not increased or the nature of the service changed. It does not propose new legislation. It seems to the Chair that that part of the amendment is clearly in order.

Mr. POINDEXTER. Mr. President

Mr. LODGE. I think the Chair ought to be allowed to rule without interruption.

The PRESIDING OFFICER. The Chair will be glad to hear

Mr. POINDEXTER. It seems to me the Chair is fully capable of protecting himself in that regard, and that a Senator has a perfect right to make an inquiry of the Chair.

Mr. LODGE. Not in the midst of the Chair's ruling. I never

before saw that done in the Senate.

The PRESIDING OFFICER. The Chair had about completed his ruling, and will be glad to hear from the Senator from Washington.

Mr. POINDEXTER. Mr. President, I only want to say a word in that connection, and that is that, in my view, the first half of this amendment contains a far more vital and substantial change of existing law than the second part. As the law now stands the Postmaster General is not required to make contracts for pneumatic-tube service; whereas, if this amendment is adopted, the Postmaster General has no discretion in the matter, but is required to make a contract for pneumatic-tube service. So that the whole question of the use or the abandonment of pneumatic tubes for transporting the mails-and that is the only question that is being argued here-depends upon the adoption or rejection of this amendment. It must be general legislation if that is the case, and it seems to me that it is the case and can not be denied.

The PRESIDING OFFICER. The House entered into that subject and provided for the continuance of the service now existing; and the House, having entered into that subject, under the rulings heretofore made in analogous cases by the Vice President, the amendment would be in order; that is, as to the first division of the amendment, which the Chair will be com-

pelled to hold is in order.

The second division, creating a commission and authorizing the employment of experts and other assistants, is clearly general legislation, and the point of order will be sustained as to

Mr. POINDEXTER. I will take an appeal from the decision of the Chair.

Mr. VARDAMAN. May I ask the Chair to state definitely to me what part of the amendment he holds not to be in order?

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. Lodge] asked to have the amendment divided. The first division is that down to and including the word "authorized," in line 20. To that part of the amendment the Chair overrules the point of order, but sustains it as to the remainder of the amendment, on the theory that the remainder is new legislation.

Mr. VARDAMAN. The Chair holds, then, that the amendment is in order down to line 20?

The PRESIDING OFFICER. Yes.

Mr. MARTINE of New Jersey. I should like to ask what effect that ruling will have on the amendment as a whole? The PRESIDING OFFICER. The amendment stands down

to line 20.

Mr. MARTINE of New Jersey. Mr. President, I am a member of the Committee on Post Offices and Post Roads, and listened very diligently and industriously to the whole discussion of the pneumatic-tube service. I feel that I am doing my duty to the constituency I represent and to the United States just as zealously as is the Senator from Mississippi when I utterly disagree with his conclusions.

Pneumatic tubes are a very practical method of mail transportation. It is true the Postmaster General rebels against it; it is true that a commission, selected. I believe, by the Post Office authorities, made an investigation and submitted a report urging the discontinuance of the pneumatic-tube service; but before the Committee on Post Offices and Post Roads we had very extensive

of the city of New York, appeared before us and declared in the most positive terms that it would be a step backward and a disaster to the mercantile and commercial interests of New York to have the pneumatic-tube system abandoned. We also had before us the postmaster of the city of New York, whose name was given, I think, by the Senator from New York, who declared in equally positive terms that the pneumatic tubes furnished a most efficient adjunct to New York's postal facili-ties, and that they would not know what to do without that service. We also had before us merchants ad libitum, prominent business men and commercial men, who, without reference to party or partisan considerations, gave testimony of the value of this service because of their great interest in the commerce and business of New York. We had before us the official who has charge of the traffic of the city, and asked him what would be the condition if the travel should be augmented in the congested sections of New York. He said the result would be nothing less than disastrous. The universal consensus of opinion was that we would not be doing our duty toward transportation in the city of New York and the mail facilities of that great community if we did not adhere to the present system. We were told of the frequent congestion on the railroads, of their being held up by snow and troubles caused by other conditions. I imagine that some investigations which have been made in the past were very cursorily made. They did not get together at all the citizens whose business interests were affected, and the public knew nothing of them.

Then there appeared before the committee representatives from the city of Boston. I do not know whether we had before us the mayor of that city, but we had members of the board of trade and of the chamber of commerce, the postmaster, and representatives of commercial and mercantile interests, who brought photographs showing the conditions of congestion in the narrow, crooked streets of that busy metropolis. We listened to them and listened to the merchants and to the officials connected with

the service.

Mr. VARDAMAN. Will the Senator yield to me for a question? Mr. MARTINE of New Jersey. Certainly; I will be more generous than the Senator was with me.

Mr. VARDAMAN. I do not think the Senator could be. Mr. MARTINE of New Jersey. I will listen to the Senator's

Mr. VARDAMAN. I merely want to ask the Senator if he intends to state what the postmaster of Boston, the postmasters of Chicago, of Philadelphia, and of St. Louis said about it. They are Government officials charged with a very serious duty.

Mr. MARTINE of New Jersey. I have no reflection to make upon the Government officials. I have no reflection to make upon the Postmaster General nor this commission that the Postmaster General instigated or started; but I have just this to say, as a simple human being: Their judgment in practical matters is no better than mine and no better than that of the Senator from Mississippi. In the light of all the information that we have, as I say, from the city of New York and from Brooklyn-one citymy judgment was, and the judgment of the committee, was that it was wise to continue the tube system. We had before us these gentlemen from Boston, and their consensus of opinion was just in the same direction, that it would be a step backward and a dis-We had that opinion in Philadelphia as well. Of course Philadelphia is situated rather differently from some of the others. Their streets are straight and not as crooked as they are in Boston; but we have the testimony of the gentlemen connected with the Post Office Department that on Chestnut Street and some of those narrow streets which are only one-way-travel streets in the city of Philadelphia, anything like abandoning this pneumatic-tube service would add to the congestion, and be a danger and a disaster. We did have the matter of St. Louis, that the Senator mentioned. It is true, with reference to carrying it out to East St. Louis—I think that was the plea that was brought before us-I thought that was not so well substantiated. But in Chicago the testimony was universal that it would be a step backward, and that it would be unwise for us to abandon the tube system. It would multiply the congestion on the streets and would not facilitate the mail transportation in these great cities.

Now, of course, I heard a good deal of talk to the effect that there was a "job" in it. I feel that \$17,000 n mile is too high a yearly rental for the Government to pay. I have always advocated, but particularly since this came to me I have felt, that the Government of the United States should own this system as much as they own the mailbags that carry the mail. They should own this transportation system, this underground system. I think that \$17,000 per mile is too much; but our suggestionMr. THOMAS. Mr. President, may I interrupt the Senator? The PRESIDING OFFICER. Does the Senator from New Yersey yield to the Senator from Colorado?

Mr. MARTINE of New Jersey. Yes, sir.

Mr. THOMAS. I should like to inquire whether the company or companies-

Mr. MARTINE of New Jersey. Two companies, I think, own all the tubes in these five cities.

Mr. THOMAS. Whether they pay to the cities anything for the use of the streets?

Mr. MARTINE of New Jersey. I can not answer that question. They spoke about the cost of construction, which, I thought, was padded up too high. I do not know whether they pay for their franchise or not. They pay for their patents, I understand. I think I asked that of one of these gentlemen, but I got no satisfactory response.

Mr. THOMAS. They probably do not.

Mr. MARTINE of New Jersey. I think very likely they do not. But, as I say, I am in favor of the Government becoming the owner; and I think our proposition as presented by the committee is a laudable one, a straightforward one, and a businesslike proposition.

Of course, we can not take over these tubes in a trice. can not take them over by simply saying so. We must appraise their value and arrange for payment for them. In the meantime it would be a misfortune and a disaster to the mercantile and commercial public to have their mails stagnate. So we submit a proposition for a re-lease or a renewal of the contract for a time—I can not just recall the time specified in the billthat a renewal of the contract shall be made for a specified time, and that then a commission shall be appointed to appraise the value of the system, and let the Government take it over.

I tell you, Mr. President, you can hardly picture the situation in the city of Boston, or in the city of New York, or in the other congested cities where travel is simply intense and people are crowded in almost like sardines in a box; so that it is a crime, believe, for us to add to the congestion by adding new automobiles or means of transportation when we have a method underneath the surface that can transport this mail and is doing it. I asked every one—I think the Senator from Mississippi was present—whether it was doing efficient service now. The answer was, "Yes," in New York. "Is it doing efficient service?" I asked of the gentleman in St. Louis. "Yes." "Is it doing efficient service in Boston?" "Yes." "Is it doing efficient service in Boston?" "Yes."

Mr. VARDAMAN. I think the great congestion was in

Boston.

Mr. MARTINE of New Jersey. It is,

Mr. VARDAMAN. Now, of course, the wagons employed to carry the mail are not so numerous as the wagons employed to deliver goods, and yet this Boston system that was designed to convey merchandise underground has been abandoned as a useless and expensive system, and it is remarkable that the business interests of Boston did not urge them to continue it.

Mr. MARTINE of New Jersey. Whether it was abandoned because it was an expensive method or not, I do not know. In answer to the Senator from Colorado, who raised the question whether this system was not first built for the carriage of parcels, I will say that it was; but that does not militate against its usefulness. It was finally narrowed down to an 8-inch tube. I think it was originally from 10 to 20 inches. It has narrowed down to an 8-inch tube in Boston. That does not militate against it.

Why, sir, at this very day in London they are building tubes run by atmospheric pressure, for the purpose of carrying and transporting the mails, that are infinitely more than 8 inches in diameter. They are tremendous in size. It is not entirely confined to a small tube. Why, sir, it was my experience, I will say, to have ridden, many years ago—it makes me feel old when I think of it-for two blocks on Broadway in a tunnel that was known as the Beach pneumatic tube. That tunnel was 7 feet in diameter and had a car fitting in it with a tightly fitting piston, and I was driven two blocks backward and forward, to and fro, with a pneumatic system.

I do feel, Mr. President, that the abandonment of this service would be a step backward. I feel that we were entirely justified in making the report that emanated from the committee of which the Senator from Alabama [Mr. Bankhead] is chairman, and I hope the Senate of the United States will ratify this feature

whatever else they may do.

Mr. WALSH. Mr. President, a parliamentary inquiry. I ask if it is the understanding of the Chair that an amendment proposed by a committee may be divided for the purpose of the application of the rule which forbids an amendment contemplating general legislation?

My understanding of the practice which has heretofore prevailed here, practically without exception, is that any amendment tendered is obnoxious to the rule if it contains in any part of it general legislation; and that for the reason that the amendment tendered must necessarily be considered as a whole, each part of the amendment being an inducement for the reporting of every other part of the amendment.

In this particular instance it may well be assumed that the second part of the amendment was put on to meet the objections of those who found the first part objectionable without it; in other words, that the committee would not have reported the first part of the amendment if the second part were not incorporated in the amendment. It occurs to me that it does violence to the action of the committee to cut from the amendment an essential part of it and proceed to the consideration of the remainder, which may not ever have received the concurrence of the committee.

But, Mr. President, without any regard to the particular features of this amendment I think I speak from a very accurate recollection of repeated rulings of the Chair to the effect that an amendment must be regarded as a whole, and that if in any of its features it makes provision for general legislation, the objection lies against the amendment.

Mr. LEWIS. Mr. President, I should like to point out to my able friend from Montana the fallacy of his logic, as I see it.

The rule prohibits an attempt at general legislation upon an appropriation bill. Supposing a whole paragraph contained 10 lines of matter wholly appropriate, and it had a period, and then two lines beginning with a paragraph that really did amount to general legislation. The obnoxious part of the paragraph would be that part that violated the rule. That which was wholly permissible would be that part that did not violate the rule. The fact that a part that was wholly separate might violate the rule would not justify the denouncing of the whole paragraph and chapter, much of which in nowise violated the rule.

The able Senator from Montana-a most excellent lawyer, with renown in the country of the West where he livestoo often confronted the proposition that a paragraph in an act may be unconstitutional, but the whole act does not fall thereby; a provision in a law may be invalid, but the whole law in all its provisions does not fall thereby. Therefore, I think the real test must be that part of the law or that part of the provision which in itself is the violation, not all the remainder, which in no wise may be in itself, in its subject matter, or in its relation a violation.

Therefore, I take issue with the viewpoint of the able Senator from Montana in the legal deduction which he assumes to draw; and I. of course, favor, as I am naturally favorable to, the position taken by the Senator from Massachusetts [Mr. LODGE 1.

Mr. LODGE. Mr. President, it makes no difference what the purpose of the committee was in offering the amendment, or what the purpose of a Senator is in offering an amendment, the right to ask for a division of the question under debate is an absolute right vested in any Senator. There is no limita-tion on the purpose; he may have it divided. I asked to have it divided before I discussed the point of order. The rule is

If the question in debate contains several propositions, any Senator may have the same divided.

The PRESIDING OFFICER. The Chair sees no escape from Rule XVIII:

If the question in debate contains several propositions, any Senator may have the same divided.

Mr. GALLINGER. Mr. President, the Book of Precedents has almost innumerable instances where amendments have been divided. If there were any need of it, the Presiding Officer might turn to page 35 in the Book of Precedents and he would see that as far back as 1820, and again in 1859, this question was up; and in every instance it was ruled that if an amendment was properly divisible, the division could be demanded.

There is no question about it.

Mr. WALSH. Mr. President, I trust the Senator from New
Hampshire is not of the opinion that the Senator from Montana ever questioned the right to have an amendment divided for the

purpose of voting on the amendment.

Mr. GALLINGER. I did understand that that was the Senator's position.

Mr. WALSH. I certainly did not intend to convey that idea. Of course, I recognize the right to have an amendment divided into various propositions and to have a vote taken upon the various propositions. That is not the question at all. The

precedent that would be pertinent to the case would be a precedent which permitted the question to be divided in order to determine the application of the rule against general legislation. That was the question that I submitted.

Mr. GALLINGER. When the question was divided the rule would be invoked against each division of the question.

Mr. LODGE. It has been.

Mr. GALLINGER. And it has been.
Mr. WALSH. That is what has been done; but I have in mind a specific instance in which the Vice President, being in the chair, as my recollection is, ruled that it could not be done: that the amendment must be regarded as an entirety. It was an Indian appropriation bill, and the bill carried an appropriation in relation to the Blackfeet Indian Reservation, and then carried an extensive provision in relation to opening a portion of the Blackfeet Reservation. The point of order was raised by the Senator from Kansas [Mr. Curtis]. He pointed out that it was an appropriation which contained general legisla-That was conceded, and the whole amendment went out: and the bill went back to the committee, which reported back simply the appropriation feature.

Mr. GALLINGER. I do not recall that instance. I am sorry if the Vice President did make a ruling of that kind, because it certainly is contrary to most of the precedents of the Senate during the time I have been in the service of the Senate. It may be that in that instance the point of order would lie against both provisions of the bill. I do not know the circumstances

Mr. BRYAN. Mr. President, I remember that the decision was made by the Chair on the Post Office appropriation bill last year that you had to take the whole amendment or reject it; that it all had to stand or fall together; but it was not the Vice President who made that ruling. It was the Senator from [Laughter.] Montana.

Mr. WEEKS. Mr. President, a parliamentary inquiry.
The PRESIDING OFFICER. The Chair would suggest that
if the Senate is to adjourn at 6 o'clock, it might be a good plan to let this matter go over until to-morrow, and then the Vice President will be here.

Mr. WEEKS. In what shape is it? Mr. BRYAN. Mr. President, I want to say one word more,

and then I shall be through.

I do not believe the second part or any part of this amendment is subject to a point of order. The proviso is a limitation upon the appropriation. It seems to me it is a stretch of language to say that Congress can not create a commission merely to report back to Congress, and call that general legislation in the sense meant by the rule.

Mr. VARDAMAN. Mr. President-

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I do.

Mr. VARDAMAN. I have such great respect for the Senator's knowledge of parliamentary law that I dislike to imperil my own reputation by differing from him, but I want to ask the Senator if the law providing that the Postmaster General shall have this investigation made and the result of it reported before another contract shall be made is in force to-day?

Mr. BRYAN. No; the contract is about to expire, or has expired once, and my recollection is that Congress last year extended it for a few months. That is not the point covered in this amendment, however. The House provision appropriates the money. The Senate amendment makes the same appropriation, but provides that the Postmaster General shall continue existing contracts.

Mr. VARDAMAN. Does the Senator think that if the Senate had concurred in the House provision the Postmaster General under that act would have been compelled to renew the con-

Mr. BRYAN. Undoubtedly the Postmaster General would have been required to pay for the pneumatic-tube service in these cities under the House language.

Mr. VARDAMAN. It does not repeal the existing law, which says that he shall do certain things before he can make the

Mr. BRYAN. No; but the Senator confuses the House rule with the Senate rule. In the House you can not change existing law. That is their rule. Our rule says nothing about existing law.

Mr. LODGE. Nothing whatever. Mr. BRYAN. The test here is whether or not it is general legislation.

Mr. LODGE. Mr. President-

Mr. VARDAMAN. But the Senator does not, perhaps, under-

The PRESIDING OFFICER. To whom does the Senator The Senator from Florida has the floor. vield?

Mr. BRYAN. I only rose to answer a question.
Mr. VARDAMAN. If I may be permitted to do so, I wanted to get the Senator's opinion about that. The idea which I want to bring out is the fact that there is a law now upon the statute book under which the Postmaster General acted in making this investigation. That law requires him to make this investigation before any contract could be renewed.

Mr. BRYAN. Yes. That commission has expired, however. Mr. VARDAMAN. The Senator thinks that that law is exhausted, does he?

Mr. BRYAN. The commission has made its report.

Mr. VARDAMAN. I know it is the opinion of men who have given thought to this question in the House that the provision in that bill would not compel the Postmaster General to act if the Senate agreed with the House and adopted the House provision. Now, in order to do that you have gone ahead and repealed a general law, an existing law, by amendment onto an appropriation bill.

Mr. BRYAN. No.
Mr. LODGE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. BRYAN. I yield.

Mr. LODGE. The law directed the commission to report a year ago last December and the time expired. The report was not sent in in conformity with law. It dragged along and dragged along and nothing was done. Congress made another appropriation and the Postmaster General saw fit not to expend it.

Mr. BRYAN. What the Senator from Mississippi has in mind is this: The House made an appropriation placing it within the power of the Postmaster General not to expend the money. The amendment provides that he shall expend the money by

continuing this service for a year.

Mr. WEEKS. Mr. President, I wish to understand the parliamentary situation. I understand that the Senator from Washington has appealed from the decision of the Chair. If the Senate adjourns now, would that open up this whole question in the Senate to-morrow?

The PRESIDING OFFICER. The Chair did understand that an appeal was taken, so that it will open up the whole ques-

Mr. POINDEXTER. An appeal was taken, and one purpose I had in rising was in order to call attention to it so that there would be no uncertainty about it.

In this connection, as it will go over until to-morrow, I should like to say, in order that it may be in the RECORD in the morning when the matter comes up as the basis of the point of order which I have made and of the appeal, that the appeal is only taken from that portion of the Chair's ruling which overruled the point of order as to that portion of the amendment on page 15, from line 12 down to and including the word "authorized" in line 20. The Postmaster General or the First Assistant Postmaster General filed a statement here from which the Senator from Mississippi has read. I do not care to en-cumber the Record by a mere repetition of it, but he says if this amendment is adopted it will compel the expenditure by the Government of \$613,000, which would do the Government no good whatever. If the amendment is not adopted, not a dollar of that amount will have to be expended. In other words, here is a proposed law compelling contracts by the Government which will cost the Government nearly three-quarters of a million dol-lars and establishing a service which, without the adoption of the amendment, would not exist.

In view of this it is clearly general legislation. The vital and substantial thing in this whole controversy is about what is involved and provided for in this amendment, and in the first part of the amendment, the point of order against which was overruled.

The PRESIDING OFFICER. The Chair desires to say that the Chair agrees with the Senator that it is general legislation, but the House entered on that part of the subject, and consequently the Senate can enlarge it and offer such amendments as may be desired. Upon that part of the amendment the Chair ruled in conformity with what the Chair understands has heretofore been held on that subject by the Vice President.

Mr. POINDEXTER. I appreciate the theory upon which the Chair has ruled, and if the facts in the case were as the Chair construes them to be in this provision, I would agree with the Chair, for I think that is a correct principle. But I differ with

the construction which the Chair places upon the House provision. There is nothing whatever in the House provision establishing this pneumatic-tube service for the year ending June 30, 1918. There is not a word authorizing or attempting to authorize the establishment of any such service. There is no provision in regard to it. It is entirely new matter inserted in the Senate committee amendment. The appropriation of money for pneumatic-tube service by the House, as the House provision stood, could be expended and used by the Postmaster General for that purpose or not, as he saw fit. It was a mere appropriation of money under the existing law. The portion of the amendment to which I am addressing myself takes out of the discretion of the Postmaster General the matter of establishing this pneumatic service and establishes it by law. Consequently it is new

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. POINDEXTER. I make the point of no quorum.

Mr. LEWIS. Had we not better adjourn?

Mr. BANKHEAD. I move that the Senate adjourn.
Mr. POINDEXTER. The point of no quorum has been made,

but I withdraw it.

Mr. LODGE. That does not lie against a motion to adjourn.

Mr. POINDEXTER. It was made first.
The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 14, 1917, at 10 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

# Tuesday, February 13, 1917.

The House met at 11 o'clock a. m. The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

Almighty Father, look down from Thy throne of justice, mercy, and good will upon Thy children everywhere, and inspire them with higher ideals, purer motives, and earnest endeavors; that ignorance may give way to wisdom, error to truth, and all wrongs be righted; that peace and righteousness may prevail, that the dear old earth may blossom as the rose in every nook and corner, and Thy will be done in every heart through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

### AMENDMENT OF GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, I would like to call up the conference report printed in the Record this morning on the

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point

of no quorum.

Mr. ADAMSON. Wait a minute.

Mr. MOORE of Pennsylvania. How long will it take?

Mr. ADAMSON. Only a moment.

Mr. MOORE of Pennsylvania. I withdraw my request for a

Mr. MANN. Is that a conference report on the dam bill? Mr. ADAMSON. Yes. Mr. MANN. There might be quite a discussion of the bill

in the House.

Mr. ADAMSON. I should think not. If any discussion comes would be on any action the Senate might take afterwards. The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (8, 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The SPEAKER. The Clerk will read the report.

Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois

[Mr. Mann] requests that I let it go over temporarily until the naval bill is disposed of. If I can be recognized then, I will agree to that,

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amerdment bills of the following titles:

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River; and

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto;

H. R. 9288. An act providing for the refund of certain duties

illegally levied and collected on acetate of lime;

H. R. 19937. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 8348. An act to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for

other purposes

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.;
H. R. 14471. An act to amend an act entitled "An act to codify,

revise, and amend the laws relating to the judiciary"

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River; and H. R. 10697. An act for the relief of S. Spencer Carr.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7438. An act to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming equipping the militia of said State;

S. J. Res. 208. Joint resolution to grant citizenship to Joseph

Beech:

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger;

S. 457. An act to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes

S. 7601. An act for the relief of Caleb T. Holland;

S. 1379. An act for the relief of James Gloster;

S. 2362. An act for the relief of John Doyle, alias John Geary; S. 3269. An act for the relief of Francis M. Atherton;

S. 7316. An act for the relief of William Thomas Winstanley; S. J. Res. 205. Joint resolution authorizing the removal of the statue of Admiral Depont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof:

S. 6286. An act to confer jurisdiction on the Court of Claims; S. 41. An act to provide for agricultural entries on coal lands

in Alaska;

S. 7767. An act relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land

S. 7906. An act to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars;

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows

and dependent relatives of such soldiers and sailors

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes;

S. 8120. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and

dependent relatives of such soldiers and sailors

S. 3771. An act for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Susan R. Saline, Oscar Mann, Celia Thayne, William Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, and Sophia Huff;

S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the

Carey Act; and

S. 6690. An act for the relief of Americus A. Gordon.

The message also announced that the Senate had passed the following resolution:

Senate resolution 357.

Resolved, That at 10 minutes before 1 o'clock on Wednesday, February 14, 1917, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral vote for President and Vice President of the United States.

The Vice President had announced the appointment of Mr. CLAPP to serve as a teller on the part of the Senate at said count of the electoral vote in place of Mr. Dillingham, who is unable to act on account of illness.

### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appro-

priate committee, as indicated below:

S. 457. An act to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

### AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 19359, the Agricultural appropriation bill, disagree to all the Senate amendments, and

ask for a conference.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to take from the Speaker's table the Agricultural appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection? The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

Mr. STAFFORD. Reserving the right to object, I wish to direct the attention of the chairman of the committee to amendment No. 92, which seeks to amend section 8 of the nursery ment as incorporated in the bill would grant authority to the Secretary of Agriculture to exclude all stone or quarry products, or any other article of any character whatsoever, from interstate shipment in case he deemed that the admission of them would tend to disseminate insect infestation. I think that is a very important amendment, and to confer such an autherity on the Secretary of Agriculture without it having ever been given any consideration in the House would not be in consonance with good legislation, and I think before we allow this bill to go to conference we should have some understanding as to the amendment.

Mr. LEVER. I will say to the gentleman from Wisconsin that I realize this is a very important amendment, and I agree with him and the House now that if the gentleman from Wisconsin or any other Member feels we ought to have a separate vote on it before final agreement, I shall be glad to give the

House the opportunity to so vote.

Mr. STAFFORD. I think the House should be given the privilege of considering such a matter before agreeing to it in conference. The subject matter has never been considered in the House. It is something that should not be considered alone by the conferees.

Mr. LEVER. I agree with the gentleman, and I will say that a separate vote will be asked on the proposition unless it is

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. Lever]. [After a pause.] The Chair hears none, and announces the following conferees: Mr. LEVER, Mr. LEE, and Mr. HAUGEN.

### AMENDMENT TO GENERAL DAM ACT (8, 3331).

Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois [Mr. Mann] withdraws his objection, and I would like to call the conference report up now.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

## CONFERENCE REPORT (NO. 1453).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, having met, after full and free conference hereby report to their respective Houses that it is impossible for the managers on the part of the respective Houses to agree upon any report that would secure legislation in the premises.

They find themselves at such variance on the provisions of the Senate act and the House amendment thereto that they have agreed on a general disagreement, and hereby report to the Senate and House that they can not reach any agreement upon the Senate act and the House amendment thereto under consideration.

W. C. ADAMSON, T. W. SIMS, John J. Esch, Managers on the part of the House.

JNO. K. SHIELDS, J. H. BANKHEAD, KNUTE NELSON, Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. Speaker, a parliamentary inquiry. Mr. ESCH.

The SPEAKER. The gentleman will state it.

Mr. ESCH. Is it in order to adopt the conference report where there is a full disagreement? I base my inquiry on a precedent, No. 6562, volume 5, of Hinds' Precedents.

The SPEAKER. The Chair will examine the precedent.

The precedent may be misinterpreted by myself, Mr. ESCH. but it arose this way: Mr. Otjen, of Wisconsin, a colleague of mine, raised it in connection with certain claims under the Bowman Act, stating that after a full and free conference they had been unable to agree. The report having been read, Mr. Otjen moved that the House further insist on its disagreement to the Senate amendments and agree to the conference asked by the Senate. Mr. Richardson, of Tennessee, made the point of order that the report of the committee should be adopted first. Mr. Reed was Speaker at the time and stated that there was no legislation in the conference report, and therefore there was nothing to act upon.

Mr. ADAMSON. I think it would discharge the conferees

at least.

The SPEAKER. Section 6562 of Hinds' Precedents shows that Speaker Reed said:

The Chair hardly sees how the House can agree to a report in which nothing is done. \* \* The Chair will have the precedents examined, but his impression is that there is nothing to agree to. \* \* \* There is no legislation in it.

Mr. ADAMSON. It would be easy for the House to agree at the conferees had done nothing. Then they could be disthat the conferees had done nothing.

The SPEAKER. The motion of the gentleman from Wisconsin was that the House further insist. The Chair would think that it was the intention of the House to discharge the conferees. It would be in order to agree to the conference report if they want to hang it up here so as to take it up again.

Mr. ADAMSON. So far as we know, we are done with it. Mr. GARNER. Mr. Speaker, what harm can there be by leaving the matter in statu quo?

Mr. ADAMSON. The papers could not be sent back unless

the conference report is adopted.

Mr. GARNER. Unless it is wearing the gentleman from Georgia or pressing upon him very hard, this duty of being a conferee, the matter could remain just as it is until the end of the session,

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary

inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Would it be in order to move that the report of the conferees be accepted and the conferees discharged?

Mr. ADAMSON. I think the adoption of the report would

The SPEAKER. If this conference report is agreed to, these conferees are automatically discharged. These papers belong to

Mr. MANN. Then, the papers could not be sent back to the

The SPEAKER. Yes. The Chair believes it is in order to act on this conference report. The question is on agreeing to the motion of the gentleman from Georgia [Mr. ADAMSON] to agree to the conference report.

The motion was agreed to.

On motion of Mr. Adamson, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

### MUNICIPALLY OWNED INTERSTATE RAILWAYS.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 455, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. Is that one of the bills that came over this morning?

Mr. ALLEN. Yes; it came over this morning. The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill H. R. 455, with Senate amendment, and concur in the Senate amendment. The Clerk will report the bill by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 455) entitled "An act to define the rights and privileges of the trustees of municipally owned interstate railways, and construing the act to regulate commerce with reference thereto.

The SPEAKER. The Clerk will report the Senate amendment

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

### EXTENSION OF REMARKS.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing an article in Collier's Weekly, entitled "What happened in California."

Mr. MANN. Entitled what?

Mr. RANDALL. "What happened in California." The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing an article from Collier's entitled "What happened in California. Is there objection?

Mr. MILLER of Minnesota, Mr. McARTHUR, and Mr. BARN-

HART reserved the right to object

Mr. MOORE of Pennsylvania. Mr. Speaker, I rise to a question of privilege affecting the honor and dignity of this House.

The SPEAKER. The gentleman from Pennsylvania rises to

a question of high privilege, which he will state.

Mr. MOORE of Pennsylvania. Mr. Speaker, the matter to which I desire to direct the attention of the House is of such importance that I would like to have a full attendance of the Members, but in order to save time for the passage of a great preparedness bill I shall not insist upon the point of no quorum at this time. [Applause.] It is patent to anyone who reads the newspaper

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BURNETT. Has the request of the gentleman from California [Mr. RANDALL] been disposed of? I do not think the gentleman wants to interfere with him.

The SPEAKER. Is there objection to the request of the gentle-

man from California?

Mr. BARNHART. Mr. Speaker, reserving the right to ob-

The SPEAKER. If the gentleman is going to reserve the right and there is going to be debate, the Chair will recognize the gentleman from Pennsylvania.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The gentleman from Pennsylvania [Mr. Moore] has the floor on a question of high privilege.

## QUESTION OF PRIVILEGE.

Mr. MOORE of Pennsylvania. Mr. Speaker, as a prelude to the question of privilege which I am about to present, I wish to say it is apparent to anyone who reads the daily newspapers that war issue is being very much befogged by reports from London and that there has been a wonderful change in editorial sentiment in certain papers during the last six months.

The SPEAKER. The Chair would suggest to the gentleman that the first thing to do is to state the question of privilege, if any, that he has. The Chair will then pass upon that first.

Mr. MOORE of Pennsylvania. Mr. Speaker, on February 9 the gentleman from Texas [Mr. Callaway] asked unanimous consent to extend his remarks in the Record, which consent was granted by the House. He did not read the remarks, and they were not read to the House. They were buried under leave in the Comgressional Record. I question whether a single newspaper in the United States has taken cognizance of the remarks of the gentleman from Texas. This, Mr. Speaker, is what the gentleman from Texas printed in the Record, and it constitutes, as I believe, a question of the highest privilege, involving the honor of the House:

"In March, 1915, the J. P. Morgan interests, the steel, ship-building, and powder interests, and their subsidiary organizations, got together 12 men high up in the newspaper world and employed them to select the most influential newspapers in the United States and sufficient number of them to control generally

the policy of the daily press of the United States.

These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 20 of the greatest papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy, national and international, of these papers; an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished for each paper to properly supervise and edit information regarding the questions of preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.

"This contract is in existence at the present time, and it accounts for the news columns of the daily press of the country being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes.

"This policy also included the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is that it is 'patriotism.' They are playing on every prejudice and passion of the American people." American people.'

Here is where the question of privilege comes in.

And sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is "patriotism." They are playing on every prejudice and passion of the American

That. Mr. Speaker, I respectfully submit, constitutes a question of privilege affecting the honor of the House. If we are being "sandbagged" by prejudice or through false commercialistic reports, it is injurious to the House and the country.

Mr. GARNER. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. GARNER. To make the point of order that the question suggested by the gentleman from Pennsylvania is not a question of high privilege under the rules of the House.

Mr. MOORE of Pennsylvania. If the Speaker will bear with

me, I think I can connect this up.

The SPEAKER. The Chair will ask the gentleman, is he rising to a question of personal privilege or a question of the highest privilege of the House?

Mr. MOORE of Pennsylvania. I have no personal interest except the welfare of my country. I rise—

The SPEAKER. If the gentleman is rising to a privilege of the House, he should introduce a resolution or proposition.

I was about to suggest-Mr. MOORE of Pennsylvania. Mr. KITCHIN. I suggest that the gentleman ask unanimous

consent to use 5 or 10 minutes. Mr. MOORE of Pennsylvania. I shall be glad to do that.

The SPEAKER. The gentleman asks unanimous consent for five minutes

Mr. MOORE of Pennsylvania. I ask unanimous consent for 10 minutes, Mr. Speaker.

The SPEAKER. The gentleman asks unanimous consent for 10 minutes. Is there objection?

Mr. SLAYDEN. Mr. Speaker, will the gentleman permit a question before he begins?

Mr. MOORE of Pennsylvania. Yes.
Mr. SLAYDEN, Will the gentleman explain what he understands the word "sandbag" to mean in that connection?
Mr. MOORE of Pennsylvania. It means to drive the Con-

gress into a corner on this war question; to make us believe we are in a state of war.

Mr. SLAYDEN. Are not the editorial arguments intended to influence Congress?

Mr. MOORE of Pennsylvania. I think so.
Mr. SLAYDEN. That is what it means.
Mr. MOORE of Pennsylvania, Unquestionably; and in further answer to the question of the gentleman I will read one article. I can not read many. I will let most of them stand aside, because I can not read them in 10 minutes; but sufficient for the present is an article from the New York Sun of Sunday.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield. The headlines are these—and it is the headlines that are influencing the

Britain chafes over United States delay.

Mr. SHALLENBERGER again rose.

The SPEAKER. Does the gentleman yield?

Mr. MOORE of Pennsylvania. I do not. I regret it, but I do not unless I can get more time. These headlines continue: What constitutes an overt act? London public and press are asking.

And then:

Americans are cheered.

In London-remember, this is from London!

Bands play "Hail Columbia," but elation is changing to impatience. London, gentlemen, seems to be "impatient" because the United States is not going into war. The spirit of London as translated by these American newspapers is that the United

Sates unduly hesitates to join Great Britain in the war.

I will not go on with these editorials, which are urging the President and Congress to declare war. Some of them are so vicious as to suggest a lack of the American spirit of justice and fair play. Every man who reads the newspapers knows the tone and sentiment of these editorials. I will be content with that for the present.

But here is something more to the point than a mere expression of opinion. Here is a three-column advertisement in one of the great newspapers, and I understand it has gone into all the great newspapers of the country to influence public sentiment. Under display headlines in large type it reads:

To the American people:
Germany is at war with the United States. The repudiation of past pledges and the threat to destroy our ships and citizens without warning constituted a virtual declaration of war.

Who says this? The President of the United States? The Congress of the United States, which is the only power under the Constitution that can declare war? No! Who is it, then, that makes this bold declaration to the common people of this land that we are now at war with Germany? I have not time to read the whole article, but will insert it in the RECORD. It continues:

It is no longer a question whether there shall be war with Germany. There is war with Germany.

This is underscored. Then the declaration continues:

The only question is whether our Government shall submit at Germany's dictation to the outrages of her submarine warfare, or whether it shall forcibly defend American property.

There is no discussion here, mark you, of the right of American ships to go through an English blockade, no question of "the freedom of the seas," so far as Great Britain's domination of the seas is concerned. This declaration is a declaration that we are "at war with Germany"; it implies that we must join the allies to beat Germany. I regret I can not read it all, for several prominent names are attached to this pronunciamento. There are quotations from Charles W. Eliot and Nicholas Murray Butler. Let them go for what they are worth. These men are publicists and are giving information almost daily about the manner in which we should govern ourselves.

But this advertisement, paid for by somebody, continues:

President Wilson and the Congress desire assurances of the country's backing before declaring war.

Who says President Wilson and the Congress are seeking assurances of somebody's backing before they declare war? Let us see:

Telegraph the President and your Congressman, pledging to them your loyal support in immediate and vigorous action for the defense of the American rights and American honor, and urging formal recognition of the state of war already existing between Germany and the United States.

This remarkable war message is signed by the "American Rights League" and certain individuals. Fortunately those who sign it do not hide themselves under cover of the "American Rights League"; they attach their names to it; to this voluntary, this diabolical declaration of war against a foreign country before the President of the United States or the Congress of the United States have acted upon a matter of such grave importance to the masses of our people.

Those whose names are appended to this paper include Dr. Lyman Abbot, of New York, and Rev. Randolph H. McKim, pastor of a church in Washington, two members of the profession which is supposed to teach the doctrine of "Peace on Earth."

God save the mark! If our good Lord and Savior were to come upon this earth to-day and be shown this hasty and bitter demand for war by one of His own ministers, or one professing to be a Christian minister, I question whether the Rev. Randolph McKim would stay in his pulpit in Washington a single hour. [Applause.]

I can not go on with this much further; in 10 minutes I am unable to cover the main subject. I wish to observe, however, that I am neither pro-German, as some of the newspapers have recently insisted, nor am I pro-ally. I am, as this Congress ought to be, pro-American [applause], and nothing else. If it has come to that point where we must forget the history of this Nation, must obliterate the record we have made to attain our present position, or if we are to forget that once we severed the yoke that bound us and must put that yoke again upon our necks, I want to leave these congressional halls forever.

I have in my hand a little of the information that this House should have to better understand this situation. I shall refer to it, hoping that somebody upon the other side will introduce a resolution in order that we may get additional information about the influences that are said to be doctoring the newspaper sentiment of the United States in the interest of one of the great belligerents, trying to drag us into war that we may "pull their chestnuts out of the fire." And that I may not be misunderstood, let me say that I want no dictation from the Kaiser any more than I want it from Lloyd-George. I want no dictation from Lord Northcliffe, the head of the great newspaper fraternity of Great Britain, with certain alliances in the United States, any more than I would accept it from Von Hindenberg. [Applause.] Let it be understood that I want to be free as an American Representative—as I assume all of us do—to help rule this country as our country and its people ought to be ruled, free from any domination in the whole world, and free from any mercenaries, whether they be in the pulpit or in the banking house. [Applause.]

Among the numerous letters that have come to me in the last few days, Mr. Speaker, was one inclosing this interesting message from Sir Gilbert Parker. Sir Gilbert, as you know, is a great writer; he is a novelist and an able editorial director. Sir Gilbert Parker has been shipping volume after volume into the United States to show how friendly Great Britain is with this country and how "blood is thicker than water." The argument has been that we ought to join forces with Great Britain to down Germany and the other nations with which it is in conflict. In this circular Right Hon. Sir Gilbert Parker, who is now in America and has recently visited the Capital, says

"As Sir Gilbert Parker is sailing for America on Saturday, January 13, he will be unable to deal with any correspondence until further notice. He has, however, made arrangements for pamphlets to be sent out during his absence. He begs to thank his many correspondents for their kindness and courtesy during the past two years and a half, and he hopes to have the pleasure of meeting many of them while in the United States.

"20 Carlton House Terrace, London, S. W., England."

My friends in Congress, my pro-American friends who still believe in Washington's Farewell Address against entangling alliances, my native American friends who feel that this is a country worth fighting for and worth having and worth holding, I wish to give you a word of caution about every insidious story that is cabled from the other side of the water to provoke your passions. Able writers are telling you and your constituents to get into this struggle, but you want to be sure of your ground—sure that you are not serving some selfish purpose of men or nations—before you break up the peace of the United States and plunge us into this bloody controversy.

I admit we have a certain responsibility. We have provided in the interest of the great shippers a War-Risk Bureau, which

is guaranteeing safe conduct to cargoes; cargoes carrying what? is guaranteeing safe conduct to cargoes; cargoes carrying what? These little children that are so often discussed as being destroyed at sea? Are we guaranteeing their safe passage? No; with a \$5,000,000 fund from our Treasury we are guaranteeing the safe passage of munitions ships that are sent across the matter part to break a British blockade not to establish our water, not to break a British blockade, not to establish our right to trade with Germany or any neutral country. No; we are doing this to maintain our trade with only some of the belligerents. The maintenance of that trade with a single country is the compelling reason with these warlike editorial writers. We have a fine opportunity for trade in South America, but the seas are not wholly free to us; our ships have to be O. K'd by one of the great powers before American business can be done. We can not deal with any neutral nation without the consent of one of the great powers which assumes to be "mistress of the seas." But we have this Government war-risk insurance chiefly, I fear, for the sake of those who are commercially interested in the conduct of war, and with the permission and approval of one of the great nations.

And then, again, there is our financial interest. We have taken approximately \$2,000,000,000 of bonds of foreign powers.

They are scattered amongst our investors, and unless the war is successful, unless some of these editorial writers can convince last year.

us that "blood is thicker than water," so that we shall send our boys into this war, the money we have invested in these foreign securities may be lost. Great God! Have we come to this in the United States, here in the Hall of our fathers, the Hall in which we determined the fate of America, the Hall in which we have fought out our great battles, the Hall in which we have resisted foreign aggression, the Hall in which we have dared to stand for our rights from colonial days-has it come to this, that because we are told by a great power or by great newspapers that money is at stake we must go in and fight a foreign war or lose it all? Shall we for this forget our altars and our firesides, and shall all of the hallowed and patriotic inspirations of our country stand for naught? [Applause.]

Mr. Speaker, I hope some Democrat will introduce a resolution to investigate these charges of pernicious editorial activity to stir up war and bloodshed as they were presented in the RECORD by the gentleman from Texas [Mr. Callaway]. If that be not done, though the session be short, I shall introduce such a resolution myself, let the chips fall where they may. plause.] It is due to honest and patriotic journalism in the

United States.

### PLATTSBURG CHAMBER OF COMMERCE.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to have printed in the Record a telegram from the Plattsburg Chamber f Commerce, indorsing the action of the President of the United States in severing diplomatic relations with Germany.

The SPEAKER. 'The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the man-

ner indicated. Is there objection?

There was no objection.

The telegram referred to is as follows:

Hon. Bertrand H. Snell.

House of Representatives, Washington, D. C.:

The Platisburg Chamber of Commerce in a resolution, copy of which was to-day transmitted to President Wilson, indorse the President's action in severing diplomatic relations with Germany, and we express the desire to aid in every way possible in carrying out whatever action the President may deem wise. We are distinctly and unanimously opposed to any attempt being made to influence the President or to hamper him in any way in his commendable efforts to maintain the honor of the United States and the recognized principles of international law.

PLATTSBURG CHAMBER OF COMMERCE,

W. B. JAQUES, President.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. Page of North Carolina in the chair,

The Clerk read as follows:

The Secretary of the Navy shall build any of the vessels herein appropriated for in such navy yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels: Provided, That the Secretary of the Navy is hereby authorized to build any of the vessels herein authorized in such navy yards as he may designate.

Mr. MANN. Mr. Chairman, on that I reserve the point of order. I do not quite understand the purpose of the proviso to this paragraph. The paragraph first provides that the Secretary shall build any of the vessels herein appropriated for in such yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, and so forth, have entered into any combination. Then the proviso is that the Secretary of the Navy is authorized to build any of the vessels authorized in the bill in such navy yards as he may designate. We make an appropriation for all of the vessels, do we not?

Mr. PADGETT. Under the three-year program we are building a definite number of ships. For instance, 10 battleships were authorized. Last year we appropriated for 4 of the 10, and this year for 3.

Mr. MANN. I do not understand this part of it. Do not we appropriate in this bill for all of the vessels which are authorized

in the bill?

Mr. PADGETT. We appropriate not for all that are authorized, but we appropriate for a part of what were authorized

Mr. MANN. Do we not appropriate in this bill for a part of the vessels authorized in the bill?

Mr. PADGETT. Yes. Mr. MANN. As I understand, we make some appropriation in this bill for all of the vessels that are authorized.

Mr. PADGETT. No. Let me explain to the gentleman. the bill of last year we authorized 10 battleships, 6 battle cruisers, 10 scout cruisers, 20 destroyers, and 58 submarines

Mr. MANN. And we appropriate for all of those in this bill? Mr. PADGETT. When we make the appropriation it will be in this bill, but we have not yet made the appropriations for all

Mr. MANN. No; but we are appropriating in this bill some

money for each of those vessels?

Mr. PADGETT. No; not for all of them. We appropriated last year for 4 of the 10 battleships, and did not make any appropriation for 6. This year the appropriations are made for three additional battleships, leaving three battleships that we authorized last year that are not yet appropriated for.

Mr. MANN. I do not get it; but this is perfectly plain: If

we authorized vessels last year and they are not appropriated for this year, this bill does not authorize them to be constructed

in navy yards.

Mr. PADGETT. They are not to be constructed at all; that is, 3 of the 10 battleships which we authorized are not yet to be constructed.

Mr. MANN. What is the difference in this paragraph between the proviso and the main paragraph?

Mr. PADGETT. There is very little, I will say to the gentle-man, and this is the language that has been carried year after The proviso is very little different from the other, except that it says the Secretary is authorized to build any of the vessels authorized in such navy yards as he may designate. The first part of it provides that he shall build any of the vessels authorized in such navy yards as he may designate should it reasonably appear that persons, firms, or corporations bidding for the construction have entered into any combination. The first part of it is to provide against combinations and the last part of it authorizes him to build them in any navy yard, regardless of combination.

Mr. MANN. Suppose the shipbuilding yards should combine so that only one yard should bid on any one ship, but that each of them would bid on a ship and bid at a lower price than the Government could construct the ship for in the navy yards. Under this, then, the Secretary would still have to construct

them in the navy yards.

Mr. PADGETT. He may build them in the navy yards, but he is not directed to. It is in his discretion.

Mr. MANN. I should say that he is directed to.

Mr. PADGETT. No.

Mr. MANN. That is what the bill says. Suppose there are three navy yards and each one of them bids on a ship.

Mr. PADGETT. Does the gentleman mean private contracting yards? When the gentleman says "navy yards" I understand him to refer to Government yards, and when he says "shipyards" I understand him to refer to private shipbuilding companies.

Very well. Say three shipbuilding yards bid, and each one bids on a ship by combination, but each one bids at a lower price than the Government car construct the ship in a Government navy yard, then the Government would still have to construct the ship in the navy yard under this provision.

Mr. PADGETT. That is not the interpretation that has been given it. If private contractors bid lower than the navy yards can build them for, they get the contract.

Mr. MANN. The paragraph says:

Or purpose of which is to deprive the Government of fair, open, and unrestricted competition.

These men may combine and each one bid for a ship. These different shipyards probably can not each build three ships, You advertise for the construction of three ships, and each private yard agrees to bid on one ship and bid at a lower price than the Government constructs them. Under this language you could not construct a ship. This is new language in the law.

Mr. PADGETT. No; this has been in the law all the time; we have not changed a word of it.

Mr. ROBERTS of Massachusetts. This was in the last bill and in the bill before, word for word.

Mr. PADGETT. It has been in every bill for a number of

It is not new language.

Mr. MANN. I was under the impression that it was new language. I withdraw the point of order.

The Clerk read as follows:

In the event the Secretary of the Navy is unable to secure from the private shipbailders contracts for the expeditious construction of the ships heretofore authorized at a fair and reasonable price, the sum of

\$12,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to equip the navy yards with suitable and necessary machinery, implements, building ways, and equipment for the construction of such of said vessels as may be assigned to navy yards for construction.

Mr. TAGUE. Mr. Chairman, I wish to offer an amendment.

Mr. STAFFORD. I reserve a point of order on the paragraph. In view of the amendment agreed to yesterday authorizing the President in war time or in time of emergency to commandeer the shipyards and have the ships built at private yards at a price to be agreed upon, and if that can not be agreed upon, then to be submitted to the Court of Claims for decision, I wish to ask the chairman of the committee whether he thinks it is necessary to now go ahead with the policy of putting all the shipyards in a condition to make them capable of building all kinds of naval ships?

Mr. PADGETT. I think we need them to carry out the program that they have authorized independent of the legislation that was authorized yesterday by the Committee of the Whole.

Mr. STAFFORD. Last year we appropriated \$6,000,000 for the equipment of navy yards, giving preference, as far as the battleship program is concerned, to New York, Philadelphia, Mare Island, and Norfolk. Mr. PADGETT. Yes.

Mr. STAFFORD. Was this \$6,000,000 inadequate for the purpose named?

Mr. PADGETT, Yes. Mr. STAFFORD, O Or is it intended by this to equip other yards?

Mr. PADGETT. No; but the \$6,000,000 was inadequate for the purpose for which this appropriation was made. This is to be added to the appropriation to carry out the purposes expressed in that appropriation.

Mr. STAFFORD. I understand the \$6,000,000 was only to be for two yards—New York and Mare Island—but in the Senate

they included the other yards.

Mr. PADGETT. No; the Senate did not extend the number. The House provision carried the same yards designated as the law finally was agreed upon.

Mr. STAFFORD. I now recall that the gentleman is correct, the committee only recommended two, but in the Committee of the Whole they extended it to others. Is it the plan to confine this appropriation of \$12,000,000 to the equipment of those yards?

Mr. PADGETT. The Secretary has stated that it was his idea to have the yards at New York, Philadelphia, Mare Island, and Norfolk equipped for capital ships, battleships, and battle cruisers; the yard at Bremerton, Seattle, for the construction of ships of twelve or fifteen thousand tons displacement, not capital ships, and then the other yards mentioned, for instance, Portsmouth, N. H., and Charleston, S. C., for the construction of small craft like submarines and gunboats.

Mr. STAFFORD. How far has the department proceeded with the authorization for equipment of yards?

Mr. PADGETT. A few days ago the Senate passed a resolution calling upon the Secretary to furnish that information, and I have the reply of the Secretary, which I will read if the gentleman desires. The Secretary says:

gentleman desires. The Secretary says:

No fixed apportionment or distribution of the entire \$6,000,000 appropriation has been made to these various yards, but it has been decided to fit up the Philadelphia yard for battle-cruiser construction, and the cost will be in the neighborhood of \$3,000,000; the Norfolk yard for dreadnaught construction, to cost about \$1,250,000; the Puget Sound yard for auxiliary ships of 12,000 tons, to cost about \$750,000; the Charleston yard for gunboats and destroyers, to cost about \$300,000; the Boston yard is already equipped to build a ship of 12,000 tons, and it will require \$75,000 to extend ways and other improvements; and the Portsmouth yard for the construction of submarines, to cost about \$200,000.

These plans are dependent upon the extent of the improvement of the various yards for shipbuilding and it may be necessary to recast and alter some of the authorizations already made, the general plan at present being tentative and subject to change in case my recommendations for an additional appropriation of \$12,000,000, for fitting the navy yards for shipbuilding, is approved by Congress.

Then he goes on to speak about various other yards

Then he goes on to speak about various other yards.

Mr. STAFFORD. I understand that nothing has been done as to the six million authorization.

Mr. PADGETT. Nothing in a definite and conclusive way. In a tentative way he has made an apportionment and signified this purpose or intention of using it. But he has not concluded it in such a way as not being subject to change.

Mr. STAFFORD. Everything is in the air so far as the

\$6,000,000 authorization is concerned.

Mr. PADGETT. As I say, nothing is definitely concluded. Mr. STAFFORD. But there are two yards we are going ahead equipping for battleship construction, the New York and the Mare Island yards.

Mr. PADGETT. That is correct.

Mr. STAFFORD. That was under an authorization some time prior in an amendment to a prior bill.

Mr. PADGETT. Yes; and supplemented by this \$6,000,000. Mr. STAFFORD. Mr. Chairman, I withdraw the reservation

of a point of order.

Mr. MANN. I reserve the point of order. Last year we appropriated \$6,000,000 and authorized the extension of four navy yards for the construction of capital ships. Is it still the intention to provide these navy yards with facilities for the con-

struction of capital ships?

Mr. PADGETT. The confusion is so great that I can not hear the gentleman. It is not the fault of the gentleman.

Mr. MANN. Last year we appropriated \$6,000,000 and authorized four navy yards to be equipped for the construction of capital ships

In the discretion of the Secretary; yes, sir. Mr. PADGETT.

Mr. MANN. We authorized them?

Mr. PADGETT. Yes; we authorized them. Mr. MANN. Is it the intention now to equip those four navy yards for the construction of capital ships?

Mr. PADGETT. No; it is not so indicated by the Secretary

in this letter. We authorized six, if I remember.

Mr. MANN. No; we authorized four, namely, Boston, Nor-

Mr. PADGETT. Well, he does not purpose to equip Boston and Puget Sound for the construction of ships of a capital character, but, as stated in this letter, of about 12,000 or 15,000 displacement.

Mr. MANN. Does the gentleman know how much of this \$12,000,000 is to be expended in those two navy yards, Philadelphia and Norfolk, in order to equip them for the construction of capital ships?

Mr. PADGETT. A good part of it would be, but there is no definite plan or division of the amount.

Mr. MANN. Has there been any estimate made of what it will cost? We were told last year that \$6,000,000 would do the

Mr. PADGETT. No. The gentleman is a little mistaken in that

Mr. MANN. Well, we got the impression—I did, anyhow—that \$6,000,000 would do the business.

Mr. PADGETT. That \$6,000,000 last year originated with myself after the House put a provision on the bill for a 20 per cent bonus. It occurred to me that if we had a 20 per cent bonus for speed or for construction there might be a combination that would leave the Government powerless to defend itself, and without consulting the Navy Department or anyone else, I offered the amendment on my own initiative and responsibility, naming \$6,000,000 to enable the department to equip the yards so as to protect them against any combination formed, if I may use the word, to gobble up the 20 per cent premium or bonus. That originated with myself.

Mr. MANN. The gentleman last year guessed \$6,000,000?

Mr. PADGETT. Yes.

Mr. MANN. And the guess was not a good one. And the

gentleman is guessing \$12,000,000 more, which makes \$18,000,000. Mr. PADGETT. The Secretary of the Navy sent down a let-

ter with reference to the \$12,000,000, which is printed in the

hearings on page 925.

Mr. MANN. Very well. How much of that \$12,000,000 is to be used in equipping those yards for the construction of capital ships? If the Secretary gave any information on the subject, I would be glad to have it. If he did not give any information on the subject, it is still just a wild guess.

Mr. PADGETT. I am just looking to see

Mr. MANN. It seems to me when we are appropriating \$18,000,000—first a guess of \$6,000,000 and then a guess of \$12,000,000 more—it is only fair that we have some information and estimate as to what the cost will be. Of course, a few million dollars is nothing to a rich gentleman, but it would be a good deal to me.

Mr. PADGETT. The Secretary of the Navy in his letter on the \$12,000,000 enters into a discussion of the cost and the situation of construction in the private yards. In the hearings before the committee Admiral Harris, Chief of the Bureau of Yards and Docks, indicated to the committee that the \$12,-000,000, added to the \$6,000,000 heretofore appropriated, would equip the yards intended for capital-ship construction and the smaller yards for the smaller construction.

Mr. MANN. Well, how much of it goes to the equipment of

yards for the construction of capital ships?

Mr. PADGETT. I can not give it to you, because I do not remember his apportionments. If I can find it here, I will try to give it to you.

Mr. MANN. Well, I should say it is important information to have. Does the Naval Committee think that \$12,000,000 is such a small sum that it is not worth inquiring about it?

Mr. PADGETT. No, sir. We did inquire about it, but I do not have the hearings just in front of me.

Mr. MANN. I do not think anybody has the information. That is a remarkable proposition. We appropriated \$6,000,000 for a purpose last year and propose to appropriate \$12,000,000 this year, and apparently nobody in the Navy or nobody on the Naval Affairs Committee knows what it is for.

Mr. PADGETT. It is for the equipment of yards. How much for the capital ships?

Mr. PADGETT. I told you that specific item was in the

2,000,000. I can not give it to you offnand.

Mr. MANN. I notice that every member of the distinguished \$12,000,000. Committee on Naval Affairs is looking it up now, and no one of them can find it. It has gotten so that \$12,000,000 is a mere

bagatelle. One of them says, "What is \$12,000,000—a little thing like that?" It is a good deal to the fellows who pay it.

Mr. KELLEY. Will the gentleman yield? I would like to suggest to the chairman that the testimony is on page 1211 of the supplemental hearing-Admiral Harris's testimony and the testimony of the Secretary.

Mr. MANN. I feel very sure the Committee on Naval Affairs would know if they ever had the information given to them.
Mr. KELLEY. We do know.
Mr. MANN. What is it? How much is to be used for the

equipment of yards for the construction of the capital ships?

Mr. KELLEY. Admiral Harris testified that it would take

the whole \$6,000,000 appropriated last year to fix up the Philadelphia yard alone.

Mr. MANN. That is all right so far as it goes. The letter

of the Secretary just indicated \$3,000,000.

Mr. PADGETT. It says here that the \$18,000,000, as I stated to the gentleman in the beginning, has not been allotted. The \$6,000,000 has been allotted tentatively.

Mr. MANN. In other words, no one knows what it is going

Mr. PADGETT. It has not been allotted for two rensons. In other words, if we get it, the \$18,000,000, we can allot it more

wisely.

Mr. MANN. If they get the \$18,000,000 they can spend it. That is as far as it goes. There is absolutely no information furnished to the House as to how the \$18,000,000 is going to be Where \$6,000,000 was appropriated last year for the expended. purpose, \$12,000,000 is about to be appropriated this year, and nobody seems to think it important enough to know what it is

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. PADGETT.

Mr. ROBERTS of Massachusetts. I wanted to read for the information of the gentleman from the supplemental hearings on page 1011.

Mr. PADGETT. I had that right here, just ready to read it. Mr. ROBERTS of Massachusetts. I read:

Mr. PADGETT. I had that right here, just ready to read it.
Mr. ROBERTS of Massachusetts. I read:

Mr. Roberts. If you should get this \$12,000,000 more, making \$18,000,000 altogether, you would rearrange your present tentative plans for the improvement of certain yards?

Secretary Daniels. Yes.
Mr. Roberts. So as to improve to a greater extent than you contemplated?

Secretary Daniels. Certainly.
Mr. Roberts. I understand Admiral Harris to say that it will take \$6,000,000 to equip the Philadelphia yard to build two battle cruisers? Admiral Harris. I said, that, approximately.

Mr. Roberts. Yes; approximately. How much will it take to equip the Norfork yard to build one?

Admiral Harris. That was one battle cruiser and two scouts. That was approximately \$6,000,000, too.

Mr. Roberts. That would take \$6,000,000. How much would it take to equip the Brooklyn yard to build two battle cruisers?

Admiral Harris. About \$3,000,000.

Mr. Roberts. And the Bremerton yard?

Admiral Harris. About \$3,000,000.

Mr. Roberts. To build two battle cruisers?

Admiral Harris. Yes.

Mr. Buttler. Are you going to build an overhead track?

Admiral Harris. I do not know the exact cost, but the general estimate is about \$2,000,000.

Mr. Buttler. And how much will the traveling structure cost?

Admiral Harris. I think something like \$650,000.

Mr. Brutler. And how much will the traveling structure cost?

Admiral Harris. Yes; at Philadelphia we have no covering. It is just an open-topped structure.

Mr. Buttler. And how much will we have no covering. It is just an open-topped structure.

Mr. Buttler. And how much of this \$18,000,000 do you expect to spend on the Charleston yard?

Admiral Harris. We made no estimate for Charleston, Boston, and Portsmouth, but generally assumed that \$1,000,000 would cover the improvements at those three yards.

Mr. Britten. For the building of those three ships?

Admiral Harris. We have a ship now under construction at Bostop, and the ways would have to be lengthened and additional tools would have to be provided there. At Charleston we have ways for one gunboat, and we expect to lengthen it for a destroyer, and perhaps build an additional set of ways for a destroyer.

At Portsmouth it would be just a case of another ways for a submarine.

That approximately accounts for \$18,000,000. If the gentleman will only have a little patience with us and go through this testimony we will give him all the information we have.

Mr. MANN. Oh, you ought to have the information at your tongue's end. A moment ago the chairman read a letter from the Secretary of the Navy proposing to spend \$3,000,000 at the

Philadelphia yard. Mr. PADGETT. I said they proposed to spend \$3,000,000 out of the \$6,000,000. At the same time it was stated that if the \$12,000,000 was appropriated the plans for the \$3,000,000 expenditure were tentative and would be changed and adapted to the whole amount, which would be \$6,000,000.

Mr. KELLEY. Mr. Chairman, will the gentleman yield? Mr. PADGETT. Yes. Mr. KELLEY. I will say, in addition to what the gentleman from Tennessee has said that it makes a great deal of difference whether these yards are fitted up to build one capital ship or to build two capital ships.

Mr. MANN. That means that we are just blindly appropriating money. They will start in to equip the yard for two capital ships, and then ask for \$18,000,000 more. Who knows?

Mr. PADGETT. The proposition under this \$6,000,000 was

to equip one to build a capital ship.

Mr. MANN. I have not had the opportunity to get the information until this morning, and I have not got it this morning. Mr. Chairman, I withdraw the point of order, with great regret. I think we ought to know about these things when we are asked to appropriate millions of dollars.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. TAGUE].

The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: Page 60, line 14, after the word "yards," insert the following: "At Puget Sound, Philadelphia, Norfolk, Portsmouth, Charleston, and New Orleans."

Mr. PADGETT. Mr. Chairman, I hope that amendment will

not be agreed to.

Mr. TAGUE. Mr. Chairman, this amendment is in the same language that was adopted in the bill of last year when the question of appropriating money for the equipment of the navy yards was under consideration. The \$6,000,000 was put into the bill because of the position taken by Members from Pennsylvania, Massachusetts, and other States where the navy yards belonging to the Government are located.

Now, Mr. Chairman, we are asked to-day to appropriate \$12,000,000 more, which makes \$18,000,000, and we are told by the chairman of the committee that it is going to take three

or four million dollars to equip any one yard.

Now, Mr. Chairman, coming from Boston, where we have a navy yard which to-day is almost equipped for first-class shipbuilding, notwithstanding the statement made by the Navy Department, I want to say that the navy yard in Boston could be equipped for the building of a first-class battleship by an expenditure of less than half a million dollars, and could be put

expenditure or less than hair a minion dollars, and could be put in a condition to build one of these battleships, or commence the building of battleships, within one year.

It is all very well, Mr. Chairman, to ask for these big appropriations, and I am willing to vote them when the Government wants them; but it has been debated on this floor that the reason why we have been unable to build these ships is that the private shipyards have not been in a position to take the contracts and do not want them. In other words, the big shipbuilding companies of the United States do not want their ways taken up in the building of a battleship that is going to take three years, and that is the reason why the Government has been unable to secure bids from these large concerns for the construction of battleships which this country needs so much at the present time.

I think it is good business, Mr. Chairman, for the Govern-ment to have its own property equipped as soon as possible so that we will not be in the hands or at the mercy of any private shipyard in the country. We have these big institutions now, and with a slight expenditure of money they can be equipped, and the amount of money authorized in this bill, which is nothing compared with the bonus which we will be obliged to pay to the large shipbuilding companies, will be saved in the equipment of the Government's own yards. We are building to-day, or about to build in Boston Navy Yard, a hospital ship of about 12,000 tons, and the Secretary says it will require \$75,000 to build the ways for the building of this ship.

We have in the yard a splendid equipment, and all that is necessary is the extension of ways and some new machinery to put that yard in a first-class condition. We have everything that the Government wants there. We have 35 feet of water right at the navy yard. We have a splendid machine shop that has been equipped by the Government in the past few years. We have the largest chain shop in the United States, building all the big chains and most of the anchors for the Navy. have a ropewalk, where we make all the big hawsers and cables that the Navy uses. Then we have a steel plant for the making of castings to be used by the Navy Department. We have everything that is needed in that yard to-day to go ahead and proceed with in building the ships the Government needs so much at the present time, and we are told that the appropriations are going in other directions.

I have no hesitation in saying, Mr. Chairman, that the other navy yards of the country should be equipped, no matter what the expense is to the Government. It is a shame to see our Government at the mercy of any individual or corporation at a time like this, when we need a Navy so badly and we are compelled to have laws passed to allow us to go into the private shipyards and take over their plants and machinery to do the

work of the Government.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BROWNING. Mr. Chairman, will the gentleman yield? Mr. TAGUE. Yes.

Mr. BROWNING. Does the gentleman know that the Government has had no trouble whatever in getting bids for battleships? They are awarded at once, and are now under contract at two yards.

Mr. GORDON. Under contract but not under construction.

Mr. BROWNING. They are under construction.

Mr. TAGUE. Mr. Chairman, in the debate that has taken
place on this floor every member of the minority of the committee who has spoken here has said, "We have appropriated the money, but the ships are not built, the ships can not be built for more than four years. That is the matter with our Navy—we can not get the bids to build them until the ways of these private shipyards are cleared of the private work that they are now constructing."

Mr. BROWNING. Can they be built more quickly in Govern-

ment yards?

Mr. TAGUE. Oh, Mr. Chairman-

Mr. BROWNING. Well, answer my question.

Mr. TAGUE. Yes; and better. Mr. BROWNING. The Secretary says they can not, and the

Assistant Secretary says so, too.

Mr. TAGUE. Mr. Chairman, the Secretary has taken the word of men who have filled volume after volume in contradicting one another on every phase of the building of the American Navy. Mr. Chairman, I contend that there is not a private shipyard to-day in the country that can be cleared so that this Government can start to build a ship inside of a year. According to the reports we get every yard is filled now with private construction, and why should we interfere with that work when the people of the Nation need these private ships so much, and when we have property of our own which we should use, and when we are appropriating millions of dollars for the building up of our own Navy? Then we are told we must go to the private shipyards to have that done.

Mr. BROWNING. Does the gentleman know that there are two concerns in this country, the New York Shipbuilding Co. and the Newport News Shipbuilding Co.—and the Fore River Shipbuilding Co. as well—whose yards are 72 per cent engaged

in Government construction?

Mr. TAGUE. Yes; I know they have 72 per cent of their yards engaged; but still we are without the ships; still they are unable to give us any more ships for four or five or six

Mr. BROWNING. And the Secretary of the Navy and the private shipyard men all say that the trouble is to get the labor. There is only a certain amount of labor in this country, and none of them can get it.

Mr. TAGUE. Mr. Chairman, the reason for that is perfectly natural. The shipbuilding of the world has been done across

the water, and it was not until the present condition arose which was the result of the war that the people of the United States realized that it was time to protect their own industries and build up their own merchant marine.

Mr. KELLEY. Mr. Chairman, when this matter was before the committee I asked Admiral Taylor this question:

If the private yards are completely fitted up, and if the Government yards are fitted up, making that many more shipyards, pending the time when this general shipbuilding boom is on, where would you expect to get the men to equip and do the work in the Government yards?

Admiral TAYLOR. We would expect to get them from the shipbuilding trade.

I asked:

To get them away from the private shipbuilders?
Admiral Taylon. The estimates of the Department of Commerce indicate that there are about 70,000 men employed in the shipbuilding trade to-day outside of the navy yards. In the navy yards we have employed about 25,000 men. In order to build this work we would need to have on the average something like 7,000 or 8,000 more men.

I would like to inquire of the gentleman from Boston where the Government yards would get at this time 7,000 or 8,000 more

Mr. TAGUE. Mr. Chairman, in answer to the gentleman I will just bring to his attention this fact: Up to within three years at the navy yard in my district there was no shipbuilding, the only work done being repair work. Up to within the last 10 years the Fore River Shipbuilding Co. did practically no shipbuilding, except in a small way. They employed a few men, to be sure. I understand that now they are employing many thousands of men. We have in the Boston Navy Yard to-day, working on shipbuilding and the different parts of shipbuilding, 3,300 men, where three years ago we had 1,900 men. Over 800 of those men to-day are working in shipbuilding. It is true you can not get mechanics in a moment. But every mechanic in the United States who is engaged in any part of machinery building, any part of iron working, any part of structural work, can with a little experience adapt himself to the work of building battleships. After all, what is it? The turning out of the iron is done in the mill. It requires a good mechanic, who knows iron, They can turn out ship fitters, Mr. Chairman, to put it together. as fast as they can get the men to work at it, and we have never had any trouble in getting men to go in and learn the trade of shipbuilding. It has become a substantial trade to-day in the United States. It has become a trade that the young men realize is going to be a profitable one. There will be no trouble in getting men to learn the trade. They will go into the yard and un-der good instruction they will become splendid ship fitters in a very short while. I contend, Mr. Chairman, that if the report of the chairman of the committee is true, that it will take 7.500 more men to work in the navy yards in the work of the building of our ships, we can get them in a very short time. If we can build a 12,000-ton ship, we can build a 20,000-ton ship, and it will not take much money to equip Boston yard in comparison to the amount of money, \$18,000,000, which we are now appropriating. All we ask this House to do is to give us the opportunity to demonstrate that we can do the work for the Government and save money doing so.

Mr. BUTLER. Mr. Chairman, in the State of Pennsylvania

is one great industrial concern that has put up its word that within 60 days from this time it will start in the construction of submarines and will agree to give the Government one submarine each week, or 52 submarines each year. In the same State is a concern that has offered its services and its plant to this Government, and has agreed that within 10 months or 1 year it will be ready for the construction of destroyers, and that it will build for this Government 26 destroyers every year. Do you think these people are responding? Do you think their word is good? In the big city of Chester, close to Philadelphia, a shipbuilding plant has recently been constructed and is now ready for commercial work. Its president, who is its guiding hand, Senator William C. Sprowl, has declined to cover his ways with commercial work, which he can do at once, in order that he may be ready for the Government work at any hour and to proceed to build such ships as the Government will need, excepting capital ships. I understand he has arranged already for steel to be furnished for the boats he may build for the Government. He is one of Pennsylvania's foremost citizens and his response to his country's call will not be forgotten by the grateful people of our State. To lay aside all his commercial work to serve his country is a positive sacrifice. But big men can afford to do big things and I am not surprised at Senator Sprowl's readiness and willingness. Within a very few months the shipyards of America under private control will be ready and able to supply the Government with all the small ships she can possibly use.

Mr. TAGUE. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. TAGUE. I said nothing about the smaller ships. contention has been that the private shipyards should be left to build the smaller ships and let the Government build the ships now authorized, the battleships, and let the private yards take now authorized, the battleships, and let the private special care of the smaller ships.

Mr. PADGETT. Will the gentleman yield?

Mr. BUTLER. I will yield to the gentleman.

Mr. PADGETT. We are appropriating \$12,000,000 in order to

enable the Government to equip all of the yards for the purpose of building ships. The gentleman from Massachusetts has offered an amendment naming seven yards, and that is the question before the House. We are opposed to naming any yards, but leave the power discretionary with the department to equip

any and all yards.

Mr. VARE. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. VARE. I would like to ask my colleague whether he believes that this discretion should be left with the Secretary

of the Navy

Mr. BUTLER. Absolutely. I do not know where the ships can be built. I have heard of the depth of water at different places not being sufficient for shipbuilding or navy-yard purposes; I have become thoroughly confused at times, and I believe that there is not any water at some of these yards. [Laughter.] Harbors have been designated to us where our fleet could lie, but the fleet has outgrown the harbors. These conditions change and the depth of the ship changes. I would not vote in favor of any measure that would tie the hands of the Secretary of the Navy in this particular. He should be allowed to exercise his discretion in making selection among the different yards where these ships can be built if desirable, and at the least possible expense to the Government. The yards best equipped, in my judgment, should first be selected; some are better equipped than others. I have no information and I would not assume to myself the responsibility of designating to him where he should build any of the Government ships.

Mr. DOWELL. Will the gentleman yield? Mr. BUTLER. I will.

Mr. DOWELL. Why has not the Secretary made some selection as to the equipment of yards under the appropriation that we made one year ago?

Mr. PADGETT. That was August 29, 1916.

Mr. BUTLER. Congress passed a law August 29, and it became a law a short time after that date. In that bill the Secretary was authorized, in his discretion, to equip a certain number of yards—I think eight. I believe the Secretary, the gentleman who has the responsibility, has made an effort to select yards best adapted for construction purposes. Immediately bids for equipment were asked. He has had about three months in which to determine the best places to construct the big ships. Six million dollars was given him to enable him to complete some of the yards, so that the big ships might be constructed. He has already, as I understand, designated the Philadelphia yard for the construction of one great battle cruiser of 180,000 horsepower. Such a ship has never been built in the wide world. It is entirely novel and new, almost an experiment, but one that we must adopt. He has stated that it will require a good portion of the \$6,000,000 to equip one yard. The ship-builders who know how to build battleships have declined up to this time to name a sum satisfactory to the department for which they can build the ships. This ship to be built at the Philadelphia Navy Yard will be built under the direction of the Government. I have no doubt the contracts will be made for the other battle cruisers soon; I mean those heretofore authorized. The Secretary has been moving with dispatch. I have seen millions of dollars voted to the Philadelphia yard for improvements to put it in condition for the purpose that it is now about to be used. I know of no other yard as well equipped as the Philadelphia yard. It is the most modern and the most recent in all kinds of improvements, except the one in New York; and there is no room there to build a cruiser. The ways at the Philadelphia yard are being lengthened, and contracts already made for the steel for that purpose. battle cruiser is about 900 feet long and of 42,000 tons. to carry great guns, larger than any other guns, I believe. Before the Secretary of the Navy could allot the money to the different yards he saw fit to designate one place, the better prepared, the better improved, than all of them, where he might make the immediate test of building a great cruiser.

Mr. PADGETT. If the gentleman will yield, I want to say that the length of the cruiser is about 875 feet, and the tonnage is 32,000 tons. It is the new battleships that are 42,000 tons.

Mr. BUTLER. Yes; I made a mistake. The cruiser is un-

armored.

Mr. FESS. Will the gentleman yield?

Mr. BUTLER, Certainly.
Mr. FESS, Last week, when they were speculating about the number of submarines, Mr. Gary made the statement in New York that we had an establishment here that could easily duplicate all the submarines reported to be now usable. that statement one of enthusiasm merely?

Mr. BUTLER. I do not know what our real ability is. But

did the gentleman hear my statement this morning? Mr. FESS. As to the institution in his State?

Mr. BUTLER. Yes; and it is a good one, too.

Mr. FESS. But Mr. Gary does not confine himself to Penn-

sylvania. does he?

Mr. BUTLER. He does not. I have no doubt that we have in the United States, in connection with our navy yards, sufficient equipment, perhaps somewhat to be improved, so that within three or four months from this time we will be able to begin the supply of all the subsidiary craft that we will at any time

Mr. KELLEY. Mr. Chairman, referring further to the question propounded by the gentleman from Illinois [Mr. Mann] awhile ago as to where the \$18,000,000 would be expended. I want to call the attention of the House to what the Secretary stated in the hearings before the committee, on page 999 of the

supplementary hearings. He said:

Supplementary hearings. He said:

Secretary Daniels. But my suggestion is, our estimates and our recommendations are, for building, equipping the yards for building the ships, it would require \$18,000,000. We have already \$6,000,000, and we are asking for \$12,000,000 more, which would enable us to fit up the Portsmouth Navy Yard to build submarines, and with existing ways and one new ways for two 800-ton boats. At Boston, Mass., the present ways should be lengthened and necessary plant equipment provided for continuing to build ships up to and including 12,000 tons.

Mr. Roberts. May I ask you, right there, are we to assume that the Portsmouth Navy Yard is not equipped to build 800-ton boats with its present slips?

Secretary Daniels. Not fully; we must spend some money to do that.

Mr. Roberts. Does this increase the amount you require for the Portsmouth Yard?

Secretary Daniels. No; we have not been able to make a detailed

Secretary Daniels. No; we have not been able to make a detailed estimate.

At Boston we would provide the necessary ways and equipment.

At Charleston we would lengthen the present ways for a destroyer, and make one for a new destroyer. We could build both destroyers and gunboats.

At Philadelphia we would fit up two new ways for capital ships, leaving the existing ways for auxiliaries.

At Norfolk we would fit up one new battle-cruiser ways and one new ways for two scouts.

At Puget Sound, Wash., we would build one new ways for one new ammunition ship and one scout cruiser.

At New York we would build one new ways for a battle cruiser, and existing ways would be continued as at present.

Mr. FOSS rose.

Mr. PADGETT. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. FOSS. Yes.

Mr. PADGETT. Mr. Chairman, on this amendment of the gentleman from Massachusetts [Mr. Tague] may I ask that debate upon the amendment close in 10 minutes?

Mr. FOSS. I may want 10 minutes myself, though I do not

Mr. OLIVER. I want to have five minutes. Mr. PADGETT. Then make it 15 minutes.

The CHAIRMAN. Does the gentleman include in that request the paragraph as well as the amendment?

Mr. PADGETT. No.
The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon the amendment of the gentleman from Massachusetts [Mr. Tague] close in 15 minutes.

Mr. TAGUE. Mr. Chairman, I will ask for five minutes. Mr. PADGETT. Mr. Chairman, the gentleman has already discussed his amendment for 10 minutes.

The CHAIRMAN. Is there objection?

Mr. TAGUE. Unless I can have five minutes I object.

Mr. PADGETT. Then, Mr. Chairman, I move that all debate upon the pending paragraph close in 15 minutes.

The motion was agreed to.

Mr. FOSS. Mr. Chairman, attention has already been called to the fact that we are spending a great deal of money in equipping these navy yards for the purpose of building capital ships. Last year we authorized \$6,000,000 and this year we conditionally authorize, if we carry out this provision, \$12,000,000; but that is not all. In this bill we appropriate to the different yards and stations something like \$12,000,000 in addition. page 29 of the bill that the total public works will cost \$14,000,000 Of that at least \$12,000,000 goes into the various yards and stations, and all for what purpose? In order that these navy yards may build capital ships, and there is not a single instance anywhere where the Government has built a capital ship that it has not cost 10, 20, 30 per cent more than a similar ship was |

built for in a private yard. Yet we are building no these navy yards to construct ships at an increased expense to the Government. Let me state an instance. We have constructed seven colliers, all of them practically of the same size, with a displacement of about 19,360 tons each, with a cargo capacity for coal of 10,500 tons each, and we built them during the years 1908, 1909, 1910, and 1911. Six of the seven colliers were built in private yards. The lowest cost in a private yard for any one one of them was \$871,000. The highest cost in a private yard was \$1,023,000. The seventh was constructed in a Government navy yard, and that ship cost \$1,326,000-30 per cent more than the same ship or a similar ship built under private contract, and that has been the whole history of the navy-yard construc-

Mr. SEARS. Mr. Chairman, will the gentleman yield? Mr. FOSS. Take the battleship *Utah* and the battleship Florida. The Florida was built in the New York Navy Yard and her hull and machinery cost \$6,250,000. Her sister ship, the Utah, was built by the Newport News Shipbuilding Co., and it cost less than \$4,000,000. There was a difference in the cost of those two ships, sister ships, for hull and machinery, built on identically the same plans and specifications, of \$2,250,000. Then we also built a battleship, the New York, in the New York Navy Yard, while her sister ship, the Texas, was built in a private yard. We excluded indirect and overhead charges from the limit of cost upon the New York, and yet that ship cost half a million dollars more than the Texas, her sister ship, built in a private yard, and if the indirect charges, the overhead charges, which we eliminated under the act of authorization in the naval appropriation bill had been charged to the New York in the New York Navy Yard, that ship would have cost \$2,000,-000 more than her sister ship, built under a private contract.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I propose to put these facts into the RECORD

Mr. PADGETT. Will the gentleman yield for just a moment? As I understand it, five minutes were reserved for the gentleman

from Alabama [Mr. OLIVER].

The CHAIRMAN. The Chair understood that in fixing the time at 15 minutes the gentleman from Illinois [Mr. Foss] was to consume 10 minutes and the gentleman from Alabama [Mr. OLIVER] 5.

Mr. PADGETT. That is correct.
The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. FOSS. Mr. Chairman, we have a number of shipyards in this country--8 or 10 or a dozen-and there never has been any combination between the different shippards in the country that I know of or that has been shown to exist. We provide in this bill that if there should be any agreement or combination among the shipyards these ships can be built by the Secretary of the Navy in a Government navy yard.

Mr. SEARS. Mr. Chairman, will the gentleman yield for a

question?

Mr. FOSS. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOSS. And if you will look through the whole history of Government construction of ships you will find that in every case we have had a half dozen bidders or more. In one case I recall seven bidders in the matter of the construction of a battleship. We have had plenty of competition, and in a time like this I believe we should give these great ships to the private shipbuilding concerns.

Why, much of the congestion to-day in navy yards is due to the tendency of the administration to build ships in navy yards. Just think of it, the Tennessee and California, authorized two years ago, have hardly yet been begun. And why, because they are waiting for the New Mexico or some other ship to get off the ways in the New York Navy Yard, and so the construction of thet ship has been delayed. If that ship and her sister ship had been given to private contractors two years ago at the bids which were then made by the private contractors, those two ships would have been halfway completed at this time and at a cost of a million or a million and a half dollars less each on completion than what they will cost when they are built in the navy yards two or three years hence

Mr. WHEELER. Will the gentleman yield?

Mr. FOSS. I will.

Mr. WHEELER. I wanted to inquire if it is not true that the private plants are now so congested that it would be two and a half to three years before they could take any contract from the Government?

Mr. FOSS. No; I think the private yards will take these ships, and we have already provided in the commandeering proposition here that in case of a national emergency these shipyards can be taken over by the Government, and the ships can be built at a price that shall be reasonable in the estimation of the President; and if the private building concerns do not agree to that price, why, of course, they have the alternative, a poor alternative, of a lawsuit, and yet in view of that action in this

Will the gentleman yield?

Mr. FOSS. In exercising its power to take over these yards in time of national emergency we propose now to appropriate \$12,000,000, in order that the Government can go into competition with private shipbuilding concerns.

Mr. VARE. Will my colleague yield?

Mr. FOSS. The trouble about competition is that the cost accounting system upon which estimates are made by the Navy Department is unfair to the private shipbuilding concerns, and the Government can afford to be fair. I am going briefly to read to you here just the difference in the accounting system, where all the trouble in comparison between Government navyyard estimates, which do not amount to anything, and bids made by responsible shipbuilding yards occurs.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSS. Mr. Chairman, I would like to ask unanimous consent to put this in the RECORD and show the difference between the two in the matter of the cost of ships. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The matter referred to is as follows:

NAVY DEPARTMENT, Washington, February 19, 1916.

Hon. George Edmund Foss, M. C.,

House of Representatives, Washington, D. C.

Dear Mr. Foss: In reply to your letter of February 5, 1916, requesting a comparative statement of the cost of building naval colliers at

navy yards and at private yards, there is submitted herewith a statement of the individual cost of seven colliers of about equal displacement. Of these vessels the Jupiter was constructed by the Government at the navy yard, Mare Island, Cal. The cost of plans, pay of officers, and wages paid on account of leave and holidays does not appear in the charges to this vessel, while indirect expense for supervision, power, minor maintenance charges, etc., are included in the total cost.

The following general information is given, a part of which you may desire to apply in comparing the cost of the Jupiter and Cyclops.

Naval act approved May 13, 1908, authorized two fleet colliers at a cost not to exceed \$1,800,000 each, and provided that "one of said colliers to be built in such Government yard on the Pacific coast as the Secretary of the Navy shall direct."

On account of the excessive estimate for construction at the Mare Island yard, as compared with bids submitted by private shipbuilding firms, ro award was made, and the Secretary in his hearing before the House Committee on Naval Affairs, January 7, 1909, requested Congress to authorize the purchase of four colliers at no greater cost than was authorized for two in the above act.

Naval act approved March 3, 1909, reduced the limit of cost of colliers to \$900,000, but did not repeal the direction to build the vessel in a Government yard on the Pacific coast.

A recommendation was made by the Secretary of the Navy in a letter to the House Committee on Naval Affairs dated December 31, 1909, that the limit of cost of the collier to be built on the Pacific coast be increased to \$1,000,000 (act approved June 24, 1910). No action could be taken under this limit, and by act of March 4, 1911, it was again increased to \$1,200,000, "exclusive of indirect charges," and under this limit the yard was directed to proceed with the construction.

From the above it will be noted that the direction of Congress to build the vessel in a Government yard on the Pacific coast was man

From the above it will be noted that the direction of Congress to build the vessel in a Government yard on the Pacific coast was mandatory, that the excessive cost as compared with a contract-built vessel was contemplated, and that the construction of the vessel, while authorized in May, 1908, was not uncertaken until some months after her sister ship, the Oyclops, was completed and in commission.

In this connection attention is invited to the accompanying statement from which it appears that on account of increased cost of material or other causes the contract prices for construction of colliers built during the period corresponding with the time when the Jupiter was being built at Mare Island were approximately 15 per cent greater than that under which the Cyclops was constructed, although the dimensions of those contracted for later were less.

Sincerely, yours,

JOSEPHUS DANIELS,

JOSEPHUS DANIELS, Secretary of the Navy.

Statement to accompany letter to Hon. G. E. Foss.

Vessel.	Displace- ment.	Authorized.	Builders.	Length.	Breadth.	Cargo capacity (coal).	Contract price.	Total cost.
Jupiter Cyclops Neptune Proteus Nereus Orion	19,360 19,360 19,375 19,000 19,000 19,132 19,132	May 13,1908 do Mar. 3,1909 June 24,1910 do Mar. 4,1911 do	Navy yard, Mare Island Wm. Cramp & Sons Maryland Steel Co. Newport News Shipbuilding Co. do. Maryland Steel Co. do.	542 542 542 542 522 522 536 536	65 65 65 62 62 62 65 65	10, 457 10, 457 10, 500 10, 500 10, 500 10, 500 10, 500	1 \$1,200,000 822,500 889,600 990,000 990,000 951,000 951,000	\$1,326,111.3 871,518.3 922,144.5 998,652.5 1,023,854.1 974,479.8 971,338.0

1 Limit of cost exclusive of indirect charges.

## MESSAGE FROM THE SENATE,

The committee informally rose; and Mr. Harrison of Mississippi having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly knows as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Bryan, Mr. Robinson, and Mr. Gronna as the conferees on the part of the Senate.

## NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. OLIVER. Mr. Chairman, it is refreshing to find some disposition on the part of Members to ask te-day for informa-tion. In reference to the statement made by the gentleman from Illinois [Mr. Foss] as to the relative cost of construction |

in private and in Government yards, I will say that he may be correct as to some of the old contracts to which he refers, but they related to a time when Government yards were illequipped for the handling of any business. Under a Secretary friendly to the proper development of Government yards to handle, at least, a limited quantity of Government work, the committee now finds that work done at Government yards compares most favorably, both as to cost and quality, with that let to private yards. I will later read and insert as a part of my remarks a fuller statement on this subject, and which clearly, I submit, refutes the views entertained by the gentleman from Illinois,

As a result of the information before the committee on this subject, a unanimous report has been submitted recommending this increase of \$12,000,000 to properly equip the navy yards, and the committee has felt that the expenditure of this sum should be left to the discretion of the Secretary of the Navy, and that Congress should not undertake to specify the yards where expenditures must be made. For that reason I hope the amendment of the gentleman from Massachusetts [Mr. TAGUE] will be defeated.

I desire to now briefly submit some facts for your considera-tion in support of a motion to recommit this bill, which I contemplate offering at the proper time. Allusion has been made to the time required for the completion of capital ships. An amendment was offered by me on yesterday, seeking to require that the vessels appropriated for in this bill should be completed within 38 months. That amendment was voted down, and to my surprise there were many Members on this side of the aisle who voted against the amendment. Yet the report of the minority members of the committee, at the last session of this Congress, recommended and urged the following as proper

limits of time for the completion of the different types of ships:

We believe that dreadnaughts and battle cruisers can be completed and put into commission in 24 to 30 months from date of contract. We believe that scout cruisers, destroyers, and other like craft can be completed and put into commission within 15 months from date of contract and that submarines of the coast type can be completed and put in commission within 12 months from the date of contract, and that the time in which ships must be completed should be limited.

In my amendment I sought to prescribe a maximum limit of 38 months on the final completion of the capital ships and, to my surprise, the same gentlemen who said that five months ago, the time limit should be 30 months or less, now impliedly au-thorize the giving of 48 months, and voted against the amendment, fixing the limit at 38 months,

If we need battleships, we need them earlier than four years from now; and if you will fix a limit of time or postpone the appropriation therefor you will get them in much shorter time than four years and probably for less money. The motion to recommit will provide as follows:

Strike out all appropriations for two of the three battleships now carried in the bill and insert in lieu thereof appropriations for the construction of 30 destroyers instead of 15 and for 30 submarines instead of 18, the type and cost of such additional destroyers and submarines to be the same as those now carried in the bill.

If this motion is adopted, it will largely add to the fleet two important types that can be completed in a reasonable time

and which will greatly add to the Navy's efficiency. [Applause.]
The CHAIRMAN. The time of the gentleman has expired.
Mr. OLIVER. Mr. Chairman, I ask unanimous consent to

revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears

Mr. OLIVER. Under leave granted I herewith set out letter, with attached statement from the Secretary of the Navy, and invite the careful reading of the same by the membership of the House. We should know the splendid accomplishments of the Navy Department in these matters, especially in view of the fact that there still remain some, like the gentleman from Illinois, who either refuse or fail to inform themselves in reference thereto.

The letter and statement are as follows:

The letter and statement are as follows:

The Secretary of the Navy,
Washington, Pebruary 13, 1917.

My Dear Mr. Olaver: In my letter of the 3d instant to Mr. Paddett,
a copy of which I am sending you herewith, you will find a rather full
discussion of the construction at the navy gards within the last three
years. This letter is set out in full on page 2584 of the Congressional
Record of date February 3, 1917. I wish you would read it carefully, if you have not already done so. Let me call your attention to
the fact that the Arisona was constructed at the Brooklyn Navy Yard
in 3 years and 10 months from the date of authorization, while her
sister ship, the Pennsylvenia, was built in 3 years and 10 months by
the Newport News Shipbuilding Co. The Oklahoma and Neveda,
neither of which were mentioned in the letter, were built, respectively,
by the New York Shipbuilding Co. and the Fore River Co., the former
being accepted on May 2, 1916, the latter on March 11, 1916. Thus
the Oklahoma was 3 years and 9 months in being built from the date
of contract, and the Nevada 4 years and 1 months, respectively,
intervened, about 103 months and 4 years and 11 months, respectively,
intervened, about 103 months having elapsed between the date of
authorization and the date of contract on both ships.

Except at New York and Marc Island, shipbuilding is a new problem
at mavy yards, and it can not be expected that the ships first construction of vessels at the navy yards, as my letter to Mr. Padegrr
shows, are largely due to the fact that the yards were not equipped
for construction before ships were assigned to them to build, and they
could not proceed in the further yards and Bridge are long overthough the yards shapes that the Hards been provided for the work.
Thus, while appears that the Hards been provided for the work.
Thus, while appears that the Hards been provided for the work.
Thus, while appears that the Hards been provided for the work.
Thus, while appears that the whole shipbuilding facilities much of the trouble

Allow me also to remind you of the difficulties that we have encountered in obtaining the prompt construction of submarines. It was only after months of negotiations and as a result of the department's insistence upon early deliveries that a reduction in time was obtained from the submarine-building companies, and now that the Navy Department is itself constructing engines for submarines it is building at its yards, we may hope for early deliveries on navy-yard-built submarines, and, as a result thereof, a quicker construction from private concerns, and, as a result thereof, a quicker construction from private concerns, and, as a result thereof, a quicker construction from private concerns, and, as a result thereof, a quicker construction from private concerns, and need not recount to you here the difficulties in placing contracts for the scout cruisers and battle cruisers authorized in the last bill; you are undoubtedly familiar with all the circumstances. At this point allow me to call your attention to the following quotation from the first report of the Helm Board, recently printed by your committee, and to its recommendation that judicious improvement of some, if not all, existing navy yards is desirable:

"The commission deems it unnecessary to go into any further detail at present with respect to its conclusions as to abolishing any existing navy yard or naval station. The investment already made at such stations, the possibility of their full and advantageous utilization in caring for the vessels of the fleet, the extreme difficulty of meeting the requirements of the Navy and those merchant vessels which would be taken over by the Navy in time of war and could not be cared for at private ship-repair and dry-docking establishments at the outbreak of the Spanish-American War, leave no doubt in the minds of the members of the commission as to the inadvisability of abolishing at this time or in the near future any existing navy yards is desirable, and the commission can see no just ground for the diminution

Hon. W. B. OLIVER, House of Representatives, Washington, D. C.

Powder. COST OF MANUFACTURE AT INDIANHEAD,

	1912	1913	1914	1915	1916
Direct	\$0.30511 .08025	\$0.29929 .08025	\$0. 27621 . 08403	\$0.24912 .072243	\$0.321061 .096052
plant)	. 02210	. 02210	. 02048	. 019893	. 023669
Total cost	. 40746	-40164	. 38972	. 341256	. 440782

The same	Douglas supplemed from D. L. du Doub de Nome	0 1
	Powder purchased from E. I. du Pont de Nemours.	Cents
1912 1913 1914	53	and 6
1915		- 5 - 5

The Naval Gun Factory has built one 16-inch 45-caliber gun, at a cost of \$77,058 for actual labor and material alone. The following table shows the relative costs of manufacture of guns with breech

Caliber.	Naval Gun Factory.	Lowest private bid.
16-inch 45-caliber 14-inch 50-caliber 14-inch 45-caliber 12-inch 50-caliber 12-inch 50-caliber 12-inch 50-caliber 6-inch 51-caliber 5-inch 51-caliber 4-inch 50-caliber	5, 840. 00	\$167, 295, 00 116, 003, 00 74, 770, 00 72, 800, 00 66, 912, 00 12, 283, 00 9, 500, 00 5, 772, 46

Bids made in 1916 were made upon material for gun forgings that had advanced in price nearly 60 per cent since the forgings for the guns made at the Naval Gun Factory were obtained, and hence it is difficult to make an accurate comparison. The cost of the guns to the Gun Factory does not include any charge for plant or for various overhead items. In order to enable the Midvale and Bethlehem companies to construct 16-inch guns it is necessary for them to install new lathes and machinery for which their estimate is practically the amount estimated as necessary for the Naval Gun Factory, but which amount will not appear in the cost of the guns.

### TORPEDOES.

TORPEDOES.

Torpedoes is that of the Mark VII. The torpedo station cost of this torpedo, ready to fire, is \$5,119.34. That of the Naval Gun Factory, for the first torpedoes manufactured there, is \$7,860.91, and it is expected that this will be reduced to \$5,618.62 on the second order. The cost of this torpedo from the E. W. Bliss Co. was \$6,125.91.

Another close comparison can be made in the cost of Mark IX torpedoes. The cost of this torpedo manufactured by the Bliss Co. under contract dated April, 1914, is \$7.027.86. Its cost made at the torpedo station, ordered in 1914 (as per memorandum of Commander Robisou), is \$4,332.30.

MINES.

The total cost of 1 mine, comlete except explosive charge, as manufactured at the Norfolk Navy Yard, is \$321.96.

Contract with Vickers dated November 7, 1913, for 1,100 mines, complete except explosive charge, fixed the cost at \$498.95 each.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. Tague], which the Clerk will again report.

The amendment was again reported.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TAGUE. Mr. Chairman, I ask for a division.

The committee divided, and there were—ayes 5, noes 58.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Will the gentleman yield? How much time will the gentleman want?

Mr. FITZGERALD. Five or maybe ten minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate upon the paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all debate on the paragraph and amendments thereto close in 10 minutes. objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. Fitzgerald] is recognized.

Mr. FITZGERALD. Mr. Chairman, for some years it has been my custom when the naval bill was under consideration to present information as to the relative cost of manufacturing in Government yards and private yards. I have not done so at this session, because I have been so engrossed in the work of the

Committee on Appropriations.

It was ascertained some years ago that the department had so indefensible a system of cost keeping in Government yards that Congress was compelled at times to take radical action in order to have a fairly accurate statement made of the cost of building ships. For instance, at the navy yard in New York it was found that the maintenance cost of the entire plant, regardless of the portion of the overhead that was properly chargeable to construction or repair purposes, was being charged to the ship. I remember I made a statement here at one time upon information furnished me confidentially by one of the paymasters in the Navy, in which I demonstrated conclusively that upon one of the ships over \$1,000,000 had been charged that did not properly belong to the cost of the ship. I do not intend to review those old facts now.

I wish to call the attention of the House to some very late information relative to the cost of Government manufacture as contrasted with private manufacture of munitions of war. Section 121 of the national-defense act provided for the appointment of a board of five citizens, two of whom should be civilians and three officers of the Army, to investigate and report on the feasibility, desirability, and practicability of the Government manufacture of arms, munitions, and equipment, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants and those manufactured in private plants, and certain other things. That report was transmitted to Congress on the 2d day of January, 1907.

The board consisted of F. J. Kernan, colonel, Twenty-eighth Infantry, president; C. P. Summerall, lieutenant colonel, Field Artillery; Benedict Crowell; R. Goodwin Rhett; and L. M. Fuller, major, United States Army, retired, recorder. Mr. Rhett is president of the National Chamber of Commerce. following firms were in touch with the board and conferred

with them:

The Allis-Chalmers Co.
The American Radiator Co.
The American Locomotive Co.
The Brown & Sharpe Manufacturing Co.
The Cincinnati Milling Co.
The Du Pont Powder Co.
The General Electric Co.
The General Electric Co.
The Remington Arms Union Metallic Cartridge Co.
The Winchester Repeating Arms Co.

This is a quotation from the report:

The actual data upon comparative cost is contained in Exhibit F herewith, compiled in the Office of the Chief of Ordnance and covering a period of four years past. An examination of that data discloses that with few exceptions the Government cost is less than the corresponding purchase price. This result should cause no surprise. Indeed, had a contrary state of facts been shown, a grave indictment of the Government plants would have resulted.

This board, absolutely impartial, states that if the Government manufacturing cost were not less than the private plants' selling cost it would constitute a grave indictment against the Government plants.

It says further:

For, considering the question abstractly, it appears at once that the Government cost should be less, and considerably less, as a general rule, than the private manufacturer's price, and this without any imputation upon the efficiency or the business policy of the latter. The Government has no selling expense; it carries no insurance, but merely pays its fire and accident losses at their actual cost, estimated at about three-tenths per cent; its borrowing ability, as related to the cost of its investment, is exercised at a much lower interest rate; it has the advantage of long-continued experience in a few specialized lines, and, finally, it makes no profit.

On page 9 of the report it is stated that it is difficult to say what saving has been made on certain implements and munitions, since they have not been manufactured simultaneously by Government and private plants, but the Chief of Ordnance, Gen. Crozier, has compiled a statement of the saving in such articles as were both manufactured and purchased during the past four years. The board could not definitely determine the saving where the Government was the exclusive manufacturer, but where the Government was manufacturing and purchasing the same article it was able to reach certain conclusions. The exhibit is contained in the report and discloses that certain articles, costing \$9,397,737.40 out of a total of \$35,106,523.09 manufactured by the Government at its arsenals in four years, were compared with the cost of obtaining them by contracts; that is, about 25 per cent of the Government manufacturing was compared in this total. The report shows that the same articles if bought at prices paid for similar articles would have cost the Government \$11,153,593.42. The saving to the Government, therefore, on \$9,397,000 of manufactured products was \$1,755,-Practically 10 per cent is saved over what it would cost if we obtained the articles by contract.

There is no essential difference between the conduct of an establishment that manufactures large guns, rifles, ammunition, and munitions over an establishment that constructs war vessels

or other industrial establishments.

In the years that I have been assigned to the duty of ascertaining the cost of Government manufacture and private manufacture at Government arsenals it has been established conclusively that the Government arsenals are manufacturing more cheaply than the Government can purchase the same articles from private manufacturers.

The gentleman from Illinois [Mr. Foss] never was friendly to navy-yard construction. He never tried to find out just what While he was chairman of the committee we the cost was. had a continual controversy to take the Government out of the control and the grip of the private contractors and to have it utilize its own establishments for the doing of essential

work for the defense of the country.

We demonstrated by repeated illustrations that the navy yards did, in competition on single items, do the work more cheaply than it could be done by contract. We established it by investigations of the arsenals conducted by the War Department rather than by the Navy Department. I have not the slightest doubt but that if the committee had been headed by a man who wanted to get the facts he would have demonstrated that the Government yards were equally economical in the construction of Government ships.

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. FOSS. Mr. Chairman, I ask to proceed for five minutes. The CHAIRMAN. The Chair would state to the gentleman that the time has all been allotted.

Mr. MANN. I submit, Mr. Chairman, that in view of the personal attack, the unwarranted attack, on my colleague, he is entitled to reply.

Mr. PADGETT. I ask, Mr. Chairman, in view of the statement by the gentleman from Illinois that his colleague [Mr. Foss | be given five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Illinois [Mr. Foss] may. proceed for five minutes. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I am not opposed to Government construction of ships if it can be shown that there is a combination on the part of private shipbuilders to hold the Government up. It has never been shown. If it can be further shown that the Government can build ships cheaper than they can be built by private contractors

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield? Mr. FOSS. It is shown absolutely that there has never been case of Government construction of large ships, colliers or battleships, where it did not cost a great deal more to build them

in Government yards than by private concerns.

Mr. FITZGERALD. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOSS. Yes

Mr. FITZGERALD. The gentleman says it has never been shown that there is an understanding between private yards, or there is now?

Mr. FOSS. It has never been shown that there has been an

understanding.

Mr. FITZGERALD. It has been shown that all the private yards submitted identical bids for the same ships. If that was not the result of an understanding it is a remarkable coinci-

Mr. TAVENNER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman yield?

Mr. FOSS. No; I can not yield. I have only five minutes. Now, the trouble is that the cost-counting system in private shipbuilding concerns is one thing and in Government yards it is another thing. The Government navy yards exclude a great many things that are in the cost-counting system in private shipbuilding concerns.

Now, I am going to read a little statement that has been approved by a man in our Navy Department who knows what he is talking about on this subject of cost in Government navy yards, because he has to do directly with it. He says

yards, because he has to do directly with it. He says:

The cost of work done in navy yards does not include all the elements that enter into the cost of the work. It includes the cost of direct labor and material but does not include all the indirect or overhead charges. The new accounting instructions which were put in effect July 1, 1915, provided that certain fixed charges shall be made against the military maintenance of the yard, and this has the effect of making the cost of work appear much less than it formerly was or than it really is.

The building of a new ship in a navy yard also results in transferring to the appropriation under which she is built a certain portion of the cost of the work. In round numbers, from 25 to 28 per cent of the indirect cost is charged directly against the appropriation concerned. To make this plain, it may be stated that in the building of a ship such as the Arizona at the New York Navy Yard only about 70 or 75 per cent of the indirect charges are charged to the cost of that ship, the remainder being charged directly against the appropriation "Increase of the Navy." Items of cost which are not charged against the cost of work are the pay of draftsmen, of clerks, of people engaged in inspection work, bookkeepers, storekeepers, and messengers. The pay of officers concerned in the supervision of the work is not charged. Certain repairs made to the rolling stock in navy yards and the car tracks, vehicles, etc., is charged to another account than that of cost of work.

One of the big items of expense in navy yards is the annual leave of 30 days granted to employees, to say nothing about the holidays. This amounts to about 14 or 15 per cent of the cost of labor, but is charged directly to the appropriation and not against the cost of work.

That is found in another item of the naval appropriation bill,

That is found in another item of the naval appropriation bill, or some other bill, I believe, but it is not charged against the cost of the work. I read further:

cost of the work. I read further:

In building ships by contract the shipbuilder has to include all of the foregoing items in his cost, and, besides that, he has to charge for the investment in his plant represented by the cost of land and buildings and equipment. He has also to charge for the interest on his working capital. He has to pay insurance on his plant and on the ships while they are under construction. He has to charge for depreciation of his buildings and equipment. No such charges are made against the cost of construction in navy yards, and every Naval appropriation bill carries with it a liberal appropriation for the replacement of tools. The shipbuilder has also to pay taxes on his plant, and now also on the profits of his plant. This all tends to swell the cost of production and to make the contract-built ship cost more than one bullt in navy yards. Unfortunately, as pointed out by Mr. Ferguson, president of the Newport News Co., on pages 1107 and 1108 of his hearing before the House Committee on Naval Affairs (which may be found in pamphlet No. 20, entitled "Cost of preparedness"), it is impossible to get the true cost of work done in navy yards, and the shipbuilder is up against the proposition of matching his actual cost, which he can determine to a nicety, against the fictitious cost reported from navy yards.

Before the passage of the eight-hour law the bids of shipbuilders for the construction of ships was very much lower than the cost in navy yards.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. FITZGERALD. Mr. Chairman, does the gentleman want more time?

Mr. FOSS. I would like to have two or three minutes more.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's

request?

There was no objection.

Mr. FITZGERALD. I want to ask the gentleman a question. Mr. FOSS. I read further:

Since the passage of the eight-hour law, however, prices from ship-yards have materially risen, until now the difference in reported cost of construction at navy yards does not differ greatly from the bids sub-mitted by shipbuilders. If all the items of cost that should appear were included in the cost returns from navy yards, there can be no question of the fact that the cost in navy yards would be much greater than for construction by contract.

Mr. GALLIVAN. Who wrote that? Mr. FITZGERALD. Mr. Chairman, will the gentleman yield? Mr. FOSS. Yes.

Mr. FITZGERALD. The gentleman says we do not charge against the ship the draftsmen who prepare the plans when the ships are built in the navy yards. Do we not furnish the plans to private shipbuilders free, and that is not added to the cost of the private-built ships, although the Government bears all the expense of preparing those plans? We prepare the

Mr. FOSS. The private shipbuilding concerns employ a great many draftsmen and clerks.

Mr. FITZGERALD. We prepare the plans and furnish them

to the builders to work upon. Mr. FOSS. That is true in every business. Whenever the Government contracts for a certain piece of work it is neces

sary to prepare the plans and specifications upon which the different concerns can bid. That is so in every line of business. The CHAIRMAN. The time of the gentleman from Illinois has again expired. All time is expired. The Clerk will read. The Clerk read as follows:

If, in the judgment of the Secretary of the Navy, the most rapid and economical construction of the battle cruiser herein appropriated for can be obtained thereby, he may contract for the construction of said battle cruiser upon the basis of actual cost, plus a reasonable profit to be determined by him.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Mann: On page 60, after line 23, insert: "It is hereby reaffirmed to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided."

The CHAIRMAN. The question is on agreeing to the amend-

The amendment was agreed to.
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Of each of the sums appropriated by this act, except such amounts as may be required to meet obligations authorized in previous acts and for which contracts have been made, no part shall be used to procure through purchase or contract any vessels, armament, articles, or materials which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply, unless such Government plants are operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants, and except when said Government plants are unable to complete the work within the time required, and except in cases of emergency: Provided, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. MILLER of Pennsylvania. Mr. Chairman, in regard to

Mr. MILLER of Pennsylvania. Mr. Chairman, in regard to what the gentleman from Illinois [Mr. Foss] was talking about a moment ago, I am reminded of an incident that happened, about one year ago in the presence of a young gentleman who was a member of the mechanical engineering class at Ann Arbor. He, with his class, went out on a tour of inspection. The class stopped at Pittsburgh, at the Westinghouse plant, and there he saw them make casings for 3-inch shells. He came direct from there to Washington and went down to the navy yard, and they were making casing for a 3-inch shell, identically the same kind as he saw them making in Pittsburgh. He timed with a watch the making of the articles at each plant. While the workman made 15 casings in the Westinghouse plant in Pittsburgh in a given time, during the same length of time the workman at the navy yard made 1.

Now, think of that! That was on account of the increased

efficiency of the man and the increased efficiency of the ma-

chinery and its operation.

But that is not all. A gentleman of this House told me about a year ago that he was down at the navy yard and was introduced to an employee from his own State who looked like a very old man, and he asked him how long he had been there. Said he, "I have been here since the year 1844, excepting four years that I was in the Army." "Why," he was asked, "my friend, how old are you?" "Why, I am only 92 years old." Is it any wonder that it takes them as long to make one article in the navy yard as it does to make 15 at the Westinghouse plant? [Laughter.]
Mr. KEATING. Mr. Chairman, of course the Members of the

House are always glad of an opportunity to have the gentleman from Pennsylvania [Mr. MILLER] amuse us; but the unfortunate part of this proceeding is that when citizens of the country read the Congressional Record they are very likely to take the gentleman's statement seriously.

Mr. MILLER of Pennsylvania. It is serious, and it is true. It was the son of the gentleman from Michigan [Mr. FORDNEY]

here who saw it.

Mr. KEATING. I have no doubt in the world that the gentleman from Pennsylvania [Mr. MILLER] takes it seriously, but I do not think there is another human being who is familiar with the facts who takes it seriously. Now, the truth is that you can not manufacture 15 shells in the Westinghouse concern, or any place else, while you are manufacturing one in the navy yard.

Mr. FORDNEY. The fact is that they do.
Mr. KEATING. If that were true, if you could turn out
fifteen times as much in a private establishment as they do in a Government establishment, I submit, even to the gentleman from Pennsylvania, that that result would be shown when these private establishments are bidding for Government contracts.

Mr. PADGETT. Will the gentleman yield a moment? Mr. KEATING. I will. Mr. PADGETT. The Government does not, in any navy yard, or elsewhere, pretend or attempt to make large shells. it has made a few experimental small shells, the largest I believe 8 inches. It is true, I presume, that they make at Pittsburgh many times more than 15 to 1 of the big shells, because the Government does not make any big shells at all.

Mr. KEATING. The fact is, as all the Members of this

House who have gone into the matter know-

Mr. MILLER of Pennsylvania. Let me answer.

Mr. KEATING. If the gentleman will restrain himself just moment-all the investigations that have been made have demonstrated that Government manufacture is cheaper than private manufacture. We had read here this morning by the gentleman from New York [Mr. Fitzgerald] a statement prepared by a board which was not friendly to Government manufacture, and the finding of that board was to the effect that the saving was at least 10 per cent, in fact, much more. I make this statement merely that some answer may appear in the Congressional Record, and that it shall not go out to the country that this House, merely because it laughed at what the gentleman from Pennsylvania [Mr. MILLER] said, indorsed hat he said. [Applause.] Mr. FORDNEY. Mr. Chairman and gentlemen, I made to what he said.

the gentleman from Pennsylvania [Mr. Miller] the statement that he repeated to the House. I visited the navy yard and saw them make 3-inch casings. I know the statement made by Mr. MILLER is correct: it does not make any difference what others I made a statement on the floor of this House once before. say. I made a statement on the noor of this House of the and I am going to make it again now for the information of the gentlemen here: Through the courtesy of this House I secured an appropriation for the construction of a building in the congressional district in Michigan that I have the honor to represent here. That building cost, in round numbers, fifty-nine thousand and some odd hundreds of dollars, of which about \$8,900 was spent for superintendence and plans for the construction of

that building.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. DAVIS of Texas. Does the gentleman mean to have us understand that he vouches for the man being 92 years old also?

Mr. FORDNEY. No; I did not see that gentleman, but I saw the casings being made. Down here in the navy yard-I presume the same method is yet used-the method of making these shells is that when the workman puts his foot upon the pedal of a machine a rod comes down, presses the plate into the die, and makes the shell or casings. He takes it leisurely out by hand and lays it aside, picks up another plate and lays it on the die, puts his foot on the lever, and then the casing is made; whereas at Pittsburgh the machine works automatically, and the plates go through rapidly and come out in the form of casings.

Mr. MANN. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MANN. The gentleman from Michigan calls the outside the shell. The Committee on Naval Affairs call the inside the

Mr. FORDNEY. Yes; I said shells, and I saw them made in the Westinghouse plant at the rate of 15 for every 1 made in the navy yard.

Mr. MILLER of Pennsylvania. That is the main thing-15

1. [Laughter.] Mr. FORDNEY.

Not 16 to 1, but 15 to 1, and that is about as near as the Government can come in doing anything practical, as compared with a private concern or an individual. [Applause. 1

Mr. TAVENNER. Mr. Chairman, I move to strike out the last word. The gentleman from Illinois [Mr. Foss] stated that it had never been shown that there was any absence of honest competition between shipbuilders, and so forth. During the Fifty-third Congress Charles M. Schwab, the present head of the Bethlehem Steel Corporation, which owns shipbuilding yards, was testifying before a committee of Congress, and was asked this question:

Senator BLACKBURN. Is there any competition in the price of armor in this country as between yourselves and the Bethlehem Co.—

At that time Mr. Schwab was general manager of the Carnegie Steel .Co.

Mr. Schwab. No. sir; assuredly not. We have always had an understanding in that matter. We-

Carnegie-

never take a contract that we do not consult with the Bethlehem about it.

about it.

Senator Blackburn. I asked if there is competition.

Mr. SCHWAB, No, sir; there is no competition. I want to be quite fair on that point.

Now, as to the difference in cost between the manufacture of things in arsenals and private plants, I desire to read a little further from the same document that the gentleman from New York [Mr. Fitzgerald] quoted from a few moments ago. Doc. No. 664, 64th Cong., 2d sess., p. 26.) This document shows that in the manufacture of field-artillery carriages, caissons, and limbers we are manufacturing these articles in Government plants 43 per cent cheaper than we can get them from private manufacturers.

As to cannon powder, we are manufacturing it 42 per cent cheaper; 12-inch projectiles weighing 700 pounds, 80 per cent cheaper; 12-inch projectiles weighing 600 pounds, 67 per cent cheaper; optical instruments, 9 per cent cheaper. These figures were compiled by a board that I consider unfair to the Government-manufacture side. All the testimony that was presented was by the private firms that manufacture these munitions and the Army officers who are opposed to complete Government manufacture. Nevertheless, the report proves the

economy of Government manufacture of munitions.

The War Department it 1913 purchased 7,000 4.7-inch shrapnel from the ammunition ring, paying \$25.26 each therefor. At the same time precisely the same article was being manufactured in a Government plant at a cost of \$15.45. The War Department paid the ring \$17.50 for a 3.8-inch common shrap-The War nel, when it can manufacture the identical article for \$7.94. The Government has manufactured at the Rock Island Arsenal caissons for gun carriages at a cost of \$1,128.67 for which private manufacturers had been paid \$1,744.10, which is 54.6 per cent greater than the arsenal cost. Take powder. The Government has purchased \$25,000,000 worth of powder from the Powder Trust since 1905, paying therefor all the way from 53 cents to 80 cents per pound. We are manufacturing powder in Government plants for 34 cents per pound, and the officers in charge state that the more we manufacture the cheaper we can A hundred similar illustrations could be cited if produce it. time permitted.

Whenever there is a discussion of the subject of Government manufacture of munitions of war a peculiar thing develops. We find that those Members of Congress who are the leaders for excessive preparedness are also the most bitter enemies of Government manufacture. Why is this? Let them answer.

I have always contended that the test of sincerity in the de-

mand for great preparedness is whether those who advocate it are willing that the people shall receive the preparedness which they advocate without private profit to the J. P. Morgan con-

trolled war trust.

If those who are crying up to Heaven for greatly increased appropriations for preparation for war are wholly sincere, you would think they themselves would demand Government manufacture in order that the Nation might obtain a dollar's worth of preparedness for every dollar appropriated, instead of only 50 or 60 or 70 cents' worth.

But whenever you show me a man who is professionally agitating big Army and Navy appropriations I will attempt to show you a man opposed to Government manufacture of the

preparedness he is demanding.

he Navy League of the United States, which I have on several occasions shown to have been founded and supported by war-trafficking firms, went to great trouble and expense to defeat me for reelection because I have advocated the elimination of private profit from war and preparation for war by the manufacture of Army and Navy supplies in Government ar-senals and navy yards. In other words, the Navy League insists that because I advocate Government manufacture I am opposed to preparedness. The Navy League's position is that

everyone who would interfere with the profits of those munitions and armor makers who are set forth in the Navy League Journal as the founders of the Navy League is an enemy of preparedness.

In this connection I wish to state that those who allege that we are not prepared as we ought to be at this time can not lay the blame at the doors of those who have been consistently advocating in Congress the Government manufacture of Army and Navy supplies. If we are not adequately prepared, it is not because the American people have not paid in taxes the price of adequate preparedness, but because too many millions of dollars of the money appropriated for preparedness have gone into the pockets of J. P. Morgan, Charles M. Schwab, and other munitions makers in the form of excessive profits instead of into preparedness. Three firms have drawn down contracts aggregating more than \$200,000,000 from the Army and Navy Departments, and Army and Navy officers have generously paid these firms from 20 to 60 per cent more for practically every dollar's worth of these supplies than they could have been manufactured for in Government establishments.

It has been charged that the public buildings and the rivers and harbors bills are pork-barrel bills. I believe they are to a large extent. I voted against them. But the percentage of pork in those bills is but a drop in the bucket as compared to the Army and Navy appropriation bills.

I am going to vote against these so-called preparedness bills solely because they are loaded to the guards with fat, juicy pork for the private munitions manufacturers. If enough Members would vote against these bills, as myself and others are doing, it would not mean that we would not get any pre-paredness at this session but that the committees in charge would be forced to bring in bills making provision for Government manufacture of supplies. It would also mean that the Nation would get from one-fourth to one-third more preparedness for the same money that we are now appropriating. But, in the opinion of the Navy League and professional preparedness advocates, it is quite unpatriotic to demand that the Nation shall receive the maximum defensive power or the maximum striking power for the sums appropriated.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. TAVENNER. Certainly.

Mr. DAVIS of Texas. Does not the testimony show that not only do the munitions makers refuse to compete with each other but that they have had similar arrangements with European munitions manufacturers?

The records of the Supreme Court show Mr. TAVENNER. that for a period of about 10 years the Du Pont Powder Co. was in a contract with European powder manufacturers by which it was agreed that if the United States Government should attempt to escape the net of the Du Pont concern, which had a monopoly of the sale of smokeless powder to the Government, and should ask for a bid from the European powder makers, the latter were bound by the terms of the contract first to write to the Du Ponts and ascertain what prices the Du Ponts had quoted to the American Government, and then not to quote any The same arrangement existed as regards any attempt of the European Governments to escape the strangle holds of the European powder firms by attempting to buy powder in America.

Mr. KELLEY. Mr. Chairman, one of the reasons it is thought wise for the Government to enter the field of manufacture at all is to determine the cost of manufacture of various articles needed by the Government. Unless we do accurately determine the cost of manufacture in plants operated by the Government it is not going to help us very much in ascertaining what is a fair price to be charged by private manufacturers. think, from what investigation I have been able to make since I have been a member of the Committee on Naval Affairs, that there is some basis for the belief that the Government does not know accurately what it costs to manufacture articles made in Government plants. I think we ought, beyond all doubt, to clear up this matter of cost in Government manufacture. The Government should install a system of cost accounting which will accurately convey to Congress and to the people of the country the exact cost of production, and then we will know what we are doing and whether we are making money or losing money by doing the work ourselves.

Mr. MANN. Will the gentleman yield?

Mr. KELLEY. Certainly.

Mr. MANN. We have just made an appropriation, altogether, of \$18,000,000 to fix up certain navy yards. A part of that probably the major part of it-is to equip navy yards for the construction of capital ships. How can anybody tell what proportion of that equipment is to be charged to any one ship?

Mr. KELLEY. I will say to the gentleman that the present chief accountant of the Navy Department-Admiral McGowanhas just completed a survey of all the navy yards of the Government. He has made charts showing the layout of every shop in the various navy yards. He has undertaken to assign the amount of depreciation of every machine in every one of these shops to a given piece of work. From a calculation of the use of shops and machinery in the production of any given work the total overhead charge as compared with the cost of labor or material has been thoroughly worked out by the department. This system follows closely upon systems now in use in private plants generally in the country.

Now, I will say further to the gentleman from Illinois that

the Secretary of the Navy has not yet put this new system into operation, and if by the time we make the next bill it has not

been put in operation I shall do all I can to have the matter taken care of by appropriate legislation.

Mr. MANN. Very well. Suppose you equip a navy yard with a \$6,000,000 equipment for the construction of capital ships and you then build one capital ship that will cost \$15,000,000 and you never build any more; the whole thing is charged against that one ship. How does anybody know how many more ships will be constructed at the same navy yard? The Lord can not tell what Congress is going to do, nor anybody else.

Mr. KELLEY. That would be more or less true of private construction as well; but the Government ought to be able to say with as much certainty as a private corporation what elements ought to go into the overhead charges. It has been ascertained in this system of accounting which Admiral McGowan has worked out that the proper overhead to be included as an overhead charge against any ship is about 65 per cent of the labor cost entering into the ship. This of course has nothing to do with profit.

Under a system like that the proper overhead can readily be ascertained and can be added to the cost of labor, which is definite, and the cost of material, which is definite, and then you can get the accurate cost to the Government of the ship.

Mr. GARLAND. But how can the Government, in the gentleman's estimation, secure this information when every bill practically that is passed here carries a provision that time shall not be taken into consideration. The stop-watch clause, as it is referred to, precludes the possibility of what the gentleman speaks of.

Mr. KELLEY. There ought not to be any trouble at all about the Government being able to determine cost, any more than a private manufacturer. And until we do put some system into effect which will do this we will have no proper check upon cost of work done for the Government under private contract.

The Government undertakes to supervise the corporations of the country. We have a Federal Trade Commission, and that commission has recommended a uniform system of accounting to be adopted generally in order to determine accurate costs of manufacture throughout the country, and if the Government can work out such a system as that for private corporations, it does seem to me that we ought to be able to do it for the Government itself.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan have one minute more in order that I may be able to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Does the gentleman know whether or not this cost-accounting system of which he speaks has been used in an effort to ascertain what the real cost of these great cruisers may be; and if so, how nearly it comes to the estimate placed upon the cost by the private builder himself?

Mr. KELLEY. In reply to my colleague I will say that it is my understanding that the estimate of the Government of the value of material and the value of the labor entering into these cruisers and the proper amount of overhead charges, should be added to the cost of labor and material, making the full cost of the ship, is almost identical with the amount estimated for material, labor, and overhead charges by private concerns bidding for these ships.

Mr. PADGETT. There was some difference in overhead charges. They grouped profit and overhead charges together, the gentleman will remember.

Mr. VARE rose. Mr. PADGETT. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. VARE. Yes.
Mr. PADGETT. How much time does the gentleman desire?

Mr. VARE. Five minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 15 minutes.

Mr. GARLAND. Mr. Chairman, I desire to have five minutes. Mr. PADGETT. Will not the gentleman take that on the next paragraph?

Mr. GARLAND. Certainly, if I can speak upon this same

subject.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. VARE. Mr. Chairman, there has been a great deal of discussion concerning the relative difference in efficiency between the private shipyards and the Government shipyards. I am extremely sorry that my friend from Illinois [Mr. Foss] is not present, for I would be able to call to his attention an instance which he possibly has overlooked in the construction of a transport quite recently. A discussion was had upon the floor of

the House relative to the bids received for the transport Henderson, recently launched at the Philadelphia Navy Yard. the time of opening bids for this ship there were five bids received by the Government from private yards, as follows:

[Bids opened Dec. 20, 1913.] Transport "No. 1."

Bidder.	Class.	Time.	Speed.	Price.
New York Shipbuilding Co	1 1 1 1	Months, 24 24 24 24 24 24	Knots. 14 14 14 14 14	\$1,752,000 1,804,000 1,931,100 11,725,000
ing Co	1	24	14	1 1, 825, 400

1 If tried at Lewes, Del.

The lowest bid was from the Newport News Shipbuilding Co., and their price, as above stated, was \$1,725,000. The Secretary of the Navy was not satisfied as to the reasonableness of that bid and he invited the Government navy yards to compete and also submit bids for the construction of the ship as follows:

Transport "No. 1."

	Navy yards.					
Item and division.	Mare Island.	New York.	Norfolk.	Ports- mouth,	Puget Sound.	Philadel- phia.
Labor: Hull. Machinery. Maferial: Full. Machinery. Indirect: Hull. Machinery. Indirect: Hull. Machinery.	\$448,830 155,228 427,931 259,059 190,492 70,335	\$744, 258 162, 594 453, 547 241, 265 242, 748 50, 318	\$543,800 187,015 380,250 261,700 212,130 76,137	\$587, 131 184, 640 449, 326 329, 206 162, 945 63, 180	\$493, 896 184, 281 390, 693 218, 893 219, 202 81, 826	\$379,094.00 150,235.18 419,682.03 216,164.08 135,862.03 48,532.77
Total: Full: Machinery.	1,067,253 484,622	1,440,553 454,177	1,136,180 524,852	1,199,402 577,026	1,103,791 485,000	924, 638. 03 414, 931. 93
Total (yard estimate)	1,551,875	1,894,730	1,661,032	1,776,428	1,588,791	1,349,569.99
Yard estimates for drafting: Bureau of Construction and Repair. Bureau of Steam Engineering.	None. None.	None. None.	51,000 None.	128,900 115,000	14,000 15,000	43,000.00 12,500.00
Total estimate	None.	None.	51,000	1 43, 900	29,000	2 55, 500.00

<sup>1</sup>Not included in total estimates submitted by yard.

2 Includes also reporting weights, mold loft work, and inclining experiments.

It was said at the time by the gentleman from Virginia [Mr. Jones] that on the one hand was a legitimate bid, backed up by bond from Newport News Shipbuilding Co., and on the other side a mere guess by irresponsible navy-yard employees. on the floor of this House that if it were possible as a business proposition I would be willing to give my personal bond as a guaranty that the employees of the Philadelphia Navy Yard would be able to carry out their estimate and finish the ship in accordance with their proposition. Of course, that was not a practical thing to do, but, however, there was a promise on their part to save \$320,000 upon the construction of the ship. this House to know that that ship has been launched and is practically completed, and that instead of saving \$320,000 to the Government they have saved more than \$400,000. [Applause.]

I want to call the attention of this House to the fact that in making the calculations there was a liberal allowance for insurance, a liberal allowance for additional electric lighting, and an additional allowance estimated for compensation so that there were full and adequate overhead charges when the final estimate was made. I am not in favor as a general proposition of Government ownership, but I am in favor of this Government being in a position not only to give assistance to a great policy of naval preparedness, but I believe in the equipment of these navy yards as a good business investment for the Government in order that it may at all times be able to ascertain what is a reasonable, fair, and proper charge for the construction of these ships; and I am quite sure that if the Secretary of the Navy in his wisdom directs the building of any of these large ships at the navy yard in the city of Philadelphia that the officials and employees of the Philadelphia Navy Yard will not only make good in the future but they will verify the splendid record

they have made in the past. [Applause.]

Mr. CURRY. Mr. Chairman, I represent a navy-yard district. I am not one of those who claim that all naval ships should be constructed in navy yards, but I do say that at least half of the battleships, destroyers, colliers, submarines, and the

other ships of the Navy should be constructed in navy yards when the navy-yard estimates are as low or lower than the private yard bids. Even though the yards do not construct a single ship, if they are equipped to build ships and are in a position to bid, it saves the Government money, because the private yards then, on account of competition with Government yards, have to build for a reasonable profit and will be compelled to construct the ships within a reasonable time. Since the navy yards have been permitted to estimate upon these ships the private yards have been bidding at a more reasonable price, and they have been constructing the ships in quicker time.

Invidious comparisons have been made between the construction in private yards and navy yards to the detriment of the navy yards. I have some figures here that show the navy yards, and particularly the Mare Island Navy Yard, have saved the United States Government a great deal of money. The following figures are on construction awarded to the Mare Island Navy Yard during the past five years. In every instance the estimate of the yard was lower than the private bid, the Mare Island Yard in every instance being lower. First, take the bid on the collier Jupiter. The Mare Island estimate was \$1,130,000. That was lower than any private bid submitted. Mare Island constructed that ship for \$980,000, or \$150,000 under the estimate. The river gunboats Monocacy and Palos were estimated for at \$278,000, and the actual cost of construction was \$239,600, a saving of \$38,400. The fuel ship Kanawha, estimate of cost \$1,120,000, actual cost \$944,000, a saving of \$176,000. The fuel ship Maumee, estimate \$707,000, cost \$617,000, saving \$90,000, The oil barges No. 8 and No. 9, estimate of cost \$148,000, cost \$128,000, saving \$20,000. Two coal barges, estimate \$240,000, cost \$226,000, a saving of \$14,000 under the estimate. The total of all estimates was \$3,623,000, the total cost was \$3,134,600, a total saving under the estimate of \$488,400.

Mr. GARLAND. Will the gentleman yield?

Mr. CURRY. In a moment. To this saving to the Government should be added the difference between the lowest bid by a private yard and the estimate on which the award was made to the Mare Island Navy Yard, which would increase the saving to the Government over a million dollars more.

Mr. GARLAND. How are the estimates ascertained-by contract, by bids on the proposition, or by some individual just

estimating-and who is he who estimates?

Mr. CURRY. The estimate is made under the direction of the commandant of the yard, Capt. Bennett, and Naval Constructor Gleason, and the evidence that the estimates were correct is that the ships are built, are sailing the ocean, and the money that was saved is in the Treasury of the United States, and Mare Island has not come to Congress for a deficiency. [Applause.] I have not at hand the exact saving to the Government on the construction of the Shaw and other new work built at the yard last year, but I know it amounted to more than \$200,000 under the estimates.

The CHAIRMAN. The time of the gentleman has expired. Mr. CURRY. Mr. Chairman, may I have my time extended

a minute more?

The CHAIRMAN. The time has been limited, the Chair will

say to the gentleman from California.

Mr. CURRY. I just wanted to call attention to the fact that the California was awarded to Mare Island on an estimate of \$7,100,000, and the lowest bid from a private yard was \$7,700,000, and I am assured by Capt. Bennett and Constructor Gleason that the California will be constructed within the time limit and estimate of cost.

Mr. TAGUE. Mr. Chairman, in order to offset the statement of the gentleman from Illinois [Mr. Foss] as to the cost of work by the Government, I am going to ask to insert in the RECORD letters which were sent to this House last year by the Secretary of the Treasury, and also by Brig. Gen. William Crozier, Chief of Ordnance, and I will now ask unanimous consent to insert those letters.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. TAGUE. Mr. Chairman, when I presented the amendment asking for equipment of the navy yard at Boston I expected I would hear a voice from the Republican side of the aisle expressing the sentiment of the people of Boston and to assist me in getting an appropriation for the Boston Navy Yard. Since this bill has been before the House I have been constantly in attendance trying to do my utmost in perfecting the bill and every few days the editorial writers of the papers in my city in their news columns printed editorials upholding the good work of my distinguished Republican colleague from Boston [Mr. Tinkham] in that he had taken to task the Secretary of the Navy because he had not equipped the Boston Navy Yard and that nothing was being done there to help the department. But to-day as in other days his voice is silent and we have not heard him express himself.

Mr. STAFFORD. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. STAFFORD. In fairness to the gentleman from Massachusetts [Mr. Tinkham] to whom the gentleman has referred and criticized because he has not raised his voice in justification of the enlargement of the Boston yard, is it not fair to say that he is now engaged in some very important work before the Committee on the District of Columbia?

Mr. TAGUE. Mr. Chairman, in fairness to the gentleman, let me say the navy yard is situated in the district I have the

honor to represent.

Mr. LOBECK. If the gentleman will permit, I desire to say the District Committee adjourned at 11.30.

Mr. TAGUE. Mr. Chairman, it is now 2.30 p. m. I am only criticizing my distinguished colleague in a friendly manner because of the fact that certain newspapers have criticized the Democratic administration which has been giving so much work to our yard, and have played up in headlines that he was going to have a battleship built there and how he criticized the Secretary of the Navy because he had not done anything to equip that yard. On the contrary, Mr. Chairman, the navy yard at Boston was never in such a good condition as it is to-day.

Since Secretary Daniels has become Secretary of the Navy he has been very fair with the Boston Navy Yard. He has added to the improvement year by year, and has shown a very friendly disposition for further improvement. It is his inten-tion to keep the yard constantly employed by the building of ships of the 12,000 to 15,000 ton size, thereby giving constant employment to the men in every branch. Naturally the people of our district want to see the yard equipped in such a manner

that they can build the larger type of ship, and I am one of those who has worked constantly for the necessary improvements made to bring about this work. No yard has improved more rapidly than ours and it is unfair to say that we have suffered at the expense of any other yard in the country.

As I said in remarks I made a few minutes ago we have every equipment available excepting the enlarged ways, the necessary new machinery, and a few new cranes for the building of battleships, and that was my contention, and is now, that one should be built there. We have 3,300 men employed there to-day working in the yard, as against 1,900 four years ago.

We have recently built and launched the supply ship Bridge, which is the first ship built at the Boston Navy Yard in more than 50 years. She is now almost completed and will be in commission in a very short while. She is the sister ship to the ship referred to by the gentleman from Philadelphia [Mr. VARE].

When the bids were made for the building of this ship the Boston Navy Yard was the lowest bidder by more than \$100,000. and it was a question as to whether or not they could complete the ship within the specified cost. Not only has this been done, but I am assured by the Navy Department that she will be completed within the cost and within the time specified in the contract. The keel for this ship was laid in June, 1915, and she is now practically completed with the exception of a few slight finishing touches and will be in commission within a month. I believe this bears out our contention that ships can be built in our navy yards as well and as cheaply as they can in private yards.

Since I have been a Member of Congress I have devoted a great deal of my time and attention in procuring work for men and equipment for making our navy yard one of the best in the country. I think it is only fair to say at this time that in my endeavors I have had the assistance of Hon. Josephus Daniels, present Secretary of the Navy, who has shown a splendid dis-position to do all in his power to bring our yard up to a high class of efficiency. He has assured me that it is his intention to keep the yard going as rapidly as possible in the building of ships of a lighter size than battleships. For 16 years previous to his administration we have had Massachusetts men serving as Secretaries of the Navy. We have had Hon. William H. Moody, the late Hon. John D. Long, and Hon. George von L. Not any of these men have during their time shown any great disposition to build up the yard, but, on the contrary, Mr. Meyer recommended that the yard be closed and abolished. I believe that it was a disgrace to our Government that these men, coming from Boston, left the yard in such a deplorable condition, and it is extremely amusing to hear at this time my Republican friends, now out of power, criticizing an administration which is doing so much to improve a navy yard which they practically reduced to a scrap heap during 16 years of Republican rule and which they could, if they had had the interest of the people at heart, have made it one of the leading yards of the country. When I came to Congress two years ago there the country. were only 1,900 men employed at the navy yard, while to-day there are 3,500 employed there, and, with the additional work now being sent there, it will mean the employment of many more men. The men are receiving better wages than ever before, and a splendid force of workingmen is now employed. During the past year more men were employed, more work was turned out from the shops, and more repair work done on ships than ever before in the history of the navy yard. The rope walk has increased its output by more than 100 per cent, and we are manufacturing the largest and best rope that can be procured. Our blacksmith shops are turning out the largest chains ever made for the Government and have improved their output by more than 400 per cent. All of the other departments have improved in the same manner, and at one time we had 42 ships undergoing repairs. During the past year, together with the minor repairs on the ships above mentioned, we have completely overhauled several of the larger ships, such as the Georgia, which was repaired at a cost exceeding \$600,000, and the Virginia, with repairs amounting to more than \$550,000. We have also built several torpedo-testing barges, costing \$125,000 each, and at the present time are ready to lay the keel of a new hospital ship which is to cost \$1,500,000. I call these matters to the attention of the House for the purpose of showing that we are ready to engage in any class of work in the building of ships for the Navy, and I am certain that, with the force of men now employed at our yard, they could show to the people of the country that the proper place for the building of the ships for the Navy is in the navy yards now owned by the Government.

The letters are as follows:

DECEMBER 20, 1915.

Hon. LINDLEY M. GARRISON, Secretary of War, Washington, D. C.

Hon. Lindley M. Garrison,
Secretary of War, Washington, D. C.

My Dear Mr. Secretary: I have been turning over in my mind the possibility of saying something on the floor of the House of Representatives in relation to munitions and other supplies manufactured by Government plants.

Will you please be good enough to send me at your earliest convenience such printed data as you may have on the subject with reference to the various arsenals and other plants under the jurisdiction of the War Department, and particularly will you please furnish me with the following information.

First. In preparing cost data do the various plants carry as an overhead charge the interest upon the money invested in them; and if so, at what rate of interest?

Second. Is depreciation in value of buildings, machinery, and tools taken into consideration; and if so, what percentage in the various articles?

Third. Do the various plants carry as an overhead charge any amount for supervision from the office of the Secretary of War or the bureau under whose immediate jurisdiction they are working?

Fourth. Are any of the salaries of the officers who have supervision or direction or any kind of control of the work in the plants omitted from the cost data; and if so, to what exent?

Fifth. In purchasing materials do the plants pay more or less than is paid by private concerns; and if so, why?

Sixth. Do the employees engaged in work in the various plants receive the hightest, the average, or a lower rate of pay than that given by private concerns in the same line of business? What comparison would you make as to hours of labor of the men and pay of supervisory force?

Seventh, Is the product produced by the plants superior, equal to, or

Seventh. Is the product produced by the plants superior, equal to, or inferior to the product obtained from private enterprise?

Eighth. What comparison with private enterprise can you make as to the time required to produce a unit?

Ninth. Do the plants carry in their cost data interest on expenditures from the time of the first outlay until the job is completed?

Tenth. Does the cost data include the expenses of repairs and replacement of tools and machinery and repairs to buildings?

Eleventh. What has been the increased value of plant, real estate, etc., per annum since its original purchase?

If there are no figures available to answer these questions specifically, will you please furnish me, if you can, a general statement which will approximate as accurately as possible?

Assuring you of my belief in the efficiency of Government work in Government shops and my sincere appreciation of any courtestes extended to me, I am,

Yours, sincerely,

-, M. C.

WAR DEPARTMENT, OFFICE OF CHIEF OF ORDNANCE, Washington, December 23, 1915.

Washington, December 23, 1915.

Honse of Representatives, Washington, D. C.

Dear Sir: i. Your communication of the 20th instant, addressed to the Secretary of War (0.0.000.71/96), has been referred to this office for reply. No printed matter relative to the method of arriving at costs used by this department is available, but a typewritten memorandum on this subject, prepared some time ago, is inclosed. Replies to part of your questions will be numbered to correspond to the questions. First, Yes; 3 per cent on money invested.

Second. Yes; buildings from 2 to 8 per cent, depending upon whether frame, brick, concrete, or stone; machinery, 4 to 10 per cent, depending upon size and use; allowance for depreciation.

Third. Yes; reference to page 2 of the memorandum herewith will show the items which are considered in determining the War Department overhead and the percentage of the total cost of these items that is considered in arriving at this charge. It will be noted that it amounts to 3.59 per cent.

overnead and the percentage of the total cost of these items that is considered in arriving at this charge. It will be noted that it amounts to 3.59 per cent.

Fourth. No; 80 per cent of the total pay of the officers so employed is included in arriving at total cost.

Fifth. It is difficult to say, but it is believed that the Government, as a rule, gets slightly lower prices.

Sixth. Instructions as to wages to be paid require that the same wages shall be paid as is paid for the same or similar work in the vicinity. The same rule also applies to the civilian supervisory force. The hours of labor in private plants are, as a rule, 9 or 10, as compared with 8 hours in the Government shops. Many private plants, however, give a half holiday throughout the year on Saturday, but it is without pay, whereas a half holiday with pay is given in the Government service from June 15 to September 15. Leaves, holidays, and half holidays now granted amount to 255 days per year, without pay.

Seventh. The inspection of material produced in private plants, as a rule, insures the product being equal to that produced in Government plants, although in some cases the product has been slightly inferior to that produced by the Government.

Eighth. No advantage can be claimed as to the time required in producing material in the Government plants, as compared with private plants.

Ninth. In only one case has the Government taken into consideration.

plants.

Ninth. In only one case has the Government taken into consideration interest on the material involved from the first outlay until the job is completed. This is in connection with the manufacture of smokeless powder at Picatinny Arsenai.

Tenth. Yes; cost includes repair and replacement.

Eleventh. This is difficult to answer. The land occupied by the various arsenais was purchased many years ago, some as early as 1795, and has had the same appreciation that land has had generally in the vicinity.

and has not the same appreciation that and has not generally in the vicinity.

Referring to the memorandum herewith, it should be noted that the appropriation cost is that usually referred to and given in price lists and is the price used in connection with all transactions with the Army and in certain other special cases. To this price is added the general arsenal burden and War Department burden in making certain other sales; also when comparing arsenal cost with that of private manufacturers. In paragraph 2 on the first page of the memorandum will be found a number of arsenal burden factors. The

average for all arsenals is approximately 14.4, which, added to the War Department burden given on the second page, makes the average overhead 18, which is the percentage charged in addition to the appropriation cost, as stated in certain cases.

Respectfully, WILLIAM CROZIER.

Brig. Gen., Chief of Ordnance

Memorandum on costs of property manufactured by the Ordnance Department.

Memorandum on costs of property manufactured by the Ordnance Department.

These costs include:

1. Appropriation or allotment cost,
2. General arsenal burden.
3. War Department burden.
In greater detail these are as follows:
1. Appropriation cost: The amount chargeable to and defrayed from the appropriation to procure the article,
2. General arsenal burden includes:
(a) Capital cost, or interest on capital invested at 3 per cent. Manufacturing buildings, machinery, wagons, etc., per cent in actual use. Administrative buildings, barracks, quarters, hospitals, etc., at 80 per cent actual value for six principal arsenals.
(b) Depreciation: From 2 to 10 per cent a year. Buildings, 2 to 8 per cent, depending on whether frame or concrete, brick or stone, and use. Machinery, 4 to 10 per cent, depending on size and use of tools. Average annual repairs.
(c) Insurance (fire and accident) at 0.3 per cent.
(d) Administrative cost: Eighty per cent of total, pay of officers and enlisted men, subsistence, clothing, care of grounds, medical service, and pay of clerks, etc., paid out of other than manufacturing appropriations.

Arsenal burdens recently determined, as per above: Frankford, 0.0973: Pleatinny, 0.1844: Rock Island, 0.1018: Springfield, 0.1256.

appropriations.

Arsenal burdens recently determined, as per above: Frankford, 0.0973; Picatinny, 0.1844; Rock Island, 0.1018; Springfield, 0.1256; Watertown, 0.1507; Watervilet, 0.1792.

Average value of six arsenals, 0.1185.

Arsenal burden=(a) + (b) + (c) + (d) and annual appropriation cost of manufacture, repair, and alteration of ordnance and ordnance stores.

st	ores.		
3.		Department burden:	Per cent.
		The Adjutant General's Office	
	2	Quartermaster General's Office	
	4	Commissary General's Office	
	5.	Surgeon General's Office	+5.7
	6.	Paymaster General's Office	
		Pay, commutation heat and light allowances of offi- cers on duty in the above-mentioned bureau offices.	
	8.	Office of the Secretary of War	
	9.	Judge Advocate General's Office	
		Contingent expenses, War Department	
		Stationery, War Department	
	12.	Postage to Postal-Union countries Rent of buildings, War Department (excluding Divi-	
	10.	sion of Militia Affairs and Bureau of Insular Af- fairs)	+.94
	14.	Maintenance of State, War, and Navy Department Building (War Department share, 48 per cent)	
	15.	Interest at 3 per cent on cost of State, War, and Navy Department Building (War Department share, 48 per cent of total)	
	16.	Proportion of expense of office of Chief of Ordnance which is chargeable to manufacturing operations	100
	17.	Pay of retired officers and enlisted men of the Ord- nance Department	+ 100
ברצי	A CHIN	of items 1 to 17 include Way Department's bunden	_0 0950

The sum of items 1 to 17 include War Department's burden = Total manufacturing appropriations of Ordnance Department. About 1914.

DECEMBER 20, 1915.

Hon. Josephus Daniels,

Secretary of the Navy, Washington, D. C.

My Dear Mr. Secretary: I have been turning over in my mind the possibility of saving something on the floor of the House of Representatives in relation to the construction of ships and munitions in Government plants.

Will you please be good enough to send me at your earliest convenience such printed data as you may have on the subject, with reference to the various navy yards and other plants under the jurisdiction of the Navy Department, and, particularly, will you please have the following questions answered:

First. In preparing cost data, do the various plants carry as an overhead charge the interest upon the money invested in them; and if so, at what rate of interest?

Second. Is depreciation in value of buildings, machinery, and tools taken into consideration; and if so, what percentage in the various articles?

articles?

Third. Do the various plants carry as an overhead charge any amount for supervision from the office of the Secretary of the Navy or the bureau under whose immediate jurisdiction they are working? Fourth. Are any of the salaries of the officers who have supervision or direction or any kind of control of the work in the plants omitted from the cost data; and if so, to what extent?

Fifth. In purchasing materials, do the plants pay more or less than is paid by private concerns; and if so, why?

Sixth. Do the employees engaged in work in the various plants receive the highest, the average, or a lower rate of pay than that given by private concerns in the same line of business? What comparison would you make as to hours and labor of the men and pay of supervisory force?

supervisory force?

Seventh. Is the product produced by the plants superior, equal to or inferior to the product obtained from private enterprise?

Elghth. What comparison with private enterprise can you make, as to the time required to produce a unit?

Ninth. Do the plants carry in their cost data interest on expenditures from the time of the first outlay until the job is completed?

Tenth. Does the cost data include the expenses of repairs and replacement of tools and machinery and repairs to buildings?

Elleventh. What has been the increased value of plant, real estate, etc., per annum since its original purchase?

If there are no figures available to answer these questions specifically, will you please furnish me, if you can, a general statement which you will approximate as accurately as possible?

Assuring you of my belief in the efficiency of Government work in Government shops and my sincere appreciation of any courtesies extended to me, I am Yours, sincerely,

NAVY DEPARTMENT, Washington, January 24, 1916.

Washington, January 24, 1916.

Hon. Charles P. Caldwell, M. C.,

House of Representatives, Washington, D. C.

My Dear Mr. Caldwell: Replying in detail to the questions as to navy-yard costs appearing in your letter of December 20, 1915:

First. Interest on capital invested is not taken into account, it being purely hypothetical in Government work.

Second. Until recently no satisfactory method has been worked out for showing depreciation in costs, owing to the legal impossibility of setting up an actual fund for replacements; consequently up to the present time such a charge has not been included in the cost of work.

Third. The salaries of departmental officials are not included in the cost of work; the establishment charge stops at the yard limits, as to recognize any other principle would extend the question into a purely academic field, including the whole cost of government—executive, legislative, and judicial.

Fourth. The salaries of navy-yard officials have not up to the present time been included in costs, as it has only been within the last few months that a satisfactory method has been developed whereby the cost system is divorced from the system required by law, whereby the pay of officers is charged to an appropriation other than the shipbuilding appropriation.

Eith. Owing to lack of information as to prices paid for material by

months that a satisfactory method has been developed whereby the cost system is divorced from the system required by law, whereby the pay of officers is charged to an appropriation other than the shipbuilding appropriation.

Fifth, Owing to lack of information as to prices paid for material by private corporations, it is impracticable to make a satisfactory comparison with prices paid by the Government.

Nixth. The rates of wages of navy-yard employees conform to the standard of the private establishments in the immediate vicinity of the respective navy yards. The hours of labor in navy yards are eight per diem. Contracts for new ships built by private establishments contain the following provision: "Subject to the conditions enumerated in section 2 of the eight-hour law of June 19, 1912, no laborer or mechanic doing any part of the work contemplated by this contract in the employ of the contractor or any subcontractor contracting for any part of said work contemplated shall be required or permitted to work more than eight hours in any one calendar day upon such work." The pay of supervisors in private plants must, of course, vary widely in different forms of organization and with the merit of the individual concerned, and comparison with the pay of Government supervisors is scarcely practicable. In general it is believed the standards of pay are much the same.

Seventh. The products of the navy yards and of private plants are manufactured under the same specifications and are subject to the same inspection.

Eighth. The records show that the average time for building the Connecticut, Florida, and New York, all Government-built ships, was 3 years 2 months and 26 days, and that the average time required for the contract-built vessels Louisiana, Utah, and Texas was 3 years 2 months and 16 days.

Ninth. Interest on expenditures from the time of outlay until the work is completed is not taken into account in navy-yard costs, not only because interest is in itself purely hypothetical in Government work, but also bec

1906	\$97, 118, 756, 28
1907	102, 395, 093, 42
1908	107, 397, 918, 34
1909	112, 135, 600, 51
1910	117, 529, 533, 43
1911	124, 252, 642, 49
1912	130, 081, 736, 61
1913	134, 556, 994, 39
1914	138, 898, 402, 78
1915	143, 269, 953, 76

will be very glad to furnish you with any further information desired. Sincerely, yours, JOSEPHUS DANIELS

Secretary of the Navy.

The Clerk read as follows:

That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who are parties to any existing combination or conspiracy to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.

Mr. GARLAND. Mr. Chairman-

Mr. SMITH of Idaho. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The Chair thinks the gentleman from

Pennsylvania is first entitled to recognition.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word. I know something about costs in the Government departments, as I have been with a Government department in a certain capacity for a number of years. I know something about the plan of making up costs by the Government. I want to say right here, Mr. Chairman and gentlemen of the committee, that I would not accept any cost established by any department of the United States Government unless some outside auditing committee went over it in order to prove whether it was correct or not. The gentleman tells us that there are estimates of costs of ships made by the Government, and then they proceed to build them, and that they build them for less than the estimate. Everybody knows that when they make an estimate of cost on anything the Government makes it high enough, so that they can get an appropriation in order to finish it, but that is not proof of the reduction in cost. The only way you can prove an estimate is by bidding by outside parties as to the actual cost of any proposition. That estimate business reminds me of some of these clothing advertisements that we see on the pages of the newspapers, reading:

These pants were \$4; reduced to \$2.99 to-day.

You see that every once in a while. The price is put up, and then they are sold at the actual regular price. And it is called a reduction.

As proof of what I say, the private manufacturers of munitions—and this is known to most everybody, as it has been in every newspaper—employed United States officers connected with the War and Navy Departments to operate their plants down here in New Jersey and throughout the country, assuming by the showing made to the Government that the officers know about the costs. And we find from the newspapers-and the fact was brought out on this floor—the fact that every one of them who had been proving to the Government how cheaply they could make any article, proved failures when they went

into the employ of a private manufacturer.

Then gentleman from Illinois [Mr. Mann] showed to you or pointed the way of costs in the Government. You have to take the article, the time in which it takes to make the article, and then count the overhead and all other costs. The money invested and the cost of the plant have to be charged up against that particular time in which you are making an article; and that is the only proof. One time it will cost more than at another, because it takes longer, perhaps, to make it. So that is the only plan on which you can ascertain the real cost. And yet, gentlemen, we find that there are certain men on this floor who have been insisting upon and have been putting in every bill a provision against what they are pleased to call the stop-watch system against the taking of the actual time that is required to make an article. How in the world are you going to ascertain what it costs to make an article? I am for a retirement proposition, and I think that legislation is an enemy to it. We see staggering in every department here-

Mr. KEATING. Will the gentleman yield?
Mr. GARLAND. I have only a minute. If the gentleman will go up to any department of the Government he will find old men and old women staggering around there with whom the young, able fellow must be compared in his work. No wonder it costs the Government money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended a minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. I wanted to ask the gentleman if the gentleman, in his judgment, considered the Taylor system a good thing for the workers of this country?

Mr. GARLAND. I never heard of "the Taylor system."

Mr. KEATING. Does the gentleman mean to say—
Mr. GARLAND. On this floor there was the question of the

stop-watch system introduced, but no Taylor system.

Mr. KEATING. Does the gentleman mean to say to the House and the country that he knows nothing about the Taylor efficiency system?

Mr. GARLAND. I do not know anything about Mr. Taylor.

know about the efficiency system.

Mr. KEATING. Do you believe in the stop watch being used?

Mr. GARLAND. I believe in taking the time that is consumed in making an article, in order to get the real cost of it. [Applause.]

Mr. KEATING. Do you believe in using the stop watch on the workers in Government and private plants in this country?

Mr. GARLAND. I believe in using such means of ascertaining time as may be necessary in order to determine the cost to the Government of making an article, and that is what you

do not believe in. [Applause.]
Mr. KEATING. The gentleman is mistaken as to my position.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GARLAND] has expired.

Mr. SMITH of Idaho. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Idaho: After line 12 insert, on page 62: "That the Secretary of the Navy is hereby authorized and directed to have collected and preserved for distribution upon application to the public schools of the country, for preservation and display, the discarded flags and emblems of the United States used in the Navy, when they are no longer serviceable."

Mr. MANN. Mr. Chairman, I reserve a point of order on that

Mr. PADGETT. Mr. Chairman, I make the point of order. Mr. SMITH of Idaho. Will the gentleman from Tennessee reserve the point of order a moment?

Mr. PADGETT. I reserve it.

Mr. SMITH of Idaho. Mr. Chairman, under existing regulations the flags that are used in the Navy and also in the Army, when they become soiled to such an extent that they are no longer serviceable, are discarded, collected together, and destroyed. It seems to me that these flags, instead of being destroyed, should be distributed among the public schools throughout the country with a view of inculcating in the youth a spirit of patriotism, and where, I am sure, they would excite greater pride in our Nation's institutions and achievements. [Applause.] There is no good reason why these flags and emblems should

be destroyed, when in most instances they would be serviceable on a public-school building or used for decorative purposes in the schoolroom when no longer suitable, because of discoloration or wear, for use for official purposes. I trust my amendment may be accepted by the gentleman in charge of the bill and

allow the House to vote upon it.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

That no part of any sum herein appropriated under "Increase of the Navy" shall be used for the payment of any clerical, drafting, inspection, or messenger service, or for the pay of any of the other classified force under the various bureaus of the Navy Department, Washington, D. C.

Mr. SEARS. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. I ask unanimous consent to address the House for 15 minutes

The CHAIRMAN. The gentleman from Florida asks unanimous consent to address the House for 15 minutes. Is there objection?

Mr. MANN. Reserving the right to object, about what? Mr. SEARS. About the present preparedness proposition;

the preparedness of this country and other countries Mr. MANN. Would not the gentleman just as lief talk on the

pension appropriation bill in general debate?

Mr. SEARS. I never have talked on the pension appropriation bill in general debate or on any other. As my remarks are on the naval bill, which we are now considering, I think now is the time to make them.

Mr. MANN. It will be taken up right away, as I understand. The general debate on the pension bill, I presume, will follow

Mr. SEARS. I will say to the gentleman from Illinois that it might affect some votes, although I fear not, on the present

Mr. MANN. I know. It is general debate on the bill. I do not care about the 15 minutes. But if it is effective it is legitimate debate. We expected to finish this bill last Thursday, but we did not finish it then, nor did we finish it on Friday, nor on Saturday, nor yesterday. We may not finish it to-day at the

present rate of progress.

Mr. SEARS. I will say to the gentleman from Illinois that I did not insist the other day on my time, because so many

others seemed anxious to speak.

Mr. PADGETT. The Chairman has endeavored and labored and persuaded and tried to get the bill expedited, and has asked time and again to close debate, even going to the extent of moving to close debate. But if gentlemen have something they want to discuss, I do not want to oppose them.

The CHAIRMAN. Is there objection to the request of the

gentleman from Florida? There was no objection.

Mr. SEARS. Mr. Chairman, with an appropriation of approximately \$371,000,000 now pending before the House, it seems to me that a request for 15 minutes is not unusual or extreme. I want to congratulate my colleague, the distinguished gentleman from Pennsylvania [Mr. Moore], for his remarks this morning, and I want to congratulate the minority leader for his

numerous statements to the effect that he trusted this country would not get into war.

The reason I have made this request, Mr. Chairman, is because recently from home I received a letter stating the people were excited and believed that in the next few days we would be in war. The second reason is because I have received from a constituent of mine the following letter:

From the daily newspapers we gather that a declaration of war with Germany is inevitable.

I only ask that that part of the letter be inserted. I also received from the chairman of the Democratic committee of Dade County a letter urging the Congress and the people to remain calm and not force this country into a needless war. I will ask, Mr. Chairman, that the letter be published as a part of my remarks.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Mr. Chairman, with the gentleman year.
Mr. SEARS. Yes.
Mr. EMERSON. How do you expect to convert any votes
if you do not read these letters to us? [Laughter.]
Mr. SEARS. The letters are not the main thing, but I will
read the letter if the gentleman wants me to, although I am limited to 15 minutes.

Mr. EMERSON. You have 15 minutes in which to convert us. Mr. SEARS. I will read the letter:

DADE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE, Miami, Fla., February 6, 1917.

Miami, Fla., February 6, 1917.

Hon. W. J. Sears,
Member of Congress, Washington, D. C.

Dear Sir: The stirring events of the last day or so has moved me to write you the result of a partial canvass I have made around the streets of Miami, as to the sentiment regarding the break with Germany and possible war.

Out of 100 people I found 2 who were outspoken for hostillities; 3 who thought the President knew more about the matter than they did, but qualified it by saying that they could not understand why the Nation should be drawn into trouble by a very few people, who insisted on traveling on English and French ships and ships carrying contraband.

Please give the 95 per cent in Dade County your best thought: they

band.
Please give the 95 per cent in Dade County your best thought; they have no quarrel with Germany or any other nation; they would be glad to be allowed to continue to prosper; they are ready to defend the United States, but not individuals who evidently are willing to have other people get in trouble for them and their convenience and pleasure.

Yours, truly,

C. D. LEFFLER, Chairman. C. D. LEFFLER, Chairman.

But, Mr. Chairman, the letters were not the main reason why I requested time to make these remarks. I have been asked several times if I was on the Committee on Naval Affairs, and when I said I was not, a look of astonishment appeared on the faces of my colleagues, apparently because I dared to delve into this great question that means so much to the people. the study I have given it I have no apology to make, but I believe the time has come for some man—I had hoped that it would be a statesman of long years and experience-to stand on this floor and tell the American people the exact conditions as they exist and cease trying to frighten our people into believing we are not prepared.

In a report which I hold in my hand, dated January, from Secretary Daniels, I discover that in the English, French, Japanese, Austro-Hungarian, Italian, Russian, German, and Turkish Navies 352 battleships, cruisers, submarines, and so forth, have been destroyed or put out of commission. Of this entire number 284 have been sunk; 171 of these are English; 122 are German.

Mr. PADGETT. Those are not warships. They are commer-

Mr. SEARS. Oh, no; they call them "battleships, submarines," and so forth. I do not know what they are. They say in this report "battleships." I read to you what the Secretary says. He says:

NAVY DEPARTMENT, Washington, January 17, 1917.

Hon. L. P. Padgett, M. C. House of Representatives, Washington, D. C.

My Dear Mr. Paddetr: In compliance with the request contained in your letter of January 4, 1917, I am forwarding a photostat copy of a compliation made by the Office of Naval Intelligence showing the menof-war lost during the present war up to this year.

Additional losses have been reported from confidential sources, but can not, for obvious reasons, be given out at the present time.

Sincerely, yours,

And yet, my friends, with the loss of these 352 battleships, I heard one of my colleagues the other day say the American Navy

was not in a position to defend itself.

What are the facts? In 1914, the last comparison we can get, we find England stood first, Germany second, the United States third, France fourth, Japan fifth, and Russia sixth. I can not see how, when a nation has lost 171 of its fighting ships, when another nation has lost 122 of its fighting ships, while the Navy of this Nation, that has been at peace with the world, has lost no ships, and, as a matter of fact, has been building ships from 1914 to the present day, should have deteriorated faster than

the navies of those nations who are still engaged in war and were engaged in war prior to 1914, and have lost so many of their fighting vessels. I felt that the people of the country should know exactly how we stood along this line. of English battleships sunk you find the Irresistible, of 15,000 tons; you find the King Edward VII, 16,350 tons; the Audacious, of 24,000 tons; the Queen Mary, and so on; and among the Germans you find the Pommern and the Lützow and others equally important. And yet an attempt has been made, and is being made daily, by the press to have the American people believe, intentionally or unintentionally, that they are more poorly prepared than they ever were before.

I am sorry I have to speak so fast, but I only have 15 minutes, It will be hard to convince the citizens of the United States we have deteriorated so fast when I remind them that for the Navy since 1913 appropriations by Congress have been made as follows: \$145, 503, 963, 48 149, 763, 563, 45 312, 888, 060, 25 1914 (63d Cong., 2d sess.) \_\_\_\_ 1915 (63d Cong., 3d sess.) \_\_\_ 1916 (64th Cong., 1st sess.) \_\_\_

608, 155, 587. 18 Total .

I desire to call your attention to the fact, in addition to the above, since 1884 our Government has spent \$1,710,706,720.91 in an effort to secure a Navy, and in addition to both of the above figures there is appropriated for the hull alone in this bill \$130,600,000. Why have we not secured a Navy? Some one should explain to the country the reason why so much money has been expended, and is being expended, and yet, if we believe the arguments of some, no results have been obtained. Some one should also explain why it is whenever a Navy bill comes before the House all kinds of war talk is engaged in, and every conceivable pressure is brought to bear upon Members of Congress in an effort to secure the passage of said large appropriations.

Mr. FESS. Will the gentleman yield?

Mr. FESS.

Mr. SEARS. I will.
Mr. FESS. What proportion of the navy, of the countries which have suffered, has been disabled?

Mr. SEARS. I will answer the gentleman frankly that the figures can not be obtained, because they tell us the information can not be secured. But the chairman of this committee said the other day that it took England, even now, about two or two years and a half to construct a battleship.

Mr. PADGETT. That was under peace conditions.

Mr. FESS. Is it the gentleman's judgment that the five great powers have been substantially harmed by this amount of destruction?

Mr. SEARS. If I had lost 352 battleships, light cruisers, submarines, and so forth, I should think I had been substantially harmed. I believe the gentleman will admit that to be the case.

Mr. FESS. There are no such things as 352 battleships lost. Mr. SEARS. I said battleships, light cruisers, submarines, torpedo boats, destroyers, and so forth. To be frank, I think England has lost eight battleships.

Mr. EAGLE. Out of 82.

Mr. SEARS. No: out of 64. According to the figures for 1914, the United States has 17 superdreadnaughts, the Japanese have 4. The United States has no battle cruisers, and the Japanese have 4. The United States has 22 battleships of the dreadnaught type, while the Japanese have only 12.

Mr. PADGETT. Twenty-two predreadnaughts.

Mr. SEARS. Twenty-two predreadnaughts, and the Japanese We have 10 armored cruisers, they have 13. We have 14 cruisers, and they have 12, showing that we are better prepared These are the figures for 1914. than the Japanese. not get the information since that year. Yet in the face of this showing that we are better prepared than they are, the Japanese question is always raised in this country when some people want extra appropriations for the Navy.

Mr. HUMPHREY of Washington. Will the gentleman yield? Mr. SEARS. In just a minute. We now have five battleships Will the gentleman yield? of the larger type under construction and four contracted for. Besides there are seven ships of the larger type that have been appropriated for but not yet contracted for, and yet in this bill we are asked to make the enormous appropriation of \$83,500,000 for battleships and cruisers-and this amount only pays for the hulls-that the chairman of the committee tells us can not, under present conditions, be completed within the next six or eight

Mr. PADGETT. Oh, no.

Mr. SEARS. In addition to the above, the cost of the four battle cruisers provided for at the last session is increased from \$16,500,000 to \$19,000,000 each, and scout cruisers from \$5,000,000 to \$6,000,000, a handsome profit for some one. And yet the House refused to place a time limit for the completion of any or all of

the above, and in fact voted down an amendment requiring that same should be completed within not exceeding 38 months; although the chairman has stated that England is completing similar ships in two and a half year or less, I submit no business man would enter into a contract without some similar limitation.

Now I will yield to the gentleman from Washington. Mr. HUMPHREY of Washington, Speaking about the comparative strength of the Navy of this country and that of Japan, I want to call attention to the fact that while perhaps the gentleman's figures are correct-though I think he has left out about four battleships that Japan has recently constructed

Mr. SEARS. You can not get the figures since 1914.

Mr. HUMPHREY of Washington. My information is that four battleships have recently been launched in Japan. Anyway, I want to call attention to the fact that so far as the Pacific coast is concerned we are practically defenseless. We have no battleship squadron over there, never have had, and there is no prospct that we ever will have.

Mr. SEARS. I can see no reason why some of our battleships are not on the Pacific, and I sincerely trust the gentleman is in error when he says "There is no prospect that we ever will have" any on the Pacific. If I can assist him, I will gladly

do so.

I can not at this time go into the hundreds of merchant ves-

sels that have been sunk, as my time will not permit.

Mr. CALLAWAY. I want to inject this statement: That according to the statements of the experts before our committee, if our fleet was five times as large as it is they would not spread it out all over the ocean, but would operate it together from the same base

Mr. SEARS. I thank my colleague [Mr. Callaway] for the information.

Mr. Chairman, as a small boy whenever I was scared I began to whistle to keep up my courage, and if I dared to look over my shoulder more than twice, regardless of whatever bravery might have, my feet took me away from the spot as rapidly as I could go. And remembering this I want to say, unless some of the papers of this country cease trying to alarm and thus drive the American people into a panic-stricken condition, if we should go to war-God grant we never will-we can not win victories. And this certainly should not be done when the facts are to the contrary.

It is needless for me to remind the Members of this House of the result of the Mexican War, because history has written too well how that war came out. It is needless for me to remind you of the War of 1776, for again history records the result. Yet I say, without fear of successful contradiction, that no people were more unprepared than were those pioneer people of 1776. In 1812 Americans aimed with a true eye and shot with accuracy, and history again records the result of that war. 1898, though Spain never sank the Maine, again history records the outcome of that war. In each and every one of these wars the Stars and Stripes were victorious. Yet we were not prepared then, and for some reason some would have you believe we are not prepared now. Mr. Chairman, I will not refer to 1861-1865. Permit me only to say that those years produced to this country Grant and Lee, and hundreds of others too numerous to name. Our country has given us a George Washington, an Abraham Lincoln, a Jeff Davis, and hundreds of others whose names are a glorious memory, and I for one will not believe that all of the blue blood that coursed through their veins has been exhausted. I for one refuse to believe that the young American manhood of to-day has degenerated until they are only a set of mollycoddles, who can be whipped by any nation on God's green earth. [Applause.] I sincerely trust are only a set of monycodies, who can be windled by any nation on God's green earth. [Applause.] I sincerely trust that this country will remain at peace, I believe it will remain at peace, and I want to congratulate our President for keeping us out of war in the past. I firmly believe when he stands at the window and looks across the Potomac, and loses sight for the moment of the scare and incling headlines, he will remember the property and him for another four years and ber the people who indorsed him for another four years, and that he will continue to keep us out of war as long as he can do so with honor to this country. [Applause.] But as I said in my last campaign, Mr. Chairman, that my people might know how I stood, I would not be a Member of Congress who was invincible in time of peace, but invisible in times of war; and if it ever become necessary for me to vote for war, I told my constituents that I would offer my services along with them to fight for the flag that they, as well as myself, love so well. [Applause.]

Mr. Chairman, I will not discuss our present Secretary of the Navy. He needs no defense at my hands, and history will record him in his true light, a friend of the people and his

country.

I am not opposed to a reasonable amount of preparedness, but I am opposed to this bill, because to my mind it is not in the interest of preparedness. I reach this conclusion, first, because the House refused to accept the time limit of 38 months for the completion of the vessels from the date same might be contracted for; in fact, they failed to put any time limit for the completion of said vessels. Second, I believe the present war has fully demonstrated that we need more submarines and not so many large battleships, and the House refused to accept an amendment with this end in view. There are other reasons why I am opposed to this bill, some of which were explained in my previous remarks, but I will not take time to go into those matters at present.

Mr. Cooper of Wisconsin was recognized.

Mr. PADGETT. How much time does the gentleman wish?
Mr. COOPER of Wisconsin. Five minutes will be ample.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto close in five minutes

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Florida [Mr. Sears], who has just taken his seat, spoke somewhat carelessly, I thought, about the possibility of our country becoming a party to the great war across the sea. In expressing his willingness to enter the war, the gentleman did not seem to me really to appreciate what his statement means. But the London Times understands what it means for this Nation to be to-day in the situation in which the President has placed it by severing diplomatic relations with Germany. Let me ask the attention of the gentleman from Florida to an excerpt from an editorial in that paper.

Mr. SEARS. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield in the five minutes allowed me. In the London Times appeared this solemn and significant editorial statement:

"The act of President Wilson is an event of measureless importance in the history of mankind. Whatever the immediate consequences of the breach, a new chapter is opened for the New World and the Old. For the first time since it became a great power the United States has directly intervened in a European war—a course pregnant with untold results hereafter.

Mark those words-"a course pregnant with untold results hereafter.'

If we become a party to the war, are we to take part in the terms of settlement when the bloody cataclysm has ended? The President, in his address to the Senate before the severance of diplomatic relations, said that we, of course, would have nothing to do with the terms of settlement; but, according to the London Times, and if we are to help fight out this war, will we not have something to do with them? After we have fought, after soldiers whom we send across the sea have been killed, after our ships have been sunk and our sailors drowned, are we to join in the company around the table when the final settlement comes?

Who owns the London Times? Lord Northcliffe, whom I heard the distinguished gentleman from Pennsylvania [Mr. Moore] mention as I entered the Chamber this morning. this reminds me, Mr. Chairman, that in the New Republic there recently appeared an article—"The problem of North-cliffe"—by Norman Angell, an English publicist and editor of distinction, in which he calls attention to the fact that Lord Northcliffe, or the trust of which he is the head, owns and controls 60 newspapers, magazines, and periodicals in England alone. And I have been told by a newspaper editor of wide information, and one in whose word I have confidence, that Lord Northcliffe has a controlling financial interest in a leading paper in Holland, from which we see editorial excerpts re-printed almost every day in this country, and that he has also a controlling interest in the Novoe Vremya, the chief daily newspaper in Petrogard, Russia.

I have only time remaining to read again the grave comment of

the London Times:

"For the first time since it became a great power, the United States has directly intervened in a European war—a course pregnant with untold results hereafter." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

That no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington, D. C., unless specific authority is given by law for such expenditure.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which, by order of the committee, I was to do when we returned to page 5.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: Page 5, after line 7, insert as a

Amendment offered by Mr. Padgett: Page 5, after line 7, insert as a separate paragraph:

"To enable the Secretary of War and the Secretary of the Navy to secure, by purchase, condemnation, donation, or otherwise, such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies for governmental and civil purposes under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, \$1,000,000: Provided, That such arrangements may be made in relation to the purchase of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment of the Secretary of War and the Secretary of the Navy will be of the greatest advantage to the Government and to the development of the industry: Provided further, That in the event there shall be pending in court litigation involving the validity of said patent or patents bond, with good and approved security in an amount sufficient to indemnify the United States, shall be required, payable to the United States, conditioned to repay to the United States the amount paid for said patent or patents in the event said patent or patents are finally adjudged invalid."

Mr. MANN. Mr. Chairman, I would like to ask the gentle-

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Tennessee a question. This amendment authorizes the condemnation of the basic aircraft patents for governmental and civil purposes. What is meant by the term "civil pur-

Mr. PADGETT. For use of the public under such regulations as Congress may see fit to authorize when the Government be-

comes the owner.

Mr. MANN. Does the gentleman think that the Government can condemn property in order to give it to the public, and not

use it for governmental purposes?

Mr. PADGETT. I think the Government can condemn it and acquire the ownership for public use; that it is not limited to the Government use after the Government becomes the owner of it. It is not restricted to the Government in using it exclusively for itself.

Mr. MANN. That has nothing to do with the question. When we condemn property the Government has to show its right to commence condemnation proceedings. Can the Government condemn property except for Government uses?

Mr. PADGETT. I think not, except for public uses. I think

could condemn property for a public use. Mr. MANN. What kind of a public use?

Mr. PADGETT. Well, like the condemnation of land for a railway.

Mr. MANN. Railways are governmental uses. What right has the Government to condemn property for civil purposes, not meaning governmental uses at all?

Mr. PADGETT. The Government can condemn it for public use, and when it becomes the owner it can permit the public to use it upon such terms as it sees proper to authorize through legislation.

Mr. MANN. Does the gentleman think it can condemn property for the purpose of giving it to the gentleman from Tennessee, wholly apart for governmental use?

Mr. PADGETT. The Government can condemn it if it has any use for the public, and through legislation can authorize it to be a read by the multito be used by the public.

Mr. MANN. I do not know what the courts will hold, but

certainly no court has ever held that the Government could condemn property except for the use by the Government for

public purposes.

Mr. PADGETT. There can be a public civil use, which is illustrated in condemning land for railroads and the condemnation for rights of way and public parks. They are uses by the civil population.

Mr. MANN. That is entirely apart from this question.
Mr. PADGETT. They occur to me as good illustrations.
Mr. MANN. The purpose here is, as indicated by the report

of the Secretary of the Navy, to condemn the basic patents in order to give the people the use of them.

Mr. PADGETT. No; not to give it to them, but, if they condemn it, the United States would be the owner just as any individual would be the owner, and the control of that owner-

ship would be vested in the Government.

Mr. MANN. I am directing the gentleman's attention to the language in the amendment. My judgment is that it renders doubtful the right of the Government to condemn it at all by including this language, "for civil purposes."

Mr. PADGETT. Perhaps it is not necessary to have that in there, and if it casts any doubt upon it, it would not interfere with anything to strike out "for civil purposes. The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. The last proviso is that if the basic patents are in dispute, and they are in dispute, I believe, the Government shall require the owners of the patents to furnish a bond to the United States to protect the United States. How can you condemn property, and then after having condemned it require the owner to give you a bond before he turns it over to

Mr. PADGETT. That can not be done, but we were assured in the hearings by Dr. Walcott, who had been negotiating with these people, that it could be consummated by negotiations.

Mr. MANN. But here is the point that I am getting at, so that the gentleman will understand. It is perfectly patent to me, though I may not be correct, that you can not buy this property for a million dollars by private contract. What it will cost in the end I do not know, but when you go to condemn property you have to have legislation that permits the condemnation proceedings to be carried on, and if you provide as a basis of your right to condemn property something you can not do, that is a defense to your condemnation proceeding which will defeat it.

Mr. PADGETT. Dr. Walcott stated that with the negotiations that have taken place with the present owners of the patents-the Wrights have transferred all of their ownership to a corporation-it has been indicated that the whole right to the patent could be secured for not exceeding \$1,000,000, and perhaps for less than that, and they were expecting to secure it by negotiations, and that the bond matter was suggested by

Mr. STAFFORD. Mr. Chairman, by this provision we are launching the Government for the first time in its history into an untried sea of adventure. If we adopt this policy to-day, I fear we shall be called upon frequently in the future to take similar action. Whenever the patentee of some device which is needed by the Government asks a reasonable royalty for its use, the Government officials will come to Congress and ask for a large appropriation with which to purchase the rights to the patent. What are the facts in the case? It is admitted that this patent is disputed in the courts and that for many months, if not many years, there have been pending in the district court of the United States in the city of New York a suit brought by and on behalf of the original owners, the Wrights, against the Curtiss Co, for an infringement by the Curtiss Co. of the basic patents. These are sought to be purchased by the Government or condemned by the Curtiss Co. ment or condemned by the Government under the amendment under consideration. It has been testified to, and it has not been disputed, that whenever that case comes to trial the owners of the patent ask to have the hearing deferred. They virtually, by their action in court, admit that they have questionable ground on which to base their claim to a patent.

Mr. PADGETT. The case has been tried in the lower court. and the lower court decided in favor of the validity of the patent and against the Curtiss people, the defendants. There was an appeal taken by the Curtiss people, and that appeal is

Mr. STAFFORD. Will the gentleman deny that whenever that appeal has been brought up for consideration it has been deferred, and why? Because the claimants to the patent presumably have little faith whatever in their claim. Even Dr. Walcott, who was the original promoter of this provision—and he only conceived it since the recent unsettled condition in the country due to the break in diplomatic relations with Germanyadmits that there is grave doubt whether there is any virtue whatever in this basic patent, because it is claimed that it is not original, and that the feature of novelty is lacking in the Wright patents. The Wrights have recently sold their patent rights to a company known as the Wright-Martin Co. for over a million dollars, and that company is capitalized for \$5,000.000. The gentleman from Tennessee is entirely in error, and it is borne out by the hearings before the committee—and I have read them all, otherwise I would not make the statement so positively-in his statement that the present owners of the so-called Wright patents refused to sell the patent rights to the Government for such use as it wished for governmental and private purposes for \$1,000,000. They are willing to allow the Government to use the patents for a million dollars and to have private contractors pay royalties for their use.

What is the exigency that demands the purchase by the Government of these patents? In the hearings before the gentleman's own committee—and I call his attention to that fact, because perhaps he may not have that matter so clearly in of thought.

mind-when Capt. McKean, the head of the Aviation Service, was before the committee, he testified as to the ease with which he could obtain these airships. He said, at page 483:

Some of them are coming pretty fast. We are getting certain types now pretty fast.

In all the hearings before the Committee on Naval Affairs and before the Military Affairs Committee, which run into numerous pages, there is not one line of testimony to show that the Government has had any difficulty whatever in obtaining these airships for the use of the Navy or the Army.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FARR. Does not Capt. McKean say that we are getting them as fast as one a month?

Mr. STAFFORD. Oh, no.

Mr. FARR. Yes; he does.

Mr. STAFFORD. I will ask the gentleman to point that out.

Mr. FARR. It is in the testimony.
Mr. STAFFORD. I am pointing out that he said that some of them are coming pretty fast and that they were getting certain types pretty fast now. Neither Capt. Squier, who is the head of the Aviation Service, connected with the Army, nor Capt. McKean, who is in charge of this service, connected with the Navy, made any complaint whatever as to the difficulty in obtaining these airships for the Government. I go further. Even Dr. Walcott, when he testified in January in the regular hearings before the Naval Affairs Committee, did not complain about the difficulty of getting the airships for the use of the Navy

The CHAIRMAN. The time of the gentleman from Wisconsin

has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. What did the patentees ask from the Government? Not an exorbitant sum. They asked for a royalty of only 5 per cent. Anyone can see that that is not an exorbitant sum.

Mr. PADGETT. Will the gentleman yield at that point?
Mr. STAFFORD. I will yield.
Mr. PADGETT. Dr. Walcott says it is generally recognized among the profession that 2 per cent is a large royalty instead

of 5 being a reasonable royalty.

Mr. STAFFORD. If anyone will read the testimony of Dr. Walcott before the committee he will come to the conclusion, with all due deference to Dr. Walcott, who is an emineut scientist, but not a business man, that he had little information as to the willingness of the owners to transfer the patent rights to the Government. The advisory committee on aeronautics, of which he is the head, that considered this question, comprises nothing but scientists, men connected with educational institu-tions, and there is not one business man connected with it.

The question before the committee in the adoption of this amendment is purely a business one. We have a right as a Government under the act passed in 1906 to appropriate for the use of the Government any patent and use it for governmental purposes and compensate the patentee in the Court of Claims a reasonable allowance for the use of that patent. We have provided here that in case of war or other exigency in the determination of the President he may commandeer the private yards for the use of the Government. If there is an exigency arising in reference to our present strained relations with Germany the President can commandeer any private establishment and can direct-

Mr. FARR. Will the gentleman yield?

Mr. STAFFORD. Not in the middle of a sentence. He can direct their use for the making of these airships and can use any patent or device whatever in the use of them, and then the patentee can have the right to go to the Court of Claims and have the damages assessed, and in that suit the Government has the right to set up as a defense any ground of infringement or validity of the patent. I respectfully submit to the committee we should not launch into this untried experiment. There is no occasion for it. In case the Government was in need of airships that could not be obtained by private employment, that would be one thing, but there is no showing whatsoever in the hearings before the Committee on Naval Affairs or in the hearings before the Committee on Military Affairs of any difficulty of getting these airships in such quantities as are needed. only argument of Dr. Walcott is this

Mr. FARR. Will the gentleman yield when he has finished

the sentence?

Mr. STAFFORD. I will yield before proceeding on this line

Mr. FARR. The evidence was this: That with a tremendous need for airships, with all the facilities we have in this country

we can not build more than 100 to 125 a month.

Mr. STAFFORD. Well, if anyone has studied the situation as to the needs of the Government, both of the Army and the Navy, he will agree that 100 to 125 is more than the Government needs.

Mr. FARR. No; a thousand we need.
Mr. STAFFORD. Mr. Chairman, I decline to yield any further at this moment. The reason advanced by Dr. Walcott that the Government purchase these is not that the Government needs them in obtaining additional airships, but we should come to the relief of owners or prospective inventors of improvements on the basic patents, so that the industry may be developed. There is a concern in Boston, backed by some money, that can not go ahead or is unwilling to go ahead with the payment of this royalty to the present owners of the Wright patents. The terms that the present owners of the Wright patent insist upon when it is used by another are that a payment of \$10,000 on the base of a royalty of 5 per cent on the valuation of output, and anything above that output they would pay a royalty of 5 per

The CHAIRMAN. The time of the gentleman has again ex-

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent

to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a moment—the gentleman wants to have the facts clearly before the committee?

Mr. STAFFORD. I do.

Mr. ROBERTS of Massachusetts. The evidence before the Committee on Naval Affairs was that the Wright-Martin Co. insist upon a payment of \$10,000 cash and 5 per cent on all the sales up to \$200,000 a year. Those are the royalty terms being insisted upon by the Wright-Martin Co. that control the basic patents on flying machines.

Mr. STAFFORD. As I read the testimony, they require \$10,000 as a condition precedent to the use of the patents

Mr. ROBERTS of Massachusetts. Ten thousand dollars a

Mr. STAFFORD. Ten thousand dollars a year.

Mr. ROBERTS of Massachusetts. And 5 per cent on sales

above \$200,000?

Mr. STAFFORD. And if they manufacture devices above a valuation of \$200,000 they are to pay in excess of that 5 per cent. It is a question whether at this time we should purchase a doubtful patent for a million dollars. We certainly have no right to take the patent for private use. We have already provided in the commandeering section the power to appropriate these patents, and there is the law of 1906 that enables the patentee to recover only the reasonable value for the use of the patent in the Court of Claims.

Mr. TALBOTT. It may be a doubtful patent, and if we acquire a doubtful patent and it is declared to be invalid we lose

something

Mr. STAFFORD. There is nothing to be gained by the Government, looking only from a governmental standpoint. If we adopt this policy now, then as to every invention involving, for example, a submarine, a gun, or a basic patent of any kind, we will be called upon perchance by some advisory committee to appropriate an amount of money the patentee may see fit to ask of us, for the reason, as advanced in this instance, that the industry will thereby be developed.

Mr. BURNETT. I would like to know if this Aero Club that

has been inflicting so much of its literature on the Members of

Congress is in this business.

Mr. STAFFORD. In the testimony of Dr. Walcott before the Naval Affairs Committee-and this afterthought of his was since strained diplomatic relations have arisen—he stated it was but the opinion of the Advisory Committee on Aeronautics, which, as I said, is composed only of college professors. It is a scheme to aid some private concerns who own patents for improvements on the basic patent, so that they will be relieved of paying a royalty.

Mr. MANN. Mr. Chairman, I move to strike out the last two

words.

Mr. Chairman, aircraft, heavier-than-air flying machines, were Mr. Chairman, aircraft, heavier-than-air flying machines, were really originated by Dr. S. P. Langley when he was Secretary of the Smithsonian Institution. He did his work and made his investigations and experiments largely out of a fund which we had appropriated to the Army and which was applied by them through Dr. Langley for this purpose. He probably would have

made a complete success except for the fact that the House at one time, as I remember, put a provision in the appropriation bill forbidding the use of the appropriation to the Army for this purpose. But he did make a flying machine which flew. The Wright brothers, to whom the country is under great obligations for the brilliant success which they made in putting the flying machine into use, took the ideas of Dr. Langley, and when the matter came into litigation subsequently the old flying machine which Dr. Langley flew was resurrected and put in a state of preservation in the Smithsonian Institution. I do not know how far that flying machine was used in the contest over the patent, but I assume that it was put in evidence in the suit which the Wright brothers had against the Curtiss Co.—I am not sure about the name, though I think I am right—as to the basic patent. My understanding is that that litigation is not finally disposed of. I have had the impression, although I may be entirely wrong about that, that the Wright brothers and the Curtiss Co. had reached or were about to reach a working agreement. It may be desirable for the Government to have the right to let anybody manufacture a flying machine under contract to sell it to the Government, or under a contract with the Government. I am inclined to think that is desirable. And it may be that the amendment offered now will accomplish that purpose.

I am inclined to think that in the end the Wright brothers' patent will not be held valid as to the basic patent if it is finally adjudicated in court. The Wright brothers' patent at the best runs out in six years. I suppose it is true that during the next six years, with the condition of mind that now exists in the country, and I fear is likely to continue, we will have a great many flying machines constructed for or by the Government of the United States. And I am inclined to join in that feeling, though I am not as hysterical as some gentlemen are about it. It is unfortunate that the Government of the United States when it grants a patent on an article to be used mainly by the Government, or which may be useful for the Government as a matter of defensive or offensive action, does not retain the right to use the patent either without compensation or by paying a reasonable compensation for its use. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.
Mr. DAVIS of Texas. Mr. Chairman, I will not undertake
to discuss this question as an expert, but I have given it considerable thought. The aeroplane, or flying machine, evidently is an important factor in all modern warfare and warfare in the future. If a set of individuals control a lot of basic patents all the development of that institution will be controlled by the men who control those basic patents. I call to mind that the Singer Sewing Machine Co., I think, drew a royalty from every other sewing-machine company on earth, because no matter how much improvement they made they still had to use a needle with an eye in the point, and therefore the entire sewing-machine industry of the world was controlled by the man who held a patent, which was that of an eye in the point of a needle. Now, the same condition relates to these inventions, and if the Government paid a million dollars to open these flying machines to public thought, public ingenuity, and allowed this industry to be developed without extortionate royalties, and the public get the benefit of it, I am one of those who believe we had better cut off one or two big battleships and invest the money that way, for it is far more material as a means of defense. I am one of those who believe that the day will come when our aeronautic stations will be dotted all along our coast line, and a survey and a scouting expedition will be made a thousand miles over the ocean to locate an enemy and ascertain how to kill him off if he ever undertakes to land in this country. I say that this necessity is vital, and I want it to go through. [Applause.] The CHAIRMAN. The question is on agreeing to the amend-

ment.

Mr. PADGETT. Mr. Chairman, I desire to just put in the RECORD the form of applications, requirements, and exactions in order to enable a private manufacturer to manufacture aeroplanes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert certain documents in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following are the documents referred to:

THE SECRETARY OF THE NAVY, Washington, February 9, 1917.

Hon. LEMUEL P. PADGETT,

Chairman Committee on Naval Affairs,

House of Representatives.

I attach hereto a copy of the application for license and form of agreement of the Wright-Martin Aircraft Corporation, which may also be of service to you in consideration of the suggestions transmitted in my letter of the 6th.

Sincerely, yours, JOSEPHUS DANIELS.

### APPENDIX B.

APPLICATION FOR LICENSE AND FORM OF AGREEMENT OF THE WRIGHT-MARTIN AIRCRAFT CORPORATION.

APPLICATION FOR LICENSE AND FORM OF AGREEMENT OF THE WRIGHTMARTIN AIRCRAFT CORPORATION.

Dear Sirs: The title to the basic Wright patent on aeroplanes has 
just been acquired by Wright-Martin Aircraft Corporation. This corporation believes that it is for the best interests of aeronautics that 
all responsible makers of aeroplanes should be free to conduct their 
business without danger of suit under this patent. Accordingly a 
standard form of license agreement has been drawn up, a copy of which 
is inclosed. It is our intention to grant a license in this form to any 
corporation that desires to undertake the obligations of the agreement. 
In regard to corporations that have in the past manufactured aeroplanes 
in infringement of this patent, we plan to waive all claims for past 
damages or profits upon making a payment as outlined in the inclosed 
application.

If you desire to acquire a license, please read the inclosed papers and 
return the application and license to us properly executed, together 
with your check. Royalites that accrue during the balance of this 
year may be freated as though accruing during January, 1917.

To the manufacturers and corporations whom we accept as licensees 
under this patent we give the benefit of national publicity carried on 
by us. This means that everyone interested will thoroughly understand that machines built under this patent employ the universally 
adopted and basic principles of control for aeroplanes—the Wright 
patent—which has been sustained. Its new owners do not intend to 
allow it to be disregarded.

Yours, very truly,

WRIGHT-MARTIN AIRCRAFT CORPORATION,

By EDWARD M. HAGAR. President.

# WRIGHT-MARTIN AIRCRAFT CORPORATION, By EDWARD M. HAGAR, President. APPLICATION FOR LICENSE.

By

STATEMENT.

TABLE OF GROSS RECEIPTS.	
Company, ——— Co.:	
Aeroplane and hydrogeroplane sales (with power plant)	
Motor sales.  Aeroplane and hydroaeroplane part sales.  Motor part sales.  Renair sales	
Aeroplane and hydroaeroplane part sales	
Motor part sales	
Accessory sales (instruments, etc.)	
Miscellaneous sales	
Aviation school tuition  Miscellaneous income aviation school	
Miscellaneous income aviation school	
Aviation exhibitions	
makes	_
Total	
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nlant)	
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Total	
Total. Subsidiary company "A," Co.: Aeroplane and hydroaeroplane sales (with power plant)	200
Aeroplane and hydroaeroplane sales (with power plant)	-
Motor sales	
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Motor part sales	
Repair sales	
Accessory sales (instruments, etc.)	
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Aviation exhibitions	
Aviation exhibitions	
Total	
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Aeroplane and hydroaeroplane sales (without power	
plant)	MARI
10 per cent of total	-
Total	-

Subsidiary company "B,	" Co. :		
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Motor part sales			<b>英基则是自己为为办</b> 协会
Repair sales			
Accessory sales (ins	struments, etc.)		
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SYN	OPSIS OF GROSS RECEII	PTS.	
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Subsidiary company "B	**		77000000
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Total			
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			CHICLE OF
STATE OF, 88			
County, 88			
	luly sworn, deposes and	d save . T an	the -
of the corporation, on he	half of which the force	coing statem	ant to made
and am laminar with its	Dusiness I have read	the feregair	or what amon b
and know the contents t	hereof and that the s	ome to true	to the beat
or my knowledge and bel	ler, and I turther stat	a that I hav	a the name
to authorize the inspect	ion of the books of s	uch corporat	ion and its
subsidiaries as granted i	n said statement	Pozer	The state Its

. 191-Sworn to before me this -- day of -

Notary Public.

Agreement made this

Whereas the licensor is the owner of United States Letters Patent No. 821393, issued on May 22, 1906, to Orville and Wilbur Wright, for flying machines, and the licensee is desirous of obtaining a license

S21393, issued on May 22, 1906, to Orville and Wilbur Wright, for flying machines, and the ilcensee is desirous of obtaining a license thereunder:

Now, therefore, it is agreed as follows:

1. The licensor grants to the ilcensee a nonexclusive license to make, seil, and use flying machines embodying the inventions described in said letters patent, together with parts thereof, throughout the United States and its Territories and dependencies, and to make or sell such flying machines and parts thereof within the United States and its Territories and dependencies for use or sale abroad.

2. The licensee admits that said letters patent are good and valid in law and cover all types of heavier-than-air flying machines having one or more supporting planes in which it is possible to vary the lifting power of one wing in relation to the lifting power of the other wing through the medium of wing warping or by the use of one or more allerons or by any other means.

3. The licensor hereby releases the licensee from all claims for past infringement of said patent.

4. In consideration of the foregoing license, the licensee agrees that it will pay to the licensee for the terms of said license 5 per cent of the gross receipts of the licensee or any subsidiary or controlled selling corporation, received in connection with the manufacture, use, or said of said heavier-than-air flying machines, such gross receipts include among other things all sums received for the sale of complete aeroplanes requipped with motors, or parts of aeroplanes, aeroplane engines, instruments used on aeroplanes, or other accessories, together with receipts from aviation exhibitions or aviation schools conducted by the licensee, but it is particularly understood that if the licensee shall sell aeroplanes receipts therefrom. It is further provided that from all such gross receipts therefrom. It is further provided that from the licensor. The licensee for such aeroplanes only shall be 10 per cent of the gross receipts there may be deducted the amount of

The licensee further agrees that on the 10th day of each April, July, October, and January during the terms of this license, it will render to the licensor sworn statements showing its gross receipts in the aeronautical business as defined in paragraph 3 hereof for the preceding quarter year. When any such statement shows that the royal-ties accrued for that portion of the calendar year for which the statement is rendered are in excess of the minimum sum paid in advance for that year, the licensee agrees that at the time it renders such statement to the licensor it will pay to the licensor the amount of such excess, and that in rendering statements for the business done in the balance of that year it will pay the royalty accrued without any deduction.

-, Secretary.

6. The licensee agrees to keep full and complete books of account concerning its aeronautical business as defined in paragraph 4 hereof, and to allow the duly accredited agent of the licensor to inspect such books at all reasonable business hours.

7. The licensee agrees that it will attach to each flying machine it sells under this license a name plate bearing the licensee's name, a serial number, and the statement "Licensed under United States Patent No. 821393 of May 22, 1906."

8. This license shall remain in force until the 23d day of May, 1923, but it is particularly provided that if the licensee shall fall to pay the royalties provided for in paragraph 4 hereof, or to render the statements and make the payments provided for in paragraphs 4 and 5 hereof, the licensee 30 days notice in writing of its intention so to do, unless the breach complained of is remedied within said 30-day period, or (b) of electing that the minimum royalties provided for hereunder for all of the remaining years of the license are forthwith due and payable to the licensor without discount. The election by the licensor of either of the foregoing remedies shall not deprive the licensor of the right to recover any sums due under this agreement.

9. Upon the termination of this license for any cause the licensee agrees to make to the licenseer's aeronautical business but likewise an inventory of all complete or partially completed articles, which if they had been sold would have been the basis for royalty under this agreement, and the licensee agrees to pay royalty on the market value of all such complete or partially completed articles, which if they had been sold would have been the basis for royalty under this agreement, and the licensee agrees to pay royalty on the market value of all such complete or partially completed articles.

10. Nothing in this license is granted (except for the terms on which releases are granted for claims for past infringement), it will notify the licensee and permit it, at its option, to accept such oth

WRIGHT-MARTIN AIRCRAFT CORPORATION, President. By Attest: . Secretary. -. President. Attest:

STATE OF NEW YORK, County of New York, 88:

On this — day of — , 191—, before me, a notary public, personally appeared Edward M. Hagar and James G. Dudley, to me known, who being by me severally duly sworn, did depose and say that they are respectively the president and secretary of Wright-Martin Aircraft Corporation, one of the corporations described in and which executed the foregoing license agreement, that they know the seal of said corporation, and that they affixed such seal and signed their names to said agreement by virtue of authority vested in them by the board of directors of said corporation.

-. Notary Public.

STATE OF \_\_\_\_\_, County of \_\_\_\_\_, ss:
On this \_\_\_\_\_ day of \_\_\_\_ County of \_\_\_\_\_, ss:
On this \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_, before me, a notary public, personally appeared \_\_\_\_\_\_ and \_\_\_\_\_, to me known, who being by me severally duly sworn, did depose and say that they are respectively the president and secretary of \_\_\_\_\_, one of the corporations described in and which executed the foregoing license agreement, that they know the seal of said corporation, that the seal affixed to said agreement is the seal of said corporation, and that they affixed such seal and signed their names to said agreement by virtue of authority vested in them by the board of directors of said corporation.

Notary Public. Notary Public.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.
Mr. PADGETT. Mr. Chairman, I move that the committee
do now rise and report the bill to the House with sundry
amendments, with the recommendation that the amendments
be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20632, the naval appropriation bill, and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that com-

mittee has had under consideration the naval appropriation bill, and directs him to report it back with sundry amendments, with the recommendation that the amendments be agreed to

and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and all amendments thereto to final passage. The question is on agreeing to that motion.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Hicks] be excused indefinitely, on account of serious illness

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from New York [Mr. Hicks] be excused indefinitely, on account of serious ill-Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. OLIVER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman will send it up. will report it.

The Clerk read as follows:

Mr. OLIVER moves to recommit H. R. 20632 to the Committee on Naval Affairs with instructions to report the same forthwith to the House with the following amendments:

"Strike out all appropriations for 2 of the 3 battleships now carried in the bill and insert in lieu thereof appropriations for the construction of 30 destroyers instead of 15 and for 30 submarines instead of 18, the type and cost of such additional destroyers and submarines to be the same as those now carried in the bill."

Mr. PADGETT. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Tennessee moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HUDDLESTON. Mr. Speaker, I demand a division, and, pending that, I make the point that there is no quorum present.

pending that, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Alabama demands a division and makes the point that there is no quorum present. The Chair will count. [After counting.] Two hundred and thirty-two gentlemen have risen—

Mr. HUDDLESTON. Mr. Speaker, I withdraw the demand for a division and demand the yeas and nays.

The SPEAKER. The gentleman from Alabama withdraws his demand for a division and demands the yeas and nays. These who favor taking this vote by the yeas and nays will.

Those who favor taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Thirtythree gentlemen have risen in the affirmative—not a sufficient number—and the yeas and nays are denied. The motion to recommit is lost. The question is on the passage of the bill.

Mr. MANN. On that I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays on the passage of the bill. Those in favor of taking the year and a gentleman from the year and year year.

taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Evidently a sufficient number. The Clerk will call the roll. Those who favor the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 353, nays 23, answered "present" 2, not voting 55, as follows:

	YEA	S-353.	
Abercrombie Adair Adamson Aiken Alexander Allen Allen Almon Anderson Ashbrook Aswell Austin Ayres Bacharach Barkley Barnhart Bell Benedict Black Blackmon Boober Borland Bowers Britten Browne Browne	Bruckner Brumbaugh Buchanan, Tex. Burgess Burke Butler Byrnes, S. C. Byrns, Tenn. Caldwell Candler, Miss. Cannon Cantrill Capstick Caraway Carlin Carter, Mass. Carter, Okla. Cary Chandler, N. Y. Charles Church Clark, Fla. Cline Coady	Coleman Collier Connelly Conry Cooper, W. Va. Cooper, W. Va. Cooper, Wis. Copley Costello Cox Crago Crisp Crosser Cullop Curry Dale, N. Y. Dalle, Vt. Dallinger Danforth Darrow Davis, Minn. Decker Dempsey Denison Dent	Dickinson Dies Dillo Dillon Dixon Doolitrle Doremus Dowell Driscoll Drukker Dunn Dupré Dyer Eagle Elston Emerson Esch Estopinal Evans Farley Farr Fess Fields

Smith, Minn. Smith, N Y. Smith, Tex. Snell Snyder Johnson, Wash. Fitzgerald Moss Mott Murray Neely Nicholis, S. C. Nichols, Mich Flood Jones
Kahn
Kearns
Keating
Keister
Kelley
Kennedy, Iowa
Kennedy, R. I. Fordney Foss Foster Sparkman Stafford Steagall Stedman Frear Freeman Fuller Gallagber Nolan North Norton Stedman Steele, Iowa Steele, Pa Steenerson Stephens, Miss. Stephens, Nebr. Stephens, Tex. Sterling Stiness Kettner Oakey Oldfield Kettner Key, Ohio Kiucheloe King Kinkald Gallivan Gandy Gard Oliver Garland O'Shannessy Garner Gillett Glass Konop La Follette Langley Overmyer Padgett Paige, Mass. Park Glynn Lazaro Stone Park Parker, N. J. Parker, N. Y. Peters Phelan Platt Porter Pou Powers Godwin, N. C. Good Goodwin, Ark. Stout Sulloway Lee Lehlbach Lenroot Sumners Gould Gray, Ala. Gray, Ind Green, Iowa Greene, Mass. Greene, Vt. Griest Griffin Hadley Hamilton, Mich. Hamilton, N. Y. Gould Lesher Sutherland Lever Lewis Lieb Liebel Switzer Switzer
Taggart
Taggart
Talbott
Taylor, Ark,
Temple
Tilbson
Timberlake
Tinkham
Towner
Treadway
Van Dyke
Vare Powers
Pratt
Price
Quin
Ragsdale
Rainey
Raker
Ramseyer Linthicum Littlepage Lloyd Lobeck Griest Lloyd Lobeck
Hamilton, Mich. Longworth
Hamilton, N. Y. Hammin McAndrews
Harrison, Miss. McClintic
Harrison, Va. McCracken
Haskell McCluch
Hastings McClernott
Haugen McGillicuddy
Hayden McKenzie
Hefiin McKenzie
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Hillard Mann
Holland Mapes
Hood Martin
Holwood Mays
Houston Meeker
Howell Miller, Minn.
Hughes Miller, Pa.
Hull, Tenn.
Humphrey, Wash. Moore, Pa.
Humphrey, Miss. Moore, Pa.
Humphrey, Miss. Moore, Pa.
Husted Morgan, La.
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N.
Bailey Gordon Rauch Rayburn Reavis Reilly Ricketts Vare Venable Vinson Volstead Riordan Roberts, Mass. Roberts, Nev. \$ Volstead
Walker
Walsh
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Watkins
Watson, Pa,
Watson, Va.
Whaley
Wheeler
Williams, T. S.
Williams, Ohio
Wilson, Fla.
Wilson, Ill.
Wilson, La.
Wingo
Wise Rogers Rouse Rowe Rowland Rowland Rubey Rucker, Ga. Rucker, Mo. Russell, Mo. Russell, Ohio Sanford Scott, Mich. Scott, Pa. Shallenberger Sherley Wingo Wise Wood, Ind. Woods, Iowa Woodyard Young, N. Dak. Young, Tex. Siegel Sims Sinnott Slayden Sloan Smith, Idaho Smith, Mich. NAYS-23. London Nelson Page, N. C. Saunders Sears Sherwood Bailey Burnett Gordon Sisson Gordon Hollingsworth Huddleston Johnson, Ky. Kitchin Lindbergh Tavenner Callaway Cramton Davis, Tex. Thomas Thompson Tillman Doughton ANSWERED PRESENT "-2. Buchanan, Ill. Webb NOT VOTING-55. Hicks Hill Hinds Hulbert Johnson, S. Dak. Oglesby Patten Randall Rodenberg Sabath Anthony Barchfeld Beakes Beales Fairchild Fairchild Ferris Flynn Gardner Garrett Graham Gray, N. J. Gregg Guernsey Hamill Bennet Britt Kent Kiess, Pa. Kreider Lafean Loft Madden Matthews Mooney Mudd Kent Schall Campbell Carew Chiperfield Davenport Scully Sells Shackleford Slemp Taylor, Cole. Ward Hart Hayes Helgesen Henry Dewalt Edmonds Ward Winslow Edwards Elisworth So the bill was passed. The Clerk announced the following pairs: On this vote:

Mr. BUCHANAN of Illinois (against) with Mr. Chiperfield (for)

Until further notice:

Mr. SHACKLEFORD with Mr. HILL.

Mr. PATTEN with Mr. HICKS.

Mr. TAYLOR of Colorado with Mr. BENNET.

Mr. Sabath with Mr. Fairchild. Mr. Webb with Mr. Mudd.

Mr. Webb with Mr. Madde.
Mr. Ferris with Mr. Ward.
Mr. Carew with Mr. Madden.
Mr. Habt with Mr. Edmonds.
Mr. Henry with Mr. Campbell.

Mr. Oglesby with Mr. Anthony. Mr. Beakes with Mr. Gardner.

Mr. Hulbert with Mr. Hayes.
Mr. Loft with Mr. Gray of New Jersey.
Mr. Hamill with Mr. Graham.
Mr. Davenport with Mr. Kiess of Pennsylvania.

Mr. DEWALT with Mr. RODENBERG.

Mr. EDWARDS with Mr. SCHALL.

Mr. EDWARDS WITH Mr. SCHAELE
Mr. FLYNN with Mr. Sells,
Mr. Garrett with Mr. Slemp.
Mr. Gregg with Mr. Winslow,
Mr. BUCHANAN of Illinois. Mr. Chairman, how am I re-

corded as voting?

The SPEAKER. In the negative.

Mr. BUCHANAN of Illinois. Is my colleague [Mr. Chiper-FIELD] recorded as voting?

The SPEAKER. He is not. Mr. BUCHANAN of Illinois. Then I desire to withdraw my vote and to answer present.

Mr. KENT. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the hall listening?

Mr. KENT. No; I was not here. I just came in.

The SPEAKER. The gentleman can not vote.

The result of the vote was announced as above recorded.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

### INQUIRY UNDER HOUSE RESOLUTION 429.

Mr. POU. Mr. Speaker, on the 17th of January 30 days additional time was allowed to the Committee on Rules for the consideration of resolution 429, commonly known as the leak-inquiry resolution. That time will expire on the 16th. The committee are compelled to take a trip to New York to-night for probably one day, and it is apparent that there will hardly be ample time to prepare a report within the 30 days. By instruction of the Committee on Rules I therefore ask unanimous consent that 10 days' additional time be allowed the committee for the consideration of this resolution.

The SPEAKER. The gentleman from North Carolina [Mr. Pou], by authority of the Committee on Rules, asks unanimous consent that the time limit on the so-called leak investigation be extended 10 days. Is there objection?

There was no objection.

### CERTAIN INDIANS IN THE STATE OF WASHINGTON.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

The SPEAKER. The Clerk will read the conference report. The Clerk read as follows:

### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and

2, and agree to the same.

JNO. H. STEPHENS, C. D. CARTER, Managers on the part of the House. KEY PITTMAN, Moses E. Clapp, HARRY LANE, Managers on the part of the Senate.

The conference report was agreed to.

On motion of Mr. Stephens of Texas, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

### PENSIONS.

Mr. RAUCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 20748, making appropria-tions for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, and pending that motion I wish to ask the gentleman from Illinois [Mr. Cannon] if we can reach some agreement as to time for general debate.

Mr. CANNON. I have had one or two applications on this side for a little time for general debate.

Mr. MANN. I had expected to take about half an hour this afternoon, but I had rather postpone it and take it on the military bill.

Mr. KAHN. I will yield to the gentleman from Illinois [Mr. MANN] half an hour in the general debate on the military bill. Mr. CANNON. There will be general debate on the military bill, will there?

Mr. MANN. Probably three hours on a side.

I understand that we are to have three hours Mr. KAHN. on a side, six hours in all, on Thursday. To-morrow being Calendar Wednesday, it will not be called up then.

Mr. CANNON. The gentleman from Connecticut [Mr. OAKEY]

wants five minutes

Mr. RAUCH. How much time does the gentleman want? Mr. CANNON. I fancy 30 minutes will be sufficient, and I do not know that there will be any time desired on this side beyond the five minutes for the gentleman from Connecticut [Mr. OAKEY].

Mr. MANN. Let me suggest to my colleague that the Printing

Committee has a lot of chicken feed that we all want. Mr. BARNHART. That has been waiting a long time.

Mr. MANN. The Printing Committee probably will not have chance to get in with those resolutions for some time unless they come in to-day. Why not let them in this afternoon?

Mr. CANNON. I intended to ask for at least an hour on this side, but frankly I have no objection to the passage of the pension appropriation bill. I intended to discuss other matters, but I have no desire to embarras; the Committee on Printing or to take the time of the House. I fancy we are unanimously in favor of this pension appropriation bill. In fact, it would be a tolerably bold man on either side of the House who would oppose making appropriations to pay pensions under the law. The gentleman from Connecticut [Mr. Oakey] can get his five minutes under the five-minute rule.

Mr. MANN. He does not wish to discuss the bill. He wishes

his time under general debate.

Mr. CANNON. Suppose you allow this side 20 minutes-and

I may not desire to consume that much time.

Mr. RAUCH. Mr. Speaker, pending the motion to go into Committee of the Whole, I ask unanimous consent that the general debate on the pension bill be limited to 35 minutes, 20 minutes to be controlled by the gentleman from Illinois [Mr. Can-

NON] and 15 minutes by myself.

Mr. BARNHART. Reserving the right to object, the Committee on Printing has an accumulation of some 25 or 30 little resolutions, insignificant in general but of much importance to individual Members. The committee has been trying to take up these resolutions at some time which would not interfere with any of the appropriation bills. It has seemed impossible to do We are now nearing the end of this Congress. these resolutions must be sent to the Senate, and unless we can put them through in the very near future it will be impossible to have them considered by the Senate before the close of the present session of Congress. They will require probably 30 or 45 minutes, or if no one interferes not more than 15 minutes.

Mr. MANN. They will take more time than that. Mr. BARNHART. Well, an hour; and if we can make an arrangement to get through with the general debate and then give the Printing Committee the balance of the time, that will be agreeable to the Printing Committee.

Mr. MANN. I think nobody will contest the right of the gentleman after the pension bill is out of the way. The military

bill is not to be brought in to-day.

Mr. BARNHART. The right of the Printing Committee will be contested if the pension appropriation bill occupies the balance of the evening and the Military Affairs Committee want to come in to-morrow

Mr. RAUCH. The pension bill is short, and I know of no objec-

tion to it.

Mr. MURRAY. Let us vote "aye" on it. Mr. CANNON. I refrain from taking time upon this bill for the reason that this session draws to a close, and I would be glad to see the necessary legislation from every standpoint enacted before the 4th of March. [Applause.] I stand to help to expedite that.

The SPEAKER. The gentleman from Indiana [Mr. RAUCH] asks that the general debate on the pension appropriation bill be

limited to 35 minutes

Mr. RAUCH. I understand that the gentleman from Illinois

has withdrawn his request for time.

Mr. CANNON. Except for five minutes for the gentleman from Connecticut [Mr. Oaksy].

Mr. RAUCH. Therefore I ask that general debate on this bill

be limited to 20 minutes

Mr. MANN. Make it 15 minutes.

Mr. RAUCH. Be limited to 15 minutes, 5 minutes to be controlled by the gentleman from Illinois [Mr. Cannon] and 10 minutes by myself. [Applause.]

The SPEAKER. The gentleman asks unanimous consent that debate on this bill be confined to 15 minutes, 5 minutes to be controlled by the gentleman from Illinois [Mr. Cannon] and 10 minutes to be controlled by himself. Is there objection?

There was no objection.

On motion of Mr. RAUCH, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, with Mr. WM. ELZA WILLIAMS in the chair.

The CHAIRMAN. The House is now in Committee of the

Whole House on the state of the Union for the consideration of

the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes.

Mr. CANNON. Does the gentleman from Indiana wish me to use my time now?

Mr. RAUCH. Yes.
Mr. CANNON. I yield five minutes, all the time I have, to the gentleman from Connecticut [Mr. Oakey].

Mr. OAKEY. Mr. Chairman, I thank the distinguished gentleman from Illinois for the courtesy he has extended to me. My apology to you is that I simply want to make a correction in the Record which has worked out an injustice to myself and to a part of my district. I shall endeavor to be very brief, I

assure you. In the bill reported by the Committee on Public Buildings and Grounds was an appropriation for a town in my district, Manchester by name. The bill carried with it an appropriation of \$40.000 for a new building in that town where the Government had owned for some years a site, a lot of land 120 by 130 feet. The committee asked me to choose what town I would like to have an appropriation made for and I selected this town, consisting of two communities, Manchester and South Manchester. I presented to them as carefully as I could the figures concerning these communities. I found that they had recommended the sum of \$40,000, which I thought was entirely too small. I wrote them, calling upon them the second or third time, and asked them to increase it because it seemed to me that the figures for this great, live community warranted more. The Supervising Architect's Office advised an appropriation of \$45,000, but the committee made it \$40,000. I let it go for \$40,000.

Much to my surprise I found in the back part of the RECORD the other day two criticisms that were made against this appropriation by Members of this House-one by the gentleman from Indiana [Mr. Cox] and the other by the gentleman from Iowa [Mr. Good]—putting this appropriation into the porkbarrel list.

All of this came, my friends, because I believed that the Supervising Architect's Office was not aware that the appropriation asked for was for both of these towns rather than for one, and therefore, peculiarly enough, they selected the one which is very much smaller than the other and gave to the patriotic gentleman from Indiana and the gentleman from Iowa figures on the small town. After the Supervising Architect had recommended an appropriation of \$45,000, which was reduced to \$40,000, they gave him the figures on the small town and thus put the community in the undesirable list of appropriations.

Mr. GLYNN. Will the gentleman yield?
Mr. OAKEY. I will yield to my colleague.
Mr. GLYNN. The gentleman has stated that this appropriation was for two towns; I think he means for two post offices in one town.

Mr. OAKEY. It is two communities now, and when we combine them, as far as the post office is concerned, it will be one town. The cause of this series of errors was that one of these communities was named Manchester and the combined community, when they get the new post office, if they ever do, will be also Manchester.

Now, my friends, the population of this community is approximately 18,000. The postal receipts for the last fiscal year were thirty-three thousand and some hundred dollars. grand list is twenty-one million. They do not manufacture shoddy in Manchester, they manufacture silk. [Applause.] It is one of the greatest silk manufacturing communities in the world. They are not making subterfuge for the purpose of asking something they are not entitled to, they make American flags. [Applause.]

These communities are not only the most progressive, but the most beautiful and the most up-to-date communities in America, and are modest in asking for an appropriation with these figures. I protest, Mr. Chairman and gentlemen, against this modest appropriation being put into the Record, in the back part when it was not read in the House, as a pork-barrel proposition, when it is a porterhouse steak. [Laughter and applause.1

Mr. RAUCH. Mr. Chairman, this bill comes from the Committee on Appropriations and carries the amount of \$160,060,000. It is in accordance with the estimates of the Commissioner of Pensions, and I ask for the reading of the bill.

The Clerk, in reading the bill for amendment, read as follows:

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1918, \$60,000: Provided, That hereafter the fee for each examination made at the claimant's residence by an examining surgeon of the Bureau of Pensions for use in a pension claim shall be \$4 and in lieu of actual traveling expenses there shall be paid 15 cents per mile for the distance actually traveled each way, but not exceeding the distance by the most direct route between the surgeon's office and the claimant's home.

Mr. MANN. Mr. Chairman, I reserve a point of order on

the paragraph.

Mr. RAUCH. I will state to the gentleman from Illinois that the reason for incorporating this language in the bill is given by the Commissioner of Pensions as follows: Under the decision of the comptroller, these examining surgeons when they visit the home of a claimant are required to make a detailed report giving the items of the expenses they incur in making the trip, and it has resulted, according to the testimony of the Commissioner of Pensions, in a large and useless amount of details which he thinks can be avoided by adopting the language carried in the bill. He does not ask for an additional appropriation on account of this change in the language.

Mr. MANN. He will if it becomes necessary.
Mr. RAUCH. Yes; of course. As illustrative, they gave
the committee some of the items set forth in the returns of one of the examining surgeons. He charges up for engine oil 25 cents, kerosene oil 1 cent, transmission grease for bearings 1 cent, cup grease 1 cent, and so on, with a number of very small items, to which under the law he is entitled to be paid, but which, according to the decision of the comptroller, must be set forth in detail. No doubt he drove an automobile.

There is another feature in connection with the system under the present law and that is the large expense incurred in making some of these trips when an automobile is hired, or a

taxicab for instance.

They told the committee that some trips amounted to as much

as fifteen or twenty dollars under the present law.

Mr. MANN. Then they ought to discharge such an examining surgeon. If the surgeons are working them, all the commissioner has to do is to fire them. He has that authority.

Mr. RAUCH. I do not think there is any doubt about that.

Mr. MANN. The gentleman speaks of a man going in an automobile that he owns. I take it there would have to be a showing made, first, as to what is the most direct route between the surgeon's office and the claimant's home; second, the distance actually traveled each way, and that will be some burden, but 15 cents a mile is a pretty large charge. We have had a controversy in this House for years as to whether or not we should be paid 20 cents a mile for bringing our families into Washington and taking them home. The surgeon's family does not have to go on these trips with him, yet it is proposed here by unanimous consent to allow 15 cents a mile each way, or 30 cents a mile one way, to a man who rides in an automobile, a train, or any other way, by himself, nobody accompanying him, for the distance between his office and the claimant's home, though, as a matter of fact, he may visit three or four claimants at the same time, without going to his office at all.

Mr. RAUCH. If the gentleman will permit me, I will say that the suggestion by the Commissioner of Pensions was a fee of \$5 and a mileage allowance of 20 cents.

Mr. MANN. He got that from our allowance, I suppose.

Mr. RAUCH. He did not so state.
Mr. MANN. Oh, no; but that is what the basis of it was. There are a great many things that he does not know. He does not know that that allowance is supposed to cover the cost of a man's family coming to and going home from Washington.

Mr. RAUCH. The language is clearly subject to the point of

Mr. MANN. There is no doubt about that, but what I am trying to do is to see if we can not cut down the 15 cents to a reasonable amount.

Mr. CANNON. Mr. Chairman, if the gentleman will permit, you have got to have enough to compensate the surgeon, otherwise he will not perform.

Mr. MANN. There are plenty of them who will perform if he does not.

Mr. CANNON. The evidence was that they now perform in cities like Chicago and New York very largely for the sake of having a certificate to hang up in their offices. I was under the impression that this would reduce the amount that the surgeons receive after hearing all that was told about it.

Mr. MANN. It would reduce some of the amounts.

Mr. CANNON. I mean in the aggregate.

Mr. MANN. Of course, the city of Chicago is a large city, and the surgeon would have his office down town. He might live 10 miles out. He may visit half a dozen or a dozen of these people 10 miles out, and under this provision he is to get 30 cents a mile one way for each claimant for the distance between his office and the home of the claimant, though he may not travel it at all. Fifteen cents a mile each way to ride in an automobile is considerable. I dare say it does not cost anybody who owns a Packard that much money.

Mr. RAUCH. Or a Ford. If the gentleman cares to offer an amendment reducing it to 10 cents a mile, I shall not object.

Mr. CANNON. Mr. Chairman, I have had experience, and I think, taking everything into consideration, the wages of the driver, the wear and tear of the machine, I am inclined to think that from 35 to 40 cents a mile would about cover it.

Mr. MANN. That has not been my experience.

Mr. RAUCH. I will say to the gentleman that the amount of money expended for this work is not great, of course, in comparison with the other work performed by the Bureau of Pensions.

Mr. MANN. I think 10 cents a mile is enough.
Mr. RAUCH. They do say they have great difficulty in securing surgeons to perform this work.

Mr. MANN. All they need to do is to advertise that fact. have had great difficulty at times in giving proper excuses for not getting men appointed on the board.

Mr. RAUCH. Does tht gentleman desire to offer an amend-

ment?

Mr. MANN. I do if it is going to be agreed to. Mr. RAUCH. I stated that I would not oppose it. Mr. MANN. Will the gentleman support it?

Mr. RAUCH. Yes; I will support it.
Mr. MANN. Mr. Chairman, I withdraw the point of order, and move to amend, in line 15, page 2, by striking out the word "fifteen" and inserting in lieu thereof the word "ten."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 15, strike out the word "fifteen" and insert the word ten."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, before the gentleman from Indiana moves to rise, I desire to announce that I have just been informed that the Speaker of the House is a granddaddy. [Applause.]

Mr. CANNON. Mr. Chairman, if I may be allowed a moment, as a grandfather for 21 years I take great pleasure in welcoming the Speaker of the House to the company of grandfathers-I sometimes say old fool grandfathers. [Laughter.] And I know he is qualified, for he is the recipient of a hat of the vintage of 1852, donated by the gentleman from California [Mr. Kent.] [Laughter.]

Mr. RAUCH. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker resumed the chair amid applause.

The SPEAKER. Gentlemen of the House, one touch of nature makes the whole world kin. [Applause.] The happiest moments in my life have been the day I was married, the days my children were born, the day that this, the first of my grandchildren, was born [applause], and I hope there will be many more of them. [Laughter and applause.] The more Americans there are the better the country and the world are off. other happiest day of my life was when I was a student at the Kentucky University, when at the end of the first examination in Greek four of us made the grade of 100 on a scale of 100. [Applause.] That was the first victory I ever won among strangers, and it was a very happy occasion; and from the very bottom of my heart I thank this House for this last evidence of its love and affection for me and mine. [Loud applause.]

The SPEAKER. The gentleman from Illinois.
Mr. WM. ELZA WILLIAMS. Mr. Speaker, the Committee of
the Whole House on the state of the Union has had under consideration the bill (H. R. 20748) and directs me to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.
On motion of Mr. RAUCH, a motion to reconsider the vote by

which the bill was passed was laid on the table.

# ORDER OF BUSINESS.

Mr. FULLER. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise? Mr. FULLER. There is a little pension bill concerning proof of widowhood in pension cases that will take about two minutes, and I ask unanimous consent now that it may be considered now in the House as in the Committee of the Whole House on state of the Union.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill (H. R. 20353). Is there objection?

Mr. GARDNER. What is the bill?
Mr. STAFFORD. Let the bill be reported.
The SPEAKER. The Clerk will report by the bill by title.

The Clerk read as follows:

A bill (H. R. 20353) concerning proof of widowhood in claims for

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill will be called up in its regular order on Monday

Mr. FULLER. No; there will be no chance to reach it unless it can be passed now. It will not take two minutes. It has a unanimous report from the Committee on Invalid Pensions, and there can be no objection to it.

Mr. STAFFORD. I went over the bill on last unanimous-

consent day, and I object.

The SPEAKEP. The gentleman from Wisconsin objects.

Mr. FULLER. It will take but a minute.

The SPEAKER. But the gentleman from Wisconsin has obiccted.

# RESOLUTIONS FROM COMMITTEE ON PRINTING.

Mr. BARNHART. Mr. Speaker, I send to the Clerk's desk a privileged resolution, and, preliminary to the consideration of it, I want to make a very brief statement. The allotment by the Appropriations Committee for the printing of the Congress for the last fiscal year was \$1,340,000. Of that three-fourths has been expended; and if the Senate will be as economical up to the close of the session as the House has been we will have been the session as the House has been we will have more than a quarter of a million dollars of this to turn back into the Treasury.

to turn back into the Treasury.

Mr. MANN. Will the gentleman yield?

Mr. BARNHART. I will yield.

Mr. MANN. They have just sent a deficiency estimate for congressional printing, I think, of about half a million dollars.

Mr. BARNHART. If that is correct, it has come from the Senate side and within the past 24 hours.

Mr. MANN. It came from the Secretary of the Treasury. Mr. BARNHART. That may be for departmental printing,

not for congressional printing.

Mr. MANN. It says congressional printing.
Mr. BARNHART. The report we have from the Government printers shows a balance of \$313,862 quite recently.
Mr. MANN. Unless I am very much mistaken—and I might be—the deficiency estimate just received from the Secretary of the Treasury carried several hundred thousand dollars deficiency for congressional printing.

Mr. BARNHART. Well, if that is the situation, it has

developed within a very few days; and I am sure, Mr. Speaker, that the House has not expended any such amount in the past six months.

Mr. SLAYDEN. Will the gentleman yield? Mr. BARNHART. I will yield.

SLAYDEN. Has not the Senate recently enacted some legislation in the way of economy of expenditures by setting some

limit on the material that is to go into the RECORD?

Mr. BARNHART. The Senate passed an abbreviated printing bill, the one that the House has considered twice and passed once and the Senate has passed once, and that was passed at a night session, placing a limitation upon publication in the Con-

GRESSIONAL RECORD and providing for the distribution of documents in a somewhat modified way from the plan which we proposed in the bill we have heretofore enacted, giving to each Member of Congress the documents that he needs rather than apportion to him an allotment of all documents printed, many of which he can not possibly use.

Mr. SLAYDEN. Are we going to have an opportunity to vote on such wise legislation?

Mr. BARNHART. We will have an opportunity to vote upon such wise legislation if somebody does not interpose an objection to unanimous consent, or the Rules Committee will give the Committee on Printing a rule to bring in such a bill.

Mr. SLAYDEN. The RECORD of to-day has about 150 pages

Mr. BARNHART. I will say in that connection that a matter came up day before yesterday in which a Member of the House asked unanimous consent to insert some reprint in the RECORD, and when I inquired about it I was told it did not amount to very much. But I went and looked up the figures and discovered that that one item, that is, the item of inserting in the RECORD along the one particular line by this one particular Member, amounted to 119 pages, which will cost the Government for the printing alone \$3,850, and the franking privilege will be in addition to that. It is a limitation bill on such extraneous matter that the Committee on Printing hopes to be able to get up for consideration and passed within an hour, if we can get the consent of the House to call it up.

### OPINION NO. 4229 (H. REPT. NO. 1468).

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

### House resolution 464.

Resolved, That there shall be printed, for the use of the House of Representatives, 10,000 copies of Opinion No. 4229 of the Interstate Commerce Commission, designated as Document No. 9284, relating to the car-supply investigation, to be distributed to Members of the House through the folding room.

Also, the following committee amendments were read:

Line 2, strike out "10" and insert "5," so that it will read "5,000 copies of Opinion No. 4229."

Line 7, strike out "folding" and insert "document," so that it will read "through the document room."

Mr. MANN. Mr. Speaker, I hold in my hand the deficiency estimates from the Secretary of the Treasury dated February 5, 1917, and referred in this House to the Committee on Appropriations on February 6, 1917. The first item in it is "Legislative. Public Printer. Public printing and binding: For publlc printing, public binding, and for paper for public printing and binding, including the cost of printing the debates and proceedings of Congress in the Congressional Record," and so forth—the same item that is carried by the appropriation bill for congressional printing—\$520,937.05.

Mr. BARNHART. I hold in my hand a report dated January

28, in which the Public Printer reports a balance in the Treasury to the credit of congressional printing to the amount of \$316,000. Somebody is evidently mistaken. I get my information from the

Public Printer.
Mr. MANN. Over \$300,000 out of millions of dollars is not very much left to the last of January, I will say to the gentle-

Mr. STAFFORD. Is it not possible that this deficiency appropriation is desired to be used after the adjournment of

Congress

Mr. BARNHART. Possibly so, but I call attention to the fact that the total of these bills that we are now considering will be less than \$25,000, and if the balance of the money is expended it will be done by the Senate hereafter, because the House has very little more to do. The department is trying to raise their contracts for public printing, but so far the Joint Committee on Printing has been intervening and preventing it.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARNHART. Mr. STAFFORD. Yes.

What is the document that is purposed to

be authorized under this resolution?

Mr. BARNHART. This is the report of the Interstate Commerce Commission on car shortage. It is a little document that costs \$118, a resolution submitted by the gentleman from Virginia [Mr. Slemp], and is said to be very important to the coal-producing regions of the United States.

The SPEAKER. The question is on agreeing to the amend-

ments.

The amendments were agreed to.
The SPEAKER. The question is on the resolution as amended.

The resolution as amended was agreed to.

BAILBOAD STRIKES AND LOCKOUTS (H. BEPT. NO. 1467).

Mr. BARNHART. Mr. Speaker, I send up another privileged resolution to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 438.

Resolved, That there be printed as a House document the pamphlet entitled "Railway Strikes and Lockouts," compiled by the United States Board of Mediation and Conciliation, containing a compilation of the laws of all countries relating to strikes and the settlement of industrial disputes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

OCEAN SHIPPING (H. REPT. NO. 1466).

Mr. BARNHART. Mr. Speaker, I send another resolution to the Clerk's desk.

The SPEAKER. Is it privileged?
Mr. BARNHART. Yes, sir.
The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 294.

Resolved, That the Committee on Printing is hereby authorized and instructed to have printed 5,000 copies of second edition, May, 1916, Ocean Shipping: The Basic Principles of Marine Transportation with Particular Reference to the Foreign Trade of the United States, published by the National Foreign Council, 64 Stone Street, New York, as a public document.

Also the following committee amendment was read:

Also the following committee amendment was read:

In line 1, strike out the words "The Committee on Printing is hereby authorized and instructed to have" and insert the words "there be," and after the word "printed," in line 2, strike out "five thousand" and insert "two thousand five hundred," and in line 8, after the word "document," insert the words "for the use of the House of Representatives," so that the resolution as amended will read: "Resolved, That there be printed 2,500 copies of second edition, May, 1916, Ocean Shipping: The Basic Principles of Marine Transportation with Particular Reference to the Foreign Trade of the United States, published by the National Foreign Trade Council, 64 Stone Street, New York, as a public document, for the use of the House of Representatives."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HUMPHREYS of Mississippi. How will that document be distributed?

Mr. BARNHART. It will be distributed through the folding room.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.
The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. BARNHART. Mr. Speaker, before presenting another privileged resolution I want to call the attention of the membership of the House to a message just received from the Public Printer, in which he says that the unencumbered balance for printing and binding to-day is \$208,000.

Mr. MANN. But this is only the first of February.

CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO. (H. REPT. NO. 1465).

Mr. BARNHART. Now, I submit another privileged resolution and ask for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 227.

Resolved, That there be printed 5,000 copies of the record of the investigation made by the Interstate Commerce Commission with reference to the financial transactions, history, and operation of the Chicago, Rock Island & Pacific Railway Co.

With a committee amendment, as follows:

Insert, after the word "company," in the last line, the words "for use in the House document room."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. What expense would be occasioned by the printing of this document—the reprinting of the testimony concerning the Chicago, Rock Island & Pacific Railway Co.?

Mr. BARNHART. It would cost \$21.54. It costs \$12 a min-[Laughter.]

ute to run the House. [Laughter.]
The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

WITHDRAWAL OF PAPERS.

Mr. SMITH of Minnesota was granted leave to withdraw from the files of the House, without leaving copies, the papers in H. R. 2547, first session Fifty-fourth Congress. STATUE OF GEN. THADDEUS KOSCIUSKO (H. REPT. NO. 1464).

Mr. BARNHART. Mr. Speaker, I send to the Clerk's desk a privileged resolution and ask for its present consideration. The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House concurrent resolution 58.

House concurrent resolution 58.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Gen. Thaddeus Kosciusko in Washington, May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National Polish-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Gen. Thaddeus Kosciuscko and the speakers who took part in said celebration.

The SPEAKER pro tempore (Mr. Byrns of Tennessee). The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

STATUE OF COUNT CASIMIR PULASKI (H. REPT. NO. 1463).

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution and ask for its present consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 59.

House concurrent resolution 59.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Count Casimer Pulaski in Washington, May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National Polish-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Count Casimer Pulaski and the speakers who took part in said celebration.

Mr. MANN. Mr. Speaker, that is presented as a privileged resolution. It is not, but I shall not make a point of order on it. The SPEAKER pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

NAVIGATION LAWS (H. REPT. NO. 1480).

Mr. BARNHART. Mr. Speaker, I send another privileged resolution to the Clerk's desk and ask for its present consideration.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

House resolution 150.

Resolved, That the Committee on Printing is hereby authorized and instructed to have printed 10,000 copies of "Navigation laws, comparative study of principal features of the laws of the United States, Great Britain, Germany, Norway, France, and Japan," contained in report of the Bureau of Foreign and Domestic Commerce to the Secretary of Commerce on January 12, 1916 (Special Agents' Series No. 114).

Mr. BARNHART. Mr. Speaker, the report of the committee there is that the resolution do not pass.

Mr. MANN. Move to lay it on the table.

Mr. BARNHART. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The gentleman from Indiana moves to lay the resolution on the table. The question is on agreeing to that motion.

The motion was agreed to.

SOIL SURVEY OF THE BILOXI AREA, MISSISSIPPI (H. REPT. NO. 1469).

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution, which I send to the Clerk's desk and ask for its present consideration.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

House resolution 14.

Resolved, That there shall be printed 1,000 additional copies of the Soil Survey of the Biloxi Area, Mississippi, for use in the House document

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. MANN. For whose benefit is it? Who represents the district?

Mr. BARNHART. The gentleman from Illinois asks a very important question. There are about 15—
Mr. MANN. Why does not the gentleman answer it?
Mr. BARNHART. I am trying to answer it, if the gentleman will give me time. I can not answer as readily as the contleman from Illinois gentleman from Illinois.

Mr. MANN. These proceedings cost \$12 a minute. All I want to know is the name of the Member.

Mr. BARNHART. The name of the Member is Mr. BORLAND.

He introduced the resolution.

Mr. MANN. Who will get these copies? This is a soil survey of a particular place, and I am not opposed to it, but just for curiosity I want to know the name of the Member who gets the copies.

Mr. BARNHART. We could have that read for each resolu-The documents go to the document room.

of the resolution is Mr. Borland, of Missouri.

Mr. MANN. But this is for a soil survey in Mississippi.
Mr. LEVER. Is there any special reason for printing these extra copies? As I understand, the Department of Agriculture prints 2,000 copies for the House of Representatives and 2,000 copies for the Senate, which would make 4,000 copies of any one particular survey. Is there any particular reason for this reprint?

Mr. BARNHART. The supplies are exhausted. I want to say a word in behalf of the Committee on Printing. than two years none of these soil-survey resolutions have been reported out of the Committee on Printing; but the pressure has been very strong from the Members who introduced these resolutions, and we decided to submit them all to the House for its consideration. The committee itself believe that this matter is or ought to be wholly in the hands of the Department of Agriculture, and that that department ought to provide an ample allowance. It is given an appropriation each year to take care of all these matters. Yet we are constantly besieged by Members who have requests for these soil surveys. for myself, we have had some soil surveys in the district which I represent, and I had notices placed in many of the newspapers stating that these soil surveys were available, but I think I have had less than 50 requests for them.

Mr. FOSTER. The farmers in the gentleman's district are

Mr. MANN. I have always been rather of the opinion that when the Government goes to very great expense in making a soil survey, which is primarily useful only to the men who occupy the soil, if they want to obtain copies of the survey they ought to have them.

Mr. BARNHART. Yes.

Mr. MANN. But my curiosity is not yet satisfied. For the life of me, I can not see why the gentleman from Kansas City [Mr. Borland] should be interested in placing in the document room a thousand copies of a soil survey of Biloxi, Miss., and I think we are entitled to an explanation as to who is going to get the copies.

Mr. BARNHART. This is for Jackson County, Mo.

Mr. MANN. No; the Clerk read Biloxi, Miss. I think the gentleman is talking about the wrong resolution.

Mr. BARNHART. Yes. This resolution was introduced by

the gentleman from Mississippi [Mr. Harrison].

Mr. MANN. That is different. I could not understand before. I have no objection to the resolution.

Mr. STAFFORD. I wish to inquire how many such resolutions the chairman of the committee has to report.

Mr. BARNHART. About 15.

Mr. STAFFORD. All relating to soil surveys?
Mr. BARNHART. All relating to soil surveys.
Mr. STAFFORD. What is the cost of the reprint?
Mr. BARNHART. Each one of these costs less than \$500.

This one which I hold in my hand will cost \$412. We cut the number down so that they would cost less than \$500.

Mr. STAFFORD. Has the gentleman any resolutions other

than those providing for soil surveys?

Mr. BARNHART. No others.

Mr. CANNON. The original survey was printed at the Agricultural Department?

Mr. BARNHART. Yes.

Mr. CANNON. That is exhausted? Mr. BARNHART. The supply is exhausted. The plates of the maps, and so forth, are all preserved, and the cost of the reprinting is only nominal, in some cases only \$150 for 2,000 copies.

Mr. STAFFORD. Why can not they now be printed in the

Agricultural Department?

Mr. BARNHART. They ought to be printed by the Agricultural Department.

Mr. STAFFORD. Has the gentleman made any inquiry of the Agricultural Department as to why they do not reprint?
Mr. BARNHART. Yes; and they say they do not consider

that the original appropriation or allotment for printing gives them authority to reprint.

Mr. STAFFORD. How many bills has the committee had

under consideration providing for reprints?

Mr. BARNHART. Twelve or fifteen.

Mr. STAFFORD. Are any others pending?

Mr. BARNHART. No; no others pending. This covers the

whole field.

Mr. STAFFORD. This is establishing a precedent that may come back to plague us in the future. If every Member who has a soil survey in his district comes here and wants a reprint it will be a burden on us.

Mr. BARNHART. The gentleman is mistaken in saying that reprints have not heretofore been authorized by the House, because I am advised that there have been frequently reprints ordered, but not within the time that I have been chairman of

Mr. STAFFORD. I think these matters ought to go over for further consideration. I hope the gentleman will not submit

any more

Mr. BARNHART. I think that they ought to be submitted and disposed of. The committee has had them for a long time, and as far as the committee is concerned it would like to be absolved from any further obligation in the matter.

Mr. STAFFORD. Can the gentleman assure us that there

will be no more at this session?

Mr. BARNHART. There are no more before the committee. Mr. CARY. I would suggest to the gentleman that he offer them all in bulk, let them be read by title, and passed at once. Mr. BARNHART. If the gentleman will ask unanimous consent I am willing to have it done.

Mr. CARY. Mr. Speaker, I ask unanimous consent that the chairman of the committee offer all these bills for reprint of soil surveys in bulk and the titles be read and we vote on them

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the gentleman from Indiana may offer all of the resolutions in bulk and be voted upon as one.

Mr. MANN. I object. The SPEAKER pro tempore. The question is on agreeing to

the resolution.

The resolution was agreed to.

SOIL SURVEY, BRYAN COUNTY, OKLA. (H. REPT. NO. 1470).

Mr. BARNHART. Mr. Speaker, I submit another resolution and ask its immediate consideration.

The Clerk read as follows:

## House resolution 102.

Resolved, That 2,000 additional copies of the soll survey of Bryan County, Okla., as made by the Bureau of Soils of the Department of Agriculture, be printed for use in the House document room.

Mr. MANN. How many copies are provided for in this resolution?

Mr. BARNHART. Two thousand.

Mr. MANN. I thought in the Harrison resolution it was fixed at 1,000 copies Mr. BARNHART. Probably that is all the resolution asked

Mr. MANN. It seems to me that that is all we ought to

Mr. STAFFORD. How many copies are provided for in the

resolution just passed?

The CHAIRMAN. The resolution that was just passed provided for 1,000.

Mr. HUDDLESTON. I would remind the gentleman that some counties are much more populous than others. The counties in my district have 3,000 or more population, and certainly there ought to be a greater number in such counties than in counties with a less population.

Mr. MANN. The county in which my district is located has a population of 3,000,000, and yet I think a thousand copies

of the soil survey will more than go around.

Mr. HUDDLESTON. It so happens that the people I speak of have a great interest in these surveys.

Mr. ALMON. Mr. Speaker, I will say to the gentleman that the Committee on Printing has investigated these matters.

Mr. MANN. Oh, no; the committee has not investigated

Mr. ALMON. I want to say that I went before the committee and explained to them the great demand there was in my district, and they cut it down a half.

Mr. MANN. How much does the gentleman get in his reso-

Mr. ALMON. I have had the promise of 2,000, and that will not supply the demand in Madison County.

Mr. STAFFORD. I think there ought to be one rule followed, We are granting favors to Members here.

Mr. MANN. After all, it is for the benefit of the people.

Mr. STAFFORD. We are picking out 12 and giving a per-

simmon to them in the nature of a reprint. Why should not the persimmons be for all?

Mr. ALMON. Mr. Speaker, I hope the gentleman from Wisconsin will not object.

The supply has been exhausted in most of them. Madison County is the largest county, and the county that has taken the lead in agriculture in Alabama, the first to organize a livestock association and the first to eradicate the cattle tick, and the people there are clamoring for these reports. I asked for 5,000, and the committee has cut it down to 2,000, costing less than \$500. I trust that no one will object to it.

Mr. BARNHART. The gentleman from Wisconsin [Mr.

STAFFORD], after hearing the pathetic appeal of the gentleman from Alabama, can understand how it is impossible for the Committee on Printing to resist.

Mr. STAFFORD. I can now understand the worries the gentleman has had in times past and how well he has borne up under them with his benign smile.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SOIL SURVEY OF PERRY COUNTY, ALA. (H. REPT. NO. 1472).

Mr. BARNHART. Mr. Speaker, I submit the following privileged resolution, which I send to the desk.

The Clerk read as follows:

House resolution 177.

Resolved, That there be printed 1,000 additional copies of the Soil Survey of Perry County, Ala., for the use of the Department of Agriculture.

With the following committee amendment:

Lines 2 and 3, strike out the words "for the use of the Department of Agriculture" and insert "for the use of the House document room."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

SOIL SURVEY OF MADISON COUNTY, ALA. (H. REPT. NO. 1473).

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution, which I send to the desk.

The Clerk read as follows:

House resolution 231.

Resolved, That there be printed 5,000 additional copies of the Soil Survey of Madison County, Ala., for the use of the House document

With the following committee amendment:

In line 1 strike out the word "five" and insert the word "two."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

SOIL SURVEY OF JEFFERSON COUNTY, ALA. (H. REPT. NO. 1471).

Mr. BARNHART. Mr. Speaker, I submit the following privileged resolution, which I send to the desk.

The Clerk read as follows:

Resolved, That there be printed 2,500 additional copies of the Soil Survey of Jefferson County, Ala., for the use of the House document room.

With the following committee amendment:

Strike out the words "five hundred."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

SOIL SURVEY OF NEW ORLEANS AREA, LOUISIANA (H. REPT. NO. 1474).

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution, which I send to the desk.

The Clerk read as follows:

House resolution 263.

Resolved, That there shall be printed 1,000 copies of the Soil Survey of the New Orleans Area, Louisiana, for the use of the House document room.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. MANN. Who gets this?

Mr. BARNHART. Mr. Dupré.

Mr. MANN. I have no objection, but I just like to know out of curiosity

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SOIL SURVEY OF CHESTERFIELD COUNTY, S. C. (H. REPT. NO. 1475).

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 267.

Resolved, That there be printed 1,250 additional copies of the pamphlet entitled "Soil Survey of Chesterfield County, S. C.," for the use of the House document room.

The SPEAKER pro tempore. The question is on agreeing to the resolution

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield for a question? Mr. BARNHART. Yes.

Mr. MOORE of Pennsylvania. I have had it in mind to introduce a resolution to provide for the printing of 10,000 copies of the Declaration of Independence in order that some of the people of the United States might reread that document, and also for the printing of 10,000 copies of the Constitution of the United States. Is the gentleman in position to say whether those two propositions would have consideration before his committee?

Mr. BARNHART. Oh, yes. All resolutions of that character introduced have consideration before the Committee on Printing, and the gentleman from Pennsylvania, if he will introduce his resolutions and come before the committee, will surely have a favorable hearing and most likely a favorable report.

Mr. MOORE of Pennsylvania. I thank the gentleman. I shall introduce the resolution and ask for the reprinting of the Declaration of Independence and the Constitution of the United States. It may do some good.

Mr. Speaker, I ask unanimous consent to extend and revise my remarks upon the naval appropriation bill.

The SPEAKER pro tempore. Is there objection?
There was no objection.
Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks on the naval appropriation bill.

The SPEAKER pro tempore. Is there objection? There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SOIL SURVEY OF DECATUR COUNTY, GA. (H. REPT. NO. 1476).

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution and ask for its present consideration.

The SPEAKER pro tempore. The Clerk will report the

resolution.

The Clerk read as follows:

House resolution 379.

Resolved, That there be printed 1,250 additional copies of the Soil Survey of Decatur County, Ga., for the use of the House document

Mr. MANN. Who gets this?

Mr. BARNHART. Mr. Park, of Georgia.
Mr. STAFFORD. Will the gentleman inform the House whether there is any resolution covering the Northern States which might possibly have impoverished soils, or is it confined to the Southern States?

Mr. BARNHART. The committee did not consider the question in a sectional way at all; it considered the separate bills as they came to the committee

Mr. STAFFORD. It just happened that the most of them are in the South?

Mr. BARNHART. The committee took the bills as they were introduced and as they happened to come before it.

Mr. HUDDLESTON. The presumption is that these soil surveys come from localities where there is a movement in real

Mr. STAFFORD. Then it would presume to be stagnant in the North.

Mr. HUDDLESTON. I think so.

The question was taken, and the resolution was agreed to.

SOIL SURVEY OF TIFT COUNTY, GA. (H. REPT. NO. 1477).

Mr. BARNHART. Mr. Speaker, I offer another privileged resolution and ask for its present consideration.

The SPEAKER pro tempore (Mr. Byrns of Tennessee). The Clerk will report the resolution.

The Clerk read as follows:

House resolution 380.

Resolved, That there be printed 2,000 additional copies of the Soil Survey of Tift County, Ga., for the use of the House document room. The question was taken, and the resolution was agreed to.

RESONNOISSANCE SOIL SURVEY OF NORTHEASTERN PENNSYLVANIA (H. REPT. NO. 1478).

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution and ask for its passage.

The Clerk read as follows:

House resolution 460.

Resolved, That there be printed 2,000 additional copies of the Reconnoissance Soil Survey of Northeastern Pennsylvania for use of the House document 100m.

The committee amendment was read, as follows:

After the word "printed" strike out "2,000" and insert "1,500."

Mr. MANN. Who gets this?

Mr. BARNHART. Mr. Kiess of Pennsylvania, The question was taken and the committee amendment was agreed to.

The question was taken and the resolution as amended was agreed to.

BIOGRAPHICAL CONGRESSIONAL DIRECTORY (H. REPT. NO. 1479).

Mr. BARNHART. Mr. Speaker, I submit a final privileged resolution and ask the attention of the House while it is being read.

The Clerk read, as follows:

House concurrent resolution 23.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 10,000 copies of the Biographical Congressional Directory, revised and corrected to the Sixty-fourth Congress, under the direction of the Joint Committee on Printing, 7,000 copies for the use of the House of Representatives and 3,000 copies for the use of the Senate.

Mr. MANN. Does that involve two volumes?

Mr. BARNHART. Two.

Mr. MANN. One being the old volume?

Mr. BARNHART. No; it only brings it up to date. It is revised and corrected.

Mr. MANN. That is what I thought; it is to take the old volume

Mr. BARNHART. And add another to it.

Mr. MANN. And add another volume to it.
Mr. STAFFORD. Will the gentleman explain what it will

cost for the printing of this?

Mr. BARNHART. Six thousand four hundred and twentyseven dollars

Mr. STAFFORD. Will an additional expense be occasioned by the payment to any clerk attached to the joint committee?

Mr. BARNHART. There was not in the last revision. There was an effort made to secure an allowance, but Congress never did allow it.

Mr. STAFFORD. And a good chance Congress will not allow

it now.

Mr. BARNHART. Would not allow it by consent of the present chairman of the committee.

Who is supposed to do this work of Mr. SMITH of Idaho. revision?

Mr. BARNHART. That is supposed to be done by the clerk of the Joint Committee on Printing, I take it.

Mr. SMITH of Idaho. It seems to me he has got his hands pretty full now to take on such an important work as that.

Mr. STAFFORD. The work has been going right along Mr. SMITH of Idaho. It has been done heretofore by extra time, and the clerk ought to be paid for it.

Mr. BARNHART. It was done by extra time, and the last time there was no allowance.

Mr. SMITH of Idaho. And he should be entitled to his pay. He worked at night.

Mr. STAFFORD. This work has been done in the recent past in connection with his regular work as clerk of the committee. Mr. SMITH of Idaho. No; it was done by a clerk in the Secretary's office.

Mr. MANN. The Congressional Directory for years has carried information about the duties of the various departments of the Government. Why is that left out of the last one?
Mr. BARNHART. For the reason that from time to time the

names that were submitted by the departments had accumulated into such a volume that the directory was too cumbersome; and, moreover, the enormous expense of print paper at present is such that it is the purpose of the Joint Committee on Printing that the number of the pages in the book be curtailed to the immediate needs at this time.

Mr. MANN. That does not answer the question. The gentleman talks about names. What names does the gentleman have reference to?

Mr. BARNHART. The names of the subordinate officers of the various departments.

Mr. MANN. Those are in the directory. Evidently the gentleman has not given consideration to it. What they have left out is the part that describes the duties of the different departments. I do not know how other gentlemen are, but that is a matter of constant reference in my office. We do not keep old directories lying around. New directories are on the table.

Every day, nearly, some letter comes along, and you want to know what department to visit in order to find out about it. My secretary constantly refers to the Congressional Directory for that information, which is valuable. You have left it out, although it is the most valuable information in the directory outside of the names of Members of Congress

Mr. STAFFORD. Will the gentleman yield? I have in my hand a recent issue of the Congressional Directory, which gives the work of the various departments, and I wonder whether he refers to something else besides the duties of the various departments and duties of the Government.

Mr. MANN. The trouble with the gentleman is that he is

slow.

Mr. STAFFORD. Not so very. Of course, slow in comparison with the gentleman as the leader.
Mr. MANN. Yes. You have the December directory. The

last edition was issued in February.

Mr. STAFFORD. This is the one I received at the Clerk's desk. I do not have the latest here. Of course, no one can keep pace with the pacemaker of the House.

The SPEAKER pro tempore. The question is on agreeing

to the concurrent resolution.

The resolution was agreed to.

#### PAYMENT OF CERTAIN CLAIMS.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask to take from the Speaker's table the bill S. 1878 and move that the House insist on its amendment and agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The gentleman from South Carolina asks to take from the Speaker's table the bill S. 1878 and insist on the House amendment, and agree to the conference asked for by the Senate. The Clerk will report the bill by

The Clerk read as follows:

An act (S. 1878) making appropriations for payment of certain claims in accordance with the findings of the Court of Claims in accordance with the act approved March 3, 1883, commonly known as the Bowman and Tucker Act, and under the provision of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina that the House insist on its amendment and agree to the conference asked by the Senate? [After a pause.] The Chair hears none.

# EXTENSION OF REMARKS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the naval

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. Mondell] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

# PAYMENT OF CERTAIN CLAIMS.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent that the present occupant of the chair be allowed to name the conferees on the conference asked for and agreed to by the House just now on Senate bill 1878.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the present occupant of the chair may announce the conferees upon the Senate bill 1878, on the part of the House. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. Gregg, Mr. Byrnes of South Carolina, and Mr. FOCHT.

# EXTENSION OF REMARKS.

Mr. SEARS. Mr. Speaker, for fear that the gentleman from Wisconsin [Mr. Cooper] misunderstood me, I ask unanimous consent to extend and revise and include certain remarks in my speech of this afternoon on the naval bill.

The SPEAKER pro tempore. The gentleman from Florida [Mr. Sears] asks unanimous consent to extend and revise his remarks in the RECORD on the naval bill. Is there objection? [After a pause.] The Chair hears none.

# HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, since on to-morrow we are going to have the presidential count, and that will take place at 1 o'clock p. m., it will be impossible for the House to do much business until that time, and therefore I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 12.30 p. m. to-morrow

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. Kitchin] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12.30 o'clock

p. m. to-morrow. Is there objection? [After a pause.] The

Chair hears none.

Mr FIELDS. Will the gentleman from North Carolina [Mr VIII the Army appro-KITCHIN] yield to me for a question? Will the Army appropriation bill be taken up immediately?

Mr. KITCHIN. No; but on Thursday morning. We will have Calendar Wednesday business to-morrow.

#### HOUR OF MEETING ON THURSDAY

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that

when the House adjourns to-morrow, Wednesday, it adjourn to meet the next day, Thursday, at 11 o'clock a. m.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-morrow, Wednesday, it adjourn to meet on Thursday at 11 o'clock a. m. Is there objection? [After a pause.] The Chair hears none.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10697. An act for the relief of S. Spencer Carr;

H. R. 8092. An act confirming patents heretofore issued to cer-

tain Indians in the State of Washington; and H. R. 17055. An act providing when patents shall issue to the

purchaser or heirs on certain lands in the State of Oregon. The SPEAKER announced his signature to enrolled bill of

the following title:

S. 7486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

## ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8492. An act to restore homestead rights in certain

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture; and

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of South Carolina, Mr. Smith of Georgia, and Mr. Warren as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to Senate amendments Nos. 13 and 98 to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, had insisted upon the amendments of the Senate to said bill and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. ROBINSON, and Mr. GALLINGER as the conferees on the part of

the Senate.

The message also announced that the Senate had passed

without amendment bills of the following titles:

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the

North, on the boundary line between said States;

H. R. 17710. An act authorizing the construction of a bridge across the Tullapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point some-

where between Judkin Ferry and Hughes Ferry; and H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.

The message also announced that the Senate had passed without amendment the following resolution:

#### House concurrent resolution 65

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the fournal of the fifty-first national encampment of the Grand Army of the Republic for the year 1917, not to exceed \$1,700 in cost, with Illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

The message also announced that the Senate had passed the following resolution:

#### House concurrent resolution 70.

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 copies, bound in buckram, for the use of the House of Representatives, of the manuscript prepared by Hon, Merrill Moores, being a digest of contested-election cases in the House of Representatives from 1901 to 1917, together with laws relating to contested elections in the House of Representatives and campaign contributions and expenditures tributions and expenditures

With the following amendment:

Line 3, strike out "for the use of the House of Representatives." Line 7, after "expenditures," insert "of which 1,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, had requested a further conference with the House on the said bill and amendment thereto, and had appointed Mr. SHIELDS, Mr. BANKHEAD, and Mr. Nelson as the conferees on the part of the Senate.

#### EXTENSION OF REMARKS.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the foreign situation

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in regard to the foreign situation. Is there objection?

There was no objection.

# APPOINTMENT OF SPEAKER PRO TEMPORE ON SUNDAY.

The SPEAKER. The Chair appoints Mr. Jacoway to preside next Sunday at the memorial services on the late Senator Clarke of Arkansas.

# ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned, pursuant to the special order, until to-morrow, Wednesday, February 14, 1917, at 12 o'clock and 30 minutes p. m.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 15656) for the relief of Charles W. Anderson, reported the same without amendment, accompanied by a report (No. 1455), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16482) to reimburse Capt. E. D. Kremers, Medical Corps, United States Army, for rent of quarters at Honolulu, Hawaii, reported the same without amendment, accompanied by a report (No. 1456), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15572) for the relief of W. T. Dingler, reported the same without amendment, accompanied by a report (No. 1457), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 2742) to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen, reported the same without amendment, accompanied by a report (No. 1458), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 5990) to reimburse S. S. Buzzerd, postmaster of Berkeley Springs, Morgan County, W. Va., for cash stolen, reported the same without amendment, accompanied by a report (No. 1459), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1659) for the relief of Carrie A. Notley, reported the same without amendment, accompanied by a report (No. 1460), which said bill and report were referred to the Private

Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 1623) for the relief of George F. Weaver, reported the same with amendment, accompanied by a report (No. 1461), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 9171) for the relief of Arthur J. Burdick, reported the same with amendment, accompanied by a report (No. 1462), which said bill and report were referred to

the Private Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. REILLY: A bill (H. R. 20892) to establish aids to navigation at Fond du Lac Harbor, Wis.; to the Committee on

Appropriations.

By Mr. LINDBERGH: A bill (H. R. 20893) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 20894) to include certain lands in the counties of Modoc and Siskiyou, Cal., in the Modoc National Forest, and for other purposes; to the Committee on

the Public Lands.

By Mr. TAVENNER: A bill (H. R. 20895) to repeal the provision for compulsory military service in the national defense act approved June 3, 1916; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 20896) to provide for the issuance of search warrants and the seizure and detention of property thereunder, and for other purposes; to the Committee on the Judiciary

By Mr. MILLER of Minnesota: Resolution (H. Res. 502) directing the Secretary of War to transmit information relative to aeroplane service in Mexico; to the Committee on Military

Mr. HAMILTON of Michigan: Resolution (H. Res. 503) authorizing the printing as a House document the pamphlet entitled "Handbook on care and operation of gasoline engines"; to the Committee on Printing.

# PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 20897) granting an increase of pension to William Horrigan; to the Committee on Invalid Pen-

By Mr. FARR: A bill (H. R. 20898) granting an increase of pension to Margaret Orren; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20899) granting an increase of pension to David W. Bachelder; to the Committee on Invalid

By Mr. JOHNSON of Washington: A bill (H. R. 20900) for the relief of the State of Washington; to the Committee on

By Mr. McARTHUR: A bill (H. R. 20901) granting an increase of pension to Timothy Kelly; to the Committee on Invalid

By Mr. PLATT: A bill (H. R. 20902) granting an increase of pension to Abraham Rapelye; to the Committee on Invalid Pen-

By Mr. RAKER: A bill (H. R. 20903) for the relief of Mrs. Annie M. Lepley, as postmaster at Plymouth, Amador County, Cal., for money, postal-money orders, and postage stamps stolen; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 20904) granting an increase of pension to Jacob H. Bentz; to the Committee on Invalid Pen-

# PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Owatonna, Minn., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. CARY: Petition of the Wine and Spirit Importers' Society of the United States, protesting against the passage of the Bankhead bill or the rider to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of committee on the suppression of the pine blister in North America, relative to appropriation for the suppression of the pine-blister rust, and urging the support of the amendment to the Federal quarantine act; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of Miss Mary W. Parsons, Asheville, N. C., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of sundry members of National Legislative and Information Bureau, opposing House bill 20752 and Senate bill 8201; to the Committee on Interstate and Foreign Commerce.

By Mr. DARROW: Petition of editors and editorial staff of the Philadelphia Record, in favor of the volunteer officers' retired-list bill; to the Committee on Military Affairs.

By Mr. EAGAN: Petition of Cranford M. Bishop, of Summit, N. J., approving universal military service; to the Committee on

Military Affairs.

Also, petition of committee on the suppression of the pine blister in North America, relative to appropriation for the suppression of the pine-blister rust; to the Committee on Agricul-

Also, memorial of the New Jersey Division of the National Woman's Peace Party, against compulsory military training; to the Committee on Military Affairs.

Also, petition of Federal Employees' Union, relative to including the 5 and 10 per cent increase in salaries in the sundry civil bill; to the Committee on Appropriations.

By Mr. FULLER: Petition of First Congregational Church of Oswego, Ill., for a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Carl Poltrock, of Ottawa, Ill., for Callaway referendum resolution; to the Committee on Foreign Affairs, Also, petition of several citizens of Illinois, favoring the

migratory-bird treaty act; to the Committee on Foreign Affairs. Also, petition of John Wissen, president Juergen Muentz So-

ciety, against war with any foreign power unless war is first declared against the United States; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of a meeting of the executive committee of the Massachusetts Branch of the German-American Alliance, held at Boston February 9, 1917, opposing a declaration of war; to the Committee on Foreign Affairs.

Also, memorial of a meeting of the Board of Government of the Hooker Association of Massachusetts, favoring universal and compulsory military training of all male citizens of the United States; to the Committee on Military Affairs.

Also, memorial adopted at a mass meeting held at Krueger Auditorium, Newark, N. J., February 10, 1917, opposing a declaration of war unless the question of war be submitted to referendum of the people; to the Committee on Foreign

By Mr. GARRETT: Petition of 100 Christian church people of Kenton; 100 people of North Christian Union, of Kenton; 25 people of Troy; church people of Rives; 40 people of Medon; 50 people of Kenton; 50 people of Medon; and churches of Rives, all in the State of Tennessee, for national constitutional

prohibition amendment; to the Committee on the Judiciary.

By Mr. GORDON: Memorial of the council of the city of Cleveland, Ohio, urging the adoption of House joint resolution 355; to the Committee on Appropriations.

By Mr. HEATON: Memorial adopted by Local Union No. 1500, United Mine Workers of America, Mahanoy City, Pa., requesting an investigation of the high cost of living, with the end in view to reduce same; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLINGSWORTH: Memorial of William P. Davis and 14 other post-office officials and mail carriers at Salem, Ohio, asking increase of wages; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Memorials of National Wool Growers' Association, in favor of an experimental sheep farm under the Department of Agriculture in the State of Idaho: to the Committee on Agriculture.

By Mr. HUTCHINSON: Petition of undergraduates of Princeton University in favor of universal military training;

to the Committee on Military Affairs.

Also, petitions of 50 Flemington Woman's Christian Temperance Union people, Flemington, N. J., and 50 people at a public meeting at Bernardsville, N. J., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. KELLEY: Petition for an increase of pay of rural

carriers from Edward J. Marshick and others; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of employees of Post Office Department, relative to House bill 17806; to the Committee on the Post Office and Post Roads.

Also, memorial adopted by the Equal Rights Association of Kentucky at its annual convention of 1916 to protect women against State denial of the rights of citizens of the United States to vote for Members of Congress, etc.; to the Committee on the Judiciary

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, opposing a declaration of war unless the question of war be submitted to a referendum of the people; to the Committee on Foreign Affairs

By Mr. McFADDEN: Letter from William P. Beeber, Williamsport, Pa., favoring the selection of Cairo, Ill., as a site for the location of the new Government armor plant; to the Committee on Naval Affairs,

By Mr. MORIN: Petition of Mr. B. L. Becker, secretary of the Pittsburgh Rationalist Society, Pittsburgh, Pa., protesting against anything that will embroil the Nation in war; to the Committee on Foreign Affairs.

Also, petition of Jessie Leigh Hutchinson, corresponding secretary of the Kentucky Equal Rights' Association, of Lexington, Ky., with reference to the enactment of laws that "shall abridge the privileges or immunities of citizens of the United States"; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Sandusky Local, Socialist

Party of Ohio, protesting against involving this country in the European war and favoring complete embargo against the warring nations; to the Committee on Foreign Affairs.

By Mr. SNELL: Petition of members of Congregational Church of Willsboro, N. Y., Rev. C. W. Grupe, Mrs. C. W. Grupe, W. H. Mussen, E. A. Lewis, E. W. Hoskins, F. F. Hayward, Mrs. Mussen, Mrs. Sadie F. Hoffnagle, Mrs. Jacob Reaffel, Miss E. E. Reed, E. B. Shedd, A. B. Chatterton, Mrs. Carrie Higby, Mrs. Jennie J. Hoskins, Mrs. Thomas Rathbun, Mrs. Leon Weston, Oscar F. Styles, Mrs. William Nichols, J. M. Shedd, Misselb, Merkey, L. H. Beldwin, C. H. Steffed, J. M. Shedd, Elizabeth Morhous, L. H. Baldwin, C. H. Stafford, and W. B. Seymour, favoring submission to the States of a nationalprohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of the Rome (N. Y.) Typographical Union, against legislation prohibiting the advertising in newspapers of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of the Rome (N. Y.) Typographical Union, for increased compensation of printers in United States post offices; to the Committee on the Post Office and Post Roads.

By Mr. STAFFORD: Petitions of residents of the fifth Wisconsin district, protesting against national and District of Columbia prohibition and the mail-exclusion acts; to the Committee on the District of Columibia.

By Mr. TAYLOR of Colorado: Petition of citizens of Grand Junction, Colo., protesting against the proposed zone rate of postage for periodicals and magazines; to the Committee on the Post Office and Post Roads.

Also, memorial of State legislative committee of the Farmers' Educational and Cooperative Union of Colorado, protesting against the passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 50 members of the Woman's Christian Temperance Union of Hotchkiss; 53 members of Sunday school and 36 members of Bible assembly of Montrose, Colo., favoring

national prohibition; to the Committee on the Judiciary.

Ey Mr. TIMBERLAKE: Petitions of Methodist Church, Lafayette; Friends' Woman's Foreign Missionary Society, Boulder; Ladies' Aid of Baptist Church, Boulder; Woman's Home Mission Society, Boulder; the Nazarene Congregation, Boulder; Erie Methodist Episcopal Congregation, Erie; Boulder Assembly, No. 69, National Americans, Boulder; Methodist Sunday School, Lafayette; Christian Woman's Board of Missions, Boulder, all in the State of Colorado, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

# SENATE.

# WEDNESDAY, February 14, 1917.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the

following prayer:

Almighty God, as we are called upon once more to face the solemn responsibilities of this hour and this place, we call upon Thy name and open our hearts to the impression of Thy truth and spirit. Every thought of God elevates and chastens our minds, and every thought of our hearts we desire to bring into subjection to Thy will that we may understand the far-reaching suffuence of all the acts of our lives, especially when we act as representatives of the States of this great country. Guide us this day in the discharge of the duties that are before us, and at its close may we have the comfortable assurance that we have done that which is pleasing in Thy sight. For Christ's sake. Amen.

Mr. JONES. Mr. President, there are not more than a dozen Senators present, and to save time I raise the point of no quorum.

Mr. PENROSE. I think the Senator is incorrect. There are nine Senators present.
The VICE PRESIDENT.

The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Page	Smith, Ga.
Brady	Jones	Penrose	Smith, Md.
Brandegee	Kenyon	Pomerene	Smith, S. C.
Bryan	La Follette	Ransdell	Smoot
Clapp	Lodge	Robinson	Stone
Curtis	Martin, Va.	Shafroth	Sutherland
Fernald	Martine, N. J.	Sheppard	Thomas
Fletcher	Norris	Shields	Weeks
Gallinger	Overman	Simmons	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. OLIVER, Mr. VARDAMAN, Mr. WADSWORTH, and Mr. WALSH answered to their names when called.

Mr. Bankhead entered the Chamber and answered to his

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present.

Mr. BRYAN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SHEPPARD. I wish to state that the Senator from Oregon [Mr. Chamberlain] is detained from the Senate on official business

Mr. Kirby, Mr. Johnson of South Dakota, Mr. Thompson, Mr. Lane, Mr. Works, Mr. Nelson, Mr. Lea of Tennessee, Mr. Lewis, Mr. Husting, and Mr. Cummins entered the Chamber and answered to their names.

Mr. LEA of Tennessee. I have been requested to announce that the senior Senator from Kentucky [Mr. James] is detained on official busines

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Bryan and by unanimous consent, the further reading was dispensed with and the Journal was approved.

# ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, which had previously been signed by the Speaker of the House of Representa-

## PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the House of Representatives of the Legislature of the Commonwealth of Massachusetts, which I ask may be read.

The resolutions were read and ordered to lie on the table, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES.

Ordered. That it is the sense of the house of representatives that the citizens of the Commonwealth of Massachusetts, regardless of race, creed, color, or party, in the present national crisis, stand now, as always, as one man ready to support with their blood and treasure the

President and the Congress of the United States in whatsoever action he or it may take to preserve the dignity, honor, and safety of our country; and be it further Ordered, That a copy of this expression of the house of representatives be sent to the President of the United States and to each Senator and Representative in Congress from this Commonwealth.

JAMES W. KIMBALL, Clerk.

JAMES W. KIMBALL, Clerk House of Representatives.

Mr. LODGE. I present a petition of the board of aldermen of Somerville, Mass., approving the action of the President in severing diplomatic relations with Germany, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

CITY OF SOMERVILLE, IN BOARD OF ALDERMEN, February 8, 1917.

Whereas the President of the United States has deemed it necessary to sever diplomatic relations with the Imperial German Government for reasons publicly given by him before the Congress of the United States on the 3d instant; and Whereas, notwithstanding his action in the matter, he has endeavored, as far as possible, to avoid conflict: It is hereby

\*Resolved\*, That the attitude of the President, as expressed in his actions and in his remarks to Congress, merita the earnest approval and patriotic support of all the people of the United States; and be it further

\*Resolved\*, That the board of aldermen of Somerville, for and in behalf of the people of Somerville, hereby pledges to the President their full loyalty and support; and be it further

\*Resolved\*, That the national colors be displayed from all public buildings of the city, and it is urged that places of business and residences display such colors so far as possible; and be it further

\*Resolved\*, That copies of these resolutions be forwarded to the President, the Senate, and House of Representatives of the United States.

In board of aldermen, February 8, 1917.

Read twice and adopted. Frederic W. Cook, clerk.

\*Somerville\*, February 10, 1917. Approved, Z. E. Cliff, mayor.

\*A true copy.

\*Attest:

A true copy. Attest:

F. W. COOK, Clerk.

Mr. SMOOT. I present a joint memorial of the twelfth regular session of the Legislature of Utah, praying for the adoption of an amendment to the Constitution for national prohibition, which I ask may be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT, SECRETARY OF STATE'S OFFICE.

I, Harden Bennion, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of house joint memorial No. 1, adopted by the twelfth regular session of the Utah Legislature, as appears of record in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 7th day of February, 1917.

[SEAL.]

HARDEN BENNION,

Secretary of State.

House joint memorial 1.

A memorial to the Congress of the United States that Congress submit to the States a proposed amendment to the Constitution of the United States, prohibiting the sale, manufacture, transportation, im-portation, and exportation of intoxicating liquors.

o the Senate and House of Representatives of the United States in Congress assembled:

Congress assembled:
Whereas there is now pending in the Congress of the United States a resolution proposing an amendment to the Constitution of the United States whereby the sale, manufacture, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from, the United States and all Territories subject to the jurisdiction thereof, for beverage purposes, are prohibited; and
Whereas your memorialists favor and desire an amendment to the Constitution of the United States, as proposed by said resolution, believing that the happiness, prosperity, and well-being of the people of the United States will be greatly promoted thereby; and Whereas your memorialists are informed that said resolution has been reported upon favorably by the Judiciary Committees of both Houses of Congress;

Resolved by the Legislature of the State of Utah, That we respect-

of Congress;

Resolved by the Legislature of the State of Utah, That we respectfully memorialize the Congress of the United States that Congress adopt said resolution and that said proposed amendment to the Constitution of the United States be submitted to the legislatures of the States at the earliest possible date for their consideration.

Resolved jurther, That the secretary of state be, and he is hereby, directed to prepare and transmit forthwith certified copies of this memorial to the President of the United States, to the presiding officers of both branches of Congress, and to each of the Senators and Representatives from Utah.

President pro tempore of the Senate.
J. F. TOLTON,
Speaker of the House.

Mr. JONES. Mr. President, I have received a great many letters, telegrams, and petitions with reference to the European war situation, which I have not presented to the Senate, not baving deemed it necessary to do so; but I have here a letter

which speaks for and speaks to a large class who, in my judgment, are among the best and most patriotic citizens of my ment, are among the best and most patriotic citizens of my State. I feel that in justice to many of our citizens whose loyalty is repeatedly questioned this letter should be read to the Senate and be printed in the Record. It is a letter from the president of the German Alliance of the State of Washington to the various bodies of that organization in the State. It should not be deemed necessary for any American citizens or any organization of American citizens to be proclaiming their loyalty in any national crisis. Their loyalty should be assumed. Citizens of every descent and different organizations are constantly proclaiming their loyalty. In view of this and because of the special and distressing circumstances, it is not out of place for those of German descent to set forth their out of place for those of German descent to set forth their views and attitude and declare to the world that their supreme allegiance is to the country of their adoption.

The VICE PRESIDENT. In the absence of objection, the

letter will be read.

The Secretary read as follows:

TACOMA, WASH., February 6, 1917.

To American citizens of German birth and descent.

BRETHERN: As the president of the German-American Alliance of the State of Washington, I deem it my duty to address you a few lines in regard to our duties and obligations as citizens, as they appear to

me.

At the present time we as no other citizens are being tested as by fire. Our patriotism, our loyalty, and our love for our adopted country are being tried now as never before, and it behooves us now to guard our very words and actions lest they be misunderstood.

Look back over the pages of history and see how your forefathers fought and at all times were ready and willing to lay down their lives and to offer all they had at the altar of their adopted country. They were always at the front with a burning desire to defend the country of their choice against any enemy that sought to trample upon its right. They fought and fell for its Constitution, its liberties, and for the exercise of free speech and religious toleration.

Our forefathers, history abundantly proves, were loyal to their adopted country, and so will we be found to be. Let us as their offspring stand firm to our oath of allegiance. Let us, as they did, defend our homes and our adopted land and all its institutions against Germany, if need be, as well as against any other nation or combination of nations who would dare to trample on our sacred rights.

combination of nations who would dare to trample on our sacred rights.

It may be that before this message reaches you that some American or other ship loaded with munitions of war but officially designated as "merchandise" may be destroyed by the Germans in defense of their homes and their country, and on that same ship there may be some American citizens, who dare anything to amass dollars out of this murderer's trade, may be lost.

If this should happen it will be more taken notice of than it was with Mexico, and no matter under what conditions the jingo press and the unthinking mob will howl and rage. Then, my fellow citizens of German descent, is the time you will be tried as by fire to show the world that you are indeed for America and its free institutions first, last, and all the time.

But then, my brethren, as long as this country is not at war we have the right to enter a protest against what we consider unjust and unfair. While we stand as one man for our country when it is in danger, we are not willing to offer ourselves and give over our sons for the benefit of any European nation. Nor are we willing to sacrifice ourselves and our blood for Wall Street or any combination of capital or any combination of ammunition makers who might lose their fortunes if we do not hold up the hands of their creditors.

Our blood and the sufferings of our wives and children will be freely offered on the altar of our country for the protection of its sacred rights, but should it be offered for the few daring monsters who have loaned millions of money to foreign countries that they may be made secure in their investments by our sacrifices?

Trusting to God that in the near future this dreadful calamity will be ended, and that we emerge from it as pure as gold from the furnace, and trusting that you will at all times remember your holy duties to your adopted country, and that no disloyal act of any of you disgrace our Nation, I am.

Sincerely, yours.

H. Mahncke, President.

Mr. SUTHERLAND presented a joint memorial of the Legislature of Utah, praying for national prohibition, which was ordered to lie on the table.

Mr. BRADY. I present a joint memorial of the Legislature of Idaho, which I ask may be printed in the Record and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

STATE OF IDAHO, DEPARTMENT OF STATE.

I, W. T. Dougherty, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 4 (by Evans) to the honorable the Senate and House of Representatives of the United States of America in Congress assembled (passed the senate Jan. 24, 1917; passed the house Jan. 31, 1917), which was filed in this office on the 8th day of February, A. D. 1917, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 9th day of February, in the year of our Lord 1917 and of the independence of the United States of America the one hundred and forty-first.

[SEAL.]

W. T. DOUGHERTY, Secretary of State.

Senate joint memorial 4. (By Mr. Evans.)

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Legislature of the State of Idaho, respectfully

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas by an act of December 29, 1916, Congress has provided for stock-raising homestead entries of not to exceed 640 acres of lands "the surface of which is chiefly valuable for grazing and raising forage crops"; and

Whereas the Secretary of the Interior is authorized by the said act, on application or otherwise, to designate the lands which shall be susceptible of entry under the said act; and

Whereas the application of the said act to the State of Idaho and the designation of lands thereunder would work great and irreparable injury to the small ranchers and farmers and stockmen of this State, in this: That the greater part of the said small ranchers, farmers, and stockmen will be incligible to enter grazing lands under the act designated above; that the grazing lands of Idaho are of such character that 640 acres used for grazing purposes only are wholly insufficient to support a family; that as a natural result of these facts patents for the lands so designated will go to entrymen who can not use the land for the purposes intended by Congress, and that the said lands will ultimately pass into the hands of the large cattlemen and sheepmen, who will thus obtain a virtual monopoly of the grazing lands of this State, while the small ranchers, farmers, and stockmen will find themselves wholly deprived of lands available for grazing purposes; that much of the land subject to designation under the act is of such character that if left open to other forms of entry it will within a few years become available for dry-farming purposes as this industry is extended within our State; and Whereas there is strong evidence to indicate that the lands already applied for have been applied for by dummy entrymen acting in the interest of the large cattle and sheep men of this and surrounding States:

Now, therefore, your memorialist earnestly requests and recommends that the said act be so amended by Congress, at the earliest possible

Now, therefore, your memorialist earnestly requests and recommends that the said act be so amended by Congress, at the earliest possible opportunity, as to make it inapplicable to public lands within the territorial limits of the State of Idaho.

The secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America and copies of the same to our Senators and Representatives in Congress.

White secrets is local transported passed the secrets on the 24th day of

This senate joint memorial passed the senate on the 24th day of January, 1917.

ERNEST L. PARKER, President of the Senate.

This senate joint memorial passed the house of representatives on the 31st day of January, 1917.

Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 4 originated in the senate during the fourteenth session of the Legislature of the State of Idaho.

RICH'D BURKE, Secretary of the Senate.

Mr. HARDING presented a petition of the Association Rifle Co., of Cleveland, Ohio, praying for compulsory military training, which was ordered to lie on the table.

Mr. KENYON presented a memorial of sundry citizens of Hamburg, Iowa, remonstrating against the enactment of legislation to amend the migratory-bird law, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Maquoketa, Iowa, praying for the enactment of legislation to reduce the age limit for granting pensions and increase of pensions under the provisions of the act of May 12, 1911, which was ordered to lie on the table.

He also presented a petition of the Commercial Club, of Davenport, Iowa, praying for the use of all surplus funds from naturalization sources for the education of immigrants, which was ordered to lie on the table.

He also presented a petition of Local Union No. 634, United Mine Workers of America, of Mystic, Iowa, praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Tri-City Bricklayers' Local Union, No. 7, of Davenport, Iowa, remonstrating against the enactment of legislation to exclude liquor advertisements from the mail, which was ordered to lie on the table.

Mr. SHEPPARD. I present resolutions adopted by the Lamar County Farmers' Union, of Paris, Tex., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the unfortunate and suicidal war now being waged in Europe seems to be spreading to a greater degree of slaughter of human life;

and
Whereas we deplore war in any form and fervently trust that this conflict may yet soon end; and
Whereas our President of the United States, the Hon. Woodrow Wilson, has, with apparent reluctance, severed diplomatic relations with Germany; and
Whereas this act may not necessarily lead to war, the gravity of the situation must be realized; and
Whereas while we deplore war in every particular and we regard the present conflict in Europe as being a useless waste of human life, of property, and of States and Government; and
Whereas we trust that our country will yet be spared from being involved in this bloody conflict, should this be our fate we will loyally stand by our Government and President in any way we can be of service: So be it

Resolved by the Lamar County Farmers' Union, in session at Paris, Tex., February 3, 1911, That we wish to declare our unswerving loyalty to our President and Government, and trust we will not be involved in war; but should such be our deplorable fate we extend our loyal support in any way we can be of assistance, and the secretary be instructed to send copy of these resolutions to the Farmers' Fireside Bulletin. Senators C. A. Culberson and Morris Sheppard, and Congressman Eugene

R. E. L. JACKSON, Secretary Lamar County Farmers' Union, Paris, Tex.

Whereas it is reported in the press that Congress proposes to assess a tax on cotton-future sales; and
Whereas it does seem as if the cotton farmers of this country have suffered from the neglect of our lawmakers, and millions of our women, children, and men have not yet recovered from the great disaster of 1914, when the price of cotton was reduced to prices which brought ruin to many of our people: So be it

Resolved by the Lamar County Farmers' Union, That they bitterly oppose any tax of any kind whatsoever on cotton, either future or spot sales, as all such taxes are taken out of the price of the cotton, and the secretary be instructed to give a copy of these resolutions to the Farmers' Fireside Bulletin, send a copy to Senator Charles A. Culberson, Senator Morris Sheppard, Congressman Eugena Black, also Senator Thomas P. Gore, who has proven himself to be a friend of the farmers. of the farmers.

R. E. L. JACKSON, Secretary Lamar County Farmers' Union, Paris, Tex.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Dallas, Tex., praying for Federal censorship of motion pictures, which was

referred to the Committee on Education and Labor.

Mr. WEEKS. I present resolutions adopted by the House of Representatives of the Legislature of the Commonwealth of Massachusetts, indorsing the President and the Congress of the United States in whatsoever action may be taken to preserve the dignity, honor, and safety of our country. A similar copy has been presented by my colleague this morning, and I ask that this one may lie on the table.

The VICE PRESIDENT. The resolutions will lie on the

Mr. WEEKS presented memorials of the students of the Theological Seminary of Andover; the Theological Institution of Newton; and the University School of Theology, of Boston, all in the State of Massachusetts, remonstrating against compulsory military training, which were ordered to lie on the

Mr. POINDEXTER presented a petition of the Sectional Central Labor Council of Spokane, Wash., praying for Government ownership of telephones in the District of Columbia, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of H. P. Hewett and sundry other citizens of Northport, Wash., remonstrating against any change in the second-class postal rates, which was ordered to lie on the table.

He also presented a petition of the International Brotherhood Welfare Association, of Washington, D. C., praying for the plac-ing of an embargo on munitions of war and food products, which was referred to the Committee on Foreign Relations.

Mr. LANE. I present a joint memorial of the Legislature of Oregon, which I ask to have printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 10, relating to the recession to the State of Oregon by the United States of all its right, title, interest, and claim in and to Lower or Little Klamath Lake, in Klamath County. Oreg., and all its right, title, interest, and claim in and to any and all of the lands surrounding said Lower Klamath Lake in Klamath County, Oreg., ceded to it by an act of the Legislature of the State of Oregon approved January 20, 1905 (Statutes of 1905, p. 63).

Whereas the Legislature of the State of Oregon passed an act approved January 20, 1905, of which the following is a copy:

" CHAPTER V.

"An act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County. Oreg., in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels, or by the drainage of any or all of said lakes.

"Be it enacted by the people of the State of Oregon:
"SECTION 1. That for the purpose of aiding in the operations of irrigation and reclamation, conducted by the Reclamation Service of the United States, established by the act of Congress approved June 17, 1902 (32 Stat., 388), known as the reclamation act, the United States is hereby authorized to lower the water level of Upper Klamath Lake, situate in Klamath County, Oreg., and to lower the water level of or to drain any or all of the following lakes: Lower or Little Klamath Lake and the Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County, Oreg.; and to use any part or all of the beds of said lakes for the storage of water in connection with such operations.

"Sec. 2. That there be, and hereby is, ceded to the United States all the right, title, interest, or claim of this State to any land uncovered by the lowering of the water levels, or by the drainage of any or all of said lakes not already disposed of by the State; and the lands hereby ceded may be disposed of by the United States, free of any claim on the part of this State, in any manner that may be deemed advisable by its authorized agencies, in pursuance of the provisions of said reclamation act."

Approved, January 20, 1905.

Filed in the office of the secretary of state January 20, 1905; and Whereas the Reclamation Service of the United States has not, during the 12 years which have elapsed since the approval of the aforesaid act, lowered the water level of said Lower or Little Klamath Lake, nor used the bed of said lake for the purpose of storing water to use in connection with the reclamation of the land adjacent to said lake, and there are no indications that the Reclamation Service intends to ever reclaim the land, thereby accomplishing the purposes of the Legislature of the State of Oregon as expressed in said act of January 20, 1905; and

Whereas there is a large body of swamp and overflowed land surrounding said lake in Klamath County unfit for cultivation without reclamation, upon the title to which a cloud has been cast by the abovementioned act, which it is necessary to remove before such land can be successfully thrown open to entry, reclamation, and cultivation: Therefore

Therefore

Resolved by the senate (the house concurring), That we request our Senators and Representatives in Congress to use their influence to have a bill introduced and passed by Congress and approved by the President of the United States, ceding back to the State of Oregon the right to use all or any part of the bed of Lower or Little Klamath Lake for the storage of water connected with the operations of the Reclamation Service of the United States, and also ceding back to the State all the right, title, interest, or claim of the United States in or to any of the lands surrounding or connected with said lake in Klamath County ceded to it by the above-mentioned act of the Legislature of Oregon, to the end that such lake, water, and land shall be returned to said State as they were prior to the approval of said act, and be governed by the general laws by which they were governed prior thereto, reserving, however, to the United States the right to lower the water level in said lake, as provided in said act.

Resolved, That the chief clerk of the Senate of the State of Oregon be directed to transmit by mall a copy of this memorial to the President of the United States sanate and the Speaker of the House of Representatives of the United States and to each of the Senators and Representatives from the State of Oregon in Congress.

Concurred in by the house February 2, 1917.

R. N. STANFIELD,

Speaker of the House.

Adopted by the senate January 30, 1917.

Adopted by the senate January 30, 1917.

Gus C. Moser, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of Senate joint memorial No. 10. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 30, 1917, and concurred in by the house February 2, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

thereof.
In witness whereof I have hereunto set my hand this 6th day of February, 1917.

J. W. Cochran,

J. W. Cochran,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. LANE. I also present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint memorial was referred to the Committee on Immigration and ordered to be printed in the

RECORD, as follows:

Senate joint memorial 15.

To the honorable the Senators and Representatives in Congress assembled:

To the honorable the Senators and Representatives in Congress assembled:

We, your memorialists, the members of the Oregon Legislature, would most respectfully call the attention of your honorable body to an incongruity in our laws relative to naturalization and citizenship which works an injustice to quite a number of the citizens of the Republic:

Several States of the Union have adopted equal suffrage whereby both men and women are accorded equal prerogatives and privileges in the exercise of the elective franchise.

Under the law, a woman having all the qualifications of a legal voter—in fact, she may have exercised the right to vote—should she marry a foreigner not yet naturalized is thereby disfranchised, while if the woman from a foreign country, ignorant of our laws, should marry a citizen of the United States she at once becomes a legal voter.

This manifest injustice should be corrected, and we earnestly urge your honorable body to do so, either by amending the present laws or by some adequate enactment that will accomplish such desired result. All that we ask is that equal qualifications be required of, and equal privileges granted to, each individual voter irrespective of sex or the marriage relation in the States adopting equal suffrage, thereby harmonizing the operation of our laws with the civic progressiveness of twentieth-century civilization.

And your memorialists will ever pray.

The chief clerk of the Senate is directed, upon the adoption of this members of the Oregon delegation in Congress.

Concurred in by the house February 2, 1917.

R. N. Stanfield, Speaker of the House.

Adopted by the senate January 30, 1917.

Adopted by the senate January 30, 1917.

GUS C. MOSER, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 15, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 30, 1917, and concurred in by the house February 2, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 6th day of February, 1917.

ruary, 1917.

J. W. Cochran,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. TILLMAN presented a petition of the City Council, Chamber of Commerce, and sundry citizens of Beaufort, S. C., praying for the enactment of legislation to provide for the construction of works of defense for Port Royal Harbor, S. C., which was referred to the Committee on Naval Affairs.

Mr. MARTINE of New Jersey. I present telegrams remonstrating against the proposed change in the postal rates on second-class matter, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., February 13, 1917.

Senator James E. Martine, Washington, D. C.:

Washington, D. C.:

The Senate amendment to the Post Office bill increasing second-class rates will work hardship to all religious periodicals and put many of them out of business. They are not published for profit, but for moral and religious influence in the homes of America. I carnestly protest against its passage.

JAMES R. JOY, Editor The Christian Advocate.

NEW YORK, N. Y., February 13, 1917.

NEW YORK, N. Y., February 13, 1917.

Hon. James E. Martine,
United States Senate, Washington, D. C.:

The Hughes Commission report of 1912 states the commission is further of the opinion that it would be a mistake to discriminate between newspapers and magazines or other periodicals so far as educational value is concerned. No satisfactory distinction can be made, and we have no basis for the conclusion that the comparative cost of transporting and handling would justify a difference in rate. Manifestly the proposed amendment is grossly discriminatory in that it gives one class of second-class mail matter a privilege not enjoyed by all. Added to the already heavy burdens of greatly increased costs of production, especially paper, this confiscatory tax means bankruptcy for hundreds of publications. We strongly urge upon you the necessity for the defeat of the rider.

Periodical Publishers' Association of America.

PERIODICAL PUBLISHERS' ASSOCIATION OF AMERICA. AGRICULTURAL PUBLISHERS' ASSOCIATION.

NEW YORK, N. Y., February 10, 1917.

Senator James E. Martine, Senate Chamber, Washington, D. C.:

Members of the printing trades union vigorously protest against proposed increase in second-class postage rates. Passage of this bill will be seriously detrimental to over 1,000,000 employees in the printing industry. Trust you will oppose suspension of rules allowing bill to be railroaded through without opportunity for public hearing.

E. W. Edwards,

Allied Printing Trades Council.

Mr. PAGE presented a memorial of Mountain View Grange, No. 451, Patrons of Husbandry, of Brandon, Vt., remonstrating against the proposed reduction in the tax on oleomargarine, which was ordered to lie on the table.

Mr. GALLINGER L. have a telegraph from Mr.

Mr. GALLINGER. I have a telegram from Mr. and Mrs. H. S. Hering, of Concord, N. H., which I ask to have printed in

the RECORD.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

CONCORD, N. H., February 14, 1917.

Hon. Jacob H. Gallinger,

United States Senate, Washington, D. C.:

Look to you to do your best to help keep our country out of war.

No righteous demand, national or international, requires our entrance into the struggle. Indemnity can be secured later.

Mr. and Mrs. H. S. Herring.

Mr. PHELAN presented a telegram in the nature of a petition from the California Associated Societies for the Conservation of Wild Life, of Berkeley, Cal., praying for the passage of the so-called migratory-bird treaty bill, which was ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Grand Rapids, Mich., remonstrating against the United States becoming engaged in war with Germany, which was referred to the Committee on Foreign Relations.

# REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 8082) authorizing the acquisition of a site and the erection thereon of a public building at Yonkers, N. Y., reported it without amendment and submitted a report (No. 1052) thereon. Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (H. R. 16590) for the relief of George Le Clear, reported it without amendment and submitted a report (No. 1053) thereon.

Mr. THOMPSON, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404), reported it with an amendment and submitted a report (No. 1054) thereon.

### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BECKHAM:

A bill (S. 8246) granting a pension to William Cecil (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 8247) authorizing the President to drop from the rolls officers of the Navy and Marine Corps in certain cases; to the Committee on Naval Affairs.

By Mr. LANE:

A bill (S. 8248) granting a pension to Gertrude M. Farrar (with accompanying paper); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (8, 8249) granting a pension to Tide Owens; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8250) to establish the Grand Canyon National Park in the State of Arizona; to the Committee on Public Lands. By Mr. GALLINGER:

A bill (S. 8251) granting an increase of pension to Francis E. Derby; to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 8252) to authorize the change of name of the steamer Charles L. Hutchinson to Fayette Brown; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 8253) authorizing the leasing for grazing purposes of public lands withdrawn for power sites; to the Committee on Public Lands.

By Mr. OWEN:

A bill (S. 8254) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916; to the Committee on Banking and Currency. By Mr. TOWNSEND:

A bill (S. 8255) making appropriation for payment of balances due by readjustment of salaries of postmasters under existing law; to the Committee on Post Offices and Post Roads.

By Mr. STONE:

A bill (S. 8256) to provide a government for the West India Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; to the Committee on Foreign Relations.

By Mr. ROBINSON:

A joint resolution (S. J. Res. 213) to authorize and provide for a joint assembly and meeting of representatives of the parliaments and national legislative bodies of the nations of the world in the United States, and to extend an invitation to said parliaments and legislative bodies, and for other purposes; to the Committee on Foreign Relations.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. DU PONT submitted an amendment authorizing the President to appoint on the retired list of the Army with the rank and pay of one grade above that actually held at date of retirement any officer on the active list of the Army below the grade of brigadier general, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment providing that no colonel of Cavalry, Field Artillery, or Infantry shall be assigned or attached to any regiment of those arms without his consent while such regiment is in command of another colonel assigned or attached thereto, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment providing that no cadet who is reported as deficient in his studies and recommended to be discharged from the Military Academy shall, unless upon recommendation of the academic board, be returned or reappointed, etc., intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to amend the act of February 18, 1896, relative to chaplains for the Military Academy, intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed

the Committee on Military Affairs and ordered to be printed.

Mr. WORKS submitted an amendment authorizing the Secretary of the Navy to accept a tract of land in Los Angeles Harbor, Cal., for the purpose of establishing thereon a submarine base, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

### ST. JOHN RIVER.

Mr. JOHNSON of Maine. On behalf of the chairman of the Committee on Foreign Relations [Mr. Stone], I submit a resolution and ask that it, with the accompanying papers, be referred to the Committee on Printing.

The resolution was read, and, with the accompanying papers, referred to the Committee on Printing, as follows:

Senate resolution 362.

Resolved, That 5,000 copies of the report of the International Commission pertaining to the St. John River be printed for the use of the Senate.

EULOGIES ON THE LATE REPRESENTATIVE FINLEY.

Mr. TILLMAN. Mr. President, I desire to give notice that on Saturday, the 24th of February, immediately following the memorial exercises relative to the death of the late Representatives Brown and Moss, of West Virginia, I shall ask the Senate to consider resolutions in tribute to the memory of David Edward Finley, late a Member of the House from the State of South Carolina.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the bill (8. 5672) for the relief of sundry building and loan associations, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 1878) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. Greeg, Mr. Byrnes of South Carolina, and Mr. Focht managers at the conference on the part of the House

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5412. An act to establish the military record of Marshall M. Pool;

H. R. 11661. An act for the relief of Catherine Burns, widow of Patrick Burns;

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes

year ending June 30, 1918, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution authorizing the printing of 2,000 additional copies of the soil survey of Jefferson County, Ala., etc., in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution authorizing the printing and binding of 17,000 copies of the proceedings upon the unveiling of the statue of Count Casimir Pulaski in Washington May 11, 1910, etc., in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution authorizing the printing of 17,100 copies of the proceedings upon the unveiling of the statue of Gen. Thaddeus Kosciusko in Washington May 11, 1910, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution authorizing the printing of 10,000 copies of the Biographical Congressional Directory, revised and corrected to the Sixty-fourth Congress, etc., in which it requested the concurrence of the Senate.

# ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 809. An act authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley; S. 5424. An act to construct a bridge in San Juan County,

State of New Mexico;

S. 7486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto; and

H. R. 10697. An act for the relief of S. Spencer Carr.

#### POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT. Is there further morning business? [A pause.] There being none, the morning business is closed. Mr. BRYAN. Mr. President, I ask unanimous consent that

the Senate proceed to the consideration of the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. KENYON. Mr. President, at the close of the session last night the matter in question was an appeal from the decision of the Chair. The junior Senator from Iowa happening to be occupying the chair at the time the decision was made from which the appeal was taken, I think it will very much shorten matters and will save time if the unanimous consent which I am about to ask shall be granted. The question was, I think, a rather intricate parliamentary one. The junior Senator from Iowa is no expert on questions of parliamentary law and made the best guess at it that he could. He would very much prefer, however, that the whole matter be relegated back for the decision of the Vice President.

I therefore ask unanimous consent that the question at issue concerning which the decision was made may be decided by the Vice President as if no decision had been made by the then

occupant of the chair.

The VICE PRESIDENT. Well, the Vice President has something to say about that. The Chair does not think there is any conflict between the decision of the Senator from Iowa [Mr. KENYON] when in the chair and the former ruling of the present occupant of the chair, unless it be upon the question as to whether the amendment was or was not general legislation. At one time the present occupant of the chair decided, where there was a motion to strike out and to insert, a point of order being raised and there being a request for a division of the question, that the point of order must be sustained or overruled as to the entire amendment, with the statement that, if sustained, then that portion of it which was not subject to the point of order could immediately be re-presented as an amendment. As the Chair now recollects the ruling, at the time it was made there was no request to divide the question until after the point of order had been raised. It seems that in the present instance the request for a division was made first and the point of order afterwards. So that the Chair does not believe there is any conflict in the ruling that was made by the Senator from Iowa when occupying the chair and the present occupant of the chair. Chair does not think it makes very much difference if there is.

Mr. KENYON. Mr. President, I should like, if I may be

permitted, to correct one statement of the Chair. I think the Chair will find upon examination of the Record that the point of order was made before the division was asked for. That of order was made before the division was asked for. will be found at the bottom of page 3619 of the RECORD.

The VICE PRESIDENT. Well, it is not important enough

to change the ruling. There has been an appeal from the ruling

of the Chair.

Mr. WATSON. Mr. President, in order to save both the Chair and the Senator from Iowa from embarrassment, I object

to the unanimous consent. The VICE PRESIDENT. But there has been an appeal taken by the Senator from Washington [Mr. POINDEXTER] from the decision of the Chair, and the question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. CATRON. Mr. President, I am unable to vote, because I do not understand what the question is. Will the Chair have it stated? The Chair has stated that the question is on the appeal from the decision of the Chair, but he has not stated the decision from which the appeal was taken.

The VICE PRESIDENT. The Secretary will state the appeal. The Secretary. The Journal has the following minute:

On the question to agree to the reported amendment, on page 15, to strike out in line 10 all after the word "devices" down to and including the word "Brooklyn" in line 12, and in lieu thereof insert certain other words.

After debate,

Mr. POINDEXTER raised a question of order, viz, that the part proposed to be inserted by said amendment proposed general legislation to a general appropriation bill and therefore was not in order under the rule.

general appropriation bill and therefore was not in order under the rule.

Mr. Lodge demanded a division of the amendment.

Whereupon,

The Presiding Officer (Mr. Kenyon in the chair) held to be in order the first branch of the amendment, viz, to insert the following:

"\$1,001,000: Provided, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube service until June 30, 1918, and the Postmaster General is directed to expend this appropriation for the sole purpose of continuing the existing pneumatic mail-tube service, and no part thereof shall be expended for the transportation of mails in any other manner than herein authorized."

On that branch of the amendment, viz, to insert the following:

"Provided further, That a commission consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on Post Offices and Post Roads of the House, is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government and to ascertain the cost and the terms upon which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such assistance and of the Inquiry shall be paid from the appropriation for service by pneumatic tubes, not to exceed \$25,000, and said commission shall make a report, with recommendations to Congress, on or by the Ist day of January, 1918."

The presiding officer sustained the point of order.

Mr. Poindexter appealed from the decision of the Chair deciaring the first branch of the amendment to be in order.

Mr. WEEKS. Mr. President, is this question debatable?

The VICE PRESIDENT The Chair is converted as a the rest of the converted as a the risk of the converted as a the risk of the converted as a the risk of the converted

Mr. WEEKS. Mr. President, is this question debatable? The VICE PRESIDENT. The Chair is sorry to say that it [Laughter.]

Mr. WEEKS. I am extremely sorry to embarrass the Chair by taking a moment of time, but I do want to make a brief explanation, so that the matter will be reasonably clear in the minds of Senators who are present and who may not have been present last night.

I personally intended to take an appeal from the decision of the Chair, but found that the Senator from Washington [Mr. Poindexter] had already done so. I supposed that appeal would apply to both parts of the proposition in the amendment. Otherwise I should have taken an appeal from the second part, which the Senator from Washington evidently did not, according to the Journal. It was a case of misunderstanding on my part, and what I should like to know now is whether an appeal from the second part of the Presiding

Officer's decision will be in order?

The VICE PRESIDENT. The Chair was not here at the time but was informed this morning that the Senator from Massachusetts had appealed from the ruling on the second part

of the amendment.

Mr. WEEKS. Well, Mr. President, there was some confusion. It was about the time of adjournment. I asked a parliamentary question, whether an appeal had been taken in regard to the provisions of the amendment, and it was stated that it had been, and I supposed at that time it applied to both parts of the decision of the Senator from Iowa [Mr. Kenyon]. who was in the chair.

The VICE PRESIDENT. Just one moment. [A pause.] The Chair is of the opinion that the state of the Record is such that the Senator from Massachusetts has a right to appeal from the decision of the Chair sustaining the point of order to the second clause, and for this reason:

Just at the conclusion of the session of last evening the Senator from Massachusetts said:

Mr. President, I wish to understand the parliamentary situation. I understand that the Senator from Washington has appealed from the decision of the Chair. If the Senate adjourns now, would that open up this whole question in the Senate to-morrow?

To which the Presiding Officer responded:

The Chair did understand that an appeal was taken, so that it will open up the whole question to-morrow.

The Chair thinks that a fair construction of the RECORD is that both the Presiding Officer and the Senator from Massachusetts understood that the entire question was to be settled by the Senate with reference to the decision of the point of order.

Mr. NORRIS. Mr. President—
Mr. WEEKS. A parliamentary inquiry. As I understand, the Senator from Washington did not intend to make the point of order against the second part of this proposition, and therefore the occupant of the chair made a ruling on a matter as to which an appeal had not been made from his decision. What is the parliamentary situation as to that?

The VICE PRESIDENT. The Chair, of course, has not read the entire RECORD. The Chair thought that the purpose of this construction this morning was to enable the Senator from Massachusetts to formally state a point of order against the second clause and take an appeal therefrom.

Mr. JONES. Mr. President, in connection with the parliamentary inquiry, and in the nature of a parliamentary inquiry bearing upon that, I want to ask the Chair if this would be

This provision, from line 12 on page 15 to line 11 on the next page, is all one amendment; and I want to ask, if the point of order is sustained to any part of that amendment, whether under parliamentary law it does not take out the whole amend-Now, I know that that is the rule in another body, uniformly, and if they want to present the remaining part they have to offer it as another amendment. I am not sure about the rules of the Senate, but it occurred to me

The VICE PRESIDENT. That is what the Chair did decide, but the Senator from Iowa did not so decide last night; and the Chair is standing by the ruling of the Senator from

Mr. NORRIS. Mr. President-

Mr. JONES. What I want to get at is this: If the ruling of the Senator from Iowa is sustained by the Senate that a part of this is out of order, does it not follow that the whole amendment then goes out?

Mr. NORRIS. Mr. President, I desire to appeal from the decision of the Chair permitting the division of this question. I think the Senator from Massachusetts appeals because one part of it was held out of order. The Senator from Washington appeals because another part was held in order; but in order to permit them to do that the Presiding Officer decided that if was divisible. The Senator from Washington having made the point of order against the amendment, the Chair divided it. My idea is that the Chair had no authority to do that; and therefore appeal from the decision of the Chair permitting the division of the question.

Mr. KENYON. Mr. President, the former occupant of the chair does not care anything about it, but I want to say this: When the question of division was suggested, the Chair asked if there was objection to it, and there was no objection. The Senator from Massachusetts demanded the division. I think the unanimous consent which I asked a while ago ought to be granted. It is apparent that this matter ought to go back where it was, and let the Vice President decide it; and I renew my

request for unanimous consent.

Mr. ASHURST. That the subject be reopened? Mr. KENYON. Yes.

Mr. THOMAS. Mr. President, there are now three different appeals from the Chair. I am afraid that there will be a fourth in a few moments, unless something is done to prevent it; and I therefore move to lay all three appeals upon the table.

Mr. REED. I raise the question of order whether a motion can embrace three appeals.

The VICE PRESIDENT. The Chair sustains the point of

Mr. POINDEXTER. Mr. President, I desire to make a new point of order.

The VICE PRESIDENT. Why do we not decide the question that is before the Senate, and that is the appeal by the Senator from Washington from the ruling of the Presiding Officer last night on the first part of this amendment? That is the question before the Senate.

Mr. POINDEXTER. I understand that, Mr. President; but it occurs to me that if the point of order which I now make should be sustained the appeal would be disposed of, and it would not be necessary to take a vote upon it. I make the point of order against this entire amendment, beginning on page 15, on the ground that a portion of it has been held out of order, and that, a portion of it having been held out of order, the entire amendment is out of order.

The Senator from Iowa, as Presiding Officer, did not decide that question. That point has never yet been made. The Senator from Iowa did rule upon a point of order being made to each portion of the amendment; but the point of order was not made, subsequent to the ruling upon those several points of order, that the entire amendment was out of order on account of part of it having been held out of order.

I submit that point of order upon the precedents of this body and upon the previous rulings of the Vice President.

Mr. KENYON. Mr. President, I understand that the Senator from Indiana [Mr. Watson] will withdraw his objection to the unanimous-consent request. It is perfectly apparent that we for pneumatic-tube service.

shall be lost in this maze of parliamentary technicalities. That will get it back, and let the Vice President determine all questions; and I ask that my unanimous-consent request be submitted.

The VICE PRESIDENT. Is there any objection to setting aside all the rulings of the Senator from Iowa, as made last night, on the points of order to this amendment, so that the Senate may proceed de novo? The Chair hears none. Now, does the Senator from Washington renew his point of order?

Mr. POINDEXTER. I am just going to renew my point of

order and, if the Chair will permit me, to state in a word the basis of it, on the ground that it is general legislation upon an appropriation bill. In order to make it clear that it is general legislation, it is necessary to say a word as to the effect of this

amendment if it is adopted.

If this amendment is adopted, Mr. President, the Postmaster General will be compelled to make a contract for pneumatictube mail service in certain cities where contracts are already existing, for another year-for the year ending June 30, 1918. Under the existing law he is not compelled to make those contracts; and, although it is outside of the record, it illustrates the situation if I state that under the existing law he will not make those contracts. He has announced that he will not make them. The law does not require him to make them. There is nothing in the House provision which would require him to make them, nor is there anything in the House provision dealing with the question of making additional contracts for the year ending June 30, 1918.

Mr. VARDAMAN. Mr. President, will the Senator yield for suggestion?

Mr. POINDEXTER. I yield.

Mr. VARDAMAN. Is it not a fact that until this committee makes a favorable report, as provided for in the law, the Postmaster General could not renew this contract?

Mr. POINDEXTER. Until what? I did not quite catch the

Senator's question.

Mr. VARDAMAN. I say under the existing law he is compelled to have this investigation made before he can renew the contract, is he not?

Mr. POINDEXTER. The investigation has already been

made, and there has been an adverse report.

Mr. VARDAMAN. I understand; but the report is unfavor-

Mr. POINDEXTER. Yes.

Mr. VARDAMAN. Now, unless this amendment is adopted which the Senate committee has proposed, the Postmaster General would not be compelled to enter into this agreement.

Mr. POINDEXTER. That is what I was undertaking to

Mr. WADSWORTH. Mr. President, let it be thoroughly understood that the fact that the report happens to be unfavorable does not necessarily preclude the Postmaster General from entering into a contract.

Mr. POINDEXTER. That is true.
Mr. VARDAMAN. But the fact that the Senate amendment compels the Postmaster General to renew it necessarily implies

that it repeals existing law.

Mr. POINDEXTER. It all comes to this, Mr. President: The sum of \$613,000 a year depends upon the adoption of this Senate amendment. If the amendment is adopted, the Government will be put to that expense. If it is not adopted, the Government will not be put to that expense. That is the difference between the adoption of the amendment and the rejection of the amendment; and we have here, in the most explicit terms, the statement of the Postmaster General that the mail service of the country will not be benefited by that expenditure of money.

Mr. WEEKS. Mr. President

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. WEEKS. I wish to call the attention of the Senator from Washington, so that he may not be deceived himself, to the fact that there is a provision in the bill as it came from the House adding \$400,000 to the appropriation for automobiles. The department recommends the expenditure of \$482,000 for pneumatic tubes; so that those two items would make \$882,000, or less than \$100,000 less than the amount appropriated last So that the statement that there would be a saving of five or six hundred thousand dollars is absolutely without any basis; and I can demonstrate to the Senator from Washington, when I have the time, that very largely the statements made in these reports are unfounded.

Mr. POINDEXTER. The Senator from Massachusetts assumes that the amount which he has just stated will be expended

Mr. WEEKS. Mr. President, I am assuming that instead of spending it for pneumatic-tube service the Postmaster General is asking for the \$400,000 additional to spend for automobile service, so that it is not a saving to the Government; and the Postmaster General, in effect, is saying to Congress: "You may appropriate this money if you like, but I will not spend it as you want it expended. I will spend it as I want to spend it.'

Mr. POINDEXTER. Here is the statement, Mr. President, signed by the Postmaster General, and forwarded to me with a special letter indorsing it by the First Assistant Postmaster General. I understand that a portion of this letter has been

already put in the RECORD. In it he says:

The department is confronted with this situation: Whether it shall continue the use of the service at an enormous rental and continue to impose on the public an inefficient service by delaying its mall when the mall can be expedited by other means which are efficient and which can save the Government \$613,000 each year.

Mr. WEEKS. Mr. President, if the Senator from Washington will yield, I wish he would let this question go to its merits. want to take up in detail that letter of the Postmaster General, and I want to show the Senate that those statements are very largely without sound basis. As I have just explained to the Senator from Washington, we are appropriating \$400,000 for automobiles to take the place of these tubes. In other words, the Postmaster General is saying to Congress, just as I said before: "I want to spend this money as it seems to me best, not as Congress thinks it should be spent." The question ought not to be involved in a point of order. It is an important service being rendered to five great cities of this country to the satisfaction of the business men of those cities; and to throw out that vervice on a point of order is entirely unjustifiable.

Mr. POINDEXTER. Mr. President, just one word more. In this same statement from the Postmaster General he says:

In accordance with this act a commission composed of the ablest postal experts in the service was appointed, and, after thorough investigation, recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis. These recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved—

Mr. WADSWORTH. Mr. President— Mr. POINDEXTER. Just a moment—

and from the facts before me I am thoroughly convinced that the needs of the Postal Service are not such as to justify the expenditure involved for pneumatic tubes as the act of 1992 requires. The rental paid for the tubes (\$17,000 per annum per mile) is exorbitant, and more efficient service can be rendered by other means at less than one-fifth of the cost.

These statements are so specific and so much in detail that it is incredible to me that they are not absolutely reliable.

Mr. WADSWORTH. Mr. President, will the Senator yield? Mr. POINDEXTER. I yield to the Senator from New York. Mr. WADSWORTH. Let me say to the Senator it is absolutely incredible to me that the Postmaster General could ever make such a statement with respect to the unanimous approval of the postmasters of the cities involved.

Mr. POINDEXTER. Does the Senator from New York dis-

pute this statement?

Mr. WADSWORTH. I think-

The VICE PRESIDENT. The Chair has been inclined to hear the Senator from Washington, but the rules provide that these points of order are to be decided by the Chair without debate. The Chair is willing to hear reasonably upon the question, but is not willing to take the day to decide this point of

Mr. POINDEXTER. I submit the matter upon the point of

Mr. WATSON. I simply rose to discuss the point of order, but will not do so if the Chair is ready to rule.

The VICE PRESIDENT. The rule says it shall be decided by the Presiding Officer without debate, and it will save a little time, I think, because there is sure to be an appeal. Aaron Burr once said that the law was anything that was confidently asserted and plausibly maintained. So no one can speak with authority on these subjects.

As to whether this be general legislation or not, the Senate is the ultimate judge upon an appeal. The Chair does not think this is general legislation at all. The Chair believes that the Postmaster General is given the conduct of the affairs of the Post Office Department as a servant of the Congress of the United States and not its master, which conduct the Congress may change at will. The Chair thinks whether you make or lose money by any change in the method of conducting the Post Office Department is a question for the discretion of the Senate. The Chair saw yesterday where money could have been saved, but the Senate did not want to save it. It is entirely a matter for the opinion of the Congress of the United States. The Chair does not believe that this is general legislation and overrules the l

point of order. The question is on agreeing to the amendment of the committee.

Mr. POINDEXTER. I take an appeal from the decision of the Chair.

The VICE PRESIDENT. That is the short way to settle it. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. POINDEXTER. A parliamentary inquiry.

Mr. VARDAMAN. I suggest the absence of a quorum. The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst Bankhead Beckham Brandegee Bryan Catron Chilton Clapp Culberson Cummins Curtis Fall Fernald Fletcher	Galliager Harding Husting James Johnson, Me. Johnson, S. Dak, Jones Kenyon Kirby Lane Lee, Md. Lewis Martin, Va. Martine, N. J.	Nelson Norris Oliver Overman Page Poindexter Ransdell Reed Robinson Saulsbury Shafroth Sheppard Sherman Smith, Ga.	Smith, Md. Smoot Thomas Thompson Townsend Vardaman Wadsworth Walsh Warren Watson Weeks
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The PRESIDING OFFICER (Mr. WATSON in the chair). Fifty-three Senators have responded to their names. A quorum is present. The question is, Shall the decision of the Chair

stand as the ruling of the Senate?

Mr. REED. Mr. President, I think we ought to settle this question as a question of parliamentary law and not determine it by the opinions the Members of the Senate may entertain with reference to the merits of the legislation. If we do not have some regard to parliamentary law we will soon be proceeding here without any law, and the effect is bound to be disastrous in the long run. The question is, Does the proposed amendment carry substantive legislation? Is this merely an appropriation we are making, or are we doing something more than making an appropriation and directing how the appropriation shall be expended?

I maintain that no lawyer can read this clause and read it fairly with an unprejudiced mind and arrive at any other conclusion than that the language under consideration does go beyond an appropriation, does go beyond directing the expenditure of that appropriation, and does make substantive provisions of law. We may disregard that; we may set it aside; we may vote on this question not according to its merits, but according to the merits of the general proposition involved, but it is not

wise to do so.

Let me call the attention of the Senate to the language. lowing the language which makes an appropriation of \$1,001,000, which the Postmaster General is authorized and directed to expend and to extend existing contracts, comes this language:

Provided further, That a commission, consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on the Post Office and Post Roads of the House of Representatives, to be designated by the Speaker of the House—

To do what?

Is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government and to ascertain the cost and the terms upon which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such assistance and of the inquiry shall be paid from the appropriation for service by pneumatic tubes, not to exceed \$25,000, and said commission shall make a report, with recommendations to Cohgress, on or by the 1st day of January, 1918.

Mr. President, that creates a commission; that authorizes a commission to do certain things. You can not create a commission by a new law unless that new law be a law, if I may perpetrate such a bit of Irish logic as that. You can not do a new thing by law—create a new thing by law—and then say you have not passed any law. With all respect for the opinions of others, I say that it is simply absurd to assert that that language is not legislation.

I have no special interest for the present in considering the merits of the question whether the pneumatic-tube service is a graft or is not a graft, although I unhesitatingly say in view of the investigations that have been made, in view of the report that has been made, probably they are charging the Government an exorbitant price. That is a question, however, aside from the question whether the tubes should be thrown out or not. But I do not care to discuss that question.

How can Senators under their oath, charged with the main-tenance of the laws of the Government, charged on their honor with the maintenance of the rules of this body, say that language which creates a commission and gives to that commission certain powers is not legislation? How can they say that you create a thing by law and yet that you are not passing a law?

Mr. BRYAN. Mr. President, I agree with the Senator from Missouri that we ought to settle this question of the point of order without reference to our attitude toward the amendment itself. I have not any doubt about the correct ruling of the Vice President on the point of order. I have not any grave doubt about what ought to be done with the amendment itself.

The Senator from Missouri discussed the proviso beginning

with line 20. After all, that language, clear to the end of the amendment, is to appoint a commission to investigate and report, that is all. It has no other power except to go out and gather information for Congress and report back to Congress. Undoubtedly under that provision of law it is authorized to be done by Congress; it is required to be done. If the rule provided that Congress could not enact a law in connection with a general appropriation bill, the conclusion of the Senator would be inevitable, but that is not the rule of the Senate. The rule of the Senate is that we can not put general legislation upon a general appropriation bill.

Now, is this general legislation? Is it general legislation for Congress to say: "Go out and get me some information and bring it in here?" I say it is not. I understand that term in the rule to mean that you can not put upon an appro-priation bill laws of a general and extensive character.

Mr. REED. Where does the word "extensive" appear?
Mr. BRYAN. That is my interpretation of what is meant
y "general legislation." So far as that requirement is concerned, we could put private laws upon an appropriation bill; we could put upon it laws for the benefit of individuals. to pay the claims of individuals would not come within the prohibition of that provision of Rule XVI. That is shown very clearly by the fact that Rule XVI itself goes further, and by another paragraph prohibits private legislation or private claims on appropriation bills. I have no difficulty with that part of it. I think that it would be rather a strained construction to say that because Congress could not enact general legislation upon an appropriation bill it could not, therefore, provide for a commission to gather information and to report that information back to Congress. So much for the proviso.

The House of Representatives appropriated \$1,061,000 for the continuance of the tube service.

Mr. LEWIS. How much did the Senator say that the House

appropriated?

Mr. BRYAN. It appropriated \$1,061,000. The Senate committee recommends the appropriation of \$1,001,000 for the continuance of the service; but it is claimed-I do not know with what authority-that the Postmaster General says that though you can appropriate \$1,061,000 for this service he does not have to spend the \$1,061,000, and therefore he will not enter into the contract. So the committee thought if we were going to appropriate the money we would say to him, "Spend the money." That is all the other part of this amendment does. That, Mr. President, is the argument I make upon the point I will not at this time, at least, argue upon the merits of the committee amendment.

Mr. WEEKS. Mr. President, I want to take a moment of the time of the Senate to discuss the point of order and not the merits of this question.

The first part of this proposition is in exactly the same language which was used in last year's appropriation bill. Let me quote what the last year's appropriation act provided:

For the transmission of mail by pneumatic tubes or other similar devices, \$976,000: Provided, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube mail service until March 4, 1917.

That is exactly what we are providing in this proposition, that the Postmaster General is authorized and directed to do just what we authorized and directed him to do last year.

As to the second part of this proposition, we provided for a commission to consider the advisability of purchasing the pneumatic-tube system. That commission has made a report, and so far as the proposition in the pending bill is concerned, it simply considers carrying it up to the point of reporting to Congress the price at which the purchase may be made and the recommendations of the commission which was authorized. There is no power given to the commission to buy the tubes. They are simply authorized to report to Congress a price at which they may be purchased and then Congress will act on that recommendation. That would be legislation, but we are simply extending the powers of the commission, which was known as the Hoke Smith Commission, and which heretofore reported to Congress

Mr. President, in 1901 there was authorized one of the many commissions which have been appointed to consider this subject. The provision for the appointment was before the Senate, and the wording of the bill was as follows:

and the wording of the bill was as follows:

"For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, for maintenance and extension in citles having the system, and for establishing the system in Chicago, \$500,000: Provided, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails, and shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, one by the Postmaster General, who shall be some engineer known for skill and experience in such matters: And provided further, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by the purchase any system constructed or to be constructed under such contract upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located. Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system. The Postmaster General is directed to investigate and report what, if any, extra charge should be made by the Government to the citizen for the use of pneumatic tube."

Mr. Hale raised a question of order, viz: That the amendment pro-

matic tube."

Mr. Hale raised a question of order, viz: That the amendment proposed general legislation to a general appropriation bill, and was therefore not in order under the third clause of Rule 16.

The President pro tempore (Mr. Frye) submitted the question to the Senate, Is the amendment in order?—yeas 55, nays 16. (See CONGRESSIONAL RECORD, pp. 2685-2694.)

In other words, exactly the same question which we now have—which, in my judgment, has been correctly decided by the Vice President-was then before the Senate on a precisely similar proposition relating to the same subject; and the Senate then decided by a vote of 55 to 16 that the decision of the Chair was correct.

The PRESIDING OFFICER. The question is, Shall the decision of the Vice President stand as the ruling of the Senate? Mr. WEEKS. On that question I ask for the yeas and nays. Mr. VARDAMAN. I call for the yeas and nays, Mr. Presi-

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. Under-

woon], but I am privileged to vote on this question, and therefore vote "yea."

Mr. TOWNSEND (when the name of Mr. Smith of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent and is paired with the junior Senator from Missouri [Mr. Reed]. I ask that this announcement may stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Georgia [Mr. Hardwick] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. BANKHEAD (when Mr. Underwood's name was called).

My colleague [Mr. Underwood] is confined to his room on account of sickness. He has a pair with the Senator from Ohio [Mr. Harding]. If my colleague were present, he would vote "yes" yea.

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted? The PRESIDING OFFICER. He has not voted. Mr. WALSH. I have a general pair with him, and in his

absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I inquire if the senior Senator from Pennsylvania [Mr. Penrose] has voted?

The PRESIDING OFFICER. He has not voted. Mr. WILLIAMS. Then I transfer my pair with that Senator to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded. Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. Hardwick], but I am released from that pair on this vote, and I vote "yea."

I desire to announce the absence of the Senator from Vermont [Mr. Dillingham] on account of illness, and will let this announcement stand for the day.

Mr. GALLINGER. I inquire whether the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. GALLINGER. I have a pair with that Senator, but on this motion I am assured that he would vote as I am about to vote, and I vote "yea."

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. Colt]. I am told, however, that, if present, he would vote as I shall vote, and I vote "yea.

Mr. SIMMONS. I will ask if the Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. SIMMONS. I have a pair with that Senator, which I transfer to the junior Senator from California [Mr. Phelan]

Mr. JOHNSON of Maine. I should like to inquire whether the junior Senator from North Dakota [Mr. Gronna] has voted? The PRESIDING OFFICER. He has not voted.

Mr. JOHNSON of Maine. I have a general pair with that Senator, and in his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. REED (after having voted in the negative). voted a moment ago I had forgotten that the Senator from Michigan [Mr. SMITH], with whom I am paired during his absence from the city, was not present. I therefore now transfer my pair with that Senator to the Senator from Oklahoma [Mr. GORE] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I rise to announce the absence of the senior Senator from Oklahoma [Mr. Gore], who is detained at his home through illness. I ask that this announce-

ment stand for the day.

Mr. OWEN. I wish to announce the unavoidable absence of the Senator from Oregon [Mr. Chamberlain] on official business.

Mr. OLIVER (after having voted in the affirmative). I am informed that the senior Senator from Oregon [Mr. Chamber-LAIN], with whom I have a pair, has not voted. I transfer my pair with that Senator to the junior Senator from Rhode Island [Mr. Colt] and will allow my vote to stand.

The result was announced—yeas 53, nays 14, as follows:

#### YEAS-53.

		The state of the s	
Ashurst Bankhead Beckham Broussard Bryan Catron Chilton Clark Culberson Cummins Cuttis du Pont Fall Fernald	Fletcher Gallinger Harding Hitchcock Hollis James Johnson, S. Dak. Lea. Tenn. Lewis Lodge McCumber McLean Martin, Va. Martine, N. J.	Nelson Oliver Overman Owen Page Pittman Ransdell Saulsbury Sheppard Sherman Shields Simmons Smith, Ga. Smith, S. C.	Smoot Sutherland Swanson Thompson Tillman Townsend Wadsworth Warren Watson Weeks Williams
Borah Husting Jones Kenyon	La Follette Lane Lee, Md. Norris	S—14. Poindexter Reed Shafroth Stone	Thomas Vardaman
	NOT VO	TING-29.	
Brady Brandegee Chamberlain Clapp Colt Dillingham Goff Gore	Gronna Hardwick Hughes Johnson, Me. Kern Kirby Lippitt Myers	Newlands O'Gorman Penrose Phelan Pomerene Robinson Smith, Ariz. Smith, Md.	Smith, Mich. Sterling Underwood Walsh Works

So the ruling of the Chair was sustained.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

Mr. REED obtained the floor.

Mr. POINDEXTER. Mr. President-

Mr. REED. I yield to the Senator from Washington.

Mr. POINDEXTER. Mr. President, from the remarks of the Chair a moment ago the impression seems to be extensively entertained that the question before the Senate is whether or not the Postmaster General is the master of the Senate and Congress or the Senate and Congress the master of the Postmaster General, and whether the Senate should economize in expenditures. The Chair announced the conclusion, with which I, of course, agree, that the Congress is the master of the Postmaster General and that Congress can determine whether or not it wants to save money; but I should like also to remark in that connection that that proposition is about as far removed from the question before the Senate as a sing-a-way bird on the banks of a far-away river. Nobody denies the proposition stated by the Chair. But the question is quite different. Under the existing law the Government is not required to continue to maintain a mail service which has been declared by two different investigating boards and is now asserted by the Postmaster General to be obsolete. At the time this pneumatic-tube mail service was first adopted automobile truck mail cars for the delivery of mails in cities had not been developed. The parcel post had not been established and extended as it has been now. The conditions were entirely different. Under the revolutionary

development of mail service in the cities of the country which has occurred since this service was first adopted these commissions and the Postmaster General find that the pneumatic-tube method of delivering mail is not only not an advantage but is positive disadvantage; and the question involved here is whether or not in its discretion, which nobody denies, Congress is going to compel the Postmaster General to make these contracts against the judgment of the authorities, who are attempting to save the \$613,000 a year, or whether we are going to leave the matter as it stands now, with the discretion vested in the Postmaster General and the experts of the department to deliver the mail in the cities according to the best appliances which they are able to obtain.

One of the motives which is back of the powerful influence which is maintaining and perpetuating this pneumatic-tube mail service is the fact that they are obtaining for this service more per mile for pneumatic tubes than the railroads are obtaining per mile for the entire volume of mail that comes from all directions into these cities.

There is a provision in this amendment for an investigation. I hold in my hand a volume of considerable size which embodies the reports of investigations which have already been made, containing most voluminous details and figures and a discussion of every phase of the subject. On page 10 of the report they refer to another report which has been made prior to this report, in 1907, covering the investigation of the pneumatic-tube service by post-office inspectors, in which it was stated that this is the most expensive method of mail transportation in use, and the inspectors very much doubt whether, even under the conditions existing then, the advantages obtained were commensurate with the heavy expense.

Then this commission goes on to state that-

Since the present contracts for pneumatic-tube service were entered into the domestic parcel post has been established and has materially changed the conditions of Postal Service operation. The automobile truck, which is now used extensively in the commercial world, has also become available for the transportation of mail, so that the conditions prevailing in the service at present did not exist at the time of previous investigations.

The principal advantages of pneumatic tubes for the transportation of mail are:

1. A high rate of speed between the conditions and the conditions of the conditions o

of mall are:

1. A high rate of speed between stations for limited quantities of mail.

mail.

2. Freedom from surface traffic congestion.

The principal limitations and disadvantages of pneumatic tubes for the transportation of mail are:

1. The capacity of each tube container is limited to about 5 pounds of letter mail, and all classes of mail can not be carried.

2. The rapidity of dispatch of tube containers is limited to intervals of about 15 seconds, so that only about 20 pounds of letter mail can be dispatched each minute, thus necessitating the paralleling of the entire system of tubes by vehicular service at the time of heavy dispatches.

of the entire system of tubes by vehicular service at the time of heavy dispatches.

3. Inability of tubes to carry many special-delivery parcels, owing to the limited size of the containers.

4. The necessary relaying of containers at way stations involves loss of time and requires that all intermediate stations be kept open, with attendants on duty.

5. The inability to dispatch mail to intermediate stations during continuous transmission between any two points.

6. Inability to dispatch mail to the point where it is received by or taken from the railroad companies without additional handling.

7. Frequent complaints resulting from damage to mail, caused by careless locking of containers and by the accidental opening of containers in transit.

8. Inability to prevent dampness and oil in the tubes at certain

tainers in transit.

8. Inability to prevent dampness and oil in the tubes at certain times, resulting in damage to the mails.

9. Discontinuance of service on an entire line results from stoppage of the operation of the tube at any point on that line.

10. Inflexibility of the service, as it can not be expanded to meet recurring or emergent conditions, thus resulting in congestion.

11. The terminal equipment of the tubes occupies a considerable amount of desirable space in post-office quarters, for which high rentals are paid by the department.

12. The excessive cost of tube service (\$17,000 per mile per annum).

The letter of the Postmaster General, addressed to the chairman of the Senate Committee on Post Offices and Post Roads, has been printed in the RECORD; but in order that Senators who did not read it in the RECORD may know its contents I am going to read it, and then, if I may, ask that the printing of it in the Record be not duplicated. Before reading it, I should like to make this comment upon it:

Not only have the Post Office Department had the benefit of minute examination by a number of commissions appointed for that special purpose, but they have had the benefit of a far more reliable source of information than any investigation could possibly be, and that is the practical testing of these tubes through a series of years, the actual use of them in the regular business of the Government. For Senators, whether they are members of the Committee on Post Offices and Post Roads or not, to say that they are in a better position to determine the advantages of this particular means of delivering the mail than the employees of the Government, whose disinterestedness nobody has challenged, who are engaged in the use of these appliances every day, is entirely unreasonable.

This letter, addressed to Senator BANKHEAD, the chairman of the Post Office Committee, says:

The bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, now under consideration by the Senate, contains a provision, on page 15, which authorizes and directs the Postmaster General to extend existing con-tracts for pneumatic-tube service until June 30, 1918.

If I may interpolate here, rather by way of repetition, that statement contains the gist of all this question which the Senate has been considering yesterday afternoon and this morning. However we may indulge in sophistical arguments about its being a mere change of a provision in the House bill, we can not escape from the conclusion that the effect of this Senate amendment is to adopt the pneumatic-tube service, and that without the Senate amendment we do not adopt the pneumatic-tube service. That can not be denied by any reasonable man who reads this language; so what is the use of arguing that it is a mere condition attached to an appropriation, or that it is a mere enlargement of a provision in the House bill? It is far more than that. It is substantial and vital in the principle which it adds to the bill.

This proposed amendment is a change in existing law and practically nullifies the act of Congress of 1902 relating to this service, which pro-

vides:
"(a) That no advertisement shall issue until after careful investiga-tion shall have been made"—

This is the existing law which is changed-

"as to the needs and practicability of such service and until a favorable report in writing shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials, to be named by him."

This amendment proposes to make these contracts of \$613,000 a year without the investigation and favorable report of a commission of not less than three expert postal officials, which the law as it stands now requires. The effect of this amendment is to repeal that law, not only without sufficient information, but in the face of the best information that can possibly be obtained, and direct that these contracts shall be made without the favorable report of three expert officials, which the law requires. It is perfectly useless to talk about that being the imposing by the Postmaster General of his authority upon Congress, because it was Congress which provided this. It is in pursuance of the will of Congress. It was Congress which proposed that in the interests of honesty and economy contracts for new methods of delivering the mails should not be made until they had been approved by people who were informed about those things, and so they put it into the law; and yet we propose, in this amendment, to repeal that provision.

Mr. NELSON. Mr. President, may I ask the Senator a ques-

tion?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield.
Mr. NELSON. Is the pneumatic-tube service in all these towns conducted and carried on by a single company or concern?

Mr. POINDEXTER. I am not informed as to that.

Mr. WEEKS. Mr. President, I will answer that question, if the Senator from Washington does not object.

Mr. POINDEXTER. Not at all.
Mr. WEEKS. One company carries on the service in four or five cities where the pneumatic-tube service is installed, and one company carries it on in the city of Philadelphia.

Mr. NELSON. All Mr. WEEKS. Yes. All the others are under one company?

Mr. NELSON. I should like to ask another question, if the Senator will allow me.

Mr. POINDEXTER. Certainly. Mr. NELSON. Perhaps the Senator from Massachusetts can answer it. Does the Senator know at what rate the companies which own this pneumatic service are capitalized? What is the capital of the company that is serving the four places, and what is the capital of the other company that is serving one place?

Mr. WEEKS. Mr. President, I do not know what the capital is in either case. Both companies have some outstanding bonds and some capital stock. I think the stocks of the Boston, New York, Chicago, and St. Louis company are listed on the Boston Stock Exchange. I have not looked at the price recently.

Mr. NELSON. Does the Senator know what revenue they

get out of this allowance-what percentage it is on the capital?

Mr. WEEKS. They have not paid any dividends on the stocks for years. I do not know that they have ever paid any dividends on the stocks. They have simply paid the interest on the bonds and the operating expenses; and the bonds do not include, in the case of the Boston company, more than one-third, or I think about a quarter, of what it is claimed was the cost of the system.

Mr. POINDEXTER. A history of the original adoption of this service is contained in the report to which I referred.

There is another change in the law which this amendment makes. The present law provides that such an advertisement shall not be issued-

Until, in the judgment of the Postmaster General, the needs of the Postal Service are such as to justify the expenditure involved.

We override that.

In accordance with this act a commission composed of the ablest postal experts in the service was appointed, and, after thorough inves-tigation, recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis.

The Senator from New York [Mr. WADSWORTH], who disputed the statement as to the fact that these recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved, will notice that New York is not named in that list, so that it does not refer to the postmaster in New York

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which

will be stated.

The Secretary, A bill (S. 8148) to define and punish

espionage.

Mr. OVERMAN. Mr. President, I ask that the unfinished business be temporarily laid aside for the further consideration of the Post Office appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair

hears none, and it is so ordered.

Mr. WADSWORTH. Mr. President, I think the Senator will find, upon examining the report of the commission, that New York is involved.

Mr. POINDEXTER. We were not talking about the report of the commission at the time the Senator disputed this propo-

I was reading from this same letter.

Mr. WADSWORTH. Mr. President, the letter of the Postmaster General certainly gives the impression that the postmasters of all the cities involved are opposed to the retention of the pneumatic-tube service.

Mr. POINDEXTER. Well, I will let the statement speak for

itself. I will read it over again. It says it is-

recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis.

Not New York.

These recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved, and from the facts before me I am thoroughly convinced that the needs of the Postal Service are not such as to justify the expenditure involved for pneumatic tubes, as the act of 1902 requires. The rental paid for the tubes (\$17,000 per annum per mile) is exorbitant, and more efficient service can be rendered by other means at less than one-fifth of the cost.

Mr. NELSON. Will the Senator yield to me?

Mr. POINDEXTER. Yes; I will yield for a question.
Mr. NELSON. I notice in the last part of the committee amendment that a commission is to be appointed to investigate the value of the property with a view to purchasing the property. What is the idea of purchasing the property? Are these people anxious to unload it on the Government? Can the Senator furnish any information on that point?

Mr. REED. Mr. President

Mr. POINDEXTER. I can furnish the suggestion that occurs to me from the amendment which is proposed. I suppose it comes from the same opinion that provides in a mandatory form that we should renew our contracts with them, without the usual safeguards that are thrown around Post Office contracts, and this being a portion of the same amendment, coming from the same source, I assume the desire is that the Government shall acquire these tubes. No doubt the owners desire that they all shall be unloaded upon the Government.

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Washington yield to the Senator from

Missouri? Mr. POINDEXTER. I yield.

Mr. REED. Mr. President, I think I perhaps can throw a little light on that question.

Some months ago I was in the city of St. Louis. A gentle-man insisted that he wanted to talk with me, and he began talking in favor of renewing the contracts for the tube system. He went on to say that the Government ought to acquire this system. I could not place the gentleman at first. I finally inquired who he was and what his business was. He said to me that he was the attorney for the pneumatic-tube company; and in further conversation he said to me that the Government ought to acquire these tubes, that the companies had not made

any money out of them, and that they would be glad to sell them to the Government.

It looks very much to me as though that industrious gentleman is now about to secure the enactment of a law that will create a commission to buy these tubes from the companies. I do not think that there is the slightest doubt but that this is an effort of the companies to unload their apparatus on the Government.

I wish to say further, if the Senator will permit me, that it has been stated to me from what I believe to be reliable authority that at least some gentlemen who have come to the city of Washington and have been active in this propaganda had their expenses paid by these companies. I remember one instance which occurred, I think, about four years ago, when a delegation waited upon me; and at its head was a gentleman whom I understood was there as a public-spirited citizen. I have since been informed-and I believe my information to be absolutely reliable—that he has been an attorney for these companies all the time. I give this information in response to the inquiry of the Senator from Minnesota.

Mr. LEWIS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I prefer not to yield just now.

Mr. LEWIS. I only wanted to submit an inquiry to the Senator from Missouri before the Senator from Missouri re-

Mr. POINDEXTER. Very well. I yield for that purpose.

Mr. LEWIS. I should like to ask the Senator from Missouri if, in the judgment of this commission, these tubes are efficient, if they are serviceable, and if they are beneficial to the Government service, would it not be better for the Government really

to operate them than that private individuals should?

Mr. REED. If all those "ifs" are true, it might be the Government ought to acquire them. The trouble is, every investigation which has been made has resulted in their condemnation. However, I was answering the inquiry propounded by the Senator from Minnesota, whether there was a desire on the part of the owners of these companies to unload on the

Government. That was his phrase, not mine.

Mr. LEWIS. The Senator from Missouri would not regard it against the merits of these tubes if they are meritorious merely that there might be some advice on the part of some to turn them over to the Government for the Government to take and

operate them?

Mr. REED. I regard any efforts by private individuals to get through a law which will ultimately compel the purchase of their property, as such a proposition as demands very careful investi-

Mr. POINDEXTER. Mr. President, upon the same question I should like to suggest that there is a very obvious reason for the desire of these tube companies to sell them to the Government, because they are so utterly unsuccessful that they can not be used in any other capacity than in the Government service. The Government is the only one that continues to pay them a profitable amount for their services.

In this same report, which I referred to a moment ago, at page

12, the matter is discussed. It says:

Pneumatic tubes have not been a success for commercial purposes. A line of 10-inch tubes, about 42 miles in length, was laid in Boston for commercial uses, but was not a success, and was subsequently leased to the Post Office Department—

An easy game, I suppose-

November 1, 1906, for the transportation of mail, at an annual rental of \$17,000 per mile per annum for a period of 10 years.

Mr. WEEKS. Will the Senator yield?

Mr. POINDEXTER. In just a moment, if the Senator pleases. Mr. POINDEXTER. In just a moment, it the Senator pleases. It will therefore be seen that the department has already paid approximately \$500,000 for a service that was not a success for commercial purposes and of questionable value to the Postal Service. If underground pneumatic-tube service is as valuable as the tube companies represent, the commercial world would not have abandoned this means of transportation, but would have developed and improved it. In New York, with its many miles of subways, no attempt has been made to use tubes for commercial purposes.

The Senator from New York will know whether or not that statement is correct, but if it is correct it seems to me to be a very eloquent commentary upon the failure of this mode of transporting packages, whether packages of letters or parcelpost or ordinary commercial packages, in the business of the I yield to the Senator from Massachusetts.

Mr. WEEKS. I do not want to let the impression pass that there is anything about this proposition of pneumatic tubes which is not in the regular order. The commission of Senators and Representatives considered this subject within three years, reported in the year 1914 in favor of purchasing the tubes, and the proposition which is in the bill does not require the purchase of the tubes. It simply says in furthering the purposes of the report which was made by the commission to which I have just referred, a commission shall be appointed to determine a price at which the tubes may be purchased in whole or in part, and to report that to Congress, so that Congress may then pass on the question whether it is desirable to make the purchase or not.

Mr. MARTINE of New Jersey. Will the Senator yield to

me for just a moment?

Mr. POINDEXTER. Yes; I yield.
Mr. MARTINE of New Jersey. The Senator remarks, "if they are efficient." I was very attentive at the hearings of the committee and I asked every one of the gentlemen who appeared before us as to their efficiency, men who were in the service, mercantile men, the postmaster of New York, and the universal response was, "Yes; they are very efficient."

The intimitation that somebody's expenses were paid to come here and advocate the purchase of these tubes seems to me monstrous. Who can believe that Mayor Mitchel, of the city of New York, who appeared before the committee, left his business and his great affairs to come here and advocate this measure and his expenses here were paid?

Mr. POINDEXTER. Will the Senator yield? Mr. MARTINE of New Jersey. Certainly; I do not want to take the Senator's time.

Mr. POINDEXTER. Are these tubes in use commercially in any of those cities?

Mr. MARTINE of New Jersey. They are not in use commercially.

Mr. POINDEXTER. Why not, if they are so valuable?

Mr. MARTINE of New Jersey. The query remains, Why not? It has been less than 20 years that subways were used in New York. They have not grown up to it, but the fact is, if you are asking as to the practicability of it, the city of London is building an immense tube system for the purpose of transporting mails as well as for the transportation of parcels.

Mr. POINDEXTER. Instead of developing and advancing

in this country they are declared to be obsolete.

Mr. MARTINE of New Jersey. I do not think they are obsolete at all.

Mr. POINDEXTER. Now, I will proceed, and my only purpose is to get the information before the Senate. I have not the slightest interest in this matter other than to have the Senate proceed with a reasonable amount of available information which these reports contain. For that reason, I want to read a few more paragraphs from this statement:

Notwithstanding the inefficiency and limited capacity of the tubes, the rental paid is greater per mile than the entire amounts paid the railroads per mile that enter New York City for carrying the entire volume of mail, and approximately three times as much as is paid the railroads that enter Boston for the same purpose.

Owing to the inflexibility of the tube service—

Here he points out in great detail not only the lack of advantages but of positive disadvantages of this system, how they not only do not benefit the service but they do a positive

injury to it-

and because it can not be expanded to meet recurrent or emergent conditions, congestion occurs and great quantities of mail are delayed. Only recently, during one evening, more than 700 containers were delayed in New York City in the territory below Forty-second Street, where the great financial and business institutions of New York City are located—

Let me say to the Senator-

Mr. POINDEXTER. Just a moment. I should like to finish reading this paragraph-

reading this paragraph—
and because of this fact the congestion caused train connections to be missed and resulted in delays in some instances of 12 hours in reaching the addressee. In Philadelphia the incoming mail on December 29, 1914, was delayed at Penn Square Terminal from 26 minutes to 1 hour and 16 minutes before even the first container of mail from each train could be sent through the tubes; and similar conditions prevail in other cities where any quantity of mail is to be transported. Such conditions in the Postal Service are deplorable, and in justice to the public steps should be taken to render more efficient service. Approximately 87½ per cent of the mail now transported by tubes can be transported by the present means of surface transportation without additional cost or delay. If the tubes are abandoned, it will be necessary to provide transportation for 12½ per cent of the first-class mail now forwarded by tubes, which represents 0.7 per cent of the entire volume handled at the stations having tube service. It can be easily seen that the claim that this would greatly congest the streets is ridiculous.

The contracts for this service will expire on March 4, 1917, and the department is not under the least moral obligation to renew these contracts or to continue the service further, and the representatives of one of the companies so admitted when appearing before your committee.

This pneumatic-tube service as a means of transportation is obsoleto and has little or no merit. To continue its use would be an extrava-

mittee.

This pneumatic-tule service as a means of transportation is obsolete and has little or no merit. To continue its use would be an extravagance and waste of public money. The companies, realizing this, have no hope of securit, a renewal of their contracts under the law of 1902, and are now endeavoring, although they admit the department is not under the slightest obligation to them to have the service extended, to continue the service by having the Congress direct the Postmaster General to extend the contracts to June 30, 1918. If this amendment prevails and the Congress directs the extension of the contract without

competition or regard to the merits of the service involved, it will be establishing a precedent, as there would be nothing to prevent any other contractor for any other branch of the service coming to Congress and asking that the same consideration be shown him.

That the pneumatic tubes as a means of transportation are obsolete can not be demonstrated better than by the fact that a large portion of the system in Boston, which was installed more than 15 years ago for the use of the merchants in transporting parcels, proved an absolute failure and was abandoned and then railroaded on the Postal Service.

Mr. WADSWORTH. Did he use the word "railroaded"? Mr. POINDEXTER. I am reading the words:

Mr. POINDEXTER. I am reading the words:

The department is confronted with this situation, whether it shall continue the use of the service at an enormous rental and continue to impose on the public an inefficient service by delaying its mail when the mail can be expedited by other means which are efficient and which can save the Government \$613,000 each year.

The Postmaster General is charged with the responsibility of administering the Postal Service in an efficient manner and must stand the criticisms of the public when he fails to do so. For that reason he should not have an inefficient service imposed on him, and I trust that the amendment will not prevail and that the department will be permitted to undertake the responsibility for working the matter out in its own way under the law as Congress has written it and in the interest of the public and without an extravagant waste of money. money. Very sincerely,

A. S. BURLESON, Postmaster General.

Mr. President, I have taken rather laborious means of getting the question before the Senate by reading at length the Postmaster General's statement and a portion of the report of the commission appointed to investigate this particular matter; and the Senate will vote, the country having knowl-edge of the facts, will know that when we are denying new rural-delivery routes in new sections of the country, where the people are engaged in opening up new lands and extending the resources of the Nation, establishing homes, adding to the power and the wealth of the country, and yet are deprived of the commonest, most ordinary postal facilities, we have taken \$613,000 which might be used to give those facilities and devoted it to a service which is declared by the experts in the Post Office Department to be worse than useless. Not only that, but we are going still further with this most astonishing provision in the face of this report that this service is obsolete, that it is inefficient, that it results in congestion and delay of the mail, that it adds unnecessarily this large amount of money to the postal expenses, and it is proposed here to appoint a commission to ascertain terms with the view of the purchase by the Government of the pneumatic tubes and their franchises and so to permanently load it down with this utterly out-of-date equipment at a great burden of taxes and added annual expense, which such a purchase would entail.

VOCATIONAL EDUCATION (S. DOC. NO. 711).

Mr. SMITH of Georgia. I present a conference report on Senate bill 703, known as the vocational educational bill, and ask that it lie on the table and be printed.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert

the following:
"That there is hereby annually appropriated, out of any money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and teachers of trade, home economics, and industrial subjects, and in the preparation of teachers of agricultural, trade, industrial, and home economics subjects; and the sum provided for in section 7 for the use of the Federal board for vocational education for the administration of this act and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education. which sums shall be expended as hereinafter provided.

"SEC. 2. That for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of

year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$750,000; for the fiscal year ending June 30, 1920, the sum of \$1,000,000; for the fiscal year ending June 30, 1921, the sum of \$1,250,000; for the fiscal year ending June 30, 1922, the sum of \$1,500,000; for the fiscal year ending June 30, 1923, the sum of \$1,750,000; for the fiscal year ending June 30, 1924, the sum of \$2,500,000; for the fiscal year ending June 30, 1925, the sum of \$2,500,000; for the fiscal year ending June 30, 1926, and annually therefore the graphs. year ending June 30, 1926, and annually thereafter, the sum of \$3,000,000. Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census: Provided, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than \$10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be necessary, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$48,000; for the fiscal year ending June 30, 1919, the sum of \$34,000; for the fiscal year ending June 30, 1920, the sum of \$24,000; for the fiscal year ending June 30, 1921, the sum of \$18,000; for the fiscal year ending June 30, 1922, the sum of \$14,000; for the fiscal year ending June 30, 1923, the sum of \$11,000; for the fiscal year ending June 30, 1924, the sum of \$9,000; for the fiscal year ending June 30, 1925, the sum of \$34,000; and annually thereafter the sum of \$27,000.

SEC. 3. That for the purpose of cooperating with the States in paying the salaries of teachers of trade, home economics, and industrial subjects there is hereby appropriated for the use of the States, for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$750,000; for the fiscal year ending June 30, 1920, the sum of \$1,000,000; for the fiscal year ending June 30, 1921, the sum of \$1,250,000; for the fiscal year ending June 30, 1922, the sum of \$1,200,000; for the fiscal year ending June 30, 1922, the sum of \$1,500,000; for the fiscal year ending June 30, 1923, the sum of \$1,750,000; for the fiscal year ending June 30, 1924, the sum of \$2,000,000; for the fiscal year ending June 30, 1925, the sum of \$2,500,000; for the fiscal year ending June 30, 1926, the sum of \$3,000,000; and annually thereafter the sum of \$3,000,000; and annually the sum of \$3,000,000; and annually the sum of \$3,000,000; and annually the \$3,000,000; and annually the sum of \$3,000,000; and annually the \$3,000,000; and annually the sum of \$3,000,000; and annually the sum of \$3,000,000; and annually the sum of \$3,000,000; annually the sum of \$3,000,000; annually the sum of \$3,000,000; annua of \$3,000,000. Said sums shall be allotted to the States in the proportion which their urban population bears to the total urban population in the United States, not including outlying possessions, according to the last preceding United States census: Provided, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than \$10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$66,000; for the fiscal year ending June 30, 1919, the sum of \$46,000; for the fiscal year ending June 30, 1920, the sum of \$34,000; for the fiscal year ending June 30, 1921, the sum of \$28,000; for the fiscal year ending June 30, 1922, the sum of \$25,000; for the fiscal year ending June 30, 1923, the sum of \$22,000; for the fiscal year ending June 30, 1924, the sum of \$19,000; for the fiscal year ending June 30, 1925, the sum of \$56,000; for the fiscal year ending June 30, 1926, and annually thereafter, the sum of \$50,000.

That not more than 20 per cent of the money appropriated under this act for the payment of salaries of teachers of trade, home economics, and industrial subjects, for any year, shall be expended for the salaries of teachers of home economics sub-

"SEC. 4. That for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects there is hereby appropriated for the use of the States for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$700,000; for the fiscal year ending June 30, 1920, the sum of \$900,000; for the fiscal year ending June 30, 1921, and annually thereafter the sum of \$1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census: Provided, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1919, nor agricultural subjects there is hereby appropriated for the use less than \$10,000 for any fiscal year thereafter. And there is of the States, subject to the provisions of this act, for the fiscal hereby appropriated the following sums; or so much thereof

as may be needed, which shall be used for the purpose of providing the minimum allotment provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$46,000; for the fiscal year ending June 30, 1919, the sum of \$32,000; for the fiscal year ending June 30, 1920, the sum of \$24,000; for the fiscal year ending June 30, 1921, and annually thereafter, the

sum of \$90,000.

"Sec. 5. That in order to secure the benefits of the appropriations provided for in sections 2, 3, and 4 of this act any State shall, through the legislative authority thereof, accept the provisions of this act and designate or create a State board, consisting of not less than three members and having all necessary power to cooperate, as herein provided, with the Federal board for vocational education in the administration of the provisions of this act. The State board of education, or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board, for the purpose of this act.

"In any State the legislature of which does not meet in 1917, if the governor of that State, so far as he is authorized to do so, shall accept the provisions of this act and name a State board of not less than three members to act in cooperation with the Federal board for vocational education, the Federal board shall recognize such local board for the purposes of this act until the legislature of such State meets in due course and has been in

session 60 days.

"Any State may accept the benefits of any one or more of the respective funds herein appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted: Provided, That after June 30, 1920, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade, home economics, and industrial subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade, home economics, and industrial subjects, as provided for in this act.

"Sec. 6. That a Federal board for vocational education is hereby created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each. The members of the board other than the members of the Cabinet and the United States Commissioner of Education

shall receive a salary of \$5,000 per annum.

"The board shall have power to cooperate with State boards in carrying out the provisions of this act. It shall be the duty of the Federal board for vocational education to make, or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

"When the board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and

commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, may be made in cooperation with or through the Bureau of Education.

"The Commissioner of Education may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal board for vocational education shall have power to employ such assistants as may be necessary to carry out the

provisions of this act.

"SEC. 7. That there is hereby appropriated to the Federal board for vocational education the sum of \$200,000 annually, to be available from and after the passage of this act, for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 6 of this act, and for the purpose of paying the salaries of the officers, the assistants, and such office and other expenses as the board may deem neces-

sary to the execution and administration of this act.

"Sec. 8. That in order to secure the benefits of the appropriation for any purpose specified in this act, the State board shall prepare plans, showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers; and, in the case of agricultural subjects the qualifications of supervisors or directors; plans for the training of teachers; and, in the case of agricultural subjects, plans for the supervision of agricultural education, as provided for in section 10. Such plans shall be submitted by the State board to the Federal board for vocational education, and if the Federal board finds the same to be in conformity with the provisions and purposes of this act, the same shall be approved. The State board shall make an annual report to the Federal board for vocational education, on or before September 1 of each year, on the work done in the State and the receipts and expenditures of money under the provisions of this act.

"SEC. 9. That the appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade, home economics, and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal board for vocational education. The cost of instruction supplementary to the instruction in agricultural and in trade, home economics, and industrial subjects provided for in this act, necessary to build a well-rounded course of training, shall be borne by the State and local communities, and no part of the cost thereof shall be borne out of appropriations herein made. The moneys expended under the provisions of this act, in cooperation with the States, for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, shall be conditioned that for each dollar of Federal money expended for such salaries the State or local community, or both, shall expend an equal amount for such salaries; and that appropriations for the training of teachers of vocational subjects, as herein provided, shall be conditioned that such money be expended for maintenance of such training and that for each dollar of Federal money so expended for maintenance, the State or local community, or both, shall expend an equal amount for the maintenance of such training.

SEC. 10. That any State may use the appropriation for agricultural purposes, or any part thereof allotted to it, under the provisions of this act, for the salaries of teachers, supervisors, or directors of agricultural subjects, either for the salaries of teachers of such subjects in schools or classes or for the salaries of supervisors or directors of such subjects under a plan of supervision for the State to be set up by the State board, with the approval of the Federal board for vocational education. in order to receive the benefits of such appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects the State board of any State shall provide in its plan for agricultural education that such education shall be that which is under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over 14 years of age who have entered upon or who are preparing to enter upon the work of the farm or of the farm home; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement for such education in schools and classes in the State; that the amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board as the minimum for such schools or classes in the State; that such schools shall provide for directed or supervised practice in agriculture, either on a farm provided for by the school or other farm, for at least six months per year; that the teachers, supervisors, or directors of agricultural subjects shall have at least the minimum qualifications determined for the State by the State board, with the approval of the Federal board for vocational education.

"SEC. 11. That in order to receive the benefits of the appropriation for the salaries of teachers of trade, home economics, and industrial subjects the State board of any State shall provide in its plan for trade, home economics, and industrial education that such education shall be given in schools or classes under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and shall be designed to meet the needs of persons over 14 years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement in such State for education for any given trade or industrial pursuit; that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than 9 months per year and not less than 30 hours per week; that at least one-third of the sum appropriated to any State for the salaries of teachers of trade, home economics, and industrial subjects shall, if expended, be applied to part-time schools or classes for workers over 14 years of age who have entered upon employment, and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over 14 and less than 18 years of age; that such parttime schools or classes shall provide for not less than 144 hours of classroom instruction per year; that evening industrial tichools shall fix the age of 16 years as a minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board, with the approval of the Federal board for vocational education: Provided, That for cities and towns of less than 25,000 population, according to the last preceding United States census, the State board, with the approval of the Federal board for vocational education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment, in order to meet the particular needs of such cities and towns.

SEC. 12. That in order for any State to receive the benefits of the appropriation in this act for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade, industrial, or home economics subjects, the State board of such State shall provide in its plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes under public supervision or control; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training; and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects and for teachers of trade, industrial, and home economics subjects; that not more than 60 per cent nor less than 20 per cent of the money appropriated under this act for the training of teachers of vocational subjects to any State for any year shall be expended for any one of the follow-

ing purposes: For the preparation of teachers, supervisors, or directors of agricultural subjects, or the preparation of teachers of trade and industrial subjects, or the preparation of teachers of home economics subjects.

Sec. 13. That in order to secure the benefits of the appropriations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade. home economics, and industrial subjects, or for the training of teachers as herein provided, any State shall, through the legislative authority thereof, appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursements of all money paid to the

State from said appropriations.
"Sec. 14. That the Federal board for vocational education shall annually ascertain whether the several States are using, or are prepared to use, the money received by them in accordance with the provisions of this act. On or before the first day of January of each year the Federal board for vocational education shall certify to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this act. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian for vocational education of each State the moneys to which it is entitled under the provisions of this act. moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board as reimbursement for expenditures already incurred to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this act.

"Sec. 15. That whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this act, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual

allotment from such fund to such State.

"SEC. 16. That the Federal board for vocational education may withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this act.

"If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury.

"Sec. 17. That if any portion of the moneys received by the custodian for vocational education of any State under this act, for any given purpose named in this act, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands, or for the support of any religious or privately owned or conducted school or college.

"Sec. 18. That the Federal board of vocational education shall make an annual report to Congress, on or before December first, on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money to each State."

And the House agree to the same.

HOKE SMITH, CARROLL S. PAGE. Managers on the part of the Senate. DUDLEY M. HUGHES, W. W. RUCKER, CALEB POWERS. Managers on the part of the House.

Mr. SMITH of Georgia. Mr. President, I ask that an order be made for a print of the bill as agreed upon in varying type, so that the Senate can understand the changes that have been made in the bill. This is necessary because the House adopted an entire substitute for the Senate bill, and otherwise it would be very difficult to take the two bills and the report and understand just what the conferees have done. We have undertaken to have it prepared in varying type and in a manner that the bill can be used by Senators so that they can easily comprehend the changes from the House bill and from the Senate bill in the conference report.

Mr. SMOOT. Do I understand the Senator to state that in

the conference report there is new matter?

Mr. SMITH of Georgia. Not at all.

Mr. SMOOT. New matter not considered by the two Houses? Mr. SMITH of Georgia. No; the Senator misunderstood me. The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and

it is so ordered.

Mr. SMITH of Georgia subsequently said: In presenting the report of the conferees on the vocational educational bill I also presented an order authorizing a republication of the bill. The Senator from Utah [Mr. Smoot] asked a question while I was presenting the report and the Senator from Washington [Mr. POINDEXTER] failed to yield the floor long enough for me to explain the facts.

I did not in any sense suggest that new matter was found in the conference report. What I wished the Senate to understand was that the House did not take the Senate bill and amend certain paragraphs in the bill. The House adopted an entirely new bill, striking out the Senate bill after the caption, but the House bill is in the language of the Senate bill almost from first to last. There were a few places in which changes were made in the Senate bill by the House, yet we had to deal with the entire House substitute as one amendment to our bill.

For that reason the conferees desire a reprint in varying type, from which the Senator can take the conference report and easily see just what changes were made by the House and just which of the changes by the House the conferees on the part of the Senate have agreed to. I ask an order for the print for the convenience of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair

hears none, and it is so ordered.

The order was reduced to writing, as follows:

The order was reduced to writing, as follows:

Ordered, That the oill (8. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure, be printed showing the Senate bill in roman; House changes in italic and stricken-through type; new language inserted by conferees in beld-face type; Senate matter stricken out by House and restored by conferees in small capitals; all matter eliminated by the conferees to be shown in brackets or stricken-through type.

# CHEYENNE AND ARAPAHOE INDIAN RESERVATION.

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment, which were, on page 2, line 1, after "paid," to insert "annually," and on page 2, line 2, to strike out "when due."

Mr. OWEN. The amendments make no substantial difference

in the bill; they are merely verbal changes. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

# SOIL SURVEY OF JEFFERSON COUNTY, ALA.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 74) of the House of Representatives, which was referred to the Committee on Printing: Resolved by the House of Representatives (the Senate concurring), That there be printed 2,000 additional copies of the Soil Survey of Jefferson County, Ala., for use in the House document room.

## STATUE OF COUNT CASIMIR PULASKI.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 59) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Count Casimir Pulaski in Washington, May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National Polish-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Count Casimir Pulaski and the speakers who took part in said celebration.

## STATUE OF GEN. KOSCIUSZKO.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 58) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Gen. Thaddeus Kosciuszko in Washington, May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National Polish-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Gen. Thaddeus Kosciuszko and the speakers who took part in said celebration.

### BIOGRAPHICAL CONGRESSIONAL DIRECTORY.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 23) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound 10,000 copies of the Biographical Congressional Directory, revised and corrected to the Sixty-fourth Congress, under the direction of the Joint Committee on Printing, 7,000 copies for the use of the House of Representatives and 3,000 copies for the use of the Senate.

#### HOUSE BILLS REFERRED.

H. R. 5412. An act to establish the military record of Marshall M. Pool was read twice by its title and referred to the Committee on Military Affairs.

H. R. 11661. An act for the relief of Catherine Burns, widow of Patrick Burns, was read twice by its title and referred to the

Committee on Claims.

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, was retwice by its title and referred to the Committee on Pensions.

### BUILDING AND LOAN ASSOCIATIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5672) for the relief of sundry building and loan associations, which were, on page 7, after line 6, to insert:

To the Savings & Homestead Association, of New Orleans, La., \$28.49.
To the Citizens' Building & Loan Association Co., of Newark, Ohlo,

To the Savings & Homestead Association, of New Orleans, La., \$28.49.
To the Citizens' Building & Loan Association Co., of Newark, Ohio, \$33.60.
To the Eagle Savings & Loan Association, of Cincinnati, Ohio, \$141.24.
To the Home Building Association, of Newark, Ohio, \$351.13.
To the Johnstown Building & Loan Association Co., of Johnstown, Ohio, \$116.34.
To the People's Building & Loan Co., of Delaware, Ohio, \$206.04.
To the People's Building & Savings Co., of Troy, Ohio, \$197.16.
To the Orange Building & Loan Association, of Orange, Cal., \$238.72.
To the Silver Gate Building & Loan Association, of San Diego, Cal., \$232.73.
To the Modern Building & Loan Association, of Newark, N. J., \$110.76.
To the Preferred Building & Loan Association, of Newark, N. J., \$116.22.
To the Assurance Permanent Loan & Savings Association, of Baltimore, Md., \$97.01.
To the Baltic Perpetual Building & Loan Association, of Baltimore, Md., \$59.82.
To the Calvert Mortgage Co., of Baltimore, Md., \$1,734.18.
To the Eureka Permanent Building & Loan Association, of Baltimore, Md., \$44.69.

To the Eureka Permanent Building Association, of Baltimore, Md., \$44.69.

To the Fidelity Permanent Building & Loan Association, of Baltimore, Md., \$16.20.

To the Hampden Building Association, of Baltimore, Md., \$21.11.

To the Mozart Building & Loan Association, of Baltimore, Md., \$12.13.

To the North Avenue Permanent Building & Loan Association, of Baltimore, Md., \$3.13.

To the North Baltimore Permanent Building Association, of Baltimore, Md., \$25.

To the Orleans Permanent Building Association, of Baltimore, Md., \$25.

To the Orleans Permanent Building Association, of Baltimore, Md., \$186.40.

To the West Lafayette Building & Loan Association, of Baltimore,

\$186.40.
To the West Lafayette Building & Loan Association, of Baltimore, Md., \$6.91.
To the Central Building, Loan & Savings Co., of Columbus, Ohio. \$103.57.
To the Industrial Savings & Loan Association, of Bellevue, Ohio, \$201.44.
To the Royal Savings & Loan Co., of Portsmouth, Ohio, \$130.48.
To the Granville Building, Savings & Loan Co., of Granville, Ohio, \$25.

\$25

To the Riverside County Mutual Building & Loan Association, of Riverside, Cal., \$105.78.

To the Pearl Street Perpetual Savings & Building Association, of Baltimore, Md., \$84.17.

To the Pearl Street Perpetual Savings & Building Association No. 2, of Baltimore, Md., \$70.98.

To the East End Loan & Savings Association, Baltimore, Md., \$354.88.

To the Millington Building & Loan Association, of Baltimore, Md., \$15.52.

To the Northeast Permanent Building Association, of Baltimore, Md.,

To the Northeast remanent Building & Savings Association, of \$30.54.

To the Standard Permanent Building & Savings Association, of Baltimore Md., \$30.59.

In all, the sum of \$29.859.93; which said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in full settlement of the claims of the 96 above-named associations.

Mr. BROUSSARD. I move to concur in the amendments of the House of Representatives.

Mr. SMOOT. From the reading of the amendments made by the House I judge that there have been about as many claims added to the bill as were passed by the Senate in the original measure. I think it ought to go over and be printed so that we may inquire into some of the claims that have been added to the bill in the House.

Mr. BROUSSARD. Mr. President, I think I can explain to the satisfaction of the Senator from Utah how these amend-ments were placed in the bill by the other House, so that there

will be no objection on his part.

Mr. President, this bill is an omnibus bill, containing some 64 other bills regarding mutual building associations which were taxed under the act of 1909. They were also taxed in 1910. The act of 1909 exempted from the operation of the special act of August 5 mutual building associations. The Commissioner of Internal Revenue construed the act to mean that some of the mutual building associations did not come within the purview of the law, and he collected taxes from such building associations. Subsequently there were two test cases made and the courts held that taxes were not to be collected from these associations. The Commissioner of Internal Revenue immediately proceeded to reimburse those building associations which had paid taxes less than two years prior to the decision. A great number of building associations, however, had paid taxes more than two years before the decision was rendered, and the Commissioner of Internal Revenue held that he had no authority to reimburse those amounts.

Mr. SMOOT. I understand all that the Senator has said about the case, but what I wanted to know was why the Senate did not include the amendments which have been incorporated

by the other House.

Mr. BROUSSARD. If the Senator will permit me, I can explain that very easily. At the time this matter was taken up by the Committee on Claims of the Senate there were 64 bills pending for a refund from 64 of these associations. The committee went over the case very carefully, and after investigation directed me to make a report on those 64 cases then pending. After this report was made many other cases turned up and were verified by me as directed by the committee, and, instead of bringing in another bill in the Senate for these cases, inasmuch as the Senate had already passed the omnibus bill which had been reported by the Committee on Claims, I advised the claimants to go before the other House and have their claims verified, as they had been verified in the first instance by the Senate committee. The amendments carry the additional number and include, as I understand, every possible claim growing out of such collections.

SMOOT. Does the Senator know whether all those claims that were put upon the bill in the House were reported upon by the department, and whether the department holds

that they are just claims against the Government?

Mr. BROUSSARD. I know that the committee of the House proceeded in the same way that the Senate committee proceeded, and referred all of the bills to the Commissioner of Internal Revenue; that the amounts paid were verified and checked, and that these amendments were incorporated in the House bill to simplify the proceedings and to get through the entire matter.

Mr. President, I believe that these claims can be disposed of Of course, if the Senator from Utah insists upon in this way. having the bill printed and go over, I shall have no objection to urge to that course, but I am satisfied that all of these amendments are correctly reported, and that every one of the building associations covered by the bill is entitled to the re-fund which is carried in this bill, and that it includes all of the refunds that will have to be met under the misconstruction of the act of 1909.

Mr. SMOOT. Upon the assurance of the Senator that these claims are just claims against the Government and in all respects similar to the claims that we have already allowed, I shall not object to the consideration of the bill at this time.

The VICE PRESIDENT. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

# POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. BANKHEAD. Mr. President, the Senate having cleared the parliamentary situation relating to the amendment on page 15, we now come to the consideration of the question upon its merits. I do not intend to consume more than seven or eight minutes of the time of the Senate in the discussion of

So far as the first paragraph of the amendment, in which the committee undertakes to direct the expenditure of the appropriations, is concerned, the custom in the matter is as old as the rules of the Senate themselves. To say that Congress may appropriate money for a purpose and that it has not the power to direct how that money shall be expended is equivalent to

saying that the Congress has no power whatever over its appropriation bills. That is all I care to say, Mr. President,

on that subject.

That brings me to a consideration of the second paragraph of this amendment, which provides for the creation of a commission for the purpose of investigating the whole question of pneumatic-tube service and report upon it to Congress. This provision of the emendment is simply an extension of the authority given heretofore to a commission to investigate this subject, commonly known in the Senate as the Smith Commission. That commission made a very thorough and complete investigation of the entire question, inquiring into the cost, inquiring into what the tubes could be duplicated for, and inquiring into the fact as to whether or not the rental paid was excessive on the investment made. Their final conclusion, Mr. President, was that the Government of the United States ought by some means or some process to ascertain what these tubes could be acquired for. They recommended that that be done, and, if conditions justified it, that the Government, at some price to be agreed upon after a thorough investigation of this question, might take over a part or all of these tubes under such conditions as might be agreed upon by the companies and the Government.

Mr. President, there has been a great deal said in this discussion about extravagance and about the unnecessary money that has been expended and is about to be expended in the operation of pneumatic tubes. When this matter was under consideration by the committee large and intelligent delegations of business men from all the cities where the tubes are operated appeared before the committee and protested in every way they could, and with all the earnestness they could command, against the discontinuance of the service, upon the ground that the use of the tubes greatly expedited the transmission of first-class While it is true, as everybody understands, that a very small percentage of the second or third class matter passes through these tubes, they are extremely useful in expediting the rapid transmission of first-class matter, registered matter, and other matter of similar character.

It must not be forgotten, Mr. President, by the Senate that 85 or 87 per cent of the total commerce of this country, in its last analysis, passes through the mails. I do not know-and I do not think anyone else knows-what economy there would be, if there would be any economy, by reason of the discontinuance of these tubes and the substitution of automobile service or any other character of truck service that might be substituted by

the Government.

Mr. BORAH. May I ask the Senator from Alabama a question?

Mr. BANKHEAD. Certainly.

Mr. BORAH. Those of us who have not had an opportunity to attend the hearings or had time to read them are at a loss to understand why the department should be so earnestly against this service and why they think it unwise to continue it.

Mr. BANKHEAD. I can not answer that question, but from the evidence submitted to the committee there was not a dissenting voice against its continuance amongst those who appeared from the various cities which are enjoying the privilege of the tube service. Of course I have no means of knowing, except from what I have read in the report of the Postmaster General, what his objections to a continuance of the service are, but 1 am of the opinion, Mr. President, that the people in all the great cities where this service is maintained, cities where more than \$75,000,000 of postal revenues are paid into the Treasury, are entitled to some consideration when it comes to a disturbance of the postal facilities which they have enjoyed so long and with which they are so well pleased.

Mr. BORAH. I agree to that proposition, of course, but it occurs to me that there must be some facts which have been gathered as the result of investigation upon the part of the department in some way disclosing the unwisdom of this propo-

sition.

Mr. BANKHEAD. It is true that the commission appointed by the Postmaster General almost two years ago was instructed to report at a certain time in order that legislation might be had. and that report does contain perhaps the information the Senator from Idaho would like to have.

Now, Mr. President, I am admonished that the Senate has an important function to perform at 1 o'clock, and so I have very little time in which to discuss this question. I desire to say, however, that during the consideration of this whole matter the question of economy in the post office service has never dis-furbed me in the least. I believe that the Post Office Department was organized and has been conducted for the purpose of rendering the best possible service that can be given to the people of this country in the transmission of their mails, and

whether it costs a few hundred dollars or a few thousand dollars more to perform that service in one way or another does not concern me. What I want is efficient, rapid distribution of the first-class mails of this country, which so intimately and vitally affect the business and commerce of the Nation.

But, Mr. President, there is another question involved in the discussion of this matter, and that is the preservation of human life. We all know the condition of congestion that prevails, and has prevailed for a number of years, in cities like New York and other cities where the pneumatic-tube service is in operation.

Mr. President, for the present I yield to the Senator from

Arkansas [Mr. Robinson].

### COUNT OF ELECTORAL VOTES.

Mr. ROBINSON. I suggest the absence of a quorum. The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Martin, Va.	Sherman
Bankhead	Hughes	Martine, N. J.	Shields
Beckham	Husting	Myers	Simmons
Borah	James	Nelson	Smith, Md.
Brady	Johnson, Me.	Norris	Smoot
Brandegee	Johnson, S. Dak.	Overman	Sutherland
Bryan	Jones	Owen	Thomas
Catron	Kenyon	Page	Tillman
Chamberlain	Kern	Penrose	Vardaman
Chilton	Kirby	Pittman	Wadsworth
Clapp	La Follette	Poindexter	Walsh
Culberson	Lane	Pomerene	Warren
Curtis	Lea, Tenn.	Ransdell	Watson
Fall	Lee, Md.	Robinson	Weeks
Fernald	Lewis	Saulsbury	Williams
Fletcher	McCumber	Shafroth	Works
Harding	McLean	Sheppard	

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

In accordance with the resolution of the Senate heretofore passed, the Senate of the United States will now proceed to the Hall of the House of Representatives for the purpose of participating in counting the electoral votes for President and Vice President of the United States.

Thereupon (at 12 o'clock and 50 minutes p. m.) the Senate, preceded by the Vice President, the Secretary, and the Sergeant at Arms, proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral

votes for President and Vice President of the United States.

The Senate returned to its Chamber at 1 o'clock and 47 minutes p. m., and the Vice President resumed the chair.

Mr. KERN. Mr. President, the tellers on the part of the Senate submit the report which I send to the desk of the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1917, and ask that the report may be entered upon the Journal of the Senate without reading.

The VICE PRESIDENT. Is there objection?

hears none, and it will be entered upon the Journal and printed in the RECORD.

The undersigned, John W. Kern and Moses E. Clapp, tellers on the part of the Senate, and William W. Rucker and Carl E. Mapes, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1917:

Number		For President.		For Vice President.	
electoral votes to which each State is entitled.	States.	Woodrow Wilson, of New Jersey.	Charles E. Hughes, of New York.	Thomas R. Marshall, of Indiana.	Charles W. Fairbanks, of Indiana.
12	Alabama	12	76 P. L. S.	12	
3	Arizona	3		3	
0	Arkansas	9		9	
13	California	13		13	
6	Colorado			6	
7	Connecticut		7		7
3	Delaware		3		3
6	Florida	6		6	
14	Georgia	14		14	
4	Idaho	4		4	
29	Illinois		29	CONTRACTOR OF THE	29
15	Indiana		15		15
13	Iowa		13		13
10	Kansas			10	
13	Kentucky			13	
10	Louisiana	10		10	
6	Maine		6		6
8	Maryland	8		8	
18	Massachusetts		18		18
15			15		15
12	Minnesota	,	.12		12
10	Mississippi	10		10	

Number		For President.		For Vice President.	
electoral votes to which each State is entitled.	States.	Woodrow Wilson, of New Jersey.	Charles E. Hughes, of New York.	Thomas R. Marshall, of Indiana.	Charles W. Fairbanks, of Indiana.
18	Missouri	18		18	
4	Montana			4	
8	Nebraska	8		8	
. 3	Nevada	3		3	
4	New Hampshire	4		4	
14	New Jersey		14		1
3	New Mexico	3		3	
45	New York.		45		4
12	North Carolina	12	10	12	
5	North Dakota	5	************	5	
- 24	Ohio	24		24	
10	Oklahoma	10		10	***********
5	Orogon	10	5	10	
38	Oregon Pennsylvania	**********	38		3
5	Rhode Island	*********	5		
9	Rhode Island	9	0	9	Cas I I I
5	South Carolina South Dakota	9	5	9	*********
	South Dakota		0		
12	Tennessee	12		12	
20	Texas	20		20	
4	Utah	4		4	
4	Vermont		4	***************	
12	Virginia	12	**********	12	*******
7	Washington	7		7	*********
8	West Virginia	1	7	1	
13	Wisconsin		13	**********	1
3	Wyoming	3		3	
531		277	254	277	25

JOHN W. KERN,
MOSES E. CLAPP,
Tellers on the part of the Senate.
WILLIAM W. RUCKER,
CARL E. MAPES,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 277 votes.

Charles E. Hughes, of the State of New York, has received 254 votes.

votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 277 votes.

Charles W. Fairbanks, of the State of Indiana, has received 254

votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1917, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

# POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the

amendment of the committee on pages 15 and 16.

Mr. LEWIS. Mr. President, that is the amendment which we had under discussion previous to our having gone to the joint session?

The VICE PRESIDENT. It is the amendment.

Mr. LEWIS. Mr. President, I should like to have the Senate indulge me for a few moments. At the outset let me confess my interest in the city of Chicago, the principal city of the State which my colleague and myself represent, and the city I live in.

Mr. President, I am interested in maintaining these pneumatic tubes. I confess no technical knowledge concerning them and no personal knowledge of the manner in which they serve. The information which I have upon the subject is conveyed to me by the merchants of the city and by reports upon the subject which I have studied. I understand the cities of Boston, New York, Philadelphia, and one or two other cities and that one of my own State are practically upon the same footing, the in-

terests of all being alike.

Mr. President, I should like to get out of the mind of the Senate what appears to me to be a false impression, created, of course, not intentionally, but deduced from the views expressed by certain Senators upon this side of the Chamber.

Mr. President, there is no effort here to wholly abolish all the automobile service and install in its place only the pneumatic tube at this time. Neither is there an effort to wholly abolish

the pneumatic service as a service and substitute the automobile because of any contention that the tubes are not serviceable. The whole issue is presented upon the ground of economy of

expense to the Federal Government.

Mr. President, at the outset I should like to make this observation. If it is a mere matter of economy of expense, and that is to be the only thing considered, I should like to urge that if the automobiles are cheaper than the tubes, then the horse and wagon preceding the automobiles are cheaper than the automobiles, and then the horse with the saddlebags of mail preceding the wagon was cheaper than the wagon; and if it is a mere matter of expense and that is the only consideration, then, sir, we might as well return to the primitive method, as much less expense would be involved then than by any modern methods which are now in vogue.

Mr. President, I have great respect for the Postmaster Gen-I know that his efforts are sincere; that his viewpoint is one of economy; that he is anxious to save the Government unnecessary expense, and that he is sincerely imbued with the impression that the system that he is opposing is more expensive than the one which he is advocating or he would not be advocating the one and denouncing the other. The Postmaster The Postmaster General, Albert Sidney Burleson, is a credit to his office and

an honor to his country-

Mr. BORAH. Mr. President— The PRESIDING OFFICER (Mr. PITTMAN in the chair) Does the Senator from Illinois yield to the Senator from Idaho? Mr. LEWIS. I yield to my honorable friend from Idaho, of course.

Mr. BORAH. What is the difference in expense as contemplated or urged by the Postmaster General? What saving does

he contend will be made?

Mr. LEWIS. I should like to ask the attention of the Senator from Massachusetts [Mr. Weeks]. He has some figures in his hand, and lest I be inaccurate in my statement, I would like the Senator to give the Senator from Idaho the exact figures that are presented.

Mr. WEEKS. I did not understand the Senator from Idaho.
Mr. BORAH. The question which I asked was what saving
does the Postmaster General contend will be made in the way of economy by inaugurating the automobile system as a substi-

tute for the pneumatic-tube system?

Mr. WEEKS. It is pretty difficult to answer that accurately, but he recommends an appropriation of \$482,000 for tubes below Forty-second Street, New York, and there is an item in the bill of \$400,000 additional for automobiles. Just how that is to be divided or how to be used nobody seems to know. The testimony is not accurate, but assuming that is to replace the tube system which is dispensed with, or the part of it which is to be dispensed with, it would mean \$882,000, which would be about \$60,000 or \$75,000 less than the appropriation.

Mr. LEWIS. I thank the Senator from Massachusetts. I was desirous of being accurate. The exact figures were not before me and I was about to repeat them from my best

memory only.

Mr. President, I beg to impress upon the Senate a few thoughts in support of my contention. In the first place, Senators, in a great city such as Chicago, with 1,250 passenger trains a day and countless other trains carrying mail and expressage, with mail destined for every part of the world, Senators will readily see that celerity of service, haste, and certainty are of more worth to the business community than the mere matter of

saving some expense in the transportation.

Now, assume for a moment, sir, that we abolish the tube system, that we return to the vehicles, and that these vehicles shall be automobiles, is there a Senator in this body passing through the city of Chicago, of which I have the honor with my colleague to speak, who can not perceive what that would mean? From 20 station points these automobiles would be clogged in the street for 10 minutes, 15 minutes, an hour, half a day, and sometimes the whole of a day, behind every form of delivery wagon. behind every form of obstruction. There is no law that gives them the right of way. They are not a fire engine or belonging to a fire patrol. Nothing need get out of their way. They are thus deterred, obstructed, and delayed. If they miss the particular train, say, bound for the Pacific coast, or that to the Atlantic coast, the mail may miss a ship, they may miss connection across the Pacific, one across the Atlantic; and the busi-They are not a fire engine or belonging ness of the country which should be done with quickness and celerity in that way is so delayed, so that weeks upon weeks may follow in delay when large business transactions fail, all because of that delay caused by our consideration merely of the lesser cost of the one system as compared to another.

Mr. THOMAS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. LEWIS. Surely.

Mr. THOMAS. It seems to me, from the statement of the Senator, it would follow that we should use these tubes for the additional 88 per cent of mails which are now transported on the surface, that if the interference with speedy delivery is so

great we should change it.

Mr. LEWIS. The Senator's position would be well taken if it were not that mail is divided in classes. That which in the nature of things is first class and which has to go speedily is that in part which is committed to the tubes, and that which does not require such immediateness of delivery is that which is submitted to vehicles. There must always be these divisions. I am referring to that class requiring quick delivery and say to my distinguished friend from Colorado it is because of that that I must impress upon the Senate the necessity to consider something more than the mere matter of expense,

The Senator from Massachusetts [Mr. Weeks] this morning called attention from the reports that, far from saving anything, to the contrary the very reports of the Department of the Post Office, if obeyed, will involve more money in their entirety than the full amount recommended by the committee for the tubes.

So in the finality there is really no money finally saved in the last analysis. The only amount of money that is saved is the proportion that might be paid for tubes, which might be less than a certain proportion of automobiles which they say would take the place of the tubes, but the amount for all the automobiles exceeds in its succession all the amount of the automobiles and the tubes

This system, Mr. President, comprehends continuing certain automobiles for certain service and the tubes for certain other service. As it has been reported, sir, by the business associations of the large cities to which I have alluded, this is necessary in order that they may increase their business and continue it.

Now, Mr. President, permit me to say, sir, there is a report read by the distinguished Senator from Washington [Mr. Poin-DEXTER] which starts out on the assumption that everything that is said in behalf of the tubes must be wrong. There seems to be wholly an abandonment; no reflection. There comes a report to-day denouncing the tubes as having none of the things which only a year or two ago they were specifically recom-mended as possessing. There seems to be a complete willingness to present reports here denouncing as wanting in the very things which under similar conditions one or two years ago were presented as having wholly the things which is now disclaimed. Surely these changes are brought about by the recommendations of subordinates of the Post Office Department made to its head, the head itself having no opportunity to learn the facts and taking the department's subordinates as the sole source of authority.

Mr. President, I charge no man with ignorance, but I do charge that it is gravely reflected in a community which I represent that large interests engaged in automobile manufacturing, which necessarily, of course, will benefit if the contracts for automobiles are given out by the Government, have been busy in convincing the subordinates of the Government that they can, by this automobile system which can be put into effect by the automobiles they may be able to sell to the Government, supersede the whole service of the tubes, both in service and time of

delivery.

Mr. President, I now call to the attention of my learned friend from Colorado, and it is of record, that the exhibition given to prove that the automobiles could go successfully through the streets of Chicago and land from place to place with more certainty, of course, than the tubes was, as here reported, given on Sunday, when, of course, it must be perfectly apparent to all Senators present no real test could have been made under those circumstances, for Sunday could never have been a day by which it could be ascertained what blockade and obstruction would be put before those vehicles in a busy day, rendering them impotent, almost useless, for the quickness of service. I must respectfully insist, therefore, that these subordinates, who have been able to convince the heads of the department, have themselves been deluded by representations by tests that clearly were not made under circumstances that could be at all just.

Mr. President, my interest in the matter, as I have manifested very clearly, is that the merchants of the city for which I speak tell me that this service is to their welfare and their interest; that they have no financial interest in the tubes, they have none in the automobiles, but they are only anxious that they shall have an opportunity to send their goods as rapidly through the mails as possible, and send their mail as rapidly as possible. that end they are asking that both these systems be continued.

Mr. President, I ask to tender at this time, and I ask to have printed in the RECORD as a part of my remarks, the reply of the

American Pneumatic Service Co., signed by its president, to certain charges made in the report read this morning by the Senator from Washington. I ask that it be printed as a part of my remarks in order that I may not burden the Senate by reading it.

The PRESIDING OFFICER. The Chair hears no objection,

and it will be so ordered.

The communication referred to is as follows:

AMERICAN PNEUMATIC SERVICE Co., Boston, December 9, 1916.

To our stockholders:

The annual report of the Postmaster General, just published, contains so many inaccurate statements regarding our mail-tube service, and exhibits such an unaccountable spirit of hostility to our interests, that we feel it our duty to call the matter to your attention and to request your aid and cooperation.

The statements of fact which are not true appear chiefly in the quoted extracts from the report of a commission appointed by the Postmaster General, but in part in the Postmaster General's own report. The prejudice against our company appears in both.

MISSTATEMENTS OF FACT.

master Generai, but in part in the Postmaster General's own report. The prejudice against our company appears in both.

MISSTATEMENTS OF PACT.

The report of the commission states that "the capacity of each tube container is limited to about 5 pounds of letter mail."

This statement is untrue. The capacity of each one of our containers is about 10 pounds, or 500 letters.

This report states that "the rapidity of dispatch of tube containers is limited to intervals of about 15 seconds."

This statement is untrue. Our containers are dispatched at intervals of 8 to 10 seconds, and under certain conditions can be dispatched at even smaller intervals.

The report states that "\* \* "only about 20 pounds of letter mail can be dispatched each minute." \* \* \* "only about 20 pounds of letter mail can be dispatched each minute. The truth is that we can dispatch 60 pounds or more, or 3,000 letters each minute.

The commission states that the "paralleling of the entire system of tubes by vehicular service at the time of heavy dispatches" has been necessitated.

The inference plainly intended is that letter mail has frequently to be carried by vehicler, because our tube containers are so limited in size and infrequent of dispatch that they have not been able to do the work for which they were intended.

This statement and intended inference is untrue. Our service is ample for the dispatch of letter mail at all times, even during holiday seasons. The "vehicular service" referred to by the commission is provided for the transportation of second-class mall—newspapers, periodicals, and parcel post—for which the mail-tube system was never intended.

The commission further states that "complaints resulting from damage to mail "in our tube service are "frequent."

This statement is not in accordance with the facts. The truth is that complaints of damage to mail due to openings of the containers or any other cause are very infrequent. Our systems in five cities carry approximately 26,000,000 letters per day—8,000,000,000 letters in the

MISLEADING STATEMENTS.

Besides these glaring misstatements the report contains statements of half truths with misleading inferences.

The commission says that the service is inflexible, and that "it can not be expanded to meet recurring or emergent conditions, thus resulting in congestion." The inference plainly intended is that there have been "recurring or emergent conditions" under which our service has broken down. But this is not the fact. Our service has never failed to carry efficiently and satisfactorily the letter mail which it was constructed to carry.

down. But this is not the fact. Our service has never falled to carry efficiently and satisfactorily the letter mail which it was constructed to carry.

The report comments upon "inability of tubes to carry many special-delivery parcels," plainly implying that our system has thus partially falled in what was expected of it. But the fact is, as already stated, our tubes were intended only for letter mail and not for parcel delivery, although, in point of fact, we actually carry those parcels which are not too large for our containers.

The report comments upon the "necessary relaying of containers at way stations," and the "inability to dispatch mail to intermediate stations during continuous transmission between any two points."

The statement exaggerates a trivial matter. The loss of time resulting is merely a matter of seconds and entirely negligible in the practical operation of the system. In point of fact, mail urgent for delivery at one point never has to wait for mail going to another, for at any moment the operator may shift at will the transmission of mail from one point to another.

The report comments upon the fact that the "discontinuance of service on an entire line results from stoppage of operation of the tube at any point on that line."

Naturally. It hardly takes a postal expert to know that if a tube is stopped up it can not be used until it is cleaned out. But the inference which this statement is intended to carry is that such stoppage frequently occurs in our tubes, and this is unfair and untrue. Such

stoppages are exceedingly rare. In our St. Louis tubes there has been no such occurrence for over two years.

The report comments unfavorably upon the fact that our terminal equipment "occupies a considerable amount of desirable space \* \* \*"

The same trivial criticism might be made of any labor-saving machine

#### THE MERITS OF OUR SERVICE

The same trivial criticism might be made of any labor-saving machine or device.

The Merits CF Our Service.

Our mail system has heretofore had the approval of every Postmaster General since it was installed, in 1893, under Postmaster General Wanamaker. Five commissions appointed for the purpose, including leading engineers in the country, have investigated and examined our operations. Congressional committees have given the matter careful thought and investigation. Commercial and civic organizations in cities where our systems have operated have carefully investigated their use. Hitherto no one has ever reported otherwise than in approval of the usefulness and efficiency of our service. A congressional committee has recently reported its conclusion in the following terms:

"The pneumatic-tube service for the transmission of mails is a valuable adjunct to the mail-transportation service for handling first-class, registered, and special-delivery mails not furnished by other means of transportation, and is justified by the advantages of availability, expedition, security, and reliability.

The present Postmaster General disregards the opinions and judgment of all these gentlemen, including his predecessors. He apparently regards all their opinions as those which come under his characterization of "well-meaning but ill-informed citizens."

In his attempt to discredit in advance what we shall say in our reply to his attack upon our company, the Postmaster General makes a series of statements and charges amazing in their inaccuracy, discourteous in their phrasing, and baseless and unwarranted in their substance. As to these, we shall present the facts at the hearing granted us by the Committee on Post Offices and Post Roads. It is enough now to say that these statements and charges, made by or upon the authority of the Postmaster General are unworthy of him and of his high position and ill beft an official Government document, which in its statements ought to be fair, unbiased, accurate, judicial, dignifed, and cour

WILLIAM H. AMES, President.

Mr. JONES. Mr. President—
The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Washington?

Mr. LEWIS. I yield to the Senator from Washington.
Mr. JONES. I want to say to the Senator from Illinois that I have very little information with reference to this matter. About all the information that I have I obtained through reading a copy of a letter from the Postmaster General, which was sent to the chairman of the Committee on Post Offices and Post Roads, setting out the position of the department. I find this statement in that letter, and I should like to ask for information the Senator's view with reference

The department is confronted with this situation—whether it shall continue the use of the service at an enormous rental and continue to impose on the public an inefficient service by delaying its mail when the mail can be expedited by other means which are efficient and which can save the Government \$613,000 each year.

There is a direct statement by the Postmaster General that he can render much more efficient service than we now have and that it will also make a saving to the Government of \$613,000 annually. If those statements are correct, I do not know what would justify me in voting for this amendment. If they are not correct, of course I should like to know it.

Mr. YEWIS. Mr. President in the first place I wish to cove

Mr. LEWIS. Mr. President, in the first place, I wish to say to the able Senator from Washington that these figures of the Postmaster General, honestly presented and presented from a sincerity of his convictions, as I have said before, are born of the subordinates have subordinates have deductions taken from subordinates, which subordinates have been imposed upon, as I feel, by those who are interested in another form of service.

First, sir, they are but a calculation based upon an assumption of a condition of facts that they have never had an opportunity to work out, which are that if they had automobiles they could deliver and could deliver without obstruction and within a certain length of time and accomplish just as much as the tubes have already accomplished. Naturally the Postmaster General assumes that if these facts presented to him are true, this amount of saving, as suggested by him, would follow.

Mr. President, I may startle the Senator from Washington when I say to him that, for myself, I am not willing to take any system merely because it may be cheaper than another. hold that the mere saving of some money to the Government in lessening a service, to be supplanted by some service that might be rendered more cheaply, is not the first consideration. avail would it be to us

Mr. JONES. Mr. President-

I yield to the Senator from Washington. Mr. LEWIS.

The Senator from Illinois did not understand me to say that I would vote for a system simply because it was cheaper; but the Postmaster General couples the statement of saving with a statement that he can do this work more effi-

ciently, as well as effecting a saving.

Mr. LEWIS. Mr. President, the able Senator from Washington probably did not hear what I had previously, in the opening of my remarks, called attention to, that the deductions and prophecies of the Postmaster General were based on his honest belief in those who had reported to him. It is, of course a belief; and it may be, sir, that there are circumstances which might produce the result which the Postmaster General says would follow; it may be I am wrong; it may be all of those who have instructed me may be wrong; it may be that all the merchants of these large cities may be wrong who say that they have tried this system and they find it to be to the best advantage of commerce and business; but the only test we have had, I may say to the Senator from Washington, has proven that the tubes have, with a very slight exception, disclosed the capacity to deliver with celerity and alacrity, they having been obstructed but in rare instances—in St. Louis not once in even two years—whereas it must be perfectly plain that automobiles could never escape obstructions from time to time, hour upon hour, and day upon day, which would mean demoralization of the whole quick service of the mails through

Mr. President, there is a thing I beg to impress upon the Members of the Senate. There is no provision here calling upon the Senators to vote these tubes as a permanent policy upon the Government. There was a commission which reported concerning this matter. The only proposition that Senators are called upon now to sustain is that reported by the majority of the Post Office Committee authorizing these tubes to remain in their present service, not to disturb the service as it now is; that is, to continue it until the coming year. In the meantime a commission is to be authorized to investigate all of the facts. from all the persons, the merchants who have made representations to us, those who have made representations to the subordinates of the Post Office Department, the subordinates of that department themselves to be heard, and upon that report to reach the final conclusion: First, whether it is advisable for us to have the tube system; second, if so, shall the Government enter upon the construction and ownership of the tubes themselves; or, third, shall it be done through private compa-This does no more, as the Senate will see upon examining the report, than to give to these people a chance to be heard, not immediately disrupting their service but allowing time to elapse in which it may be decided, upon thorough investigation, what is the best system.

Mr. VARDAMAN. Mr. President-

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. LEWIS. Certainly.

Mr. VARDAMAN. The Senator from Illinois seems to be laboring under the apprehension that the automobile has not been fully tested to determine accurately whether or not it is capable of doing the service that the tubes are doing. The Senator ought to be aware of the fact that the automobile to-The day carries more than 50 per cent of the letter mail of the cities where the tubes are installed. The tube only carries, I think, in the Senator's city probably 50 per cent of the letter mail, which is only about 12 per cent of the total mail, making it a very small percentage of the entire volume of mail. The automobile has been thoroughly tested in carrying the mail, and I do not see how there could be made a more convincing or conclusive test than has already been made.

Mr. LEWIS. Mr. President, the system which prevails in the locality where I live-of course, I can not speak for New York or Boston, whose distinguished representatives here will speak for them-is so arranged that a certain class of mail that is clearly emergency mail, depending on its volume, is sent through the tubes and thus quickly expedited. The Senator from Mississippi, ever anxious to get at the justice of any matbe called letter mail, that is carried in automobiles. It is for that reason that I said that we were not seeking to wholly destroy either system but to include and continue both, and that we only asked to have the tubes continued for that particular special service so necessary to the welfare of the business of a city such as Chicago.

Mr. WADSWORTH, Mr. President-

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New York.

Mr. LEWIS. I do.

Mr. WADSWORTH. I suggest to the Senator that, while it is a fact that perhaps only 40 or 50 per cent of the first-class letter mail of the city of Chicago is carried in the tubes and that perhaps 60 per cent is carried by automobiles, the reason for that is that the tubes are very limited in extent and do not reach the greater portion of the city. Many of the substations are not supplied with the tube service. The greatest channel of transportation, as I understand, in Chicago, which the tubes provide, is from the general post office to the stockyards.

Mr. LEWIS. The Senator is quite correct.

Mr. WADSWORTH. If the tube service were extended, it

could take all the letter mail.

Mr. LEWIS. I referred to that a moment ago without being so definite by using the words "geographical limitation." I did not assume that the Senate would know as to the location of the stockyards and the relative geographical points of my city, and therefore I did not allude to the stockyards by name. course, if the tube service should be extended all over the city, it is assumed that it would accommodate the full needs of the

But, Mr. President, when I yielded to the able Senator from Mississippi I was alluding to the fact that surely the Senate can find it agreeable to grant to Chicago and to the other large cities their request that they be allowed this particular kind of

service that all of their people insist is a necessity.

Mr. President, will it be overlooked, and will I be condemned by the Senate, for calling attention to the fact that communi-ties which furnish such a large percentage of the mails and which have such large use for the post office might be heard and might themselves be the judge of that which best serves their necessity? When it is not a question of the interest of the automobiles or the tube service, but of the merchants themselves, surely their voice ought to be accepted, for they are the first to lose. If their position be not well taken, they would be the very first to suffer the disadvantage; and surely it will not be assumed that their representatives would come here and ask for a system for the accommodation of anyone whomsoever that would mean a loss to their business and a destruction of their precedence and prosperity in commerce. So, may I take the liberty to impose upon the Senate the thought that those who are so greatly interested, and who come without dissent, should be considered as the best equipped to express themselves upon that which best serves their interest? Even if it were conceded that a little increased expense did follow, if the increase is offset by the very great benefit to prosperity and commerce, that

should be considered, as I see it.

I will not disguise to the Senate a personal interest. I am anxious that my community, represented by my distinguished colleague and myself, shall have that which they have appealed for; and I submit to the Senate that this is the first time, as it will recall, that Chicago has raised her voice and asked to be will recan, that Chicago has raised her voice and asked to be given any consideration. If she is entitled to it, she ought to have it; if she is not entitled to it, no appeal of hers should give it to her; but if, on the other hand, there be no potent or unanswerable reason why she should not be given it, she ought not to be denied it merely because there are certain sections of the country which, knowing nothing of her needs, have concluded that from their point of view she ought not to have it.

I respectfully ask that the amendment be agreed to, and that the judgment of the majority of the committee be acquiesced in,

Mr. WEEKS obtained the floor.

Mr. WEEKS obtained the floor.

Mr. MARTINE of New Jersey. Mr. President—
The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. WEEKS. Certainly.

Mr. MARTINE of New Jersey. I did not know the Senator from Massachusetts had the floor. I yield to him, of course.

Mr. WEEKS. Mr. President, I desire to refer to some of the matters which have been discussed relating to this service, because I do not think that Senators generally understand all

because I do not think that Senators generally understand all of its phases. It is a service that has been in operation 16 years. At least five commissions have given consideration to its adaptability and other questions relating to it, the last from Mississippi, ever anxious to get at the justice of any matter, is quite correct that there is also similar mail, that might for the Government to purchase this system. That was the commission of which the Senator from Georgia [Mr. SMITH] was the chairman. The only commission that has ever expressed doubt about this service was the one created in 1901; but later, in 1902, another commission, made up of experts outside of the Post Office Department, reported favorably on this system. Its report was indorsed by those who had been members of the 1901 commission, and it was in 1902 that the rate of \$17,000 a mile was established. Certainly if that was a fair rate at that time, it can not be a high rate under the conditions

which exist to-day.

I do not pretend, however, to say what is or is not a fair rate for this service. I do know, however, Mr. President, that the hearings indicate that the service is not profitable; that no dividends have been paid on the stocks of these companies; that about a third, or less than a third, of the cost is represented by bonds; that interest is paid on the bonds alone; and that the officers of the Philadelphia company, for instance, receive no salary whatever and have not received any. The probabilities are that the net returns, based on a charge of \$17,000 a mile, are not more than 3 per cent, and probably not more than 2½ per cent, on the capital actually invested, which was reported by Senator Smith's commission as being about \$10,000,000.

While I do not base any claim for a renewal or a continuance of the service on the moral issue, I submit to the Senate this proposition, that when private citizens are invited by the Government to invest their money in a service which is used solely by the Government there is some connection, at least of interest, which should give at least a fair consideration to a renewal of

the service, if it is not altogether inefficient.

In this case it should also be brought to the attention of the Senate that there is not a single rod of service which has been installed except at the request of the Post Office Department. We can not, of course, hold former administrations responsible for what has taken place, but there have been extensions made in the service under this administration. Last summer, while we were considering a renewal of this appropriation, there was an application from the department to the Pneumatic Tube Co. to extend the service to accommodate a change in the Back Bay post office, Boston, at an expense of between \$30,000 and \$40,000.

Mr. VARDAMAN. Mr. President, does the Senator intend to say that there has not been a rod of this service that was not constructed except at the request of the Government?

Mr. WEEKS. I mean to say that none of it has been in-

stalled at the expense of the Government-

Mr. VARDAMAN. I mean at the request of the Government. Mr. WEEKS. In the last 10 years during the time the same contract has been in effect-

Mr. VARDAMAN. The Senator understands, of course, that the system in Boston was put in for a very different purpose.

Mr. WEEKS. Oh, yes; and, as the changes have been rung on that, I may as well answer that suggestion here and now. Some 15 years ago the merchants of Boston decided that they would like to try the experiment of transporting packages to suburban sections through a pneumatic-tube service. Boston, as most Senators know, is peculiarly located. There are about 700,000 people in the city proper and about as many more located within 10 miles of the State house. Boston is surrounded by a chain of cities ranging from 30,000 to 150,000 in population. In order to get the packages from the center of Boston to the outlying districts, the merchants tried the experiment of sending them by means of a tube service. It was found to be too expensive a method of handling packages, and, after trying it for two or three years, they concluded that they could use to better advantage the local express companies, which run from the center of Boston to the outlying communities, because that would obviate the handling of the packages as many times as would be necessary under the tube system. For instance, in order to use the tubes, a merchant would have to send his packages to a central station or to a tube station, and then have a team to receive them at the other end to deliver them. Sending them direct by the local express companies simply meant loading them into a wagon of the express company at the store, and delivering them from the very same wagon.

I think that there is not another service like it in the United States; but that tube was taken over on exactly the same terms that new ones were constructed. Instead of the 10-inch cylinder being used, an 8-inch cylinder has been run through the 10-inch It did not pay to send packages through the tubes; but Senators should not forget that this tube service is primarily for first-class mail, mail that demands and requires rapid transit. It was never intended to send second, third, or fourth class matter through the tubes; it has not been done, and quite likely it is not desirable that it should be done.

The Senator from Mississippi [Mr. VARDAMAN] raised within few minutes the point that not more than half the firstclass mail of these cities is carried by the tubes. Of course that is true, because the tubes only reach certain sections of a There are at least 25 substations to the Boston post office not reached by the tubes at all; and, of course, the mail between those substations and the main office must be carried by automobiles or in some other way. That is the reason why \$400,000 in addition to the \$5,600,000 already appropriated for screen-wagon service and other service of that kind is added to the appropriation this year. Four hundred thousand dollars-and I want this to answer what the Senator from Washington has said—presumably \$400,000 is to be appropriated to buy additional automobiles. The department recommends that \$482,000 shall be appropriated for pneumatic-tube service below Forty-second Street in New York City. Add that \$492,000 to the \$400,000, and it leaves a difference of about \$75,000 between the total department's appropriation for this service and what is recommended by the committee for the tube serv-In other words, instead of there being a loss of \$613,000 from the worst standpoint, there is a loss of less than \$75,000. Mr. BORAH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Massa-

chusetts yield to the Senator from Idaho?

Mr. WEEKS. Yes. Mr. BORAH. Does the Senator from Massachusetts contend that the adoption of this amendment will represent a difference of only about \$75,000?

Mr. WEEKS. About that.

Mr. BORAH. Then the statement which was read by the Senator from Washington as to a saving of something over

\$600,000, the Senator contends, is not well founded?

Mr. WEEKS. The Senator can see that it can not be true, because the Postmaster General recommends \$482,000. Add to that the amount which he says he will save, \$613,000, and it would amount to \$1,095,000, while the committee only appropriates \$966,000.

Mr. BORAH. Now, another question. Who owns these

pneumatic tubes?

WEEKS. The American pneumatic-tube service is owned by three or four thousand stockholders-I do not know how many.

Mr. BORAH. Who are the principal stockholders?

Mr. WEEKS. I have no idea. I never have looked up the stock list. There have been no dividends paid on the stock since the year 1.

Mr. BANKHEAD. There are over 3,500 stockholders. They

are scattered mainly all over the New England States, although, of course, there are stockholders in other sections.

Mr. BORAH. I should like to ask the Senator another question. Is he of the opinion that we should, then, continue to patronize this pneumatic-tube service in the ownership of pri-

vate individuals, or should we own it?

Mr. WEEKS. I should like to ans I should like to answer that question now. The Post Office Committee, perhaps with the exception of one or two members-one member certainly-believes that the Government should own this service at some price; and that was the purpose of putting in the provision to have a commission investigate the price and report to Congress. That is simply carrying out the report of the Hoke Smith Commission, which recommended the purchase of these tubes, but did not go any further. Now we are going to the extent of asking somebody to find out what the tubes can be bought for and then to consider whether or not we shall purchase them.

Mr. JONES. Or a portion of them.

Mr. WEEKS. Mr. BORAH. To purchase a portion of them or all of them. One other question. Does the Senator think that the price which we are now paying for the tube service is a reasonable price?

Mr. WEEKS. All I can say is that I would not think of putting a cent of money into this proposition based on the present rental to the Government. Whether it is reasonable or not I am not competent to say; but I think that a man comes pretty near being crazy to invest money in this enterprise under pres-

ent conditions.

Mr. GALLINGER. Mr. President-The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. WEEKS. I yield.

Mr. GALLINGER. As to the matter of stockholders, I will ay that I have received during the past two months, I think, 20 letters, mostly from citizens of New Hampshire, and several of them from women, saying that they have stock in this corporation; that it is not a profitable stock; and expressing the hope that unfavorable legislation will not be enacted. I did

not before know that the stock was scattered in the way stated. but it seems to be held to a very large extent throughout the New England States, and manifestly it has not been a very good paying stock, from what I learn from my correspondents.

Mr. POINDEXTER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. WEEKS. Yes.

Mr. POINDEXTER. Has the Senator from Massachusetts any idea how much charge per mile would be profitable if ,000 per mile is not profitable?

Mr. WEEKS. I do not know about that, Mr. President, but I know I would not put money, and I would not advise anyone else to put money, into the company operating this service based on a charge of \$17,000 a mile.

Mr. POINDEXTER. Does the Senator dispute the fact stated by the Postmaster General that, even at \$17,000 a mile, which evidently can not be maintained if it is unprofitable, this is the most expensive mail service in existence?

Mr. WEEKS. I do not think it is the most expensive when I do not think there what it does is taken into consideration. is any justification for that statement. It is the most expensive per mile service, but you can not compare this service with railroad service, where the carrying of the mail is only supplemental to the real purposes of the railroad, and that comparison which the Postmaster General has made would never have been made and would not be given any consideration by any business man of standing.

Mr. POINDEXTER. Well, it might be given consideration by Of course, the conditions are somewhat different, but still the results to be obtained are very much greater by

one method than by the other.

Mr. WEEKS. One might as well compare the fleetness of a race horse with the speed of an ox as to compare the service performed by pneumatic tubes with what is done by the rail-

Mr. POINDEXTER. The Postmaster General says that the net result is that the mails are delayed.

Mr. WEEKS. If the Senator will bear with me, I will demonstrate to him that there is nothing in that statement.

Mr. POINDEXTER. Another question-

Mr. WEEKS. And, moreover, let me say now, as long as I have the floor and can answer it, that the Postmaster General gave instances where mail was delayed below Forty-second Street in New York, and yet recommends that the service be continued in the very place where he says there were delays.

Mr. POINDEXTER. Mr. President, I should like to ask the

Senator whether he knows anything about the salaries that are received by the officials of the companies, and where does this \$17,000 per mile per year go, if the stockholders, the widows and orphans to whom the Senator has referred, get no part of it at all? Who gets it? Mr. WEEKS. Mr. President-

Mr. POINDEXTER. Just one word in addition. It seems to me that a pneumatic-tube service, in the very nature of the thing, would not be very expensive in operation. Possibly there could be some large saving made somewhere; and if the Senator knows who receives those amounts of money, I should like to have him inform us.

Mr. WEEKS. I do not think there can be a saving unless there is a saving made due to the attacks of the Government on this service, which is entirely dependent upon the Government. I have never been through the books, and I suggest to the Senator from Washington that he make an investigation in his own time and on his own account relating to that. I never have heard it suggested that there was any undue or unreasonable salary paid to anybody connected with this service, or that the expenses were greater than they should be for conducting such a service. I do know that the stockholders do not get any dividends. That is perfectly apparent by looking at any financial return; and I do know that nobody will put his money into this service, and has not been willing to do so for years, at a less rate than about 7 per cent.

Mr. POINDEXTER. The only reason why I asked the question

was because the plea is made here that this thing must be maintained on behalf of the stockholders, and yet it is said that the stockholders are getting no benefit from it. I should like to know where the motive comes from for this tremendous campaign to keep this service in operation if it is of no benefit to anybody.

Mr. WEEKS. Mr. President, I will tell the Senator where my motive comes from. My motive comes from a belief that this service really expedites the Postal Service, and that it is a most reactionary step to give it up.

Mr. POINDEXTER. That is a perfectly proper motive; and I did not refer to the motives of Senators when I asked the ques-I mean the motives of the private individuals. Senator certainly will not contend that the private company that owns this pneumatic-tube service is actuated by any such motive as he describes, and that it wants to maintain this service at a loss for the public benefit.

Mr. WEEKS. Mr. President, the Senator from Washington came pretty near reflecting upon Senators when he was addressing the Senate two or three hours ago, and if he will examine his remarks he will find that he did. But the motive of these stockholders and their representatives is that they have invested ten millions of dollars in a service at the request of the Government, and if this amendment is not agreed to it means that their investment goes to the scrap heap. Now, has the time come when citizens of this country who invest their money for a purpose which is solely for the Government's benefit can not come to Washington and see their Senators and Representatives and make such statements as they think are fair and right in order to protect their property? If that time has come, our citizens are without redress whatever may be their grievance. I say that it is the duty of people to come here and to tell Senators and Representatives what they know about this system, and what they think should be done and why they think it should be done. If they did not do it, they would not be doing their duty by themselves or the stockholders whom they represent.

Mr. JONES. Mr. President, the Senator was diverted from the line of his talk a while ago, and I thought possibly before he resumed that he might not object to answering a question which I should like to ask him about this letter of the Post-

master General.

Mr. WEEKS. I shall be glad to answer it. Mr. JONES. I think the Senator has answered one suggestion in this letter, that the experience at Boston about 15 years ago had demonstrated that transportation by pneumatic tubes is obsolete. I think the Senator has explained the incident upon which I suppose that statement is based. I understood the Senator to say, early in his remarks, that a commission appointed under this act of 1902 had reported in favor of the continuance of this service.

Mr. WEEKS. They did, and they reported that \$17,000 a

mile was a fair rate.

Mr. JONES. Here is what the Postmaster General says in the letter which I have referred to heretofore:

In accordance with this act-

That is, the act of 1902-

a commission composed of the ablest postal experts in the service was appointed, and, after thorough investigation, recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis. These recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved.

I do not know that the letter says so, but the Mr. WEEKS. Senator from Washington has confused that commission with the commission that has just reported. It is the commission that has just reported that reported to that effect.

Mr. JONES. Well, he says, "in accordance with this act"; that is, the act of 1902. Mr. WEEKS. Yes.

Mr. JONES. And I thought that was the commission to

which the Senator referred.

Mr. WEEKS. No. The commission of 1902 established the present system and the present rate of pay; and it is under the contract which has covered this service in the meantime that the commission of last year-or year before last, rather, to be more accurate—was appointed, and has made the report which we are now considering.

Mr. JONES. That report was a recommendation for the discontinuance of the service in the cities mentioned here?

Mr. WEEKS. Yes.

Mr. JONES. And that was the commission that was provided for in the act of 1902?

Mr. WEEKS. It was provided for in the act of 1902.

Mr. JONES. So that the commission to which the Senator referred was another commission?

Mr. WEEKS. Oh, no. I think I may be lacking in clearness in the statement which I have made. The act of 1902 provided as to various phases of this question, including the rate per mile to be paid; and it also provided that a lease or a contract should be made which should run for 10 years, and that at the end of that time the Postmaster.General should appoint a commission to report to him on the advisability of continuing the service. So that the commission which has just reported was really provided for in the act of 1902; but the commission of

1902 did not make any recommendation about discontinuing any

Mr. JONES. I was mixed about that. I wanted to get it clear, because I wanted to find out about this report that the Postmaster General says was made by a commission; and he refers to the act of 1902, in which he says they recommended discontinuance, and then in this same paragraph he goes on to refer to this rental of \$17,000 a mile as being entirely too high.

Mr. WEEKS. That is what that commission recommended,

\$17,000 per mile.

Mr. JONES. That is, the early commission?

Mr. WEEKS. Yes.

Mr. JONES. Of several years ago? Mr. WEEKS. Yes; 13 years ago.

Mr. JONES. But not the commission to which he refers in

this letter?

Mr. WEEKS. I do not know what he refers to in that letter, but I assume that he refers to the commission which has just

Mr. BORAH. The commission which has just reported did

not report for discontinuance, did it?

Mr. WEEKS. They reported for a discontinuance in Boston, New York north of Forty-second Street, Philadelphia, Chicago, and St. Louis.

Mr. JONES. And Brooklyn. Mr. WEEKS.

And Brooklyn.

They reported that the pneumatic-tube service Mr. BORAH. should be discontinued?

Mr. WEEKS. That it should be discontinued.

Mr. BORAH. The last one?

Mr. WEEKS. The one which has just reported-the commis-

sion which reported last fall.

I want to say a word about that commission. It was appointed in July, 1915, with instructions to report before the 1st of October, 1915. As a matter of fact, it reported so that the report was made public on the 11th of December, 1916; and that was one reason why we found it necessary to put in the appropriation bill last year a provision making it obligatory on the part of the Postmaster General to expend the appropriations for this service, because the commission, although the report was more than a year overdue, had not then made a report. There are circumstances connected with that which I think might well be investigated by some other commission. However, I am not going into those matters at this time. All I know is that they did not report promptly. They gave the excuse that they were making investigations of tube services abroad, and other things which everybody knew about, which were already on file, which had been investigated over and over again, and for some reason they did not report for more than a year after the time they were instructed to do so by the Postmaster Gen-

Mr. JONES and Mr. VARDAMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and to whom?

Mr. WEEKS. I yield to the Senator from Washington first. Mr. JONES. Has the Senator any information with reference to this statement of the Postmaster General?-

These recommendations had the unanimous approval of the post-

Yes: I have some information on that subject. Mr. WEEKS.

Mr. JONES. I should like to have it.

Mr. WEEKS. Now, let me tell the Senator from Washington who is in favor of discontinuing this service. These three men, the man who is now First Assistant Postmaster General, recently the chief inspector; the Superintendent of the Railway Mail Service, and another member of the commission connected with the same service. They are old post-office employees, but no one of them has ever had anything to do with the pneumatictube service. They never have been, as far as I know, associated with the post offices which have used the pneumatic-tube service. Although they are post-office employees of long standing, they undertook this investigation as a new proposition.

In addition to the commission who have favored a discontinuance of this system? First, the postmaster at St. Louis, an appointee of this administration, of course; and incidentally I want to say in regard to the postmaster at St. Louis that he did not make the figures which he reported, and did not know what the figures meant when he was asked a question about the kind of service that could be used in place of the pneumatictube service there. He did not know what the gross receipts of his own post office were, although he had been postmaster more than three years. He did not know what the net receipts were, within a million dollars, although he had been there very nearly three years. He had written a letter previously, only two years before this investigation, in favor of this tube service, and he stated on the stand before the Senate committee that he did not take back a single word of that letter.

The postmaster at Chicago was a hold-over Republican, because it had been impossible to agree on a Democrat to take that office. Incidentally I have seen, within a day or two, that the President has appointed a postmaster at Chicago to succeed Mr. Campbell, and, lo and behold, they find that he also is a Republican! But, in any case, that postmaster had been on one of these commissions, had previously reported in favor of the tube service, and he stated that he did not take back any of his previous statements, but he thought there should be some modifications or some changes, or words to that effect.

Then, there was the postmaster at Boston, also an appointee of this administration, formerly a Member of the House of Representatives, and a bright man. The postmaster at Boston said that he was not entirely opposed to the tube service, but he thought that tubes should be retained only where there were long distances, and that the virtue of the tubes was the continuous passage of mail through them. If an automobile were used, it would be on a half-hour or hourly service, while in the tube service at least six of the containers could be dispatched every minute, and that was the virtue of the tube service.

The postmaster at Philadelphia was not brought here at all. I am told that the reason why he was not brought here is because two employees of the Post Office Department had been sent to Philadelphia for the practical purpose of running that office. Anyway, they did not take chances with that postmaster, but they brought over one of the employees of the post office in Philadelphia who was connected with the general post office in

Washington to testify relative to the local service.

The other postmaster involved—the postmaster at New York—as the Senator from New York has stated, has been 40 years in the Postal Service. He commenced as a letter carrier and has occupied every position which a man would naturally fill up to the place which he now holds. He has been postmaster for more than eight years and is universally commended as one of the ablest men in the Postal Service. He testified directly contrary to the other postmasters. He says that this service ought to be maintained, and that it will be a great mistake to discontinue it.

I have named every man who in any way has given any testimony in favor of the discontinuance of this service. Now let us see who the people are who want to retain it. peared at the Senate hearings representatives of the organizations I shall name, and many others at the House hearings.

At the Senate hearings there appeared representatives of the Chamber of Commerce of the city of Boston, the United Improvement Association of the city of Boston, the street commissioner of the city of Boston, and the mayor of the city of

From New York, the mayor of the city of New York in person, representatives of the Merchants' Association, The Bronx Board of Trade, the National Hotel Druggists' Association, the Central Mercantile Association, the National Clothiers' Asso-ciation, the Silk Association of the United States, the Manufacturers' and Business Men's Association, the Safety First Association, the Safety First Federation, the Traffic Squad, the National Dry Goods Association of New York City.

From Philadelphia, representatives of the Board of Trade, the Philadelphia Bourse, the Commercial Exchange, the Master Builders' Exchange, the clearing house, the chamber of

commerce.

From Chicago, the Association of the Chamber of Commerce, the Illinois Manufacturers' Association, the Rotary Club, the Advertising Associations of Chicago.

From St. Louis, the Merchants' Exchange and the civic organizations were all represented.

There has not been one single word, Mr. President, in opposi-tion to a continuance of these tubes from the citizens of the cities in which the tube service has been in operation.

Now, what does that mean to those cities? Let me point out some of the reasons why this service should be continued.

The city of New York has spent \$350,000,000 to get traffic off the streets. The streets are all torn up now, as every Senator knows, digging subways in order to get rid of traffic on the surface of the streets. The city of Boston has spent \$35,000,000 to get traffic off the streets. The city of Philadelphia has spent \$40,000,000 to get traffic off the streets; and there is not one of those cities that is not extending its plans for that purpose. They are talking about overhead sidewalks and about an elevated street in Boston, about a subway under the subway, about widening streets that are now constructed, at great expense, for the purpose of lessening the congestion of traffic. The testimony is universal about the condition of the traffic in these cougested cities. Those Senators who come from the newer sections of the country, where the streets are broad, can hardly comprehend the situation which exists in Boston, New York, and Philadelphia, where the streets are very narrow.

I stated before the committee, Mr. President, that, for example, in Boston I never take my automobile down town beyond the State House, because I can walk faster than the automobile goes, and it is not safe because of the danger to life and to property as well. The traffic commissioner of the city of New York testified that there were very nearly 700 deaths caused on the streets of New York by the traffic on the surface of the streets last year, and more than 22,000 persons were injured; and he testified that the trucks used in carrying the mails were 10 times as destructive as the average vehicle on the streets. is a very important question in these days-this question of life, as well as the question of property; and when cities are expending the enormous amounts of money which are being spent in order to get traffic off the streets, for the Government to insist on putting traffic back on the streets, even if it could save some money in doing so, would be unjustified, in my opinion.

Moreover, Mr. President, these five cities show a net return to the Post Office Department of more than \$50,000,000 a year.

Mr. BANKHEAD. Seventy-five million.

Mr. WEEKS. The Senator from Alabama says \$75,000,000 a year, or 75 times as much as this whole pneumatic service costs. Is there a Senator here who, if he had five customers out of whom he was making \$75,000,000 a year, would think for a moment of taking away from them a service, even if he thought it could be performed otherwise as well, which they objected to having taken away, and which cost only \$1,000,000 a year? I say that these cities have some rights.

I notice that the Senator from Washington [Mr. Poindexter] referred to rural service and said that if this \$613,000 could be saved it should be spent on the rural service. Now, no Senator here wants in any way to modify the rural service, and yet it costs the Government \$40,000,000 a year more than the Government gets out of it. If we wanted to save money, as the Vice President suggested this morning, we had an opportunity to do it yesterday. We are paying a subsidy, according to the reports of the Post Office Department, of more than \$80,000,000 to those who produce second-class matter, and yet we are discussing here the question of saving a few hundred thousand dollars by taking away a service from the people who really produce the great net revenue of the Post Office Department

Mr. CLAPP. Mr. President, will the Senator yield for an

inquiry?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. WEEKS. I yield.

Mr. CLAPP. I do not make the inquiry in any spirit of criticism, and I do not know whether or not the Senator is familiar with the particular question that I want to ask about, but it strikes me that it would have some bearing on the wisdom of continuing this system. Some years ago I was shown in New York what was represented to be a system like this, in use, I think, by some of the larger newspapers. dered whether the Senator knew whether the proprietors of those publications had found it expedient to continue the underground system as against carrying on the surface?

Mr. WEEKS. I do not know. I can not answer that ques-

Mr. CUMMINS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. WEEKS. I yield to the Senator. Mr. CUMMINS. The Senator from Massachusetts stated two or three times that this system had been installed at the re-

quest of the Government. By whom?

Mr. WEEKS. I ought to make this change in that statement, if the Senator from Iowa understood it in that way: That since the 1902 contract all extensions made have been made at the request of the Government, and more than half of the system has been installed since 1905.

Mr. CUMMINS. And always at the request of the Govern-

ment?

Mr. WEEKS.

Mr. WEEKS. In every instance.
Mr. CUMMINS. What form did the request take?
Mr. WEEKS. It requested the extension of the tube to a certain point, with the proviso, of course, that the company should be paid at the rate of \$17,000 per mile.

Mr. CUMMINS. What officer of the Government made the

Mr. WEEKS. My impression is, the First Assistant Postmaster General; but I am not quite certain.

Mr. CUMMINS. Was he authorized by the law to do it? Mr. WEEKS. I think so. I would have to look that up to answer definitely

Mr. CUMMINS. It seems to me that is a very material

inquiry. Mr. WEEKS. I think the reason for the appointment of the commission which has just reported was to report on the advisability of extending the tube service rather than the advisability of discontinuing it. That is my own impression.

Mr. President, I want now to refer particularly to this letter of the Postmaster General, of which every Senator has received a copy, and to the statements which are made in that letter, because I think the statements ought to be very materially modified, and I think they are creating in the minds of Senators impressions which are not justified. I am going to take those up one after another and make my answer to them,

The letter states that the Post Office appropriation bill contains a provision, on page 15, which practically nullifies the act of Congress of 1902 relating to pneumatic-tube service. This provision was put into the bill because First Assistant Postmaster General Koons notified the Senate Post Office Committee-I should like to have Senators listen to this statement-notified the Senate Post Office Committee that the Postmaster General would not carry out the vote of the House of Representatives on this matter unless the Senate mandatorily directed him to do so. In other words, the Postmaster General, unless directed mandatorily to expend an appropriation, would refuse to make the expenditure; and that is the reason why we put this provision in the bill last year directing him to pay for this service up to the 4th of March of this year, and it is the reason why the committee has put the same provision in the bill which is now before the Senate.

The act of 1902 was clearly meant by Congress to refer to new installations of pneumatic tubes, as I have just stated, I think to the Senator from Iowa, and was drawn to prevent the Postmaster General from extending the pneumatic tubes beyond the limits prescribed by Congress. When the tubes are once installed it is self-evident that no further investigation on account of their need and practicability is necessary, if they are doing a service which is satisfactory at the time to those

officers who have the matter directly in charge.

The Postmaster General's letter states that "in accordance with this act a commission composed of the ablest experts was appointed. This commission consisted wholly of subordinates of the Postmaster General, including one member who probably wrote this letter which is signed by the Postmaster General, and who has since been appointed First Assistant Postmaster General. He was then at the head of the inspector's This is the first unfavorable report since the tubes were established under the law of 1902; and I want the Senator from Washington to understand clearly that that is the case. It is the first unfavorable report that has been made, and four different commissions have reported since that time. These commissions have consisted of engineers and men of business experience. This commission consists entirely of subordinates of the Postmaster General.

The Postmaster General's letter states that the committee recommended the discontinuance of the service in Boston, Brooklyn, Philadelphia, and St. Louis. It does not state that this same committee recommended the continuance of part of the service in New York City, where approximately one-half of the total mileage of the country is in operation, and the most expensive.

The letter states that the postmasters of the cities involved unanimously approved the recommendation to discontinue the The St. Louis postmaster, as I have suggested, told the Senate Committee on Post Offices and Post Roads that the Government should own and operate the system in St. Louis. That is stated in a recent letter from that postmaster.

The hearings before the Senate committee developed the fact that the tubes are claimed to be the most efficient service in use by the Government; that they have been indorsed by every previous commission, and by all Postmasters General under whom they have been used, and that they were installed to carry firstclass mail alone, as I have explained. They have a capacity of 200,000 letters an hour; and the reason why they are not carrying all of the first-class mail has been explained twice this afternoon. It is because they do not reach some of the substa-

tions in the cities where the tube service is in operation.

The Postmaster General's letter states that 87½ per cent of the mail now carried by pneumatic tubes can be handled by the present surface transportation—in other words, with the parcels post and newspaper mail. The basis of such a statement is conceivable only from the standpoint that there is not any benefit obtained in expediting the mails. Of course, we all know that it costs more for a passenger to travel on trains that make a limited service than it does to travel on regular accommodation trains. Speed is the thing desired. It costs more to ship freight by a fast freight service than it does by the ordinary freight service; and it should cost more, and does cost more, to send the mails on trains by fast mail trains than it does by the ordinary mail conveyance. Expediting the mails, as I believe these tubes do, even if there were to be a saving by replacing them with automobiles, I do not think such a saving would be justified.

The St. Louis postmaster told the Senate committee that it would cost \$4,700 to take the place of the 2 miles of tubes in St. Louis. The Postmaster General in this letter says that \$4,000 is sufficient to take the place of the \$34,000 now expended for tubes. Yet the postmaster testified that it would require three automobiles to perform that service, and it would cost \$2,700 a year for those automobiles, or cost \$8,100. That was the lowest estimate that he could make when he got down to definite figures. In other words, it will cost twice as much as the Postmaster

General states in this letter, and will cost nearly twice as much as the general statement made by the postmaster of St. Louis.

I do not know how many more automobiles it will require than three, but it was confessed that at least that number would be required.

The congressional committee of which Senator SMITH was chairman, and which reported on October 24, 1914, stated that the pneumatic tubes carried 3,089,000 pieces of mail in Boston every day—that is, 76.5 per cent of the first-class mail—at a cost of 100 letters for 1 cent.

Remember that this service is intended for first-class mail alone, and there we carry 100 letters for 1 cent, or one onehundredth of a cent a letter.

In Chicago they carried 5,614,000 letters a day, or 75.7 per cent of the first-class mail, at a cost of 125 letters for 1 cent; in New York and Brooklyn they carried 9,332,000 letters a day, or 49.8 per cent of the first-class mail, at a cost of 79 letters for 1 cent; and in St. Louis they carried 308,000 letters a day, or 93.7 per cent of first-class mail, at a cost of 39 letters for 1 cent.

Based on the report of the 1909 investigating committee, some 3,000,000,000 letters made connections daily by pneumatic-tube service, and charging all of the cost of the pneumatic-tube service to the letters thus so materially benefited, the cost amounts to six-tenths of 1 mill per letter.

Yet we are talking about discontinuing a service which is satisfactory to everybody who is receiving the service, where it only costs one-hundredth of a cent a letter to perform that service, remembering all the time that this service was installed for the purpose of transporting first-class mail, and first-class mail alone.

I should like to have Senators go to New York or Boston or Philadelphia and make some of the tests that were reported to have been made by this commission. The Senator from Illinois [Mr. Lewis] a few moments ago referred to the fact that one of these tests was made Sunday morning, when, of course, the streets were clear. It makes all the difference in the world whether an automobile or any other surface transportation line has a clear way. Blockades occur every hour of the day, very frequently several times an hour, and these tests were made un-der such conditions that no blockade did exist. So it is not a fair trial of the two systems. The pneumatic-tube service has a maximum speed of 30 miles an hour, and a saving of 26 minutes was made, even as reported by these tests, between the New York general post office and the Pennsylvania Station.

Senators should remember that one of the great values of this service is that the mail is carried in tubes which transport 5 to 10 pounds in each one of the cartons, as they are called, and they are dispatched every 10 seconds or 12 seconds, as the system is gauged. So you would transport from 30 to 50 pounds a minute through one of these tube services. It is of great importance whether that is being received at the other end of the line in that way or whether it is being dumped in at one time by an automobile service that runs every half hour or every hour. There may be a part of the mail which otherwise would be delayed for a considerable time transported by this pneumatic-tube system which would get to a train going into a remote section of the country, making 6 or 8 or 10 or 12 hours' difference in time of reaching its destination. That is one of the most important phases of this service.

· Mr. President, I have given a great deal of time first and last to the consideration of this subject. I have always admitted that \$17,000 a mile seemed like a high price to pay, yet I do not But I am opposed, it could be done any cheaper. unalterably opposed, to anything which is going to affect a service which is satisfactory to more than 12,000,000 people, which is satisfactory to the great business interests which those people represent, to people who are furnishing the larger part of first-class mail which originates anywhere in this coun-Any such step as that would be reactionary in the extreme, and Senators, in my judgment, ought not to be unduly

influenced by the statements which have come from the depart-

I am not able to explain any more than was the Senator from Alabama [Mr. BANKHEAD] what is in the mind of the master General, but I am satisfied that he is using bad judgment in this case. Every administration from John Wanamaker down to this time has been in favor of a continuance of the tube service. Every postmaster as far as there is any record down to those who hold position at this time by the will of this administration has been in favor of a continuance of this service. There is substantially no report since 1902 which has not been in favor of its continuance.

Now, are we going to throw \$10,000,000 worth of property into the scrap heap because the commission appointed under one administration has come to the conclusion that it can perform the same service in some other way as well as that? It is not fair, and it is not good business; and this service should be continued on some reasonable terms

I was in favor of inserting in the bill a proposition to consider the purchase of the tubes, because I think these tubes are just as much a part of the mail service as are the mail bags or any other mail facility which is used. I think they should be purchased at the lowest possible price, and I suspect that a very low price will be made if the owners of these tubes conclude they are going to have their property confiscated, as seems to

be the present purpose of the Post Office Department.

Mr. WADSWORTH. Mr. President, I desire, if possible, to have the attention of Senators to the situation with respect to the city of New York as it might be affected by the rejection of the amendment recommended by the Committee on Post Offices and Post Roads. Before indulging in a discussion of the merits of the pneumatic-tube service permit me to say and to make it entirely clear that I am impelled to oppose the abandonment of the pneumatic-tube service not, primarily, on account of any interest which I have in the financial success or failure or sufferings, it may be, of the stockholders of the company. I think I am correct in saying I am not acquainted with a single one of them; I do not know who they are. Nor can I give very serious consideration to the suggestion that has been made upon this floor that so-called "powerful" and "sinister" influences are supporting this amendment and should lead people to cast discredit upon the legislation proposed or to indict the conduct of the Post Office Department in the past or the Senate to-day, if it should decide to support its own committee.

I am impelled primarily to oppose the abandonment of the pneumatic-tube service because the people of the city of New York are overwhelmingly in favor of its retention. Their interest in this matter is superior to that of any other people or group of people affected directly or indirectly by the operation of the Post Office Department, the Postmaster General to the contrary notwithstanding. The people of that city, as I assume also the people of Chicago, Boston, Philadelphia, and St. Louis, entertain the idea that they are in part the masters of this Government and not its servants; that they are entitled to service from the Government, and so long as they are called upon and do in fact pay their fair share, and, in some instances, more than their fair share, of the taxes which support the Government, they are entitled to that service.

Mr. President, as has been related by the Senator from Massachusetts [Mr. Weeks] a commission was appointed by the Postmaster General composed of three gentlemen who have held subordinate positions in the Post Office Department for varying periods of time. The commission, as I understand and remember, was appointed and directed to start investigations in 1915. It did not complete and present any report until December, 1916, approximately 18 months later; but when we come to the point of examining into this report we ought not to forget that prior to any commencement upon their part to investigate this subject, the Postmaster General had already committed himself against the pneumatic-tube service, and, having appointed three of his own subordinates, it is not to be wondered at that they should report somewhat in favor and along the line of his own suggestions made prior to their appointment.

Now, as to the investigation which they actually made: For one I am astounded that a report of this sort should be sent to Congress with the hope that it should be taken with absolute seriousness, for in my humble judgment their investigation was not worthy of the name. The testimony taken before the Post Office Committee indicates that this commission spent about two weeks in the city of New York. There was no notice whatsoever given to the public of their coming, or to any of the associations or their accredited representatives that any such investigation was to take place. No patron of the New York City post office was ever asked his opinion in connection with the pneumatic-tube service,

in spite of the fact that the three commissioners and the Postmaster General himself must have known that thousands and thousands of people were deeply interested in the pneumatictube service and were entirely, or almost entirely, dependent upon it in some portions of the city for rapid mail transportation and were entitled to be heard in any investigation made of the question.

The testimony also before the Post Office Committee indicates that in making the automobile tests which were made by these three commissioners just two days' time was consumed. I will challenge any three men on earth to test the traffic conditions of the city of New York in two days. It is absurd upon its face, and when we come down to the point of the fairness of the test they did make, confined as it was to two days, we find that they made their test of automobile service upon the streets of the city of New York in the middle of the summer, at which time it is well known by the city administration, and could have been ascertained by these three gentlemen that the traffic is about 50 per cent lighter than it is in the middle of winter, and that furthermore there is not the slightest chance in July or August of a snow storm of 10 or 12 inches depth, which would make automobile traffic for hours at a time absolutely impossible.

The report of this commission does not contain a single suggestion or intimation that snow ever falls in the city of New York. Congress is invited to believe that for 12 months of the year, every day of the month, the same conditions will exist in the city as existed in the month of July, or August, I forget which one it was, when these gentlemen made their two days' test of the traffic conditions of a city of 5,000,000 people.

May I add also, Mr. President, that one of the two days was a Sunday? They made a test of the time which it would take to carry this first-class mail now being handled by tubes from the post office to the Grand Central Station at Forty-second Street, where the great volume of mail departs for the New England States and the far West.

Let me suggest that upon the efficient handling of the United States mail at the Forty-second Street Depot in New York City depends the promptness of the conduct of the business of a very large portion of the industries of the United States—for New York is the metropolis. It is the clearing house industrially and financially of this country, and should anything be done to interfere with the efficient and rapid transportation of mail at the Forty-second Street Depot or at the Pennsylvania Terminal at Thirty-fourth Street and Seventh Avenue, New York will not suffer alone; the business interests of the country generally will be affected, including those of Chicago and St. Louis, and as far west as San Francisco and Seattle.

Mr. President, these gentlemen in making this test reported that the distance could be covered in a certain time by automobile trucks, and they ran the trucks for two days, or made the test during two days in the month of July, and in order to justify their own contention that these trucks would maintain such a schedule they had to run them 21 miles an hour. Certainly no Senator who has ever been in the city of New York will believe that any such speed is possible for 365 days in the year without a dire threat to the lives of pedestrians, and even if we were to wipe out of consideration entirely the matter of the saving of life, which incidentally is a very serious matter upon the streets of New York, we are forced to take into consideration the fact that there are many, many days when the streets of the city are blocked by ice and snow, when it would be utterly impossible for a mail truck to maintain a speed of 21 miles per hour.

The postmaster of the city of New York is one of the postmasters of cities affected who does not agree with the Postmaster General nor with the three members of the commission. One or two Senators have endeavored to allay my anxiety upon this subject by indicating or attempting to persuade me that the Postmaster General did not include the name of the city of New York in the list of cities contained in his letter addressed to the chairman of the Post Office Committee, a copy of which we have all received; at least, I have received one, and I assume we all have. I can not understand the purpose of the Postmaster General in leaving out from his letter the name of the city of New York, because it is his declared purpose and that of his three commissioners to abandon the pneumatic-tube service in the city of New York above Forty-second Street, and by such an abandonment the mail facilities afforded to the citizens of New York and also to the citizens of the whole country are very seriously affected.

Any intimation in the letter to the effect that the postmasters of the cities affected or involved in this proposal are unanimous in support of the department is not borne out by the facts, and I can not believe that the Postmaster General does not know it. The postmaster of the city of New York, which city is involved

in this matter, came in person before the Post Office Committee of the Senate and protested against the abandonment of that particular part of the tubes in the city between Forty-second Street and One hundred and twenty-fifth Street.

I hesitate to take the time of the Senate and I shall not do so in reading from the testimony of the postmaster of the city of New York. The Senate has heard the career and record of that gentleman recited briefly but comprehensively by the Senator from Massachusetts [Mr. Weeks]. He has been in the service 44 years, has risen from letter carrier to postmaster of the greatest city in the Western Hemisphere, and has been postmaster of that city 8 years. His views upon the matter of tube service receive no attention in this commission's report. Congress of the United States is not invited by this commission to entertain any consideration for the postmaster of New York. who knows more about this subject than any man in America, and who has been responsible for the successful operation of the greatest post office in the United States; successful in keeping that office upon the highest plane of efficiency, so much so that there is grave hesitation on the part of this administration in displacing him.

Mr. President, let me point out one or two things in the commission's report which are, to say the least, inaccurate and are calculated to mislead the Senate. The commission's report says that these cartons or carriers in pneumatic tubes can carry about 5 pounds of mail. The postmaster of New York says that they carry up to 15 pounds of mail, but that they carry 10 pounds on the average. Why did not the commission say that they carried 10 pounds very often, and, in fact, in the majority of cases, which is the fact?

This commission also says in its report that these cartons or carriers are dispatched on their journey on an average of once in 15 seconds. The postmaster at New York says that the average is once in 10 seconds; and he has seen the system operate every day for eight years.

There are other claims made by the commission directed against the alleged defects of the pneumatic-tube service, and a desperate effort is made to persuade Congress that an automobile-truck service would be of more value to the patrons of the post office than the tube service. This is the only concern, aside from the protection of life, that I have in this whole question. To my mind the matter of cost is at most of secondary importance.

In that desperate effort to show that the automobile service would be more efficient than the tube service they have made the automobile tests, a report upon which is contained and included in their report to the Postmaster General, which has been submitted to Congress. I have described the nature of the tests which were made in the city of New York. Another test was made in the city of Boston. There is a pneumatic tube in the city of Boston, running from the central or general post office to a place called Uphams Corners. The distance, as I remember it, is 4.4 miles. First-class mail is sent through that tube in a constant stream.

The commissioners put on some experimental automobile trucks to test out the question as to whether or not they could perform the same service. The tube, however, supplies and offers facilities for three intermediate stops between the general post office and Uphams Corners, the final destination; but when they came to make the automobile tests they ran the automobiles clear through, without stopping at any of those three intermediate substations. Then they report to Congress that the automobile trucks can perform the same service as the tube in the same period of time. The speed which they would have to maintain in covering that distance in order to do it in 13 minutes, as they say the automobiles did, would smash all the speed regulations of the city of Boston, and approximate 30 miles an hour. But they would not and could not perform the service, because they did not stop and did not intend to stop at the three intermediate substations.

Mr. President, I do not pretend to understand what lies back of the insistence of the Post Office Department that this service shall be abandoned. I know I can state, without any fear of contradiction, that the people of the great city of New York are exceedingly disturbed at the proposal which has been made during the last two or three years that the service be abandoned, even in part. The postmaster of New York City not only recommends its maintenance, but he recommends its extension. He recommends its extension across the Harlem River into the Borough of The Bronx, which now contains 700,000 people, who are dependent for the delivery of their mail upon the general post office at the lower end of the city of Manhattan. The tube system now only reaches One fundred and twenty-fifth Street. From there the mail to The Bronx must be taken in automobile trucks, which must cross the bridges of Harlem River, every one

of which is a drawbridge, and subject to constant interruption due to the passage of vessels in the Harlem River. The Harlem River contains and carries more commerce by three times than does the harbor of Savannah. That commerce runs into the does the harbor of Savannah. That commerce runs hundreds and hundreds of thousands of tons annually.

The result is that the people of The Bronx-suffer grave delay in the delivery of their first-class mail. Sometimes it will take as long as 24 hours for a letter to come from Brooklyn up through Manhattan Island and to be delivered at the house of the person to whom it is addressed in the Borough of The

My own hope was, to tell the truth, that the committee would insert an amendment in the bill authorizing that very extension for it is sadly needed for one of the largest cities in the country, if we choose to assume and regard the Borough of The Bronx as a separate city. It is as large as Detroit.

Let us consider the Borough of Brooklyn. It has been sug-

gested that the tube service from Manhattan Island across the East River to the city of Brooklyn, containing nearly 2,000,000 people, should eventually be abandoned and that the automobile trucks shall proceed in the old-fashioned way over the Brooklyn Bridge. If there ever was a step backward suggested in the governmental operation of any facility which is supposed to be of use to the people, here is such a step.

Mr. GALLINGER. Mr. President

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. WADSWORTH. I yield. Mr. GALLINGER. On that very point, I desire to state that I do not think this commission could have visited Brooklyn and have observed the congestion that frequently occurs at the Brooklyn Bridge. I myself was held up there for 15 minutes not long ago in an automobile.

Mr. WADSWORTH. Why, Mr. President, the mere statement of the fact that these three gentlemen only spent two weeks in New York City is sufficient to indict the entire report, so far as it affects that city. It is a physical impossi-bility for any three men to study and to comprehend traffic conditions in that town in such a length of time and to make satisfactory test with the automobile in two days

Mr. President, the mayor of that city and the chief of the traffic squad have been before the Committee on Post Offices and Post Roads and called the attention of the committee to the traffic conditions of the town. I happened to be present at the hearings. I am not a member of the committee, but my interest drew me there. The police of New York are confronted with the most difficult traffic problem in the world. There is nothing that can compare with the complexities and physical difficulties presented by the city of New York in the matter of traffic upon streets.

Mr. CLAPP. I desire to ask the Senator from New York if

he has ever been in the city of Boston?

Mr. WADSWORTH. I have been in Boston. I admit it, Mr. CLAPP. I think Boston beats New York in that respect.

Mr. WADSWORTH. Well, in the numbers of persons to be handled, in the degree of congestion, and the size of the problems, I venture to suggest that New York is even worse than Boston, though I have been on Washington Street, in Boston, and have seen the trouble there.

Mr. President, as is well known, literally more than a million people start every morning from the upper parts and outlying sections of the city of New York, and try to get down into the region below Fourteenth Street, and the rush happens within a period of two hours. The same million of people, or more, endeavor to get out of the region below Fourteenth Street be-The same million of people, or more, tween 4 and 6 o'clock in the evening and to get back to their homes in the outlying portions of the city. The traffic in the streets has become so enormous that in many places pedestrians can actually make better time than can automobiles. A person can walk now from Thirty-fourth Street, we will say, to Fortysecond Street on Fifth Avenue faster than he can make it in a taxicab. It is not at all unusual for traffic to be held up at the intersection of Forty-second Street and Fifth Avenue for seven or eight minutes at a time while the cross-town traffic is crossing Fifth Avenue. When the suggestion is made that more mail trucks with the words "United States mail" painted on the outside of them, carrying, as they must, a certain preference and "right of way" in relation to the traffic regulations, shall be added in any number whatsoever, no matter how small, to the traffic already existing, I am forced to the conclusion that the Postmaster General and these gentlemen have either no regard for the problems of New York or know nothing about them.

There is one person injured every 23 minutes of the day and night, and there is one person killed every 14 hours of the day and night throughout the year upon the streets of the city of

New York by vehicular traffic. The automobile truck, as a class, constitutes only 2½ per cent of all the vehicles, and yet is responsible for 18 per cent of the injuries. It is the most dangerous element in the traffic situation; and the testimony of Lieut. Myers, who has under his command hundreds and hundreds of the most skillful and well-informed traffic policemen in the world, is to the effect that the mail truck is the most dangerous of all, and that it is responsible, in proportion to its numbers, for the death of more people than any other class of vehicle; and yet the Postmaster General and these three gentlemen, after two days' tests, now propose to increase the number of mail trucks in the city of New York.

It has been suggested by the report, and perhaps by the letter of the Postmaster General, that very few additional trucks would be required. I do not know where we can draw the danger line in any of our cities in the attempt to restrain traffic and control it and save the lives of pedestrians. secretary of state of the State of New York reports that there are 314,000 motor vehicles licensed in the metropolitan district-that is, in New York City and its immediate environs. The mayor of the city, the commissioner of police, and the lieutenant in command of the traffic squad say that the danger of the loss of life is constantly increasing; and, so far as I am concerned, Mr. President, I am not, therefore, very much impressed with the suggestion that no harm will be done by the addition of a few more, particularly of the most dangerous kind of vehicles.

It goes without saying, Mr. President, that transportation of letters by pneumatic tube is more expensive than transportation over the same distance by automobile trucks, just as automobile transportation is more expensive than that by horse and buggy, and that by horse and buggy more expensive than that by the ox and oxcart. But the people of the city of New York, as also those of Chicago and Boston, have been struggling for years to reduce the congestion of their streets. The same argument as to increased expense would apply against any proposal seeking to compel the telephone company to put its wires underground in the city of New York. Without question a telephone company that is compelled by a city ordinance or State law to bury its wires rather than to carry them upon poles above the surface is subjected to extra expense. Underground conduits constitute a more expensive form of construction than above-the-surface poles and wires. Of course it is more expensive, and by just so much it tends to prevent the telephone company from reducing the rates it charges for its services; but no great city is so blind to this matter as to insist that it is wrong to bury telephone wires because at some time it might be used as an argument to prevent the reduction of telephone rates.

In the same way in New York the telegraph wires must be buried. They go through conduits and through tunnels and subways. That kind of construction, of course, is conducive to greater expense in administration, greater capitalization and interest charges, and to a certain extent prevents or tends to prevent the reduction of telegraph rates; but the benefit is in the long run to the people in having the telegraph wires We might just as well say that it is a highly out of the way. uneconomical proposal to compel the street railways to run their cars through subways, as they are now doing in New York and in Boston, because it is a more expensive form of construction.

Mr. CLAPP. Or to put fenders on them.

Mr. WADSWORTH. Yes; or to put fenders on them. It all costs money. Undoubtedly the spending of hundreds and hundreds of millions of dollars by the city of New York and its street railway corporations in order to get the street cars off the surface of the streets, and either elevate them on elevated tracks or run them through subways has been one of the elements that has tended to prevent the reduction of street railway fares; but the people of the city of New York would not think for a moment that that was an argument against burying street car tracks, nor do I believe that the Congress of the United States will take seriously the argument of these three commissioners or that of the Postmaster General that this transportation of mails should not be buried below the streets because it is going to cost the Government a little more money

Mr. WEEKS. Mr. President, may I suggest to the Senator from New York that he perhaps has overlooked the fact that there is seriously under contemplation a proposition in the city of New York to construct a subway under Fifth Avenue, from Fourteenth Street to Central Park, in order to divert the automobile traffic, or a part of it, from the street to the subway, and for that purpose only?

Mr. WADSWORTH. Yes; I have heard of that project, and

there are many other projects which eventually will have to be

adopted in one form or another and for which the taxpayers of the city of New York will be called upon to furnish literally billions of dollars before that city is 100 years older.

Mr. NORRIS. May I ask the Senator a question? The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WADSWORTH. I yield.

Mr. NORRIS. I have not been able to be here to listen to all of the discussion which has taken place, and it may be that my question has already been answered; neither have I had time to read all the literature on the subject; but, as I remember, this commission, or some other commission, I think, appointed by the Postmaster General to make the investigation, to which I understand the Senator has referred in his argument, in their report recommended that certain of the tubes in New York be retained. Is that not right?

Mr. WADSWORTH. Perhaps it would be more to the point

to say that they recommended that some of the tubes in New

York should be abandoned.

Mr. NORRIS. I think they did recommend that some of them should be abandoned; but I am trying to get at the facts.
Mr. WADSWORTH. That is true; yes.

Mr. NORRIS. They have not recommended, have they, that the Government abandon all of the tubes? I do not know which ones, but I think there was one in Brooklyn that was recommended to be retained.

Mr. WADSWORTH. I will answer the question of the

Senator from Nebraska by saying-

Mr. NORRIS. If the Senator will permit me to finish my question, then I will be glad to have him make such explanation as he deems necessary, if any is necessary. I am moved to ask the question on the theory that probably a fair investiga-tion of the subject would show that some of the tubes ought to be abandoned in some of the cities, possibly some in New York, and that some should be retained in New York and perhaps in some of the other cities. I want to know whether in the Senator's investigation he has reached the conclusion that all of the tubes now in use ought to be continued, or whether some of them ought to be abandoned and some of them still used?

Mr. WADSWORTH. Mr. President, of course, I am not familiar with the details in the other cities, nor do I boast of the least iota of knowledge as to the city of New York, for I do not live there. Incidentally I may say in the presence of the Senator from Washington that where I live my mail comes by rural delivery; but, so far as I am concerned, I am of the belief that the people of the city of New York are entitled to service just the same as the people who live on the rural routes. The people of the city of New York are asking that this service be maintained, and really they are asking that it be extended.

I would not hesitate so much at leaving this matter in the discretion of the Postmaster General if I were convinced that he had an open mind on it; but before this commission started its investigation he had already commenced his attack upon pneumatic tubes. The commission went into this investigation knowing what their chief wanted; and since the investigation has been made and the report submitted to the Postmaster General, and by him sent to the Committee on Post Offices and Post Roads, the Postmaster General has had a conversation with the Senator from Mississippi [Mr. Vardaman], which the Senator was good enough to relate in his speech of yesterday, and I read it from the Record. This is from the speech of the junior Senator from Mississippi [Mr. Vardaman]. He says:

In conversation with the Postmaster General about this matter he said to me with great earnestness that if he had the power to act for the Government he would abandon the use of the tubes, even if the stockholders were to deed the entire system to the Government.

That is why it is essential that the people of the city of New York secure favorable action by the Congress directing the Postmaster General to continue the service.

Mr. REED. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. I yield to the Senator from Missouri. Mr. REED. The Senator from New York has very earnestly criticized the department for making a report as to the use of automobiles based upon a two days' test in New York City. I want to ask the Senator if it is not a fact that the Post Office Department in New York City constantly employs large numbers of automobiles in doing that part of the business which is not carried through the pneumatic tubes?

Mr. WADSWORTH. Of course, Mr. President, the Post Office Department does carry a great amount of mail in the city

of New York now by automobile trucks.

Mr. REED. It carries the majority, the greater part of it, does it not?

Mr. WADSWORTH. Does the Senator refer to first-class mail?

Mr. REED. No; I refer to all classes of mail.

Mr. WADSWORTH. Necessarily, Mr. President, the Post Office Department must carry the great majority of the mail in the city of New York by automobile trucks, because the tubes have not been extended to reach the different sections of the

Mr. REED. I am not now speaking of the reason. I thought the Senator sought to leave the impression upon the minds of the Senate that the Post Office Department knew nothing about the use of trucks in New York City except what it had learned by virtue of a two-day experience, whereas the fact is that for many years and all of the time the greater part of the mail of New York City has been carried by trucks, and therefore the department is already in possession of that experience. A report based upon that kind of knowledge is a very different thing from a report based merely upon a two-day experiment, and that, unfortunately, in the month of July, which the Senator seems to think a very unfair month.

Mr. WADSWORTH. Mr. President, the experiment which these gentlemen made was in the carrying of first-class mail in competition as to speed, regularity, and reliability with the

pneumatic tubes.

Mr. REED. Does not the Senator think that all their other experience in carrying other mail for years would naturally and necessarily enter into their final judgment in making a

report?

Mr. WADSWORTH. Mr. President, I should answer that perhaps in two ways. In the first place, they did not claim that their experience was sufficient. In the second place, presumably they made their test with the automobiles to find out whether the first-class mail could be carried over the same route as is now traversed by the tubes, in the same period of time, and with the same regularity. They knew nothing about it before they went there, and they spent just two days in finding out whether the automobile trucks could go from the general post office to Forty-second Street quicker and with a greater degree of regularity than the pneumatic tube could carry the letters.

Mr. REED. Yes; but, nevertheless and notwithstanding all that, if a man had been engaged in carrying vast quantities of mail by automobile, if he knew the traffic conditions of New York City winter and summer, snow and no snow, and, being in possession of that knowledge, he then sought merely to arrive at a test with reference to one particular matter, he would be acting from a very different standpoint as to knowledge than would the man who had not been engaged in the general business; and I think the Senator's presentation of that matter ought to be supplemented by the statement which has now been elicited.

Mr. WADSWORTH. Mr. President, I can not agree to the assumption of the Senator from Missouri that these three gentlemen knew all about the weather conditions of the city of New York and the class of traffic there before they arrived.

Mr. CLAPP. Mr. President, it is not my purpose to detain the Senate for any length of time. I simply wish to say a word

in regard to the pending motion.

I have always been a friend and champion of the extension of the Rural Free Delivery Service, to the end that the people who live out in the country might be the better served by the postal system, and one reason why I have done that has been that it affected them in a peculiar way. The figures show that there has been a decrease of insanity of 42 per cent among the agricultural sections since the introduction of the Rural Free Delivery System. It has broken in upon that long and dreary winter that so many people had to endure, far from neighbors and centers of population.

I am one of those who have no hesitation in saying that there is no excuse on earth for government unless it advances the moral and material and physical welfare of those who form the association. Applying this same rule, it seems to me that there is no answer to the proposition of continuing the pneumatic-tube system in our great cities. It may be that it is continued now at too great a price. I am not prepared to pass upon that question. It may be that we are paying more than we ought to. If we are, then we should ascertain that fact, and reduce the expense. Personally, I believe that the system should be owned by the Government, just as the other accessories and instru-mentalities are owned by the Government.

But, Mr. President, it requires no statistics, no opinion of experts, to satisfy me that we should not do anything to increase the congestion in these great centers of population. I regret the building up of them, as every student of history must regret it. They are, ever have been, and are to-day a menace to our institutions. It is unfortunate that our people gather in these great, vast centers, numbering millions of people; but it is a condition that confronts us. They seem bound to do this. these great centers gather and grow, and in these great centers every effort is being made to lessen the amount of traffic or to prevent the growth of more traffic upon the surface of the streets. They are building their subways and their overhead railroads, and the same spirit which would prompt me to support a system of rural free delivery in the interest of the people of the country from which I come impels me to support a system in the interest

of the welfare of the people of these great cities.

We all know—and it is no reflection upon the men who conduct these trucks-that there is a certain sense of power coming to the man who is running a great mail truck in a city. part of a great government. We are so constituted that we can not have great power vested in us without more or less responding to the sense of that power. Even in the city in which I live—and it has not yet reached the condition of congestion of some of the larger cities—the one truck above all others that the man has to guard himself against on the streets is the mail truck. When these cities are trying, by overhead means and underground means, to lessen the traffic that results in the toll of death that the figures show is gathered in some of these cities, it requires no effort on my part to support a motion to continue these tubes. I do not know who the stockholders are, or who the directors are, nor do I care. I do care, of course, if they are getting too much; but that is a question that is a subject of separate and independent regulation.

Mr. President, I, for one, in the same spirit which has prompted me in the past to support the extension of the Rural Free Delivery System for the people in the country, conducing to their interest and their welfare and their upbuilding, shall support a measure that lessens the toll of human life in these great centers of

population.

Mr. POINDEXTER. Mr. President, there have been one or two inquiries made with regard to the ownership of these different pneumatic tubes in the five cities in which they have been installed. On page 1573 of the Congressional Record of January 15, 1917, there is a list of the stockholders of the American Pneumatic Service Co. That is the trust or holding company which controls the several local companies that operate the tubes in each one of the cities with the exception of Philadelphia. The local company in Boston is the Boston Pneumatic Transit Co. In New York it is the New York Pneumatic Transit Co. In Chicago it is the Chicago Postal Pneumatic Tube Co. In St. Louis it is the St. Louis Pneumatic Tube Co. The central control is in Boston, operated through the American Pneumatic Service Co.

I am informed, although I have not had a chance personally to investigate it, that above the American Pneumatic Service Co. is the Lamson Co., which controls the American Pneumatic Service Co., and through them the various local companies. In the report of the post-office officials who investigated very thoroughly the merits of the pneumatic-tube service and the advisability of abandoning it in whole or in part, dated October 13, 1916—and the Senator from Massachusetts said that there had been no adverse report upon this proposition since the report of a congressional committee headed by the Senator from Georgiathere is this most thoroughgoing report of post-office men-Joe P. Johnston, J. C. Koons, W. S. Ryan, and I. T. Mullinsrecommending the abandonment of nearly all of the pneumatictube service. In that report there are a number of appendixes in which are contained letters from these various local companies that I have named, from Boston, St. Louis, and Chicago, from which it appears, showing the common control of all the companies, that William H. Ames, of Boston, is president of all of them, and that Merton L. Emerson is the manager of each one of them.

In Philadelphia the pneumatic-tube mail service, which has the contract with the Government, is not directly controlled by the American Pneumatic Service Co. In Philadelphia the title of the company is the International Pneumatic Tube Co.

In the concluding pages of the report of the Post Office Committee to which I have just referred there is a list of the stockholders of this Philadelphia local company, the International Pneumatic Tube Co., from which it appears that Mr. J. E. Milholland, of New York, owns 84,000 shares of the common stock of that company and is by far the largest stockholder of those who are listed there. While I have not the data at hand, I am informed that Mr. Milholland is also a large stockholder in the New York Pneumatic Tube Service Co., which is a subsidiary of the Boston company, the American Pneumatic Service Co. So there at least is a connection between the Philadelphia company and this central Boston company, which controls the St. Louis, Chicago, New York, and Boston local companies.

Among the stockholders of the Boston company I find the following. I will give just a few of the principal ones, as showing the locality of the control of the company: There are Samuil Alland, of Boston, who owns 1,000 shares of preferred stock and 400 shares of the common stock; Oakes Ames, of Boston, who owns 1,610 shares of the preferred stock and 503 shares of the common stock; William A. Bradford, of New York, 525 shares of the preferred stock; Bright Sears & Co., of Boston, who own 995 shares of preferred stock and 3,027 shares of common stock; Blodget Co., of Boston, 222 shares of pre-ferred stock and 725 shares of common stock; Clement Parker & Co., of Boston, 1,245 shares of preferred stock and 995 shares of common stock; Harold E. Corey, of Newton, Mass., 1,100 shares of preferred stock; Curtis & Sanger, of Boston, 397 shares of preferred stock and 1,217 shares of common stock; Hayden, Stone & Co., of Boston, 10,812 shares of preferred stock and 7,305 shares of common stock; Henry C. Jackson, of stock and 7,305 shares of common stock; Henry C. Jackson, or Boston, 1,200 shares of preferred stock; Pettigrew, Bright & Co., of Boston, 1,335 shares of preferred stock and 1,450 shares of common stock; Paine, Webber & Co., of Boston, 3,807 shares of preferred stock and 717 shares of common stock; Henry Raynes, of Lowell, Mass., 1,000 shares of preferred stock; John Shepard, jr., of Boston, 1,283 shares of preferred stock and 1,285 shares of preferred stock Shepard, jr., of Boston, 1,283 shares of preferred stock and 1,385 shares of common stock; Townsend, Anthony & Tyson, of Boston, 2,670 shares of preferred stock and 145 shares of common stock; Tucker, Anthony & Co., 1,235 shares of preferred stock and 5,422 shares of common stock; H. C. Waimwright & Co., of Boston, 1,912 shares of preferred stock and 1,571 shares of common stock. Those are only a few of the principal stockholders contained in that list.

Mr. WEEKS. May I ask the Senator what inference he intends to draw from that recital of the names of stockholders?

Mr. POINDEXTER. The inference I intended to draw was that the preparation of the stockholders are under the control of the stockholders.

that the pneumatic-postal service was under the control of the

Boston company and Boston people.

Mr. WEEKS. Let me suggest to the Senator that very many of those names that he has read are Boston brokers. As I stated to-day, there is no dividend paid or ever has been on the preferred or common stock of this company. It is customary under such circumstances, where a broker buys and carries for his customer, to transfer the stock in the broker's name, because it is a good street delivery, while the name of the private individual might not be. In the case the Senator has stated, he would not transfer what was to be used as collateral in a bank; and as no dividends are paid in this case there is every reason why the stock should be in the name of brokers. Very frewhy the stock should be in the name of brokers. Very frequently those certificates are out of the hands of the brokers, held by the owners, but held in the broker's name, because they are a street delivery. The recital of the names the Senator has read does not mean that they own the stock at all.

Mr. POINDEXTER. It means that the stock is listed in

their names, and I read it in connection with the statement that the holding company is owned in Boston. The president of all these companies is president of the company, and the same individual is the manager of all of the local companies.

dividual is the manager of all of the local companies.

Mr. WEEKS. That is true. There is no disputing that.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I yield.

Mr. THOMAS. Can the Senator give the aggregate capitalization of these companies with the holding company?

Mr. POINDEXTER. I can not offhand. I will furnish it to

the Senator.

There is one other comment that the Senator from Massachusetts made in regard to the increase in the appropriation for automobile trucks to \$400,000 which, as I undestood it, he stated was intended to take the place of the pneumatic-tube service which was to be abandoned. I am informed that that is not the case at all, that that is not the purpose of this increase. The increase is found in the item of \$5,965,000, on page 15 of the Post Office appropriation bill, and the purposes for which that amount is appropriated are stated as follows:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, \$5,965,000.

It is the normal increase which is contained in every Post Office appropriation bill from year to year for the increased automobile delivery service of the year, principally in those cities where the Government owns its screened automobile wagons; and as the business is constantly increasing, of course there is increased need for these wagons. Nor is it confined to those cities only where the Government owns the wagons, but it applies to all increases throughout the entire country. So as to

the assertion or argument made by the Senator from Massachusetts that the Postmaster General proposes to spend \$400,000 for a portion of the pneumatic-tube service which is to be retained, and \$400,000 for this increase in automobile wagon service, which will be made necessary by the abandonment of the pneumatic-tube service, making \$800,000, a greater amount than the \$600,000 which the Postmaster General says in his letter he will save. The fact of the case is, as already stated, that the he will save, increase for automobiles is not occasioned by, and has no connection except in a very small degree with, the abandonment of the pneumatic-tube service, and the saving of \$613,000 the Postmaster General estimates in his letter will be saved from the abandonment of the entire pneumatic-tube service, and not only from a portion of it. So there will be no \$400,000 under that plan for continuing a portion of the pneumatic-tube service.

There is a committee of the Post Office Department investigat-

ing this matter in New York now. My information is that the conclusions at which they have arrived are far more unfavorable to the pneumatic-tube postal service even than this report which had previously been made, in which it was suggested, as pointed out by the Senator from Massachusetts that the service below Forty-second Street in New York should be retained. I am informed from the Post Office Department that this committee of the department was sent there because of the thousands of complaints that have been received by the Post Office Department from cities surrounding New York, from Philadelphia, Boston, and other cities on account of the unreasonable delay in the receipt of the mail from New York, and cases are being cited in which mail stamped at 6 o'clock p. m. in New York was not received in Philadelphia, the city of the addressee, in time to be delivered on the first delivery in the morning mail, and upon an investigation into this condition, which was growing general or very extensive, the opinion of the experts of the Post Office Department is that it is due to the inefficiency of the pneumatic-

Mr. BANKHEAD. Mr. President, I intended to discuss this measure at some length, but I feel now that it is entirely unnecessary. I think, perhaps, all has been said that can be said for and against the amendment, and I am entirely willing, so far as I am concerned, to leave the matter with the Senate.

I wish to ask the Secretary to read as a part of my remarks a part of the testimony of the superintendent of street traffic in the city of New York, which was given before the Post Office Committee at its recent investigation. I ask the Senate to listen to it, and then, if they are willing to discontinue these tubes, the blood of those people will be on their hands. I ask the Secretary to read what has been marked. the Secretary to read what has been marked.

The Secretary read as follows:

Now, gentlemen, may I add this: I believe that if to-day the proposition was submitted to the people of the city of New York to pay for, by popular subscription, the discontinuing of the present motor mail truck and a substitution of service by tube, that you would have within 24 hours ten times the money that would be required to pay for it, and I would be one of the first subscribers, because I have two little children, and they use the streets of the city of New York, and I know what it means.

If you gentlemen could have seen the pictures that I have seen on

children, and they use the streets of the city of New York, and I know what it means.

If you gentlemen could have seen the pictures that I have seen on the streets of the city of New York: A mother running in the street and picking up the mangled form of her little child, its life crushed out by a mail truck, carrying it to the sidewalk, with blood trickling down over her dress, and the confusion—that is not one day, but every day in the year. Every 14 hours of the day a life is crushed out, and every 23 minutes some one is injured.

Now, I would consider, having had the opportunity to come down here and lay this before you gentlemen, that I would have been derelict in my duty if I didn't come down here and do it, because I know what is going on. I know the street slaughter that is going on, and I know what the truck means to the traffic in the city of New York. I do not want the blood of 281 innocent children crying to me and saying. "Inspector, you didn't tell the Senate Committee on Post Offices and Post Roads the actual conditions of traffic in New York City."

Thank you, gentlemen.

Mr. VARDAMAN. Mr. President, it strikes me that the evi-

Mr. VARDAMAN. Mr. President, it strikes me that the evidence is about all in, the argument of counsel has been heard, and I presume the jury is ready to take the question under consideration and render its verdict. I am going to consume but a moment of the precious time of the Senate this afternoon, but I trust I may be indulged the privilege of saying that my information upon this question has been derived almost exclusively from the investigation made and the testimony given by the representatives of the Government in the Postal Service. I the replication of the resident citizens of the cities interested in the tube service testify. Their testimony was of striking similarity, all tending to establish one definite fact and reach a common conclusion. Of course, I understand the motives that would naturally move gentlemen, situated as they are, in giving testimony upon such a subject. Without imputing to them improper, selfish, or sinister motives, Senators will understand as well as I do the state of mind, or rather the attitude of mind, with which they would naturally approach the question at issue. In judging my fellows it is my custom, until the contrary is

shown, to indulge the presumption that they are doing that which is right, actuated always by lofty and proper motives. For that reason I do not approve the reflection or veiled imputation that has been made by certain Senators upon the acts of the representatives of the Government in the Post Office Department, who have, in my judgment, earnestly and honestly investigated the subject involved in this controversy and given as a result of that investigation to the Congress and the American people an intelligent and patriotic conclusion. The able and versatile, distinguished Senator from Illinois [Mr. Lewis] seems inclined to throw the mantel of charity around the Postmaster General for his part in this investigation. If he does not state it in definite terms he intimates that the Postmaster General is the victim of deception; that the automobile dealers, who have machines to sell to the Government, have imposed upon the subordinate officers of the Post Office Department by leading them to believe that the automobile could accomplish a service which in fact it can not accomplish, and the officers or employees of the Covernment have intermediated the Post Office Department of the Covernment have in turns which officers or employees of the Government have in turn misled the Postmaster General to an improper determination. With all due respect to my distinguished friend, the able Senator from Illinois [Mr. Lewis], I question the ingeniousness of his criticism. There are few crimes more regrettable in the life of a public servant than that of credulity. It strikes me that the honorable Postmaster General will acknowledge a very slight debt of gratitude to the generous Senator for his valiant defense, or perhaps I should say, apology. My good friend, the very able and always courteous Senator from Massachusetts [Mr. Weeks] has deviated somewhat from his usual course in debate. thought the Senator was very unhappy, really unjust, in his statement criticizing the commission appointed to investigate the tube system when he said that the commission had delayed in making its report and gratuitously aspersed the character of the members of that commission by intimating that an investigation would not be out of place. Mr. President, it is a weak cause, aye more, I fear, an unworthy cause, that must be bolstered up by "damning with faint praise" or aspersing with innuendo the character of those who oppose it. I think the report of that commission stands for itself. The question of conscientious and faithful service on the part of the members of the commission needs no defense at my hands. The honorable Postmaster General, whose long service to the Government, his distinguished ability, and honorable station in official life in this city calls for no defense or apology from me. I believe these officers have done their duty. Their work is characterized by intelligence, fidelity, promptness, and loyalty to the right. believe in them personally, I have faith in them officially, and I shall manifest my confidence in the correctness of their conclusion by voting against the amendment proposed by the committee.

Mr. REED. Mr. President, I shall have very little to say about this matter, but I am unwilling that certain statements that have been made should go unchallenged. We are told that if the pneumatic-tube service in New York City is discontinued, the mails of the country will no longer be able to be handled in New York; and the impression is sought to be created that the abolition of the tube system will be in the nature of a complete revolution affecting all the mails. The fact of the matter is that at the present time there is only 12 per cent of the mail of New York City handled through the tubes.

Mr. VARDAMAN. Five per cent.

Mr. REED. The Senator from Mississippi, who has given this subject great attention, tells me I am in error, that it is only 5 per cent.

The second proposition is that one which is backed by the tearful and pathetic appeal of the commissioner of traffic in New York City, which is read here for the purpose of creating the impression that if we abolish the pneumatic-tube system in New York City the streets of that great metropolis will be crowded with automobiles running at 40 or 50 miles an hour, destroying men, women, and children; and this amiable and tearful gentleman comes down here and says it is his duty to appeal on behalf of the women and children.

What are the facts? If we abolish the system in New York City, it would put on the streets of New York City just 30 additional Ford cars. You could put 30 additional Ford cars on any three blocks in New York City and not know they were That sort of argument is utter rot; it is something worse than rot; it is slobber; and yet it is put forward here as though it were a controlling fact, and that by it the Senate should guide itself. It is the cheapest kind of demagogery, and it ought not to be indulged in here.

I am not prepared to say, with the light I have, that the pneumatic-tube system should be abolished. If that question were presented alone, I might hesitate about my vote and might desire further light, particularly with reference to such cities as New York; but, Mr. President and Senators, that is not the question presented. I feel confident if these empty seats could be filled and Senators could be induced to consider the facts I am about to mention, there would be no chance for this particular amendment to be adopted.

The Pneumatic Tube Co. came here in 1902, and at that time an act was passed which provided for an investigation. investigation appears never to have been made until within the last few months. Nevertheless the company hold their contracts, and they have enjoyed the emoluments and profits

thereof from 1902 to the year of grace 1917.

It is admitted upon all hands, I will say by way of preliminary, that the price we are paying is probably too high; but what are the propositions? The first one is that we must renew these contracts. There is no discretion left to the Postmaster General to bargain for a lower price. If the Postmaster General could secure this work to be done for one-half the present price, and if that would be a fair price, there is under this amendment absolutely no discretion left in him to secure the benefit of that reduction for the country. You will search far to find any other law that has ever been proposed which compels the head of a great department to pay absolutely the price that was fixed by his predecessors 15 years ago and which absolutely commands him to pay the same price now without right of contract. I am somewhat surprised to find a clause of that kind put into any bill.

Mr. BRYAN. Mr. President, will the Senator permit an

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. I do.

Mr. BRYAN. Of course, the Senator realizes that there is only one concern doing this work, and that, therefore, there is no need to let contracts and to ask for bids. As I understand, I will say to the Senator, who was not present during much of the discussion of the pneumatic-tube proposition, the reason there is no need to advertise for bids is that only one company can bid.

Mr. REED. I have not spoken of the advertisement for bids; but does the Senator claim that because this concern is a mo-Mr. REED. nopoly we must therefore waive the poor privilege of asking it to reduce its price?

Mr. BRYAN. I do not.
Mr. REED. Or of saying to it, "If you do not reduce your price, we will discontinue the service"? Does the Senator think we ought not to be in a position to bring some pressure in order to get a better price, because, forsooth, this blessed institution is a monopoly? Certainly the Senator does not mean

Mr. BRYAN. No. If the Senator will allow me a chance right there, I will tell him why I think the provision in this bill The other House authorized the expenditure of is as it is. this appropriation for continuing the pneumatic-tube service. The Senate committee was informed that notwithstanding the House language it was the intention of the Postmaster General not to spend the money at all. The Senator from Missouri realizes that we are limited in choice to one of two propositions-not to have the service at all or to pay the price that has been paid-because, if the Postmaster General and this company were left to negotiate as to the price, the Postmaster General will not offer them any price. If that statement is correct, he will get along without the service altogether.

I think the Senator can understand that. I say this in defense of the action of the committee. As I have already said, I do not feel sufficiently familiar with this whole subject to

express a very positive opinion about it.

Mr. REED. I can understand the position the Senator takes; and yet let us analyze it for a moment. It is this: This company has a monopoly of pneumatic tubes. The Postmaster General represents the Government, which is the sole bidder for that service. So you have one institution alone that can furnish the service and one customer for that service. would seem to me that, if Congress were to say to the Postmaster General, "We appropriate a certain amount for a certain service, which shall be expended in that service," that would be going far enough; but you go further than that; you say he shall pay the absolute price which is now fixed.

Now, suppose the Senator from Florida was the proprietor of the pneumatic-tube service and anxious to have it continued and extended, and suppose there was no other person in the world who could furnish it, and suppose I was the Postmaster General, and there was nobody in the world who could take that service except the Government through me. Under

those circumstances, with a threat impending that the service might be hereafter abolished, I think the Senator, as the proprietor of this system, would be very likely to come to me and endeavor to make a bargain on such terms as would enable him to continue his service in the years to come. The freedom of bargaining ought to be left, but this bill takes away my discretion and absolutely assures to the Senator, in the illustration I am using, the price he is now receiving. I repeat that we can not find in all the legislation of Congress, in my opinion, a proposition like that.

Mr. BRYAN. Mr. President, I think the Senator is hardly fair to the committee. Here is the situation: A contract was entered into for a term of years and extended once by act of Congress. The rate to be paid was fixed by a commission, the contract was drawn and signed. It has now expired. The Postmaster General not desiring to renew not only that contract but any contract at all, the committee decided that it was best to continue the service for another year, and in the meantime to have a commission view that property with the idea of buying it and the Government owning it. Unless we leave the contract as it exists to-day in effect for the next year how are we going to force any contract at all? How are we going to continue the service at all? It seems to me, in other words, that the committee is limited and the Senate and Congress are limited either to extending the contract as it exists to-day or not to have the pneumatic-tube service continued; but if that be not the fact, and the Senator can suggest any plan by which the service can be continued for a year, making it compulsory for the department to continue the service, he may write his own terms, and I think they will be acceptable to the committee. Mr. REED. Undoubtedly the committee could have put in a provision, since they are going to deal through a commission

anyway, that the Postmaster General should continue this service and should pay for it such a sum as the commission should ascertain to be just and reasonable, not, however, exceeding the present contract price. That would have given the Government of the United States some chance to readjust these extortionate charges, whereas the committee's proposal absolutely

compels the payment of the present price. Mr. BRYAN. Well, let us see if that can be done.

Mr. REED. Certainly it can be done. Mr. BRYAN. Hardly, I think, because the commission, within the time that now remains between this and the 1st of July, could hardly arrive at a conclusion. Perhaps if the Senator were on the commission he could do so; but this commission is being created for the purpose of valuing the property.

Mr. REED. I am not talking about valuing it; I am talking about making a bargain for the next year; and I undertake to say that a new bargain can be made with this pneumatic tube company in 10 days' time. They are practically forced to come

to an agreement.

Mr. BRYAN. How would the Senator word the law so as to require the Postmaster General to continue the service and enter into a contract now, conceding that he will not sign a contract unless he is required to do so, and that he will not continue the service unless he is required to do so?

Mr. REED. This is hardly the time or the place to draft the phraseology of such a law; but I can frame it now on my feet.

Mr. BRYAN. Very well. Mr. REED. We could make such a provision as this: "The Postmaster General shall continue the present tube service and shall pay therefor such sum as may be fixed by a commission appointed "—specifying the manner of its appointment, and so forth—"Provided, however, That in no event shall be pay a greater sum than the present contract price."

Mr. BRYAN. A commission fixed the present price, I will say to the Senator. The Postmaster General did not fix it. The price was fixed, I believe, by a commission appointed by Con-

Mr. REED. How long ago-15 years?

Mr. BRYAN. I suppose so.

Mr. REED. Yes. Mr. BRYAN. Then there was another commission.

Mr. BANKHEAD. I think the contract was made 10 years

Mr. BRYAN. I am not familiar with it, but I think there has been only one contract made, and there have been extensions of it

Mr. REED. Mr. President, I have spent enough time to make that point plain, so far as I can make it plain; but I repeat that the committee provision absolutely ties the hands of the Postmaster General and of the Government and forces us to pay the price this company is now exacting, and that in the face of the fact that it seems to be the general opinion upon the floor that the present price is too high.

Now I call attention to the second proposition embraced in the amendment. Mr. President, it is certainly a mooted question whether or not the pneumatic-tube service is of general benefit. The Post Office Department, after an investigation, has reported that it is not a useful or beneficial device, taking

into consideration the price paid.

It has been argued that the Post Office Department did not make a fair investigation. That, of course, impugns the integrity of the department, the fairness of the department, the common honesty of the department; and it is a very serious charge for any Senator to bring against an officer of the Cabinet; but let us assume that that is true; let us assume that there never has been a real investigation upon which Congress can rely; then the question is an open question. We find certain gentlemen asserting that this system is indispensable; we find others asserting that it is of no value which will warrant us in continuing it; yet, with the question untried and undetermined-for I am assuming now that we throw out the evidence of the department-it is not proposed here to investigate whether we ought to continue the system; it is not proposed we have a trial and ascertainment of that fact and then, in the light of the facts thus developed, to purchase the system or to throw the system out. That is not the proposition; the proposition is, in the absence of investigation, in the absence of the ascertainment, to prejudge the case and commit the Government absolutely to the purchase of this system.

Under the amendment as it is now drawn, we come to this: The monopoly-and I do not use the term in an offensive sense, but simply to describe the condition-if this legislation is passed, gets two things: First, absolutely a renewal of its contract at the present contract price. Second, an absolute assurance that the Government will buy. And the only thing that remains as a matter of discretion is the question of value,

and that is to be ascertained by the commission. Is that a way to conduct the Government business? I repeat, for I want to enforce it if I possibly can upon the minds of Senators, that if you throw out the opinions of the department, if you throw out the investigation they made, then you have the question in this shape—that certain citizens are asserting that this system of pneumatic tubes is very essential, the department asserting that it is not essential and not bene-The case, therefore, is open and undetermined; and yet, with the record in that shape, it is proposed to absolutely commit Congress to the purchase of this system!

What would be the fair and proper course? It would be to draw this amendment so that an investigation should be had. That investigation should cover two questions: First, Is the system desirable? If that question is answered in the affirmative, then, having been answered in the affirmative, the next question of ascertainment should be its value. But to foreclose that, to prejudice that, to say that the system shall be purchased-

Mr. BANKHEAD. Mr. President-

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED. I yield.

Mr. BANKHEAD. I should like to ask the Senator from Missouri what he would do with the tubes and the tube system while this investigation was going on.

Mr. REED. That is quite another question. I discussed that a few moments ago.

Mr. BANKHEAD. Yes; I know it is another question, but it

is a very pertinent one.

Mr. REED. I discussed that in the absence of the Senator. I said that, if it was deemed necessary, you could provide for the continuance of the use of the system, but that you ought not to debar the Government of any chance to bargain-any chance to try and get a lower price-and compel the Government absolutely to accept the price now fixed in the contracts.

Now, there is not any mystery about this.

Mr. BRYAN. Mr. President

Mr. REED. Just let me finish my answer and I shall be glad to yield. There is no mystery about this-not a bit. It is about as plain as the nose on a man's face, where he has a good-sized nose. What is it? If we were dealing here for private parties, what would we do? We might say to our authorized agent, "Yes; continue the tube system"; but if we were empowered as the Government is empowered in this case we would never say, "Continue it at the present contract price" unless we knew that that price was one advantageous to us. We would create some sort of tribunal to fix the price, we fixing a maximum beyond which that tribunal could not go. Thus we a maximum beyond which that tribunal could not go. would save whatever advantages can be saved by this bill, and we would also have whatever advantages might come from a favorable decision. Second, if we did not know whether the system was a good one or a bad one, whether it was desirable or

undesirable-if that was a mooted question we would never think of binding ourselves to buy it until we had determined first whether it was a thing we ought to buy; and yet that is

exactly what the committee's amendment does

Mr. BRYAN. Mr. President, that statement is the statement that brought me to my feet. This amendment, I suggest to the Senator, does not commit the Congress to purchase this tube system. The Senator says that we are here binding Congress to buy out this system. I deny that. I say that it is simply a provision for an investigation and report as to the value of the tube system; and when that report comes back, then is the time for Congress to decide whether or not we will purchase it. I think the Senator will concede that much.

Mr. REED. I do not. I will read the language. Mr. BRYAN. Does the Senator claim, then, that by the adoption of this amendment Congress is bound to buy this tube

Mr. REED. I mean to say that this amendment plainly and unequivocally commits us to the policy of purchase.

Mr. BRYAN. To the policy of purchase?

Mr. REED. Yes.

Mr. BRYAN. Does it commit us to the purchase?

Mr. REED. Of course, a future Congress could refuse to

Mr. BRYAN. Does it commit this Congress to the purchase of the system?

Mr. REED. Not irrevocably.

Mr. BRYAN. Does it commit Congress at all to the purchase? Mr. REED. I think it does. I shall read it.

Mr. BRYAN. Well, it either does or does not-one of the

Mr. REED. There can not be any difference of mere language between the Senator and myself.

Mr. BRYAN. No, Mr. President; it is rather an important

thing, because the Senator

Mr. REED. I unqualifiedly say that if we adopt this amendment it will not force a future Congress to take this system; but I say that this amendment is a step in that direction and plainly points to the intent and purpose to commit Congress to that kind of policy.

Mr. BRYAN. That is a very different statement from the

Senator's first statement.

Mr. REED. That is just the statement I have been making. and the Record will show that it is the statement I have been making. It reads:

Provided further. That a commission consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on Post Offices and Post Roads of the House of Representatives, to be designated by the Speaker of the House, is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government.

"With a view to the purchase."

Mr. MARTINE of New Jersey. Mr. President, that certainly can not compel Congress to purchase.

Mr. REED. Oh, it does not compel Congress to do it until

the contract is signed.

Mr. MARTINE of New Jersey. I might go to Missouri to look at the farm of the Senator with a view to purchase, but that does not imply that I would be obligated to purchase.

Mr. REED. No, sir; but if the Senator already occupied my farm, and if he came to me and said, "I want to appoint a man in connection with you to fix the value of this farm with a view to my purchasing it," I would understand the Senator to mean that he was going to take that farm at the value fixed, and that I was to sell it.

Mr. MARTINE of New Jersey. Well, I would not understand it that way at all. I would understand that my agent, whoever he might be, that conferred with the Senator, would report back to me. The proposition as proposed by the Senator from Missouri to my agent for the purchase of his farm might not be compatible with my ideas or my purse at all.

Mr. REED. Ah, but the Senator misses the point.
Mr. MARTINE of New Jersey. I do not, I think, at all.
Mr. REED. Of course, the farther East we go, the less we

are bound unless the contract is solemnly sealed and recorded.

Mr. MARTINE of New Jersey. Oh, no.

Mr. REED. But out West, out in the country where I come from, if I were to say to the Senator: "Do you want to buy my farm? We will appoint a man to fix the value, and when that is done we will have it done with a view to the sale," I would feel in honor bound to transfer the farm.

Mr. MARTINE of New Jersey. I repel that theory. I insist that the morals of the West are no better than the morals of the East. We will stand with you on that question at any time.

Mr. REED. Yes; but you do business in a little different ay. I know your morals are all right.

Mr. MARTINE of New Jersey. We do it just as squarely,

and we pay for what we get.

Mr. REED. But, Mr. President, we need not discuss the morals of New Jersey or Missouri.

Mr. MARTINE of New Jersey. No; and I did not bring in the moral question. The Senator brought in the moral question.

Mr. REED. But I say that any man who will read this language, and read it fairly, is bound to say that if the law is passed in this form two things will result. First, we will renew the contract of this company at the present price without any power or discretion left in the Postmaster General to get a better price if he can. Second, having renewed that contract, we will have created a commission to ascertain the value of these properties—and now I quote—"with a view to the purchase and operation of the same \* \* \* by the Government." That plainly means and implies that we are now com-That plainly means and implies that we are now committing ourselves to the policy of purchasing that property. The ability to withdraw exists, and will continue to exist until the Government actually passes the money.

Mr. POINDEXTER. Mr. President—
The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. I do.

Mr. POINDEXTER. I agree with the Senator from Missouri in the construction he puts upon that part of the amendment, and call his attention to what must be admitted by everybodythat this commission will have no authority to report back to Congress upon the advisability of the purchase, discretion of that kind vested in them at all. There is no

The only power that the commission would have would be to ascertain the value of these properties with a view to purchase by the Government. In other words, the statute commits the commission to that policy in its very creation and regards it as so much of a policy already adopted, if this amendment is agreed to, that we appropriate \$25,000 to pay the expenses of the inquiry for the purpose of ascertaining the value.

Mr. REED. Oh, of course.

Now, Mr. President, I have just one word further to say. I utterly repudiate and repel the idea that the findings of the commission that has already reported with reference to the pneumatic-tube system are to be thrown out and disregarded because the Postmaster General who appointed the commission himself had an opinion with reference to the value of these tubes. Of course, any Postmaster General is very likely to have an opinion with reference to the value of any part of the service. That is very natural, and he may have expressed that view; and if he had served upon the commission it would be well understood that he went upon the commission with the case prejudiced. But the Postmaster General appointed three experts to examine this question, and now it is asserted that their opinion is of no value because the man who appointed them had a particular opinion.

Now, I do not like that kind of innuendo. If the Senator from New York were the governor of that State and were called upon to appoint a commission to ascertain the facts with reference to any matter I should hate to believe that because he had an opinion he would pick a commission composed of such arrant scoundrels that they would report that which they believed was not the fact simply to please the supposed governor of New York. I should imagine that if the Senator from New York, being charged with the responsibilities I have mentioned, acting under the authority of law, were to entertain an opinion, no matter how positive it might be, nevertheless, in the selection of any commission to pass upon a question of fact, he would pick men of good judgment, of good morals, and good fiber, and that as an honest man and as a sworn public official he would allow them to proceed and render a verdict in accordance with the facts; and being charged with the duty of appointing the commission, if the fact that he had an opinion would bar him from appointing the commission, then a commission never could be appointed by any man who had an opinion.

The Senator from New York is generally a very fair man, and I hardly think he wants to leave the record in the shape that it now is; for his remarks amount to the bald assertion that because the Postmaster General himself has an opinion with reference to the utility of these tubes, he either selected a set of men with the particular object of finding men who agreed with him in advance, and thus violated his moral obligation to the

Government, or, having selected these men, he interfered with the freedom of their judgment and thus violated his moral obligation to the Government; and it embraces a third proposition-that the three men themselves should be of that knavish and contemptible character which would make of them mere tools for a designing Cabinet officer who had willfully violated his moral obligation to the Government.

That is a pretty serious sort of charge for any man to make, and to make without any evidence whatsoever save the mere naked suspicion that a man, having an opinion himself, would therefore pick men, not to decide honestly, but to carry

out his own prejudice.

Mr. President, it seems to me that the House left this bill in a proper enough shape. If it is enacted as the House sent it to us, the appropriation will be made, and I have no doubt that the Postmaster General will proceed to carry out the will of Congress and spend the money in the manner and form provided by Congress. I am in thorough accord with the idea of investigating this service further and ascertaining whether it will be of real value to the country, but I am utterly opposed to fastening this contract upon the country by law and committing Congress to the policy of purchasing that which may or may not be of use, and to do that in advance of any investigation.

Mr. SHERMAN. Mr. President, I presume the Senate is anxious to vote as soon as practicable, and I do not wish to unnecessarily take time. There are some considerations involved in the proposed abolition of the tube service in some areas that ought not to be inconsiderately disposed of. There are certain congested areas in metropolitan districts that I believe the committee appointed by the department did not particularly investigate. Giving them full credit for any intention they may possibly have had, I doubt whether they took sufficient time or heard those who were sufficiently informed upon all the

There are certain cities that require imperatively some relief from the congestion. First is New York, next are Chicago, Philadelphia, Boston, and certain other of the larger cities, including St. Louis. There is no relief from this congestion by recurring to the old form of surface transportation. Surface transportation must be relieved by sending it some place else. The elevated way does not furnish any relief; you can not navigate the air under the present condition of aerial science; and subways furnish the only available escape.

So far as the tube companies are connected with this problem the Government can protect itself. I do not yet see any disposition on the part of these private companies to practice ex-tortion upon the Government. Congress can always protect the department and protect itself and the revenue of the department by adequate provision in the bills that are passed annually for the support of this item. So I think we are in no danger from extortion; we are in no danger of imprudent contracts, nor the unwarranted expenditure of undue sums of money.

Mr. Milholland's name was mentioned, for instance, this afternoon as a shareholder. He has five shares of stock only. market value of the stock is about \$10 to-day on the quotations. There is no such massing of shareholding by Mr. Milholland, who has been quoted as a sort of shareholding bogy man here, as would endanger the Government. I do not care to pursue this branch of it.

What I occupy the time for is to recur to the evidence of Mr. Myers, who is the superintendent of the traffic squad of New York City. Thomas Myers has had an extensive experience. Some of that is contained in a very few words in the printed hearings of the Senate committee. He says, for instance, on page 102 of these hearings that motor trucks in which the mail is carried-

Are 6 feet wide, 15 to 18 feet long, weigh 2 tons or over, and they must make time; they must get through the streets; they must make connections. We try to regulate them as best we can, but the idea that they are working or at least employed by the Government of the United States has an unconscious effect on a policeman. Further, according to law, they have the right of way. I have heard it said here to-day that it was not known whether they had the right of way or not. I will call attention to the Statutes of the United States, 1901, volume 2, chapter 9, section 3995, which says [reading]:

"Obstructing the mail—Penalties: Any person who shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier carrying the same, shall, for every such offense, be punishable by a fine of not more than \$100."

Whether the policemen know that or not I do not know; but they do know that the mail must be given the right of way. Consequently, when traffic is moving uptown, say, north and south, and a mail truck comes from the east or west, immediately the traffic man stops all traffic; the mail truck passes through, jangling its bell; and, with the known or assumed authority that they are supreme over all, the drivers pass through, endangering the pedestrian and endangering other users of the highway.

Practically the same conditions obtain in Chicago in what is known as the loop district. There is during the business hours an extreme rush of both vehicles drawn by animal power and mechanically propelled, as well as the travel of pedestrians. that make any addition to the multitude extremely unwise. This has largely been presented by the report of the committee from the department that made this examination as if it were a matter of no consequence; that the addition of a few trucks to those already traversing the streets was not a serious matter.

Mr. Myers continues:

Now, the mail truck—I have not the exact figures, but they have killed five or six people within the last year. On December 14, the day that I appeared before the House committee on this same proposition, a boy 10 years old was on the sidewalk—not in the street, but on the sidewalk—and his life was crushed out by a mail truck that jumped the curb and went up on the sidewalk. That is from the recklessness and the character of the vehicle, the time that they must make, and the leeway that they are given by having the right of way, etc.

#### He continues:

I know, of my own knowledge of traffic and by observation in the United States of the various kinds of trucks, that 1 mail truck on a city street, in so far as the ordinary regulation of traffic is concerned, amounts to 10 other trucks, commercial trucks, which are ready to obey the voice or hand signal of a traffic policeman, keep to the right, and keep in the line of traffic. The mail truck is in the ratio of 10 to 1.

I have heard here that if the tube system be abolished in New York City it would require, when it is discontinued, from 140 to 145 trucks. Multiplying this by the ratio, you add to the vehicular traffic of New York City alone from 1,400 to 1,450 mail trucks of the kind, dimension, and weight described by the superintendent of the traffic squad. This is a matter of no small consequence. The inspector continues:

I am surprised to think that anyone who has any knowledge what-ever of traffic conditions and the great number of vehicles and the enor-mous number of pedestrians who use the city streets would think of adding even one truck to our already great maze of traffic.

The Senator from Georgia [Mr. HARDWICK] propounds the question:

Senator Hardwick. On the safety of human life they made no inquiry at all?

Mr. Myers. No, sir; not within the past three years.

Mr. Myers continues-and, to my mind, this is conclusive in relieving the surface of congestion and as to the necessity of keeping the two systems:

keeping the two systems:

If you gentlemen could have seen the pictures that I have seen on the streets of the city of New York—a mother running in the street and picking up the mangled form of her little child, its life crushed out by a mail truck, carrying it to the sidewalk, with blood trickling down over her dress, and the confusion. That is not one day, but every day in the year. Every 14 hours of the day a life is crushed out, and every 23 minutes some one is injured.

Let would be one of the first subscribers to provide the money to keep up the mail-tube system if it were abolished, because I have two little children, and they use the streets of the city of New York, and I know what it means.

know what it means.

I will not read from the testimony of witnesses who presented the conditions in Chicago, but content myself with saying that the conditions in the city of Chicago are practically duplicated by those in New York. Five hundred and ninety-one people are killed every year on the streets of Chicago under present conditions, and that juggernaut of the Government in the shape of a gasoline-propelled mail truck, with the dimensions and weight described by the inspector in his testimony, will never by my vote be added to the surface conditions of any of the large cities. any of the large cities.

It is not a question of money. It has been argued here as if it were a matter of compensating for the life that is destroyed by the payment of a few dollars. If the Government runs over somebody on the streets in Chicago, New York, Philadelphia, or Boston, come down to the Committee on Claims seems to be the idea and get paid for your dead. We can bury our dead without the Government. What we want is to have their lives preserved, and that is what I am voting for here.

It is not a matter of a few paltry Government dollars. It is a matter of adding governmental precautions to the safety of the citizens. The chances of raising a child in a city are sufficiently minimized now by lack of sanitary conditions, by the tremendous risk taken every time you go on the street. There is more safety on a steam railroad in the country between the rails than on the average street of the city of Chicago or New York. I would rather send an infant across a railroad track than over a street crossing in the crowded district where the millions that go and come in the loop of Chicago and the business district of New York City make those the most dangerous thoroughfares in the world.

You argue the question here this afternoon, my fellow Senators, as if it were a matter of compensating for the lives of the

people who are lost. Let us diminish the risk and save the lives. I am not talking about saving money; I am talking about saving those who may have to take the risk at their own expense of the loss of life or limb.

Mr. President, if I had time I should like to make some further comments, but I am inclined to think the Post Office Department has made a very ex parte investigation of this question. I do not care to go into that. Their activities to save money are to be commended, but I would infinitely prefer, as I have suggested, to save life rather than the few dollars that might be cut out of this bill.

While I am talking about the activities of the department, I should like to offer an envelope, with the contents, that I received in due course of mail from the postmaster of Tyrone, Pa. It is a deadhead envelope; it is a franked communication. They are not trying to save money. They are showing the receipts of the post office and why they ought to have a Government building at that point. I commend to the Postmaster General, if he wants to save a few dollars, to call the postmaster at that point on the carpet and advise him to spend his time taking care of the duties of that office instead of lobbying here to add a few thousand dollars more to the public-building bill, that deserves strangulation in most of its items at the hands of an indignant public if not of the Senate. If you want to save money, regulate your own post offices and keep the postmasters in the line of their duty instead of clamoring for more expense and another public building.

When I see any sincere evidence of conversion, then I will be perfectly willing to cooperate when it can be done with safety to the congested centers of the larger cities of the country.

Report of business transacted at the Tyrone (Pa.) post office during the year ended Dec. 31, 1916.

#### POSTAL RECEIPTS

POSTAL RECEIPTS.	
To sale of stamps, cards, envelopes, etc	\$118, 034, 97
To box rents.  To postage on newspapers (second class)  To excess on stamped envelopes.	532 40
To postage on newspapers (second class)	133. 13
To excess on stamped envelopes	15. 15
To sale of waste paper	9. 35
Total receipts	118, 725. 00
DISBURSEMENTS.	
By amount paid postmaster	3, 300. 00
By amount paid assistant postmaster and clerks	14, 665, 77
Ry amount naid railway mail clarks	11, 339, 58
By amount paid letter carriers, and vehicle hire By amount paid, rent and light	9, 468, 48 2, 450, 00
By amount paid, rent and light	2, 450, 00
By amount paid special-delivery messengers	281. 92
By amount paid, canceling machine and power	131.00
By amount paid special-delivery messengers By amount paid, canceling machine and power By amount paid, miscelianeous items By amount transferred to money-order account	331. 76
By amount transferred to money-order account	28, 350, 00
by amount deposited with postmaster, Philadelphia, Pa	48, 4111) 55
Total disbursements	118 725 00
Veneu audeu husinaan	220, 120.00
Money-oraci oneiness.	
RECEIPTS.	
To balance on hand Jan. 1, 1916 To 21,705 domestic money orders issued	\$9, 774. 97
To 21,705 domestic money orders issued	127, 593. 11
To fees on domestic money orders issued	1, 157. 12
To 288 international money orders issued	6, 826. 25
To fees on international money orders issued	75. 50
To drafts on postmaster, New York, N. Y	21, 800. 00
To 6,054 remittances received from other omces	699, 853, 95 28, 350, 00
To transfers from postal account	28, 350, 00
Total	895, 431. 17
DISBURSEMENTS.	
By 184,112 domestic money orders paid	491, 352, 95
By 12 international money orders paid	174. 32
By deposited with Assistant Treasurer of the United	
States	392, 750. 00 11, 153. 90
States By balance on hand Dec. 31, 1916	11, 153. 90
Total	895, 431, 17
Postal-savings business.	
	\$9.845.00
To balance on hand Jau. 1, 1916To 428 certificates of deposit issued	\$9, 845. 00 23, 311. 00
10 420 certificates of deposit issued	20, 511. 00
THAT SELENCE COMMON MORNING THE ATT OF THE POST	33, 156, 00
By 181 withdrawals paid	
By balance on hand Dec. 31, 1916	24, 930. 00
Popleton huginger	
Number of letters and parcels registered	4.496
Number received for delivery	14, 740
Number of letters and parcels registered	18, 120
Total handled	
Insured parcels.	01, 000
	37, 892
Number of insured and C. O. D. parcels malled Number of insured and C. O. D. parcels received for de-	01, 392
livery	4, 671

Total handled .\_\_

42, 563

Statement of postal receipts during past 12 years.

Year.	Receipts.	Increase over previous year.	Decrease.	Net profit to Govern- ment on postal receipts.
1905. 1906. 1907	\$37, 162, 35 51, 882, 13 55, 950, 88	\$14,719.58 4,068.75		\$34,612.17 36,491,25
1908 1909 1910 1911	59,567.37 65,998.15 71,914.00 83,591,79	3,616.49 6,430.78 5,915.85 11,677.79		37, 608. 08 42, 447. 58 47, 316. 94 59, 071. 19
1912	88,544.20 90,208.10 101,000.86	4,952.41 1,633.90 10,792.76		52,670.42 61,957.12 71,931.56
1915	95, 662, 12 118, 725, 00	23,064.88	\$5,338.74	64,552.61 88,096.13 606,655.05

Tyrone is practically the only first-class post office in the State of Pennsylvania without a Government building, yet there are many second-class offices doing less than one-fourth the business that have Government buildings.

ALLEN S. GARMAN, Postmaster. FRED. C. BUCK, Assistant Postmaster.

The PRESIDING OFFICER (Mr. REED in the chair.) The question is on agreeing to the amendment of the committee.

Mr. WEEKS. I suggest the absence of a quorum.
The PRESIDING OFFICER. The Secretary will call the roll.
The Secretary called the roll, and the following Senators an-

swered to their names:

Ashurst	Hollis	McLean	Shields
Bankhead	Hughes	Martin, Va.	Simmons
Brandegee	Husting	Martine, N. J.	Smith, Md.
Broussard	James	Norris	Smith, S. C.
Bryan	Johnson, Me.	Oliver	Smoot
Catron	Jones	Overman	Thomas
Chamberlain	Kenyon	Owen	Townsend
Chilton	Kirby	Page	Vardaman
Clapp	La Follette	Penrose	Wadsworth
Clark	Lane	Poindexter	Warren
Cummins	Lea. Tenn.	Ransdell	Watson
Fernald	Lee, Md.	Reed	Weeks
Fletcher	Lewis	Shafroth	Williams
Gallinger	Lippitt	Sheppard	Williams
Harding	Lodge	Sherman	
rian anna	Livinge	Merman	THE PERSON NAMED IN COLUMN

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. OWEN. Mr. President, I was favorable to the continuation of the pneumatic tubes for the succeeding year, but I have heard no answer made to the point made by the Senator from Missouri [Mr. Reed] that this proposed amendment directs the Postmaster General to extend the existing contract for that service for a year's time without permitting him to get that service at a lesser rate. This matter was fixed some 10 years ago, as I understand. It seems that the Postmaster General is very much opposed to the continuation of the service. At all events, if this amendment is to go on the bill by the voice of the Senate, it does seem to me that it ought to be amended so as to permit the Postmaster General to make as reasonable an arrangement as he can. That can be done by having it as the subject of an arbitration between the Postmaster General and those who own these tubes. If the service is to be continued, I do not think that the hands of the Postmaster General ought to be absolutely tied so that he can not make a better bargain, if it be reasonable and be justified by the facts, which can be ascertained by an arbitrament of the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. WEEKS and Mr. VARDAMAN called for the yeas and nays, and they were ordered.

ys, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a

What the senior Senator from New York [Mr. general pair with the senior Senator from New O'GORMAN], who is absent; but, understanding that the Senator from New York if present would vote as I shall vote, I vote

Mr. HARDING (when his name was called). I have a pair with the junior Senator from Alabama [Mr. Underwood], but I am informed that upon this question he would vote as I shall vote. I therefore vote. I vote "yea."

Mr. KIRBY (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN]. If he were present he would vote "yea," and I should vote to sustain the recommendation of the Postmaster General and against the amendment. I should vote "nay.

The PRESIDING OFFICER (when Mr. REED's name was called). The present occupant of the chair transfers his pair

with the Senator from Michigan [Mr. Smith] to the Senator from Texas [Mr. Culberson] and votes "nay."

Mr. SMITH of Maryland (when his name was called). I

have a general pair with the Senator from Vermont [Mr. Du-LINGHAM]; but being informed that if present the Senator from Vermont would vote as I shall vote, I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the

Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

The roll call was concluded.

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. Hardwick], but on this vote I am released. I therefore vote. I vote "yea."

Mr. DU PONT. I have a general pair with the junior Senator from the part of th

tor from Kentucky [Mr. Beckham]; but I am informed that if present the Senator from Kentucky would vote in the way that I am going to vote, and I shall vote. I vote "yea."

Mr. SMITH of South Carolina. I transfer my general pair

Mr. SMITH of South Carolina. I transfer my general pair with the Senator from South Dakota [Mr. Sterling] to the Senator from Georgia [Mr. Hardwick] and vote "yea."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. Colt] to the junior Senator from Rhode Island [Mr. Colt] to the junior Senator from California [Mr. Phelan] and vote "yea."

Mr. CHILTON (after having voted in the affirmative). I have a pair with the Senator from New Mexico [Mr. Fall], which I transfer to the Senator from Arkansas [Mr. Robinson], and will let my vote stand and will let my vote stand.

Mr. JOHNSON of Maine. I transfer my pair with the junior

Senator from North Dakota [Mr. Gronna] to the senior Senator from Oklahoma [Mr. Gore] and vote "nay."

The result was announced-yeas 45, nays 25, as follows:

	Y	EAS-45.	
Bankhead Borah Brandegee Broussard Bryan Catron Chilton Clapp Clark Cummins Curtis du Pont	Fernald Fletcher Gallinger Harding Hoilis Hughes Jones Lewis Lippitt Lodge McCumber McLean	Martin, Va. Martine, N. J. Oliver Page Penrose Pittman Ransdell Saulsbury Sherman Shields Simmons Smith, Md.	Smith, S. C. Smoot Sutherland Swanson Townsend Wadsworth Warren Watson Weeks
	N	AYS-25.	
Chamberlain Husting James Johnson, Me. Johnson, S. Dak. Kenyon La Follette	Lane Lea, Tenn. Lee, Md. Myers Norris Overman Owen	Poindexter Reed Shafroth Sheppard Stone Thomas Thompson	Tillman Vardaman Walsh Williams
	NOT	VOTING-26.	
Ashurst Beckham Brady Colt Culberson Dillingham Fall	Goff Gore Gronna Hardwick Hitchcock Kern Kirby	Nelson Newlands O'Gorman Phelan Pomerene Robinson Smith, Ariz.	Smith, Ga. Smith, Mich. Sterling Underwood Works.

So the amendment of the committee was agreed to.

Mr. CLAPP. Mr. President, I offer an amendment, and in support of it I send to the desk a paper.

The PRESIDING OFFICER. The amendment will first be

stated.

The Secretary. On page 18, line 19, after the word "act," at the end of the committee amendment, it is proposed to insert:

That hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. CLAPP. I ask that the statement I have sent to the desk may be incorporated in the RECORD in connection with that amendment.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The statement referred to is as follows:

The statement referred to is as follows:

The hearings before the Senate Committee on Post Offices and Post Roads contain a letter of instructions sent out from the office of the Second Assistant Postmaster General to be followed by the inspection service in the reorganization of the Railway Mail Service, which is now taking place in various parts of the country. This reorganization is stated to be for the purpose of eliminating all unnecessary space in trains and all unnecessary clerical force on trains so as to bring about economies in the payment for space and economy in the cost of the clerical force. The general superintendent stated to the committee that the force was being reduced, notwithstanding the fact that the volume of mail is increasing. On December 31, 1916, there were some 354 surplus clerks and 15 clerks who had been indefinitely laid off, due to reorganization plans which have been placed in effect. The Postmaster General, in a letter submitted to the committee, makes the statement that there has been a considerable reduction in the number of clerks

employed because of the readjustment of the service. Reports are being sent in by the inspectors who are investigating the lines recommending the taking off of distribution and clerical force on trains. If this policy is to be followed upon all of the mall trains, and a careful perusal of the instructions sent out from the office of the Second Assistant Postmaster General can lead to no other conclusion, it will result in the placing of the clerks who have been taken off the trains in the terminals for the reason that the distribution taken off of trains will to a large extent be placed in the terminals and more men will be needed to perform the work. The maximum salary paid to distributors in terminals is \$1,200 per annum, and that on the road runs from \$1,200 to \$1,500 per annum for distributors. It requires seven years of service to reach the \$1,500 grade, and if these men are to be placed in terminals, many of them will be compelled to take a reduction in salary, and it does not seem fair to reduce the salaries of clerks in order to bring about further economies in the service. This amendment will not cost one cent additional, and its only effect is to prevent the department from reducing the salaries of clerks through administrative reforms that are, to say the least, of doubtful value to the service. The Postmaster General, in his letter to the committee, stated that the department does not contemplate a reduction in salary for the clerks, and in view of this statement there should be no opposition upon their part in opposing this amendment.

Mr. TOWNSEND. Mr. President, on yesterday an amend-

Mr. TOWNSEND. Mr. President, on yesterday an amendment reported by the committee and adopted by the Senate was, on the motion of the Senator from Florida [Mr. Bryan], reconsidered and a new amendment substituted in its place. I refer to the provision with reference to the pay of rural letter carriers for additional mileage traveled over 24 miles. I have no objection to the amendment offered by the Senator from Florida, except that it commits to me those are more described. except that it occurs to me there are words omitted that ought to be included in that amendment. The original amendment referred to carriers on horse-drawn vehicle routes. The amendment proposed by the Senator from Florida, in its redrafting so as to include other routes, left out the words "horse-drawn vehicle routes." If there is no objection, I should like to ask for a reconsideration of the vote by which that amendment was adopted in order to insert the words "horse-drawn vehicle routes," so that the provision shall clearly apply to such routes as the committee intended to include. As it reads now there may be some question as to whether the provision would not apply to automobile routes or other than horse-drawn vehicle routes.

Mr. BRYAN. Mr. President, I do not think that the amendment the Senator proposes to offer will in any way change the

meaning of the amendment already adopted, except that it will affect the rate of pay after a distance of 36 miles is reached, because when motor vehicles are allowed the rate of pay per mile provided by this amendment it is intended also to include them. I have no objection to allowing the Senator to offer his amendment, and have it adopted, so that it may go to conference.

Mr. TOWNSEND. Then, I ask unanimous consent to reconsider the vote by which the amendment referred to was adopted on yesterday

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which the amendment was

agreed to is reconsidered.

Mr. TOWNSEND. Now, I move to amend the amendment proposed by the Senator from Florida, by striking out the words "daily rural," before the word "routes," and inserting the words "horse-drawn vehicle."

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Michigan to the amendment offered by the Senator from Florida.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PENROSE. Mr. President, I desire to invite the attention of the Senator from Florida to an amendment which I shall now submit to the bill, and ask whether he will not accept it and let it go to conference.

The PRESIDENT pro tempore. The Secretary will state the

amendment.

The Secretary. On page 14, after line 17, it is proposed to insert the following:

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service, and clerks and other classified employees in first and second class post offices, can be required to work in excess of 8 hours a day; and for such additional services, and for all services performed after the lapse of 10 consecutive hours between the starting time and ending time of their schedules of duty, they shall be paid at double the rate of their salaries as fixed by law.

Mr. BRYAN. Mr. President, I can not accept that amendment, That gives to the letter carriers a privilege that is not accorded to other members of the service. It is a pretty serious proposition to double the rate of pay if clerks happen to be kept over-That does not apply in any of the other services. The fact is that the department is prohibited from working the clerks over eight hours except in cases of emergency, and then it can not pay them double time.

Mr. PENROSE. Mr. President, I know the Senate is pretty well tired out, and I do not want to delay the passage of this

If he will accept the amendment for the consideration of the conferees, I shall be satisfied.

Mr. BRYAN. Very well.
Mr. THOMAS. Well, just one moment, Mr. President.
The PRESIDING OFFICER (Mr. REED in the chair). the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. PENROSE. Yes. Mr. THOMAS. I should like to inquire of the Senator the extent to which this amendment is going to increase the amount of this appropriation?

Mr. PENROSE. It does not increase it. It is simply to correct an abuse which has grown up in violation of the entire policy of the Government.

Mr. THOMAS. If it does not increase the appropriation, very

Mr. PENROSE. Now, Mr. President, I want to say one word

by way of explanation, and then I have done.

I had intended to ask the Senate to recede from the Senate amendments on pages 11 and 14 relative to the promotion of clerks and letter carriers, reducing the House provision for this purpose to 75 per cent of the clerks in first-class post offices, and so on down the line. As a member of the Committee on Post Offices and Post Roads, however, I have some hesitation in not abiding by the verdict of the committee as far as the floor of this body is concerned, and I am content to let the matter go to conference, with the sincere hope that the Senate conferees may see their way clear to recede and concur in the House provisions regarding clerks and carriers in this respect.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

SEVERAL SENATORS. What is the amendment?

Mr. PENROSE. I did not propose any. I merely made an

explanation as to why I had not offered—
The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania was not agreed to.

Mr. PENROSE. I thought it had been.

The PRESIDING OFFICER. It was accepted by the acting chairman of the committee, but not by the Senate. The question is upon the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.
Mr. WEEKS. Mr. President, I offer the amendment which send to the desk as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. It is proposed to add to the bill, as a new section, the following:

SEC. — In order to promote economy in the distribution of supplies and in auditing and accounting, the Postmaster General may hereafter designate districts and central offices in such districts through which supplies shall be distributed and accounts rendered, and may, for the above purposes, establish such branch offices within such districts as he may deem necessary; but in no case shall the postmaster at the central office be given authority to abolish offices or to change officers or employees in offices included in such districts.

Mr. WEEKS. That identical proposition has already passed the Senate. It is on a bill which may not be passed by the It seems desirable that it become part of the law.

Mr. BRYAN. Mr. President, I think that is a very excellent amendment, and I hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. President, I offer the amendment which Mr. CUMMINS. send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 17, at the end of line 18, it is proposed to insert:

Provided, That hereafter every railroad company carrying the mails shall carry on any train it operates, and without extra charge therefor, the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service, including all terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents, and chief clerks and post-office inspectors, while traveling on official business, upon the exhibition of their credentials.

Mr. CUMMINS. Mr. President, this is an amendment which the Senator from South Dakota [Mr. STERLING] intended to offer. In his absence I have offered it, though not on his behalf, because he did not request me to do it. I do it in my own behalf, and mention the circumstance simply to explain the heading of the amendment.

This is an exact reproduction of the law of last year, with the addition of the words "terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents." It has become necessary on account of a new policy which has been adopted by the Post Office Department, which I do not bill, which I assume the Senator is anxious to dispose of to-night. criticize, for I do not know anything about its merits; but

through this new policy a great many of the railway mail clerks who had established homes along the line have been moved to the terminal transfer offices or terminal railway offices, and it is intended to allow them the same privilege of transportation which is now accorded to the railway mail clerk. In no other respect does it differ from the existing law upon the subject. The words I have quoted are inserted in the law as it now is, beginning with the word "including." It is simply an interpretation, rather, of the present law.

Mr. BRYAN. Mr. President, I feel compelled to raise the

point of order on this amendment. The existing law allows free travel to the clerks in the Railway Mail Service. This amendment confers the same privilege upon clerks in terminal stations, transfer clerks, clerks assigned to the offices of division superintendents, and chief clerks. After the amendment was introduced it was referred to the department for its opinion, and

I quote from a letter, as follows:

The clerks specified in the language last quoted are those assigned to work in offices or to work in or near railroad stations at large terminals. Their assignments do not require them to travel on official business—

Which makes the difference between them and those who now enjoy the privilege.

The amendment appears to contemplate that railroad companies shall be required to transport such clerks between the place where they work and their homes located at such points out on a railroad line as the clerks may select.

Then the Postmaster General calls attention to this condition of affairs that would exist:

If the proposed amendment were to be enacted into law, then in the case of two clerks residing in the same town and traveling over the same line to a city in which they both worked, one employed in the office of the Superintendent of Railway Mail Service, the other employed in a post office, the former would receive transportation over the railroad without cost to himself, while the latter would have to pay for his transportation; and there would seem to be no good ground for making the distinction between the two clerks.

Mr. NORRIS. Mr. President—— Mr. BRYAN. In other words, neither one of these clerks travels on the train in pursuance of his employment. The object of the amendment is to give them free transportation at the expense of the Government, because the Postmaster General then proceeds to point out that last year the question of compensation for railway mail pay was referred to the Interstate Commerce Commission; and undoubtedly if the Senate puts on this amendment in fixing the rates of railway mail pay the Interstate Commerce Commission is going to charge up to the department the expense of the transportation of these clerks not engaged in the Railway Mail Service. Such a clerk is no different from any other clerk who never has to travel on a train in the line of his duties. It is a simple gratuity. It is a free pass to these clerks. It is not in any way connected with their duties in the employment of the Government. There-

Mr. NORRIS. Mr. President—
The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Florida yield to the Senator from Nebraska?

Mr. BRYAN. Yes. Mr. NORRIS. As I understand, the comparison which the Senator makes between a clerk employed in the post office and one employed in the Railway Mail Service would not apply, because the reason for asking for this change of law, or, rather, this change of construction of the law, is not to take advantage of quite a number of clerks in the railway post office who have for a good many years built up their homes in localities where, on account of the change of a terminal or something of that kind, they now find themselves compelled to pay railroad fare in order to get to one end of the route over which they must run. At least that is as I understand it.

Mr. BRYAN. Oh, no. Mr. NORRIS. And the reason that would permit or require those clerks to be carried by the railroad company would not apply at all to a clerk working in a post office that is permanently located.

Mr. BRYAN. No; nor in a terminal, because the privilege is granted to the postal clerks, because their business is to travel on the trains, and they may have to go from their homes to a

Mr. NORRIS. Yes; but this amendment only applies to postal clerks.

Mr. BRYAN. This amendment applies to chief clerks and clerks in the terminals that never go on trains and handle the mail. New, let me state the point of order.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida

yield to the Senator from Iowa?

Mr. BRYAN. Let me state my point of order. The point of order, of course, is that it is general legislation on an appropriation bill.

Mr. CUMMINS. Mr. President-

Mr. BRYAN. I yield to the Senator from Iowa. Mr. CUMMINS. The Senator from Florida has argued the merits of the matter on his point of order, and I presume he would have no objection to my saying a word in behalf of the amendment.

I could not hear all that the Senator from Florida said; but if he understands the amendment to extend the privilege of free transportation to the offices of the postmasters in the various cities or towns, he misreads it. It is limited to the clerks in the terminal railway mail offices. Now, these terminal offices have been established, because it was thought the business formerly done by the railway mail clerks on the train could be better done at the terminal offices; and so a great many of these clerks, as I understand, have been taken from the trains and transferred to the terminal offices, which do exactly the same kind of work that has been done and is being done upon the trains. These clerks, before their transfer, were entitled to transportation from the end of their runs to their homes, and I think they ought to be entitled to that transportation still, even under the law as it was passed last year; but there may be some doubt about that.

Mr. NORRIS. They are doing the same work, too.
Mr. CUMMINS. They are doing the same work.

Mr. NORRIS. The same work that they used to do when

they were all railway postal clerks.

Mr. CUMMINS. And the amendment is proposed in order to clear up that doubt or to extend the privilege, if there be no doubt, to these people.

Mr. President, one of the greatest acts of injustice connected with the Post Office Department has been the transfer of the railway mail clerks from their former field of activity to the terminals. I remarked the other day that these railway mail clerks, under a policy that had been pursued for many years, had established homes, had built up their circle of friends, had created all the relations of life, and had reason to believe that this status would be continued. I am not complaining now of the policy which changed them, for I do not know enough about the subject to criticize it or to commend it, but it has been changed, and these clerks, instead of being compelled to abandon their homes, in which many of them have lived for years and years, asked the privilege of returning from the terminal to which they have been assigned to their homes without expense. The advance that will be made, if any, in the railway mail pay on account of this difference is negligible, it is so infinitesimal that it will never be considered by the Interstate Commerce Commission in determining the compensation for the railways. In the first place, there are not a very large number of them, and I understand the railways are perfectly willing to carry them in accordance with the old policy, but they can not be carried unless the Postmaster General gives each of them a credential or a commission.

Mr. NORRIS. Mr. President-The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska, Mr. NORRIS. The railroad companies prior to the order which was made did carry these same men.

Mr. CUMMINS. Undoubtedly.
Mr. NORRIS. The railroad companies made no objection to it.

Mr. CUMMINS. There is no objection to it; and the suggestion that the Government of the United States will be compelled to pay any more for the transportation of the mails is purely

Now, with regard to the point of order, I do not believe, Mr. President, that this is general legislation. It is simply applying a statute already passed and which is now the law to the actual situation. It is simply removing a doubt which has existed with regard to the interpretation of the statute. I hope the Senator from Florida will not insist upon his point of order, but let us have a vote upon the amendment; and if it is the opinion of the majority of Senators that this ought not to be done, I shall be content. I am perfectly willing to take a rising vote in order to determine it; I will not call for the yeas and nays; but I appeal to the Senator from Florida not to make the point of order.

Mr. GALLINGER. If we are to vote upon this question I should like to know upon what authority the statement was made that the railroad companies are willing to carry these

clerks free. I have been told that the railroad companies object to it.

Mr. CUMMINS. I have a minute on my table, furnished me by one in whom I have confidence, in which that statement is made. I have not verified it by any inquiry from the railroad companies themselves

The PRESIDING OFFICER. Does the Senator from Florida

insist on his point of order?

Mr. BRYAN. I do insist upon it.

The PRESIDING OFFICER. The Chair overrules the point of order. The question is on the amendment offered by the Senator from Iowa.

Mr. BRYAN. I respectfully appeal from the decision of the

The PRESIDING OFFICER. That is within the Senator's province and it is satisfactory to the Chair. The Senator from Florida appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Those who desire to sustain the decision of the Chair will please rise and stand until counted.

Mr. CUMMINS. As that is the question on which a division

is called for, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, it seems to me we had the precedent established to-day by the Vice President in the chair, and his decision was sustained on an appeal, that a certain amendment then pending was not general legislaton, and it came a great deal nearer general legislation than does this amendment. We had pending then an amendment which provided for a commission to make an investigation of the tube services all over the United States, and it included an appropriation of \$25,000 to pay their expenses. It also gave the commission the right to employ experts and to make a complete investigation. The Chair held that it was not general legislation, and, as I said, the

Senate on an appeal from the decision sustained the Chair.

Mr. OVERMAN. Will the Senator yield to me to make a motion to take a recess until to-morrow at half past 10 o'clock?

Mr. NORRIS. If the Senator will let me conclude— Mr. OVERMAN. I understand that it is the desire to take up this question in the morning.

Mr. NORRIS. All right; I yield.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 10.30 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 5 minutes m.) the Senate took a recess until to-morrow, Thursday, February 15, 1917, at 10.30 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

Wednesday, February 14, 1917.

The House met at 12 o'clock and 30 minutes p. m.

Rev. William Couden, of Washington, D. C., offered the fol-

lowing prayer:

Dear God, we know that Thou art far above considerations of earthly power and wealth, or numbers. Yet we feel that if Thou art mindful of two or three who gather in Thy name, Thou wilt hear the prayers of this our wide and populous We need Thee with all the shining of Thy light and love. Without Thee, the greatest is less than the least. With Thee, the weakest becomes strong, linked to the Eternal and Infinite.

In these days of uncertainty and stress we implore Thee to bless him who has been our President in the term now nearly past and who will soon enter upon another term of the great office. Guide all our leaders in thought and action, and move our people with truth and justice. If we are to have foes, judge Thou between us. And grant that our triumph always and forever shall be that we remain steadfastly on the side of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

OLEOMARGARINE.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to

have read a telegram from the New York State Dairymen's League, which I received this morning.

The SPEAKER. The gentleman asks unanimous consent to have a telegram read. Without objection, it is so ordered. The Clerk read as follows:

LITTLE FALLS, N. Y., February 13, 1917.

Hon. Homer P. Snyder, M. C.,

Washington, D. C.:

We think Underwood amendment to internal revenue bill making oleomargerine tax 2 cents pound permitting coloring to be used as

adopted by the Senate Finance Committee is wrong principle of legalizing counterfeiting by payment of small license fee and should not be permitted. Please make effort to kill this amendment.

R. D. Cooper,

President Dairymen's League.

COMMONWEALTH OF MASSACHUSETTS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to have read a resolution adopted by the House of Representatives

of the Commonwealth of Massachusetts.

The SPEAKER. Without objection, the resolution will be

There was no objection.

The Clerk read as follows:

The Clerk read as follows:

The Commonwealth of Massachusetts,
House of Representatives,
February 9, 1917.

Ordered, That it is the sense of the house of representatives that the citizens of the Commonwealth of Massachusetts, regardless of race, creed, color, or party, in the present national crisis, stand now, as always, as one man ready to support with their blood and treasure the President and the Congress of the United States in whatsoever action he or it may take to preserve the dignity, honor, and safety of our country; and be it further
Ordered, That a copy of this expression of the house of representatives be sent to the President of the United States and to each Senator and Representative in Congress from this Commonwealth.

James W. Kimball, Clerk.

A true copy. Attest:

JAMES W. KIMBALL, Clerk House of Representatives. RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 10 minutes to 1.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 10 minutes to 1. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 43 minutes p. m.) the House stood in recess until 12 o'clock and 50 minutes p. m.

The recess having expired, the House resumed its session.

COUNTING THE ELECTORAL VOTE.

At 12 o'clock and 55 minutes p. m. the Doorkeeper announced the Vice President and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant at Arms and headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House

occupying the chair on his left.

The VICE PRESIDENT. Gentlemen of the Senate and House of Representatives of the Congress of the United States, this joint session of the two Houses of Congress is held in accordance with the Constitution of the United States, the laws enacted thereunder, and the concurrent resolution heretofore passed by the two Houses for the purpose of opening the certificates and ascertaining the electoral vote for President and Vice President of the United States. The tellers heretofore appointed by resolution of the two Houses—Mr. Kern and Mr. Clapp, on the part of the Senate, and Mr. Rucker of Missouri and Mr. Mapes, on the part of the House—will be seated at the Clerk's desk.

It has been the immemorial custom upon occasions such as this to refrain entirely from any manifestation of approval or disapproval. This custom has arisen from the fact that the result may not be entirely satisfactory to everybody, so the Chair requests that all in the gallery and the Members of both Houses refrain from any manifestation of approval.

In accordance with the law the Chair now opens the returns from the State of Alabama. If there be no objection, the reading of that portion of the return which is formal will be omitted. If any Senator or Representative desires it read in full, it will be read. If there be no objection, the formal reading will be dispensed with.

There was no objection.

The VICE PRESIDENT. The tellers will now count and

announce the electoral vote of the State of Alabama.

Mr. KERN (one of the tellers). The certificate of the electoral vote of the State of Alabama seems to be regular in form and properly authenticated, and it appears therefrom that Woodrow Wilson, of the State of New Jersey, has received 12 votes for President of the United States, and that Thomas R. Marshall, of the State of Indiana, has received 12 votes for Vice President of the United States.

The VICE PRESIDENT. Is there any objection to this certificate? None being offered, the tellers will proceed to read,

count, and announce the vote of the State of Arizona.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the several States in their alphabetical order, and in each case objections, if any, were called for by the presiding officer, and none were offered.

The VICE PRESIDENT. All of the certificates having been read, counted, and announced, the tellers will make a list of the

same and report the result to the Presiding Officer.

Mr. KERN (one of the tellers). Mr. President, we, John W. KERN and Moses E. CLAPP, tellers on the part of the Senate, and WILLIAM W. RUCKER and CARL E. Mapes, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1917:

Number		For Pre	esident.	For Vice	President.
electoral votes to which each State is entitled.	States.	Woodrow Wilson, of New Jersey.	Charles E. Hughes, of New York.	Thomas R. Marshall, of Indiana.	Charles W Fairbanks of Indians
12	Alabama	12		12	
3	Arizona	3		3	
9	Arkansas	9		9	
13	California			13	
6	Colorado	6	************	6	
7	Connecticut		7		The State of
3	Delaware		3		
6	Florida	6		6	
14	Georgia	14		14	
4	Idaho	011-01 GT 4		4	
29	Illinois		29	**********	
15	Indiana		15		
13	Iowa		13		Transfer and the
10	Kansas	10		10	
13	Kentucky	13		13	
10	Louisiana	10		10	
6	Maine		6		CONTRACTOR OF
8	Maryland	8		8	
18	Massachusetts		18		
15	Michigan		15		
12	Minnesota		12		
10	Mississippi	10		10	
18	Missouri	18		18	
4	Montana	4		4	
8	Nebraska	8		8	
3	Nevada	3		3	
4	New Hampshire	4		4	
14	New Jersey		14		
3	New Hampshire New Jersey New Mexico	3		3	
45	New York		45	***********	10010000
12	North Carolina	12		12	
5	North Dakota	5		5	
24	Ohio			24	
10	Oklahoma	10		10	
5	Oregon		5	**********	10881100
38	Pennsylvania		38		
5	Rhode Island		5		1.00
9	South Carolina	9		9	
5	South Dakota	**********	5	*********	Salks
12	Tennessee	12		12	
20	Texas			20	
4	Utah	4		4	
4	Vermont	*********	4	***********	1100
12	Virginia	12		12	
7	Washington	7		7	
8	West Virginia	1	7	1	2 1 1 1 1 1 1
13	Wisconsin	**********	13	**********	1116
3	Wyoming	3		3	
531		277	254	277	2

JOHN W. KERN, MOSES E. CLAPP, Tellers on the part of the Senate. WILLIAM W. RUCKER, CARL E. MAPES, Tellers on the part of the House of Representatives.

The VICE PRESIDENT. By the report of the tellers and the list made by them of the electoral vote of the several States, the state of the vote for President of the United States, as de-

livered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Presi-

dent of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 277 votes.

Charles E. Hughes, of the State of New York, has received

254 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice

President of the United States is 531, of which a majority is

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 277 votes.

Charles W. Fairbanks of the State of Indiana, has received 254 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1917, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The purpose for which the joint convention assembled having been accomplished, I now dissolve this joint convention, and

the Senate will retire to their Chamber.

The Senate retired from the Hall, and (at 1 o'clock and 43 minutes p. m.) the Speaker resumed the chair and called the House to order.

TRANSFER OF RETIRED ARMY OFFICERS TO THE ACTIVE LIST.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Military Affairs.

Mr. CALDWELL. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill S. 6850, an act authorizing transfer of certain retired officers to the active list.

The SPEAKER. This bill is on the Union Calendar, and the House will automatically resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LLOYD in the chair.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the President be, and he is hereby, authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March 4, 1915: Provided, That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired: Provided further, That such officer shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law: And provided further, That any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above, except when retired for age or for physical disability incurred in the line of duty.

Mr. CALDWELL. Mr. Chairman, I send to the desk a letter

Mr. CALDWELL. Mr. Chairman, I send to the desk a letter that I would like to have the Clerk read in my time.

The Clerk read as follows:

DECEMBER 4, 1916.

Hon. S. H. Dent,

Chairman Committee on Military Affairs,

House of Representatives, Washington, D. C.

My Dear Mr. Dent: I wish to bring to your attention Senate bill 6850, which is the same as H. R. 17424, now on the Union Calendar.

The act making appropriations for the support of the Army for the fiscal year 1916 contains a provision authorizing the transfer to the active list of officers of the Army previously transferred to the retired list for physical disability and provides that each officer so transferred be carried as an additional number and be given the place on the active list he would have had if he had not been retired. This act does not include officers who have been retired under the Panama Canal act, approved March 4, 1915, which deficiency in legislation the bill S. 6850 would remedy.

include officers who have been retired under the Panama Canal act, approved March 4, 1915, which deficiency in legislation the bill S. 6850 would remedy.

Officers transferred to the active list under the present law have been advanced one or two grades in rank, whereas officers transferred under bill S. 6850 would return to the rank each held at the time of his retirement, or, as it happens, one grade lower than that held by each on the retired list.

The officers retired under the Panama Canal act were physically and mentally sound, well trained, and had had unusual experience for their age, and I consider it a good business proposition for the Government to obtain the active services of those who desire to return to the active list under the conditions of bill S. 6850.

One of the officers served 21 years in the Ordnance Department, and his return to the active list would help to meet a pressing shortage of experienced officers brought about by the increased burden placed upon that department through recent appropriation acts and by the loss of a number of such officers taken from the department by the inducements of private employment, which shortage could be relieved in no other prompt manner. There are now several demands for such an officer which there is no way of meeting

I consider the enactment into law of bill S. 6850, as passed by the Senate on September 8, 1916, to be for the best interests of the Government.

Sincerely, yours,

Newton D. Baker.

Sincerely, yours, NEWTON D. BAKER, Secretary of War.

Mr. CALDWELL. Mr. Chairman, this bill has been on the Unanimous Consent Calendar. When it was being considered by the House at that time certain objections were raised by the gentleman from Pennsylvania [Mr. Moore] and the gentleman from Wisconsin [Mr. Stafford] on the theory that the bill brought into the service certain men that made it objectionable.

The proposition here is that we are not trying to do a favor to any Army officer, nor are we trying to promote any Army officer, but what we are trying to do is to favor the United States and to save money to the Government of the United

States for the simple reason that these men are now on the retired list at a grade above that at which they will come back into the service. As long as they live and stay on the retired list they will continue to draw the retired pay, and if some other man is put into these positions he will draw more pay and we will be paying two men, one of whom is working and one of whom is not working. If, on the other hand, you let these men go back into the service at a grade at which they are now receiving you will save the retired pay and get a good and efficient, well-tried, and true Army officer to do the work that this Government now needs to have done.

Gen. Crozier was before our committee and this question was brought up, and he was asked why he was interested in this bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL, Yes.

Mr. MOORE of Pennsylvania. Are we considering Senate bill 6850 now?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. Is not that a general bill that would admit any retired Army officer who might have gone out of the service temporarily?

Mr. CALDWELL. No; this bill will only cover four Army officers, retired under the Panama Canal act, mentioned in the

Mr. MOORE of Pennsylvania. The report I have mentions no Army officer. I have a report brought in by the gentleman from New York [Mr. CALDWELL] from the Committee on Military Affairs to accompany S. 6850. It mentions no names, and does not indicate that it is in the interest of any special officer.

Mr. KAHN. If the gentleman will yield, there is an earlier

report on the House bill which I assume the gentleman from

New York refers to.

Mr. CALDWELL. Yes. If the gentleman from Pennsylvania will bear with me, I will expain. The bill seeks to enable four Army officers who were retired at the time Gen. Goethals retired to be placed on the active list. At that time it was found in the House that if these men who had been doing the work on the Panama Canal were sent back into active duty the fact that they went back into active duty would be practically a reduction in standing, and so for that reason the men were given an opportunity to retire, and four of them took advantage of the act, and this bill covers those four and no more.

Mr. MOORE of Pennsylvania. Were they employed on the

Panama Canal when they were retired?

Mr. CALDWELL. They were in the United States service;

three retired as majors and one as a colonel.

Mr. BROWNING. Who are the four men referred to?

Mr. CALDWELL. One was Col. Dickson, who received \$3,750 a year, and the three others were majors, receiving \$2,925 per year.

Will the gentleman yield? Mr. KAHN.

Mr. CALDWELL. Yes.
Mr. KAHN. These gentlemen, when retired, retired one grade higher under they had been serving. they had been serving. ALDWELL. I have so stated. grade higher under the Panama Canal act than that in which

Mr. CALDWELL. I have so stated. Mr. BROWNING. Is Maj. Barbour one of the retired officers?

Mr. CALDWELL. I think not.

Will the gentleman yield? Mr. STAFFORD.

Mr. CALDWELL. Certainly.

Mr. STAFFORD. If I understand this bill, it is intended merely to permit one of the four officers who retired under the Panama Canal retirement act to regain service in the Army.

We want to permit all four to return to Mr. CALDWELL. the active list, but I understand that there is but one that will

Mr. STAFFORD. Will the gentleman inform the committee whether the gentleman seeking to gain promotion in the service

is employed in civilian life?

Mr. CALDWELL. No; he is now doing duty voluntarily in the Army, having gone back to the service as a retired officer. He is now at Watervliet doing duty on which he volunteered to work until March 4, 1917, after which, if this bill should not become a law. he will go back into civil life.

Mr. STAFFORD. Has he accepted the retirement provided

for in the Panama Canal act?

Mr. CALDWELL. He did. At the time that Col. Dickson accepted that retirement his wife was in a very delicate condition. She was so badly off that it was impossible for him to stay in the service and properly care for her. He took advantage of this retirement clause and nursed his wife until she died. After she died and he was on the retired list, he was given a contract of employment in civil life, and just as he was beginning in the work the contract fell down and he had been in a very high executive position.

quit. Since that time he has been offered numerous places of employment at high salary, but because of his past experience and his association in the Army and his desire to spend that kind of a life, he is holding off from going into private employment in munition factories, hoping he can get into the United States Army and there perform the duty that we need just such men to perform.

Mr. STAFFORD. Have any of the other three who have accepted retirement under the Panama Canal act accepted service with munition factories or other private employment?

Mr. CALDWELL. I understand two of them have. I yield to the gentleman from Delaware [Mr. MILLER], who can tell the gentleman in respect to that.

Mr. MILLER of Delaware. Mr. Chairman, I understand there are two of them, and one of the five I will call to his attention is a chaplain, and so the question of going into em-

ployment in a munition factory could not lie against him. Mr. STAFFORD. How many of these retired officers are at the present time performing service for private munition factories and at the same time accepting pay as retired officers?

Mr. MILLER of Delaware. I understand that there are two of them. These men are not known to me personally. I have found out, however, that none of the five men expected or wanted to take advantage of this act except Col. Dixon.

Mr. STAFFORD. These other two find it more profitable to work for private concerns with their retired pay than to go back into the United States Army and perform work so pressingly needed by the Government?

Mr. MILLER of Delaware. I will not deny that, but they

retired under the law passed here in the last Congress.

Mr. BROWNING. Mr. Chairman, can the gentleman tell

me who those three majors are?

Mr. MILLER of Delaware. I will tell the gentleman from New Jersey. I just came into the Hall, and I have the list here.

Mr. BROWNING. I have been trying to find out.
Mr. MILLER of Delaware. There are three captains, Robert E. Wood of the Cavalry, Courtland Nixon of the Infantry, Frank O. Whitlock of the Cavalry; one major, Henry A. Brown, a chaplain; and one lieutenant colonel, Col. Dickson, in the Ordnance Arm.

Mr. MILLER of Minnesota. Mr. Chairman, will the gen-

tleman yield further?

Mr. CALDWELL. I yield to the gentleman from Minnesota.
Mr. MILLER of Minnesota. What distinguished service in
connection with digging the Panama Canal did these men illustriously perform?

Mr. MILLER of Delaware. Under the act of March 4, 1915, these gentlemen and other gentlemen who wanted to take ad-

vantage of it had the right to retire.

Mr. MILLER of Minnesota. I understand all of that, but those names were added after the bill left the House, and some of us have been wondering ever since they were added just what they had done to merit this distinction.

Mr. MILLER of Delaware. I differ with the gentleman. The Panama Canal act does not name any particular officer. It simply provides that officers who have served a certain length of time on the Panama Canal have the right to apply for retirement.

Mr. MILLER of Minnesota. The bill as it passed the House limited the emolument to a very small number of people.

Mr. KAHN. Named in the bill.

Mr. MILLER of Minnesota. Yes; and these others were added, and if I may be permitted to say so, to the lasting disgrace of the whole proposition, and if I could pass a law that could bring them back and subject them to some punishment for going out, I would do it.

Mr. MILLER of Delaware. What did Congress pass an act for if it did not expect people to take advantage of its provi-

Mr. MILLER of Minnesota. To be plain and frank with the gentleman, I have understood that it was at the earnest solicitation of these men that this act was going to benefit. I do not mean these particular men, but the group of individuals included in the provisions as it became a law-that those individuals were instrumental in at least asking for it.

Mr. CALDWELL. Mr. Chairman, as I understand the proposition, it was this: At the time that the statute was passed permitting some of the Army officers to retire, to take advanage of the fact that they had done work at Panama, it was pointed out that every man who was down there, from the lieutenant on up,

Mr. MILLER of Minnesota. Will the gentleman permit an amendment—I would say that every man from a shoveler, or

who worked a steam shovel, up.

Mr. CALDWELL. The gentleman does not get my train of thought. All of the men who had been in executive positions had a position that was far above that which their relative rank in the ordinary branches of the Army would give them. In other words, their responsibilities were greater, and if they came back and went into the Regular Army service, it would be what was in the minds of the Army officers a "comedown." In other words, they have been for some years in very high positions and in coming back they would go down instead of up, as the service warranted. I was not a Member of Congress at that time, but Congress passed a bill that permitted these men who wanted to retire to do so. Now, in the particular case of Col. Dickson, who is the man we are trying to get back at this time and whom Gen. Crozier wants back because he has a place for him in some work that is necessary to be done and he does not know anybody else who can do it-

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. MOORE of Pennsylvania. Why does not the gentleman bring in a bill to restore Col. Dickson and let us fight it out on its merits? Why does the gentleman want to get Col. Dickson back, and under cover of Col. Dickson open up the whole business, so that any man who has gone out of the service for his own benefit and perhaps for his own profit can come back under this blanket provision and be reappointed by the President on application?

Mr. CALDWELL. The War Department has asked that the bill be made broad enough to cover all these officers referred to in the report, which the gentleman now has a copy of before him, so they can be all gotten back, because they want all of

those men if they can get them.
Mr. MOORE of Pennsylvania. The bill goes beyond these five officers mentioned in the report, a copy of which I have at last succeeded in getting. I understand some of them have been employed outside of the Government service at higher salaries than they would get in the service, and now they are very anxious to come back; and if they can come back under the provisions of this bill they will rank the men who have been faithful to the service while they have been gone looking after their own affairs. Now, will the gentleman—

Mr. GREENE of Vermont. Mr. Chairman, I will say to the gentleman from Pennsylvania—

Mr. MOORE of Pennsylvania. I am asking why they bring in a blanket resolution instead of covering each individual case?

Mr. GREENE of Vermont. If the gentleman will permit, these same men covered in this bill might still stay on the retired list at higher rank and pay than they would expect if they came in under the provisions of the act; so it is no direct monetary advantage to them or advantage in rank, but it is a sacrifice.

Mr. MOORE of Pennsylvania. They are still attached to the

service, still under pay?

Mr. GREENE of Vermont. At present.

Mr. MOORE of Pennsylvania. And therefore the gentleman thinks it is a good proposition to put them back in the service, so they will be doing something for what they are now paid, and no longer be on the retired list?

Mr. GREENE of Vermont. Yes.

Mr. MOORE of Pennsylvania. Let me ask the gentleman whether it is a good proposition, a good business proposition, for the Government in time of stress, when the country needs trained men, just such men as these men are, to give over to the service of private corporations or to outside concerns their talent and ability? The gentleman does not answer.

Mr. CALDWELL. Mr. Chairman, I will answer the gentle-

man and then I will yield some time. I will say in answer to

the gentleman from Pennsylvania [Mr. MOORE]——
Mr. MOORE of Pennsylvania. I shall oppose this bill unless the gentleman indicates the men who want to come back. are certain officers of the Army who have gone out of the service, and there may be good reasons why they should not come back.

Mr. CALDWELL. No; I will say to the gentleman from 'ennsylvania that as I understand the situation it is this: These Army officers were trained for the United States Army in the United States Military Academy-

Mr. SLAYDEN. The chaplain was not.
Mr. CALDWELL. Except the chaplain; they have had a training that was at least beneficial to them. Now, those men who went into a private munitions factory had a further training which are the men who in the mind of the War Department are extremely valuable to us now that we have embarked on getting now.

a scheme of making our own munitions. We need men who have had charge of commercial enterprises. We need men who have had just the kind of schooling and training these men have

Now, I yield 10 minutes to the gentleman from California-

[Mr. KAHN]

Mr. KAHN. Mr. Chairman, answering the proposition of the gentleman from Pennsylvania [Mr. Moore], I desire to call his attention to one or two matters. In the first place when these gentlemen retired, their places were immediately filled and there were no vacancies then to which they could have been appointed if they had applied for reappointment. The nationaldefense act, which created a great number of additional offices in the Army, did not pass until June 3, 1916. It was thereafter that men began to apply for the positions which were created by that act. It was only after the passage of that act that these people could see their way clear to get appointments in the United States Army. Now, if they go back into active serv-ice and the Government gets the benefit of their talent and ability, they will only get as pay practically what they are drawing as retired officers because

Mr. GREENE of Vermont. No; they will go down a grade. Mr. KAHN. They get practically the pay and allowances of the grade lower than the one at which they retired; and thereif they are reappointed, they get about the same pay which they are getting now.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. KAHN. Yes, sir.

Mr. SLAYDEN. Mr. Speaker, it seems to me, if I read his mind aright, what is puzzling the gentleman from Pennsylvania [Mr. Moore] is that you take gentlemen who have rendered distinguished service, if you please, and permit them, when it is to their advantage to do it, to go out of the Army and then reinstate them by creating additional commissioned officers. You did not mention in your statement the fact that it is not proposed to make additional commissioned officers.

Mr. KAHN. I meant to say that.

Mr. SLAYDEN. And continue employment in the commercial world as long as it suits them, and, when it is more agreeable and profitable to come back, and you permit them to do it, it may be-I will not say demoralizing to the military service, but something that squints in that direction.

Mr. MOORE of Pennsylvania. You are discriminating against everybody who has been faithful to the service and

who is in line of promotion.

Mr. SLAYDEN. I know Col. Dickson very well. He is an excellent officer and gentleman and I think his services are valuable; but I do not think we are warranted in creating more offices to accommodate a chaplain, for example, who has gone out to his own advantage and who is getting paid as a retired officer.

Mr. KAHN. I am not pleading the cause of the other officers particularly, but I say that what the gentleman states may be correct and this bill may create some dissatisfaction. Still, at the present time the War Department is exceedingly anxious to get officers who know their business to fill the vacancies that even in the commissioned forces of the Army have been created by the passage of the national-defense act.

Mr. SLAYDEN. Are there any vacancies to which these gen-

tlemen can go?
Mr. KAHN. There are, I think.

Mr. SLAYDEN. Why do you propose to create five additional vacancies, then?

Mr. KAHN. Probably in these higher grades there are no There are vacancies in the lower grades, I know.

Mr. SHALLENBERGER. Does the gentleman from California agree with the gentleman in charge of the bill that the principal object of this bill is to get Col. Dickson back into the service?

Mr. KAHN. Yes

Mr. SHALLENBERGER. Also the claim is made that if he is going into the service he is going back one rank lower than he held when he went out.

Mr. KAHN. One rank lower than he was retired at. Mr. MOORE of Pennsylvania. Permit me to read:

Provided, That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired.

Now, that puts him over the head of other officers.

Mr. KAHN. He would then get about the very pay he is

Mr. SHALLENBERGER. The point is, as I understand it, the War Department, referring to the statement of the gentleman from California [Mr. Kahn], is anxious to get Col. Dickson back into the service. The minute he is commissioned lieutenant colonel the War Department can next commission him a colonel or a brigadier general or a major general.

Mr. KAHN. I do not think so. Mr. SHALLENBERGER. Has it not been done?

Mr. KAHN. If there happened to be vacancies in the higher grades.

Mr. SHALLENBERGER. That can be provided for. So that the proposition of the sacrifice on the part of the colonel is somewhat problematical, is it not, in coming back into the service? Is it not a fact?

Mr. CALDWELL. It is not so, for this reason: That if he goes back as lieutenant colonel, he would not be a brigadier

general or anything else.

Mr. KAHN. They can advance him as vacancies in the higher grades occur. That is the only way they can advance anybody. The Chief of Ordnance, Gen. Crozier, appeared before the Committee on Military Affairs and stated it was exceedingly desirable to get Col. Dickson back into the service, inasmuch as he was a valuable man.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KAHN. In a moment. And Gen, Crozier stated he went out of the service under extraordinary circumstances; that his wife at the time he resigned was very ill and that he could not give her that care and attention he desired to give her so long as he continued in the service; that subsequently his wife died; that the obligation to look after her was removed, and from that time on he tried to get back again into the service. That is the statement, as I remember it, that Gen. Crozier made to our committee.

Now I yield to the gentleman from Pennsylvania [Mr. Moore]. Mr. MOORE of Pennsylvania. I have an understanding that Gen. Crozier desired the return of Col. Dickson, but I am at a loss to know why, when the committee is endeavoring to oblige the Ordnance Bureau by restoring Col. Dickson, it brings in four others, who may or may not be of special service to the department at this time and the introduction of whom means the presentation here of a general law that will admit anybody to

restoration to duty.

Mr. KAHN. I think that only five retired as the result of the passage of the Panama Canal law.

Mr. MOORE of Pennsylvania. Would the gentleman be satisfied with an amendment to this bill providing for the restoration of Col. Dickson?

Mr. KAHN. So far as I am concerned, I would be satisfied. Mr. MOORE of Pennsylvania. And cutting out the blanket clause of this measure?

Mr. GREENE of Vermont. May I suggest this to the gentle-

man from Pennsylvania?

Mr. CALDWELL. I yield 10 minutes to the gentleman from Delaware [Mr. MILLER].

Mr. GREENE of Vermont. I wanted to follow the continuity of this.

Mr. MILLER of Delaware. I yield to the gentleman from

Mr. CALDWELL. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. I do not want all of that. The terms of the act permit the application of its provisions to such officers as come under the language-

To transfer to such active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active list to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal—

And so forth.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.
Mr. MILLER of Delaware. Mr. Chairman, is the gentleman proceeding in my time or not?
The CHAIRMAN. No. The gentleman from New York yielded

to him. Now he yields to you.

Mr. MOORE of Pennsylvania. I will not take any more time

Mr. GREENE of Vermont. All right.

The CHAIRMAN. The gentleman from Delaware is recognized for 10 minutes.

Mr. MILLER of Delaware. Mr. Chairman, this is the bill which I discussed at some length when it was on the Unanimous Consent Calendar on the 15th of January of this year.

in this matter; suffice to say I am interested in it purely from the standpoint of merited legislation. I would like to have the attention of gentlemen on the floor who seem to be opposed to this bill, and if my friend from Pennsylvania [Mr. MOORE] will bear with me for a moment I hope to be able to clear up several points that I see he has in his mind.

The gentleman from Vermont [Mr. GREENE] just read to the gentleman from Pennsylvania an extract from the Panama Canal act. That act was passed on the 4th of March, 1915, by Congress and became a law, and under that act certain officers in the Army had a right to apply for retirement. If the principle was wrong, the act was wrong at the time it was passed; but under that act five men applied for retirement and were retired. Only five men, as I understand it, have been affected and have retired under the Panama Canal act.

Mr. MANN. For what reason were they retired?

Mr. MILLER of Delaware. I will say to the gentleman from Illinois, without reading the whole act, that-

Mr. MANN. The Panama Canal act does not authorize retirement.

Mr. MILLER of Delaware. These men were retired under the Panama Canal act.

Mr. MANN. Oh, no; not at all. They were retired under the law relating to retirements. The Panama Canal act only provided that when retired they should be retired at one grade higher. That is all.

Mr. MILLER of Delaware. The bill says in substance, For recognizing the services of certain officers of the Army and Navy," and so forth, "for their services in connection with the Panama Canal." That was the act under which these men were retired two years ago.

Mr. MANN. The gentleman is mistaken about that. Mr. MILLER of Delaware. I will admit what the gentleman says, so that I can go ahead, but I do not want to be made to appear that I am making any misstatements here in order to mislead anybody.

Mr. MANN. There is no misstatement. There is simply a misunderstanding. The Panama Canal act only provided that when retired, officers should be retired one grade higher. I

have the act before me.

Mr. MILLER of Delaware. I thank the gentleman for bringing out that point. These officers took advantage of that act, and they were retired. There were five of them. Their names are given in the report. One of these men was a very valuable man in the Ordnance Department, Col. Dickson. When I asked him specifically why he had retired from the service he stated to me that on account of the illness of his wife, on the Panama Canal Zone, it was necessary for him, if he did his duty by his wife, to leave the Army at that time, which he did, under the act of March 4, 1915. Subsequently his helpmeet failed to recover from her illness and died. About that time certain factories in this country were in need of trained help. The man was out of the Army. A contract was made with him, but later on it was found—although not due to any inability on his part—that the contract was such that he did not care to continue with it. That is the case of Col. Dickson; and for the last few months he has been utilized by the Chief of the Bureau of Ordnance at various arsenals throughout the country

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentle-

man yield?

Mr. MILLER of Delaware. I will be glad to.

Mr. MOORE of Pennsylvania. Does the gentleman know whether Col. Dickson appeared before the committee?

Mr. MILLER of Delaware. I can not say, because I am not a member of that committee; but I see the gentleman from California [Mr. Kahn] shakes his head.

Mr. MOORE of Pennsylvania. Does the gentleman know

whether Col. Dickson's story has been told officially before any committee of this House?

Mr. MILLER of Delaware. I can not answer that; but I understand from the gentleman from California [Mr. KAHN] that he did not appear.

Mr. KAHN. If the gentleman will permit me, Gen. Crozier did appear before the Committee on Military Affairs and made a statement concerning the services of Col. Dickson.

Mr. MOORE of Pennsylvania. May I ask if these five officers appeared before the committee, or if Gen. Crozier spoke for

Mr. KAHN. Gen. Crozier spoke for them all.
Mr. SHERLEY. Will the gentleman yield?
Mr. MILLER of Delaware. Yes; I yield.
Mr. SHERLEY. Mr. Chairman, I do not think that most of the Members are concerned with the reasons why these men got out, but we are concerned with this basic question as to why I will not enter into the details as to why I am interested | they are permitted to come in on the same terms as if they had

stayed in, because that, to my mind, is a gross injustice to those who are in the service and puts a premium upon the action of men going out of the service and then coming back.

Mr. MILLER of Delaware. I find that only one of them will take advantage of the act. That is Col. Dickson. The Bureau

of Ordnance is asking for him in no uncertain terms.

Mr. SHERLEY. I know the Bureau of Ordnance needs men, I have tried to give them additional men as much, perhaps, as any other man in the House; but, for the sake of a particular bureau, we can not afford to disregard a fundamental rule of equity. Here are men who go out of the service voluntarily. Now, they are permitted to come back with the same rank as Here are men who go out of the service voluntarily. if they had continuously stayed in the service. I submit gentlemen that that is not fair to the other men who do stay. I submit to

Mr. MILLER of Delaware. I really think that the members of the Committee on Military Affairs, who reported the bill out, are better versed as to that point than I am, and they can answer the gentleman. I want to proceed to other points. One of these men will draw down \$3,750 as retired pay from

the Government every year of his life.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. CALDWELL. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Delaware is recog-

nized for five minutes more.

Mr. MILLER of Delaware. Coming back to the active list, he will draw as lieutenant colonel, as I understand it, \$4,500, and he has 16 years yet to serve. Looking at it from a purely business standpoint, is it not good business for us to let this man come back when the bureau wants him, when he will draw down \$3,750 for the next 16 years and not be rendering the Government his service; and if we will take him back he will, of course, draw \$4,500 as a lieutenant colonel and \$5,000 as colonel, should he reach that rank?

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. Yes.
Mr. McKENZIE. Does the gentleman feel that these men, as suggested by the gentleman from Kentucky [Mr. Sherley], if they are put on the active list, should be allowed to take the place of the men who have remained in the service, or should they take their place at the bottom of the list?

Mr. MILLER of Delaware. I will say to the gentleman that this bill is reported from his own committee, the Committee on Military Affairs, and I am willing to follow the bill that they

have reported out.

Mr. McKENZIE. I want to say to the gentleman from Delaware that I am not in favor of that proposition.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. SNYDER. What salary is this gentleman drawing now, and is he employed outside of the service of the Government?

Mr. MILLER of Delaware. He gets his retired pay. Mr. SNYDER. I thought the gentleman said he was em-

ployed by another concern outside.

Mr. MILLER of Delaware. He is working at the Watertown

Arsenal now.

Now, I want to say to the gentleman from Pennsylvania [Mr. Moore], without giving names, that under no circumstances, even under the widest interpretation of the proposed act, could a certain gentleman more or less connected in the past with Philadelphia affairs ever come back to the Army.

Mr. MOORE of Pennsylvania. If the gentleman will permit me to say, it is not a personal matter with me. You are offering legislation so broad that you encourage men to leave the service, with the expectation that they can come back and rank the others who have remained faithful to the service.

Mr. MILLER of Delaware. It only applies to men retired under the act of March 4, 1915. A question has been raised

here about these other four men.

Mr. SHALLENBERGER. As I understood the gentleman from Illinois, he states that these men were not retired under that act, but under the act under which every officer retires

Mr. MILLER of Delaware. No; the gentleman from Illinois was calling attention to a misunderstanding that I may have created by referring to the act in my opening remarks. I would like to yield further, but I have not much time left.

One of these men was a chaplain, so he could not be consid-

ered as a man going out to work for certain factories and then coming back again. One of these men was Frank O. Whitlock, to whom I happened to be introduced at one time, and I remembered his name when I saw it in the report. I wrote him a letter and asked him what he intended to do about this legislation, and I have a letter from him saying that as far as Goethals, Dr. Gorgas, Col. Hodges, Col. Seibert, and Commander he is concerned, he does not want to take advantage of the Rousseau, all of whom were on the Isthmian Canal Commission

act, that he does not want to come back. I merely state that so as to dispose of one other man.

Mr. SLAYDEN. He is barred by age anyway.

Mr. MILLER of Delaware. No. I submit to you that if this act does bring back only one man, Col. Dickson, he is coming back perhaps even more valuable than he went out, because what experience he has will certainly accrue to the benefit of the Government, and to-day he is being used by the Government at the Watertown Arsenal, and formerly at the Watervliet Arsenal in New York. I sincerely hope that the suspicion aroused by this bill will not be such as to defeat it, because I think a good many of the points raised by our colleagues on the floor to-day have been disposed of by the debate that has ensued. Mr. Chairman, as I went into other details of this bill during the debate on January 15, 1917, I will yield at this point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWELL. I yield five minutes to the gentleman from

Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I am quite willing to say that I agree with the general proposition that no special legislation should be designed or calculated to permit officers of the United States Army to go in and out of the Government service at pleasure, try experiments in commercial and industrial life outside, and then, possibly being disappointed in their expectations, to come back to the service without loss of rank. However, I favor the general proposition that the Secretary of War should be authorized by some legislation to return to active service certain men who are acknowledged experts in the Ordnance Department, and whose services at this time would be of particular value to the Government, more especially if desire is expressed by those men to relinquish any possibilities of outside emoluments in addition to the pay they would be receiving all the time on the retired list without making any effort to earn it, and to come back into the service and earn pay, and only to receive the pay that they do earn.

Mr. SNYDER. Why can not these gentlemen go back into

Mr. SNIDER. Why can not these gentlemen go back into the service through the Officers' Reserve Corps?

Mr. GREENE of Vermont. They would not go back to the status that they have as officers of the regular service.

Mr. SNYDER. They would go back with some status, and

would go into the service.

Mr. GREENE of Vermont. They would lose their status for retirement.

Mr. SNYDER. I only asked for information,

Mr. SHALLENBERGER. They also lose their right to promo-

tion, do they not?

Mr. GREENE of Vermont. That is always implied. It seems to me the objections that have been presented here by some gentlemen on the floor in this discussion might be met if the bill were amended, on page 2, line 3, by striking out the words "would have" and the further words "if he had not been," and the words "when he was" inserted in the proper place, so that the line as amended would read:

He had when he was retired-

And the entire proviso would read:

Provided, That such officer shall be transferred to the rank and place on the active list which he had when he was retired—

And so forth.

Mr. CALDWELL. If the gentleman will yield, we are going to offer an amendment in almost those words when we get to that point in the bill.

Mr. GREENE of Vermont. That is another happy illustration of the fact that great minds often run in the same channel.

Mr. MOORE of Pennsylvania, Mr. Chairman—
The CHAIRMAN. The gentleman from Pennsylvania is recognized in opposition to the bill for one hour.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois [Mr. Mann] so much time as he desires.

Mr. MANN. Mr. Chairman, I served for a good many years

on the Committee on Interstate and Foreign Commerce, which had legislative jurisdiction over the Panama Canal. I served with the very distinguished gentleman from Georgia [Mr. ADAMSON], now the chairman of that committee. I made the first proposition which was made to give to Col. Goethals advancement in rank because of his services on the Panama Canal, my idea being to give a distinction to the head of that service for doing a great work in time of peace, such as has usually been accorded by nations to officers at the head of the service for great distinction in time of war. The gentleman from Georgia [Mr. Adamson] finally introduced a bill—he may have introduced one before, but he introduced a bill in the Sixty-second Congress—providing that the thanks of Congress be extended to Col. Goethals, Dr. Gorgas, Col. Hodges, Col. Seibert, and Commander

and at the head of various divisions of work on the Panama Canal, except Col. Goethals, who was at the head of the whole service. That bill provided for the promotion by the President of Gen. Goethals and Gen. Gorgas, and provided further that upon retirement the officers named should be advanced one grade in rank. That is the way the bill passed the House. It went to the Senate, and, without any consideration having been given it by the House, some hogs in the Army said that they would oppose, and did oppose, the passage of that bill in the Senate unless they were given preference and an increase in grade and the right to immediate retirement. The Senate put this section in the bill:

That such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been advanced in rank by any other provision of this bill, shall be advanced one grade in rank upon

And then a provision for the advancement of any officer then on the retired list with similar service; and they added this section:

That at any time after the passage of this act any officer of the Army or Navy to be benefited by the provisions of this act may, on his own application, be retired by the President at 75 per centum of the pay of the rank upon which he is retired.

That bill came back to the House with this amendment in it. There was no one in the House who believed that these were proper provisions. There was no one in the House who liked to be held up, but the Army is a great institution, and it has a great many direct and indirect methods of influencing legislation. In discussing the matter among various Members of Congress who were interested in it, among others, I decided to yield to the hold-up in order to give the recognition which Col. Goethals had earned in behalf of the whole Army and Navy; to yield and give some of the little fellows what they were holding us up The House agreed to the Senate amendment. These men immediately made application for retirement, including a chaplain, who probably did not find it any harder to pray on the Isthmus of Panama than he would have to pray in the United

Mr. MILLER of Delaware. Will the gentleman state what is the date of the approval of the act he has mentioned?

Mr. MANN. March 4, 1915. It was enacted, I think, or the House agreed to the Senate amendments on the last night of the session. There was no chance for anything except to yield to the holdup, or else refuse the earned recognition in behalf of the whole Army and the whole United States by Gen. Goethals and his colleagues on the Canal Commission.

Mr. McKENZIE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McKENZIE. Does the gentleman assert it as a fact that all the men covered by this bill were retired at their own request under the provisions of the law he has just read?

Mr. MANN. I do not; but I am very sure of one thing-that they either were retired at their own request, or else they were retired because of physical or mental incapacity. If they were retired for physical or mental incapacity I take it that there is no disposition to reinstate them; if they were not, they were retired at their own request under the provisions of the law which were put in as a holdup.

Mr. McKENZIE. I simply wanted to bring out the point that if they were retired at their own request the bill ought to be

Mr. MANN. Now, Col. Dickson went into the employ of somebody connected with the manufacture of arms, ammunition, or powder, and he is a very capable officer. It was a loss to the Government when he retired. He was, I believe, a lieutenant colonel and retired on the three-quarters pay of a colonel, which he is now receiving and is entitled to receive as long as he lives. He has been recently engaged by the Government, under Gen. Crozier, who needs his services. It would be well if the Government had his services, and yet I do not think the Government is dependent upon any one man in the world for its continuation or for its necessary use. Col. Dickson is an able man.

Mr. MILLER of Delaware. I do not know whether the gen-tleman was on the floor a few minutes ago when I made the

statement-Mr. MANN. I was on the floor when the gentleman was speaking.

Mr. MILLER of Delaware. When I made the statement that the health of Col. Dickson's wife was largely instrumental in his leaving Panama.

Mr. MANN. I have heard so many stories and always take them with many grains of allowance. A man comes to Washington, like the gentleman from Delaware or myself, and once in a while he says, "I never have good health in Washington"-

after a while; we all have ailments as we go along, and people who charge a particular locality with their ailments usually commence with a nervous complaint, and they charge it to the climate.

Mr. MILLER of Delaware. The gentleman will admit that the greatest mortality in Washington is among the political

deaths rather than physical deaths. [Laughter.]

Mr. MANN. Yes; I will say, though, that the mortality on the Isthmus of Panama among the people who are sent there is smaller than it is in any large community in the United States. I do not think, however, that that is a fair criterion. I am not trying to tell the House whether they ought to pass or defeat this bill. I wanted to make a statement of the history of the matter. The question is whether we shall, after we let a man get a provision in a bill for his own benefit, of which he has taken advantage, take him back just because he wants to come back or because we can make a profitable use of his services.

Mr. ADAMSON. I hope it will not divert the gentleman from

his line of argument. He is probably entirely familiar with what I am going to call to his attention, and that is that the Committee on Interstate and Foreign Commerce has reported and has on the calendar a bill to repeal all of the mischief done by that Senate amendment to which the gentleman so fittingly alluded a few minutes ago, and if recognition is ever obtained, the committee desires to try and pass that bill not only on account of the inherent mischief which the amendment itself does but on account of the resulting mischief. The civil employees upon the Isthmus have put up the plea that because this special benefit was conferred on a few of these medical and Army officers therefore all of the thousands of employees who have been on the Isthmus ought also to have a large bonus, and their only argument is this ungodly amendment which was put on here in the hour of our extremity when Congress was about to adjourn without a quorum.

Mr. MANN. Mr. Chairman, I am not going to discuss the bill that the gentleman refers to. I think I understand the measure, but I do not understand how these people would be affected if we should repeal the provision of law under which they retired. An act is an act when it is passed, and you may repeal all of the laws of the world, but you can not change

what was done yesterday.

Mr. ADAMSON. Their argument is that because Congress

made one mistake it ought to make another one.

Mr. MANN. But the gentleman's provision repeals the provision under which these people were retired. There will be no authority of law for their retirement, but they are retired. I do not know whether that would reinstate them, but I apprehend it would not. It is up to the House.

Mr. ADAMSON. If they have already been retired, of course

it could not affect them in their rights already vested

it could not affect them in their rights already vested.

Mr. MANN. We could affect them, certainly. This bill is for that very purpose. Here is the proposition, after all: Whenever an Army or a Navy runs along for any time it becomes inclined to be top-heavy. Because there are fewer deaths, fewer resignations, men at the top remain there, and men below get no chance for promotion. We do not pay high salaries to lieutenants or captains in the Army. We do endeavor to provide so that when they reach the age of retirement. to provide so that when they reach the age of retirement, they will have enough to live on economically and comfortably during the balance of their lives, and the incentive, the great incentive, to men to remain in the Army is the possibility of reaching a higher grade upon which they may eventually be retired. Of course, every officer in the Army hopes that he is going to be retired as a brigadier general. They all know that if they remain in the Army, and there are enough vacancies above them, they will be retired as colonels, but there must be enough vacancies above them. They would like to get rid of some of the officers in the higher grades from time to time, and for that reason it is always a little dangerous to put back in the Army men who are already upon the retired list and put them in the higher rank which will prevent some man who has remained in the service from reaching that rank at all.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CALDWELL. The gentleman realizes that the national-defense act passed at the last session provided that any officer who retired for disability on having the disability removed can get back into the service?

Mr. MANN. I do.

Mr. CALDWELL. These men retired not for disability, but as a favor. Why should not they come back into the service if the other men should come back?

Mr. MANN. For years we had refused to pass any such legislation; for years we had refused to permit men who were retired charges his ill health to the climate. Bless our souls, we all die | for any purpose to come back into the Army. When the national-

defense act was before the House with a large increase in the enlisted force of the Army and the number of regiments, and with a very large number of applications for men upon the retired list to get back by personal favoritism, private bills, I said to the gentleman from Virginia in charge of the nationaldefense act, publicly, privately, and other gentlemen did the same thing, that if he would give to the Army the general authority to reinstate these men we would not be opposed, because at that time there was such an increase in the number of regiments that they might absorb these men without doing great injustice to the other men who had remained in the service. But these people were retired involuntarily. It is barely possible, it is quite possible, they might absorb these men in view of the increase in the service; but this is distinctly entering upon a policy of reinstating a man who has voluntarily retired at his own solicitation, through his own work in obtaining the law under which he could be retired, and putting him back into the service where he may and probably will prevent some man from being promoted who has remained in the service all of the time. I say this is distinctly entering upon that policy, and you can not say to-day that you will do one thing for one man and to-morrow, under the same circumstances, say that you will not do it for another.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

yield?

Mr. MANN. Yes.

Mr. SHALLENBERGER. Does the gentleman know that the amendment permitting these retired officers to be returned at the approval of the Secretary of War was very much widened by the amendment in the conference committee? As it passed the House, it fixed an age limit of 50 years, with considerable restrictions around it. As the bill is now a law, it has opened the door to the restoration of retired officers of any age.

Mr. MANN. Of what bill is the gentleman talking?

Mr. SHALLENBERGER. The particular amendment to

which the gentleman just referred.

Mr. MANN. Oh, the national-defense act.

Mr. SHALLENBERGER. Yes. The conference committee removed the restriction of the limit of 50 years, and some have been put on the active list who were beyond the age of retirement.

Mr. MANN. Well, it is unescapable. You always have to pay some attention to the chance of promotion of men who go into Government service. You have got to do that. The mere amount of money that is paid to one man on the retired list is not very much compared with the advisability of giving men to understand they have a chance of promotion.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. I will. Mr. LONGWORTH. This bill now provides that he shall be returned to the same rank, and also that he shall be promoted on the same date as the officer next above him. Is not that an unusual practice?

Mr. MANN. No; that is usual.

Mr. CALDWELL. There is an amendment pending to change

That is the usual provision.

Mr. CALDWELL. We propose to amend this bill by providing that if they go back they go into the same grade as when they went out.

Mr. MANN. This bill does more than that. Having given a man one bite of a cherry, and having bitten the cherry and swallowed it, the proposition now is to give him a new cherry, give him another cherry, and let him retire at a rank in advance of the one he then holds.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. MANN. I do not want to take all the time.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MANN. I will. Mr. GREENE of Vermont. I am quite in accord with the principle of equity to be followed which the gentleman has stated as to other officers; but does not the gentleman think the mistake was made in drawing this act in its general terms when it is really meant only to apply to Col. Dickson? The five other names mentioned were suggested in the report as names of men who could take advantage of it.

Mr. MANN. I will not say it is a mistake in view of the uniform practice of "the gentleman from Illinois" to object to these private bills to retire men in the Army and Navy

Mr. MILLER of Delaware. Referring to what the gentleman from Illinois has said, I think it should be said in fairness that there is a specific provision which says they can not take advantage again of the Panama retirement act.

Mr. MANN. What does the gentleman mean by that?

Mr. MILLER of Delaware. I thought from what the gentleman said a moment ago it is more or less understood that these gentlemen might again, if they were taken back, come in under the Panama Canal act.

Mr. MANN. They will be if they live long enough. Mr. MILLER of Delaware. The bill says specifically—

Mr. MANN. I know what the bill says. Mr. MILLER of Delaware. May I read it?

Mr. MANN. No.

Mr. MILLER of Delaware. It is in the Senate amendment. Mr. MANN. It is all very well, but the bill expressly provides "any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above except—except "—the gentleman did not read that.

Mr. MILLER of Delaware. I beg the gentleman's pardon. Mr. MANN. "Except when retired for age or physical disability incurred in the line of duty," and when they are retired again they are retired at the rank above the rank which they have. That is what I said.

Mr. MILLER of Delaware. If they have a physical disability, they would not stay in the Army, but they would be retired auto-

matically.

Mr. MANN. Certainly they could not be retired a second time on their own application. In this law it requires that when they are retired they will get the benefit of the Panama Canal they are retired they will get the benefit of the Panama Canal act, giving retirement at a higher grade than they held in the service.

Mr. McKENZIE. Will the gentleman yield?

Mr. MANN. Yes.
Mr. McKENZIE. Under this bill, take the case of Col. Dickson. He is retired as a colonel; he was a lieutenant colonel and retired as a colonel. Now, if we pass this bill, we take him back in the service with the rank of lieutenant colonel. Suppose he serves five years and has the rank of colonel? Can he then, after receiving rank of colonel, voluntarily again retire with the rank of the next above rank?

Mr. MANN. He can not retire upon his own application at all.

Mr. McKENZIE. A second time?

Mr. MANN. No.

Mr. McKENZIE. He did the first time.

Mr. MANN. He did the first time.

Mr. McKENZIE. But he can not the second time?

Mr. MANN. And if he is retired for physical disability, he is retired under existing law, not the Panama Canal act; if he reached the rank of colonel, he would be retired as a brigadier

Mr. McKENZIE. I asked the question in order to bring that

Mr. PLATT. If he is carried as an additional number in the grade to which he may be transferred; but that does not interfere with the promotion of other officers, does it?

Mr. MANN. No; and, as far as Col. Dickson is concerned.

I do not think his reinstatement would affect that situation at He is now getting the retired pay of a colonel. He could not be advanced beyond the rank of colonel if he went back into the service unless he was put at the head, which is not likely he would be. I yield back to the gentleman from Pennsylvania the remainder of the time, so he will not lose the time.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamen-

tary inquiry

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Just how are we proceeding? Does the gentleman-

Mr. CALDWELL. I have used 45 minutes of my time. Mr. MOORE of Pennsylvania. Are we proceeding alter-

The CHAIRMAN. The gentleman from New York has used

50 minutes Mr. MOORE of Pennsylvania. Does the gentleman want to

conclude now Mr. CALDWELL. No; I want to give the gentleman from Texas [Mr. Slayden] five minutes and then reserve five minutes.

Mr. SLAYDEN. Mr. Chairman, I shall try not to use all of the time granted to me. It gratified me as a citizen of the same State that Col. Dickson comes from to hear this tribute—and well-deserved tribute-to his capabilities as an officer of distinction formerly, at least, in one of the scientific branches of the military service. Col. Dickson is an extremely valuable man to the Government, and I think the wise thing to do would be to authorize his restoration to the Army without incorporating it, without hiding it, in this bill, which is a bad bill in some respects.

Now, the chaplain is barred, I take it, by age. He can not be restored; but other gentlemen can be. I do not know them.

They may be men of unusual ability; but, so far as I have been able to gather from this debate, there are no special requests from the Ordnance Bureau or any other branch of the Govern-

ment that they shall be restored to the active list.

There are two or three things in the bill that I do not like. In fact, the only part I do like is the possibility of getting Col. Dickson's services for the Government again, not because he is a Texan, permit me to say, but because I think he is an unusually capable man for the military service. But some of this language has not been explained satisfactorily; we have no definite information as to what rank these gentlemen would have if they went back. It proposes to transfer them to the rank and place on the active list which they would have had had they not been retired. Now, it is possible that since their retirement there may have been such rapid promotion in the military service that these gentlemen would occupy a very much higher rank. The Army has been increased. Promotions have been provided for, and many vacancies created by law. And it is entirely possible that they might go back into a rank even as high as the rank of colonel. That ought not to be so. There ought to be a specific, definite statement about that, and I do not see why so small a matter can not be ascertained by a five-minute telephonic conversation with The Adjutant General. This information that office has accessible at all times, and, of course, each one of these gentlemen himself knows. He has a memorandum in his hand, his head, or his pocket by which he can tell you precisely the rank which he would receive if restored to the Army under the terms of this act.

And then it also provides in the last lines, the ones in italics, in the bill H. R. 17424, that he shall not again be entitled to the benefits of the Panama Canal act described above—that is, shall not again have the privilege of retiring at an advanced rank except when retired for age or for physical disability incurred in the line of duty. Now, if they live to be 64 years of age, it is certain they will all retire, and it is possible they will be retired for physical disabilities before that. I think the bill ought to be amended in two or three particulars, and I think it should be radically amended and provide for the reinstatement of Col.

Dickson and stop there.

Mr. PLATT. What is the significance of the words in line 2 on page 2? Does that mean that he would go back to the same line and number

Mr. SLAYDEN. That he would have had if he had continued

in the service.

Mr. PLATT. It seems to me it is wrong to put in the same number of the service. That ought to be stricken out. It is all right as to the same rank.

Mr. SLAYDEN. Mr. Chairman, I yield back the balance of

my time.

Mr. MOORE of Pennsylvania. Does the gentleman from New

York want to go on?

Mr. CALDWELL. You take your time now.

Mr. MOORE of Pennsylvania. Mr. Chairman, when this bill came up on the unanimous-consent call I objected to it. It seemed to me it was a bill that ought to have more careful consideration than it could receive in a call of that kind. It was not such a bill as ought to have been passed without consideration. My judgment then has been confirmed by what has taken place this afternoon. The members of the committee themselves are not very well informed on this bill. Apparently they have not dug into the facts at all.

The gentleman from Delaware [Mr. MILLER], who has considerable information about one or two of the persons to be benefited by this act, has given some details with respect to those persons, but not one of them has appeared before the Committee on Military Affairs, which reported this bill, and the Committee on Military Affairs apparently has little or no information except as it has had a suggestion from Gen. Crozier, the efficient Chief of Ordnance.

Mr. MILLER of Delaware. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MILLER of Delaware. On December 4, 1916, the Secretary of War wrote a long letter to the chairman of the Committee on Military Affairs advocating the passage of the bill, and I inserted it in my remarks on the bill in the RECORD of

Mr. MOORE of Pennsylvania. The Secretary of War wrote a letter to the chairman of the Committee on Military Affairs of the Senate, which is incorporated in the report on H. R. 17424,

which is not a very long letter—

Mr. MILLER of Delaware. This is a subsequent letter, I will say to the gentleman.

Mr. MOORE of Pennsylvania (continuing). And which goes into no details whatever with respect to these men.

Mr. MILLER of Delaware. I will be very glad to show the letter to the gentleman.

Mr. MOORE of Pennsylvania. I am going to give the gentleman a chance to answer some questions.

Mr. MILLER of Delaware. All right.

Mr. MOORE of Pennsylvania. And if he can throw any light on this subject, I would be very glad to have him do it. In the first place, it is questionable whether Congress should so legislate that after caring for the education and the military training of certain of its young men, affording them excellent positions and relieving them from service on three-fourths pay, we should take them back into the service again without respect to the prior claims of men similarly educated who have been faithful to the tasks assigned to them and who have been looking forward to a promotion which might be denied them if this bill giving preference to those who have gone outside is passed.

There is one thing that a young officer of the Navy looks forward to, and that is the day when he may be called a rear admiral; and as the gentleman from Illinois [Mr. Mann] has indicated, there is one thing that the young officer of the Army looks forward to, and that is that he may some day be retired as a brigadier general. This bill prevents, or would tend to prevent, the very laudable ambition of many meritorious and efficient officers of the Army from ever having the distinction to which their faithful service to the Government would entitle

them.

Mr. CALLAWAY. Mr. Chairman, is it not a fact that the retirement of these men automatically accelerated the promotion of the men beneath them to the amount of the number of men, and that these men being allowed to go back into the service would not change the original position of the men whose promotions were accelerated one whit by their retirement?

Mr. MOORE of Pennsylvania. Those men who have gone out

of the service, if this bill be passed, are to come back to the rank and place on the active list which they would have had

if they had not been retired.

Mr. CALLAWAY. Not "would have had."

Mr. MOORE of Pennsylvania. That they "would have had"

if they had not been retired.

Mr. CALDWELL. If the gentleman will permit, I stated twice to the gentleman that the committee has intended to offer

an amendment which would change that. Mr. MOORE of Pennsylvania. But I am stating what the

committee has actually done, coming before this House with this bill, which as it stands will give these officers a place of advantage over those who remained in the service.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman

Mr. MOORE of Pennsylvania. Certainly. Mr. GREENE of Vermont. I call the gentleman's attention to the fact that this is a Senate bill that we are discussing,

not a bill prepared by the House committee or a member of it.

Mr. MOORE of Pennsylvania. I ask the gentleman if the
Committee on Military Affairs, which reported this Senate bill
and which calls it up to-day, has taken the trouble to bring
before it any of the particular individuals that are to be affected by this bill?

Mr. GREENE of Vermont. I do not understand that any private individuals except Col. Dickson are affected by it at their own request. The report shows the men to whom it

might automatically apply.

Mr. MOORE of Pennsylvania. Here is a report of the Committee on Military Affairs, brought in by the gentleman from New York [Mr. CALDWELL], dated August 18, 1916, which states that "this bill will apply to the following officers," and five officers are named.

Mr. GREENE of Vermont. Yes.

Mr. MOORE of Pennsylvania. Were these five officers called before the committee?

Mr. GREENE of Vermont. They were not.

Mr. MOORE of Pennsylvania. That is a fair answer to my question, and it shows that the committee has not called these men before the committee.

Mr. MILLER of Delaware. Let me suggest to the gentleman the fact that if they had been called before the committee, certain gentleman here might be saying that they were pushing their own selfish ends. But the fact that they did not come before the committee shows that it is the department which is pressing a well-merited bill.

Mr. MOORE of Pennsylvania. It may be that it would have been selfish if they had come forward and asked to be restored to the rank from which they voluntarily retired on three-fourths pay, but I would ask the gentleman this question: If the expressed preference on this floor now in behalf of Col. Dickson's request for restoration would not suggest that Col. Dickson, or

these four men who would be equally affected with Col. Dickson, ought not to have suggested the propriety of their being called before the committee so that the facts of the matter could have been ascertained? It has been stated that this bill ought to pass in the interest of Col. Dickson, but not in the interest of the four other men. If that is the fact, where does the committee stand if it was not duly informed as to the merits of the

Mr. CALDWELL. I will answer the gentleman's question. This bill was reported out because the War Department wanted Gen. Crozier was asked about this at the hearings had before the committee, and he specifically took the position that he was backing this, not at the request of Col. Dickson, but for the benefit of the War Department, which was in need of the services of these men. He said he had seen Col. Dickson and he was sure Col. Dickson would take advantage of this legislation if it were enacted, and he not only needs Col. Dickson but needs these other officers who have had this kind of

Mr. MOORE of Pennsylvania. Well, I will ask the gentleman a few questions that I expected to ask the gentleman from Delaware [Mr. MILLER]. If Gen. Crozier has laid all necessary information before the committee, why does it not appear in the report of the committee? The gentleman from Illinois [Mr. Mann] stated that this provision for the retirement of these officers who happened to have a sort of preferred service on the Panama Canal-but a service which was highly honorable and for which I commend them-this act giving them this special privilege of retirement was rushed through at the instance of another body in a crisis just ahead of the adjournment of Congress, and that perhaps it would not have passed if there had been a fair discussion of the subject on the floor, because the House is not inclined to rush men into retirement when they are in rattling good health and in splendid condition to render service to the Government. It has been questioned whether the House would put these men on the retired list in order to enable them to take other jobs and make good money while still paid by the Government for doing nothing.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.
Mr. McKENZIE. It has been intimated in this discussion that Col. Dickson has been in the employ of certain munition manufacturers of this country. Can the gentleman tell us by whom he was employed?

Mr. MOORE of Pennsylvania. That is what I am going to try

Mr. MOORE of Pennsylvania. That is what I am going to try
to find out. I will ask the gentleman from Delaware or the
gentleman from New York that question.

Mr. SHALLENBERGER. If the gentleman will permit, I will
say he has been employed by the Remington Arms Co.

Mr. MOORE of Pennsylvania. Does the gentleman from Dela-

ware confirm that statement?

Mr. MILLER of Delaware. I do; and if the gentleman will

give me a moment, I want to say—

Mr. MOORE of Pennsylvania. The gentleman from Delaware, substantiating the statement of the gentleman from Nebraska [Mr. SHALLENBERGER], has stated that the officer here concerned, Col. Dickson, who was retired on three-fourths pay after serving on the Panama Canal, accepted employment with the Remington Arms Co., which is manufacturing munitions of war.

Will the gentleman state what salary Col. Dickson received

while he was in this special employment?

Mr. MILLER of Delaware. Will the gentleman let me answer that?

Mr. MOORE of Pennsylvania. Surely. Mr. MILLER of Delaware. I want to say that in my remarks on the bill a little while ago I made it plain that Col. Dickson took advantage of this retirement act at the time his wife's health was in such a state that he had to choose between his duty to his wife and his service to the Government.

Mr. MOORE of Pennsylvania. I heard the gentleman say that about Col. Dickson's wife, and I sympathize with him, and, of course, raise no question as to Col. Dickson's personal bereavement; but the gentleman does not say whether Col. Dickson received \$1,000 per annum or \$15,000 per annum for the service he rendered to the Remington Arms Co. while he was on the retired list of the Government.

Mr. MILLER of Delaware. He took advantage of this retirement act before a job was offered him by the Remington Arms

Co., and he did it on account of his wife.

Mr. MOORE of Pennsylvania. I will not press the gentleman as to that, because I do not want to pry into Col. Dickson's personal affairs

Mr. CALDWELL. As an evidence of what Col. Dickson's services were worth in private life, I will say that he was offered a contract to go to Russia to establish a munitions plant against the United States in other foreign lands. It is a grave

such as we are about to establish, and they offered him \$25,000 a year, and he declined it, on the theory that he wanted to go back into the United States Army; and as far as his contract with the Remington Arms Co. is concerned, as I understand it, he has done practically no work there. The contract fell down, and they offered to give him other private employment, and he declined

Mr. MOORE of Pennsylvania. Was Col. Dickson graduated

at West Point?

Mr. CALDWELL. He was.

Mr. MOORE of Pennsylvania. The United States Government educated him?

Mr. CALDWELL. It did.

Mr. MOORE of Pennsylvania. And trained him to be the specialist that he is in this particular line of manufacture?

Mr. CALDWELL, Yes.
Mr. MOORE of Pennsylvania. So that the Government had some claim on Col. Dickson?

Mr. CALDWELL. And he desires to recognize that claim. Mr. MOORE of Pennsylvania. Col. Dickson, I assume, is a patriot, and would stand by his country.

Mr. CALDWELL. And he wants now to go back and do serv-

ice for his country at a smaller salary than he could obtain in

private employement.

Mr. MOORE of Pennsylvania. Very well. that I have no objection to the return of Col. Dickson, but I am calling attention to a system which the case of Col. Dickson illustrates, and I think this is the time to call attention to it. Our country is in a crisis. Our country has been agitated upon the question of war for the past two and a half years, and during that agitation certain officers of the Government of the United States have left the service for which they were educated by the United States to take positions with the manufacturers of munitions who are making munitions of war to be shipped to some countries that may be our enemies. munitions of war have been going to countries with which we may have a conflict. At one time they went to a country with which we were supposed to have a conflict. They were shipped into Mexico, and yet they were being manufactured under the men trained by the United States Government.

Mr. CALDWELL. As I understand, this bill does not cover

any such men.

Mr. MOORE of Pennsylvania. Very well. This bill provides, and that is my objection to it, "that the President be, and he is hereby, authorized to transfer to the active list of the Army any officer under 50 years of age who may have been transferred," and so forth; so that you are giving to the President of the the United States authority to restore to the active list any officer who has seen fit to leave it.

Mr. CALDWELL. No; who has seen fit to leave it under the

Panama Canal act.

Mr. MOORE of Pennsylvania. Who has seen fit to leave it under the Panama Canal act. I grant you that.
Mr. McKENZIE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from

Mr. McKENZIE. It has been stated by the gentleman from Nebraska [Mr. Shallenberger] that Col. Dickson was in the employ of the Remington Arms Co.

Mr. CALDWELL. He was.

Mr. McKENZIE. Can the gentleman from Pennsylvania tell me the name of the man who is at the head of the Remington Arms Co.?

Mr. MOORE of Pennsylvania. I can not tell the gentleman the name of the man who is at the head of the Remington Arms Co.

Mr. McKENZIE. Perhaps the gentleman from Delaware

Mr. MILLER of Delaware. I have no means of knowing. Possibly the gentleman from Connecticut [Mr. Tilson] might be able to answer it.

Mr. TILSON. It is not in my district.

Mr. MOORE of Pennsylvania. I desire the House, and particularly the Military Affairs Committee, to be advised that there are certain munitions plants-I will not name any-that are doing a thriving business just now, that are being operated under foreign contracts on a profit-percentage basis, and that the munitions thus being manufactured are not being used for the purposes of the United States, and that the officers of the United States who have left the service of the United States, to which we would expect them to be loyal, have gone in with gentlemen whose interests are foreign to the United States to manufacture munitions of war that might be used against the United States, as in the case of Mexico, or that might be used

question in my mind whether we ought to encourage the boys who have not wanted to play with the other boys in the Army of the United States, but who have desired to go out and play with some other institutions, to come back and expect to be received as with the fatted calf. I am not speaking of Col. Dickson, who is so highly commended here; I am speaking

Mr. PLATT. It is precisely because Col. Dickson was employed by the Remington Arms Co. that his services are more valuable to Gen. Crozier now, is it not?

Mr. MOORE of Pennsylvania. The gentleman has his theory

That is the truth.

Mr. MOORE of Pennsylvania. I question whether ethically it is wise for a trained officer of the United States to leave the service and go into the employ of a concern that is manufacturing munitions for foreign purposes, which may be used against the United States. He may not be just as safe in his old job as if he had gone right along with the United States.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.
Mr. GORDON. Why does not the gentleman offer an amendment to the general retirement law? That has been the law for years, and the gentleman has been in the House for years. It is under that law that they are retired.

Mr. MOORE of Pennsylvnia. I would rather leave that question to a constitutional lawyer, a man who follows the decisions of the Supreme Court and embellishes the RECORD with them so often, as does the gentleman from Ohio. [Laughter.]

Mr. PLATT. Will the gentleman yield? Mr. MOORE of Pennsylvania. Yes

Mr. PLATT. Is it not true that the building up of munition plants, to which the gentleman refers, has done more for the preparedness of this country than all acts that we have passed?

Mr. MOORE of Pennsylvania. That may be; it has put a great deal of money into the United States, this building of munition plants with foreign capital, but I have a theory that we have been buying a great many foreign bonds and are working over and over again the capital of the people of the United States, and when this war is over the prosperity that these munition plants are bringing to us now will put the workingman of the United States in the ditch. If the gentleman thinks the prosperity of the munition factories, temporarily erected for the purpose of perpetuating the foreign war, is good or lasting, that is his affair; but I do not believe in that kind of prosperity for general welfare. It costs too much.

The question is this, Should we permit a bill like this to pass without comment or should we say to our friends in the Army and in the Navy that this matter of slipping little riders into a bill on the other side of the Capitol shall be duly and properly

observed when it reaches this side of the House?

The Panama Canal act provided for the retirement of certain officers who were assigned to work on the Panama Canal, and, as the gentleman from Illinois [Mr. Mann] has very clearly elucidated, it was intended as a reward to officers doing a great civic service, just as we had been generous to officers in the military service. Advantage was taken of the generosity on this side of the House when this Senate provision slipped in; but to further illustrate, let us take the committee report:

Tracy C. Dickson, Ordnance Department, lieutenant colonel, retired after service on the Panama Canal with the rank of colonel.

That gives him the pay that the gentleman from Delaware referred to a little while ago, \$3,750. That is as good as gold in the pocket of Col. Dickson, so long as the Government lasts and Col. Dickson lives. At what age was Col. Dickson retired? He was not an invalid, he was not enfeebled; we have heard that his wife was not well, with which we sympathize, but at what age was Col. Dickson retired in good health under the Panama Canal act? Forty-seven years. Retired after living out 47 years, after an education at West Point, after a fairly profitable service under the Government, and after honors had come to him by virtue of his service in constructing the canal. Was he incapacitated at 47? No; the statement of gentlemen on the floor is that after his Panama service closed he was able to give up his services, plus \$3,750 which the Government paid him per annum, to the Remington Arms Co., by which he was employed at a salary not stated, although it is admitted on the floor that he was offered \$25,000 per annum to engage his valuable services to the Russian Government,
Mr. DENISON. Will the gentleman yield?
Mr. MOORE of Pennsylvania. Yes,

Mr. DENISON. Has the gentleman been able to learn what salary he received from the Remington Arms Co.?

Mr. MOORE of Pennsylvania. No; no one has stated. assume that his services were valuable. The Remington Arms l

Co. was grabbing up men right and left and making such inducements to the officers of the Army as would almost make their eyes bulge, but they were temporary inducements. Such inducements were offered to neighboring manufacturing establishments; every man worth anything was induced to leave his old employer and go into the manufacture of arms or ammuni-Why? Because they had the money. I do not know whether it was foreign money or American money, but I know that all over New England and all over the East many manufacturing establishments, particularly independent iron and steel plants, were almost disabled at times because of their inability to hold expert workmen and foremen, and under those conditions, of course, the Government of the United States with the best-trained Army officers, I hope, on earth, with the besttrained Navy officers, I hope, on earth, was a fruitful field for the munition makers. They needed these well-trained men and were obliged to pay high to get them.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes. Mr. GREENE of Vermont. The gentleman has no objection

to a man already on the retired list accepting civil employment? Mr. MOORE of Pennsylvania. In certain instances, yes. I will illustrate in the case of Robert E. Wood, whom I do not know and against whom I have no particular criticism. He is one of the men named in this list to be given advantages of this act. Robert E. Wood, cavalry captain, retired with the rank of major, present age—not his age of retirement in 1915

but his present age at the time this bill was reported—37 years.
Will somebody kindly tell me what the compensation of this major of Cavalry was when he was retired at the age of 37 He had done service on the Panama Canal. It has been indicated that one of these captains had no desire to take advantage of this particular act to come back into the Government service; that he was satisfied to go along with the three-quarters pay vouchsafed to him. We educate these men at Annapolis and West Point, and we go to considerable trouble

to get them there, and we are at great expense to maintain them there. Certainly the country is entitled to some return for the splendid service and ability they are capable of performing

Mr. CALDWELL. And yet the gentleman does not want them to come back into the service now when they want to come back

Mr. MOORE of Pennsylvania. I want to do something in line with the suggestion of the gentleman from Illinois [Mr. Mann] to prevent this sneaking in of riders to various bills in this House that give special privileges to some.

Mr. GREENE of Vermont. Permit me to suggest to the gentleman that that water has already run under the mill and the

mill is torn down. That was in the last Congress.

Mr. MOORE of Pennsylvania. I am using my time in this way so that it will be known that somebody is watching this situation. The gentleman from Georgia [Mr. Adamson] has already indicated that the Committee on Interstate and Foreign Commerce has a bill which proposes to do away with some of this iniquity, I think he called it, that was slipped into it when the Panama act was passed. It may be that these five gentlemen will go through; it may be that they will get the benefits of this act. I do not object to them personally. We have given them the retirement privilege, and they are within their rights, but it may be that the system will become understood, and that eventually there may be something in the nature of an abridgment of existing conditions.

Mr. GREENE of Vermont. Then, the gentleman is talking

for posterity

Mr. MOORE of Pennsylvania. If the gentleman wants me to go into details, I will say that I was advised yesterday of a gentleman who was retired, not in this particular bill, but who gets, I think, three-quarters pay from the Government of the United States, which is in the nature of a pension far greater than that paid to any soldier who fought in the ranks, as the gentleman from Vermont well knows, and this particular gentleman occupies another position in the Government service of a political character, from which he draws about \$2,500 or of a political character, from which he draws about \$2,500 or \$3,000 a year. He is a liberal spender and enjoys life. It may be all right, but I think we might say to the young men who enlist in the service of the United States at West Point or Annapolis that since Congress gives them assured compensation for life and guarantees them retirement compensation, they should be steadfast in the positions they are appointed to erve. This is fair to those who are looking for promotion.

The CHAIRMAN. The time of the gentleman from Penn-

sylvania has expired.

Mr. CALDWELL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, the gentleman from Pennsylvania [Mr. Moore] seemed to be very much wrought up over the question which he could not get answered, as to how much Col. Dickson received as a salary from the Remington Arms peo-Perhaps Col. Dickson's own letter, written to Mr. MILLER of Delaware, will best answer the question. This letter is dated December 20, and in it he says:

As I told you, I spent my savings and got badly into debt in the effort to restore my wife's health-

By the way, it might be well to add that his wife, shortly after he was retired, died-

I refused two offers from munition companies, but later on, when desperate, I accepted an offer to design and erect a plant for the Remington Co. The plant was to have been erected for Great Britain. While negotiations were under way, I helped design and erect and start a plant at Bridgeport. About the date the Bridgeport plant was completed, Great Britain decided it would not erect the plant and refused to sign the contract. The Remington Co. was willing to assign me to other work, but I did not care for it, and decided to return to active duty if I could. I felt the company had acted in good faith, but had falled to get the contract on which it employed me to work, through no fault on its part. I most heartlly desired to return to the work I really love, so the company and I mutually agreed to annul my contract, and last September it was annulled. I therefore have had no contract or other connection with the Remington since last September. So far as I know, the Remington does not know that I am trying to return.

Apparently it seems his employment with the Remington Co. did not amount to anything at all. Respecting all of this muddle about bills that have been passed heretofore, and about which the gentleman from Pennsylvania [Mr. Moore] now seems to be very much exercised, I suggest that if the bill he now talks so much about was bad he ought to have fought it when it passed. He has not been addressing himself to this bill. This is a plain proposition. We may have been culpable or foolish or criminal in passing the law under which Col.

Dickson and some others resigned.

The proposition up to us now is this: Here is an able, valuable officer, capable of serving the United States in the present emergency-if it is an emergency-and the officers in charge of the military affairs and our preparations for defense want him for service and have asked for the passage of this bill. He is a man in splendid physical and mental health and splendidly equipped for serving our country now. His service is needed by the Government, and every man who wants this Government prepared to meet possible emergencies would be glad to have him back. He says: "Gentlemen tell you that I have all sorts of private contracts I could get at immense salaries-it was even intimated as high as \$25,000 a year from Russia, to be supplemented with the retired pay-but I want to renounce anything of that kind, and I want to come back into actual service and help my country now, and its official people are asking me to come back. I do not ask anything more. My wife no longer lives, and I am able to serve my country and anxious to serve it." He wants to come back, and we want men who can serve; and for an hour and a half we have been fooling away here with arguments about other men and other things when the only question is, Is the House willing to take back a valuable servant who tenders his service to us at less pay than he could get elsewhere? If he comes back, he has got to go back somewhere where he can serve; and where will you put him? The proposition of the committee is to put him in where Well, it is intimated that a whole lot of officers under him might jealously object to his coming back into the service because it might lessen their chance of promotion. There is but one of him, and it might interfere in an infinitesimal degree with promotions. I apprehend the officers of the United States Army will not be found backing that objection, Not only that, but, as stated by Mr. Callaway, the truth is when he went out he increased their opportunity to rise and fill When he comes back they are relatively in the same position they would have been in had he stayed in. It is too much of a little thing to raise that objection if we need the man. Gen. Crozier says we need him, and I believe we do.

The CHAIRMAN. The time of the gentleman has expired. Mr. CALDWELL. Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. Fields]

Mr. FIELDS. Mr. Chairman, I send an amendment to the Clerk's desk and ask unanimous consent that it may be read and considered as pending.

Mr. MANN. Mr. Chairman—
The CHAIRMAN. It will be read for information.

Mr. MANN. It can not be; there is no time left; the time is all exhausted.

The CHAIRMAN. No; there are five minutes.
Mr. CALDWELL. I have three minutes remaining.

Mr. MANN. I beg the gentleman's pardon; I thought he

Mr. MANN. I beg the gentleman's parton, I thought used all his time.

Mr. CALDWELL. No; I have three minutes.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kentucky in the gentleman's time.

The Clerk read as follows:

Amendment by Mr. FIELDS: Page 2, line 2, after the word "list," strike out "which he would have had if he had not been retired" and insert "next below the rank at which he was retired."

Mr. CALDWELL. I have two minutes remaining, and I yield those to the gentleman from California [Mr. KAHN]

Mr. KAHN. Mr. Chairman, so far as I know, the only case presented to the Committee on Military Affairs was the case of Col. Dickson, and I desire the Clerk to read, in my time, what Gen. Crozier said about the case of Col. Dickson.

The Clerk read as follows:

what Gen. Crozier sald about the case of Col. Dickson.

The Clerk read as follows:

With further reference to the case of Col. Dickson, which is before the committee, and concerning which there is a bill pending before Congress now, my understanding of that case is as follows, and I think it is correct; Col. Dickson, together with several other officers of the Army, served for a number of years in connection with the construction of the Panama Canal in the Panama Canal Zone. In recognition of their services Congress passed the act commonly known as the Panama Canal beneficiary act, which authorized the officers affected to retire from active service whenever they should wish to do so at an advance of one grade over that held by them in the Army at the date of their retirement. Col. Dickson took advantage of the special privilege accorded by the act.

My understanding of his reasons for doing so is that they were largely because of the health of his wife, which was not good and which was such that she needed more and better attention than he could give her while on the active list of the Army, either because of the limitations as to his pay or because of the limitations as to his pay or because of the limitations as to his pay or because of the makers of war material which had received large orders from Europe, and in connection with that I understand that he made a very advantageous contract for services, which still holds or which held until a short time ago—perhaps it may still hold. It was intended, I understand, to erect a factory, which he should be in charge of, but, either because of the nonreceipt of expected orders or for other reasons—I do not know what—the factory was not received. In the meantime Col. Dickson's wife died. Col. Dickson then became anxious to return to active duty in the Ordnance Department. In doing so I understand that he would make a considerable pecuniary sacrifice, but, having fewer demands upon his resources, he is willing to make the sacrifice because of his liking for active s

The CHAIRMAN. The Clerk will report the bill. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That hereafter the President be, and he is hereby, authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March 4, 1915: Provided, That such officer shal be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired: Provided further, That such officer shall stand a satisfactory medical examination, and when promoted shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law: And provided further, That any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above, except when retired for age or for physical disability incurred in the line of duty.

Mr. CALDWELL. Mr. Chairman, I desire to offer an amend-

Mr. CALDWELL. Mr. Chairman, I desire to offer an amendment. Page 2, line 3, after the first word "he," strike out the words "would have," and after the word "had" strike out the words "if he had not been," and in place of the last words

stricken out insert the word "when," so that the line will read "when he had retired."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 2, line 3, after the word "he," where it occurs the first time, strike out the words "would have," and after the word "had" strike out the words "if he had not been" and insert in lieu thereof the word "when," so that the proviso, as amended, will read:

"Provided, That such officer shall be transferred to the rank and place on the active list which he had when retired, shall be carried as an additional number," etc

The CHAIRMAN. The question is on the amendment offered

by the gentleman from New York [Mr. CALDWELL].

Mr. MANN. Mr. Chairman, I would like to know from some member of the Committee on Military Affairs who is thoroughly posted as to the rank and grade as to just what this means. The man when he was retired before as an officer had a certain rank. He had a certain place in that rank, sometimes referred to as the number.

Mr. CALDWELL. Yes; they call it a file.

Mr. MANN. A file number?

Mr. CALDWELL. A file number.

Mr. MANN. Sometimes referred to as the lineal rank?

Mr. CALDWELL. Yes.

Mr. MANN. Suppose it was No. 10 or No. 48 that he had. Now he goes back to that same number.

Mr. CALDWELL. Yes; as an extra number.

Mr. MANN. What becomes of the man who has got the number now?

Mr. CALDWELL. He keeps it; but he has it as an extra number, according to the place he had at the time he retired.

Mr. MANN. You say he goes back to the same place. Now, does he go back to the same number? If the two are contra-dictory, that is another thing. Do not let us have them contradictory. The amendment offered by the gentleman is that he goes back to the place on the active list that he had when retired. When I ask what that means, he says that means the number he had when retired. Does he take that number? The gentleman says no.

Mr. CALDWELL. I said that he takes the number, an extra

number, at the same place, Mr. MANN. You can not You can not have the two numbers the same.

Mr. CALDWELL. Two objects can not occupy the same place, as has been suggested here; but the proposition is this—

Mr. MANN. That it shall be carried as an additional number? Mr. CALDWELL. In other words, if he has number ten, there shall be two number tens, because the rest of the bill goes on to say so. I am not particularly wedded to the wording of this bill. If the gentleman has in mind what we want and will suggest something that will do it, I will agree.

Mr. MANN. I understand that perfectly well; but I have not. But I can see that the gentleman's amendment, if I understand the purpose of it, apparently would first say that he goes back to No. 10, say, if that is the number, or maybe No. I do not know what it is. That is not the number he goes

back to?

Mr. CALDWELL. Yes; an extra number of the same grade. Mr. MANN. When we put them back as additional numbers, do they take the same number?

Mr. CALDWELL. Yes; as I understand it. Mr. TILSON. The words "additional number" refer to the number of that grade. Suppose the law allows 20 lieutenant colonels, and we put in another lieutenant colonel. The law allows but 20, so we say that he shall be carried as an additional number.

Mr. MANN. In the grade of lieutenant colonel. During the time he is lieutenant colonel he has the extra number on the list of lieutenant colonels, when there are actually 21.

Mr. CALDWELL. Can the gentleman from Connecticut suggest words that will accomplish what we want to do?

Mr. SHALLENBERGER. Will not the gentleman accomplish the purpose by striking out the word "place" and insert the word "grade"?

Mr. MANN. Where is the word "grade"? That is the controversy here. That is the important thing. That is what determines as to promotion. If there are 148 lieutenant colonels, the man who is 148 has not near as good a chance as the man who is No. 1.

Mr. MILLER of Delaware. As I understand the amendment of the gentleman from New York, if there were 20 lieutenant colonels ahead of this man on the list when he retired, if this amendment is adopted and the bill becomes a law there will be 20 ahead of him, according to this amendment. In other words, he will lose his place as the list has pushed forward. The lieutenant colonels who were right with him on the list will move forward, and if this amendment is adopted he will I understand that that change has taken place.

have as many lieutenant colonels ahead of him on the active list as he had when he retired.

Mr. MANN. Why not take the number of lieutenant colonels

behind him instead of ahead of him? Why does the gentleman select the number ahead and not the number behind?

Mr. MILLER of Delaware. I take it for granted that there

are the same number of lieutenant colonels.

Mr. MANN. There are a good many more lieutenant colonels now than there were. The gentleman, of course, all the time is talking about Col. Dickson. This bill applies to various other people besides Col. Dickson.

Mr. FIELDS. Would this language add to my amendment:

Mr. FIELDS. Would this language and to my amendment.

"With the same grade last held by him in such rank"?

Mr. TILSON. The gentleman has his words transposed.

Mr. MANN. The word "grade" does not mean "place." The words "grade" and "rank" come pretty near meaning the same thing.

Mr. TILSON. No; grade refers to whether he is colonel or lieutenant colonel. Rank may determine his position or place in that grade.

Mr. MANN. Place determines his position.
Mr. TILSON. So does rank.
Mr. MANN. Not as used here, it does not. With "rank" and "place" here, one means the grade and one place.

Mr. CALDWELL. Mr. Chairman, I move a further amendment, on page 2, line 2, by striking out the words "and place," so that the proviso will read "that such officer shall be transferred to the rank on the active list which he had when retired, shall be carried as an additional number," and so forth,

Mr. MANN. Oh, no; there is no "and shall be." Mr. CALDWELL. "Shall be carried as an additional number

in the grade to which he shall be transferred."

That does not indicate where he will be placed. Mr. CALDWELL. I think it does. If the gentleman will point out where it does not, or point out some words that will indicate it, I would be glad.

Mr. MANN. I will undertake to say it will not. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modified amendment by Mr. Caldwell: Strike out in line 2, page 2, the words "and place," so that as amended the provise will read: "Provided, That such officer shall be transferred to the rank on the active list which he had when retired."

Mr. MANN. Now, Mr. Chairman—
Mr. PADGETT. Mr. Chairman, will the gentleman yield
just a moment, to permit me to make a suggestion?
Mr. MANN. Yes.

Yes.

Mr. PADGETT. The usual language heretofore has been to take rank next after some particular officer named, as an extra number. That defines exactly where he would come, and he comes as an extra number, to take rank next after John Smith, Bill Brown, or whoever it is, as shown in the Army Register, as an extra number.

Mr. MANN. I may be in error, but I assume that this bill

was drafted by the War Department?

Mr. CALDWELL. Yes.

Mr. MANN. While I do not think they always use good judgment in drafting bills, they evidently made a distinction here between rank and place, calling rank "grade," although right after that they use the word "grade." Now, if "rank" means grade, then the gentleman probably accomplishes what he wanted to.

Mr. CALDWELL. Does it?

Mr. MANN. I am not sure, but the War Department evidently thought it did.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will yield to anybody who is familiar with military affairs.

Mr. MILLER of Delaware. I do not want to get the floor under those conditions, but I would like to suggest, if the word lineal" is inserted before the word "rank" in line 2, would not that obviate the objection?

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to me-

Mr. MANN. I do-

Mr. LONGWORTH. Though without pretense to military knowledge.

Mr. MANN.

LONGWORTH. It seems to me the gentleman has pointed out the weak spot in this proposition, as to whether the men ahead of this particular individual are to be counted or the men below. If there has been a large increase in the number of lieutenant colonels, it would be of great importance.

Mr. MANN. I do not think it has taken place in the Ordnance Department, where Col. Dixon would serve, but it has in other

Mr. KAHN. I understand it has taken place in other departments.

Mr. LONGWORTH. Then the amendment offered by the gentleman from New York [Mr. CALDWELL] would not obviate

Mr. MANN. Perhaps some gentleman who is a member of the Committee on Military Affairs can tell us.

The CHAIRMAN. The time of the gentleman has expired. Mr. McKENZIE. Mr. Chairman, I doubt very much whether the amendment offered by the gentleman from New York [Mr. Caldwell] ought to be adopted, or whether it is necessary. am inclined to think that this bill is properly drawn. It is only a question of whether or not we want to give to these men the benefits that are proposed under this bill. It simply means this, that these particular officers, after taking advantage of the act that was passed for the benefit of the officers who served on the Panama Canal and voluntarily retired, shall now be reinstated in the active service of the Army of the United States; and if we feel disposed to authorize it to be done, then this bill simply provides that they shall be carried as additional numbers to the number of officers fixed by law, and that they shall take their place in the lineal rank of officers just the same as if they had not been out of the service at all. It will not interfere with the promotion of any other officers in the service, but when the time comes for the promotion of the officer holding the number that will correspond with the number, for instance, that Col. Dixon held when he went out of the service, that officer will be moved up, and Col. Dixon will move up alongside of him and simply make two promotions for the particular office. It will not interfere with the other officers of the line.

In my judgment we have killed a good deal of time here this afternoon and perhaps prevented a number of other bills from coming up, and I think we have come to the place now where it is perhaps just as well to forget all these amendments and vote them down and pass the bill if the members of the committee believe that this ought to be done. [Applause.]

Mr. CALDWELL. I am willing to withdraw my amendment, Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. SLOAN. I should like to ask the gentleman why not reinstate him where he first began as lieutenant colonel before, at the bottom of the list? Let him go back to this grade where he entered before instead of having a special berth provided for him

Mr. McKENZIE. I will say to the gentleman that personally I am opposed to legislation of this sort. I think it is a mistake for this House or the Congress to promote men in the Army or in the Navy or to reinstate men who go out voluntarily to engage in business or speculate, or for any other purpose. I think it is a great mistake, and if it is going to be the policy of this House or Congress to do that thing, then there is no great harm in this bill.

Mr. SLOAN. Would it not be more definite to put him at the bottom of the list?

Mr. Chairman, I desire to be heard. Mr. KAHN.

Mr. CALDWELL. I have withdrawn my amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from California-Mr. CALDWELL. Mr. Chairman, a point of order. The amendment having been withdrawn, I demand the regular order. The CHAIRMAN. The gentleman from New York demands

the regular order. Mr. CALDWELL. I withdraw it if the gentleman from California wishes to be heard.

The CHAIRMAN. The gentleman from California— Mr. KAHN. Mr. Chairman, in matters of this kind it is usual to bring in a bill stating just where the officer shall be on the lineal list, by saying that his name shall come after or the linear rist, by saying that all or before a certain other officer, naming that officer. That is the usual way of doing this thing. Of course, placing a man who has been out for some time back into the place he held on the lineal list at the time he retired creates dissatisfaction in the Army. The officers who are given a setback by reason of the legislation all feel aggrieved, and properly so. When a man continues in the service right straight along it is only natural for him to feel that he should not be displaced by some man who has been out for a period of years and then wants to come back; and when this subject was up on the national defense bill the Committee on Military Affairs recognized that principle in section 24 of that bill, where they provided that the Secretary of War might reinstate certain officers who had re-

signed. The law states specifically that those officers would have to go back at the bottom of the grade in which they were before their resignation. That seems to be fair to every officer To place men back where they were is not fair. in the Army. However, I have no objection to the provision in the bill so far as Col. Dickson is concerned. I believe that if the other officers were to come back, there should be some provision made that they come back at the bottom of the list of their grades. far as the committee is concerned, their cases were not presented fully to the committee. As far as I know, nobody made a statement on their behalf to show the reason why they should come back. There was a strong case made out for Col. Dickson, and he is in a branch of the service that is really in need of skilled officers. I hope that the bill can be amended in such

a way that it can apply only to Col. Dickson.

Mr. CALDWELL. Let us have a vote.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I should like to know whether the gentleman will accept an amendment which will read something like this: That the President is hereby authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army, Tracy C. Dickson, United States Army, with the rank of lieutenant colonel.

Mr. CALDWELL. I can answer no, that to accept such an amendment as that would be perfectly futile, because in the closing hours of Congress we could not get it passed in the Senate, and if we are going to need these men at all we are going

to need them very quickly. Mr. STAFFORD. The gentleman is fully aware that we are passing any number of private bills of similar import, that are

being passed daily in the other body.

Mr. MOORE of Pennsylvania. The ranking member of the minority of the Military Affairs Committee has just stated that the Military Affairs Committee did not go into the matter of these four other officers named in the report-Henry A. Brown, Robert E. Wood, Courtland Nixon, and Frank O. Whitlock, Mr. KAHN. I said so far as I knew, because I was not pres-

ent when the original bill was reported.

Mr. MOORE of Pennsylvania. The chairman of the Committee on Military Affairs is here, and so are many members of that committee, and in view of the fact that we are asked to pass a bill for the relief of five men, including Col. Dickson, who seems to have been represented before the committee, I desire to ask whether the committee itself had any direct information as to Henry A. Brown, chaplain; Robert E. Wood, captain of Cavalry; Courtland Nixon, captain of Cavalry; and Frank O. Whitlock, captain of Cavalry? I yield to the gentleman from Alabama [Mr. Dent], chairman of the Committee on Military Affairs.

Mr. DENT. I will state to the gentleman from Pennsylvania [Mr. Moore] that the present chairman of the Committee on Military Affairs was not chairman of the committee when this bill was considered and reported. It was reported at the last session of Congress, and I confess that the present chairman of the committee is not familiar with the facts other than those relating to Col. Dickinson, because this bill was considered when I was not chairman of the committee.

Mr. GREENE of Vermont. May I bring to the attention of the gentleman the fact, which has several times been referred to, that the names of those four or five officers in the report are mentioned only to indicate such men as might be affected by this general legislation if they sought to take advantage of it? There was no application on their part to have the legislation passed; consequently their cases have not been examined.

Mr. MOORE of Pennsylvania. The gentleman will answer

this question-

Mr. GREENE of Vermont. If he can.

Mr. MOORE of Pennsylvania. I think he will be able to answer it yes or no. It has been stated here that the committee did have before it the matter of Col. Dickson's desire to come back into the service.

Mr. GREENE of Vermont. That is right.

Mr. MOORE of Pennsylvania. Does the gentleman know, as a member of the Military Affairs Committee, whether anything has been said before the committee with respect to these other four officers whose names I have read?

Mr. GREENE of Vermont. Not to my recollection.

Mr. MOORE of Pennsylvania. Then, as a matter of fact, the committee has reported a bill naming specifically five men—
Mr. GREENE of Vermont. I beg the gentleman's pardon. It

names nobody.

MOORE of Pennsylvania. It has presented a report specifically naming five men who are to be the beneficiaries of a blanket act.

Mr. GREENE of Vermont. Oh, no.

Mr. MOORE of Pennsylvania. And four of those men have not been before the committee at all, and the committee has no

knowledge as to whether they will reenter the service?

Mr. GREENE of Vermont. It has not reported a bill the effect of which is, as the gentleman has stated, to make certain men the beneficiaries of anything. It has reported a bill in such general terms that certain men, upon application and upon passing certain tests and being accepted, reenter the service of the United States, because the United States might want them back.

Mr. MOORE of Pennsylvania. If they reenter the service they will get more pay on the active list than they get now on

the retired list, will they not?

Mr. TILSON. The Government will have their services,

which it would not otherwise have.

Mr. MOORE of Pennsylvania. Then they will certainly be beneficiaries of the act. This is an intensely commercial age, and if they are going to get more pay for coming back on the active list, they will certainly be beneficiaries of it. But they have not asked for it, and the committee is reporting for them without having any knowledge of their intent.

Mr. PLATT. I take it from the gentleman's previous remarks that these gentlemen could make more money in civil life than they could in the Army on the active list with full pay.

Mr. MOORE of Pennsylvania. Yes; in the manufacturing of munitions. I would like to ask the gentleman from New York if he knows who is the president of the Remington Arms Co.?

Mr. PLATT. I do not.
Mr. MOORE of Pennsylvania. Can any gentleman tell us
who is the president of the Remington Arms Co.? Is Cleveland H. Dodge associated with that company?

Mr. SNYDER. No; he is not. Mr. CALDWELL. Mr. Chairman, I believe my amendment has been withdrawn.

Mr. DYER. It has not. Mr. CALDWELL. I asked unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there ob-

Mr. DYER. I object. The CHAIRMAN. The question is on the amendment offered

by the gentleman from New York.

Mr. CALDWELL. Mr. Chairman, a point of order. I think the Chairman is in error. I asked to withdraw my amendment and the Chair stated my request, and the Chair stated that the amendment had been withdrawn. Following that the gentle-man from Pennsylvania got the floor and got recognition by

reason of moving to strike out the last word.

The CHAIRMAN. The Chair thinks this is what took place: The gentleman from New York said he would withdraw the amendment. The Chair said "the gentleman from New York withdraws his amendment," but about that time the gentleman from California [Mr. KAHN] arose and asked for recognition. The gentleman from New York said he would withdraw his demand for the regular order if the gentleman from California desired to speak.

Mr. CALDWELL. I followed that by making a point of order and renewed the point of order in order that the gentleman from California [Mr. KAHN] might speak, because I had called

for the regular order.
Mr. LONGWORTH. Mr. Chairman, the gentleman from New York asked unanimous consent to withdraw his amendment, but

the Chair never submitted that request.

The CHAIRMAN. The Chair did not submit the request until a moment ago when he submitted it, and the gentleman from Missouri [Mr. Dyer] objected. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

Let the amendment be reported. A MEMBER.

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. HARDY. I object.
Mr. MANN. Can we not know what we are going to vote on?

Mr. HARDY. It has been discussed for an hour or more. Mr. MANN. Then I shall make a point of order of no

quorum if we can not have the amendment reported. Mr. HARDY. Mr. Chairman, I do not want any point of

order made at this time, and I withdraw the objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. Mann) there were 34 ayes and 53 noes.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Missouri [Mr. Dyer] and the gentleman from New York [Mr. CALDWELL]

The committee again divided; and the tellers reported that there were 29 ayes and 48 noes.

So the amendment was rejected.

Mr. DYER. Mr. Chairman, I make a point of order that no quorum is present. [Cries of "No!" "No!"]
Mr. DYER. I will withdraw it temporarily.
Mr. SLOAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 1, after the word "Provided," strike out the remainder of line 1, all of line 2 and line 3 down to and including the word "retired," and insert in lieu thereof the following: "That such officers shall take rank at the foot of the respective grade which they held at the time of their retirement, and."

So that the provision will read as follows:

"Provided, That such officers shall take rank at the foot of the respective grade which they held at the time of their retirement and shall be carried as an additional number in the grade to which he may be transferred," etc.

Mr. SLOAN. Mr. Chairman, I submit this amendment because it seems to me, after listening to debate for two hours, that it is a just procedure. It is in line with the policy in existence heretofore in control of the Army. I call your attention to the act of June 3, 1916:

Provided further, That the President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall rank at the foot of the respective grades which they held at the time of their separation from the Army.

Now, my amendment is to follow out that line of procedure, which we have sanctioned by legislation here within the last

It seems to me that, where an officer has obtained an honorable and high rank in the Army, such as lieutenant colonel or colonel, and has lived long enough so that he has the right to be retired, and voluntarily does retire, and with no compulsion in the matter separates himself from the service, becomes a part of the industrial system of the country, those who come in after him have a right to be secure in their order of precedence, succession, and promotion. It is not fair that he should come into that rank and be elevated to a precedence above those who had voluntarily stayed in the service. It may be that a number of those who would have numbers behind him under the bill as it now is are older in the service than he and were subject to retirement had they seen fit to retire. But they saw fit to stay with the Government which educated them rather than seeking fields of greater remuneration, and then later when prospects of promotion appear to have improved seek reinstatement in the Army. Let us slaughter the calf for the prodigal, give him the veal, but leave the herd and the mansion to the faithful.

As a matter of choice they did separate themselves from the service, and now having exercised that choice, having gone out into civil life, I think it is absolutely unfair that they should be reinstated at the door where they passed out. I think they should be placed at the foot of the list. I submit that as a matter of fairness to the men whom these men might precede unfairly they should be so placed. I am inclined to think that there should not be any special encouragement given to those men who have become subject to retirement to retire at the first opportunity, but they should stay in until they are sure they want to get out, and stay out.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield

for a question? Yes. Mr. SLOAN.

Mr. CALDWELL. This would put him at the foot of the list of colonels?

Mr. SLOAN. I understand that would place the individual you have in mind at the foot of the list of lieutenant colonels, or whatever the rank is. I have no particular person in mind. I am thinking how these officers should be permitted as a class to reattach themselves to the service. If rewards are to be given, grant them to those who long remained devoted and

faithful to the Army service,
Mr. CALDWELL. Mr. Chairman, let the amendment be

again reported. The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to

Mr. CALDWELL and Mr. ANTHONY rose.

Mr. CALDWELL. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment with a favorable recommendation.

Mr. ANTHONY. Mr. Chairman, I have an amendment which

I desire to offer.

Mr. CALDWELL. I insist upon my motion.

Mr. MANN. But the gentleman can not insist upon his

Mr. CALDWELL. Mr. Chairman, I had the floor and was recognized, and I move that the committee do now rise and report the bill as amended with a favorable recommendation. The CHAIRMAN. The gentleman from New York moves

that the committee do now rise-

Mr. STAFFORD. Mr. Chairman, I rise to a point of order The precedents are many that a motion to rise and report a bill is not in order whenever a Member is claiming recognition upon the floor for the purpose of offering an amendment. The gentleman from Kansas [Mr. ANTHONY] demanded recognition for the purpose of offering an amendment. In fact, his amendment is now in the Reading Clerk's hands at the desk. Chair must take notice of the demand of the gentleman from Kansas asking for recognition, which he stated was for the purpose of offering an amendment. If the Chair desires precedents, they are easy to cite and are numerous.

The CHAIRMAN. The Chair supposed that the gentleman

from New York would withdraw his motion, the gentleman

from Kansas being a member of the committee.

Mr. MANN. This is a preferential motion. Both gentlemen were on their feet at the same time asking for recognition.

The CHAIRMAN. The only reason the Chair recognized the gentleman from New York was because he is in charge of the

Mr. MANN. That is correct; but the gentleman from Kansas states that he has a preferential motion.

The CHAIRMAN. Does the gentleman from Kansas rise for the purpose of offering an amendment to the bill?

Mr. ANTHONY. Yes; I have risen several times to do that. The CHAIRMAN. The Clerk will report the amendment. Mr. CALDWELL. Mr. Chairman, before that is done, I ask

unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. MANN. Let us hear what the amendment is, and perhaps there will be no trouble about it.

The Clerk read as follows:

Amendment by Mr. Anthony: Page 2, line 14, after the word "above" strike out the rest of the paragraph.

Mr. ANTHONY. Mr. Chairman, the effect of the amendment which the Clerk has just read will, if adopted, prevent what I believe to be the intention of this bill, and which most of the gentlemen who have spoken upon it have not dilated upon. der the language of the bill unquestionably Col. Dickson, if reinstated to the rank on the active list which the bill will give him, will, when he retires in the regular course under the law, be retired at the advanced grade of a brigadier general. In other words, the proper caption for this bill would be to confer the rank of brigadier general upon Col. Dickson. That is the milk in the coconut, that is the crux of this whole thing, and probably one of the reasons why the officer desires to return to the active list. Now, Mr. Chairman, I agree with the gentlemen who have spoken in regard to the abilities of Col. Dickson and the desirability of placing him again upon the active list of the Army, but I do not believe in passing legislation the effect of which will be when an officer is finally retired to give him an advanced grade, and that the grade of brigadier general.

Mr. GREENE of Vermont. Will the gentleman yield for a

question?

Mr. ANTHONY. I will.

Mr. GREENE of Vermont. Of course, the gentleman has taken into consideration the fact that Col. Dickson, if restored to the Army now, would have 15 years to serve before being retired automatically, and might be made brigadier general and

Mr. ANTHONY. That is true, but I will say to the gentleman if restored now to the grade on the active list which he formerly had, by reason of the additional increments in the Ordnance Corps and increases in the Army which come after the 1st of July next, and which our committee, as the gentleman knows, have already authorized to be made at once, with the increase in the Ordnance Corps the rank of this officer will be considerably advanced within the next year or two, when the time comes for him to retire for age he will have the full status of a colonel, and with this language of the Panama Canal act, which this bill especially retains in force, will unquestionably give Col. Dickson, when retired, the rank of a brigadier general. My amendment proposes to withdraw the promotion to the grade

of brigadier general which would ultimately accrue if this

language remains in the bill.

Mr. MANN. Will the gentleman yield for a question, or will some member of the Committee on Military Affairs inform me if Col. Dickson-and this whole bill seems to revolve about Col. Dickson as the other four men do not count for anything at all-goes back in the Ordnance Department, does he?

Mr. ANTHONY. He does.

Mr. MANN. What is the highest grade an officer can reach

in the Ordnance Department?

Mr. ANTHONY. The highest grade an officer can reach is that of colonel unless especially designated by the President to be a general-

Mr. MANN. Brigadier general, what is known as Chief of Ordnance?

Mr. ANTHONY. Yes, sir.

Mr. MANN. But if he retires while he is Chief of Ordnance, does he retire with the rank of a brigadier general or with the rank of a colonel?

Mr. ANTHONY. I understand he would retire at the grade which he holds upon the regular lineal list. Mr. MANN. That would be colonel?

Mr. ANTHONY. Yes,

Mr. MANN. There is only one colonel in the Ordnance Department?

Mr. ANTHONY. Three, some gentleman says-Mr. Hull of

Mr. MANN. Full colonels?

Mr. HULL of Iowa. Three colonels and I think one brigadier

Mr. ANTHONY. There must be at least the number the gentleman says.

Mr. MANN. Of course if Col. Dickson reached the grade of colonel under the Panama Canal act and was retired after that, he would be retired as a brigadier general?

Mr. ANTHONY. Yes.
Mr. MANN. Which no other officer in the Ordnance Department can reach?

Mr. ANTHONY. I think that is true, and I contend that in the ordinary courses of promotion he reaches the grade of colonel, and by virtue of the Panama Canal act, which this bill expressly retains in effect, that will give him the grade of brigadier general when he retires. That is what I wish to strike out. I am willing to have him restored to active duty, but I do not want him to have two shots under this one act of Congress

Mr. GREENE of Vermont. I quite heartily agree with the gentleman from Kansas in the proposition that if once men take advantage of the Panama Canal act giving preference to promotion on retirement, they ought not to have a subsequent opportunity, and if that is the limiting effect of the gentlemen's amendment and no other I will be inclined to favor it.

Mr. ANTHONY. I will say that is my contention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. CALDWELL. Mr. Chairman, I have a right to answer the gentleman. Mr. Chairman, I hope the amendment does not carry, because if it does it defeats the bill and defeats the purpose of the bill, which is to get an ordnance officer who is able to take care of the necessities of this Government at this time.

Mr. GORDON. But what rank and grade and pay does it give him?

Mr. CALDWELL. It gives him when he comes in exactly the same grade, rank, and pay as when he went out of the service. We do not want to promote him to any place. We want him to come back to exactly where he went out. The amendment that has just passed here by this committee puts him even below where he went out, and that is all we ask for. If this bill is passed, that is all we ask for.

Mr. BLACK. I would ask the gentleman in charge of the bill if the bill is passed without the amendment of the gentleman from Kansas what will be the rank of Col. Dickson in the

Mr. CALDWELL. A lieutenant colonel, at the bottom of the lieutenant-colonel list. And I will say this, that when he went out of the service he was not at the bottom of the lieutenantcolonel list at all, and by going back into the service he will go below the file that he had when he left the service. Therefore I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the amendment was rejected. Mr. CALDWELL. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House,

Ward Wason

Wood, Ind. Woods, Iowa

with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 6850) authorizing transfer of certain retired Army officers to the active list, and had directed him to report the same to the House with a certain amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The SPEAKER. The question is on the third reading of the

The bill was read a third time.

The SPEAKER. The question is on the passage of the bill. Mr. DYER. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. The gentleman from Missouri [Mr. DYER] makes the point of order that there is no quorum present, and the Chair will count. [After counting.] One hundred and one gentlemen are present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House. The SPEAKER. It is an automatic call. The Doorkeeper will

close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of passing this bill will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 295, nays 15, answered "present" 4, not voting 120, as follows:

YEAS-295.

	A AUGAN,	-400.	
Abercrombie	Eagan	Kettner	Raker
Adair	Eagle	Key, Ohio	Ramseyer
Adamson	Ellsworth	Kiess, Pa.	Randall
Aiken	Elston	Kincheloe	Rauch
Alexander	Emerson	King	Rayburn
Allen	Esch	Kinkaid	Reavis
Almon	Fess	Kitchin	Reilly
	Fields	Konop	Ricketts
Anderson		Kreider	
Anthony	Fitzgerald		Riordan
Ashbrook	Focht	Lafean	Roberts, Nev.
Aswell	Fordney	La Follette	Rogers
Austin	Foss	Lazaro	Rouse
Ayres	Frear	Lee	Rowland
Barkley	Freeman	Lenroot	Rubey
Barnhart	Fuller	Lesher	Rucker, Ga.
Beales	Gallagher	Lever	Rucker, Ga. Russell, Mo. Russell, Ohio
Bell	Gallivan	Lieb	Russell, Ohio
Black	Gandy	Lindbergh	Sanford
Blackmon	Gard	Linthicum	Shallenberger
Booher	Gardner	Littlepage	Sherley
Borland	Garland	Lloyd	Sherwood
Bowers	Garner	Lobeck	Shouse
Britt	Gillett	Longworth	Siegel
Browne	Godwin, N. C.	Loud	Sims
Browning	Good	McArthur	Sinnott
Bruckner	Gordon .	McClintic	Slayden
Buchanan, Tex.	Gould	McGillicuddy	Slemp
Burke		McKinley	Sloan
Burner S C	Gray, Ala. Gray, Ind.	McLaughlin	Small
Byrnes, S. C. Byrns, Tenn.	Green, Iowa	McLemore	Smith Liaho
Coldmall	Greene, Vt.	Madden	Smith, Mich.
Caldwell	Griest	Magee	Smith Minn
Callaway	Griffin	Mapes	Smith, Minn.
Candler, Miss.			Smith, N. Y. Smith, Tex.
Cannon	Hadley Wish	Mays	Smith, Tex.
Carlin	Hamilton, Mich.	Meeker	Snell
Carter, Mass.	Hamilton, N. Y.	Miller, Del.	Snyder
Carter, Okla.	Hardy	Miller, Minn. Miller, Pa.	Stafford
Cary	Harrison, Va.	Miller, Pa.	Steagall
Church	Hastings	Montague	Stedman
Coady	Hawley	Moon	Steele, Iowa
Coleman	Hayden	Moores, Ind.	Steele, Pa.
Collier	Heaton	Morgan, Okla.	Steenerson
Connelly	Heflin	Morin	Stephens, Miss.
Cooper, Ohio	Helm	Morrison	Stephens, Tex.
Cooper, Ohio Cooper, W. Va.	Helvering	Moss	Sterling
Cox	Hensley	Murray	Stiness
Crago	Hernandez	Neely	Stone
Crisp	Hilliard	Nicholls, S. C. Nichols, Mich.	Sulloway
Chaman	Holland	Nichols, Mich.	Sumners
Dale, N. Y. Dale, Vt.	Hollingsworth	Nolan	Sutherland
Dale Vt	Hood	North .	Sweet
Dallinger	Houston	Oakey	Swift
Danforth	Howard	Oldfield	Switzer
Darrow	Huddleston	Oliver	Torne
Davis, Tex.	Hughes	Olney	Tague Talbott
Decker	Hull, Iowa	O'Shaunessy	Taylor, Colo.
	Hall Tona		
Dempsey	Hull, Tenn.	Overmyer	Temple
Denison	Humphrey, Wash,	Paule	Thomas
Dent	Humphreys, Miss. Hutchinson	Parker N T	Thompson Tillman
Dickinson		Parker, N. J.	Tilson
Dies	Igoe	Parker, N. Y.	
Dill	Johnson, Ky.	Peters	Timberlake
Dixon	Johnson, Wash.	Phelan	Tinkham
Doolittle	Kahn	Platt	Towner
Doremus	Kearns	Powers	Treadway
Doughton	Keating	Pratt	Venable
Dowell	Keister	Quin	Vinson
Dunn	Kennedy, Iowa	Ragsdale	Volstead
Dupré	Kennedy, R. I.	Rainey	Walker

Watkins Watson, Pa. Watson, Va.	Williams, T. S. Williams, W. E. Williams, Ohio	Wilson, La. Wingo Wise	Woodyard Young, N. Dak.
		S-15.	
Bacharach Bailey Capstick Caraway	Dyer Greene, Mass. Haskell Jacoway ANSWERED	James Lehlbach McKenzie Mann "PRESENT"—4.	Moore, Pa. Norton Walsh
Cooper, Wis.	Hamlin	London	Webb
THE RESIDENCE OF VI	NOT VO	TING-120.	A STATE OF THE STA
Barchfeld	Driscoll	Hill	Page, N. C.
Beakes	Drukker	Hinds	Paige, Mass.
Benedict	Edmonds	Hopwood	Patten
Bennet	Edwards	Howell	Porter
Britten	Estopinal	Hulbert	Pou
Brumbaugh	Evans	Husted	Price
Buchanan, Ill.	Fairchild	Johnson, S. Dak.	Roberts, Mass.
Burgess	Farley	Jones	Rodenberg
Burnett	Farr	Kelley	Rowe
Butler	Ferris	Kent	Rucker, Mo.
Campbell	Flood	Langley	Sabath
Cantrill	Flynn	Lewis	Saunders
Carew	Foster	Liebel	Schall
Casey	Garrett	Loft	Scott, Mich.
Chandler, N. Y.	Glass	McAndrews	Scott, Pa.
Charles	Glynn	McCracken	Scully
Chiperfield	Goodwin, Ark.	McCulloch	Sears
Clark, Fla.	Graham	McDermott	Sells
Cline	Gray, N. J.	McFadden	Shackleford
Conry	Gregg	McKellar	Sisson
Copley	Guernsey	Maher	Sparkman
Costello	Hamill	Martin	Stephens, Nebr.
Cramton	Hamlin	Matthews	Stout
Crosser	Harrison, Miss.	Mondell	Taggart
Cullop	Hart	Mooney	Tavenner
Davenport	Haugen	Morgan, La.	Taylor, Ark.
Davis, Minn.	Hayes	Mott .	Van Dyke
Dewalt	Helgesen	Mudd	Vare
Dillon	Henry	Nelson	Winslow
Dooling	Hicke	Oglochy	Voung Tox

Wilson, Fla. Wilson, Ill.

Young, Tex. So the bill was passed. The Clerk announced the following pairs. Until further notice: Mr. Scully with Mr. Winslow, Mr. Patten with Mr. Rowe, Mr. BEAKES with Mr. McCulloch, Mr. Casey with Mr. Howell. Mr. GREGG with Mr. FAIRCHILD. Mr. Young of Texas with Mr. BARCHFELD. Mr. VAN DYKE with Mr. Mott. Mr. Hulbert with Mr. Nelson. Mr. McKellar with Mr. Benedict. Mr. Shackleford with Mr. Bennet. Mr. Brumbaugh with Mr. Britten. Mr. Buchanan of Illinois with Mr. Chiperfield. Mr. Burnett with Mr. Butler. Mr. Henry with Mr. Campbell. Mr. CANTRILL with Mr. CHANDLER of New York, Mr. CAREW with Mr. CHARLES. Mr. Stephens of Nebraska with Mr. Costello. Mr. Clark of Florida with Mr. Copley. Mr. TAYLOR of Arkansas with Mr. CRAMTON. Mr. Conny with Mr. Davis of Minnesota. Mr. Crosser with Mr. DILLON. Mr. TAGGART WITH Mr. DRUKKER. Mr. DEWALT WITH Mr. EDMONDS. Mr. Dooling with Mr. FARR, Mr. DRISCOLL with Mr. GLYNN. Mr. STOUT with Mr. GRAHAM. Mr. Estopinal with Mr. Gray of New Jersey. Mr. Evans with Mr. Guernsey. Mr. FARLEY with Mr. HAUGEN. Mr. Ferris with Mr. Hayes. Mr. FLOOD with Mr. HELGESEN. Mr. Sisson with Mr. Hicks. Mr. FOSTER with Mr. HILL, Mr. Glass with Mr. HINDS. Mr. Goodwin of Arkansas with Mr. Hopwood.

Mr. Hamlin with Mr. Johnson of South Dakota. Mr. Harrison of Mississippi with Mr. Kelley.

Mr. Maher with Mr. Paige of Massachusetts.

Mr. HAMILL with Mr. HUSTED.

Mr. Hart with Mr. Langley. Mr. Garrett with Mr. McCracken, Mr. Jones with Mr. McFadden, Mr. Liebel with Mr. Martin. Mr. Loft with Mr. Matthews.

Mr. McAndrews with Mr. Mondell. Mr. McDermott with Mr. Mooney.

Mr. SEARS with Mr. PORTER. Mr. WEBB with Mr. MUDD.

Mr. Oglesby with Mr. Roberts of Massachusetts.

Mr. Page of North Carolina with Mr. Rodenberg. Mr. Pou with Mr. SCHALL.

Mr. Price with Mr. Scott of Michigan, Mr. Rucker of Missouri with Mr. Scott of Pennsylvania.

Mr. SABATH with Mr. SELLS.

Mr. SAUNDERS with Mr. VARE.

Mr. CRAGO. Mr. Speaker, I am paired with the gentleman from Tennessee [Mr. McKellar], but on a particular question that is to come up later. It is not a general pair. T voted

The result of the vote was announced as above recorded. The SPEAKER. A quorum is present. The Doorkeeper will

open the doors

On motion of Mr. Caldwell, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Also, on motion of Mr. Caldwell, the bill H. R. 17424, of

similar tenor, was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways, and constru-

ing the act to regulate commerce with reference thereto;
H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the

North on the boundary line between said States;
H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct

a bridge across the Cumberland River;
H. R. 18725. An act granting the consent of Congress to
Kratka Township, Pennington County, Minn., to construct a
bridge across Red Lake River;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.; and H. R. 14471. An act to amend an act entitled "An act to codify,

revise, and amend the laws relating to the judiciary.

The SPEAKER announced his signature to enrolled bills of

the following titles: S. 5424. An act to construct a bridge in San Juan County,

State of New Mexico; S. 809. An act authorizing the Secretary of the Interior to

accept the application for land entry of Richard Daeley S. 1378. An act to amend the military record of John P. Fitzgerald; and

S. 1361. An act for the relief of Thomas Smart.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington.

### LEAVE OF ABSENCE.

Mr. Rucker of Missouri, by unanimous consent, was granted leave of absence, indefinitely, on account of illness in his family.

### VOCATIONAL EDUCATION BILL

Mr. HUGHES, by direction of the Committee on Education, presented for printing, under the rule, the conference report on the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

## EXTENSION OF REMARKS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech made by yourself on March 16 last on "The making of Representatives," together with a few observations of my own.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. DENT. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. SHALLENBERGER], a member of the Committee on Military Affairs, to call up House joint resolution 335, reported by that committee.

The SPEAKER. What calendar is it on?

Mr. SHALLENBERGER. On the House Calendar.

The SPEAKER. The Clerk will report the joint resolution. The Clerk read as follows:

Joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Resolved, etc., That John W. West, of Maine; James W. Wadsworth, of New York; H. H. Markham, of California; and Guy T. Helvering, of Kansas, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States to succeed Frederick J. Close, of Kansas; James W. Wadsworth, of New York; H. H. Markham, of California; and Thomas S. Bridgham, of Maine, whose terms of office expired April 21, 1916.

Mr. SHALLENBERGER. Mr. Speaker, I would like to ask the gentleman from Kansas [Mr. Anthony] if we can agree upon time?

Mr. ANTHONY. I think so. Some gentlemen on this side would like to be heard on the resolution. What the gentleman suggested to me privately, 40 minutes to a side, is sufficient.

Mr. SHALLENBERGER. That is satisfactory to me. Mr. Speaker, I ask unanimous consent that the time for debate upon

the resolution be limited to 40 minutes to a side, the gentleman from Kansas [Mr. Anthony] to have control of the time upon his side and I to have control upon this side.

The SPEAKER. The gentleman from Nebraska [Mr. Shal-LENBERGER] asks unanimous consent that the debate on this resolution be confined to 40 minutes to a side, half of the time to be controlled by himself and half by the gentleman from Kansas [Mr. Anthony]. Is there objection?

There was no objection.

## LEAVE TO ADDRESS THE HOUSE.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent that after the reading of the Journal to-morrow I be permitted to address the House for 20 minutes in reply to the speech of the gentleman from Pennsylvania [Mr. Moore] of yesterday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that to-morrow, immediately after the reading of the Journal and the clearing up of business on the Speaker's table, he be permitted to speak not exceeding 20 minutes, answering the speech of the gentleman from Pennsylvania [Mr. Moore] on yesterday. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, inasmuch as I do not know what the gentleman from Massachusetts [Mr. GARDNER] intends to say to-morrow in answer to me, I ask unanimous consent that I may have 20 minutes to reply. [Applause and laughter.]

Mr. KITCHIN. Will not the gentleman make it 10 minutes? The SPEAKER. The gentleman from Pennsylvania, being in doubt as to what the gentleman from Massachusetts is going to say about him [laughter], asks 20 minutes in which to reply.

Mr. MOORE of Pennsylvania. Or so much thereof as I may need.

The SPEAKER. Of course. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Speaker, I will state to the gentleman from Pennsylvania that I do not intend to criticize him in any

The SPEAKER. Then the gentleman can yield back the 20 minutes. [Laughter.]

BOARD OF MANAGERS NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. SHALLENBERGER. Mr. Speaker, this resolution which we have before the House now for consideration is for the appointment of a Board of four Managers for the National Home for Disabled Volunteer Soldiers. Two of the present members are reappointed under this resolution. There are two new members offered for these positions-one from Maine, Mr. John

W. West, a veteran of the Civil War, and one new member from the State of Kansas, the Hon. GUY T. HELVERING, a Member of this House and a veteran of the Spanish-American War. The Military Committee believed it necessary that the member from Kansas, who now holds that position should be retired from it. Therefore we offer the name of Mr. Helvering, of Kansas. I will say to the Members of the House that I understand there is no opposition to the appointment of the new man from Maine. The present member retires voluntarily, because of old age and consequent disabilities. Therefore the only question is as to the appointment of the new member from Kansas, and the majority of the committee, after consideration, have recommended the appointment of Mr. Helvering for the position of the member from Kansas, now occupied by Mr. Close. So far as I am concerned, I have nothing further to offer to the House at present, and reserve the balance of my time. [Applause.] I yield to the gentleman from Kansas [Mr. Anthony].

Mr. ANTHONY. Mr. Speaker, the minority members of the Committee on Military Affairs unanimously dissented from the report of the majority on this resolution. In the first place, there is already upon the calendar of the House another resolution, H. J. Res. 244, reported out of the Committee on Military Affairs last July, I think, covering the appointment of members of this very board. For some reason the majority of the Committee on Military Affairs have never called up that resolution, although it has been upon the calendar all this time. But a few days ago they brought before the Committee on Military Affairs the present resolution, substituting in place of the name of one gentleman reported in the resolution of last July a new name for consideration by the House. No adequate reason was advanced by any member of the committee why such a questionable step should be taken by a responsible committee of this House. A virtual repudiation of a former report of this committee to The man whose name was reported out last July this House. for one of these places, George W. Findlay, of Kansas, is a man of the highest character and standing in our State, a veteran soldier of the Civil War, against whom not a word of any kind can be said in disparagement. In fact, when the majority members of our committee advanced the proposition to bring out a new resolution to fill these places on the board of managers, they frankly stated to the members of the minority on the committee that they did it for partisan reasons only. Their only objection to Mr. Findlay was that he was a "stand-pat" Republican, as one of my Democratic colleagues from Kansas frankly stated.

Mr. COX. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Indiana.

Mr. COX. What has been the practice heretofore as to placing

serving Members of Congress upon these boards?

Mr. ANTHONY. I will say to the gentleman that within my knowledge of that board, which probably covers 25 years, there has never been any partisan action taken in connection with it. It has been composed indiscriminately of Republicans and

I do not think the gentleman caught my question. Mr. COX. What has been the practice as to appointing serving Members of Congress upon these boards?

Mr. ANTHONY. Serving Members have been appointed from

time to time.

Mr. COX. How many times?

Mr. ANTHONY. I think twice. I remember Mr. Brownlow, of

Mr. FIELDS. I understand there have been five.

Mr. ANTHONY. Perhaps there have been. I remember Mr. Brownlow, of Tennessee, and another gentleman from Tennessee, a few years ago. Now, let me say to the gentleman

Mr. COX. Just one question further, if the gentleman will yield?

Mr. ANTHONY. I yield to the gentleman. Mr. COX. Are all these other members proposed to be appointed to this board, except Mr. Helvering, soldiers of the Civil War?

Mr. SHALLENBERGER. Three of them are soldiers of the Civil War and one of the Spanish War.

Mr. ANTHONY. Now, let me say to the gentleman from Indiana that no member of our committee has the slightest personal objection to either of the gentlemen who are named in the resolution which has just been brought before the House. The thing that we are protesting against is the injection of

mr. GORDON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GORDON. How many Democrats were on this board. when the Democrats came into power in this House?

Mr. ANTHONY. I do not know, exactly.
Mr. GORDON. There was just one, and he was overlooked.
Mr. ANTHONY. I had that question asked me to-day, why were so few Democrats at that time, and the gentleman from California [Mr. Kahn] tells me it was because no Democratic Member of this House placed in nomination the name of any Democratic Member.

Mr. GORDON. Because it was of no use. Mr. ANTHONY. Oh, no; the gentleman is in error. Now, let me say that the membership of this board at present consists of seven men. As now constituted two are Republicans and five are Democrats. We are contending that a fair and equitable division would be three Republicans and four Democrats. There is not the slightest idea of interfering with the Democratic control of that board.

We believe it just and proper that they have a majority, but when the resolution was brought before the Committee on Military Affairs last summer at the time Mr. Findlay, a Republican of Kansas, was named for membership, it was agreed by Mr. Hay, the then chairman of the committee, and by all the members of the committee who were present that day, that it was just and proper to have another Republican member on the board.

Mr. GORDON. Will the gentleman yield?
Mr. ANTHONY. Yes.
Mr. GORDON. How many members of the committee were present?

Mr. ANTHONY. I do not remember. Mr. GORDON. Was a quorum present? Mr. ANTHONY. I do not know.

Mr. SLOAN. If the members of the committee were not there, they should have been there.

Mr. ANTHONY. They should have, and if the gentleman from Ohio was not there he should have been there.

Mr. SLOAN. Now, the minority does not question the character or propriety or the ability of the gentleman from Kansas [Mr. Helverino] to serve on the board, does it?
Mr. ANTHONY. Not the slightest.
Mr. WINGO. Will the gentleman yield?
Mr. ANTHONY. Yes.

Mr. WINGO. You do not question the propriety of having Members of Congress on the board?

Mr. ANTHONY. I do not, although some members of the committee do.

Mr. WINGO. I see no reason why a Member of Congress should not serve on the board and I can see some good reasons why he should serve. Now, if you do not object to the character of the gentleman from Kansas and do not object to a Member of Congress serving on the board, the result is that you put yourself into the very position that you complain of as a partisan question.

Mr. ANTHONY. My objection is to the questionable methods of the committee, reporting a resolution naming an hon-orable gentleman and then repudiating the action without just cause and only for avowed partisan purposes.

Mr. WINGO. Did not that occur once under Republican con-

trol?

Mr. ANTHONY. No; and I want to tell the House what has been the result of exactly this same state of affairs existing two years ago that exists to-day. A gentleman of high character was named by the Military Committee for one of these vacancies. He happened to be a Republican. At that time some Democratic influences in the State of Kansas made up their minds that they wanted a Democratic member. who came before the majority of the Committee on Military Affairs influenced them to change their former action and to report out the name of a Democrat from Kansas who was faterwards placed on the board. The majority of the committee named this man over my protest and over the protest of other members of that committee as to his fitness. The man was a broken-down politician, known to be without responsibility in my State, and I so stated to the members of the committee. In spite of that protest he was placed on the board. followed it is proper to acquaint the House with, and the result of this attempted partisan control of what should be one of the most sacred institutions we have, that of caring for the veteran soldier, is not one that the Democratic members of the Military Committee or of this House can be very proud of. This man, placed by the majority of our committee on the

board of managers, afterwards elected as president of that board by his party associates, was placed in charge of the funds of the home, the sacred funds which are accumulated there for the use of the veteran soldiers. The records of the Appropriation Committee, beginning on page 513, in the hearings on the sundry civil bill of 1917, contain a shameful record of

mishandled moneys and peculations of this fund. The records show that this man, placed on the board for partisan purposes only, made investments that have resulted in swindling the Government out of \$46,000 of one of the funds intrusted to his The records show in that transaction that in the purchase of about \$46,000 worth of wildcat granite mining bonds located in Colorado, somebody was paid a cash commission of \$6,000. The records show that there was \$25,000 stock of that company also issued in the name of a member of the Soldiers' Home Board.

Following this disreputable financial transaction that was fully disclosed by the patient work of the Committee on Appropriations last year, there came a run of resignations among some of the officials of the different branches of the homes over the country. In the places of many of these old Republican employees there were appointed men known to be political henchmen and personal associates of this man Close, the broken-down Democratic Kansas politician, who was made president of the board in the manner which I have outlined to the House. instance, there was appointed governor of the Milwaukee home a man by the name Ijams, who was put in that responsible position, a man who before had been associated with Close in business in Kansas City. This man Ijams, made governor by his old crony, Close, had at one time been the agent of this wildcat Colorado mine for the sale of these bogus securities which were afterwards unloaded on the Government. That is the way the chain of fraud had been carried out under the administration of the gentleman I have named.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentle-

man yield?

Mr. ANTHONY. Yes. Mr. COOPER of Wisconsin. Has there been a prosecution of

Mr. ANTHONY. I will say to the gentleman that the board of managers has taken very proper action. They have ordered that a full transcript of the evidence be placed in the hands of the Attorney General of the United States, and I understand it is now there, awaiting action by that official.

Mr. COOPER of Wisconsin. How long since these disclosures

were first made?

Mr. ANTHONY. These disclosures were made in the hearings upon the sundry civil appropriation bill for 1917.

Mr. COOPER of Wisconsin. Over a year ago?

Mr. ANTHONY. Yes. Mr. COOPER of Wisconsin. Has anything been done by the Attorney General's Office to prosecute these people?

Mr. ANTHONY. Not that I am aware of. Mr. COOPER of Wisconsin. About how long does it take after facts like that, which show plain embezzlement, for this official to take action?

Mr. ANTHONY. That evidently depends upon the degree of

political influence.

Mr. COOPER of Wisconsin. It does not depend on anything else, does it?

Mr. GORDON. Does the gentleman claim that there has been embezzlement there?

Mr. ANTHONY. I believe there has been practical embezzlement.

Mr. GORDON. Practical!
Mr. ANTHONY. That the money of the Government has been invested in fraudulent securities without commercial value.

Mr. GORDON. The gentleman's statement was that he unwisely invested the money.

Mr. ANTHONY. I refer the gentleman to the chairman of

the Committee on Appropriations, the gentleman from New York [Mr. Fitzgerald], who can give perhaps better testimony than I. Mr. Fitzgerald disclosed this fraud in a very able examination of Close before the Committee on Appropriations.

Mr. GREEN of Iowa. Did I understand the gentleman to say that one party upon this board received a commission?

Mr. ANTHONY. That is part of the evidence, I will say, What we are protesting against is the continuation of this partisan control. For many years, for a period of over 18 years, in successive Republican Congresses, Gen. Franklin, a gentleman from Connecticut, a Democrat, was continued president of that board. Until the last two years there have never been any partisan politics on that board, and I believe that for the honor of this House and the country this resolution should be defeated. I reserve the remainder of my time.

Mr. SHALLENBERGER. Mr. Chairman, I yield five minutes

to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, there is an attempt being made to deceive this House in reference to conditions here. Our Republican friends can not let go, and they are seeking to invoke partisan spirit and misrepresentation for the purpose of

misleading the House. In reference to the resolution that is said to have been reported out by this committee last July, I went home on the 1st of July and remained there for several weeks, and was not present, but I have not succeeded up to date in finding anybody that was present at the time this action was taken. But how is that important or material? At a fully attended meeting of the committee and after careful consideration, after these charges of improper management had been made by Mr. Anthony, the majority members of the Committee on Military Affairs decided they wanted a man on that board in Kansas of unquestioned integrity, a man concerning whom they knew something, because Congress is charged officially with the responsibility of the proper management and conduct of these homes, and, therefore, they selected a gentleman from Kansas, a Member of this House who has been two or three times elected to this body, for the very reason that they wanted a man against whose integrity nothing could be said. That was primarily the reason for selecting Mr. Helvering, not because of his politics, but the trouble with the gentleman from Kansas Anthony] is that because he is a member of the committee and one of the old ringers of this House, he thinks he ought to control. When the Republicans had a majority of the House and were charged officially with the responsibility they had, I am told, all of these members but one. When the Democrats came into power in 1910, every member of this board was Republican

but one. I do not know why they did not take him.

Mr. HASTINGS. How many members did they have at that

time on the board?

Mr. GORDON. Eleven.
Mr. HASTINGS. And 10 of them were Republicans?
Mr. GORDON. Yes. This idea that the Republicans have a vested right in all of these offices is an idea that obscesses the minds of some Republican Members here. I undertake to say that the selection of Mr. Helvering is not a partisan matter. The primary object in selecting him was to have a man in whom the Members of this House would have confidence, and the fact that he is a Democrat does not disqualify him, I hope.

Mr. ALMON. Will the gentleman yield for a question?
Mr. GORDON. I will.
Mr. ALMON. State whether or not Mr. Helvering is a
Spanish-American War veteran.

Mr. GORDON. He is. It has already been stated on the floor of this House that he is a Spanish War veteran. I think this Congress, being especially charged by law-it is a bad law, the law ought to be repealed, in my judgment, and these homes ought to be placed under the War Department, because it is an executive function—but Congress has enacted a law providing that the men in charge of these homes should be selected by the House, and now, as the House is charged with the official responsibility of selecting these men, it ought to select men in whom it has confidence, and the fact that this gentleman of whom the gentleman from Kansas [Mr. Anthony] complains has unwisely invested funds, if he has—

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. GORDON (continuing). Is a matter that is now being investigated, he says, by the Attorney General. It is all the more reason why-

Mr. O'SHAUNESSY. Will the gentleman yield?
Mr. GORDON. I will in a minute—is all the more reason why we ought to select a man in whom the House has confidence. I now yield to the gentleman.

Mr. O'SHAUNESSY. I want to ask the gentleman from Ohlo if the gentleman against whom these allegations are made of poor investments is not about to retire, and is not Mr. Helvering suggested in his place?

Mr. GORDON. Certainly; this resolution retires him and puts Mr. Helvering in his place.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GORDON. I will.

Mr. GREENE of Vermont. The gentleman just suggested on the matter of merit that this whole business should be administered by the War Department because it is an executive function. Mr. GORDON. Yes.

Mr. GREENE of Vermont. Then why does the gentleman deliberately select a man connected with the legislative branch

to fill a position of this kind?

Mr. GORDON. A very pertinent question, which I will answer: Because the law charges this House with the official responsibility for the management of these homes, and we ought to use special care in the matter, and I do not know how the House can manage them any better than by selecting a reputable and able Member of it and charging him with that official responsibility. Does that answer the question?

Mr. GREENE of Vermont. Will the gentleman further yield?

Mr. GORDON. Yes.

Mr. GREENE of Vermont. Then the gentleman is selecting a man from among those who have been authorized as Members of this House to go and do a thing and then come back and pass

upon his own act. Every judge is made his own executioner?
Mr. GORDON. Yes; but this House is charged with the faithful administration of these homes, and I believe it is proper for this House to select for the proper management of them a man in whom it has confidence and whom it can hold responsible. The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to ask a question. Was not the original resolution, which I find Calendar No. 149 of the House Calendar, introduced by Mr. James Hay himself?

Mr. SHALLENBERGER. That was reported to the House. Mr. PARKER of New Jersey. It was introduced in the House by Mr. Hay?

Mr. SHALLENBERGER. Yes, sir.

Mr. PARKER of New Jersey. And referred to the committee and then reported by Mr. ANTHONY?

Mr. SHALLENBERGER. Yes. Will the gentleman from

Kansas yield some of his time?

Mr. ANTHONY. Does the gentleman wish to use any now? I desire to yield to the gentleman from Illinois later. many more speeches is the gentleman to have?
Mr. SHALLENBERGER. About two, I think

Mr. ANTHONY. I have only one more and Mr. Cannon.

Mr. SHALLENBERGER. I yield five minutes to the gentleman from Mississippi [Mr. Quin]. [Applause.]

Mr. QUIN. Mr. Speaker, touching this matter of making Mr. Helvering, our colleague, one of the managers of the soldiers' home in Kansas, I can not see why any of our Republican friends should object to him. I can not see why there should be any objection to any man who is well enough thought of by the people of his district to be repeatedly elected as a Member of the American Congress. Our good friend on the committee [Mr. Anthony], and he is our friend and a gentleman of the highest integrity

Mr. TILSON. Will the gentleman yield to me?

Mr. QUIN (continuing). Seems to be a little bit perturbed because Mr. Helvering is a Democrat.

Mr. TILSON. Will the gentleman yield?
Mr. QUIN. I will.
Mr. TILSON. Would the gentleman be willing to follow that logic a little further and say that every member on that board should be a Member of this House? If we are going to give it personal supervision, would the gentleman be in favor of making the entire board out of the membership of this House?

Mr. GORDON. I would, if they would accept it.
Mr. QUIN. It becomes necessary at times for the Government to be aided by having a United States Senator or a Representa-tive on one of these boards.

Mr. COOPER of Wisconsin. Will the gentleman yield for one

Mr. QUIN. Yes. Mr. COOPER of Wisconsin. What does the gentleman think of the propriety of a man in a legislative body voting upon his own official acts?

Mr. QUIN. I think it is indeed a fortunate thing for a man sometimes to take stock of himself. [Laughter.]

Mr. Speaker, in the old days, when the Republican Party had the supervision of these homes, we had a distinguished Senator by the name of Warren as a member. We had another distinguished Republican Senator by the name of Sewall as a member, and we had that good Republican Brownlow, of Tennessee, a Member of this House, a member of the board of the home in his own State. Now, forsooth, because this committee has presented the name of Guy Helvering, a distinguished and honorable citizen of the State of Kansas, and a distinguished Member of this House, as a member of that board for the soldiers' home in his State, we have objection from the Republican side.

When you were in power-and I do not blame you for ityou had all of them except one lonesome Democrat, and I do not think his politics hurt him very much or he would not have been allowed to be there.

The Democrats are now in control, and, as a matter of right, if you please, I think they ought to have a majority of that board. If you put it on partisan reasons, the Democrats should not vote for a Republican Member to be on there. We know the average Democrat would prefer a Democrat. No man need attempt to fool himself. Let us be honest. You know I would not put a Republican postmaster in my district under tary Affairs, said there never my recommendation. You know that I am not a partisan, and Democratic name mentioned-

I would not vote for a Republican to go on that board instead of a Democrat. Do not fool yourselves. You vote like I do, and you know it, and if you Democrats do not vote for Guy HELVERING I do not know what excuse you could offer to your own conscience and your party. Do you not know that these Republicans are not going to vote for GUY HELVERING? And what nonsense it is talking about partisanship cutting no figure in it. We know that you Republicans are going to vote against the Democrat, and we are going to vote for the Democrat. There is no teat to suck in this position. There is no salary. There is a little expense allowed in order to enable him to go to and fro, in order to attend to that office.

Mr. KING. I understand you to say that Mr. Helvering

is a Democrat?

Mr. QUIN. And a good one.

Mr. KING. And there is no salary connected with it?

Mr. QUIN. Not a bit.

Mr. KING. Then, what on earth does a Democrat want with

place like that?

Mr. QUIN. They want to work for glory. They have always gone out under the Democratic banner, under the red fires, and fought for honor. [Laughter.] They do not have to have gold dollars hung up in front of them for them to have that incentive to do service for their country. [Applause.]

Mr. GREENE of Vermont. I was very much interested in
the gentleman's rather lucid explanation of the Democratic

platform. They fight for nothing. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. Quin] has expired.

Mr. ANTHONY. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore. Twenty-seven minutes.

Mr. ANTHONY. I yield 15 minutes to the gentleman from

Illinois [Mr. CANNON]. [Applause.]
Mr. CANNON. Mr. Speaker, I do not think I shall require
15 minutes. I tried to pass by unanimous consent a resolution in July, I think, or August, that is now on the calendar, filling this place with the man referred to, the Union soldier who served during the Civil War. The gentleman from Nebraska [Mr. Shallenberger] asked for the unanimous consent, and I think the gentleman from Kansas [Mr. Helvering], who is now reported to go upon the board, objected. Well, I am not going to tear passion to tatters about this matter. There is a branch soldiers' home in Danville, which I think is one of the best, perhaps, of any of them, and I am not speaking disrespectfully of any of them. I am fairly familiar with the work of the home. I helped to make appropriations for it, and I saw the

home while it was building.

Now, let me clear up the fog. Benjamin F. Butler was the first president of the Board of Managers of the Soldiers' Home, away back in the seventles. He was discontinued, and Maj. Gen. Franklin of the State of Connecticut, succeeded him, and remained, not, as the gentleman says, 17 years, but continuously, as my recollection runs, from the time he became president of the board of managers to the time of his death. Then, I think, there was a short period when somebody, whose name now escapes me, from New Jersey, a Republican, I believe, served. Then he was succeeded by Gen. McMahon, of New York City, a gallant soldier on the Union side during the war, and he remained until his death. He was also a Democrat.

He was succeeded by James W. Wadsworth, who as a young man was in the Union Army and participated in the Battle of the Wilderness when his father, the elder Wadsworth, who was at one time governor of the State of New York, was killed. These men were all good, honest business men, and in all these years I have never heard the question of partisanship come up

in the House in connection with them until now.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. CANNON. Yes. Mr. GORDON. I think the gentleman from Illinois has given very close attention to this matter.

Mr. CANNON. I know about it.
Mr. GORDON. And is it just a coincidence that this board
was almost solidly Republican before the Democrats came in?

Mr. CANNON. Oh, Gen. John C. Black, now dead and gone, at one time Commissioner of Pensions, appointed by Mr. Cleveland, was a member of that board, and many other Democrats served on that board. Gentleman, let us be fair. What is the use in trying to cover up anything? The gentleman from California [Mr. Kahn], now a member of the Committee on Military Affairs, said there never had been a soldier's name or any

Mr. GORDON. Prior to the time you came into power. There never is a Democrat when the Republicans are in power unless you can handle him.

Mr. CANNON. Oh, the gentleman's party was in power in the House of Representatives from 1874 to 1880, and the gentle-man's party was in power from 1893 to 1897, for four years. Oh, that child does not respond to the gentleman's suggestion. [Laughter.]

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman permit

a question?

Mr. CANNON. Yes. Mr. GREEN of Iowa. I was under the impression that Gen-

Franklin was a Democrat. Am I correct?

Mr. CANNON. Oh, yes; an absolute Democrat all his life, before the Civil War and after the Civil War, and there was no more gallant Union soldier serving under a major general's commission than he. He had a brother who was an admiral in They were of fighting stock. Gen. Martin McMahon, an Irishman, as I judge, succeeded a Democrat, and continued until he died, and the question of Democracy or Republicanism never came up, until in the last Congress, touching this board.

Now, I understand about how it came up there. ceeded in 1913 by Mr. O'Hair, who was a member of the Committee on Military Affairs. I think he voted for the change. I will not mention names, but suffice it to say a man with one arm who, I think, had served in the Union Army, but I am informed did not lose his arm there—and I will not speak about his character, you know, or of his faults-went on the board from Kansas, I guess right across from Kansas City, Mo. Well, there is a home up at Leavenworth, and a home at Milwaukee, and a home at Dayton.

I never cared personally who went on the board, provided they were good men and honest men, and I think substantially they have been honest men. I think the board now in service is composed of honest men, with the exception of one. Mr. Close-they call him Maj. Close-called the Democrats of the board together, and they signed a call for a meeting to be held in New York in March, or possibly in February,

to consider the general business of the board.

Now, James W. Wadsworth had been for many years a member of that board, and he was president of the Board of Managers. I think he was as good a one as we ever had. We all know him. It was just about six weeks before his term would expire and a new president of the board chosen; but Mr. Close, with other Democratic members of the board, called a meeting of the board at New York, and when they got there the first thing that board did, when partisanship came in, was to elect Mr. Close president of the Board of Managers. The president of the board has charge of the post fund. That is a fund that is raised, not by a direct appropriation, but by contributions from the men, reinforced by funds of the soldiers who die and have no relatives. It comes in various ways, and it is used legitimately for the entertainment of the members of the home, for the hiring of people, for shows, music, and moving pictures, and all that kind of thing. That is the post Now, the president of the board has charge of the post fund.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.
Mr. GORDON. Is the governor required to give bond for the

faithful discharge of his duty?

Mr. CANNON. The president of the board of managers, in this instance Mr. Close, was required to give bond of \$150,000.
Mr. GORDON. Who approved it?
Mr. CANNON. I do not recollect. But that was the order of

the board.

Mr. ANTHONY. Mr. Speaker, will the gentleman permit an interruption right there?

Mr. CANNON.

Mr. CANNON. Yes.
Mr. ANTHONY. I will state that the board did demand a bond of Maj. Close when he was elected president in June, 1915. He failed to give that bond, as I understand, until about three months after, and in the meantime, before he gave the bond, this questionable transaction took place.

Mr. GORDON.

Who is to blame for it?
I will tell you who is to blame for it, and Mr. CANNON. the chairman of the Appropriations Committee [Mr. Fitzgerald] or some other member, the gentleman from Wyoming [Mr. MONDELL] or some other member of that committee is here and can tell you about the inquiry made by that committee. Mr. Close was required to give a bond. He did not give a bond. He proceeded to invest \$46,000 of the post fund, not in a rainbow but in the equivalent of it, as the evidence showed-an undeveloped alleged granite quarry in Colorado. Strange to say, the minutes more.

money was paid upon his order before the bond was given, Strange again to say, the evidence shows that stock equal to the amount of bonds was issued to him. He denied it on the examination. Strange to say, a son of Mr. Close was appointed the agent of the company to promote it. But if you will read that evidence it stamps Mr. Close as a swindler of the first class, and I believe is subject to prosecution under the law. Morally, in the sight of God, he is worse than a thief. [Applause.] Let us not mince matters.

Mr. GORDON. How did Maj. Close get possession of these

funds without giving bond is what we should like to know?

Mr. CANNON. Oh, Maj. Wadsworth was relieved, and under the by-laws Maj. Close was entitled to the possession of the funds, and he took them by that authority. Well, they were a very sick set of people when they found out. Let me do justice to the members of the board.

Mr. GORDON. Is Wadsworth still on the board?
Mr. CANNON. Oh, yes; he is still on the board. Let me do justice to the other members of the board. One is a citizen of my county, an honest man. Why, Maj. Close tried to sell some of this same stock to him, and he tried here and there. He was in that business. Why, the gentleman from New York [Mr. FITZGERALD] is here. He can state about it if he will take a little time. I do not want to take much time. It is not in glee, it is in sorrow, I tell of the loss of this money.

Mr. GORDON. Do you not think you have furnished a most excellent reason for putting on this board a man who knows something and is a man of the highest integrity, who has the confidence of this House, as we are seeking to do by this

resolution? [Applause.]

Mr. CANNON. Jimmie Wadsworth is on this board. president of the board of managers now, I am informed, is an honest man, Mr. Wood. I believe his home is at Dayton. He lives there. He was a Spanish War soldier; he is, I believe, a man of high character. Oh, this man, Mr. Close, knew enough. Good God, he knew enough, you know, to get possession of the money

Mr. GORDON. A very poor business man.

Mr. CANNON. Oh, a very poor business man! Who is responsible for it?

Mr. GORDON. Why, the directors of the home are, the men we appointed.

Mr. CANNON. When did you appoint them? You appointed them two years ago.

Mr. GORDON. How many did we appoint then?
Mr. CANNON. Well, I do not know. There was Close,
the man from my county, the one from Maine, and one from-There was Close, and Mr. GORDON. Most of them were reappointments, too.

Mr. CANNON.

Oh, no.
D. Will the gentleman yield?

Mr. CANNON. On, no.
Mr. STAFFORD. Will the gentleman yield?
Mr. GORDON. That is my understanding about it.
Mr. CANNON. Why, the gentleman is so zealous in his partisanship that he rushes in where angels fear to tread, without [Laughter.] I yield to the gentleman from Wisknowledge. consin.

Mr. STAFFORD. I have the names right here. I can give them.

Mr. STAFFORD. There were Mr. Wood, Mr. Nelson, Mr. Close, and Mr. Bridgham, as successors of Maj. Warner, of Missouri; Franklin Murphy, of New Jersey; Mr. Gottschall; and Mr. Barry.

Mr. GORDON. How many are there on this board alto-

gether?

Mr. CANNON. Seven. Now, if the Kansas man goes on, there will then be two Republicans and five Democrats.

Mr. TILSON. And there would be four Democrats and three

Mr. TILSON. And there would be four Democrats and three Republicans if Mr. Anthony's resolution should go through.
Mr. CANNON. Precisely. Now, if our friend, Mr. Helvering does not go on, the Union soldier from Kansas, a man of high character, goes on

Mr. GORDON. How old is he? Mr. CANNON. God knows. I do not know. He was old enough and young enough to serve for four years during the Civil War. [Applause.]

Mr. GORDON. I was not reflecting especially on his age: but does not the gentleman think we have had too many old men on this board?

Mr. CANNON. Oh, no; we had one old man, a wicked old

man, that you put on two years ago.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ANTHONY. I yield to the gentleman from Illinois five

Mr. CANNON. If it is to be a partisan board, I think four Democrats to three Republicans is fair. You would have four Democrats and we would have three Republicans.

Mr. GORDON. What is the gentleman's objection to Mr.

HELVERING?

Mr. CANNON, I am not making any objection to Mr. Helvering. I could take out any Democratic Member, even you, and make it solid.

Mr. GORDON. The business would be attended to if I was

there.

Mr. CANNON. Precisely; the gentleman confesses it. Mr. SHALLENBERGER. What does the gentleman know about Mr. Finlay?

Mr. CANNON. My information is that he is a man of the ghest character. What does the gentleman know about him? Mr. SHALLENBERGER. I do not know anything. highest character.

Mr. CANNON. What does the gentleman from Kansas [Mr. HELVERING] know about his character? I am willing to leave it to him.

Mr. SHALLENBERGER. We ought to be better informed about these men.

Mr. CANNON. You do not show it. Ask Mr. Helvering about this man. I will leave it to him.

Now, gentlemen, I want to say in conclusion that, so far as I know, and I measure my words when I say it, with one of these branch homes in my town that has been there since 1896 or 1898, one of the best of the lot—so far as I know and believe, there never has been partisanship or politics played out in one of these homes and carrielly that is true as to the home at of these homes, and certainly that is true as to the home at Danville, Ill.

Mr. CALDWELL. Will the gentleman yield?
Mr. CANNON. Certainly.
Mr. CALDWELL. The other day I heard the gentleman from Illinois make a speech on the postmaster provision in the bill we were then considering. I understood the gentleman to say that he thought that the party in power had the responsibility and ought to have the places.

Mr. CANNON. Ought to have the administrative places, so

as to be in harmony with the administration.

Mr. CALDWELL. Is not this an administrative place?

Mr. CANNON. Oh, not in that sense at all. These are guardians of the men that are waiting for death, who served their country, who from age or service are entitled to be cared for, and it is wonderful how few of them require this care— 2,300,000 in the conflict and less than 30,000 in the homes.

Now, they put out the best governor in the branch home out there that I knew of. He was a Union soldier and a good business man. He went along about his business, for he did not have to have the place. There was no grumbling, but there are some little bits of 6-by-9 people—and I trust that they have not got any in Cleveland—who said, "Oh, well, now the Repub-licans will lose that vote out there," and so on and so on. I laughed. I did not visit the home from the time the new governor was appointed or had communication with it except to answer letters that were written now and then, and I did not answer them as much I ought to. I never went inside that home until the Friday night before the last election, when I went, as my habit had been, to address the members. The governor, a Democrat, a man of good character, let me tell you, who succeeded Mr. Barker, presided under the regulations. I told them that I thought a good deal of this home, although I had received complaints. I had answered them where I thought they ought to be answered, but I had been careful to stay away, not because I did not like them but because I did want things to go harmoniously; but I kept away for the reason that somebody might say, as there was a Democratic governor of the home and Democratic officials in the main, that I was there to make mischief. The truth is a large majority of the vote of members of the home are Republicans, and I got the usual Republican vote.

Mr. GORDON: Is not that proof that the home is honestly

and fairly managed?

Mr. CANNON. I have no objection touching the home at Danville. I do think, in fairness, considering the way homes have been administered from the commencement, that it is fair that the Union soldiers should have a representation, the Spanish War soldiers having the president of the board of managers. They have something more of sympathy with their comrades with whom they fought. Oh, yes; sympathy. I do not know that the gentleman from Ohio [Mr. Gordon] understands what it means. [Laughter.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. Mann].

Mr. MANN. Mr. Speaker, the resolution proposes to appoint elect him to this board, so that the gentl Representative Guy T. Helvering, of Kansas, as a member of sure of the organization of the next House?

the board of managers. Mr. Helvering is also a Member elect of the next House. The Constitution of the United States provides in reference to the qualifications of Members of Congress:

And no person holding any office under the United States shall be a Member of either House during his continuance in office.

The Manual states in reference to this provision of the Constitution:

The Judiciary Committee has concluded that members of commissions created by law to investigate and report, but have no legislative, executive, or judicial powers, etc., are not officers within the meaning of the Constitution.

This office, however, has executive powers. The Manual states:

Where a Member has accepted an incompatible office, the House has assumed or declared the seat vacant. In the cases of Baker and Yell the Elections Committee concluded that the acceptance of a commission as an officer of volunteers in the national Army vacated the seat of a Member, and in another similar case the Member was held to have forfeited his right to a seat.

It further states:

But when he retains the incompatible office and does not qualify, a vacancy has been held to exist. A resolution excluding a Member who has accepted an incompatible office may be agreed to by a majority vote.

Mr. Speaker, the next House of Representatives has 215 Members elected as Republicans, 215 Members elected as Democrats, 3 Members elect with Republican affiliations in the past, and I Member elect with Democratic affiliations in the past, and I might say a Socialist Member elect also with Democratic affilia-tions. The organization of the next House will be extremely close. I hope and trust that it may be organized without special conflict, but it is inevitable that if Mr. Helvering accepts an office which, under the Constitution disqualifies him for membership in the House, that question will be raised against him when the next House meets. I hope that that condition will not be allowed to come about. I yield back the remainder of

my time.

The SPEAKER. The gentleman yields back one minute. If nobody desires to speak, the Chair will put the question.

Mr. SHALLENBERGER. Mr. Speaker, I call for a vote. Mr. ANTHONY. Mr. Speaker, have I any time remaining? The SPEAKER. The gentleman has three minutes remaining. Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, the acts of Congress creating the National Homes for Disabled Volunteer Soldiers have uniformly made it plain that it was the desire of Congress that preference in employment in the homes be given to the veterans who had seen service. In the selection of the board of managers from time to time this has been further emphasized.

This has not been fully carried out by the present board.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. DYER. I can not yield. I have only three minutes.

Mr. GORDON. Does not the gentleman know that this man

is a Spanish War veteran?

The SPEAKER. The gentleman declines to yield. Mr. DYER. Not only does the law provide what I said, but the board of managers on November 10, 1914, adopted this resolution:

That in making appointments of officers at any branch of the home preference shall be given, first, to veterans of the Civil War; second, to the veterans of other wars of the United States, and civilians will not be appointed if a proper candidate with record of military service can be obtained.

Mr. Speaker, I am opposed to the continuing in office, as provided in this resolution, of members of the Board of Managers who have not enforced the law and the wishes of Congress in the past. If we adopt the recommendation of the Committee on Military Affairs we will be retaining some of these gentlemen in service for another term of office. I do not believe it proper or right that men should accept public service, and especially where it has to do with the heroic veterans of our country, unless they are able, willing, and anxious to do their sworn and prescribed duty. My examination of the records of the homes show that over a half of the officers now employed in the various branches never saw any service whatever in the Army, the Navy, or the Marine Corps. They are purely civilian appointments, in most cases largely political.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gen-

tleman yield?

Mr. DYER. Yes; but I have only a minute.

Mr. BYRNES of South Carolina. If it be true, as the gentleman from Illinois [Mr. Mann] has argued, that the acceptance by the gentleman from Kansas that this appointment would probably disqualify him from serving in the next House, would it not be wise for the gentleman and all others upon his side to elect him to this board, so that the gentleman's side will be

Mr. DYER. Oh, well, I hope the gentleman will not take up my time in asking so irrelevant a question. I have not criticized Mr. Helvering's selection for one of the members of the Board of Managers. I have no objection to him whatever. It is my judgment that the men who serve their country, as Mr. HELVER-ING did during the Spanish War, should have the management and control of these homes in the interest of the veterans of our country. It is also necessary to properly discharge their duties that the members of the Board of Managers should visit the homes from time to time and take an active interest in them. Some of the present members of the Board of Managers are men who are unable to do this because of their advanced years. They have not the physical ability. Younger men, such as Mr. Helvering, should be selected. The only possible objection to Mr. Helvering is the fact that he is a Member of Congress, and whether or not he would have to neglect his duties as a member of the Board of Managers of the Homes by reason of that is a material and important consideration for the House. I am sure that Mr. Helvering would do everything possible for the best interest of the homes.

Mr. Speaker, the volunteer soldiers' homes should be conducted for their best interests. Positions connected with the homes, including the officers and other employees, should be given in every instance possible to men who have seen active service. This is the desire of Congress; and this is the desire of the country. Unless the Board of Managers bring about right changes in this respect in the near future it is my opinion that Congress will rightfully complain, and if nothing else can be done the management of the homes will be taken out of the board as at present and placed elsewhere. I sincerely hope that radical and important changes in respect to the selection of the officers and employees of the homes will be made soon. I want to see the homes taken out of politics and put under some manner of management that will cause them to be run solely in the interest of the soldiers and not of the politicians. [Applause.

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise? Mr. ANTHONY. Mr. Speaker, I would like to make a motion to amend the resolution by substituting this resolution in its place. Substitute the name of George W. Findlay for Guy T. Helvering, and I will ask the gentleman from Nebraska the initials of Mr. West.
Mr. SHALLENBERGER. Has the gentleman got the floor,

Mr. Speaker, for amendment?

Mr. ANTHONY. And substitute the name of John W. West in place of Thomas S. Brigham.

Mr. FIELDS. Mr. Speaker, I make the point of order that the gentleman has not got the floor.

The SPEAKER. The gentleman has got the floor. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for "Guy T. Helvering" the name of "George W. Findlay," and in line 10 strike out "Thomas S. Brigham" and substitute "John W. West."

Mr. ANTHONY. That is to make it in conformity with the others

Mr. SHALLENBERGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.
Mr. SHALLENBERGER. Has debate upon this resolution finished?

The SPEAKER. Here is the way it was originally: If any gentleman got the floor, he had the right to an hour, but the gentleman from Nebraska asked that general debate be confined to 40 minutes to a side.

Mr. SHALLENBERGER. How did the gentleman from Kan-

sas get the floor?

The SPEAKER. Why, the gentleman offered an amendment. Mr. MANN. The gentleman from Kansas had the floor. He had 40 minutes of time.

Mr. GORDON. His time expired.

Mr. MANN. He got the floor and offered an amendment at the end of his time.
Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. Has the time of the gentleman from Nebraska expired?

The SPEAKER. The gentleman may use his time if he chooses to do so.

Mr. SHALLENBERGER. I have several gentlemen who wish to speak. How much time have I remaining, Mr. Speaker?
The SPEAKER. The gentleman has 25 minutes; the time on

the other side is exhausted.

Mr. FIELDS. That is what I had in mind a while ago when made the point of order that the gentleman from Kansas did not have the floor, as his time was exhausted and the time of the gentleman from Nebraska was not exhausted.

The SPEAKER. The gentleman from Nebraska had asked twice for a vote, and the Chair was justified in drawing the conclusion that he did not want to use any more of his time, although if he wants to debate it the Chair will recognize the gentleman from Nebraska; but the gentleman from Kansas is entirely within his rights to offer an amendment at the right

Mr. SHALLENBERGER, I understand, then, those gentle-

men wishing to be heard—
The SPEAKER. The Chair will recognize anybody to whom the gentleman from Nebraska yields.
Mr. SHALLENBERGER. I yield five minutes to the gentleman from Kentucky [Mr. Fields].
Mr. WINGO. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. WINGO. Is it in order to offer amendments during gen-

Mr. WINGO. Is it in order to offer amendments during gen-

eral debate if a gentleman got the floor?

The SPEAKER. Yes. The Chair was justified in his conclusion that the gentleman from Nebraska did not want to use his time, and the other side has used up its time, and, putting those two facts together, the time has come when the gentleman could offer an amendment if he wanted to do so.

Mr. WINGO. Mr. Speaker, my parliamentary inquiry is not discussion of the proprieties of what had occurred, but whether or not, under the rules, anyone who can catch the attention of the Speaker can offer an amendment during general debate.

The SPEAKER. Yes. It is a bill on the House Calendar. Mr. WINGO. That is the information I wanted to get. I was not sure of that.

The SPEAKER. The gentleman from Kentucky [Mr. Fields]

recognized for five minutes.

Mr. FIELDS. Mr. Speaker, I was one of the members of the committee who was not present last summer when the original resolution referred to by the gentleman from Kansas [Mr. ANTHONY] was agreed to and reported out, and I am frank to say that I have been unable to find any Members who were present except, apparently, the chairman of the committee and the gentleman from Kansas [Mr. Anthony]. At least, I have not heard any other gentleman say that he was present.

Mr. ANTHONY. Will the gentleman permit a question? Mr. FIELDS. Yes.

Mr. ANTHONY. Is not the name of Mr. Hay, as the author of the resolution reported out last summer, a sufficient guaranty

to the gentleman that it was regularly reported out?

Mr. FIELDS. Yes. I want to say to the gentleman that I have the highest respect for the former chairman of the committee, but I always reserved the right to differ with his judgment when I saw fit to do so. I was one of the members of the committee who doubted the wisdom of appointing a Member of this House as a member of the board; and I defeated the submission of the report of the committee at one time because of that objection. But upon investigation I found that on five different occasions Members of the House had served upon this board, and I therefore could not further urge my objection. I had no objection to Mr. Helvering. Every Member in this House on either side recognizes his ability and his integrity. When I learned, as I say, that five other Members of the House at different times had been members of the board I withdrew my objection. I was anxious to have Col. George Black, of Kansas, a veteran soldier, substituted for Mr. Findlay. if there be any politics in it, it seems that my friend Mr. An-THONY, of Kansas, a gentleman whom we all admire, succeeded in getting Mr. Findlay, a man of his own party, designated as the man to succeed a Democrat. If it is going to be a political play on one side, we might as well be frank and say we will play politics on the other side. I am frank to say I think politics should not enter into it.

Mr. CANNON. Will the gentleman yield?

Mr. FIELDS. Yes. Mr. CANNON. Wh

Why do you not take all the places?

Mr. GORDON. Like you did.

Mr. FIELDS. I am frank to say I do not favor that. had hoped, Mr. Speaker, that the name of Col. Black might be substituted for the name of Congressman Helvering; and I had hoped that even when this proposition was brought up on the floor of the House the committee might decide upon that course. And, Mr. Speaker, in view of the complication, or threatened complication, suggested a few minutes ago, in view of the fact that Gen. Black is a Federal soldier, I, within my individual right as a member of the committee, move now, or shall move at the proper time, an amendment to the amendment of the gentleman from Kansas [Mr. Anthony] to substitute the name of Col. George Black in lieu of the name of And I would like to ask the gentleman from Kansas if he will agree to a proposition of that kind?

Mr. ANTHONY. Does not the gentleman think that it would be a better plan to refer the matter back to the committee? Now, the reason I say that is because I asked Mr. Taggart the other day what he knew about Col. Black, who is one of his constituents, and he told me that he did not know him, and I thought, in view of the fact that the gentleman's Congress-man did not know him, the committee ought to be fully advised as to his qualifications.

Mr. FIELDS. I have read the recommendations of Col. Black, and I hope the gentleman will accept him.

Mr. ANTHONY. I will say to the gentleman if there is any gentleman on that side of the House can assure me personally of the qualifications of Col. Black from his own knowledge, I will accept his statement and accept Col. Black. But at the same time I want to say to the gentleman from Kansas [Mr. Helvering] that personally I would prefer him as a member.

Mr. HELVERING. Mr. Speaker, I want to say, inasmuch as my name has been brought into this, that I have insisted from the first on the appointment of Col. Black. I can vouch for him as a man of the highest character, a man who fought in the Civil War, and the man whom I wanted to see on this

board.

Mr. FIELDS. Mr. Speaker, I move to amend the amendment of the gentleman from Kansas by substituting the name of

George W. Black for the name of Mr. Findlay.

The SPEAKER. The Clerk will report the amendment of the gentleman from Kansas [Mr. ANTHONY] and the amendment to the amendment offered by the gentleman from Kentucky [Mr. FIELDS].

Mr. SHALLENBERGER. Does the gentleman from Kansas

[Mr. ANTHONY] accept the amendment?
Mr. ANTHONY. I hardly think it is the proper procedure to accept it. I would like to have the names suggested regu-

larly to the committee whose duty it is to pass upon it.

Mr. FIELDS. These gentlemen have all been discussed by the committee. There is no question about the integrity of each one of the three gentlemen named, in my opinion.

Mr. ALMON. Did not the gentleman from Kansas say a few moments ago that if any Member here would vouch for Mr. Black he would accept him?

Mr. O'SHAUNESSY rose.

The SPEAKER. For what purpose does the gentleman from Rhode Island rise?

Mr. O'SHAUNESSY. I ask to proceed for one minute.

The SPEAKER. The gentleman from Nebraska [Mr. Shallenberger] has control of the time.

Mr. SHALLENBERGER. I yield one minute to the gentleman.

Mr. O'SHAUNESSY. Mr. Speaker, I understood the gentleman from Kansas [Mr. Anthony], if I correctly heard him, to say that he would be perfectly satisfied if any Member on the floor would assure him as to the standing and integrity of Col. Black, and that he would in that event accept the amendment proposed.

Mr. ANTHONY. I will say in response to the statement of the gentleman that I may have said something like that, but it occurs to me that that is hardly the way to pass upon the qualifications of a member for this board.

Mr. O'SHAUNESSY. It was the regular way, in the gentle-man's opinion, only a moment ago.

Mr. ANTHONY. It ought to be suggested in the regular way. Mr. CALDWELL. Mr. Speaker, will the gentleman yield to me for a minute?

Mr. SHALLENBERGER. Mr. Speaker, I demand a vote on the amendment of the gentleman from Kentucky [Mr. Fields].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fields: Strike out the name of "George K. Findlay" and insert in lieu thereof the name of "Col. George W. W. Findlay Black."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Kentucky [Mr. FIELDS].

Mr. STAFFORD. Mr. Speaker, will the gentleman permit a

suggestion?

Mr. SHALLENBERGER. Yes.

Mr. STAFFORD. I think there should be a further amendment. I believe Col. Black is from Missouri, whereas the report states "Kansas."

Mr. SHALLENBERGER. No; he is from Kansas.

Mr. MANN. I would suggest this to the gentleman: That in no place in any of these resolutions have we put in the title except in this case, "Colonel."

Mr. FIELDS. I withdraw that part of it, Mr. Speaker.
Mr. TILSON. Mr. Speaker, will the gentleman from Ne-

braska yield me just one minute?

Mr. SHALLENBERGER, Yes. Mr. TILSON. It seems to me, Mr. Speaker, that we on this side of the House, if we should accept Col. Black, are going to put ourselves in this attitude: That while we appear to object to Mr. Helvering, we do not object to Col. Black. That is not the case at all. We are equally opposed to the appointment of Col. Black. No one has presented any objection whatever to Mr. Helvering as to his being a competent man for this board. In my opinion there is valid reason against appointing a man who is to continue as a Member of Congress. The objection on the part of the committee was largely, however, on the ground that, having acted in good faith in nominating Mr. Findlay as a member of the board, we now have no good reason outside of a partisan one for striking out the name of Mr. Findlay and inserting Mr. Helvering. It is no reflection on Mr. Helvering. Nobody on the committee and nobody on this side, so far as I know, is opposed to the action of the majority of the committee on personal grounds. It is admitted by gentlemen on the other side that the change was made for partisan reasons alone. We feel that action on such grounds is unwise, unfair to Mr. Findlay, and unfortunate for the Soldiers' Homes.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. Fields]. The question was taken, and the Speaker announced that the

ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.
The House divided; and there were—ayes 78, noes 61.
Mr. MANN. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-nine gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. It is an automatic roll call. Those in favor of the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 125, nays 92, answered "present" 5, not voting 212, as follows:

Abercrombie Adair Adamson Aiken Almon Ashbrook Ayres Bailey Bell Black Blackmon Bruckner Buchanan, Tex. Burke Burke Byrnes, S. C. Byrns, Tenn. Caldwell Candler, Miss. Caraway Carlin Carter, Okla. Church Coady Collier Connelly Crisp Dale, N. Y. Decker Dent Dickinson

Anthony annon Cary Cary
Cooper, Wis.
Cramton
Curry
Dale, Vt.
Dallinger
Darrow
Denison
Dillon
Dowell Dowen
Dyer
Ellsworth
Esch
Fess
Fordney

YEAS-125. Kincheloe Kitchin Konop Lee Lesher Lieb Dixon Doolittle Doremus Doughton Dupré Eagan Eagle Fields Littlepage Lloyd McClintie McGillicuddy McLemore Mays Moss Gallagher Gallivan Gandy Gard Godwin, N. C. Murray Godwin, N. C. Gordon Gray, Ala. Griffin Harrison, Va. Hastings Hayden Helm Neely Nicholls, S. C. Oldfield Oliver Oliver Olney O'Shaunessy Page, N. C. Park Phelan Quin Ragsdale Raker Randall Helvering Hervering Hensley Hilliard Holland Hood Huddleston Hughes Hull, Tenn. Humphreys, Miss. Rauch Riordan Rouse Rubey Rucker, Ga.

Jacoway Keating NAYS-92. S—92.
Kennedy, R. I.
Kiess, Pa.
King
Kinkaid
Kreider
Lafean
La Follette
Langley Gardner Green, Iowa Greene, Vt. Hadley Hamilton, Mich. Haugen Hawley Langley Lehlbach Hawley
Hayes
Heaton
Hollingsworth
Hull, Iowa
Hutchinson Lindbergh McArthur McCracken McLaughlin Magee Mann Mapes Meeker Miller, Del. Johnson, S. Dak. Kearns Keister Kennedy, Iowa

Russell, Mo. Sears Shallenberger Sherwood Sisson Small Steagall Stedman Steele, Iowa Steele, Pa. Stephens, Miss. Stephens, Tex. Stone Sumners Tague Taylor, Ark. Taylor, Colo. Thomas Thompson Tillnan Venable Vinson Walker Watkins Whaley Wilson, Fla. Wingo Wise

Miller, Minn. Moore, Pa. Moores, Ind. Morgan, Okla. Morin North Norton Oakey
Parker, N. J.
Platt
Powers
Ricketts
Roberts, Nev. Rogers Slemp Sloan Smith, Idaho Smith, Mich.

1011.		COLIGI	Boolories
Smith Minn. Stafford	Swift Switzer	Treadway Walsh	Williams, T. S. Williams, Ohio
Sterling	Temple	Wason	Wood, Ind. Woods, Iowa
Sulloway Sutherland	Tilson Timberlake	Watson, Pa. Wheeler	Woods, lowa Woodyard
- Common and a com		"PRESENT "-5.	
Browning	Emerson	London	The Speaker
Crago	NOT VO	TING-212.	21.0
Alexander	Dunn	Husted	Price
Allen Anderson	Edmonds Edwards	Johnson, Ky.	Rainey Ramseyer
Aswell	Elston	Johnson, Wash.	Rayburn
Austin Bacharach	Estopinal Evans	Jones Kahn	Reavis Reilly
Barchfeld	Fairchild	Kelley	Roberts, Mass.
Barkley Barnhart	Farley Farr	Kent Kettner	Rodenberg Rowe
Beakes Beales	Ferris Fitzgerald	Key, Ohio	Rowland
Benedict	Flood	Lazaro Lenroot	Rucker, Mo. Russell, Ohio
Bennet Booher	Flynn Focht	Lever Lewis	Sabath- Sanford
Borland	Foster	Liebel	Saunders
Bowers Britt	Frear Freeman	Linthicum Lobeck	Schall Scott, Mich.
Britten	Fuller	Loft	Scott, Pa.
Browne Brumbaugh	Garland Garner	Longworth Loud	Scully Sells
Buchanan, Ill.	Garrett	McAndrews	Shackleford
Burgess Burnett	Gillett Glass	McCulloch McDermott	Sherley Shouse
Butler	Glynn	McFadden	Siegel
Callaway Campbell	Goodwin, Ark.	McKellar McKenzie	Sims Sinnott
Cantrill	Graham	McKinley	Slavden
Capstick Carew	Gray, Ind. Gray N. J.	Madden Maher	Smith, N. Y. Smith, Tex.
Carter, Mass.	Gray N. J. Greene, Mass.	Martin	Snell
Casey Chandler, N. Y.	Gregg Griest	Matthews Miller, Pa.	Snyder Sparkman
Charles Chiperfield	Guernsey Hamill	Mondell Montague	Steenerson Stephens, Nebr.
Clark, Fla.	Hamilton, N. Y.	Moon	Stiness
Cline Coleman	Hamlin Hardy	Mooney Morgan, La.	Stout Sweet
Conry	Harrison, Miss.	Morrison	Taggart Talbott
Cooper, W. Va.	Hart Haskell	Mott Mudd	Talbott Tavenner
Copley	Heflin	Nelson	Tinkham
Costello Cullop	Helgesen Henry	Nichols, Mich. Nolan	Towner Van Dyke
Danforth	Hernandez	Oglesby	Vare
Davenport Davis, Minn.	Hicks Hill	Overmyer Padgett	Volstead Ward
Davis, Tex.	Hinds	Paige, Mass.	Watson, Va.
Dempsey Dewalt	Hopwood Houston	Parker, N. Y. Patten	Webb Williams, W. E.
Dies	Howard	Peters	Wilson, Ill. Winslow
Dooling Driscoll	Howell Hulbert	Porter Pou	Young, N. Dak.
Drukker	Humphrey, Was		foung, Tex.
	dment of Mr. Fi		
On the vote	nnounced the fo	nowing addition	iai pairs:
		amendment)	with Mr. STINESS
(against).			
Mr. McKell	AR (for amendm	ent) with Mr. (	Craco (against).
		t) with Mr. San	NFORD (against).
Until furthe	with Mr. KAHN		
	with Mr. Brow		
	ith Mr. SWEET.		
Mr. ALLEN V	with Mr. COPLEY		
	Y with Mr. And		
	RT with Mr. Aus		
	with Mr. BACH.		
	with Mr. Bowe with Mr. Carter		fe
	with Mr. COLEM.		Lo.
	ORT With Mr. Coo		
	of Texas with M		est Virginia.
	th Mr. Danfort		
	with Mr. DUNN		
	s with Mr. HILL with Mr. Elston		
	ALD with Mr. Fo		
	with Mr. FREAR.		
Mr. Foster	with Mr. FREEM.		
	with Mr. FULLE		3 34
	Indiana with M	Ir. GILLETT.	
	with Mr. Good. with Mr. Greene	of Massachuset	ts
	ith Mr. Griest.	or masachuset	
	with Mr. HAMIL	TON of New York	k.
Mr. GLASS V	with Mr. HASKEI	.L.	
	N with Mr. Her		
	with Mr. Hick th Mr. Howell.		25 (20 5 5 5 5
MI. IUUE WI	MIL. HOWELL.		

Mr. KETTNER with Mr. HUMPHREY of Washington, Mr. KEY of Ohio with Mr. RAMSEYER. Mr. LAZARO with Mr. Johnson of Washington. Mr. LEVER with Mr. LENROOT. Mr. Lewis with Mr. Longworth. Mr. Lobeck with Mr. McKenzie. — Mr. Montague with Mr. McKinley. Mr. Morgan of Louisiana with Mr. Madden. Mr. Morrison with Mr. Nichols of Michigan, Mr. Overmyer with Mr. Parker of New York. Mr. PADGETT with Mr. PETERS. Mr. RAINEY with Mr. PORTER. Mr. RAYBURN with Mr. PRATT. Mr. REILLY with Mr. REAVIS. Mr. Sherley with Mr. Rodenberg. Mr. SIMS with Mr. ROWLAND. Mr. Slayden with Mr. Russell of Ohio. Mr. Smith of New York with Mr. Siegel. Mr. SMITH of Texas with Mr. SINNOTT. Mr. SPARKMAN with Mr. SNELL. Mr. TAVENNER with Mr. SNYDER. Mr. WATSON of Virginia with Mr. STEENERSON. Mr. WM. ELZA WILLIAMS with Mr. TINKHAM. Mr. Borland with Mr. Towner.
Mr. Alexander with Mr. Volstead.
Mr. Linthicum with Mr. Ward.
Mr. Callaway with Mr. Wilson of Illinois.
Mr. Saunders with Mr. Young of North Dakota. Mr. Glass with Mr. Browne. Mr. Cline with Mr. Capstick. Mr. Flood with Mr. Garland. Mr Loft with Mr. Haskell. The result of the vote was announced as above recorded.

The SPEAKER. A quorum has voted. The Doorkeeper will unlock the doors Mr. SHALLENBERGER. Mr. Speaker, I move the previous question on the resolution and the amendments thereto to the final passage. The SPEAKER. The gentleman moves the previous question on the resolution and amendments to the final passage. The question was taken, and the Speaker announced that the ayes appeared to have it. Mr. MANN. I ask for a division.

The question was taken; and there were 97 ayes and 79 noes.

Mr. MANN. I demand the yeas and nays.

The yeas and nays were ordered. The question was taken; and there were—yeas 123, nays 77, answered "present" 3, not voting 231, as follows: YEAS-123. Abercrombie Adair Adamson Dixon Doolittle Doremus Russell, Mo. Sears Shallenberger Doremus Doughton Dupré Eagan Eagle Fields Gallagher Gallivan Gandy Aiken Sherwood Shouse Sisson Small Almon Ayres Bailey Bell Steagall Steele, Iowa Steele, Pa. Stephens, Miss. Black Blackmon

3-123,
Kincheloe
Kitchin
Konop
Lee
Lesher
Lever
Lieb
Littlepage
Lloyd
McClintie
McGillicuddy
McLemore
Mays Bruckner Buchanan, Tex. Gandy Gard Goodwin, Ark Gordon Gray, Ala. Gray, Ind. Griffin Harrison, Va. Hastings Stone McLemore Mays Murray Neely Nicholls, S.C. Oldfield Oliver Olney O'Shaunessy Stone
Sumners
Tague
Taylor, Ark,
Taylor, Colo.
Thomas
Thompson
Tillman
Vensble Burke Burnett Burnett Byrnes, S. C. Byrns, Tenn. Caldwell Candler, Miss. Carlin Carter, Okla. Cline Coady Collier Connelly Crisp Crosser Hayden
Helm
Helvering
Hilliard
Holland
Hood
Huddleston Venable Venable
Vinson
Walker
Watkins
Whaley
Williams, W. E.
Wilson, Fla,
Wilson, La,
Wingo
Wise
The Speaker Park Park Phelan Quin Ragsdale Raker Randall Crosser Cuilop Dale, N. Y. Dent Dickinson Dill Hughes Hull, Tenn. Rauch Riordan Humphreys, Miss. Rouse The Speaker Rubey Rucker, Ga. NAYS—77. Keating S—77.

Kennedy, Iowa
Kennedy, R. I.
King
Kinkaid
Kreider
Lafean
La Follette
Langley
Lehibach
Lindbergh
McCracken
McLaughlin
Mann
Mapes Anthony Cannon Cary Moore, Pa. Moores, Ind. Morgan, Okla. Fordney Glynn Greene, Vt. Hadley Hamilton, Mich. Haskell Morin North Norton Oakey Curry Dale, Vt. Dallinger Darrow Parker, N. J. Denison Hawley Dillon Dowell Dyer Ellsworth Hayes Heaton Hutchinson Platt Powers Ricketts Roberts, Nev. James Johnson, S. Dak. Rogers Russell, Ohio Emerson Esch Kearus Keister Mapes Miller, Del. Sloan

Rubey Rucker, Ga. Russell, Mo.

Sears Shallenberger

Shouse Steagall Steele, Iowa Stone Sumners

Tague

Smith, Minn. Stafford Sterling	Swift Switzer Temple	Walsh Wason Watson, Pa.	Wood, Ind. Woodyard
Sulloway	Timberlake	Wheeler	
Sutherland	Treadway	Williams, Ohio	THE WITH STATE
	ANSWERED	"PRESENT "-3.	hell of the tell
Ashbrook	Browning	Cramton	
	NOT VO	TING-231.	
Alexander	Edwards	Johnson, Wash.	Rainey
Allen Anderson	Elston Estopinal	Jones Kahn	Ramseyer Rayburn
Aswell	Evans	Kelley	Reavis
Austin	Fairchild	Kent	Reilly
Bacharach Barchfeld	Farley Farr	Kettner Kon Obio	Roberts, Mass. Rodenberg
Barkley	Ferris	Key, Ohio Kiess, Pa.	Rowe
Barnhart	Fitzgerald	Lazaro	Rowland
Beakes	Flood	Lenroot	Rucker, Mo.
Beales Benedict	Flynn Focht	Lewis Liebel	Sabath Sanford
Bennet	Foster	Linthicum	Saunders
Booher	Frear	Lobeck	Schall
Borland	Freeman	Loft	Scott, Mich.
Bowers Britt	Fuller Gardner	London Longworth	Scott, Pa. Scully
Britten	Garland	Loud	Sells
Browne	Garner	McAndrews	Shackleford
Brumbaugh	Garrett	McArthur	Sherley
Buchanan, Ill.	Gillett	McCulloch	Siegel Sims
Burgess Butler	Glass Godwin, N. C.	McDermott McFadden	Sinnott
Callaway	Good	McKellar	Slayden
Campbell	Gould	McKenzie McKinley	Slemn
Cantrill	Graham	McKinley	Smith, Idaho
Capstick Caraway	Gray, N. J. Green, Iowa	Madden	Smith, Idaho Smith, Mich. Smith, N. Y. Smith, Tex.
Carew	Greene, Mass.	Magee Maher	Smith, Tex.
Carter, Mass.	Gregg	Martin	Sneil
Casey	Griest	Matthews	Snyder
Charles N. Y.	Guernsey Hamill	Meeker Miller, Minn.	Sparkman Stedman
Chiperfield	Hamilton, N. Y.	Miller, Pa.	Steenerson
Church	Hamlin	Mondell	Stephens, Nebr. Stephens, Tex.
Clark, Fla.	Hardy	Montague	Stephens, Tex.
Coleman	Harrison, Miss.	Moon	Stiness
Cooper Ohio	Hart Haugen	Mooney Morgan, La.	Stout Sweet
Cooper, W. Va. Cooper, Wis.	Heflin	Morrison	Taggart
Cooper, Wis.	Helgesen	Moss	Taggart Talbott
Copley	Henry	Mott	Tavenner
Costello Cox	Hensley Hernandez	Mudd Nelson	Tilson Tinkham
Crago	Hicks	Nichols, Mich.	Towner
Danforth	Hill	Nolan	Van Dyke
Davenport	Hinds	Oglesby	Vare
Davis, Minn. Davis, Tex.	Hollingsworth Hopwood	Overmyer Padgett	Volstead Ward
Decker	Houston	Page, N. C.	Watson, Va.
Dempsey	Howard	Paige, Mass.	Webb
Dewalt	Howell	Parker, N. Y.	Williams, T. S.
Dies	Hulbert Hull, Iowa	Patten Peters	Wilson, Ill. Winslow
Dooling Driscoll	Humphrey, Wash	. Porter	Woods, Iowa
Drukker	Husted	Pou	Woods, Iowa Young, N. Dak. Young, Tex.
Dunn	Igoe	Pratt	Young, Tex.
Edmonds	Johnson, Ky.	Price	
	AY. Mr. Speal	r. Crampton (a ker, can I vote? gentleman in t	

gentleman in the Hall listening when his name was called?

Mr. CARAWAY. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MANN. Mr. Speaker, I respectfully ask that the vote be announced.

The SPEAKER. We have not yet got a quorum. Mr. MANN. That does not make any difference.

Mr. SHALLENBERGER. Mr. Speaker, I move a call of the

noes seemed to have it.

The yeas and nays were ordered.

The SPEAKER. The question is on ordering a call of the ouse. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 103, nays 79, answered "present" 2, not voting 249, as follows:

Adair Adamson Aiken Almon Ashbrook Ayres Barnhart Bell Black Blackmon Burke Burnett Byrnes, S. C. Candler, Miss. Caraway Carlin Carter, Okla. Cline Coady Collier

Connelly Crisp Crosser Cullop

Anthony Curry
Dale, Vt.
Dallinger
Darrow
Denison
Dillon Dowell Ellsworth Emerson Esch

Mr. CRAMTON. Mr. Speaker, I find that I am paired, and I wish to withdraw my vote of "no" and answer "present."

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. Clark of Missouri, and he answered "Present," as above recorded.

The SPEAKER. There are 202 Members present, and it

takes 218 to make a quorum.

House. The question was taken, and the Speaker announced that the

Mr. SHALLENBERGER. Mr. Speaker, I ask for a division. The House divided; and there were—ayes 68, noes 70.

Mr. CRISP. Mr. Speaker, I demand tellers. Mr. SHALLENBERGER. Mr. Speaker, I demand the yeas and

Bruckner Buchanan, Tex.

Esch Foss Greene, Mass. Greene, Vt. Hadley Haskell Haugen Hawley

Abercrombie Alexander Allen Anderson Aswell Austin Bacharach

Bailey Barchfeld Barkley Beakes Beales Benedict Borland Bowers Britt Britten

Browne Brumbaugh Buchanan, Ill. Burgess Butler Butler Byrns, Tenn. Caldwell Callaway Campbell Cantrill Capstick Carew Carter, Mass. Casey

Chandler, N. Y. Charles Chiperfield Church Clark, Fla. Coleman Conry

Conry Cooper, Ohio Cooper, W. Va., Cooper, Wis. Copley Costello Cox Crago Danforth Davenport Davis, Minn. Davis, Tex.

Decker Dempsey Dewalt Dickinson

YEAS-103. Dale, N. Y. Dent Dixon Doughton Dupré

Jacoway Keating Kincheloe Kitchin

Dupré
Eagan
Frields
Gallagher
Gallivan
Gandy
Garner
Godwin, N. C.
Goodwin, Ark.
Gordon
Gray, Ala.
Gray, Ind.
Griffin
Harrison, Va. Murray
Neely
Nicholls, S. C.
Olney
O'Shaunessy
Page, N. C.
Park
Phelan
Quin
Raker Harrison, Va. Hastings Hayden Helvering

Hensley Randa
Hilliard Rauch
Hood Raybu
Hull, Tenn. Riords
Humphreys, Miss. Rouse Riordan NAYS-79.

Hayes Heaton Hernandez Hutchinson Johnson, S. Dak. Kearns Keister

Keister
Kennedy, Iowa
Kennedy, R. I.
Kiess, Pa.
King
Kinkaid
Kreider
Lafean
La Follette
Langley
Lehlbach
Lindbergh
McCracken

Roberts, Nev. Rogers Sloan Smith, Mich. ANSWERED "PRESENT "-2. Browning Cramton NOT VOTING-249

Dooling Doolittle Doremus Driscoll Drukker Dunn Dyer Eagle Edmonds Edwards Hollingsworth Hopwood Houston Houston
Howard
Howell
Huddleston
Hughes
Hulbert
Hull, Iowa
Humphrey, Wash, Elston Estopinal Evans Fairchild Igoe Johnson, Ky. Johnson, Wash. Farley Farr Ferris Jones Jones Kahn Kelley Kent Kettner Key, Ohio Konop Lazaro Lenroot Fess Fitzgerald Flood Flynn Focht Fordney Lazaro Lenroot Lewis Liebel Linthicum Foster Frear Freeman Fuller Gard

Linthleum
Littlepage
Lloyd
Lobeck
Loft
Longworth
Loud
McAndrews
McArthur
McClintic
McCulloch
McDermott
McFadden
McKellar

McFadden McKellar McKenzie McKinley McLemore Madden Magee Maher Martin

Martin Matthews Meeker Miller, Minn. Mondell Montague Moon Mooney Morgan, La.

Morgan, La. Morrison Moss Mott

Gardner Garland Garrett Gillett Glass Glynn Good Gould Graham Gray, N. J. Green, Iowa Gregg Griest Guernsey Hamill Hamilton, Mich, Hamilton, N. Y. Hamlin Hardy Harrison, Miss.

Harrison, Hart Heffin Helgesen Helm Henry Hicks Hill Hinds

Kitchin Lee Lesher Lever Lieb London McGillicuddy Mays Murray

Taylor, Ark, Thomas Thompson Tillman Van Dyke Venable Walker Watkins Williams, W. E. Wilson, Fla. Wingo Wise Randall Rauch-Rayburn Young, Tex.

McLaughlin
Mann
Mapes
Miller, Del.
Miller, Pa.
Moore, Pa.
Moores, Ind.
Morgan, Okla.
Morth
North
Norton
Oakey
Parker, N. J.
Platt
Powers
Ricketts
Roberts, Nev. Smith, Minn. Stafford Sterling Sulloway Sutherland Sweet Swift Switzer Temple Timberlake Walsh Walsh Wason Watson, Pa. Wheeler Williams, T. S. Williams, Ohio Wood, Ind. Woods, Iowa

> Mudd Nelson Nichols, Mich. Nolan Oglesby Oldfield Oliver Oliver Overmyer Padgett Paige, Mass. Parker, N. Y. Patten Peters Porter Pon Porter Pou Pratt Price Ragsdale Rainey Ramseyer Reavis Reilly Roberts, Mass, Rodenberg Rowe Rowland Rucker, Mo. Russell, Ohio Russell, Ohio Sabath Sanford Saunders Schall Scott, Mich. Scott, Pa. Scully Sells Shackleford Sherwood Siegel Sims Sinnott Sisson Slayden Slemp Small Smith, Idaho Smith, N. Y. Smith, Tex. Snell Snyder Snyder Sparkman Stedman Steele, Pa. Steenerson Stephens, Miss. Stephens, Nebr. Stephens, Tex.

Stiness Stout Taggart Talbott Taylor, Colo. Tilson Tinkham Towner Treadway Vare Vinson

Volstead Ward Watson, Va. Webb Whaley Wilson, Ill. Wilson, La. Winslow Young, N. Dak.

So a call of the House was ordered. The Clerk proceeded to call the roll.

During the calling of the roll the following occurred:
Mr. Barkley (for) with Mr. Cramton (against).
Mr. MANN. Mr. Speaker, I rise to a point of order.
The SPEAKER. The gentleman will state it.

Mr. MANN. I think the Speaker ordered the doors closed. The SPEAKER. The Speaker made a mistake in that.

Mr. MANN. This is not an automatic call. It does not require a quorum.

Mr. KITCHIN. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. KITCHIN. It was developed a while ago on the count that there was no quorum present. Does not that automatically

Mr. MANN. No; it does not.
Mr. NORTON. Mr. Speaker, a point of order.
The SPEAKER. The gentleman will state it.

Mr. NORTON. A roll call can not be interrupted.

The SPEAKER. The gentleman from Illinois asked a question, if the roll call is out of order. The rule is—

Mr. MANN. I did not make the point of order that the roll call is out of order. I made the point that it is not in order to order the doors to be closed until a call of the House has been ordered.

The SPEAKER. The rule is that, "Whenever a quorum fails to vote on any question, and a quorum is not present and objec-tion is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant at Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered."

Mr. MANN. That rule does not apply here.
Mr. KITCHIN. Mr. Speaker, if it was not an automatic call and the question of no quorum was made, then the previous question was carried. If that be true—

Mr. GARNER. Mr. Speaker, the very fact that the Speaker announced himself that there was not a quorum present, 211 Members being present, and 218 being required to make a quorum, is a sufficient statement that there was not a quorum present, and under the rule there is an automatic call of the

The SPEAKER. The rule provides that "whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause," and so forth. But no objection was made or suggested.

Mr. KITCHIN. If that be true, Mr. Speaker, the previous

question was ordered.

The SPEAKER. Oh, no. There was not a quorum present. Mr. KITCHIN. Nobody made objection to it. The SPEAKER, They did not have to make objection. The

fact that there was no quorum present was sufficient.

Mr. KITCHIN. No quorum was needed. The SPEAKER. Not on the roll call. Mr. MANN. Mr. Speaker—

Mr. GARNER. Mr. Speaker, when the gentleman from Illinois is through I would like to be heard.

Mr. MANN. The rule which the Speaker read is not applicable to the case. That is the new rule, that when objection is made that no quorum votes and no quorum is present there shall be a call of the House, and so forth. That is not the rule under which we are operating at present.

The SPEAKER. The Chair understands that.

Mr. MANN. The gentlemen over there do not seem to understand it. When a roll call shows that there is no quorum present, the Speaker has to announce that there is no quorum. That roll call does not require a quorum present. That is the motion upon which the roll call is now being had, and upon That is the that there is demanded a roll call, but not on the point of no quorum. I simply called attention to the fact that the Speaker ordered the doors closed. I do not think it is in order to order the doors closed until a call of the House has been ordered.

The SPEAKER. The gentleman is right about that.

Mr. GARNER. Mr. Speaker, the Chair has just read a rule in which the Speaker himself pointed out that there was no objection made. No objection was made that there was no quorum present. It is not necessary.

The SPEAKER. What does the rule say?
Mr. GARNER. The rule says there is an automatic call.

The SPEAKER. The rule says nothing of the sort, unless objection is made, Mr. GARNER. Objection to what?

The SPEAKER. To the point that there is no quorum present.

Mr. GARNER. The Chair himself raised the objection that there was not a quorum present. The Chair himself has objected, and that comes within the rule and requires an automatic roll call.

Mr. CRISP. Mr. Speaker, I must agree that the gentleman from Illinois is correct in the position which he takes in this matter. When I addressed the Chair a moment ago it was for the purpose of calling attention to the fact that when the yeas and nays disclosed the absence of a quorum the Speaker must take cognizance of it, and nothing could be done. Now, it seems to me this matter is very plain. Under the rules of the House there are two provisions for a call of the House. Under the old rules there was only one provision for a call, and that was the provision that 15 Members in the absence of a quorum could send out and bring in a quorum. The House has since adopted a rule known as the automatic call, and, in my opinion, that means that when the House is dividing by a viva voce vote or by tellers or otherwise, except by yeas and nays, and the want of a quorum is disclosed, and the point is made, then the automatic call applies, and the Speaker should order the doors closed and the Sergeant at Arms to notify the absentees and the yeas and nays on the question.

Mr. GARNER. Mr. Speaker, will the gentleman yield? Mr. CRISP. Yes.

Mr. GARNER. If I understand the gentleman's contention, when the want of a quorum is discovered by a viva voce or by tellers an automatic call ensues.

Mr. CRISP. When the point is made that there is no quorum

present.

Mr. GARNER. We have just discovered the absence of a quorum by a roll call. Can the gentleman distinguish between discovering it by tellers or a viva voce vote and discovering the

absence of a quorum by a roll call?

Mr. CRISP. I think there is a difference. I think the yea and nay is the last method of taking a vote on any question that may come before the House, and it is the best way of ascertaining a quorum. I think the intent of the House when they adopted the rule was that if on viva voce, rising vote, or on tellers there was not a quorum, instead of having to order a call of the House, the automatic rule should apply and the yeas and nays be ordered on the pending question.

Mr. GARNER. But we have discovered now the absence of a quorum. Why does not the automatic call apply in discovering the absence of a quorum by a roll call the same as it does

by a division of the House?

Mr. CRISP. That was not the intention of Congress in adopting the rule. I have never known it to apply. The practice of the House is the other way. I wish I could agree with the gentleman.

The SPEAKER. The Clerk will continue the call.

The Clerk completed the roll call.

The result of the vote was announced as above recorded.

The SPEAKER. The Sergeant at Arms will notify absentees, the Doorkeeper will lock the doors, and the Clerk will call the roll.

Mr. KITCHIN. We are voting on the previous question. Mr. MANN. No; we are voting on the call of the House. The SPEAKER. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Alexander Allen Anderson Aswell Austin Barchfeld Barkley Beakes Beales Bennet Bennet Booher Borland Bowers Britten Browne Brumbaugh Buchanan, III. Burgess Butler Caldwell Callaway

Cannon Cantrill

Carew Carter, Mass. Carter, Okla. Casey Chandler, N. Y. Chandler, N. Charles
Charles
Chiperfield
Clark, Fla.
Coleman
Conry
Cooper, Ohio
Cooper, Wis,
Copley
Costello
Crago
Danforth
Davenport
Decker
Dempsey Decker
Dempsey
Dent
Dewalt
Dies
Dooling Doremus Driscoll

Drukker Dunn Dyer Edmonds Edwards Elston Elston Estopinal Fairchild Farley Farr Ferris Fess Fitzgerald Flood Flynn Fordney Foster Frear Freeman Fuller Gardner Garland Garrett Gillett Glass

Good Gould Gould Graham Gray, N. J. Gregg Griest Guernsey Hamilton, Mich. Hamilton, N. Y. Hamlin Hardy Harrison, Miss. Harrison, Miss.
Hart
Hedin
Heligesen
Henry
Hicks
Hill
Hinds
Holland
Hellingsworth
Hopwood
Howard

Glynn

Cooc Control of the Cook of th

			0-145 V V
Howell	McKinley	Pratt	Smith, N. Y.
Hulbert	McLemore	Ragsdale	Smith, Tex.
Hull, Iowa	Madden	Rainey	Snell
Humphrey, Wash	ı. Magee	Ramseyer	Snyder
Husted	Maher	Reavis	Steenerson
Igoe	Martin	Roberts, Mass.	Stephens, Nebr.
Johnson, Ky.	Matthews	Rodenberg	Stephens, Tex.
Johnson, Wash,	Miller, Minn.	Rowe	Stiness
Jones	Mondell	Rowland	Stout
Kahn	Moon	Rucker, Ga.	Taggart
Kelley	Mooney	Rucker, Mo.	Talbott
Kent	Morgan, La.	Russell, Mo.	Tavenner
Key, Ohio	Mott	Russell, Ohio	Taylor, Colo.
Lazaro	Mudd	Sabath	Tilson
Lenroot	Nelson	Sanford	Tinkham
Lewis	Nichols, Mich.	Saunders	Towner
Liebel	Nolan	Schall	Vare
Linthicum	Oakey	Scott, Mich.	Vinson
Lloyd	Oglesby	Scott, Pa.	Volstead
Loft	Oliver	Scully	Ward
Loud	Overmyer	Sells	Watson, Va.
McAndrews	Padgett	Shackleford	Webb
McArthur	Parker, N. J.	Sherwood	Wilson, Ill.
McCracken	Parker, N. Y.	Siegel	Wilson, La.
McCulloch	Patten	Sims	Winslow
McDermott	Peters	Sinnott	Young, N. Dak.
McFadden	Platt	Slayden	
McKellar	Porter	Slemp	
McKenzie	Pou	Smith, Idaho	ALC ALCOHOLD
MICANCHIMIC:			THE STREET STREET STREET

The SPEAKER. On this call 185 Members have responded

to their names—not a quorum.

Mr. SHALLENBERGER. Mr. Speaker, I move that the Speaker be directed to issue warrants for the arrest of the ab-

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division. The House divided; and there were—ayes 81, noes 55.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered. The question was taken; and there were—yeas 112, nays 77, answered "present" 2, not voting 242, as follows:

### YEAS-112.

Abercrombie	Dale, N. Y.	Hood	Reilly
Adair	Davis, Tex.	Houston	Riordan
Adamson	Dent	Huddleston	Rouse
Aiken	Dickinson	Hughes	Rubey
Alexander	Dixon	Jacoway	Rucker, Ga.
Almon	Doolittle	Keating	Sears
Ashbrook	Doughton	Kincheloe	Shallenberger
Ayres	Dupré	Kitchin	Sherley
Bailey	Eagan	Lesher	Shouse
Bell	Eagle	Lever	Sisson
Black	Fields	Lieb	Steagall
Blackmon	Gallagher	London	Steele, Iowa
Bruckner	Gallivan	McClintic	Stone
Buchanan, Tex.	Gand/	McGillicuddy	Sumners
Burke	Gard	Mays	Tague
Burnett	Garner	Montague	Taylor, Ark.
Byrnes, S. C.	Godwin, N. C.	Moss	Thomas
Caraway	Goodwin, Ark.	Murray	Thompson
Carlin	Gordon	Neely	Tillman
Carter, Okla.	Gray, Ala.	Nicholls, S. C.	Van Dyke
Cline	Gray, Ind.	Olney	Venable
Coady	Griffin	O'Shaunessy	Walker
Collier	Harrison, Va.	Park	Watkins
Connelly	Hastings	Phelan	Williams, W. E.
Cox	Hayden	Quin	Wilson, Fla.
Crisp	Helvering	Randall	Winge
Crosser	Hensley	Rauch	Wise
Cullop	Hilliard	Rayburn	Young, Tex.
	NTA	VS 77	

	NAY	8-77.
Cary Cooper, W. Va. Curry Daile, Vt. Dallinger Darrow Denison Dillon Dowell Ellsworth Emerson Esch Foss Greene, Iowa Greene, Mass. Greene, Vt. Hadley Haskell Haugen Hawley	Hayes Heaton Hernandez Hutchinson James Johnson, S. Dak. Kearns Keister Kennedy, Iowa Kennedy, R. I. Kiess, Pa. King Kinkaid Kreider Lafean La Follette Langley Lehlbach Lindbergh McLaughlin	Mann Mapes Meeker Miller, Pa. Moore, Pa. Moores, Ind. Morgan, Okla. Morin North North North Paige, Mass. Porter Powers Ricketts Roberts, N.W. Rogers Sloan Smith, Mich. Smith, Minn. Stafford
	A STOTTSTATE TATE OF	DDECEMENT !

ANSWERED "PRESENT Candler, Miss.

	NOT VOTING-242.			
allen anderson anthony aswell austin archarach archfeld arkley arnhart eakes	Beales Benedict Bennet Booher Borland Bowers Britt Britten Browne Brumbaugh	Buchanan, Il Burgess Butler Byrns, Tenn. Caldwell Callaway Campbell Cannon Cantrill Capstick		

Sterling Sulloway Sutherland Sweet Swift Switzer Temple Timberlake Treadway Walsh Wason Wason, Pa. Wheeler Williams, T. S. Williams, Ohio Wood, Ind. Woods, Iowa

Carew Carter, Mass. Casey Chandler, N. Y. Charles Chiperfield Church Clark, Fla. Coleman

oper, Ohio	Guernsey	McCulloch	Sabath
oper, Wis.	Hamill	McDermott	Sanford
pley	Hamilton, Mich.	McFadden	Saunders
stello	Hamilton, N. Y.	McKellar	Schall
ago	Hamlin	McKenzie	Scott, Mich.
amton	Hardy	McKinley	Scott, Pa.
inforth	Harrison, Misa	McLemore	Scuily
evenport	Hart	Madden	
vis, Minn.	Heflin	Magee	Shackleford
ecker	Helgesen	Maher	Sherwood
empsey	Helm	Martin	Siegel
ewalt	Henry	Matthews	Sims
es	Hicks	Millor Del	Sinnett
11	Hill	Miller, Del.	Slayden
	Hinds	Miller, Minn.	Slayden
ooling		Mondell	Slemp
	Holland	Moon	Small
riscoll	Hollingsworth	Mooney	Smith, Idaho
rukker	Hopwood	Morgan, La.	Smith, N. Y.
nan	Howard	Morrison	Smith, Tex.
yer	Howell	Mott	Snell
lmonds	Hulbert	Mudd	Snyder
lwards	Hull, Iowa	Nelson	Sparkman
ston	Hull, Tenn.	Nichols, Mich.	Stedman
stopinal	Humphrey, Wash.	Nolan	Steele, Pa.
vans	Humphreys, Miss.	Oakev	Steenerson
rirchild	Husted	Oglesby	Stephens, Miss.
arley	Igoe	Oldfield	Stephens, Nebr.
irr	Johnson, Ky.	Oliver	Stephens, Tex.
erris	Johnson, Wash.	Overmyer	Stiness
ess	Jones	Padgett	Stout
tzgerald	Kahn	Page, N. C.	Taggart
ood	Kelley	Parker, N. J.	Talbott
ynn	Kent	Parker, N. Y.	Tavenner
ocht	Kettner	Patten	
	Key, Ohio	Peters	Taylor, Colo.
ordney		Platt	Tilson
oster	Konop	Par	Tinkham
rear	Lazaro	Pou	Towner
reeman	Lee	Pratt	Vare .
uller	Lenroet	Price	Vinson
ardner	Lewis	Ragsdale	Volstead
arland	Liebel	Rainey	Ward
arrett	Linthicum	Raker	Watson, Va.
illett	Littlepage	Ramseyer	Webb
lass	Lloyd	Reavis	Whaley
lynn	Lobeck	Roberts, Mass.	Wilson, Ill.
bood	Loft	Rodenberg	Wilson, La.
ould	Longworth	Rowe	Winslow
raham	Loud	Rowland	Woodyard
ray, N. J.	McAndrews	Rucker, Mo.	Young, N. Dak.
regg	McArthur	Russell, Mo.	
riest	McCracken	Russell, Ohio	HE THE
	of the vote was a		ove recorded.

The result of the vote was announced as above recorded. Mr. Barkley (for) with Mr. Cramton (against). The SPEAKER. The Speaker is directed to issue his war-

At this point the following Members appeared and were recorded "present" on the call of the House: Mr. Thomas S. Williams, Mr. Lobeck, Mr. Helm, Mr. Bailey, Mr. Cooper of West Virginia, Mr. Denison, Mr. Wood of Indiana, Mr. Paige of Massachusetts, Mr. Stedman, Mr. Gard, Mr. Emerson, Mr. Meeker, Mr. Bach-ARACH, Mr. WHALEY, Mr. ANTHONY, Mr. OLDFIELD, Mr. DAVIS OF Minnesota, Mr. Capstick, Mr. Littlepage, Mr. Stephens of Mississippi, Mr. Konop, Mr. Small, Mr. Raker, Mr. Kettner, Mr. Benedict, Mr. Byens of Tennessee, Mr. Evans, Mr. Long-WORTH, Mr. SPARKMAN, Mr. FOCHT, Mr. STEELE of Pennsylvania, Mr. DILL, Mr. MORRISON, and Mr. DICKINSON.

The SPEAKER. On this call 218 Members have answered to

their names—a quorum.
Mr. SHALLENBERGER. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. Mann) there were-125 ayes and 71 noes.

Mr. MANN. I ask for tellers.

Tellers were ordered.

Mr. CRISP. Mr. Speaker, pending the taking of the vote by tellers, I ask unanimous consent to address the House for a few minutes, with the nature of which the gentleman from Illinois [Mr. Mann] is acquainted.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

Mr. CRISP. Mr. Speaker, earlier in the evening, when the parliamentary question arose as to whether an automatic call of the House obtained, I took the position that the automatic call did not apply, and agreed with the position taken by the learned gentleman from Illinois [Mr. Mann]. I want to say now that, so far as I had ever seen any precedent in this House on the subject, or any practical application of the rule, the position we then took was correct. But upon investigation I find that the gentleman from North Carolina [Mr. Kitchin] was correct and that I was wrong—that the automatic call did apply—and when I am wrong and convinced I have no hesitancy in saying so. [Applause.]

I desire to call the attention of the Speaker to two precedents on this question, and to call the attention of the membership of the House to these precedents in volume 4, Hinds' Precedents, section 3045, which I will read. And let me say that both of these decisions were rendered by the able and learned Speaker, the gentleman from Maine, Mr. Reed. The rule providing for an automatic call of the House was adopted in January, 1896. These two decisions that I shall read were rendered in 1896, shortly after this rule was adopted. I read section 3045:

shortly after this rule was adopted. I read section 3045:

On a call of the House under the new rule the Sergeant at Arms is required to detail those Members who are present and bring in absentees. On December 14, 1896, the question being taken on the engrossment and third reading of the bill (H. R. 1888) to amend an act relating to the sale of intoxicating liquors in the District of Columbia, there were, on a yea-and-nay vote, 130 yeas and 31 nays.

Mr. Rowland B. Mahany, of New York, made the point of no quorum. Mr. Elijah A. Morse, of Massachusetts, moved a call of the House.

The Speaker said that the rule provided for such a contingency, and caused to be read section 4 of Rule XV. He then said:

"Under the rule there will now be a call of the House, the Sergeant at Arms will proceed to bring in absent Members, and the yeas and nays on the pending question will be considered as ordered. The Clerk will therefore call the roll and the responses will show whether the Member is present or not, and will also show his vote upon the pending question. The Doorkeeper will close the doors."

During the roll call, as there seemed to be a misunderstanding, the Speaker said:

"The Chair will state to the House that under this rule when Members are called they are required to vote 'yea' or 'nay' upon the engrossment and third reading of the pending bill, unless they desire not to vote, in which case they will respond 'present.' Thus the roll call will answer the double purpose of taking a vote on the bill and of showing what Members are present. The Chair desires to add also that we are now under a call of the House, so that it is the duty of Members who are present to remain until the call and the vote is completed, and the Sergeant at Arms is required to keep Members here who are present and also to bring in the absentees.

I have the Journal showing the decision just read, and the

I have the Journal showing the decision just read, and the Journal shows that a yea-and-nay vote was taken on the order for engrossment and third reading and on which vote a quorum fulled to appear. And then immediately followed a second roll call, with a yea-and-nay vote on the call of the House.

I read again from section 3052, volume 4, of Hinds' Precedents,

and this also is a decision by Speaker Reed:

under the new rule for a call of the House the roll is called over twice, and those appearing after their names are called may vote.

On June 9, 1896, the House was voting by yeas and nays to lay on the table a motion to reconsider a vote on the District of Columbia appropriation bill. There appeared—yeas 99, nays 31, not voting 224.

No quorum being present, the Speaker announced that under the rule there would be a call of the House, and the Sergeant at Arms would proceed at once to bring in absent Members.

Mr. Joseph W. Bailey, of Texas, inquired whether or not those who had answered on the previous roll call could vote again.

The Speaker said:

"The Chair thinks that the only solution as the matter stands is for each Member to vote when his name is called, and then when the roll is finished the absentees may vote. The Sergeant at Arms will close the doors, and the Clerk will call the roll."

The Clerk proceeded with the roll call, and the same having been finished, the Speaker said:

"The Clerk will now call the names of Members failing to respond the first call. The Chair trusts that gentlemen who are present and do not vote will announce their presence to avoid confusion."

The second call having been concluded, the Speaker announced:

"On this question the yeas are 126 and the nays are 43. The following-named gentlemen are present. [Naming them.]

"The Chair desires to state to these gentlemen that under a misapprehension he stated a while ago they could not vote; but they are marked present, and their presence is necessary to constitute a quorum, under the rule they have a right to vote if they desire to do so."

Several of these gentlemen having voted, the Speaker announced the corrected vote—yeas 231, nays 45, answering "present" (certain gentlemen)—a quorum.

Mr. Speaker, to remove any question as to that decision, I

Mr. Speaker, to remove any question as to that decision, I desire to read from the Congressional Record, volume 28, part 7, of the Fifty-fourth Congress, first session, page 6330:

The SPEAKER. The question is on laying the motion to reconsider on the table.

On that question the yeas were 99, nays 31, not voting 224not a quorum.

The yeas and nays are set out in the RECORD.

The SPEAKER. On this question the yeas are 99, the nays 31.

Mr. McMillin. No quorum.

The SPEAKER. The Chair is informed that there are 16 present in addition to that. Under the rule of the House there will be a call of the House, and the Sergeant at Arms will proceed at once to bring in absent Members.

We all agree that when a record vote discloses there is no quorum the Chair must take cognizance of that fact. In this instance Mr. McMillin made the point of no quorum. To con-

Mr. Daniels. I move that there be a call of the House.

The Speaker. The Clerk will proceed to call the roll. Each Member as he answers to his name may vote upon the pending question, so that it requires another vote upon the pending question. The House will govern itself accordingly.

Mr. Balley. I desire to ask if it is not a fact that the rule only requires the absentees to answer, or are they brought to the bar to vote? It does not require that those who had previously responded should answer.

vote? It does not require that those who had previously responded should answer.

The Speaker. The Chair thinks it requires all Members to answer. The Clerk should call the roll and each Member as he answers to his name may vote on the pending question.

Mr. Bailey. I think that only provides for those who have not answered upon the previous call; otherwise a gentleman who had voted on the other call would be required to vote again.

The SPEAKER. The Chair thinks the only solution as the matter stands is for each Member to vote when his name is called, and then when the roll call is finished the absentees may vote. The Sergeant at Arms will notify the absentees and the Clerk will call the roll.

The Clerk proceeded to call the roll.

The SPEAKER (at the end of the first call). The Clerk will now call the names of Members failing to respond to the first call. The Chair trusts that gentlemen who are present and do not vote will announce that they are present, to avoid confusion.

The membership of the House will understand that Speaker Reed decided he had authority to count as present Members who were in the Hall who do not vote, and the Supreme Court, as we all know, afterwards affirmed that decision, and that is why he was asking those who did not vote to make their presence known.

Mr. MANN. Mr. CRISP. What is the date of that? The Fifty-fourth Congress That was the rule at that time? Mr. MANN.

Mr. CRISP. Yes, sir. [Reading:]

Mr. CRISP. 168, Sir. [Reading:]

Mr. Owen. In view of the request of the Chair to Members to announce their presence if they do not vote, I wanted to ask whether they might not possibly be confused with the 16 already counted, or whether those 16 are to be used again in making a quorum?

The Speaker. The Chair thinks there will not be any confusion if gentlemen answer that they are present. The Clerk will call the roll.

Mr. Johnson of California. Mr. Speaker, is it in order at this time to ask leave of absence?

There is no use in reading further, gentlemen; but the Speaker held that the automatic call applied. They immediately called the roll and the yeas and nays were again taken and they voted on the pending question.

Mr. GARNER. He was construing at that time paragraph 4

of Rule XV?

Mr. CRISP. He was construing the identical rule in question, the rule having been adopted in January, 1896. Under this decision, Mr. Speaker, it is clear I was in error in the position I took. Under these decisions, if they are followed, it is obvious when we take a vote by yeas and nays on a motion to order the previous question on the passage of a bill and amendments and a quorum failing to vote, then the automatic rule applies, and a call of the House follows, and Members brought in by the Sergeant at Arms or who come in voluntarily should be permitted to cast their vote on ordering the previous question on the bill and amendments to passage. I felt, Mr. Speaker, that it was due the Chair and due the House and due I felt, Mr. myself when I learned I was in error to frankly say so. I thank the House. [Applause.]

The SPEAKER. The vote is on dispensing with further proceedings, and tellers have been ordered. The gentleman from Nebraska [Mr. Shallenberger] and the gentleman from Illinois [Mr. Mann] will take their places as tellers. Those in favor of dispensing with further proceedings under the call will pass

between the tellers.

The House again divided; and the tellers reported that there ere-ayes 137, noes 72.

The SPEAKER. The ayes have it-

Mr. MANN. Mr. Speaker, I ask for the yeas and nays. Mr. CRISP. Mr. Speaker, I make the point of order that the

motion is dilatory

Mr. MANN. Well, the gentleman has not read the Constitution recently.

The SPEAKER. The Chair overrules the point of order. Evidently a sufficient number have arisen, and the Clerk will call the roll. Those in favor of dispensing with further proceedings under the call when their names are called will answer "aye" and those opposed will answer "no."

The question was taken; and there were—yeas 142, nays 85, answered "present" 2, not voting 204, as follows:

YEAS-142.

S—142.
Gordon
Gray, Ala,
Griffin
Hamilin
Harrison, Va,
Hastings
Hayden
Helm
Helvering
Hensley
Hilliard
Holland Connelly
Cox
Crisp
Crosser
Cullop
Davis, Tex.
Dent Abercrombie Adair Adamson Aiken Alexander Lever
Liebe
Liebel
Littlepage
Lobeck
Londos
McClintic
McGilieuddy
McLemore
Mays
Montague
Morrison
Moss Almon Ashbrook Dent Dickinson Dill Dixon Ayres Bailey Barnhart Doolittle Bell Black Blackmon Doremus Doughton Driscoll Holland Hood Hood Houston Huddleston Hughes Hull, Tenn. Humphreys, Miss. Buchanan, Tex. Murray Neely Nicholls, S. C. Oldfield Buchanan, Te Burnett Byrnes, S. C. Byrns, Tenn. Caldwell Caraway Carlin Carter, Okla. Church Clark, Fla. Cline Coady Collier Dupré Eagan Eagle Evans Fields Gallagher Gallivan Olney O'Shaunessy Padgett Page, N. C. Park Phelan Price Jacoway Keating Kettner Kincheloe Kitchin Konop Gandy Gard Garner Godwin, N. C. Goodwin, Ark. Lee Lesher Quin Raker

318		CONGIL	TAMOIGGE	RECORD-	-HOUSE.		DROAKT 1
andall	Sherwood	Stephens, Nebr.	Venable		with Mr. Hask		
auch	Shouse Sisson	Stone Sumners	Walker Watkins		Dhio with Mr. H.	AYES.	
ayburn lordan	Sisson Small	Tague	Whaley		with Mr. HILL.		
ouse	Smith, N. Y.	Taylor, Ark.	Williams, W. E.		ith Mr. Holling		
ubey Co	Steagall Stedman	Taylor, Colo. Thomas	Wilson, Fla. Wise		ith Mr. HULL of		
ucker, Ga. ears	Steele, Iowa	Thompson	Young, Tex.		ews with Mr. H		
hallenberger	Steele, Pa.	Tillman Van Duka			orr with Mr. Jo	HNSON of Wash	nington.
herley	Stephens, Miss.	Van Dyke S—85.	de la companya del companya del companya de la comp		with Mr. KAHN.	A STREET	
		Lindbergh	Snell		th Mr. KEARNS.	h Mr. 17.	
nthony acharach	Foss Green, Iowa	Longworth	Stafford		of Louisiana wit		
enedict	Greene, Mass.	McLaughlin	Sterling		with Mr. KING.		
apstick	Greene, Vt.	Mann	Sulloway Sutherland		vith Mr. LANGLE		
ooper, Ohio	Hadley Hamilton, Mich.	Mapes Meeker	Sweet	## DESCRIPTION OF PROPERTY OF	Mr. McArthur		
ooper, W. Va.	Hamilton, N. Y.	Miller. Del.	Switzer		with Mr. McCul		
urry ale, Vt.	Hawley	Moore, Pa. Moores, Ind.	Temple Timberlake		vith Mr. McFadd		
allinger	Heaton Hernandez	Morgan, Okla.	Treadway		of Missouri with		
arrow	Hutchinson	Morin	Walsh		of Missouri with		X.
avis, Minn. empsey	James Johnson, S. Dak.	Nichols, Mich.	Wason Watson, Pa.		with Mr. MADDEN		
empsey	Keister	Norton	Wheeler		s with Mr. Magi		
illon	Kennedy, Iowa	Paige, Mass.	Williams, T. S.		th Mr. MILLER of		
owell llsworth	Kennedy, R. I. Kiess, Pa.	Porter Ricketts	Williams, Ohio		AN with Mr. Mot	т.	
lston	Kinkaid	Roberts, Nev.	Woods, Ind. Woods, Iowa		th Mr. Mudd.		
merson	Kreider	Rogers	Woodyard		AY with Mr. Car		usetts.
sch	Lafean La Follette	Sloan Smith, Mich.			f Florida with M		
ess	Lehlbach	Smith, Minn.	HOLDER CO.		with Mr. Austin		
G. Harris		"PRESENT "-2	and affine the fi		with Mr. BENNI		on I mark )
	Browning	Candler, Miss.			r (for) with Mr		
	NOT VO	TING-204.	Miss Service		of Mississippi w		IN.
len	Fairchild	Kahn	Rainey		with Mr. CHARLE		
nderson	Farley	Kearns Kelley	Ramseyer Reavis		with Mr. CRAMT		
swell ustin	Farr Ferris	Kent	Reilly		with Mr. DRUKI		Name of the State
rchfeld	Fitzgerald	Key, Ohio	Roberts, Mass.		s with Mr. DUNN s of Texas with		William P. Land
irkley	Flood	King Langley	Rodenberg Rowe		ith Mr. Nolan.	BIL. NELSON.	
akes ales	Flynn Fordney	Lazaro	Rowland		with Mr. OAKEY		
ennet	Foster	Lenroot	Rucker, Mo. Russell, Mo.		er with Mr. Pari		now
ooher orland	Frear Freeman	Lewis Linthicum	Russell, Ohio		with Mr. PARKER		sey.
owers	Fuller	Lloyd	Sabath		with Mr. PETERS.		
citt	Gardner	Loft	Sanford		of Louisiana wit		
ritten	Garland Garrett	Loud McAndrews	Saunders Schall		with Mr. Powers		
ruckner	Gillett	MeArthur	Scott, Mich.		with Mr. RAMSE		
rumbaugh	Glass	McCracken	Scott, Pa.		with Mr. REAVIS		
uchanan, Ill. urgess	Glynn Good	McCulloch McDermott	Scully Sells	The state of the s	ER with Mr. RICI		
urke	Gould	McFadden	Shackleford		UGH with Mr. R		achneotte
utler	Graham	McKellar	Siegel		ith Mr. Rodenbe		achusetts.
allaway ampbell	Gray, Ind. Gray, N. J.	McKenzfe McKinley	Sims Sinnott		with Mr. Rown		
annon	Gregg	Madden	Slayden		vith Mr. Rowlan		
antrill	Griest	Magee Maher	Slemp Contab Table		New York with		of Ohio
arew arter, Mass.	Guernsey Hamill	Martin	Smith, Idaho Smith, Tex.		th Mr. SANFORD.		or onto.
asey	Hardy	Matthews	Snyder		AL with Mr. Sco		
handler, N. Y.	Harrison, Miss.	Miller, Minn.	Sparkman		ALD with Mr. Sc		
narles hiperfield	Hart Haskeli	Miller, Pa, Mondell	Steenerson Stephens, Tex.		with Mr. Sells.	or remayi	vania.
oleman	Haugen	Moon	Stiness		vith Mr. PRATT.		
onry	Hayes	Mooney	Stout Swift		with Mr. SIEGEL		
ooper, Wis.	Heffin Helgesen	Morgan, La. Mott	Taggart		with Mr. SINN		
opley ostello	Henry	Mudd	Talbott		th Mr. SLEMP.	the set of the set	10 To 10 To 10
820	Hicks Hill	Nelson Nolan	Tavenner Tilson		with Mr. SMITH	of Idaho.	
campton ale, N. Y. anforth	Hinds	Oakey	Tinkham		UM with Mr. Sr		
anforth	Hollingsworth	Oglesby	Towner		LE with Mr. STE		
ecker	Hopwood Howard	Oliver Overmyer	Vare Vinson		with Mr. STINES		
ewalt	Howell	Parker, N. J.	Volstead		EFORD with Mr.		
es	Hulbert Hull, Iowa	Parker, N. Y. Patten	Ward Watson, Va.	Mr. SLAYDEN	with Mr. TINK	HAM.	
ooling rukker	Humphrey, Wash	. Peters	Webb	Mr. SMITH	of Texas with M	Ir. TOWNER.	
inn	Husted	Platt	Wilson, Ill.		ER with Mr. VAR		
ver Imonds	Igoe Johnson, Ky.	Pou Powers	Wilson, La. Wingo		with Mr. Volster	LD.	
lwards	Johnson, Wash.	Pratt	Winslow		ith Mr. WARD.		
stopinal	Jones	Ragsdale	Young, N. Dak.		with Mr. WILSON		STATE OF STATE
So the motio	n to dispense w	ith further proc	eedings under the	Mr. Decker	with Mr. Youn		
all was agreed	d to.			The SPEAR	ER. The Door	keeper will ope	en the doors.
The Clerk at	nnounced the fo	llowing addition	nal pairs:	question is on	ordering the pre	vious question.	STATE OF THE STATE OF
On the vote:					n was taken, and	I the Speaker a	announced that
		Ir. Crago (again	ist).	ayes seemed to		THE APROVED	ALCOHOLD TO
Until further	r notice:				Mr. Speaker, I		eas and nays.
	with Mr. FAIRCE			The yeas an	d nays were orde	red.	
	with Mr. Edmon		Pileston	The question	n was taken; an	d there were-	-yeas 145, nays
	ith Mr. FORDNE			answered "pre	esent" 4, not vot	ing 209, as foll	ows:
	with Mr. FREEM				YEA	S—145.	
Mr. GARRETT	with Mr. FULL	ER.		Abercrombie	Barnhart	Carlin	Cullop
	Indiana with M			Adair	Bell	Church	Cullop Dale, N. Y. Davis, Tex.
	ith Mr. GILLETT		THE INVESTIGATION	Aiken	Black	Clark, Fla.	Davis, Tex. Decker
Mr. Gregg w	with Mr. GLYN	N		Alexander Allen	Blackmon Buchanan, Tex.	Cline Coady	Dent
Mr. HAMILL			D.	Almon	Burnott	Collier	Dickinson
Mr. HAMILL	n of Mississippi	WITH MIL. GOOD					
Mr. HARRISO Mr. HARRISO	th Mr. GRAHAM			Ashbrook	Byrnes, S. C.	Connelly	Dill
Mr. HARRISO Mr. HARR WI				Ashbrook Ayres Bailey	Byrnes, S. C. Byrns, Tenn. Caldwell	Connelly Cox Crisp	Dill Dixon Doolittla Doremus

Smith, N. Y. Steagall Stedman Doughton Driscoll Dupré Hood Houston Huddleston Neely Nicholls, S. C. Oldfield Oliver Olney O'Shaunessy Eagan Eagle Evans Fields Steele, Iowa Steele, Pa. Stephens, Miss. Hughes Hull, Tenn. Hull, Tenr Jacoway Keating Kettner Kincheloe Kitchin Konop Lee Lesher Lever Lieb Liebel Littlenage Padgett
Page, N. C.
Park
Phelan
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Quin
Raker Stone Sumners Tague Taylor, Ark. Taylor, Colo. Thomas Gallagher Gallivan Gandy Gard Thomas
Thompson
Thompson
Tillman
Van Dyke
Venable
Walker
Walker
Watkins
Whaley
Williams, W. E.
Wilson, Fla.
Wingo
Wise
Young, Tex. Garner Garner Godwin, N. C. Goodwin, Ark. Gordon Gray, Ala. Griffin Randall Rauch Rayburn Littlepage Lobeck London Riordan Rouse Rubey Hamlin Harrison, Va. Hastings Rucker, Ga. Russell, Mo. Sears Shallenberger McClintic McGillicuddy McLemore Mays Hastings Hayden Heffin Helm Helvering Hensley Hilliard Holland Montague Morrison Moss Murray Sherley Sherwood Shouse Sisson NAYS-75. Kinkaid La Follette Lehlbach Lindbergh Rogers Smith, Mich. Smith, Minn. Anthony Bacharach Emerson Emerson
Esch
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Foss
Green, Iowa
Greene, Mass.
Greene, Vt.
Hadley
Hamilton, Mich.
Hamilton, N. Y.
Hawley Bacharach
Benedict
Capstick
Cary
Cooper, Ohio
Cooper, W. Va.
Cramton
Curry
Dale, Vt.
Dallinger
Darrow
Davis, Minn.
Dempsey Lindbergh
Longworth
Mann
Mapes
Martin
Moore, Pa.
Moores, Ind.
Morgan, Okla.
Nichols, Mich.
North
Norton
Oakey
Paige, Mass.
Porter
Ricketts
Roberts, Nev. Sterling Sutherland Sweet Switzer Temple Timberlake Hawley Heaton Hutchinson Johnson, S. Dak. Treadway Watson, Pa. Wheeler Williams, T. S. Williams, Ohio Dempsey Denison Dillon Kelster Kelley Kennedy, Iowa Kennedy, R. I. Kiess, Pa. Dowell Ellsworth Elston Wood, Ind. Woodyard ANSWERED " PRESENT "-4. Adamson Browning Candler, Miss. Freeman NOT VOTING-209. Lafean Langley Anderson Rowe Rowland Rucker, Mo. Russell, Ohio Sabath Sanford Focht Fordney Foster Frear Fuller Aswell Austin Barchfeld Lazaro Lenroot Lewis Linthicum Beakes Beales Fuller Gardner Garland Garrett Gillett Gllass Glynn Good Gould Graham Gray, Ind. Gray, N. J. Gregg Griest Guernsey Lloyd Loft Loud Bennet Sannders Saunders
Schall
Scott, Mich.
Scott, Pa.
Scully
Sells
Shackleford
Siegel Booher Borland McAndrews McArthur McCracken McCulloch Bowers Britten Britten Browne Bruckner McCulloch McDermott McFadden McKellar McKenzie McKinley McLaughlin Madden Magge Sims Sinnott Slayden Slemp Brumbaugh Buchanan, Ill. Burgess Burke Butler Callaway Campbell Sloan Small Smith, Idaho Smith, Tex. Guernsey Hamill Hardy Harrison, Miss. Guernsey Madden
Hamill Magee
Hardy Maher
Hartson, Miss. Matthews
Hart Meeker
Haskell Miller, Del.
Haugen Miller, Pa.
Helgesen Mondell
Henry Moon
Hernandez Mooney
Hicks Morgan, La.
Hill Morin
Hinds Mott
Hollingsworth Mudd
Hopwood Nelson
Howard Nolan
Howard Nolan
Howell Oglesby
Hulbert Parker, N. J.
Humphrey, Miss.
Husted Leoe Cannon Cantrill smith, Tex.
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Swift Carew Carter, Mass. Carter, Okla. Casey Chandler, N. Y. Chandler, N.
Charles
Chiperfield
Coleman
Conry
Cooper, Wis.
Copley
Costello
Crago
Danforth Sulloway
Swift
Taggart
Talbott
Tavenner
Tavenner
Tilson
Tinkham
Towner
Vare
Vinson
Volstead
Walsh
Ward
Wash
Ward
Wason, Va.
Webb
Wilson, Ill. Danforth Davenport Dewalt Dies Dooling Drukker Dunn Dyer Edwards Husted Peters Platt Pou Powers Igoe James Johnson, Ky. Johnson, Wash. Webb Wilson, Ill. Wilson, La. Winslow Woods, Iowa Young, N. Dak. Edwards Estopinal Fairchild Pratt Ragsdale Rainey Ramseyer Jones Kahn Kearns Farley Farr Ferris Fitzgerald Flood Kent Key, Ohio King Kreider Reavis Reilly Roberts, Mass. Rodenberg

So the previous question was ordered. The Clerk announced the following additional pair: Mr. McKellar (for) with Mr. Craco (against). Mr. FREEMAN. Mr. Speaker, I wish to vote "nay." The SPEAKER. Was the gentleman in the hall listening?

On the vote:

Mr. FREEMAN. I do not think I was. The SPEAKER. The Clerk will designate the gentleman as present" under the rule.

Mr. ADAMSON. Mr. Speaker, I am paired. I want to vote present."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. ADAMSON. I just want to be marked "present" to

make a quorum.

The SPEAKER. The Clerk will record the gentleman's name and designate him as "present."

The result of the vote was announced as above recorded.

Mr. SHALLENBERGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHALLENBERGER. Under the rules of the House, will this bill come up for consideration the first thing in the morning?

The SPEAKER. Under the practice of the House, yes. Mr. SHALLENBERGER. With that understanding, then, Mr. Speaker-

### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Thursday, February 15, 1917, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report on preliminary examination of White Lake Harbor, Mich., from the mouth of the channel to White Lake (H. Doc. No. 2053); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, transmitting estimate of expenses which are in addition to the sum already appropriated for the Coast Guard for the current fiscal year (H. Doc. No. 2054); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for the Internal-Revenue Service for the fiscal year ending June 30, 1918 (H. Doc. No. 2055); to the Committee on Appropriations and ordered to be

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (H. R. 19129) to make immediately availwas referred the bin (H. K. 19129) to make immediately available for the use of the State of Georgia, in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State, reported the same without amendment, accompanied by a report (No. 1492), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 84) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 1493), which said joint resolution and report were referred to the House Calendar.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 5268) for the relief of the Copper River & Northwestern Railway Co., reported the same without amendment, accompanied by a report (No. 1481), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (S. 4277) for the relief of George B. Hughes, reported the same without amendment, accompanied by a report (No. 1482), which said bill and report were referred to

the Private Calendar.

Mr. STEPHENS, of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14631) for the relief of J. B. Fleming, reported the same without amendment, accompanied by a report (No. 1483), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17448) for the relief of the heirs of Robert Laird McCormick, deceased, reported the same without amendment, accompanied by a report (No. 1484), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6737) for the relief of A. J. Lowary, reported the same without amendment, accompanied by a report (No. 1485), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4368) for the relief of D. A. Barbour and Andrew P. Gladden, reported the same without amendment, accompanied by a report (No. 1486), which said bill and report were re-ferred to the Private Calendar.

He, also from the same committee, to which was referred the bill (S. 1548) for the relief of Emmett W. Entriken, reported the same without amendment, accompanied by a report (No. 1487), which said bill and report were referred to the Private Calendar

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck, reported the same without amendment, accompanied by a report (No. 1488), which said bill and report were referred to the Private Calen-

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 17144) for the relief of Arthur Wendle Englert, reported the same without amendment, accompanied by a report (No. 1489), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (S. 5439) for the relief of the Southern States Lumber Co., reported the same without amendment, accompanied by a report (No. 1490), which said bill and report were referred to the Private Calendar.

He also from the same asymptotics to reliable referred to

He also, from the same committee, to which was referred the bill (S. 3507) for the relief of Elizabeth Marsh Watkins, reported the same with amendment, accompanied by a report (No. 1491), which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. WEBB, from the Committee on the Judiciary to which was referred the resolution (H. Res. 477) requesting the Attorney General of the United States to inform the House in regard to proceeding against the binder-twine monopoly, reported the same adversely, accompanied by a report (No. 1494), which said bill and report were laid on the table.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 20229) for the relief of Eleanora Moore, and the same was referred to the Committee on Pensions.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. AUSTIN: A bill (H. R. 20905) to provide a commission to secure site, plans, and design for a school to train negro

soldiers; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 20906) conferring citizenship upon Indians; to the Committee on Indian Affairs.

By Mr. LENROOT: A bill (H. R. 20907) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to the Committee on the Judiciary.

By Mr. BENEDICT: A bill (H. R. 20908) making an appro-

priation for the construction and equipment of a sanitary, fireproof hospital on the grounds of the National Home for Disabled Volunteer Soldiers, Pacific Branch, in the county of Los Angeles, State of California; to the Committee on Appropriations.

By Mr. PARK: Joint resolution (H. J. Res. 370) providing for the appointment of a joint committee of the Senate and House of Representatives to provide a bill providing the farmers of the

United States with better credit facilities for short-time persona! loans; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 504) to provide for printing copies of the Declaration of Independence and the Constitution of the United States; to the Committee

By Mr. EMERSON; Resolution (H. Res. 505) of confidence in the President of the United States to uphold peace with honor; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolution (H. Res, 506) for the relief of Jennie Ritzheimer; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho, favoring the amendment of the stock-raising homestead-entry law so as to make it inapplicable to lands in the State of Idaho; to the Committee on the Public Lands.

By Mr. GILLETT: Memorial of the Commonwealth of Massa-chusetts, pledging support to the President and the Congress of the United States in whatever action may be taken to preserve the dignity, honor, and safety of our country; to the Committee

on Foreign Affairs.

By Mr. CURRY: Memorial of the Legislature of the State of California, asking for early completion of hydrographical work on the Pacific coast; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, favoring a recession to the State of California of Lower Klamath

Lake for storage of water; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to amending act of February 28, 1891, providing for an exchange of land between the United States and the State of California; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to the Crescent City Harbor; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to loaning funds of the postal savings banks to publicschool districts; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of California, asking for passage of House bill 19291, for the reclamation of arid and swamp lands; to the Committee on the Public Lands.

Also, joint resolution of the Legislature of the State of California, asking for congress of the States to consider conflicting jurisdiction of Federal and State taxes; to the Committee on the Judiciary

By Mr. DALLINGER: Memorial of the Commonwealth of Massachusetts, pledging support of the President and the Congress of the United States in whatsoever action may be taken to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial from the Legislature of the State of Massachusetts, supporting the attitude of the President and Congress to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial from the Legislature of the State of Massachusetts, supporting the attitude of the President and Congress to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows

By Mr. ASHBROOK: A bill (H. R. 20909) granting an increase of pension to Florence Marquis; to the Committee on

By Mr. DILL: A bill (H. R. 20910) authorizing the appointment of Capt. D. A. Maurier to the position of first lieutenant

of the Regular Army; to the Committee on Military Affairs. By Mr. GILLETT: A bill (H. R. 20911) granting an increase of pension to William A. Morton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20912) granting a pension to Thomas H. Lillis; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 20913) granting a pension to Charles L. Thornton; to the Committee on Pen-

By Mr. GORDON: A bill (H. R. 20914) to authorize the change of name of the steamer Charles L. Hutchinson to Fayette Brown; to the Committee on the Merchant Marine and Fisheries.

By Mr. KETTNER: A bill (H. R. 20915) to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, to the list of chief pay clerks, United States Navy; to the Committee on Naval Affairs.

By Mr. PETERS: A bill (H. R. 20916) granting an increase of pension to Sylvester Smart; to the Committee on Invalid Pensions.

By Mr. SANFORD; A bill (H. R. 20917) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of 2,500 representative citizens of the city of Reading, Pa., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Evidence in support of House bill

By Mr. ASHBROOK: Evidence in support of House bill 13992, for relief of William R. Hogue; to the Committee on Invalid Pensions.

By Mr. BAILEY: Memorial of the Congress of Women's Clubs, Western Pennsylvania, relative to Congress indorsing the movement of the Bureau of Naturalization and the public-school authorities in the work of educating the alien; to the Committee on Immigration,

Also, memorial adopted by public meeting in Bethany Presbyterian Church, Johnstown; public meeting, Portage; and public meeting, Johnstown, all in the State of Pennsylvania, relative to Congress amending Article XVIII of the Federal Constitution of the F

to Congress amending Article XVIII of the Federal Constitution; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of 57 people of Woman's Christian Temperance Union, Woodstown; 80 people of the County Woman's Club, Salem County; 60 people of the Methodist Episcopal prayer meeting, Williamstown; and Auburn Methodist Episcopal Church, Auburn, all in the State of New Jersey, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary

mittee on the Judiciary.

By Mr. CAREW: Memorial of employees of the Post Office Department, of Los Angeles, Cal., relative to promotions of post-office clerks; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of the Connecticut Prison Association, Hartford, Conn., urging the enactment of Senate bill 1092 and House bill 42, to establish a probation system in the United States courts; to the Committee on Accounts.

Also, petition of the Commercial Exchange of Philadelphia, commending the act of the Executive in severing relations with Germany: to the Committee on Foreign Affairs.

Germany; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the Bird Lovers' Club, of Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition signed by Mr. George C. Miller and 17 others of Tomah, Wis., protesting against advance in price of binder twine; to the Committee on the Judiciary.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FULLER: Petitions of C. H. Bloom, Victor Lundholm, Frank H. Hall, and S. G. Atwood, of Rockford, Ill., and of A. L. Hindle, Charles Weber, C. F. Uloth, Victor Wasgin, William Bandy, and E. N. Carns, of La Salle, Ill., for a referendum before any declaration of war; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of the city of New York, indorsing the action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the national legislative bureau, Order of Railway Conductors, Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Engineers, protesting against proposed legislation in House bill 20752 and Senate bill 8201; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of Stone & Webster, of Boston, Mass., favoring passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of J. L. and Mary E. Starks, of Kansas City, Mo., relative to permanent peace through a concert of nations; to the Committee on Foreign Affairs.

Also, petition of sundry members of the Massachusetts Branch of the League to Enforce Peace, urging support of the league's proposal by the United States; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Mass., relative to increase in salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boston and Brookline, Mass., urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Edward M. O'Connor, of South Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of James Cochran, of Uphams Corner, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. GLYNN: Petition of postal clerks and letter carriers of Torrington, Conn., for an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial adopted by employees of the Post Office Department in Los Angeles, Cal., urging the enactment of legislation providing for automatic promotions and increase of salaries of post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Memorial of the City Council of Ironton, Ohio, relative to location of the armor plant; to the Committee on Naval Affairs.

Also, petition of Ruthenian National Union, of Scranton, Pa., favoring House joint resolution 350, relative to funds for relief of Ruthenians; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the United States of America, against proposed tax on excess profits; to the Committee on Ways and Means.

Also, memorial of the Union League Club, of the city of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the New York State Forestry Association, favoring the appropriation for the eradication of the pine-blister rust, also the amendment to the quarantine act; to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Memorial of the Eastern Ohio Milk & Cream Producers' Association, protesting against a reduction in tax on oleomargarine when colored yellow in imitation of butter; to the Committee on Ways and Means.

By Mr. KALANIANAOLE: Petition of employees of the United States customs service of Honolulu, Hawaii, relative to readjustment of rating, grades, and salaries; to the Committee on Ways and Means.

By Mr. LEHLBACH: Petition of sundry citizens of Newark, Irvington, Arlington, Orange, South Orange, and West Orange, N. J., protesting against the passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, petition of Mrs. Julia G. Johnston, Easton, Md., urging the passage of the national woman-suffrage amendment; to the Committee on the Judiciary.

Committee on the Judiciary.

Also, petition of Canton National Bank and Park Bank, Baltimore, Md., favoring an amendment to House bill 20661 relative to Federal reserve bank; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Baltimore, Md., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. LOUD: Memorial of C. H. Auschuty, secretary, and 16 other citizens of Tawas City, Mich., protesting against the President severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Mr. W. J. Oakley, president, and all the members of the executive committee of Typographical Union No. 81, of Bay City, Mich., urging higher wages to printers in post offices; to the Committee on the Post Office and Post Reads.

By Mr. McFADDEN. Memorial adopted by the First Presbyterian Church, Church of Christ, First Baptist Church, Free Methodist Church, and the Woman's Christian Temperance Union, all of Sayre, Pa., favoring the national prohibition reso-

lution; to the Committee on the Judiciary.

By Mr. MORIN: Petition of A. J. Wurtz and 15 others of the Carnegie Institute of Technology, of Pittsburgh, Pa., with reference to the migratory bird treaty act, House bill 20080; to the Committee on Foreign Relations.

By Mr. NOLAN: Memorial of the Chamber of Commerce of Santa Rosa, Cal., indorsing House bill 1350, the Webb bill, when modified as suggested by the Merchants' Association of New York, so as to permit cooperative action in export trade; to the

Committee on Interstate and Foreign Commerce.

Also, petition of American Independence Union, Pacific Building, San Francisco, Cal., Daniel O'Connell, president, and John A. Miller, secretary, protesting against alleged encroachment of executive upon legislative branch of government and urging that every means possible be used to preserve peace with Germany and her allies; to the Committee on Foreign Affairs.

By Mr. PETERS: Petition of L. E. Dow and 14 other employees of the Post Office Department, urging Congress to increase their salaries; to the Committee on the Post Office and

Post Roads.

By Mr. ROWE: Petition of Adele O. Merritt, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Henry G. Seaver, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign

Also, petition of the Bird Lovers' Club, of Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring prohibition amendment to the Constitution of the United

States; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of the Commercial Exchange of Philadelphia, commending the act of the Executive in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City,

indorsing act of the President of the United States in severing diplomatic relations with Germany; to the Committee on For-

Also, petition of the Wine and Spirit Importers' Society of the United States, protesting against the mail-exclusion bill; to

the Committee on the Post Office and Post Roads.

By Mr. TAVENNER: Memorial of Charles J. Weigand, secretary of Lodge No. 695, International Association of Machinists, Rock Island, Ill., protesting against war; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of a meeting of the board of government of the Hooker Association of Massachusetts, favoring universal and compulsory military training for all male citizens of the United States; to the Committee on Military

By Mr. VAN DYKE: Petition of St. Paul (Minn.) Union Ministers' Association, favoring Federal censorship of motion

pictures; to the Committee on Education. By Mr. VARE: Petition of Delaware River Branch, American Society of Marine Draftsmen, asking increased salary; to the Committee on Naval Affairs.

## SENATE.

## THURSDAY, February 15, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

## POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year

ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The pending question is the appeal from the decision of the Chair that the amendment of the Senator from Iowa [Mr. CUMMINS] is in order.

Mr. SMOOT. I suggest the absence of a quorum. The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Culberson Cummins Curtis Fernald Fletcher Gallinger Ashurst Bankhead Brandegee Broussard Bryan hamberlain Clapp Harding

Hollis James Johnson, Me. Johnson, S. Dak. Jones Kenyon La Follette

Lane Lea, Tenn. Martine, N. J. Myers Nelson Overman Owen

Vardaman Walsh Warren Weeks Smith, S. C. Page Penrose Robinson Shafroth Sheppard Sherman Smoot Tillman Smith, Ga. Townsend Mr. MARTINE of New Jersey.

I have been requested to announce that the Senator from Oklahoma [Mr. Gore] is de-

tained from the Senate on account of illness.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. Catron, Mr. McCumber, Mr. Martin of Virginia, Mr. Thomas, Mr. Wadsworth, and Mr. Williams answered to their names when called.

Mr. Reed, Mr. Kirby, Mr. Saulsbury, Mr. Norris, and Mr. Brady entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

### SENATOR FROM MISSISSIPPI.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of John Sharp Williams, chosen by the qualified electors of the State of Mississippi a Senator from that State, for the term beginning March 4, 1917, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF MISSISSIPPI.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

To all to whom these presents shall come, greeting:

This is to certify that on the 7th day of November, 1916, John Sharp Williams was duly chosen by the qualified electors of the State of Mississippi a Senator from the said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, Theodore G. Bilbo, and our seal hereto affixed at Jackson, Miss., this the 1st day of February, in the year of our Lord 1917.

[SEAL.]

Theodore G. Bilbo.

By the governor.

JOSEPH W. POWER, Secretary of State.

#### POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for

the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. CUMMINS. Mr. President, the pending question, as I understand, is an appeal from the ruling of the Chair, in which the Chair held that an amendment which I offered last evening to the Post Office appropriation bill was in order. The objection made by the Senator from Florida [Mr. BRYAN] was that the amendment presented general legislation as an amendment to an

appropriation bill.

I desire to say just a word with regard to the validity of the ruling. In my opinion the amendment is not general legislation. If our rule was the same as that recognized in the House of Representatives the amendment would be subject to a point of order, but there is a vast difference between "new legislation" and "general legislation." The present law upon the subject was adopted in an appropriation bill. I think that creates at least the presumption that the amendment is not general legislation. The present statute is as follows:

Provided, That hereafter every railroad company carrying the mails shall carry on any train it operates, and without extra charge therefor, the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the railway mail service and chief clerks and post-office inspectors while traveling on official business upon the exhibition of their organization. hibition of their credentials

The amendment which I have proposed seeks to incorporate in the present law these words: "Including all terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents." In my judgment the law as it was passed last year ought to have been construed to include these postoffice employees, for it provides that "persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department" shall be so carried; but I understand that the Post Office Department has ruled that the clerks in the terminal offices, most of whom have been transferred from the trains to those offices in order to expedite or to reduce the expense of the work that is ordinarily done upon railway mail trains, are not within the statute.

I do not desire at this time to again discuss the merits of the proposition; but it is obvious to me that an amendment which simply extends to certain of the Post Office Department employees the same privileges that are now accorded to other employees who do practically the same kind of work is not general

legislation.

I do not believe that any regulatory legislation respecting a department for which we are making an appropriation is general legislation. This amendment is no more general legislation than it would be to change the salary of a post-office clerk. I assume that no one would contend that to reduce the salary from \$1,000 to \$800 of any particular employee or class of employees would be general legislation. I assume that no one would claim that to increase the salary of a clerk from \$1,200 to \$1,400 a year would be general legislation. It might be to \$1,400 a year would be general legislation. It might be vulnerable to another rule that we have, which forbids increas-It might be ing appropriations without estimates, and so forth, but it would not be general legislation. This amendment is no more general legislation than would be an amendment to increase the number of clerks in the Post Office Department. It is no more general legislation than it would be to provide another building in which they should do their work; and I might multiply such instances. There is nothing general in it. It imposes upon the railways of the country the obligation to carry these employees. That is a mere regulation of the Post Office Department and, in my judgment, can not be properly classed as general legislation.

I hope, therefore, that the ruling of the Chair will be sustained, for, in my opinion, most respectfully but earnestly submitted, the amendment ought to be considered upon its merits, and concerning its merits I do not believe there is much difference of opin-

ion in the Senate.

Mr. BRYAN. Mr. President, the point of order raised is that this amendment constitutes general legislation. I think perhaps I should have raised the additional point of order that it is not germane to the substantive provision of the bill. The portion of the bill to which this amendment is offered is for the pay of freight or expressage on postal cards. However, I did not raise that point. It occurred to me at the time that there was no doubt that it was general legislation. I still think there is no doubt of that proposition.

The amendment provides, in effect, that hereafter every railroad company carrying the mails shall extend passes to these employees of the Government-employees of the Government who are not in the Railway Mail Service, employees of the Government whose duties do not carry them upon the trains. The Interstate Commerce Commission prohibits the granting of passes except to certain persons included within its terms. granting free passes to a large number of employees, or to some

employees; I do not know how many.

It does seem to me that to provide that every railroad company in this country carrying the mails shall give free passes to any class of citizens, whether on duty or not, is general legislation. These men are not getting the transportation when they are performing their duties. It is when they are traveling to and from home. Every other citizen has to pay for it, and this is excluding them from the burden that is placed upon everybody else except men in the Railway Mail Service.

Mr. CUMMINS. Mr. President, the Senator from Florida has misapprehended the amendment. The law now is that the railway mail clerks. or those who are named in it, can only be transported without charge while on duty or while passing to or from duty. My amendment does not change the statute in that regard. They must be either on duty or passing to or

from duty.

Mr. BRYAN. Here is what the amendment means: If one of these men employed here in Washington in the terminal station, whose duties did not take him upon the trains at all, lived at Laurel, Md., the railroads would be required to allow him to travel free every morning and every night, in no way connected with his duties as an employee of the Government, but in order to enable him to go back and forth from home. Everybody else has to buy tickets. A man working in the post office right along by his side, in the same building, would have to pay his way; and yet because this man helps to make up in the terminal station the mail that goes upon the trains he is to have this unusual privilege.

I think the point of order is good. I do not care to take up

any time in arguing it.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Just before adjournment last night I asked for the yeas and nays. I do not remember whether they were ordered or not.

The VICE PRESIDENT. They were ordered.

Mr. BRYAN. They were ordered, Mr. President. It was on a very slim showing. The fact is that the Senate started to vote upon this question by a division. Only five Senators rose and five ordered the roll call. However, I suppose the Chair is bound by the decision of the occupant of the chair at that time, Mr. BANKHEAD. Mr. President, I think the effect of the amendment offered by the Senator from Iowa would be to per-

mit all these employees at the terminal stations to secure homes in the country 20 or 30 or any other number of miles away, Bryan

where it was convenient to go backward and forward upon the train, and to permit them to travel on these trains without any compensation at all to the railroad. Now, it seems to me that is an unusual proceeding. It seems to me that it is granting an unusual privilege to a particular class of men. It does not apply to any other class of men in the sense that it applies to these terminal employees.

The Senator from New Jersey [Mr. Martine], who was in the chair at the time this ruling was made, made an unfor-tunate remark, a rather jocular remark. I do not think the Senator was really in earnest about it when he made that de-

cision.

Mr. MARTINE of New Jersey. Why, I did not make it in the chair. I made it in the quiet solitude of the cloakroom-the one to which the Senator refers.

Mr. BANKHEAD. What was it that the Senator said? Mr. MARTINE of New Jersey. Oh, well, let the Senator repeat it if he knows.

Mr. BANKHEAD. Well, I am satisfied the Senator was per-

petrating a joke on the Senate.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll. Mr. HARDING (when his name was called). I am paired with the junior Senator from Alabama [Mr. UNDERWOOD]. I note his absence and withhold my vote.

Mr. SHERMAN (when Mr. Lewis's name was called). wish to announce that my colleague [Mr. Lewis] is ill and is not able to be present at this time.

Mr. MARTINE of New Jersey (when his name was called).

Under the circumstances I decline to vote.

Mr. TOWNSEND (when the name of Mr. Smith of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. Reed]. This announcement may stand

for the day.

Mr. TILLMAN (when his name was called). I transfer my

pair with the Senator from West Virginia [Mr. Goff] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. Lippitr] to the Senator from New Jersey [Mr. Hughes] and vote "nay. The roll call was concluded.

Mr. RANSDELL. I was requested to announce that the Senator from Delaware [Mr. Saulsbury] is absent on business

of the Senate.

Mr. SMITH of South Carolina. I have a general pair with the Senator from South Dakota [Mr. Sterling]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote

Mr. OVERMAN. I am paired with the junior Senator from Wyoming [Mr. Warren]. I transfer that pair to the Senator from Illinois [Mr. Lewis] and vote "nay."

Mr. GALLINGER. I am paired with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Indiana [Mr. Watson] and vote "nay."

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. Gronna] on account of illness. He has a general pair with the Senator from Maine [Mr. Johnson].

Mr. CURTIS. I am paired with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote.

I desire to announce the absence of the Senator from Vermont [Mr. Dillingham] on account of illness. He is paired with the Senator from Maryland [Mr. SMITH]. I will let this announcement stand for the day.

Mr. CLARK. I ask if the senior Senator from Missouri [Mr.

STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK. I have a pair with that Senator and withhold

my vote.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. Kern] and vote "nay."

The result was announced—yeas 14, nays 41, as follows:

## YEAS-14.

Catron	La Follette	Norris	Works
Cummins	McCumber	Page	
Fernald	Myers	Poindexter	
	NA.	YS-41.	
Bankhead	Chamberlain	Hitchcock	Jones
Beckham	Culberson	Hollis	Kirby
Brandegee	Fletcher	Husting	Lane
Bryan	Gallinger	James	Lea, Tenn.

Martin, Va. Ransdell Robinson Vardaman Wadsworth Walsh Smith, S. C. McLean Smoot Sutherland Martin Oliver Shafroth Thomas Thompson Tillman Townsend Sheppard Shields Williams Overman Penrose Simmons Pomerene Smith, Ga NOT VOTING-41. Goff Gore Gronna Harding Hardwick Hughes Johnson, Me. Johnson, S. Dak, Lippitt Martine, N. J. Newlands O'Gorman Owen Phelan Smith, Mich. Sterling Ashurst Borah Broussard Stone Swanson Broussard Chilton Clapp Clark Colt Curtis Dillingham du Pont Fall Underwood Warren Watson Weeks Pittman Reed Saulsbury Smith, Ariz. Smith, Md. Kern Lee, Md. Lewis

The VICE PRESIDENT. The ruling of the Chair is not sustained by the Senate, and the point of order against the amendment is sustained.

Mr. JONES. Mr. President, in pursuance of the notice I gave a few days ago, I desire to move that the third clause of Rule XVI, prohibiting general legislation on an appropriation bill, be suspended in order that I may offer an amendment prohibiting the use of the mails to carry liquor advertisements into States where by their laws they have prohibited such advertisements. I simply wish to say, Mr. President, that the amendment I intend to propose is the Bankhead bill, and it is in exactly the

terms it passed the Senate a few days ago after consideration. The matter was reported by the Committee on Post Offices and Post Roads, considered in the Senate, amended, and put in shape, and passed without debate. The amendment was also reported by the committee here as a part of this bill, but went out on a point of order. It was clearly subject, I think, to a point of order. So I make this motion.

I can not see how there can be any serious opposition to it. It is simply intending to prevent the use of the mails in violation of the laws passed by the different States. It is not a matter of probabilities. ter of prohibition. It is a matter, in my judgment, even greater than prohibition. It is a matter involving the integrity of the laws passed by the different States and involves preventing the United States Government from allowing one of its agencies to be used as a means for the violation of the laws of those States. I can see no justification for anything of that kind, and I can not conceive why there should be any opposition to this proposition.

The Senate has expressed itself very decidedly upon it.

On account of the press of business, of course, and the im-

portant measures that are being considered, it is very doubtful if it would be enacted into law as a separate measure; but if it is put on this bill I have not any doubt but that it will be enacted into law. If it should go to conference, I have no doubt the conferees would be able to work out the matter in good

This is all I care to say at this time on the motion.

The VICE PRESIDENT. The Senator from Washington moves to suspend clause 3 of Rule XVI for the purpose of introducing an amendment in accordance with the notice which he has heretofore given. The question is on agreeing to the motion.

The motion was agreed to.

Mr. JONES. I present the amendment as a new section to the bill.

The VICE PRESIDENT. The amendment will be read.

The Secretary. It is proposed to add a new section to read as follows:

as follows:

Sec. 1. That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association, or other addresses, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein for bidden to be carried by mall, shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mall for delivery, according to direction thereon, or in which it was caused to be delivered by mall to the person to whom it was addressed: \*Provided\*, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors.

The VICE PRESIDENT. The question is on agreeing to the public monday of the provision of the public provision of the provision of the

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. REED. I should like to ask what the penalties are. I

have just entered the Chamber, and I should like to have a moment to examine the amendment.

The VICE PRESIDENT. The penalty is not more than \$1,000 fine and imprisonment not more than two years, or both.

Mr. REED. Just a moment. The amendment has not been

printed, I think, yet.

The VICE PRESIDENT. The clerks at the desk are sending

the Senator a printed copy of the amendment.

Mr. REED. Mr. President, I suppose under the terms of the amendment, if a newspaper carried a liquor advertisement and the newspaper was printed in territory where the sale of liquor was permitted, the proprietor of the paper who sent a copy of it into a State where liquor sales were prohibited could be sent to the penitentiary for not more than five years. Is that the intention of the author of the amendment?

Mr. JONES. He could be sent to the penitentiary not more

than a certain time. Of course, the judge would take into account all the conditions, knowing the situation. I wish to say to the Senator that the amendment is in exactly the terms of the bill that was considered in the Senate some time ago and which passed the Senate without debate. It has not been changed in any particular from the action of the Senate at that

Mr. REED. Mr. President, I wish to make myself plainly understood in regard to this matter. I am in favor of all reasonable legislation that will enable States that have pro-

hibited the sale of liquor

Mr. JONES. I think I misunderstood the Senator or the Senator did not understand the amendment fully. It does not prohibit the sending of an advertisement into a State where the sale of liquor is prohibited solely, but where such advertisements are prohibited; that is, there are certain States which have prohibition against the sale of liquor, but no prohibition against advertisements. In a case like that there will be no prohibition against the sending of liquor advertisements.

Mr. REED. Well, it gets to this: That if a State of the Union has prohibited the sale of liquor and has prohibited advertisements of liquor, and if a newspaper publisher located in another State, where the sale and advertisement of liquor is permitted, should send a copy of his paper into the dry territory referred to be might be sent to the pentitentiary for five tory referred to, he might be sent to the penitentiary for five years for sending a single copy of such a paper into that territory

Mr. President, I am prepared to vote for every reasonable measure that will enable the people of a State when they have prohibited the sale of liquor within the State to enforce their law and to protect their territory against interference from the outside.

Mr. JONES. Mr. JONES. I suggest to the Senator he may not have noticed, as I think he came in while the amendment was being presented, that for the first offense it is imprisonment for not more than two years, and for a subsequent offense not more than five years.

Mr. REED. For the first offense not more than two years in the penitentiary at hard labor. That is a very gentle penalty. That ought to have been written by one of the gentlemen who

burned witches in Massachusetts.

I repeat I will vote for any reasonable measure that will enable dry territory to protect itself against the flooding of that territory with liquors, but it seems to me when you propose to send the editor of a newspaper to the penitentiary for two years if a single copy of his paper is mailed into dry territory and somewhere in that paper there is a liquor advertisement you are proposing a measure that is absolutely barbarous. I do not believe that the Senator who is the author of this amendment, and I entertain the very highest respect for him, would propose to inflict a penalty of this kind if he would give the matter serious consideration.

If a fine was to be imposed, I would make no objection. If the paper was to be denied the right of the mails for some period of time and a penalty of that sort was inflicted, I would make no objection. But to propose to hale a man before a court and no objection. But to propose to hale a man before a court and send him to the penitentiary for two years, a reputable and perhaps highly honorable editor of a paper, because a liquor advertisement which is perfectly legitimate for him to print in the State where his paper is published is printed and then a copy or a few copies of the paper sent into another State—to propose to send that man to the penitentiary for from two to five years is

This law might apply in those States, too, where the law itself permits the shipping into the State of liquor by the inhabitants of the State. It might apply to a State having a law like that of North Carolina, where, if I remember the terms of the law correctly, each inhabitant of the State is permitted under the laws of the State to import two quarts of liquor, I believe it is,

every month and to drink it. Yet a State that permits that by its law might pass a law prohibiting liquor advertisements, and under that—I will not call names—the proprietor of any one of the great metropolitan papers of New York might be tried and sent to the penitentiary. Is the Senate prepared to do a thing of that kind?

I say, as I have said before, I hold no brief for the liquor inter-I am willing that every State in this Union shall pass a prohibitory law, if it so desires. I am willing that the United States shall do all that can in reason be done to protect that "dry" territory against "wet" territory. I would no more vote for a bill that proposes to send a man to the penitentiary for from two to five years because a single copy of a newspaper containing a liquor advertisement was mailed into "wet" territory than I would vote to send a man to the penitentiary for voting the Republican ticket. That suggestion came to me from the floor here, and it is a very good one.

There was a time in the world's history when if a man stole a loaf of bread the wise lawmakers of that day thought it was entirely appropriate to take him out and execute him, and they passed laws accordingly; there was a time when there were 200 crimes in England that were punishable by death; but humanity finally opened its eyes and concluded that brutal, cruel, and outrageous punishment did not make for the enforcement of law,

and was not consistent with Christian civilization.

Two years in the penitentiary for a newspaper publisher whose paper, printed in a State where he has a right to print these advertisements, and a copy of that paper shall be sent into dry territory! Well, let us see how it will work. The District of Columbia has already been made very "dry far as the Senate's action is concerned. If the other House agrees to the bill which has passed this body, and it becomes a law, this would be "dry" territory; and it would be entirely proper, and we should at once expect the authors of this legislation to provide that we assess about the survival of the second seco lation to provide that no paper should be permitted within the District of Columbia containing liquor advertisements. If that should happen, and a man came to the Senate from a State like New York, where they permit liquor advertisements and the sale of liquor, and he had his home paper sent over here to Washington, the New York editor could be immediately indicted by a Federal grand jury, put on trial, and sent to the penitentiary.

The enactment of a law of that kind is a greater crime

against civilization and against humanity than is the printing of a liquor advertisement and sending it into "dry" territory. I suppose I could not get a paper sent to me from my home State, for I apprehend most of them do print liquor advertisements. I have never examined their columns to find out, but I apprehend such advertisements are there. I suppose that nine-tenths of the Members of Congress could not get their home papers in the city of Washington.

Extreme and radical and cruel legislation never advances a great moral cause. It only produces reaction; it only arouses resentment in the end.

I wonder, while he was at it, why the Senator did not make the penalty death, and finally dispose of these wicked editors in the electric chair. You can undertake to aid a good cause by extreme and radical methods until you ruin the cause. The worst enemy any good cause ever has is the man who lays aside the guidance of reason, who allows prejudice to usurp the throne of judgment, and who thereupon proposes with fire and sword, with coercion, with the thumbscrew, the lash, the rack and coilar to enforce his opinion. In a little while there comes reaction; and the reaction is likely to be visited not alone against the unjust penalties but upon the cause they were intended to bolster and aid.

Two years in the penitentiary! Why, under that law, let us see what could be done and what would be done. A great paper is printed in New York and has its subscribers all over the United States. It prints a liquor advertisement, soliciting, as all advertisements do, the purchase of the goods. It is sent to the State of Washington. I suppose the crime would be consummate within the State of Washington. A single copy of the paper is mailed to the State of Washington from the office to some old subscriber or to some New Yorker who is traveling out in that country, who is sojourning there temporarily. The grand jury in the State of Washington indicts the New York editor or publisher, and he is haled across the country, 3,000 miles or more, and is put upon his trial. If they can prove that he knew that that advertisement was in the paper and that he knew that the paper was going to be sent out to this list of subscribers, which embraced that name, he can be sent to the penitentiary for from 3 to 5 years!

It would be a good deal more consistent with right and fairness if it were provided that any man who read an adevrtise-

ment and then ordered liquor sent into "dry" territory should be punished. That requires an affirmative and positive act by a citizen of the State in violation of the laws of his own

State, if it has a real prohibitory law.

The Senate may adopt this remarkable amendment, if it wants to do so—and I say again that I will vote for an amendment to protect "dry" territory with a decent penalty attached—the Senate may enact it; but, if they do, I suggest that the Senate copy the old blue laws of Connecticut, in order to save time here, and just enact them all as statutes of the

United States.

Mr. JONES. Mr. President, I merely want to say a word, not that I think Senators here would be impressed with the argument of the Senator from Missouri [Mr. Reed], but because anyone reading the RECORD, without noticing the terms of the amendment particularly, might be impressed with the suggestion that this is a barbarous measure. However, it simply provides that whoever shall knowingly send or cause to be sent such advertisements through the mails shall be punished. It does not provide that he shall be punished by imprisonment for two years, but simply provides that he may be punished by a fine of not more than \$1,000—and the fine may be made a dollar or one cent-or he may be imprisoned for the first offense not more than two years. He may be imprisoned for 30 days, he may not be imprisoned at all, the whole matter being left to the discretion of the court; and I think it is a very violent presumption that the court will impose the maximum penalty in all cases or in any of these cases, for that matter. Then, for the second offense the one found guilty may be imprisoned not exceeding five years. He may actually be imprisoned for only 30 days, or for one day, for that matter. So that I do not see anything especially harsh about the provisions of this amendment.

Mr. McCUMBER. Mr. President—
The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES. I yield to the Senator.

Mr. McCUMBER. I desire to ask the Senator a question for information. I do not know anything about the handling of newspapers, setting them up, and so forth-I refer to the great metropolitan papers-but we will take a paper printed, say, in Minneapolis or in St. Paul, Minn., one of the great dailies of the Twin Cities, in which liquor advertisements are carried. Suppose there were a half dozen liquor advertisements scattered over different portions of the paper—that paper would be printed, of course, for Minnesota and for those States in which it is proper to carry such advertisements-and suppose that my State prohibited the printing and circulation of liquor advertisements, how will the paper in Minnesota conform to the laws of the State of North Dakota under the provisions of this amendment? Will it have to first print the number of papers requisite for its Minnesota subscribers, and then, after cutting out the liquor advertisements, strike off the number of other copies necessary for North Dakota and for other States similarly situated?

Mr. JONES. That is what many of the daily papers are doing now. They are respecting the laws of the different States by doing that very thing. It may work some little hardship on them from one standpoint to have to do it, but they will have to comply, of course, with the terms of this provision, and anyone who knowingly sends his paper into a State where liquor advertisements are prohibited is guilty of violating this provision, if it shall become a law. We have used extra precautions in the amendment to make sure that information will be furnished as to territory where such advertisements are prohibited

by inserting a proviso reading as follows:

Provided, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors.

I do not know just what steps newspapers will have to take in order to keep themselves within the law. They may be put to some inconvenience, that may be true, but I am reliably informed that some of the great daily papers now, as I said a moment ago, prepare their editions for certain States where liquor advertisements are not prohibited, and then they cut them out and print another edition for circulation in States where such advertisements are prohibited.

I desire to call the attention of the Senator to the fact that

more than one-half of the daily newspapers in the United States to-day absolutely refuse liquor advertisements. They have that much respect for the laws of the various States that, with-out the compulsion of an act of Congress, over one-half of the

daily newspapers refuse to print liquor advertisements.

Mr. McCUMBER. Mr. President, before the Senator takes his seat, I should like to ask him another question. There are,

as the Senator knows, a number of clipping bureaus, as they are called, that send out clippings to different Senators and Representatives, as well as to others, both from papers printed in their respective States and from papers printed in other States, covering matters which they may deem of interest to them. Suppose, in sending out a clipping from a New York paper which carries liquor advertisements, there happens to be on the reverse side of the clipping intended to be sent out a liquor advertisement, would not the person sending that clipping be subject to punishment in the penitentiary for a couple of years for sending out that matter?

Mr. JONES. The Senator can construe this language just

as well as I can.

Mr. McCUMBER. I have not read it carefully.

Mr. JONES. I will read it to the Senator. It provides that:

Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both—

Mr. McCUMBER. I will assume that the agent of the clipping bureau happened to notice what was on the back of the article he was sending to a customer. In that case he would have to refrain from sending it if the customer lived in territory where liquor advertisements were prohibited, would be not?

Mr. JONES. He could make a copy of the article and send

it in that form.

Mr. McCUMBER. If he wanted to send that clipping, he would have to send a statement that he himself had copied from the paper on a typewriter?

Mr. JONES. I think so.

Mr. McCUMBER. Let me ask the Senator another question. I believe pretty strongly in prohibition laws and have tried to support such measures on all occasions; but does not the Senator think that the punishments prescribed here are rather excessive? It strikes me in that way.

Mr. JONES. I will say to the Senator that I do not think it is excessive. I have more confidence in the courts than to fear an oppressive administration of this provision, if it shall become a law, when the discretion is left with the court. There is not even a minimum penalty prescribed, but simply a maximum penalty. The court can make the fine \$1 or the court can make the imprisonment one day, or the court need not impose any imprisonment at all. It is very usual for us to prescribe minimum penalty, but we have not done so in this case, Mr. McCUMBER. Does not the Senator feel—

Mr. JONES. Personally, I will say to the Senator, that I would not seriously oppose, so far as I am concerned, making the penalty for the first offense one year and the maximum penalty for the second offense two years; but I do not see any oppression about the provisions now contained in the amendment, which the Senate has already passed upon and adopted. But, as I have said, personally I would not make any serious opposition to a reasonable reduction of the penalties provided. I have, however, the utmost confidence in the courts exercising, in a fair and reasonable way, the discretion that we propose to

Mr. McCUMBER. Mr. President, I regret to say that I have not always confidence in the courts that they will exercise their judgment with a proper degree of mercy. I have seen too many excessive judgments not to feel that courts very often do great injustice where they are allowed wide discretion. I think it would be far better that we would place the maximum punishment down to the point where we think it would never be unjust, and could not be used in an unjust manner.

Mr. JONES. The Senator understands that the amendment

is before the Senate and subject to amendment.

Mr. VARDAMAN. Mr. President, the objection urged to the bill by the senior Senator from North Dakota [Mr. McCumber] can very easily be met and overcome by reducing the maximum punishment. I am inclined to agree with the distinguished Senator from Missouri [Mr. Reed] that it is never wise or expedient to provide excessive punishment. When the punishment is made extreme or unusual it renders it exceedingly difficult to enforce the law. It is the certainty of punishment that makes a law effective. I shall be very happy if the author of this amendment should accept an amendment making the punishment, say, 12 months.

Mr. JONES. Mr. President, if the Senator will permit an interruption, of course, the main thing is just what the Senator says, the certainty of the penalty; and if it would save time I should be perfectly willing to propose to strike out the two years and make it six months

Mr. VARDAMAN. That is quite satisfactory to me, and I think the Senator is wise in taking that course

Mr. JONES. And strike out the words "five years" and

make that "one year."
Mr. VARDAMAN. Yes.

Mr. President, this amendment is but the crystallization of public sentiment which has grown up in this country as a result of the knowledge of the pernicious effect upon society of the whisky traffic. I personally am in favor of such a law. do not believe that any traffic should be permitted the privilege of passing through the mails which we all know induces the people to acquire habits that we also know to be absolutely baleful. The excessive use of intoxicating liquors, which almost universally comes from conditions when it is easily obtainable, is hurtful to man physically and financially, mentally and morally. It is an evil without a mitigating incident. It is the one deadly drug into which the jewels of the heart's best the one deadly drug into which the jewels of the heart's best love are dissolved and poured into the mouths of men to madden the brain and destroy the soul. It has caused more crime, heartaches, sorrow, poverty, and ruin, blighted more lives, frustrated more ambitions, caused more scalding tears to fall from the eyes of woman than all other agencies for evil in modern society. It is an enemy, malignant, untiring, sleepless, and unscrupulous, and I submit that this great governmental agency, the Postal System, ought to be denied to the newspaper that would sell its columns prestitute its high purpose. that would sell its columns, prostitute its high purposes, and poison the otherwise good influences that flow from its dissemination to such a damnable and outrageous purpose.

A newspaper that holds money above morals, pelf above principle, and dividends of more value than a human soul is not entitled to any special consideration at the hands of the Congress of the United States. As has been said by the able and patriotic Senator from Washington [Mr. Jones], the better class of newspapers, those that are willing to give their best service for humanity and are content with moderate interests upon their investments, have already declined to take whisky advertisements at all. Yes, as I stated in the beginning, this amendment is but the crystallization of public sentiment—enlightened Christian public sentiment—which has grown out of the universal knowledge of the evils of the whisky traffic. am in favor of doing everything within constitutional limitations necessary to discourage, hinder, or destroy the traffic in liquor. I regard it as an outlaw, an enemy to mankind, and if I can not strike it in the face I will hit it in the back-hamstring it. I will do anything consistent with honor and duty as a United States Senator to get rid of it. If the newspapers insist upon a recognition of their rights at the hands of Congress, let them come to this body with clean hands. They can not make criminals of men, prostitutes of women, and orphans of children and then be heard to complain to the Senate of

proscriptive laws.

As to the effect of such legislation in States that prohibit the circulation of newspapers containing liquor advertisements, I wish to say that I chanced to be in the city of Birmingham, Ala., some time ago, after the law in that State had gone into effect and before a similar law had been enacted by my own State. I saw the periodical Life, published in New York City, offered for sale at a news stand. I noticed the pages of this periodical very much blurred and marked up with a black pencil, and when I inquired what it meant I was told that the law prohibiting the sale of newspapers in Alabama containing whisky advertisements made it necessary to mark out the whisky advertisements. Mr. President, it made me very happy to see this. I think the highest end of government is the improvement of man, and if the man be improved the Government will share that improvement, and enlightened moral sentiment will right the laws of the land. Now, to meet the objection of the Senator from North Dakota, who spoke of clipping bureaus sending out matter, I will state to the Senator that it is a very easy thing for them to avoid violating the law if there happen to be whisky advertisements on the back of the clippings, to paste a piece of paper over the advertisement or mark it out with a black pencil.

Yes; this is a good law; it is right in principle, easy of execution, and its effect will be salutary. This amendment ought to be agreed to. Instead of being hurtful to mankind generally, as my good friend from Missouri has pictured in exceptional it will afford protection for the weak and mark the at and narrow path for erring humanity. "Lead us not straight and narrow path for erring humanity. "Lead us not into temptation" is the best part of the Lord's prayer. No man or woman has ever fallen unless they were tempted. And that law which removes the largest number of temptations is

the wisest and the best.

I sincerely hope that the amendment may be agreed to, and I also hope that the Senator from Washington will see that the amendment reducing the maximum punishment shall be incor-

porated in his amendment.

Mr. JONES. Mr. President, I offer an amendment to the amendment, on line 9, to strike out "two years" and insert "six months"; and in line 10, to strike out "five" and insert " one.

The VICE PRESIDENT. The proposed modification will be

stated.

The Secretary. One page 2, line 9, it is proposed to strike out the words "two years" and insert "six months," and on line 10 to strike out the words "five years" and insert "one

year."

Mr. MARTINE of New Jersey. Mr. President, I am glad the Senator has seen a little light. The mystery was to me, when the Senator's amendment was presented to me, that he had not proposed to decapitate the sender of every letter that might be

written with reference to alcohol or to liquor.

I received a day or two ago a letter from a gentleman, a very dear and good friend of mine, a man of stability and character and standing in his community in my State, who is an importer and dealer in liquors. With reference to these propositions about sending advertisements through the mails, he asks: "What would become of me with my letterheads? proposes that a man shall not send a letter or a postal card or He said: "I could not write a letter anything of that kind." on a subject utterly and absolutely foreign to the liquor traffic that had my letterhead printed across the top, with a type of a champagne bottle, if you choose, without being amenable and subject to this arbitrary law." Unquestionably that is true.

It seems to me that this is a proposition of prohibition run mad. I say, seriously and earnestly, I can not understand the make-up of a man who is so bereft of all fairness and justice to his fellow men that he will propose such an arbitrary, un-

American, and unjust proposition.

Mr. VARDAMAN. Mr. President, it is not my fault that the

Senator can not understand it.

Mr. MARTINE of New Jersey. Well, I do not purpose to answer that. I may be stupid, but I do not think I am any more stupid than the Senator. I have more of humanity in my heart, I believe, than the Senator has, with all his boasts. Now, I say the Senator proposes to be the oracle for all humanity. He must have clean hands before attacking his fellow,

"Shake not thy gory locks at me. Mr. VARDAMAN.

Mr. MARTINE of New Jersey. There are States that prohibit the use of cigarettes. Why should not the Senator incorporate cigarettes in this amendment and provide that any man sending an advertisement of a package of cigarettes to another man in such a community should be sent to jail for a year and be subject to a fine of \$1,000? I abominate the habits that are indulged in by almost every Senator around me; and yet I would be the last man to arrogate to myself all of wisdom and judgment and knowledge and try to dictate to them their

I say this is prohibition, rank, run mad, and wild. No thought of personal liberty, no thought of human rights, seems to enter the mind of the average prohibitionist. When he once starts out on the realm and path of prohibition, everything else must stand aside in order that this propaganda of theirs

may be advocated.

I ask, Mr. President, suppose a man's wife, if you choose, knowing that there was a liquor advertisement in a paper, should choose to send to her husband a paper containing it, not knowing the penalty. Of course, ignorance of the law is no excuse, so the lawyers say, but I think there ought to be something to cover a condition of that kind. Suppose she sends an advertisement to Must she, because this advertisement in the paper, or this letter upon the letterhead, advertises liquors, wines, and the like, be subject to imprisonment and a fine of a thousand

Why, I can not imagine men in human form, men blessed as you have been with liberal surroundings, exercising since your boyhood your desires and your wants and your inclinations and your privileges under a free Government-I can not understand you now, having arrived at a state of manhood, arrogating to yourselves so much of wisdom and depriving your fellow men and

fellow citizens of their privileges and their rights.

As I have said before, the wonderful and marvelous progress that has been made in these United States has never been made. nor could it ever have been made, on the narrow, miserable, sumptuary, flimsy platform of your prohibitory ideas. Great accomplishments, beyond compare in the world, have been the result in America, owing to liberal laws and the right and privilege for every man to worship God according to the dictates of his own conscience. Now, here on this late day a handful of men in fanatical communities propose to regulate the appetites,

the habits, and soon, I suppose, the clothing and dress of each man, woman, and child in America!

THOMAS. Mr. President, I am in sympathy with the general purpose of this measure, which is designed to enforce and compel the observance of State laws upon a very important subject. I voted for what was called the Bankhead bill when it passed the Senate some time ago, in obedience to what seemed to be my duty in the circumstances. Since then, however, I have received one or two letters from attorneys of standing and character, one of them a prohibitionist, calling my attention to the dangers involved in a sweeping measure of this sort.

This is a very sweeping measure, Mr. President. ceive of no bill or law more comprehensive in its terms than this, There is no exception whatever to it, and if it becomes a law in its present form its consequences may be more serious and more injurious in one direction than they may be beneficial in another. At the same time I realize that the making of exceptions in a proposed measure of this kind is an extremely dangerous thing

Mr. President, this amendment provides that no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement, and so forth, shall be deposited in or carried by the mails of the United States. from New Jersey [Mr. MARTINE] gave an illustration just now, which is not an inapt one and which can be extended so as to cover a great many items of correspondence perfectly innocent in themselves, but which yet would subject the offender to in-

dictment under the provisions of this law.

Suppose, for example, I should mail to my very good friend the Senator from Washington at his home in Washington, a pamphlet or a newspaper containing some item which, in my judgment, would interest him, or which interested me in sending it to him, but which should contain somewhere in its columns a liquor advertisement about which I knew nothing. deposit it in the mails and he receives it. The existence of this advertisement might come to the notice of a post-office inspector, who, in the discharge of his duties, his zeal to enforce the law, his desire for promotion provided he successfully enforces it, would call the matter to the attention of the district attorney of the United States in the district in which I mailed this newspaper, and I am proceeded against. It is true I have not done it knowingly. It is true, therefore, that upon my ability to establish the fact that I have not done it knowingly, no jury would convict me. But, Mr. President, there is the proceeding, the indictment, a trial, the stigma which the criminal proceeding throws upon the object of it whether he be guilty or innocent, followed by a verdict of "Not guilty," trouble, time, humiliation, and expense.

It is true that the burden of proof in all criminal prosecutions is upon the people. Therefore it would be necessary for the people to show that this communication was knowingly sent; but that involves a trial. There can be no escape from it. It does not do away with the indictment and the consequent expense and humiliation which this statute was never designed

to impose upon anyone.

I can not read this proposed amendment without coming to the conclusion that such an illustration as I have given is entirely within the purview of the law; and there are, as we all know, many people in the world having grudges against their fellow citizens who would be swift to take advantage of an opportunity of that sort to apply the processes of the law to an enemy, regardless of the consequences to him or to his family.

Mr. BORAH rose.

Mr. THOMAS. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the illustration which the Senator gives seems to me to have much force; but the difficulty arises in making an exception under which the law would be of prac-

tically any force or effect at all.

Mr. THOMAS. I expressed that same idea a few moments ago. I think. I realize that; but the Senator is familiar with what is called the Mann Act-an act the purpose of which no man can gainsay; an act whose object is to protect the public morals, and particularly the virtue of women, yet that law is the basis of more blackmail, more injustice, and more infamy because of its misapplication in practical matters, because of the opportunities that it offers for blackmail, than any law that I know of upon the statute books, and I sometimes wonder whether the object sought to be subserved, and therefore the beneficial operation of the act in subserving it, brings as much good to society as the injury and injustice flowing from its misapplication.

I have no amendment to propose at present; but I believe when the Senator who introduced it is brought face to face with the possibility of wrong and injustice which may be the outgrowth of this law, as he has given it far more consideration than I have, he will agree to so modify it as to do away with

the danger which it seems to me is involved in the measure if it

Mr. NELSON. I offer an amendment to the amendment, and will briefly explain it.

Mr. JONES. Let me suggest to the Senator that I have offered an amendment to the amendment reducing the penalty.

The VICE PRESIDENT. The Senator simply modified, as he had a right, the amendment he offered.

Mr. JÖNES. Very well. Mr. NELSON. I offer the following amendment, and it is offered for the purpose of relieving newspapers. ment is to come at the end of the section:

Provided further, That the provisions of this section shall not apply to newspapers published in States where such advertisements as aforesaid are not prohibited.

The purpose of the amendment is to relieve papers from the trouble of publishing two or three different editions. paper published in a State, for instance, where liquor advertisements are not prohibited, and that paper circulates in other States outside the State of publication, it would have to publish different editions of the paper; in other words, if the paper circulates in dry States or States where such advertisements are prohibited, it has to publish a separate edition. The object of the amendment is to relieve newspapers that are published in a State where such advertisements are not prohibited from the operation of the law, to the end that they may not be burdened with publishing a number of editions.

Mr. SHAFROTH. Mr. President, I do not believe it is wise

to adopt the amendment offered by the Senator from Minnesota, and the reason I do not is because there ought to be a uniform law with relation to the circulation of papers containing liquor advertisements. This is not a radical measure. It is a measure that is intended to enforce the laws of the States. If a State has made a law of that kind over which it has entire jurisdiction, it seems to me there ought to be an enforcement of it aided by the United States Government so far as the mail

I have always thought that it was wrong for the United States Government to issue licenses for the sale of intoxicating liquors in a State where the laws of that State prohibit the sale. I do not see why the United States should lend itself in a matter of that kind to the sale of liquor. It is true that some hardship might arise in a case under this law, but the very amendment which the Senator from Washington has offered now provides that the penalty shall not be excessive where there is a single violation. In addition to that, there is no minimum provided. In other words, the fine may be 1 cent or the imprisonment may be for one day or nothing at all. No judge would impose a large fine unless the facts showed a deliberate attempt to violate the law. There is no question but that the States which have adopted such laws have had great difficulty in enforcing the provisions of their own State enactments, and it seems to me we ought to aid them in their enforcement.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota [Mr. Nelson] to the amendment of the Senator from Washington [Mr. Jones].

[Putting the question.] The noes seem to have it. Mr. REED. I ask for a roll call.

Mr. MARTINE of New Jersey. I raise the point of no quorum, Mr. President.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Oliver	Smith, Md.
Beckham	Hitchcock	Overman	Smith, S. C.
Borah	Hollis	Owen	Smoot
Brady	James	Page	Sterling
Bryan	Johnson, S. Dak.	Pittman	Stone
Catron	Jones	Poindexter	Sutherland
Chamberlain	Kenyon	Pomerene	Thomas
Clark	Kirby	Ransdell	Thompson
Colt	Lea, Tenn.	Reed	Townsend
Culberson	McCumber	Robinson	Vardaman
Cummins	McLean	Shafroth	Wadsworth
Curtis	Martin, Va.	Sheppard	Watson
Fall	Martine, N. J.	Sherman	Works
Fletcher	Nelson	Simmons	
Gallinger	Norris	Smith Ga.	

Mr. HOLLIS. I desire to announce that the Senator from Delaware [Mr. Saulsbury] and the Senator from Connecticut [Mr. Brandegee] are absent on business of the Senate.
Mr. BANKHEAD. My colleague [Mr. Underwood] is de-

tained from the Chamber on account of illness. I make this

announcement for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The Senator from Missouri [Mr. Reed] has requested the yeas and nays on agreeing to the amendment of the Senator from Minnesota [Mr.

NELSON] to the amendment of the Senator from Washington [Mr. Jones].

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. Stone] who is not present. Therefore I withhold my vote.

Mr. COLT (when his name was called). I have a general

pair with the junior Senator from Delaware [Mr. SAULSBURY].

In his absence I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. Dir-In his absence I withhold my vote. LINGHAM].

Mr. THOMAS (when his name was called). In the absence

of my pair I withhold my vote.

Mr. TILLMAN (when his name was called). pair with the Senator from West Virginia [Mr. Goff] to the Senator from Arizona [Mr. Smith] and vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. Lippitt] to the Senator from Maryland [Mr. Lee] and vote "nay."

The roll call was concluded.

Mr. BECKHAM, I transfer my pair with the Senator from Delaware [Mr. Du Pont] to the Senator from California [Mr. PHELAN] and vote "nay.

Mr. CHILTON. Has the Senator from New Mexico [Mr. FALL] voted?

The VICE PRESIDENT. He has not.

Mr. CHILTON. I have a pair with that Senator and can get no transfer. If permitted to vote, I would vote "nay."

Mr. OVERMAN (after having voted in the negative). I notice that the Senator from Wyoming [Mr. Warren], with whom I am paired, is absent. I transfer my pair with that Senator to the Senator from Illinois [Mr. Lewis] and let my vote stand.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. Simmons]. I am advised that he would vote if he were here as I would vote. Therefore I vote nav.

Mr. CURTIS. I have a general pair with the junior Senator from Georgia [Mr. HARDWICK], who is detained from the Senate on account of illness. If permitted to vote, I should vote "nay." withhold my vote because of the pair.

Mr. HARDING. I have a general pair with the junior Senator from Alabama [Mr. Underwood]. Because of his absence

I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. MYERS (after having voted in the negative). I am
paired with the Senator from Connecticut [Mr. McLean] and being unable to get a transfer I withdraw my vote. If at liberty to vote, I would vote "nay."

Mr. REED (after having voted in the affirmative). I neglected to announce the transfer of my pair. I allow my vote to stand, but transfer my pair with the Senator from Michigan [Mr. SMITH] to the senior Senator from Oklahoma [Mr. Gore]. will allow this transfer to stand on all votes to-day.

Mr. OLIVER (after having voted in the affirmative). I observe that the Senator from Oregon [Mr. Chamberlain] has not voted. I have a pair with that Senator and therefore with-

draw my vote.

The result was announced-yeas 11, nays 47, as follows:

	YEA	S—11.	
Catron Husting James	La Follette Martine, N. J. Nelson	O'Gorman Pittman Pomerene	Ransdell Reed
	NAY	S-47.	
Bankhead Beckham Borah Brady Brandegee Bryan Clapp Cummins Fernald Fletcher Gallinger Hollis	Jones Kenyon Kern Kirby Lane Lea, Tenn. Lodge McCumber Martin, Va. Norris Overman Owen	Page Poindexter Robinson Shafroth Sheppard Sherman Shields Smith, Ga. Smith, S. C. Smoot Sterling Sutherland	Swanson Thompson Tillman Townsend Vardaman Wadsworth Walsh Watson Weeks Williams Works
	NOT VO	TING-38.	
Ashurst Broussard Chamberlain Chilton Clark Colt Culberson Curtis Dillingham du Pont	Fall Goff Gore Gronna Hardling Hardwick Hitchcock Hughes Johnson, Me. Johnson, S. Dak.	Lee, Md. Lewis Lippitt McLean Myers Newlands Oliver Penrose Phelan Saulsbury	Simmons Smith, Ariz, Smith, Md. Smith, Mich. Stone Thomas Underwood Warren

So the amendment to the amendment was rejected.

Mr. THOMAS. Mr. President, in the interval occupied by the consideration of the last amendment I have endeavored to frame an amendment which I thought might meet the objections which I have just urged to the bill; but the subject is too complicated and involved to admit of summary treatment. I shall not therefore attempt at this time to offer an amendment, but I earnestly hope that the Senator who introduced the amendment will consider the criticism which I have made of it, and meet that possible danger, if it is possible, in the ultimate framing of the proposed measure.

Mr. JONES. Mr. President, of course that matter will be in the hands of the conference committee, of which I will not

Mr. THOMAS. I appeal to the Senator himself, because I suppose he has given the matter more consideration than has any other Member of this body, and I am sure he is therefore more competent to deal with the immediate subject, certainly, than I am, and I think, perhaps, than are the members of the

Mr. MARTINE of New Jersey. I desire to offer the following amendment to the amendment proposed by the Senator from

Washington [Mr. Jones]:

And be it further enacted, That it shall be unlawful for any person to deposit in the United States mails any advertisement of cigarettes in any form or character whatsoever under a penalty of a fine of not less than \$25 for each such offense. This shall be understood to include newspapers, periodicals, magazines, and letters.

I do not suppose that this amendment will be adopted. think, however, if there is an enormity it is the cigarette habit, which has obtained so fast a hold on the people of this country. Miserable, puny, sickly specimens of boys are seen sucking on the ends of these miserable cheroots and spitting their lives away. I feel that a penalty should be imposed to prevent the encouragement of the habit. I trust that these splendld specimens of humanity who are advocating prohibition will stand up like men and vote to save the rising generation from the iniquity of tobacco smoking and from the horrors of the poison of nicotine. [Laughter.]

Mr. VARDAMAN. Mr. President, those of us who have been characterized so splendidly by the peripatetic statesman from New Jersey admit all the good things he has said about us, but

we can not vote for his amendment.

Mr. MARTINE of New Jersey. Of course, you can not. It is a personal habit that has its fangs so deep in you as to be a part of you. [Laughter.] I am not pleading with or hoping to save you; you are joined to your idols and are past redemption; but I am looking to save the rising generation that will take your place in Mississippi and your place in Washington

and mine in the reasonable near-by. [Laughter.]

I hear men say, "Why, I can not live without it." Tobacco has never polluted my lips either by smoking or chewing or snuffing, by cigarette or cigar, or in any other way. I have managed to live without it.

Mr. VARDAMAN. You fuss, though.

Mr. MARTINE of New Jersey. Well, perhaps I do; but I do not think so. However, I do say seriously, if you are going to reform the world, let us start right. We have started to reform Washington; a little while ago we reformed far-off Alaska; and a day or two ago we even undertook to reform the islands in the Pacific. Nothing has been safe. There is one thing thus far, however, that you have not touched.

Mr. REED. Tobacco.

Mr. MARTINE of New Jersey. Of course; tobacco. You have not touched tobacco, for that affects you all.

Mr. President, I saw in a newspaper the other day that there is an invention of some sort of an electrical appliance—I think it is an emanation from Edison's brain-by which you can tell a man's impulses, what he is going to do next. I have thought how I would like to apply it to these prohibitionists. I wonder what will come next. My thought is—and I hate to give the idea to you, for I verily believe you will go off on a tangent to it—there is one planet, thank God, that thus far the prohibitionists, these caretakers of humanity, have not sought, a realm some distance off-but distance does not seem to count-I commend you to the planet Mars. [Laughter.]

Mr. JONES. Mr. President, in reference to the amendment of the Senator from New Jersey I simply wish to say that I should be glad, indeed, to join with him in the consideration of that measure as an independent proposition; but I hope that

it will not be put onto this bill. Mr. MARTINE of New Jersey. Oh, yes; let us put it on. I trust the Senate will put it on. The Senator knows his power. Now, write it in or write it out.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Jersey.

Mr. REED. I call for the yeas and nays, Mr. President.

Mr. MARTINE of New Jersey. Yes; let us have a roll call.

Mr. SMITH of South Carolina. Oh, no.

Mr. MARTINE of New Jersey. You raise tobe Carolina; but I say oh, yes, let us have a roll call. You raise tobacco in South

The yeas and nays were ordered.

Mr. CATRON. Mr. President, before the roll is called I should like to have the amendment stated. The VICE PRESIDENT. The amendment to the amendment

will be stated.

The Secretary. At the end of the amendment offered by the Senator from Washington [Mr. Jones] it is proposed to insert:

And be it further enacted, That it shall be unlawful for any person to deposit in the United States mails any advertisement of cigarettes in any form or character whatsoever under a penalty of a fine of not less than \$25 for each such offense. This shall be understood to include newspapers, periodicals, magazines, and letters.

Mr. MARTINE of New Jersey. Mr. President, I desire to say right here that ordinarily it would not be in my heart to vote for such a sumptuary proposition as this; but I am going to vote for it, because I want to test out these humanitarians.

Mr. BRYAN. Mr. President, this amendment has been offered and the yeas and nays have been ordered upon it. I hope that after the amendment is disposed of we may have no more fili-bustering on this appropriation bill. It is necessary to get through with it; and I hope Senators will restrain themselves and let us devote ourselves to matters of real concern that have some application to this bill.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the

same transfer of my pair as on the last vote, I vote "nay."

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. Stone], who is absent. Not knowing how he would vote on this question if he were present, I withhold my vote.

Mr. COLT. Making the same announcement as heretofore with regard to my pair, I withhold my vote.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK] and therefore withhold my vote.
Mr. HARDING (when his name was called).

announcement as to the absence of my pair, I withhold my vote.

If I were at liberty to vote, I should vote "nay."

Mr. LA FOLLETTE. I can not vote for this amendment upon principle, and I can not vote against it without casting a vote affecting my own interest, and therefore I decline to

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLean], who, I notice, is absent. I am unable to secure a transfer, and therefore withhold my vote.

Mr. OLIVER (when his name was called). On account of my pair with the senior Senator from Oregon [Mr. Chamberlain],

refrain from voting.

Mr. OVERMAN (when his name was called). Making the . same announcement as to the transfer of my pair as heretofore, I vote "nay."

Mr. SMITH of Maryland (when his name was called). In the absence of my pair, I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. Not seeing that Senator in the Chamber, I withhold my vote.

Mr. THOMAS (when his name was called). In the absence

of my pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Arizona [Mr. Smith] and vote "yea."

Mr. WILLIAMS (when his name was called). whether the Senator from Pennsylvania [Mr. Penrose] has

The PRESIDING OFFICER (Mr. BECKHAM in the chair). He has not voted.

Mr. WILLIAMS. I transfer my pair with that Senator to the Senator from Maryland [Mr. Lee] and vote "nay."

The roll call was concluded.

Mr. MYERS. I find that I can transfer my pair to the Senator from Texas [Mr. Culberson], which I do and vote "nay."

Mr. CHILTON. I announce my pair as on former votes. have been unable to secure a transfer, and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from North Dakota [Mr. GRONNA] is paired with the Senator from Maine [Mr. Johnson].

The result was announced-yeas 16, nays 38, as follows:

	YEA	S-16.		
Ashurst Cummins Gallinger Hitchcock	Hollis Kenyon Kirby Lea, Tenn.	Martine, N. J. Norris Pittman Poindexter	Reed Thompson Tillman Walsh	
	NAY	78—38.		
Bankhead Beckham Borah Brady Brandegee Bryan Catron Chamberlain Fernald Fletcher	Hughes James Jones Kern Lane Lippitt Lodge Martin, Va. Myers Overman	Owen Page Pomerene Ransdell Robinson Shafroth Sheppard Sherman Simmons Smoot	Sutherland Swanson Townsend Vardaman Wadsworth Watson Weeks Williams	
	NOT VO	TING-42.		
Broussard Chilton Clapp Clark Colt Cuberson Curtis Dillingham du Pont Fall	Gore Gronna Harding Hardwick Husting Johnson, Me. Johnson, S. Dak, La Follette Lee, Md. Lewis	McLean Neison Newlands O'Gorman Oliver Penrose Phelan Saulsbury Shields Smith, Ariz.	Smith, Md. Smith, Mich. Smith, S. C. Sterling Stone Thomas Underwood Warren Works	CONTRACTOR OF THE PARTY OF THE

So the amendment of Mr. MARTINE of New Jersey to the amendment was rejected.

Smith, Ariz. Smith, Ga.

McCumber

Mr. REED. Mr. President, I offer the amendment which I send to the desk, to be inserted after the word "addressed," in

line 16, page 2, of the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 16, after the word "addressed," it is proposed to insert:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within any such State or Territory knowingly purchase, drink, consume, or use any such liquors so transported in interstate commerce, shall be punished as aforesaid.

Mr. REED. Mr. President, I am offering this amendment in absolute earnestness, and I hope it will receive the serious consideration of Members of the Senate, particularly of those Members who have so long endeavored to obtain national legislation in aid of the prohibitory legislation of various States.

Hitherto we have dealt with that question along the line only of reaching the manufacturer or the vendor of the liquor. We have sought to penalize them for the manufacture or for the sale. We are now, by the Jones amendment, asked to take an additional step. We are asked to provide that a newspaper editor who may print a liquor advertisement can be sent to the penitentiary if a single copy of his paper, with his knowledge, is sent by him or by his orders into any State or Territory where the sale of liquor is prohibited, and where advertisements of that character are prohibited. The amendment seeks to suppress the liquor business by penalizing a class of men not · interested in the liquor business, men who simply run news-papers or periodicals, and who print advertisements at a place where it is perfectly legitimate for them to print such advertisements. We are not dealing with either the culprit who sells or the culprit who consumes. We propose to punish a man who may, without any evil motive, and in the ordinary conduct of his business, print an advertisement.

Mr. President, there never was a drunkard made in this world unless there were two parties to the making. The man who sells the liquor is one party and the man who drinks the liquor is the other party. It is now proposed to protect dry territory against wet territory by prohibiting the shipment of liquor from the wet territory into the dry territory. It is proposed to supplement that by sending to the penitentiary a newspaper editor who may print an advertisement in wet territory and then allow that advertisement to be sent into the dry territory. Yet, Mr. President, there are plenty of so-called prohibition States that have by law provided the means and manner by which citizens of those States shall employ interstate commerce for the purpose of supplying themselves with an abundance of liquor.

The State of North Carolina is distinguished by such a law. Under the laws of that State they have solemnly provided that each inhabitant of the great Commonwealth can obtain in interstate commerce 2 quarts a month, which, of course, is a moderate allowance for a North Carolinian. [Laughter.] It embraces every member of the family; so that the proud parent of a Rooseveltian brood of 12 could easily have 24 quarts sent in every 30 days, and thus provide an average of about a quart a day for the head of the family. I am speaking now with all re-

spect of North Carolina; I single it out not because it is worse than other States, but because it represents a type. So that the State of North Carolina, having prohibited the manufacture and the sale of liquor within the State, upon the ground that liquor destroys the souls and bodies of its people, has by law directly provided that interstate commerce may be employed to accomplish the very evil it has prohibited. Moreover, the money of the people of the State is employed to tempt men in other territory to engage in the nefarious business of manufacturing the deadly poison.

I propose in this amendment to protect the good people of the State of North Carolina and of all other prohibitory States from all liquor shipments from other States. I propose that when a State shall have passed a law prohibiting the manufacture and sale within its borders of liquors or intoxicating drinks of any kind, the Government of the United States shall throw its protection around that State, and shall say that it shall not be deluged with liquor shipped in interstate commerce. I propose that we shall reach the man who makes the liquor and ships in the liquor. Then I propose that we shall reach the man who causes it to be sent in by purchasing it and using it.

I maintain that if we are to proceed with this legislation in good faith we ought by law to stop the shipment of intoxicating liquor into dry territory; and in order to do it effectively we ought to reach not only the man who sells but the man who buys; not only the man who produces but the man who consumes. ought to reach both parties to the transaction. When we do that we will have real prohibition within States that desire real prohibition. In no other way will you ever get it. then, should we not adopt the amendment? What man who is against the evil of drink, what man who really believes that liquor is an unmixed evil, what man who desires to protect the youths as well as the adults of a State can say that this law will not make for temperance, for sobriety, for actual and absolute prohibition?

Mr. President, nearly all of the so-called prohibitory States forbid the manufacture and sale of liquor within the State, and then to a large degree nullify the effect of the State law by permitting the citizens of the State to import liquor in either limited or unlimited quantities from other States. If there is no limitation, then, of course, the State can be literally filled with liquor from outside its borders. If there be a limitation, it is generally placed at 2 quarts per month, and always enough individuals can be found who are willing to order liquor, so that an abundant supply is constantly on hand. The result is that many of the evils of intemperance are perpetuated, and in some cases aggravated. What man is there so ignorant that he does not know that in those States where citizens are permitted to import 2 quarts every month, or where they are permitted to import unlimited quantities, that the liquor is to a large extent acquired by bootleggers, by keepers of blind tigers and dives, and that it is generally brought within the reach of all who desire it? Besides, the individual acquiring liquor from abroad and drinking it injures himself quite as much as if he were to purchase the liquor openly within his own State. I recently visited the State of North Carolina, where I was most pleasantly entertained by a splendid people. I was told the 2-quart law worked in this wise: That when the train arrived anywhere from a half dozen to 50 negroes would be at the express office to get their consignment 2 quarts, and that all any man had to do in order to get an unlimited supply of liquor was simply to employ a few colored boys around town who would regularly every month order 2 quarts each in their names, and then turn it over to the individual who furnished the money in advance or to some other thirsty inhabitant, who repurchased at an advanced price, the transaction usually taking place in an alley or behind a barn.

Mr. BORAH. Mr. President——
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. The first part of this amendment seems to me to be within the power of Congress to enact; but does the Senator think that we can go into a State and punish a man for buying liquor and drinking it, an act wholly within the State and not related to interstate commerce?

Mr. REED. If the Senator will read the amendment, he will see that it is based upon the idea that the liquor must have been procured in interstate commerce, and it is made a crime to transport it in interstate commerce. Now it is proposed to make it a crime to use in a State that which came into the State in violation of a law of Congress.

Mr. BORAH. I am sure that the first part of the amendment is not vulnerable to attack from the constitutional standpoint, but it seemed to me worthy of discussion and consideration, at least as to whether or not, after liquor had been transported into a State and had become mixed and identified with the property of the State, as it could be under this amendment, we could prohibit any individual within the State from buying

it or drinking it.

Mr. REED. I call the Senator's attention to the fact that the language of the amendment first prohibits the shipment into the State, and makes it unlawful so to ship it. Therefore the thing gets into the State unlawfully. It gets there in violation of a statute. The second clause of the amendment is to the effect that whoever shall knowingly purchase or consume that liquor which came into the State in violation of a Federal statute shall be guilty of a violation of law. I have not the slightest doubt that the Congress can reach that far.

Mr. BORAH. If the Senator will strike out the latter part

of the amendment, I would be disposed to favor it.

Mr. REED. The latter part of the amendment is the soul of the amendment.

Mr. BORAH. Well, I am afraid we can not reach the soul

that would be consuming liquor. [Laughter.]

Mr. REED. I have not a doubt of it. I have not the slightest doubt that you can provide that whoever shall steal property and transport it into another State shall be guilty of a violation of a Federal statute, and that whoever within that State, knowing the property to be stolen and transported in violation of law, shall purchase it or conceal it, shall be guilty of an offense against the Federal Government.

Mr. BRANDEGEE. Mr. President, will the Senator from

Idaho let me ask a question for my own information? Suppose the United States has a statute making it a crime to smuggle goods into this country. Is there any doubt that Congress would have power to say that any person within any State who knowingly purchased those smuggled goods should be guilty of a

crime?

Mr. REED. I think the illustration offered by the Senator

from Connecticut is very pertinent.

Mr. BORAH. Let me ask the Senator from Connecticut this question: Suppose we prohibit the shipment of liquor from one State to another. That we undoubtedly have the power to do. But suppose, notwithstanding the prohibition, the liquor is actually transported into the State, and the Senator or some friend goes into a drug store and calls for a pint of liquor; does the Senator claim that the Congress of the United States can reach the man who thus gets that liquor?

Mr. BRANDEGEE. Mr. President, it would seem to me that they could if the man knowingly purchased the liquor after Congress had said it was a crime to knowingly purchase liquor that was brought from one State into another in violation of the Federal law; but I am not certain about it. I merely suggested

the analogy

Mr. BORAH. Of course, if that can be done, Mr. President, you can reach every possible crime that could be committed with reference to property through the National Government, because practically all property in this day and age passes from one State to another. The property is manufactured in one State and sent to another—different kinds of property, and so forth. I have no doubt at all but that you could join these men in a conspiracy to violate the law and in that way hold one man for the act of another, but this provision does not undertake to do that at all. It simply prohibits the shipment of the goods into the State and then says that, nevertheless, if they are

shipped in, the party who uses them shall be guilty of a crime. I think that is a very doubtful proposition.

Mr. REED. The first clause of the amendment goes further than the mere prohibition of the shipment of the goods into the State. It makes it a crime to ship the goods into the State.

The language is:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within such State or Territory knowingly purchase, drink, consume, or use any such liquors so transported in interstate commerce shall be punished as aforesaid.

So it is made a crime for any person to cause these liquors to be shipped into the State. Then it is proposed to make it a crime for any person within the State to use these liquors or purchase these liquors knowing that they were sent into the State in violation of the laws of the United States. The illustration offered by the Senator from Connecticut points in the clearest way to the existence of this right. It can not be doubted that the United States, having made it a crime to smuggle goods into the United States, can also provide that any person who shall knowingly receive, conceal, or purchase goods so smuggled shall be punished.

It is admitted ever since the recent decision of the Supreme Court in the West Virginia case that Congress has the absolute power to prohibit the shipment of liquor from one State to another State.

Mr. BRANDEGEE. Will the Senator from Missouri let me ask him this question? I do not know what the fact is, but is it not true that the laws of the United States prohibit the sending of obscene literature through the mails? Does it not also make it an offense against the laws of the United States for any person to have in his possession obscene literature so transmitted through the mails? I am not sure about it. Mr. REED. The Senator has asked me a question that I can

not answer; I have not examined that statute; but I would say beyond any doubt the right exists. It may be a far-reaching right the very able lawyer, the Senator from Idaho, has suggested, but we are finding every day that the interstatecommerce power of the Federal Government is a most far-

reaching one.

Mr. LODGE. Mr. P. Mr. REED. I yield. Mr. President-

Mr. LODGE. Under the law prohibiting obscene publications from the mails, to which the Senator from Connecticut just referred, certainly the Government can follow that publication through the mails and it can cause the arrest of the receiver as well as the sender. If they find there is traffic between two given points, they can go into the State and interfere with the person who is in the habit of receiving those publications.

Mr. BORAH. That is because the Government proves a conspiracy, but I should like to see the authority-I do not say it does not exist, but it would be interesting to see the authority—that would hold that if A sends obscene literature to B—B being no part and parcel of the conspiracy, but simply receiving it as it was sent to him-the National Government could reach within the State and arrest the individual and punish him. I think it is a very doubtful proposition. I think the act must relate to interstate commerce.

Mr. REED. Mr. President, that is not the case here. Let me state this matter again. Ever since the decision of the Supreme Court in the West Virginia cases all doubt has been represent the right of the Edgral Government to absorbed removed as to the right of the Federal Government to absolutely prohibit the shipment of liquor in interstate commerce. That decision declared that liquor is in a class by itself, subject to rules peculiar to that particular class. In the broadest possible way it declared that Congress has the absolute right to prohibit the shipment and to affix penalties for a violation. If we have a right to prohibit the shipment, then we have the right to everything which is incident or necessary to the enforcement of that right. Our rights are not limited, therefore, to a punishment of the man who puts goods that belong to himself on the cars at a place where he has a right to put them upon the cars and consigns them to some place where the liquor, under the law of Congress, can not be delivered, but we have a right to prohibit the express companies from delivering the goods, because that act of delivery if permitted tends to defeat the purpose of the law. In like manner, we have the right to prohibit a man from buying the goods to be sent in violation of law just as we have the right to prohibit a man from selling the goods which go in violation of the law.

If you have the right to go that far, then in order to make the law effective you surely have the right to say that no man shall knowingly connive at or assist in the breaking down of the law by purchasing a thing which has reached the place where he is by violating a Federal statute.

So I say I entertain no doubt of this power, and I say now to Senators if we are going to proceed with this class of legislation, if we are to undertake now to protect dry territory from wet territory, if we are to undertake to protect the morals of the family against the evil which comes from intoxicating liquor, and to do that by stopping interstate shipment by preventing advertisements being sent through the mails, let us be fair and bold and honest about it; let us prohibit the sending of the liquor itself. Let us also reach both parties to the transaction—the buyer who imports the liquor as well as the vender and shipper of the liquor. Let us say to a State which prohibits the manufacture and sale within its own borders of intoxicating liquor, "You can not employ interstate commerce in the degrading busi-

ness you have forbidden within your own borders."

Let us say to the dry States, "You can not use a power reserved to the Federal Government for the purpose of defeating the object of your own laws." Let us also say to the man who resides in a dry State, "You can not employ interstate commerce to accomplish the very evil your own State has sought to abolish."

I can not conceive how any good prohibitionist can vote against this proposed amendment. I can not conceive how those who advocate and support the amendment of the Senator from Washington, which proposes to send a newspaper editor to the penitentiary if he mails into dry territory a single copy of his paper which happens to contain a liquor advertisement, can refuse to penalize a citizen of the dry State who deliberately causes a shipment of the liquor itself into the dry territory. The worst you can say of the editor is that he has furnished to the individual of a State information where liquor can be purchased, but that information can do no harm unless the citizen of the State proceeds to purchase the liquor. Of the two, the man who buys the liquor is more guilty than the man who by a newspaper advertisement furnishes information where liquor may be purchased. Besides, the editor prints his paper in a State where the advertisement is a legitimate business, whereas the citizen of the dry territory orders liquor sent into his State, where the manufacture and sale of liquor is declared to be illegitimate. If we pass my amendment, the law will then reach not only the advertiser of the liquor and the vender of the liquor but it will reach the purchaser, and it will prevent the shipment of liquor. Thus we shall reach the evil itself.

The law will be strong enough so that the shipment of liquor into dry territory will cease and the people of States that have enacted prohibitory legislation will have real prohibition. If the Government of the United States will prohibit the citizens of States that have adopted prohibitory legislation from importing liquor into the State, prohibition will become an achieved fact, unless the States themselves fail to enforce their own laws. It is very easy for a State to stop the manufacture of liquor within its borders, but it is almost impossible for a State to stop the sale of liquor within its borders if its citizens are permitted to employ the instrumentalities of commerce to flood the State with liquor made elsewhere. The greatest difficulty with which dry States labor is to guard their borders against the shipment of

liquor from outside points.

Now, why not meet this question fairly by saying to the man who sends liquor into dry territory, "You shall be punished for sending it," and by also saying to the man who connives at having it sent there and who helped to have it sent there, who proposes to consume it there, "You shall not employ interstate commerce to negative and defeat the purpose of the laws of your own State."

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. CUMMINS. I am quite interested in the point suggested by the Senator from Idaho [Mr. Borah]. I suggest to the Senator from Missouri that he might find some precedent possibly for the legislation in the pure food and drug act, which I will read, and that law has been sustained by the Supreme Court. The second section of the original act provides:

That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor.

I thought possibly the Senator would find some parallel in that legislation.

Mr. BORAH. I have no doubt about that law at all, although I think it was only sustained by a divided court.

Mr. CUMMINS. That may be.

Mr. BORAH. But the Senator from Iowa and the Senator from Missouri will observe that this proposed law omits the proposition which that law very carefully retains. I have no doubt that we can pass a law, and I am in favor of the law: I think it is a wise law to prohibit the shipment of liquor from a State into dry territory, and I have no doubt that you can punish any combination of men who organize a conspiracy to break the law, and if one of the individuals or more of them happen to be in dry territory he could be punished for the conspiracy having for its object and purpose the violation of the law; that is, having for its object and purpose the shipment of the goods into the dry territory.

But the thing that we are seeking to do by this amendment as it now reads is to prohibit the shipment of liquor into the dry territory, and then, without connecting through combination or conspiracy the different individuals who are found there, undertake to punish the man who may find some in that dry territory and drink it. That is a distinct, substantive, settled crime, all of which is committed within the dry State. It has nothing to do with the original package; it is not confined to the use of the stuff while it is still in interstate commerce or interference with it while it is still in interstate commerce.

Mr. CUMMINS. If the Senator from Missouri will allow me, I did not suggest the pure food and drug act and the ruling of the court upon it as entirely parallel. Whether we can make it an offense for a man in a State to drink liquer that has been sent into the State in violation of a Federal law I will express no opinion; but that we can punish the man who receives the liquor in the State or who offers to sell the liquor in the State

I have no doubt whatsoever.

Mr. BORAH. That is, offering to sell it is a part of the act of shipment into the State?

Mr. CUMMINS. It may be the act was limited to unbroken packages; but how far we can follow beyond that I can not

Mr. REED. Let me ask the Senator a question. The Senator called attention to the pure-food act or the drug act-I have not the language of the act before me-but I know that under the drug act the Federal Government is to-day inspecting every drug store in the United States to ascertain how much cocaine and other prohibited drugs or regulated drugs they have on hand and how their records are kept. If I mistake not, that power which they exercise is connected with the revenue powers of the Government. The power under which we now seek to act must, of course, be found in our right to regulate interstate commerce. There is a great difference, I admit, in the two

Mr. BORAH. The punishment upon the man is in some way related to the act of shipment in interstate commerce. If he receives the goods through interstate commerce and sells them, I have no doubt that he is a part and is related to the act of shipment in interstate commerce. I am thoroughly in favor of the Senator's amendment, if it can be made to stand the

Mr. CUMMINS. I want my own view to be made perfectly clear. I have no doubt that in the absence of any conspiracy or combination Congress can make it a criminal offense to receive in a State anything that it has a right to forbid entering the State, and has the right to make it an offense for the person who so receives the forbidden article to sell it or deliver it to any other person. When we take the next step and inquire whether Congress can also make it an offense for one to consume, drink, or eat any such forbidden article, while I am inclined to think we can, yet it must be conceded that it is a doubtful zone.

Mr. BRANDEGEE. Whether that is doubtful or not, would the Senator have any doubt that we could make it an offense to knowingly purchase the article illegally sent into a State?

Mr. CUMMINS. I have no doubt about it.

Mr. BRANDEGEE. That is, if a dealer in liquors should receive in a dry State liquors that have been sent in in violation of an amendment like the one proposed by the Senator from Missouri, and should attempt to sell them to a customer, and the customer knew they had been shipped in violation of the law, does the Senator think we could make that a crime also?

Mr. CUMMINS. That is made a crime in the pure-food law, se long as the article is in the unbroken package which has been transported from one State to another. When you pass beyond that, after the package is broken and the goods become a part of the general property of the State, then the difficult question arises in my opinion.

Mr. BRANDEGEE. I meant to ask really whether there was any difference in our power to make the purchase in a State by a consumer an offense and the power to make it an offense for him to consume it after he had purchased it.

Mr. CUMMINS. It is a new point to me as to just what limitations we can put upon the right of one to consume an article that has been brought into the State contrary to the Federal law. I never heard the question suggested before.

Mr. BRANDEGEE. I do not know that I did.

Mr. CUMMINS. I have no definite and final opinion upon it. Mr. BRANDEGEE. I have not, either; but in a somewhat vague way it was in my mind that when the proposed consumer purchased he was possibly engaged in the commerce, but after he had purchased and reduced it to his own possession, taken it into his own house, all interstate commerce in the article must necessarily have ceased; and I do not know whether you could make it a crime for him to drink it after he purchased it

Mr. BORAH. If you could not make it a crime to drink it after he had purchased it and taken it into his house, could you make it a crime for him to step into a saloon or a drug store-I will not say saloon, because there is not supposed to be a saloon in a dry State-and purchase it after the package had been broken, after it was wholly separated from interstate commerce and was no part of interstate commerce? are purporting to do is to exercise our power under the inter-When we get beyond that we have not state commerce clause. the power when the article which we are shipping is commingled with goods of the State. It is then within the jurisdiction of the State, and the State alone has control of it. The pure-food act is very careful to confine it to original packages, and the party punished is connected with acts of interstate commerce.

Mr. CLAPP. That would be all right if it were proposed to eliminate from the amendment of the Senator from Missouri the word "knowingly." We have a right to regulate interstate commerce, and we have a right to pass those laws that are essen-We have a right to regulate interstate tial to the maintenance of the right of regulation. One of the incentives to shipping in interstate commerce of course must be the demand, and the man who contributes to that knowingly is violating the law prohibiting the shipment, and he has to be reached in order to make the law efficient. It strikes me that the word "knowingly" there means no shipment, and there

would be no difficulty of solving the problem.

Mr. BORAH. What has the word "knowingly" to do with

the act of interstate commerce?

Mr. CLAPP. Because it is in his knowledge that he is directly contributing to a violation of the law. The law pro-hibits the shipment from one State to another. The man who consumes it unconsciously is like the man who unconsciously buys stolen goods, while the man who knowingly buys stolen goods is a party, no matter through how many hands the transaction may have passed.

Mr. BORAH. Then the power to regulate commerce is con-

trolled to a certain extent by the state of mind of the party in

the dry State. Mr. CLAPP. Not at all; but it is controlled by the effort to make the law efficient by holding those who are parties knowingly in violation of it liable for a violation of it.

Mr. WORKS. I am a little surprised to hear my friend the Senator from Idaho [Mr. Borah] undertake to limit the scope and effect of the jurisdiction and power of the Government to deal with a question of this kind. He has certainly given the broadest possible construction to the laws relating to interstate commerce of any Member of this body. In this particular instance, when it becomes a matter of consuming the liquor after it has come into the hands of the proposed consumer, it is a purely personal act done within the State, and it does not seem to me possible that it can in any way be connected with interstate commerce or confer any right upon the National Government to deal with it at all. I think the Senator agrees with me to that extent.

Mr. BORAH. I think the Senator agrees with me.

Very well. Then I agree with the Senator, if that is his position; and I am very glad to see that he at least makes some modification of his former views on the subject.

Mr. BORAH. The Senator from California is not as accurate as he usually is. The Senator from Idaho has never taken a position which he is conscious of being similar to the one which is taken by those advocating this amendment here. Senator from Idaho contended is that the National Government may police the channel of interstate trade, and it has police power with reference to the channels of interstate trade just the same as a State has police powers with reference to intrastate commerce, and no further have I contended that we can go.

I say that we may do anything under this commerce clause which has to do with the shipment of liquor into the State, but after the liquor has become a part of the property of the State, commingled with the property of the State, separated from the channels of interstate trade, I do not think we have any control

over it. I have never contended otherwise.

Mr. REED. Let me ask the Senator a question about that. I am going back to the illustration of the Senator from Connecticut [Mr. Beandegee]. The Government of the United States prohibits smuggling of goods into the United States. It makes it a crime to bring goods in without paying a duty. Now, is there any doubt that the Government can make it a crime for a person to purchase or conceal or have in his possession goods knowing the same to have been smuggled?

Mr. BORAH. I do not know just exactly what that law is, and I am not aware that it has ever been sustained upon that I

point, even if it is on the statute books. The only instance that know of is where the Government undertook to prove a conspiracy consisting of the party who was shipping it in and the party who was there to receive it, all constituting one entity, to wit, the combination or conspiracy. As I said in the very opening of this argument, there might be some precedents which would sustain this proposed legislation. I do not believe there are; but I know of no instance except those cases of a general conspiracy to violate the laws of the United States.

Now, if you make this a conspiracy composed of men within the State and the man without the dry State, and make it one entity—to wit, a conspiracy—I have no doubt you can do it; but if you simply separate and disjoin an individual in the State who purchases this liquor after it is separated from the channels of trade and commingles with the property of the State, I should want to see some authority before I would say that

he could be reached by a Federal statute.

Mr. CUMMINS. It seems to me there is one idea that may have been lost sight of. The substantive part of the proposal of the Senator from Missouri is prohibition against transportation from one State to another of certain commodities. the provisions in regard to selling, receiving, and using have any validity it is because they are a part of the law of the United States to enforce the prohibition against interstate transportation. We have gone a great way, I think, in this country, and properly so, in endeavoring to enforce the prohibition, which is that the goods shall not be transported. Now, how can we best and most effectually prevent the act? One way is to punish the person who receives it.

Mr. BORAH. But he has to receive it while being shipped in interstate commerce, or is a part of interstate commerce, not the mere fact that he gets hold of it. Suppose it has been in the State six months or a year separated from interstate commerce and commingled with the property of the State, does the Senator contend that under such circumstances you can punish the individual within the State who buys it? I have no doubt at all that if the party is a part of the machinery by which it is brought into the State and receives it from the channels of interstate trade while it is still a part of inter-

state commerce you can punish him.
Mr. REED. We agree on that. Now, if the Senator will

pardon me

Mr. CUMMINS. I was about to say that I agree that there comes a time when the property is so thoroughly commingled with the general property of the State that our power over it under the commerce clause of the Constitution ceases. That is why I said that the prohibition of the proposed amendment against drinking, without limitation as to time or circumstances, except the knowledge that the article came in unlawfully, was in the doubtful zone anyway; but that we can punish any man who receives it or any man who sells it as it came in from another State, or any man who gives it away, or any man through whose act it did become a part of the general property of the State, I have no doubt whatever. I think the Senator from Missouri ought to put into this amendment the word "receive," so that he will reach the man to whom the consignment or shipment is made.

Mr. REED. Mr. President, I call attention, in passing, to the act of December 17, 1914, which is commonly known as the drug act. It is true that that act is apparently attached to the internal-revenue powers of the Government; but it provides:

That on and after the 1st day of March, 1915, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away opium or coca leaves or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business, and place or places where such business is to be carried on.

Of course, that is a different power of the Government; but it is no broader power than the power over interstate commerce. Section 2 provides:

That it shall be unlawful for any person to sell, barter, exchange, or live away any of the aforesaid drugs except in pursuance of a written reder of the person to whom such article is sold, bartered—

That is not dealing with the shipment itself or with the goods in the original package, but it is dealing with the transaction after the package has been broken.

Mr. BORAH. Will the Senator from Missouri read that again?

Mr. REED. I will. It is as follows:

SEC. 2. That it shall be unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs except in pursuance of a written order of the person to whom such article is sold, bartered, exchanged, or given, on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue. Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid drugs, shall preserve such

order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent, or employee of the Treasury Department—

Mr. WORKS. Mr. President—
The PRESIDING OFFICER (Mr. Holls in the chair) Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I do. Mr. WORKS. May I ask the Senator from Missouri whether that particular phase of the drug act has been passed upon by the Supreme Court of the United States? That provision seems

Mr. REED. I am unable to say whether or not it has been passed upon by the Supreme Court of the United States.

Mr. WORKS. It has been suggested by the Senator from Idaho [Mr. Borah] that that falls under the taxing power, which is an altogether different question.

Mr. REED. I have already stated that this is attached to the internal-revenue feature of our Government; but notice, now, there is attached to that feature in our law something more than the mere collection of revenue. There is inserted the provision I have just read. Then it goes further, and pro-

Nothing contained in this section shall apply—

(a) To the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under this act in the course of his professional practice only: Provided, That such physician, dentist, or veterinary surgeon shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, except such as may be dispensed or distributed to a patient upon whom such physician, dentist, or veterinary surgeon shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs, subject to inspection, as provided in this act.

(b) To the sale, dispensing, or distribution of any of the aforesaid drugs by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, or veterinary surgeon registered under this act: Provided, however, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, or veterinary surgeon who shall have issued the same: And provided further, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.

mentioned.

So we go down to the doctor's office, we take control of it, and we say that he can not prescribe these medicines.

Mr. BRANDEGEE. But you do not get the patient under that act.

Mr. REED. Oh, yes; under that you get beyond the point of the commerce in the thing.

Mr. BORAH. Under the taxing clause.

Mr. REED. Under the taxing clause; and because we have

the right to tax we have undertaken to say how we shall have a right to use it and the limitations upon it. That law is here. I can not say that it has been passed upon by the court; it may have been passed upon, but we have all been kept so busy we can not always read the court decisions and at the same time

follow the business of the Senate.

Mr. BRANDEGEE. I will say to the Senator from Missouri it is in process of being passed upon now, because there are a great many prosecutions being brought all over the country for the violation of that very statute by physicians themselves.

Mr. BORAH. It is altogether probable, then, that the act has not yet been passed upon, or these people would have observed the law. It is likely that the act is being tested out; but that power being exercised under the taxing clause of the Constitu-

tion does not controvert the proposition at all.

Mr. REED. Well, the Government of the United States has power to say what shall go into interstate commerce; that is one power. It has the power to levy an internal-revenue tax; that is another power. Now, by strict construction we would say that the Government, having the power to regulate commerce, would have no other power to say what could and what could not be shipped in interstate commerce; but we all admit that the Government can go beyond that. The question is how far can it go? The Government has the right to levy an in-ternal-revenue tax, but would anyone say, as a matter of original reasoning, that that carried with it the right to enter a physician's office and say how he shall prescribe to his patients and what he shall do with his prescriptions thereafter? That has but a very remote relation to the matter of collecting the Government tax upon the cocaine or other drug within the prohibition of this act.

I certainly do not want to be a party to the enactment of a statute that is unconstitutional, first, because I believe that Congress is the guardian of the Constitution, and I have no patience with those who are willing to pass laws, constitutional I quorum of the Senate is present.

or unconstitutional, and to trust such laws to the courts; and, second, I do not want it, because an unconstitutional law gets us nowhere. I am in dead earnest about this proposition. I say that if the people of the States do not want liquor within their State the Government of the United States ought not to employ its powers under the interstate-commerce clause to break down the laws which have been passed by the people of that sovereign State. In like manner the people of a sovereign State ought not to enact laws prohibiting the manufacture and sale of liquor within their own State and then encourage people in other States to manufacture it, to sell it, and to ship it in interstate commerce, to the detriment of the people of that other State.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to make a suggestion to him?

Mr. REED. Certainly.

Mr. BRANDEGEE. It seems to me the proposition can be defended upon this ground: Congress has power to regulate commerce among the States. The Senator from Idaho [Mr. BORAH] expressed it very well, when he said that, of course, includes the power to police the channels of interstate commerce. Now, what we are attempting to do, if I understand it, by the amendment proposed by the Senator from Missouri [Mr. Reed] is to regulate that commerce in this article under certain conditions to the point of prohibiting it absolutely. Where you prohibt commerce in a certain article itself or upon the ground that in the exercise of the police power or the quasi-police power, whatever it may be, to which the Senator from Idaho has referred, it is a dangerous thing, and that the intention of Congress is to absolutely prevent it getting into that State, it makes it a crime to send it into that State. I think, then, under those circumstances, commerce having been prohibited in the article, that we can go to the extent of preventing a man from indulging in the commodity which the United States Government has absolutely prohibited to interstate commerce in the State. I am not sure about it, but I suggest that for the consideration of the Senator.

Mr. REED. Mr. President, we have not very many Senators present now, and this seems to be a sort of a confidential

matter between a few of us.

Mr. President, I am pretty well convinced that I can reach the object I have in view and yet escape the danger of the suggestion of an invasion of the Constitution. I therefore intend to offer the amendment in this modified form, if I may I therefore inhave the attention of Senators who have been giving this matter careful thought:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within any such State or Territory receive or knowingly sell or purchase or give away any such liquors so transported in interstate commerce shall be punished as aforesaid.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Washington [Mr. Jones]. To that amendment the Senator from Missouri [Mr. Reed] has offered an amendment, which he now modifies. The Secretary will read the amendment to the amendment as modified.

The Secretary. In the amendment of Mr. Jones, on page 2, line 16, after the word "addressed," it is proposed to insert the following:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory, the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within any such State or Territory receive or knowingly sell or purchase or give away any such liquors so transported in interstate commerce shall be punished as aforesaid.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Overman Owen Page Penrose Pittman Hollis Hughes James Johnson, S. Dak. Bankhead Sterling Sutberland Borah Brady Brandegee Swanson Thomas Thompson Bryan Catron Chamberlain Jones Jones
Kenyon
La Follette
Lea, Tenn.
McLean
Martin, Va.
Martine, N. J.
Norris
Oliver Pittman
Poindexter
Ransdell
Reed
Shafroth
Sheppard
Sherman
Smith, S. C.
Smoot Tillman Vardaman Wadsworth Clapp Culberson Warren Watson Weeks Williams Cummins Fall Fletcher Gallinger Works Smoot

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Fifty-two Senators having answered to their names, a Mr. BORAH. Mr. President, a parliamentary inquiry. I

should like to ask if this proposed amendment is divisible?

The PRESIDING OFFICER. The pending amendment is the amendment proposed by the Senator from Missouri [Mr. Reed] to the amendment of the Senator from Washington [Mr. What is the question of the Senator from Idaho?

Mr. BORAH. The question is whether the proposed amendment of the Senator from Missouri to the amendment of the Senator from Washington is divisible. I desire to vote for one part of it, but I hesitate to vote for the other part.

Mr. BRANDEGEE. I ask that the amendment be again read to the Senate, so that we can see whether or not it is divisible.

The PRESIDING OFFICER. The Secretary will again state the amendment to the amendment.

The Secretary again read the amendment of Mr. Reed to the amendment of Mr. Jones.

Mr. BORAH. Mr. President, it seems to me there are two distinct propositions there. If not, the whole amendment is in

Mr. BRYAN. Mr. President, I think it is divisible.

The PRESIDING OFFICER. The present occupant of the chair is attempting to find out whether the Vice President has ruled upon this question or whether it has been raised.

Mr. BRYAN. Rule XVIII settles that. It may be divided upon the request of any Senator.

Mr. BEFFD. I was no objection to the division of the Sena-

Mr. REED. I make no objection to the division, if the Sena-

tor desires that it should be submitted in that way.

Mr. BORAH. Mr. President, if the Senator from Missouri interposes no objection to the division of the question, I ask, if it will meet the approval of the Chair, that the question be divided.

divided.

The PRESIDING OFFICER. The question has not been decided heretofore. So the present occupant of the chair will hold that the question is divisible.

Mr. BORAH. Then I ask for a division of the question.

Mr. GALLINGER. Then let the language of the first branch of the amendment to the amendment be read.

The PRESIDING OFFICER. The Secretary will read as requested.

requested.

Mr. REED. Mr. President, of course with the question divided the penalty clause contained in the last line will have to be read · in conjunction with the first branch of the amendment.

Mr. BORAH. That can be reconstructed.
Mr. REED. Very well.
Mr. GALLINGER. It occurred to me that probably it would have to be rewritten to some extent.

The PRESIDING OFFICER. The Secretary will state the first branch of the proposed amendment to the amendment. The Secretary read as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes—

Mr. REED. Now add the penalty clause.

The Secretary read as follows:

shall be punished as aforesaid.

Mr. BRANDEGEE. The Senator from Missouri has cited in the course of his argument upon this question the case of North Carolina. I want to call his attention to the fact that his amendment, as it seems to me, would not cover a State having such a law as North Carolina has, because the State of North Carolina prohibits the manufacture or sale of intoxicating liquor for

beverage purposes. Mr. REED. " "Therein," but permits liquor to be sent from

the outside.

Mr. BRANDEGEE. Then it would cover that State. Mr. BRYAN and others. Question!

The PRESIDING OFFICER. The question is on the first branch of the amendment as divided.

Mr. REED. I ask for the yeas and nays. Mr. VARDAMAN. I am going to ask that the amendment be read again.

The PRESIDING OFFICER. The Secretary will again state the first branch of the amendment as divided.

The Secretary rend as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

Mr. VARDAMAN. Where does that come in the amendment

which has been proposed?

The PRESIDING OFFICER. It comes in on page 2, line 16, after the word "addressed," of the amendment heretofore offered by the Senator from Washington. The yeas and nays have been asked for. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY].

In his absence I withhold my vote.

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. Hardwick], who is absent on account of illness. I therefore withhold my vote. Were I at liberty to vote I should vote "yea."

Mr. McCUMBER (when his name was called). The senior Senator from Colorado [Mr. Thomas] being absent from the Chamber, and having a pair with him, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. Warren]. I notice that he is not here and therefore withhold my vote.

Mr. SMITH of Maryland (when his name was called). In the absence of my pair, the senior Senator from Vermont [Mr. DILLINGHAM], I withhold my vote.

Mr. STERLING (when his name was called). I have a pair

with the junior Senator from Sout! Carolina [Mr. SMITH] and therefore withhold my vote.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. McCumber] voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. I withhold my vote, then, as I have a pair

with that Senator.

Mr. WADSWORTH (when his name was called). absence of the junior Senator from New Hampshire [Mr. Hol-LIS] I withhold my vote. If at liberty to vote I would vote yea."
The roll call was concluded.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCumber] to the junior Senator from Illinois [Mr. Lewis] and vote "yea."

The result was announced—yeas 45, nays 11, as follows:

YEAS-

Beckham Borah Brady Brandegee Bryan Chamberlain Clapp Cummins	Hitchcock Hughes Johnson, S. Dak. Jones Kenyon Kirby La Follette Lane	Pittman Poindexter Ransdell Reed Shafroth	Sutherland Thomas Thompson Townsend Vardaman Watson Weeks Williams
du Pont Fernald Fletcher Gallinger	Lea, Tenn. Lippitt Lodge McLean	Sheppard Sherman Smith, Ga. Smoot	Works
		S—11.	
Bankhead Culberson Fall	James Martin, Va. Martine, N. J.	Oliver Penrose Simmons	Swanson Walsh
	NOT VO	TING-40.	
Ashurst Broussard Catron Chilton Clark Colt Curtis Dillingham	Gronna Harding Hardwick Hollis Husting Johnson, Me. Kern Lee, Md.	Nelson Newlands O'Gorman Overman Owen Phelan Pomerene Robinson	Smith, Ariz. Smith, Md. Smith, Mich. Smith, S. C. Sterling Stone Tillman Underwood
Goff	Lewis McCumber	Saulsbury Shields	Wadsworth Warren

So the first part of Mr. REED's amendment was agreed to. Mr. REED. Mr. President, I now offer the other clause of the amendment with the word "and" stricken out, and ask that the penalty clause be read in connection with it

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary read as follows:

Whoever shall, within any such State or Territory, receive or knowingly sell or purchase or give away any such liquors so transported in interstate commerce shall be punished as aforesaid.

Mr. CLAPP. Mr. President, I want to call the attention of the Senator from Missouri to the fact that it occurs to me that the word "knowingly" should be ahead of the word "receive." As I heard it read, it follows the word "receive" and only applies to acts after receiving. Will the Secretary read the amendment again?

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. REED. The Senator's criticism is correct. The word knowingly "should be transposed.

The PRESIDING OFFICER. Without objection, that will be done. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound the ayes

seem to have it.

Mr. KENYON. Let us have the yeas and nays.

The year and mays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). The senior Senator from Missouri [Mr. Stone] is absent for the day. I am paired with that Senator, and therefore withhold my vote. This announcement may stand for the day.

Mr. COLT (when his name was called). In the absence of my pair, the junior Senator from Delaware [Mr. Saulsbury],

In withhold my vote.

Mr. CURTIS (when his name was called). Again announcing the pair which I announced on the last roll call, I withhold my

Mr. OVERMAN (when his name was called). Owing to the absence of my pair, the junior Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. SMITH of Maryland (when his name was called). My

pair being absent, I withhold my vote.

Mr. THOMAS (when his name was called). Making the same

Mr. Inomas (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. WADSWORTH (when his name was called). In the absence of my pair, the junior Senator from New Hampshire [Mr. Hollis], I withhold my vote. Were I at liberty to vote I should vote "nay."

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the junior Senator from West Virginia [Mr. Goff] to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. LIPPITT (after having-voted in the negative). that the junior Senator from Montana [Mr. Walsh] has not voted, so I withdraw my vote.

The result was announced—yeas 19, nays 39, as follows:

	YEA	S—19.	
Brandegee Catron Chamberlain Clapp Cummins	Gallinger Hughes Husting Johnson, S. Dak. La Follette	Lea, Tenn. Lee, Md. Lodge McLean Owen	Poindexter Reed Weeks Williams
	NAY	S-39.	
Bankhead Beckham Borah Brady Bryan Culberson du Pont Fernald Hitchcock James	Jones Kenyon Kirby Lane Martin, Va. Martine, N. J. Myers Norris Oliver Page	Penrose Pittman Ransdell Robinson Shafroth Sheppard Sherman Simmons Smith, Ga. Smoot	Sutherland Swanson Thomas Thompson Tillman Townsend Vardaman Watson Works
		TING-38.	
Ashurst Broussard Chilton Clark Colt Curtis Dillingham Fall	Gore Gronna Harding Hardwick Hollis Johnson, Me. Kern Lewis	Nelson Newlands O'Gorman Overman Phelan Pomerene Saulsbury Shields	Smith, Mich. Smith, S. C. Sterling Stone Underwood Wadsworth Walsh Warren

So the second part of Mr. REED's amendment was rejected. Mr. HITCHCOCK. Mr. President, I move to strike out on line 3, page 2, the word "Whoever," and insert "Any publisher or officer or agent of a publisher or a publishing company" who shall knowingly deposit, and so forth. If this is confined to publishers of newspapers or agents of publishers, the offense can be well located, and the law can be fairly enforced without any injustice; but if any individual who mails a publication is liable to prosecution for offending against this law, it seems to me the door will be wide open for blackmail.

Smith, Ariz.

Mr. VARDAMAN. Mr. President, will the Senator yield to

me for a question?

Fletcher

Mr. HITCHCOCK. I vield.

Lippitt McCumber

VARDAMAN. Suppose the whisky dealer should put an advertisement in a paper, and should then take it upon himself to relieve the publisher by circulating the paper. It would seem to me to nullify and defeat altogether the purpose of the

Mr. HITCHCOCK. I think in that case he would become the agent of the publisher for the circulation of the paper. There is not under the postal laws, however, much opportunity for an advertiser to circulate any large number of papers in this way.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska

yield to the Senator from Connecticut?

Mr. HITCHCOCK. I do.
Mr. BRANDEGEE. I should like to call the attention of the
Senator to the fact that he would have to entirely reframe the first section of the amendment, because even if the change suggested by him is made the first part of the amendment makes it an equal offense for anybody to mail a letter containing an order or a postal card; and the section which the Senator is trying to amend makes it an offense to do anything in violation of the first section or the first page of the amendment. If the Senator will read the first page of the amendment, he will more clearly comprehend the point which I suggest to him, I think.

Mr. HITCHCOCK. I think it is possibly open to some objection of that sort; but I think if liquor dealers issue any considerable number of postal cards for advertising purposes they

become publishers of the postal cards.

Mr. BRANDEGEE. Yes; but my point is that it is not the liquor dealer issuing the cards; it is the man who sends an individual order for liquors from a dry State into a wet State that is prohibited by the first section of the bill. But the Senator's amendment would leave it very much confused unless he redrafted the language on the first page—the first two or three lines of the amendment.

Mr. GALLINGER. Mr. President, I will ask that the amendment be stated from the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. SMITH of Georgia. While the amendment is being sent to the desk, I wish to ask the Senator if the effect of his amendment is not to leave the liquor dealer the privilege of having just as many circulars used to flood the State as he sees fit,

provided they are not newspapers?

Mr. HITCHCOCK. I will ask the Secretary to read it as amended, and see if that idea is conveyed.

The VICE PRESIDENT. The Secretary will state the amendment

The Secretary. On page 2, line 3, it is proposed to strike out the word "Whoever" and to insert "Any publisher or officer or agent of a publisher or of a publishing company," so as to read:

Any publisher or officer or agent of a publisher or of a publishing company who shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years.

Mr. HITCHCOCK. Mr. President, in answer to the question of the Senator from Georgia [Mr. SMITH], I think the liquor dealer who causes to be printed any considerable number of postal cards for distribution through the mails would become as much the publisher of those postal cards as the printer who sends out a newspaper; and if not, it might be so amended as to reach such cases. What I am seeking by this amendment to avoid is an obvious danger and evil in this amendment-that individuals who send newspapers through the mails to friends, to correspondents, or for other business purposes are liable to arrest and prosecution in case those newspapers contain certain advertisements. Now, it is true that they will be acquitted on prosecution if it can not be proven that they knew that the advertisements were in the newspapers; but the great evil which I suppose these reformers seek to reach is the distribution by wholesale of newspapers containing liquor advertisements, and this amendment of mine will put a stop to that.

Of course my own private opinion is that the reform will not come exactly in the way that some of these reformers expect. think, for instance, that it will not stop the publishers of New York, Philadelphia, and Chicago newspapers from accepting liquor advertisements. I think it will lead those publishers to stop sending the newspapers into the States that have those restrictive laws, because the newspapers will lose less in that way than they will lose by sacrificing the liquor advertisements.

Mr. TOWNSEND. Mr. President, will the Senator yield for

question?

Mr. HITCHCOCK. I yield. Mr. TOWNSEND. Under the Senator's amendment, what would prevent a liquor dealer or any other person from buying up all the copies of a newspaper at a news stand and sending

them out as he sees fit into dry territory?

Mr. HITCHCOCK. There would be several things that would interfere with it. In the first place, he would be required to put at least 1 cent postage on each newspaper; in the second place, he would find difficulty in getting any considerable number of papers to distribute in that way. any value advertising has to be on a large scale, and my own judgment is that an individual who made an arrangement with a newspaper to send out any wholesale amount of papers would in that way become the agent of the newspaper. The laws prohibit the newspaper from sending out more than a small number of sample copies. As I have proposed to amend this amendment it would make it impossible for publishers who accept liquor advertisements to send their newspapers into the States which prohibit such advertisements; and I suppose that that is the evil sought to be reached.

Mr. WORKS. Mr. President-

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. HITCHCOCK. I do.

Mr. WORKS. Under the amendment of the Senator from Nebraska, what would prevent a liquor dealer from sending his advertisements by postal card or by circular? Does the Senator think that he would in that way become the publisher within the meaning of this amendment?

Mr. HITCHCOCK. My judgment is that he would become as much the publisher of such a circular as the publisher of a newspaper. At least, if the Senator thinks this language would not cover the case, it could be so provided; but the evil

I seek to get at is this:

Under the loosely framed amendment which is now before the Senate it is quite conceivable that a large number of prose cutions might be undertaken against people who had merely sent a number of newspapers through the mail into States where they were not admissible.

Mr. WORKS. Mr. President, I am very much afraid that in construing this amendment a narrower meaning would be given to the word "publisher," which would confine it to some one engaged in the publishing business, and that it would not cover

the case that I suggest.

Mr. HITCHCOCK. I think the law, if it prohibits newspapers, ought to prohibit anyone from sending circulars; but what I think this law ought to do is not to make it possible for designing persons to file complaints against individuals and prosecute them for mailing papers containing advertisements. Now, as the Senator from Colorado [Mr. Thomas] said, there can be no conviction unless it is shown that the individual who mails such a paper does it knowingly; but the way this amendment is framed now, the prosecution could occur, and according to another provision in the same law the man who mails a paper, say, in the State of New York can be taken across the country possibly to Oregon or to any State far away in which the advertising of liquor is illegal and prosecuted there, thousands of miles from his home.

It seems to me such a condition would be intolerable. I think the law which these reformers desire to have passed is designed to keep out of a State systematic advertising which is contrary to the laws of the State; and it ought not to be made to apply to individuals merely sending a stray paper occasionally into such a State. If some other form of this amendment can be suggested, of course it would be all right; but certainly, as it is framed now, the law is a dangerous thing. It is likely to be used for purposes of blackmail. It is likely to impose great hardships on people entirely innocent of any intention to com-

mit an offense.

Mr. JONES. Mr. President, the amendment that the Senator suggests would practically nullify one of the purposes of this amendment, which is not only to prevent the sending through the mail of newspaper advertisements, but the sending through the mail of personal letters, postal cards, and all that sort of things, into the homes of the country.

The Senator suggests that this is a loosely drafted provision. It is anything but that. It is almost word for word section 213 of our Criminal Code, relating to lottery advertisements, and was framed on that; and that section was changed only in so far as was necessary to make it applicable to put

In connection with the criticism the Senator makes in regard to taking some person across the country for trial, I think I this section so that the Senator will see what we provided with reference to that and how it compares with this. This section of the Criminal Code has been in force a great many years, and there have not been any of the hardships that the Senator predicted would come out of that.

Mr. NORRIS. Was that done by reformers?
Mr. JONES. I do not know whether reformers adopted it or not. I imagine that persons who are interested in the welfare of the country and the people of the country, just as the Senator from Nebraska is, were responsible for it.

Section 213 of the Criminal Code is as follows:

No letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list

contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier.

Now, then, how do we provide for a penalty?

That is, whether the publisher of a newspaper or other-

Whoever shall knowingly deposit, or cause to be deposited, or shall knowingly send, or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver, or cause to be delivered, by mall anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years.

The penalty is exactly as provided in this amendment originally, to which some Senators took such violent exception.

Now, then, with reference to the punishment for violation of this act, here is the language that is word for word as it is in the amendment that I have proposed:

Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

Mr. President, I do not care to say anything more about this amendment. I hope the amendment will be satisfactory to the

Mr. NORRIS. May I suggest to the Senator that while I favor the amendment, I do not believe the amendment to the amendment ought to be adopted in the shape it is in now. I can see, I think, a vast difference between the pending amendment and the lottery proposition. In the lottery act it was the intention, and there was no doubt it had the effect, to absolutely preclude advertisements of lotteries in newspapers, because the act excluded such newspapers from the mails so that there should be no more advertising in newspapers of lottery matter. The amendment we are now considering does not pretend to exclude them from the mails except partially. They are admitted in certain States and they are excluded in certain other States. So papers will be published containing liquor advertisements. The danger is where they are published legally in a State, where they have a right to publish them, some innocent person will mail a copy of the paper, legally published in a State where it may be legally sent through the mails, and send a copy of that paper into some other State through the mails where it is illegal for such papers to be admitted. It seems to me, therefore, that that is a great danger. It is a common practice, as the Senator knows, to send from one State to another to friends a copy of a newspaper without thinking of the paper having an advertisement or some other article in it than the one in the mind of the sender. I get daily, and I presume every other Senator gets, from all over the United States papers containing some editorial or some article that the writer wants to call to my particular attention. Your own children send them from the place where you live into other States to friends calling attention to something-advertising the town, it may be. If that paper should contain a liquor advertisement and be sent into a State, where the sender would perhaps have no knowledge of the law, it might be a crime, and under this amendment that person might be taken to the State to which it was. sent, as I understand it, for trial. Persons could be extradited from one State to another, and while at a trial they would be cleared, it seems to me there is great danger of an innocent person being arrested under that kind of a law, and it might be done for the purpose of revenge or spite, perhaps

I am in sympathy, and the Senator knows it, with the amendment, yet I do not want to go so far as to jeopardize absolutely innocent people. I should like to see it confined to papers sent by the publisher and then include in a separate provision circulars, and so forth, that had no other object except the advertising of liquor. That, it seems to me, would avoid an objec-

tion which to my mind is serious. Mr. JONES. Mr. President, I recognize the force of the suggestion of the Senator from Nebraska, but we can not pass any criminal statute or any statute providing a penalty for a violation of a certain act without the possibility of some injury coming to innocent persons. Anyone can make a charge against anybody and hale him into court either upon a civil proceeding or in a criminal proceeding. We can not prevent that by the terms of the law. I can see how, if the terms of this law were made less restrictive, it would lead to its practical nullification.

When this measure was in the Senate a few days ago it was fully considered and passed by the Senate. Of course, I do not claim the authorship of the measure. As a matter of fact, the Senator from Alabama [Mr. BANKHEAD] introduced the measure, and it was considered in the committee.

brought into the Senate and was here considered, amendments were adopted, some of them upon the suggestion of the Senator from Nebraska, and after that action it was sent to the House. Of course, it is almost impossible for us to change the law in any material respect without rewriting it, and we can not do that on the floor of the Senate here. It seems to me that in a measure which has had the consideration this measure has had, while we can see where injustice could be done, it is framed in as good way as we can get it.

I do not desire to take the time of the Senate further.

Mr. BRYAN. It is the same as the bill which passed the Senate?

Mr. JONES. Identically the same, word for word.

Mr. PITTMAN. I wish to offer a substitute for the amendment of the Senator from Nebraska. I gather from his argument that the main wrong they are trying to remedy is the advertising of liquors in dry States. I therefor offer an amendment, so that it will read: "Whoever shall knowingly for the purpose of advertising liquors"; then further down, "shall knowingly for the purpose of advertising liquors deliver or cause to be delivered." In other words, I propose to limit the crime not only to the knowledge of the contents of the article but to the sending of it through the mails for the purpose of advertising liquors

I will ask the Senator if this is offered Mr. GALLINGER.

as an amendment to the amendment?

Mr. PITTMAN. I offer it as an amendment by way of a substitute.

Mr. GALLINGER. A separate amendment?

Mr. PITTMAN. A separate amendment.

Mr. GALLINGER. After the amendment pending has been acted on

Mr. PITTMAN. I offer it really as a substitute for the amendment of the Senator from Nebraska, if it is in order.

Mr. GALLINGER. I should think it would not be in order. The VICE PRESIDENT. It would not be in order, because it comes in at different places in the amendment of the Senator from Washington.

Mr. PITTMAN. I will offer it after the amendment of the Senator from Nebraska to the amendment has been acted on.

Mr. HITCHCOCK. I am inclined to think the substitute which the Senator from Nevada proposes would avoid some of the criticisms that are made against my amendment, and would in effect put a stop to depositing in the mails either newspapers or circulars sent into a State for advertising liquors in violation of law. I therefore withdraw my amendment, and will let the Senate consider the amendment offered by the Senator from

Mr. GALLINGER. Let the proposed amendment be read. The Secretary. On page 2, line 3, after the word "knowingly," insert "for the purpose of advertising liquors"; in line 4, after the word "knowingly," insert the same words; and in line 6 the same amendment, so as to read:

Whoever shall knowingly for the purpose of advertising liquors deposit or cause to be deposited or shall knowingly for the purpose of advertising liquors send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly for the purpose of advertising liquors deliver or cause to be delivered, etc.

Mr. GALLINGER. "Whoever shall knowingly for the purpose of advertising liquors." It seems to me that a man sending a publication through the mail might well say that he did not send it for that purpose, that he sent it for the benefit of his subscribers, not for the purpose of advertising his wares. I think that would be a fatal amendment. I suggest to the Senator from Washington if he allows it to go into the bill, or if the Senate does, he might as well withdraw the whole

Mr. JONES. I am sure it will not go through with my con-

Mr. PITTMAN. That might be said with regard to all criminal law unless you wish to convict somebody upon an indictment without proof. The question of proof would be as to whether or not the person sent the paper into a dry territory with the intent and purpose of advertising liquor. If it is the intent of this measure to convict an innocent person who has nothing to do with the liquor business, who has no interest in the advertising of liquor, who will make no profit by the advertisement of liquor, then I am absolutely opposed to any such bill. I am opposed to passing a measure that will submit an innocent purchaser to proceed the process of the process o innocent purchaser to prosecution under this law. I would rather allow some guilty person to escape through the failure proof than that numerous disinterested persons who have nothing to do with liquor should be prosecuted under the provisions of a loosely and carelessly drawn law.

Mr. VARDAMAN. Mr. President, I think the Senate adopted

Mr. JONES. I hope the Senator will wait until we dispose of the amendment that is pending.

Mr. VARDAMAN. I will do that.

Mr. JONES. I hope the amendment pending will be voted

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada [Mr. PITTMAN] to the amendment. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is lost.

Mr. JAMES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Gallinger	Martine, N. J.	Smith, S. C.
Bankhead	Hitcheock	Nelson	Smoot
Beckham	Hughes	Norris	Sutherland
Borah	Husting	O'Gorman	Swanson
Brady	James	Oliver	Thomas
Brandegee	Johnson, S. Dak.	Overman	Thompson
Bryan	Jones	Page	Tillingn
Catron	Kenyon	Pittman	Townsend
Chamberlain	Kirby	Poindexter	Variation
Chilton	La Follette	Ransdell	Wadsworth
Clapp	Lane	Reed	Walsh
Cummins	Lea, Tenn.	Shafroth	Warren
du Pont	Lee, Md.	Sheppard	Weeks
Fernald	Lippitt	Sherman	Works
Fletcher	McCumber	Simmone	WOLKS

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Washington.

Mr. BRANDEGEE. Is this the Jones amendment?

The VICE PRESIDENT. The Jones amendment.

Mr. JAMES. I think the question is on the amendment offered by the Senator from Nebraska to the amendment of the Senator from Washington.

The VICE PRESIDENT. There was a vote on that.

Mr. JAMES. No; I made the point of no quorum before the

Chair announced the vote, I think.

The VICE PRESIDENT. The Chair had announced that the amendment was lost. If the Senator wants to call for the yeas and nays, the Chair will entertain it.

Mr. BRANDEGEE. Before the yeas and nays are ordered I wish to ask the Senator from Washington if he will not, at the end of line 2, before the word "advertisement," insert the word "paid." I suggest that for the reason I have been informed—I do not know whether it is a fact or not—that many of the newspapers are afraid the word "advertisement" may be stretched so as to include those news articles and editorial utterances that deal with the liquor question, bringing it into prominence, and so forth. I suppose, really, what the measure now means is paid advertisements, is it not?

Mr. JONES. It means what we generally understand by advertisements. I do not think it would include editorial expressions or opinions, or anything of that sort, strictly construed.

Mr. BRANDEGEE. It is a very severe penalty. I move that the word "paid" be inserted before the word "advertisement."
Mr. JONES. I do not think I can accept that amendment. I do not think that it includes the things the Senator has referred to at all.

Mr. BRANDEGEE. I understand the Senator from Washington does not accept it. Therefore I have made the motion that it be inserted.

Mr. JONES. I hope it will be voted down.

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut to the amendment. [Putting the question.] The noes seem to have it. The noes have it, and the amendment to the amendment is rejected. The question recurs on the amendment of the Senator from Washington [Mr.

Mr. BRANDEGEE. I would cheerfully vote for that part of the amendment which was proposed by the Senator from Missouri, but I do not think that all the newspapers of the country which are published in the States which have not in the exercise of their own right and under their own laws gone dry should be boycotted from circulating outside of their own States. I can not, therefore, support that part of the amend-ment which is known as the Jones amendment. Now that the Senator from Missouri has annexed his amendment to it, I am compelled to vote against the entire proposition. If the Senator from Missouri will offer his amendment afterwards, if the amendment of the Senator from Washington [Mr. Jones] should not carry, as a separate amendment, I would cheerfully vote for it, because I do believe that the Congress of the United States ought not to allow interstate railroads and the mail carried by them to circulate liquor advertisements to carry liquor

into the States which have voted that they will not have liquor in their States. Take all the large cities of our country, take the city of New York, with its great metropolitan dailies, New York is not a prohibition State. Those papers circulate all over the I think it is very drastic for Congress to say that papers published legally under the laws of their States shall be limited in their circulation to the boundaries of their own States. These great daily papers are national institutions. New York State desires to have the license system or if my State of Connecticut, exercising its privileges through its license under its own home-rule laws and style of self-government, think it is better for us to have local option, and have each community decide this question for itself, and the State decides it for itself, I do not think all the newspapers in my State of Connecticut should be prohibited by the United States Government from going outside of the boundaries of that State if they contain a liquor advertisement of what is now a lawful industry in my State. Therefore I can not support this amend-

Mr. VARDAMAN. Mr. President, I think the amendment offered by the Senator from Missouri [Mr. Reed] was agreed to under a misapprehension or a misunderstanding of the extent to which it goes. Now, listen to the reading:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes \* \* \* shall be punished as aforesaid.

I voted for this thinking that it prohibited the importation of liquors for beverage purposes; but any State that prohibits the importation of liquor for beverage purposes under this amendment, if it should become a law, could not import liquors for sacramental, scientific, medicinal, or mechanical purposes, and I am going to ask unanimous consent to reconsider the vote by which it was adopted. I will move to amend the amendment by inserting, after the word "purposes," in next to the last line, "except for scientific, sacramental, medicinal, or mechanical purposes."

Mr. CLAPP. Why does not the Senator take the first part of the amendment, where the prohibition occurs, and insert "for use as a beverage," which will accomplish the same result with very much less language?

Mr. VARDAMAN. This is the only place I find where it will come in and make sense. That is the reason why I did not do it. I think the other way is better.

Mr. CLAPP. Very well. I just suggested it for brevity's

sake.

Mr. VARDAMAN. I move this amendment. Mr. GALLINGER. The amendment will have to be reconsidered.

The VICE PRESIDENT. The amendment is not in order unless the original amendment is reconsidered.

Mr. VARDAMAN. That is what I thought.

Mr. JAMES. Mr. President, I do not rise for the purpose of making any objection to the amendment of the Senator from Mississippi [Mr. VARDAMAN], but I wish to ask him if it is not true that under the decision of the Supreme Court on the Webb-Kenyon law the State may by a vote of its people or by an enactment of its legislature provide that whisky shall not be shipped into the State for any purpose. If the State should so provide, then the Federal right of interstate commerce ceases at the State lines, and nothing of any sort of an intoxicating character is allowed to be shipped into the State. In other words, is not the State absolutely sovereign upon this question?

Mr. VARDAMAN. I do not want to leave any doubt about it. I am quite sure that there is not a Member of the Senate who wants to prohibit alcohol for scientific, medicinal, and mechanical purposes. I am also very sure that no Senator desires to prohibit wine for sacramental purposes. There is no necessity for running any risk. The matter is now in the hands of the Senate, and I move that the vote by which the amendment was adopted be reconsidered. I think I am in

order to do that. I voted for the amendment.

The VICE PRESIDENT. The Senator from Mississippi moves that the vote whereby the amendment was adopted be reconsidered. The question is on the motion of the Senator from

Mississippi.

The motion to reconsider was agreed to.

The motion to reconsider was agreed to.

Mr. VARDAMAN. I now move to insert, after the word "purpose," the words "except for scientific, sacramental, medicinal, and mechanical purposes." That coves it, I hope.

Mr. GALLINGER. Is not that an amendment in the third degree? It occurs to me that an amendment in the third degree

is not allowable under our rules.

The VICE PRESIDENT. Does the Senator from New Hampshire raise the point of order?

Mr. GALLINGER

The VICE PRESIDENT. The point of order is sustained. It is an amendment in the third degree.

Mr. VARDAMAN. What is the point of order? The VICE PRESIDENT. That it is an amendment in the third degree. The Jones amendment is one, the Reed amendment is two, and the amendment of the Senator from Mississippi is The question is on the amendment of the Senator from

Missouri to the amendment of the Senator from Washington.

Mr. REED. Mr. President, I offered this amendment in good faith. I did not offer it for the purpose of putting up an impossible law. It was drawn hastily here while the debate was on. I did not intend to deny the people of a State the right to have liquor for sacramental purposes or for mechanical or medicinal purposes. In order to perfect my amendment I ask now to have the words inserted in it which were offered by the Senator from Mississippi [Mr. Vardaman].

Mr. OVERMAN. I do not think we can do that. It will have to be amended in the Senate if amended at all. The amendment

has been adopted.

Mr. REED. It has been reconsidered.

Mr. VARDAMAN. The vote has been reconsidered by which it was adopted.

Mr. BRANDEGEE. The Senator from Missouri can modify his own amendment.

Mr. HUGHES. He can modify his amendment. Mr. REED. That is what I am asking to do.

The VICE PRESIDENT. The Chair thinks the Senator from Missouri can modify his amendment. The amendment will be stated.

The Secretary. On the fourth line of the amendment, after the words "interstate commerce," insert "except for scientific, sacramental, medicinal, and mechanical," so that the amendment will read:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce except for scientific, sacramental, medicinal, and mechanical purposes into any State or Territory, the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished

The VICE PRESIDENT. The question is on the amendment.

Mr. REED. Let it be reported as now modified. The VICE PRESIDENT. The Secretary will now state the modified amendment.

The Secretary. After the words "interstate commerce" it is proposed to insert the words "except for scientific, sacramental, medicinal, and mechanical purposes," so that the amendment will read:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes into any State or Territory, the laws of which State or Territory prohibit the manufacture and sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesaid.

The VICE PRESIDENT. The question is on the amendment as modified to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment as amended.

Mr. REED. Mr. President, before we vote on the amendment as amended, I hope to enlist the attention of the Senate a moment to its provisions. We have discussed it with reference to its effect upon the publishers of newspapers, and I do not intend to again go over that question. The Senate is advised with reference to it. But let us observe just what might happen under this bill to others who are not the publishers of newspapers. The amendment reads:

That no letter, postal card, circular, newspaper, painphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind \* \* shall be deposited in or carried by the mails of the United States.

That would prohibit an advertisement of wine for sacramental purposes; it would prohibit an advertisement of alcohol for mechanical purposes; it would prohibit an advertisement of any of these things for any purpose, however meritorious.

Mr. President, returning to my remarks, that is one phase of the question that ought to be considered; but there is another. The amendment further provides:

Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

I want only a minute on this; but I do think if Senators will consider it they certainly will amend the proposition be-fore adopting it. What we meant by the term "knowingly send"? Is it not entirely possible, under this provision, that if an individual should send a magazine containing an article advertising liquor he could be held as a criminal, although he had no purpose in sending that article to distribute the liquor advertise-What is meant, I repeat, by the term "knowingly send "? He knows that he sends the paper, the pamphlet, the document. Would a court hold that he had to know that it contained a liquor advertisement? I wish I might have the attention of the author of this amendment, the Senator from Washington [Mr. Jones].

Mr. JONES. I am listening to the Senator from Missouri. Mr. REED. No; the Senator from Washington was listening to the Senator from Minnesota [Mr. CLAPP].

Mr. JONES. I was listening to the Senator from Missouri.

Mr. REED. Well, it was a divided attention. Mr. JONES. I caught both of them all right.

Mr. REED. Would not this amendment go far enough if it provided that any person who should, with the intention of distributing such advertisements, send the document containing it through the mails?

Mr. JONES. I think this measure is just about right.

Well, "Ephraim is joined to his idols; let him Mr. REED. Under this amendment as now drawn it would be, in my opinion, entirely possible to send to the penitentiary an individual who should have simply put into the mail a document which happened to contain a liquor advertisement, whether or not he knew the advertisement was therein printed. Certain it is that if he should happen to know the advertisement was in the paper he could be sent to jail or to the penitentiary, even though his purpose in sending the document out was not to advertise liquor at all, but simply to convey certain information which might be found in some article printed in the publication. That is extreme; that is, in my judgment, unreasonable; and an extreme or unreasonable law never makes for the success of any good movement. I thought the suggestion to the Senator from Washington would be sufficient.

I would be willing to vote to stop the sending of advertisements into "dry" territory by men engaged in the liquor business, because they send such advertisements into "dry" territory for the very purpose of defeating the object of the prohibition laws of the State, but when you propose to put upon the statute books a law under which a man not interested in the liquor business, having no desire to promote the liquor business, may be sent to the penitentiary because he mails a paper or a pamphlet that happens to contain an advertisement for liquor, you are going beyond the limits of reason and justice, and I shall be forced, if the proposition stands as it now is, to vote

In order to test the sense of the Senate upon this matter, I move, Mr. President, on line 3, page 2, of the amendment, after the word "knowingly," to insert the words "for the purpose of advertising intoxicating liquors or promoting the sale thereof," so that the sentence will read:

Whoever shall knowingly, for the purpose of advertising intoxicating quors or promoting the sale thereof, deposit or cause to be de-

And so forth.

Mr. GALLINGER. Mr. President, I will repeat what I said a few moments ago, that if the amendment just suggested by the Senator from Missouri is agreed to, all a publisher would have to say would be that he sent his paper for the benefit of his subscribers; that he did not send it for the purpose of advertising the wares of the liquor dealer; but that he had another and an entirely different purpose. The adoption of the amendment, if it be adopted, will entirely nullify the amendment proposed by the Senator from Washington, in my judgment.

Mr. REED. Mr. President, the Senator from New Hampshire is in error. If the language which I propose were in the first part of the bill, which applies to the publisher, then his criticism would be correct; but it is placed in the bill where it is limited to those who shall knowingly deposit a paper or other publication in the mails. The first part of the amendment prohibits the sending of these things. The clause that I am seeking to amend affixes a criminal penalty for those who shall knowingly deposit an article. It applies not only to the publisher, but it applies to everybody.

It seems to me that even a newspaper publisher could not escape under this, because when he prints an advertisement he knows that the object and purpose of it is to promote the sale of liquor. He prints it with that knowledge. That is the sole purpose of an advertisement; but when a man sends a paper through the mails to some friend or business associate he

does not do it for the purpose of promoting the sale of liquor, but he does it for the purpose of conveying some other information contained in the paper.

Mr. NORRIS. May I ask the Senator from Missouri a question?

Mr. REED. Certainly.
Mr. NORRIS. I think I am in sympathy with the point the Senator from Missouri is trying to reach; but I want to call his attention to the fact that there is no penalty provided for the violation of the act except the one that he is seeking to amend. Consequently the language that he attempts to insert would apply to the publisher of the newspaper the same as it would to an individual who was sending such paper to a friend. Therefore, it seems to me, the objection made to the amendment by the Senator from New Hampshire [Mr. Gallinger] would be

Mr. REED. I think it would not, for the reason that I gave. namely, that the newspaper man in printing the advertisement and putting it into his paper does it for the purpose of aiding the liquor dealer in selling his wares, whereas the ordinary indi-

vidual does not.

Mr. NORRIS. But the publisher deposits his paper in the post office just the same as does the individual; and under the language which the Senator seeks to put in the bill it would be necessary to prove that the publisher did it with the intention of advertising intoxicating liquor; and he could answer, I think, as the Senator from New Hampshire has stated.

I suggested a while ago that some such amendment ought to be adopted to apply to the individual who might send a paper through the mails and innocently be brought into a great deal of trouble on account of this law. Therefore, the language that the Senator seeks to put in ought to be so framed that it would

not apply to the publisher of a newspaper.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri to the amendment of

the Senator from Washington.

Mr. JONES. I hope that that amendment to the amendment will not be adopted, Mr. President. That is all I care to say

Mr. ROBINSON. Mr. President, I should like to ask the author of the amendment a question. Washington is a "dry" State, is it not?

Mr. JONES. Yes.

Mr. ROBINSON. If, for instance, the Senator's wife should visit California and should send to him in Washington a newspaper containing a statement of fact which she desired the Senator to have knowledge of, if she had no knowledge that the paper contained an advertisement of liquor, but in fact it did contain one, would she be guilty of an offense under the provisions of this amendment?

Mr. JONES. She would not.

Mr. ROBINSON. Why?

Mr. JONES. Because she would not have done so knowingly. She would not send the advertisement knowingly.

Mr. ROBINSON. If she knew the advertisement was in the paper and sent it to the Senator for the purpose of communi-

cating to him facts relating to matters of interest to him, and had no desire to transmit advertisements of liquor, would that constitute an offense?

Mr. JONES. I hardly think so; but even if it would it would be a mere technical violation, and there are a great many technical violations of criminal laws. I do not think it would be a violation.

Mr. ROBINSON. What is the Senator's objection to so wording the amendment that such an act would not come within its

Mr. JONES. I doubt very much if the amendment the Senator from Missouri proposes would accomplish that object with-

out opening the door to a great many much worse things.

Mr. ROBINSON. That may be true; but that does not answer my question. If it is possible under this amendment to indict a citizen for such an action as I have described in my question to the Senator from Washington, the amendment ought to be modified so that an indictment would not lie in such case No one who is furthering this legislation, I take it, would object to such modification.

Mr. JONES. I do not think any indictment would lie under such circumstances; but, of course, a charge might be made against some one.

Mr. REED. The Senator may say that, in his opinion, an indictment would not lie, but the language of the amendment would cover the act just described by the Senator from Arkansas

Mr. JONES. I do not think so.

Mr. REED. It would. The person charged would have knowingly put in the mails an advertisement of liquor and, having done that, the offense would be complete.

Mr. JONES. We can conjure up all possible dangers, of course, in connection with a proposed law of this character.

Mr. REED. When you write a law you should conjure up, if you have any sense, the things that are likely to happen under it. Mr. ROBINSON. Mr. President, will the Senator yield to me for just a moment?

Mr. JONES. I am perfectly willing to allow the suggestion the Senator from Missouri has made to this bill to be considered

in the light of the facts presented.

Mr. ROBINSON. If the Senator from Washington will permit me to make a statement in connection with his remarks in regard to conjuring up every possible evil, I wish to state that the newspapers in California in all probability carry liquor advertisements, because, if I am correctly informed, liquor is at present sold in California, and it is quite likely that no general newspaper published in that State is without some liquor advertisements. So that, if it became desirable to send to the Senator in a "dry" State a newspaper from some one in a "wet" State, the probability is that that newspaper would contain liquor advertisements, and the very condition that I have asked the Senator about would in practice actually arise. So I do not think that I am conjuring up anything, but I am asking a practical question.

Now, what I can not understand is this: No one who knows the Senator from Washington questions his sincerity in advocating prohibition legislation, and I am in sympathy with his effort to have a fair amendment adopted to prevent the circulation of liquor advertisements in prohibition territory; but I submit to the Senator from Washington that he can very easily modify his amendment so as to make it free from the objection.

Mr. JONES. The Senator says that it can be easily modified. If the Senator can suggest any amendment that will meet it without opening up the door to violations of the law, I will certainly accept it, so far as that is concerned; but we have to be mighty careful with legislation of this character.

Mr. ROBINSON. The Senator is familiar with this subject, and I do not think that one who has not given special study to it could submit the necessary amendment on the instant.

Mr. JONES. I have tried to think of some changes that might be made to meet a situation like that, but I must say

might be made to meet a situation like that, but I must say I have been unable to do so without opening wide the door and practically nullifying the proposed law.

Mr. GALLINGER. I want to warn the Senator from Washington to be careful about these amendments that are being offered. My friend the Senator from Arkansas [Mr. Robinson] suggests that if the wife of the Senator from Washington were in California and mailed to him a paper containing a liquor advertisement—if she knowingly did so—she would be guilty; but I apprehend that the Senator's wife uses scissors, as most of us do and if there was a liquor advertisement. sors, as most of us do, and if there was a liquor advertisement she could easily clip it from the paper or she could clip the article that she wanted to call attention to and send that. I think there will be no trouble about it.

And she would very likely do so. I am not

Mr. JONES. And she wor worrying over that situation.

Mr. MARTINE of New Jersey. Mr. President, I believe the amendment permits the admission of liquor into the "dry" States for medicinal purposes. As a lover of humanity, I am prompted to say that I am alarmed when I stop to ponder how human ailments will multiply in that territory. [Laughter.] Ninety-five per cent of these "dry" men will have pains beyond description which they will try to assauge. [Laughter.] The counsel of St. Paul to Timothy, "Use a little wine for thy stomach's sake," will be on nearly every lip and tongue. They will be pleading for some gap, some loophole, whereby they may assuage their situation.

To my mind the whole situation has really become ridiculous and absurd. I can not imagine, as I said this morning, how a sane man, blessed with personal liberty all his life, and not interfered with by his fellows, can propose to establish lish such drastic and unreasonable regulations. God be with you, for I think your dreams must be nightmares. [Laughter.]

Mr. HUGHES. Mr. President, the amendment known as the Jones amendment, if it shall become a law, of course, will make it a crime for anybody to have a copy of his home paper containing liquor advertisements mailed to him in the District of Columbia. If legislation now pending, and which has already passed this body, becomes a law, I think that is correct. I will ask the Senator from Washington if that is not so?

Mr. JONES. I did not understand the question of the Senator.

Mr. HUGHES. We have already passed a certain bill with reference to prohibition in the District of Columbia. I have forgotten just how it deals with a proposition of this kind, but it would be against the law for anybody to mail a newspaper into the District of Columbia containing a liquor advertisement if that proposed legislation becomes a law.

Mr. JONES. No; we have not provided in that bill, as I

understand, any prohibition as to advertising. We did not put in any provision prohibiting liquor advertisements in the papers, and all that my amendment relates to is territory where such advertising is prohibited by local law.

Mr. HUGHES. How many such States are there, I will ask

the Senator?

Mr. JONES. I do not know just how many, but I think 13 or 14, or possibly more. Quite a good many of the States have adopted such legislation.

Mr. HUGHES. I do not know whether the bill which we passed with reference to prohibition in the District of Columbia contains any provision of that sort.

Mr. JONES. I am very sure that it does not.
Mr. HUGHES. The Senator is sure, and, of course, I will

accept his assurance on that point.

One or two Senators have called attention to the fact that there may easily occur a great many innocent violations of this proposed legislation, and that is met by the suggeston that the word "knowingly" will operate to prevent a man who innocently violates the law from being convicted. It is very true that it is going to be extremely difficult to convict anybody under the language of this provision. Nobody is going to be con-victed, in all human probability, under the language of this amendment, just as very few people have been or ever will be convicted under the language of the white-slave act.

This proposed legislation, however, will, if enacted, open up another door to blackmailers all over the United States. people may be in a position to prove perhaps before a petit jury that they did not knowingly commit a certain act, or may be in such a position that the Federal prosecutor could not possibly prove that they did knowingly do so; but, nevertheless, there is nothing to prevent a harsh and relentless Federal prosecutorand there are some of them in this country who get practically 100 per cent of indictments in the cases which they lay before their selected and hand-picked juries-from getting an indictment and nothing to prevent him from getting before the same kind of a petit jury perhaps a conviction. Any lawyer or any man who has ever sat as a criminal judge knows, that under a fair administration of this proposed law it would be practically impossible in any event to secure a conviction in such a case as has been suggested here, but petit juries do not always give the language of the law the consideration that they should give it, and innocent persons may suffer, although I think it will be very difficult to secure convictions under the proposed act. However, the fact remains that it will be possible to secure indictments under this measure of innocent persons who may be haled into court and tried, and the question of their guilt or their innocence, their liberty, or their forfeiture of liberty, submitted to the tender mercies of a Federal jury, thousands and thousands of miles away from their homes, perhaps. It seems to me that this is carrying the desire to stop people from drinking whisky to unheard-of lengths, and I intend to vote against the amendment.

Mr. REED. I desire to withdraw the amendment which I

Mr. REED. I desire to withdraw the amendment which I last offered and to offer another in lieu of it.

The VICE PRESIDENT. The Senator has that right.

Mr. REED. Then I withdraw it; and, on page 2, line 3, I move to strike out the word "whoever" and insert the following: If the publisher of any newspaper or any other publication or the agent of such publisher or if any dealer in said liquors or his agents shall—

Then, taking the language of the amendment-

knowingly deposit or cause to be deposited-

And so forth.

Mr. GALLINGER. Mr. President, I inquire as to whether or not the former amendment offered by the Senator from Missouri was agreed to? I think it was.

The VICE PRESIDENT. It was.

Mr. GALLINGER. If so, I would like to have the amendment the Senator from Missouri now suggests read in connection with it. I think it will not be quite as the Senator would wish to

Mr. REED. Does the Senator refer to the amendment that offered a moment ago?

Mr. GALLINGER. Yes; and which was agreed to, as I

Mr. REED. I do not think it has been agreed to.

Mr. GALLINGER. I would like to have that read in conjunction with the amendment the Senator now offers.

Mr. JONES. Mr. President, I should like to have the amendment now offered by the Senator from Missouri again read. did not catch where it was to come in.

Mr. REED. The Senator from New Hampshire has preferred

a request.

Mr. GALLINGER. Yes; I should like to have read first the amendment that was agreed to, and then the proposed amendment. I think there will be found to be a conflict in the terms, or a duplication, one or the other.

The VICE PRESIDENT. The Secretary will read the amend-

ment which has already been agreed to.

The SECRETARY. To the amendment of Mr. Jones, on page 2, line 16, after the word "addressed," the following amendment has been agreed to:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory, the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesald.

Mr. GALLINGER. That is not the amendment which I thought had been agreed to.

Mr. REED. The amendment to which the Senator evidently

refers I have withdrawn. Mr. GALLINGER. The Senator has withdrawn that amend-

ment?

Mr. REED. Yes. Now, answering the Senator from Washington, the amendment I have proposed is to strike out the word "whoever," in line 3, on page 2, and to insert the following language:

If the publisher of any newspaper or other publication or the agent of such publisher or if any dealer in said liquors or his agent shall—

Then follows the language-

knowingly deposit or cause to be deposited or shall knowingly send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section—

And so forth.

Now, that will get the newspaper man who knowingly violates this law. It will get his agent. It will get the liquor dealer who is violating the law. Every liquor dealer who is now engaged in circularizing a State, advertising his liquors, will be caught by that law if he sends the advertisements through the mails. Every newspaper publisher who intentionally and knowingly puts an advertisement in his paper and sends it into dry territory will be caught by the law. private individual who is neither a liquor dealer nor the agent of a liquor dealer, who is not a newspaper publisher or the agent of a newspaper publisher, who sends a paper through the mails will not be within the language of the act.

Mr. JONES. Mr. President, I should like to hear it read

once more.

The VICE PRESIDENT. The Secretary will again state the

amendment to the amendment.

The Secretary. On page 2, line 3, it is proposed to strike out the word "Whoever" and to insert in lieu thereof "If the publisher of any newspaper or other publication, or the agent of such publisher, or if any dealer in such liquors or his agent," so that it will read:

If the publisher of any newspaper or other publication, or the agent of such publisher, or if any dealer in such liquors, or his agent, shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section—

Mr. JONES. Mr. President, of course it is very difficult, on the floor here, to determine just what the effect of the amendment may be. That amendment reads very well to me. I do not want to have legislation passed that is likely to result in what some of the Senators fear might happen under it; and I do not want to put any friend of this legislation in the attitude of being forced to vote against something that he thinks he ought to vote for. I feel that there are enough votes to pass this amendment in the shape it is in, but I do not want to have any Senator feel that he is compelled to vote for an amendment that he does not like very well. I am going to assume the re-sponsibility of saying that that amendment is satisfactory to me.

With the word "said," before "liquors," changed Mr. REED.

to "such."

Yes; so that it will read "such liquors."

The VICE PRESIDENT. The question is on the amendment as modified and amended.

Mr. BRANDEGEE. Mr. President, is that the Jones amend-

The VICE PRESIDENT. It is the Jones amendment.

Mr. BRANDEGEE. Has this proposed amendment to it been adopted by the Senate?

The VICE PRESIDENT. It has been accepted by the author of the amendment

Mr. BRANDEGEE. Mr. President, before this amendment is

voted on I want to say a very few words.

If the United States of America had adopted a constitutional amendment providing for national prohibition, I could see that this amendment would be a proper one. But, Mr. President, where, as at present under the law, this question is dealt with by the separate States, and where, as we are doing in this amendment by the accepting of the amendment offered by the Senator from Missouri, it is made a crime for any liquor to be transported from a wet State into a dry State, it seems to me utterly uncalled-for to say that no newspaper in a wet State which is advertising goods and wares which are lawful in that State shall be sent outside of the lines of that State into some State that has a different policy.

The object of this amendment is perfectly plain. The object of this amendment is not to prevent anybody mailing a news paper or a publication to anybody else in a dry State. object of this amendment is to prevent the newspapers and the other publications which are published in wet States from carrying any liquor advertisements. That is the object of this amendment, and that is its entire purpose. There can be no purpose whatever in excluding a newspaper from a dry State, if the newspaper carries a liquor advertisement, if the law of the Nation prevents any liquor going into the dry State. The object is to drive the newspapers of the country, under threat of being prosecuted for crime, into refusing all liquor adver-tisements in States where it is perfectly lawful to sell intoxicating liquors.

Mr. OVERMAN. Mr. President, may I ask the Senator a

question?

Mr. BRANDEGEE. Yes; I yield.

Mr. OVERMAN. It is not quite along the line to which the Senator is addressing himself, but what I want to know is this: If a State prohibits the manufacture and sale of liquor, but allows a certain quantity of liquor to be shipped into the State—a quart a week has been illustrated here—has Congress any right to prohibit that liquor going into the State, where the State itself allows it?

Mr. BRANDEGEE. Mr. President, I think it has. I think clearly the United States Government and Congress can prohibit liquor from going into the State of North Carolina, for example.

Mr. OVERMAN. If the legislature of the State allows such

products to be shipped in?

Mr. BRANDEGEE. Yes; I think that under the power to regulate commerce among the States Congress can prohibit it. Mr. OVERMAN. Could Congress then say that no liquor should be shipped into Connecticut?

Mr. BRANDEGEE. I think it can say that no liquor shall

be shipped into any State.

Mr. OVERMAN. Into Connecticut, even though the State has no prohibition law?

Mr. BRANDEGEE. Yes; all of them; and that is just what the Reed amendment is proposing to do. Now, I say I think it can legally do that; and even if the Jones amendment with the Reed amendment attached should be defeated, I should be in favor of adopting the Reed amendment prohibiting the shipping of liquors from a wet State into a dry State, because I think the people of that State ought to be protected when they vote "dry." But, Mr. President, simply because some of the States have gone dry I am utterly opposed to an attempt to force all the newspapers of this country that print liquor advertise-ments either to confine their circulation to their own States or else not to print the liquor advertisements.

Mr. GALLINGER. Mr. President, the Senator is not quite accurate when he says the amendment prohibits these newspapers going into States that have gone dry. It does not permit them to go into a State that has a law forbidding the news-

mit them to go into a State that has a law formidding the newspapers of that State to publish advertisements of this kind.

Mr. BRANDEGEE. I will modify my statement to that extent. I see no reason for the adoption of this amendment; and I will say to the Senator, in view of the remarks he has just made—that the prohibition is not against going into a dry State, but is against going into a State which has a law prothibition. hibiting liquor advertisements in the papers published in that State—that no State will have a law prohibiting liquor advertisements in its newspapers unless it has gone dry.

Mr. GALLINGER, No; of course not.
Mr. BRANDEGEE. So that it amounts to the same thing. I do not think we are called upon, Mr. President, to use the powers of the United States Government to control the press of the country on this question until the United States Government itself has made this traffic unlawful. If it had, then I agree that this would not do any damage; at least, it would not be inconsistent with the national policy. But unless we are ready to amend the Constitution of the United States and make this Nation a dry Nation, I do not think the heavy hand of Congress ought to be put upon every publication in the United States of America, telling them what they can print and what they can not, when what they print is perfectly lawful under the laws of the State in which they reside and under which they are incorporated.

Mr. OLIVER. Mr. President, I agree entirely with what the Senator from Connecticut has said with regard to this amendment. I think legislation of this kind has gone too far. I am a newspaper publisher myself, and the newspapers which I control do not admit to their columns advertising of this nature. They circulate to a considerable extent in the neighboring State of West Virginia, which prohibits advertising of this character in its own newspapers. But, Mr. President, there are other reputable newspapers published in our section which circulate in that neighboring State; and as long as the liquor traffic is recognized by the laws of the United States, I do not feel that I have any right to sit here as a lawmaker and aid in the passage of a law which will be a handicap upon those newspapers which are competitors of mine.

For this reason, Mr. President, I do not propose to vote in favor of this amendment. I think it is a restriction upon the liberty and the rights of the newspapers of the country. As long as the newspaper owners see fit to admit such advertising into their columns, and as long as this traffic is recognized by our laws, I feel that these newspapers should not be shut out of the mails, and that these newspaper proprietors should not be subjected to the condition of criminals because they are following lines of legitimate business in admitting advertisements to the columns

of their papers.

I hope the amendment will not prevail.

Mr. BANKHEAD. Mr. President, it seems to me that the purpose and effect of this amendment is misunderstood. There are four or five, perhaps six, States in the Union whose legislatures have enacted laws prohibiting the advertisement of liquors and other intoxicating beverages by the newspapers of those States. They are subject to prosecution if they violate that law. Now, I do not quite understand why papers and advertisers on the outside of the States that prohibit advertising within their borders by their papers should be permitted to flood those States with their whisky advertisements through the This is simply an effort to aid these States in the enforcement of their laws.

If these laws are not wise, if they are wrong, the people of the States where these laws have been enacted are to blame and responsible for it. That is the only purpose of the amendment. It does not apply to a State where the legislature has not prohibited such advertisements. It does not apply to a State where whisky is sold in any way. There are in a number of States in the Union so-called dry sections, while other sections of the State are authorized to sell spirituous liquors, and do sell them. This amendment does not apply to States of that sort. This amendment does not apply to the State of Washington—the comparison was made a while ago as to the State of Washington—because that State has not yet prohibited the advertisement of whisky within the State by the press of the State.

Mr. JONES. Yes; I think the State of Washington has prohibited such advertisements.

Mr. BANKHEAD. It has been done very recently, then. I stand corrected. I am glad they have, so far as that is concerned.

Mr. JAMES. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. Yes.

Mr. JAMES. While this amendment in that particular may aid the State law, is it not true that where a State has gone, as we say, bone-dry, this amendment that is adopted nullifles the bone-dry provision of the law and allows whisky to be shipped in from the outside for the purposes exempted in the amendment?

Mr. BANKHEAD. That may be true, Mr. President. I did not vote for that amendment.

Mr. JAMES. It was adopted, however.

Mr. BANKHEAD. Yes; it is true it was adopted by the Senate. Now, that is all I care to say, except this—
Mr. JAMES. The point I was making, if the Senator will

permit me, is this: In one particular the argument can be made for this amendment that it aids State law. In the other particular it is subject to the criticism that it nullifies State law.

Mr. BANKHEAD. I think that is true under the amendment

legislation in the Senate; but I want to remind Senators, if I may be permitted to do so, that we are now within about 15 or 16 days of the adjournment by law of Congress. Many of the important appropriation bills have not yet passed the House. The most important ones have not come to the Senate. We have here the revenue bill, which must be passed before we adjourn; and it does seem to me that the Senate ought to be satisfied with the two days' discussion we have had on this amendment to the Post Office appropriation bill. It does seem to me that everything has been said that can properly be said on both sides of this question. I have refrained from any discussion of it because I thought perhaps others could do it better

I want to appeal to the Senate, in the interest of legislation-I want to appeal to the Senate, in the interest of orderly proceedings in the Senate, if I may be permitted to use that phrase—to consent now that we may have a vote on this amendment, and let it go to the conference, where it must necessarily go; and it may be—I do not know, of course; I can not speak for the conferees—it may be that we will be able to work out a measure that will be entirely satisfactory to the Senate. But in any event I appeal to the Senate to discontinue the discussion that has been going on upon this particular amendment for two whole days.

Mr. JONES. Oh, no; it just commenced to-day.
Mr. BANKHEAD. Well, this and the other amendment. We had two amendments.

Mr. JONES.

Mr. BANKHEAD. I stand corrected; but we discussed an amendment all day yesterday. Now, we have discussed this amendment all day to-day, and while I do not know, it may be that some other amendment will be presented here that we will be called upon to discuss all day to-morrow.

That is all I have to say. I do hope the Senate will permit us to vote on this amendment, and take up some other legislation that must necessarily be passed before Congress can adjourn.
The VICE PRESIDENT. The question is on the amendment

as amended. [Putting the question.] The amendment is unanimously adopted.

Mr. WADSWORTH. Mr. President, I realize the great desire of the Senator in charge of the bill to hasten its consideration. and I shall not consume more than four or five minutes unless I am interrupted.

I send two proposed amendments to the desk, and ask that they be read by the Secretary, and as each is read I shall explain its purpose and sit down.

The VICE PRESIDENT. The Secretary will state the amend-

The SECRETARY. On page 30, after line 2, it is proposed to insert the following new paragraph:

That from and after the passage of this act the privilege of admission to the mails as second-class matter extended to the bulletins issued by State boards of health under the provisions of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, shall be extended to the bulletins issued by the beards of health of cities in the same manner and under the same conditions.

Mr. WADSWORTH. Mr. President, as the Senators probably know, the bulletins issued by the boards of health of the various and several States at the present time are carried as secondclass matter in the mails. Up to a recent time the bulletins issued by the city boards of health have also been carried through the mails as second-class matter. A recent ruling of the department, however, has resulted in the boards of health of cities being informed that the bulletins issued by them must be carried at first-class rates instead of second-class rates. amendment is to authorize the carrying of bulletins issued by city boards of health at second-class rates, as they have been

carried up to very recently.

Mr. BRYAN. Instead of at third-class rates?

Mr. WADSWORTH. No, Mr. President. They have been carried at second-class rates for four years in the city of New York, we will say. Now, a recent ruling of the department demands that they pay first-class rates.

Mr. BRYAN. I think it is a good amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.
The Secretary. The Senator from New York also proposes, on page 23, after line 20, to insert the following:

That the Postmaster General shall have full authority to grant to any employee not to exceed two weeks' sick leave in any one year with pay.

that has been agreed to.

I merely want to say one word more, Mr. President. I have learned long since that there is no possible way of hurrying so that it will read "any employee of the Postal Service,"

Briefly, let me remind the Senate that the employees of the United States Government here in the city of Washington are now permitted to take 30 days' sick leave; and that includes, as I understand, the employees of the Post Office Department on departmental duty here in Washington. They have 30 days' sick leave. The employees of the Postal Service in the field, outside of the city of Washington, are not permitted to have any sick leave whatsoever under the present statute. My amendment is designed to permit the Postmaster General to give those men two weeks' sick leave with pay in each calendar year.

Mr. BRYAN. While they have not sick leave, they do have

30 days' leave with full pay.

Mr. WADSWORTH. So also, Mr. President, do the employees in Washington, who get 30 days' leave and 30 days' sick leave. The employees in the Postal Service outside of Washington do not get any sick leave at all, and only 15 days' ordinary leave.

Mr. BRYAN. Mr. President, I am aware that in Washington

the employees have about 70 or 75 holidays or days off, 60 of them with pay. That, however, is no reason why it should be extended to the whole country but is a reason for cutting down the holidays allowed here.

I raise the point of order that this is general legislation on an

appropriation bill.

The VICE PRESIDENT. What is the point of order?

Mr. BRYAN. The point of order is that it is general legislation on an appropriation bill. It proposes to grant two weeks' sick leave, with pay, to the postal employees throughout this country—employees of the city post offices and other postal em-

The VICE PRESIDENT. It does not read quite that way. It

That the Postmaster General shall have full authority to grant to any employee of the Postal Service not to exceed two weeks' sick leave in any one year with pay.

That is conferring a discretion upon him, is it not?

Mr. BRYAN. No, Mr. President; that language is intended to direct. When we confer authority upon the President to do anything it is intended to be mandatory upon him, and it is universally construed that he would be directed and required to do it. But, Mr. President, even if you left it in the discretion of the Postmaster General, it would be general legislation.
The VICE PRESIDENT. Is there a law now fixing sick leave?

Mr. BRYAN. They have no sick leave. There is a law now granting 30 days' leave of absence with pay.

The VICE PRESIDENT. The Chair is not sure whether he is correct or not, but he is going to sustain the point of order.

Mr. GALLINGER. Mr. President, I offer the amendment which I send to the desk and will say just one word concerning it.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. In line 3, page 29, after the words "yearly salary," it is proposed to insert "of \$1,800," so that it will read:

That the maximum yearly salary of \$1,800 shall hereafter be paid to the rural carrier on Lake Winnepesaukee, who furnishes his own equipment.

Mr. GALLINGER. Mr. President, there is only one water route in this country where the carrier furnishes his own steamboat, and he has been allowed the maximum yearly sum, which is \$1,800, but some subordinates in the Post Office Department have made him a great deal of trouble, put him to much inconvenience; and while I think he has in every instance, except possibly one, got the money, yet he has had trouble about it. propose to insert the amount in the bill, so that there can be no contention over it. It does not increase the salary at all, but simply defines it.

I ask for a vote upon the amendment.

Mr. BRYAN. It is strange, notwithstanding that under the peculiar language of the greater maximum he should get \$1,800, but I do not understand how there can be a maximum and then a greater maximum.

Mr. GALLINGER. I do not see. It is in the bill, however.

Mr. BRYAN. It is in the bill.

Mr. GALLINGER. I think the word "greater" has been

Mr. BRYAN. It has been stricken out. As the bill reads now the maximum yearly salary shall hereafter be paid, and it would not operate to give this carrier \$1,800. The committee struck out the word "greater," and the contention of the department was that he ought not to have \$1,800.

Mr. GALLINGER. That is entirely a novel statement to me.

I was not present when the word was stricken out. The fact is that he received \$1,800 last year.

Mr. BRYAN. The word was eliminated with the understanding that he would not receive it. I will read to the Senator what the Postmaster General says about it.

Mr. GALLINGER. I will give notice now that when the bill comes into the Senate I shall ask for a separate vote on that amendment which was made, because I had no knowledge of it.

Mr. BRYAN. Agreeing to the Senator's amendment will ac-

complish the same purpose.

Mr. GALLINGER. Certainly. I did not suppose there was any controversy as to the proper compensation for this carrier. It has been conceded.

Mr. BRYAN. If the Senator will pardon me, the Postmaster

General says:

General says:

The carrier on this route should not be paid \$1,800 for the service rendered by him. The route is served by motor-boat operating but four and a half months in the year, and in connection with the performance of mail service the carrier conducts a lucrative freight and passenger business, and it is understood that his business is interfered with in no way by the delivery and collection of mail. It is noted that when this carrier performed double daily service during the month of July, 1915, he delivered 23,459 pieces of mail and collected 19,810 pieces of mail; that the total weight of all mail, including fourth class, during that month was approximately 171 pounds per day delivered and 46 pounds per day collected; and that the tour of service was, for the first trip, 4 hours and 30 minutes and for the second trip 4 hours and 15 minutes, making a total of but 8 hours and 45 minutes. This carrier should receive neither the lower maximum salary of \$1,200 nor the higher maximum of \$1,800 per annum, as it is believed he would be fully compensated for the service rendered if his salary were fixed in accordance with the regular schedule of salaries, based on distance traveled, as established by law.

That is all I know about it.

That is all I know about it.

Mr. GALLINGER. I have not any knowledge of that law. The Postmaster General has been disposed heretofore to make trouble for this particular carrier. The carrier has a very fine boat that he has purchased himself, and it is splendidly equipped. He carries the mail to all the larger islands in Lake Winnepesaukee, which is a very extensive sheet of water. He has rendered very satisfactory service. I think I know that anything less than \$1,800 would be an inadequate compensation for this service. While there has been some contention about it in the Post Office Department, he received \$1,800 last year, after having some little trouble with the subordinates in the department; but I do think it is rather an extraordinary thing that an issue should be made now concerning this matter and an attempt should be made to reduce this salary.

Mr. BRYAN. Let me ask the Senator if he is familiar with

this particular rural route?

Mr. GALLINGER. I have been over the route several times. Mr. BRYAN. Does the Senator think the salary ought to be \$1,800?

Mr. GALLINGER. I certainly do, because I have consulted

Mr. BRYAN. I will say to the Senator, then, let the amendment go into the bill, and he can have a separate vote on striking out the word "greater."

Mr. GALLINGER. Very well, if that is satisfactory. not know until this morning that it had been stricken out.

Mr. BRYAN. Or it can be reconsidered now.
Mr. GALLINGER. Will not the Senator allow the words I
have submitted as an amendment to go into the bill and go to conference?

Mr. BRYAN. Yes: I am willing to do that.
Mr. GALLINGER. Then let the amendment be agreed to
and let the matter go to conference. Then the controversy will be as to whether the word "greater" shall be restored or stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment, which will be stated.

The Secretary. After the word "maximum," page 29, line 3, insert the words "of \$1,800."

The amendment was agreed to.

Mr. NORRIS. I give notice that when we get into the Senate I shall ask for a separate vote on the shipping-subsidy amendment, commencing at line 16, page 22.

The VICE PRESIDENT. The Chair understands the Senator

reserves the amendment for a separate vote.

Mr. NORRIS. Yes, sir. Mr. KENYON. I desire to reserve for a separate vote the amendment of the Senator from Washington [Mr. Jones] and all amendments to his amendment.

Mr. SMOOT. Day before yesterday I think I reserved the right to offer an amendment providing that on and after July 1. 1917, drop letters should be mailed at a rate of 1 cent per ounce

or fraction thereof. If not, I do so now.

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole the bill will be reported to the

Senate.

The bill was reported to the Senate as amended.
The VICE PRESIDENT. Save those amendments which have been reserved for a separate vote, the question is on con-curring in the amendments made as in Committee of the Whole.

this legislation.

The amendments were concurred in.

The VICE PRESIDENT. The Secretary will state the first reserved amendment.

The SECRETARY. On page 29, line 2, at the end of the line, the Senate, as in Committee of the Whole, struck out the word "greater," where it reads "that the greater maximum yearly

Mr. GALLINGER. I did not want to make any issue about I was willing that the amendment as agreed to should go to conference.

The amendment was concurred in.

Mr. SMOOT. On page 4, line 15, after the numerals "\$32,-000,000," I offer the following amendment.

The SECRETARY. On page 4, line 15, after "\$32,000,000," in-

Provided, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

Mr. SMOOT. Mr. President, in a letter dated January 30, 1917, to Hon. J. H. BANKHEAD, chairman of the Committee on Post Offices and Post Roads, the Postmaster General, in speaking of this matter, makes the following statement:

After carefully considering the matter, I believe the department at this time should ask Congress to reduce the rate on drop letters from 2 cents to 1 cent per ounce or fraction thereof. It was my desire that coincident with the reduction of the rate on drop letters the rates on second-class matter should be increased; but if the latter must be deferred for the time being, we may reduce the rate on drop letters at this time, provided no provisions are made in the bill for useless services or unnecessary expenditures for unwarranted increases in salaries and other items.

While this action the provided are death covers a defect in the postal ways.

While this action would, no doubt, cause a deficit in the postal revenues for the first few years, it is believed that by pursuing the policy outlined the department would be able to place the Postal Service on a self-sustaining basis in a short time.

Mr. President, in the hearings on the subject matter of 1-cent drop-letter postage before the Committee on Post Offices and Post Roads of the Senate I find there is a popular demand for this legislation. There are some 10 pages of those hearings in which the petitions that have been received are recorded, coming from the leading organizations in the United States. not a State in the Union whose leading commercial and other organizations, including religious organizations, and, I may say, organizations of every character that have not petitioned for

The estimated revenue from drop letters to the Government of the United States amounts to about \$54,000,000, based upon a test that was made a year ago last October for the first seven days of the month. We all know that drop letters are generally used by the business interests of the country on the first of the month in sending out statements and for other purposes, and therefore the test was at a time when the showing would be greater, as far as revenue is concerned, than at any other time of the month or season of the year. Under that showing it would appear that there would be a loss of \$27,000,000 a year.

But, Mr. President, if we take into consideration the history not only in this country but in Canada and other countries wherever there has been a reduction made in the price of postage the loss has been very slight, indeed. In 1883 when the rate of postage was reduced from 3 cents to 2 cents, for that year the total revenues of the Post Office were \$45,508,000, and the expenditures for that year were \$43,282,000. For the year 1884, one year after the postage had been reduced from 3 cents to 2 cents, the revenue of the Post Office was \$43,325,000 and the expenditure was \$47,224,000.

so, Mr. President, the decrease in the postage in our country on account of the drop from 3 cents to 2 cents was only \$2,183,000. I am quite positive that if drop-letter postage is reduced to 1 cent there will not be a difference of more than \$15,000,000 in the revenue, if so much. The Postmaster General says that he has no doubt but what there will be \$10,000,000 surplus at the end of the coming fiscal year.

So under any circumstances, Mr. President, there would not

be a deficit at the end of the first year to exceed \$5,000,000, and I believe it will be less than that.

I wish to call attention to the fact that in the testimony before the committee it was shown that many of the larger institutions of the country that now deliver their monthly state-ments by messengers, if the rate on drop letters is reduced to I cent will immediately change that system and they will be delivered through the mails. The reason why they deliver by messenger now is because it is cheaper, but upon a basis of 1 cent it will be about equal to what it costs for the messenger service to-day. Therefore that, with other agencies that we know will use the mails for drop letters if drop letters pay only 1 cent, will enormously increase the number of such letters

There has been no reduction in postage rates since the year There is a universal call for it, and the Government of the United States can well afford to adopt it now. that it does not cost much more than one-third of a cent each to handle drop letters, and when we are charging a cent on every letter there is a profit in the service of over one-half cent for each letter, even though the rate is 1 cent per ounce or fraction thereof.

Mr. President, I am perfectly aware that a point of order will lie against this amendment, but I hope the Senator from Florida will not interpose it but allow the Senate, if there is doubt as to what the Senate really desires in this matter, to express itself by a vote.

Mr. BRYAN. If the Senator will accept an amendment to the

amendment, I will agree to it.

Mr. NORRIS. I should like to ask the Senator from Utah a

The PRESIDING OFFICER (Mr. Robinson in the chair). To whom does the Senator from Utah yield?

Mr. SMOOT. I think the Senator from Nebraska rose first, and if the Senator from Florida will just permit him to ask me a question I will then gladly yield.

Mr. NORRIS. I should like to ask the Senator if, in his judgment, drop letters would include delivery to and from rural routes starting from the office where the letter was mailed?

Mr. SMOOT. The amendment provides that, I will say to the

Mr. NORRIS. I did not so understand.

Mr. SMOOT. It provides

That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

That I understand was the point the Senator referred to.

Mr. NORRIS. Yes; the language does not seem to me to be ain. Suppose the letter were mailed at the office to be delivered out on the rural route; the Senator intends to include that letter?

Mr. SMOOT. I am sure the amendment would include it. Mr. NORRIS. Suppose the letter were mailed out on a route to be delivered in town at the end of the route; would it include

Mr. SMOOT. You mean in a drop box? Mr. NORRIS. Yes.

Mr. SMOOT. It would include that I think.

Mr. NORRIS. I will say to the Senator that I offered the same amendment last year, but I specifically provided in the amendment when I offered it that it should include those. It

seems to me they ought to be included.

Mr. BRYAN. This amendment was prepared by the department.

Mr. NORRIS. Does the Senator from Florida say it would include that?

Mr. BRYAN. It would.

Mr. SMOOT. It would include it. I was going to say to the Senator that this is the identical language prepared by the Post Office Department to accomplish the purpose the Senator has in

Mr. NORRIS. All right.
Mr. BRYAN. Of course, as the Senator from Utah says, the amendment is subject to a point of order. If the Senator will accept an amendment to his amendment, I shall not interpose the point of order.

Mr. SMOOT. Mr. SMOOT. What amendment does the Senator propose?
Mr. NORRIS. We can not hear the colloquy over here. I hope the Senators will speak louder.

Mr. VARDAMAN. I wish the Senators would speak louder. Mr. BRYAN. I propose to insert at the end of the Senator's amendment:

Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to acutal subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof:

And provided further, That nothing contained herein shall effect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Of course, if I accept that amendment, I know there will be a point of order raised against it; but I will say this to the Senator: I am perfectly willing the amendment should be accepted, provided we can have it divided and have a vote in the Senate upon both questions.

Mr. BRYAN. Does the Senator accept it?

Mr. SMOOT. No. Mr. President; I am quite sure if I accepted it a point of order would be made.

Mr. BRYAN. The Senator may be just as sure if he does not accept it a point of order will be raised against his amendment.

Mr. SMOOT. Then I will accept it, in order that the whole amendment may go to conference; and now, Mr. President, I ask for a division of the amendment.

Mr. BRYAN. No; let us have a vote on it as one amendment. Mr. SMOOT. Then I must accept the amendment, because if I do not it will go out on a point of order and prevent a consideration of the subject in conference.

Mr. BRYAN. Let the question be put.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection. The Secretary will state the next reserved amendment.

The Secretary. The next reserved amendment is on page 22,

beginning on line 16.

Mr. NORRIS. Mr. President, I had intended to make some remarks on that amendment, but I realize the lateness of the hour and the lateness of the session. All I care for is to have a separate vote on the amendment.

The Secretary. A substitute was offered and adopted for the

committee amendment as printed in the bill.

Mr. NORRIS. I was not aware of that. I understood this

amendment was agreed to as it is printed.

The PRESIDING OFFICER. The Secretary will state the

amendment.

A substitute amendment was offered and The SECRETARY. adopted at that point for the amendment as printed, as follows:

Provided, That hereafter the Postmaster General is hereby authorized and empowered to enter into contracts with American citizens for the carrying of the mail between United States and Great Britain on steamships built in the United States capable of maintaining a speed of 30 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 35,000 tons. The said service to commence not more than four years after the contract shall be let. The rate of compensation to be paid for the said ocean mail service shall not exceed the sum of \$10 per mile for the shortest practicable route for each outward voyage. The Postmaster General shall have the right to reject all bids not, in his opinion, reasonable for the attaining of the purposes named: Provided further, That all of the provisions of the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so far as they are not inconsistent herewith, shall control and apply to the methods to be used and the contracts to be made hereunder.

Mr. NORRIS. Mr. President, I was aware of the change in the amendment which the Secretary has read on line 1, page 23, but there appears to be no material change of the amendment as I have it. As I desire to have a separate vote on the amend-ment, so far as I am concerned I am ready that the vote be now taken.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. SMOOT. Mr. President, there are several Senators who have entered the Chamber since the amendment which was offered by me was agreed to. There were very few Senators in the Chamber at that time, and it has been stated that Senators now desire a reconsideration of the vote by which the amendment was agreed to. I therefore move that the vote by which the amendment was agreed to be reconsidered.

Mr. BRYAN. Mr. President, we might as well have the test on the motion to reconsider the vote by which the amendment

was agreed to.

Mr. MARTIN of Virginia. I suggest the absence of a quorum. The PRESIDING OFFICER. The Senator from Virginia suggests the absence of a quorum. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Smith, Md. Smith, S. C. Smoot Sterling Bankhead Nelson Beckham Borah Bryan Catron Chamberlain Norris Overman Page Husting James Johnson, S. Dak. Jones Page Penrose Poindexter Ransdell Reed Robinson Shafroth Sheppard Shields Smith, Ga. Stone Jones
Kenyon
Kirby
Lea, Tenn.
Lee, Md.
McCumber
McLean
Martin, Va.
Martine, N. J. Stone Swanson Thomas Vardaman Wadsworth Warren Watson Williams Chamberl Chilton Clapp Fernald Fletcher Gallinger Hitchcock Hollis

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. A quorum is present.

Mr. SMOOT. Mr. President, in order that the Senate may understand the motion made for a reconsideration, I desire to state that I offered an amendment providing for 1-cent postage on drop letters

The Senator offered that amendment, the bill Mr. HUGHES. being in the Senate.

Mr. SMOOT. Yes; the bill is now in the Senate, I will say to the Senator. The Senator from Florida [Mr. BRYAN] suggested that he would not make a point of order against the amendment, as I had asked him not to do so, if I would accept an amendment which he would offer. The Senator read the amendment, and it was exactly the same amendment that was reported by the committee providing for an increase of postage on second-class mail matter. I thought that perhaps it would be best that the question should go to conference and let the conferees decide as to whether the 1-cent postage rate should obtain, even though the other part of the amendment should be disagreed to. In order that it might go to conference, I agreed to accept the amendment offered by the Senator from Florida, and the Senate agreed to the amendment as thus amended. Since then a number of Senators have come into the Chamber who feel that there ought to have been more Senators present than there were when the Senate passed upon it. Therefore, Mr. President, I have moved to reconsider the vote by which the amendment was adopted; and that is the question now before the Senate.

I desire to say that if the motion to reconsider shall be agreed to, I shall then offer my amendment as originally offered, providing for 1-cent postage on drop letters. As I have previously stated, a point of order no doubt will lie against it, and if one is made, of course, the amendment will be defeated.

Mr. SMITH of Georgia. Mr. President, I scarcely think any Senator would refuse to vote for this motion to reconsider. scarcely think any Senator would deny that it is fair to all of us that the motion to reconsider should prevail. For two days we fought over this question. We came to a vote on a motion to suspend the rules, and by a substantial majority the Senate declined to suspend the rules and permit these amendments.

Those of us who were not present thought that this question was behind us; that it had been disposed of. We are all busy in our offices or in committees, and when we are not necessarily here we go to them. With the Senate in session from 10.30 to 6 o'clock we must spend time in committee work and with our correspondence while the Senate is in session. A number of us have been busy nearly all day as conferees upon the Agricultural appropriation bill. I desire to ask every Senator, in a spirit of fairness to those of us who were absent and who had not anticipated that this question could possibly come before the Senate, to give us a unanimous vote in favor of the motion to reconsider, so that we may have an opportunity of meeting this ques-

tion, which we really thought we had disposed of.

Mr. BRYAN. Mr. President, to state the matter just exactly as it was, I will say that before the bill was reported to the Senate from the Committee of the Whole the Senator from Utah reserved the amendment which he offered. He said he reserved the amendment; but, as a matter of fact, there was no amendment, but the Senator simply offered when the bill reached the Senate a portion of the amendment on pages 4 and 5. He offered that portion providing for a reduction of postage to 1 cent on drop letters and on rural routes. I offered to that, as an amendment, and it was adopted, the remainder of the committee amendment as found in the bill, and the amendment of the Senator from Utah was agreed to as thus amended.

Mr. WILLIAMS. If the Senator will pardon an interruption, it was agreed to without a vote, was it not?

Mr. BRYAN. It was agreed to like all other amendments are

Mr. WILLIAMS. Although we had fought over it for two or three days, and every Senator expected that there would be a roll call.

Mr. BRYAN. Well, I do not know, Mr. President. I do not want to treat any Senator unfairly, but this is the situation now: The Senator from Georgia very naively suggests that we reconsider the vote by which this amendment was adopted, but when we reconsider it, then a point of order can be made against the amendment, whereas now it is beyond the possibility of being killed by a point of order. That is the difference. If it could be unanimously considered that we have suspended the rule and that the point of order will not be made when the motion to reconsider is agreed to, I would have no objection to the vote whereby the amendment was agreed to being reconsidered.

Mr. President, in connection with the suggestion of the Senator from Georgia that there be unanimous consent to reconsider the vote, if he will incorporate in that a request for unanimous consent that we vote for this amendment on its merits and that no point of order will be raised against it, I have no objection to the Senate expressing itself.

Mr. SMOOT. Mr. President, no Senator can make any promise now for the Senate. The only question before us now is whether or not we will reconsider the vote whereby the amendment was agreed to.

Mr. BRYAN. Yes; I understand that.
Mr. SMOOT. Then, of course, as the Senator says, a point of order will lie against the amendment.

Mr. VARDAMAN. Mr. President, a point of order will lie against both amendments, will it not?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. It will lie against both amendments.

Mr. VARDAMAN. If the Senator will pardon me, very much in favor of both amendments; but, after the statement made by the Senator from Georgia [Mr. SMITH] and the statements made by other Senators who have opposed this provision. I do not think we can afford to tie their hands in this I think we ought to let it go to the Senate and let the will of the Senate be the law, so far as this branch of the department of the Government is concerned.

Mr. BRYAN. If that could be done, I would be perfectly willing to yield the advantage that is now gained; but to open this matter on a reconsideration of the vote means that any one Senator can defeat the will of the Senate on this important proposition, involving the loss to the Government every year of nearly \$90,000,000 in postal revenues, a loss taken out of the stamp tax upon first-class mail matter. I deny the right of any one Senator to deprive the Senate of a vote upon the proposition. One Senator, and one Senator only, has raised his voice against the Senate considering this amendment.

Mr. VARDAMAN. Mr. President, will the Senator yield to me? I realize the force of the Senator's argument, but it seems to me, after what has been stated upon the floor, that this amendment which he and I want was gotten through without an expression of the will of the Senate, and I do not think we can afford to take advantage of the technicality.

Mr. BRYAN. Now the Senator is making a speech. come to the question of the technicality. It is a technicality to keep the Senate from voting upon it—a pure technicality; noth-

Mr. VARDAMAN. But the Senate did vote upon it at one time

Mr. BRYAN. No; the Senate never has had a chance to express itself upon this amendment reported by the committee. Senate was deprived of that chance by a point of order raised by one Senator. The Senator from Utah says he is in favor of some of it now. He expressed as his reason for voting against it the fact that he never voted to waive any rule of the Senate to put general legislation on an appropriation bill. It is said that we are taking a technical advantage now, and yet we are asked to reconsider this amendment in order that one Senator here may take a technical advantage of the whole Senate.

Mr. JAMES and Mr. SMOOT addressed the Chair.

Mr. BRYAN. I do not yield now. Let me go on for just a

Mr. SMOOT. I thought the Senator was through.

Mr. BRYAN. Mr. President, I for one am not conscious of having done anything wrong. This is the Senate of the United States. The bill first appears in the Committee of the Whole. It then goes into the Senate to be considered again. Amendments are in order there. Because, when the amendment is reoffered, the point of order is not raised there that was raised in the Committee of the Whole, it is said that we are technical; but when the motion is made to reconsider, it has but one purpose. That purpose is to allow one Senator to defeat the committee amendment.

I do not feel that I have a right to yield that advantage. I feel, now, that this amendment is in the Senate, where a majority of the Senate can decide it. A majority of the Senate can decide it on the motion to reconsider, and those in favor of giving this relief can vote against the motion to reconsider. It will hardly be fair to make the motion to reconsider, and to appeal to Senators for not a single Senator to object to that, in order to get it back into the Senate, where one man could kill the whole proposition.

I think when the Senator from Georgia reflects upon that he will see that there is some merit in it. The Senator from Georgia now wants all the Senate to put it back where one Senator can kill it.

Mr. SMITH of Georgia. Then I withdraw the suggestion that all do, and I ask that an overwhelming majority agree

Mr. BRYAN. Then, Mr. President, all I ask is this: The question has been discussed. The technical objection can not now prevail, and the Senate has a chance to express itself upon the question of whether this amendment ought to be adopted. If a majority of the Senate are in favor of adopting it, they can vote against the motion to reconsider.

Mr. WILLIAMS. Mr. President, I do not want to discuss the merits of the proposed legislation, although I am very much opposed to raising the postage upon newspapers. In a certain sense magazines are luxuries, but a newspaper in these days is a necessity. The lawyer must have it to keep up with his profession. The merchants must have it to keep up with their quotations. Everybody must have the daily paper. I do not want to discuss that, however. I want to discuss the right and wrong of this situation.

In any proper sense this amendment has never passed the Senate. A little private conversation was going on in the usual way one of the faults of the Senate-between two Senators. offers an amendment and another one agrees not to make a point of order upon that amendment, provided the first Senator will accept an amendment which he offers; and then later the Chair says: "Without objection, the amendment as amended will stand adopted "—an important matter that Senators had been quarreling with one another about for two or three

Mr. SMITH of Georgia. And had voted on.

Mr. WILLIAMS. And had voted on indirectly, not directly. But there was not a Member of this body that expected this amendment to be adopted without a yea-and-nay vote. was not a Member on either side of the dispute that would not have called for the yeas and nays. So that in any proper, moral, right sense the amendment has never been adopted at all. The sense of the Senate has never been expressed; and there is not one of us that did not expect, if it was expressed, that we would have a right to vote. For that reason some of us kept our mouths shut when the question was being debated.

And it is true also, I will say to the Senator, that a majority of the Senate voted against suspending the rules, and it requires two-thirds to suspend the rules.

Mr. WILLIAMS. Yes; and a majority voted against it. They did not even get a majority. Now, in my opinion, twothirds of the membership of this body is opposed to raising the postage upon newspapers, whatever may be the case as to magazines, and whatever may be the view of the Senate as to the drop-letter postage. I do not know what that is, but I am sure I am right in the diagnosis of the situation; and yet it gets upon the bill by a sort of an agreement that "If you will not make a point of order, I will not, provided you accept an amendment;" and then the Chair says—I did not hear it; I doubt if many Senators did-" Without objection, the amendment will be adopted."

I submit that it is not fair to one another. We have a right to cast our votes upon it. Now, then, I ask that every man who is opposed to this thing standing, done in the manner in which it was done, shall vote for the motion to reconsider.

Mr. HUGHES. Mr. President, I ask unanimous consent that, pending the motion to reconsider, the amendment offered by the Senator from Utah, as amended by the Senator from Florida, be considered as in order, so that the Senate, after the motion to reconsider is adopted, shall be given an opportunity to vote upon this matter.

Mr. WILLIAMS. I have no objection to that, provided the question is divided. I want a vote upon the drop-letter question, I want a vote upon the magazine question, and I want a

vote upon the newspaper question.

Mr. HUGHES. That can be done under the unanimous-consent agreement.

Mr. WILLIAMS. And I will not make any objection to the unanimous-consent agreement if you couple with it a stipulation that there shall be a division of the question,

Mr. HUGHES. Oh, that follows, of course. That is the Senator's right.

Mr. SMITH of Georgia. That will not do. Mr. JAMES. But, Mr. President, does the Senator think it is quite the fair thing to put up to the Senate, in view of what has transpired? Here is what occurred: This matter was debated, and a vote was had upon it. Under the rules, two-thirds was necessary to suspend the rule. Instead of two-thirds, a majority voted against suspending the rules. Now, while it was permissible under the parliamentary law of the Senate for the Senator from Florida to offer again his amendment, it is the unusual thing to do. The Senate usually relies upon such action as it took upon this matter as being final. No notice was given the Senate that the matter would be renewed.

Mr. BRYAN. Mr. President, let us get the confusion straight.
Mr. JAMES. The Senator had a perfect right—
Mr. BRYAN. The Senator from Utah offered the amend-

ment for the drop letters.

Mr. JAMES. Yes; I gathered that, and then the Senator from Florida offered his amendment, the two together mak-

Mr. BRYAN. Now, let me ask the Senator-

Mr. JAMES. Just a moment; the two together making the very question that the Senate itself had determined by a yeaand-nay vote, and by a majority at that, to refuse to suspend the rules to consider. Now, what I am submitting is this—that the Senate had a right to rely upon its former action as having closed this question; and for it to be brought up again, and action to be taken upon it without any debate, when it was known in this body by its record that a majority had voted against suspending the rules, I do not think is right. As far as I am concerned, I am unwilling to give my consent to any conditions upon the motion to reconsider.

Mr. HUGHES. Mr. President, I would be perfectly willing to have this question decided on the motion to reconsider, and it is the only way in which it can be decided. I do not think the Senate is called upon to vote in favor of this motion to reconsider on account of the way the amendment went on the bill, however, because I sat here, as far away from the Presiding Officer as any man in this Chamber, and the Senator from Utah offered his amendment, and I heard every word he said; and the Senator from Florida offered his amendment, and I heard him; and at the request of some Senator sitting on the extreme left of the Chamber he read it, every word of it. There was debate upon it. There was debate by the Senator from Florida: there was debate by the Senator from Utah; and there was no excuse for any Senator in this Chamber not being thoroughly familiar with what was going on. The attention of the Chair was called to the fact that the question was ready for decision by the Senate. The Chair hesitated a moment, because, for some reason or other, he did not seem to know exactly what was before the Senate, as it seemed to me from Finally the slip was handed to him by the Secretary, and he said: "Without objection, the amendment is agreed to.

Now, so far, so good. The people have been benefited against the will of the Senate, it seems, from the position that some Senators take here. Inadvertently we have saved \$88,000,000 to the people of the United States.

Mr. SMITH of Georgia. Oh, no.

Mr. HUGHES. Inadvertently, we have provided that the people who have been receiving a service for \$88,000,000 less than it is worth shall pay something like what it is worth.

Mr. WILLIAMS. But we do not want it done in that way Mr. HUGHES. Because that was such unprecedented action in this Chamber, we are asked to throw party lines aside and abandon the previous positions we took on this question and vote for the motion to reconsider, because, forsooth, certain gentlemen were derelict in their duty, according to their own statements, and were not paying attention to what was going on in this Chamber, although they know-they are bound to know—that questions that are passed upon in Committee of the Whole come up again in the Senate.

I have been waiting here for an hour to get a vote on certain measures that I had no opportunity, or did not ask for an opportunity, to vote upon in Committee of the Whole. A very important matter was decided by a viva voce vote here a short time ago—the Jones amendment. I knew that I had a right to ask for a roll call on that motion in the Senate, and I let that proposition go over.

The only way in which this question can be decided upon its merits is for those Senators who agree to the principles contained in the amendment of the Senator from Utah and the amendment of the Senator from Florida to vote against the motion to reconsider. If there are enough Senators who believe that the amendment should be voted down, the Senate will have its way, and the Members will have their way, by voting against the motion to reconsider.

So far as I am concerned, I was present here all the time. That amendment was put upon this bill in a legitimate and proper way. In my judgment, it is a good amendment and saves millions and millions of dollars to the people of the United States; and if I am the only Senator in this body to do so, I shall vote against the motion to reconsider.

Before I yield the floor I will say that I have asked unanimous consent to have this proposition considered as in order, and that the gentlemen who are against it will give the Senate a chance to act on it. They have refused that consent. The only way in which the Senate can now act, in this parliamentary situation, is for those Senators to vote against the motion to reconsider who believe that we should have 1-cent drop letters and that we should compensate the Treasury by taxing certain

people a little more than they are now paying for a service which costs so much more than the Government gets from it.

Mr. SMITH of South Carolina. Mr. President, I am a member of the Post Office Committee, and if the Senators will recall when this proposition came before the Senate I gave notice that if the motion to suspend the rules prevailed I should offer an amendment excepting newspapers from the

operation of the proposed raise in rates.

It is my opinion that the Senate was fully advised as to the purport of the proposed legislation and that its vote refusing to suspend the rules expressed the sentiment of this body in reference to the proposed legislation. I think it was so understood. I so understood it. Some Senator here has said that he would like to have the newspapers excluded. It was clearly understood, in case the rules were suspended, that a motion to that effect would be made. I think that the action of the Senate in refusing by a majority vote to suspend the rules was the judgment of the Senate in reference to this legislation at this time. I am more convinced that that is true because, despite the fact that some Senators said they would not vote to suspend the rules on principle, regardless of the thing for which it was sought to have them suspended, the rules have been suspended in the consideration of this very bill, though I am in favor of the legislation as amended in the manner in which I propose to seek to have it amended, I shall vote to reconsider this vote, because I think the action of the Senate was clear-cut and unmistakable on the merits of the proposition and not on the motion to suspend the rules

The VICE PRESIDENT. The question is on the reconsidera-tion of the vote whereby the amendment was adopted.

Mr. ASHURST, Mr. SMITH of Georgia, and Mr. JAMES called for the yeas and nays, and they were ordered.

Mr. BRYAN. Mr. President, I am very much interested in this amendment. I do not want to treat anybody in the Senate I think the Senate committee was subjected to a very technical objection here. This is rather an important question with which we are dealing. It is a question that has been fought over for 20 years. I do not know whether I have the right as an individual now, after having this proposition in order for the first time, to join in a request for a reconsideration in order that some Senator might kill it again. That is what is bothering me about voting to reconsider. I would rather vote to reconsider and risk that than to have any Senator feel that any sharp practice has been brought to bear on this bill. I do not see how there has been myself.

Mr. CLAPP. Mr. President, will the Senator pardon an in-

terruption?

Mr. BRYAN. Certainly.
Mr. CLAPP. I do not think there is a Member of the Senate who for one moment thinks there was any sharp practice in putting in this amendment. I do not think the Senator from Florida should feel that that thought is entertained by anyone on this floor.

Mr. BRYAN. Then, Mr. President, if that is true, we are deliberately placing this amendment in a position to be murdered by one Senator. That is all there is to it. We are throwing away the chance to reduce the burden that is resting upon users of first-class mail \$26,000,000. We are throwing away the chance of making these newspapers contribute something toward their cost to the Government. I will be willing for the Senate to reconsider it. I suppose they will. I do not know about that. But I have about come to the conclusion that, as far as I am individually concerned, I am going to vote against it. I do not feel that I have the right to put back a proposition involving so much just in order that it may be said I was accommodating.

Mr. GALLINGER. Will the Senator permit me? I have been very diligent in my attendance upon the Senate, not only to-day but other days. I did not know that this matter was coming The Senator from Utah presented it and made his speech covering at least 15 minutes, and the Senator from Utah talks so that we all hear him. I was paying attention to it. Senator from Florida suggested that he would not support it unless it was amended as he suggested. That was accepted by the Senator from Utah. The Chair announced after a proper delay that it was agreed to without objection. So there was no snap judgment about it.

Mr. BRYAN. I read the whole thing to the Senate.

Mr. GALLINGER. The RECORD will show to-morrow that the Senator from Utah made rather an elaborate speech for him. He does not talk at great length except on rare occasions; but it was thoroughly understood by the Senators who were present.

Mr. BRYAN. I thank the Senator for that.

Mr. SHIELDS. May I ask the Senator from New Hampshire a question before he takes his seat? Was there not some confusion in the amendment, in the manner in which it was to be submitted, by the contention of the Senator from Utah stating that he would accept the amendment, or words to that effect? I could not hear it fully. The Senator was here and did hear it. He said, "I will accept the amendment, provided it be divided." In other words, there was to be a separate vote on the decrease on drop letters and on the increase on newspapers. That was really the way it was presented, and it got into the other tangle, and was put into it, by some colloquy between the Senator from Utah and the Senator from Florida which I did not hear. I know I was surprised by the question having been put as one amendment, and simply by the words "being unobjected to it is agreed to.'

Mr. GALLINGER. I think the Senator from Tennessee states

it accurately, as I recall it.

Mr. BRYAN. I am much obliged to the Senator from New Hampshire. I read the proviso deliberately and slowly, and I thought every Senator here understood it. I was not trying to take any snap judgment on the Senate. The Senator from Utah said to me he realized it was subject to a point of order, and he did not want me to raise it. I was in this position with reference to that. I had talked here for two days to get the Senate to allow this amendment to be in order. The position of the Senator from Utah would have forced me to raise a point of order against the provision I was in favor of, that I had tried to suspend the rules of this body in order to get considered.

If the Senate simply wants to vote on the proposition, that can be easily adjusted, and it is, of course, divisible upon request of a single Senator; but if we put it back and vote to recon-sider the amendment, then it is subject to a point of order. It

is not now.

The question that troubles me is, Have I a right, as an individual who is not interested in this matter one way or the other, to surrender the advantage that has been gained for the people we all represent? Like the Senator from New Jersey, I do not

believe I have that right.

Senators in this body understand perfectly well that if they want to oppose legislation, the place for them to express that opposition is here, where the legislation is being enacted. You can not very well oppose the Post Office appropriation bill over in the Senate Office Building or in an office or down town. That ought to be understood. Here we have been working day by day for several days to get it passed. I thought it was sufficiently evident to some of us who are so vitally in favor of this bill that we took up two or three days to fight for it and pleaded with the Senate to give us the right to vote upon it to let the Senate vote its will.

Every change that has ever been made in the postal rates has been placed upon the Post Office appropriation bill. Senators, this matter has been fought through by President and commission. President Taft five years ago appealed to Congress to take this step and submitted the report of the commission, but the attempts were made always on an appropriation bill, on this annual bill, to get some measure of justice, and a point of

order always stopped it.

Mr. SMITH of Georgia. But on an independent bill, where no point of order could be made, there would be full and free

It would have full and free consideration; it would have too full and free consideration. It would be-talked and filibustered to death. It is the first time a proposition like this has ever been able to come out of the Senate Committee on Post Offices and Post Roads.

Mr. VARDAMAN. Will the Senator yield to me for a moment?

Mr. BRYAN. I yield. Mr. VARDAMAN. The statement the Senator has made amounts to an admission that a majority of the Senate does not approve the amendment. Now, when the Senator-

Mr. BRYAN. I do not make that admission. I think a ma-

jority of the Senate do want it.

VARDAMAN. I myself very much favor it, but I do not think we can afford to legislate by parliamentary finesse or short cuts. It is manifest to my mind that the action of the Senate on the motion to suspend the rules indicates that the Senate was against this particular amendment. able and eloquent Senator from New Jersey [Mr. Hughes] said this afternoon about the conduct of the Senators may be true. Every Senator should be in his seat. We all understand the rules governing this body, but we also understand the habits and common faults of us all. The fact remains that Senators were not in the Chamber when the agreement between the Senator from Utah and the Senator from Florida was made

with reference to this amendment. It was done without the knowledge of a majority of the Senate, and while I favor very heartily that which they agreed to I shall vote to keep the amendment in the bill. But under the circumstances I feel in honor bound to vote in favor of reconsideration. I believe in

Mr. BRYAN. The only way to carry a measure is by those in favor of it to vote for it. Senators say this is not an opportune time to vote for it. The way to pass this amendment is to refuse to reconsider it. Let Senators say we will take a fair, square vote on it, and let the Senate determine whether it wants it or not. If the Senate will do that, there is no Senator who will object to its being reconsidered, but they are asking us to reconsider upon the claim that it is not exactly right to bring up the matter again in the Senate after having been considered and disposed of in Committee of the Whole.

Mr. SMITH of Georgia. Mr. President-

Mr. BRYAN. I do not yield just now.

Mr. SMITH of Georgia. Let me ask a question.

Mr. BRYAN. In just a minute. You are going to reconsider it and put it back in order to do what? In order that the Senate may express itself? In order that we may have a division on this question? No; in order that one Senator may take it out of this bill.

Now, when Senators ask us to reconsider, have we not a right, those of us who favor this legislation, to say, "Well, we will let it be reconsidered; divide it up as you please, but let us vote on it." But if a majority of them say, "We will re-consider this amendment already adopted" it will go back and one Senator can raise the point of order and kill it. That is asking a majority of the Senate not to take advantage of an individual Senator; it is asking a majority of the Senate to put itself in a position where one individual can take advantage of the whole Senate. That is what we are being asked to do

Mr. President, I hope it will be settled without any reconsideration. There was no action taken in the Senate except in the open. There was no attempt to evade. Who criticizes the Senator from Utah? Nobody. He is not subject to any criticism. He gave notice that he was going to ask to have this matter considered again. The Senator from South Carolina said that he gave some notice about it. Senators who were away because the point of order had been sustained in the remaining days of the consideration of the bill should be here for its consideration. An individual Senator ought to be the one to worry about a point of order when there was an expressed wish by a goodly portion of the Senate that they should have the opportunity to vote.

Senators say the majority voted against waiving the rule. That is true, Mr. President, a majority of three. One of that majority claimed that he voted against it because he would vote against suspending any rule except in a case of great emergency. Yet that Senator has offered the 1-cent letter postage part of the amendment. So that would make a vote of 35 to 36, and that is enough. Take 35 of us, and you ask us to put ourselves in the position of allowing one Senator under the influence and power of the press to kill the whole

measure.

I should like to be accommodating to him and to hear my friend from New Jersey discuss it. This is my last chance ever to help bring this about, and Senators have been here for 20 years trying to do it and have never had an opportunity. I do not believe I have the right to accommodate one Senator in this body by surrendering valuable and important rights of the American people.

Mr. President, I think those of us who are in favor of this

amendment ought to vote against the motion to reconsider.

Mr. WILLIAMS. Mr. President, the Senator from Florida is mistaken in one of the statements that he has just made. voted, for example, to suspend the rule. I did not vote for it because I was in favor of all of the legislation. I voted for it, as did the Senator from Minnesota [Mr. CLAPP] and various other Senators, because we wanted to give the Members of the Senate an opportunity to vote on each of these separate propositions, and we could not give them that opportunity without voting to suspend the rule. Five or six certainly, and, I think, more, of the Senators who voted to suspend the rule were opposed to more or less and some of them to all of the legislation.

Mr. President, this is very important legislation. There is great divergence of opinion upon it. There are very decided opinions upon both sides. I say that the Senate as a body never expected any of this legislation to be passed without a roll call. Under conditions of that sort ordinarily a point of no quorum is made when there is not a quorum—and there was not upon this occasion—so that Senators may have notice that an important question is about to be voted upon, and that they That was not the course taken in this case. may be here. am quarreling with nobody about it. They had a perfect right to do whatever was done in the technical parliamentary sense; but that is a fact.

All I want is to have a vote of the Senate upon these proposi-That vote ought to have been given us. Our attention ought to have been called to this important question by making the point of no quorum, if necessary, so that Senators could be

here. I want to do nothing unfair.

I want now to make a request for unanimous consent, which, in my opinion, will put this whole matter upon the proper basis. I do not want to cut the Senate off from a vote. I do not want any one Senator to have an opportunity to defeat this legislation. I would not want any one Senator to have the oppor-tunity to put it through. I shall therefore ask unanimous consent that this vote be reconsidered, and that the Senate proceed to vote upon each one of the three propositions involved in this

amendment separately.

Mr. BRYAN. And that no point of order shall be raised.

Mr. WILLIAMS. Of course. I say proceed to vote, and that settles it. I ask unanimous consent that this vote be reconsidered, and that thereupon the Senate shall proceed to vote upon each of the questions involved in this amendment—drop letters, raising postage on magazines, and raising postage upon newspapers. That will be the fair thing. The Senate has a right to be heard.

For myself, I differ with the ruling of the Chair concerning the point of order, but I am not a good parliamentarian; I never was. I attribute some of my success in public life to the fact that I never was. But I should like to make that request for unanimous consent. I ask unanimous consent that this amendment as amended be reconsidered and the Senate thereupon proceed to vote upon each of the questions involved in the amendment. I think that is fair and right.

Mr. MARTIN of Virginia. Mr. President, I object to the

unanimous consent the Senator from Mississippi asks. I am not

willing to be put on terms in respect to this matter.

Mr. WILLIAMS. I do not want to put anybody on terms, Mr. President. I am proposing to coerce no man. I was very politely and very courteously making a request for unanimous consent, and any Senator has a perfect right to refuse to concur with the unanimous consent; but I hope I will not be put in the attitude of being a public enemy and coercing somebody or making any terms with anybody either, except that I was asking the Senate to do something that I think would be fair and right.

Mr. MARTIN of Virginia. I had no idea that my remarks would be construed as at all disagreeable to the Senator from Mississippi. I simply meant that this matter ought to be considered on its merits and the right of every Senator to make a point of order I wanted preserved, if anybody wants to make a point of order. I do not.

Mr. WILLIAMS. I want to have it considered on its merits, and I shall vote to reconsider if the request for unanimous consent is not granted, because I am not willing for this thing to stand done the way it is done.

Mr. BORAH. Mr. President, I think the proposition which the Senator from Mississippi has made is a very fair one, and it ought to have been acceded to and would be acceded to if the Senate was willing to meet this proposition openly and squarely and fairly. We have been contending in regard to this matter for years, since I have been here, and I presume long before I came, and by some modus operandi the Senate always avoids meeting the matter squarely and fairly.

I should very much prefer to see the vote by which the

amendment was agreed to reconsidered, in view of the apparent misunderstanding with reference to the matter which was voted upon; but I dislike to see it reconsidered when we know it is for the express purpose of taking it out upon a mere technicality and of preventing the Senate from passing upon the subject

This is a matter of considerable moment; it has grown almost into a scandal. The way the Senate of the United States has disposed of it is almost an indictment against this body. are advertising the fact now that we have not the courage to meet this question, and we are hiding behind a technicality in order to avoid meeting the question. Can a Senator stand here and say, as the Senator from Virginia [Mr. MARTIN] says, that he wants to meet the question upon its merits, and then object to unanimous consent which will bring it up for consideration upon its merits? It is apparent upon the face of it why the objection is made.

Has the Senace of the United States come to the point where it is unwilling to record its vote upon the merits of a question, and will get behind the technical rules which it makes and if we can get this matter before the Senate, and the Senate is

which the people can not control? I admire the able and courageous stand which the Senator from Florida [Mr. Bryan] has taken in this matter. It is a tribute to his character and to his standing, that he has made the fight which he has made.

Mr. ROBINSON. Mr. President, I think the request for unanimous consent submitted by the Senator from Mississippi [Mr. Williams] should have been granted and that the Senate should have been given an opportunity to vote squarely upon

this question.

I concur in the statement made by the Senator from Idaho [Mr. Borah]. The amendment in the form that it has been agreed to is not entirely acceptable to me, and I should like to have an opportunity of modifying it or of voting to modify it: but I shall vote against the motion to reconsider, unless the Senate is given an opportunity to express its conscience on this sub-

Mr. BANKHEAD. Mr. President, I have sat in my seat and listened carefully to the Senator from Utah [Mr. Smoot] and to the Senator from Florida [Mr. BRYAN], and I think it is exceedingly unfair and unjust to intimate in any way that the Senator from Florida has taken an undue advantage of the Senate in the matter in which he has been engaged.

Mr. President, I want an opportunity to vote for 1-cent dropletter postage. I want an opportunity to vote to exempt, if it can be done, the newspapers that are included in this amend-

ment, or at least a large class of them.

There are three distinct propositions contained in the amendment: One is 1-cent drop-letter postage. I do not believe that there is a Senator here who objects to that amendment, provided, of course, he feels that the revenues of the Post Office Department can stand that reduction without an increase in the revenues from some other direction. That everybody concedes

ought to be the rule.

It seems to me, Mr. President, that the Senate ought to be willing to consider these three separate and distinct proposi-tions on their merits, if they have merit, and they have some merit. I for one very seriously question the wisdom of giving 1-cent drop-letter postage unless we can find somewhere by some means an opportunity to increase the revenues of the department from some other direction. I feel that it will bring about quite a large deficit; but I am willing to risk that. I do not believe it ought to be expected of the Post Office Department that it should be a profit-making institution. The business and the duty of the Post Office Department is to give the people of this country the most efficient post-office service that it can render, without reference to the cost, provided the administration is economical and businesslike.

Is some Senator here, if this vote should be reconsidered, going to rise in his place and make the point of order against the 1-cent drop letter proposition? Some of us fear he will. These matters, Mr. President, are entitled to be considered upon their merits in the Senate. I am almost persuaded to vote for a reconsideration, with the hope and belief that all Senators will be fair enough and just enough to give the Senate of the United States an opportunity to consider each one of these questions on its individual merits. Therefore it seems to me that there ought not to be any difficulty whatever in reaching a decision that, if this vote is reconsidered and the questions brought back to the Senate for consideration and action, the Senate will have an opportunity to consider the propositions contained in the amendment.

I know, Mr. President, that there are some Senators who are so very much opposed to increasing the postage on second-class mail matter that they would be willing to sacrifice the other question of giving the people of this country the advantage that 1-cent drop letter postage would bring. Everybody knows that second-class mail matter does not pay its just proportion of the revenues; everybody knows who has given the matter any consideration whatever that there is from seventy to ninety million dollars deficit between the revenues derived and the cost of the transportation of that matter.

On the other hand, I know it is argued with force that this is the wrong time to make this increase; that print paper has increased in cost; but I also know, Mr. President, as most Senators know, that advertising has also increased in cost. We all know that many of the magazines contain 80 per cent of advertising matter and that it is the very highest class of advertising matter. Some of the magazines receive as high as \$5,000 a page per issue; and yet it is said, notwithstanding these facts, that Senators are willing to continue under existing conditions because print paper has advanced in price. They do not take into account any other considerations which connect themselves with this question.

But there is no use in discussing that question. I presume

going to be fair, as I believe it will, and give us an opportunity to consider these questions upon their merits, that perhaps the Senate, when it comes to consider the question of second-class mail matter as it relates to magazines, may conclude that a small advance in the postage rate would be justified.

However, Mr. President, we are not going to agree, in view of the advance in the cost of print paper used by the newspapers of this country, to increase their postage rates. I am not going to undertake to say here in this presence why we are not going to agree to do so. Everybody understands the reason why we shall not why we shall not agree to increase the cost of the transportation of newspapers.

Mr. President, I am at a loss to know what to do about this

Mr. OVERMAN. Mr. President, will the Senator allow me a moment, in order that I may make a parliamentary inquiry?

Mr. BANKHEAD. I yield to the Senator. Mr. OVERMAN. I understand the bill is now in the Senate?

Mr. BANKHEAD. Yes

Mr. OVERMAN. And this amendment has been adopted in the Senate. I want to ask, if the Senate decides not to reconsider the vote whereby the amendment was agreed to, can not these three questions be tested in the Senate by amendment?

The VICE PRESIDENT. No; the amendment has been

agreed to.

Mr. OVERMAN. I understand the amendment has been agreed to; but a new amendment having been agreed to, new matter having been added in the Senate which went out of the bill as in Committee of the Whole, can not the bill be further amended along that line?

Mr. BANKHEAD. If that were the case, there would be no necessity for reconsidering the vote.

Mr. OVERMAN. The point I have in mind is, even if the vote is not reconsidered, can we not reach it in another way?

Mr. BANKHEAD. Mr. President, I was about to say—and that is all I intend to say—that I am greatly troubled about this situation. I want to vote for 1-cent drop-letter postage. I believe that two-thirds of the Senate desire to vote for that I want to vote for excepting newspapers, or a certain class of them, perhaps not all of them, from the operations of the provision of the amendment increasing the rate on second-class mail matter. I should like to vote to increase the postage on magazines and second-class matter of that kind; but, if we can get a vote on each of these questions in the Senate, I shall be content with whatever the Senate does. are entitled to such a vote.

I desire to repeat what I said in the beginning, that the criticism of the Senator from Florida, if what has been said can be construed as criticism, is unfair, unjust, and unwarranted, because nothing has been done that it was not his right to do, and nothing has been done that it was not his duty to do under the circumstances.

That is all I care to say, Mr. President. I have not decided whether or not I shall vote to reconsider, but I would unhesitatingly do so if I thought that we could get a vote in the

Senate on these propositions.

Mr. SMITH of Georgia. Mr. President, there are three propositions contained in the amendment as reported by the committee. I am opposed to them all. I am opposed to each of them in the shape in which the question is presented.

The Senator from Alabama [Mr. BANKHEAD] says it is well understood why a number of Senators oppose increasing the charge on the daily papers. I do not know what he means to imply, but I know why I am opposed to it on papers that go not a hundred miles from the office of publication. It is because they now pay all it costs the Government to carry them, and there is no excuse for adding a cent a pound for carrying daily papers that do not go over a hundred miles. I am opposed to the newspaper provision because I think it puts an unjust burden on the daily papers that are transported only a limited distance.

Coming to the magazine proposition, I am opposed to that because it is not scientifically drawn. It is not drawn so as to place the charge where the burden comes upon the Govern-The great burden comes from the length of the haul, and the only way to make a fair charge on magazines is to proportion the charge to the length of the haul. I am in favor of taxing them; I am in favor of increasing the postage against them based upon the length of the haul, based upon the service rendered; but I am not in favor of a flat rate upon all, charging the same increase to a publication that goes across the entire Nation and costs at least 15 cents a pound for haul that is put on one that goes but a hundred miles,

Mr. TOWNSEND. Mr. President, inasmuch as the Senator has such deep convictions on that matter, what objection can there be to bringing this matter up and letting him present his ideas in the form of an amendment, and let us vote upon the

proposition?

Mr. SMITH of Georgia. I will come to that in a few moments. I do not think this is a wise time to reduce the rate on drop letters. We need more money. We are seeking in all directions to raise money. The present rate is not a heavy burden, and I think that while we are straining for revenue we can very well afford for the present to leave the 2-cent rate on drop letters. The chances are that within the next 60 or 90 days we will need a good deal more revenue than we expect to raise by the pending revenue bill, and we will be called upon to provide additional means to raise revenue. If you consider the extra cent on letters as a tax, the tax is well distributed, and for the present the revenue is needed and should not be dis-

Now, as to the situation that confronts us. We debated a motion to suspend the rules; we discussed this whole subject; with a full Senate we voted on it, and by a majority voted not to suspend the rules. It is well known to Senators that those of us who are away from the Senate are usually not away for There are committees in session, and when the Senate is meeting at half-past 10 in the morning we are obliged to go to our offices a part of the time and work there. It is not a neglect of our duties to be in our offices at work when the Senate sits from half-past 10 in the morning until 6 in the evening. We must take time to go to our offices when we think there will not be before the Senate subjects in which we are especially concerned and when we think votes will not take place. We had fought out this question of suspending the rules to consider this amendment, which was designed to make such a radical change in our Postal Service, and half of the Members of the Senate now present were at work in their offices or in committee rooms when the amendment was offered in the Senate. It was reasonable to believe that such a question as this would not be submitted to a vote without the suggestion of the absence of a quorum or a call for the yeas and nays. Mr. President, if we can not rely upon a vote such as the one we had on this subject and which practically settled it, at least guaranteeing us that we will get notice and have a chance to come back and vote if the question is to come up again, then we can scarcely go to our rooms at all to attend to business.

I do not suggest any unfairness on the part of any Senator. There is not a Senator for whom I have a warmer affection than I have for my next-door neighbor, the Senator from Florida [Mr. BRYAN], and I know that nothing could induce him to do an act that he did not think was fair; but now is it not just for us who come back into the Senate and tell you that we were busy in our offices, inasmuch as we had fought this proposition out once and defeated the motion to suspend the rules, even by a majority, and had no thought that you would bring it to another vote without a call for a quorum or a call for the yeas and nays-is it not right to reconsider that vote and give

us a chance?

I want to say that, while I am opposed to the propositions involved in this amendment, I do not intend to make any point of order against them. I do not think they ought to have been attached to this bill. For myself I will not make the point of order, but I do hope the Senate will reconsider the vote and not set the precedent of action of this kind without giving Senators who were absent the privilege of reconsideration when they come back into the Senate.

Mr. TOWNSEND. Mr. President, I quite agree with the Senator from Georgia that there ought not to be any snap judgment taken in the Senate to the disadvantage of any Senators, although that has not always been the rule which has obtained here. I deny, however, that there has been any snap judgment

taken in this case.

Mr. SMITH of Georgia. Mr. President, I did not say there was "snap judgment."

Mr. TOWNSEND. I understand that.

Mr. SMITH of Georgia. I did not mean that at all. I said

it was regular and proper.

Mr. TOWNSEND. The fact of the matter is that the Senator from Utah [Mr. Smoot], not a member of the Committee on ost Offices and Post Roads, arose and made a speech in the Senate in a tone of voice that everybody here could understand. He spoke to the Senate. The conditions in the Senate were the same as those that have obtained in this body during all the consideration of the Post Office bill. He proposed the amendment with reference to 1-cent drop-letter postage. After he had made his speech the Senator from Florida [Mr. BRYAN], in

charge of the bill, rose and offered his amendment, reading from the bill the proposition which he asked to have submitted as an amendment to the amendment of the Senator from Utah. There was some discussion between the two Senators. The Senator from Utah did not wish to have the second-class mail amendment put on. The Senator from Florida insisted that it must go on. After a while consent was granted. The Chair asked if there was any objection, and after waiting quite a long time no objection was offered, and he declared the amendment as amended carried. Understand, the question was opened not by a member of the committee or by a Senator favorable to the committee amendment, but by a Senator who voted against the proposition to suspend the rules to consider the matter in the Committee of the Whole.

Mr. President, I do not propose to discuss the merits of the proposition to change the rates of postage. That matter has been discussed in the Senate, and if consent is given to reconsider and the subject is laid before the Senate on its merits it can be discussed further and amendments offered. I simply wish to direct myself for a moment to the question which is immediately before the Senate, namely, whether we shall reconsider the vote by which the amendment was adopted.

Believing as I do, and knowing as I do, that this amendment was adopted properly, I dislike very much to give up any possible advantage which it may have, although I would be very glad, indeed, to vote for a reconsideration if the propositions before the Senate could be considered upon their merits. It has been suggested that this amendment was not a proper one to be placed on the Post Office appropriation bill; but, sir, we have seldom passed any legislation affecting rates and other postal matters except upon an appropriation bill. Such action has always been taken by unanimous consent.

I have great respect for the opinions of others. I want them to have the same freedom of expression that I ask for myself; and unless I am convinced that the arguments are presented by Senators interested in the matter at issue, they will be given my conscientious attention. It does not seem possible to me, sir, that Senators interested in this matter will, through a technicality, deny the Senate an opportunity to act upon it and settle it upon the merits. That would be a monstrous proposition. The Senator from Virginia [Mr. Martin] says he wants this matter considered upon its merits, and yet he couples with that statement the proposition that he wants every Senator to have a right to raise the point of order, which would prevent such consideration.

I believe, sir, that if I were opposed to this amendment and a large number of Members of this body came in and said, "I want to discuss that question upon its merits," I would refrain from exercising the right to interpose an objection which would prevent consideration. I repeat, I would like very much to vote to reconsider in order that Senators may have a right to discuss the matter and propose amendments, because I do not claim that we have presented a perfect proposition. We have, however, presented the basis for legislation which the country demands. Maybe certain newspapers or other publications should be exempt from the provision proposed by the committee; maybe it ought to fail altogether; maybe the committee which has presented the matter is wrong. Consideration by the Senate would tend to determine that question. You may listen to some influences which speak through the press and believe that therein lies your duty; but you go out to the people and present the matter to them and say, "We propose to reduce your postage one-half, and in order to do this we are asking that the great publications of the country shall pay simply a moiety, an almost negligible part, of what they ought to pay for the service which the Government performs for them." Tell them that, as I have tried to tell them for years, and popular sentiment will be found to be different from what you think it is, because the proposal is just, and many newspapers and other publications admit it is so. There is not a Senator here who wants to do injustice to a single legitimate publication, but every Senator should insist, without fear or hope of reward, that at least approximate justice shall be done the people.

I am anxious to listen to the arguments of Senators in contradiction of the proposition which the Senate committee has proposed; and I am going to ask again, now, Mr. President, if it is in order, for unanimous consent that this matter may be reconsidered, the rule suspended, and this amendment taken up and considered on its merits.

Mr. KIRBY. Mr. President-

The VICE PRESIDENT. Is there any objection?

Mr. KIRBY. I object to a reconsideration by unanimous con-

Mr. HUGHES. Mr. President, does the Senator understand that there is coupled with that a request for an agreement that the amendment shall be considered upon its merits?

Mr. KIRBY. As I understand, two Senators have indicated a disposition here, when this matter is reconsidered, to exercise their right and prerogative to object to it-to raise a point of

Mr. HUGHES. I do not want the Senator to misunderstand the unanimous-consent request. The unanimous-consent request couples with the proposal to reconsider the proposal that the propositions shall be considered on their merits.

Mr. TOWNSEND. And that the point of order shall not be

Mr. KIRBY. As I understand, nobody here can bind any Senator not to raise the point of order but the Senator himself. Mr. HUGHES. By unanimous consent, I will say to the Sena-

The VICE PRESIDENT. Let the Chair state it. The Senator from Michigan [Mr. Townsend] asks unanimous consent that the vote whereby the amendment was adopted be reconsidered, and that clause 3 of Rule XVI be suspended for the purposes of considering this amendment. Is there any objection?

Mr. MARTIN of Virginia. Mr. President, I object. I want to explain that I have not the slightest purpose in making the point or order myself, but I do not think the Senate ought to be put on terms in respect to this matter. If any Senator wants to make the point of order, I am not willing to enter into a unanimous-consent agreement which would prevent him from doing so.

Mr. TOWNSEND. Mr. President, what is a unanimous-consent agreement for the consideration of any bill but the Senate binding itself to refrain from objection? When we propose unanimous consent to take up any measure, what is it but the Senate putting itself "on terms" by agreeing that that matter may be considered without a point of order being made? That is all I ask here.

Mr. MARTIN of Virginia. Mr. President, there is no occasion for the Senator and myself to argue about what a unanimousconsent agreement is. Unanimous consent is asked, and I

Mr. TOWNSEND. That is all right. I do not like the excuse of the Senator.

Mr. President, that being true, every effort having been made to present this matter fully and fairly before the Senate, I submit that there is but one course for the Senators to pursue, and that is to vote against the motion to reconsider.

The VICE PRESIDENT. The year and nays have been ordered on the motion to reconsider. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Mr. President,
for the reason that, considered in one way, I may possibly have a personal interest in this matter, I ask to be excused from

The VICE PRESIDENT. Without objection, the Senator from West Virginia will be excused.

Mr. HARDING (when his name was called). I am prevented from voting because of the absence of my pair, the junior Senator from Alabama [Mr. Underwood]; but if he were present, I should ask to be excused from voting on this question because of personal interest in the matter.

Mr. McCUMBER (when his name was called).

general pair with the senior Senator from Colorado [Mr. Thomas]. I have been informed that that Senator, were he present, would vote "nay." Therefore I am at liberty to vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). My

Mr. STONE (when his name was called). I transfer the pair I have with the senior Senator from Wyoming [Mr. Clark] to the senior Senator from Illinois [Mr. Lewis] and vote "yea."

Mr. SHAFROTH (when Mr. Thomas's name was called). My colleague [Mr. Thomas] is absent on account of official business. He is paired with the Senator from North Dakota [Mr. McCumber].

Mr. WALSH (when his name was called). I inquire whether the senior Senator from Rhode Island [Mr. Lippitt] has voted? The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator. In his absence I withhold my vote.

The roll call was concluded.

Mr. VARDAMAN. I desire to inquire whether or not the junior Senator from Idaho [Mr. Brady] has voted?

The VICE PRESIDENT. He has not.

Mr. VARDAMAN. I have a pair with that Senator. I transfer that pair to the junior Senator from Louisiana [Mr.

Broussard and vote "yea."

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. Hardwick] to the senior Senator from California [Mr. Works] and vote "yea."

DANGER J. J. appounce that my colleague [Mr.

Mr. RANSDELL. I announce that my colleague [Mr. Broussard] is absent on official business.

Mr. SMOOT. I desire to announce that the senior Senator from New Hampshire [Mr. Gallinger] is absent on official busi-

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Texas [Mr. Culberson] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. Gallinger], which I transfer to

the junior Senator from Arizona [Mr. SMITH] and vote "yea." Mr. McLEAN (after having voted in the affirmative). Has

the senior Senator from Montana [Mr. Myers] voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. Then I withdraw my vote, having a pair with that Senator.

The result was announced-yeas 39, nays 26, as follows:

#### YEAS-39.

Ashurst	Jones	Phelan	Smith, S. C.
Beckham	Kenyon	Poindexter	Smoot
Brandegee	Lane	Ransdell	Stone
Cummins	Lee, Md.	Reed	Swanson
Curtis	Lodge	Shafroth	Thompson
Fernald	Martin, Va.	Sheppard	Vardaman
Hitchcock	Martine, N. J.	Shields	Watson
Husting	O'Gorman	Simmons	Weeks
James	Oliver	Smith, Ga.	Williams
Johnson, S. Dak.	Overman	Smith, Md.	
	NA NA	YS-26.	

Fletcher Hollis Hughes Kirby La Follette McCumber	Norris Owen Page Penrose Pittman Pomerene Pobleson	Sherman Sterling Townsend Wadsworth Warren
	Hollis Hughes Kirby La Follette McCumber	Hollis Owen Hughes Page Kirby Penrose La Follette Pittman

# NOT VOTING-31.

	ATO A	O	
Brady Broussard Chilton Clark Colt Culberson Dillingham Fall	Gallinger Goff Gore Gronna Harding Hardwick Johnson, Me. Kern	Lea, Tenn. Lewis Lippitt McLean Myers Newlands Saulsbury Smith, Ariz.	Smith, Mich. Sutherland Thomas Tillman Underwood Walsh Works
Clark Colt Culberson	Gronna Harding Hardwick Johnson, Me.	McLean Myers Newlands Saulsbury	Tiliman Underwood Walsh

So the motion to reconsider was agreed to.

Mr. SMOOT. Mr. President, I now ask for a division of the two questions in the amendment now pending, the first vote to be taken upon the following part of the amendment:

Provided, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

Mr. BRYAN. Mr. President, I am in favor of the whole amendment, of all parts of it; but the situation is that the postal revenues can not stand 1-cent letter postage unless the loss can be recouped in some measure by an increase on second-

class mail matter.

Mr. SMOOT. I will ask the Senator if the Postmaster General does not say that even though the increase on second-class mail matter is not agreed to, he still would recommend that 1-cent

postage on drop letters be provided for.

Mr. BRYAN. It is true the Postmaster General wanted this, anyhow; but here is the reason the Postmaster General gives for it. He thinks that if this reduction comes on drop letters the people will begin to understand that they can get the reduced rate upon all letters if second-class mail matter can be made to pay its proportion. It is a question for Congress to decide whether it wants to force a deficit of \$20,000,000 or more. Assistant Postmaster General Koons, who, as everybody knows, is an expert in postal matters, says that the loss will be about \$26,-000,000. Although every member of the committee voted in favor of the reduction on drop letters, the committee feel that it can not consent to do that and confront a deficit of fifteen

to twenty million dollars.

If the Senator from Utah has the question divided and has a part of it adopted, it will be too late to raise the point of order, and then what happens? You have allowed the deficit to be created and you have prevented an opportunity to recoup any part of it. Of course, I can not agree, on the part of the committee, that the Smoot amendment shall be adopted until I know that the Senate will have a chance to vote on the other part of the amendment. It is an embarrassing position for the committee to be placed in, but that is the position we are in.

Mr. SMITH of Georgia. I wish to ask the Senator from Florida if he will be willing to accept as a substitute for the rate provided 1 cent a pound on second-class mail for a distance of 100 miles, 2 cents a pound for 300 miles, and an increase of a cent a pound upon each additional 200 miles, thereby placing upon it the cost it puts upon the Government? I will vote for substantially that proposition against newspapers, magazines,

and everything else.

Mr. BRYAN. I think that would be too great an increase. It would be too much. Of course, I would be willing to say for the first 100 miles 1 cent a pound, then 1½ cents a pound, and

then 2 cents a pound.

Mr. SMITH of Georgia. Then, would you be willing to have it 1 cent a pound for the first 100 miles and add half a cent a pound for the next 200 miles, and half a cent a pound for the next 200 miles, making your charge upon second-class postage based upon the cost it places on the Government? I think it should increase beyond 2 cents for the long hauls, which really places the great charge upon the Government.

Mr. WEEKS. Mr. President—
The VICE PRESIDENT. Does the Senator from Florida

yield to the Senator from Massachusetts?

Mr. BRYAN. I yield. Mr. WEEKS. May I remind the Senator from Florida that a test was made of the probable loss on second-class mail the first week of last October, which indicated that by reducing the rate on drop letters 1 cent there would be a loss of \$26,000,000 in revenues? The department officials think that is a little higher than it would average all the year around; that it would probably be between \$20,000,000 and \$25,000,000 dollars in revenue.

One other point. Rather than to accept the amendment suggested by the Senator from Georgia, it does seem to me that rather than do an irrational and unwise thing it would be better to have this whole matter go over until to-morrow and have an amendment carefully considered rather than to take it up at

this hour of the night.

Mr. BRYAN. Just a minute and then I will be through. Of course we have to take whatever we can get. I suggest for the first 100 miles 1 cent a pound and for the balance of the country 11 cents a pound the first year and 2 cents the second year; but we will take whatever we can get.

Mr. STONE. I should like to ask the Senator from Florida a question for information. That part of the amendment on which the Senator from Utah asks a separate vote relates to first-class matter. As to that part of the amendment, what would be the loss in dollars if the rate should be reduced from 2 cents to 1 cent an ounce?

Mr. BRYAN. Twenty to twenty-six million dollars. The Senator from Missouri must see that—

Mr. STONE. I should like to know why we should do that in the present state of the finances.

Mr. BRYAN. Because the department feels that the coun-

Mr. TOWNSEND. Mr. President, I would like very much to hear. On this side we can not hear a word. I wish we could have order so that we may hear the Senator from Florida.

Mr. BRYAN. I ask unanimous consent that this amendment be considered in order to be amended as the Senate sees fit.

Mr. HITCHCOCK. As the thing stands at present I shall object to that. If this matter can go over until to-morrow, some intelligent proposition may be presented to the Senate; but I shall object to-night to the consideration of any amendments that may be proposed.

Mr. BRYAN. Then I will move that the Senate take a recess. MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States; and

S. 8105. An act granting the consent of Congress to the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas.

The message also announced that the House had passed the bill (S. 6850) authorizing the transfer of certain retired Army officers to the active list, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime.

The message also announced that the House agrees to the amendments of the Senate to the concurrent resolution (H. Con. Res. 70) authorizing the printing of 5,000 copies of the digest of contested-election cases in the House of Representatives from 1901 to 1917, and so forth.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sherwood, Mr. Russell of Missouri, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were there-upon signed by the Vice President:

S. 1361. An act for the relief of Thomas Smart;

S. 1378. An act to amend the military record of John P. Fitz-

gerald;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois

H. R. 14471. An act to amend an act entitled "An act to codify,

revise, and amend the laws relating to the judiciary"

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct

a bridge across the Cumberland River;

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and
H. R. 20574. An act granting the consent of Congress to the

county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

# PETITIONS AND MEMORIALS.

Mr. TOWNSEND. I present, and ask to have printed in the RECORD, a letter from a manufacturing firm in Detroit, Mich., in behalf of universal military training.

There being no objection, the letter was ordered to lie on the

table and to be printed in the RECORD, as follows:

THE TIMKEN-DETROIT AXLE Co., Detroit, Mich., February 13, 1917.

Hon. Chas. A. Townsend, United States Senate, Washington, D. C. DEAR SIR: I telegraphed you to-day via day letter, prepaid, as

United States Senate, Washington, D. C.

Dear Sir: I telegraphed you to-day via day letter, prepaid, as follows:

"I would strongly urge the passage during the present session of Congress of a bill for universal military training. I believe a move of this kind is in the interests of adequate national preparedness and an insurance against war."

As a citizen of the United States, American born and of American descent, and consequently without the distracting influence of any partiforeign allegiance, I feel very strongly on this matter. I believe if this country nad been adequately prepared for trouble by universal training that the present crisis which we are facing would not have appeared. Germany has a very excellent spy system. The condition of this country has been reported, so I am informed, to the German military officials and like a great many other things they have done, they have taken it for granted that this country would be helpless and if they did get in trouble with them it would not amount to very much anyway.

Little Switzerland, right on Germany's border, is like a porcupine, full of spines, they don't want to bother her because, while Switzerland minds her own business, it wouldn't pay Germany to try and force her borders or violate her neutrality.

I belleve that the Senate and Congress of the United States owe it to their people to take such steps as will put this country in position where European nations will consider that they could not afford to have trouble with this country and them we won't have it.

I have three boys, all of which would come under this new law, and they and their parents would be only too glad to see that such a law was passed for the insurance of our country's continuous existence and independence.

I trust, therefore, that you will do as you always have done, work on the right side and use your influence to help this country put itself in position where its position as an independent Nation will be respected, because people and nations who are not inclined to respec

the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Hartford, Meriden, Middletown, North Ashford, Norwalk, Norwich, Ridge-field, Stratford, and Westville, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table

Mr. OLIVER presented petitions of the Congress of Women's Clubs of Western Pennsylvania, at a meeting held in Pittsburgh, and of the Chamber of Commerce, of Butler, in the State of Pennsylvania, praying for the use of all surplus funds from naturalization sources for the education of immigrants, which were ordered to lie on the table.

Mr. WATSON presented a memorial of sundry citizens of Richmond, Ind., remonstrating against the proposed tax on excess profits of corporations, which was ordered to lie on the

table.

Mr. PHELAN presented a petition of the Chamber of Com-merce of Santa Rosa, Cal., praying for the passage of the socall Webb bill to promote export trade, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the discontinuance of the pneumatic-tube system by the Post Office Department, which was ordered to lie on the table.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 6254) for the relief of the Adams Express Co., reported it with amendments and submitted a report (No. 1055) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 8257) granting an increase of pension to Delia J. McKeon (with accompanying papers); to the Committee on Pensions

By Mr. PHELAN:
A bill (S. 8258) granting an increase of pension to Henry Harrison (with accompanying papers); to the Committee on Pensions

By Mr. OWEN:

A bill (S. 8259) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; to the Committee on Banking and Currency.

By Mr. SHAFROTH:

A bill (S. 8260) to place Maj. Deane Monahan on the retired list of the Army with the rank of brigadier general; to the Committee on Military Affairs.

By Mr. BANKHEAD:

A bill (S. 8261) granting a pension to Mary Lee Jeter; and A bill (S. 8262) granting a pension to Sarah Clayton Jeter; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 8263) for the relief of the heirs of Henry Sturm, deceased; to the Committee on Claims.

A bill (S. 8264) granting an increase of pension to Edward G. Davis (with accompanying papers); to the Committee on Pensions.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. OWEN submitted an amendment providing that any officer on the active list of the Army below the grade of brigadier general who has served with credit for over 45 years on the active list may, at the discretion of the President and with the consent of the Senate, be placed on the retired list, intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment providing that any officer on the active list of the Army below the grade of brigadier general who has served with credit for over 45 years on the active list may, at the discretion of the President and with the consent of the Senate, be placed on the retired list, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

## WITHDRAWAL OF PAPERS-GEORGE F. BEMONT.

On motion of Mr. Brandegee, it was

Mr. McLEAN presented petitions of sundry citizens of New Haven and Manchester, in the State of Connecticut, praying that

Ordered, That the papers accompanying the bill (S. 7622, 64th Cong. 2d sess.) granting a pension to George F. Bemont be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### THE FUNDAMENTAL LAW.

Mr. O'GORMAN. Mr. President, I have a copy of the third report of the committee upon the duty of courts to refuse to execute statutes in contravention of the fundamental law, presented at the fortieth annual meeting of the New York State Bar Association held at Brooklyn, N. Y., on the 12th and 13th of January, 1917. I ask that the paper be referred to the Committee on Printing, with a view to its being printed as a public document.

The VICE PRESIDENT. The paper will be referred to the Committee on Printing.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 14, 1917, approved and signed the following acts

S. 3681. An act for the relief of the owners of the steamship Esparta.

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship Republic to be enrolled and licensed as a vessel of the United States;

S. 7779. An act to authorize the change of name of the steamer Frank H. Pearey to William A. Reiss;
S. 7780. An act to authorize the change of name of the steamer Frank T. Heffelfinger to Clemens A. Reiss;
S. 7781. An act to authorize the change of name of the steamer

George W. Peavey to Richard J. Reiss; S. 7782. An act to authorize the change of name of the steamer

Frederick B. Wells to Otto M. Reiss; and S. 7963. An act to prohibit the manufacture or sale of alco-

holic liquors in the Territory of Alaska, and for other purposes.

#### MEMORIAL ADDRESSES.

Mr. ROBINSON. Mr. President, some days ago the Senator from Indiana [Mr. Kern] gave notice that on Saturday, the 17th day of February, 1917, immediately after the routine morning business, he would ask the Senate to consider resolutions in commemoration of the life, character, and public services of the late Senator Benjamin F. Shively, of Indiana; the late Senator EDWIN C. BURLEIGH, of Maine; and of the late Senator JAMES P. CLARKE, of Arkansas. A conference has been held by Senators from the States of Indiana, Maine, and Arkansas, and, at the suggestion of the Senator from Indiana [Mr. Kern] and other Senators, and for the convenience of Senators I submit a request for unanimous consent, as follows:

That the Senate convene on Sunday, February 18, 1917, at 11 o'clock a.m., to consider resolutions in commemoration of the life, character, and public services of the late Senator Benjamin F. Shively, of Indiana; the late Senator Edwin C. Burleigh, of Maine; and the late Senator James P. Clarke, of Arkansas.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Is there objection to the unanimous-consent agreement? The Chair hears none, and it is so ordered.

## RECESS.

Mr. BRYAN. I move that the Senate take a recess until 10.30 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m., Thursday, February 15, 1917), the Senate took a recess until to-morrow, Friday, February 16, 1917, at 10.30 o'clock a. m

# HOUSE OF REPRESENTATIVES.

# THURSDAY, February 15, 1917.

The House met at 11 o'clock a. m. The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God our Heavenly Father, with profound gratitude for all the blessings Thou hast bestowed upon us as individuals and as a Nation in the past, and with a firm reliance upon Thee to uphold, sustain, and guide us in the future, we would take up the burdens of life anew and under Thee go forward to greater achievements. Hear us and thus bless us through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

# RAILWAYS AND THEIR EMPLOYEES.

Mr. LENROOT. Mr. Speaker, on yesterday I introduced a bill (H. R. 20907) to amend an act providing mediation, conciliation, and so forth, approved July 15, 1913, which was referred to the Committee on the Judiciary. The subject matter of this bill relates to controversies between railways and their employees. All legislation on this subject having been referred

to the Committee on Interstate and Foreign Commerce, and that committee having reported a bill on the same, unanimous consent that the Committee on the Judiciary be discharged from further consideration of that bill and that it be referred to the Committee on Interstate and Foreign Com-

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill and that it be referred to the Committee on Interstate and Foreign Commerce. Is there objection?

There was no objection.

#### PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Ohio asks to take from the Speaker's table a bill which the Clerk will report by title, and disagree to the Senate amendments and ask for a confer-

ence.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. Sherwood, Mr. Russell of Missouri, and Mr. LANGLEY.

AMENDMENT TO THE CONSTITUTION (H. REPT. NO. 1493, PT. 2).

Mr. GARD. Mr. Speaker, I ask leave to file the views of the minority in connection with the report of the Committee on the Judiciary on the joint resolution (H. J. Res. 84) proposing an amendment to the Constitution of the United States.

The SPEAKER. The gentleman from Ohio asks leave to file

the views of the minority on a joint resolution, which the Clerk will report by title.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

There was no objection.

# REFUND OF CERTAIN DUTIES.

The SPEAKER. The unfinished business is House joint resolution 335

Mr. CAPSTICK. Mr. Speaker, I ask unanimous consent that the bill H. R. 9288 be taken from the Speaker's table and that the Senate amendment be agreed to by the House.

The SPEAKER. The Chair will recognize the gentleman when we get through with the unfinished business.

Mr. MANN. This takes precedence over the unfinished busi-

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the bill H. R. 9288, which the Clerk will report by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acctate of lime.

The SPEAKER. The Clerk will report the Senate amend-

The Clerk read the Senate amendment, as follows:

In line 7 strike out the words "and interest."

Mr. CAPSTICK. I move to concur in the Senate amendment. The Senate amendment was concurred in.

On motion of Mr. Capstick, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The SPEAKER. The Clerk will report the title of the joint resolution, which is the unfinished business.

The Clerk read the title of the joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Mr. KITCHIN. Mr. Speaker, on yesterday in an amendment to this joint resolution appears the name George W. Black as a substitute for GUY T. HELVERING. That was a mistake. It should have been George Black. There is no "W" in his name, and I ask unanimous consent that that change be made, striking out the surplusage.

Mr. MANN. The amendment is still pending.
The SPEAKER. The gentleman from North Carolina asks
to strike out the middle initial "W," leaving the name George Black. Is there objection?

There was no objection,

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to substitute in the desk copy of the joint resolution, in line 10, the

name of Thomas S. Bridgham.

Mr. MANN. Mr. Speaker, the amendment that the gentleman from Kansas [Mr. ANTHONY] was offering is what the gentleman from North Carolina refers to. It was amended by substituting the name of George Black in place of Mr. Findlay. His amendment further provided for substituting the name of John W. West in line 10 for Thomas S. Bridgham. Now the gentleman asks unanimous consent that that part of the amendment be withdrawn.

Mr. KITCHIN. Will that make it Thomas S stead of John W. West? I do not recall exactly Will that make it Thomas S. Bridgham in-

Mr. MANN. A part of the amendment of the gentleman from Kansas [Mr. Anthony] was to strike out the name of Thomas S. Bridgham in line 10 and to insert the name of John W. West. That part of the amendment is withdrawn, which leaves it Thomas S. Bridgham.

Mr. ANTHONY. That is what should be done. It was an

error.

The SPEAKER. Without objection, it will be so ordered. The question is on the remaining amendment as amended.

The amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment and third

reading of the joint resolution as amended.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time

On motion of Mr. Shallenberger, a motion to reconsider the vote by which the joint resolution was passed was laid on the

BRIDGE ACROSS THE ARKANSAS RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, I ask to have laid before the House the bill (S. 8105) granting the consent of Congress to the Conway County Bridge District to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas, a similar bill being on the House Calendar. The SPEAKER laid before the House the bill S. 8105.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Conway County Bridge District, a corporation organized under the laws of the State of Arkansas, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River at a point suitable to the interests of navigation at or between fractional southwest section 29, township 6 north, range 16 west of the fifth principal meridian, and fractional northeast section 31, township 6 north, range 16 west of the fifth principal meridian, and accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 28, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Adamson, a motion to reconsider the vote

whereby the bill was passed was laid on the table.

A similar House bill (H. R. 20535) was laid on the table. PENALTY FOR FALSE REPRESENTATIONS IN RELATION TO PUBLIC LANDS.

Mr. RAKER. Mr. Speaker, I ask that the Speaker lay before the House the bill S. 5899, a similar bill being on the House Calendar.

The SPEAKER laid before the House the bill (S. 5899) to punish persons who make false representations to settlers and

others pertaining to the public lands of the United States.

The SPEAKER. The Chair will request that when gentlemen have matters to be disposed of in a summary way they notify the Clerk in advance because of the great number of matters on the Speaker's table. The Clerk will read the bill.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who, for a reward paid or promised to him in that behalf, shall undertake to locate for an intending purchaser, settler, or entryman any public lands of the United States subject to disposition under the public-land laws, and who shall willfully, and falsely represent to such intending purchaser, settler, or entryman that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, with intent to deceive the person to whom such representation is made, or who, in reckless disregard of the truth, shall falsely represent to any such person that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, thereby deceiving the person to whom such representation is made, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding \$300 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

The bill was ordered to be read a third time, was read the

The bill was ordered to be read a third time, was read the

third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the motion whereby the bill was passed was laid on the table.

A similar House bill, H. R. 15523, was laid on the table.

SALE OF FEDERAL BUILDING SITE, HONOLULU, HAWAII.

Mr. BURNETT. Mr. Speaker, I ask that the Speaker lay before the House the bill (S. 7872) for the ratification of the sale of a Federal building site in Hawaii, there being a similar bill on the calendar. There is one small amendment that I want to offer.

The SPEAKER laid before the House the bill (S. 7872) to confirm and ratify the sale of the Federal building site at Hono-

lulu, Territory of Hawaii, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sale of the Federal building site at Honolulu, in the Territory of Hawaii, made under the provisions of the act of March 3, 1915 (38 Stat., p. 892), to Castle & Cooke (Ltd.), a corporation, be, and the same is hereby, ratified and confirmed; and the Secretary of the Treasury is hereby authorized to convey said property, by usual quitclaim deed, to said Castle & Cooke (Ltd.), a corporation, the highest bidder for and purchaser of said property at said sale.

Mr. BURNETT. Mr. Speaker, before and after the word "Limited," in lines 7 and 10, there is a parenthesis. It should be "Castle & Cooke, Limited," without the parentheses, and I move to strike out the parentheses.

Mr. GARNER. Mr. Speaker, is not this bill on the Union

The SPEAKER. It is on the Union Calendar.
Mr. BURNETT. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the There can be no objection to it.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the bill in the House as in Committee

of the Whole. Is there objection?

There was no objection. The Clerk read the amendment, as follows:

Amend, in lines 7 and 10, by striking out the parentheses.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote

whereby the bill was passed was laid on the table.

A similar House bill (H. R. 19686) was laid on the table.

## CHANGE OF REFERENCE.

Mr. SEARS. Mr. Speaker, the bill H. R. 20040 was referred to the Committee on Arid Lands. The chairman of the committee thinks that the bill should go to the Committee on Public Lands, and I ask that the reference be changed.

The SPEAKER. What is it about?

Mr. SEARS. It is allowing a right of way across public lands for the purpose of digging canals for drainage.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

Mr. SEARS. Mr. Speaker, I ask that the letter of the Department of the Interior on this bill be printed as a House document. It is a very important matter to the people of my

The SPEAKER. The gentleman from Florida asks unanimous consent that the letter of the Department of the Interior on this subject be printed as a House document. Is there objection?

There was no objection.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment; and S. 5672. An act for the relief of sundry building and loan

associations.

PRINTING DIGEST OF CONTESTED-ELECTION CASES (H. DOC. NO. 2052).

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House concurrent resolution No. 70 providing for the printing of a digest of contested-election cases and concur in the Senate amendments thereto.

The SPEAKER laid before the House concurrent resolution

No. 70.

The Senate amendments were read. The Senate amendments were agreed to.

# THE EUROPEAN WAR.

The SPEAKER. Under the order of the House, the gentleman from Massachusetts is entitled to 20 minutes to address the House.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to proceed for half an hour, if necessary. I do that because I anticipate the possibility of interruptions,

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for half an hour. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Speaker, on Tuesday, February 13, 1917, the gentleman from Pennsylvania [Mr. Moore] made a speech in which he intimated that a newspaper conspiracy exists, organized for the purpose of misleading the people of the United States as to our international relations and as to the cause of the European What his evidence may be I do not know, but undoubtedly he will present it at the investigation which he tells us he will demand. I doubt whether the people of this country are of the opinion that the German side of the war has been insufficiently and unfairly presented in the press of the country. Personally I believe that Germany has had a fairer show than Great Britain. I do not say that the German side of the question has had in our press a fairer presentation than that of the allies, but I think that Germany herself has had a fairer show than Great Britain. Prof. Henry Van Dyke has been our minister at The Hague all through the war until recently, when he returned home to the United States. Prof. Van Dyke did he returned home to the United States. Prof. Van Dyke did not derive his knowledge of the course of the European war from American newspapers. He formed his opinions on the spot, almost within sound of the guns. Yet he has written the fiercest indictment of Germany which I have seen in the public press. But, Mr. Speaker, the American people are not going to base their opinions of the European war on the biased statement of either side. That is not our way. There are certain facts which stand out so clearly that no man can dispute them, and on those facts the American people will make up their minds and on those facts the American people will make up their minds and on them history will base its verdict.

There are certain things which each one of us knows. know that when the war broke out Germany was ready to the last buckle both on land and at sea. We know that France and Russia were only half ready, and in the matter of ammunition entirely unready for war. We know that Great Britain had practically no army and even less equipment, but that she was admirably prepared at sea, as she always has been for the last 100 years, and as an island empire she must be if she wishes to make sure of her food supply. We know that Germany's original White Book attributed the outbreak of the war to Russia and that only subsequently did she accuse Great Britain. facts, at all events, we have to guide us in our search for the

nation guilty of instigating the war.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman

yield for a matter of information?

Mr. GARDNER. Yes. Mr. COOPER of Wisconsin. The gentleman has just stated the facts were indisputable that Germany was overwhelmingly prepared for war, and that the allies were insufficiently unpre pared. Will the gentleman please tell us how it could be that a nation so overwhelmingly prepared was defeated at the battle of the Marne and driven back a long number of miles by a nation wholly unprepared?

Mr. GARDNER. I said that France was half prepared. According to Belloc, the reason why Germany was defeated in the battle of the Marne was this: In order to meet a movement of the Sixth French Army around their right flank the Germans weakened their center and the French under Gen. Foch broke through. The battle was won because of the worst military mistake which German strategy has made since before the days

of Frederick the Great.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentle-

Mr. GARDNER. Oh, if the gentleman will please not make me show my ignorance in a military discussion. These facts, at all events, we have to guide us in forming our judgment as to which nation was responsible for the outbreak of the war. Whichever nation was responsible, it has probably brought more misery upon the human race than has been caused by all the European wars for the last 300 years put together. Such is the heavy burden of responsibility which must be borne by some one, and Americans who have read the evidence know well who ought to

We know that Germany intentionally violated the treaty by which Belgium's neutrality was guaranteed. We know that fact by her own statement. We know that Germany treated Belgium, and continues to treat Belgium, with unheard-of barbarity—"frightfulness," as it is called in the German war vocabulary. We know that Germany has repeatedly torpedoed and shelled defenseless noncombatants, while Great Britain has been seriously accused of only one act of ruthlessness at seathe Baralong murder, as the Germans call it. I am obliged to admit that I have not been altogether satisfied with Great Britain's defense in the case of the Baralong.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield? Mr. GARDNER. Yes. Mr. CALDWELL. I just wish to ask the gentleman about

Great Britain's treatment of Greece.

Mr. GARDNER. The allies were invited into Greece by Venizelos, who was then prime minister. They have murdered no women and children in Greece. The sympathies of the Greek people are overwhelmingly with the allies. I have many The sympathies of the Greeks in my district, and I have yet to hear of one of them who takes the part of Germany and the central European powers. There is not a Greek in the United States who fails to know that the only reason why Greece, under Venizelos, did

to know that the only reason why Greece, under Venizelos, did not join the allies was because it was forcibly restrained from so doing by King Constantine, the brother-in-law of the Kaiser.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. KAHN. I received a telegram signed by a great many Greeks in my city protesting the interference of the allies with the people of Greece, so that there are some Greeks here—

Mr. GARDNER. Oh, I know those telegrams can be gotten up anywhere, but I can testify, and so can the gentleman, if he knows anything about their rank and file, that Greeks in America side with the allies side with the allies

Mr. CALDWELL. Mr. Speaker, will the gentleman yield for

one more question?

Mr. GARDNER. I prefer to go ahead at present.

We know that in this war both sides have resorted to the use of poisonous gases and the bombing of cities from aircraft, practices which seem to us indefensible. In each instance we know that the allies followed Germany's example. We know that Germany has torn from their homes in Belgium and in northern France peaceful citizens, and has subjected them to a new form of slavery, against which the civilized world protests. All those things we know, whether our news is drawn from pro-ally news-papers, like the New York Herald and the New York Sun, or from pro-German newspapers, like the New York American and the New York Evening Mall. Furthermore, we know that on February 10, 1915, President Wilson warned Germany that we should hold that nation to "strict accountability" if in her submarine warfare she destroyed American lives or American ships. We know that on May 7, 1915, a German submarine tor-pedoed the *Lusitania* and that more than 100 American lives were destroyed. We know that for almost a year subsequent to the destruction of the Lusitania communications were exchanged between our Government and the German Government, and that meanwhile Germany continued to maintain and to some extent, at least, to practice her asserted right to torpedo merchantmen without warning. We know that after the Sussex was torpedoed President Wilson on April 18, 1916, informed Germany that we should break off relations with her unless assurances were given us that no more vessels would be torpedoed without warning. We know that Germany gave President Wilson the required promise, but reserved the right to recall this pledge. We know that except in a few debatable instances Germany subwe know that except in a few departure instances definant, substantially kept her promise, so far as American interests were concerned, until January 31, 1917, when she withdrew her restrictions on submarine warfare. Thereupon President Wilson broke off all relations with Germany on February 3, 1917, and informed the world that if the German threats were fulfilled he should come before Congress and ask us to authorize the use of the armed forces of the United States to protect our people in their rights. There the situation rests, but there it can not continue to rest, for it has speedily become apparent that American merchant ships are unwilling to face the terror of German submarine warfare unless they are furnished with some means of defense. I for one believe that it is the duty of our Government to see that our merchantmen are armed to defend themselves or are convoyed through the danger zone.

Mr. CALDWELL. Will the gentleman yield? We gave the gentleman 30 minutes.

Mr. GARDNER. All right. Mr. CALDWELL. The gentleman just expressed his opinion of what the United States ought to do with reference to protecting its commerce?

Mr. GARDNER.

Mr. CALDWELL. Now, I would like to know of the gentleman if he will maintain that position if the President actually

Mr. GARDNER. Of course I shall.

Mr. CALDWELL. All right.

Mr. FESS. Will the gentleman yield before he goes Mr. GARDNER. I yield to the gentleman from Ohio. Will the gentleman yield before he goes further?

Mr. FESS. I am personally anxious to know whether in our reading the news-we are reading dispatches that are not censored-we are justified in believing that the facts are as we read them in the press? In other words, getting to Mr. Mooke's charge as to the accuracy of these press dispatches we read.

Mr. GARDNER. Of course, I can not know; but before I go on with my speech I am going to read Henry Van Dyke's poem addressed to Germany, which was published a day or two ago. Henry Van Dyke, our minister to Holland all through this war, can not have been misled by censored news. Here is his poem:

MARE LIBERUM.

[By Henry Van Dyke.] Tou dare to say with perjured lips:

"We fight to make the ocean free"—
You whose black trail of butchered ships
Bestrews the bed of every sea
Where German submarines have wrought
Their horrors! Have you never thought
What you call freedom men call piracy?

Unnumbered ghosts that haunt the wave
Where you have murdered cry you down,
And seamen whom you would not save
Weave now in weed-grown depths a crown
Of shame for your imperious head,
A dark memorial of the dead
Women and children whom you left to drown.

Nay, not till thieves are set to guard The gold, and corsairs called to keep O'er peaceful commerce watch and ward, And wolves to herd the helpless sheep, Shall men and women look to thee, Thou ruthless Old Man of the Sea, To safeguard law and freedom on the deep!

In nobler breeds we put our trust:
The nations in whose sacred lore
The "ought" stands out above the "must,"
And honor rules in peace and war.
With these we hold in soul and heart,
With these we choose our lot and part
Till liberty is safe on sea and shore.

Mr. FESS. Will the gentleman yield?

Mr. GARDNER. I will ask the gentleman please to let me continue. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes remaining. Mr. FESS. Is Dr. Van Dyke's poem an answer to my ques-[Applause.]

Mr. GARDNER. Absolutely. That shows that men on the spot form the same opinion of Germany which we form here.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman

Mr. GARDNER. I will yield for one "Amen!"

Mr. DAVIS of Texas. There is a

Mr. GARDNER. But not for a stump speech.

Mr. DAVIS of Texas. There is a serious question in my mind which I would like the gentleman to explain. He has asserted the right of trade to-day with the nations with whom we have the right to do business

Mr. GARDNER. How does the gentleman know I have? Mr. DAVIS of Texas. The gentleman said he was willing to convoy and defend that trade.

Mr. GARDNER. Yes; because we warned Germany that we should hold her to "strict accountability."

Mr. DAVIS of Texas. The question I want to ask is this: Up until the last few weeks, for the past two years have not we had a perfect national and international right to trade with Germany as a free Government and we a neutral?

Mr. GARDNER. I do not know; but if we break off rela-

Mr. DAVIS of Texas rose.

Mr. GARDNER. No; the gentleman must allow me to answer. If we break off relations with Great Britain on the ground that she has interfered with that right, you will not hear me on the floor of this House making speeches designed to help a nation with which we have broken off all relations.

Mr. DAVIS of Texas. The point with me is not a hypothetical case. It is an actual condition.

Mr. GARDNER. Meanwhile, Mr. Speaker, William Jennings Bryan proposes that we should prepare ourselves to present a united front to the enemy by first tearing the Nation asunder in a political campaign on the question of peace or war. He and his followers, the pacifists, the extreme socialists, and those who place loyalty to Germany above loyalty to America, are engaged in appealing to the cowardice which lurks in every man's breast.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GARDNER. I can not. Mr. SHALLENBERGER. You just attacked a very distinguished gentleman.

Mr. GARDNER. The gentleman will please protect his distinguished statesman in his own time.

Cowardice is the consequence of the instinct of self-preservation, the strongest of human instincts. The extent to which a man can overcome the instinct of self-preservation is the measure of his manhood. They are trying—
Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHALLENBERGER. Will the gentleman answer or not whether he voted for the naval bill?

Mr. GARDNER. Mr. Speaker, I ask to have my time pro-

tected.

The SPEAKER. The gentleman has notified everybody that

The SPEAKER. The gentleman has notified everybody that he does not want to be disturbed while delivering his speech. The Chair will keep everybody off that he can.

Mr. GARDNER. This cowardice Mr. Bryan and his followers glorify by calling it "good will toward men," and timidity they have rechristened "service to humanity." They are trying to goad the people into a campaign in which class will be approved excited the service of the company of the compa arrayed against class and race will be arrayed against race. Smooth-tongued speakers are to be employed and trenchant pens are to be made sharper. Perchance foreign gold may be spent; who knows? Then, when the Nation is successfully split into two halves, animated by hatred of each other, rather than by a joint hatred of the foreign foe; when our courage is at the lowest ebb; when our righteous indignation has been sufficiently aspersed; then we are to vote upon the question of peace or war, If the vote be for peace, we are to submit to any indignities rather than strike back. If the vote be war, as a Nation divided

The President of the United States, our captain, even now should be nerving us for the struggle. By every means in his power he should frown down this campaign of William Jennings Bryan, who is whispering to the rank and file that death awaits them at every turn; that the cause for which they are enlisted is unjust; that peace and plenty are pleasant things, while the snows of Valley Forge are bitter cold and the rapid fire of machine guns is dangerous. Oh, the instinct of self-preservation is strong in men. Doubtless the Bryans of those days were whispering trembling words to the Minute Men of Lexington. In those days gentlemen were crying, "Peace! peace!" just as they are crying, "Peace! peace!" to-day. They were crying, "Mediate!" and "Arbitrate!" but the patriots fought on in-

stead of parleying, and we gained our liberties.

The pacifists and the copperheads of the Civil War declared for arbitration and mediation and said that the war was a failure and that a convention ought to be called to put an end to the horrible strife and that the question of slavery should be left for future adjustment. But Abraham Lincoln said "No; we have put our hand to the plow and we shall not turn back." We did not arbitrate and we did not mediate. We fought the Civil War to a conclusion. We put an end to slavery, and who is there to-day, North or South, who does not rejoice that we turned a deaf ear to the pacifists of 1864?

It may be that the day shall come when mankind will beat its broad falchions into plowshares. It may be that internationalism will solve the awful problem of war; but I shall not believe in internationalism and I shall not believe in the brotherhood of man as a practical, statesmanlike rule for world government until I find Californians who are willing that their daughters should be married to Chinamen or until I find some Mississippian who is willing that his sister should marry a When those far-off days are here, then I shall know that we have reached the era of the brotherhood of man.

Meanwhile I am an American. I want no internationalism. I want no conglomerate flag of all the nations, with a yellow streak down the middle. I know what the Star-Spangled Banner stands for. I know what it has stood for in history. When I behold it my ears seem to hear the shrill music of Lexington's fifes and the grim rattle of the drums at Concord. There is an echo which reverberates in my head. It is the thunder of Perry's cannon on Lake Erie. I see the sharp escarpment of Missionary Ridge. I see the charge of Pickett at Gettysburg, and I see the stubborn Union battle line whose heroic valor checked that heroic assault. I hear the deep bass of Dewey's guns at Manila, and I hear the sharp rattle of musketry in Cuba. I know what that banner stands for in peace, how it stands for liberty and honesty and courage and for the rights of man; how it stands for the homely virtues of the family and for the friendships which gather around the fireside.

May the God of our fathers ever protect and defend that flag. May it rise triumphant. May it ever be unfolded to the music of the trumpet which shall never sound "retreat," and may it

wave forever. [Loud applause.]
Mr. CALDWELL. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?

Mr. CALDWELL. To ask unanimous consent that the gentleman's time be extended two minutes so that he can answer a

The SPEAKER. Does the gentleman from Massachusetts want to answer?

Mr. GARDNER.

The SPEAKER. The gentleman from New York [Mr. Cald-WELL] asks unanimous consent that the gentleman's time be extended a minute to answer a question. Is there objection?

I object. The SPEAKER. The gentleman from Illinois objects. The gentleman from Pennsylvania [Mr. Moore] is recognized for 20 minutes. [Loud applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous

consent to extend and revise my remarks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish the newspapers of this country which are now declaring war against a foreign country and endeavoring to involve a hundred millions of American citizens in a strife which is not their business would take note of the fact that the American Congress to-day, by this expression of applause, indicates that it is prepared to be a de-liberative body under the Constitution and proposes to exercise its rights. [Applause.] I wish the great editorial writers, whether subsidized or not, would take note of the fact that there is a revival of the independent spirit of Americanism in this old House of Representatives that proposes to stand its ground against any stampeding, whether it be inspired by British gold

or German lucre. [Applause.]
Why, I am surprised at the pacific tone of the distinguished gentleman from Massachusetts [Mr. Gardner] this morning. I had expected he would be prepared to declare martial law in the United States, and that under the lead of that eloquent editorial writer, Col. George Harvey, who spoke to us in Washington last night, and pictured the glory of war in Europe, we would hear the "tramp, tramp, tramp" of the American boys coming up from the farms and firesides prepared for the terrible onslaught. I thought we might hear the salvos of applause that would come from the boys in the trenches in France crying "Vive l'Amerique," and from the boys of Great Britain as they exclaimed, "Here come the boys of the United States to share our

burdens with us." [Applause.]

But the gentleman from Massachusetts is pacific this morning. The only warlike note that he sounds to-day is the piece of verse that he brings us from Henry Van Dyke, who evidently is as strong a champion of war as the novelist, Owen Wister, who paid an unusual tribute in verse to the President of the United States some time ago; so that all we have before us this morning in addition to the usual "declaration of war" in the newspaper headlines is the poetic recital of the gentleman from Massachusetts and the report of the American Rights League.

Ah, my friend from Massachusetts and my friend Col. Harvey who spoke last night of the beauties of the war in Europe, let me suggest that the recruiting offices are open and that the ships are carrying munitions back and forth under the protection of British guns, and that every American boy who wants to enlist in the war in Europe is free to go and will be received with open

arms on the other side. [Applause.]

Mr. EAGLE. Mr. Speaker, will the gentleman yield? Mr. MOORE of Pennsylvania. No; I can not yield. But are those who are declaring war, the signers of the Declaration of the American Rights League, including the Washington minister of the gospel who declares that Christ came upon earth not so much to save men as to punish nations—are those signers of the Declaration of the American Rights League and the numerous other editorial belligerents in America resigning their positions and enlisting in this war in Europe to save civilization?

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield

to the gentleman from Alabama?

Mr. MOORE of Pennsylvania. I can not yield. The SPEAKER. The gentleman declines to yield.

Mr. MOORE of Pennsylvania. There are many men fighting this foreign battle in the United States who are not prepared to come up to the captain's office and sign up for this war they are agitating, particularly in that aggressive fraternity whose editorials just now are calling upon other men to make the sacrifice. If they were sincere, those who are calling upon the youth of America, the recruiting offices of the Nation would not now be so devoid of volunteers as they are. [Applause.]

Mr. Speaker, I can speak a little for the common people of the

United States this morning. I have been hearing from them in

thunderous tones during the last three or four days; the mere reference to the fact that there is a Liberty Bell still existing in the United States, and that the old Hall where American independence was proclaimed and where the Constitution was given to the people still stands, has reechoed throughout the country. The responses coming in from every State of the Union are expressive of the American heart upon this question of foreign alliances-with almost a unanimous voice they are sounding praises to almighty God that some men remain in the Congress of the United States who adhere to American principles. [Applause.]

The gentleman from Massachusetts [Mr. GARDNER] has not been personal in his references, and I am glad he has not, because I would not want to be personal in kind. The gentleman seems to think-in fact, he stated-that my remarks on Tuesday were an indictment of the newspaper press of the United States for publishing false reports that tended to inflame the people and encourage them in the belief that it is their duty to civilization to pull one of the belligerents out of the stress in which it finds

itself. I did not make the direct charge.

I stood upon this floor and quoted the gentleman from Texas [Mr. Callaway], and I read his speech into the Record, which speech charged that the J. P. Morgan interests had arranged with 12 great newspaper men with a view of influencing other newspapers, and that those newspapers-25 of the greatest of them-were being paid for the service they are rendering in the promotion of the war spirit, and in the teaching of a false patriotism in the United States, misleading the people into the belief that this war in Europe is an American war. It was the gentleman from Texas [Mr. Callaway] who made that charge. He put it in the Congressional Record. And so far as I know not one newspaper in the United States published that remarkable statement; and it was not published at all until I made reference to it on the floor of the House and invited some one of the majority to introduce a resolution to investigate it. I repeat now that challenge to the majority of this House, a challenge to introduce a resolution to inquire whether or not newspapers are actually subsidized as charged, because it is due to honest journalism in the United States that the real facts with regard to this monstrous proposition be known to the tax-payers of this land, whose blood must be let and whose burdens must be tremendously increased if we are to be driven into this fierce controversy across the seas. I will leave that challenge stand for the day. If no one of the majority will introduce that resolution, I shall expect to introduce it myself, in fairness to those men in this country who are writing newspaper articles and publishing newspapers, who want to be free from suspicion that they are under the Morgan influence or that they are dominated by Lord Northcliffe or the moneybags of London or Berlin. [Applause.]
The gentleman from Massachusetts [Mr. Gardner] deals, as I

expected he would, with the horrors of war. I give him credit for gallant service in the Spanish-American War, in which he made an honorable record. The gentleman has not seen all the horrors of war; he was not old enough to observe its ill effects in the United States when we had our difficulty more than 50 years ago; but the gentleman has spoken of the horrors of war, and he has dwelt, as these great editors do, upon the bombs flying in the air destroying children and the submarines coming up from the bowels of the sea destroying ships that are carrying munitions to keep the war in Europe going. He pictures all this, but the gentleman from Massachusetts [Mr. Gardner] does not tell the whole story; his view is restricted somewhat by the influence upon his poetic mind of the verses of the former minister to The Hague.

Did the gentleman from Massachusetts look away down at the bottom of the page of the Washington Post this morning and read this simple announcement—

Holland buys tanks.

And did he read, coming from The Hague, this simple, special cable dispatch, almost buried where it could not be found in the newspaper:

Holland continues to improve and modernize her defenses. Among other ultra-modern war machines which will soon be received here are several tanks. Two frameworks for these machines have just arrived from America.

So we are making war tanks for Holland!

The Army construction work will equip them with armor.

Holland, a neutral country in this war, is preparing to use tanks. Now what are tanks? They are the invention of some American, I understand, and they have already been successfully employed by the British in the treuches in dealing with the Germans. Here in this paper is the picture of a tank an instrument of terror rolling ruthlessly over the trenches in which the German soldiers are. No notice, no warning. Buried

alive! "Crushed in the earth by these amiable instruments of warfare that are manufactured in the United States and are being used by Great Britain to win its victories. If submarines are ruthless, and maybe they are, what are these tanks?

The very paper which publishes the picture of one of these tanks relates how these men cry out in despair, the fathers of children, the husbands of wives made widows; crushed and covered into the very bowels of the earth without warning, just as is charged against the submarine or the aeroplane. Buried in the dead of night without warning. But that is war; it is what is to be expected if we plunge into the kind of war that the gentleman from Massachusetts has been preaching in this House, and that the great editors of this country are urging the President to declare.

The paper from which I quote is opposed to Germany. have nothing to do with that. I am only pointing out that if the sinking of the Lusitania was inhuman, there are other inhuman methods of warfare to which civilized nations apply themselves.

Here is an article from the same paper entitled-

"German brutality on raids by U-boats."

Mr. Noyes, the great English writer, tells us all about it it is copyrighted for the papers that are to use it in the United Then comes the picture on the same page of the apparently praiseworthy and effective work that is being done by the English tanks rolling over the men sleeping in the trenches. The headlines tells us that-

Tanks, airplanes, and guns, not men, will win the war. Land ironclads of huge power foreseen which will make present tractors but toys, and will destroy the country over which they pass. Modern war made so terrible by new monsters of destruction that the prospect of an organized world-controlled hostilities is forecast.

Surely this new method of warfare does not have the sanction of international law.

But the story comes from H. G. Wells, one of the novelists of England, who pictures the terrible execution of these new instruments of war that England is said to employ,

Mr. BRITTEN. Will the gentleman yield?
Mr. MOORE of Pennsylvania. I can not yield. The gentleman from Massachusetts, in order to get his facts right, ought not to be pro ally nor pro-German, but a fair, square-deal American. [Applause.] Did he take up the Washington Times of last night? If he did and looked closely into the "afternoon edition," he found, way down at the bottom of the page, so far down that he could scarcely see it—the woman's referendum question takes up most of the column-but way down at the bottom, in an eight-line paragraph, he would find an announcement. Bearing in mind that Germany is the fierce "barbaric power" that is "ruthlessly destroying" little children in their sleep, he should have read this brief article. Here it is. How it got by, the Lord only knows, but here it is at the bottom of the page:

# FLYERS KILL 16 TOTS.

BERLIN (via Sayville wireless), February 14.

Funeral services for 16 children killed by English flyers on February 10 were held in the Church of Our Lady, at Brugge, on Sunday, the press bureau announced to-day. The children were skating when the flyers dropped bombs.

It is not one side alone that plays this war game. tries involved are playing it, and playing it to the limit, and those that may be getting the worst of it at times send out the Macedonian cry to the Government of the United States, now at peace with the world, "to come over and help us." But let us see about this "barbaric" warfare, this killing of these "16 little tots" skating on the ice.

Did this news get very far? It you obtained a copy of the

last edition of the Evening Times and examined it from the front to the last column, you would find that even these eight lines had gone out. I do not find fault with the Times. doing the best it can, it is a good paper, but somebody slipped a cog, and that item which got into the afternoon edition, telling you how English bombs were dropped on children skating on the ice, was removed from view when the final edition was [Applause.]

Mr. SPEAKER. The time of the gentleman from Pennsylvania has expired.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian. Reservation, Okla., within which to make payment.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways, and construing the act to regulate commerce with reference thereto;

H. R. 10697. An act for the relief of S. Spencer Carr.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8003. An act authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county; to the Committee on Interstate and Foreign Commerce.

#### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill (H. R. 18453), disagree to the Senate amendments, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses with the exception of amendments numbered 48 and 111.

Mr. SHALLENBERGER rose.

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to address the House for two minutes

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for two minutes. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman can get in like some of the rest of us on the general

debate on the Army appropriation bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. STEPHENS of Texas. Mr. Speaker, I renew my request, and I ask unanimous consent that the statement be read in lieu of the report.

Mr. MANN. Mr. Speaker, there is no conference report to The gentleman does not require unanimous consent.

Mr. STEPHENS of Texas. The Senate disagreed to the conference report.

Mr. MANN. And that wipes it out.

Mr. STEPHENS of Texas. But I will say that the conferees

agreed on all of the articles except four.

Mr. MANN. That may be true, but the conference report has been rejected, and we have been notified to that effect, and that ends it. The Senate has sent a message to the House, which is irregular and unparliamentary, which they probably do not know, stating that they have rejected the conference report, and insist upon four Senate amendments, but what they have done as far as the parliamentary situation is concerned is to insist on all of the Senate amendments. The gentleman should now move, not to ask unanimous consent, to take the bill from the Speaker's table, with Senate amendments thereto, and to further insist upon the disagreement of the House to all of the Senate amendments with the exception of the two which he desires to concur in with amendment.

Mr. STEPHENS of Texas. Mr. Speaker, that is correct. move to take the House bill from the Speaker's table, with Senate amendments thereto, and to further insist upon the House disagreement to all of the Senate amendments with the exception of amendments 48 and 111, and to agree to the conference.

Mr. MANN. Oh, no; the gentleman does not want to agree to the conference yet.

Mr. STEPHENS of Texas. Mr. Speaker, there are two amendments that I desire action upon, amendments 48 and 111.

The SPEAKER. The gentleman from Texas moves that the House further insist upon its disagreement to all of the Senate amendments to the Indian appropriation bill except amendments 48 and 111.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, as to amendment No. 48, I move that the House concur in amendment No. 48

with an amendment, which I send to the desk.

The SPEAKER. The gentleman from Texas moves that the
House concur in Senate amendment 48 with an amendment, which the Clerk will report.

Mr. MANN. Mr. Speaker, I suggest that the Senate amendment 48 be read.

The SPEAKER. The Clerk will report Senate amendment No. 48.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted land of the Indian reservations in the State of Minnesota.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against said tribal and allotted lands. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, to be reimbursable from any funds belonging to the individual allottees, or their heirs, from any funds belonging to the tribes subject to be prorated, in the discretion of the Secretary of the Interior. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: Provided, That no patent in fee shall be issued for any tract of land under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect.

Mr. STEPHENS of Texass. Now. Mr. Speaker, I move to con-

Mr. STEPHENS of Texas. Now, Mr. Speaker, I move to concur in that with the following amendment.

The SPEAKER. The Clerk will report the amendment to the Senate amendment.

The Clerk read as follows:

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted lands of the Indian reservations in the State of Minnesota. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amounts assessed against said tribal and allotted lands. That for the purposes specified in this section there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$60,000, to be reimbursable from any funds in the possession of the United States belonging to the individual allottees, whose lands are benefited, or their heirs, in case of their decease, when the payment relates to allotted lands, and from any funds belonging to the tribes subject to be prorated, when the payment relates to tribal lands. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: \*Provided\*, That no patent in fee shall be issued for any tract of land under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect.

\*\*Nr. MANN\*\* Mr. Speaker in order to keep the recover depreciation.\*\*

Mr. MANN. Mr. Speaker, in order to keep the record straight, while it was not so reported, I understand that the gentleman's motion is to concur in the Senate amendment with an amendment striking out all of the language of the Senate amendment and inserting in lieu thereof the language which the Clerk has just read.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. I suggest that so that the Clerk may have that record.

The SPEAKER. The motion of the gentleman from Texas is that all of the language of Senate amendment No. 48 be stricken out and the matter just read in the nature of an amendment be substituted therefor.

Mr. MILLER of Minnesota. Mr. Speaker, in the reading by the Clerk of the amendment offered by the gentleman from Texas one clause was omitted, and is probably omitted from the copy sent to the Clerk's desk, namely, the clause after the words "said tribal and allotted lands"-

on account of benefits accruing to said lands by reason of the construction of a drainage ditch or ditches under the laws of the State of Minnesota.

Mr. MANN. Has the gentleman a complete copy?

Mr. MILLER of Minnesota. Yes.

Mr. MANN. I suggest that the gentleman send that up and have the complete copy substituted for the other.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent to have the following substituted for the language just reported by the Clerk.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment as modified.

The Clerk read as follows:

The Clerk read as follows:

Mr. Stephens of Texas moves to concur in Senate amendment No. 48, with an amendment striking out all of the language of amendment No. 48 and inserting in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to approve the assessments, tegether with maps, showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted lands of the Indian reservations of the State of Minnesota. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amounts assessed against said tribal and allotted lands, on account of benefits accruing to said lands by reason of the construction of a drainage ditch or ditches under the laws of the State of Minnesota. That for the purposes specified in this section, there is hereby appropriated, ont of any money in the Treasury not otherwise appropriated, the sum of \$69,000, to be reimbursable from any funds in the possession of the United States belonging to the individual allottees, whose lands are benefited, or their heirs, in case of their

decease, when the payment relates to allotted lands, and from any funds belonging to the tribes subject to be prorated, when the payment relates to tribal lands. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: Provided, That no patent in fee shall be issued for any tract of land under the terms of this paragraph until the United States shall have been wholly reimbursed for all assessments paid or to be paid on such tract under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect."

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that this amendment came from the distinguished gentleman from Minnesota [Mr. MILLER]. It was not put in the bill in the House for the reason that it is legislation. The Senate, however, inserts everything of that kind it desires, as we know, and in order to come to an agreement with the Senate on this amendment we submit the present substitute for the Senate amendment, and that is the parliamentary situation at present. I desire to state that the committee investigated the matter and we believe that the relief asked for should be granted. The situation is this: The Indians are situated in a drainage district in that State. The State has laws regulating these matters and the Indians are interested equally with the whites and the citizens of the State relative to the drainage of this land. What benefits one benefits all and it is a piece of legislation that is needed in that country, and we received from the gentleman from Minnesota his amendment that covers the same ground that the Senate one does. For that reason we ask that the substitute be adopted.

Mr. STEENERSON. I want to ask the chairman of the committee

Mr. STEPHENS of Texas. I first yield five minutes to the

gentleman from Oklahoma [Mr. Carter].
Mr. CARTER of Oklahoma. Mr. Speaker, the conferees when they went into the conference found this proposition in the bill, and after an examination it was decided that neither the language nor the amount appropriated was sufficient to do the thing that was contemplated by the amendment. The conferees had no right under the rules of the House to put in the language necessary to have the work done, and certainly had no right to exceed the amount appropriated by this amendment. So rather than exceed our authority we brought the matter back to the House, all of us agreeing that the proposition should be taken care of. I yield back the balance of the time to the be taken care of. I yie gentleman from Texas.

Mr. STEPHENS of Texas. Does the gentleman from Minnesota desire some time? I will yield him some time.

Mr. STEENERSON. Very well. Mr. STEPHENS of Texas. I yield the gentleman from Minesota five minutes

Mr. STEENERSON. Mr. Speaker, I would like to ask the gentleman this question: What is the difference between the substitute as offered by the gentleman from Texas and the proposition as offered by the gentleman from Minnesota?

Mr. STEPHENS of Texas. I yield to the gentleman from Minnesota to answer the question himself.

Mr. MILLER of Minnesota. The substitute is mine.

Mr. STEENERSON. But the gentleman from Texas has offered an amendment and then the gentleman from Minnesota offered an amendment or a substitute to his amendment,

Mr. MILLER of Minnesota. I can say there is no difference except I found the Clerk, in reading the one sent up by the chairman of the committee, omitted to read one clause, and thereupon I sent up my copy, which the Clerk read in its en-

Mr. STEENERSON. Where did this originate? Mr. MILLER of Minnesota. I will say to the gentleman, if I have permission, four years ago I received a request from the Fond du Lac Reservation in our State, that has been open to white settlement, for some kind of legislation that would enable the construction of ditches serving allotments of Indian tribal lands similar to the construction of ditches in purely white territory under the laws of the State. I thereupon framed

Mr. STEENERSON. An act of Congress?

Mr. MILLER of Minnesota. Yes; an act of Congress. That was confined to the Fond du Lac Reservation. At that time it was suggested in the Indian Office that it might be possible to have the terms so broad as to cover the entire State, but we did not enact it in that form at that time.

Under this act which formerly was passed they proceeded in that county and on the reservation to establish the drainage ditch, and, as the gentleman well knows, it is a court matter, and the court proceedings in our State have been complied with and all the surveys have been made and estimates of the benefits made, so every piece of land, whether belonging to whites or Indians, has now assessed against it the proportionate benefit it will receive from the construction of this ditch. That work was completed more than a year ago. The original act required plans and specifications for the ditch should have to be approved by the Secretary of the Interior, and he had full dis-cretion in this matter. It was thought advisable to give him full discretion in order that the rights of the Indians might be absolutely and completely protected. The Secretary of the Interior, acting through an engineer whom he sent out there a year and a half ago and again last year, suggested that some modification in the plans was needed in order that some of the Indians might have their rights absolutely protected beyond peradventure and thereupon modifications were had, the last only occurring a very few weeks ago, about two weeks ago, and a final statement from the engineer sent out by the Indian Office was made as to certain minor details that would have to be changed. They have made those changes and at their request it is necessary to have an appropriation. I found that the Indian Office, while the bill was in the Senate, had asked that there be inserted in the Indian appropriation bill legislation giving general authority in drainage matters all over the northern part of the State, so that the law will be applicable to the White Earth Reservation or any other place where Indian lands might be affected by drainage propositions. So when the bill went to conference it contained this provision which the Senate had inserted, and they had authorized an item of \$15,000, which they thought would be sufficient, though this did not have any provision made for this particular drainage proposition. That was all that was thought necessary. I may say this is ready for actual action.

That is on the Fond du Lac Reserva-Mr. STEENERSON. tion.

Mr. MILLER of Minnesota. That is on the Fond du Lac Reservation. We found the assessed benefits against all the Indian allotments-and there are several hundred of themamount to \$35,000. Therefore I suggested we increase the \$15,000 to \$35,000, so that this Fond du Lac proposition could now be taken care of and we would not have to pass a general law, which was satisfactory to all persons interested, but it has been suggested that there might be need of more than the \$35,000 and \$15,000, and so out of caution we authorized the Secretary, in his discretion, to draw up to \$60,000, but no more. So the law is applicable generally to the State as it now stands, and substantially it takes care of this proposition.

The SPEAKER. The time of the gentleman from Minne-

sota [Mr. Steenerson] has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I would like to ask a further question of the gentleman from Minnesota [Mr. Mil-LER]. I believe he states that this provision has the approval of the Interior Department?

Mr. MILLER of Minnesota. I am informed by the Senators that it was submitted to the Interior Department; and some of the language, I think, they changed to suit themselves, and it

does meet with their approval.

Mr. STEENERSON. The gentleman has no direct information?

Mr. MILLER of Minnesota. Except in this, that I conferred with the drainage engineer in the Indian Office and with the administrative officer that has general charge of matters of that kind. I was unable to get hold of the commissioner, because he was not in his office. I recollect that I talked briefly with Mr. Meritt, the assistant commissioner, while he was on duty at the Senate end of the Capitol, and he did not disap-

Mr. STEENERSON. As I understand the provision now, it will include all the Indian reservations in Minnesota-the Red Lake Reservation, where there are no allotted lands, and the White Earth Reservation, where the lands are allotted?

Mr. MILLER of Minnesota. But there will be no action without additional appropriation, the gentleman will under-

Mr. STEENERSON. I understand.

Mr. MILLER of Minnesota. It was understood in the Indian Office-and that is the point on which I conferred with Mr. Meritt particularly—that \$35,000 is to take care of the drainage proposition in Fond du Lac Reservation. Mr. STEENERSON. Has the gentleman from Texas [Mr.

Stephens] any information as to whether this provision is satisfactory to the Department of the Interior?

Mr. STEPHENS of Texas. Only through the conference of the two Houses. We discussed the matter, and we had the in-

been placed before the House originally the House would have agreed to it, but that it would have been subject to a point of order because it was new legislation.

Mr. STEENERSON. You have no communication from the

Interior Department?

Mr. STEPHENS of Texas. The Interior Department has no objection to it, I understood it from the hearings of the Senate I think it is very beneficial at this point.

Mr. STEENERSON. I will say to the gentleman that I received several protests from people who had lands on the White Earth Reservation, stating that this project was inimical to the interests of the Indians. The gentleman has heard nothing about it?

Mr. STEPHENS of Texas. It is all in the hands of the Secretary, and if he sees that it would be injurious to any of the Indians he has discretion to use the funds as he sees proper.

Mr. STEENERSON. I can see where it would be beneficial to the Red Lake Reservation, where there are 300,000 acres of

Mr. MILLER of Minnesota. The senior Senator from Minnesota has carefully gone over this, and it meets with his entire

Mr. STEENERSON. I had not heard anything about that. I received two protests from the White Earth Reservation, stating that they were sent to Senator Clapp and Senator Negson and myself, and those are the only objections that I have

Mr. STEPHENS of Texas. After we investigated the matter we were sure that this legislation should pass in the shape that it is now in.

Mr. STEENERSON. The gentleman is satisfied that it would be for the interest of the Indians on all these Minnesota reservations?

Mr. STEPHENS of Texas. It comes out of their funds. It is reimbursable.

Mr. STEENERSON. I understand that where the expense of the drainage project benefits the tribal land it is paid out of the tribal funds, and where it benefits individual allotments it is taken out of the funds of the allottees?

Mr. STEPHENS of Texas. The gentleman is correct.
Mr. CARTER of Oklahoma. Will the gentleman yield to me? received one protest from Mr. Beauleiu, I think it was, against this proposition, which was the only dissenting voice I have heard, if my memory serves me right.

Mr. STEENERSON. My information comes from other

Mr. STEPHENS of Texas. One of the Senate conferees stated the Indian Bureau was favorable to this and so expressed itself in the Senate hearings. I did not look up the hearings to verify that statement, but after looking into the proposition and seeing that the drainage of all these lands might be stopped and held up unless something was done, and a large portion of these lands might be held up unless something was done to provide for running the ditches across the Indian lands, it then seemed to me imperative that we take some action in the premises, and we next looked to see if there was any violation of any treaty, because in view of the Choate against Trapp case, if you have a treaty with an Indian that his land can not be taxed for any purpose, an act of Congress would be invalid. We were advised that no treaty was being violated in case we should provide to take these funds out of the tribal funds for drainage across the Indian lands in order that the Indian might be benefited along with the white man.

Mr. NORTON. The gentleman is, I think, himself as well

The SPEAKER. The time of the gentleman from Minnesota [Mr. Steenerson] has again expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from North Dakota [Mr. North].

Mr. NORTON. I want to ask the gentleman a question, because I believe the gentleman is as well informed concerning the actual conditions on the Indian reservations in Minnesota as any man in the House,

Does the gentleman—and I take it that he understands the

nature of the proposed legislation-see any objection in legislation of this character?

Mr. STEENERSON. No.

Mr. NORTON. This permits the Secretary of the Interior, in his discretion, to pay for the benefits from the construction of drainage ditches received by the allottees of these Indian

Mr. STEENERSON. In answer to the question of the gentleman from North Dakota, I will say that from my general knowledge of the drainage laws of Minnesota and my knowlformation that, without a dissenting voice, if this matter had edge of the conditions of various reservations I believe this provision would be very beneficial. But I would further say that I have received no petition or request from any of the reservations, and I have never heard from the Commissioner of Indian Affairs or any department officials about it. So I would to be informed. wanted to be informed. I am satisfied that this legislation may result in the reclamation of very large tracts of land which are now valueless and do it in an equitable manner, so as to distribute the cost as it ought to be distributed.

Mr. NORTON. It has impressed me as being very desirable. I can see, of course, that it may be objectionable to some allottees. Some individuals would not wish to have a drainage ditch constructed near their lands in any case. They

might have no reasonable ground for objection, but would object on general principles, on account of their contrary nature.

Mr. STEENERSON. These two land owners who have communicated with me say they live on high and dry land, and are afraid that they would be taxed for the drainage of lands that are wet.

Mr. MILLER of Minnesota. Under our law such a man could not be taxed for the drainage of high and dry land.

Mr. MURRAY. I will state to the gentleman from Minnesota [Mr. Steenerson] that this is very much like the legislation passed a few years ago concerning the lands of the Five Civilized Tribes.

Mr. STEENERSON. In Oklahoma?
Mr. MURRAY. Yes. This is like the act passed for Lincoln County, in that in its administration it is left in the discretion of the Secretary. We must presume that the Secretary will not permit assessments that are wrong upon the

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield to me?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman five minutes.

Mr. MILLER of Minnesota. I desire to take a few minutes' time to assure my colleague from Minnesota [Mr. Steenerson] that he ought to have been consulted in legislation of this character, no matter where it originated, and I am sure he would have been consulted if it had originated in this Chamber. this legislation had emanated from the Indian Office originally no doubt it would have been brought to his attention and the opinion of the gentleman would have been asked in reference I drafted, as I said, a bill making this the law for the Fond du Lac Indian Reservation. I was going to put it in the conference report, and found they had put in this, so I seized hold of this framework and changed it, so far as it was necessary to make it good law, and then it was agreed upon by the

One word further. I think, as the gentleman says, this is a law capable of producing a great deal of benefit to the Indians in certain portions of Minnesota. The gentleman is familiar with the Red Lake Reservation, much more so than I, and I perhaps am more familiar with some other sections than he. In all these lands we have invited the whites to go in and take the unallotted lands and improve them along with the Indians, and road building has been encouraged in order that the Indians and white men might progress side by side. In some portions of that country, in order that there may be any development at all, drainage is necessary. I have received many letters—scores of them from this section—to the effect that a great part of the land in this section is covered with water and at certain times the people have to move about in boats, and the development of such lands is impossible unless a drain-age proposition like this goes through.

The gentleman from Oklahoma [Mr. Murray] has called attention to the fact that all these laws vest in the Secretary of the Interior full authority for the protection of the Indians. We have one test of that with respect to this project that I have mentioned. I can say without reservation that the Secretary of the Interior, through his subordinates, has exercised un-bounded care to protect the Indian in all these assessments against him. In fact, they have used a microscope on him. In fact, the Indian allotments here are protected better by far than any of the lands held by the whites on the same proposition. The Indian Office has required a change and a variation in these plans in every particular where they thought there was the slightest doubt or where they thought the welfare of the Indian was not properly conserved. Therefore, exercising this discretion, the Secretary has amply protected the Indians, and this project will be for their eternal benefit and welfare. Therefore I hope it will be agreed to without dissent.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HASTINGS. Are the commissioners who are appointed to assess the damages named by the district court?

Mr. MILLER of Minnesota. Yes.

Mr. HASTINGS. And they make a report back to the court?

Mr. MILLER of Minnesota. Yes. It has to be approved by the court under the law. Of course, it is all done by engineers. We have ditch engineers in the State who survey out the projects, locate them, assess the benefits, and make up the plat. That has all to go to the court, and proper evidence has to be given to show that the benefits have accrued, and then the court approves.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Texas moves that the House concur in Senate amendment No. 48 with an amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that amendment No. 111 be reported.

The SPEAKER. Is the gentleman offering an amendment to it?

Mr. STEPHENS of Texas. No; it is a Senate amendment. We desire to concur in the amendment.

The SPEAKER. The gentleman from Texas moves to recede and concur in Senate amendment 111. The Clerk will report the amendment.

Mr. STEPHENS of Texas. It is for an increase of salary. The Clerk read as follows:

SEC. 27. That to provide during the fiscal year 1918 for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of nore than \$480 per annum and not exceeding \$1,000 per annum so much as may be necessary is appropriated? Provided, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that this does not apply to employees of the Indian Bureau in this city. That proposition is cared for in another bill now pending in the House. This does apply to Indian employees outside of the city of Washington. This is the recommendation of the Senate, and each one of your conferees was in favor of this amendment. It begins with the employees receiving the lowest amount of salary, and gives them a raise of 15 per cent up to a certain point and 10 per cent above that. Above a thousand dollars nothing is given to them, according to the

amendment just sent up.

The SPEAKER. The gentleman from Texas moves to ve-

Mr. MANN. Will the gentleman yield to me 15 minutes? Mr. STEPHENS of Texas. I will yield to the gentleman 15 minutes, if he desires to discuss the motion. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has an hour, if he desires to

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty-one Members, not a quorum.

Mr. RUSSELL of Missouri. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Guernsey
Harrison, Miss.
Haskell
Haugen
Henry
Hicks
Hill
Hinds
Hulbert
Husted
Keister
Kincheloe
Kitchin
Lee
Lever
Lewis
Liebel
Linthicum
Lloyd
Lobeck McCracken McCulloch McFadden Maher Matthews Miller, Del. Mooney Morgan, La. Moss Costello Cullop Dale, N. Y. Davenport Dewalt Dickinson Allen Barchfeld Barnhart Beakes Beales Benedict Bennet Blackmon Dooling Drukker Edwards
Estopinal
Farr
Ferris
Fitzgerald
Flood Bruckner Moss Mudd Oglesby Patten Porter Pou Buchanan, Tex. Campbell Cantrill Carew Carter, Mass. Flynn Foster Gandy Garrett Graham Gray, Ind. Griest Price Rowland Rucker, Mo. Russell, Ohio Sabath Casey Chandler, N. Y. Chiperfield Lobeck Connelly Schall Conry Loft Scott, Pa.

Scully Sells Shackleford Sherley Williams, W. E. Winslow Slemp Smith, Idaho Smith, N. Y. Steele, Pa. Taggart Talbett Vare The SPEAKER. On this vote 335 Members, a quorum, have

answered to their names.

Stont

Mr. RUSSELL of Missouri. I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman moves to dispense with fur-

ther proceedings under the call.

The motion was agreed to.

Accordingly further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for 15 minutes.

Mr. STEPHENS of Texas. I would like to ask the gentleman what arrangement we can make relative to a division of time between those speaking for and those speaking against the amendment.

Mr. MANN. Of course the gentleman has control of the time. I do not suppose I will use all of the 15 minutes which I have, If I do not, I will yield it back to the gentleman, and I think it will develop how much time is needed.

Mr. STEPHENS of Texas. I will state that I want to make an equal division of time if possible. I have quite a number of names here

Mr. MANN. I hope I will not use all of my 15 minutes.

Mr. STEPHENS of Texas. I yield 15 minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the proposition which is before us will determine the attitude of the House with reference to the increase of salaries of Government employees. There are to-day in conference three appropriation bills-the legislative appropriation bill, the Agricultural appropriation bill, and the District of Columbia appropriation bill—and in each case there is in conference now what is called the Smoot amendment of the Senate, giving increases in salaries to employees receiving \$1,000 or less, and there is what may be called the Committee on Appropriations proposition, which was to give an increase of 10 per cent of salary to all receiving less than \$1,200 and 5 per cent to all receiving between \$1,200 and \$1,800. These two propositions are in conference between the House and the Senate on the three appropriations which I have mentioned. The Indian appropriation bill now before the House contains as a Senate amendment what is called the Smoot amendment, which gives an increase in salary up to and not above \$1,000 in salary

Well, there are a great many ways of skinning a cat, and here is a parliamentary method, I will not say intended, but which would have had the effect of preventing the House ever ex-pressing its opinion on any of these things if the motion made had been permitted to go through without calling it to the attention of the House. For that reason I made the point of no quorum. The present proposition is for the House to concur in the Smoot amendment on the Indian appropriation bill. That is a privileged and preferential motion. If the House concurs in the Smoot amendment on the Indian appropriation bill, the House conferees on the other bills will take this as the instruction and position of the House on the subject, and they will promptly agree in conference to the Smoot amendment on the other appropriation bills, and will be entitled to do so.

Now, the present proposition before the House is to concur in the Senate amendment. That is a preferential motion. At this stage of the proceedings a motion to concur in a Senate amendment takes precedence over a motion to concur with an amendment. If the House wants to abandon the position it took when it voted on the legislative appropriation bill and make no increase in salaries where the present salary amounts to over \$1,000, then the committee should vote for the pending motion to concur in the Senate amendment, because that will eliminate any increase in salaries where salaries exceed \$1,000. If the House declines to concur in the Senate amendment and votes down the present motion, then a motion will be offered to concur in the Senate amendment with an amendment inserting in the Indian appropriation bill the same amendment which the House put in the legislative bill, in the Agricultural bill, and in the District of Columbia bill. We have before us now for determination whether we will vote against increasing the salary of any of the Government employees according to these terms where the salary amounts to over \$1,000.

I was not willing to let the House put itself on record without its knowing the facts. The motion was made and we were about to have a vote. I made the point of no quorum and have stated the matter to the House, as I ought to in all fairness. If the House does not want to give an increase of salary where the salary amounts to more than \$1,000, but wants to take the Smoot amendment as it passed the Senate, then it should vote !

to concur in the Senate amendment, and under the present motion it would be a vote of "aye." If Members do not want to do that, but want to insist on the position of the House that there should be an increase in salaries up to \$1,800, they should vote "no" on the pending motion, and then there will be another motion presented on which they can vote, maintaining the position of the House.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Will the gentleman permit me to state that the increase in the Senate amendment is to provide during the fiscal year of 1918 increase of compensation at the rate of 15 per cent per annum to employees who receive salaries at the rate of \$480 or less, and an increase in compensation at the rate of 10 per cent per annum to employees receiving more than \$480 and not exceeding \$1,000 per annum, and so forth.

Mr. MANN. That is the Smoot amendment, and I thought

that everybody understood what it was; but if they do not it is easily stated. The House proposition was to increase by 10 per cent all salaries below \$1,200, and an increase of 5 per cent for all salaries from \$1,200 up to \$1,800, inclusive. The Senate proposition is to increase salaries 15 per cent up to \$480, and 10 per cent from \$480 to \$1,000, and no per cent above \$1,000. [Applause.]

I yield back the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. Page].

Mr. PAGE of North Carolina. Mr. Speaker, when I asked for recognition it was largely for the purpose of saying to the House just what the gentleman from Illinois [Mr. Mann] has House just what the gentleman from This said, that we might not vote under any misapprehension on the section made by the gentleman from Texas. There are five of these appropriation bills, all involving salaries, either now in conference or in the Senate, and will be in conference with either the House provision or both provisions embodied in them in disagreement between the two bodies.

As a conferee on the part of the House in one of these bills-and I know other gentlemen charged with the responsibility feel the same way about it-I have felt that I would like to have the House take from us the responsibility of determining whether or not it was going to stand for the original House provision as passed in the legislative bill, increasing by 10 per cent for the fiscal year 1918 all salaries below \$1,200 and 5 per cent all those salaries from \$1,200 to \$1,800. both inclusive, or whether they prefer the amendment placed in bills in the Senate of 15 per cent increase in all salaries below \$480, and 10 per cent on salaries between \$480 and

I think, too, that the House ought to know, as nearly as can be calculated, the amount of money involved in each of these provisions. The amount involved in the provision in the legislative bill and carried in all the five appropriation bills into which it will be incorporated, will require something like \$30,-000,000 to meet the increase for the fiscal year.

Mr. COX. That is in all the appropriation bills?

Mr. PAGE of North Carolina. In all the appropriation bills carrying salaries, about \$30,000,000. The Smoot amendment involves a little less than half that amount, or thirteen or fourteen million dollars.

I know that there are men in this House who feel that the salaries of all these people ought to be increased. On the other hand, there are a great many others who believe that their present wage is greater without any increase at all than the wage for a like service rendered in private employment. I think the House ought to take this into consideration and it ought to take into consideration the condition of the Treasury and the other expenditures that we are making from the Treas If these people were not as well paid as other people or people in private employment, if their hours of labor were onerous, or if the conditions under which they work were unfavorable, then it seems to me that there might be some excuse for us to pick out these people who have the good fortune to be employed by their Government and give them a bonus and tax the other people who have not the good fortune to be employed by their Government to pay the bill. My own personal view about the matter is that both amendments ought to be stricken out, although I have no hope that we can do it.

Mr. CALLAWAY. Mr. Spenker, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. CALLAWAY. Does not the gentleman think we ought

to strike out these increases in view of what Gen. Wood and Admiral Fiske have told us about the American people being effeminized by their luxurious lounging on cushioned chairs and sleeping in downy beds and riding in limousines and wearing kid gloves?

Mr. PAGE of North Carolina. That does not apply to an employee of the Government who receives \$480 a year.

Mr. LANGLEY. Nor \$1,000.
Mr. CALLAWAY. According to their statement it applies generally to all of the American people. They say that this business has so effeminized us that it is necessary for us to now

Mr. PAGE of North Carolina. I do not think any Government clerk is weighted down by the amount of work that he has to perform. He may be fatigued in his search for something

to do in some of these departments.

The SPEAKER pro tempore. The time of the gentleman

from North Carolina has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I will ask the gentleman to yield me a little more time.

Mr. STEPHENS of Texas. Mr. Speaker, I yield the gentleman three more minutes.

Mr. MADDEN. Mr. Speaker, will the gentleman yield? Mr. PAGE of North Carolina. Yes; for a question, Mr. MADDEN. I understood the gentleman to say that he did not think the Government clerk was weighted down by the amount of work he had to perform. He might have added nor

by the amount of money he is obliged to carry about.

Mr. PAGE of North Carolina. Oh, no; and neither are a great many other people in the gentleman's district and in There are thousands of wage earners who do not receive a salary equal to that of the Government employee, and they have to pay a tax to increase the salaries of these fellows here. There is not a man here in whose district that does not apply. I dare say that the average wage earner in the district of any man upon the floor receives less than the average wage of the Government employees in any branch of the Government service, and I know his hours of labor are longer and the character work that he has to do is more onerous. Believing that, I shall take the very least that I can get; and I want to state to the House that I shall vote for the motion made by the gentleman from Texas [Mr. Stephens], that the House concur in the Senate amendment known as the Smoot amendment. If the House expresses that judgment, then, as one of the conferees on another bill, I shall walk into the conference and take the same action without coming back to the House, believing that I am warranted in doing so, and so will the other conferees on these other bills. My hope is that the House will vote for the motion of the gentleman from Texas to concur in the Senate

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes

to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL, Mr. Speaker, I hope the amendment offered by the gentleman from Texas [Mr. Stephens] will be voted If that happens, the House will then be in a position to vote to concur in the Senate amendment with the House provision or such an amendment as may seem proper. I think the Members of the House thoroughly understand the situation as it is presented to us. The House provided for an increase for a year of 10 per cent in all of the salaries up to \$1,200 and 5 per cent in the salaries from \$1,200 up to \$1,800. The Senate proposes a 15 per cent increase of the salaries up to \$480, 10 per cent increase of the salaries from \$480 to \$1,000, and no increase beyond that. What is the situation with regard to the Government clerks? In a general way I agree with the gentleman from North Carolina [Mr. Page] that the Government pays its employees liberally and well in the higher grades, but that is not true with regard to the many low-paid employees of the Government. Before the recent increase in the cost of living these people were not generally receiving more than was paid by private employers for the same class of work, and since the increase in the cost of living that has come under this Democratic administration, private employers have increased the pay of their employees all of the way from 5 to 25 per cent, while these low-paid employees of the Federal Government have rethese low-paid employees of the reactar dovernment into ceived no increase. The Secretary of Commerce of this administration, in a report made a short time ago, estimated the increase in the cost of the most important articles entering into the cost of living in the last year of 34 per cent, and the most that we have suggested as an increase to anyone is 15 per cent to charwomen, and a few other very low-paid employees, and 10 per cent to the employees up to \$1,200 and 5 per cent up to \$1,800. The difficulty about the Senate amendment is this: It reaches only the thousand-dollar-a-year employee, and so far as the clerical employees and skilled labor under the Government are concerned the Senate amendment affects comparatively few married employees. It does help a very deserving class of

elsewhere, but, when you come to the grade of skilled labor and the lower-paid clerical help, the thousand-dollar limit reaches comparatively few of those who need it most, to wit, the married employees, because below \$1,000 the places are to a very considerable extent filled by young men and young women who have no one dependent upon them; when you reach the grade a little higher, then you get into the positions held by those who have been in the service long enough to have reached the higher pay and to have taken upon themselves the responsibility of a family.

These people need our help more than any other class of employees under the Government, and I say to you gentlemen that from the hearings before the Committee on Appropriations it is to me as plain as anything can possibly be that the highest increase proposed in any of the amendments is not enough to relieve many of these people from actual distress. It is exceedingly difficult for them to live and support their families decently on the sums they are now receiving.

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. MONDELL. May I have two minutes more?

Mr. STEPHENS of Texas. All right.

Mr. MONDELL. If the motion of the gentleman from Texas is voted down, and I have an opportunity, I shall make a mo-tion, or hope some one else will, to this effect: That we accept the Senate amendment so far as it relates to the employees getting \$480 and give them 15 per cent. That as to the 10 per cent raise, we advance that to the point fixed in the House provision, \$1,200, and that we add to the Senate amendment the 5 per cent provision offered in the House for employees from \$1,200 to \$1,800. That will be a provision of 15 per cent increase up to \$480, 10 per cent up to \$1,200, and 5 per cent from \$1,200 to \$1,800. And I say to you gentlemen, after a pretty careful consideration of these matters as they have been presented in the committee by the officers in charge of the bureaus and departments of the Government, that that increase is the very least for which we can in good conscience afford to

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. MONDELL. I will, but I have only a minute.

Mr. SMITH of Michigan. Does the gentleman think it is an equitable distribution wherein a man drawing \$1,100 gets \$110

whereas a man drawing \$1,200 will only get \$60?

Mr. MONDELL. There is no plan on which you can arrange it that will not leave some inequities. If the gentleman can propose a plan that will not leave such an inequity, I will be glad to join him; but we have not the time to go into the matter in any great detail now. We are proposing a temporary provision to partly, at least, meet the present situation, and I hope we will do it in a fair and decent way. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. Miller], a

member of the committee.

Mr. MILLER of Pennsylvania. Mr. Chairman, it strikes me this amendment should be adopted. I do not know how any man can live in the city of Washington or any place else on less than \$2.50 a day. In my town, which has very little manufacturing, surrounded by a rural community, a laboring man doing common labor receives \$2.25 every day that he wants to work, working nine hours, and oftentimes, particularly from April to November, you have to engage a man two or three days ahead to get him at that price. How can a man live in the city of Washington on \$500 or \$600 a year? If I had to live on \$500 or \$600, if that is all I could get for myself and my family, I think I would prefer the almshouse, where they and I would be taken care of and do what little work I could do for them there. It comes with ill grace from people all over the United States, who are receiving large salaries and large incomes, to refuse to give to a man, the head of a family, enough money to feed them, so that at least they will not go to bed hungry, to at least clothe them reasonably well, to enable them to live like human beings, and, considering what we get, considering what we receive, considering what we are paid, I hope that this House will vote to give the miserable, measly little increase to these employees that is asked for in this amendment. [Applause.]
Mr. STEPHENS of Texas. I yield five minutes to the gen-

tleman from Washington [Mr. DILL].

Mr. DILL. Mr. Speaker, if this amendment or if this mo-tion is not adopted, I shall be glad to vote for the amendment suggested by the gentleman from Wyoming [Mr. Mondell]. In other words, I believe that the lowest-paid employee should employees, many of whom are married, like the custodians of public buildings, the engineers and firemen about the public buildings, and certain other employees in the field service and

tween these two amendments, and it seems to me that whether we are in favor of helping people who need help the most or whether you are in favor of cutting down the amount of money that is to be taken out of the Treasury, we should favor the motion of the gentleman from Texas to concur in the Senate amendment

The people who are receiving \$480 or less are the most in need of this increase. The people who are receiving more than \$1,000, I believe, are in need of an increase, too, but when I must choose between whether I shall help a man whose standard of living has been affected by the increase in the cost of living or help the man whose standard of luxury and savings is affected, I shall choose on the side of the man whose standard of living has been affected. As has been said here, the amount of money that will be taken from the Treasury will only be about one-half as much by taking the Senate amendment in preference to the House amendment. I want to give another reason as to why I am in favor of the Senate provision. There has been a great deal of talk when this question of raising salaries had been brought up at different times about the short hours of work by men in the Government employ. The fact of the matter is that the lowest-paid employees of the Government work the longest hours. If I must choose between which class of employees should not be helped, I shall choose not to help those who work the least number of hours. [Applause.] So that it seems to me that we shall be acting in accordance with the demands of the people who need help the most; we shall be acting in accordance with the theory that he who works longest should be helped first; and we shall be acting in accordance with the demands of the Federal Treasury, which some gentlemen seem so much concerned about when we talk about wages but seem to have no concern whatever about it when we talk about spending it for some imaginary need of munitions that happen to come up in the House. So for these three reasons it seems to me the Senate amendment is preferable to the House amendment. [Applause.]
Mr. STEPHENS of Texas. Mr. Speaker, I yield to the gen-

tleman from Iowa [Mr. Good] five minutes.

Mr. GOOD. Mr. Speaker, this provision was gone over very thoroughly when the legislative bill was before the House. It will be recalled that in that bill we increased the pay of our own secretaries and clerks \$500 per year. It will be recalled we gave an increase of 5 per cent to every employee of the Government who received a salary of \$1,200 to \$1,800, both inclusive. The Senate amendment grants no increase to a person who receives a salary of \$1,200 or more. It gives, as has been stated, 15 per cent to the charwomen instead of 10. To those employees who work only a small portion of the day, if you please, who have other employment, it increases their wage 15 per cent, but it does not do a thing for the person who is the head of a family, the man who ought to have our sympathy.

When the fortification bill was before the committee that framed it, those who came before the committee stated that it was necessary to pay 25 per cent more for material now than a year ago, and when asked why, they said the whole increase practically resulted from an increase in the wages paid by the The facts are, my manufacturers throughout the country. friends, that every financial institution in the land, every manufacturing institution in the land, is increasing the pay of its employees. And can it be said that this House is a progressive body if it will stand pat and refuse, in view of the greatly increased cost of living, to give a reasonable increase to the Government employee who is at the head of a family, but who gets only \$1,200 or \$1,220 a year? That is what this proposition is.

The Auditor for the Post Office Department has about 700 employees under him. I asked him a few days ago how many heads of families among the employees in his department would be affected by the House provision and how many would be affected by the Senate provision. In that great department, if we adopt the Senate provision, we will only benefit 44 out of 700 employees, but by the House provision we will benefit, if that is adopted, 185 men who are heads of families. [Applause.1

Take the naval appropriation bill, and many of the increases in that were made necessary because of the increased cost of producing guns and naval stores. We recognized the increase of wages paid by the employer in those institutions, and we granted larger appropriations because of that fact, but we say to these employees of the Government, "We will not do for you what we are encouraging manufacturers to do for their employees, and that is, increase the wages of our employees.

Now, whatever is done in this House to-day with regard to this item, we will, of course, do, as was stated by the gentleman the country long hours. Out in my country to-day men who from North Carolina [Mr. Page], in the legislative bill, the do not receive for their labor more than an average of about

District bill, and the other supply bills. It seems to me the House ought to be consistent and vote down the provision that is inserted in this bill, and it ought to vote to include in the bill the same proposition that was included in the legislative bill, and that would give an increase to all of the employees of the Government who receive salaries of \$1,800 or less

Mr. MANN. Will the gentleman yield for a question?

Mr. GOOD. I yield.
Mr. MANN. If the House refuses to agree to the present amendment, will the gentleman offer to concur with an amend-

ment inserting the House proposition?

Mr. GOOD. I have an amendment to that effect, and if this is voted down I will offer a motion to concur with an amendment, and that amendment will be the exact proposition which this House finally adopted when the legislative bill was before the House

The SPEAKER. The time of the gentleman from Iowa [Mr.

Good has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from North Dakota [Mr. Norton], a member

of the conference committee.

Mr. NORTON. Mr. Chairman, it has been very clearly stated what the effect of the adoption of this amendment would be. Whether we adopt the motion to concur in this amendment or not, it seems to me, should depend upon a fair consideration of the salaries now being paid Government employees and the salaries being paid employees in similar private employment. As far as my observations have gone I do not find that for the most part Government employees are underpaid. I know that in my section of the country-and not only in my own congressional district, but throughout the Northwest-there are hundreds, yes, thousands of men and women employed in productive occupations who are not being as well paid for their time and labor as the employees in the Government service in that section of the country or in this section of the country.

I know if we were to listen to and be guided in our actions by the newspapers of Washington and by the magazines that claim to officially represent Government employees, which newspapers and magazines are largely, if not altogether, dependent for their existence on the patronage of Government employees, the last dollar in the Treasury would be the only limit to the

increase of wages granted.

A few weeks ago I had the opportunity of spending some time. at Panama and the Canal Zone. There the Government employees, like here in Washington, are loudly clamoring for an increase in wages, without any thought or consideration of what men and women outside of the Government service are receiving for their days and hours of toil in similar lines of work. As is well known, there has been an attempt made to represent to the people throughout this country that the climatic and health conditions on the Canal Zone are very bad, and that it is a great patriotic sacrifice for anyone to remain in the Government employ on the Canal Zone, whereas, as a matter of fact, the health conditions and the working conditions on the Canal Zone are almost ideal.

I am not going to take the time now to recite at length some of the conditions I found down there recently. At some future time I expect to occupy the time of the House in presenting some facts concerning conditions on the Canal Zone that will be of interest to the House. I want to say here and now that I never saw employees anywhere in the country-and I have been over pretty much all of this country from the Atlantic to the Pacific and from the Canadian boundary to the Gulf of Mexico—living in more ideal conditions than are the Government employees down there. But are they satisfied with what the Government is paying them? No; not at all, and will not be as long as they are led to believe that the Treasury of the

United States is open for further easy raiding.

Now, I believe, and I want to say it in the short time I have, that this amendment is a fair amendment to adopt under all existing labor and living conditions in this country. I have always believed in helping the man who works most and who is receiving relatively the least compensation. The man or woman who receives \$480 a year or less in the Government service is the one who is doing relatively the most and the hardest work, and who most needs an increase if there is any increase to be given to Government employees. I believe that we will be doing a fairness and a justice to adopt this amendment at this time, but I do not believe that there is any just need now to make a horizontal increase in the salaries of those receiving more than \$1,000 a year.

The men who, for the most part, are paying the taxes to meet the salaries of Government employees are working throughout

\$1.60 a day are feeding cattle, feeding horses, and doing the never-ending work on the farm not for 8 hours a day, with 60 days a year for vacation, but they are working 10, 12, 14, and 16 hours a day. They are delving down in snow banks 3 to 10 feet deep to-day to get out hay and feed for their live stock. They are working from early dawn to late at night to produce the products the Nation must have to eat and wear. They it is who by their hard toil supply the funds for taxes to pay the salaries of Government employees who are working six or seven hours a day and who are living a life of comparative ease. Those things and those conditions, gentlemen of the House, should be taken into consideration in determining this

Mr. RICKETTS. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.
Mr. RICKETTS. I understand you to say the laboring men in your State are working for \$1.60 a day and 10 to 14 hours a day?

Mr. NORTON. Yes; those who labor on our farms. They do

not receive on an average more than that.

Mr. RICKETTS. Do you notice any difference in the high

cost of living in your State?

Mr. NORTON. Yes; we have noticed a difference in the high cost of living. We have to help pay for all these people who are nonproducers throughout the country, and who occupy most of their time in demanding an increase of wages.

Mr. RICKETTS. Is it the purpose of the gentleman to put the Government employees in the same category with the people in your State that perform agricultural or manual labor?

Mr. NORTON. I will tell the gentleman what it would be my purpose to do. If I could, to-day, I would place a large percentage of the employees of the Government in this country and other men now in nonproductive occupations on a salary that would induce them to go into productive occupations; into lines of industry where they would produce things for them-selves and other people of this country to eat and wear. This would equalize and lower the cost of living more than anything

else of which I know.

Mr. RICKETTS. I agree with you on that proposition. I have no quarrel with you about that at all. But does the gentleman know that the cost of living in Washington is now higher than it has ever been, that you can not buy a pound of

sugar in the city of Washington for less than 15 cents?

Mr. NORTON. I know what the high cost of decent living is, and I know what the cost of high living is throughout the country. But we here are helping to produce and continue this condition. We are inviting young men and women into the Government service at high wages and taking them out of productive We are creating a condition such that you can not hardly get a young man to work on the farm any more. He will tell you that he prefers to go to an agricultural experiment station conducted by the Government where he will receive a salary of \$100 or more a month. He will not work on a farm at \$50 a month. He usually has in mind to go to Washington or elsewhere in the Government service, where he can have easy employment, short hours, and a fat salary to be paid out of the taxes supplied by those not in the Government employ.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman

yield?

Mr. NORTON. Certainly.

Mr. MILLER of Minnesota. Do you pay as high as \$50 a month in your State for farm hands?

Mr. NORTON. Yes; we pay as high as \$50 a month in my State for farm hands.

Mr. MILLER of Minnesota. I am glad to know that. I worked once for \$25 a month.

Mr. NORTON. Well, I may say I have worked for \$15 a

month on the farm and worked harder than any Government employee here in Washington is required to work.

Mr. MILLER of Minnesota. And I was glad to get it.

Mr. GOOD. Mr. Speaker, will the gentleman yield? Mr. NORTON. Certainly; I shall be pleased to yield to the

Mr. GOOD. The gentleman is entirely mistaken.

Mr. NORTON. No. I am not entirely mistaken, nor am I partly mistaken. I know pretty well about farm-labor conditions in the gentleman's State; and I want to say to the gentleman that the employees in the Government service in Iowa are to-day better cared for and receive better salaries than the farm laborers who are producing the things to eat and to wear for these Government employees. [Applause.] Mr. GOOD. What I had reference to was his comparison of

the salaries paid by the Government with salaries paid by institutions in Washington. I had the Bureau of Efficiency get some information for me, and I have it here. That information is to

the effect that the street railway companies pay more for common laborers than does the Government in the city of Washington, and firms like Woodward & Lothrop and contractors in Washington pay more for clerk hire than the Government does in Washington. I have that information here. Of course the gentleman knows it is not fair to compare a salary in Washington with the salary paid in some little town of 300 or 400 inhabitants, where the people have their chickens and their pigs and their gardens and all that sort of thing. The conditions are

not comparable.

Mr. NORTON. In these little towns to which you refer they work from 10 to 16 hours a day. Many of these country people are doing that. I want to say this to the gentleman, in reply to his statement as to salaries paid in Washington in private business and in the Government service: Did the gentleman ever have this thought occur to him that if all those employed in the Government service to-day were discharged and their positions were open it would not take very long to fill these positions from those employed in private business to-day in Washington? Everywhere you go here in Washington citizens of Washington are clamoring to get into the Government service. who has not acquired the Washington viewpoint the eagerness of men and women here to get into the Government service does not evidence that they can secure and are securing higher salaries in private employment.

The SPEAKER pro tempore. The time of the gentleman from

North Dakota has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield six minutes to the gentleman from Oklahoma [Mr. HASTINGS].

The SPEAKER pro tempore. The gentleman from Oklahoma

[Mr. Hastings] is recognized for six minutes.

Mr. HASTINGS. Mr. Speaker, I am heartily in favor of the motion of the gentleman from Texas [Mr. Stephens] to concur in Senate amendment No. 111, providing for an increase of salary of employees in the Indian Service, as follows:

Salary of employees in the Indian Service, as follows:

That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

It provides an increase in the salaries of 15 per cent of those

It provides an increase in the salaries of 15 per cent of those employees now receiving a salary of less than \$480 per annum and an increase of 10 per cent in the salaries of those receiving more than \$480 per annum and less than \$1,000 per annum.

If an opportunity is given to vote an increase in the salaries of those receiving more than \$1,000 and less than \$1,800 per annum I shall vote for a 10 per cent increase for them.

At present the only motion before us is to concur, and I therefore vote for that. I think conditions justify this increase. It is fair and moderate.

Mr. STEPHENS of Texas. I yield two minutes to the gentleman from New York [Mr. London].

Mr. LONDON. Mr. Speaker, I believe the House should insist on the 10 and 5 per cent increases. There is a fundamental distinction between Government employment and private employment which should not be disregarded. The private employer has the wages which he pays determined not by any rule of ethics, not by the question whether it is right or wrong, not whether the wages paid is sufficient to maintain a decent standard of living. The private employer determines the wages primarily by the condition of the labor market. He has no compunctions about it. He never considers the question whether the wage is sufficient to enable a man to live the life of a man. In determining wages for Government employees you can not afford to be guided by the law of supply and demand. You can not afford to be governed by the conditions of the labor market, because after all the man who uses the expression "labor market" in the sense in which the potato market is referred to or the wheat market is referred to has the soul and the mind of a narrow, petty merchant, and is very little of a man.

There has been such a tremendous increase in the cost of living that it is almost impossible for the man of small means to exist. The man who gets \$1,000 or \$1,200 or \$1,800 a year feels this extraordinary increase in the cost of living just as sharply as the man at the very bottom of the soical and economic ladder, just as sharply as the man who has become so accustomed to privation that it is a part of his existence. And because it is extraordly difficult to measure with any degree because it is extremely difficult to measure with any degree of definiteness the agony and the suffering endured by the man who gets less than \$1,200 a year and the agony and suffering endured by the man who gets less than \$1,800 a year, I believe both groups are entitled to an increase of wages, and that the House should persist in its opposition to the Senate amendment.

Mr. STEPHENS of Texas. I yield three minutes to the gen-

tleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, under the circumstances the fairest thing to do is to adopt the motion of the gentleman from Texas [Mr. Stephens], who is in charge of this bill, for a moderate increase to those low-priced employees of the Government. We can not make in the Government service any fair comparison with temporary conditions which may exist in some private employment at the present time. There are several reasons for that. In the first place, the wages in private employment have been so low, habitually so low, that an increase of 10 per cent in the average wage of private employees would not bring them up anywhere near to the average level of Government salaries. I think it goes without challenge, and has gone without challenge, that in many departments of the Government, particularly in Washington, wages have been adjusted at from 15 to 40 per cent higher than for similar service in any other employment.

There is another reason why we can not compare the conditions with private employment at this time. The Government service has the advantage of being continuous. Not only are the hours short, but Uncle Sam is an employer who never misses a pay roll, who never has slack times, who never has a strike, a lockout, or a boycott. None of the ordinary disabilities that affect the labor market elsewhere occur here in Washington or in the Government service. A man has his full year's work and his full lifetime work, if his record and service are good.

Take the ordinary skilled employee belonging to a first-class, high-grade labor union; take a structural steel worker, who gets \$5 a day when he works; his business is of a seasonal character, and if he works 200 days in the year at a gross income of \$1,000, he is having a good, prosperous year. In the bad years he does not earn so much, and the best year may amount to \$1,000 or \$1,200. The time lost in lockouts, strikes, boycotts, and unemployment, depression in business, sickness, and ill health he pays for out of his own pocket. The man here in Government employ has a steady job year in and year out at \$1,000 or \$1,200 or \$1,400, so that we are bound to increase only the lower-grade employees.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. STEPHENS of Texas. I ask for a vote.

The SPEAKER pro tempore. The gentleman from Missouri moves that the House recede from its disagreement to amend-

moves that the House recede from its disagreement to amendment 111 and agree to the same.

The question being taken, on a division (demanded by Mr. Stephens of Texas) there were—ayes 52, noes 80.

Mr. STEPHENS of Texas, I make the point of order that

there is no quorum present.

there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-three Members present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the motion that the House recede from its disagreement to Senate amendment 111 and agree to the same will, when the roll is called, answer "yea" and those opposed will answer "nay

The question was taken; and there were—yeas 132, nays 215, answered "present" 2, not voting 84, as follows:

YEAS-132. Abercromble Adair Adamson Aiken Allen Almon Ashbrook Heflin Helm Helvering Hensley Hilliard Holland Hood Houston Moss Murray Nicholls, S. C. Norton Oldfield Oliver Overmyer Padgett Connelly Cullop Decker Dent Dickinson Dies Dill Padgett
Page, N. C.
Park
Quin
Rainey
Raker Ayres Bailey Barkley Barnhart Bell Black Din Dixon Doolittle Doremus Doughton Eagle Howard Huddleston Hughes Hughes Hull, Tenn. Jones Key, Ohio Kincheloe King Kitchin Konop Lever Lewis Lloyd McClintic Miller, Pa. Montague Jones Eagle Edwards Fields Flood Gandy Gard Blackmon Booher Borland Randall Rauch Rayburn Burgess Byrnes, S. C. Byrns, Tenn. Caldwell Candler, Miss. Rouse Rubey Gard Garner Godwin, N. C. Gordon Gray, Ala. Gray, Ind. Hardy Hastings Hayden Rubey Rucker Ga. Russell, Mo. Saunders Sears Shallenberger Caraway Carter, Okla. Church Cline Collier Sherley Sherwood Shouse Montague Moon Morrison Hayden

Sisson Slayden	Stephens, Miss, Stephens, Nebr. Stephens, Tex,	Tillman Venable	Whaley
Small	Stephens, Nebr.	Vinson	Williams, W. E. Wilson, Fla. Wilson, La.
Steagall	Sumners	Walker	Wilson, La.
Stedman	Taylor, Ark, Taylor, Colo.	Watkins	Wingo
Steele, Iowa Steenerson	Thomas	Watson, Va. Webb	Wise Young, Tex.
		<b>—215.</b>	104118, 1041
Alexander	Fordney	Langley	Reilly
Anderson	Foss	Lazaro	Ricketts
Anthony Aswell	Frear	Lee	Riordan
Austin	Freeman Fuller	Lehlbach Lenroot	Roberts, Mass. Roberts, Nev.
Bacharach	Gallagher	Lesher	Rodenberg
Beales	Gallivan	Liebel	Rogers
Bowers Browne	Gardner Garland	Linthicum Littlepage	Rowe Sanford
Brumbaugh	Gillett	London	
Buchanan, Ill.	Good	Longworth	Scott, Mich. Siegel
Burke	Goodwin, Ark.	Loud McAndrews	Sims
Burnett Butler	Gould Gray, N. J.	McArthur	Sinnott Sloan
Cannon	Green, Iowa	McDermott	Smith, Mich.
Capstick	Greene, Mass. Greene, Vt.	McGillicuddy	Smith, Mich. Smith, Minz. Smith, Tex.
Carlin	- Greene, Vt. Griffin	McKellar McKenzie	Smith, Tex. Snell
Carter, Mass.	Hadley	McKinley	Snyder
Charles	Hamilton, N. Y.	McLaughlin	Statiord
Coady	Hamlin	McLemore	Steele, Pa.
Cooper, Ohio	Harrison, Va. Hart	Madden Magee	Sterling
Coady Cooper, Ohlo Cooper, W. Va. Cooper, Wis. Copley	Haugen	Mann	Stiness Stone
Copley	Hawley	Mapes	Stout
Crapo	Hayes	Martin	Sulloway
Crisp Crisp	Heaton Helgesen	Mays Meeker	Sutherland Sweet
Crosser	Hernandez	Miller, Minn. Mondell	Swift
Curry Dale, Vt. Dallinger	Hollingsworth	Mondell	Switzer
Dale, Vt.	Hopwood	Moore, Pa.	Tague
Danforth	Howell Hull, Iowa	Moores, Ind. Morgan, Okla.	Tavenner Temple
Darrow	Humphreys, Miss.	Morin	Thompson
Davis, Minn. Davis, Tex.	Hutchinson	Mott	Tilson
Davis, Tex. Dempsey	Igoe Jacoway	Neely Nelson	Timberlake Tinkham
Denison	Tomos	Nichols, Mich.	Towner
Dillon	Johnson, S. Dak.	Nolan	Treadway
Dowell	Johnson, wash.	North	Van Dyke
Driscoll Dunn	Kahn Kearns	Oakey Olney	Volstead Walsh
Dupré	Keating	O'Shaunessy	Ward
Eagan	Keister	Paige, Mass.	Wason
Edmonds Ellsworth	Kelley Kannady Town	Parker, N. J.	Watson, Pa. Wheeler
Elston	Kennedy, Iowa Kennedy, R. I.	Parker, N. Y. Peters	Williams, T. S.
Emerson	Kent	Phelan	Williams, Ohio
Esch	Kettner	Platt	Wilson, Ill.
Evans Fairchild	Kiess, Pa. Kinkaid	Porter Powers	Woods, Ind. Woods, Iowa
Farley	Kreider	Price	Woodyard
Fess	Lafean	Ramseyer	Young, N. Dak.
Focht	La Follette	Reavis	
		PRESENT "-2.	
	NOT VO	Sparkman FING-84.	
Barchfeld	Dewalt	Henry	Oglesby
Beakes	Dooling	Hicks	Patten
Benedict Bennet	Drukker Dyer	Hill Hinds	Pou
Britt	Estopinal	Hulbert	Pratt Ragsdale
Britten	Farr	Humphrey, Wash.	Rowland
Bruckner	Ferris	Husted	Rucker, Mo.
Buchanan, Tex. Callaway	Fitzgerald Flynn	Johnson, Ky. Lieb	Russell, Ohio Sabath
Campbell	Foster	Lindbergh	Schall
Cantrill		Lobeck	Scott, Pa.
	Garrett		
Carew	Glass	Loft McCracken	Scully
Carew Casey	Glass Glynn	Loft McCracken McCulloch	Sells
Carew Casey Chandler, N. Y. Chiperfield	Glass Glynn Graham Gregg	McCracken McCulloch McFadden	Sells Shackleford Slemp
Carew Casey Chandler, N. Y. Chiperfield Clark, Fla.	Glass Glynn Graham Gregg Griest	McCracken McCulloch McFadden Maher	Sells Shackleford Slemp Smith, Idaho
Carew Casey Chandler, N. Y. Chiperfield Clark, Fla. Coleman	Glass Glynn Graham Gregg Griest Guernsey	McCracken McCulloch McFadden Maher Matthews	Sells Shackleford Slemp Smith, Idaho Smith, N. Y.
Carew Casey Chandler, N. Y. Chiperfield Clark, Fla. Coleman Conry Costello	Glass Glynn Graham Gregg Griest Guernsey Hamill Hamilton, Mich.	McCracken McCulloch McFadden Maher Matthews Matthews Mooney	Sells Shackleford Slemp Smith, Idaho Smith, N. Y. Taggart Talbott
Carew Casey Chandler, N. Y. Chiperfield Clark, Fla. Coleman Conry	Glass Glynn Graham Gregg Griest Guernsey Hamill	McCracken McCulloch McFadden Maher Matthews Miller, Del.	Sells Shackleford Slemp Smith, Idaho Smith, N. Y. Taggart

So the motion to recede and concur in Senate amendment 111 was lost.

The Clerk announced the following pairs:

Until further notice:

Mr. BRUCKNER with Mr. COSTELLO.

Mr. Patten with Mr. Bennet. Mr. Sparkman with Mr. Mudd.

Mr. Foster with Mr. Chiperfield.

Mr. Ferris with Mr. Graham.

Mr. EDWARDS with Mr. HILL,

Mr. Garrett with Mr. McCulloch. Mr. Harrison of Mississippi with Mr. McFadden. Mr. Shackleford with Mr. Hamilton of Michigan.

Mr. Scully with Mr. ROWLAND.

Mr. Gregg with Mr. Mooney. Mr. Beakes with Mr. Drukker.

Mr. Flynn with Mr. Hicks.

Mr. FITZGERALD with Mr. CAMPBELL.

1917. Mr. CANTRILL with Mr. BARCHFELD. Mr. CALLAWAY with Mr. BENEDICT. Mr. BUCHANAN of Texas with Mr. CHANDLER of New York. Mr. Carew with Mr. BRITT. Mr. Dale of New York with Mr. Griest. Mr. Conry with Mr. DYER. Mr. Casey with Mr. BRITTEN Mr. CLARK of Florida with Mr. COLEMAN. Mr. DAVENPORT with Mr. GLYNN. Mr. DEWALT with Mr. GUERNSEY. Mr. ESTOPINAL with Mr. HICKS. Mr. Glass with Mr. Winslow. Mr. Steagall with Mr. Haskell Mr. Dooling with Mr. McCracken. Mr. HAMILL with Mr. HUSTED. Mr. SMITH of New York with Mr. VARE. Mr. Loft with Mr. Scott of Pennsylvania. Mr. MAHER with Mr. PRATT. Mr. Sabath with Mr. Humphrey of Washington. Mr. Henry with Mr. Matthews. Mr. Hulbert with Mr. Miller of Delaware. Mr. Lobeck with Mr. Russell of Ohio. Mr. Pou with Mr. SLEMP. Mr. Ragsdale with Mr. Schall. Mr. Rucker of Missouri with Mr. Smith of Idaho. Mr. TAGGART with Mr. SELLS.
Until Monday, February 19:
Mr. TALBOTT with Mr. Browning.
The result of the vote was then announced as above recorded. A quorum being present, the doors were reopened.

Mr. GOOD. Mr. Speaker, I desire to offer a preferential amendment. I move to recede from the disagreement to Senate amendment 111 and concur in the same with an amendment striking out all of the language of the Senate amendment and inserting in lieu thereof the following, which I send to the desk. The SPEAKER. The Clerk will report the amendment. The Clerk read as follows: The Clerk read as follows:

Mr. Good moves to amend Senate amendment 111 by striking out the same and inserting the following in lieu thereof:

"Sec. 27. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated? Provided, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein." Mr. GOOD. Mr. Speaker, I move the previous question The previous question was ordered.

Mr. MONDELL. Mr. Speaker, is a substitute to the amendment effered by the gentleman from Iowa in order?

The SPEAKER. Not after the previous question has been

Mr. HASTINGS. Mr. Speaker, we would like to have the amendment again reported; we did not hear the rate of increase. Mr. MANN. Mr. Speaker, I ask for half a minute. The SPEAKER. The gentleman from Illinois asks for half a minute. Is there objection?

There was no objection.

Mr. MANN. This proposed amendment is precisely the same as the provision which the House inserted in the legislative bill, in the Agricultural bill, and as an amendment to the District of Columbia bill.

Mr. COX. Does this only provide for one year?
Mr. MANN. It is precisely the same as that provision in the

The SPEAKER. The question is on agreeing to the motion made by the genfleman from Iowa [Mr. Goon].

Mr. MANN. Upon that, Mr. Speaker, I ask for the year and

The yeas and nays were ordered.

The question was taken; and there were—yeas 282, mays 60, answered "present" 3, not voting 88, as follows:

	1.132	202.	
Abercrombie	Barnhart	Byrnes, S. C.	Collier
Adair	Reales	Byrns, Tenn.	Cooper, Ohio
Aiken	Blackmon	Caldwell	Cooper, W. Va.
Alexander	Booher	Capstick	Cooper, Wis.
Allen	Bowers	Carlin	Copley
Anderson	Browne	Carter, Mass.	Crago
Anthony	Brumbaugh	Carter, Okla.	Cramton
Ashbrook	Buchanan, III.		Crisp
Austin	Buchanan, Tex.	Church Church	Crosser
Ayres	Burke		Cullop
Bacharach	Burnett	Cline	Curry
Bailey	Butler	Coady	Dale, Vt.

Dallinger	Hawley	McKinley	Shallenberger
Danforth	Hayden	McLaughlin	Sherley
Darrow	Hayes	McLemore	Shouse
Davis, Minn. Davis, Tex.	Heaton	Madden	Siegel
Davis, Tex.	Helgesen	Magee	Sims
Dempsey	Helvering	Mann	Sinnott
Denison	Hernandez	Mapes	Slayden
Dent	Hilliard	Martin	Sloan
Dill	Holland	Mays	Smith, Mich.
Dillon	Hollingsworth	Meeker	Smith, Minn. Smith, N. Y.
Dixon	Hopwood	Miller, Del.	Smith, N. Y.
Doolittle	Houston	Miller, Minn.	Smith, Tex.
Doughton	Heward	Miller, Pa.	Snell
Dowell	Howell	Mondell	Snyder
Driscoll	Huddleston	Montague	Stafford
Dunn	Hull, Iowa	Moore, Pa.	Stedman
Dupré	Humphreys, Miss		Steele, Iowa
Eagan	Hutchinson	Morgan, Okla.	Steele, Pa.
Edmonds	Igoe	Morin	Stephens, Nebr.
Ellsworth	Jacoway	Moss	Sterling
Elston	James	Mott	Stiness
Emerson	Johnson, S. Dak.	Murray	Stone
Esch	Johnson, Wash.	Neely	Sulloway
Evans	Kahn	Nelson	Sumners
Fairchild	Kearns	Nicholls, S. C.	Sutherland
Farley	Keating	Nichols, Mich.	Sweet
Fess	Keister	Nolan	Swift
Fitzgerald	Kelley	North	Switzer
Focht	Kennedy, Iowa	Oakey	Tague
Fordney	Kennedy, R. I.	Olney	Tavenner
Foss	Kent	O'Shaunessy	Temple
Frear	Kettner	Overmyer	Thompson
Freeman	Kiess, Pa.	Paige, Mass.	Tilson
Fuller	King	Parker, N. J.	Timberlake
Gallagher	Kinkaid	Parker, N. Y.	Tinkham
Gallivan		Peters	Towner
Gandy	Kreider	Phelan	Trendway
Gard	Lafean	Platt	Van Dyke
Gardner	La Follette	Porter	Volstead
Garland	Langley	Powers	Walker
Gillett	Lazaro	Price	Walsh
Glynn .	Lee	Raker	Ward
Good	Lehlbach	Ramseyer	Wason
Goodwin, Ark.	Lenroot	Randall	Watkins
Gordon	Lesher	Rauch	Watson, Pa.
Gould	Lever	Reavis	Whaley
Gray, Ala.	Lieb	Reilly	Wheeler
Gray, N. J	Linthicum	Ricketts	Williams, T. S. Williams, W. E.
Green, Iowa	Littlepage	Riordan	Williams, W. E.
Greene, Mass.	Lloyd	Roberts, Mass.	Williams, Ohio.
Greene, Vt.	London	Roberts, Nev.	Williams, Ohio. Wilson, Fla.
Griffin	Longworth	Rodenberg	Wilson, Ill.
Hadley	McAndrews	Rogers	Wilson, La.
Hamilton, N. Y.	McArthur	Rowe	Wingo
Hamlin	McClintic	Rubey	Woods, Iowa
Harrison, Va.	McCracken	Russell, Mo.	Woodyard
Hart	McDermott	Sanford	Young, N. Dak.
Hastings	McCillicuddy	Saunders	and an assum
Haugen	McKenzie	Scott, Mich.	
NEW TERM			m Sent Internet
SU SPECIAL PROPERTY AND THE		S-60.	Market 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Adameon	Diekingen	Kincheles	Cinnen

Haugen	McKenzie	Scott, Mich.	
	NA	YS-60.	
Adamson Almon Almon Aswell Barkley Bell Black Borland Burgess Callaway Candler, Miss. Caraway Clark, Fla. Connelly Cox Decker	Dickinson Dies Eagle Edwards Garner Glass Godwin, N. C. Gray, Ind. Hardy Heffin Hem Hensley Hull, Tenn, Johnson, Ky. Jones	Kincheloe McKellar Moon Morrison Norton Oldfield Oliver Padgett Park Quin Rainey Rayburn Rouse Sears	Sisson Small Steagall Stephens, Miss, Stephens, Tex. Taylor, Ark. Taylor, Colo. Thomas Tillman Venable Vinson Watson, Va. Webb Wise Young, Tex.
	ANSWERED	"PRESENT"-3.	
		AND THE RESERVE OF THE PARTY OF	

Decker	Jones	Sherwood	Young, Tex.
	ANSWERED '	PRESENT "-3.	
Browning	Fields	Page, N. C.	
	NOT VE	TING-88.	
Barchfeld	Drukker	Hughes	Pratt
Beakes	Dyer	Hulbert	Ragsdale
Benedict	Estopinal	Humphrey, Wash.	Rowland
Bennet	Farr	Husted	Rucker, Gas
Britt	Ferris	Key, Ohio	Bucker, Mo.
Britten	Flood	Kitchin	Russell, Ohio
Bruckner	Flynn	Lewis	Sabath
Campbell	Foster	Liebel	Schall
Cannon	Garrett	Lindbergh	Scott, Pa.
Cantrill	Graham	Lobeck	Scully
Carew	Gregg	Loft	Sells
Casey	Griest	Loud	Shackleford
Chandler, N. Y.	Guernsey	McCulloch	Slemp
Chiperfield	Hamill	McFadden	Smith, Idaho
Coleman	Hamilton, Mich.	Maher	Sparkman
Conry	Harrison, Miss.	Matthews	Steenerson
Costello	Haskell	Mooney	Stout
Dale, N. Y.	Henry	Morgan, La.	Taggart
Davenport	Hicks	Mudd	Talbott
Dewalt	Hill	Oglesby	Vare
Dooling	Hinds	Patten	Winslow
Damana	Hand	Don	Was a Kad

So the motion of Mr. Good was agreed to. The Clerk announced the following additional pairs:

Until further notice:

Mr. BARKLEY with Mr. CANNON.
Mr. DOOLING with Mr. CHANBLER of New York.
Mr. HULBERT with Mr. CAMPBELL,
Mr. DOREMUS with Mr. WINSLOW. Mr. FLOOD with Mr. VARE.

Mr. Hood with Mr. HASKELL

Mr. KEY of Ohio with Mr. LOUD.

Mr. KITCHIN with Mr. STEENERSON.

Mr. Liebel with Mr. Benedict.

Mr. Rucker of Georgia with Mr. Farr.
Mr. Stout with Mr. Wood of Indiana.
Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Maryland [Mr. Talbott]. I wish to withdraw my vote of "yea" and be recorded "present."

The name of Mr. Browning was called, and he answered

The result of the vote was announced as above recorded.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House agree to the further conference asked by the Senate.

The motion was agreed to.

The Chair announced the following conferees: Mr. Stephens, of Texas, Mr. Carter of Oklahoma, and Mr. Norton.

# ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20783) making appropriations for the support of the Army; and pending that motion I ask unanimous consent that general debate be limited to six hours, three hours to be controlled by the gentleman from California [Mr. KAHN] and three hours by myself.
The SPEAKER. The gentleman from Alabama moves that

the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, and pending the motion asks unanimous consent that general debate be limited to six hours, one half of that time to be controlled by the gentleman from California [Mr. Kahn] and the other half by the gentleman from Alabama. Is there objection?

There was no objection. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, with Mr. Saunders in the chair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. Chairman, this bill carries an appropriation Mr. DENT. of something more than \$247,000,000. It is a little less by \$20,000,000 than the amount carried in the Army appropriation bill last year. It is something over \$70,000,000 less than the original and supplemental estimates furnished by the department. In making these remarkable decreases from the estimates the committee has not been unmindful of the fact that at the last session of the present Congress the national-defense act largely increased the appropriations for the Military Establishment. The committee, therefore, has seriously and carefully undertaken to provide for every feature contained in the new legislation enacted by this Congress at this last session, without imposing any unnecessary burdens upon the Public Treasury. I may say further that the Military Committee early in its hearings reached the conclusion unanimously that at least this was not an opportune time for any radical changes in the military policy of the country as established by this Congress only at its last session. The committee has not gone into the question of universal compulsory service, therefore, which has agitated the public mind in some quarters in the past few months. While the committee itself has taken no formal action upon the subject, there are members of the committee who regret that some officers high in authority have prejudged the nationaldefense act of last June, pronouncing it a failure in advance. It is to be exceedingly regretted that officers high in authority, who hold their commissions under the law created by Congress and who receive their compensation from the Congress, should have been willing in advance to pronounce the action of this Congress a failure without giving this legislation a fair and an impartial trial. Certain it is that whatever may be the merits of the legislation adopted by Congress at its last session for the national defense, that legislation must necessarily prove a failure if administered by hostile or unfriendly hands.

I mention this, Mr. Chairman, not in particular criticism of any officer of the Army of the United States, but I think that it is due to the Committee on Military Affairs of the House that this statement should be made to the Congress, for such facts have developed in the hearings before our committee.

But to return specifically, Mr. Chairman, to the bill. There has been some criticism in some quarters that this bill is too small; that we have not legislated in such a manner as to But to return specifically, Mr. Chairman, to the bill. There has been some criticism in some quarters that this bill is too small; that we have not legislated in such a manner as to properly take care of the Military Establishment. That criti- ter of guns that should be purchased and used in the Army.

cism naturally followed by reason of the fact that this committee has found a way to largely reduce the estimates made by the War Department. Take, for instance, the question of pay of the Army. The committee reduced the estimates for pay of the Army by something over \$15,000,000. Now, let us see just for illustration how the committee arrived at its figures upon that subject. The committee very carefully ascertained from the Quartermaster General's Department what the per capita cost of the Army was. We took the figures given by that department itself as to the per capita cost of the Army, as to the pay of the Army, as to the subsistence of the Army, as to the regular supplies of the Army, as to transportation of the Army, as to clothing and equipage of the Army, and what did we find? We found that the pay of the average enlisted man of the Army is \$227 a year, \$237 a year when given extra pay for superior marksmanship and the like; whereas when you consider the entire enlisted strength of the Army of all departments, the line and staff, Quartermaster Department, the Medical Corps, and the line of Army, it averages \$267. What then did the committee find? It found that the War Department was estimating upon that per capita basis for an Army of practically 170,000 officers and men.

We then investigated the present and past conditions in order we then investigated the present and past conditions in order to ascertain the size of the Army we really ought to appropriate for. We found that the largest Regular Army that this coun-try has ever had was on the 31st day, I think, or the 30th, of last October, when they had 92,000 enlisted men of the line and 112,000 of enlisted men and staff corps combined, so that the largest total of the Army of all the various branches of the Regular Establishment was 112,000 men. We found another thing in making the investigation, because we saw no reason for making an appropriation for an Army of 170,000 men when the War Department had no prospect of getting it. We recalled that about a year ago this Congress adopted a joint resolution increasing the strength of the Army from 100,000, the strength under the old statute prior to the national-defense act, by 20,000, increasing it to an Army of 120,000 men. That resolution was adopted under pressure here in Congress. The resolution was passed when the situation in Mexico was acute; and yet, although that resolution has been on the statute books for nearly 12 months, the Army has failed to fill its ranks up to the number authorized by the resolution by something like 6,000 men. So that this committee felt, with the past experience of the Army and with the present conditions confronting us, we would be very liberal indeed if we appropriated for the increase of 20,000 men of the line over the 92,000, the highest number we have ever had, and then allow 20,000 for the staff corps, making something like 132,000, thus giving a margin of something like 3,000. We then estimated for an Army of 185,000 men, a very liberal estimate, and that is how we reached the conclusion by which we reduced the amount by \$15,000,000. [Applause.]

Now, I repeat, we have pursued the same process, the same method of calculation, when we came to appropriate for the subsistence of the Army, because we had the per capita cost and we had agreed on substantially the number of men we should appropriate for. The same reasoning and the same rate was applied with reference to the regular supplies, incidental expenses transportation, clothing, and equipage. This comexpenses, transportation, clothing, and equipage. This committee, when it came to the subject of barracks and quarters, water, sewers, and hospitals for the Army, have been, we think, exceedingly liberal in giving the department a fair proportion of the estimates which were called for. We have provided of the estimates which instruction on rifle ranges. We have provided abundantly for civilian training camps. We have approvided abundantly for civilian training camps. priated freely for vocational training in the Army. All of these things provided for by the national-defense act have been taken care of by this committee, I repeat, in such a manner as to give to the War Department freely and ungrudgingly all that they needed to carry out the purpose of the act adopted last June. When it came to the subject of aviation we appropriated \$9,000,000, and when there is added the \$4,800,000 which the Fortifications Committee appropriated for hydroplanes for coast defense, there has been allowed nearly \$14,000,000 for that service. It must be remembered also that it has only been a few months since the last appropriation bill of August 29 authorized \$13,000,000. We feel we have been exceedingly liberal in this branch of the service. Of course, as suggested, that does not include what is carried in the naval appropriation bill for similar purposes. We have appropriated \$3,000,000 for the Regular Establishment and \$2,500,000 for the National Guard

Our committee reached the conclusion that that was purely an administrative matter, and even if we had the authority we could not fairly undertake to pass upon the character of automatic machine guns which should be used in the Army. But we have given to the department an appropriation which will enable them during the next year to add a supply of something over 2,000 automatic machine guns to the Army, even conceding the purchase of the highest priced guns that are on the market; whereas if we purchased some guns of higher price and some of lower price, then they will be able, perhaps, to add to their supply something like 4,000 additional guns.

Mr. TILSON. Will the gentleman yield?

Mr. DENT. I will.

Mr. TILSON. Will the gentleman explain in regard to the type of machine gun and the reason why the department would probably not appropriate all of the money for the more expensive, which is a heavier type of machine gun?

· Mr. DENT. Well, in response to the suggestion of my colleague on the committee, as I recall the testimony before the committee, the department is still investigating the different types of gun, and they propose to try out several different types, and the board is to meet, I believe, in May to make some

final tests on the subject.

Mr. TILSON. That is especially true as to light guns. They have already arrived at a conclusion which they think is satisfactory in regard to the heavy gun, namely, the Vickers gun, but as to the lighter type of gun, which is just as necessary, they have not arrived at any conclusion.

Mr. DENT. That is true, as I understand.

We have also provided, Mr. Chairman, an appropriation of something like \$600,000 for armored motor cars, which the committee thinks is ample for the purpose. Then we have placed in this bill for the first time in any Army appropriation bill—

Mr. KAHN. Will the gentleman indulge me just a moment on

the motor-car proposition?

Mr. DENT. I will.
Mr. KAHN. Does not the testimony before the committee disclose the fact that the Bureau of Ordnance has only experi-

mented with two motor cars up to the present time?

Mr. DENT. That is very true. They have experimented with only two, and they have found one, I believe, to be too heavy and the other to be too light.

Mr. STAFFORD. Will the gentleman yield?

I will.

Mr. STAFFORD. Will the gentleman inform the committee to what extent they have experimented with motorcycles?

Mr. DENT. I do not know that I can answer the gentleman definitely as to what extent, but they have experimented with motorcycles down on the border to a considerable extent, as testified to before the committee.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. The purpose of the bureau is to buy quite a number of armed motorcycles with a side car.

Mr. DENT. That is the idea.

Mr. KAHN. I think something like three or four hundred

Mr. DENT. I have forgotten the number, but they purpose

to purchase a number of those with side attachment.

Mr. STAFFORD. Does the gentleman recall the testimony, if there was any, as to whether the motorcycle with the side van is successful or whether those without were more preferable or

Mr. DENT. I do not recall whether there was any contrast between the two, but they said the one with the side attachment

had proven very successful.

Mr. STAFFORD. I was under the impression that the one without was more serviceable than the one with the side van in use on the Mexican border.

Mr. DENT. I do not know that there was any contrast be-

tween the two.

Mr. KAHN. If the gentleman will yield, the intent of the bureau is to buy 230 motorcycles at \$1,000 each; 690 with side-car attachment, at \$500 each; and 115 with side-car attachment, at \$450 each.

Mr. DENT. Now, Mr. Chairman, I believe I stated-and if I did not, I intended to do so-that while we have largely reduced the estimates submitted to the Committee on Military Affairs in all essentials, this committee has not been at all parsimonious.

Mr. McKENZIE. Will the gentleman yield?

Mr. DENT. I will.
Mr. McKENZIE. I simply wished to suggest to the chairman that I think it would be well, while he is explaining the bil, if he would mention the different details in the law; that is, the I the National Guard status under the law of last year? That is,

new legislation that will be offered either by amendment or that is now contained in the bill.

Mr. DENT. You mean the new legislation that is incorporated in the bill?

Mr. McKENZIE. Yes.

Mr. DENT. I will get to that in the latter part of the bill. I will refer to that as soon as I finish the details. I am very

much obliged to the gentleman for his suggestion.

For instance, Mr. Chairman, on the subject of supplying field artillery and ammunition for field artillery for the National Guard the department asks us originally for \$10,600,000, and this committee allowed \$10,000,000 for each one of those items in the bill. So I might go on and enumerate the different substantial and essential things that we have appropriated for and that are taken care of in order to effectuate the purposes of the national defense that was enacted at the last session of Congress.

Mr. LONGWORTH, Will the gentleman yield?

Mr. DENT. I will.

Mr. LONGWORTH. I do not know that I understood the exact number that the gentleman stated we were now short in enlisted men of the full amount that was allowed under the nationaldefense act.

Mr. DENT. I do not know whether I understand the gentleman to mean under the first or the second increment.

Mr. LONGWORTH. The gentleman made a general statement under which I understood him to say that there were about 6,000 short.

Mr. DENT. I will state to the gentleman that my statement in that connection was made relative to the joint resolution that we passed here about a year ago-I think some time last March-increasing the enlisted strength of the Army from 100,000, which it was then under the law, to 120,000, and we were 6,000 short. We got only about 14,000 men under that call for the additional 20,000.

Mr. LONGWORTH. We are now about 6,000 short?

Mr. DENT. Short of that; but we are very short of the increments authorized under the national-defense act.

Mr. LONGWORTH. Let me ask the gentleman to state the exact number. How many enlisted men are authorized in the Army to-day?

Mr. DENT. They are estimating for about 134,000 for the first increment and about 170,000 for the second.

Mr. LONGWORTH. And how many have we actually in the service?

Mr. DENT. We have in the enlisted strength, the highest the committee has been able to find, 92,000. That is the latest report The Adjutant General gives us.

Mr. GARDNER. Will the gentleman yield there?

Mr. DENT. I will.

Mr. GARDNER. Has not the gentleman confused the enlisted strength of the line with the total enlisted strength? I have the exact figures here, if the gentleman will allow me to state

Mr. DENT. I am perfectly willing to have the gentleman state them if I have not stated them correctly.

Mr. GARDNER. The authorized strength of the Army up to July, 1917, is 133,166 men, but that includes enlisted men of all sorts. We had in the Army on December 31 last 109,959 enlisted men of all sorts. In the enlisted strength of the line-that is, the fighting force-we had on December 31 last approximately 84,771, while the total authorized strength of enlisted men of the line for the fiscal year ending June 30, 1917, is 100,083. So we are short 15,000 enlisted men of the line. But we are short 23,000 enlisted men, altogether. I think when the gentleman gave his first figure he gave the number of enlisted men of the line. When he gave his second figure he referred to the entire enlisted force.

Mr. DENT. That is the fact. The figures I gave were based on the report given in October from The Adjutant General.

Mr. GARDNER. This information bears the date of February

Mr. LONGWORTH. Mr. Chairman, can the gentleman state how enlistments are going?

Mr. DENT. Gen. McCain states to the committee that they were getting 2,000 a month.

Mr. LONGWORTH. Is that a net gain?

Mr. DENT. That is a net gain, because the Secretary has suspended the operation of the law allowing a man after he had served three years to go into the reserve on account of the Mexican situation.

Mr. DILL. Mr. Chairman, will the gentleman yield for a question?

Mr. DENT. Yes.
Mr. DILL. Can the gentleman give us any information as to

have the National Guard of the different States supplied their

quota? Are they enlisted up to the requirements?

Mr. DENT. Well, it is very difficult for me to answer that question except in a general way. The National Guard had a strength at one time in mobilization camps and on the border of something like 144,000 officers and men, and as I recall the national-defense act under the second increment provided for the increase of the National Guard the total strength next year will be something like 160,000.

Mr. DILL. Do you know what it is supposed to be for this

year?

Mr. DENT. That is what I am talking about.

Mr. DILL. I mean for the past year.
Mr. DENT. It is enlisted up to its full strength this year;

absolutely, and even more than its full strength.

Now, Mr. Chairman, without going into further details, I may state in a general way, having mentioned the National Guard, that the committee has made liberal appropriations for carrying out the national-defense act, so far as the exception of the National Guard features are concerned, with the end in view that the National Guard should have a fair opportunity to be thoroughly tried out, in order to determine whether it was to be a success or a failure. This bill, of course, was written for times of peace. It is not a war measure. It does not go into operation and effect until the 1st day of July next. Therefore it is intended solely to carry on the Military Establishment in times of peace and not in times of war.

We have incorporated some additional legislation in this bill. mainly of minor importance. It may be only fair that at this point I should call attention to the fact that the committee did adopt a proviso that the increase in the officers of the Army provided for in the national-defense act in five annual increments should not take place except as to one-fourth of those officers until the enlisted force in the Army would require the officers. We think this is a wise provision in the law. In other words, we are 1,700 men short in second lieutenants, and do not propose and do not think it is fair that under the national-defense act on the 1st of July each year for the five years therein provided for you should promote the first lieutenants and captains and majors and colonels until you would have three colonels for one regiment and several captains for a company that have not men. We have offered it for the purpose of providing that promotions shall not be made until the enlisted strength keeps some pace with the increase of officers.

There is another feature of this bill that has created a great deal of comment, and I think it is perhaps the most important general feature of the legislation that we have incorporated in the bill, and that is the amendment relating to the assignment of the number of staff officers to duty in the District of Columbia. The law passed last June provides that the number of those officers shall be limited to 55. It further provides that not more than one-half of those 55 shall at any time be assigned to duty within the District of Columbia.

The Secretary of War spoke to me and wrote me a letter on the subject, in which he did state that perhaps we had better increase the number. I stated in the personal interview that I had with the Secretary that I thought it would be a mistake to undertake to radically change that provision at the present session of Congress, and I made the suggestion to him that I was going to submit to the committee a proposition authorizing the President of the United States to suspend that provision of the act during war, actual or threatened, or during any similar public calamity. The committee unanimously agreed to that provision, and, in my humble judgment, it will accomplish everything that is necessary in case of any emergency. Under it the President can bring the whole 55 officers of the General Staff here to Washington if he needs them, whereas if we had adopted the suggestion of the General Staff and increased it to 92 and left the law to read as it was written he could bring only 46.

Now, there are some other minor provisions in the bill relating to legislation that I do not deem it necessary at this time to call attention to.

Mr. SMITH of New York. Mr. Chairman, will the gentleman

Mr. DENT. Yes.

Mr. SMITH of New York. I would like to ask if the committee took up the question of providing for compulsory train-

compulsory service?

Mr. DENT. The committee did not. I stated at the outset of my remarks, I will say to the gentleman, that the committee early in its hearings came to the conclusion that we would not suggest any material or radical changes in the legislation provided at the last session, and therefore we did not go into that,

Mr. KAHN. Mr. Chairman, will the gentleman allow me to amplify his statement? Mr. DENT. I will.

Mr. KAHN. During the hearings, when Gen. Scott, Chief of Staff, was before the committee, he was asked whether the General Staff of the Army had prepared a universal training bill. He said they had not completed it. He was asked whether it would be possible to complete it in the near future, so that it might be introduced. He said he thought he could get it ready in about 30 days. He has not sent it to the committee as yet, although it was fully six weeks ago when he agreed to have it before the committee in 30 days.

Mr. SMITH of New York. I understand that the General

Staff are in favor of compulsory training.

Mr. DENT. Yes; they are, if Gen. Scott has a right to speak for them.

Mr. SMITH of New York. Let me ask this further question: Suppose we should have a serious emergency at the present time and require a great number of men-a million or two million men-how would they be raised under present condifinns?

Mr. DENT. They would be raised, of course, first, by increasing to war strength the Regular Army; second, by increasing to war strength the National Guard; and, third, by calling for volunteers. And I want to state to the gentleman in that connection that Congress in the last few years-I believe it was in April, 1915—passed a volunteer officers' bill that was reported to the Congress by the Military Committee of the House. law is now on the statute books, and provides all the machinery necessary for a volunteer army in the event that Congress declares war; so that all the Congress would have to do would be to declare war and provide the means, the machinery for the President to execute the volunteer bill being already provided.

Mr. KAHN. The national defense act in such an emergency would also permit the President to call immediately to the

colors all of the increments.

Mr. SMITH of New York. Did the committee take up the question of raising the pay of the enlisted men?

Mr. DENT. They did not.

Mr. SANFORD. One question to complete that thought. Then is it the policy of the committee—are we forced to the policy practically that if we had an emergency and had to raise a million or two million men we would have to rely for our defense, for the bulk of our Army, practically on untrained men, this measure, of course, being, as the chairman of the Committee on Military Affairs has said and as his predecessor, Mr. Hay, said, I think truthfully, only a peace program? For a war pro-

gram we rely on untrained men practically wholly, do we not?

Mr. DENT. It depends altogether on what the gentleman means by "practically." Of course, we have a large number of men, practically small compared to an army of 10,000,000

Mr. SANFORD. We have in our Regular Army for home de--that is, in the United States-surely not more than 40,000 men.

Mr. GORDON. Oh, yes; we have more. Mr. SANFORD. The gentleman would not call that an army

for any modern purpose.

Mr. DENT. We have more than 40,000. Mr. SANFORD. Not more than 42,000.

Mr. DENT. I think 60,000. Mr. SANFORD. I think the gentleman is in error as to that. think if we had our full increment under the national defense act we would have only 50,000.

Mr. DENT. Be that as it may, suppose we should change the policy now, and we should be precipitated into a war right away. ertainly whatever policy we change would not get into opera-

tion in time to accomplish any good.

Mr. SANFORD. If we changed it immediately, would we not have the advantage of beginning to train now instead of beginning to train after some emergency arose, at least a few months' advantage?

Mr. DENT. We would have that advantage, if we are not getting it now under the legislation adopted.

Mr. SANFORD. I realize that we are not. Mr. GREENE of Vermont. Of course the gentleman from New York [Mr. SANFORD] will recall that in every war in which this country has been engaged, and in the war now in Europe, after a few months the Regular Military Establishment, so to speak—that is, the normal peace military establishment precipitated into that war-has practically been wiped out, and all the rest of the war conducted by what were raw levies of volunteer troops only a few months before. That was the story of the Civil War, and the story of all the great wars of the country.

Mr. SANFORD. May I ask just one question? The gentleman does not mean to say that is the modern condition? admit that England's Army, which was very much like ours, was wiped out in a few days.

Mr. GREENE of Vermont. That is what I said.

Mr. SANFORD. But was there any army except England's that was in a condition similar to ours

Mr. GREENE of Vermont. I think the old regular army of

France has pretty well disappeared.

Mr. SANFORD. France had had training for years and

Mr. GREENE of Vermont. I am not talking about the system. I am heartily in favor of the gentleman's idea as to the system,

but I was referring to present conditions.

Mr. SANFORD. The gentleman is making it clear that we are practically in the same condition that we were a century ago. Mr. GREENE of Vermont. I do not think there is any ques-

tion about it.

Mr. DENT. That depends altogether on whether the act passed in the last session is going to accomplish some good. Most of us believe it has not had a fair trial.

Now, I believe in a general way I have covered this subject,

and I reserve the balance of my time.

Mr. EMERSON. Did the committee consider at all the advisability of furnishing arms to and training the students in the

higher schools and colleges of the country?

Mr. DENT. I really neglected to mention that. There are so many items in this bill, I did not cover them all. The nationaldefense act provides for a Reserve Officers' Training Corps, and the War Department asked us for an appropriation of something over \$3,000,000-

Mr. KAHN. Four million dollars. Mr. DENT. Practically \$4,000,00 Practically \$4,000,000, and we gave them every cent they asked for for that purpose and for ordnance supplies.

Mr. McKELLAR. We appropriated the money to secure the training of 50,000 men in that Officers' Reserve Corps this year, and I will say to the gentleman from New York [Mr. Sanford] that we have appropriated money for the training of 158,000 of the National Guard. We have appropriated money in another committee for 26,000 young men in the agricultural schools. We have appropriated money in this bill for the training of 50,000 men in the civilian training camps, and, together with the Offi-cers' Reserve Corps, with the National Guard, and those that are trained in the Regular Army, we are training in the neighborhood of 300,000 men in this country to-day under this bill. is not proposed under compulsory service to train over 400,000, and all we need do is to go on with what we are doing.

Mr. BRITTEN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. BRITTEN. What military training do the young men get who attend the agricultural schools provided for in the Agricultural bill that the gentleman from Tennessee speaks of?

Mr. DENT. That is prescribed by the department, but they

must have at least two years.

Mr. BRITTEN. Of military training?

Mr. DENT. Certainly. Mr. McKELLAR. The War Department requires them to have so much training

Mr. KAHN. And they are trained by officers of the Regular Army detailed by the War Department for that purpose.

Mr. BRITTEN. How much time per week is given to military

training?

Mr. McKELLAR. I do not know that.

Mr. DENT. That is a matter of regulation by the War De-

Mr. EMERSON. Has the gentleman any figures as to how many men would be trained if all the students of the high schools of the country were furnished arms and equipment?
Mr. DENT. And an officer to train them?

Mr. EMERSON. Yes.

Mr. DENT. I could not give the gentleman the figures, because, as a matter of fact, the War Department, informs us that they have received applications so fast that they have been unable, as the legislation is new, to carry it into operation.

Mr. McKELLAR. They have estimated for \$50,000 for the young men and boys to be trained in schools, academies, and

colleges or universities.

Mr. DENT. The gentleman asked how many there would be if all were trained.

Mr. GREENE of Vermont. The gentleman's question was confined to students in the high schools.

Mr. EMERSON. But I meant in colleges. Mr. GREENE of Vermont. But the gentleman did not include colleges in his question. The training of the high-school boys

would not add much to a serviceable army in time of war, be-

cause the ages of the high-school boys are from 13 to 17 or 18.

Mr. EMERSON. If we took them at the ages they served in the Civil War, at least half of them in the high school would be available.

Mr. KAHN. I might say for the benefit of the gentleman that there are approximately 900,000 boys every year who attain the age of 19 years and about 600,000 who attend the high-schools.

Mr. DENT. Mr. Chairman, I reserve the balance of my time.

[Applause.]
Mr. KAHN. Mr. Chairman, I yield 40 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER, Mr. Chairman, when Congress, on March 17, 1916, authorized the President to recruit the Regular Army up to its maximum strength there were in the Army 75,830 enlisted men of the line. On December 31, 1916, there were 84,771 enlisted men of the line. In other words, in a period of over nine months we had gained only 9,000 enlisted men of the line. By the terms of the national-defense act in the present fiscal year, which ends next June, we should properly have 100,083 enlisted men of the line. The second increment of officers and men under the national-defense act will be due in the next fiscal year. are now appropriating the money to pay the bills. second increment added, we are supposed to have in the Regular Army about 120,000 enlisted men of the line; but, as a matter of fact, we are not getting recruits quickly enough to give us anywhere near so many.

It is true that we have been getting recruits more quickly than we have been losing men from the ranks by death, discharge, or otherwise. We must not, however, overlook the fact that to a serious extent this is the result of the device which the War Department has adopted of holding men in the service who under ordinary circumstances would be furloughed to the reserve.

In December—and December and January are about the best enlistment months, I am told—there were 4,372 men enlisted for all branches of the service. Four thousand recruits per month was about the average for the year before last. I think there were about 48,000 enlistments in that year, but that number was exceptionally high.

Mr. SMITH of New York. Will the gentleman yield?

Mr. GARDNER. Yes. Mr. SMITH of New York. I would like to ask whether the gentleman knows how many men have been retained beyond the

period of contract of service.

Mr. GARDNER. The last I heard, they are all being retained beyond the period of what they thought was their contract of service. Last summer there were called back into the service from the reserve a little less than 3,500 men. Christmas time, I think, about 3,000 had reported for duty. By

Mr. SMITH of New York. I wanted to get at the exact

status of the matter.

Mr. BRITTEN. Does the gentleman say that 4,000 were in-

cluded in the reenlistment?

Mr. GARDNER. In December, 1916, 4,372 was the total number of enlistments in all branches of the service; that is to say, in the line, Hospital Corps, Qaurtermaster's Corps, and— Mr. BRITTEN. What percentage was the first enlistment?

Mr. GARDNER. I can not tell the gentleman. Now, Mr. Chairman, just before election in November there came back to my district from the border three batteries of Field Artillery and three companies of Infantry of the Massachusetts National Guard. We politicians received them with open arms, as you We had receptions for each one of these batteries might guess. and companies. I made six speeches or, to be more accurate, I made the same speech six times, and on each occasion I tried the audience out to see what it thought about compulsory military training. Invariably the response was most enthusiastic and the applause was the most hearty which any of my remarks elicited.

Mr. EMERSON. Will the gentleman yield?

Mr. GARDNER. Yes.

What was the class of audience that the Mr. EMERSON.

gentleman had?

Mr. GARDNER. It was composed of enlisted men of the National Guard, of course, and of their uncles, their sisters, their cousins, and their aunts. Of course, there were a few officers and city or town officials. It was a one-sided audience, I admit. I questioned about every returning soldier and officer whom I met. I found that most of them were enthusiastic whom I met. about the quality of their border training, but here and there I met some National Guard general or other high officer who was convinced that the Regular Army did not know its business. So I went down to the border to find out all I could on my own hook. I went beyond the border. I went down into Mexico.

The Secretary of War was good enough to give me an escort, so I went down to Colonia Dublan to see Gen. Pershing's force

I went down to the border and into Mexico for two purposes. One of my objects was to find out why young men do not more rendily enlist in the Regular Army. My other object was to find out the true relation between the National Guard and the Regular Army from the point of view of the junior officers and the enlisted men of the National Guard. I first took up the question of the relation between Regulars and Guardsmen. fore I began I consulted Gen. Bell, who commanded the district of El Paso. I found that on October 7, 1916, an order had been issued by Gen. Funston to all the regular officers who were serving with the National Guard as inspector-instructors or otherwise, directing them to report upon the merits and defects of the National Guard system. That order had been followed by a letter of instruction to the effect that mere criticism was not wanted, but that constructive suggestions were desired. read over 50 of the reports which were received in reply to that circular order from Gen. Funston. Almost without exception those replies were unfavorable to the National Guard system and its results. I was perfectly well aware that when the mobilization reports were published, and when these other reports were published—and, by the way, so far as I know, these reports have never been published—I knew that at once there would be people saying-as indeed they have been saying-that the Regular Army is trying to destroy the National Guard

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

Mr. GARDNER. Yes. Mr. SHALLENBERGER. I understand the gentleman to say that the report of these officers has never been published?

Mr. GARDNER. The inspector-instructors' reports have never

been published.

Mr. SHALLENBERGER. There is a long report-

Mr. GARDNER. The gentleman is referring to Col. Brown's report, is he not?

Mr. SHALLENBERGER. Yes.
Mr. GARDNER. That is the mobilization report. These reports of which I am speaking were made in response to an order of the Department of the South issued on October 7, 1916. I think they have never been published, and, if the gentleman considers the date on which the mobilization report was made, he will see that in the nature of things these reports could not then have been ready for publication.

I knew perfectly well that Regular Army officers were human, that naturally they might have some feeling, being human, because of the amount of praise bestowed on the National Guard and the paucity of praise which we politicians bestow on the Regular Army. I noticed that in some few instances the reports were petulant in tone. But many of those officers I knew personally. Some of them I had worked with. I knew that they honestly meant to report the plain truth. The unanimity of these reports would have struck anyone who was prepared to look at the question with an open mind. I therefore went to Gen. Bell and I said, "General, those reports are going to make a lot of trouble." I told him that there was one thing which I should like to have him do for me. I said, "I know what the generalissimos of the National Guard think of the Regular Army, but I want to know what the enlisted men of the National Guard think of the Regular Army." I got in touch with the Young Men's Christian Association down there, had interviews with the enlisted men of the National Guard. and I came to the conclusion that their opinion of the Regular Army was entirely different from that of the generalissimos. So I said to Gen. Bell, "I am going to ask you to send out a series of questions to the first sergeants of the National Guard, because the first sergeant, an enlisted man himself, is the buffer between the enlisted man and the commissioned officer." I asked the general whether he would send sioned officer." I asked the general whether he would send out to every first sergeant in his command a list of questions which I would prepare. At first he demurred. He said that it was very irregular, that the questions ought to go through the officers. Furthermore, I said, "I wish that those replies might come back to you direct, without passing through the hands of a series of officers." Finally, Gen. Bell said, "I must send out those questions to officers as well as to enlisted men." So he sent them out to all his colonels and to all his captains and to all his first sergeants, with instructions that none of the individuals to whom the questions were sent should consult with anyone else, officer or enlisted man, but should answer in an official envelope mailed direct to the general. There were at that time 16 regiments of National Guardsmen in Gen. Bell's command. There were also 4 independent battalions of Field Artillery or squadrons of Cavalry, making 20 different com-

mands with 20 different commanding officers. There were 296 company commanders and 296 first sergeants, making, in all, 612 officers and enlisted men to whom this list of questions was Gen. Bell received 572 replies.

Here are the questions and answers:

No. 1. Question. Would the instruction of the National Guard proceed more rapidly if more Regular officers and noncommissioned officers were detailed for service with the National

Answer. Yes: Colonels, 18; captains, 190; first sergeants, 180; total yes, 388. No: Colonels, none; captains, 41; first sergeants, 53; total noes, 94. Conditional: Colonels, 2; captains, 50; first sergeants, 38; total conditional, 90.

Note.—The noes were qualified in about half of the replies by the statement that there were "already enough," meaning that one Regular officer and three Regular noncommissioned officers, as at present detailed for the instruction of each regiment, were ample.

No. 2. Question. Are the officers and enlisted men of the National Guard desirous of the instruction from the officers and noncommissioned officers of the Regular Army? If not, what is

Answer. Yes: Colonels, 16; captains, 217; first sergeants, 205; total yes, 438. No: Colonels, none; captains, 12; first sergeants, 30; total noes, 42. Conditional: colonels, 4; captains, 49; first sergeants, 17; total conditional, 70.

No. 3. Question. Can you suggest any way in which the officers and men of the Regular Army can cooperate more fully with the National Guard in the development of a citizen army?

Answer. The answers to this question may be roughly classified as follows: More cooperation by friendly intercourse and a closer relationship, 122. More careful selection of Regular Army instructors, 28. More instruction from Regular Army, particularly at home stations, 83. Sundry suggestions, 50.

Note.—Over 70 replies to question No. 3 desired one Regu-

lar officer with each regiment or separate battalion and one noncommissioned officer with each company, instead of only

three for the whole regiment.

No. 4. Question. Have you formed any opinion on the question of universal military training? If so, what are your ideas?

Answer. In favor: Colonels, 16; captains, 250; first sergeants,

234; total yes, 500. Against: Colonels, 1; captains, 5; first sergeants, 4; total noes, 10.

No. 5. Any additional remarks you may have to make bearing on the above.

Many of these remarks are most valuable. They will be made subject of special study at Gen. Bell's headquarters.

Now, some may think perhaps that this classification of the replies is one-sided, but at all events it was intended to be absolutely fair. This classification was made up by Capt. Pratt, one of the finest and most conscientious young officers in the service.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GARDNER. I will. Mr. SHALLENBERGER. When the gentleman refers to compulsory military training, does the gentleman mean that a man shall be trained with the option left with him whether he

shall serve his country when needed?

Mr. GARDNER. Yes; it has always been my idea that the training is really a privilege granted by the Government to each individual. It is in the line of democracy. As to compulsory service in time of war I might agree to that in order to get compulsory military training, but hitherto my inclination has been in favor of voluntary service in time of war. When I was a boy an inspiration came to me from the fact that the veterans I saw around me had voluntarily and not under compulsion

offered their services to the country.

Mr. SHALLENBERGER. The gentleman understands a compulsory measure has been proposed by the General Staff and a bill has been introduced in the Senate which not only requires

training but compulsory service in time of war?

Mr. GARDNER. I understand that. I shall vote for that bill. Mr. GORDON. Which one?

Mr. GARDNER. I shall vote for any bill which will compel our young men to get ready to defend their country. I prefer the General Staff bill, if that is what the gentleman meant. I have discussed this matter a good deal in the last two years. Hitherto I have taken the ground that if it looked to me at the outbreak of war as though we could not get a sufficient number of our compulsorily trained young men to volunteer their services, then I should cheerfully vote for conscription; but I preferred not to do so unless it was necessary. However, there is one strong argument in favor of compulsory service in time of war which ought to receive pretty thorough examination. In order to get quick mobilization you must have equipment ready and transportation arranged for. The individuals to be equipped and transported must know exactly where their own equipment and transportation is to be found. This circumstance would seem to make it imperative that the authorities should know beforehand the names of the individuals whom they could depend upon. Otherwise mobilization must be delayed. But under a volunteer system individuals can not be enrolled long beforehand in the organizations in which they are to serve in war time. The authorities must know beforehand that Jones and Brown and Gardner are going to serve in time of war in order that Jones and Brown and Gardner may have their tickets to their uniforms and equipment and a knowledge of where to report for transportation.

Mr. SHALLENBERGER. The reason I asked the gentleman that question was because I tried to ascertain from all the authorities who appeared before the Committee on Military Affairs whether there is anything to show that a man who is trained as a soldier, say one who has had such training as the gentleman, myself, and others-whether that training resulted in his responding to the call of his country when he is needed, or whether a compulsory military training inspires a man to respond very quickly. There has been so much talk about universal military training and universal military service I would like to have the

gentleman explain upon what he bases his remarks.

Mr. GARDNER. Out of the Civil War draft we finally secured 46,347 men for service, besides substitutes for 73,607 more, in all 119,954 men. Of course, Great Britain has raised the greater part of her army under the voluntary system, and perhaps I might be a little sorry that she did not raise all of it in that way.

There is a feeling abroad that it is not fair for you to take my job while I am doing my duty as a soldier in time of war. Advocates of compulsory service, in time of war, argue that it is wrong that I should risk my life for your protection while you make no sacrifice. I admit the unfairness; but, speaking for myself, I should rather have it so. I should rather fight voluntarily and suffer the unfairness rather than feel that I was fighting because I was compelled to do so.

Mr. SHALLENBERGER. Does the gentleman think there is anything in the experience of either to show that they would have gotten more soldiers if they had been trained men?

Mr. GARDNER. The British would not have been so much food for cannon if they could have gotten their trained men sooner and put them in the line earlier.

Mr. SHALLENBERGER. Does not the gentleman think that if a man has been marching and tramping around in the mud

he is not quite so apt to respond to the call?

Mr. GARDNER. But when he does respond, he is trained. Mr. KAHN. Both the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Nebraska [Mr. SHALLEN-BERGER] speak of the General Staff universal training bill.
Have either of the gentlemen seen it?

Mr. SHALLENBERGER. The gentleman misunderstood me.
I said the plan that is advocated and the bill that has been in-

I said the pian that is advocated and the bill that has been introduced by Senator Chamberlain.

Mr. GARDNER. I think that Senator Chamberlain's bill is based on Capt. Moseley's bill. The ideas of the General Staff are fairly well known. I suppose that they will be incorporated

Mr. SHALLENBERGER. It is a matter of record in the hearings that Gen. Scott does not believe in any other kind of compulsory military service than that which compels the soldier

to go when he is called.

Mr. McKELLAR. The gentleman stated that the British soldiers would have been less food for cannon in the event they had been trained. Has the gentleman got any figures that there have been more British soldiers killed in this war than French

soldiers or German soldiers?

Mr. GARDNER. I suppose that not nearly so many British soldiers have been killed. But my point is that until they have had a year's training the British soldiers have not been put in the trenches except when immediate military necessity has absolutely required it. The plan, as I understand it, is that recruits shall be sent for six months at least to the training camps in Great Britain, and then be transported to France. last part of the preparatory training period I think that the new officers, without their men, are sent as supernumeraries to the front line of trenches. Many young British officers have been killed before they were ever in a fight-at least so I have

Mr. McKELLAR. My question is, under this compulsory plan in England, have more of the English soldiers been killed than

French soldiers or German soldiers?

Mr. GARDNER. I suppose not in actual numbers. I know nothing about the percentages of loss in the different armies.

Mr. SHERLEY. Is not this the important thing, that as the result of their not being trained England was not able for nearly a year to put anything like the number of men she needed to do the work?

Mr. GARDNER. Precisely; and when she first sent her new lines to the trenches I understand that it required 10 men for her to maintain the same front which 3 completely trained

men could have held.

Mr. McKELLAR. How does the English Army compare to-day with the Armies of Germany and France? One is voluntary and the other is involuntary.

Mr. GARDNER. The English Army is not voluntary at the

present moment.

Mr. SHALLENBERGER. Will the gentleman tell us how they compare with the soldiers from Canada and Australia, who are voluntary soldiers?

Mr. GARDNER. I know nothing about the Australian soldiers, but I know a little about the Canadians. I went to the Canadian camp at Valcartier twice last summer and I heard a good deal of talk. I think they are doing remarkably well. I do not think that Canadians who have had a year's training I do not think that Canadians who have had a year's training I would be some Parities. are showing any substantially different results from British soldiers who have had a year's training. But now, you see, gentlemen, I mean one thing by military training and the gentleman from Tennessee [Mr. McKellab] means something entirely different. By military training I mean largely discipline, the yielding of a young man's mind to somebody else. As for this marching up and down in line, I have seen a marching line of young ladies on the stage who would have made Stonewall Jackson's line look as crooked as a ram's horn. These young ladies were splendidly drilled, but they had no discipline. That sort of thing is not military training. That is "hay foot, straw foot." That is the kind of military training you get in your agricultural schools. It is only military drill and it amounts to mighty little. I was chairman of the committee on military affairs in the Massachusetts Legislature.

We have a State agricultural school in Massachusetts, and I used to go up there in my official capacity as chairman. drill of the students was in charge of a Regular Army officer. They could drill to beat the band; they could execute movements beautiful enough to make your mouth water, but the moment they got their tunics off they were not soldiers trained to obey. That is one of the things which takes time-learning obedience. If you choose to put it that way, it is the breaking of a man's will in the sense that Ulysses S. Grant's will or Robert E. Lee's will was broken at West Point.

Mr. GORDON. Will the gentleman yield?

Mr. GARDNER. Yes. Mr. GORDON. Neither of the gentlemen just named, Gen. Grant or Gen. Lee, were ever subjected to compulsory military

Mr. GARDNER. No; but they were subjected to West Point training for four years, and that beats anything else in the world.

Mr. GORDON. Will the gentleman yield further?

Mr. GARDNER. I will. Mr. GORDON. You are the first intelligent man I have ever known who has undertaken to distinguish between compulsory

Mr. GARDNER. Last year, in a colloquy with the gentleman from Virginia, Mr. Hay, I tried to explain the distinction.

Mr. GARDNER. I will find it for you. The colloquy appears

on page 4491 of the Congressional Record for March 20, 1916. Now, Mr. Chairman, how much of my time have I exhausted? The CHAIRMAN. The gentleman has used 26 minutes.

Mr. GARDNER. I want to discuss this failure of our young men to enlist in the Regular Army. I want to tell you how I arrived at my ideas—good, bad, or indifferent—on this subject. In the first place, I talked to a great many enlisted men of the National Guard whom I met at home and in the Young Men's Christian Associations on the border. Then, at Fort Bliss I got hold of Chaplain Axton, a chaplain of the Regular Army, and I said, "I want to be put in touch with some noncommissioned officers who have been on recruiting duty. I want to talk with the men who have actually stood on the cold street corners and tried to persuade young men to go into the Regular Army while the Industrial Workers of the World had a sentinel stationed near by trying to get those same young men to stay out of the Regular Army. I have already talked with the commissioned officers who do the office work. I want to talk to the men who actually do the recruiting, and I want to talk to them without their knowing beforehand what I am going to talk to them about."

So the chaplain arranged for me to see a group of the men without their having a chance previously to consult together. I think there were five in the first group I met, all noncoms except one private. All of them had been on recruiting duty. went down to Colonia Dublan, and I asked for a similar opportunity down there. At Colonia Dublan I saw noncoms and privates who had been on recruiting duty. Altogther at El Paso and in Mexico I saw 11 noncoms and privates, and they represented five different organizations. With those 11 men I went as rapidly and as thoroughly as I could into the question of why young men do not enlist in the Regular Army

They all agreed upon one thing, and that was that the two principal reasons why young men do not enlist are, first, because we do not pay them enough, and, second, because there is too long a contract of service. Young men do not care to mortgage their future so many years ahead. The 11 men with whom I talked did not all agree as to which of these two reasons carries the more weight, but 10 out of the 11 expressed the opinion that the principal cause for the difficulty in getting recruits arises from the fact that we do not pay men enough, and that the second principal cause is the long period of enlistment, or contract of service as it is called. One man out of the eleven felt that the principal cause was the long contract of service and that the second cause was the low pay.

Now, mind you, all these men who were talking to me had been engaged in recruiting at the time when it was supposed that a recruit when he enlisted would serve three years actively with the Regular Army. It was supposed that his fourth year would be served with the colors or with the reserve, as he might choose. The fifth, sixth, and seventh years it was supposed that he would serve solely in the reserve. Unfortunately, the re-servists last summer were all called back for active service and that has made a great deal of ill feeling.

Mr. LINDBERGH. Did the gentleman hear anything referring to the mess

Mr. GARDNER. No; the quality of the food is excellent and the regular cooks are good. There was at first some trouble of the sort in some of the National Guard messes, but that was There was at first some trouble all straightened out as soon as the cooks had a little experi-

I have given you the evidence of 11 men. I tried honestly to get those men to tell me things which I did not want to hear, just exactly as if I were trying to find out the real political situation in a ward in my district. When I want to know the facts, I do not go into a ward and say, "Everything is going all right, is it not?" If I put the question that way, I should always get the answer, "Sure, Congressman." Probably I might say something like this, "I understand that there is a whole lot of Wilson talk here in this ward." If everything was right, some one would say, "Well, Congressman, I have not heard it." If things were wrong, some one would say, "Well, of course, there are some of the unthinking ones who are talking that way, but they will come around all right by election time." [Laughter.] The only way to get information by asking questions is to lead off with the wrong foot, so to speak. Ask your question as if you wanted to get the answer which you really do not want to get.

I said to these 11 enlisted men, "Tell me all about this caste business between officers and men. When you get down to it, is not there a social snobbishness in these officers that galls the life out of the enlisted men?" Invariably I got the answer, "Oh, no; that is only talk." And, honestly, it surprised me to find them so unanimous on that point. Another reason for nonenlistments, according to my informants, is the amount of heavy nonmilitary manual labor required. They said, for instance, that many of the duties to be performed at Jefferson Barracks, near the city of St. Louis, were not duties which should be required of a soldier. I talked to a noncom who had been having a joint debate about every day with an I. W. W. sentinel-outside the recruiting office in St. Louis. The noncom described how he would tell some young fellow for whom he was angling all about the advantages of being a soldier at \$15 a month, with clothing, board, lodging, and medicine thrown in. Perhaps the would-be recruit would say, "Well, that does not seem to be very fine." Then the recruiting noncom would say, "Look at your chance for promotion. Think of it; you might go to West Point in a year and become a commissioned officer." A young man who could scarcely do much more than read and write might not think that was much of an inducement. But perhaps after a while the fish would begin to show signs of taking the bait. By and by an I. W. W. man would get hold of him and say, "Don't you go believing what that soldier is telling you. Do you suppose they mean to make a soldier out of a fellow like you? Not on your life. What they want you for is to do grading out around Jefferson Barracks."

It was quite clear to me that the prospect of this heavy civilian duty is a deterrent to enlistment, even if only to a

I think this seven-year enlistment period is entirely wrong. A young man of 21 is not anxious to mortgage his existence until he is 28 years old, even if four years of his service is to be passed in the reserve. This year's experience shows that reservists are quite likely to be called back to active service, in many cases to the very great detriment of their family affairs. For the Infantry I should be willing to cut down the term of enlistment to a single year, with perhaps a short service in the reserves. I have not, however, looked into the question as to whether it is practicable to have different periods of enlistment in the different arms of the service.

Mr. BORLAND. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. BORLAND. Does the gentleman think there ought not

to be any civilian labor of enlisted men?

Mr. GARDNER. That depends on its nature. Of course, they have got to dig trenches in warfare. There is a good deal of labor by enlisted men that could perfectly well be cut out.

Mr. BORLAND. Under modern conditions of warfare there is a great deal of trench digging and other construction work, is there not?

Mr. GARDNER. I understand; and to the extent that civilian labor is valuable military training it ought to continue, but to the extent that it is merely an economy for Uncle Sam, I am inclined to think that it ought to be stopped.

Mr. BORLAND. That is what I want to get at. Does the gentleman think there is any real evil in compelling soldiers to do what civilian labor they can do around their own barracks

and quarters

Mr. GARDNER. It depends on the nature of the work. Such work as I understand has been done at some of the posts I believe to be a real evil, because it discourages men from enlisting. Mind you, imagination plays a great part in this business of soldiering. Unemployment plays a greater part, of course.

Mr. BORLAND. I am anxious to get the gentleman's idea.
Mr. GARDNER. Here is my idea: The field from which we draw our enlisted men to-day is largely made up of these elements: First, there are the adventurous young men who want to see the world's wheels go round. That is quite a big propor-Then there are young men who come from the country to the city, expecting to find good jobs on every bush. When they do not find good jobs some take poor jobs and some enlist be-cause they can not find any jobs at all. I think that young men out of work constitute the greatest percentage of our recruits. Then there is a third element, composed of men who, though not out of a job, are tired to death of their own particular job; for instance, a bricklayer who is tired of laying bricks and wants a change. A fourth class is made up of what is known as "snowbirds," men who enlist in cold weather, with every intention of deserting when spring comes. That class is small. The largest class comprises men whose necessities compel them to take \$15 a month and all found, because they do not know where to look for better pay. The second largest class comprises the adventurers. I believe that the adventurous class would be larger if it were not for this heavy civilian labor.

Mr. BORLAND. Does the gentleman think we will ever have really large, efficient Army composed of these snowbirds or

other classes he speaks of?

Mr. GARDNER. No; but if we fix a base pay of \$25 a month for privates and have high pay for first sergeants and other noncoms, in my opinion we can raise a really large, efficient Army. If we had a high rate of pay—call it \$75 a month, if you choose, and all found—for first sergeants and other noncoms of high standing, the bill would not be very large; but it would give the recruit a much more attractive picture to look at. A first sergeancy is within any man's power of atttainment; but a com-mission is out of the reach of everyone who has not received a fairly good education. Most recruits realize perfectly well that they never can attain a commission. So the fact that many men rise to commissions from the ranks is no special inducement to enlist, if the man who is considering that step is aware that his education is deficient. On the other hand, high pay for the best noncommissioned places could not fail to please a recruit, even if his education had been neglected. Everyone knows that many an uneducated man makes a prime first sergeant.

Mr. BORLAND. And yet the gentleman would exclude them from doing what they can do, to wit, the civilian labor around

the barracks and quarters?

Mr. GARDNER. I should, with limitations. Mr. BORLAND. Let us take this concrete example: We are being compelled now, under the enlargement of the Army, to enlarge most of the Army posts.

Mr. GARDNER. Yes. Mr. BORLAND. That involves the expansion of quarters and the building of roads, and a great many other things of that kind around Army posts. Now, does the gentleman think none of that labor should be done by the enlisted men under present

Mr. GARDNER. As little as possible.

Mr. BORLAND. I can hardly say that I agree to that. Mr. McKENZIE. Does the gentleman believe in the Army

as a place for vocational training?

Mr. GARDNER. Except on special lines, I am against it, as the Army is now constituted. I am possibly in favor of it in connection with compulsory universal training of the citizen; but even then, if it is adopted, I should want the training period extended far beyond anything now contemplated. For the regular soldier I believe in intensive training. I doubt whether he would care for it, however, at \$15 per month. He has not been getting enough training, and neither have our young line officers, in my opinion. You could get a great deal more intensive training if you had a shorter period of enlistment.

EXHIBIT A.

WAR DEPARTMENT, THE ADJUTANT GENERAL'S OFFICE, Washington, January 26, 1917.

Hon. A. P. GARDNER, House of Representatives

My DEAR MR. GARDNER: Referring to your letter of the 14th instant, in which you request to be furnished with certain information relative to the enlisted strength of the Army, I have the honor to advise you

as follows:

1. The actual enlisted strength of the eatire Regular Army on December 31, 1916, based on the best data now obtainable, is approximately 199,959, not including 5,549 calisted men of the Philippine

Scouts.

2. The statutory authorized enlisted strength of the entire Regular Army upon the passage of the joint resolution of March 17, 1916, was 126,956 men, which did not include the then authorized enlisted strength of 5,733 Philippine Scouts.

3 (a). The authorized enlisted strength of the entire Army for the fiscal year ending June 30, 1917, under the provisions of the national-defense act, is 133,133 men, not including the enlisted strength, 5,733, of the Philippine Scouts.

(b). The total number of enlisted men of the entire Regular Army for whom pay is provided for the fiscal year ending June 30, 1917, under the appropriation bid, is 115,200, which number does not include the enlisted strength of the Philippine Scouts, 5,733 men.

Very respectfully,

H. P. McCAIN, The Adjutant General.

EXHIBIT B.

WAR DEPARTMENT, THE ADJUTANT GENERAL'S OFFICE, Washington, January 26, 1917.

Hon. A. P. GARDNER, House of Representatives

Hon. A. P. Gardner,

House of Representatives.

My Dear Mr. Gardner: Referring to your letter of the 13th instant, in which you request to be furnished with certain information relative to the enlisted strength of the Regular Army, I have the honor to advise you as follows:

1. The actual enlisted strength of the line of the Regular Army on December 31, 1916, based on the best data now obtainable, was approximately 84,771 men.

2. The statutory authorized enlisted strength of the line of the Regular Army as provided by the joint resolution of March 17, 1916, was 103,294 men.

3 (a). The authorized enlisted strength of the line of the Regular Army for the fiscal year ending June 30, 1917, as provided by the national-defense act approved June 3, 1916 (first increment included), is 100,083 men.

The figures above given include the strength of the organizations of the line, viz, Infantry, Cavalry, Engineers, and Coast and Field Artillery; but do not include the strength of the miscellaneous organizations composed of men detached from the line, viz, guards at disciplinary barracks, disciplinary companies, recruit companies, school detachments, and unassigned recruits. Under the joint resolution of March 17, 1916, the total number of recruits authorized was 5 per cent of the total authorized enlisted strength of the line, while under the national-defense act it is 7 per cent.

(b). The total number of enlisted men of the line of the Regular Army for whom pay is provided for the fiscal year ending June 30, 1917, under the appropriation bill is 96,424. Included in this number are the men belonging to the miscellaneous organizations (guards at disciplinary barracks, disciplinary companies, recruit companies, unassigned recruits, and school detachments) composed of men detached from the line, but, as before stated, not included in the strength of the line given above.

Very respectfully,

H. P. McCain,

The Adjutant General.

H. P. McCain.
The Adjutant General.

Men.

## EXHIBIT C.

Total enlisted strength of Regular Army (excluding Philippine Scouts):
On June 30, 1914 (Rept. of Adjutant General U. S. A., 1914)
On Dec. 21, 1916 (letter of Adjutant General, U. S. A., to A. P. Galloner, M. C., Jan 26, 1917; see Exhibit A 87, 781

Increase in Regular Army since European war broke out, showing result of preparedness movement

EXHIBIT D.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 4, 1915.

Hon. A. P. GARDNER, House of Representatives.

House of Representatives.

Sin: In further response to your letter of the 27th ultimo, in which you request to be furnished with any information which would indicate the numbers of northern and southern soldiers who received pecuniary inducements to enlist, either in the form of national bounties, State bounties, or substitute money, and of the number of men who were drafted to serve as soldiers, the number who responded to the draft, and the number who furnished substitutes, I am directed by the Secretary of War to submit for your information the following statement:

SOLDIERS OF THE UNITED STATES ARMY-NATIONAL BOUNTIES,

In an estimate of the number of men to whom United States bounty has been paid from May 3, 1861, to the end of the war, printed in the final report of the Provost Marshal General (Ex. Doc. No. 1, House of Representatives, 39th Cong., 1st sess., vol. 4), the total number of such men is given as 1,722,690 and the total amount of bounty paid to them as \$300,223,500.

STATE AND LOCAL BOUNTIES.

This department has no data regarding State and local bounties prior to 1863. Such information as the department has been able to obtain from the State and local authorities on the subject is contained in the Official Records of the Union and Confederate Armies, series 111, volume 5, pages 740-749.

DRAFTED MEN AND SUBSTITUTES.

The records show that the number of men drafted from the States and Territories during the Civil War under the enrollment act of March 3, 1863, was 776,829, and that this number is accounted for as

Failed to report	161, 244
Discharged, quota fuil	46, 101
Discharged by order	47, 297
Exempted	315, 509
Furnished substitutes	73, 607
Paid commutation	86, 724
Held to service	46, 347

It appears from the above table that 73,607 substitutes were furnished by persons drafted in the Civil War, but no data are in the possession of the department showing the amounts paid to these sub-

SOLDIERS OF THE CONFEDERATE STATES ARMY.

Such information as is in the possession of the department in regard to bounties paid to Confederate soldiers has been published in the Official Records of the Union and Confederate Armies, series 4, volume 1, pages 825-827, 903, 944, and 1096; volume 2, page 205; volume 3, pages 184 and 1000. From what is there shown it appears that a bounty of \$50 was provided for in an act of the Confederate Congress, approved December 11, 1861, and that in another act approved February 17, 1864, it was provided that at the expiration of six months from April 1, 1864, a bounty of \$100 in 6 per cent Confederate Government bonds was to be paid to every enlisted man then in service, or, in case of his death previous to such payment, to his legal heirs.

The publications hereinbefore referred to are no doubt readily accessible to you in the Library of Congress.

Very respectfully,

Henry P. McCain,

The Adjutant General.

HENRY P. McCain, The Adjutant General. The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I reserve the balance of my time.
Mr. SHALLENBERGER. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. McKellar].

Mr. McKELLAR. Mr. Chairman, I am a sincere believer in peace. I am in no sense a militarist. At the same time I am not what is commonly called a pacifist. I believe in preparedness, but I believe in a safe and sane preparedness along lines of common sense, and not that kind of preparedness that comes

from fear or military hysteria.

At this time, when apparently we are on the very verge of war, I believe that we should all exercise the greatest conservatism in speech and action, for war is a serious thing, and our country should avoid it if given any honorable way to avoid it. For that reason I am not going to talk on the war situation except to say that I heartily indorse the action of the President in the submarine controversy with Germany, and I stand ready to uphold him and our country all along the line, in peace if we can, and in war if we must. There should be no hesitation and no faltering. We should all be simply unqualified, undiluted, and unterrified Americans. As much as I abhor war, there is but one thing worse, and that is the loss of our national selfrespect.

America has a unique position in the world. It is peculiarly situated and has tremendous natural advantages in the way of defense over any European nation, or any eastern nation. Our situation means that if we now or ever hereafter get into a war with any first-class power that it will be a war on the seas. Our Navy must be removed from the seas entirely before we will ever have any use for a land force. We might have 10,000,000 men thoroughly trained and under arms in this country, but we could not move them to any other continent unless we had control of the seas; and I mean by this, unless we had removed all our enemy's ships from the seas.

Under these circumstances, what is our manifest duty on the

subject of preparedness? Surely it is not that we should keep a tremendous standing Army on hand at all times at an incalculable cost, which Army we may nor we may not need, and

which we could only use in any event after our Navy had been swept from the seas. Under these circumstances, in my judgment, it is our manifest duty to build up and maintain the greatest Navy in the world. There are a number of reasons why this should be done. Among these are the following:

First. We have built the Panama Canal, and we are obliged

to protect it.

Second. We have a great number of island possessions, many of them several thousand miles from our borders, and whether it is a good policy to keep them or not, we are keeping them, and as long as we do keep them it is our duty to protect them.

Third. We have innumerable coast cities of the greatest wealth and large populations, which cities can best be protected

The Monroe doctrine is a part of our unwritten Constitution. It is to the best interest of our Nation that this doctrine be upheld and maintained. We would be powerless to uphold and maintain the Monroe doctrine unless

great Navy

Fifth. We have recently authorized the building of a great merchant marine for the purpose of building up our foreign Our private merchant marine has grown up to large proportions recently, and there is no reason why we can not resume our rightful position as ocean carriers; but in order to do so we will be obliged to have a great Navy to protect our merchantmen wherever they go and our citizens wherever they

Sixth. We are now committed to the doctrine of upholding the freedom of the seas.

These reasons are so manifest that it is hard to see how they

can be refuted.

Now, what is the condition of our present Navy? I am not an expert in these matters. I understand that at present we do not stand greater than third, Great Britain and Germany both coming ahead of us. However, last year we authorized 157 new war vessels, and I am informed that when the program of last year is completed our Navy will easily be second. After this war is over England, struggling under the greatest national indebtedness she has ever had, and Germany almost, if not wholly, in a condition of bankruptcy, will be unable to go forward with their naval program as heretofore.

On the other hand, the United States is vastly richer than

ever before, and she can keep up her present appropriations for our Navy for a generation if she so desires to do. There is no reason why we may not in the near future continue our building program until we have the largest Navy afloat, and, in my judgment, for the reasons above stated, it is our best and cheapest protection, and we should make it first at the earliest practicable

moment. [Applause.]

TO DISCUSS CONSCRIPTION.

But, Mr. Chairman, it is my purpose to-day to discuss only one phase of preparedness, and that is, Should the United States adopt a policy of universal conscripted military service in times

In approaching this subject I do so with some degree of diffidence in that I am not a professional military man. However, I am not without military training. For four years I was a cadet at a State military institution. For two years I served in the National Guard, and during my service in the House, now more than five years, I have been on the Military Affairs Committee, and in that capacity, taken in connection with my early military training, I feel I have learned something about the military affairs of our country, though in no sense do I claim to be an

CONSCRIPTION PROPAGANDA BORN OF THIS WAR.

Before the beginning of the present European war there were few men in this country, in the Army or out of it, who would hazard the opinion that the United States ought to adopt in times of peace a military conscription program. I use the word "conscription," for that is the real meaning of universal compulsory military training or service. We should not be misled by the use of words.

Since that war began the militarists have been constantly carrying on a propaganda for it, and many newspapers and other periodicals, and other citizens, and especially those from our large coast cities, have given wide publication to these

views, and frequently hearty indorsements to them.

In view of our history as a Republic, our Constitution and laws, the wars that we have waged, our protected geographical position, the wonderful adaptability of our people to meet all crises, the predominant belief of our people in personal liberty, our abhorrence of monarchy and militarism, our lack of incentive to wage wars of conquest, and over and above all, our jealous desire to preserve the integrity of our free institutions it is inconceivable to me how anyone inside or outside of the

Army, even under the stress of great military excitement, such as now exists in the United States and in most of the great nations of the world, could be apprehensive enough or unwise enough to desire to establish in our country a system of military conscription in times of peace. Conscription in times of peace is the dividing line between vassalage and freedom, between monarchy and free government, between autocracy and democracy, between the divine right of kings to govern others and the divine right of men to rule themselves. Wherever we find compulsory military service in times of peace we find castes and classes, we find centralized government in the hands of a few, we find either tyranny or revolution. In other words, we find everything that every true and patriotic American must abhor with all his soul, with all his mind, and with all his might, and with all his heart.

#### WHAT DOES COMPULSORY MILITARY SERVICE MEAN?

Compulsory military service means conscription pure and simple. Some militarists of more or less prominence say we should have an Army of at least 3,000,000 men, but preferably eight or nine millions, a portion with the colors and the other portion in reserve; but all ready to be mobilized at a moment's notice. Whom are we imitating if we adopt this plan? We are imitating Russia, Germany, Italy, Austria, Spain, France, and Japan. What are we doing when we agree to imitate them? We are saying that when our forefathers in 1776 and 1789 established a free government in this country they were mistaken; that when they brushed aside all examples of European Governments and started out on a theory that all men were born free and equal and have a right to govern themselves, they were mistaken; and that after 140 years of trial we must forsooth admit our Government has been a failure, and agree to go back to the autocratic and despotic governments of Europe for our guidance and say to them that we have been wrong for 140 years; that we now acknowledge it; and that we are going into a contest with you to see if we can not build up a greater military autocracy than you have ever done.

The militarists are not satisfied with anything less, so they say, than to have seasoned veterans equal to any seasoned veterans of any European nation that may be sent against us in any possible war. Why, Mr. Chairman, if we were to adopt this plan and create an Army in this country of 10,000,000, or even 3,000,000, men in times of peace, it would not be 25 years before this country would be ruled by the most despotic and autocratic militarism that any nation has seen in the history of the world. Even now, with a little Army of a little over 100,000 men, the militarists are seeking to take away the powers of Congress, they are disregarding the mandates of They are declaring that Congress is not capable of Congress. dealing with military subjects. They are losing sight of the first principle of military training-obedience to superior authority. Some of these gentlemen, and I am glad to say for the sake of our country they are few, are openly avowing the incompetency of Congress to deal with the military system of They are openly in rebellion to the higher constituted authority of Congress. They treat with contempt the mandates of Congress, and surely, if they are willing to do this when they have an Army of only 135,000 men, what must the plain people of this country expect when those men, or men who believe as they do, have control of an Army of 8,000,000 men, or even 3,000,000 men?

THE FORMER AND PRESENT CONTENTIONS OF THE MILITARISTS,

The militarists of this country before the outbreak of the European war were always claiming that a large standing army was an insurance against war and an assurance of peace. They were constantly citing the great military establishments of Germany, France, and Russia as being the most effective insurance against war. Of course, we all now know that these great military establishments instead of being an insurance against war were the causes of the greatest war that has ever been known among the children of men. If Germany had never had her great military establishment to back her she never would have declared war against France and Russia. If Russia had never had her great military establishment she would never have mobilized her forces on the German border. What has been the result of these military policies? Why, for example, if Germany should survive, or even if she were to gain all the territory there was in Europe, she would still be loser by reason of the loss of 3,000,000 of her young men, the loss of property, and the loss of her resources especially. Germany can not regain in 200 years what she has lost by this war, which, I believe, is the very result of her intolerable and inhumane system of militarism. The Savior of mankind once said:

For what profiteth a man if he shall gain the whole world and lose his own soul?

In the loss of 3,000,000 of her young men she has indeed already lost her soul. The same arguments apply with equal force, but in a lesser degree to the other nations of Europe hav-

ing relatively large standing armies.

So that, confronted with the obvious facts, our militaristic friends can no longer point to Germany, France, Austria, and Russia as the nations whose example we ought to follow in building up a great standing army to insure us against war. God forbid that this Nation, this great free Nation of ours, shall ever follow in the footsteps of European militarism. [Applause.1

THEIR PRESENT CONTENTION.

Their present contention is that while we should not follow the example of Germany and France and other militaristic Governments, yet, because at the end of the present European war our country will be the richest country in the world, as it already is, that it would be easy enough for a great nation like the German, with a great standing army, trained and seasoned, to send that army over here and take our country. I for one have no such fears. If Germany is able to retain her own integrity at the close of this war she will have done well. Her Government and her people will be more in debt than the people of any country ever before. They would be certainly unable, financially, to conduct a war for several generations, and the idea of our building up a great standing army in times of peace by means of conscription to prevent such an attack seems

However, in order to carry out their present views, there are some people in this country who believe, and perhaps very honestly believe, that it is our duty to have conscription in times of peace and create a great centralized standing army thereby They no longer point to Germany and France as furnishing the systems they would copy, but in order to more easily accomplish their purpose they have sugar-coated the provision by changing the term "conscription in times of peace" to "universal military service," and changing the term "military autocracy" to "democratic obligation of all persons to serve their country.

They at first told us we should copy the Swiss system of compulsory military service, but upon examination they found that that system was not just what they wanted, and then they veered off to the Australian system of conscription, which was just put into force in 1909 or 1910, and has never been tried. Recently, however, their ardor for the Australian system seems to have cooled, and the latest pronouncement was that our militaristic friends have concluded that we should adopt the military system of Argentina in South America! Is not it marvelous that we red-blooded Americans, that we fighting Americans of this great Republic-of this dominating Republic, of this greatest and strongest of all nations—should be called upon to follow in the military footsteps of a South American republic that has in effect neither army nor navy, and who but a short time ago emerged from the despair of revolution! If these suggestions did not come from such high sources, I should not even refer to them, but coming as they do I want to take them up. I have given them all some study, and I will take them up in their

THE SWISS MILITARY SYSTEM.

Our militaristic friends in talking about universal conscription formerly invariably suggested the Swiss military system of conscription as the one that we should pattern after. In doing this these gentlemen put themselves in one of two attitudes: Either they did not know what the Swiss military system was or they were not dealing frankly with the American Congress or the American people. There is not one of these gentlemen who would want our country to pattern after such a system as the Swiss system. The Swiss system is precisely the system these gentlemen do not want. They claim that they want a democratic system—one that where there is equality of service, and all are treated alike-rich men and poor men share the common lot. Class distinctions based on wealth or inheritance are for a time abolished, sharing the common service shoulder to shoulder, and so forth. But when they came to look into the Swiss system they found that it was too democratic, because the Swiss system not only conscripts the enlisted men without pay, but it conscripts the noncommissioned officers and commissioned officers without pay in times of peace.

Of course, if the militarists want absolute equality of burden and service, they can not complain if the Government conscripts

officers as well as the men.

I do not think that the Swiss system is suitable to our conditions or to our country. I do not believe that their system of conscription of officers is right, nor do I believe that their system of conscription of enlisted men is right. The officers of our Army ought to be paid and the men when they are employed

by the Government ought to be paid. And that is not all; you can depend upon it that they will be paid, whether they are brought into the Army by conscription or as volunteers. This Government will never take the services of its citizens without paying for those services. We might as well look that fact squarely in the face; and whenever we talk about raising an immense standing Army in times of peace by conscription without pay we are talking about a condition that will never exist in this country, and should never exist.

COST OF CONSCRIPTION.

If the country is to have this immense standing army that the If the country is to have this immense standing army that the militarists would force upon us by universal conscription, then it must be ready to pay the price of that army, and we can depend upon it that the price will never be less than it is at present—about \$1,000 a year for each average soldier. If we have an army of 3,000,000 men drafted into the service under a conscript military law it will cost us \$3,000,000,000 per year, and if we have 10,000,000 men it will cost us \$10,000,000,000 a year, a sum so fabulous that it would take all the earnings of the people excused from Army service to pay for such a system. But, they say, if you do not pay the conscripts the cost will be lessened. It would be lessened by one-sixth. Without pay an army of 3,000,000 would cost \$2,500,000,000.

THE BEGINNING AND DEVELOPMENT OF THE SWISS SYSTEM.

But I was talking about the Swiss system. Switzerland is a little country, not much larger than one of our States It is not much bigger than one county, is it?

Mr. McKELLAR (continuing). And not as large as some of them, exceedingly mountainous, having only about 3,000,000 people, and surrounded immediately by four powerful warlike nations-four nations that have conscript military service Germany, France, Italy, and Austria. This has been her situa-tion for generations. Military conscription in Switzerland has grown up by common consent rather than established by law. Their first compact was in 1393, and since that time, owing to their situation, they have felt that every person should be trained as a soldier. Conscript service was an actual condition before the law was passed providing for it. They have felt that they were obliged to train themselves in order to prevent the aggressive designs of their more powerful neighbors immediately surrounding them.

As a matter of fact, their present military system is patterned after that of the United States. The central government virtually has no standing army at all in times of peace. The Cantons, which are the same as our States, have, except in times of war or threatened war, authority over the military forces. The military instruction and equipment of troops are under the control of the central Government, just as our Government performs a like service for the State National Guard. The organizations under the control and supervision of the Cantons are precisely like our National Guard organizations under the control of the States. The Swiss system is in no sense a national one, except when called into service when war is imminent or when war has been declared. The system is

purely a confederative one.

The Swiss Government being poor, it was early found that they could not pay their troops, and, if they were to have an army at all, it must of necessity be a conscripted service. At present they have an army of some 200,000 in active service in times of war and 250,000 in a so-called-but paper-reserve: and yet they have only one general, and only have him in time of war. They pay that general \$3,650 a year when in actual service, and, substantially speaking, he is the only paid officer or man in the army. The entire expenditure of the Swiss Government for military service is only \$7,000,000 a year. In so far as the cost of subsistence and equipment is concerned, the average Swiss soldier costs his Government about \$30 a year. The average American soldier costs our Government over \$1,000 Think of our Army of 135,000 men with only one a year. general!

Mr. SMITH of Michigan rose.
Mr. McKELLAR. Will the gentleman excuse me for a moment, and I shall yield later. After I finish my main argument I shall be glad to yield.

It will thus be seen that not only is the Swiss system copied after our National Guard but the only distinguishing characteristic between it and ours is that Switzerland, being a poor country, the services of officers and men are taken by the Government without pay, while our country, being a rich country, takes the services of both officers and men with liberal pay.

It will be noted again that the distinguishing feature of both

systems is the concentration of military power in times of danger and the decentralization of military power in times of peace.

A truer military policy was never devised by man. The rock upon which the ship of a republican Government has always foundered in the past was the rock of centralized military

power in the nation in times of peace.

The result is, when taunted with the Swiss system, our reply is, We have the Swiss system. But they say that the Swiss system is more democratic than ours. If by that is meant that the officers and men are both placed upon an equality of service under conscription without pay, I say that is true; but when they say that in Switzerland all men have to serve, I say that is not correct. Even in Switzerland not over 25 per cent of the male population bear arms. There can be no such thing in Switzerland or any other country as universal conscription where each male as he arrives at a certain age is required to perform it.

In order for the Swiss system to be exactly like ours we would have to simply add but one small amendment to the national-defense act of June 3, 1916. This amendment is:

That hereafter all officers, noncommissioned and commissioned, and enlisted men shall be drafted into the service of the United States without pay, but with subsistence and equipment, under such rules and regulations as may be prescribed by the Secretary of War,

If our militaristic friends want democracy of service, equality of obligation of defense, and all the other isms that they have been putting forth lately, this simple amendment will give it to them, and their so-called democracy of service would be complete. Of course, they will not favor such an amendment, nor will I, because I believe that officers and men whose services are demanded by the Government should be paid for by the Government, and, to my mind, it is ridiculous to claim the con-

SWISS SYSTEM WHOLLY INADEQUATE.

Again, it is idle to talk about the Swiss system producing an effective army. They are conscripted for so many days for 12 years; or, in other words, between the ages of 20 and 32 years. The infantrymen are required to serve 65 days the first year and 11 days each year thereafter, or 186 days in all. The artillerymen are required to serve 75 days the first year and 11 days each year thereafter, or 196 days in all. The cavalrymen are required to serve 90 days the first year and 11 days each year thereafter, or 211 days in all. In other words, under this conscription system the soldier is trained a little over 6 months during a period of 12 years. I am not a military expert, but any military expert who tells me that you can make a seasoned, hardened soldier by training a man 6 months during a period of 12 years is only making himself ridiculous, and, in my judgment, a citizen thus trained would not be effective for any pur-Such soldiers are play soldiers. Such armies are toy armies. As compared with our National Guard system our men have to serve 576 hours in 3 years, while the Swiss guardsmen serve only 1,488 hours in 12 years.

In addition, the Swiss system has never really been tried except once, and it was then found wanting. Napoleon went through Switzerland like water through a sieve. time no other nation has ever invaded Switzerland, and I doubt if any has thought of doing so. No other country wants to. It is a mountainous country that offers no advantages to those seeking conquest. Expert Army officers in the United States, including many of those who are in favor of universal conscription, have frequently testified before the Committee on Military Affairs of the House that you can not make an infantryman in less than a year, and that other branches of the service require at least two years. So that we see the much-talked-of Swiss system is only, after all, a weak imitation of our National Guard and wholly unsuited to the military demands of our country and wholly inefficient to bring about a real defense to our

THE AUSTRALIAN SYSTEM.

For a while our militarist friends were greatly enamored of the Australian military system, and I have investigated that system somewhat and want to tell the House briefly about it.

The Australian system is so new that nobody knows what may come of it. It was only authorized in 1910. Australia has a little more than 4,000,000 people. Her territory is larger than the United States. It is an island, and has more coast than any other country. Her people are nearly all of British origin. It is virtually a white man's country, and in no place in the world, not even perhaps in the southern part of our own country, is the idea of a white man's country more prevalent than it is in Australia. They fear the Japanese very much, and in the last few years they have feared very greatly the growing power of Germany, and especially the menace that lay in Germany's building up a great naval armament. Their idea was that if Germany should at any time catch Great Britain where she could not use all of her sea forces against Germany that Aus- for anyone to understand what would be the effect of this pro-

tralia would be unprotected and that she would fall an easy prey to Germany. This, in addition to the Japanese menace, caused Australia a great fright, and for a number of years she has been considering various methods of protection and defense. She, of course, has no navy and neither has she an army. Doubtless, she has furnished a number of troops to Great Britain in the present war, but even now, substantially speaking, she has no real army. She has adopted a system of compulsory service or conscription which she believes will be of great good, and yet it is untried. It is hardly in working order yet, and instead of being a democratic measure it is the most undemocratic measure

that could possibly be imagined.

Senator Chamberlain has introduced a bill in the Senate which substantially carries the provisions of the Australian system, and in discussing the provisions of that bill, which I now propose to do, the Australian system will be explained. I understand this bill has been changed in some respects and reported

favorably. I have not seen the bill as reported.

THE CHAMBERLAIN BILL.

The Chamberlain bill, or Australian system, is quite a remarkable product. It takes every boy in the United States, upon his reaching the age of 12 years, except certain favored classes, and trains him at the expense of the United States Government for a period of 12 years, 6 years as a part of a cadet army and 6 years as a part of the citizen army. This bill would train the boys 90 hours a year for the first 6 years, and 120 hours a year for the next 6 years. This would mean but 6 months of actual training at 8 hours per day, scattered over a period of 12 years. If our Army officers' contention that you can not make a soldier in less than from one to two years is correct, then this training is wholly inadequate and probably would only be a farce.

But this is not the principal objection to this Australian sys-

tem. Attention only need be called to three exemptions from military service provided for in the bill that destroy the whole so-called democratic idea of conscript service. In the very first section of the bill it is provided, among other exemptions, the

following:

(a) Members of the permanent military or naval forces of the United States.

(b) Those excused by the President in the interest of the

public service by reason of employment therein.

(c) Temporary exemptions for periods not exceeding one year, and renewals from time to time will be granted to persons whose compelled attendance at the prescribed training would impose great hardships, either by reason of excessive distance or other cause, provided that the district commandant of each training district shall have the power to issue permanent and temporary certificates of exemption for the above-mentioned causes.

These three exemptions are so vicious as even to destroy the idea that the bill might be considered by a free people. militarists say: "Nothing could be more democratic than compulsory training or service, rich man and poor man alike sharing the common lot. Class distinctions based on wealth and inheritance for a time are absolutely lost." And yet, this bill at the very outset has a provision that exempts every boy who is or who may be so fortunate as to be a member of the permanent military or naval forces of the United States. There are two classes created by the bill, the patricians, or the governing class, and the plebelans, or serf class, the only object of which latter class is to be controlled by the ruling class. If we are to have compulsory service, it should be compulsory alike upon the officer and the man. It should not make fish of one and fowl of the other.

The next exemption offers a very wide field for abuse. It is doubtful whether any President that we might elect would so far forget himself as to allow abuses to arise in connection therewith, but at the same time it offers to the administration of each President the right to build up an unlimited favored class by the use of this power, unless such President be very careful.

The third exemption must be taken in connection with section

17 of the bill, which is as follows:

That each congressional district and the District of Columbia shall constitute a registration and training district, and in each of such districts units of the citizen cadet corps and of the citizen army shall be organized and trained, and for the purpose of registration, organization, and training each of said districts shall be under the charge of an officer of the Regular Army, designated for the purpose, who shall have an office permanently located in the district, and who shall be assisted by the necessary commissioned and enlisted personnel, and by such other assistants as are duly authorized herein as instructors for imparting the prescribed training.

Now, when this section is considered in connection with the third exemption, which provides that the commandant have unlimited power to issue permanent and temporary certificates of exemption for any cause, it requires but a most casual thought

There would be thousands of parents in each congresvision. sional district besieging the commandant to exempt their children from the provisions of this bill. All kinds of political influence would be brought to bear upon the commandant by powerful and influential parents to exempt their children from this act, and the immediate result would be, as every man acquainted with politics in this country knows, that an alliance would immediately be formed between the political leaders of each district and the commandant of the district, having for its object the mutual interest of the parties. The local party bosses would work with the commandant to secure two things: First, exemptions for favored parents, and, second, control of the local offices. The commandant would only want to be allowed to name the Congressman and Senators from such district and State, and within a short time after the establishment of such a system there would not be a Congressman in this House who would not bear the stamp of approval of the commandant of his district. The unlimited power to grant exemptions from military service would be a greater power and more effective political power than any ever exercised by a Roman proconsul in the days when the Roman Army was supreme and the Roman Republic was but a name.

Again, section 8 of the bill provides as follows:

That the training prescribed by this act for the citizen cadet corps and for the citizen army and citizen navy may be given in public and private schools, academies, colleges, and universities, in the Organized Militia or Navai Militia of the several States, in organizations of the Boy Scouts or similar organizations, provided that it conforms to the prescribed training for the corresponding years, is of equal annual duration, and is so certified by the district commandant of the district in which such instruction is imparted.

This section divides the citizen cadet corps and the citizen army into two classes, the poor and the rich. The rich who can have their children attend public and private schools, academies, colleges, and universities form one class; the other class are those who are not thus able to be educated, and the latter class, if they do not attend, are arrested and forced to do so with this humane proviso of section 15 of the bill:

That the total duration of confinement of a person in respect to offenses committed in any one year or of costs awarded in proceedings for such offenses shall not exceed 60 days.

In other words the rich would get their children exempted by sending them to the necessary school. The poor would turn their children over to the military authorities or see them sent to jail.

It seems to me that I need not further discuss the provisions of this bill. There are other provisions quite as vicious. It is opposed to every American principle of government. I can not conceive of a military system more undemocratic, more antagonistic to the customs and traditions of our people, or more fraught with danger to the Government itself than this kind of a universal training.

The military commandant of congressional districts would become the proconsuls of the military leaders here in Washington and altogether the militarists would rule this country with a rod of iron. We would have elections, perhaps, just as before, but the political bosses in each congressional district would flock to the standard of the commandant, and no official, either State or National, could be elected without the consent of this military commandant stationed in that congressional district under the provisions of this bill.

Again it would precipitate the race issue in the South and in the far West, because under the provisions of the bill the Negro, the Japanese, and the Chinese would all be trained shoulder to shoulder with the whites. The negro boys and the white boys would serve in the same companies, wear the same clothes, eat at the same tables. To that extent, at least, it might be claimed by those who are partial to the colored races that the bill was democratic.

I next come to the Argentina system, which seems to be the

latest fad of the militarists.

# THE ARGENTINE SYSTEM.

I quote the following excerpts and statements from a recent history of Argentina:

After a half century, following the 25th of May, 1910, the history of Argentina has a record of wars, revolutions, and other disturbances. It was the unavoidable conflict between centralizationists and autonomists, between military and civil principles of government. (Winter's History of Argentina, p. 321.)

In 1880 they had a great revolution. There was another considerable revolution in 1905 (p. 358), and quite a number of lesser ones in the meantime.

Mr. Winter, on page 400 of his book, says:

It is a mistaken view to think that Argentina is governed by revolu-tion alone. It is true that in the past quarter of a century there have been three more or less serious revolutions, as well as minor disturb-

ances. Two presidents were compelled to resign by these malcontents. As a rule little blood was shed and it was simply their method of introducing a change.

From these it would seem that Argentina, a country more than one-third as large as the United States in territory, and having some seven or eight million people, is a country that has been beset all its life with revolutions. Naturally, it is a very rich country, and but for the revolutions no doubt it would have grown much faster than it has.

It has not now, and never has had, a national army that could insure the Government against the success of the revolutionists. It has a standing army of only 5,000 men, and it has an addi-

tional so-called compulsory service army of about 18,000 more.

It has in name a compulsory military service. A recent history of the Republic by Mr. Fraser has this statement on page 81:

There is a compulsory military service. The period of continuous training does not exceed one year, and this only in the case of a proportion of the annual contingent. The others are released after a three months' drill. With varying periods of training every Argentine from the age of 22 to 45 is liable to be called upon to defend his country. Though years may pass without any call to attend military drill, every man in the country must learn to shoot.

As stated above, the standing army of Argentina consists of 5,000 professional soldiers. To this is added 18,000 picked conscripted men, making an army of 23,000 men. Then they have a reserve composed of classes between 21 and 30. The militarists of the United States, who are trying to fasten the Argentine system on us, tell us, in a recent article in World's Work, "that in an emergency Argentina can mobilize 180,000 soldiers," As a matter of fact, their army is simply an army on paper. The entire appropriation for military purposes in 1914 was \$13,065,000. The law has been in force only a few years and nobody knows whether it is successful or unsuccessful. They have not had a revolution down there in several years, and the question is still undetermined until the next revolution. As is usual in revolutions in South America, it will be found that about one half of the army is on one side and the other half on the other side when the revolution comes. All the fit men of military age enter training, but after a general training of three months they choose a small percentage by lot to go into the Army.

I am just a little in the dark as to why our militaristic friends desire that the United States should copy a military system of a South American Republic that has in substance no military system except that of revolution. Whether such a system has been suggested in humor or not I am unable to say. Doubtless, however, some of our militaristic friends are inclined to be humorous, and have suggested this system in a spirit of fun. Surely no serious-minded man who knows what kind of a military system they have in Argentina would want the United States to copy such a system. In saying this I do not reflect upon Argentina as a nation. It has the making of a great nation if it ever gets out of the hands of the militarists and revolutionists. Her militarists and revolutionists go hand in hand, and have done more to keep back the progress of that country than all else combined. In the years to come I hope she will get out of the hands of the militarists and revolutionists and take her rightful place among the great nations.

# WHAT IS A PROPER MILITARY SYSTEM FOR THE UNITED STATES?

Not even our militaristic friends now claim that we ought to pattern after the military systems of Germany, France, and Russia, which systems, as all men know, have brought such horrible disaster to those three countries in the last three years.

It will be seen from what has been said by me as to the Swiss, Australian, and Argentine systems that it would not do Swiss, Australian, and Argentine systems that it would not do for a great Nation like ours to copy after those systems. The question then arises, What is a proper military system for the United States? My answer to that question is that we should retain our present system. It is a system instituted by the fathers of the Republic. It is a system that has carried us safely through five wars. It is a system under which we have never tasted defeat. It is a system centralized in times of war or the imminence of war when the country is in danger, and after the danger is passed it at once becomes decentralized. is the system that is in harmony with the history, traditions, and customs of our people. It is a system that gives us protection, and at the same time it is not a menace to our republican institutions. It is truly and purely an American system, and I for one believe with all my heart, with all my soul, and with all my strength that a truly American system is better than German militarism; it is better than Swiss inefficiency; it is better than Australian negativeness; and infinitely better than the systems of South American revolutionism.

As an American citizen, I am proud of our military system and I want to see it built up and made more efficient, so that it will ever be ready to protect America's interests and in times

of peace forever incapable of threatening the integrity of the American Republic.

This system has reached its best stage under the operation of the national-defense act of June 3, 1916. By that act the military forces of our country can be centralized and mobilized upon a week's notice, if the officers of the Regular Establishment are efficient, and constitute an effective defense force. Under it we have a standing army now of 135,000 men. It can be expanded to 225,000 men. We have appropriated money for 135,000 this year. In addition to that, we have a National Guard of 158,000 men. It can be expanded to 400,000 men. This National Guard has just been through a splendid military training on the Mexican border. The two together give us now an effective military force of 293,000 men, and the President has the right under this act to conscript in times of war or threatened war enough men to fill up all National Guard organizations to full strength.

In addition to the above we have rifles and rifle ammunition, field guns and field-gun ammunition, Coast Artillery and coastartillery ammunition, aircraft and air rifles and ammunition, to equip almost instantly an army of 1,000,000 men, and we have made immense appropriations last year and this year for the purpose of adding to our reserve of arms, ammunition, equip-

ment, and supplies all along the line.

At the same time we are building up a reserve for both the Regular Army and the National Guard. We have doubled the capacity of West Point and Annapolis. We are training every year about 30,000 young men in the land-grant colleges and furnish them with all the paraphernalia with which to make Under the national-defense act we have provided a soldiers. Under the national-defense act we have provided a Reserve Officers' Corps in the various schools, colleges, and universities of our country, and it is expected that there will not be less than 50,000 students trained for officers in these various institutions. We have appropriated \$4,385,000 for this purpose in this year's bill. Under the national-defense act the number of students thus trained should at an early time be increased to not less than 200,000 a year.

Again, we are appropriating \$2,500,000 for civilian training camps, and it is claimed that there will be not less than 50,000

men trained in these camps.

Again, we are appropriating \$2,300,000 for target practice and rifle ranges to teach the young men of the country how to

It will thus be seen that the national-defense act of June 3, 1916, provides for the training of not less than 160,000 of the National Guard, of 50,000 in the Officers' Reserve Corps, of 30,000 young men in the agricultural colleges, and 50,000 in the training camps. In all our Government is now providing for the training each year of 290,000 men. It is only claimed that 400,000 can be trained by conscription. (Gen. Scott, p. 793.)

We are training these men on a volunteer basis. The men who take the training are so situated as to their finances, their dependent families, their employment, their methods and habits of life, that they can thus be trained with least interference to their business pursuits, and surely the annual training of this large number of men will produce in this country within a short time a body of trained military men that will be sufficient to protect our country against any invasion which may come anywhere it comes from.

In 10 years under this system we will have in this country not less than 2,900,000 trained young men to serve their country in

case of need.

In addition to all this we still have the law providing for the call for volunteers, and in a case of necessity these volunteers may be called upon at any time and would come, no doubt, for the most part from these men who have been thus trained in our schools, colleges, and in our military training

In my humble judgment, this system of military training is the very best and most effective training that this country of ours could have, and I am opposed to any change in it, except to build it up and make it stronger and better and more efficient. As an amendment to it I have a bill now reported out from the Committee on Military Affairs, providing for the establishment of national military academies in each State in the

In this connection I want to urge my militaristic friends to leave off complaining of our military system and abusing it, but to join all patriotic citizens in saying a good word for it, and building it up and making it more efficient as the years go by for our common good and protection, at the same time seeing to it that our system shall never become so centralized as to menace the integrity of our Republic.

THE NATIONAL GUARD,

I can not close these remarks without having a few words to say about the National Guard. The national-defense act of June 3, 1916, went into effect a few days before the National Guard was called out. That law provided for pay to the National Guard and was intended to make it, and, in my judgment, does make it, an effective national force. Although it was called out immediately after the passage of the act, the success of the call has been remarkable. In a reasonable time, and, indeed, a shorter time than could have been expected, 158,000 of the National Guard was mobilized on the Mexican border. Up to the time that the National Guard was called to the border there had been frequent incursions upon the part of Mexicans into Texas. While the Regular Army was stationed on the border we had the unfortunate raid upon Columbus. Mex., and afterwards came the unfortunate episodes of Parral and Carrizal; but after the National Guard was stationed on the border there was no further trouble. The Mexicans came no more, and now for nearly eight months the National Guard, or a very large portion of it, has been busily engaged in defending the border and in training to make themselves more efficient soldiers.

Notwithstanding the perfect service which they have given, notwithstanding their long and arduous training, notwithstanding their being taken away from their ordinary occupations and deprived of their positions in many cases, these patriotic men have stuck steadfastly to their duty, and in my judgment have

rendered to their country a service which every patriotic American citizen should commend and applaud.

However, notwithstanding the fact that the mobilization of the National Guard on the border has been an entire success and has accomplished effectually the purpose for which they were sent there, still our militaristic friends, and I regret to say some of these are in the Regular Army, having made up their minds before the passage of the national-defense act that the National Guard should not be made a national force, have constantly undertaken to find fault with the guard and to criticize it in every conceivable way, and some have gone even so far as to say that it has been a failure. A partially anonymous report was gotten up which casts reflections upon the entire National Guard. In this report, or by whom it was made, or to what organizations it refers, the report itself does not show, mention is made of a number of criticisms of the National Guard. Some of the more important of these criticisms are as follows:

1. The mobilization was not quick enough.

2. That all of the organizations were not up to peace strength

3. That recruiting was not active enough.

4. There were changes in the points of mobilization after the President's call.

5. There were mistakes made about mobilization camp sites. 6. That the shipments of reserve supplies to mobilization points were not carried on as it should have been.

7. That many of the men did not have clothing, shoes, and extra clothing for the surplus kits.

8. That they did not have the necessary equipment.
9. The transportation was not up to the standard.

10. The necessary horses were not furnished.

Now, it will be seen that each of the foregoing criticisms are really to be directed to the Regular Army organization, because the Regular Army organization under the national-defense act had control of all these matters.

On the other hand, there were some criticisms made that are

proper criticisms of the National Guard: 1. The failure of a small part to take the oath as required

by law. 2. A great many of the guard were found physically defective

and were discharged.

3. Some few of the National Guard failed to respond to the call. 4. Some sought discharges from service on account of de-

pendent relatives and other causes.

5. Some sought discharges on account of being students in educational institutions.

6. Some sought discharges because they were Government employees

7. Lack of training.

8. Recruiting.

It will thus be seen that to those who are inclined to be critical the mobilization of the National Guard on the border may be criticized. Some of these criticisms apply to the National Guard. Some of them apply just as strongly to the Regular Army. I have no doubt that taken as a whole it has tried to do its full measure of duty on the border. I believe that the same is true of the National Guard.

To illustrate: They claim that there has been difficulty in recruiting the National Guard, and yet, it is admitted, they have the same trouble in recruiting the Regular Army. It is claimed that they have desertions from the National Guard, but the remarkable fact is the desertions from the National Guard as compared to the desertions from the Regular Army in the same period of time were many less.

All these criticisms about the National Guard not being "first-line" troops are unjustified. The Regular Army men have never been "first-line" troops yet. They have had no more experience as "first-line" troops than the National Guard, and no one knows until they are tested on that "first line" which will make the heat. I have no doubt that will make the best. I have no doubt that whenever it comes, should it ever be so unfortunate for either body of troops to be put on the "first line," they will conduct themselves in a manner befitting the American soldier, and both organizations will make real fact line coldiers.

make real first-line soldiers.

Gentlemen of the committee, we settled our military policy on June 3, 1916. It will not be changed in your day or mine, but, of course, it will be modified from time to time as may be found necessary. It is the very best policy of which this country is capable. That it will be a successful policy in the event of trouble I have no doubt. Under it we can train as many men as it is claimed we can under the so-called military service plan, as heretofore pointed out by me, and I trust that in the future our Army officers, our newspapers, our magazines, and all patri-otic American citizens will be willing to stand by this truly American system and give it their loyal, unwavering, and enthusiastic support, and when that is done we can rest assured that the American armies will continue to have that marvelous success in the future that they have always had in the past

Mr. SANFORD. Will the gentleman yield for a question?
Mr. McKELLAR. Yes.
Mr. SANFORD. I have a great deal of confidence in the gentleman's judgment, and I want to ask him if there is any officer of the Military Establishment that came before the gentleman's committee, either at this or the last session, that assures the gentleman's confidence in reference to the reliability of our present system?

Mr. McKELLAR. I want to say this about it, and I am glad

the gentleman asked the question-

Mr. SANFORD. I want the information.

Mr. McKELLAR. I will give you the information. You take the politicians of the Army, the swivel-chair soldiers, you take the after-dinner calamity howlers, you take the dress-parade gentlemen, in the Army and out of the Army, and they all want a greater dress-parade Army, and they hope to secure it through the way of universal service. Here is what the Secretary of War said before our committee recently, in substance, namely, that he had heard absolutely no criticism of the National Guard from any officer of the Regular Army who was down on the border with troops. Think of it. There was not a scintilla of criticism.

Mr. SHALLENBERGER. Actually serving with troops.

Mr. McKELLAR. Actually serving with troops. The men who were there, the men who know how to fight, the men on whom this country has to depend when it comes to trouble, make no criticism of the National Guard. They tell you that the National Guard system is a splendid organization. They do not make any complaint of it. But the gentlemen who sit back at home in the offices and at the desks find it easy enough to

Mr. SANFORD. I want the gentleman to answer my question one way or the other. I do not want the gentleman to think

that he has answered it.

Mr. McKELLAR. If I have not done so, I shall be glad to

Mr. SANFORD. I want to ask if there was any officer of the Military Establishment who has been before the gentleman's -and the committee had the right to call all kindseither at this or last session, that assured the gentleman's confidence in reference to our present system under the National Guard?

Mr. McKELLAR. The only one I recall is Gen. Mann. He said the National Guard had not had a fair trial. We know our office men here. They are all in favor of universal service;

but only a very few of them thus testified before our committee.

Mr. SHALLENBERGER. Gen. Mann was asked if he was willing to say that the system was a failure, and he said that he thought that, considering the fact that there had been no real trial under this system-and I am referring to the National Guard under the national-defense act-he could not say, inas-

much as the system had not been tried yet. That is the substance of it.

Mr. SANFORD. They were universal in condemning it in advance?

Mr. KAHN. If the gentleman will permit me, Gen. Mann said that in his opinion the National Guard as provided for in the national defense act had not been given a fair trial.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Can anybody who has some time give me Mr. McKELLAR. five minutes more?

Mr. DENT. I yield to the gentleman five minutes. The CHAIRMAN. The gentleman from Tennessee is recog-

nized for five minutes more

Mr. EMERSON. Mr. Chairman, will the gentleman yield? Mr. McKELLAR. In a moment. Some of these officers do say the National Guard has been a failure. They said that before the defense act of 1916 was passed, and their testimony shows that they are simply holding to their former opinions. Let me say in regard to that, in conclusion, that there is no real proof of any such fact. The National Guard has done everything in the world that could be expected of them. They have done everything that has been required of them. all remember the episode at Columbus, N. Mex.; our National Guard was not there. You all remember the episode at Parral; the National Guard was not there. You all remember the episode at Carrizal; the National Guard was not there. You will remember that before the National Guard was sent to the border there were depredations on the part of Mexicans almost every day or week, but have you heard of any depredations since that National Guard has been there? Not one. They have measured up to everything that was expected of them. They have conducted themselves in such a way down there that in my judgment they have earned the commendation and praise of every fair-minded man in this country for the service that they have done.

Mr. EMERSON. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield

to the gentleman from Ohio?

Mr. McKELLAR. Yes. Mr. EMERSON. You do not charge the affair at Carrizal to.

the Regular Army?

Mr. McKELLAR. No; I do not. It was an unfortunate episode. These things will occur. It might have occurred with the National Guard, but it did not. I am not charging the Regular Army or the National Guard with any derelictions. They are both splendid organizations of men, and I believe that whenever they have a real fight, they will not be found wanting. I say it is the duty of Congress to stand behind these men in the field, to build them up, to make them more efficient, whether they are in the Regular Army or in the National Guard; to build them up along the plans that we have now. I do not believe in criticising them or either of them, and especially at this juncture of our history. I am for a more efficient Army. I would get rid of all this bickering about the Regular Army on the one side, or the National Guard on the other. No patriotic official or officer ought to indulge in such criticism. I think we ought to get rid of it in the Army. I think we ought to get rid of it outside of the Army. We ought to come to the conclusion that there is but one system of militarism in this country, and that is the one that was established by our forefathers, and that one we will stand by and uphold.

Mr. KREIDER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. McKELLAR. I yield to the gentleman. Mr. KREIDER. I want to ask the gentleman a question for information.

Mr. McKELLAR. I yield to the gentleman. Mr. KREIDER. In reference to the Swiss system, which has been referred to so often, do I understand the gentleman correctly to say that the Swiss system provides for only 60 days' training?

Mr. McKELLAR. Sixty-five days training the first year and 11 days thereafter for the infantry, 75 days for the cavalry, and

90 days for the artillery during a period of 12 years, Mr. KAHN. The 65 days is only for the infantry? Mr. McKELLAR. Yes; 65 days the first year for the infantry, 75 days for the cavalry, and 90 days for the artillery, and 11 days thereafter each year. It is not anything like the amount of training that is given in the National Guard of your own country. When men talk about the Swiss system being a more efficient system than ours they do not know what they are talking about.

Mr. KREIDER. The 65 days' training is given at the age of

Mr. McKELLAR. They get 65 days' training the first year and then thereafter 11 days.

Mr. KREIDER. For how many years?

Mr. McKELLAR. Eleven more years; 12 years in all; and then they do not drill any more.

Mr. KREIDER. Do they have colleges or anything similar to our Military Academy at West Point to train their officers?

Mr. McKELLAR. They have some military schools, of course, but they are not of any great consequence.

Mr. GORDON. It would not be correct to say that that is all

the training. They have some training at schools.

Mr. McKellar. Yes. They have some military schools. Mr. GORDON. No; I mean in their public schools. Furthermore, the Swiss constitution contains an absolute prohibition against a standing army.

Mr. McKELLAR. Yes; absolutely. But before I close, Mr. Chairman, I desire to add another word about the National Guard.

In closing I desire to quote the words of Secretary Baker on this subject before the Military Affairs Committee of the House:

Secretary Baker. I think that the call to the border coming inopportunely, so far as the transition from Organized Militia to National Guard is concerned, has enormously strengthened the National Guard both in its personnel, in its fitness as soldiers, and in its esprit de corps, and I look for very great improvement in the National Guard as a result. (Hearings, p. 725.)

And again:

Secretary Baker. So far as I know, Senator, no ranking officer who is actually in control of those troops on the border or concerned in their conduct there has made no such criticism.

Mr. McKellar. I am glad to know that. (Hearings, p. 718.)

I am proud of the fact that the real soldiers in the American Army, that the officers who were with the troops in the field, who know the National Guard, have not joined in this condemnation of the guard, and that the only criticisms that come from officers of the Army come from those officers who are far removed from the scenes of any impending conflict, and for the most part are men who have never seen, and who will probably never see, the smoke of battle. Swivel-chair soldiers, political soldiers are ever most critical of those who serve on the fighting

The criticisms come, for the most part, from that class of men whom we always have to relegate to the rear when a real conflict comes, the political soldiers, the Miss Nancys in uniforms, the after-dinner calamity howlers, the common scolds of the Army and Navy, the military old maids who see a dozen mice under every strange military bed-these we always have with us except in times of war. But red-blooded Americans need not mind them. Thank God, these fearful ones are few, and when the real conflict comes they all disappear until the war is over, when real men have more time to listen to their carpings. They even criticize those who have fought all our wars from the Revolutionary War down to the Spanish War.

Ah, my friends, it is easy enough years after the event to talk about what an army might have done or what it might not have It is easy enough to point out mistakes that have been made, but what we look to and what the world looks to is success. And I say that the American Army has never met a defeat and never will, in my judgment. [Applause.]

Mr. DENT. I yield one minute to the gentleman from Ohio

[Mr. GORDON

Mr. GORDON. Mr. Chairman, I simply ask leave to extend my remarks in the Record by inserting some correspondence which I received from Gen. Crozier and from a gentleman by the name Alifas, on the subject of the time study and premiumpayment proposition which is involved in this bill, and also the testimony before our committee on that subject. If I can obtain the time later, I will address the House on the question.

The CHAIRMAN. The gentleman asks leave to extend his remarks in the manner indicated. Is there objection?

There was no objection.
Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and had come to no resolution thereon.

## LEAVE OF ABSENCE.

By unanimous consent, leave was granted to Mr. Blackmon, indefinitely, on account of sickness in his family.

#### EXCUSED FROM ROLL CALLS.

Mr. McKELLAR. Mr. Speaker, I was here practically all day yesterday, as I have been during this session of Congress. Late yesterday afternoon I went over to Baltimore to act as best man for a friend of mine, Dr. McKinney, of Memphis, who married there last night. It is one of those services that every gentleman likes to perform for a friend when possible. There was nothing going on in the House when I left that would indicate there would be an all-night session. While I was away last night a point of no quorum was made in the House, and there were six roll calls before midnight. I was paired with Mr. Crago, of Pennsylvania, who was present and did not vote; but there was a misunderstanding about his asking that I be

I want to ask of the House unanimous consent that I be excused from the several roll calls under the circumstances, nunc pro tunc.

The SPEAKER. The gentleman asks unanimous consent to be excused nunc pro tunc as of the roll calls of yesterday. Is there objection?

There was no objection.

Mr. SAUNDERS. Mr. Speaker, I would like to make a request to be excused nunc pro tunc. I accepted an invitation to make an address on the Government shipping bill, and in discharge of the acceptance of that invitation I was unavoidably absent yesterday afternoon and thereby missed several roll calls. I prefer the same request that was made by the gentleman from Tennessee [Mr. McKellar].

The SPEAKER. Without objection, the request is granted.

There was no objection.

# HOUR OF MEETING TO-MORBOW.

Mr. KITCHIN. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

# ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, February 16, 1917, at 11 o'clock a. m.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for inclusion in the general deficiency bill (H. Doc. No. 2057); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor, submitting estimates of appropriations on account of the United States Employees' Compensation Commission for the fiscal year ending June 30, 1918 (H. Doc. No. 2058); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation in the sum of \$60,000 for metal storage stacks required in the General Land Office Building (H. Doc. No. 2059); to the Committee on Appropria-

tions and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting additional estimates of appropriations required by the War Department for the service of the fiscal year 1917 (H. Doc. No. 2060); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the Federal Trade Commission, submitting an estimate of appropriation to cover an investigation into the production, ownership, manufacture, storage, and distribution of foodstuffs (H. Doc. No. 2061); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for the relief of John Brodie (H. Doc. No. 2062); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 20828) to regulate the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, or threat-ened disturbance of the international relations of the United States, reported the same without amendment, accompanied by a report (No. 1496), which said bill and report were referred to

a report (No. 1496), which said bill and report were referred to the House Calendar.

Mr. RAGSDALE, from the Committee on Foreign Affairs, to which was referred the bill (S. 3680) to authorize the payment of indemnities to the Governments of Austria-Hungary, Greece, and Turkey for injuries inflicted on their nationals during riots occurring in South Omaha, Nebr., February 21, 1909, reported the same without amendment, accompanied by a report (No. 1497), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (S. 391) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined post-marking and stamp-canceling hand-stamp patents, or otherwise, reported the same with amendment, accompanied by a report (No. 1498), which said bill and report were referred to the Private Calendar.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19155) granting a pension to James Besheres; Committee on Invalid Pensions, discharged, and referred to the Committee on Pensions.

A bill (H. R. 19469) granting a pension to Alvin Jackson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20040) to amend the irrigation act of March 3, 1891 (26 Stats., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., 404); Committee on Irrigation of Arid Lands discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 20907) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; Committee on the Judiciary discharged, and referred to the Committee on Interstate and Foreign Commerce.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREENE of Vermont: A bill (H. R. 20018) for the relief of the State of Vermont; to the Committee on the Judi-

By Mr. EAGAN: A bill (H. B. 20919) authorizing the Secretary of War to deliver to the town of Union, Hudson County, State of New Jersey, two condemned bronze or brass cannon, with carriage and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 20920) authorizing the Secretary of War to deliver to the town of West Hoboken, Hudson County, State of New Jersey, two condemned bronze or brass cannon, with carriage and suitable outfit of cannon balls; to the Committee on Military Affairs

By Mr. HENSLEY (by request): Resolution (H. Res. 507) providing for a referendum vote on a declaration of war; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Commonwealth of Massa chusetts, supporting the President and the Congress of the United States in whatsoever action he or it may take to pre-Serve the dignity, honor, and safety of our country; to the Committee on the Judiciary.

By Mr. CURRY: Memorial of the Legislature of the State of California, favoring the preservation of the cabin of Galen

Clark, the discoverer of the Mariposa big trees; to the Committee on the Public Lands.

By Mr. GARDNER: Memorial of the Legislature of the State of Massachusetts, indorsing the stand taken by the President of the United States in the present international crisis; to the Committee on Foreign Affairs.

# PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 20921) for the relief of James Hilliard; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 20922) granting an increase of pension to Mrs. Sidney E. Collins; to the Committee on Pensions.

By Mr. COADY: A bill (H. R. 20923) granting a pension to Marmaduke R. Goodman; to the Committee on Invalid Pen-

By Mr. COPLEY: A bill (H. R. 20924) for the relief of

Charles O. Berg; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 20925) granting an increase of pension to George C. Elliott; to the Committee on Invalid Pensions

By Mr. HOLLINGSWORTH: A bill (H. R. 20026) granting an increase of pension to Benjamin Vanfossen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20927) granting an increase of pension to John W. Vanfossen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20928) granting an increase of pension to

Alonzo M. Hobbs; to the Committee on Invalid Pensions. By Mr. KEY of Ohio: A bill (H. R. 20929) granting a pension

to Jesse M. Gilliland; to the Committee on Pensions.

Also, a bill (H. R. 20930) granting an increase of pension to

Bateman Zoll; to the Committee on Invalid Pensions. By Mr. PHELAN: A bill (H. R. 20931) granting an increase of pension to Freeman W. Waitt; to the Committee on Pensions, By Mr. TAYLOR of Colorado: A bill (H. R. 20932) for the

relief of Henry C. Hickman; to the Committee on Claims. By Mr. WATSON of Pennsylvania: A bill (H. R. 20933) granting an increase of pension to Pearl Gertrude George; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20934) granting an increase of pension to Eli House; to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 8051,

for special relief of Fred Tish; to the Committee on Pensions. By Mr. BURKE: Petition of George W. H. vos Burgh and 12 other citizens of the city of Columbus, Wis., asking for the passage of House bill 20080, to give effect to the treaty between this country and Canada for the protection of migratory birds; to the Committee on Foreign Affairs.

By Mr. BYRNS of Tennessee: Papers accompanying House bill 20922, for an increase of pension for Mrs. Sidney E. Collins: to the Committee on Pensions.

By Mr. CARLIN: Petition of 26 citizens of Catlett, Va., favoring a Christian amendment to the Constitution of the United

States; to the Committee on the Judiciary.

By Mr. CARY: Telegrams from the Vilter Manufacturing
Co.; Roundy, Peckam & Dexter Co.; F. Moyer Boot & Shoe
Co.; J. H. Rice & Friedman Co.; Charles A. Clark, chairman Co.; J. H. Rice & Friedman Co.; Charles A. Clark, chairman banking committee of Credit Men's Association; National Enameling & Stamp Co.; Pabst Brewing Co.; F. L. Weyenberg, presieling & Stamp Co.; Pabst Brewing Co.; F. L. Weyenberg, president Weyenberg Shoe Manufacturing Co.; George Ziegler Co.; Rauswer Leavens & Kissinger Co.; Sidenberg & Hays; Phoenix Knitting Works; Richard M. Merowitz; A. C. Jaudell; Russia Fur & Tanning Co.; Geodyear Rubber Co.; Gender Paeschke & Frey Co.; Frank G. Smith, president Milwaukee Credit Men's Association; W. F. Rediske; and the Gem Hammock & Fly Net Co., all of Milwaukee, Wis., protesting against passage of the Kitchin bill, which restores the old system of charges on collecting checks; to the Committee on Ranking and Correctors. lecting checks; to the Committee on Banking and Currency.

By Mr. DALE of New York: Petition of employees of the Post Office Department, urging the passage of House bill 17806, and reclassification bill, Senate bill 7193; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Memorial of sundry citizens of the city of St. Louis, Mo., commending the act of the President in severing dip-lomatic relations with Germany; to the Committee on Foreign

By Mr. EAGAN: Memorial of the Union League Club, of the city of New York, indorsing recent act of the President of the United States in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of T. K. Rowen, of Ocean Grove, N. J., favoring national prohibition; to the Committee on the Judiclary.

Also, petition of Christadelphians, praying for exemption from all forms of military service; to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., approving recent act of the President of the United States in severing relations with Germany; to the Committee on Foreign Affairs

By Mr. ELSTON: Petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prohibit the manufacture and sale of alcoholic liquor in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prevent advertising of, and soliciting for, sale of alcoholic liquor by mail in prohibition territory; to the Committee on the Judiciary.

By Mr. FULLER: Memorial adopted at a mass meeting of

organized labor protesting against war and asking a referendum vote before war is declared by Congress; to the Committee on Foreign Affairs.

Also, petition of 54 people of the Woman's Christian Temperance Union of Genoa, Ill., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Commercial Exchange of Philadelphia, indorsing the action of the President in severing diplomatic re-Iations with Germany; to the Committee on Foreign Affairs. By Mr. GALLIVAN: Memorial of the Lawrence Chamber of

Commerce, relative to the separation of the Long Island Sound steamships from the control of the New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Dorchester and Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boston, Haverhill, and Newton, all in the State of Massachusetts, urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, memorial of the New York Association for the Protection of Game, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. GARDNER: Memorial adopted by the Union League Club of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of William F. Eldredge and other residents of Rockport, Mass., urging passage of House bill 20080, known as the migratory-bird treaty act; to the Committee on Foreign Affairs

By Mr. HAYES: Memorial adopted by citizens of the city of San Jose, county of Santa Clara, Cal., asking investigation of labor conditions at Everett, Wash.; to the Committee on Labor.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 20926, to increase pension of Benjamin Vanfossen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20927, to increase pension of John W. Vanfossen; to the Committee on Invalid Pen-

Also, papers to accompany House bill 20429, granting increase of pension to Charles E. Spear; to the Committee on Invalid Pensions.

Also, paper to accompany House bill 20928, to increase pension of Alonzo M. Hobbs; to the Committee on Invalid Pensions. By Mr. LOUD: Petition of Leo Luedtke and 22 other citi-

zens of Tawas City, Mich., relative to declaration of war only by referendum vote; to the Committee on Foreign Affairs. By Mr. MORIN: Petition of Mrs. Edward A. Jones, president

of the Congress of Women's Clubs of Western Pennsylvania, relative to Congress indorsing the movement of the Bureau of Naturalization and the public-school authorities in the work of educating the alien; to the Committee on Immigration and Naturalization.

By Mr. PATTEN: Petition of sundry citizens of New York, relative to Americans keeping out of the danger zone; to the Committee on Foreign Affairs.

By Mr. ROWE: Petition of sundry citizens of Brooklyn and New York, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of Miss Jean W. Simpson, New York, N. Y.,

favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Commercial High School, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on

Also, petition of Louise Merritt, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, memorial of the American Forestry Association, Washington, D. C., favoring legislation to eradicate the pine-blister disease; to the Committee on Agriculture.

By Mr. STAFFORD: Memorials adopted by the Masons and Bricklayers' Union No. 8, of Milwaukee, protesting against a declaration of war against Germany; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of Women's Clubs of Western Pennsylvania, in support of Senate bill No. 7909; to the Committee on Immigration.

By Mr. TINKHAM: Petition of Boston Gaelic School Society, against enacting any law abridging the rights and liberties of American citizens; to the Committee on the Judiciary.

By Mr. WARD: Petition of Lorin Schantz and 14 residents of Highland, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of E, J. Depuy and other residents of Wurtsboro, N. Y., for the submission to the States of a national prohibition amendment; to the Committee on the Judiciary

Also, petition of 125 people of the Methodist Episcopal Church of Clintondale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 220 people of the Friends' Church, Clinton-dale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. WHALEY: Petitions of of sundry citizens and church organizations of South Carolina, favoring national prohibition; to the Committee on the Judiciary.

# SENATE.

# FRIDAY, February 16, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

names:
Hollis
Hughes
Husting
James
Johnson, S. Dak.
Jones
Kenyoo
Kirby
La Foliette
Lane
Lea, Tenn.
Lodge
McCumber
Martin, Va.
Martine, N. J.
Myers Stone Sutherland Swanson Thomas Thompson Tillman Townsend Vardaman Norris Oliver Overman Ashurst Bankhead Brady Bryan Catron Chamberlain Clapp Colt Culberson Owen Page Poindexter Ransdell Robinson Saulsbury Shafroth Sheppard Sherman Shields Wadsworth Walsh Warren Watson Cummins Curtis Fernald Fletcher Gallinger Simmons Smith, Md. Williams Hitchcock Smoot

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from Oklahoma [Mr. Gore] on account of illness. I ask that this announcement may stand for the day

Mr. LEA of Tennessee. I have been requested to announce that the Senator from Illinois [Mr. Lewis] is detained from the Senate on account of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

## GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I desire to ask for a unanimous-consent agreement. I send it to the desk and ask that it may be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 1 o'clock on Saturday, February 17, 1917, the Senate will proceed to the consideration of H. R. 9533, a bill to provide a civil government for Porto Rico, and for other purposes, and during that day shall vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock on the 17th day of February, 1917, no Senator shall speak more than once or longer than five minutes upon any amendment offered thereto.

Mr. LODGE. Mr. President, if I may be permitted a word, the bill, I understand, is substantially completed. It is a very important bill and ought to pass; but there is pending to it a prohibitory amendment which, without a referendum, will give rise to a great deal of debate, and properly so. I am not prepared at this stage to consent to a unanimous-consent agreement.

I will state to the Senator that every amendment has been disposed of except this one.

Mr. OVERMAN. I shall have to object.

Mr. LODGE. That is what I did.

Mr. SHAFROTH. I know; but it does seem to me that if I do not get in the bill before the revenue bill I can not get it up at this session. That is the trouble. That is the reason why want Senators to agree that a final vote shall be taken.

Mr. LODGE. The Senator from Colorado knows that if the referendum is accepted as to the prohibitory amendment, the bill will pass in a few moments, but if the referendum is not accepted, I feel I shall be compelled to object to the unanimousconsent agreement.

Mr. SHAFROTH. I have been struggling for some time to get the Senate to agree to some proposition for fixing a time for

a final vote on the bill.

Mr. GRONNA. May I ask the Senator from Massachusetts why he is so fearful of allowing the Senate to vote on the amendment referred to?

Mr. LODGE. Because, Mr. President, I am firmly of the conviction that prohibition ought not to be imposed on any com-

munity without their having an opportunity to pass upon it.

Mr. GRONNA. Then, if that be true, is it not reasonable to believe that the Members of the Senate have sufficient intelligence to vote the proposition down?

Mr. LODGE. Does the Senator from North Dakota mean the

referendum?

Mr. GRONNA. I refer to the proposed amendment.
Mr. LODGE. As I said before, if the referendum could be attached to the bill, I would not have one word of objection to make; but if the referendum is in doubt, it will lead to a great deal of discussion. Therefore, I object to the suggestion of the Senator from Colorado.

### POST OFFICE APPROPRIATIONS.

The Senate resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for

Mr. NORRIS. Mr. President, I offer an amendment to the

pending bill, which I send to the desk.

The VICE PRESIDENT. Does the Senator mean an amendment to the amendment now pending?

It is an amendment to the amendment? Mr. NORRIS.

The VICE PRESIDENT. The amendment to the amendment

will be stated.

The Secretary. Commencing on page 4, line 23, it is proposed to strike out, after the words "shall be," down to and including the word "thereof," in line 4, on page 5, and in lieu thereof to insert the following:

The zone system now applying to parcel-post matter to be adapted also to second-class matter at the following rates, to wit: Local, first and second zones (under 150 miles), one-half cent per pound; third zone (300 miles), 1 cent per pound; fourth zone (600 miles), 1½ cents per pound; fifth zone (1,000 miles), 2 cents per pound; sixth zone (1,400 miles), 2½ cents per pound; seventh zone (1,800 miles), 3 cents per pound; eighth zone (over 1,800 miles), 3½ cents per pound.

Mr. OLIVER. Mr. President, I rise to a parliamentary in-

The VICE PRESIDENT. The Senator from Pennsylvania

will state his inquiry.

Mr. OLIVER. I should like to have the present parliamentary situation explained. It seems to me that this amendment to the amendment which is proposed by the Senator from Vebraska is not in order as an amendment to the proposition

that is now pending, as I recollect it.

Mr. NORRIS. As I understand, the vote by which the amendment was agreed to was reconsidered and the amendment is

now before the Senate.

Mr. SMOOT. No, Mr. President. Mr. OLIVER. And it was defeated, as I understand.

Mr. SMOOT. The motion before the Senate is to adopt the

Provided, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

Mr. NORRIS. That is not a motion; that is a right, as I take it, the Senator has. I do not want to interfere with his right to ask for a division of the question; and when we come to vote we will have to vote on that question; but that does not preclude amendments either to that part or to any other part of the pending amendment. The pending amendment, Mr.

President, is the entire matter commencing on line 15, page 4, and ending on line 9, page 5. That amendment contains more than one proposition or, at least, that is the theory of the Senator, and I agree with him that it is perhaps subject to division. It seems to me that it is, and I think the Senator has a right to demand a division. I am not objecting to that, but he does not get that right to demand a division by making a motion; there is no motion pending-

Mr. SMOOT. Yes; there is.

Mr. NORRIS. There is no motion pending to divide the question. Any Senator has a right, if the question is divisible, to have a separate vote; but any part of the amendment is subject to amendment, and, I take it, we will not vote until the amendments are disposed of, at least so long as there is one pending. Therefore, it seems to me that the amendment I have offered is in order now. If it is adopted or if it is defeated, it does not interfere with the right of the Senator from Utah or any other Senator to make any demand in regard to a division of the question that he may desire to make.

Mr. SMOOT. Mr. President, on page 3776 of the Congres-SIONAL RECORD, after the vote was taken on the motion to reconsider, and it was agreed to, the Senator from Utah made

this statement:

Mr. Smoot. Mr. President, I now ask for a division of the two questions in the amendment now pending, the first vote to be taken upon the following part of the amendment:
"Provided, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices."

Mr. NORRIS. That is not a motion; that is a right the

Senator has.

The VICE PRESIDENT. There is no doubt about the right to amend this amendment and there is no doubt that the amendment of the Senator from Nebraska is in order. When the matter comes to a vote the Senator from Utah has a clear right to have a separate vote on the first branch of the amendment, but that does not prevent an amendment being offered to the amendment

Mr. OLIVER. Mr. President, another parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania

will state it

Mr. OLIVER. I ask whether, the question being divided, a point of order will lie against a part of the amendment without lying against all?

The VICE PRESIDENT. The present occupant of the chair has heretofore decided that the proper decision is to sustain the point of order to the entire amendment, if it is sustainable, and then that portion of it subject to a point of order can be presented by a new amendment. That has been the uniform ruling

of the present occupant of the chair.

Mr. NORRIS and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. Mr. President, I desire briefly to address myself to the question. I should like to say to the Senator from Utah that I am compelled to be absent from the Senate to attend a conference meeting that is in session now, and I should be glad if I could have permission to say what I have to say now, and then attend that meeting.

Mr. President, I listened with a great deal of interest to the Senator from Georgia [Mr. SMITH] last night before we adjourned. I had given to this subject some little consideration, and it seemed to me that the Senator from Georgia stated the principle properly in his argument. The amendment that I have offered carries out that idea, with the exception, of course, that men may disagree as to the charges that ought to be made in the various zones.

To begin with, it is conceded that second-class matter costs a great deal more to the Government than the Government gets out of it. I believe the experts say that it involves a loss to the Government of some \$80,000,000. I think it is conceded also that within a comparatively small radius of the place of publication, if the Government carries the second-class matter at the rate provided by law, to wit, 1 cent a pound, it makes a profit out of the business. Then, I presume it will be conceded also that no one desires to make a profit out of the business, and I think it will be conceded by a large proportion, at least, of Senators and others who have given the question consideration, that it would not be wrong as a matter of governmental policy if we did grant to newspapers and other publications in the second-class list some subsidy. I think it is also conceded, however, that we ought not to grant the large amount of subsidy that the present law grants.

Newspapers and magazines, as I understand, do not use the mails for the transportation of their publications within a small

radius of 100 or 150 miles from the place of their publication, because they can send them cheaper by express. therefore, no economy in their using the mails. They do not use them because they can do it cheaper otherwise. We do not get that part of the business, no matter what the rate is. If we fix a rate that is higher than the express companies will charge, the business will go, and properly go, to the express companies.

I am willing that there should be some loss on the matter. It seems, therefore, if we want to provide for the most economical method of handling this business that it is absolutely necessary to divide the country up into zones and take distance

into consideration.

Why should we not take distance into consideration? Why, Mr. President, we had it discussed a great many years when we had the Parcel Post System before us; and it finally resulted, after a great deal of consideration and debate, in the adoption of what is known as the zone system. Wherever the weight is sufficient to be a material item in the transportation of an article, no matter what it may be, then distance becomes important. It is not so important in a letter; and we have a universal rate extending over the entire country on a letter, because the weight is so small that it would cost more to compute a mileage and a weight basis than it would save. But when we come to carrying bulky articles, tons of articles, when we come to carrying publications by the ton, by the carload, then distance ought to be considered. The express company, whose rates are made up entirely on the theory of a business proposition, considers distance on such articles. We consider it on everything else. So that when the weight becomes a material matter we ought to take distance into consideration, because that is a part of the cost. We can not eliminate it, as a matter of fact, when we come to pay the bill. Why should we eliminate it when we come to make the charge?

I hold in my hand one copy of the publication known as the Iron Age, issued January 4, 1917. It weighs 4 pounds and 14

Mr. SMITH of Georgia. Nearly five pounds.
Mr. BRYAN. Mr. President—
Mr. NORRIS. I yield to the Senator from Florida.
Mr. BRYAN. Right upon that point I want to make this suggestion to the Senator: The present rate is 1 cent per pound in any zone

Mr. NORRIS. Yes. Mr. BRYAN. The Senator's amendment would make it half

cent a pound—— Mr. NORRIS. For the first 150 miles.

Mr. BRYAN. In the first zone; that is, up to 150 miles.

Mr. NORRIS. Yes

Mr. BRYAN. That is reducing the present rate.

Mr. NORRIS. Yes, sir.

Mr. BRYAN. Now, here is what will happen unless the Senator allows the rate to remain at least 1 cent per pound. Here is exactly what will happen: That document, and others like it, will be shipped by freight into the zone, and then it will be mailed out from there; and the Government will suffer twice the loss it is suffering now on that kind of a publication within

Mr. NORRIS. No; I do not agree with the Senator. Take this very publication: I do not suppose, within the first 100 or 150 miles, that they send it by mail. It goes by express.

Mr. BRYAN. No; the Senator does not get my point at all. Mr. NORRIS. Just let me finish; then I shall be glad to yield to the Senator. It goes by express. There is a profit in it. We do not get the profit. Wherever they are going to send it a distance that the express company will not carry it, we get the business, but there is a loss in it. Now, I have no objection to the publishers sending it by freight and then putting it in another zone and letting it be mailed there. I suppose we would have to change the law before a publication could do that; it must be mailed at the office where it is published, but I have no objections to that.

Mr. BRYAN. I will suggest this to the Senator: Let the present rate stand up to 300 miles—up to the end of the second zone—and then begin the Senator's addition, instead of cutting it down, because that will happen, and that is the very thing that has happened in the parcels post. That is the thing that happens in connection with these great catalogues, weighing several pounds, gotten out by the mail-order houses. They ship them into the zone in which they will be delivered, and the Government sustains the loss. If the Senator puts this rate at half a cent a pound, there will be an inducement to do that. The Senator can very easily leave it 1 cent up to the 300 miles, and then begin his increase, without putting in jeopardy the revenues that are now obtained by the Government.

Mr. NORRIS. I have discussed that question to some extent, and I will return to it again before I close. I was not quite through with the general explanation I wanted to make.

Mr. BRYAN. Just one other suggestion. I notice that the

Senator's amendment puts in parentheses the mileage contained in the zones. For instance, he says, "third zone (300 miles), \* \* \* fourth zone (600 miles)." I suggest to the Senator that he modify his amendment by striking out the number of miles, because, of course, the third zone is from 300 up to 600 miles, and just leave it "third zone." The law fixes that.

Mr. NORRIS. No; the third zone is from 300 miles down.

The Senator refers to the language in the parentheses?

Mr. BRYAN. Yes. Mr. NORRIS. I have no objection to striking that all out. Mr. BRYAN. I suggest that the Senator leave that out. Mr. NORRIS. I only put that in as a matter of explanation to Senators who might read the amendment. That is the only

reason why I put it in.

Mr. BRYAN. That is a very good purpose, but it ought not to be incorporated as a part of the amendment.

Mr. NORRIS. I think that is a good suggestion.

fectly willing to strike that out. Now let me proceed.

I was taking this particular publication as an illustration. It is estimated that 10 per cent of the edition of this publication goes by express. Why? Because they can send it cheaper in that way. Wherever there is a pront in it the express what I will carry it; and I am not complaining of that. That is what I would do. Wherever there is a profit in it the express company would do if I were publishing. That is what anybody would do. The publishers are perfectly justified in doing it; but it seems to me that we ought to fix the law so that we would not get a profit, and yet so that we would get the business. It would be advisable, if we could, to send these publications for a less rate than that I have named in the amendment. We do not want to make money out of it. It is also stated here, however—I think I got this information from the Senator from Florida; I think probably he has already read it to the Senate—that the Government received \$614 for distributing this publication, and that it cost the Government \$4,300 to make that distribution.

It is estimated, I do not know that it is a correct statement or

not, that the price for advertising matter in this publication is \$50 a page. There are 636 pages of advertising matter here, and at \$50 a page it would amount to \$31,800. There are 132 pages of other matter, reading matter, so called, in the publication.

Mr. President, it may be an exaggerated instance, but there are thousands of other illustrations that could be given, daily newspapers, Sunday editions particularly, that only in a smaller degree illustrate the same proposition. I do not believe that the Government ought to carry that at the rate we are compelled under the law to exact now. It is not unjust to make the charge somewhat commensurate with the service.

There would be a loss undoubtedly if this amendment were adopted; the Government would not get out whole; I am not expecting or asking that it get out whole, but it would base the charges somewhat on the cost the Government is put to in

making the distribution of these publications.

Now, I want to say just a word about the rates I have named. I am not an expert. These rates may not be high enough, some of them may be too high, although I doubt that. I have tried to make them, if there is anything varying, too low rather than too high. This is going to conference. The Post Office Department has its experts. If there is something wrong with the rate I propose to charge here it can be remedied when we get the evidence of experts before the conference committee. In other words, it seems to me that it is the fundamental principle involved that we ought to enact into a law so that we can base the charges somewhat upon the cost.

Mr. WORKS. Mr. President-

I yield to the Senator from California. Mr. NORRIS. Mr. WORKS. The principal objection I see to this zone system, if I may call the Senator's attention to it, is that it very evidently discriminates in favor of the large dailies in the cities, for example, and against the fraternal and religious publications that go out all over the country, because of their extended membership. I have received many telegrams from publications of that kind, as I suppose every other Senator has, calling my attention to the injustice of the zone system as applied to that kind of a publication. I think it would be utterly because the large daily newspaper circulates only a short distance away from home and almost all such publications would fall inside the first zone and would not be called upon to pay the additional amount that would result from this zone system, while the fraternal publications and religious publications go out all over the country, and their members would be subjected to the higher rate of postage. That seems to me to be unjust.

Mr. NORRIS. Mr. President, I want to say in answer to the Senator from California that I have given that matter some attention, and I have received the same kind of protests he is making. I would be glad to be more lenient if I could to the kind of publications the Senator mentions. I do not see how it is possible, however, to do it unless we would base it on the proposition of advertising. If we base the charges on the amount of advertising that a concern does and charge them a higher rate for the advertising part of it than for the other, we might reach that somewhat, but these publications would not agree not to carry advertising matter. After all, however, if we come down to a matter of absolute justice, has any proprietor of a newspaper or magazine the right to ask the Government to do something for him for nothing, or do so much more for nothing than it will do for its other citizens? If the daily newspaper circulates within 150 miles of its place of publication it costs the Government less to transport it and deliver it to subscribers than if it traveled 5,000 miles. So we have to take into consideration the interests of the taxpayers of the entire people of the country somewhat, and they ought to be given some consideration, because they have to pay the bill.

Mr. SMOOT. Mr. President, I notice the Senator proposes

3½ cents per pound on second-class mail matter going to the eighth zone. Of course the eighth zone embraces all distances over 1,800 miles. If that were the case, then second-class mail matter that came from anywhere in the East going to any place, say, 300 miles west of Omaha, would have to pay 31 cents a

pound?

Mr. NORRIS. Yes.

Mr. SMOOT. I think that that is an exceedingly high rate to be imposed upon the papers of many of the religious and other organizations, farmers' journals, and so forth. If it is to be applied to the second-class mail matter, if we are going to charge 3½ cents a pound on second-class mail matter and make a zone system for second-class mail matter, why should not the same principle be made to apply to first-class mail matter? We make

no zones for first-class mail matter.

Mr. NORRIS. Let me answer that, Mr. President. I thought I did answer it. First-class mail matter consists of letters. It would be impracticable to make a zone system of letter mail because the weight is an infinitesimal matter, it is too small to be taken into account, whereas a newspaper or magazine sending out tons on every publication day it can easily be and must be weighed at the time it is sent out. It is an easy matter to apply the zone system to that, but it would bring infinite confusion to apply it to every letter, so that every time you mailed a letter you would have to inquire of the postmaster how much postage you would have to put on it. In other words, while in theory the zone system would be all right in the letter mail, in the matter of practice it would be impracticable. It would take too much time to work it out, cause too much confusion, and do much more damage than it would do good.

Mr. SMITH of Georgia. Will the Senator yield to me just a moment? The two elements of cost to the Government are han-The letter is so light that the hauling cost dling and hauling.

amounts to practically nothing to the Government-

Mr. NORRIS. That is right.

Mr. SMITH of Georgia. While the handling cost is 80 per cent of the expense to the Government. So distance does not substantially affect the cost to the Government of handling firstclass matter. The bulk comes as to second-class matter, and that is why the zone system is right as to one and wrong as to the

Mr. NORRIS. I thank the Senator. I think what he states is correct. I want to call attention, however, to the criticism of the Senator from Utah. I have fixed for the eighth zone 31 cents. He says that is too high. The Senator from Florida complains that the first zone is too low. Of course, we will always disagree as to those rates. Other Senators will say that the eighth zone is too low. It has cost us more than 31 cents to handle second-class mail in the eighth zone. We must reach a compromise somewhere. The experts of the department say it costs 8 cents per pound. So if I am proposing to charge 3½ cents a pound, and it costs 8 cents to do the work, certainly the owners who are circulating their publications in the eighth zone ought not to complain. It seems to me that we are treating them liberally.

Mr. President, as I said, I am called out to attend a conference committee and I will now yield the floor. I think this matter should go through in some form. I am not so much impressed with the particular rates I have attached here. My own idea is they are right, but I know it is a matter of compromise, and I know that to some extent it is a matter of expert knowledge. The conferees on the part of the Senate and the conferees on the part of the House can have, and will have, before

them the assistance of all the experts that the Government has in the Post Office Department. It seems to me if we once adopt the fundamental principle we will be able to work out a system that is fair, and if it should be found on trial that some rate is too low or some rate is too high it could be easily modified, even if a mistake were made, at a subsequent Congress.

Mr. BRYAN. Before the Senator concludes—
Mr. NORRIS. I yield to the Senator.
Mr. BRYAN. I ask him if he will not modify his amendment so as to fix the rate at 1 cent per pound in the first and second zone?

Mr. NORRIS. No; Mr. President, I have not been impressed with the argument, much as I usually admire the logic of the Senator, that that rate ought to be 1 cent a pound. I do not think there is anything sacred about a 1 cent a pound rate. We are making a profit in that part. We ought not to do that. We ought to do it just as economically as we can.

Mr. BRYAN. The Senator says he is about to leave the

Chamber?

Mr. NORRIS. Yes?
Mr. BRYAN. I am going to move before the Senator's amendment is disposed of to raise the rate from one-half cent to 1 cent, and I give notice of it so that no one can come back here

and say that any advantage has been taken of him.

Mr. NORRIS. The Senator, or course, or any other Senator, can move any modification he pleases, and I can vote against it; although even if that modification were made I would still

favor the amendment.

Mr. HITCHCOCK. I should like to ask my colleague if he reserved in Committee of the Whole the privilege of offering this amendment?

Mr. NORRIS. No; I did not.

Mr. HITCHCOCK. I make the point of order that the right to offer that amendment was not reserved.

The VICE PRESIDENT. The point of order is overruled.

Mr. HITCHCOCK. Will the Chair advise me on what ground?

The VICE PRESIDENT. A Senator does not have to reserve anything in Committee of the Whole. Any Senator has a right to offer any amendment in the Senate.

Mr. NORRIS. It is a common occurrence and happens nearly

every time we get a bill into the Senate.

Mr. HITCHCOCK. This was passed upon in Committee of the Whole?

Mr. NORRIS. This amendment was not passed on in Committee of the Whole. It was not offered in Committee of the Whole.

The VICE PRESIDENT. No.

Mr. HITCHCOCK. Then I make a point of order against the amendment now before the Senate to which my colleague

offers his amendment.

The VICE PRESIDENT. This whole thing is going to be settled in the Senate and the Chair is going to save time. On the amendment which is now under consideration the point of order was sustained in Committee of the Whole. There was no right to offer it in the Senate. Therefore, by unanimous consent it came in the Senate; no one raised the question. The Chair believes that it is now before the Senate by unanimous consent and overrules the point of order. An appeal can be taken and we can get along very rapidly.

Mr. HITCHCOCK. Mr. President, I make the point of order that it is legislation on an appropriation bill.

The VICE PRESIDENT. That is the one the Chair has just ruled on.

Mr. STONE. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator will state it.

The amendment before the Senate to which the ruling of the Chair just made was directed, relates to that part of the amendment which concerns first-class postage.

The VICE PRESIDENT. No.

Mr. STONE. The part upon which the Senator from Utah demanded a separate vote.

The VICE PRESIDENT. The Chair knows that the Senate is going to settle this question, and for the purpose of expediting matters the Chair rules: First, the Chair has uniformly held that a point of order goes to the entire amendment and not to the right of a Senator to have a vote upon certain portions of the amendment; therefore, any point of order raised goes to the amendment and not to a part of the amendment. from that ruling no appeal has ever been taken. Secondly, this entire amendment was ruled out in Committee of the Whole upon a point of order.

When general legislation subject to a point of order has been

presented by amendment and the point of order has been raised and sustained as in the Committee of the Whole, and it is

subsequently introduced in the Senate and passed by the Senate, it can not be reconsidered for purposes of raising a point of order to it, but only for purposes of amendment.

Mr. BRYAN. I beg to correct the Chair. It was not ruled

out on a point of order. The Senate refused to waive the rule.

The VICE PRESIDENT. It went out on a point of order. The Senate refused to set aside the rule so that it might be in-

Mr. BRYAN. That is right.

The VICE PRESIDENT. It was not therefore competent in parliamentary practice to introduce it in the Senate except by unanimous consent. When it was presented and introduced the view of the Chair is that it came in by unanimous consent, and therefore a point of order can not be sustained to it unless by unanimous consent. That is the ruling of the Chair, and there can be an appeal from it; it is very easily settled.

STONE. What is the immediate question before the

Senate?

The VICE PRESIDENT. The Senator from Nebraska has just raised two points of order; one, as the Chair understands it, that this is general legislation.

Mr. STONE. My inquiry is not directed to the point of order. Waiving that for the moment, on the bill itself what is the amendment pending?

The VICE PRESIDENT. The entire amendment with refer-

ence to postal charges

Mr. STONE. The entire amendment?

The VICE PRESIDENT. Certainly.

Mr. STONE. But the Senator from Utah [Mr. Smoot] has asked that a separate vote be taken upon a certain clause.

The VICE PRESIDENT. Certainly. The Chair has ruled on

that this morning and no appeal has been taken.

Mr. STONE. What was the ruling of the Chair?

The VICE PRESIDENT. The ruling of the Chair was that the entire amendment is before the Senate for amendment.

Mr. STONE. That is perfectly plain, but as to the part upon

which a separate vote is asked?

The VICE PRESIDENT. That rule only applies to the vote. It is only applicable when we get down to a point where there is nothing to be done but to vote.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.
The VICE PRESIDENT. The Senator will state it.
Mr. WILLIAMS. As I understand the situation at present,
the Senator from Utah [Mr. Smoot] has asked for a separate
vote upon his drop-letter 1-cent postage proposition?

The VICE PRESIDENT. Yes.
Mr. WILLIAMS. The amendment contains three separate and distinct propositions. One is to raise the postage upon newspapers, one to raise the postage upon magazines, and one to reduce the postage upon drop letters. The parliamentary inquiry which I wish to propound is this: Is it in order now for any Senator to demand as a matter of right a separate vote upon each of the three propositions? Thus far a separate vote has been demanded only upon one of them.

The VICE PRESIDENT. There is not any doubt about the

right to a separate vote upon the propositions as they may finally

be in the amendment when it has been perfected.

Mr. WILLIAMS. Then I wish to give notice that I demand now a separate vote finally at that stage upon each of the propositions-the drop-letter proposition, the newspaper proposition, and the magazine proposition.

Mr. BRYAN. Mr. President, a parliamentary inquiry. There are only two propositions in the amendment. One is as to firstclass mail matter and the other as to second-class mail matter.

The VICE PRESIDENT. The Chair is not going to decide that question until the amendment finally comes to a vote.

Mr. STONE. It may be my fault, but the Chair's answer is not clear to me as to my inquiry. The three propositions stated by the senior Senator from Mississippi [Mr. Williams] are embraced in one general amendment. If the point of order should be made, as it can be made, against the whole amendment, can it likewise be made against any part of the amendment on a separate vote?

The VICE PRESIDENT. The Chair has already decided a number of times that the point of order must go to the entire

amendment.

Mr. HITCHCOCK. If the Chair will permit me to call his attention to the RECORD, the Chair has stated that he was of the impression that unanimous consent had been given for the consideration of this amendment in violation of the rules of the Senate. I desire to call the attention of the Chair to the fact that on yesterday several requests were made for unanimous consent, and the Senator from Virginia [Mr. Martin] specifically objected to each one.

The VICE PRESIDENT. The Chair was in the Chamber at

that time. This is the ruling of the Chair, in order to— Mr. HITCHCOCK. Will the Chair permit me, please, present this? I am not going to appeal from the decision of the Chair; but I am appealing to the Chair, because this is a manifest right of the dependence upon the rules of the Senate. I read from the RECORD:

Mr. Martin of Virginia. Mr. President, I object to the unanimous consent the Senator from Mississippi asks. I am not willing to be put on terms in respect to this matter.

Now. I desire to call the attention of the Chair to the fact that for an hour or two on yesterday afternoon before adjournment the whole question before the Senate was, whether unanimous consent should be given for the consideration of this amendment, and on every occasion when the request was put Senators specifically objected to giving unanimous consent. The whole controversy arose because unanimous consent was refused.

The VICE PRESIDENT. The Chair has a clear recollection of just what occurred upon yesterday. No Senator raised the question or asked the opinion of the Chair at that time. The Chair had ruled with the belief that there would be an appeal. that we would some time get through with the question. Chair can not change the opinion, when a point of order has been sustained in Committee of the Whole, that that renders it improper and illegal to again introduce it in the Senate except by unanimous consent, and that unanimous consent is to be taken as having been granted when it goes to the extent of having been introduced in the Senate and adopted by the Sen-That is the ground upon which the Chair makes the ruling.

Mr. HITCHCOCK. Mr. President, on several occasions yesterday the Senator from Florida [Mr. Bryan] inquired whether this could be done and no point of order raised, and on each of those occasions some Senator asserted that a point of order would be raised at the proper time. The amendment of the Senator from Utah [Mr. Smoot] is in order for the reason that he gave notice that he would reserve the right to offer the amendment, and no point of order has as yet been raised against that particular amendment for 1 cent drop-letter postage; but on every possible occasion the point of order has been made against the amendment that is now presented to the Senate.

The VICE PRESIDENT. The Chair has no pride of opinion: and the Senator from Nebraska may be entirely right. The Chair, however, has ruled for the purpose of bringing the matter to an issue. An appeal from the decision of the Chair will very speedily settle the question. The Chair will not feel the least bit put out at Senators voting against the ruling of the Chair.

Mr. GRONNA. Mr. President, I do not wish to take an appeal from the decision of the Chair, though I think the Chair is wrong in his decision, because so far as the amendment offered by the Senator from Nebraska [Mr. Norris] is concerned, it is clearly legislation; but I wish to ask, what has become of that amendment?

The VICE PRESIDENT. It is pending, if there is no appeal taken from the decision of the Chair.

Mr. GRONNA. I inquire if it is in order to ask for a separate vote on that particular amendment? If so, I should like to make a demand for a separate vote upon it.

Mr. SMITH of Georgia. Mr. President, it was impossible to

hear the Senator from North Dakota on this side of the Chamber. Mr. GRONNA. I will try to make myself heard. I was merely making a parliamentary inquiry, I will say to the Sena-

tor from Georgia.

Mr. BRYAN. What was it?
Mr. GRONNA. My inquiry was, whether it was in order to ask for a separate vote on the pending amendment offered by the Senator from Nebraska [Mr. Norris].

Mr. TOWNSEND. Of course, that is in order. There will

have to be a vote on it.

The VICE PRESIDENT. What the Senator from North Dakota is inquiring about, the Chair assumes, is can there be a vote, first, on the question of "local first and second zones up to 150 miles, 1 cent per pound"? The Senator wants a vote on that, then a vote on the third zone, the fifth zone, and the remaining zones?

No; I do not care to divide the amendment Mr. GRONNA. which has been offered by the Senator from Nebraska, but I ask

for a separate vote on the whole amendment.

The VICE PRESIDENT. There is not any doubt that that is the amendment now to be voted on.

Mr. GRONNA. I shall ask for a separate vote on the amend-

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

Mr. SMITH of Georgia. Mr. President, I do not desire by my silence to accept the view that an amendment having been offered which was subject to a point of order, and a vote having been taken upon that amendment, and the Senate subsequently having reconsidered that vote, that the point of order can not still be made; but I shall not enter an appeal from the decision of the Chair.

The VICE PRESIDENT. The Chair wishes the Senator

from Georgia would do so.

Mr. SMITH of Georgia. But I shall not. I am sorry I can not accede to the wishes of the Chair. I do not, however, wish it to be understood that there is a unanimous approval of the ruling of the Chair. I desire, Mr. President, to address myself to the merits of the question, unless some other Senator desires to enter an appeal from the decision of the Chair. shall not; but if any other Senator desires to do so I shall

yield.

Mr. STONE. Mr. President, if the Senator from Georgia will permit me, I would like to say a word. A situation such as we are now confronted with might arise at almost any time. Where an amendment objected to in the Committee of the Whole and against which a point of order is raised and sustained by the Chair, and when afterwards the amendment goes to the Senate, possibly at a time when Senators are away or when those who made the point of order are absent, the provision is again put into the bill, as was done in this instance, and when afterwards a motion to reconsider the action of the Senate is properly made, as has been done in this instance, and sustained by a vote of the Senate, this situation will, of course, The contention is to say that some form of implied unanimous consent brought the amendment before the Senate, and that on that account it is no longer subject to a point of order. That seems to me to be clearly an erroneous ruling. It would furnish an opportunity in one way or another, possibly through the fault of absent Senators, but still by a way of doubtful propriety, of injecting into a bill a provision subject to a point of order, and against which there might be a majority of the Senate. I think it would be a bad practice to establish, and I am going to appeal from the ruling of the Chair and let the Senate settle it.

The VICE PRESIDENT. The question is, Shall the ruling

of the Chair stand as the ruling of the Senate?

Mr. HITCHCOCK. I suggest the absence of a quorum, The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Nelson Norris O'Gorman Ashurst Bankhead Gallinger Sterling Gronna Harding Hitchcock Stone Sutherland Beckham Borah Brady Brandegee Swanson Thomas Thompson Tillman Oliver Overman Page Peindexter Ransdell Bryan Catron Johnson, S. Dak. Townsend Vardaman Johnson, S. Da
Kenyon
Kirby
La Follette
Lane
Lea, Tenn.
Lodge
McCumber
Martin, Va.
Martine, N. J. Reed Robinson Shafroth Sheppard Shields Chamberlain Clark Wadsworth Walsh Warren Culberson Cummins Curtis du Pont Fall Watson Weeks Simmons Smith, Ga. Smith, Md. Williams Works Fernald Fletcher Smoot

The VICE PRESIDENT: Sixty-seven Senators have answered to the roll call. There is a quorum present. The pending question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. STONE. Mr. President, I shall occupy only a moment or two. When the Chair made the ruling he stated that he expected that an appeal would be taken, and in substance expressed the desire that an appeal should be taken. I always dislike to so far disagree with the Chair as to feel obliged to take an appeal from a ruling, and never go that far unless I feel that the ruling is not only erroneous but that its effect might be seriously embarrassing in the future.

Mr. President, where an amendment to a bill is clearly subject to a point of order as being violative of the rules of the Senate. and the point of order is made against it and sustained while the bill is being considered as in Committee of the Whole, and where later, when the bill reaches the Senate proper, and the amendment, through some inadvertence or for some other reason is inserted in the bill by the action of the Senate without a renewal of the point of order being made against it and when later still a motion to reconsider the action taken in that behalf is made and carried by a vote of the Senate, I hold that the parliamentary status of the amendment becomes the same as that which it held before it was agreed to; in other words, that the legislative or parliamentary status which existed before its adoption

is reestablished by the motion to reconsider. If any other rule is agreed to, if the judgment of the Chair as announced is approved, it will follow that whenever an amendment, no matter what it is or how objectionable it may be to Senators, finds its way into a measure through processes similar to that which led to the adoption of this amendment in the Senate, every Member of the Senate is thereafter estopped from raising the point of order, even though a motion to reconsider be adopted. You may reconsider, of course, on a proper motion made by one entitled to offer it; but under the ruling of the Chair, when the reconsideration occurs, the right to raise the point of order is gone, for the reason that the Chair holds that the amendment was, in the first instance, brought before the Senate by unanimous consent, and that because of that unanimous consent could not at any later stage be made the subject of a point of order.

Mr. BORAH. Mr. President-

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. Certainly.

Mr. BORAH. I wanted to make this suggestion to the Senator: It seems reasonable that after the amendment came into the Senate and the Senate accepted it and dealt with it and passed upon it the point of order was forever gone.

Mr. STONE. That is what the Chair ruled.

Mr. BORAH. That is not only what the Chair says, but it seems to me it is founded in reason, and that therefore, as far as the point of order is concerned, the right to consider that has passed. That is a thing that has passed after we have actually taken it up and considered and passed upon it.

Mr. OLIVER. Mr. President

Mr. STONE. I hold, Mr. President, that at any point of the proceedings in cases like this the point of order can be made, except perhaps where the amendment is brought before the Senate by an express unanimous consent of the Senate. Now, it is not even contended that in this case the question of unani-

mous consent was ever put to the Senate.

Mr. GRONNA. Mr. President—

Mr. STONE. If there be any such thing as unanimous consent in this case, it is an implied unanimous consent-implied because no one present made the point of order. But when the matter is brought again before the Senate by the motion to reconsider, it takes the exact position it held before the Senate acted upon it. Mr. GRONNA.

Mr. GRONNA. Mr. President—
The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. STONE. I am through. The Senator can take the

Mr. GRONNA. Mr. President, I simply wanted to say, in reply to the statement made by the Senator from Idaho, that the Senate has had no opportunity to make any expression as to the amendment which is pending, because it has never been offered until this morning.

Mr. STONE. I wish to say that I am not proposing to offer the point of order if I could. I want the consideration to go on; but I do not think the ruling ought to be sustained, not so much because of its effect in this particular instance but because of its possible future effect in more important matters.

Mr. SMITH of Georgia. Mr. President, the implied consent from the failure to raise the point of order before the vote took place attached itself simply to that vote. There was no formal action by the Senate giving a unanimous consent. It was simply an implied unanimous consent from the failure of anyone present to raise the point, and thus the Senate was enabled to vote upon the merits of the issue. It attached itself to that vote, and to nothing else. When that vote was reconsidered the implied consent was removed also, and the whole subject was again before the Senate.

I want to say that I hope the Senator from Nebraska will not make or press the point of order, and that we may pass on this question. I will not make it myself. I did not appeal from the decision of the Chair, although I did not agree with the Chair, because I do not want the point of order made. But since we must make a record on this subject, I hope the Senate will not establish the rule declaring a unanimous consent upon

facts that I do not think constituted a unanimous consent.

Mr. BORAH. Mr. President, when this matter came into the Senate presumably every Senator was in his seat.

Mr. SMITH of Georgia. Oh, no!

Mr. BORAH. That is the presumption, because we were in session. It may be a violent presumption based upon actual practice, but it is not a violent presumption based upon theory that we were all in our seats. This matter was taken up. It was passed upon. It came within the jurisdiction, as it were, of the Senate. The Senate dealt with it, and from that time on

it was under the control and jurisdiction of the Senate; and a reconsideration of the matter would not go back to the point of making it vulnerable to a point of order, because it had passed beyond that stage when we disposed of the matter by

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question?

Mr. BORAH.

Mr. SUTHERLAND. As I understand-I was not in the Chamber when the ruling of the Chair was made—the ruling of the Chair was based upon the proposition that the action of the Senate amounted to a unanimous consent. Now, I ask the Senator from Idaho whether unanimous consent does not mean affirmative action? The very word "consent" means that an affirmative action has been taken.

Mr. BORAH. Well, now—— Mr. SUTHERLAND. Just a moment. There is a difference between an assent and a consent. The thing that we deal with in the Senate is the unanimous consent.

Mr. BORAH.

Mr. SUTHERLAND. And the very terminology implies that the Senate has affirmatively acted upon the matter; and that, of course, did not occur here at all.

Mr. BORAH. Mr. President, I do not profess to be at all familiar with parliamentary law. I am just using a little

common sense in regard to this matter—
Mr. SUTHERLAND. That is what I am undertaking to do. Mr. BORAH. And the two things are not always harmonious. Now, Mr. President, suppose that the Senator were questioning the jurisdiction of a court, and suppose when his case called he should proceed to the hearing of the matter, either upon the merits or upon general demurrer. Could he ever be heard thereafter to say that he had not assented or consented to the jurisdiction of the court?

Mr. SUTHERLAND. Mr. President, perhaps not; but the Senator could be heard if the rule of law applicable to that situation were the same as the parliamentary rule applicable to this situation, which the Senators will find in Rule XX, namely:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing—

And so on. Now, under the rule of the Senate the point of order may be made at any stage of the proceedings, and in a court a demurrer can not be interposed at any stage of the proceedings. It must be interposed at a particular stage of the proceedings. Here, however, the Senate has provided other-

The situation seems to be that this amendment was proposed in the Senate. It had been offered in the Committee of the Whole, and had gone out upon a point of order. Therefore it was an original proposition in the Senate, not coming over from the Committee of the Whole, but, so far as this question was concerned, offered for the first time in the Senate. Now, obviously, having been thus offered, it was open to a point of order when it was first offered. No point of order was made. That does not amount to unanimous consent. It simply amounts to an assent on the part of those present that it should be dealt with.

Mr. BORAH. Let me ask the Senator a question.

Mr. SUTHERLAND. I have not quite finished my proposi-I shall be only a moment.

Mr. BORAH. I have no objection to the time taken. Mr. SUTHERLAND. The point was not made, but the matter was voted upon and carried. Subsequently, a motion was made to reconsider, and that motion prevailed. Now, as I understand, the ordinary effect of carrying the motion to re-Now, as I consider is that the matter assumes its original position; and originally, of course, it was open to a point of order.

Mr. BORAH. Let me ask the Senator a question. Suppose we had taken up this matter in the Senate as we did, and passed upon it, and reconstructed the amendment, and the vote had been taken, and it had been placed in the bill. after that had been done, it had been finished, and we had gone on to other portions of the bill, and to-morrow or next day or the next day some Senator should say to himself: "Well, I want

the next day some Senator should say to himself: "Well, I want to raise a point of order upon that matter which we settled day before yesterday"—could he have done that?

Mr. SUTHERLAND. No; because it would then have passed to final judgment.

Mr. BORAH. Exactly.

Mr. SUTHERLAND. But here it has not passed to final judgment.

Mr. BORAH. It passed to final judgment so far as taking it up and considering it in the Senate was concerned. We assumed jurisdiction of it. That had been disposed of. We took charge of it. We passed upon it, and we completed it, and then there

was a motion made to reconsider. To reconsider what? To reconsider the amendment; not to reconsider the question of whether or not we could take it up in the Senate.

Mr. SUTHERLAND. Mr. President, let us take the Senator's own illustration of the court that he gave a moment ago. Here is a case that has been in the court and has passed to judgment, and the judge has granted a new trial. that put the case back in its original position?

Mr. BORAH. Yes; but it never puts it back where he can

question the jurisdiction.

Mr. SUTHERLAND. Oh, I am not so certain about that.

Mr. BORAH. I am very certain of it.
Mr. SUTHERLAND. The Senator is familiar with the rule that the jurisdiction of the court is always open to question, even when the matter has passed to final judgment, even on

appeal to the Supreme Court.

Mr. BORAH. That is the jurisdiction of the subject matter; but the jurisdiction of the person, the right to take hold of him, the consenting to jurisdiction, is not open after the party has consented. Now, this is a subject within the power of the Senate, once jurisdiction is admitted; and it is admitted when we do dispose of it on the merits.

Mr. SUTHERLAND. Is not this a question of jurisdiction

of the subject matter?

Mr. BORAH. No, indeed; it is not. I do not think it comes

under that rule at all. It is a legislative question.

Mr. SUTHERLAND. It seems to me that it comes under the rule. A reconsideration of this matter has been allowed; and if we are to use the judicial analogy, it is precisely the same as if a new trial had been granted and it is open to every objection that might have been made immediately prior to the beginning of the original trial. Every objection is open that was open originally.

Mr. KIRBY. Mr. President, as I understand, rules are made for the purpose of expediting the orderly conduct of business and not for obstructing it. Upon yesterday, when this matter was moved to reconsideration, it was said that it was in order that it might be determined upon its merits by the Senate. It was reconsidered. Let it be conceded now that that opened the whole matter before the Senate. They come in here again this morning, and the ruling is made that this is one amendment and that it is before the Senate, and without objection. Now, when the matter is considered for a time, it has been proceeded with necessarily by unanimous consent, since nobody is objecting to it; and, that being the case, it seems to me it is too late to raise this question of order.

I think the Chair is right in overruling the question of order,

and that his ruling ought to be sustained.

Mr. REED. Mr. President, I believe a mere statement of

this question ought to settle it.

In the Committee of the Whole a motion was made to suspend the rules in order that the committee amendment, which was in the nature of general legislation, could be taken up. tion was denied by a majority vote of the Senate. Nothing then was done in the Committee of the Whole. When the bill went to the Senate the following is what took place. I read from the Record, and call Senators' attention to pages 3767 and 3768:

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.
The VICE PRESIDENT. Save those amendments which have been reserved for a separate vote, the question is on concurring in the amendment made as in Committee of the Whole.
The amendment was concurred in.
The VICE PRESIDENT. The Secretary will state the first reserved amendment.

There follows an amendment which has nothing to do with

this particular case. Then this appears:

Mr. Smoot. Mr. President, in a letter dated January 30, 1917, to
Hon. J. H. Bankhead, chairman of the Committee on Post Offices and
Post Roads, the Postmaster General, in speaking of this matter, makes
the following statement—

Then follows a letter in regard to the drop-letter business. Then Mr. Smoot made a short speech on the subject that is now before us. He said in conclusion:

Mr. Smoot. The amendment provides that, I will say to the Senator.
Mr. Norris. I did not so understand.
Mr. Smoot. It provides—
"That on and after July 1, 1917, drop letters shall be mailed at the rate of I cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices."
That I understand was the point the Senator referred to.
Mr. Norris. Yes; the language does not seem to me to be plain. Suppose the letter were mailed at the office to be delivered out on the rural route; the Senator intends to include that letter?
Mr. Smoot. I am sure the amendment would include it.
Mr. Norris. Suppose the letter were mailed out on a route to be delivered in town at the end of the route; would it include that?
Mr. Smoot. You mean in a drop box?
Mr. Smoot. It would include that, I think.
Mr. Norris. I will say to the Senator that I offered the same amendment last year, but I specifically provided in the amendment when I offered it that it should include those. It seems to me they ought to be included.
Mr. Bryan. This amendment was prepared by the department.

Mr. Bryan. This amendment was prepared by the department. Mr. Norris. Does the Senator from Florida say it would include

that?

Mr. Bryan. It would.

Mr. Smoot. It would include it. I was going to say to the Senator that this is the identical language prepared by the Post Office Department to accomplish the purpose the Senator has in view.

Mr. Norris. All right.

Mr. Bryan. Of course, as the Senator from Utah says, the amendment is subject to a point of order. If the Senator will accept an amendment to his amendment, I shall not interpose the point of order.

Mr. Smoot. What amendment does the Senator propose?

Mr. Norris. We can not hear the colloquy over here. I hope the Senators will speak louder.

Mr. Vardaman. I wish the Senators would speak louder.

Mr. Bryan. I propose to insert at the end of the Senator's amendment.

Then follows Mr. BRYAN's amendment, which was as follows:

Then follows Mr. Bryan's amendment, which was as follows:

Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof:

And provided further, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. Smoot. Of course, if I accept that amendment, I know there will be a point of order raised against it; but I will say this to the Senator: I am perfectly willing the amendment should be accepted, provided we can have it divided and have a vote in the Senate upon both questions.

Mr. Bryan. Does the Senator accept it?

Mr. Smoot. No, Mr. President; I am quite sure if I accepted it a point of order would be made.

Mr. Bryan. The Senator may be just as sure if he does not accept it a point of order will be raised against his amendment.

Mr. Smoot. Then I will accept it, in order that the whole amendment may go to conference; and now, Mr. President, I ask for a division of the amendment.

Mr. Smoot. Then I must accept the amendment, because if I do not it will go out on a point of order and prevent a consideration of the subject in conference.

Mr. Bryan. Let the question be put.

The President, was that a unanimous consent of the Subject in conference.

Now, Mr. President, was that a unanimous consent of the Senate? I say it was not. It was a unanimous consent between Senator BRYAN and Senator SMOOT. It is a mere colloquy be-tween two very able and distinguished Senators. Senator BRYAN agreed with Senator Smoot that if his amendment went on he, Senator BRYAN, would not raise the point of order; Senator Smoot agreed with Senator Bryan that he would accept Senator Bryan's amendment in order to keep Senator Bryan from making a point of order. Accordingly these two distinguished gentlemen made a bargain each with the other that he would not raise the point of order, and thereupon, nobody else

raising a point of order, a vote was had.

Now, that brings us to this situation: A vote was had upon this measure, nobody raising a point of order. We have recon-

sidered that vote.

Mr. SMITH of Georgia. What did we vote on? It was agreed to without any objection.

Mr. REED. That is, in fact, a vote.

Mr. REED. Wait until I get through. We reconsidered that action of the Senate on the vote. Where does that bring us? It brings us back to where Senator Bryan and Senator SMOOT were having their colloquy. At any time before the vote was taken in the Senate clearly anybody could have raised the point of order. We are now back at exactly that point. We have reconsidered the vote. In contemplation of law Senator BRYAN and Senator Smoot are still bargaining each with the other that they will not raise the point of order. The vote has not been taken in contemplation of law. Accordingly at this moment anybody can raise the point of order. There is no question about that.

Mr. BRYAN. Mr. President-

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. Certainly.

Mr. BRYAN. There are a number of amendments that have been adopted by the Senate in Committee of the Whole to this bill. They have been agreed to in the Senate. They were adopted in the same identical way that this amendment was adopted. Does the Senator from Missouri think that a point of order can be raised upon any of those amendments?

Mr. REED. No; because they are in the bill.

Mr. BRYAN. Then, what point does the Senator make about the extract he has read from the RECORD? That amendment was adopted just like the others. It is the uniform custom when committee amendments are being considered for the Chair to say that they are agreed to without objection.

Mr. REED. I made no point on that.

Mr. BRYAN. Then it was as thoroughly adopted as if the yeas and nays had been taken.

Mr. REED. The adoption has been set aside and for naught held. It no longer is an adoption. I make no point about the way it was adopted. The Chair put the matter in the ordinary way and very properly ruled in the absence of any objection to the contrary that it amounted to a unanimous vote. unanimous vote is set aside, and now the matter is here for action in exactly the same form it was before the vote was taken. No man will deny the proposition that before the vote was actually taken anyone could have raised the point of order.

So far as I am concerned I hope the point of order will not be made. I hope we shall consider the entire question. I should like to vote for 1-cent postage. I should like to vote to raise the postage upon periodicals and magazines. I should like to vote to allow the newspaper postage to stand as it is at present. But it certainly can not be maintained that the vote having been reconsidered, we are not back at the identical point where we were immediately before the vote was taken, and immediately before that vote was taken any Senator was privileged to rise in his place and object to the consideration of the amendment on the ground that it embraced general legislation.

Mr. BRYAN. Mr. President, I submit that it is too late to raise a point of order, and I had that idea from the ruling of the Chair. I am frank to say that if a vote had come immediately without any debate I should have voted to overrule the decision of the Chair. I now agree with the ruling of the Chair. I do not agree with all the reasons the Chair stated. I think it is competent under the rule to offer an amendment that has been ruled out of order in Committee of the Whole. I do not believe this amendment gets its right to be considered because it was adopted by unanimous consent. It was adopted by the Senate. It has been reconsidered. There must come a time when it is too late to raise the point of order. Does not that time come when the amendment has been adopted? This amendment was adopted. I care not for the reading of the RECORD by the Senator from Missouri.

Mr. SHIELDS. Mr. President-

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. BRYAN. I yield. Mr. SHIELDS. I should like the Senator to state what particular act the unanimous consent was evidenced by. At what point in this proceeding did that consent take effect and what was the evidence or indication of it?

Mr. BRYAN. Of course the amendment was adopted without objection.

Mr. SHIELDS. It was the vote adopting the amendment? Is that it?

Mr. BRYAN. That, of course, is the theory upon which the Chair ruled.

Mr. SHIELDS. If that vote is set aside, does not that affect everything that went with it-the adoption of the amendment as well as the unanimous consent which was implied in order to authorize the Senate to vote on it?

Mr. BRYAN. That is not the question raised here.

Mr. SHIELDS. That is the very question the Senate, I think, would like to hear you on. What is the difference between this and a case that has been tried in court? Objection is not made to evidence, objection is not made to instruction when it is given, but if a new trial is granted is the court forever bound by the errors it committed at first or is the defendant bound by the case because he did not make an objection on the former trial? Does not the granting of a new trial open the whole thing up for proceedings just as it stood in limine?

Mr. BRYAN. I think the illustration of the Senator from Tennessee is a most unfortunate one. He draws an illustration from the practice of the law. I undertake to say that a man does not demur until after he goes ahead and tries the case, and that if a new trial-

Mr. SHIELDS. The Senator is injecting a new phase. The Senator from Tennessee never made a demurrer in his suggestion that if errors were committed at the trial, because objection was not made on the first trial the party would not be precluded from making them upon the second trial.

The VICE PRESIDENT. This ruling is on the doctrine of

stare decisus

Mr. BRYAN. I was proceeding to say that the Senator from Missouri can not make any point out of what he read from the RECORD. The amendment was adopted just exactly as every other amendment on the bill was adopted. As Senators know it is the uniform custom here when committee amendments are read they are agreed to without objection. To say that that was done by unanimous consent, and therefore any Senator at any time before the bill leaves the Senate can raise a point of order and put that amendment out of the bill, is to say that we would never

Mr. VARDAMAN. Will the Senator permit me just there?

That was all set aside by a motion to reconsider.

Mr. BRYAN. Let us see if it was. What did we reconsider? We reconsidered the vote by which we adopted the amendment; that is all.

Mr. REED. Where did that leave us, then? Mr. BRYAN. That left us with an amend That left us with an amendment adopted by

the Senate that the Senate wanted to reconsider.

Mr. REED. Oh, no; it left us with an amendment upon which the Senate had acted; it set aside its action, thus leaving the amendment pending, did it not; just where it was before the vote was taken?

Mr. BRYAN. But it must be remembered always that the Senate having adopted the amendment, no point of order can be raised against it again.

Mr. REED. Certainly not; after it was adopted.

Mr. BRYAN. Now, what was the vote taken on? The vote was to reconsider the vote by which it was adopted. Mr. BRYAN.

Mr. REED. When the Senate reconsidered the vote, was not

the amendment before the Senate?

Mr. BRYAN. Of course, it was before the Senate. Mr. REED. It was subject to debate, was it not?

Mr. BRYAN. Of course, it was, Mr. REED. It was subject to any other thing that could have been done to it before it was adopted, because we set the vote aside

Mr. BRYAN. Except that a point of order—— Mr. REED. It was open to further amendment, was it not?

Mr. BRYAN. It is open to further amendment.
Mr. REED. And open, of course, to anything that could have been done to it before we voted.

Mr. BRYAN. That is the very question here. I confess, Mr. President, that my interest in this amendment and my desire to have it considered may cloud my judgment somewhat about it, but I have examined the rule of the Senate, and if there is any provision in the rules that a point of order can be raised at any stage I fail to find it, either in the rules or in the precedents. First, there is no rule. Then there is no rule or decision of the Senate that concedes the right to raise the point of order at any stage of the proceedings. So now it is proposed to lay down a rule of procedure that has not been considered heretofore, and that has not been decided. What ought we to do about that? It seems to me it would save time, it seems to me it would be in the interest of the dispatch of business, to say to gentlemen who want to raise the point of order the time to do it is when the amendment is reached, and if you do not do it then you are foreclosed from any right to raise it thereafter.

Mr. SUTHERLAND. Will the Senator yield?

Mr. BRYAN. I yield to the Senator. Mr. SUTHERLAND. What construction does the Senator from Florida give to Rule XX, which provides that-

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

Mr. BRYAN. Of course that rule must have a reasonable construction. It can not mean after an amendment has been agreed to and adopted. The Senator from Utah will concede that. It must be before the Senate acts upon the proposition before it.

Mr. SUTHERLAND. Is not the rule

Mr. BRYAN. According to a liberal interpretation of that language you could raise a point of order even after an amendment had been adopted.

Mr. SUTHERLAND. When the amendment has been adopted the proceedings are ended. This says:

A question of order may be raised at any stage of the proceedings.

When the amendment has been adopted the bill has been passed, the proceedings have been ended, but now the Senate has voted to reconsider; in other words, to grant a retrial of this matter, and the proceedings upon that amendment are

Mr. BRYAN. What does that mean? That the Senate will take a new vote on the proposition desired to be reconsidered,

and it can amend it?

Mr. SHIELDS. It is open to further amendment.

Mr. BRYAN. The Senate can amend it.

Mr. SHIELDS. If it is open to one thing it is open to all.

Mr. BRYAN. When you reach an amendment any Senator who proposes to raise a point of order must do it then. Of course, if we apply the strict technical rule of the Senate to this appeal it could not lie. The Chair invited an appeal and nobody appealed. The Senator from Georgia rose and was expressing his dissent from the ruling of the Chair and was going on to debate it. Then the Senator from Missouri finally appealed from the decision. I think under a very strict construction a point of order could be sustained that the appeal came I am not going to raise that. I have become convinced that the ruling of the Chair is right, and I am going to vote to sustain it.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. VARDAMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK], but I feel at liberty to vote on this proposition, and I vote "nay."

Mr. HARDING (when his name was called). On account of woon], and because of my pair with him, I withhold my vote. the absence of the junior Senator from Alabama [Mr. Under-

SMITH of Maryland (when his name was called). notice that my pair, the Senator from Vermont [Mr. DILLING-AM], is absent. In his absence I withhold my vote. Mr. WILLIAMS (when his name was called). Transferring HAM], is absent.

my pair with the senior Senator from Pennsylvania [Mr. Pen-ROSE] to the Senator from Illinois [Mr. Lewis], I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I inquire if the senior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. He has not voted.

Mr. GALLINGER. I am paired with that Senator. In his absence, and not knowing how he would vote if present, I withhold my vote.

Mr. CURTIS. I am requested to announce the absence of the Senator from Vermont [Mr. DILLINGHAM] on account of illness. I will let this announcement stand for the day.

Mr. GRONNA (after having voted in the negative). fer my general pair with the Senator from Maine [Mr. Johnson] to the Senator from California [Mr. Works] and will let my vote stand.

Mr. BANKHEAD. I desire to announce the absence of my colleague [Mr. Underwood] on account of sickness

I also announce the absence of the junior Senator from Georgia [Mr. Hardwick] on account of illness.

I will let these announcements stand for the day.

Mr. ROBINSON. I desire to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on important business. He is paired with the Senator from Rhode Island [Mr.

The roll call resulted-yeas 25, nays 45, as follows:

	YE	AS-25.	
Bankhead Borah Brady Bryan Chamberlain Clapp Fail	Hollis Jones Kenyon Kern Kirby La Follette Lane NA	McCumber Myers Nelson Norris Robinson Thomas Townsend YS—45.	Wadsworth Walsh Warren Watson
Ashurst Beckham Brandegee Broussard Chilton Clark Colt Culberson Cummins Curtis du Pont Fernald	Fletcher Gronna Hitchcock Hughes James Lee, Md.a Lippitt Lodge Martine, N. J. Oliver Overman	Page Poindexter Pomerene Ransdell Reed Shafroth Sheppard Shields Simmons Smith, Ga Smith, Mich, Smith, S. C.	Smoot Sterling Stone Sutherland Swanson Thompson Vardaman Weeks Williams

NOT VOTING-26.

Catron Dillingham Gallinger Goff Gore Harding Hardwick

Husting
Johnson, Me.
Johnson, S. Dak.
Lea, Tenn.
Lewis
McLean
Newlands

O'Gorman Owen Penrose Phelan Pittman Saulsbury Sherman

Smith, Ariz. Smith, Md. Tillman Underwood Works

The VICE PRESIDENT. On the question, Shall the ruling of the Chair stand as the ruling of the Senate? the yeas are 25 and the nays are 45. So the Senate overrules the decision of the Chair, and the points of order to these amendments are sustained.

Mr. BANKHEAD. Mr. President, I desire to offer a substitute for the amendment which has been proposed by the Senator from Nebraska [Mr. Norris]. I desire to have the Secretary read the amendment in order that the Senate may know what I propose to offer.

Mr. HUGHES. I rise to a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. HUGHES. Is there any amendment now pending? The VICE PRESIDENT. No amendment is now pending of which the Chair is aware.

Mr. HUGHES. That is what I understood. I merely wanted

to get the parliamentary situation straight.

Mr. BANKHEAD. Does the action of the Senate overruling the decision of the Chair eliminate the amendment proposed by the Senator from Nebraska?

The VICE PRESIDENT. It does.

Mr. BANKHEAD. Then I offer the amendment which I send to the desk as a substitute amendment. I desire that the Secretary shall read it. I hope the Senate will give attention to the reading of the amendment, because I believe that perhaps it will afford a solution of this question, if the Senate will adopt it.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. After the figures "\$32,000,000," on page 4,

line 15, it is proposed to insert:

Provided, That the rates of postage on newspapers published weekly and more frequently shall be 1 cent per pound or fraction thereof when mailed for delivery within the first, second, and third parcel-post zones, and 1½ cents per pound or fraction thereof when mailed for delivery within the fourth parcel-post zone, and 2 cents per pound or fraction thereof when mailed for delivery within the fifth, sixth, seventh, and eighth percel pert zones. eighth parcel-post zones.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Alabama if that amendment would not repeal the law which exempts the county papers from the payment of postage within the county?

Mr. BANKHEAD. It does not. I think it does. Mr. VARDAMAN.

The provision to which the Senator from Mr. BANKHEAD. Mississippi refers is in another part of the bill, and I do not propose to amend that part of the bill.

Mr. VARDAMAN. Does the amendment not state that papers shall pay when mailed at the post office for delivery within

those zones?

Mr. BANKHEAD. The free-in-county privilege is not affected

by this amendment.

Mr. BRYAN. Let me suggest to the Senator from Alabama that his amendment is to take the place in part of the committee amendment.

Mr. BANKHEAD. That is it.

Mr. BRYAN. But as the amendment was read from the desk, it comes immediately after the numerals on page 4, line 15, but it ought to come in on page 5, line 4, after the word "thereof."

Mr. SMOOT. But that matter is all out.

Mr. BRYAN. Then, the Senator from Alabama can offer his amendment as an independent and separate amendment, just as he has done, including what the committee has offered down to line 4, on page 5, and then add his amendment. That is what I think the Senator intends to do.

Mr. LODGE. Mr. President-

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BANKHEAD. I intended to add my amendment at the end of the committee amendment.

Mr. LODGE. Mr. President, I desire to make a parliamentary inquiry. Is the amendment proposed by the Senator from Alabama a new amendment?
The VICE PRESIDENT. It is a new amendment.

not go on with these discussions. I make the point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. BANKHEAD. Mr. President, I hope the Senator will
withhold the point of order until we can get an exact understanding as to where the amendment comes in and what its effect will be

Mr. LODGE. Mr. President, my purpose is to expedite the passage of this bill. We might go on discussing rates on second-class matter from now until next December; it is one of the greatest and most difficult questions before us; and, if we want to get through with our work before the 4th of March, we must have some end to this debate, and I employ the point of order, and make it now.

The VICE PRESIDENT. The Chair has sustained the point

of order.

Mr. BRYAN. I do not think the Senator from Massachusetts can prevent the Senator from Alabama, the chairman of the committee, from offering the amendment.

Mr. LODGE. I make the point of order against the amend-

ment

Mr. BANKHEAD. The Senator has not allowed me to present the amendment as I desire to present it.

Mr. LODGE. The amendment has been read from the desk,

Mr. SMITH of Michigan. Regular order!

Mr. BANKHEAD. The amendment was not inserted at the proper place. I desire to say that this amendment only affects newspapers. It has appeared from the discussion in the Senate that the desire of the Senate is not to increase the rate on newspapers beyond the present rate of 1 cent a pound, except where such papers are sent beyond 300 miles.

The VICE PRESIDENT. The Secretary will state the next

served amendment.

Mr. SMITH of Georgia. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. Let us dispose of the amendments

coming over from the Committee of the Whole.

Mr. SMITH of Georgia. The amendment I desire to offer has reference to page 4 and the subject matter that has been under consideration. The amendment is to come in on page 4, at the end of line 15.

The VICE PRESIDENT. We have not disposed of all the amendments that came from the Committee of the Whole. There is an amendment that came from the Committee of the Whole, reserved by the Senator from Iowa [Mr. Kenyon].

Mr. BANKHEAD. I desire to ask the Senator from Massa-chusetts if he will not permit the reading of the amendment I have offered so that it may go into the RECORD?

Mr. TOWNSEND. He can not help it, if the Senator desires

to read it himself.

Mr. BANKHEAD. I will do that if the Secretary is not permitted to do so. I want this amendment to go into the RECORD, and I want the RECORD to show what the purpose of the amend-

The VICE PRESIDENT. Which amendment is that?

Mr. BANKHEAD. The one I sent to the Secretary's desk, and against which the point of order was made before it was

Mr. JAMES. Mr. President, I think the amendment was read at the desk.

Mr. MARTIN of Virginia. The amendment was read.
Mr. BANKHEAD. Then I will read it again. It has got to go in the RECORD.

Mr. JAMES. It has already been read, and is in the RECORD.

Mr. BANKHEAD. Is it in the RECORD?

The VICE PRESIDENT. The amendment has been read and is in the RECORD.

Mr. BANKHEAD. Then I am satisfied.

Mr. BRYAN. I think the Chair is mistaken. The Secretary read the amendment of the Senator from Alabama as if it came in on page 4, after line 15. It does not come there, as I was trying to suggest to the Senator from Alabama when the amendment was being read. What the Senator from Alabama is trying to do is to offer the committee amendment as it appears in the bill down to the word "thereof," in line 4, on page 5, and then insert the new matter proposed by him. In order that the amendment may be intelligible it would have to be printed in connection with what precedes.

The VICE PRESIDENT. If there is no objection, the Secretary will state the amendment.

Mr. LODGE. Mr. President, we have spent a great many hours in discussing this question, and I think that the first duty of the Senate is to dispose of the appropriation bills and line 4, page 5, and then read the memorandum sent to the desk

by the Senator from Alabama, it will express the amendment as the Senator from Alabama desires to offer it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary. On page 4, line 15, after the numerals "\$32,000,000," it is proposed to insert the following:

"\$32,000,000," it is proposed to insert the following:

Provided, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof including delivery at letter-carrier and rural free-delivery offices: Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: Provided further, That the rates of postage on newspapers published weekly and more frequently shall be 1 cent per pound or fraction thereof when mailed for delivery within the first, second, and third parcel-post zones, and 1½ cents per pound or fraction thereof when mailed for delivery within the fourth parcel-post zone, and 2 cents per pound or fraction thereof when mailed for delivery within the fifth, sixth, seventh, and eighth parcel-post zones.

The VICE PRESIDENT. The Chair understands that the

The VICE PRESIDENT. The Chair understands that the Senator from Massachusetts has made the point of order that the amendment is general legislation on an appropriation bill.

Mr. LODGE. I make the point of order.

The VICE PRESIDENT. The Chair sustains the point of

Mr. SMITH of Georgia. Mr. President, I wish to offer an amendment to come in at the end of line 15, on page 4. I wish to have it go into the RECORD.

The VICE PRESIDENT. The amendment will be stated.

The entire committee amendment Mr. SMITH of Georgia. now has gone out, and the language I offer is to be inserted in line 15, page 4, after the figures "\$32,000,000."

The VICE PRESIDENT. The Secretary will state the amend-

ment.

The SECRETARY. On page 4, line 15, after the figures "\$32,-000,000," it is proposed to insert a colon and the following words:

Words:

Provided, That the rate of postage on second-class matter from and after six months from the passage of this act when sent by the publisher thereof and from the office of the publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agencies, shall be I cent per pound for the first 200 miles and one-half cent additional per pound for each additional 200 miles. The increased charge beyond 1 cent per pound shall not apply to religious and agricultural magazines and papers or to the publications of the secret or labor organizations except where the same carry more than 20 per cent of their space in advertisements: And provided further, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Mr. President, if I gathered correctly from the

Mr. SMOOT. Mr. President, if I gathered correctly from the reading of the amendment, it provides that a one-half a cent a pound rate shall be charged.

Mr. SMITH of Georgia. For every 200 miles.
Mr. SMOOT. For every 200 miles beyond the 200-mile limit?
Mr. SMITH of Georgia. Yes.

Mr. LODGE. Mr. President, I make the point of order for the same reason.

The VICE PRESIDENT. The point of order is sustained. Mr. KENYON. Mr. President, has the reservation of the amendment known as the Jones amendment been reached yet?

The VICE PRESIDENT. It has. We change now from post-

age to intoxicating liquor.

Mr. KENYON. Mr. President, I think the amendment introduced by the Senator from Missouri [Mr. Reen] was not very carefully considered, and I reserved this matter last night in order that a better consideration might be given to it. The fact was called to my attention by the Senator from Kentucky [Mr. James] that this amendment, to a certain extent, nullified the decision of the Supreme Court in the late case construing the law regulating the transportation of liquors in commerce. Upon reflection, I believe that it does. I called the attention of the Senator from Missouri to that matter last evening, and he agreed to an amendment which I thought at that time I would offer; but upon reflection I have decided, instead of that, because that would cover but one of the objections, to move to strike from the bill in toto the amendment of the Senator from Missouri, in order that there may be another vote upon the

Mr. President, the act with relation to the shipment of intoxicating liquors prohibited their transportation from one State into another where the liquor was to be received or possessed or used in violation of the State law. The Supreme Court has upheld that proposition. In other words, as the matter now stands the question of liquor, its sale, and its use and its possession is entirely for the States to determine. It seems to me it ought to remain there for the present. That is a good solu-

tion of it at this time, until public sentiment may advance further. If a State wants to be bone-dry, that is for the State to determine. If a State wants liquor within its borders for any particular purpose; if a State may not have reached the point, according to public sentiment, where it desires a bonedry law and permits the shipment in of liquor for certain purposes, and at the same time strikes down the saloon-which, in my judgment, is the main object of all this temperance fight in this country-it can now do that.

Under the Reed amendment a State can not be bone-dry that desires to be bone-dry-that is the first proposition-because the exception was ingrafted by the amendment of the Senator from Mississippi, "except for sacramental, scientific, medicinal, or mechanical purposes." So, in the first place, if a State de-So, in the first place, if a State desires to be bone-dry under this amendment shipments can be made into the State for those four purposes. Congress has taken hold of that subject, and to that extent has nullified the

decision of the Supreme Court.

Mr. VARDAMAN. Mr. President—
The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON.

Mr. KENYON. I do. Mr. VARDAMAN. I want to ask the Senator a question for information. Is there a State in the Union that has enacted

laws prohibiting the use of alcohol for scientific purposes?

Mr. KENYON. I do not know. I think not.

Mr. VARDAMAN. I do not think that is what "bone-dry" means. I hardly think there is a State in the Union that would be affected by this amendment if it wanted to pass a bone-dry

Mr. KENYON. I am not arguing in favor of any such thing at all. I do not know whether any State has done that or not.

Mr. REED. Mr. President, may I ask the Senator if there is a State that has prohibited the use of wine for sacramental purposes?

Mr. KENYON. I think not; but I do not know.

Mr. REED. Is there a State that has prohibited the use of alcohol for mechanical purposes?

Mr. KENYON. I do not know.
Mr. REED. If there are no such States, then the amendment which I offered would not bar the use of liquors for those purposes in the State or the shipment of liquor into the State

for those purposes.

Mr. KENYON. Not at this time, of course; but if the State did prohibit the use for those purposes, then the amendment of the Senator would permit the shipment into the State for purposes which the State prohibited. That is the principle in-

Mr. REED. If some State hereafter did it.

Mr. KENYON. Yes.

Mr. REED. I doubt that construction; but we are going a long way when we propose to arrest the forward movement of the car of moral progress and reform, and do it on the ground that somebody, at some time, in some place, may prohibit the use of wine for sacramental purposes.

Mr. KENYON. Of course, I realize how earnest the Senator

in hurrying the car of moral reform forward.

Mr. VARDAMAN. Mr. President, I ask the permission of the Senator from Iowa to make just this statement: I am compelled to leave the Chamber for a few moments; and I want to express my very great desire that the amendment stand as

it is. I think it is a good law.

Mr. WORKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa

yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. The Senator from Iowa seems to assume that an act of Congress could control the legislation of a State. hardly think that is so. If a State sees fit at any time to enact legislation making that State bone-dry, this legislation on the part of Congress could not affect the State's right to enforce legislation of that sort. It will be time enough, then, for Congress to reenact legislation on that subject and prohibit shipment into the State in order to conform to that legislation.

Mr. KENYON. The Senator may be right, and I know that statutes will be construed in pari materia. But because there is some doubt about the matter, I have raised the question that it ought not to be injected into this bill. There is some doubt about the particular question whether or not Congress, by taking hold of this subject to that extent, does not take it away from the States, although I believe the Bankhead bill and the Webb bill can be harmonized.

That is the first point; I am going to discuss this only for a

moment.

The second point is this: There are certain States, such as North Carolina and Virginia and possibly others, that permit certain shipments of liquor into the State for personal use. Now, this stops that. I assume that is frankly the purpose of the amendment. I voted for this amendment yesterday believ-ing that it was a proper principle; upon further reflection I fear its adoption at this time will retard the forward movement of the prohibition cause. I believe we ought for the present to let the States determine that matter.

These two propositions that I have advanced are my reasons for moving to strike from the bill, which I now do, the amendment of the Senator from Missouri. I do not know just where

it comes, mechanically, in the bill.

The Secretary. The amendment comes after the word "addressed" on line 16 of the printed amendment, and reads as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished

Mr. SMITH of Georgia. Mr. President, I only wish to say a word against this motion to reconsider. Has the motion been

The PRESIDING OFFICER. The motion was to strike the

amendment from the bill.

Mr. KENYON. Mr. President, I should like to ask the par-liamentary situation. I understand that the reservation of the Jones amendment opened all questions concerning that amend-

The PRESIDING OFFICER. The present occupant of the Chair was not here when this matter was disposed of.

Mr. SMITH of Georgia. Was the reservation made?

Mr. KENYON. It was made.
Mr. SMITH of Georgia. By whom?
Mr. KENYON. By the Senator from Iowa.
Mr. BECKHAM. Mr. President—

The PRESIDING OFFICER. The Senator from Georgia was recognized.

Mr. BECKHAM. Will the Senator yield to me for a minute?

Mr. SMITH of Georgia. Certainly.

Mr. BECKHAM. As I understand, there was a reservation made of all questions upon this amendment. That being true, I wish to make the point of order upon the amendment of the Senator from Missouri [Mr. Reed]. The Senate suspended the rules for the purpose of considering alone the amendment of the Senator from Washington [Mr. Jones], which dealt with re-strictions upon the use of the mails for liquor advertisements. Therefore the suspension of the rules permitted only the consideration of that amendment and any amendment to it that was germane to that subject. Now, the Senator from Missouri offers an amendment that is not germane or pertinent, either to the amendment of the Senator from Washington or to the bill itself. The Senate suspended the rules solely for the consideration of the mail question. The Senator from Missouri offers an amendment on a subject entirely different, that deals with interstate commerce, and I think it is subject to a point of order.

Mr. SMITH of Georgia. Mr. President, I desire to reply to the Senator from Kentucky. The only amendment that has been reserved in the Senate is the Jones amendment, as I

understand.

Mr. KENYON. The Senator is wrong. It is the Jones amendment and all amendments thereto—the Bankhead amendment. The Record will show just what was reserved-everything connected with it.

Mr. REED. I do not understand what the Senator from Iowa means by the Bankhead amendment.

Mr. KENYON. Perhaps I should say, the amendment adopted by the committee which was introduced by the Senator from Washington [Mr. Jones] and called the Jones amendment. Mr. BORAH. And all amendments thereto.

Mr. REED. I should like to ask, as a parliamentary inquiry, what the Record shows with reference to the reservation?

The PRESIDING OFFICER. The present occupant of the chair was not present at the time the Senate acted upon that matter, but is informed that the reservation was of the Jones

amendment as amended in Committee of the Whole.

Mr. SMITH of Georgia. The Jones amendment as amended.

Mr. REED. Now, that brings it in this shape: The Jones amendment was before the Committee of the Whole. It was amended as in Committee of the Whole, and comes to the Senate as amended, and the only way now in which the amendment I offered can be reached is by a motion to strike it out. That motion is now made; and against a motion to strike out a part

of an amendment the Senator from Kentucky [Mr. Beckham] undertakes to raise the point of order that the thing which is already in, and which there is a motion to strike out, is general legislation

Mr. SMITH of Georgia. Mr. President, I think the effect of the action of the Senate was to engraft the Reed amendment on the Jones amendment, and the waiver of the rules applies to both, and it is properly before the Senate. I am very warmly in favor of the Reed amendment. I wish intoxicating liquors kept out of the State in which I live, except for the purposes permitted by the Reed amendment.

Mr. BORAH. Mr. President-

Mr. SMITH of Georgia. I yield to the Senator from Idaho. Mr. BORAH. The Senator speaks about the waiver of the

What does he have reference to?

Mr. SMITH of Georgia. We by vote suspended the rules for the Jones amendment; and the suspension of the rules for the Jones amendment would carry also a suspension, I should suppose, of any legitimate amendment to the Jones amendment. That is my impression. I do not mean to express a final opinion, but it would seem that any perfecting of the Jones amendment or any legitimate amendment to the Jones amendment would be carried also by the suspension of the rules. I do not, how-ever, desire to discuss that. I only wish to say a word about the merits of this amendment.

I understand that our object in making a State dry is really to make it dry; and I do not believe that these bills which permit a certain quantity of liquor to come into the State were passed because their advocates wanted any to come in. The false impression prevailed that under the Webb-Kenyon bill the legislature could not entirely exclude from a State shipments of liquor, and this minimum amount was permitted to come in under the belief that it was essential to the constitutionality of their action. I did not think so. I have thought that they at the time had the right to exclude all shipments. So far as I am concerned I am in favor of prohibition in my State to keep them from drinking, and I am opposed to shipping in quart packages. I am opposed to refusing to allow it to be manufactured in the State and then letting somebody ship it in from another State.

Mr. BECKHAM. Will the Senator yield?

Mr. SMITH of Georgia. Certainly.

Mr. BECKHAM. Has not the State of Georgia or any other State where prohibition exists the right now, and especially since the decision of the Supreme Court on the Webb-Kenyon law, to exclude entirely the shipment of liquor into that State? Mr. SMITH of Georgia. Yes.

Mr. BECKHAM. Then let me ask the Senator what is the

use of this amendment?

Mr. SMITH of Georgia. I am just going to state it. Mr. BECKHAM. Why not leave it to the State?

Mr. SMITH of Georgia. I have not any doubt when the legislature meets next summer they will amend the present act and exclude it altogether. The subject has been agitated of even calling an extra session to exclude it between now and the 1st of July. The advantage of this provision is that it not only puts the State behind the exclusion but it puts the United States Government also behind the exclusion. It makes it a violation of the criminal statutes of the United States also to ship it in, and as I am desirous to see it excluded I am glad to have both agencies at work keeping it out.

Mr. WORKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I will yield the floor to the Senator

unless the Senator wishes to ask me a question.

Mr. WORKS. I want to suggest to the Senator from Georgia that the chief virtue of the Reed amendment is that it reaches the man who orders the liquor as well as the railroad companies that ship it in, and I should like to see them both reached by legislation.

Mr. SMITH of Georgia. I think it is a splendid piece of legislation in the interest of temperance and I hope it will re-

main in the bill.

Mr. BECKHAM. Mr. President, I earnestly hope that the Chair will sustain the point of order that I made, and if not, that the motion of the Senator from Iowa [Mr. KENYON] to

strike out this provision will prevail.

I voted for this proposition yesterday, as many others did, under a misapprehension, but I am convinced that it is a very serious blow to the cause of prohibition in many States—in the States where it exists to-day and in the States that are to vote upon that subject.

It may be, as the Senator from Georgia says, that his State wants to exclude absolutely the shipment of liquor into that State, and under the law as it stands to-day it can do so; there is no restriction upon it; but it might be that in Virginia or in Indiana or in some other State they would want these limitations. It might be that in some State prohibition would not be practicable and could not be adopted unless some

such limitation is permitted.

I believe that the power the States now have since the decision of the Supreme Court on the Webb-Kenyon law is sufficient and ample to deal with this question. If any State desires to absolutely prohibit the shipment of liquor into that State, it can do so now, and there is no reason for Congress to pass any such measure as is proposed by the amendment of the Senator from Missouri. It is not pertinent to the subject under discussion, and it is an entirely different and foreign subject. The Senate suspended the rule solely and specifically for the purpose of considering the restriction of the mails as to liquor advertisements. Here comes an amendment that deals with an entirely different question. I understand the Senator from Iowa made the reservation necessary to allow this point to be made in the Senate. I therefore insist upon that point of order.

Mr. REED. Mr. President, a simple statement of the facts in the RECOED will completely answer the point of order. I should like to make it to the Chair so that he may have it

The Jones amendment dealing with the question of prohibition of newspaper advertisements for liquor being sent into dry territory came before the Senate. It was subject to the point of order that it was legislation to an appropriation bill. Thereupon a motion to suspend the rules was made and was carried. Accordingly, the Jones amendment came before the Committee of the Whole for discussion and amendment. During the course of the proceedings it was amended by inserting the language which I offered, and that language became a part of the Jones amendment without objection and without a point of order being made against it. Thereupon the Jones amendment as amended in the Committee of the Whole came before the Senate and is now pending before the Senate. The Senator from Iowa [Mr. Kenyon] reserved the Jones amendment. Of course. he reserved the Jones amendment as amended, or else he would not be entitled to make any motion whatever with reference to the amendment to the Jones amendment. If he did not reserve the amendment as amended then his present motion would not lie. If he did reserve it as amended, then he can make the present motion.

But what is the motion and what is the parliamentary situation? The Committee of the Whole sent to the Senate an amendment in a certain shape and form. The Senator from Iowa desires to strike out a part of it. Now, the point of order is made, not that the Senator from Iowa could not move to strike out a part of it but that the very thing he moves to strike out is legislation, although it has already been adopted as legislation and it was rejected in the Committee of the Whole

Mr. BORAH. A parliamentary inquiry. Would a motion to reconsider the vote by which the Reed amendment was adopted

be in order at this time?

Mr. REED. Clearly not. I have not the right to answer, but I suggest to the Senator we could not reconsider that vote. We must reconsider the whole general amendment.

Mr. NORRIS. Mr. President—
The PRESIDING OFFICER. If the Senator will allow the

Certainly.

The PRESIDING OFFICER. The Jones amendment, the Chair understands, was clearly in contravention of the rules of the Senate. On motion that rule which was violated was suspended. Then the question before the Senate was the adoption of the Jones amendment. That entire subject matter was before the Senate at the time under that suspension of the rule. It seems to the Chair that the rule was suspended as to any amendment which may have been presented and adopted thereto. For these reasons the Chair is of the opinion that the point of order made by the Senator from Kentucky [Mr. Beckham] is The Senator from Iowa has moved to strike out not well taken. the Reed amendment, so called, and the present occupant of the chair holds that that motion is in order.

Mr. NORRIS. Mr. President, I do not care to say anything in opposition to the ruling of the Chair, but I want to get, if I can, clearly the parliamentary situation. As I understand it, before we went into the Senate, while we were still in Committee of the Whole, the Senator from Iowa reserved for a separate vote the Jones amendment and all amendments thereto. That included the amendment of the Senator from Missouri [Mr. REED].

Now we are in the Senate. That matter is up. It is just the same. It is a new vote. There is not any such thing as a

motion to strike out. Whatever the Senator from Iowa may have said, you can not make a motion now to strike out the amendment of the Senator from Missouri, but the parliamentary situation is just the same as it was in the Committee of the Whole. The motion of the Senator from Missouri to amend the amendment of the Senator from Washington [Mr. Jones] is before the Senate. It is the pending motion, and the vote is first on the adoption of the motion of the Senator from Missouri. and while that is pending, I take it, the question of the point of order can be raised. The Senator from Kentucky [Mr. Beck-HAM] raised it. When that is disposed of, either by the point of order or upon its merits, then we come, just as we did in Committee of the Whole, to vote upon the amendment proposed by the Senator from Missouri. I think the Chair beclouded the situation when he said that the Senator from Iowa had moved to strike out the amendment of the Senator from Missouri. It true the Senator from Iowa said something of that kind.

Mr. REED. He made that motion.

Mr. NORRIS. If there is such a motion pending, I want to make a point of order against it. The only way to reach it is to take the vote over again, and that is what the Senator from Iowa reserved the right to do, to take over again the vote that we took in the Committee of the Whole.

Mr. REED. No; the Senator from Nebraska is in error about the point that the Senator from Iowa reserved-the amendment for a separate vote. He reserved the Jones amendment

as amended for a separate vote.

Mr. NORRIS. If that is all he reserved, it would be out of order, in my judgment, now to move to strike out the amendment that was put in by vote of the Senate.

The PRESIDING OFFICER. The Chair has the RECORD before him where the Senator from Iowa made this reservation,

For a separate vote upon the amendment of the Senator from Washington [Mr. Jones] and all amendments to his amendment.

Mr. NORRIS. That is as I understood the RECORD.

Mr. KENYON. I think possibly my motion was not in order. Then the question would be simply reserving a vote on the Reed amendment. That is all I care about, and that is the parliamentary way to reach it.

Mr. LODGE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. That is all I care to say.
Mr. LODGE. This amendment the Senate declared to be in order, and I think that made all germane amendments in order; but, of course, if it is reserved, what is reserved is the whole amendment adopted in Committee of the Whole. It is open to any Senator to move to strike out certain words from that amendment, and that I understand to be the motion of the Senator from Iowa.

Mr. NORRIS. A parliamentary inquiry, Mr. President. if that were true, a motion to strike out a part of it would be

a motion in the third degree and out of order on that ground.

The PRESIDING OFFICER, Whether the Chair was tech nically correct or not, the motion of the Senator from Iowa will reach the same purpose as that of the Senator from Nebraska. It seems to the Chair this is a splitting of hairs. The present occupant of the chair will hold to the ruling just made that the motion of the Senator from Iowa is in order.

Mr. GALLINGER. That is right.

Mr. LODGE. That is perfectly right.

Mr. SMITH of Georgia. The amendment of the Senator from Washington is before the Senate with the Reed amendment attached to it?

The PRESIDING OFFICER. The Reed amendment is attached to it now. The immediate question is the motion of the Senator from Iowa to strike out the so-called Reed amendment.

Mr. JONES. Mr. President, I voted for the Reed amendment resterday. I am not going to vote for it to-day. I hope that the friends of temperance legislation will take the same position. I am going to give the reasons for changing my vote. Upon the face of it I am in favor of the amendment as it reads; I am in favor of what it would accomplish; I am in favor of it personally; but we must look a little further than our personal views with reference to matters of this kind. As the Senator from Iowa said, prohibition or temperance legislation must keep pace with public sentiment. The temperance legislation in the State must keep pace with the public sentiment in that State, and it makes no difference what I personally think ought to be done, if the public sentiment of the State will not support it, it will be ineffective.

In my State of Washington we passed a prohibition amendment. It was not a bone-dry proposition. Under it persons could bring in liquor from the outside. Personally I was against that

permission. I did not think it ought to be granted; but the people of the State did not look at it in that way. So far as the public sentiment of the State was concerned, it was not far enough along to adopt any other proposition than that. The great and primary object the people of my State wanted to accomplish was to drive out the open saloon. The public senti-ment was strongly in favor of that, and so it voted for this measure. The legislature possibly by this time has passed a bone-dry law. This comes after the existence of this partial prohibition for two years. Public sentiment in the State has gotten so strong as to be back of a proposition of that sort now, and it comes easily and it is coming to stay.

This legislation would not affect the State of Washington. That State has abolished the saloon. The liquor interest is shorn of its power. It can no longer control elections. Its interested supporters are few or none at all. Prohibition is with us to stay. But I have this in mind-this is my fear: There are States that have not yet voted upon the question of prohibition. They are getting ready to do it. What will be the effect if we pass this amendment? It will put in the hands of the opponents of prohibition a strong weapon to fight any kind of

prohibition.

Mr. BORAH. Mr. President-

Mr. JONES. I yield to the Senator. Mr. BORAH. I do not see why that is true. I do not see why that should be used as a club against prohibition. It says:

Whoever shall order, purchase, or cause intoxicating liquors to be fransported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

It prohibits the shipment of liquor into a State except for the three or four purposes specified. If the State wants to vote bone-dry on this question, this does not make an exception. do not see how this can interfere; on the other hand, it might

help the situation.

Mr. JONES. Here is what I have in mind. I will take a State that is getting ready to vote on prohibition, and that is the State of Kentucky. Public sentiment in the State of Kentucky, the friends of temperance believe, will only support a proposition like we have had in Washington; that is, they will prohibit the manufacture and sale of intoxicating liquors in the State of Kentucky, but will permit the citizens of that State to import a certain amount of liquor a month. This would prevent the people of Kentucky from enacting a law of that character, in the judgment of those who are in a position to know. That is the point I have in mind, and that is what I do not want to aid the liquor interests in doing.

Mr. BORAH. I misunderstood the Senator. I thought the

Senator supposed it was impeding prohibition.

Mr. JONES. In other words, I think it will prevent the State of Kentucky from adopting any kind of prohibition. That is what I am afraid of. I do not want to do that. I should like to see the State of Kentucky and every other State not only prevent the manufacture and sale of liquor within the State but its importation. However, the public sentiment of the State may not be that far along.

Mr. REED. Mr. President— Mr. JONES. Just wait a moment until I finish. We have got to fight the battle in a practical way. The enemies of prohibition will use every means in their power to defeat the proposition. They will use every weapon, every instrument, every argument, and every suggestion that they can to influence the vote against prohibition. They will oppose every advance step until it is taken, and then they will profess to stand for that in order to defeat any other step. The liquor interests are for this provision now, not because they want that sort of a law, but in the hope that it will help them beat prohibition.

I do not believe that we ought to adopt any legislation that may play into their hands. In making that statement I do not suggest or have in mind or intimate that the Senators who are favoring this amendment have any such purpose in mind. I do not question their sincerity at all; but I am simply stating my view as to how it looks to me and how the proposition will be used in the future if we enact it now. When it was proposed it met with my approval as a statement of what I am in favor of personally; but as I have thought about it and considered the practical effect of it and the influence that it is likely to have in the progress of this campaign, not in the States where they have already acted, but in the States where they are preparing to act, I believe it is a bad proposition for the temperance cause in a practical way, and that it will do injury to the cause in States where they are hoping to take an advance step. Mr. BORAH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho. Mr. BORAH. I understand the State of Kentucky, in its prohibition proposition, has an exception which will permit the shipment into the State of Kentucky of a certain amount of liquor for beverage purposes.

Mr. JONES. I do not know what they have proposed yet. I did not know that they had made a distinct proposition. understand that they are preparing for a submission of the question. The Senator from that State can advise us about

Mr. BECKHAM. The question will come before the next session of the general assembly, which meets next winter. It is believed that that legislature will submit an amendment to the constitution to be voted upon, under the constitution, in

November, 1919.

I believe, as the Senator from Washington has suggested, that such drastic action as is proposed in this amendment would hurt the prohibition cause in Kentucky, because in practically all the States where prohibition has been adopted there have been made exceptions so that a limited amount could be used each month. It has been found necessary in order to secure the adoption of the amendment and the elimination of the saloon to allow some such exception. I have no doubt when the amendment is proposed by the Kentucky General Assembly some exception of that kind will be provided.

Mr. BORAH. This amendment would not interfere with that proposition. If the State of Kentucky submits the proposition that individuals shall be permitted to ship into the State from outside, say, a gallon a month or any limited amount per month for beverage purposes, this would not cover the subject at all, because they would bring it in for beverage purposes, and therefore it would not be within the purview of the amendment.

Mr. JONES. But this provision does not permit the importation of liquor in interstate commerce for beverage purposes. It only permits it for medicinal, scientific, mechanical, and sacra-

mental purposes

Mr. BORAH. It does not apply at all unless the State has passed a law prohibiting the use of liquors for beverage pur-

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesald.

Mr. JONES. I wish to call the attention of the Senator from Idaho to the fact that that only says where the State prohibits its manufacture and sale in the State for beverage purposes. The State may pass a law prohibiting its manufacture and sale in the State, but may not prevent a citizen of the State from sending an order outside and bringing it in. I would have no objection to do that, but that is not the general understanding. That is not the understanding of the friends of the amendment or those who proposed it. They propose to say that even though a State, in accordance with its public sentiment, shall go no further than to say that liquor shall not be manufactured or sold in the State, but its citizens may from some manufactory outside of the State bring in a certain limited amount, this shall not be done, and this provision would prevent anything of that sort. That is what they contend, and that is what the provision means.

Mr. BECKHAM. It will override the State law. The State law permits a limited shipment into the State and this act of

Congress would absolutely prohibit it.

Mr. BORAH. If the State permitted it to be shipped into the State for beverage purposes the Senator thinks that this would apply?

Mr. BECKHAM. I think it would, because it says even where the State forbids the manufacture or sale in the State and does not make any exceptions.

Mr. BORAH. It could not prohibit anywhere else except within the State.

Mr. BECKHAM. I understand, but when it does that, notwithstanding any exception it might make as to a limited shipment in the State, this act of Congress would forbid such

Mr. JONES. Mr. President, I have said all I want to say. have given my reasons for voting to-day differently from what I voted yesterday. I hope as far as I am concerned that this amendment will be defeated not because personally I am not in favor of the proposition involved, but because what I fear will be the effect upon the contests in States that are going to try to bring about an advance step in temperance legislation.

Personally, I am for it. The principle is right, but I do not believe it is a wise thing for us to do. If a State wants to take one great step in the direction of full prohibition, let us Let us not lend aid to those who oppose the step. The Webb-Kenyon law fully protects the States in every That law and advance they may take toward prohibition. the States with liquor advertisements shut out of the mails will meet the liquor traffic pretty well until national prohibition is an accomplished fact, as it will be in the near future.

Mr. SMITH of Georgia. Does the Senator suppose it is

possible that any man in Kentucky would vote to prevent the manufacture of liquor in Kentucky and yet be willing for somebody else to send it in from another State?

Mr. JONES. I simply say that the people of my State did

that very thing.

Mr. SMITH of Georgia. Those who produce it in Kentucky will not drink it from anywhere else; they do not think it is as good when made anywhere else, I understand.

Mr. JONES. My people voted that way, but after that has been in force two years they are getting ready to do now exactly what the Senator from Georgia and I are in favor of. It may be the law has already been enacted. I saw that a few days ago the lower house of our State legislature passed what we call a dry-bone proposition, and I have no doubt but that it will become a law very soon, if it is not already enacted. That will be done in every State, in my judgment, where they have partial prohibition. This has been the course of the temperance movement. First, local option in a town or township unit, then the county unit, and then the State-wide unit in this qualified way, and then full prohibition. We want results. To get them we must be practical. We must work results. To get them we must be practical. We must work along practical lines to accomplish the ultimate results desired. The defeat of this proposition, in my judgment, is a practical way to secure what it purports to do.

I hope the Reed amendment will be rejected, and I shall vote for the motion of the Senator from Iowa to strike it out.

Mr. BORAH. Mr. President, I voted for the amendment yesterday, and I am going to vote for it again to-day. I would not want to retard the movement for prohibition in Kentucky or elsewhere, but when a State says, "I do not want to drink my own liquor, but I will take some that comes in from the out-side," I think I have a right to exercise my judgment as to what is a sound and wholesome provision. As a legislator, I

would not want to indorse that proposition.

This would not apply to Kentucky at all if Kentucky made an exception by which liquors could be sold within the State in small quantities, a gallon a month or something of that kind for somebody to use, because it does not apply in a State where it is in use for beverage purposes. I can not conceive of a man wanting to vote for prohibition complete and absolute in his State, and yet not be willing to vote for prohibition complete and absolute against liquor coming into the State. I think the friends of this matter perhaps have been disturbed a little by the source of the amendment. There is no reflection upon the Senator. It does not disturb me.

Mr. REED. The Senator is a better judge of human nature

and character perhaps than the others.

Mr. BORAH. At any rate, it seems to me that there is expressed a proper principle in regard to the matter, and I shall

vote in favor of it.

Mr. CUMMINS. Mr. President, I very much regret that I am constrained to vote against the motion made by my colleague [Mr. Kenyon]. My only objection to this amendment is that it does not go far enough. I have for a long time been a proponent of the idea that we ought to forbid absolutely all transportation in intoxicating liquor from one State to another, leaving each State to manufacture and dispose of its intoxicating liquor according to the policy of that State. There would be no denial of any worthy object either in a sacramental or medicinal or mechanical or scientific way, for each State could manufacture all of the alcohol that was desirable for those purposes within its own borders.

I think the most effective thing that Congress could do would be to interdict completely all transportation in intoxicating liquor as between the States, and I was very sorry when the Senator from Missouri [Mr. Reed] modified his amendment yes terday by inserting the words "medicinal, scientific, sacramental, and mechanical." To me it is inconceivable that the prohibition cause can be hurt by condemning the policy of any State that will say that "there shall be no intoxicating liquor manufactured in this State, but our people are at liberty to receive such liquor if brought in from other States."

The only reason that this question has ever arisen in any of the States is because it has been assumed that Congress had not

the power to prohibit the transportation of liquor from one State to another. That erroneous opinion has been overthrown, and it is now well recognized that we have the power to make liquor contraband, so far as its transportation from one State to another is concerned. I am in favor of doing it, and I again say that I am sorry the amendment excepted the transportation for the purposes indicated in it, namely, medicinal, sacramental, mechanical, and scientific. I am therefore impelled to vote, as did yesterday, for the amendment of the Senator from Missouri.

Mr. SMITH of Georgia. Mr. President, I voted for the amendment yesterday, and I was very much gratified that it was adopted. I shall vote for it again to-day. I do not believe that it will injure the prohibition fight in any State. The opponents of prohibition in the State fights usually say, "What is the use of stopping the manufacture and sale in the State? They will The State ship it in in great quantities from other States." that permits a limited quantity to be shipped to its citizens is laughed at for forbidding the manufacture and sale in the State and yet permitting it to be shipped in from other States.

I think this will be a great help to the "dry" States, and I think it will help States to go "dry." The fact that when States go "dry" liquor is not to be poured in from other States

in any way will be a wonderful help to the cause. I hope the motion to strike out will not prevail.

Mr. MARTINE of New Jersey. Mr. President, I have an amendment which I should like to offer to this bill just now. The PRESIDING OFFICER (Mr. ASHURST in the chair).

The present occupant of the chair thinks the amendment would not be in order at this particular juncture. The Senator from New Jersey will be recognized for the purpose of offering the amendment later.

Mr. MARTINE of New Jersey. Very well.
Mr. REED. Mr. President, I am sorry that the author of the Jones amendment, having made his speech, has retired from the Chamber, because what I have to say I think he ought to hear.

Let us see what the subject matter with which we are dealing Let us just for a moment review the situation. What is it The Webb-Kenyon law was enacted, which conferred upon the States the right to prohibit the shipment of liquor from points outside a State into a State. All doubt as to the constitutionality of that law is now at rest by virtue of the decision of the Supreme Court of the United States in the West Virginia cases. So, as the case now stands, any State may stop the shipment of liquor into the State if it desires so to do. With the law in that shape, with the full right and power existing in any State to stop the shipment of liquor into the State, the Senator from Washington [Mr. Jones] brings here an amendment to this bill proposing to send the editor of a newspaper to the penitentiary, as he had it in the amendment, for as long as five years if he shall publish an advertisement of liquor and shall put his newspaper into the mails and send it into a dry State.

What was the purpose, my brother Jones, in asking that amendment except to invoke the aid of the Federal Government to prevent knowledge of where liquor could be purchased outside of your State, and other prohibition States, from even reaching the minds of the inhabitants of prohibition States? That was the object; that was the purpose. There could be no other object or purpose. You propose to send to the penitentiary a man who has simply told a citizen of a "dry where he can get liquor outside of the State; and now when I ask that you reach the shipment itself, you, who stand here clamoring for a law to send to the penitentiary a man who furnishes information as to where the liquor can be purchased, decline to pass a law that will penalize the man who conspires to bring the liquor itself into your State, and you say that I am

not acting in good faith. Mr. JONES. Oh, no.

Mr. REED. You say it by intimation.

Mr. JONES. Mr. President, I have been very careful to be as considerate as possible; much more considerate toward the Senator than he has been to friends on this side. suggested or intimated that he has been acting with improper motives. I have all the time assumed, and I have tried to debate the question all the time, from the standpoint that the Senator is perfectly honest and sincere.

Mr. REED. I am glad to have that conceded. I waive that

point and lift the question entirely above personalities.

You say that it will injure the cause of temperance, the advance of the prohibition movement, to stop the sending of the liquor itself into "dry" territory, and yet in the same breath you ask to send men to the penitentiary for sending information as to where the liquor can be obtained. If there is any mind contained within the skull of any human being that can reconcile those two positions and reduce them to a logical coordination, then I have not discovered the possessor of that remarkable

You say that extreme legislation may deter the advance of this movement. I think that extreme and outrageous legislation will deter the advance of any movement to which the legislation is attached. I said that on yesterday when it was proposed to enact a law that, as it was brought here by the distinguished Senator from Washington, would have made it possible to have sent a woman to the penitentiary for five years who mailed a newspaper to her husband if that newspaper happened to have a liquor advertisement in it, and she knew it. I appealed then for a mitigation of the penalty and a change of that phraseology, and suggested an amendment which, at least, limited the operation of the law to a newspaper publisher who might knowingly send the paper into "dry" territory, and to the dealer in liquor who might be sending it into "dry" territory for the purpose of making money.
So it does not lie in the mouths of those who advocate this

extreme legislation against the dissemination of information as to where and how liquor can be purchased to criticize those, or to challenge the motives of those, who say that we ought to go to the evil itself and prohibit the shipment of the thing for the promotion of which shipment the advertisement has been

printed. So much for that.

The statement has been made here that we must not run in advance of public sentiment, and that therefore prohibition legislation ought to follow a sentiment that has been created in favor of it in a particular State. Well, there is much in that argument, but it has no application here. Yet I can not refrain from calling attention to the fact that the very men who are now opposing this amendment and seeking to strike it out are the gentlemen who have been the advocates of nation-wide prohibition and who have proposed to employ the votes of the "dry" States to force prohibition upon the great populous States where prohibition has never been adopted. Consistency is a jewel that is not always found in the caskets of my friends.

It is said that this legislation will make prohibition a fact, and that because it will make it a fact it will be difficult to pass prohibitory laws in some States. This legislation simply proposes to stop the shipment of liquor into a State where the State itself has gone "dry"; and the amount of the argument is this, that unless the inhabitants of a State are permitted to irrigate the State from outside sources they will not adopt prohibition. The same argument carried to its legitimate conclusion would lead to the repeal of the Webb-Kenyon law, for the same class of advocates could well say to those who are about to adopt a prohibitory law in a State, "You should not adopt it, for the State will have the authority to stop your getting any from the Therefore we ought to repeal the Webb-Kenyon law, so as to offer the inducement to gentlemen in "wet" States to help adopt prohibition by holding before them the glorious array of quarts and gallons and hogsheads that they may import for their private use. The argument made against this amendment can be made with the same force and effect against the Webb-Kenyon law and in favor of its repeal, because the basis of the complaint is that it will shut off the outside supply of liquor, and that is embraced in the Webb-Kenyon law in principle just as it is embraced in this amendment.

I have always understood the junior Senator from Kentucky [Mr. Beckham], and I am sorry he is not in the Chamber, to be a very ardent prohibitionist, to be one of those men who in perfect good faith have inveighed against the evil of intoxicating drink, one of those men who in perfect good faith have pictured the ruined home, the ragged children, the pale-faced wife of the drunkard, and yet he tells us that we must not adopt a law which will enable his State, when it passes a law prohibiting the manufacture and sale within its borders of these deadly intoxicants, to be protected against pollution from the outside. He tells us that this moral movement will be arrested unless the "Kentucky colonel" is assured of his supply of red liquor even while he stands and votes for the law to prohibit its manufacture within his own State. It makes mighty little difference, Senators, to the wife of the drunkard, it makes mighty little difference to the starving child of the drunkard whether the father got his bottle of whisky at an express office whether the lather got his bottle of whisky at an express omice or at a drug store or at a saloon. It has little to do with the pangs of hunger, with the suffering and agony of the wife and children whether the liquor was imported into the State or made within the borders of the State. But this makes a difference: If prohibition be right, if it ought to be adopted, if the liquor business is an evil business, and if liquor drinking be a dangerous and deadly thing, it does make a difference whether you stop up both sources of supply or whether you only stop one.

Senators talk about being practical with a law of this kind. I will tell you what the practical side of it is, and I will challenge any prohibitionist on this floor to deny the truth of what I say. Any State can easily stop the manufacture of beer within its borders, because great breweries stand where they can be seen; any State can easily stop the manufacture of whisky within its borders, because the distillery is where it can be seen. Now, if a State can stop the manufacture within its borders and no liquor can get in from the outside, you have prohibition practically and easily enforced, but if the borders of that State are open for liquor to flow in from every other source, if it can be sent in through 10,000 channels, then what do you have? The experience of States answers the question. My friend from Kansas, Mr. Thompson, and I had a colloquy some days ago. They have had prohibition upon the statute books in Kansas for many years. My friend and I may disagree as to the character of the enforcement of the law they have in Kansas, but, boiled down, the sole amount of all the discussion was this, that Kansas has stopped its manufacture ever since she has had a prohibitory law, but Kansas has been deluged with liquor from the outside, and whatever there is of drunkenness in Kansas or whatever there is of the misuse of liquor in Kansas has come by virtue of the fact that the liquor was made elsewhere and sent into Kansas. My friend, the Senator from Kansas, and I disagreed about some matters the other day, but he will agree with me on this, that if no liquor was sent into Kansas from the outside, there would be an absolute condition of prohibition and sobriety within the State.

Mr. THOMPSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. I do.

THOMPSON. As the Senator has called attention to the little difference we had, I should like to know if he will not admit now that in our joint city of Kansas City, Mo., and Kansas City, Kans., the law-enforcing element of my State having had great difficulty in dealing with the transportation of liquor across the line had done everything in its power to prevent it. I will ask him further if I did not show him a journal entry of the court proceedings in the Supreme Court of Kansas by which that traffic was stopped by injunction? simply want to get the record straight in this regard.

Mr. REED. I am really sorry the Senator has brought up

that question, because it is a mooted one.

Mr. THOMPSON. I should like to introduce as part of my remarks the court record showing the injunction in those proceedings. This same decree was obtained against a half dozen other liquor concerns of Missouri, the names of which appear in the body of this journal entry.

I wish to say in this connection, I am in favor of the Senator's amendment because I believe it will aid materially in the enforcement of the prohibitory liquor laws in dry States.

Mr. REED. Well, Mr. President, I have no objection to

the Senator introducing the court record.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The matter referred to is as follows:

IN THE SUPREME COURT OF THE STATE OF KANSAS,

Tuesday, September 10, 1907.

The State of Kansas, ex rel., plaintiff, v. the Kansas City Breweries Co., a corporation, defendant. No. 15491.

JOURNAL ENTRY OF JUDGMENT.

Co., a corporation, defendant. No. 15491.

JOURNAL ENTRY OF JUDGMENT.

Now, on this 10th day of September, 1907, this cause coming on for final hearing and adjudication the same is submitted to the court upon the pleadings and proof, the plaintiff appearing by Fred S. Jackson, attorney general of the State of Kansas, and the defendant appearing through its attorneys, Harkless, Crysler & Histed, and thereupon, and after hearing the evidence and being fully advised in the premises, the court finds that the defendant, the Kansas City Breweries Co., is a corporation organized and existing under and by virtue of laws of the State of Missouri; that the defendant is engaged in the business of manufacturing and selling intoxicating liquors, and that the defendant has not at any time made any application to the charter board of the State of Kansas for permission to engage in business as a foreign corporation in this State, and that no permission has been granted by said charter board to the said defendant to so engage in business as a foreign corporation in this State, and that no permission that he charter board nor the secretary thereof, at any time, issued any certificate to defendant authorizing it to do business in the State of Kansas as a foreign corporation, and neither has the defendant illed with the secretary of state of the State of Kansas any certified copy of its charter as provided by the laws of the State of Kansas; that said defendant at the time of the institution of this proceeding, the defendant was engaged in the unlawful sale, barter, and delivery of intoxicating liquors within he State of Kansas, and was keeping and maintaining places within said State where intoxicating liquors were sold, bartered, and given away in violation of law, and where persons were permitted to resort for the purpose of drinking intoxicating liquors as a beverage, and where in-

toxicating liquors were unlawfully kept for sale, barter, and delivery, all of which said acts so done and permitted by the defendant, were contrary to the statutes and against the peace and dignity of the State

toxicating ilquors were unlawfully kept for sale, barter, and delivery, all of which said acts so done and permitted by the defendant, were contrary to the statutes and against the peace and dignify of the State of And the court now further finds from the evidence that at the time of the institution of this suit all of the real estate belonging to the Kansas City Breweries Co., situated in the State of Kansas stood in the name of Ephriam M. Fuqua, who held the same as trustee for the use and benefit of the Kansas City Breweries Co., as Irustee for ourt further finds that heretofore, to wit, on the 4th day of September, 1907, the sald Ephraim M. Fuqua made, executed, and delivered as grantor jointly with the Kansas City Breweries Co., deed to all of the property so held by him in the State of Kansas to State of Kansas in which said brewing company had or now has any interest is now vested in the said Ferdinand Heim.

The Kansas City Breweries Co., be permanently ousted, prohibited, restrained, and enjoined from the exercise of all corporate right and privileges and powers and franchises within this State, and that the officers, agents, employees, and servants of said defendant be ousted, prohibited, restrained, and enjoined from owning, holding, or using that the filters, agents, employees, and servants of the said defendant be ousted, prohibited, restrained, and enjoined from engaging in or transacting on behalf of said corporation any business within the State of Kansas, and the said defendant corporation, its officers, agents, employees, and servants of the said defendant be ousted, prohibited, restrained, and enjoined from engaging in or transacting on behalf of said corporation any business within the State of Kansas, and the said selection of the said ferendant personal property of every kind and description now in their hands, belonging to said company, upon the payment of the soid selection of the said ferdinand Heim upon the payment of every kind and description now in their hands, belonging to said com

IN THE SUPREME COURT OF THE STATE OF KANSAS.

STATE OF KANSAS, Supreme Court, 88:

I, D. A. Valentine, clerk of the Supreme Court of the State of Kansas, do hereby certify that the above and foregoing is a full, true, and correct copy of the journal entry of judgment in the above entitled cause, as the same remains of record at page 432 of journal "KK" of said

Witness my hand and the seal of the supreme court hereto affixed at my office in the city of Topeka, on the 30th day of December, A. D. 1916.
[SEAL.]

D. A. VALENTINE,

Clerk Supreme Court.

Mr. REED. Well, Mr. President, I have no objection to the Senator introducing the court record; that is all right. The existence of that court record demonstrates that the traffic has existed. The court record has been written enjoining certain men from sending liquor into Kansas. Likewise—and I thought I had it here—the record of the Leavenworth court, a county that probably has a population of 30,000 or 35,000, shows that there were over 300 liquor cases upon the docket at the present term of court. That is not said to throw any reflection on Kansas. I am saying that Kansas would not have any liquor cases and would not have any need for injunctions if this provision becomes a law; and I say, furthermore, that the records

of shipments of liquor into prohibition States show the astounding fact that in many of the States that have passed prohibitory

laws the consumption per capita is very great.

Now, I can not bring myself to the opinion that men who really are in love with the cause of temperance and prohibition are willing to sit in the Senate and kill off the only measure that is now before them that will protect "dry" territory. can not bring myself to the opinion that they are only half prohibitionists; that they are geographical moralists; that anything done across the red line of a map is all right, but if it is done on the other side of the red line it is all wrong. I can not believe that these good and earnest gentlemen, when they come to consider this question and to reflect upon it, will conclude that a bottle of whisky made in Missouri, 2 miles south of the Iowa-Missouri line, will do any less damage in the State of Iowa than if it had been made 2 miles north of that line. I can not believe that these gentlemen propose "to compromise with evil, to make a league with hell, and a covenant with death." Neither can I believe that these gentlemen, whose moral vision is very broad and luminous, are willing to promote the manufacture of liquor in other States by continuing to afford the manufacturer in other States a market within their own sacred States. I do not believe that this movement is dependent for its success upon the ability of gentlemen to convince a large number of the inhabitants of a State that it is all right to pass the law when it will only reach the other fellow, while they can get all the grog they want through inter-state commerce; that their own habits can still be fed out of the same bottle that they always drank from, albeit the bottle may have to be shipped across a State line. That, sirs, is the most pitiable begging of a question I have ever heard.

I call attention to this fact, and I say again, experience dem-

onstrates it. It was demonstrated in the State of Iowa. They passed a prohibitory law in that State many years ago, and immediately the State became filled with "blind tigers," with crooked dens of iniquity. I lived there. I know whereof I speak. In one city where I lived Government licenses prior to the enactment of prohibitory law had not exceeded 50 or 60. Within 30 days after the law was enacted they had run up to Within 30 days after the law was enacted they had run up to 300. No man takes out a Government license unless he intends to sell liquor. The result was trial after trial, many convictions, and many acquittals. For many years the law remained upon the books; the State was filled with blind tigers, not one of which could have existed if this law had been then enacted, not one of which could have cursed that State by its existence had this law been upon the Federal statute books. So that finally they passed a mulct law and went back to the open saloon, preferring the open saloon to the blind tiger; and then, afterwards, again they went back to the prohibitory law. A much better condition, I think, now exists. Still, prohibition is not prohibition in the State of Iowa, because the State is

flooded with liquor from the outside.

So it will be in the State of Nebraska when the present law passed by that legislature becomes effective. I believe it is not yet effective, but when it goes into operation the State of Nebraska will have no difficulty in stopping the breweries of Nebraska. If Nebraska has distilleries, you will have no diffi-culty in suppressing them—not a bit—but the thing you will be met with in the city of Omaha and in the city of Lincoln and in all the other important cities of your beautiful and progressive State will be the constant supply of liquor from the outside. It will not be sold in the open saloon, but it will be sold through drug stores; it will be sold by bootleggers; it will be vended in blind tigers; it will be distributed through clubs, or alleged clubs, where young boys get together behind locked doors, with an unlimited supply of liquor, and drink until they fall over insensible-a worse condition than the open saloon. I propose that you shall be protected against that, and I propose to go further in this law—and it is the first law of the kind that I know of, although others of similar character may have been passed. I propose to say to the man within a pro-hibition State who seeks to set aside and nullify the laws of that State by sending outside for liquor, "You shall yourself be amenable to the law.'

We have now the situation of Senators who have been earnest advocates of prohibition legislation, who have been earnest advocates of a constitutional amendment that will embrace the entire country, standing here and pleading the cause of whisky in interstate commerce, of beer in interstate commerce, or any other kind of liquor in interstate commerce, begging that the railroads shall still be loaded with the stuff, imploring the Senate in the name of temperance and sobriety to continue to

flood the dry territory with these evil products.

Let us have at least a record vote. Let us know who are in earnest and who are not in earnest.

Mr. KENYON. I ask for the yeas and nays on this question.

The yeas and nays were ordered. Mr. CULBERSON. Mr. President, let the amendment be

stated.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. The junior Senator from Iowa [Mr. Ken-YON] proposes to strike out the amendment heretofore agreed to on line 16, page 2, of the amendment agreed to on yesterday, which reads as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

Mr. REED. On that I ask for the yeas and nays. The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. Ashurst voted "yea."

Mr. MARTINE of New Jersey. Mr. President—
The PRESIDING OFFICER. The roll call must proceed.

The Secretary resumed the calling of the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. Sim-MONS], but I am advised that he would vote as I shall vote.

therefore vote "yea."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. In his absence I withhold my vote. If I were at liberty to vote, I

would vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. Johnson]. Not knowing how he would vote on this question, I withhold my vote for the present. If at liberty to vote, I should vote "yea."
Mr. HARDING (when his name was called). I have a gen-

eral pair with the junior Senator from Alabama [Mr. Under-

wood]. In his absence I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLING-

HAM]. In his absence I withhold my vote.

Mr. STONE (when his name was called). Has the senior

Senator from Wyoming [Mr. Clark] voted?

The PRESIDING OFFICER. That Senator has not voted. Mr. STONE. I transfer my pair with that Senator to the junior Senator from California [Mr. Phelan] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. Goff] to the junior Senator from Arizona [Mr. Smith] and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. Weeks] to the senior

Senator from Illinois [Mr. Lewis] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. Oliver]. In his absence I am compelled to withhold my vote. If at liberty to vote, I should vote "yea."

I also desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is absent on official business and is paired with the junior Senator from Idaho [Mr. Brady].

Mr. OVERMAN (after having voted in the affirmative). I announce my pair with the junior Senator from Wyoming [Mr. WARREN], which I transfer to the senior Senator from Nevada [Mr. Newlands] and will let my vote stand.

Mr. GALLINGER. Has the senior Senator from New York [Mr. O'GORMAN] voted?
The PRESIDING OFFICER. That Senator has not voted.

Mr. GALLINGER. I am paired with that Senator. Not knowing how he would vote on this question, I withhold my

Mr. STERLING (after having voted in the affirmative). will ask whether the junior Senator from South Carolina [Mr. SMITH] has voted?

The PRESIDING OFFICER. That Senator has not voted. Mr. STERLING. Then I withdraw my vote, as I have a pair

with that Senator.

The result was announced-yeas 28, nays 38, as follows:

YEAS-28.

Ashurst	Hollis	Overman	Simmons
Bankhead	James	Owen	Stone
Beckham	Jones	Page	Swanson
Clapp	Kenyon	Penrose	Thomas
Culberson	Lane	Pomerene	Tillman
Fall	Martin, Va.	Shafroth	Townsend
Fernald	Norris	Shields	Works

	NAY	S-38.	
Borah Brandegee Broussard Bryan Catron Chilton Cummins du Pont Fletcher Hitchcock	Hughes Husting Johnson, S. Dak. Kirby La Follette Lea, Tenn. Lee, Md. Lippitt. Lodge McCumber	McLean Martine, N. J. Nelson Pittman Poindexter Ransdell Reed Sheppard Sherman Smith, Ga.	Smith, Mich. Smoot Sutherland Thompson Wadsworth Walsh Watson Williams
	NOT VO	TING-30.	
Brady Chamberlain Clark Colt Curtis Dillingham Gallinger Goff	Gore Gronna Harding Hardwick Johnson, Me. Kern Lewis Myers	Newlands O'Gorman Oliver Phelan Robinson Saulsbury Smith, Ariz.	Smith, S. C. Sterling Underwood Vardaman Warren Weeks

So Mr. Kenyon's motion was rejected.

Mr. KENYON. Mr. President, at the close of what is known as the Reed amendment I offer the amendment which I send to

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the amendment, which will be stated by the Secretary.

The Secretary. After the words "punished as aforesaid," the Senator from Iowa proposes to insert:

Provided, That nothing herein shall authorize the shipment of liquor into any State contrary to the laws of such State.

Mr. REED. I accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. MARTINE of New Jersey. I desire to offer an amendment, namely, to insert in line 3, after the word "fermented," the words "or those articles commonly known as Coca Cola and Peruna."

The PRESIDING OFFICER. The Senator from New Jersey offers an amendment to the amendment agreed to as in Committee of the Whole, which will be stated.

The Secretary. After the word "fermented," on line 3 of the so-called Jones amendment, it is proposed to insert:

Or those articles commonly known as Coca Cola and Peruna.

Mr. MARTINE of New Jersey. Mr. President, if we are going to have prohibition in these Territories, let us make it a thorough and complete renovation. Mr. HUGHES. Mr. President—

The PRESIDING OFFICER. Does the Senator from New

The PRESIDING OFFICER. Does the Senator from New Jersey yield to his colleague?

Mr. MARTINE of New Jersey. I do.

Mr. HUGHES. Is not Peruna already included in the terms of the bill, under the title of "alcoholic liquor"?

Mr. MARTINE of New Jersey. I do not know; I think not, but it is clearly alcoholic liquor. Recently I have first conversed with and then written to no less a gentleman than the distinguished Dr. Wiley, of the Health Bureau, as to the desirability of Peruna as a beverage and a drink. He tells me that it is the most novious of drugs and loaded with the poorest of it is the most noxious of drugs and loaded with the poorest of whisky. I asked him regarding Coca Cola, and he tells me that Coca Cola is a drug infinitely dangerous, and one that should be barred generally from our drug shops as a beverage.

This thought has been presented to me—that there was a powerful interest and lobby here pressing this prohibition measure. I said to the gentleman making the statement: "From whom? From the liquor men?" "No; but," he said, "it is from the Peruna and the Coca Cola interests, in order to shut people off from other beverages and hence make them resort

to their drinks."

I have here, from Georgia, the Macon Telegraph. Most of you do not know that splendid wealth has been acquired through the manufacture of the decoction known as Coca Cola, and the owner lives in a princely home in Atlanta. This article says that there is a lobby there, and that \$50,000 has been put up for the purpose of maintaining the Coca Cola interests. No less a gentleman than Judge Stark is quoted here. I inquired from some of my Georgia friends as to the standing of Judge Stark, and I am told that he is a man of great respectability and judgment and honesty. He says:

A half dozen reputable physicians have stated that there are over 300 girls in Atlanta that are Coca Cola flends and nervous wrecks. Yet these fanatical hypocrites, like the editor of the Commonwealth, could have this number increased in Georgia—and that among our women and children. \* \* \* Coca Cola and such drinks not only make physical wereks out of our men, but destroy the physical welfare of our women and children and make nervous wrecks of them. There are over 2.700 known Coca Cola and "dope" flends in this State, and if all could be numbered it would amount to over 5,000.

Mark you, this is in Georgia, the model of prohibition:

Judge Stark declared that when a similar bill to tax soft drinks was before the legislature in 1913 he had taken the ground that Coca Cola, Chero-Colo, Bludwine, and similar drinks were doing the women and children of Georgia more harm than heavy drinks were doing the men, "That proposition was true then as it is now. But on account of a tremendous lobby backing of the Coca Cola and similar drink influences that bill received the same treatment that the recent prohibition bills had accorded them by the rules committee—an eternal cold-storage sleep in the arms of the committee."

Mr. GALLINGER. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. MARTINE of New Jersey. I do.

Mr. GALLINGER. I understood the Senator to say that he had consulted Dr. Wiley. Did Dr. Wiley state to the Senator what proportion of alcohol was in Coca Cola?

Mr. MARTINE of New Jersey. Dr. Wiley did not. Mr. GALLINGER. I will say to the Senator that I have reason to believe that in Peruna there is more alcohol than in gin, and it is undoubtedly an intoxicating beverage, if it can be so called; but the Senator did not state what Dr. Wiley said about Coca Cola.

Mr. MARTINE of New Jersey. I think the Senator failed to catch my remark. I said that Dr. Wiley had said, regarding Coca Cola, that it was a most noxious and dangerous drug.

Mr. GALLINGER. Yes. It doubtless has some form of

opiate in it, I think.

Mr. MARTINE of New Jersey. Possibly. Mr. GALLINGER. But it is not alcoholic.

Mr. MARTINE of New Jersey. But I suppose men might chew opium and do all the other evils connected with opium, smoking and everything else, but it would not be compared to the hideous evil of a little alcohol.

Mr. NELSON. Will the Senator from New Jersey yield to

Mr. MARTINE of New Jersey. Certainly.

Mr. NELSON. It appears from a decision of the Supreme Court last summer that Coca Cola is mainly composed of sugar and water with a little bit of flavoring of coca and cola leaves, but pretty much nothing else except sugar and water. Anyone who is curious on the subject can read the decision of the Supreme Court and ascertain the percentage of sugar and the percentage of water and the quantity of coca and cola leaves, unless they have added liquor to it. It does not appear from the evidence taken in that case that there was any liquor in it at all.

Mr. MARTINE of New Jersey. I can not say that there was liquor in it; I said noxious drugs. I understand that the human appetite can not be entirely made over and regulated and controlled, and so my friends find Coca Cola and a thousand other decoctions in order to satisfy their tastes.

I came across this clipping that might appeal to the Senator from Washington and the Senator from Mississippi. I cut this out of the New York World:

A temperance cocktail.

Listen:

TEMPERANCE COCKTAIL MEETS WITH BRUTUS.

The expert drink mixer of the antialcoholic committee of the health department got busy yesterday in an effort to produce a strictly temperance cocktail for New Year's. This is the result:

Take notice, Senator from Washington.

Take a lump of sugar and place in the bottom of a glass. Add two

I do not know what particular brand of grape juice.

Pour in three fingers of grape juice and the juice of half an orange. Serve in a whisky glass half full of cracked ice.

Mr. THOMAS. Mr. President-

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. MARTINE of New Jersey. Just let me finish.

The PRESIDING OFFICER. The Senator from New Jersey

declines to yield.

Mr. MARTINE of New Jersey. I would not have the Sena-tor lose the merits of this superb prescription for temperance men. Just let me finish this:

The new receipt was given to Dr. Charles F. Bolduan, director of the bureau of public-hea'th education for publication, but he decided it was unfair to inflict the mixture on the public until he had given it a trial, which he proceeded to do. The result was that he added the following to the directions:

"Mix carefully and pour in the sink."

That was his suggestion, and I commend it to the Senator. Now I want to say a word on this point. I have listened to these distinguished gentlemen's talk of the blessings and benefits of prohibition. I believe the State of the Senator from Washington, who offered this amendment, is a prohibition State. I find in the annual report of the Commissioner of In-

ternal Revenue that the State of Washington rectified 174,023 gallons of spirits in 1916. I find further, running over it, the result in these great Southern States wherein prohibition has been tried to a test—the result is they tell us that these States are dry. I regret to say to my friend from Alabama that Alabama heads the list. The work done by the internal revenue bureau up there last year shows that they seized 603 illicit stills. Alabama is not alone. Arkansas had only 4. Then you come down to Florida, and Florida had 135. And Georgia! Where is my friend from Georgia? Georgia, 667 illicit stills. But oh, now, my friend from North Carolina, do not laugh too gleefully. Let me tell you your tale of wrong. Is your State free from misery, woe, pauperism, drunkenness, beggary, and all the horrors that are known to man? North Carolina—and oh, I love the State and I love the Senator; I have been within the borders of your State and buried some of my kin. In North Carolina they found 883 illicit stills in prohibition, temperance North Carolina.

What have you to say to that? I find illicit stills distributed in Ohio—four thousand some odd—and I find in West Virginia 16 illicit stills were discovered. I believe you are honest, but you do not know your own situation in your own home.

have got to come here to find it out.

I heard my friend from Kansas [Mr. Thompson] telling something about Kansas. I have a letter here with reference to Kansas. I find this in the Wichita (Kans.) Beacon:

There are considerably fewer than 100 Federal liquor licenses in Kansas. Thirty of them are held in Wichita. The Wichita Beacon has printed the names and addresses of the holders, with the remark that those licenses were not purchased to be framed and hung on the wall. The mayor of Wichita, who has sole charge of the police, has so far failed to show interest. The Beacon wants to know why. Joints are running wild in that city. Names and addresses have been furnished to the police repeatedly. Evidently the mayor of Wichita finds no discomfort in being in a hole.

It says these gentlemen have licenses. They are not purchased simply for ornamental looks on the wall, but they are there to permit them to do business, and they do business

Then I have this written to me by a gentleman, a very delight-

ful man. He says:

I had a slip from a Kansas City paper showing number of arrests for drunkenness-

Great God! can that be?-

for drunkenness in Topeka-God spare the mark !-

for the year ending June 30, 1916. As I remember it, there were 1,783. Ask Senator Thompson to furnish you a copy of police-court records for five years past.

Now, my friends, I hate to bring these things up to you. It is very uncomfortable to you, but, great God! do not think you can arrogate to yourselves all the wisdom and all the propriety in regulating the life of mankind. You are endeavoring in your own way to stretch out sumptuary legislation to regulate the habits and control the place and conditions of society that surround us. These things in a way are a necessity, and you are doing not God's service, but you are doing the service of the other

Mr. President, I feel that you gentlemen are fanatical. This country has been a splendid country since time began. Let me tell you what Tom Jefferson said about it:

Our legislators are not sufficiently apprised of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and take none of them from us.

Abraham Lincoln said:

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation, and in making crimes out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our Government was founded.

Horatio Seymour; Samuel J. Tilden; John Quincy Adams; Thomas Francis Bayard; Roger Q. Mills; Senator Richard Coke, of Texas; Sam Houston; Senator John Sherman; Jefferson Davis; Thaddeus Stevens; Dr. Reid, the editor of the Lancet; Lord Salisbury; Dr. Lyman Abbott; Rev. Samuel R. Wilson; and so on. There are a great number of names here. Here is what the Christian Union Observer says, and I do not know whether that will have any effect on the propaganda or not, for everything is utterly un-Christian to them that looks as if it contained in any way alcohol:

It has been once tried in Massachusetts, and ignominiously failed. It is, according to all accounts, a failure in Rhode Island. In Ohio a similar provision in the constitution prohibiting license gave over the State for years to free liquor, and made Cincinnati a by-word and a

repreach.

So the story goes. I might read more from the Kansas City Times, the Chicago Republican, the Rochester Herald. Why, my friends, you have run mad, bereft of reason, certainly of judgment, of fairness, and, I believe, of common sense. I trust this whole provision may be utterly wiped out and the Senate of the United States may not further belittle and disgrace itself

with this sumptuary nonsense.

Mr. JONES. Mr. President, I am very much interested in not having an extra session of Congress. I am going to do everything I can to prevent it. I have thus far resisted the temptation that has been very strong to discuss the various suggestions of our friends on the other side. I am going to continue to resist it. We are not trying to remedy all the advertising evils by this amendment; there is one particular one that we are after; and I hope that this amendment to the amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to

the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as

The amendment as amended was concurred in.

Mr. POINDEXTER. On page 18, line 14, after the word "clerk," I move to insert "clerks and letter carriers at firstclass post offices."

I hope the committee will not oppose this amendment. It simply makes the amendment which the committee adopted as to substitute railway postal clerks applicable to postal clerks in first-class post offices. It does not change the language of the

amendment in any other respect.

In this connection I should like to state that the only effect of it would be to induce the postmasters at first-class post offices to limit the number of appointments of substitute clerks and substitute letter carriers, so that there would not be any more of them than would be needed to be appointed as clerks and carriers at the minimum salary of \$800 a year after the substitute had performed a service equivalent to 313 days. intended to remedy a situation which has been described in the debate upon this bill and has been fully described in hearings before the Committee on Post Offices of the House of Representatives growing out of the unnecessarily large number substitute clerks and carriers who are required in many of the offices to report every day. There is no work for all of them. Many of them get only enough work to make some \$300 or \$400 a year; they have families to support, and the consequence is that they are in want and suffering. There is no reason why such an unnecessarily large number of substitutes should be appointed, and if the postmasters are required to appoint them to the position of clerks and carriers at \$800 a year after they have been employed for a period of time equivalent to 313 days, then it will limit the number of appointments of substitutes, and the remaining number of substitutes will get a reasonable amount of work and earn sufficient money at least to live in a decent manner.

Mr. President, I am sorry the Senator from Mr. BRYAN. Washington has offered this amendment. The substitute clerks in the Railway Postal Service were provided for in the bill after an investigation and after the claim was made that they ought to be granted and after the Post Office Department was heard and presented its side. There was a real evil corrected there. A young man might enter as a substitute railway postal clerk at a very small compensation, and in some instances they might be kept in that position looking hopefully to be advanced to be a postal clerk, and somebody else would be transferred into his jurisdiction, and his hopes would be deferred still longer and never realized. The committee considered that and

acted upon it.

This matter was never presented to the committee. The Post Office Department has never had an opportunity to be heard upon it. As I understand the Senator's proposition, it is that after a man has been a letter carrier for a year he shall then be made a clerk in a post office. He might be qualified to do the work assigned to a letter carrier—he may have been for several years a letter carrier—but not qualified to be a clerk in the post office

Mr. POINDEXTER. If the Senator will allow me to interrupt him, he is mistaken as to the proposition. It is that he shall be made a carrier or a clerk. Of course, if he is a substitute carrier he would be made a carrier, and if a substitute clerk he would be made a clerk. That would be in the power of the postmaster to regulate.

Mr. BRYAN. I do not think that sort of legislation should be put on the bill without an opportunity to know what we are doing. Of course, it is not in order unless we reconsider the amendment that has already been adopted. I hope the Senate

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington.

Mr. POINDEXTER. In addition to what I have already tated, I ask leave to withdraw the amendment which I have offered and as a substitute for it, on page 11, line 8, after the word "pay," to insert:

Provided, That hereafter substitute clerks and substitute letter carriers at first-class post offices who have performed service equivalent to 313 days shall be appointed to the regular clerical or carrier force at the entrance-grade salary, \$800.

Mr. BRYAN. I dislike to raise the point of order on the mendment. I asked the Senator from Washington to withamendment. draw it, and he would not do it. I am not going to subject the conference to the delay of considering these matters. If there is any merit in them, they ought to have been submitted to the committee. It is too late now to come in and propose to send these amendments to conference. Of course, they come from people interested, and they hand them in here at the end of the consideration of the bill. It is not fair to the committee and it is not fair to the department. I raise the point of order that it is general legislation.

The PRESIDING OFFICER. Does the Senator from Washington wish to be heard on the point of order?

Mr. POINDEXTER. I submit the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order. The bill is still in the Senate and open to amendment. If there be no further amendment, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill

to be read a third\_time.

The bill was read the third time and passed.

Mr. BRYAN. I move that the Senate request a conference with the House on the bill and amendments, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. BANKHEAD, Mr. SMITH of South Carolina, and Mr. Town-

SEND conferees on the part of the Senate.

### OFFENSES AGAINST THE GOVERNMENT.

Mr. OVERMAN. I ask that the Senate proceed with the unfinished business

The PRESIDING OFFICER. The Chair lays before the Sen-

ate the unfinished business, which is Senate bill 8148.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8148) to define and punish espionage.

Mr. GALLINGER. I suggest the absence of a quorum. The PRESIDING OFFICER. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Kenyon
Kirby
La Follette
Lea, Tenn.
Lee, Md.
Lippitt
Lodge
McCumber
McLean
Martin, Va.
Myers
Nelson
Norris
O'Gorman Ashurst Beckham Brandegee Bryan Catron Chamberlain Chilton Smith, Mich. Smith, S. C. Smoot Oliver Oliver Overman Page Penrose Pittman Poindexter Pomerene Ransdell Sterling Sutherland Swanson Thomas Thompson Clapp Cummins du Pont Fall Thompson Townsend Walsh Warren Watson Weeks Reed Robinson Shafroth Sheppard Fall Fernald Gallinger Hitchcock James Sherman Shields Smith, Ga.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House recedes from its disagreement to the amendment of the Senate No. 48 to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate No. 111, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; further insists upon its disagreement to the remainder of the amendments of the Senate to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. Stephens of Texas, Mr. Carter of Oklahoma, and Mr. Norton managers at the further conference on the part of the House.

CONSTRUCTION OF BATTLESHIPS (S. DOC. NO. 712).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the largest battleship which can be undertaken in the United States in the present state of the shipbuilding and engineering sciences and arts, which was re-ferred to the Committee on Naval Affairs and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting supplemental schedules of papers and documents, and so forth, on the files of the Treasury Department which are not needed or useful in the transaction of the public business and have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey [Mr. Martine] and the Senator from Washington [Mr. Jones] as the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

### PETITIONS AND MEMORIALS.

Mr. GALLINGER. I have a telegram from the Holstein-Friesian Association of America, which I ask to have printed in the RECORD

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BRATTLEBORO, VT., February 15, 1917.

Hon. Jacob H. Gallinger, United States Senate, Washington, D. C.:

The Holstein-Friesian Association of America, representing 100,000 owners and breeders of dairy cattle, protests against the passage of the amendment proposed by Senator Underwood raising the tax obleo and removing all other restrictions, as it would work an irreparable injury to the dairy industry, and we deem the same as in the interests of the packers and cotton growers.

F. L. Houghton, Secretary.

Mr. TOWNSEND presented a resolution adopted by the Chamber of Commerce of Battle Creek, Mich., favoring the construction and maintenance of Federal highways, which was referred to the Committee on Agriculture and Forestry

He also presented a petition of the Common Council of Marshall, Mich., praying that an appropriation be made for the construction of a Federal building at that place, which was referred to the Committee on Public Buildings and Grounds.

Mr. PHELAN presented a petition of the board of directors of the Arrowhead Trails Association, of California, praying for the enactment of legislation for the construction and maintenance of Federal highways which was referred to the Commit-

nance of Federal highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Navelencia, Cal., praying for the development and improvement of the national parks of the country, which was referred to the Committee on the Public Lands.

Mr. NELSON presented a resolution adopted at a meeting of the Brotherhood of Postal Clerks of Minneapolis, Minn., and a resolution adopted by the Order of Elks, of Mankato, Minn., favoring the action of the President in breaking off diplomatic relations with Germany and pledging their support, which were referred to the Committee on Foreign Relations.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the Record and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in

the RECORD, as follows:

United States of America, State of Oregon, Office of the Secretary of State.

I. Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 16 with the original thereof, as enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitoi at Salem, Oreg., this 9th day of February, A. D. 1917.

[SEAL.]

BEN W. OLCOTT, Secretary of State.

Senate joint memorial 16.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Oregon, in legislative session assembled, respectfully represent that—

Whereas the people of the Pacific Coast States urgently request the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense such as supplying coast forts with guns and ammunition, the handling of artiflery, ammunition, and mobilizing troops in the event of an invasion, and all other incidents appertaining thereto.

Wherefore your memorialists, the Senate and House of Representa-tives of the State of Oregon, earnestly petition and urge your honorable bodies that provision be made for the building and maintaining of such military roads.

military roads.

The secretary of state is hereby directed to transmit a copy of this memorial to the presiding officer of the United States Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of Oregon.

And your memorialists will ever pray.

Concurred in by the house February 7, 1917.

R. N. Stanfield,

Speaker of the House.

Adopted by the senate February 1, 1917.

GUS C. MOSER, President of the Senate.

(Indorsed:) Senate joint memorial No. 16, by Senator I. S. Smith. J. W. Cochran, chief clerk. Filed February 8, 1917, at 11.35 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the Record and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof, enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 10th day of February, A. D. 1917.

1917. [SEAL.]

BEN W. OLCOTT, Secretary of State.

House joint memorial 3.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives of the State of Oregon, the Senate concurring, respectfully represent that—

Whereas there is now pending in the Congress of the United States a bill entitled "A bill to promote the reclamation of arid and swamp lands of the United States, and for other purposes." (Senate bill 7487), having for its purpose the reclamation of arid and swamp lands of the United States by cooperation between the Federal Government and irrigation and drainage districts of the States containing such lands; and

ernment and irrigation and drainage districts of the States containing such lands; and
Whereas the passage of said bill by Congress would greatly inure to the benefit and advantage of the State of Oregon by providing a comprehensive and feasible method of reclamation for the large bodies of such lands within the State: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the Senate concurring), That the Legislative Assembly of the State of Oregon favor the enactment by Congress of Senate bill 7487, and to that end the Senators and Representatives in Congress of the United States from the State of Oregon are hereby urged to use their influence in behalf of the passage of said bill; and be it further Resolved, That the secretary of state of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives from the State of Oregon in Congress.

Adopted by the house January 23, 1917.

R. N. STANFIELD,

R. N. STANFIELD,

R. N. STANFIELD, Speaker of the House.

Adopted by the senate February 8, 1917.

GUS C. Mosen, President of the Senate.

(Indorsed:) House joint memorial No. 3, by Mr. Laurgaard. W. F. Drager, chief clerk. Filed February 9, 1917, at 10.30 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

## REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 17350) to promote export trade, and for other purposes, reported it with amendments and submitted a report (No. 1056) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, reported it with amendments and submitted a report (No. 1057) thereon.

Mr. PENROSE, from the Committee on Finance, to which was referred the bill (S. 7998) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages, reported it without amendment and submitted a report (No. 1058) thereon.

Mr. LODGE, from the Committee on Finance, to which was referred the bill (S. 7927) providing for the refund of duties collected on five traveling kitchens presented by citizens of Massachusetts to the Eighth Regiment Massachusetts Volunteer Militia and the First Regiment Field Artillery, Massachusetts Volunteer Militia, reported it with amendments and submitted a report (No. 1060) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 1567) granting an honorable discharge to Curtis V. Milliman, submitted an adverse report (No. 1062) thereon, which was agreed to, and the bill was postponed

Mr. HOLLIS, from the Committee on the District of Columbia, to which was referred the bill (S. 7404) for the retirement of public-school teachers in the District of Columbia, reported it with amendments and submitted a report (No. 1064) thereon.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (S. 8259) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916, reported it without amendment and submitted a report (No. 1059) thereon.

### STUART, LEWIS, GORDON & RUTHERFORD.

Mr. OWEN. On February 13 the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation, was received from the House of Representatives and it was referred to the Committee on Claims. The bill relates to a fee alleged to be due by an Indian tribe—the Creek Tribe of Indian and Indian tribe—the Creek Tribe of Indian tribe—the dians-and I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs, where it properly belongs.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is

there objection?

Mr. SMOOT. I will ask the Senator if the bill is now on the calendar?

Mr. OWEN. No; it was referred to the Committee on Claims. It should have gone to the Committee on Indian Affairs, as it relates to an Indian question.

Mr. BRYAN. Mr. President, is the money to be paid out of

Indian funds?

Mr. OWEN. Out of Indian funds; yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

# MEREDITH G. CORLETT

Mr. LODGE. From the Committee on Finance I report back favorably without amendment the bill (H. R. 12463) for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn., and I submit a report (No. 1063) thereon. It will take only a moment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to Meredith G. Corlett, of Williamson County, Tenn., the sum of \$62.80, for and en account of excess payment made by him to the collector of internal revenue of the United States for the fifth district of Tennessee, as surety on the internal-revenue bond of J. W. Corlett.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 8265) granting an increase of pension to Lewis T. Holstin (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 8266) to amend section 4414 of the Revised Stat-utes of the United States relating to the appointment of local and assistant inspectors of steam vessels; to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 8267) granting the sum of \$549.12 to Clara Kane, dependent foster parent, by reason of the death of William A. Yenser, late civil employee, killed as result of an accident at Philadelphia Navy Yard; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 8268) to amend an act of Congress of February 17, 1911, entitled "An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and con-sular buildings abroad"; to the Committee on Foreign Rela-

By Mr. O'GORMAN:

A bill (S. 8269) granting an increase of pension to Chauncy A. Cronk; to the Committee on Pensions.

By Mr. SWANSON:

A joint resolution (S. J. Res. 214) waiving age limit in case of Blair Wilson for admission to the United States Army as a second lieutenant; to the Committee on Military Affairs.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. CATRON submitted an amendment authorizing the President to appoint William Harold Kehoe and Clyde H. Altman, late cadets at the Military Academy at West Point, to the posi-tion of second lieutenant of Infantry in the Army, etc., intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment relative to the retirement of officers of the Philippine Scouts and Constabulary, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and

ordered to be printed.

### WITHDRAWAL OF PAPERS.

On motion of Mr. Catron, it was

Ordered, That the papers accompanying the bill (S. 991, 61st Cong.) authorizing the appointment of Col. J. T. Kirkman, United States Army, retired, to the rank and grade of brigadier general on the retired list of the Army be withdrawn from the files of the Senate, no adverse report having been made thereon.

On motion of Mr. Penrose, it was

Ordered, That the papers accompanying the bill (S. 2746, 64th Cong.) for the relief of John E. Frymier be withdrawn from the files of the Senate, no adverse report having been made thereon.

## FIVE CIVILIZED TRIBES.

Mr. OWEN. Mr. President, I have received a duplicate copy of the annual report of the office of Superintendent for the Five Civilized Tribes of Indians for the fiscal year ended June 30, 1916. I ask that the report be referred to the Committee on Printing with a view to its being printed as a public document.

The VICE PRESIDENT. The report will be referred to the

Committee on Printing.

## COMMITTEE SERVICE.

Mr. KERN. Mr. President, I am authorized to announce the resignation of the senior Senator from Kansas [Mr. Thompson] from the Committee on Public Lands, and also the resignation of the junior Senator from Colorado [Mr. Shafroth] from the Committee to Audit and Control the Contingent Expenses of the Senate. Having announced the resignations, I ask the adoption of the order which I send to the desk.

The VICE PRESIDENT. The Secretary will read the order.

The order was read and agreed to, as follows:

Ordered,
1. That Senator Thompson, of Kansas, be appointed a member of the Committee to Audit and Control the Contingent Expenses of the Senate to fill the vacancy occasioned by the resignation of Senator

Senate to in the vacancy

SHAFROTH.

2. That Senator SHAFROTH, of Colorado, be appointed a member of
the Committee on Public Lands to fill the vacancy occasioned by the
resignation of Senator Thompson.

# PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 15, 1917, approved and signed the following

S. 1553. An act for the relief of Peter Kenney;

S. 2880. An act for the relief of Martin V. Parmer;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidie of San Francisco Military Reservation;

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made

thereby

S. 3743. An act to reimburse John Simpson;

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes

S. 6956. An act to authorize the construction, maintenance and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County,

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge, and approaches thereto, across the Mahoning River near the borough of Lowellville, in the county of Mahoning and State of Ohio; and

S. 7924. An act authorizing the county of Beltrami, Minn., 'to construct a bridge across the Mississippi River in said

#### ARMY TRANSFERS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6850) authorizing the transfer of certain retired Army officers to the active list, which was, on page 1, line 13, after "Provided," to strike out all down to and including the word "retired," on page 2, line 1, and insert: "That such officers shall take rank at the foot of the respective grades which they held at the time of their retirement and."

Mr. CHAMBERLAIN. While the language of the amendment is not quite as it should be, I think there will be no difficulty in construing it. Therefore I move that the Senate concur in the House amendment.

The motion was agreed to.

## PUBLIC-BUILDING SITE AT HONOLULU.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7872) to confirm and ratify the sale of the Federal Building site at Honolulu, Territory of Hawaii, and for other purposes, which were, on line 7, to strike out the parentheses; and on line 10, to

strike out the parentheses.

Mr. WILLIAMS. The amendments of the House consist simply in striking out the parentheses. I move that the Senate concur in the amendments.

The motion was agreed to.

# HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title and referred to the Committee on Military Affairs.

# JACOB B. MOORE.

Mr. OWEN. On February 13 there was received from the House of Representatives a bill (H. R. 14679) for the relief of Jacob B. Moore, and it was referred to the Committee on Claims, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Oklahoma that the Committee on Claims be relieved from the further consideration of the bill named by him, and that it be referred to the Committee on Indian Affairs?

Mr. GALLINGER. Will the Senator from Oklahoma state

the reason for the change?

Mr. OWEN. This is a claim against the tribal fund of the Chickasaw Tribe, and does not belong to the Committee on Chicksaw Tribe, and does not belong to the Committee on Claims. Under the practice it should go to the Committee on Indian Affairs, which deals with tribal funds.

Mr. GALLINGER. Does the Committee on Claims agree with the Senator from Oklahoma that the transfer ought to be

Mr. OWEN. I assume so. I do not know of any objection. The practice is that the Committee on Indian Affairs takes charge of claims against Indian tribal funds.

Mr. GALLINGER. Is this claim to be paid out of the tribal funds?

Mr. OWEN.

Mr. GALLINGER. Then, I have no objection.
The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

FARMERS AND MERCHANTS' BANK, HEADLAND, ALA.

Mr. THOMAS. From the Committee on Finance, I report back favorably without amendment the bill (H. R. 10823) for The pending amendment will be stated.

the relief of the Farmers and Merchants' Bank, of Headland, Ala., and I submit a report (No. 1061) thereon. mous consent for the present consideration of the bill.

Mr. OVERMAN. I give notice that hereafter I shall raise the point of order on the consideration of all these bills.

Mr. THOMAS. I have no interest in the bill, but I promised the Senator from Alabama that I would ask for its consideration. It is a House bill and refers to a very small item. If the Senator objects, of course it is all right.

The PRESIDING OFFICER. If made, the point of order

will be sustained.

Mr. OVERMAN. I object. Mr. THOMAS. The Senator from North Carolina does not object to the bill going to the calendar, I hope? Mr. OVERMAN. No.

The PRESIDING OFFICER. The bill will be placed on the calendar.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file

bills of interpleader.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Johnson of Kentucky, Mr. HILLIARD, and Mr. TINKHAM managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate

its expenditure.

The message further announced that the House had agreed to a concurrent resolution authorizing the Secretary of the Senate, in the enrollment of the bill (S. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure, to strike out the word "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5, as the same appears in the conference report on the bill and amendment, in which it requested the concurrence of the

## VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, the House has acted upon the report of the committee of conference on the vocational education bill (S. 703). I wish again to call the attention of the Senate to the fact that we have a print of the report which will easily enable any Senator to see just what changes have been made in the bill as passed by the Senate. The only important change we have made from the Senate action is to concede a board of control, not entirely of Cabinet officers, but adding three men-one the representative of manufacture and commerce, one the representative of agriculture, and one the representative of labor—who, together with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Commissioner of Education, shall constitute the board. That is the important concession that we have made to the House.

We have given up the provision that the Commissioner of Education should be the executive officer, and we have stricken out the provision requiring the board to select four specialists in the respective lines at certain-named salaries to take charge of

I mention this in advance because I hope to-morrow to bring the report to the attention of the Senate and ask action on it.

## OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

The PRESIDING OFFICER (Mr. ASHURST in the chair).

The Secretary. The pending amendment is the amendment offered by the Senator from North Carolina [Mr. Overman] on

behalf of the Judiciary Committee.

Mr. OVERMAN. My motion is to strike out all after the enacting clause of Senate bill 8148 and to insert a substitute

therefor.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. In lieu of the bill it is proposed to insert the following:

> CHAPTER I. [S. 8148.]

To define and punish espionage, and for other purposes.

To define and punish espionage, and for other purposes.

Section I. That (a) whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters, files over, or induces or aids another to approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or ether place connected with the national defense, owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or otherwise on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this chapter; or (b) whoever, for the purpose aforesaid, and without lawful authority, copies, takes, makes, or obtains, or attempts or induces or aids another to receive or obtains, or attempts or induces or aids another to receive or obtains or agrees or attempts or induces or aids another to receive or obtains or agrees or attempts or induces or aids another to receive or obtains or agrees or attempts or induces or aids another to receive or obtains or agrees or attempts or induces or aids another to receive or obtains or agrees or attempts or induces or aids another to receive or obtains or agrees or attempts or induces or of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, mo

Mr. HITCHCOCK. Mr. President, I should like to inquire whether or not these paragraphs are being adopted as we go

Mr. OVERMAN. No. I am merely having the substitute now ad. When the reading of this chapter shall have been finished, I shall ask that it be passed over temporarily, in order that we may consider some other chapters as to which I understand there is no contention.

Mr. HITCHCOCK. I wanted to inquire especially about the paragraph which has just been read in reference to any one writing with invisible ink, and what that really means; what

the provision is intended to cover.

Mr. OVERMAN. When we come to that I will explain it; but, I repeat, I am going to ask that this chapter be passed over temporarily. Later I will explain to the Senate what it means.

The reading of the substitute was resumed and continued to the end of chapter 1, as follows:

the end of chapter 1, as follows:

Sec. 2. (a) Whoever, having committed or attempted to commit any offense defined in the preceding section, communicates, delivers, or transmits, or attempts to, or aids or induces another to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years: Provided, That whoever shall violate the provisions of this paragraph of this section in time of war shall be imprisoned for life; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elleit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, neroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any mayal or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of

any place, or any other information relating to the public defense or calculated to be, or which might be, directly or indirectly, negrit to the enemy, shall be punished by death or by a fine of not less than \$1,000 and by imprisonment for not more than 30 years; and (c) whoever, in time of war, in violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish, or communicate, or attempt to elicit any intended for the communicate, or attempt to elicit any intended for the armed forces, shiften and of the conduct of any any and or military operations, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or connected with, or intended for the fortification or defense or calculated to be, or which might be, useful to the public defense or calculated to be, or which might be, useful to the public defense or calculated to the contract of the

Mr. OVERMAN. I ask unanimous consent that we consider the substitute by chapters, that this chapter be passed over for the present, and that the next chapter be read and considered. The PRESIDING OFFICER (Mr. SHAFROTH in the chair).

Is there objection to the request of the Senator from North Carolina?

Mr. CUMMINS. I desire to make a suggestion, Mr. Presi-I think I have no objection to the course proposed by the Senator from North Carolina, but the Secretary has now read the first chapter, which is a distinct subject in itself.—I am afraid by the time we return to it Senators will have for-

gotten what is in it.

Mr. OVERMAN. We can have it read at any time. I am trying to hasten the consideration of the bill as much as pos-

sible and to have it read by chapters.

Mr. CUMMINS. What is the present suggestion or motion?

Mr. OVERMAN. My present suggestion is that we consider the bill by chapters; that temporarily the first chapter be passed

over and that we return to it.

Mr. CUMMINS. I have no objection to that course, although I do not know whether or not the Senator from North Carolina intends to ask for a vote by chapters. I do not understand

how that could be done, and I do not think it could be done.

Mr. BRANDEGEE. Mr. President, I want to ask the Senator from North Carolina which print of the bill it is that is now before the Senate?

Mr. OVERMAN. The print of the bill which is now being read is a print which has been furnished by the Committee on the Judiciary. The Senator can get a copy of it. What is being read now is the substitute offered for Senate bill 8148, which has been reported from the Judiciary Committee.

Mr. BRANDEGEE. I have here the committee print of the

neutrality bill. S. ---, and I also have Calendar No. 912, being Senate bill 8148, with the original bill stricken through and the amendments printed in italics. Which of these prints is the

Senate now acting upon?

Mr. OVERMAN. The print, "Chapter 1, Senate bill 8148," is the substitute reported by the committee for the bill which was introducted; and chapter 2, if the Senator will notice, is the bill which was introduced by myself, which was referred to the Committee on the Judiciary, considered by them, reported back, and included in the substitute which is now offered.

Mr. BRANDEGEE. I do not know that I make myself clear, I suppose we are considering the committee's amendments to Senate bill 8148, which was regularly introduced, referred to the Committee on the Judiciary, and reported back with the recommendation of the committee to strike out all that is marked through and to insert what is printed in italics.

Mr. OVERMAN. The Senator will find that this substitute is exactly what the committee has reported, if he will examine it. Mr. BRANDEGEE. I know; but why is not the question be-fore the Senate the amendment of the committee reporting to

strike out and insert?

Mr. OVERMAN. Because to that I have proposed these 14 bills, included in one, as a substitute for Senate bill 8148. Then, when it is adopted, if it is adopted, I will move to indefinitely postpone all the other bills, as they are all contained

in this substitute.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that there were certain amendments proposed by the Judiciary Committee to Senate bill 8148, and that it is proposed now by this new bill to strike out the matter contained in the Senate bill and to substitute that which is contained in these chapters.

Mr. BRANDEGEE. Mr. President, I do not understand it,

but I shall not interfere further.

Mr. SUTHERLAND. Mr. President, I think I can state it so that the Senator will understand it.

Mr. BRANDEGEE. I hope so.
Mr. SUTHERLAND. The Committee on the Judiciary has reported to the Senate 14 different bills out of 17 which were originally introduced. The first of those 14 bills is Senate bill 8148. The Senator from North Carolina has offered as a substitute for that bill the matter which is printed and to which the Senator has called attention, marked "Committee print," which includes not only the matter in Senate bill 8148 but also the matter contained in the other 13 bills. The object of that procedure is to facilitate consideration. Instead of having to take up each of these bills separately and consider them, if the Senate considers this substitute, then the whole 14 bills are before the Senate in the form of a substitute. The only purpose of proceeding in this way is to facilitate the consideration

Mr. CUMMINS. Mr. President, I have no difficulty in under-standing what the Senator from North Carolina has proposed by way of a substitute, but I have great difficulty in reaching any conclusion in respect to the action upon the substitute. has to be considered by chapters. Now, a parliamentary in-quiry. Suppose we consider chapter 2, what action can be taken upon chapter 2 as segregated from the remainder of the

Mr. OVERMAN. As I understand, if the Senate is agreeable, we will consider that as adopted; then we will go on to the third chapter, then the fourth chapter, and so forth. When these have been acted upon we will come back, having passed over chapter 1, and consider that, and when that is adopted the question will be whether we will adopt the entire substitute.

Mr. SMITH of Michigan. All being correlated.

Mr. OVERMAN. They are all correlated.

Mr. CUMMINS. No; they are not all correlated.

have no relation to each other.

Mr. OVERMAN. Whether they have any relation to each other or not, the Senator understands that each chapter will be considered and adopted, either with or without amendment, or not adopted, and when the whole bill has been gone through with in that way the substitute as an entirety will be open to amendment.

Mr. CUMMINS. So that there is really nothing accomplished by this procedure. The whole bill and every chapter will be open to amendment after we pass through it and informally

approve it.

Mr. OVERMAN. Just as in the consideration of tariff bills: as the Senator will remember, we consider them by sections, adopting the sections as we go along, and then, of course, before the final passage of the bill the whole amendment is adopted.

Mr. CUMMINS. If it is thoroughly understood that we pass through these chapters to ascertain what objection there is, if any, to them; that after we have done that no formal action is to be taken; and that then the entire bill is open for amendment and consideration precisely as if we had not passed through the chapters, I have no objection whatever.

Mr. OVERMAN. That would be its natural parliamentary

status anyhow.

Mr. NELSON. Mr. President, it seems to me that this mat-ter is perfectly plain. Each one of these chapters is to be considered as a separate section of a bill. If we approve a given chapter as in Committee of the Whole, that is like adopting a section of any other bill as in Committee of the Whole, and when the bill passes from the Committee of the Whole further amendments can be offered to it.

Mr. CUMMINS. That is just what I asked the Senator from North Carolina, and I do not understand him to agree with the Senator from Minnesota. If we consider chapter 2, there will be no vote on it, but we will have a vote on the bill, as I under-

Mr. NELSON. Certainly we can have a vote on it, as we can on a section of any other bill.

Mr. CUMMINS. I want that parliamentary procedure thoroughly understood and settled upon before I give my consent to the suggestion of the Senator from North Carolina.

Mr. BRANDEGEE. Mr. President, I have exactly the same thing in mind that the Senator from Iowa has. I think there ought to be a definite understanding before we give unanimous consent to a method of procedure which evidently is understood in different ways. If it is meant that if, for instance, we adopt chapter 2 as in Committee of the Whole, and that chapter is still open to further amendment as in Committee of the Whole after it is adopted and before the bill goes to the Senate, well and good; but if, when we adopt it, it is set aside and can not be further amended as in Committee of the Whole, I want to understand that.

Mr. SUTHERLAND. Mr. President, it seems to me that the parliamentary situation is a perfectly simple one. The matter the Senator from North Carolina has presented is offered as a substitute for Senate bill 8148. The question is whether it shall be adopted as a substitute. The substitute is open to amendment in any particular, either by adding to it or by striking from it any section or any chapter as we go along, in order to perfect the substitute before we vote upon it. So, as we go along, if the Senator from Iowa is dissatisfied with a chapter, he can move to strike that out, and if the motion prevails it goes out of the substitute. If the motion fails, chapter remains in the bill, and we vote upon it in connection

with the other provisions of the substitute when we reach that parliamentary stage, just the same as in the case of a substitute offered to any other bill.

Mr. BRANDEGEE. Mr. President-Mr. SUTHERLAND. Just a moment. As I understand, the Senator from North Carolina proposes to consider his substitute by chapters. The Secretary has read chapter 1, and that has been laid aside for further consideration. Now we take up chapter 2, and that may be dealt with. If the Senator from Iowa objects to it, a motion can be made to strike it out or to amend it in any particular.

Mr. CUMMINS. What I have asked all the time is this: Suppose chapter 2 is read and no Senator has any objection to it and no amendment is offered to it, what happens then?

What vote is taken upon chapter 2?

Mr. SUTHERLAND. No vote is then taken upon it.

Mr. CUMMINS. Therefore, when we pass all through the bill I can, if I like, in Committee of the Whole, offer an amendment to chapter 2?

Mr. SUTHERLAND. I should say so.

Mr. OVERMAN. Of course.
Mr. CUMMINS. That is what I want to understand.
Mr. OVERMAN. The Secretary is reading the substitute.
Of course there will be a vote on it as in Committee of the Whole, and the substitute before it is finally acted upon can be amended.

Mr. BRANDEGEE. The whole difficulty, in my mind, arises

from this: The Senator from North Carolina [Mr. OVERMAN] is asking for unanimous consent to adopt a certain method of procedure, and I understood him to ask that the different chapters be acted upon separately. The Senator from Utah [Mr. SUTHER-LAND] does not state it in that way. He says that, as he under-stands the request of the Senator from North Carolina, the

Senate is to consider the chapters separately and then set them aside without action. I do not know which statement is correct.

Mr. OVERMAN. This is a substitute containing all the bills

to which I have referred, each chapter being a separate bill. My idea was to ask unanimous consent to consider each chapter, to have it read, and if any Senator had an amendment to submit to it we would try it out, and then adopt that chapter subject, however, when the whole substitute comes to be voted on, to amendment as to the entire substitute.

Mr. CUMMINS. Any part of it? Mr. OVERMAN. Of course.

Mr. BORAH. What is the necessity of pursuing any different course than we have pursued heretofore in connection with other bills? Here is a substitute offered for another bill, and why not proceed as usual, and if any Senator has objection when a particular provision is reached, let it go over temporarily and

Mr. OVERMAN. As there seems to be objection to the suggestion I have made, I will ask that the reading be resumed.

The PRESIDING OFFICER. The Secretary will resume the

reading of the proposed substitute.

The Secretary read as follows:

CHAPTER II. [S. 6813.]

To prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation.

dispute or controversy with any foreign nation.

SECTION 1. Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign Government, or of any officer or agent of any foreign Government, in relation to any dispute or controversy with the United States, or with a view or intent to defeat any measure of or action by the Government of the United States, in relation to such dispute or controversy, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. OVERMAN. Now, Mr. President, if there is no objec-

tion, I should like to have that chapter adopted.

Mr. STONE. Mr. President, before it is adopted I should like to ask the Senator why it is required that the statement referred to in the second line should be made under oath?

Mr. OVERMAN. It reads:

Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, under oath—

I will read what the Attorney General says— Mr. STONE. It does not say "or under oath," as the Senator reads it.

Mr. OVERMAN. No; it says "orally or in writing, under oath."

Mr. STONE. Yes; "orally or in writing, under oath," and made to influence the action of any foreign government with relation to a dispute between that government and the United tates. Why confine it to a statement "under oath"?

Mr. BORAH. We would not want to punish a man for a States.

mere verbal statement without any seriousness or any verity behind it.

Mr. STONE. Well, let us see. I read further from the provision:

Which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign government—

If a statement is made not under oath but made for the purpose indicated, and which the person making it has reason to believe, and does believe, might influence the action of a foreign government unfavorably toward us with respect to some international dispute, it would seem immaterial to me whether it

was sworn to or merely vouched for in a statement not sworn to.

Mr. BORAH. Mr. President, it seems to me the Senator would not want to punish, as this chapter provides for punishing, a man who should make a statement which might be calculated to influence a foreign government. It might take place under most unexpected circumstances. But if he goes and deliberately makes it under oath, it shows that there is back of it premeditation, as it were, or the purpose to affect the foreign government and to influence it. If you are going to spread it out to conversations and general statements, to debates and to newspaper publications, and so forth, of course the bill never could get through the Senate in the world.

Mr. NELSON. Mr. President, will the Senator from Missourl allow me to state a concrete case that this provision of law exactly fits? The Senator will recall the case of the sinking of the Lusitania. He will recall the fact that a man, whose name I can not recall-

Mr. OVERMAN. Wolf, I think.

Mr. NELSON. I am not sure about the name-made an affidavit that there were munitions and military supplies on board of the ship, and contraband of war, as an excuse for the Germans sinking that ship. It turned out afterwards that that was a falsehood, and my recollection is that he was convicted of perjury and punished for it. Now, this is to meet just such a concrete case as that.

Mr. STONE. Mr. President, so far as the purpose of this proposed law goes, that man should have been punished, if under the facts he deserved punishment, for making that statement in writing, even if it had not been verified, as much as and as well as if he had sworn to it. Possibly oral statements should be put upon a different basis, for the reason stated by the Senator from Idaho; but if a man deliberately writes a statement, whether he swears to it or not, there is as much deliberation in its preparation in the one instance as in the other, though perhaps not as much solemnity.

There is another question I should like to ask my friend from North Carolina as to this bill. Beginning with the second word of line 4 I read:

which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, in relation to any dispute or controversy with the United States, or with a view or intent to defeat any measure of or action by the Government of the United States, in relation to such dispute—

And so forth. While we are proposing to punish a man for making a false statement calculated and intended to influence a foreign government with which we have a disputation, why should it not equally be made an offense for any man to make a statement under oath to unduly influence the Government of the United States, or the responsible officials of the United States, in the same direction?

Mr. OVERMAN. I think that is covered in another chapter. Mr. BORAH. Well, I hope it is not. What would the Senator do with these editorials and periodical articles which are

appearing every day?

Mr. STONE. Whether the falsehood be in an editorial or anything else, if a false statement is made intentionally, deliberately, with knowledge, and for the purpose of influencing the action of the public officials of the United States, and when the writer or publisher knows it to be false, he ought to be held to some accountability, so far as that may be possible under the Constitution.

Mr. SMITH of Michigan. Mr. President, take the case of the reported holding of our ambassador to Germany. It has been repeated over and over again until a great many people believe it to be true. I do not know whether there is any foundation for it or not. If there is no foundation for it, it certainly is a very great error on the part of some one.

Mr. STONE. It is worse than an error.

Mr. SMITH of Michigan. Would the Senator reach that

class of offenders?

Mr. STONE. Yes; I would. If they knew-mind you, there must be knowledge-or had every reason to believe that it was false, and deliberately scattered a falsehood of that kind broadcast over the land, and especially among the responsible officials of the Government, to influence the action of this Government in its dealings with a foreign country with which we were having a dispute, I think they ought to be held amenable as well as if the purpose of the false statement should be to influence a foreign government against us.

Mr. SMITH of Michigan. That was not under oath, though. Mr. BORAH. Mr. President, it is not to be presumed, of course, that these publications of which we speak would come technically within this rule; but every publication would be put upon its defense upon the simple question of whether or not, at the time the publication appeared, the writer of the article had knowledge of the falsity of the statement.

Mr. OVERMAN. All these sections cover that.

Mr. BORAH. And I think it would be a limitation which we

would not want to put upon a discussion of these questions at this time, even if they are delicate questions.

Mr. OVERMAN. Mr. President, we have no law at all upon this subject now, as to false swearing. This applies only to verbal statements and false statements made, and it makes them a crime. We have no law at all upon the subject now. I note what the Attorney General says in his report:

At present no law exists under which false swearing intended to influence the Government in controversies with a foreign nation can be prosecuted. Unless the false swearer shall repeat his false statement in some grand jury or other judicial proceedings, so that he may be indicted for perjury, he may at present entirely escape punishment.

Mr. STONE. Mr. President, there is no shadow of doubt in the mind of any intelligent or fair-thinking man that there is

a cabal of great newspapers in this country working in a conspiracy to create a condition which they think may coerce the Government of the United States into an attitude of hostility to one of the belligerent powers.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I think the matter he is talking about will be covered in the first chapter of this bill, which I have passed over temporarily. All the matters that he is talking about now will come

up in that part of the bill.

Mr. STONE. I am not arguing the matter especially with a view of offering any amendment, but I am saying what I do with a view to expressing my opinion, and putting it in the RECORD and before my colleagues of the Senate, that I believe that men who try unduly and by false statements to involve this country in the disasters of war are public enemies, no matter what their pretensions to virtue and patriotism; and that the publication or the mere making for public use in any way of bitter and venomous false statements, whether intended to influence the action of a foreign government or our own Government, ought to be curtailed, if not prohibited, as far as possible. I think the effect of the law ought to bear upon those who seek deliberately to mislead their own government as well as upon those who make statements intended to mislead the foreign Government with which we may have a dispute. It ought to work both ways, and in many respects it is more important that it should operate with respect to our own Government.

Mr. NELSON. Mr. President, will the Senator yield to me a moment? I want to call his attention to the last part of this

provision, commencing in line 8:

Or with a view or intent to defeat any measure of or action by the Government of the United States.

So that it is not only a question as to the effect it has on the foreign power, but also as to the effect it has on the Government of the United States.

Mr. STONE. Well, "to defeat"; not to "initiate." Mr. NELSON. "Or with a view or intent to defeat any measure of or action by the Government of the United States in relation to such dispute or controversy."

Mr. OVERMAN. I suppose, Mr. President, section 3 of the

first chapter might cover that:

Whoever, in time of war, shall, by any means or in any manner-

Mr. LA FOLLETTE. That is in time of war, is it not?

Mr. OVERMAN. Yes; that is in time of war.
Mr. LA FOLLETTE. That is not what we are talking about.
Mr. OVERMAN. I think we have another section which covers it in time of peace

The PRESIDING OFFICER. The Secretary will continue

the reading of the proposed substitute. The Secretary read as follows:

CHAPTER III.

[S. 6816.]

To prevent and punish the impersonation of officials of foreign governments duly accredited to the Government of the United States.

Section 1. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States, with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or said foreign government, or any officer thereof, any money, paper, document, or other valuable thing, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

CHAPTER TV [S. 6797.]

To regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof.

punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof.

Section 1. Before a passport is issued to any person by, or under authority of, the United States, such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport.

Sec. 2. Whoever shall willfully and knowingly make any false statement in an application for passport or otherwise, with intent to induce or secure the issue of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any passport, the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Sec. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use, or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or whoever shall willfully and knowingly furnish, dispose of, or dcliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Mr. OVERMAN. Mr. President, I desire to introduce two amendments that have been suggested to that chapter, and ask to have read a letter from the Attorney General on the subject. The PRESIDING OFFICER. The amendments will be

stated.

The SECRETARY. On page 12, lines 4 and 5, it is proposed to strike out the words "a person authorized and empowered to administer ouths," and to insert in lieu thereof the following: Such person as may be designated by the President or by the Secretary of State to administer such oaths.

Mr. SUTHERLAND. So that it will read how?

Mr. CUMMINS. Mr. President, I am very much opposed to that amendment.

Mr. OVERMAN. I ask that the letter of the Attorney General be read as to the two amendments.

The PRESIDING OFFICER. The Secretary will read the second amendment and the letter.

Mr. CUMMINS. Mr. President, just a moment. I should like to have the first amendment read again. I have the floor. Will the Secretary read the amendment again?

The Secretary. On page 12, lines 4 and 5, it is proposed to strike out the words "a person authorized and empowered to administer oaths," and to insert in lieu thereof "such person as may be designated by the President or by the Secretary of State to administer such oaths," so that the section if amended will read:

Before a passport is issued to any person by or under authority of the United States, such person shall subscribe to and submit a written application duly verified by his oath before such person as may be designated by the President or by the Secretary of State to administer such oaths such oaths

And so forth.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina prefer that the letter of the Attorney General shall be read before I state my objection?

Mr. OVERMAN. Yes; so that the Senator can understand what the Attorney General desires.

The Secretary proceeded to read the letter.
Mr. OVERMAN. Mr. President, as suggested by the Senator
from Wisconsin [Mr. La Follette], I am willing to let these amendments be printed and go over, and have the letter of the Attorney General printed in the RECORD, so that Senators will understand it.

The VICE PRESIDENT. The letter will be printed in the

Mr. OVERMAN. I ask that the amendments may go over and that the letter and amendments may be printed in the

The VICE PRESIDENT. Without objection, that will be done.

The amendments and letter above referred to are as follows:

The amendments and letter above referred to are as follows:

1. Page 12, lines 4 and 5, strike out "a person authorized and empowered to administer oaths" and insert in lieu thereof the following: "such persons as may be designated by the President or by the Secretary of State to administer such oaths."

2. Insert, at the end of section 1, on page 12, the following: "Clerks of United States courts, agents of the Department of State, or other Federal officials authorized or who may be authorized to take passport applications and administer oaths thereon, shall collect for all services in connection therewith a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate."

Office of the Attorney General, Washington, D. C., February 12, 1917.

Hon. C. A. Culberson,
Chairman Committee on the Judiciary,
United States Senate, Washington, D. C.

Gisto Department has just presente

Chairman Committee on the Judiciary,
United States Senate, Washington, D. C.

My Dear Senator: The State Department has just presented to me two minor additions which it says are very essential to the bill originally 8. 6797, now chapter 4 of the committee print neutrality bill, relative to passports.

1. To amend lines 4 and 5, page 12, so as to read as follows:
"His oath before such persons as may be designated by the President or by the Secretary of State to administer such oaths, which said application shall contain a true."

2. To insert, at the end of section 1, on page 12, the following:
"Clerks of United States courts, agents of the Department of State, or other Federal officials authorized or who may be authorized to take passport applications and administer oaths thereon, shall collect for all services in connection therewith a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate."

The object of this addition is to clear up a situation which now exists. At present clerks of courts are the officials designated by the President, through the Secretary of State, to take passport applications and administer oaths. Under the present fee system there is a great variance in the practice of these clerks of courts, and many of them, it has been found, charge fees which are quite exorbitant, but which seem to be lawful under the present statutes. The fees charged, it has been found, have varied from \$1.50 to about \$6. The Chief of the Citizenship Bureau of the State Department and the Chief of the Division of Accounts in this department, both of which gentlemen have had long experience in these matters, have come to the conclusion that a fee of \$1 is ample in such cases and that larger fees are or may be an unnecessary hardship on citizens applying for passports.

This is a matter which has been presented to my attention for the first time to-day, and was not considered by me or, apparently, by the State Department when the final draft of the bill on this subject was submitted to it.

Respectfully,

T. W. Gregory,

T. W. GREGORY, Attorney General.

The Secretary resumed the reading of the proposed substi-

tute, as follows:

SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not exceeding \$2,000 or imprisoned not more than five years, or both.

SEC. 5. All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if this act had not been passed.

Chapter V.

CHAPTER V. 18, 6798,1

To prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or government commission.

of the seal of any executive department or government commission.

Section 1. Whoever, not being duly authorized and empowered so to do, shall fraudulently affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Sec. 2. Whoever shall falsely make, forge, counterfeit, mutilate or alter, or cause or procure to be made, forged, counterfeited, mutilated or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated or altered seal to or upon any certificate, instrument, commission, document or paper of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated or altered, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both.

CHAPTER VI.

CHAPTER VI. [S. 6815.]

To prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States is at peace, or of any subdivision or municipality thereof.

States is at peace, or of any subdivision or municipality thereof.

Section 1. If two or more persons within the jurisdiction of the United States conspire to injure or destroy property situated within a foreign country, State, or Province with which the United States is at peace, when the offense designed to be committed in such foreign country constitutes a felony under the laws thereof, and when one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

Mr. President I want to call effective

Mr. SUTHERLAND. Mr. President, I want to call attention to a provision in this chapter, for fear it may be overlooked hereafter. The language of it is, beginning on line 4:

When the offense designed to be committed in such foreign country constitutes a felony under the laws thereof.

A felony is one thing under the rules of the common law, and it may be an entirely different thing under the rules of law that prevail in other countries, as, for example, France, where there may not be such a thing as a felony. I do not know whether there is or not. We have statutes that define what shall constitute a felony. The statutes differ from the common-law definition. We have written into our own statutes, in the Criminal Code, a definition of a felony; so I think that the word "felony' is an unfortunate term to use here. I think we had better use the word "crime" so that it will read: "constitutes a crime under the laws thereof."

I make that suggestion for the consideration of the Senator

in charge of the bill.

Mr. OVERMAN. I think that is right. I know that in England what constitutes a misdemeanor and what constitutes a felony is well defined in Blackstone, but I do not know about France and other countries. I have no idea what the law is there. I know what would be a felony in Great Britain; but what would be a felony in France I do not know.

Mr. SUTHERLAND. It may be a crime, but not a felony,

Mr. OVERMAN. Yes.
Mr. SUTHERLAND. I make that suggestion.
Mr. FLETCHER. Mr. President, I do not think it was intended to punish under this section conspiracies that involve every sort of crime. Under the laws of some countries what would be regarded as a crime might be of very little conse-

quence. The word "crime" would involve merely the commission of some offense which was denounced as criminal. A felony is a specific thing, and if the laws of a country declare that a certain offense is a felony then it is easy to produce that law, and the whole question is settled. The word "crime" seems to me to be too general.

Mr. SUTHERLAND. I recognize the force of what the Senator says; but the difficulty is that there may not be such a thing as a felony under the laws of some foreign countries. We use the term to distinguish it from a misdemeanor. There may not be such a distinction at that. At any rate, if the word "crime" is not used I would put in some provision to the effect that it should be a crime punishable by imprisonment for more than a year, or something of that sort

Mr. FLETCHER. I should think the term "crime punishable by imprisonment" would cover it. That would perhaps make it a little clearer than to make it simply "crime."

Mr. SUTHERLAND. Let me ask the Senator a question. Suppose this law is passed as it reads now, and a person should be changed with conscious to injury or destroy respective. be charged with conspiring to injure or destroy property in France. Can the Senator tell us under the laws of France, whether or not any offense of that character would constitute a felony?

Mr. FLETCHER. I would not be able to say, of course, unless I examined the laws. I would have to refer to the laws.

Mr. SUTHERLAND. That is the difficulty.

Mr. NELSON. Mr. President, if the Senators will yield to me, I think the term "felony" is a term that is known only to the American and the English common law, or where the common law prevails; that in all the other countries, outside of the scope of the common law, they are under what you might call the Roman law. That is the basis of the law, modified in some countries, as in France, by the Code Napoleon. But they all have different terms by which they designate crimes; and the term "felony," as I understand, is not known in any criminal law of Continental Europe in the sense that we use it in American and English law. Hence, I think it would be wise to say "a crime punishable by imprisonment"; or you might say "by imprisonment of not less than one year."

Mr. SUTHERLAND. Yes.

Mr. FLETCHER. Why not say "crime punishable by imprisonment"?

Mr. NELSON. Well, that is sufficient.
Mr. SUTHERLAND. We have now defined, in the statutes of the United States, a felony as constituting a crime punishable by not less than a year's imprisonment. Prior to the writing of that definition in the Criminal Code, as the Senator knows, there was always a great deal of confusion in determining what constituted a felony. The court had to go back to the rules of the common law in order to determine whether or not the crime was a felony. But we have now made that simple definition in our statutes, and I am inclined to think we might simply write that definition into the law. Instead of using the term "felony," let it read "crime punishable by imprisonment

for not less than one year."

Mr. OVERMAN. I think that is a very wise provision, and if the Senator will offer it now I will be glad to have him do so.

Mr. SUTHERLAND. I will offer it.

Mr. SMITH of Georgia. Is it not better to use the term punished by imprisonment" than to put in a period?

Mr. SUTHERLAND. Very well; I will not insist on the other

Mr. SMITH of Georgia. There are a great many crimes and a broad latitude should be given to the judge to punish by imprisonment.

Mr. SUTHERLAND. I will present it in that form. I move to strike out "felony" and insert "crime punishable by imprisonment."

The SECRETARY. On page 17, line 6, strike out the word felony" and insert "crime punishable by imprisonment." The VICE PRESIDENT. The amendment will be agreed to,

without objection.

The Secretary read as follows:

CHAPTER VII. [S. 6799.1

To amend section 13 of the act "to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

SECTION 1. Section 13 of the act "to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be, and the same is hereby, amended so as to read as follows: Whoever within the territory or jurisdiction of the United States begins, or sets on foot or furnishes money, or provides or prepares the means for, or who takes part in any military or naval expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or State, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3,000 and imprisoned not more than three years.

Mr. CUMMINS. May I ask the Senator from North Carolina what cases are intended to be reached by this chapter that are not covered by the existing law? On a comparison I find that the only difference between the chapter and the existing law is the introduction of the phrase "or furnishes money."

Mr. SUTHERLAND. If the Senator will permit me, it amplifies it by inserting the word "naval." The word naval is added where the law simply says "set on foot or takes part in any military expedition." I do not myself see that it is necessary.

Mr. CUMMINS. Is not a naval expedition a military expedi-

Mr. SUTHERLAND. I think so, but the Attorney General seems to think it is necessary to use that word, and I see no objection to it.

Mr. CUMMINS. I care nothing about that, but the words "or furnishes money" are inserted, as I remember. I can not see the occasion for them, unless they are intended to embrace something that I can not favor.

Mr. OVERMAN. The Attorney General says:

It is desirable that contribution of money for such unlawful expeditions or enterprises should be made illegal in express terms, although it is probably included within the meaning of "provides or prepares the means for" in the present statute.

Those are the only words added, and they ought to be added. The law ought to be more explicit.

Mr. CUMMINS. Does the Senator from North Carolina think the words "provides or prepares the means for" do not cover the furnishing of money?

Mr. SUTHERLAND. That language is already in the law.

Mr. CUMMINS. Not the words "furnishes money." Mr. SUTHERLAND. The words "or provides or prepares

the means for" are in the law.

Mr. CUMMINS. I say they cover the furnishing of money, and I wondered-

Mr. OVERMAN. The Attorney General says, further, that he wants to make it more specific; that there might be some doubt in the court as to whether the furnishing of money was included or not.

Mr. SUTHERLAND. The language which is added is "or who takes part in any military or naval expedition."

Mr. SHIELDS. The most serious objection I see is its generality. This is a very broad statute:

Whoever within the territory or jurisdiction of the United States begins, or sets on foot, or furnishes money, or provides or prepares the means for, or who takes part—

It is emphasized by the latter provision-

or who takes part in any military or naval expedition or enterprise to be carried on from thence-

And so forth. One may furnish money or means for an expedition of this kind without knowing it. The word "knowingly " ought to there, so as to read:

Whoever within the territory or jurisdiction of the United States begins, or sets on foot, or knowingly furnishes money, or provides—

And so forth.

Mr. CHMMINS That is not the thought I had in mind. Anyone who furnishes money in the course of preparation for an enterprise carried on in a foreign country would already be guilty under the statute. Anyone who furnishes money no matter whether he knows it is to be used in such an enterprise or not becomes guilty.

Mr. SHIELDS. And might be convicted under this statute?
Mr. CUMMINS. Yes.
Mr. SHIELDS. I move that the word "knowingly" be inserted.

Mr. OVERMAN. Inserted where?

Mr. SHIELDS. In line 6, after the word "or," where it first appears in that line, and before the word "furnishes."

Mr. OVERMAN. The Senator proposes a limitation that is not in the original statute of which this is amendatory.

Mr. SHIELDS. Then it ought to have been in the original statute.

Mr. OVERMAN. That has been the law for a long time.

Mr. SUTHERLAND. I suggest to the Senator from Tennessee that that has been the form of the statute for a hundred years and no unjust result has flown from it. I would hesitate to make changes in these statutes that have been on the books so long and that have been administered.

Mr. SHIELDS. I understand from the Senator from Iowa that the phrase "furnishes money" is not in the original statute.

Mr. SUTHERLAND. No.

Mr. CUMMINS. That is not in the statute. The wording is entirely new and intended, of course, to cover some different

Mr. OVERMAN. The only words added are "furnishes money." The original statute is amended by adding the word "naval" and the words "furnishes money," that is all.

Mr. SUTHERLAND. Let the word "knowingly" then simply

qualify the phrase, so as to read "or knowingly furnishes money.

Mr. CUMMINS. That is the amendment, I understand, of the Senator from Tennessee.

Mr. SUTHERLAND. I think that would not be objection-

Mr. SHIELDS. The amendment I offered was to place the word "knowingly" before the word "furnishes," so as to read "knowingly furnishes money."

The Secretary. On page 18, line 6, before the word "furnishes," insert the word "knowingly," so as to read "or sets on foot or knowingly furnishes money."

The amendment was agreed to. The Secretary read as follows:

> CHAPTER VIII. [8, 6812.]

To regulate and restrain the conduct and movements of interned soldlers and sailors of belligerent nations, and for other purposes.

and sallors of belligerent nations, and for other purposes.

Section 1. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall overstay a leave of absence granted by such afficial, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct.

Sec. 2. Whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Mr. CHIMMINS. Before passing from this chapter I should

Mr. CUMMINS. Before passing from this chapter I should like a little information from the Senator from North Carolina. I do not know just what the status of a soldier or a sailor or anyone belonging to the armed land or naval forces of a belligerent nation in our country is. Is he under arrest? Is he limited to a particular place? Are his movements controlled by some law of our own country or by the law of nations? I ask these questions because I have not had time to examine the subject and I do not know.

Mr. OVERMAN. There is no rule of international law on this subject. The Attorney General says:

Under the rules of international law, a belligerent warship and its crew is required to intern in the port of a neutral nation under certain circumstances. There is no present statute which prevents a breach of the internment or escape of the crew.

Mr. CUMMINS. It seems to me that we are preparing the way here for a possible act of war. We are making it a criminal offense for any soldier or sailor of a belligerent who happens to be interned in our country, and I do not know just what that means, to leave the limits of the internment; and we are providing that if he does leave these limits he may be arrested by a marshal or by military authority, returned to the place of his internment and kept there just as long as the official in charge shall direct, whether that be 10 minutes or 10 years. There is no limit to the authority here conferred. I can not speak about the matter with very much certainty because I do not know what the status of such a person is in the United States, but I do know that we ought not to authorize a marshal or an officer of our Army to violate international law or a treaty that we may have with the nation of which the soldier or the sailor is a subject or a citizen.

I will be very glad if some one who is familiar with these things will tell the Senate what the status is and by what law the so-called interned sailors and soldiers are controlled. I do not want to give a deputy marshal or a military officer power to abrogate all our treaties and commit an act of war.

Mr. SMITH of Georgia. I can not say that I am thoroughly familiar with the subject, but my understanding is that an interned armed vessel covered by this provision, under the rules of international law and by all our treaties, is limited as to the length of time within which it can leave, and having stayed that length of time and having abandoned the purpose to leave, the right to leave ceases

Mr. CUMMINS. What, then, becomes of the persons on board the boat? Are they under arrest? Are they prisoners of the United States after that time?

Mr. HUGHES. Does the Senator from Iown mean the members of the military or naval forces of the belligerents?
Mr. CUMMINS, That is what I mean,

Mr. HUGHES. There are two classes of interned men in this country. There are those men connected with the steamship lines

Mr. CUMMINS. They are not interned at all.
Mr. HUGHES. As to the others, I can only say to the Senator that frequently during the course of the European war men belonging to the various belligerents have been forced over the boundary line of other nations, and in that case they immediately become prisoners of war of that neutral nation. two cases have occurred where those men escaped. One very noted case was that of an aviator. His friends arranged a very elaborate scheme to escape and enabled him to get to Paris, and thereupon the French Government immediately had him returned and committed to the jurisdiction and control of the neutral government from which he had escaped.

I should say in answer to the Senator's question that the interned are the men from the military or naval forces of any of those belligerents who come into this country, take refuge in this country, and the men who escape must be held as prisoners

of war.

Mr. CUMMINS. I assume it must mean, so far as Europe is concerned, an armed ship in one of our harbors which is interned remaining there during the hostilities. Now, what is the status of the men on board?

Mr. SMITH of Georgia. The United States Government, as I understand it, gives them protection, and in return for that right assumes the responsibility of retaining them until the

war is over?

Mr. CUMMINS. Retaining them where?

Mr. SMITH of Georgia. In the United States.

Mr. CUMMINS. In the penitentiary? Mr. SMITH of Georgia. Oh, no.

Mr. CUMMINS. Why not?

Mr. SMITH of Géorgia. I do not think so, because they have committed no crime.

Mr. OVERMAN. I do not think so. I think they are required to be kept on the ship.

Mr. CUMMINS. That is what I was trying to find out. Mr. OVERMAN. And they are to be returned, as this statute provides, to the ship and safely kept there.

Mr. CUMMINS. It does not say so.

Mr. FALL. I think the Senator will find they can be incarcerated at any point, in the discretion of the Executive of this Government and the military authorities of the Government, if it be deemed necessary to incarcerate them. There have been a great many thousand men interned in the United States within the last two years. Some of them have been kept in prison; some of them have been put in jail; some have been placed in stockades; and some have been paroled. A majority of the Germans who were interned upon warships that sought refuge in our harbors and held as prisoners of war have been paroled, we becoming responsible to the other belligerent Governments for

Mr. WILLIAMS. Paroled officers, if the officer is willing to

take the parole.

Mr. OVERMAN. In the case referred to by the Senator from

Iowa, the bill provides that they-

shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct.

That is the case I suppose of interned warships and sailors. Mr. CUMMINS. I move to strike out the words "for such period of time as the official in charge shall direct."

Mr. OVERMAN. Leaving it indefinite as to how long they

shall be kept?

Mr. CUMMINS. Oh, no. Leaving the President of the United States to say when they shall be released. Suppose the war ends, may the official in charge still keep them?

Mr. OVERMAN. I do not think he would keep them.
Mr. CUMMINS. He might not, but I see no reason for giving

him the power after that time to keep them.

Mr. NELSON. Will the Senator allow me to suggest that the internment naturally expires when the ground for which they were interned ceases to exist. They were interned because of the existence of war and because they have come into our harbor. When the war condition ceases the ground for their internment

ceases and they are entitled to their liberty.

Mr. CUMMINS. That is the very reason I have offered the amendment. I want the term of their confinement to be determined at least by the event of the war and not by the will of

the official.

Mr. NELSON. You simply move to strike out those words

and insert nothing in their place?

Mr. CUMMINS It would then read "shall be returned to the place of internment and there confined."

Mr. NELSON. That is indefinite.

Mr. CUMMINS. That is definite enough, is it not? Mr. OVERMAN. They can only be interned until the President or official in charge shall direct that they shall be discharged.

Mr. CUMMINS. Do you want the official in charge to deter-

mine how long they shall be kept?

Mr. OVERMAN. They can not keep them after the war.

Mr. CUMMINS. How do you know? Of course, I know he would not, but why give him any authority to do it?

Mr. FLETCHER. The only official in charge is acting under superior authority. He could not do it unless his superior authority ordered him to keep them. You have got to have some margin as to the length of time they will be kept there or what will terminate the right to their confinement. "Official in charge" is rather indefinite I admit, but it seems to me that it is about the only way you can express it. Of course, the official in charge is acting under higher authority, and when his superior authority ceases to hold them and the cause of their being retained disappears he must give the order for their

Mr. CUMMINS. Of course it may not be very important. This whole series of bills is full of attempts to enlarge the

power of inferior and subordinate officials.

Mr. FALL. I think, Mr. President, the meaning of this section is that it applies to the attempt to violate their parole by interned prisoners. For instance, when a ship's crew, we will say a German ship's crew, for example, in this country is interned in a certain place, there are certain privileges granted to them under their parole; that they must report at certain times or that they must not go beyond certain limits or that they must not attempt to return to Germany. In the event of a violation of that parole under this section it is the privilege of the officer having charge of those interned to direct the United States marshal or other official to arrest any paroled prisoner violating his parole and to return him to the place of internment, and there the officer who has charge of the interned prisoners can lock him up if necessary. He has the power, in the first place, to confine him in any way necessary to prevent his escape. Having violated his parole, he is brought back there, and he is placed in safe keeping, even if it is necessary to lock him up, and he is kept there until the term of internment expires by the ordinary rules in the event it is necessary.

Mr. CUMMINS. I so understand it; and therefore there is no possible use of the last clause. They are interned, and they escape. Now, no matter whether they have been paroled or not, they escape, and the marshal or other officer arrests them and brings them back. When they are returned, they have the status which they originally had, and no other.

Mr. FALL. They are punished for the violation of their parole by confinement for such period within the terms of their internment as the officer in charge may think necessary; in other words, they may be punished by 5 or 10 days' close confinement.

Mr. CUMMINS. It is just that power that I am not willing to give the officer in charge.

Mr. HUGHES. Mr. President, would this language meet the objection of the Senator from Iowa: Instead of striking out the words suggested by the Senator leave them in down to the word direct," in line 13, and add "or during the period of internment," so that it would read:

And shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct, or during the period of internment.

I think that would meet the Senator's contention.

Mr. CUMMINS. It would not entirely meet it. My idea is that we are dealing with foreign people; they are interned in our country. It has been said they are prisoners of war, and I am willing to accept that, although I do not think they are exactly "prisoners of war." They are allowed certain liberties, certain One of them violates the privilege that has been accorded to him and escapes; and the marshal or the officer of the Army or of the Navy arrests him and brings him back. There he is again in the place of internment. What we are trying to do is to give the official who happens to be in charge of that place of confinement or internment the power to punish such a man in any way that he sees fit, without any review or appeal or hearing.

Mr. OVERMAN. How punish him? I do not understand

how the language gives the officer any authority to punish the

prisoner.

Mr. CUMMINS. The Senator from New Mexico [Mr. Fall] has just said that you could put the prisoner in a cell to punish

him for escaping.
Mr. OVERMAN.

Mr. CUMMINS. I think the officer could easily enough do so under this language. I am not so solicitous about these foreigners so far as the humanities are concerned; I am not speaking especially for them-

Mr. OVERMAN. I would not consent to that.

Mr. CUMMINS. Although I think it is somewhat uncivilized; but I am concerned in giving power to a subordinate official to commit an act upon a foreign citizen that may be cause for war.

That ought not to be done.

Mr. OVERMAN. I do not see any language in the bill that will allow the official to punish anyone because it authorizes him to keep him safely confined for a period of time. Of course, when the war is over, the official can not keep him any longer.

Mr. CUMMINS. The language is, "and there confined and safely kept." How confined?

Mr. OVERMAN. Sufficiently confined to keep him from running away again; that is all.

Mr. CUMMINS. If it is necessary the officer could put him on bread and water and keep him in solitary confinement.

Mr. OVERMAN. I do not think so.

Mr. CUMMINS. It does not say that, but the language is very indefinite.

Mr. OVERMAN. Any officer doing that would himself be

subject to being indicted and imprisoned.

Mr. CUMMINS. It is unnecessary to offend the civilized sense of the world in that way, and why should we do it? When we capture a man and bring him back into the place of internment and keep him there

Mr. OVERMAN. That is all that is authorized.

Mr. WILLIAMS. That is all it says

Mr. CUMMINS. I do not agree with the Senator from Missis-

sippi upon that.

Mr. NELSON. Mr. President, if the Senator will allow me, the original bill contained the words "closely confined." In the committee we struck out that language, so that it simply means now that the prisoner shall be taken back and confined as he was before, and nothing more.

Mr. BORAH. What would you do with him after you took

him back if you did not confine him?

Mr. SMITH of Georgia. I wish to ask the Senator from Iowa what he would think of adding after the word "direct" the words "subject to the approval of the Secretary of the ; so that any such action must be reported to the Secretary of the Navy and must receive the approval of a Cabinet officer, thereby putting under the supervision of a Cabinet officer any treatment that these foreigners might receive?

Mr. FALL. Mr. President, these matters with reference to the treatment of interned prisoners are all covered by the ordinary rules of nations in times of war, and this Government owes a duty not only to the prisoners themselves who are interned but it owes a duty to the belligerents on the other side to see

that such prisoners are safely kept.

This Government, if it thinks it necessary, can, in the first place, order interned soldiers or sailors to be closely confined anywhere that it pleases to put them, which the Government thinks is necessary for their safekeeping. Of course, we are supposed to treat them as civilized human beings. In the event that in our discretion we allow these interned soldiers or sailors to be paroled and to be given certain liberties within a certain district upon their word of honor or upon their oath that they will not violate our good treatment, and they do violate it, this simply provides that they may be returned and, in the discretion of the officer having charge of them, that they may be safely kept, he may use such means as are necessary to safely keep them, even if it be incarcerating them in the penitentiary.

Mr. WILLIAMS. Mr. President, it is always well to ask the why of things, in order to determine how far you ought to go. If it were not for this very principle of international law involved here, no neutral country could ever remain neutral in war at all, because the losing belligerent could just cross the border and reorganize, remobilize, rearm, and return to the scene. If they could do that, the successful belligerent would have the right to follow them into the neutral country. To prevent that the law of nations provides that when one of the belligerents shall retreat into a neutral country, then it shall become the duty of the neutral country to prevent them leaving and participating in the war again. The reason of it is that, in consideration of it, the successful beligerent surrenders the right to follow the defeated enemy into a neutral country, and the consideration paid by the neutral country is that it shall keep them until the expiration of hostilities. But for that principle of law, applying it now to the high seas-I have illustrated it on land-one fleet might be following another, and the defeated fleet might take refuge in a harbor of the United States. If it had a right to take refuge there and subsequently come out again, perhaps refitted and equipped, then the other fleet would have a right

to follow it into the harbor, and we would have naval battle between other peoples engaged in a war in which we were not concerned in a United States harbor and within our 3-mile jurisdiction. It is to avoid that that this rule of nations has been established and universally recognized and is maintained. The neutral is under international obligation to receive and keep and hold until the end of a war the armed forces of a belligerent fleeing to its territory or harbors.

The language of the proposed act is:

Shall be returned to the place of internment, and there confined a safely kept for such period of time as the official in charge shall direct.

The Senator from Iowa [Mr. Cummins] imagines he can get out of that language that they—the interned belligerents—are in danger to "be put on bread and water." That would be a violation of The Hague conventions and all of the agreements among nations and all of the international law of the world. Nor does the language say anything from which that could be inferred. They shall be "confined and safely kept"; that is all. You do not have to give a man bread and water to safely keep him. You may keep him as safely on beefsteak, if you put him in a place whence he can not escape.

If there is any doubt about it at all it is that somebody might think that we might exceed the proper period of internment, which is the period of hostilities. As a matter of fact, we would not; but if anybody has that sort of a notion it would be well to put after the word "direct" the words "during the period of internment," or "so long as hostilities shall endure."

Mr. CUMMINS. Mr. President, if I may interrupt the Senator that make the terms of the period of the senator of the period of the senator of the sena

tor, that would make it very much worse, because this is intended, as I now find out—I did not know that until we got into the discussion-to give the official in charge the authority to punish the man who has gone beyond the limits of the place of internment.

Mr. WILLIAMS. If reconfinement and safe-keeping may be

called punishment, yes; but no other punishment.
Mr. CUMMINS. Not reconfinement—"confinement."

He was confined before, was he not? Yes; he was. Mr. WILLIAMS.

Mr. CUMMINS.

Mr. WILLIAMS. And if he is confined again it is reconfinement, is it not?

Mr. CUMMINS. No; it is not. When they are originally interned, I take it, they are allowed some liberty of movement; they are interned in a place, and not in a jail; but if one of them violates his privilege, then he is arrested and brought back and the official in charge of that place of internment can then punish him for that violation by confining him, I take it, in some other way than he was originally confined, and safely keeping him.

Mr. WILLIAMS. The official would have to keep him more carefully than at first, else he would escape again. That much is true. As a rule, in the case of sailors the place of internment is their ship, and unless they grossly abused the privilege that would remain their place of interment. Of course, the Government could designate a different place, but for sailors the place of internment is generally a ship, while for an Army it is usually a camp, just as the Belgians now interned in Holland have a camp which is guarded by Dutch troops and from which they can not escape, and if any one of them did escape he would be brought back, and, I suppose, would be put in some closer confinement; but that is all. He could not be punished in any sense except in the sense that a closer and more careful and safer confinement might be called a punishment.

The VICE PRESIDENT. The Secretary will state the

amendment.

The Secretary. On page 19, lines 12 and 13, it is proposed to strike out the words "for such period of time as the official in charge shall direct."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The Secretary read as follows:

CHAPTER IX.

IS. 6811.1

[S. 6811.]

To authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained.

Section 1. Whenever, under any authority vested in him by law, the President of the United States by proclamation, or otherwise, shall forbid the shipment or exportation of arms or munitions of war from the United States to any other country, or whenever there shall be good cause to believe that any arms or munitions of war are being, or are intended to be employed or exported in connection with a military expedition or enterprise forbidden by section 13 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," the several collectors, naval officers, surveyors and inspectors of customs, the marshals and deputy marshals of

the United States, and every other person duly authorized for the purpose by the President may selze and detain any arms or munitions of war about to be so exported or employed, and the vessels or vehicles containing the same, and retain possession thereof until released, or disposed of as hereinafter directed.

Src. 2. It shall be the duty of the person or persons making any selzere under this chapter to apply, with due diligence, to the judge of the district ocurt of the United States for the district within which any such spotenty so selzed; which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property selzed is being, or is intended to be, exported, used, or employed in the manner or for the purpose prohibited by section 1 of this chapter; and if raid judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such selanous whom selzed. If the said judge shall be satisfied that the selzure was justified under the provisions of this chapter, and issue his warrant accordingly, then the property shall be detained by the person selzing it, until the President, who is hereby expressly authorized so to do, shall order it to be restored to the owner or claimant, or until it shall be a suit of the condemnation proceedings, as hereinafter provided.

Sec. 3. The owner or claimant of any property selzed under this chapter may file his petition in the district court of the United States for the district in which such seizure was made, setting forth the facts in the case; whereupon said court shall advance said cause for hearing and determination, with all possible dispatch, and, after easing forth the person making such selzure, shall proceed to hear and decide whether the property selzed the same.

Sec. 4. Whenever the person making any selzure under this chapter shall have applied for and obtained a warrant for the detention of the person who selzed the same.

Sec. 5. The proceedings in such summary t

Mr. CUMMINS. Mr. President, I offer the amendment to section 8 which I send to the desk.

The VICE PRESIDENT. The amendment will be stated. The Secretary. It is proposed to add to section 8 the

following:

Provided, That this shall not authorize the use of such forces at a time or in a manner that would make their employment an act of war.

Mr. FLETCHER. Mr. President, where is that to be added?
Mr. CUMMINS. To section 8.
Mr. FLETCHER. At the end of that section?
Mr. CUMMINS. At the end of that section.
Mr. President, I have no objection to the use of the Army

and Navy in the execution of our laws, if they are not used in such a manner as to constitute an act of war. Before our military forces are used in that way I think Congress ought to give authority for doing it. The Constitution has very wisely reserved to Congress the exclusive authority to declare war; and I am not willing to give the President, by general language, the right to use our military forces in such a way as would be an act of war. This, though not in terms, not technically, would in fact be a declaration of war.

Mr. STERLING. Mr. President, does not the Senator think that the words "as shall be necessary to carry out the purposes of this chapter" limit the power of the President and restrict

him to such uses of the land and naval forces?

Mr. CUMMINS. I do not, because if the arms and munitions were on a foreign ship and our Navy were used to capture the foreign ship, and the President were authorized to use

the Navy under such circumstances, that would be carrying out the purposes of the chapter; and I do not want, myself, to give the President the power to use our armed forces to capture the ship of a foreign nation under such circumstances as would make the capture an act of war. That is all my amendment protects us from.

Mr. OVERMAN. Mr. President, the language which is used in this law is exactly the same language that was used in the former statute that was passed during our late unpleasantness with Spain. The President was authorized in a joint resolution passed in 1898 to selze munitions of war; and just the same language is used here that was used there. I do not see how any act of war could be committed by the President in seizing these munitions. Of course, I am as much opposed as anybody to the President having the power, either directly or indirectly, to declare war.

Mr. CUMMINS. Of course, the act to which the Senator re-

fers was a temporary act.

Mr. OVERMAN. Yes; it expired in two years.

Mr. CUMMINS. And it applied to war. This act does not apply to a state of war at all. It applies to peace as well as war; and under it a friendly nation might find its ships seized by one of our naval vessels.

Mr. SMITH of Michigan. Or its citizens. Mr. CUMMINS. Or, of course, its citizens. Mr. OVERMAN. Suppose you should li

Suppose you should limit the President;

what would be done?

Mr. CUMMINS. I only exclude the President from those circumstances in which to use the Army and Navy would be an act of war.

Mr. OVERMAN. If he had to seize these munitions, if it was his duty to do so, would he have to call Congress together and get resolutions passed to allow him to make the seizure when he has to seize the munitions to-morrow or the next day? Would he have to come to Congress to get authority?

Mr. CUMMINS. The Senator from North Carolina hardly carries out his first assurance. He said he did not want the President to commit an act of war. That is all that I am protecting the country against. I do not think the President ought to take our fleet and capture a merchant fleet of a friendly nation because that fleet might be transporting munitions of war against a proclamation of embargo. I think that before we are plunged into war Congress ought to act, and my whole proposition is to preserve to Congress that constitutional authority.

Mr. STERLING. Mr. President, I do not believe that a seizure under the circumstances stated by the Senator from Iowa could be interpreted as being an act of war. That act would not be conceived in any hostility at all toward the nation from whose vessel the arms and munitions might be taken. It would not be construed to be an act of war.

Mr. FLETCHER. Mr. President, may I ask to have the

amendment stated again?
The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary. On page 24, line 24, after the word "chapter" and before the period, it is proposed to insert a colon and the following proviso:

Provided, That this shall not authorize the use of such forces at a time or in a manner that would make their employment an act of war. Mr. CUMMINS. Upon that amendment I ask for the yeas

and nays

Mr. OVERMAN. Mr. President, I do not want to have the yeas and nays called now. I doubt whether we have a quorum. Just let it be put to a viva voce vote. I think it will be carried.

Mr. CUMMINS. No. I believe in this amendment, and I believe it is vital. I am not going to be rushed off my feet by the hysteria that seems to be in the atmosphere.

Mr. SMITH of Georgia. Just accept it.
Mr. CUMMINS. If it is accepted, very well.
Mr. OVERMAN. I say just put it to a vote.
Mr. CUMMINS. Very well. I am perfectly willing to do that, if it is understood that it is to be carried.

Mr. FALL. Mr. President, it is not so understood with me, because I shall very vigorously vote against it and protest against it

Mr. OVERMAN. I was ready to have a vote taken, but I did not want the yeas and nays called.

Mr. FLETCHER. I suggest that the matter be passed over for the present, and taken up again before we—
Mr. FALL. If it is open for discussion, I want to be heard

Mr. OVERMAN. It is open for discussion. Let us go on and discuss the question.

Mr. FLETCHER. It is very important to finish these bills. We have appropriation bills and the revenue bill to be considered

Mr. FALL. Mr. President, this is a general subject that is being dealt with in this chapter; and the section which is objected to gives the President of the United States the authority to enforce the law on this general subject. If he does not have any such authority, there is nothing at all to be gained by dealing with the subject generally. From the very fact of his being empowered to use the land and naval forces to enforce the law of the United States here, I can not conceive how he could use them so as not to give an opportunity for any other nation to declare war if it wanted to do so. A declaration of war may be founded on nothing. An act of war may be committed by a neutral; but it does not follow that the act of war should be followed by a declaration of war even upon the part of a neutral.

The whole object of this is to preserve the neutrality of the United States. There are some portions of these consolidated bills, if I may call them such, of which I do not approve, and some portions of them of which I do approve. It has been known for years, Mr. President, that the neutrality of the United States were absolutely defective. It has been well known that they should have been codified and improved to keep up with the times, with the course of nations, with the declaration of London, with the agreements of The Hague tribunal, with the modern rules of law as modified, and that we have not done so.

The very statute of 1912 to which the Senator calls attention followed an old law or resolution which was adopted at the time of the Spanish War, which was not a neutrality statute at all, and still it is called a neutrality statute. Upon that we built in 1912, again, another portion of the neutrality law. The act upon which this resolution of 1912 is based, instead of being a neutrality statute, was a war measure for the protection of the United States, then at war with Spain. It was not a neutrality measure at all.

These are neutrality measures. The United States can not permit the equipping and arming of a vessel within its harbors, for instance, to proceed against another nation with which the United States is itself at peace, without committing an act of war. It becomes the duty of the United States, by whatever means may lie within its power, to prevent the equipping of that expedition, whether by land force or whether by naval force. Otherwise, it gives cause immediately for a declaration of war. If we do not use the proper means to stop a ship which is sailing from one of our ports in violation of our neutrality statutes and the ordinary rules of war, we give cause for a declaration of war against us.

This is simply modifying or getting into proper shape the neutrality laws, filling up the gaps, and providing a method by which the President of the United States can enforce the neutrality laws and keep this country out of war. If a ship sails to sea carrying munitions, or an armed expedition starts from the United States against a country with which this country is at peace, how is the President of the United States going to stop it except by ordering the armed land or naval forces to seize it?

Mr. CUMMINS. Mr. President-

Mr. FALL. Pardon me; just a moment. Now, suppose that in attempting to seize such a ship it becomes necessary for him to sink it, and suppose that the flag of a foreign nation is flying over the ship at that time? Suppose that this expedition, equipped here, chooses to resist the attempt of the President of the United States to perform his duty as a neutral? Suppose that it resists and he sinks the ship? Is that an act of war, when you are firing upon another flag? You prohibit him from going to that length.

Mr. CUMMINS. I will ask the Senator from New Mexico

whether it would be an act of war or not?

Mr. FALL. It would be a justification for a declaration of war upon the part of the other nation if she chose so to consider it. The Senator must know that in time of war all ordinary rules by which you judge the ordinary conduct of nations or individuals are done away with.

Mr. THOMAS. Mr. President, let me suggest to the Senator that it would be an act of war if the amendment of the Senator

from Iowa became a law.

Mr. FALL. Precisely. The Senator has assisted me very materially in the point which I was attempting to make. Then you are tying the President's hands. You are depriving him of the means with which he can preserve the neutrality of this Government and protect it against a declaration of war by a foreign nation.

I think the Senator on a little more mature reflection will himself conclude that the adoption of his amendment would be

very disastrous. It would be much better—better by far, Mr. President—to reject chapter 9 altogether than to adopt this amendment to it.

Mr. SUTHERLAND. Mr. President, I think it would be unwise to adopt the amendment suggested by the Senator from Iowa. This is a domestic law. We provide by it that when the President has forbidden the shipment or exportation of arms, and an attempt is made to violate the proclamation of the President, he may seize or any person authorized may seize and detain the arms and munitions of war. When that is done, the President is proceeding under the provision of the Constitution which authorizes him to see to it that the laws of the United States are executed. He may call upon any civil force that may be necessary—any number of United States marshals, deputy marshals, or special officers that may be necessary—to execute that law or any other law. Now, because that force may not be sufficient in some given case, we desire to authorize him further, for the purpose of executing a law of the United States, to utilize the Army and the Navy as well as the civil officers, the United States marshals, and their deputies.

How can it be possible that an act of the President in executing, under the terms of the Constitution, a law of the United States can be an act of war? It might result in war, and so might any act of the President; but we must proceed upon the theory that the President in executing the law-this law or any other law of the country-will act discreetly. I think there would be danger of embarrassing him by a provision of this kind. How shall he interpret it? If he finds that he is going to take action that will offend some foreign country and may result in a declaration of war on their part, conceivably he may be justified in going ahead, nevertheless. It is a matter that ought to be left to him, and about which we ought not to at-

tempt in advance to tie his hands.

I think it would be an extremely unfortunate thing to adopt this amendment.

Mr. CUMMINS. Mr. President, I do not get much encouragement for this amendment, and I understand perfectly well the reason. I do not believe that any power could now be proposed for delegation to an Executive that would not receive the approval of a great many people. The argument just made by the Senator from Utah answers itself, as it seems to me. He said that the employment of the Army and the Navy in pursuance of this law would not be an act of war, and I think he is quite right about that in most instances. There is, however, Mr. President, such a thing as an act of war as distinguished from a trespass or an unlawful seizure or a misdirected effort of our civil or military forces.

I am not prepared to define the phrase "an act of war," but it is nevertheless fairly well understood in the literature of the subject. If in order to enforce a law of the United States it becomes necessary for this country to commit an act of war, I

think the order of Congress should precede it.

I do not mean, now, an act which may bring about war. There are many things that we may do lawfully which will so provoke another country that the other country may declare war against us. That we can not avoid; but in the execution of our law or in the attempted execution of our law to commit the act of war it seems to me is a situation upon which Congress ought to act. You might just as well say to the sheriff, "If you find it necessary in order to enforce the act, kill your prisoner." Nobody thinks of giving that power to the sheriff, although the sheriff may have power, properly so, in making an arrest to take the life of the prisoner.

Mr. OVERMAN. Does the Senator think that it is any more

than the right to protect property?

Mr. CUMMINS. The President has that authority now. He has the authority to summon the posse comitatus to enforce the law.

Mr. OVERMAN. This authorizes him to use the naval forces

to carry out the law.

Mr. CUMMINS. He has authority to use the naval forces of the United States to execute the law. Does the Senator from North Carolina dispute that?

Mr. OVERMAN. I think he has the authority to execute the civil law, and that is all this does.

Mr. CUMMINS. No; I can not quite agree with the Senator from North Carolina. If that is all that this does, it would not be an act of war. No one questions the right of the Presi-dent to use the military forces of the country to preserve the peace. No one questions the right. Do you doubt that? No one questions the right of the President to use a regiment of soldiers that a mail train may move. Do you doubt that?

Mr. OVERMAN. Does the Senator doubt that we have a right to say the President shall enforce the neutrality laws by

the Army and Navy?

Mr. CUMMINS. I have no doubt about it whatever; but if the President uses the Army and the Navy in the absence of any statute in prosecuting a war against a foreign nation, then he violates his duty.

Mr. FALL. If the Senator will allow me-

Mr. CUMMINS. I yield.

Mr. FALL. Does not the Senator forget or overlook the distinction between an act of war and a cause for war?

Mr. CUMMINS. No.

Mr. FALL. Does not the Senator think that the Executive of this country can commit an act without an act of Congress that you can call an act of war without giving a cause for war?

Mr. CUMMINS. No; I think he can give a cause for war, but I have supposed that there were certain things that were acts of war and were so recognized in all international obliga-For instance, suppose the President would take our Navy and bombard Habana, I suppose that would be an act of war. What does the Senator from New Mexico think about it?

Mr. FALL. Under certain circumstances it would not be a cause for war as recognized by every international law writer who has ever written on the subject and as recognized by all the tribunals which have ever passed upon the subject. It depends upon the circumstances under which the bombardment is carried on. That constitutes the distinction between an act of war

and a cause for war.

Mr. CUMMINS. My amendment does not suggest cause for

Mr. FALL. No; but it prohibits the act for war.
Mr. CUMMINS. It prohibits the act of war. I do not want the President of the United States to take our Navy to Habana or anywhere else and bombard a foreign city or capture a foreign ship unless the law in view of the situation authorized him

to do it.

Mr. FALL. Yet in the past history of this country the different Executives of this country have done just exactly those things in over fifty instances, without bringing on war and under circumstances which invariably have been declared as not

constituting a cause for war.

Mr. CUMMINS. I am not as well versed in this great subject as is the Senator from New Mexico, of course, and he is undoubtedly right about it; but most of those instances are instances that I would have liked to prevent. I have known since my advent into public life the use of our Navy in a way that brought shame to the cheeks of every liberty loving citizen of our country. I am not speaking about this administration more than those which preceded it. I know how we have used the Army and the Navy, and especially the Navy, and so does every reading man. We have used it in a way that if the Nation which was the object of our power were strong apparent. which was the object of our power were strong enough we would have been at war constantly for the last 16 years; there would have been no moment of peace if the weaker countries in the south had had the military power that Great Britain or Germany has. So far as I am concerned, I do not want the President to use the great strength of our Army and Navy in that I can describe it in no better terms than by committing an act of war.

Mr. OVERMAN. I fail to see that he can commit an act of

war under this chapter.

Mr. CUMMINS. Then my amendment will do no harm, Mr. OVERMAN. I think it would.

Mr. GALLINGER. Mr. President— Mr. CUMMINS. I yield to the Senator from New Hampshire. Mr. GALLINGER. I have been detained from the Chamber. I am sorry I have missed this interesting debate. I assume the position the Senator takes, as I have heard it, is that the bombardment of Vera Cruz by our Navy was practically an act of

Mr. CUMMINS. It was an act of war, and the President of the United States came to Congress in order to get approval

Mr. GALLINGER. Had it been Germany or Great Britain in place of Mexico, beyond doubt we would have been in war, would we not?

Mr. CUMMINS. Undoubtedly.

Mr. OVERMAN. That has nothing to do with this act at all, to authorize the use of the Navy to maintain neutrality.

Mr. FLETCHER. May I ask the Senator from Iowa a ques-on? Assuming the act to be constitutional, within our right and our power, and a valid act, does the Senator believe the carrying out or the execution of that act could in any event be

an act of war?

Mr. CUMMINS. I think so.

Mr. FLETCHER. It seems to me the only possible instance where there could grow out of it an act of war would be in doing something ultra vires, something beyond the power

granted by the act, which might grow and develop into some movement to enforce the act; but have we a right to assume and are we justified in assuming that the President would de-

liberately commit an act of war?

Mr. CUMMINS. I do not assume that. Mr. President, I am judging this question not by any confidence or want of confidence that I may have in any official. I do not think that it is a good way in which to test the merits of a law to say that it will not be abused by a particular man. Even granting that the present Chief Executive would use the power wisely and discreetly-and I have no doubt that he would-he is not the only President who will have the right to use the power as time goes on. It may be that I am all wrong with regard to what constitutes an act of war. It may be that there is not any difference between the peaceful execution of our power and the warlike execution of our power. If it may be that if we wanted to get back a citizen of the United States who had taken refuge in Germany, we might take our battleships to a German port, capture the port, and take our Army and go into the interior of the country and arrest him and bring him back. According to the view that seems to be held, that would be a perfectly valid thing to do, and we would commit no act of war in doing it, for we have a right to the return of our citizen under existing treaties.

Just so with the exportation of arms upon which an embargo has been laid. We have a right to lay the embargo, and if the law is violated we have a right to punish the person who violates it, and we have a right to capture if we can the vessel or vehicle, whatever it may be, that is bearing the arms away to the forbidden place. But there are circumstances under which we would have no right to take them with our Army and our

Navy

Mr. SMITH of Michigan. They were so circumstanced at Vera Cruz. The Senator will recall that the ostensible object of sending our fleet to Vera Cruz was to prevent the landing of a German ship with arms on board. Admiral Mayo could have taken care of himself and his gunboat without any trouble at all, but our fleet went down there to arrest the delivery of arms and ammunition to a Government with which he was, at least, ill disposed.

Mr. FALL. I wish to ask the Senator from Michigan what he thought of the action of this Government two years prior, or a

little more, in bombarding Corinto in Nicaragua?

Mr. SMITH of Michigan. I think it was very reprehensible. Mr. FALL. I thought the Senator was one of those who advocated that action.

Mr. SMITH of Michigan. No; it was very reprehensible, and I should like to go just a step further. Our Navy has been employed to take away the officials of a friendly Government and imprison them against their will and against the wishes of the Government they represented without any authority whatever of law

Mr. CUMMINS. Mr. President, I do not profess to be master of the subject of international law, on this phase at any rate, but I do know that if we are to have peace instead of war no executive officer ought to have the right to use our Army and

Navy in an act of war without the specific authority of Congress,
Mr. SUTHERLAND. May I ask the Senator from Iowa a
question before he takes his seat? We have repeatedly passed
laws providing that the President of the United States in the execution of them might utilize the land and naval forces in the execution of our domestic laws. That has been done repeatedly, covering a period of more than a hundred years. Has the Sena-tor in mind any instance whenever any such qualification as he proposed here has ever been put upon one of those provisions?

Mr. CUMMINS. I have no recollection of any such language.

The situation, however, was entirely different.

Mr. SUTHERLAND. Let me call the Senator's attention to a

few instances, and there is a large number of them. 1989 of the Revised Statutes provides that-

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

That was the title with reference to civil rights. Now, in another section, 2460, the provision is

The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Those two instances, it is true, were confined to matters that could not by any possibility involve us with any other nation,

but we have authorized it in dealing with other countries. For example, in section 5288 of the Revised Statutes, there is the following provision:

It shall be lawful for the President or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

There is a statute which was passed in 1818, nearly a hundred years ago, and as I said, there are repeated instances of that kind. It never seems to have been thought necessary heretofore to attach to them any such limitation as the Senator from Iowa presents, and no difficulty has arisen in the past. I can not see myself that there is the slightest danger of any difficulty

arising in the future.

Mr. CUMMINS. Mr. President, It might be said that no great difficulty would arise if we would confer all governmental power on the President. I really think at times we would be much better governed if we were not to interpose any authority on the part of Congress. It is rather an obstinate body and not at all certain in its results. But after all, I am afraid of the one-man power, I always have been, and I hope I always will be. I do not intend by my vote or voice to give one man any more authority than is necessary to enable him to fairly and reasonably execute our laws.

The debate has created a doubt in my mind with respect to the phraseology of my amendment, although it has deepened my conviction with regard to its general merit. At this moment I intend to withdraw the amendment, with the consent of the Senate, in order that I may if possible redraft it in more appropriate terms, terms that will be more certain to reach the

end I have in view.

Mr. OVERMAN. I have no objection.
Mr. FALL. Mr. President, I suggested a question to the Senator. I think there may be some confusion possibly as to what act of war justifies a declaration of war. I do not think there is any question that it would not be settled by any international law or authority as to the proposition which I am going to advance.

The attack of the naval forces of this country upon Vera Cruz was an act of war, as it was made for a reason that, in my opinion, was a cause of war. Had it been made for the purpose, as I urged upon the Senate that they should so declare, of protecting American citizens, while it would have been an act of war. it would not have been a cause of war. The bombardment of Greytown fifty-odd years ago was an act of war; it was even protested against by Great Britain, under whose protection the Mosquito Coast was at that time; but it was not a cause of war, because it was for the protection of American citizens. It was in pursuance of our duty as a Government to our own people. The marching of the armed forces of the United States into Peking was an act of war; it was not a cause of war. The attack by the naval forces of the United States upon Japan in 1854 was an act of war; it was not a cause of war, because it was in pursuance of our constitutional duty to protect our seamen and our citizens against piratical and unwarranted attacks.

The President of the United States now has a duty to perform

in maintaining the neutrality of the United States. Under all the laws of war and under all international law, recognized by every civilized and semicivilized nation, a country such as ours must pursue certain methods to preserve its neutrality or it gives a cause for war to another country. The President of the United States here is authorized to use the naval forces of the United States, if, in his judgment, he thinks it is necessary to preserve the neutrality of the United States. It would be far better that he should go even to the extent of committing an act of war in preserving neutrality, than that he should give a cause for war by failure to preserve neutrality. That is exactly the

distinction here.

In the event it were attempted now to arm and to munition a ship for Germany or for Great Britain in one of the ports of this country for use against Germany or Great Britain, as the case might be, and we permitted the arming and the sailing of that vessel, it would be a cause for war upon the part of the nation whose commerce that vessel proposed to harry. If that vessel escapes beyond the 3-mile limit and raises the flag of Great Britain, and the President of the United States, ordering our naval forces to pursue her, fires upon that vessel bearing the flag of Great Britain, he commits an act of war, but he does not give cause for war, because the vessel has violated our neutrality laws, and under ordinary international law per-taining to war and the duty of neutrals; if he did not pursue it but allowed that vessel under the British flag to proceed on its way and to commit any act against Germany, the President

would give cause for war, and a declaration of war on the part of the nation under whose flag the vessel was sailing.
Mr. CUMMINS. Mr. President——

Mr. FALL. I yield to the Senator. Mr. CUMMINS. Either the Senator from New Mexico or myself totally misunderstands the proposed statute with which we are dealing. It has nothing to do with neutrality. We may forbid the exportation of arms and munitions of war to any other country if we care to do so, but this is not confined to time of war; it is just as operative in time of peace. It does not deal with our neutral obligations, but it deals with a situation in which we have by statute authorized the President to forbid the export of arms and munitions.

Mr. FALL. Mr. President, we may, in any terms that we choose, by statute constitute as a portion of our neutrality laws an embargo act against the shipment of arms and munitions from this country. That would then become, if passed for the preservation of neutrality, a portion of our neutrality statutes. The chapter to which this section 8 is attached is:

To authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained.

That is exactly what I am speaking of. In 1798 it became necessary for the Congress of the United States to pass a neutrality act to prevent exactly this state of affairs, and we did enact it, and it is still a portion of our law. It has always been defective. We found it so whenever we undertook to enforce it. A vessel sails from New York loaded down with arms. As soon as it gets beyond the 3-mile limit it proceeds to arm itself. It is prepared to do so. It has the guns with which to arm itself and with which to harry the commerce of another nation. Although the vessel when it leaves the harbor may not be armed, if we pass an act prohibiting its sailing with such arms on board as may enable it to arm itself and become a piratical cruiser, how would you enforce the law except by the naval forces of the United States? In the event it raises the flag of a foreign country while we are in pursuit of it, immediately after it has passed beyond our 3-mile limit, and we fire upon it, it is an act of war, but nevertheless we should not allow it to proceed. It should be in the power of the President to catch that vessel as it approaches the port for which it is headed, although he may have to pursue it 3,000 miles across the Atlantic Ocean, because that enables him to keep this great Nation out of war.

These are not war measures; these are measures to preserve the peace; and I had rather place more power in the hands of the President of the United States to preserve the peace of this great Nation than to make war; and if it is necessary for him to commit an act of war, as it is whenever he uses the naval or the land forces of the United States to protect an American citizen, I am thankful, sir, that we have such a history behind us as to justify the Congress of the United States in placing in his hands the weapons with which he should pursue that object. I am grateful to know that the acts of the Presidents of the United States, even without the direct authority here conferred by Congress, have been approved by history and by the people of the United States, and have invariably resulted in the prevention rather than the bringing on of war.

The VICE PRESIDENT. The Chair understands that the

Senator from Iowa has withdrawn his amendment.

Mr. OVERMAN. The Senator from Iowa has withdrawn the amendment. I ask now that the reading of the proposed substitute be resumed, and I should like to get through with the reading this evening, if possible.

The Secretary read as follows:

CHAPTER X. [S. 6794.]

To empower the President to better enforce and maintain the neutrality of the United States.

of the United States.

Section 1. During the existence of a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person or persons in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations.

SEC. 2 In case any such vessel shall depart or attempt to depart from its port or from the jurisdiction of the United States without clearance or after receipt of formal notice forbidding its departure as provided in the foregoing section, the owner, master, or other person or persons having charge or command of such vessel shall severally be fined not more than \$10,000 or imprisoned for not more than two years, or both.

SEC. 3. During the existence of a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master or person having charge of such vessel shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners or master or person having charge thereof to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

SEC. 4. During the existence of a war in which the United States is a neutral Nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

such belligerent nation after its departure from the jurisdiction of the United States.

SEC. 5. Whoever shall violate or conspire or attempt to violate the provisions of sections 3 or 4 of this chapter shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

SEC. 6. Any vessel which shall be taken, or attempted to be taken, out of the jurisdiction of the United States contrary to the provisions of this chapter, or any provision hereof, shall be forfeited to the United States, together with her tackle, apparel, furniture, equipment, armament, and her cargo.

SEC. 7. The President of the United States is authorized and em-

SEC. 7. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter. Sec. 8. The provisions of this chapter shall be deemed to extend to all land and water, continental or insular, in any way within the jurisdiction of the United States.

diction of the United States.

SEC. 9. The joint resolution approved March 4, 1915, "To empower the President to better enforce and maintain the neutrality of the United States," and any act or parts of acts in conflict with the provisions of this chapter, are hereby repealed; but all offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law or joint resolution embraced in, changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof, may be commenced and prosecuted in the same manner and with the same effect as if this act had not been passed. not been passed.

# CHAPTER XI.

# [8. 6795.]

To authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes.

the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes.

Section I. Whenever the President of the United States shall by proclamation or Executive order declare a national emergency to exist by reason of actual or threatened war, insurrection or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury is hereby authorized and empowered to make rules and regulations governing the anchorage and movement of any and all vessels, foreign and domestic, in the territorial waters of the United States, to inspect such vessels at any time, to place guards on such vessels, and, if necessary in his opinion in order to secure such vessels from damage or injury or to secure the observance of the obligations of the United States under the law of nations or to maintain the national defense, he is hereby further authorized and empowered to take full possession and control of such vessels and to remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board such vessels.

Sec. 2. It shall be the duty of the owners, agents, masters, persons in charge, officers, and members of the crew of any such vessel to comply with any proclamation or Executive order so issued by the President of the United States and any rule or regulation issued or order given by the Secretary of the Treasury under the provisions of this chapter, and if any such owner, agent, master, or person in charge, officer, or member of the crew of any such vessel shall refuse or fail to comply with any such proclamation or Executive order of the President or any regulation or rule issued or order given by the Secretary of the Treasury under the provisions of this chapter, or shall obstruct or interfere with the exercise of any power hereby conferred, such vessel, together with her tackle, apparel, furniture,

shall be fined not more than \$10,000 or imprisoned not more than two

years, or both.

SEC. 4. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this

States as he may deem necessary to carry out the purpose of this chapter.

Sec. 5. The term "United States" as used herein shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

Sec. 6. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this chapter, committed within their respective districts or upon the high seas, and of conspiracies to commit such offenses, as defined by section 37 of the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, and the provisions of said section, for the purpose of this chapter, are hereby extended to the Philippine Islands and to the Canal Zone.

Mr. OVERMAN. Mr. President, I introduce an amendment

Mr. OVERMAN. Mr. President, I introduce an amendment and ask that it may be printed in the RECORD and called up in the morning

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will state the amendment.

Mr. OVERMAN. I rather think, however, that we can pass on it now. I do not think there will be any objection to it.

The Secretary. On page 32, line 2, after the word "States"

and before the period, it is proposed to insert the following:

Provided, That the Governor of the Panama Canal, with the approval of the President, shall make all necessary rules and regulations to carry into effect the provisions of this act in the territory and waters of the Canal Zone within the jurisdiction of the United States.

Mr. OVERMAN. Mr. President, I have here a long letter from the Secretary of War showing the importance of adopting this amendment to give him authority in the matter. I will not take the time to have it read to-night unless some Senator desires to have it read, but ask that it may be published in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to. The PRESIDING OFFICER.

Without objection, the letter will be published in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT, Washington, February 12, 1917.

Hon. Lee S. Overman,
Committee on Judiciary, United States Senate,
Washington, D. C.

Committee on Judiciary, United States Senate,

Washington, D. C.

Sir: My attention has been called to the bill (S. 6795) with reference to regulating the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, or threatened disturbance of the international relations of the United States, which was reported by you to the Senate with an amendment on the 8th instant.

The amended bill provides that the Secretary of the Treasury shall be authorized and empowered to make rules and regulations governing the conduct of certain vessels in the territorial waters of the United States, and that if any officers in charge of such vessels shall refuse or fall to comply with such regulations or rules, such vessels, together with their tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs-revenue laws. Section 5 of the amended bill provides that the term "United States" as used therein shall include the Canal Zone.

If this bill as it now reads should become a law it would mean that the Secretary of the Treasury would have jurisdiction in the matter of regulating the conduct of vessels in the ports and waters of the Canal Zone. This would be undesirable, as it has always been the policy of the Government that all canal matters should be handled through one head. All legislation for the canal has consistently conferred authority only upon the President for the maintenance, protection, and operation of the Panama Canal, and already certain Executive orders and regulations have been issued to carry into effect the provisions of these acts. There has, therefore, been a desire evinced in the legislation to control the canal as one unit. It is believed that all canal matters should be centralized under one head, and not divided up for supervision and direction among the different departments, where they might otherwise property so.

tralized under one head, and not divided up for supervision and direction among the different departments, where they might otherwise properly go.

In so far as the continental United States is concerned, the Secretary of the Treasury has an organization which would enable him to enforce the provisions of bill S. 6795. The Treasury Department, however, has no organization in the Canal Zone, and the ports of the Canal Zone, by act of Congress (33 U. S. Stats., 843), are treated as foreign ports. The Governor of the Panama Canal, however, has under his supervision and control an organization which can carry into effect the provisions of the bill in question, to be administered in conjunction with the power already conferred upon the governor to protect and operate the canal. Under these circumstances it is urged that the proposed amendment to the pending bill be amended by inserting a proviso at the end of section 5, line 17, page 5, reading substantially as follows:

"Provided, That the Governor of the Panama Canal, with the approval of the President, shall make all necessary rules and regulations to carry into effect the provisions of this act in the territory and waters of the Canal Zone within the jurisdiction of the United States."

I am firmly of the opinion that if the bill is amended as indicated above it will simplify the administration of the United States forces.

Very respectfully,

Newton D. Baker,

Secretary of War.

NEWTON D. BAKER, Secretary of War.

[From the Evening Star, Washington, D. C., Tuesday, Feb. 13, 1917.] GOVERNOR OF CANAL ZONE GIVEN BROAD AUTHORITY—PRESIDENT SIGNS
ORDER ACCORDING UNLIMITED POWER IN REGULATING IMMIGRATION

An Executive order designed to exclude spies and other undesirable persons from the Panama Canal Zone and giving Col. Harding, governor of the zone, virtually unlimited authority in regulating immigration there, has been signed by President Wilson.

The text of the document has not been made public, but it was described to-day as containing broad provisions, under which the governor would be practically unrestricted in preventing entry of persons who "would be a menace to the general welfare."

Provision also is made under which the governor may expel from the Canal Zone and deport therefrom any person convicted of a criminal offense in the grade of felony, or whose presence, in the judgment of the governor, would tend to create public disorder or in any manner impede the prosecution of the work of opening the canal or its maintenance, operation, sanitation, or protection.

The Secretary read as follows:

The Secretary read as follows:

### CHAPTER XII. [8. 6793.]

[S. 6793.]
To prevent and punish willful injury or attempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosion, or otherwise.

Section 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom, or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than \$10,000 and imprisoned not more than 10 years.

Chapter XIII.

## CHAPTER XIII. [8. 6796.]

To require sworn statements, in addition to the manifests and clear-ances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes.

cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes.

Section 1. During a war in which the United States is a neutral nation, in addition to the facts required by sections 4197, 4198, and 4200 of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be, and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the Collector of Customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas, and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under eath as to the cargo or the parts thereof laden or shipped by them, respectively.

Sec. 2. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section of this chapter are false, the Collector of Customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of the Treasury, to refuse clearance to any vessel; domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command

port.

SEC. 3. Whoever, after clearance has been refused or notice served as provided in section 2 of this chapter, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, so refused clearance or forbidden to depart, out of the port where clearance was refused, or departures forbidden, shall be fined not more than \$10,000 or imprisoned not more than five years, or both; and, in addition, the vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

SEC. 4. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

SEC. 5. All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted in the same manner and with the same effect as if this act had not been passed.

Chapter XIV.

#### CHAPTER XIV. [S. 6819.]

[S. 6819.]

To provide for the issuance of search warrants and the seizure and detention of property thereunder, and for other purposes.

Section I. Before any search warrant shall issue the officer or person desiring its issuance shall make a written application duly verified by his oath or affirmation to a judge of a United States district court, or to a judge or magistrate of a State, Territorial, or municipal court, or to a United States commissioner for the district wherein the property or papers sought are known or believed to be located setting out the following matters:

(1) The authority under which the applicant seeks to enforce, or assist in enforcing the law of nations, treaty obligation, or statute law of the United States which he alleges has been, is being, or is intended to be violated;

(2) The facts upon which his knowledge, or the grounds of his belief, if his application be based upon belief, that a violation of the law of

nations, or treaty obligations, or statute of the United States as in this chapter provided has been, is being, or is intended to be accomplished; and

(3) As full and particular description of the property or papers sought for, and of the place or places where the same are known or believed to be, as his knowledge or belief will permit, which said description shall recite the general characteristics of the property or papers sought or some fair proportion thereof, with such reasonable particularity as may be sufficient to identify the same when found.

Sec. 2. Upon the making to him of any such application the judge, magistrate, or commissioner to whom the same is addressed shall forthwith consider it and may summon and examine under oath such further witnesses if any as he may deem desirable, or require further affidavits, as the convenience of the case may require; and if the application is based upon knowledge and he shall find that the application is based upon knowledge and he shall find that the application is based upon bellef, then the judge, magistrate, or commissioner, as the case may be, shall not only have the power and jurisdiction to inquire into the authority of the applicant to execute the warrant, if issued, and to examine and pass upon the sufficiency of the application therefor, but shall also consider and decide whether there is probable cause to believe that the property or papers described have been, are being, or are intended to be possessed, used, or employed in the manner set out in said application. If he shall decide that the applicant is suthorized to have a search warrant issued to him, and that the applicant is ind due form, and further, that there is probable cause for its issuance, he shall forthwith issue such warrant.

Mr. THOMAS. Mr. President, at the end of section 2 I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary. On page 39, line 6, after the word "warrant" and the period, it is proposed to insert the following:

Warrants issued under the provisions of this chapter to enter and search houses, stores, or other structures shall be served, and the house, store, or other structure shall be entered and searched in the daytime

Mr. THOMAS. That is conforming to the general law with

regard to search warrants.

Mr. OVERMAN. I do not object to that. I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERMAN. Mr. President, I wish to announce the absence of my colleague [Mr. Lewis] in these proceedings because of continued illness.

The Secretary read as follows:

The Secretary read as follows:

Sec. 3. Whenever any property or papers shall be seized and detained on a search warrant issued under the provisions of this chapter, the owner or claimant thereof may forthwith file with the judge, magistrate, or commissioner issuing said warrant his petition setting out his title or claim of ownership to or right to the custody of such property or papers, and any other facts legally tending to require restoration of the property or papers to the claimant; whereupon such judge, magistrate, or commissioner, after due notice, not exceeding five days, to the United States attorney for the district and the persons making such seizure, shall proceed to speedily hear and determine the case and order the property or papers restored to the owner or claimant, or shall order the same retained in the custody of the person seizing them to be used as evidence in any case or proceeding, civil or criminal, in which the United States may be interested, or to be otherwise disposed of according to law.

United States may be interested, or to be otherwise disposed of according to law.

SEC. 4. No search warrant shall issue hereunder to other than a civil, military, or naval officer of the United States duly authorized to enforce or assist in the enforcement of any law thereof, or to a person so duly authorized by the President of the United States.

SEC. 5. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than 300 and imprisoned not more than one year. than one year.

SEC. 6. All laws and parts of laws inconsistent with the provisions of this chapter of this act are hereby repealed.

The reading of the proposed substitute was concluded.

Mr. OWEN. Mr. President, I wish to propose an amendment which I have suggested to the Senator in charge of the bill.

On page 10, line 9, I move to strike out the word "defeat" and insert the word "influence"; and on line 10 I move to strike out the words "in relation to any dispute or controversy" and insert the words "or any branch thereof," so as to make it read that it is an effect of the words afalse statement willfully "with a statement will that it is an offense to make a false statement willfully "with a view or intent to influence any measure of, or action by, the Government of the United States or any branch thereof."

Mr. OVERMAN. Mr. President, that can go in the Record, and we will have it before us to-morrow when it comes up.

and we will have it before us to-morrow when it comes up.

The PRESIDING OFFICER. Let the amendment be stated.
The Secretary. On page 10, line 9, it is proposed to strike out
the word "defeat," the first word in the line, and insert "influence," and on line 10 to strike out the words "in relation to
such dispute or controversy" and insert "or any branch thereof."
The PRESIDING OFFICER. The amendment will go over
until to-morrow, at the request of the Senator from North Caro-

linn.

Mr. RANSDELL. Mr. President, I wish to announce to the Senate that immediately upon the conclusion of the consideration of this measure I shall move that the Senate proceed to the

consideration of the flood-control bill, H. R. 14777. I shall press the consideration of that measure.

Mr. FLETCHER. I desire to say, as I have said before, that upon the conclusion of the consideration of this bill I shall ask the Senate to take up the rivers and harbors appropriation bill.

Mr. OWEN. Mr. President, I should like to give notice that

upon the termination of the consideration of this bill I shall move to take up the corrupt-practices bill.

The PRESIDING OFFICER, Are there any further an-

nonneements?

Mr. SHAFROTH. I wish to announce that at the conclusion of the consideration of this bill, if not before, I shall call up the Porto Rican bill.

#### RECESS.

Mr. OVERMAN. I move that the Senate take a recess until

to-morrow morning at 10.30 o'clock.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Friday, February 16, 1917) the Senate took a recess until to-morrow, Saturday, February 17, 1917, at 10.30 a. m.

# HOUSE OF REPRESENTATIVES.

FRIDAY, February 16, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in Heaven, take us into Thy kind care and lead us by Thy counsels through the turmoil, contentions, and unholy strife which have entered into the world, dethroning reason, robbing men of conscience, making them veritable fiends, rendering life and all its sacred rights void. Interpose, we beseech Thee, Thy holy influence and bring order out of chaos, peace out of war; that brotherly love and good will may prevail, and righteousness have its sway through Jesus Christ our Lord.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the

United States for his approval the following bills:

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois

H. R. 14471. An act to amend an act entitled "An act to codify,

revise, and amend the laws relating to the judiciary";

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct

a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct

a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H.R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.; and H. R. 17710. An act authorizing the construction of a bridge

across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry.

LEAVE OF ABSENCE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. SMITH] be given leave of absence for three days on account of illness.

The SPEAKER. Is there objection?

There was no objection.

#### GENERAL DAM BILL.

Mr. ADAMSON. Mr. Speaker, the Senate has sent over the papers in the bill S. 3331, the general dam bill, and has requested a further conference, and I desire to give notice that on Tuesday next, after the reading of the Journal, I shall ask the Speaker to lay that bill before the House,

Mr. MANN. Does the gentleman expect then to move to

agree to a conférence report?

Mr. ADAMSON. I do not know. I am going to ask the House to pass upon it. We have failed to secure an agreement. The request of the Senate for a further conference, I suppose, ought to be treated courteously and disposed of in some way.

The SPEAKER. The gentleman from Georgia gives notice that on Tuesday next he will call up the general dam bill.

### MEMORIAD TO ADMIRAL DUPONT.

Mr. SLAYDEN. Mr. Speaker, I call up Senate joint resolution 205, authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, now on the Speaker's table. It is word for word the same as House joint resolution 347, which has been reported, and is now on the Union Calendar.

The SPEAKER. The Chair lays before the House Senate joint resolution 205, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the removal of the statue and pedestal and foundations of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection in place thereof within the circle of a memorial to said Admiral Dupont: Provided, That the present statue and pedestal may, after the completion of the memorial in place thereof, be turned over to the donors of the memorial for relocation outside the District of Columbia: Provided further, That the site and design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the removal of the statue, pedestal, and foundations and the erection of said memorial, complete: Provided further, That if the erection of this memorial shall not be begun within three years from and after the passage of this joint resolution, the permission granted may, in the discretion of the Chief of Engineers, United States Army, be revoked at any time.

Mr. KING and Mr. MANN rose

Mr. KING and Mr. MANN rose.

Mr. MANN. Mr. Speaker, I desire to offer an amendment. which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting an additional provise in line 4, page 2, after the word "complete," as follows:
"Provided further, That no greater area in the said Dupont Circle shall be taken for the memorial herein authorized than the small circle now occupied by the statue of Admiral Dupont."

Mr. GARNER. Mr. Speaker, this resolution is on the Union Calendar, and it occurs to me that the gentleman ought to obtain unanimous consent to consider it in the House as in the Committee of the Whole.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to consider the resolution in the House as in the Committee of the

The SPEAKER. Is there objection?

Mr. KING. I object.

## VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker, I call up the conference report on the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

The SPEAKER. The gentleman from Georgia calls up the

conference report on the vocational education bill, which the

Clerk will report.

The Clerk read the conference report, as follows:

## CONFERENCE REPORT (NO. 1495).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trade and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That there is hereby annually appropriated, out of any money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and teachers of trade, home economics, and industrial subjects, and in the preparation of teachers of agricultural, trade, industrial, and home economics subjects; and the sum provided for in section 7 for the use of the Federal board for vocational education for the administration of this act and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

"Sec. 2. That for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of agricultural subjects there is hereby appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1920, the sum of \$750,000; for the fiscal year ending June 30, 1920, the sum of \$1,000,000; for the fiscal year ending June 30, 1921, the sum of \$1,250,000; for the fiscal year ending June 30, 1922, the sum of \$1,500,000; for the fiscal year ending June 30, 1923, the sum of \$1,750,000; for the fiscal year ending June 30, 1924, the sum of \$2,000,000; for the fiscal year ending June 30, 1925, the sum of \$2,000,000; for the fiscal year ending June 30, 1926, and annually thereafter, the sum of \$3,000,000. Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census: Provided, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than \$10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be necessary, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$48,000; for the fiscal year ending June 30, 1920, the sum of \$24,000; for the fiscal year ending June 30, 1921, the sum of \$14,000; for the fiscal year ending June 30, 1923, the sum of \$14,000; for the fiscal year ending June 30, 1923, the sum of \$14,000; for the fiscal year ending June 30, 1924, the sum of \$10,000; for the fiscal year ending June 30, 1924, the sum of \$10,000; for the fiscal year ending June 30, 1924, the sum of \$10,000; for the fiscal year ending

"SEC. 3. That for the purpose of cooperating with the States in paying the salaries of teachers of trade, home economics, and industrial subjects there is hereby appropriated for the use of the States, for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$750,000; for the fiscal year ending June 30, 1920, the sum of \$1,000,000; for the fiscal year ending June 30, 1921, the sum of \$1,250,000; for the fiscal year ending June 30, 1922 the sum of \$1,500,000; for the fiscal year ending June 30, 1923, the sum of \$1,750,000; for the fiscal year ending June 30, 1924 the sum of \$2,000,000; for the fiscal year ending June 30, 1925, the sum of \$2,500,000; for the fiscal year ending June 30, 1926, the sum of \$3,000,000; and annually thereafter the sum of \$3,000,000. Said sums shall be allotted to the States in the proportion which their urban population bears to the total urban population in the United States, not including outlying possessions, according to the last preceding United States census: Provided, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than \$10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$66,000 for the fiscal year ending June 30, 1919, the sum of \$46,000 for the fiscal year ending June 30, 1920, the sum of \$34,000 for the fiscal year ending June 30, 1921, the sum of \$28,000 for the fiscal year ending June 30, 1922, the sum of \$25,000 for the fiscal year ending June 30, 1923, the sum of \$22,000 for the fiscal year ending June 30, 1924, the sum of \$19,000 for the fiscal year ending June 30, 1925, the sum of \$56,000; for the fiscal year ending June 30, 1926, and annually thereafter, the sum of \$50,000.

"That not more than 20 per cent of the money appropriated under this act for the payment of salaries of teachers of trade, home economics, and industrial subjects, for any year, shall be

expended for the salaries of teachers of home economics subjects.

jects.
"Sec. 4. That for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects there is hereby appropriated for the use of the States for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$700,000; for the fiscal year ending June 30, 1920, the sum of \$900,000; for the fiscal year ending June 30, 1921, and annually thereafter the sum of \$1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census: Provided, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1919, nor less than \$10,000 for any fiscal year thereafter. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$46,000; for the fiscal year ending June 30, 1919, the sum of \$32,000; for the fiscal year ending June 30, 1920, the sum of \$24,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of \$90,000.

"Sec. 5. That in order to secure the benefits of the appropriations provided for in sections 2, 3, and 4 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or create a State board, consisting of not less than three members, and having all necessary power to cooperate, as herein provided, with the Federal board for vocational education in the administration of the provisions of this-act. The State board of education, or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board, for the purposes of this act.

"In any State the legislature of which does not meet in 1917, if the governor of that State, so far as he is authorized to do so, shall accept the provisions of this act and name a State board of not less than three members to act in cooperation with the Federal board for vocational education, the Federal board shall recognize such local board for the purposes of this act until the legislature of such State meets in due course and has been in session 60 days.

"Any State may accept the benefits of any one or more of the respective funds herein appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted: Provided, That after June 30, 1920, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade, home economics, and industrial subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade, home economics, and industrial subjects, as provided for in this act.

"Sec. 6. That a Federal board for vocational education is hereby created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each. The members of the board other than the members of the Cabinet and the United States Commissioner of Education shall receive a salary of \$5,000 per annum.

"The board shall have power to cooperate with State boards in carrying out the provisions of this act. It shall be the duty of the Federal board for vocational education to make, or cause to have made, studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and

commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

"When the board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects may be made in cooperation with or through the Bureau of Education.

"The Commissioner of Education may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal board for vocational education shall have power to employ such assistants as may be necessary to carry out the provisions of this act.

"Sec. 7. That there is hereby appropriated to the Federal board for vocational education the sum of \$200,000 annually, to be available from and after the passage of this act, for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 6 of this act, and for the purpose of paying the salaries of the officers, the assistants, and such office and other expenses as the board may deem necessary to the execution and administration of this act.

"Sec. 8. That in order to secure the benefits of the appropriation for any purpose specified in this act, the State board shall prepare plans, showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers; and, in the case of agricultural subjects the qualifications of supervisors or directors; plans for the training of teachers; and, in the case of agricultural subjects, plans for the supervision of agricultural education, as provided for in section 10. Such plans shall be submitted by the State board to the Federal board for vocational education, and if the Federal board finds the same to be in conformity with the provisions and purposes of this act, the same shall be approved. The State board shall make an annual report to the Federal board for vocational education, on or before September 1 of each year, on the work done in the State and the receipts and expenditures of money under the provisions of this act.

"SEC. 9. That the appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade, home economics, and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal board for vocational education. The cost of instruction supplementary to the instruction in agricultural and in trade, home economics, and industrial subjects provided for in this act, necessary to build a well-rounded course of training, shall be borne by the State and local communities, and no part of the cost thereof shall be borne out of the appropriations herein made, The moneys expended under the provisions of this act, in cooperation with the States, for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, shall be conditioned that for each dollar of Federal money expended for such salaries the State or local community, or both, shall expend an equal amount for such salaries; and that appropriations for the training of teachers of vocational subjects, as herein provided, shall be conditioned that such money be expended for maintenance of such training and that for each dollar of Federal money so expended for maintenance, the State or local community, or both, shall expend an equal amount for the maintenance of such training.
"SEC. 10. That any State may use the appropriation for agri-

"Sec. 10. That any State may use the appropriation for agricultural purposes, or any part thereof allotted to it, under the provisions of this act, for the salaries of teachers, supervisors,

or directors of agricultural subjects, either for the salaries of teachers of such subjects in schools or classes or for the salaries of supervisors or directors of such subjects under a plan of supervision for the State to be set up by the State board, with the approval of the Federal board for vocational education. That in order to receive the benefits of such appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects the State board of any State shall provide in its plan for agricultural education that such education shall be that which is under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over 14 years of age who have entered upon or who are preparing to enter upon the work of the farm or of the farm home; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement for such education in schools and classes in the State: that the amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board as the minimum for such schools c. classes in the State; that such schools shall provide for directed or supervised practice in agriculture, either on a farm provided for by the school or other farm, for at least six months per year; that the teachers, supervisors, or directors of agricultural subjects shall have at least the minimum qualifications determined for the State by the State board, with the approval of the Federal board for vocational education.

"SEC. 11. That in order to receive the benefits of the appropriation for the salaries of teachers of trade, home economics, and industrial subjects the State board of any State shall provide in its plan for trade, home economics, and industrial education that such education shall be given in schools or classes under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and shall be designed to meet the needs of persons over 14 years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement in such State for education for any given trade or industrial pursuit that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than 9 months per year and not less than 30 hours per week; that at least one-third of the sum appropriated to any State for the salaries of teachers of trade, home economics, and industrial subjects shall, if expended, be applied to part-time schools or classes for workers over 14 years of age who have entered upon employment, and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over 14 and less than 18 years of age; that such part-time schools or classes shall provide for not less than 144 hours of classroom instruction per year; that evening industrial schools shall fix the age of 16 years as a minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board, with the approval of the Federal board for vocational education: Provided, That for cities and towns of less than 25,000 population, according to the last preceding United States census, the State board, with the approval of the Federal board for vocational education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment, in order to meet the particular needs of such cities and towns.

"Sec. 12. That in order for any State to receive the benefits of the appropriation in this act for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade, industrial, or home economics subjects, the State board

of such State shall provide in its plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes under public supervision or control; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training; and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects and for teachers of trade, industrial, and home economics subjects; that not more than 60 per cent nor less than 20 per cent of the money appropriated under this act for the training of teachers of vocational subjects to any State for any year shall be expended for any one of the following purposes: For the preparation of teachers, supervisors, or directors of agricultural subjects, or the preparation of teachers of trade and industrial subjects, or the preparation of teachers of home economics subjects.

"SEC. 13. That in order to secure the benefits of the appropriations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, or for the training of teachers as herein provided, any State shall, through the legislative authority thereof, appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursements of all money paid to the State from said appropriations.

"Sec. 14. That the Federal board for vocational education shall annually ascertain whether the several States are using, or are prepared to use, the money received by them in accordance with the provisions of this act. On or before the 1st day of January of each year the Federal board for vacational education shall certify to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this act. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian for vocational education of each State the moneys to which it is entitled under the provisions of this act. The moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board as reimbursement for expenditures already incurred to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this act.

"SEC. 15. That whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this act, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual allotment from such fund to such State.

"SEC. 16. That the Federal board for vocational education may withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this act.

"If any allotment is withheld from any State, the State board

of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury.

"SEC. 17. That if any portion of the moneys received by the custodian for vocational education of any State under this act, for any given purpose named in this act, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands, or for the support of any religious or privately owned or conducted school or college.

SEC. 18. That the Federal board for vocational education shall make an annual report to Congress, on or before December 1, on the administration of this act and shall include in such report the reports made by the State boards on the administra-tion of this act by each State and the expenditure of the money allotted to each State."

And the House agree to the same.

DUDLEY M. HUGHES, W. W. RUCKER, CALEB POWERS, Managers on the part of the House. HOKE SMITH, CARROLL S. PAGE, Managers on the part of the Senate.

### STATEMENT.

There were 137 differences in this bill as it passed the House and as it passed the Senate. The Senate receded on 104 of these differences and the House on 33. The bill as it passed the House changed all of the dates in the measure, so that the appropriations will become available one year later than provided in the Senate bill. This change, together with inconsequential changes in verbiage and punctuation, was responsible for a very large part of the differences in the two bills. The House provision, making the first appropriations available in the fiscal year ending June 30, 1918, instead of June 30, 1917, was retained in the bill. There were three important differences in the measures passed by the two Houses-the provision in the House bill that home economics share in the fund provided for the trades and industries, the membership of the Federal board and its assistants, and the requirements for the acceptance of the act by the States.

The measure as it passed the House included the field of home economics in the appropriations under the trade and industrial funds. The Senate receded from its objections to this provision.

As there are six States (Alabama, Kentucky, Louisiana, Maryland, Mississippi, and Virginia) whose legislatures do not meet this year, this fact having been brought to the attention of the conferees by Senators and Representatives from those States, the conferees have endeavored to so shape section 5 of the bill that it will be possible for these States to accept the provisions of this act through their governors until their legislatures shall have had time to act.

The measure as it passed the Senate provided that the Federal board for vocational education be composed of the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor, and the board was authorized to select an advisory board of seven members. A number of experts and specialists were also authorized to assist the board.

The measure as it passed the House provided for the appointment by the President of a representative of manufacturing interests, a representative of commercial interests other than manufacturing, a representative of labor, and a representative of agriculture, to act with the United States Commissioner of Education as a board of five to administer the act, and provided for the employment of such assistants as might be necessary.

The provision agreed to by the conferees is a blending of the

two proposals, so that the new system is to be linked with the Government by the designation of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Commissioner of Education as ex officio members of the board, and the appointment by the President, with the advice and consent of the Senate, of a representative of the manufacturing and commercial interests, a representative of the agricultural interests, and a representative of labor, to act with them as members of the board.

The House receded from its amendments to the bill, which had the effect of merely "authorizing" the appropriations, and the appropriations are definitely made in the bill as reported from conference.

> DUDLEY M. HUGHES. W. W. RUCKER, CALEB POWERS, Managers on the part of the House.

Mr. HUGHES. Mr. Speaker, I move the previous question on the adoption of the conference report.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. Yes.

Mr. STAFFORD. Other than the change in the conference report providing for direct appropriation rather than authorization of appropriations and for the change of the personnel of the Federal board, will the gentleman inform the House where the bill as agreed to differs from the House bill?

Mr. HUGHES. I will take pleasure in giving the gentleman my understanding of it. I will say to the gentleman that the provision agreed to by the conference is a blending of the two proposals, the proposals of the House and the Senate, so that the new system is to be linked with the Government by designation of the Secretary of Agriculture, the Secretary of Com-merce, the Secretary of Labor, and the Commissioner of Education as a member ex officio.

Mr. STAFFORD. I am advised as to that. I have read the statement, but I am inquiring what other changes besides the direct appropriation and change of personnel does the conference

report differ from the House bill?

Mr. HUGHES. Well, sir; I wish to say there were 137 differences.

Mr. STAFFORD. But will the gentleman specify the main particulars wherein the conference report differs from the bill as it passed the House?

Mr. HUGHES. There were three. There were three important differences in the measures passed by the two Houses. The provision in the House bill that home economics share in the fund provided for the trades and industries, the membership of the Federal board and its assistants, and the requirements of the acceptance of the act by the States.

Mr. STAFFORD. I wish to inquire particularly whether the amounts appropriated for teachers' salaries differ in any wise in the conference report than in the bill as it passed the House?

Mr. HUGHES. None whatever.

Mr. STAFFORD. And the same restrictions and limitations are carried in the conference report as to the expenditure of this appropriation for salaries as were carried in the House bill ?

Absolutely so.

Mr. STAFFORD. Now, as to the personnel of the Federal board. I notice the civilian members are a minority. Did the conferees consider the question of having the three civilians so as to determine the policy of the board rather than leaving it to these Cabinet officers and the Commissioner of Education to control the policy?

Mr. HUGHES. We certainly considered that and discussed it for 10 days and finally we came to a conference agreement that we adopted, just that which I have read, namely, three the Secretaries and the Commissioner of Education and three citizens of the United States to be appointed by the President.

Mr. STAFFORD. As to the change in direct appropriation rather than authorization, as carried in the House bill, the gentleman realizes that the conferees have departed from the more or less established policy in providing direct appropria-tions for these activities when the fact, as apparent from the very reading of the bill, is that the appropriations may not be needed; certainly they will not be needed in the first year's operation, because the appropriations are contingent largely upon the action of the respective States. Will the gentleman inform the House the reason why the conferees agreed to direct appropriations in these respective amounts, which may not be used, rather than leaving to Congress to pass upon and determine from time to time the amounts as in their judgment they thought advisable in carrying out the purposes of the

Mr. HUGHES. The Committee on Education, on the part of the House, has no right to make an appropriation; all that they could do was to authorize an appropriation.

Mr. MANN. Did not the Committee on Education report the bill to the House making direct appropriations, and was it not amended in the House?

Mr. HUGHES. No; we just authorized it, as I understand. Mr. FESS. The Senate amended it.

Mr. MANN. Of course, the committee had authority to report a direct appropriation, as far as that is concerned.

Mr. STAFFORD. Will the gentleman inform the House why the conferees receded from their position, other than that they did not have authority—though the gentleman from Illinois said they did have authority for it-what is the reason the conferees departed from the established policy of making authoriza-tions and provided for a direct appropriation of the amount?

Mr. HUGHES. We did that from the very fact that we had to make appropriations in order to get the money, and realizing we should have to appropriate the money, when it was put in conference we wanted to correct that mistake

Mr. STAFFORD. But the gentleman realizes many of these amounts that will be appropriated under this bill will not be used, and in bills of similar character we have merely proauthorization, leaving to Congress thereafter to appropriate the necessary amounts so as to have control of the expenditures in case these funds were wisely and properly expended under the provisions of the enabling act.

Mr. HUGHES. I will say to the gentleman from Wisconsin we had that under discussion and discussed it for 10 days or 2 weeks, and we felt it was wise to strike out the word "authorize" and insert therein "shall be appropriated."

Mr. STAFFORD. Well, the gentleman realizes that Congress surrenders control of the purse strings as to the amounts as carried in this bill by so doing?

Mr. HUGHES. The money has to be appropriated sooner or later and they will not use the money until they are forced to do it and it is required.

Mr. STAFFORD. I think the appropriation would have an effect of getting action and also meet the requirements of the

Mr. HUGHES I will say that the Federal board has au-

thority to control it.

Mr. STAFFORD. Only partially.
Mr. HUGHES. I think absolutely.
Mr. WALSH. Mr. Speaker, I would like to ask the gentleman, or, rather, to direct his attention to the second paragraph of section 10. tion 16, page 8, of the conference report, which reads as follows:

If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

I would like to inquire if it is purposed to make the Congress of the United States an umpire in controversies between the Federal board of vocational education and the various State boards of education of the Union?

Mr. HUGHES. On what page is that? Mr. WALSH. It is on page 8 and in the last paragraph of section 16. And to further inquire how this appeal is to be made

to the Congress of the United States.

Mr. HUGHES. If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States; and if the Congress shall not direct such sum to be paid, it shall be covered into the Treasury. My impression is there was no use of that; but, anyhow, it was insisted that it be placed in this bill from the fact that they could refer this

and bring it before the Congress.

Mr. WALSH. Well, how are the State boards going to bring

it before the Congress? In what shape?
Mr. HUGHES. The State boards, I apprehend, will not bring it before the Congress

Mr. WALSH. The gentleman says the State boards may

appeal.

Mr. HUGHES. Unless they feel that they have not had the proper consideration by the Federal board. Then, in that event, it is admissible that they should bring it before the Congress

Mr. WALSH. That is to be done by a bill or a resolution, is it?

Mr. HUGHES. Yes; I think so; undoubtedly.

Mr. MONDELL. Will the Mr. HUGHES. Certainly. Will the gentleman yield?

Mr. HUGHES. Certainly.
Mr. MONDELL. Will the gentleman yield to me two minutes?
Mr. HUGHES. Certainly; yes, sir.
Mr. MONDELL. Mr. Speaker, this conference report will
undoubtedly be adopted and ought to be adopted, for the purpose of the bill is good; and yet I think we should not adopt
it without some one emphasizing the fact that we are, in making permanent appropriations in the bill, extending a very
unwise and, I think, vicious practice, making appropriations of
large sums that may not be used, making appropriations which,
together with other continuing appropriations, lay heavy burdens about which Congress has nothing to say. In the passing
of the years this leads to a condition under which large sums
of money in the Treasury may be obligated which may never of money in the Treasury may be obligated which may never be used and under which it is impossible for Congress to keep track in a businesslike way of Federal expenditures. It is a most unfortunate, a very unbusinesslike way of legislating and appropriating, in my opinion. If it were possible, if there was any hope of remedying that situation by so doing, the conference report ought to be voted down. I assume there is no hope of remedying that situation, and therefore the conference report will undoubtedly be adopted.

Mr. FESS. Will the gentleman yield for just a moment?

Mr. MONDELL. Yes; but I have only two minutes.
Mr. FESS. The gentleman from Illinois [Mr. Mann] said a moment ago that the original bill made the actual appropriation. At the moment I thought he was mistaken. The original bill as introduced by the commission simultaneously in the Senate and in the House did make the appropriation, but our Committee on Education in making up the bill cut out the appropriation.

Mr. MONDELL. I understand; and after the committee came

to consider the matter they felt that was not a wise and proper

thing to do, and so they changed the bill?

Mr. FESS. Making an authorization rather than an appropriation.

Mr. MONDELL. In conference the permanent appropriation has been made, unfortunately, and I believe will become the law.

Mr. FESS. Yes; that is the hope.

Mr. BORLAND. Will the gentleman yield to me five minutes? Mr. HUGHES. All right. I will yield to the gentleman five minutes.

Mr. BORLAND. Mr. Speaker, I want to say in reply to the gentleman from Wyoming [Mr. Mondell] and the gentleman from Wisconsin [Mr. Stafford] that I agree there is not any more vicious system which can be adopted by Congress than a general system of permanent appropriations. To lay aside by a legislative act a certain sum of money arbitrarily each year for a specific purpose, to be expended by some administrative department or some executive officer without any accounting to Congress or any control over it by Congress, or any way of reaching any temporary evils in the expenditure except by repeal of the law, is a most vicious plan. Congress has set its face recently—possibly not recently, but certainly it sets its face now—against a continuance of permanent appropriations. Yet I can not fully agree with the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Wyoming [Mr. MONDELL] in their criticism of this particular bill.

This bill enters upon an entirely different plan of Federal appropriation from what we have been accustomed to. It follows very closely the road law. Whether we ought to cooperate in this way with the States or not is not the question under discussion. We have decided that we will. If we are going to engage in these activities on a half-and-half basis with the States, it is perfectly apparent to my mind that the States must know in advance what they are to count on in the way of Federal And I am unable to see how the State can adjust its own activities to the Federal aid unless it knows that the Federal aid will amount to a definite and fixed sum every year. Now, that is the thing that prevailed in my mind in the road law, and this law follows in a general way the road law. I can not see how the State law is expected to spend its money and to provide the channels and avenues and facilities through which it can be spent and to do the work which is contemplated here, and undertake such a program unless it knows as a matter of certainty what the Federal Government is to appropriate.

Mr. GORDON. Will the gentleman yield?

Mr. BORLAND. In a moment.

Now, suppose it was a matter on each appropriation bill how much Congress would give toward a specific object or possibly how much it would give toward a particular State or perhaps the time when the bill would go into operation which contained the appropriation. I can see how it would be almost fatal to the activities of the State under such a plan.

Now I yield to the gentleman from Ohio [Mr. Gordon]

Mr. GORDON. The gentleman does not contend that by any legislation enacted in this bill or in the road law that Congress could not refuse at any time it saw fit to appropriate?

Mr. BORLAND. Certainly Congress could repeal the law or strike out the appropriation. But we are at least to that extent.

to make an appropriation.

Mr. MONDELL. The gentleman has discussed to some extent what I had in my mind. Does not the gentleman think the States would be reasonably and sufficiently assured under the law which provided for a certain appropriation annually?

Congress would not fail to make the appropriation unless there were some exceedingly good reasons for withholding the

appropriation.

Mr. BORLAND. No; I think it gets back to the whole question of whether we ought to cooperate with the States on this half-and-half basis. As I say, that question has been decided, and it is not here for discussion. If we are to cooperate with the States, I think it incumbent upon us to set aside a fixed amount for that purpose; and I do not see how we can vary it from year to year, according to the sentiment of Congress in that year, as to whether any States or any particular State should be spending the money wisely or unwisely. I do not think that will be practicable.

Mr. FESS. Mr. Speaker, I would like to have five minutes.
Mr. HUGHES. I yield, Mr. Speaker, five minutes to the gen-

tleman from Ohio.

The SPEAKER. The gentleman from Ohio is recognized for five minutes

Mr. FESS. Mr. Speaker, legislation that is not embodied in material results so that we can see it in a concrete way is not very enthusiastically supported in any legislative body, while legislation that is embodied in results that everybody can see appeals to the legislator as well as voter immediately.

Most of our activity here is absorbed in the latter sort. am going to vote for the national-defense bills, which will entail an expenditure of at least three-quarters of a billion dollars this year, and I will do it without hesitancy. I think that the country is justified in so doing. I need not here specify my reasons for this decision. But here is a bit of legislation that is not destructive, not in the interest of defensive equipment against war or its effects, but constructive. It is enlisting the talents of head and hand as well as of heart and pro-

poses to organize the spiritual forces of the country to ulti-mately materialize in real achievement. I think it is one of the most important pieces of legislation that this or any other Congress can enact. I believe that in the future years, when the legitimate results of this legislation shall be properly appreciated, the people who have been identified with this constructive legislation will have reason to feel fortunate for the perpetuity of our institutions. It proceeds upon the conviction that the safest, as well as wisest, essentials of a nation's welfare lies in the conservation of the country's spiritual forces. I want to congratulate the chairman of this committee, the Committee on Education, and the House upon the final consummation of this bit of legislation that has been before the country for years, and which is now, I believe, going to receive the almost unanimous support of both sides of the Chamber and from both ends of the Capitol. Long before I came to this body this character of legislation appealed to me. When asked by the President to go upon his Vocational Commission to investigate the needs and possibilities of vocational education I accepted the honor in the conviction that it offered a great field for good. I now rise to offer this word of congratulation and to express my approval of this legislation that is not material, but constructive, intellectually and spiritually, but which, when measured by the standard of material values alone, is most far-reaching. I congratulate the country that such is most far-reaching. I congratulate the country that such legislation has met with such universal approval from these two bodies of the American Congress. [Applause.]

Mr. HUGHES. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the confer-

Mr. MANN. Mr. Speaker, I would like to have the gentleman from Georgia yield to me five minutes.

Mr. HUGHES. Yes, sir. I yield to the gentleman five

minutes

The SPEAKER. The gentleman from Illinois is recognized

for five minutes.

Mr. Mann. Mr. Speaker, I want to speak on the subject of permanent appropriation. I did think, when this conference re-port was submitted, that I would do what I could to ask the House to defeat it entirely and send the conferees back and have a conference report come before the House without a permanent appropriation.

The House has always been rather jealous of the power to originate appropriations, and yet, whether it be a provision of the Constitution or not, practically we originate the appropriations. The House does the work about appropriation bills. Senate performs very necessary functions in regard to legislation, but it does not give the same attention to appropriations of money as the House gives. In recent years we have repealed most of the provisions for permanent appropriations. We used to have a permanent appropriation for the collection of customs dues, something that has to be done, and we repealed that.

Now, in this case the House passed a bill authorizing an appropriation to be made. The Senate had passed a bill making the appropriation. It is probably true and correct to say that the Committee on Education believe that under the rules of the House they had no jurisdiction to appropriate money. But, as a matter of fact, they had jurisdiction over the Senate bill, which was referred to them-full and complete jurisdiction-and they had jurisdiction to report it back making the permament appropriation. But they advised the House to simply authorize the appropriation, and we followed their advice, and if the gentlemen who are managers of the conference on the part of the House were old and experienced conferees they would be subject to severe criticism for going into conference and yielding this position of the House by not bringing the bill back to the House for consideration.

But I do not think that criticism can be made against the very excellent and honorable gentlemen who compose the conference committee and who are not long-experienced managers of conferences in behalf of the House relating to appropriations. It is true that the House has made and agreed to an appropriation, permanent in character, relating to education. I think there is also a law that was passed relating to educational aid, aid to State universities in the original Morrill Act, and afterwards the additional aid to education, and possibly the Smith-Lever Act. My recollection is that originally these propositions all provided for permanent appropriations, but I am under the impression that we now appropriate all or part of the money to the State universities and the experiment stations. But the original appropriations have run out. I am not sure. But it is the policy of the House. I do not think that any of the conferees on the part of the House ought to go into any conferences hereafter and agree to any permanent appro-

priation not carried in the bill as it passes the House without bringing the matter back to the House to determine. The Senate is not interested. Everybody on the outside who is interested in the proposition wants a permanent appropriation. Of course they do. They want it fixed so that nobody can ever stop the appropriation. We struck it out of the tariff commission bill. We struck it out of every proposition that has come before the House, I think, in recent years, with but two exceptions. It ought to be our policy to keep out the permanent appropriations, and it ought to be the policy of the conferees not to agree to such a proposition without first submitting it to the House. And I say this without intending to reflect at all upon the conferees.

Mr. TOWNER. Mr. Speaker, will the gentleman yield to me? Mr. HUGHES. Yes; I yield to the gentleman five minutes. The SPEAKER. The gentleman from Iowa [Mr. Towner]

is recognized for five minutes.

Mr. TOWNER. Mr. President, I am very sure we are all deeply appreciative of the statement made by the leader on the Republicar side. There is no question but that as a general rule his statement about the necessity of the House retaining its jurisdiction over appropriations and the hesitancy that we should always exercise upon making permanent appropriations is correct. I presume all of us approve of that in a general way. I think, however, there can be no criticism of the conferees in yielding to the Senate suggestion that in this case a permanent appropriation is entirely proper from the fact that all appropriations of a like character that have heretofore been made in regard to educational matters, such as the appropriations that have been made to the schools under the Morrill Act and subsequent enactments, and the appropriations that have been made under the provisions of the Lever bill, have been made in that form.

I believe there will be no criticism of this bill by the people of the country. Notwithstanding the extraordinary demands that are being made upon our Treasury at this time, notwithstanding the conditions that confront us, there will be practically universal approval of the passage of this bill. It is not merely because it will advance the general cause of education in this country, but it is because it will meet a specific and long-

felt want and defect in our system of education.

To Members who have not given particular attention to the matter I think it will be a surprise to know how the passage of this act is looked forward to. I am frank to confess that I believe it is regarded as of exaggerated importance in many parts of the United States. However that may be, we all know that in these matters it is after all the sentimental, the psychological view that very largely carries movements of this character into successful operation. The fact that it is known that this bill has passed, notwithstanding that the appropriations made therein will be small in the beginning, will be of immense advantage in the cause of vocational education throughout the land. It will not be alone because of the practical operation of the act. We shall find that the States will multiply many times the appropriations that are made by the General Government. As time goes by we shall find that the stimulus we have given to this movement will be of immense value in the development of this branch of education, which makes not only for the intellectual advancement of the people of the country, which makes not only for the economical development of the country, but the passage of this bill will at the same time give to the cause of labor, and those things that make for the development of a sound character and an elevated conception of those vocations which we now denominate as the manual vocations, a dignity and an importance that they have never had hitherto in the minds of the people of the United States. And that, I believe, Mr. Speaker, is a consummation devoutly to be [Applause.]

Mr. HUGHES. I yield to the gentleman from Kentucky [Mr.

Powers] three minutes.

Mr. POWERS. Mr. Speaker, I was one of the conferees on the part of the House, and I want to explain our position with reference to the House bill and the Senate bill in so far as the

actual making of the appropriations is concerned.

It is true that the House bill merely authorized the money to be appropriated. The bill as passed the Senate actually appropriated it. The Committee on Education of the House would have recommended the actual appropriation if it had been in our power to do so. The fact that we did not have the power to do so is the reason why it was not done. When we got into the House with our bill we could not ask its modification without modifying our own unanimous report and changing our own bill unanimously reported. We were aware of the fact that the Senate bill had actually appropriated the money. It was not our desire to give up any of the authority and power of the laid before the House for consideration.

House in the conference; but since the Senate had done what it had the power to do, and since we could not do what we wanted to do in the Committee on Education, the conferees on the part of the House very gladly consented to having the money actually appropriated rather than authorized.

This is the explanation which I desire to make. Mr. HUGHES. I yield to the gentleman from Alabama [Mr. Abercrombie] five minutes. [Applause.]

[Mr. ABERCROMBIE addressed the House. See Appendix.]

Mr. HUGHES. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference

The conference report was agreed to.

On motion of Mr. Hughes, a motion to reconsider the last vote was laid on the table.

### CORRECTION OF A RULING.

The SPEAKER. With the consent of the House, the Chair wants to correct a ruling which he has been intending to do for some time. It will be remembered that during the last session the gentleman from Illinois [Mr. MADDEN] made a motion to reconsider a vote by which unanimous consent was granted in a certain matter. The Chair ruled that the motion to reconsider does not apply to unanimous consent. On subsequent reflection and investigation the Chair is convinced that the ruling of the Chair was incorrect and untenable, and that the motion to reconsider does apply in such cases.

The Chair makes this correction now, when no such controversy is pending, to the end that the former erroneous ruling may not go into the footnotes of the next Manual, to the mislead-

ing of Members. [Applause.]

### VOCATIONAL EDUCATION.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution, and, pending such consideration, I ask for one minute to explain the purpose of the resolution.

The Clerk read the resolution, as follows: House concurrent resolution 75.

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 703) entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5, as the same appears in the conference report on said bill and amendment.

Mr OLIVER Mr Speaker this concurrent resolution is in-

Mr. OLIVER. Mr. Speaker, this concurrent resolution is introduced with the full consent and approval of the conferees. both of the House and the Senate, on the vocational education Its sole purpose is to make clear the intended meaning of the word "name" as used in line 3, paragraph 2, section 5.

The SPEAKER. Is there objection to the present considera-

tion of the resolution?

Mr. FESS. Reserving the right to object, have the conferees gone into that?

Mr. OLIVER. Yes; the conferees, both of the Senate and

House, are fully agreed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered and agreed to.

### JUVENILE COURT.

Mr. JOHNSON of Kentucky. Mr. Speaker, the Senate has passed the bill H. R. 8348, known as the juvenile-court bill, with 76 amendments. I ask that the Senate amendments be disagreed to and that we ask for a conference.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

H.R. 8348. An act to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other pur-

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take this bill from the Speaker's table, disagree to all of the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. Johnson of Kentucky, Mr. HILLIARD, and Mr. TINKHAM. AUTHORIZING INSURANCE COMPANIES AND FRATERNAL SOCIETIES TO

FILE INTERPLEADERS.

Mr. WEBB. Mr. Speaker, I ask that the bill H. R. 12541 be

The SPEAKER laid before the House the bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader, with Senate amendments.

The Senate amendments were read.

Mr. WEBB. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

#### THE CONFEDERATE REUNION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution (S. J. Res. 157), which has for its purpose making provision for the Confederate reunion in the city of Washington.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table Senate joint reso-

lution (S. J. Res. 157).

Mr. MANN, Mr. Speaker, I do not think there will be any objection to the request of the gentleman from Kentucky, but I think we ought to have an opportunity to see what it is, and I hope the gentleman will postpone this, at least until later in the day.

Mr. JOHNSON of Kentucky. Very well, Mr. Speaker. I

will withdraw my request for the present.

#### STATUE OF ADMIRAL DUPONT.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 205. It is the same resolution I had up once before to-day, when objection was made by the gentleman from Illinois [Mr. KING]; but I understand he has since withdrawn his objection.

Mr. KING. Reserving the right to object, I would like to ask the distinguished gentleman from Texas a question or two. Is there any truth in the rumors that come to me that the proposition is to dismantle this statue and erect a memorial which will be more of a memorial to the house of Dupont or the Dupont family than it will be to the admiral?

Mr. SLAYDEN. No. Mr. Speaker; I can say that there is no truth in that rumor, at least so far as I am advised and be-Of course, I can not tell what is deep in the recesses of the minds of men; but no such thought has been spoken, und I do not think it will be, for it does not exist.

Mr. KING. Who will prepare the memorial?

Mr. SLAYDEN. It will be prepared after competition between the artists; and the bill provides that it shall be approved by the Commission of Fine Arts. I will say to the gentleman that an amendment is contemplated by the leader of the minority [Mr. Mann] providing that the new memorial shall not occupy more space than that now occupied by the

Mr. KING. Will the distinguished gentleman yield for one more question?

Mr. SLAYDEN. Certainly.

Mr. KING. Is there any well-defined plan on the part of the Committee on the Library to dismantle all of the statues in the city of Washington and put in their places memorial fountains?

Mr. SLAYDEN. I will say to the gentleman that the committee has no such purpose in view. Now, Mr. Speaker, I ask that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that this resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the resolution has already been I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend by inserting an additional proviso, in line 4, page 2, after the word "complete," as follows:
"Provided further, That no greater area in the said Dupont Circle shall be taken for the memerial herein authorized than the small circle now occupied by the statue of Admiral Dupont."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Slayden, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

### JOSEPH BEECH.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 208, to grant citizenship to Joseph Beech, and that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of Senate joint resolution 208. Is there objection?

Mr. MHLLER of Delaware. Mr. Speaker, reserving the right to object, I will ask the geutleman if this is the same matter about which I spoke to him this morning?

Mr. BURNETT. This same resolution has been reported by the Committee on Immigration and Naturalization. It is for the naturalization of Joseph Beech,

Mr. MILLER of Delaware. Let us have it reported. The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech. Whereas Joseph Beech has constantly been under the jurisdiction of the United States since the age of 4 years; and Whereas the said Joseph Beech is not entitled to immediate naturalization under any existing statute; and Whereas the said Joseph Beech is not a citizen of any other Government: Therefore be it

Resolved, etc., That Joseph Beech be, and he is hereby, uncondi-tionally admitted to the character and privileges of a citizen of the United States.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. Mr. MILLER of Delaware. Mr. Speaker, reserving the right to object, I want to ask the chairman of the committee a question or two while we have a bill of this character before us. Has it been the policy of the Committee on Immigration and Naturalization to report many of these private naturalization resolutions in this Congress?

Mr. BURNETT. No. As I recollect it, during the 11 or 12 years of my service upon this committee the committee has re-

ported only three.

Mr. MILLER of Delaware. Is this the first one in the Sixtyfourth Congress?

Mr. BURNETT. Yes.

Mr. MHILER of Delaware. There is a similar resolution on the House Calendar?

Mr. BURNETT. Yes. This is the same resolution that is on the Private Calendar.

Mr. MILLER of Delaware. Mr. Speaker, several years ago a Representative from Delaware, Mr. Heald, introduced a private naturalization bill, which went to the Committee on Immigration and Naturalization. I do not think the gentleman from Alabama was then the chairman of it. The resolution was to grant citizenship to a man who was able to fill every particular required by the law except to give the name of the ship on which he came over to this country when he was 2 years old. The records which would have supplied the information were destroyed in the Baltimore fire. That was in 1904. He has been unable to become naturalized because the United States district judge for Delaware refuses to waive that defect. Can the gentleman tell me whether a bill to grant this man naturalization would be now in order under the policy of the comniittee?

Mr. BURNETT. Mr. Speaker, I know nothing about the bill that the gentleman from Delaware [Mr. MILLER] refers to, but I imagine that the committee thought that the judge improperly decided that case, that it was a highly technical decision, and possibly incorrect. In cases where the committee believes there is any remedy in the courts for naturalization, it has refused to grant it through resolution or bill. In this case Mr. Campbell, the Commissioner of Naturalization, says this man has no chance without staying here five years. He came over from England when he was 4 years old, with his father. He thought his father had become a naturalized citizen. When he was 21 years of age he went off to school and remained until he was 29 years of age. He was a member of the National Guard, and as such took the oath to support and uphold the Constitution of the United States. He never offered to vote because he was sent as a missionary to China by the Methodist Episcopal Church before he had a long enough permanent residence in the place where he and his father lived to entitled him to vote. He stayed in China for many years and is now a teacher in a great university, conducted, I think, under the auspices of the Methodist Episcopal Church. He came back some time ago. His people are in the district of my good friend Mr. McKenzie, of I desire to say here that I never invade the district of another Member to introduce a bill until he has been consulted. On account of the fact that our committee had jurisdiction of the matter, after consulting with the gentleman from Illinois [Mr. McKenzie], he said he would be very glad for me to introduce the bill and take charge of it. Mr. Beech is over here and he can not get back. There are only Japanese and English ships going to China, and they will not take him back to his school duties and his duties as a missionary.

Mr. MANN. That is, he can not get his passports?

Mr. BURNETT. They will not take him back without his passports, and he can not get his passports because he is not a naturalized citizen.

Mr. MANN. Mr. Speaker, if the gentleman will yield, I think the amended law covers the case referred to by the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. I will say that, as I am informed, the district judge in Delaware refused only a year or so ago to permit the man I have in mind to become naturalized.

Mr. MANN. Then evidently the law does not cover the case. In this particular case, of course this man could get his citizenship papers by remaining continuously in this country for five years, but he is an American teacher in a Chinese university, and I think probably it is more desirable that he go to China to perform his duties than to remain here and wait for five years in order to get his papers. If we do not grant him citizenship papers he can not get back.

Mr. MILLER of Delaware. Mr. Speaker, I withdraw the ob-

jection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that the resolution be considered in the House as in the Committee of the Whole?

There was no objection.

The SPEAKER. The question is on the third reading of the

joint resolution.

Mr. GREEN of Iowa. Mr. Speaker, I make a formal motion to strike out the last word for the purpose of asking the gentleman from Alabama a question. Is nothing to be done by this man to evince his acceptance of this bill? Would it not be proper to add to it an amendment that he shall take the oath to support the Constitution?

Mr. McKENZIE. He has already done that. Mr. BURNETT. He took that oath when he became a member of the National Guard. He would have to stay here for five years to enable him to be admitted to naturalization. This resolution is for the purpose of naturalizing him so that he can return to his duties in China.

The SPEAKER. The question is on the third reading of the

Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed.

House joint resolution 364, a similar resolution, was ordered

to lie on the table.

Mr. BUCHANAN of Illinois. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from

Mr. BUCHANAN of Illinois. I rise to ask for two minutes in order to make a statement for the purpose of asking unanimous

consent to extend a certain editorial in the Record.

The SPEAKER. The gentleman from Illinois asks unanimous consent for two minutes. Is there objection. [After a pause.]

The Chair hears none.

Mr. BUCHANAN of Illinois. Mr. Speaker, I have been convinced and have made the statement that the executive officials who have no power to declare war are usurping the power of Congress if they take steps to lead this country toward war without consulting the Congress. It is admitted by all that Congress only has the right to declare war, therefore for that reason I have taken the position I have in regard to the matter. I also am strongly in favor of a referendum on the question of war, unless it is a question of invasion of our country or an uprising in the nature of a revolution. In other words, I believe that the men who go to the front, who shoulder the guns and whose loyalty and patriotism must be depended upon for the proper protection of the Nation should have a say as to whether or not we should become involved in a war. When war is imminent one should have the courage to stand true to one's convictions in regard to the matter.

The SPEAKER. The time of the gentleman has expired. Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent, therefore, to continue for another minute with a view of asking unanimous consent to insert in the Record an editorial in the New York American of February 14 headed, "The people of the United States alone have the constitutional and moral right to decide war." It is refreshing and encouraging indeed to know a newspaper with a great circulation publishes

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none. Is there

The editorial is as follows:

THE PEOPLE OF THE UNITED STATES ALONE HAVE THE CONSTITUTIONAL AND MORAL RIGHT TO DECIDE WAR.

"To the Congress of the United States:

"The people of the United States are strongly opposed to war.
"So are the majority of you, who represent the people.

"And yet we stand tiptoe on the brink of war.

"Senators and Representatives, shall we tell you why the country stands on the crumbling edge of this abyss of war?

"It is because you have not been faithful to your oaths to uphold the Constitution of the United States.

Senators and Representatives, that is a hard saying, but it is absolutely true.

"The whole world knows that our dispute with the German Government is over two radically different interpretations of international law.

"The Government of Germany contends that a ship carrying cannon and gunners is an armed ship, and that it can be lawfully sunk without warning.

"Our Department of State contends that a ship carrying cannon and gunners declared to be for use in defense is not an armed ship and that to sink it without warning is an offense

against the law of nations.
"We all know that submarine warfare is a new thing, concerning which there have been no antecedent agreements or definition of international law.

"Therefore, when this war began to develop the use of sub-marines to destroy enemy commerce, it was necessary that our Government define what uses of the submarine would constitute an offense against the law of nations and what uses would not be offenses against the law of nations, in the opinion of the United States.

"If the Government of the United States defined the sinking without warning and visit of a ship carrying defensive armament to be an offense against the law of nations, then each case of that kind would become a cause of war.

"If the Government of the United States defined a ship carrying cannon and gunners for defense or offense to be an armed ship, then no case in which such a ship was sunk by a submarine without warning would be a cause of war.

That clearly and accurately states the situation, does it not? "Mr. Secretary Lansing first notified all the belligerents that our Government was inclined to hold that a ship carrying armament was armed, and could be lawfully treated as an armed

ship by a submarine.
"He subsequently revoked this decision and notified the belligerents that our Government would hold a ship carrying armament for defense only to be an unarmed ship and would consider her treatment as an armed ship by a submarine to be an offense against the law of nations, and that the incidental killing of any American by such an unlawful sinking would be an act of piracy and felony on the high seas which would cause our Government to break off diplomatic relations and seek further redress in its own way.

"This also is a clear and accurate statement of that situation,

is it not?

"You agree that it is, do you not?

"Well, then, Senators and Representatives, we impeach you before the high court of your own consciences and charge you before the higher and far more august court of the people of these United States with having openly disobeyed the Constitution of the United States, which you, every one, swore to obey and to uphold when you took your seats in the council chambers of the Nation.

"And we charge and affirm that you have been derelict in your duty, imposed upon you by the Constitution, and that you have, unfaithfully to your sworn obligation, permitted and in-

dorsed the unlawful exercise by a department officer of the sole powers granted to you by the Constitution, and to you alone. "And we charge and affirm that our country is on the edge of war over a definition of felonies on the high seas and offenses against the law of nations unconstitutionally and unlawfully made by the usurpation of your sole powers by a Cabinet officer,

with your illegal and unconstitutional assent.
"For, Senators and Representatives, if our fathers wrote any one grant or prohibition of powers clearly into our Supreme Law, they clearly commanded that you, and you alone, should have the power or exercise the power to define what acts of a submarine are and what are not felonies on the high seas and offenses against the law of nations.

"Article I, section 8, paragraph 10, of the Constitution says:

"The Congress shall have power:
"To define and punish piracles and felonies committed on the high seas and offenses against the law of nations.

" And paragraph 11, continuing, says:

"To deciare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

"Now, it is impossible to make language more explicit than that.

"Who is commanded by our supreme law to define how a submarine may attack a ship and how it may not, and whether a ship carrying cannon is an armed ship or not an armed ship, and how it may and may not be sunk without committing a felony on the high seas or an offense against the law of nations?

"The Congress-you, you Senators and Representatives. And who has performed this sovereign function of Government, solely confided by the Constitution to your hands?

"Why, Mr. Secretary Lansing has performed that sovereign function.

"And where did he get his authorization to perform a sole function of the Congress?

From you?

" No.

"You could not lawfully delegate that power to him if you tried to. The Constitution affords you no method of stripping yourselves of the sole authority it imposes in you and means you shall solely exercise.

"Neither could you lawfully delegate that power to the Presi-

dent nor to the Supreme Court.

"Mr. Lansing's notification to belligerents that our Government defined and would hold an armed merchant ship to be an armed ship under certain conditions and an unarmed ship under other conditions, and would hold certain submarine acts to be legal and others to be offenses against the law of nations, was a high-handed and impeachable usurpation of the power conferred solely upon yourselves, sitting as the Congress of the United States.

"And when you consent to such a usurpation of your powers you are faithless to your oaths to uphold and maintain and obey

the Constitution.

"Consider, now, what has been the result of this dereliction of duty on your part, of this unconstitutional transfer of your authority and powers to a mere department head—a sort of hybrid office created by the Congress, with ill-defined powers and, unfortunately, with a strong tendency among those who occupy it to usurp functions of legislation as well as of adminis-

"Without any mandate from you, without even asking your permission, Mr. Lansing has assumed 'to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations,' with the result that we are face to face with war over Mr. Lansing's definitions.

"You, you who are the sole repositories of the powers to define offenses committed on the seas, as well as the only branch of our Government which can lawfully 'regulate captures on land and sea,' and make war—you have sat in your Chambers unconsulted, unheeded, and with as little weight in the serious discussions and decisions which have been influenced to the constant of the serious discussions and decisions which have been influenced to the constant of the constant discussions and decisions which have been influencing the Na-

"You know your people are opposed to Mr. Lansing's persistent policy of leading the country up to war as one of the allies—because that is exactly what Mr. Lansing has hoped to do and has striven to do ever since he was made Secretary

of State.

"And yet you do not enforce your people's will.
"You have not even asserted your own rights or protected the

dignity of the Congress.

"Now, then, Senators and Representatives, you are that very body of men whom our fathers made a coequal branch of our tripartite constitutional Government and endowed with certain enumerated powers, which you are sworn to obey and to maintain and to hand down to your successors unimpaired.

"And each time you permit either of the other two branches of the Government to usurp your authority and to exercise powers which the Constitution expressly commands you, and you alone, to exercise you betray your trust, imperil our institu-tions, and threaten the liberties of your children who are to be. "The Nation has been dragged slowly toward entanglement

in this insane European war solely because you have not insisted, and do not even now insist, upon exercising your rightful and sole authority and powers that you are sworn to exercise and commanded to exercise by the supreme, fundamental law of the land—the great charter of free government which our fathers drew up for the protection of the land and its liberties through the ages.

"At this tremendous hour, Senators and Representatives, we appeal to you in the name of the whole American people to resume, manfully and resolutely, your rightful place in the

Government.

"The President has come to the end of his constitutional authority with the dismissal of the German ambassador.

"That far he had a perfect right to go, and that is as far as .

he has any right at all to go.

"From that moment the Constitution clothed you, Senators and Representatives, with the sole power to decide what next shall be done-you, not Mr. Lansing nor even Mr. Wilson, but you, the Congress.
"Now, you should do your duty to your people, like men

who know neither fear of enemies abroad nor of demagogues at

home.

"And your very first anxiety, and, indeed, your very first effort should be to ascertain the will of the American people.

"The man who tells you that the opinion of the country is united is either a knave or a fool, and you know it.

"There is a wide division of public opinion.

"There are Americans who do not believe that it is either necessary or sensible to involve the country in war with Ger-

"There are Americans who think it is necessary and sensible to go to war with Germany.
"There are Americans who think we have far more just causes

of war with England than with Germany.

"There are Americans who think we have no cause of war

with England at all. "There are Americans who think that other Americans who voluntarily embark on belligerent ships and voyage into danger

zones have no claim at all to be protected in their foolhardiness.
"There are Americans who would have the country go to war

over any American killed, even when on board a belligerent ship armed and carrying tons of ammunition for enemy use.
"There are Americans who think that an armed ship is an

armed ship.

"There are Americans who profess to think that an armed

ship is not an armed ship.

"Now, upon these questions hangs the issue of peace or war. and since the common people must be the ones to pay for the war, to fight the war, and to endure all the agonies of the war, if war happens, we insist that the common people have a right to be consulted by you, who are their only representatives and their only voice, before they are plunged into war by any vote of yours.
"Therefore we most earnestly urge that you Senators and Rep-

resentatives order a referendum of these questions to the people themselves, and that the majority of the votes cast in that election be considered binding upon you when you act in your official capacity upon the questions so submitted to the people's decision.

"That you have the power to go to the country for an expres-

sion of the people's will is beyond question.

"The Constitution, both by implication and by direction, gives

you the power to order and to regulate elections of all kinds.

"The Constitution also expressly recognizes the people as the fountain of all power, including the power of deciding to make war or peace.

"The tenth amendment reads:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

"The tenth amendment was ratified in 1791, so that it is practi-

cally an integral part of the original Constitution.

"The Declaration of Independence and the Constitution are rightly construed to recognize the inherent, inalienable right of the American people to instruct their Government to do the will of the people; and, even in emergencies grave enough to justify such an extreme measure, to unite in convention or by referendum to change the forms and the personnel of their Government-a sovereign right which will never be exercised as long as their representatives truly represent them and maintain the time-tried Constitution in its original force.

"It has been urged that the Constitution prescribes no form of holding a referendum election, but that is an ignorant objec-

"The constitutional grant of power to the Congress to do any act presupposes the power of Congress to prescribe the method of performing the act, and the recognition of the reserved sovereignty of the people presupposes the right to prescribe a method

of ascertaining the sovereign will.

"You have, Senators and Representatives, the undoubted power to take the suffrages of the American people as a guide to your representative action in this troubled and trying time and we think that you should do that very thing, both to find sure guidance in your own perplexities and to exhibit to a world being slaughtered and wasted by governmental folly and wickedness a noble example of what free government and representative rule can do for a free people.

"If the people by their ballots decide that armed ships can claim protection as peaceful merchantmen; if they decide that Americans who go abroad and into danger zones must be protected even at the cost of war; if they decide that this Nation should interfere in foreign wars and prescribe the methods by which belligerents may carry on war; if they decide that on these accounts we should declare war upon either belligerent group-why, then, the voice of the majority settles those matters, and we will all make ready for war and go to war, united and willing to fight our best.

"And, on the other hand, if the majority of the people say nay to these propositions, then we should not declare war and should not insist upon the 'rules for captures' and the definitions of 'felonies on the high seas and offenses against the law of nations' which Mr. Lansing has formulated without any authority whatsoever and in direct derogation and impeachable usurpation of the sole functions of the Congress of the United

"If the people of the United States do not agree with Mr. Lansing and by their votes say that they are averse to his unauthorized rules and definitions, and that they are opposed to a declaration of war against Germany on that score—why, then, the voice of the majority should settle those matters in that way, and you should refrain from hostile declarations, and we should all keep the peace together as willingly as we should all fight together if the people's verdict was for war.

"Senators and Representatives, is not this good sense, true patriotism, and a right exercise of your representative func-

tions which we now urge upon your consideration?

"You come from the people. "You are part of the people.

"You are the representatives of the people and the servants

"Have you any moral right to plunge your people into this dreadful and murderous war without making sure that such is the will of the majority of your people?

'Senators and Representatives, there can be no possible need of haste in declaring war upon any country, especially upon

Germany.
"We would, indeed, go into the war just that much better prepared if we used several weeks in discussion and in taking

prepared if we used several weeks in discussion and in taking a vote of the people.

"We can see no possible objection to your taking the vote of the American people upon these propositions.

"And we can see, and we think we have presented to you, weighty and powerful reasons why you should take the vote of your countrymen before you put the Nation in a state of war.

"Senators and Representatives, there lies before you the noblest opportunity to show the world the force and authority and beneficence of free government that ever came to any legislative body in all the tide of time.

"You can if you will write the most momentous and the most

"You can, if you will, write the most momentous and the most splendid chapter of human history that has ever been written

since history began.

"For yourselves you can reassume and emphasize the right-ful powers and dignity of your great assembly which have been, most unfortunately, trenched upon and abated by a succession of presidential encroachments, extending over a period of at least 30 years, and which ought to be, and which must be, resisted and nullified if free, representative Government under our great charter is to maintain its vigor.

"For your people you can emphasize their inherent liberty to govern themselves and their immemorial and undoubted right to express their will and to have their will respected and obeyed

by their public servants and chosen representatives.

"For mankind, you can do an immense service by holding up to their gaze the fruitful and beneficent results of free govern-ment, which is, indeed, our high and rightful mission in the

world.

"And upon such a great deed, so nobly and so usefully performed, you can indeed with confidence invoke the same considerate judgment of mankind and the same approval of Divine Providence which our wise and valiant fathers invoked upon the declaration of our liberties and the firm establishment of that Constitution which still remains the supreme law of the Republic, and the most glorious affirmation and protection of orderly freedom that was ever devised by the wit of any of the children of men.

"May that God who guided our fathers and our folk through all the perils and vicissitudes of our past, guide you, too, Senators and Representatives, in this hour of perplexity and danger to find the way in which your people can walk in honor and in

Mr. BUCHANAN of Illinois. I also insert an address by the Rev. Jenkin Lloyd Jones, who has embodied in him that spirit

proclaimed by the Founder of Christianity when he said that "He came that the children of earth might have a more abundant

THE UNITED STATES ON TRIAL.

[Address of Jenkin Lloyd Jones at Abraham Lincoln Center, Chicago, on Sunday, Feb. 4.]

"Something has happened this week, something ominous, something tragic. Something that may carry with it floods of tears, oceans of blood, and destroy towers of treasure. I must declare myself in this presence, were it the last word ever given me to speak from this free platform: If war was wrong last week, it will be wrong next week. If it was wrong then to tear human fiesh to shreds, to devastate homes and descrate the ideals of men and of nations, it is wrong now, and it is ever-

lastingly wrong.

"War is still a survival of brute forces. It occurs where spirit has not yet freed itself from the entanglements of things that can be measured, of things that can be weighed. We of the United States for two and a half years have been twiddling our thumbs while Europe was tearing itself to pieces. We have gloated over our increasing prosperity, the profits from our hellish industry of making things that kill. We have sowed the Continent of Europe thick with fragments of shell and bullets stained with human blood. We have filled hospitals with agonized bodies. We have torn homes to pieces. We have planted uncounted acres with human bones. We—I say we—have been sending this devilish stuff over there to do the work of hell, while taking shelter behind some thin, shadowy rag of what we call "international law." Alas, now we are in grave danger of being swept into this fiendish madness which we have witnessed and fostered.

"Do not tell me that there is any 'honor' in trying to avenge the loss of a few petty ships and a limited number of lives by proceeding by conquest and under the guidance of science to sink numberless other ships and destroy numberless other lives on both sides of the fighting line, killing those whose hands are clean of any responsibility. As I interpret spirit, no wrong can be atoned by other wrongs. You can not bring back the lives that are gone by sallying forth to destroy other

"Three great inspirations of war have obtained in what we call civilization. First was the battle for God. Some of the hardest battles of history were devoted to religion; they were

for God's sake.

"Then there was the battle for greed, for territory, the love of power. Many millions of lives have been sacrificed in trying to straighten boundary lines between nations which scarcely knew themselves apart.

"Then there comes this other thing we call 'honor'—battle for honor's sake. As if any nation in the light of history could add a star to its crown of glory by proving itself of superior power in killing its neighbors. As if outraged dignity could be assuaged by a systematic slaughter of innocents.

"The United States is now under a panic for 'honor's sake.'
This valor for 'honor' threatens to throw us into everlasting dishonor. I have lived through three of these spasms. I remember the dark midnight when, as a boy, I crawled out of bed with the rest of the family because the bigger brother had come home with the awful news that Sumter had been fired upon. I have often traced with you that inspiration, that intoxication, to the bitter end, and found, as everybody now knows, that it was the very, very wrong way of doing the right

"I remember, as most of you remember, that other time when the flags climbed to the highest and fireworks illuminated the cities, that otherwise were torpid and stupid, with the cry, 'Remember the Maine! Remember the Maine! Remember the Maine! Remember the Maine!' And, remembering the Maine, the great Republic was precipitated into a mad, foolish, fruitless war. Our minister to Spain told me with his own lips, and he has repeated it over and over again in public, that if the United States had but let reason rule 48 or 72 hours longer everything would have been accomplished by diplomacy at the capital city of Spain that we repeated in catting by hypital marginess bloody by hyperisms in succeeded in getting by brutal, merciless, bloody barbarism, including a compensation for the Maine, for which Spain never admitted her guilt. It was a mad intensity that led us into that fruitless struggle.

"And now comes this excitement. When pugilists, in the last desperate struggle for conquest, resort to the ultimate expediencies of fighters, no longer content to pull at each other's hair or clutch at each other's throats, they forget all the limitations that obtain in the ring and hit anywhere, above or below the belt. We, who sit by, witnessing all these things, seeing this desperate struggle, because our own supposed 'rights' are now invaded a little bit and our commerce is endangered, become enraged. Will we dare jump into this ring at this time to add

wickedness to wickedness and murder to murder?

"May God help us to reenforce the spirit, that we may carry this diplomatic perplexity to the court of reason, to listen to the impulses of love, and to take a 'quarter of an hour,' nationally speaking, to commune with God and with the voice within. We should go behind that ragged page, born out of expediency and cruelty, the selfishness of formality and precedent, which we call 'international law,' a thing of shreds and tatters at best, born out of a false assumption that the normal relations between nations are those of rivalry and antagonism and not of a community interest.

"Steps may be taken down there at Washington this week which will strike a bloody sword deep into the flesh of this Nation, where a million quivering nerves, deeper than consciousness, bind us to the fatherland over there. It is international vivisection, without cause and without profit, if we look at it even on the external side of things alone. Here our new Germany is summoned to our colors to strike at the heart of the

fatherland.

"I have mounted guard on many a weary watch under the direction of a German sergeant. I have divided my rations with and profited by the prowess of 'Fred Schmidt' more than once. I walked afoot while my German lieutenant rode horse-I saw Carl Schurz, clad in the panoply of war, lead his Eleventh and Twelfth Corps up the bloody side of Missionary Ridge. I saw dear old Col. Matthias, of the 'Fife-th' Iowa, as he used to call it, after the bloody battle of Corinth, dismounting and falling on the logs as he sobbed, 'My boys! My poor boys!—100 or more of them lying there in one trench. I know of Col. Matthias on the charge. I know of how the boys loved him on the march. He had a reputation for discipline and military usefulness which he brought from his years of training across the sea, but I think of Col. Matthias most tenderly shedding bitter tears over that open grave where his boys were lying—those boys who were so much alive the day before.
"All the United States is quivering with gentle emotions to-

day where divided loyalties are being challenged by the cruel brutality that may declare war with a precipitancy with which no benignant project, national or otherwise, would be entered

upon.
"So I stand here to say again that war is wrong, unalterably wrong, an inheritance from the brute, and there is a better way

to do it.
"Said a man to me the other day when I was talking to the students of the Lane Technical High School, 'Do you think that your ideals will come true in a thousand years?' I did not wait for the conclusion of his sentence before I exclaimed, 'That is none of my business. I don't know whether it will be a thousand years or five thousand years. I know where I belong, and I know what ultimately will triumph.'

"The time is coming for the United States to decide whether it will ally itself with Christ or with Cæsar; whether the law

of love can be tried or the law of hate be resorted to.
"Oh, but 'honor! honor!' Honor to the wind where love and right and beauty and humanity are jeopardized. Oh, our country will be valorous on sea or land, if it sallies forth, but it will be a valor allied to cowardice compared to the sublime valor of Calvary, which still waits for a nation to vindicate the Christ as he has been overwhelmingly vindicated in individual lives.
"And so to ease my own soul—not because I thought it could

reach the center-I send this telegram to our President, in whom

I have trusted and in whom I still have hope:

"Keep us out of war. The incivilities of war-maddened monarchies are no adequate excuse for plunging a great democracy into the same madness. The destruction of a few lives and ships can not be atoned for by sacrificing countless lives and homes. A wrong can not be righted by added wrongs. Our crowning dishonor would be to surrender to the war spirit in this dire crisis of civilization and of our boasted Christianity. Now, if ever, should the choice be made: Is it Christ or Cassar?

"While the blackest, the damnedest war is a transient thing and the triumphs of the noblest and greatest of wars are evanescent, still the tides of life are ever onward and upward, and we,

God helping us, must go in that direction."

The Rev. Jenkin Lloyd Jones in this address speaks the sentiment of the great masses of the patriotic Americans upon whose loyalty this country must rely if it is involved in war, and who should be consulted before war is declared, so that they may have an opportunity to choose whether they will shoot down their fellow men and be shot down on account of the heads of this Federal administration assuming the responsibility of defining and enforcing an international law upon which there is a great difference of opinion among our greatest international lawyers. I insist that becoming involved in this awful catastrophe and carnage without anything definite to be accom-plished should be submitted to a vote of the rank and file of

the American citizens, to whose loyalty and patriotism are due the great achievements of this Republic, whose lives must be sacrificed in case of war, and whose backs will be bent low with the burden of indebtedness which will be created by such a war.

The SPEAKER. The Chair recognizes the gentleman from

Alabama [Mr. Dent].

Mr. MONDELL, Mr. Speaker, will the gentleman from Alabama withhold for five minutes to give me an opportunity to address the House?

Mr. DENT. Yes; I will yield to the gentleman.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for five minutes to address the House. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, in the time granted me I decimally adopted by the House two memorials adopted by the sire to present to the House two memorials adopted by the Fourteenth Legislature of the State of Wyoming relative to legislation pending before Congress. In the early part of this Congress the gentleman from Arizona [Mr. HAYDEN] introduced a bill providing for the establishment of game refuges in forest reservations, one of the provisions of the bill being that those reservations, one of the provisions of the bill being that those refuges could be established upon approval of the governor of the State. A hearing was had on the bill, at which I appeared and protested against the provisions of the bill. Later another bill was introduced by the same gentleman, H. R. 17381, similar to the first bill, but providing that game refuges could only be established on the approval of the State legislature by joint resolution. Those bills were considered by the Legislature of the State of Wyoming, and the legislature, in house joint memorial No. 1, records its objection to the passage of either of those bills on the ground that their enactment would seriously conflict with the authority of the State in the care, regulation, and preservation of game, and the legislature asks the Congress to refrain from enacting legislation in any way affecting the wild game within the borders of the State. The memorial in full is as follows:

\* House joint memorial 1. (Introduced by Mr. Mercer.)

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That—
Whereas there is before the Congress of the United States a bill for an act to establish game sanctuaries in the national forests, under rules and regulations to be put in force and places to be designated by the President upon recommendation of the Secretary of Agriculture; and Whereas such a bill if enacted into law would seriously conflict with the authority of the State of Wyoming in the care, regulation, and preservation of the game within the borders of said State; and Whereas the State Legislature of Wyoming has for years been particularly careful in providing for the perservation of such wild game by legislation regulating the place, number, and manner in which such game may be killed by sportsmen, so that the said game has increased very materially and its elk herds are now larger than at any time since the preservation of wild game was initiated; and Whereas the contemplated legislation by Congress threatens to interfere with the wise regulations now in force for the grazing of domestic stock upon the forest reserves: Therefore

We, the Senate and House of Representatives of the State of Wyoming,

we, the Senate and House of Representatives of the State of Wyoming, hereby memorialize the Congress of the United States to refrain from enacting legislation in any way affecting the wild game within the borders of our State; and be it

\*Resolved\*, That engrossed copies of this memorial be sent to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives, to the Senators and Representatives in the Congress of the United States from the State of Wyoming, viz, Hon. CLARENCE D. CLARE, FRANCIS E. WARREN, and FRANK W. MONDELL, asking their aid in bringing the object of this memorial before Congress; and be it further

\*Resolved\*, That copies of this memorial be sent to each of the governors of the States having national forest reserves within their boundaries, asking their cooperation with the object of this memorial.

The gentleman from Oklahoma [Mr. Ferris] introduced in the early part of this Congress a bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium. The bill was before the House several days, during which time I called attention to what I considered its objectionable features, and offered a number of amendments, some of which were adopted. The bill is now before the Senate. I desire to present to the Congress enrolled joint memorial No. 1, Senate, Fourteenth Legislature of the State of Wyoming, pro-testing against the legislation in its present form, and I ask that the memorial be read in my time.

The SPEAKER. Without objection, the memorial will be read.

The Clerk read as follows:

Enrolled joint memorial 1.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring) that—

Whereas hundreds of citizens of this State have taken oil placer claims under the oil placer mining act, and have compiled with the law in good faith by doing the assessment work required to hold and develop said claims; and

Whereas in many cases these lands have been located and held by prospectors who have expended their time and money for many years in trying to hold and develop these oil placer claims until the conditions and demand for the product would make it possible to operate the same; and the same; and

Whereas these lands were located and held under the only law that made it possible for the prospector for oil or gas to acquire the same;

Whereas these lands were located and held under the only law that made it possible for the prospector for oil or gas to acquire the same; and Whereas these locations were made in good faith and held by the locators before any withdrawal of said lands was made or even contemplated by the Government; and Whereas there is now before Congress a bill known as the Ferris-Phelan bill, providing for the leasing of all oil and gas lands on the public domain; and Whereas this bill in its present form would destroy and take from the original locators their vested rights or compel them to defend the same in the courts, causing endless litigation with wealthy oil operators who might seek to deprive them of their legitimate rights; and Whereas it appears the said leasing bill, as now drawn, is in the interest of the large foreign oil companies and against the interests of the original locators and settlers, and is flagrantly unfair and unjust to all original claimants, in that it ignores their rights and permits the land to be leased to any applicant without considering the interests of the original locators: Therefore be it

Resolved, That the Congress of the United States be memorialized to amend said leasing bill to give to all locators who have held the land in good faith and have compiled with the oil placer mining law the preferential right to lease the same on the same terms that may be required from any other applicant; and be it further

Resolved, That the bill as now drawn is unjust and unfair, and will, if passed, result in placing all the oil lands of this State in the hands of the large oil companies and operators, and jeopardize the rights of the original locators in claims that have in many cases been held and worked by them for years; and be it further

Resolved, That a copy of this memorial be sent to the Hon. Frank W. Mondell, asking their aid in carrying out the object of this resolution.

President of the Senate.

J. W. Todd, President of the Senate. C. X. Jones, Speaker of the House.

Mr. MONDELL. Mr. Speaker, our people feel that this bill in its present form does a great injustice to honest, industrious people who, in accordance with law, proceeded to start upon the development of the public lands. I have heretofore protested against the unfair and indefensible provisions of the act in question and I have the protect of any large land. tion, and I hope the protest of our legislators will be given full and favorable consideration.

The SPEAKER. The time of the gentleman has expired.

### ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill,

with Mr. Saunders in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918.

Mr. DENT. Mr. Chairman, the gentleman from California [Mr. KAHN] desires to use some time now.

Mr. KAHN. Mr. Chairman, I yield 30 minutes to the gentle-

man from Illinois [Mr. Mann].
Mr. MANN. Mr. Chairman, I was first elected to Congress in 1896. I came into the Fifty-fifth Congress at the special session which President McKinley called as a new Member of the House. There were then some difficulties in Cuba in which the people of the United States were taking a great interest. There was considerable agitation in the United States to have this country in some way intervene or interfere, or whatever it might be, to give Cuba its freedom.

Following the extra session of Congress in 1897, at which session there was more or less agitation on the subject, came the long session, which commenced in December, 1897, and there was, I think, as much excitement in the House in reference to the Cuban situation as I have ever seen in the House during my service on any great public question. When we first talked of war with Spain I laughed at the idea that there was any occasion for this country to get into a war with Spain. After the Maine was blown up the feeling in the country apparently became very strongly accentuated, and in course of time we reached the point where we passed a resolution in reference to Cuba, declaring that Cuba was of right free, and so forth, which later led to a declaration of war.

I venture to say that when these things were going on, when war was declared, there was not a single Member of the House who had any thought of the Philippine Islands. Oh, academically speaking, they may have known where the Philippine Islands were. Of course up in the Navy Department they were figuring upon what the Navy could do at any place in the world against Spain if we should have war, but no one here, I think, I

dreamed that the war with Spain would have any effect except merely to break Cuba free from Spain, and that that would be the end of it. I think the House at that time was quite determined that the United States should not take and retain possession of Cuba.

Well, I am not going to undertake to discuss what the effect of the War with Spain has been. Almost at the first jump out of the box we were in possession of Manila, and then of the Philippine Islands, and we were told, and have been told many times since, that our whole relationship to the world was modifled and materially changed, partly by our taking the Philippine Islands, but certainly as the result of the Spanish War. And I venture to say now that no nation which goes to war can possibly predict to itself what the eventual results will be, whether it is victor or vanquished in the war; that no one can figure out the possibilities, though we may figure out what may possibly happen. But we can not figure the limit.

I do not wish to detain the House very long. On August 18, 1914, just a few days after the war broke out, I made a very short and brief statement to the House, which I am going to read again. I think it was a pat statement then. I am not so sure that it is fully applicable row, though I believe it is worth

thinking about. I said:

It seems to me that in this country at this time it is extremely important that everyone in official life, as well as those in private life, should resolve firmly that they will not be carried away with any hysterical emotion or by any partisan feeling for or against either side in this conflict abroad. [Applause.]

I believe that this is an opportunity for America which seldom or never has come before to any nation in the world. The great powers abroad are in deadly conflict. I had hoped and believed even after the war commenced that it would not really commence; but it looks now as though there would be a desperate struggle for existence by these nations engaged in war. There will be many times when complications will arise affecting our interests and our policies.

When men are engaged in a life struggle they are not careful or too particular about the interests of outsiders or about observing the ordinary courtesies or amenities laid down in advance for the control of conflicts. When these occasions arise where we are tempted to become partisan for or against, where we are tempted in order to preserve what we may call our honor to engage in the conflict, let us make up our minds now to keep our minds firm in that determination that this country shall not become under any circumstances engaged in the war on either side.

[Applause.]

### [Applause.]

I believe the administration under President Wilson will be cool and calm. The danger will come when some American ship may be seized or some American interest may be affected, when people will become excited. It is the duty of all parties in this House and elsewhere, the duty of all good citizens, to stand behind the administration and make the administration feel that its duty to humanity, to civilization, and to the interests of the United States and her citizens is to keep out of the struggle.

[Applause.]

Now, we may be drawn into the struggle. If we are, whatever opinion we may have had in reference to the propriety of being drawn into the struggle will be merged in a universal opinion to stand for the country in what it determines to do. [Applause.] I want to call attention to this: Suppose we become engaged in the European war, and finally there are overtures for peace from one side or the other. If we are a party to the war, we have got to sit in at the final councils. We will have to help to determine the terms of peace, and at once, at one sweep, we will have abandoned the traditional and long-continued policy of the United States to remain supreme on the American Continent and to keep out of the complications of the European Continent. [Applause.] And when we engage in endeavoring to determine the boundary lines of the various nations of Europe, the terms upon which peace shall be made, the guaranties which will be exacted in reference to the small powers of Europe, we will have placed ourselves in a position where it becomes our duty to endeavor to regulate what Bulgaria or Greece or Servia or Holland or Belgium or Russia or the great or small powers, wherever they may be, shall do. And when we undertake to enter a policy which requires us to interfere in European affairs we can no longer ask or insist upon the traditional policy of the United States that European countries shall keep their hands out of American affairs. [Applause.]

Mr. DIES. Will the gentleman yield for a question?
Mr. MANN. Yes.
Mr. DIES. I would like to ask the gentleman from Illinois if some nation in Europe involved in this war should bid our peaceful commerce off the sea and declare that we should no longer conduct our commerce in obedience to the laws of nations, does he think we should refuse, in obedience to that request or

warning, to declare our rights to commerce?

Mr. MANN. What does the gentleman think?

Mr. DIES. If I make a speech and undertake to tell the American people what to do, I will tell them.

Mr. MANN. The gentleman is asking me a question in order to embarrass me. It is a question he can not answer now, and when he answers it I will answer it. [Applause.] I do not know what position I will take or what position Congress will be a support of the control of the con take when specific cases may arise; but I will say this for myself: I am determined to do everything within my power to keep our country out of the present European war. [Applause.]
Mr. DIES. Will the gentleman yield?

Mr. MANN. Mr. MANN. I do not yield to the gentleman from Texas. If it becomes necessary for the United States at any time to lick any foreign country, I am willing to join and help do it. [Applause.] I think we ought to keep out of this war if we can, and I am trusting, with hope and faith, that the President of the United States will do everything that he thinks can possibly be

done to keep us out of the war. [Applause.]

But I simply rose in the main to excite a little more the attention of the House toward the facts if we get into war. God only knows where it will land this country. I believe that so far as we can it is to our interest to remain the dominant force in the civilization of the American Continent and not to atthe civilization of the American Continent and not to attempt to think that we have the duty of regulating the Old World and its conduct. [Applause.] We do pretty well when we take care of ourselves well. We have a greater burden, which we have not yet very successfully carried, to help protect and take care of the Republics of Central and South America. When we have performed that job to the credit of ourselves and to the interest of those Republics and civilization I think it will be time interest of those Republics and civilization I think it will be time enough then for us to undertake to regulate the conduct and civilization of the older nations in Europe now engaged in an effort to destroy civilization. I regret it, but I hope we can keep out of it. [Loud applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 14 minutes.

Mr. KAHN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. Chago].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. CRAGO. Mr. Chairman and gentlemen of the House, I shall support the bill which is pending before the committee. I regard it not as a war measure but as a great peace measure. I think I am perfectly frank when I say that every member of the Committee on Military Affairs in working on this bill felt that he was working for something which would help keep these United States supreme on this continent, and that instead of appropriating for anything which could cause us any embarrassment with other nations, or draw us into complications with other nations, we were legislating for something which would in a measure, at least, prevent our being drawn into this great conflict which now wages in Europe.

My only regret is that we have not heretofore made such appropriations in our Army bill; that we had not long ago taken mp a more definite military policy. Like several of the members of the minority on that committee, I have reserved the right to vote for an increase of appropriations on certain portions of We do this without criticizing the motives of the majority in their conclusions as to the proper amounts to ap-I recognize that these men have worked out these appropriations as they have viewed the situation for the coming year. Some of us want increases here and there, but in a measure I think the bill should meet the expectations of those

who want a real military force in this country.

Mr. Chairman, speaking personally just for a moment, about one year ago I severed my connection with the organization of the National Guard of Pennsylvania, with which I had been connected for a period of more than 25 years. I did that with a twofold purpose. First, as the Committee on Military Affairs approached the question of legislating for a federalized National Guard, for pay for the members of the National Guard and the officers of the National Guard, I felt that as a member of the Committee on Military Affairs and as a Member of this House I had no business legislating for something in which I was personally interested. In the second place, I wanted to know and feel just how it was to look at the question of the federalized National Guard from an impersonal standpoint, with what little knowledge I had gained in military science through my short experience. I wanted to know if my opinions on this subject were unduly colored by my association with military organizawere unduly colored by my association with minitary organiza-tions; and since that time I believe I have been listening with-out any prejudice whatever to any argument, and reading on the subject wherever I could find intelligent information, trying to form in my own mind some idea of a proper military policy which would appeal to the people of this country and at the same time give us an effective force with which to maintain our Nation and our institutions.

Now, in this bill we have appropriated for the National Guard as it was federalized by the act of June 3, 1916, and I want to say here that you will find in these hearings that the National Guard which was called into the service of the United States on June 18, 1916, was not the National Guard which was contemplated or was expected to exist under the provisions of the act of June 3, 1916. In other words, the act of June 3 had not gone into effect, so far as the National Guard was concerned. Hence all these criticisms of the National Guard in that call for the border service are based on a wrong conception of what we had to call on when that call of June 18 was made.

Now, although I wish to reply to these criticisms, I also wish to try to distinguish between those criticisms which reflect upon the National Guard as a system and those which criticize the men and the officers and the organization of that federalized National Guard; and in doing this I want to be very slow to criticize what we designate as our Regular Army and the offi-cers of our Regular Army. I want to distinguish between the splendid service which they have rendered as citizens and as officers and the criticisms we may offer to particular branches of the service. I do not want to be understood as condemning our Army or our Army officers. I do believe, however, that this report which was put out by the Division of Militia Affairs, entitled "A report on the mobilization of the Organized Militia and National Guard," is not truly labeled, is not a proper report, and that from it false conclusions have been drawn.

Now, in the first place, this report makes no mention of any particular organization. They gathered facts and figures at random, and if those facts and figures were gathered under the same confusing conditions that existed when these men were being mustered into the service of the United States they are not worth the paper they are written on, because from my own personal knowledge I know that the officers of the Army—the departmental officers—were all at sea as to their respective duties and as to what was actually expected of them. The desks of all the adjutants general of the States were piled up with contradictory orders from Washington and from the different departments. This was not the fault of the National Guard or the fault of the National Guard or the fault of the National Guard or the fault of the National Guard will be a sea as to their respective duties and the sea as to their respective duties and their respective duties are respective duties. directly to the lack of a well-defined military system here at

the head of the Army.

Now, as to the first of these criticisms, the newspapers of the country naturally took from this report the conclusions which the Army officers did not make, but which their figures were intended to justify. One of these was the statement taken from the figures to be found in the hearings and the testimony of Maj. Gen. Scott, the Chief of Staff, on page 759 of the hear-

These figures would indicate that 60 per cent of those men who answered the call had no previous military training.

Eminent men and newspapers in this country have scattered this statement abroad as a condemnation of the National Guard. A former Secretary of War pointed this out as one of the damning features of the National Guard a few days ago here in Washington, when, as a matter of fact, the company organiza-tions on the 18th day of June, when the National Guard was called into the service of the United States, were supposed to consist of 65 men to a company, being the peace strength.

The company commanders were directed to recruit these companies up to a war strength of 150 men; and then, strange as it may seem, after they had increased their strength from outside their ranks almost 140 per cent, it was said to be a condemnation of the system under which they work if even 60 per cent of the men who answered the call to arms were found not to have had previous military training. Such arguments as these are childish. They only show the animus back

of such an argument.

Another thing was in the matter of the qualifications as to marksmanship.

Mr. HARDY. Will the gentleman yield for a question right along that line?

Mr. ORAGO. Yes.
Mr. HARDY. The gentleman says they were ordered to recruit their companies up to 150 men each.

Mr. CRAGO. Yes. Mr. HARDY. If t

Mr. HARDY. If they did that, and then only 60 per cent were found to have had previous military training, the gentleman's argument would be accurate.

Mr. CRAGO. Yes.
Mr. HARDY. I sympathize with the gentleman in his position, but what I want to know as a matter of fact is to what extent did they recruit the companies?

Mr. CRAGO. From my knowledge of the facts it ran from 85 men, which was a very low mark for any company, and that was often in the cases of companies where they had only 45 or 50 men when the recruiting was begun, up to 150 men, the maximum, and some companies recruited beyond that and turned their recruits over to other companies. I should say a fair average probably would be from 100 to 125 men, more than enough to account for the percentage which they gave.

Mr. GREENE of Vermont. Is it not also true that at the same time the Regular Army units were on the border with great numbers of recruits themselves, men who had seen no

previous military experience and had no military training?

Mr. CRAGO. That is true.

Mr. GREENE of Vermont. And they came in under the resolution providing for an increase of 20,000 men in the Regular Army and subsequently under the first increment under the national-defense act?

Mr. CRAGO. Yes.

Mr. ANTHONY. And is it not also true that many of the companies of the Regular Army were below their war strength? Mr. CRAGO. Absolutely; and they could not get recruits. The National Guard did get recruits over night. They furnished this Government with almost 140,000 enlisted men, with trained officers to handle them. When the Government could not turn in any other direction, and was absolutely helpless for recruits for the Regular Army, the National Guard furnished the men who were needed. We are told that some of the Regu-lar Army organizations which went to the border and some which went to Vera Cruz had as low as 20 men to the company. I know this is true, that so many officers had been detailed on special duty here in Washington and elsewhere that company after company of the regular units were commanded by second lieutenants, lieutenants of the National Guard, and in some cases noncommissioned officers, not a single commissioned officer being present with his company, because these officers were doing work which could have been done by some clerk at a very small salary. In fact, much clerical work has been done by men holding the rank of captains and majors which should have been done by clerks. I can give you one illustration. They had a garage located near the Pennsylvania division, under the control of the Army, and they had a captain and a first lieutenant to run that garage. You know that no business concern and no business man would advocate a proposition of that kind. A sergeant or a private who was acquainted with that business could have conducted the affairs of that office as well as those men did, and perhaps better. Yet here were men of that high rank taken away from the real service of the Army to do this clerical work which could have been done as well by less expensive and less needed men.

But I was about to speak of the marksmanship of the National Guard, which was complained of. After this increase in the number of the guard by recruiting it was discovered that only 37 per cent of them had been qualified as marksmen. Now, for years the organization with which I have been associated made this ironclad rule that a man could not retain his place in that organization if he did not every year go out on the rifle range and qualify at least as a marksman if not as a sharp-shooter or an expert. That applied to every officer and enlisted

Now, as to the confusion in the muster and many of the things which happened there I do not care to go into detail. I do know this, that much of the confusion was caused by the I do know this, that much of the contusion was caused by the lack of coordination of the different departments of the War Department. Men were working seemingly at cross purposes. One case on the border with which I am familiar was where they were building an unloading depot. The railroad was on a pretty good grade and below that was the ground where the goods would have to be moved from the cars. Some one conceived the notion that if they would build the unloading sta-tion on a level with the car doors, the goods could be shoved right off the cars, and that would place them about the proper height to load them aboard the wagons, when they were to be transported to their destination and distributed among Then it was discovered that there was an ironclad regulation which must be adhered to that every unloading depot must be constructed with its floor on the ground and made of concrete. And what did they do? They made a concrete foundation on the ground where everything had to be unloaded down onto it with a great deal of trouble and expense, and then loaded up onto the wagons again instead of doing the sensible thing, which could have been done had there been more elasticity and more good judgment used in making these regulations. In other cases the supplies were stored in places within half a mile of the border, and a whole division depended for its supply of rations and commissary stores kept in a place which was within sight of the enemy, had there

been any enemy.

Now, I think a great mistake has been made in minimizing the experience of these men on the border. The fact that the newspapers of this country have condemned this service has taken a great deal of the pride out of these men who so willingly and so patriotically offered their services when the President thought they were needed. Only the other night, I was glad to hear Maj. Gen. Scott say, the purpose of mobilizing the guard on the border had been accomplished, that prior to that time they were hearing continually of the invasion of our border by the Mexicans, but that since the guard had gone down there he had never heard anything of that kind. The Mexicans thought the only Army we could possibly muster was our small Regular force, and when within a few days' time these volunteer organizations were sent down there it put an

entirely different aspect on affairs.

From the report of William A. Mann, brigadier general, General Staff, Chief of Militia Bureau, dated December 19,

1916. I take the following:

Number of members of National Guard transported to the border to date.

Strength of National Guard troops in the service of the United States July 31, 1916, on border.

In State mobilization camps.

151, 096

This is the condition just 13 days after the call was made. Concerning this mobilization Gen. Mann speaks as follows:

The mobilization of the National Guard and its dispatch to the border was a great accomplishment, involving a multitude of details and the cooperation of numerous officers, agents and officials, who gave to the task their best efforts. Whatever mistakes were made were those of judgment and not of purpose. Undoubtedly the immediate purpose of the call was attained. It may not be too much to say that the knowledge and experience gained from the mobilization are incidental advantages worth the cost.

Mr. CALDWELL. I hope the gentleman will not forget to comment on the charge that the supplies were improperly used. Mr. CRAGO. I think that is treated of in the hearings to such an extent that I need not allude to it. It was only a matter of misadministration.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. SHALLENBERGER. I gather from the gentleman's remarks that his opinion is that the main trouble with the mobilization was inefficiency on the part of the War Department, whose duty it was to conduct the mobilization, rather than upon part of the men who were serving their country?

Mr. CRAGO. Absolutely; and I think the War Department will admit it. In regard to the matter of clothing and food for the National Guard, this was a duty to be performed by the Government. When the men of these organizations had to stand around, in view of the public, with no clothing except their torn and tattered civilians clothes, it was not a criticism of the National Guard, it was a criticism of the War Department, which had the matter in charge. Some of the men of these organizations were not yet properly equipped when they came home after four or five months' service.

Mr. HARDY. If I understand the gentleman right, that was a criticism of the Army itself, who under the War Department,

Mr. CRAGO. I think it would be.
Mr. CRAGO. Yes.
Mr. CRAGO. Yes.
Mr. MANN. Is that wholly a criticism of the Army, or possibly in part a criticism that we ought to take to ourselves, in not having provided the means by which the Army would have these things?

Mr. CRAGO. I will say that I tried to make a suggestion that I was not condemning the individual officers of the Army at this time, and that criticism might apply to former years, but I do not think it did apply to the circumstances as they existed in 1916, because there was no question then about appropriations being available, and in an event of that kind they should have done as they did in many other instances, gone right ahead, secured the supplies, and trusted to a deficiency appropriation.

Mr. MANN. Would it not have been wiser if we had given . the money in advance? I am willing to take my share of the

Mr. KAHN. When the emergency arose in Mexico Congress

gave the department every dollar it asked for.

Mr. MANN. When it arose, but not before it arose.

Mr. CRAGO. That was too late to provide and furnish clothing.

Mr. SHALLENBERGER. Will the gentleman yield? Mr. CRAGO. Yes.

Mr. SHALLENBERGER. Is it not a matter of record, before the Mexican situation arose the Quartermaster General came before our committee and testified that they had 350,000 reserve equipments for the Army, and when the trouble came the present officers in command say that they did not have them, but the committee before that was informed that they did

Mr. CRAGO. I believe the gentleman is correct. Mr. DENT. If the gentleman will yield, as I recollect the testimony from year to year, the Quartermaster General stated that they had a reserve supply sufficient to equip half a million men.

Mr. KAHN. Yes; Gen. Aleshire made that statement to the

committee.

Mr. CRAGO. Now, there is a provision of law that the extra equipment to provide uniforms, and so forth, for the National Guard shall be at a central point for instant distribution. For Pennsylvania it was at Philadelphia.

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. KAHN. I yield to the gentleman two minutes more. Mr. CRAGO. The information came to us that instead of the material being available in Pennsylvania, while the boys were at Mount Gretna going around with civilian clothes on, and without any semblance of blankets or uniforms necessary to equip them, it was found that some one had ordered the equipment removed from Philadelphia to the training camp at Platts-We have not yet found out by whose authority they were

removed, but I have my own notion about it.

Now, I would like, if I had time, to take up in a brief way some suggestions for further improvements in our military system. am not entirely satisfied that the federalized National Guard is the best solution of our military policy. Do not understand me as saying so. I believe we will have to study the question, but above all, gentlemen, we must have some system of training which will furnish us with men, which will be acceptable to the people. Instead of meeting and resolving and sitting down to people. Instead of meeting and resolving and sitting down to great dinners and discussing the problem, if we will take the trouble to go before the people with some plan which we can back up we can convince the people that some better system is necessary. If we go to the people of this country with a well-digested plan, a democratic plan, by which we may have men and organizations in an emergency, I have faith enough in the people of the country to believe that they will indorse and back it to the limit. [Applause ] To show how have need a men are init to the limit. [Applause.] To show how bus ness men are interested in this subject I wish to insert in the Record as a part of my remarks the resolutions adopted by the Chamber of Commerce of the United States.

## NATIONAL DEFENSE.

WASHINGTON, D. C., February 2, 1917.

Resolutions of Chamber of Commerce of the United States. Resolutions of Chamber of Commerce of the United States.

Whereas, by due action of the Congress and the Senate of the United States, there has been provided legislation for the purpose of insuring military and naval defense for the national security and welfare; and Whereas such appropriations have been made from the public moneys as are necessary to the practical consummation of these definite legislative plans for the national defense; and Whereas this chamber views with the greatest interest the results which, under the necessities of the condition of modern war, are being achieved in foreign countries through a shattering of century-old precedents and the creation of new and closer relations of cooperative action between governments, governmental departments, and all lines of private industry and service; and Whereas this chamber can not but give the most serious attention to this trend of events in foreign countries, and view with great concern the commercial as well as the military and naval assets of the future; and

Whereas at the last annual meeting of the Chamber of Commerce of the United States certain specific recommendations bearing upon this subject were respectfully submitted to the President by this body: Now therefore be it

Resolved, That this chamber tender to the President of the United States and to the legislative bodies its deep appreciation of the progress which has been made during the past year in the consummation of vital plans for the adequate defense of this country against invasion. And be it further

Resolved—
First. That this chamber, realizing the absolute necessity of a greatly increased and more practically effective cooperation between our governmental departments and civilian activities and capacities in every line, respectfully urges the active and continuous prosecution of those plans already authorized by law for the attainment of these objects.

Second. That the chamber urges the importance of the following store:

Second. That the chamber urges the importance of the following steps:

(a) Development of a definite national plan by the Council of National Defense and action in conformity with this plan by the director of the council.

(b) In order to obtain practical results, it is essential that the rank and standing of the director be on an equality with that of the Chief of Staff of the Army and Chief of Operations of the Navy.

(c) Emphasize the desirability of continuity of service of the director and personnel of his staff.

(d) Provisions that the council, in accordance with the responsibilities of the creating act, shall immediately develop the machinery through which to bring to the aid of the Government the organized

taient and active and potential energies of the Nation "for the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation."

(e) For the maintenance of the public interest and the insurance of the needed civilian cooperation, giving the widest possible publicity to the work and plans of the council.

Third. That the Chamber of Commerce of the United States reaffirms the principle laid down by referendum No. 15 that the basis of supply of Government requirements in war and peace from private sources shall be at a rate of profit so low as to preclude a profit interest in war. Fourth. That the chamber pledge the unqualified support of the business interests represented within its membership to the Council of National Defense and to the active consummation of its plans.

Fifth, That the Chamber of Commerce of the United States reaffirms its hearty support of the principle of universal military training as laid down in proposal No. 7 of referendum No. 15, and your committee deigns to hope that the Nation generally will be brought to realize that no principle is more in accord with a republican form of government, no doctrine more truly democratic than that which asserts that every able-bodied male citizen owes military service to his country. "The origin of every right is in a duty fulfilled."

I believe all our people will admit there is necessity for some military service. We also admit that our Regular Army can not be maintained at a sufficient strength to carry on even a defensive war. The question then is, Shall we, as a great and powerful Nation, in case of any emergency, send our young men into the service to be slaughtered because of their ignorance of military science, or shall we have our citizens so trained and equipped before trouble does come that they may be able to meet an enemy without a handicap or lack of training, equipment, and experience?

I wish every American citizen would take this subject under consideration without passion and without prejudice. If every citizen would read that splendid book entitled "The American Army," by Maj. Gen. Carter, I believe he would see this question in a new light.

I take the following quotation from this book:

No great nation has ever yet been able to establish and maintain a permanent form of government without an armed power to sustain it. Nations unable or unwilling to defend their rights are accorded scant respect. Helpiess peoples rankling with injustice may hold rebellious hearts, but the price of liberty still remains in strong battalions. Treatles are useless without the power available to enforce them. Notwithstanding all the safeguards that a higher civilization may provide, there will continue to come into the life of nations questions which will arouse so deeply the spirit of patriotism and the resentment of a whole people that those who continue the appeal for peace will be east out as traitors, and those who lead armies and fleets to victory will be heralded as heroes and their deeds commemorated in bronze and marble.

The American Army is, and of a right should be, maintained for the preservation of law and order within our own borders and to prevent aggression wherever floats the flag which in a world-wide journey has not lost its benediction. It is an imperative duty that our military resources shall be organized and nationalized, and that the doctrine of peace at any price shall not be permitted to confuse or retard the execution of that policy.

The greatest thing in life is service: to have served one's

The greatest thing in life is service; to have served one's country is the highest service. Amid all the foolish arguments of misguided and misinformed persons who think they are preaching peace, but who in reality are teaching anarchy, let us stand for our Nation's safety. Do not let teachers of low maxims of prudence and love of ease, masquerading as lovers of peace, prevail on us to keep our arm feeble. It was not so that Washington survived Valley Forge, or Lincoln won through to Appomattox.

Mr. KAHN. Mr. Chairman, I yield fifteen minutes to the gentleman from Connecticut [Mr. Trison].

Mr. TILSON. Mr. Chairman, it is said of old Cato that as he stood in his place from day to day addressing the Roman Senate he always concluded his speech with the familiar expression, as translated by us, "Carthage must be destroyed."

Cato was undoubtedly a patriot, and perhaps in regard to this particular hobby something of a nuisance. He saw what seemed to him the greatest menace to the safety of Rome and persistently thundered against it. Being, as I believe, a patriot, and desiring above all things else the safety and welfare of my country, I am going to take the risk of being also a nuisance if I may thereby impress one point which to my mind is not only important but absolutely essential in any adequate scheme of pre-

paredness for national defense.

The greatest danger that old Cato saw was the rising power of the rival city of Carthage. In a world where might made right, if Carthage became the more powerful city, then Rome must suffer accordingly. No danger of that sort confronts us, but I do see a real danger that has not received the attention it should receive; in fact, is not generally realized by the people of this country. I refer to our shortage of arms and ammunition and the difficulty of securing them in sufficient quantities in case we should be called upon to face a great emergency. I not only point out the danger, which should be patent to every well-informed person, but I also point the way to an adequate and comparatively inexpensive remedy.

I have here to-day a number of articles, simply as illustrations of the subject matter of my remarks. In addition to the rifle, shrapnel, and time fuses, I have also a number of sample limit I am not going to explain the use of all of them, but gauges. simply give a general idea of the necessity for the appliances of which these are examples. You will note that one of these gauges is a large, yet delicate, complicated, and expensive affair. All of them and a hundred times as many would be necessary to turn out time fuses in quantities.

For more than a year I have urged the vital importance of this subject. Just about a year ago I stood on this floor and made the first speech on this subject in this House. I have made two or three more on the same subject since that time, and I promise you that until we have made further progress than we have thus far made in that direction I shall continue from time to time to make other speeches along the same line as I may believe they will be of service. In the national de-fense act of June 3, 1916, there was embodied an amendment introduced by me which authorized the procurement of gauges, dies, jigs, and other special appliances necessary in the manufacture of arms and anumunition. In the Army appropriation bill that followed, approved August 29, 1916, there was an appropriation of \$450,000, as I recall, to purchase these appliances for the manufacture of small arms for the entire Army and of artillery ammunition for the National Guard. The fortification bill carried a million dollars for the same purpose to provide artillery ammunition for the Regular Establishment. Some progress has been made in the expenditure of these appropriations, but the difficulties are considerable and progress respondingly slow.

The question of possible war at the present time is a grave one. Let us squarely face the situation that would confront us in case such an awful calamity should befall this country. What would be our greatest need if war came to-morrow of such magnitude as to require an army of only 2,000,000 men? This would be less than one-tenth of our young manhood of military age, so that there should be comparatively little difficulty in securing this number. Having enrolled them, what should we do with them? With what weapons would they fight? No; if we were required to meet such an emergency, it would be not men, although that would be a need, but the greatest need of all and the most difficult to meet would be an adequate supply of arms like this I have here [United States service rifle] and of ammunition like that which you see on this table [artillery ammunition]. Those would be our two most serious needs. We are not prepared to manufacture either in large quantities.

We are not prepared to manufacture in sufficient quantities this service rifle which it would be necessary to place in the hands of every infantryman and cavalryman. We now have less than 800,000 of them all told. If we had an army of 800,000 men armed with this rifle we are not prepared to manufacture enough to supply the wastage alone. In other words, if we had 800,000 riflemen in active service, and should run our Government factories at full capacity, we should not be able to more than take care of the wastage unless we made further provisions for increasing the output.

What time would it take to get ready to manufacture rifles? We have a number of factories in this country, a very large number, that have modern machinery capable of being adapted to the manufacture of rifles. A number of them are to-day manufacturing rifles for use in foreign countries, but they are not prepared to manufacture our rifle, and it would take a considerable length of time to procure the necessary tools, special appliances, and inspection devices to produce our rifle. I have authority here in my hands for the statement that it would require at least 18 months to prepare even the factories that are to-day manufacturing rifles for foreign use to manufacture in large quantities our own rifle.

I wish to submit a number of statements from the report made by a board appointed under section 121 of the national-de-fense act on the subject of "Government manufacture of arms, ammunition, and equipment." The statements are in regard to The board finds that the rifle is the most difficult arm to secure.

The investigations of the board warrant the conclusion that the procurement of rifles presents greater difficulties than that of any other class of munitions. The large number of operations required, the accuracy demanded for the functioning of the parts, and the exceptional quality of steel that must be procured for barrels, the equipment of a plant, and the procurement of labor and supplies subject the manufacture of this arm to delays that might well be fatal.

Great Britain found the same thing. Here is what the Right Hon. Edwin Montagu, M. P., minister of munitions, said in a recent speech on the subject:

Rifles are more difficult to increase than any other munition of war.

\* I understand rifles have always been the chief factor lim-

iting the number of men who can be put in the field, and the best evidence therefore of the progress of rifle output is the size of the army that we are now able to arm and maintain overseas."

The report of the board referred to states the fact that-

The Springfield rifle has more than a hundred parts and it requires more than fourteen hundred distinct factory operations to produce the finished piece.

Fourteen hundred factory operations mean that there are required a like number of gauges to determine the accuracy of the parts produced by these fourteen hundred different operations. These, by the way, are gauges of the same general character and purpose as those here exhibited. A large number are required and absolutely essential not only to insure accuracy but also to facilitate manufacture. These devices themselves are difficult of manufacture and require a long time to produce. The board continues:

The experience of our most highly organized and best equipped plants in carrying out European orders for military rifies is a losson that our own Government should take to heart. The board can only speak of the results of its observations and of the frank statements of the officers of these plants in general terms. So speaking, it may be said that the lack of correct specifications and drawings followed by the lack of correct gauges, ligs, special fixtures, and tools not merely caused delay in arriving at a satisfactory output, but caused a large wastage of time and labor upon unsatisfactory products. The plants that are now turning out foreign rifies after two years of hard work have not yet reached their expected capacities. To turn these private plants from the manufacture of European rifies to the manufacture of the Springfield rifie would, if undertaken to-day, require not less than 18 months to get first results and at least 2 years to get capacity output. This is not my unsupported statement, but the report of a

This is not my unsupported statement, but the report of a board composed of Army officers and two civilians appointed by the President, who have gone into the subject thoroughly. The report of this board is quite recent, but is in entire accord with what I have been advocating before this House and the country for more than a year. The board says further:

There are now five plants manufacturing military rifles in this country but none of them is equipped to manufacture the Springfield rifle, and it would require a complete new set of gauges, jigs, fixtures, and tools to enable any of them to do so.

The British minister of munitions finds that the size of the army that can be put in the field is limited chiefly by the number of rifles available. It was doubtless so with Great Britain. We know that after the first expeditionary force was sent to Flanders Great Britain went ahead raising a larger army, but was unable to supply the men with rifles.

Mr. SLOAN. The gentleman speaks of factories being able to make other kinds of rifles than the Springfield rifle. Are these other rifles they are engaged in making as efficient weapons as the Springfield?

Mr. TILSON. In my judgment they are not as good. The Springfield is the best rifle made. I do not think there is any question about that. Its muzzle velocity is higher. It is a question about that. Its muzzle velocity is algher. It is a better rifle all the way through, but, in addition to that, it is absolutely necessary that there te interchangeability of ammunition and interchangeability of parts in the rifle. If we were called upon to go into war now, it might be the wisest thing for us to do to scrap our 800,000 of the best rifles in the world and turn to the use of rifles not so good, because a considerable number of plants are prepared to manufacture those rifles and are not prepared to manufacture our own,
Mr. SHALLENBERGER. And our ammunition would not

fit those others?

Mr. TILSON. Oh, no. Understand that no ammunition that is made will fit the Springfield rifle except the ammunition specially made for it in this country.

Mr. SHALLENBERGER. And our reserve supply is of that class of ammunition?

Mr. TILSON. Yes.

Mr. QUIN. What is the make of that rifle you have in your

Mr. TILSON. This is the Springfield rifle; our own service rifle. I was about to say that we should learn the lesson of Great Britain in this matter, because I think it is impor-

Mr. HARDY. Could we not use the other guns while we were preparing to make the parts of the guns that we have?
Mr. TILSON. That might be the wiser way to do it, because we are prepared to make foreign ammunition and foreign rifles, and we are not now prepared to make our own in any

large quantities.
Mr. HARDY. How did we get these 800,000 rifles if we did

not make them ourselves? Mr. TILSON. We made them at about the rate of 200,000 or less a year, usually much less, but the lowest estimate of the annual wastage of rifles in the field is 40 per cent, and 100 The percentage of wastage has per cent is nearer correct. run as high as 150 per cent in some of the armies of Europe. If we suffered a wastage of 50 per cent, we could not increase

at all, but should go downhill if we had to depend upon our

own Government manufacture.

Mr. HARDY. Then a great many of our rifles are 4 and 5 and 6 and 7 and 8 years old?

Mr. TILSON. Yes.

Mr. HARDY. And there has been no improvement in the rifle since that time?

Mr. TILSON. In my judgment, there has been no improvement beyond this rifle. I think that is a safe statement.
Mr. HULL of Iowa. Will the gentleman yield?

Mr. TILSON. For a question. Mr. HULL of Iowa. Is not the gentleman mistaken in saying that we are manufacturing them to-day at the rate of 200,000 and that that is the capacity? Is it not true that if they were running on double shifts they would be able to make 400.0003

I did not mean to say that we are actually turning out 200,000 rifles a year, but at the maximum capacity I think the limit is something like 400,000 a year. Even that does not change the situation at all. However, our present output is very much below capacity.

Mr. HARDY. But it would prevent the scrapping of any of the arms we have. That would be sufficient to keep them in

repair.

Mr. TILSON. Yes; we could take care of the rifles we have. Mr. MILLER of Pennsylvania. You would not use two sets of rifles in one brigade?

Mr. TILSON. It would be unsatisfactory and dangerous to

attempt it.

Now, I desire to speak a little further of Great Britain's experience in regard to the expeditionary force, for it carries a lesson for us. As you know there was some diffi-culty—we do not know how much—in raising an army by the volunteer system in Great Britain. They finally succeeded in raising something like 3,000,000 men before the other system was adopted. I am not going into the question of the efficacy of the volunteer system at all, but at any rate they raised at least 3,000,000 men, only to find that there were not rifles enough to place in their hands. We have the statements of different officials of the Government to the effect that they were not able for more than a year to put rifles in the hands of 1 man out of every 10 that they could enlist. They came to this country seeking rifles. They came first to the large rifle manufacturing establishments in this country, offering all sorts of inducements for early deliveries. Time was the most essential elements of the effect that they could enlist. tial element of the contracts which they entered into. Our people, many of them not accustomed to the production of rifles on a large scale, made mistakes and accepted contracts which they could not carry out, because they were not equipped with the necessary appliances of which I am speaking. Some of the difficulties encountered are referred to in a statement made by a capable and experienced mechanical engineer, as follows:

The gauges first designed were generally inadequate; the tolerances and clearances allowed were not the best possible to insure economical assembling of the parts, with the result that a great many rejections were inevitable during the first months after production was attempted.

More important, however, was the fact that the capacity of the tool-makers in this country was less than one-tenth that required to produce the necessary gauges with sufficient accuracy, even if they had been correctly designed. The result was months of delay.

In short, manufacturers did not have these necessary things and it required time to make them, so that it took them a year and a half before the rifles were being delivered in quantities.

It is the same story in regard to artillery ammunition. Before the present war began, no one, unless it was the Germans, had any conception of the amount of artillery ammunition that would be required for a great war. At Verdun the French alone in one day, of which we have reliable information, used 800,000 shells, which is more than our present entire reserve

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Could the gentleman yield me as much as five minutes additional?

I yield the gentleman five minutes more. Mr. McKENZIE.

Mr. TILSON. It is absolutely essential in order to make an attack in a modern war that the attacking party have an overwhelming amount of both shrapnel and high explosives. It is necessary that it be manufactured rapidly and in very large quantities, which is impossible without a large array of limit gauges and other special appliances. This does not look to be a very complicated affair [illustrating with a shrapnel shell], but it really is quite a complicated machine. This part alone, the time fuse that I hold in my hand—it is our common 21-seconds combination time fuse—requires 235 different gauges like this and this [illustrating], and various other special tools like these, to make it. To procure gauges alone to turn out 1,000 fuses a

day would cost approximately \$100,000; but time fuses can not be made at all accurately or in large quantities without them. is imperative that the time fuse explode the shell at the right moment. All of its parts must be constructed with the utmost precision, requiring them to be inspected to a fine degree of accuracy, and they can not be inspected without the devices of which I am speaking.

In this bill we are saying to the War Department, "Go ahead with the purchase and manufacture of the essential appliances required in mass production of the most vital necessi-ties of modern warfare," which are small arms and ammunition and shells, both shrapnel and high explosive, for the Artillery. I asked the Chief of Ordnance in regard to the progress he is making in this direction. He admitted that he is progressing rather slowly under the appropriations made last year, owing to numerous difficulties. He added, however, that each gauge or other necessary special appliance accumulated he regarded as one more obstacle passed and out of the way.

Mr. BORLAND. Mr. Chairman, may I interrupt the gentle-

man? I do not want to take up his time—
Mr. TILSON. Just for a question.
Mr. BORLAND. Does the gentleman believe we ought to

abandon the giving of contracts to private manufacturer:?

Mr. TILSON. I do not.

Mr. BORLAND. And hold ourselves wholly to Government

manufacture?

Mr. TILSON. Quite the contrary. Not that we should wholly abandon Government manufacture, which would be a great mistake; but in case of a great war, Government manufacture at best would be altogether inadequate, and it would be necessary to call upon all the private manufacturers of the country. That is just the point of my contention. The country is filled with manufacturing plants having an abundance of up-to-date machinery capable of being readily adjusted to the manufacture of arms, ammunition, and parts thereof. All that is lacking are the specially designed gauges, jigs, dies, and fix-tures. With these necessary articles ready in advance, it is only a matter of a few days to transform an industrial plant into a munitions factory. It has been done in Great Britain, so that there are 4,000 plants formerly engaged in a wide variety of peaceful industries now making munitions of war. The articles in question are useful only in the manufacture of war materials. Consequently no private plant had them. The Government did not have them. In the stress of war two years were consumed in precuring them. Manufacture of the consequence of th consumed in procuring them. Meanwhile the production of the most vital necessities for carrying on war was delayed. My plea is that we should take this lesson to heart and profit by it. Let us procure these essentials in time of peace, hoping all the while that peace may be vouchsafed to us forever, but at the same time be prepared to meet effectively any untoward emergency.

It is easy to foretell just what would happen in case of war. With a great rush and without much consideration Congress would place at the disposal of the President a great many millions of dollars. Representatives of the executive departments would soon be hurrying in hot haste to and fro, up and down the country seeking, reckless of cost, the very things I am now urging that they procure at reasonable expense in advance. it wise, is it safe, to wait till a crisis is upon us before taking

such a reasonable precaution to meet it?

Mr. SHALLENBERGER. I wish the gentleman to be sure of its getting into the RECORD that due to his efforts an appropriation of \$200,000 was made in the last bill. Now, will the gentleman tell the committee whether or not any of it has been

used for this very important purpose?

Mr. TILSON. There was \$450,000—I beg the gentleman's pardon—one item of \$250,000 and one of \$200,000. They have used a part of it, but they have encountered some difficulties, as

I have stated, and must encounter them, whether in peace or war. My idea is that we can better afford to meet and overcome

such difficulties in time of peace.

Mr. McKELLAR. Will the gentleman yield?

Mr. TILSON. For a question.

Mr. McKELLAR. I just wanted to ask the gentleman if he is not mistaken about any of it being used. They have not used any of it, according to the latest reports, for these jigs, dies, and gauges.

Mr. TILSON. I understand that they are proceeding with the preparation of the designs and making a study of the re-quirements of the situation. The estimates and the testimony before the Committee on Military Affairs indicate that they will be able during the next two years to use the \$400,000 asked for in this bill. I wish to say in behalf of the entire member-ship of the committee that they have given gladly every cent the department has said it could use.

Mr. McKELLAR. And I want to say to the gentleman that I am in thorough accord with him on that subject, and I think the whole committee is.

Mr. KELLEY. Is the capacity of the munition plants of the country very great for making English rifles?

Mr. TILSON. It is considerable. Mr. KELLEY. A good many thousand every day?

Mr. TILSON. Yes, sir.
Mr. KELLEY. Would it take long to fit up these factories

with the machinery you speak of?

Mr. TILSON. The report of the board to which I have referred says 18 months. They would have to make all these things new. Our ammunition would not fit their rifles or their cannon. We have different calibers from theirs. Everything is different. They would have to begin almost new. There is this very great gain, however, in the fact that we should know where the machinery is that would make good rifles and shrapnel. I know that some of it is out in the gentleman's State, for I have seen it working out there turning out shells for a foreign belligerent. My aim and hope is to see our own country pre-pared to utilize on short notice our great industrial resources for our own national defense. [Applause.]

The CHAIRMAN. The time of the gentleman from Connec-

ticut has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that I may extend and revise to some extent my remarks, as I have not been able to put into my remarks all that I would like to

The CHAIRMAN (Mr. CANDLER of Mississippi). The gentleman from Connecticut asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After The Chair hears none. a pause.T

Mr. GARDNER, Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD, which I made on

this bill vesterday.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD, made on the bill yesterday. Is there objection? [After a pause.] The Chair hears none,

Mr. DENT. Mr. Chairman, I yield to the gentleman from

Indiana [Mr. Morrison].

Mr. MORRISON. Mr. Chairman, I ask unanimous consent to

extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana [Mr. Morrison] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. Chairman, I yield 20 minutes to the gentle-

man from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, on yesterday the gentleman from Massachusetts [Mr. Gardner] made a reference to Mr. Bryan and his action in the face of the conditions that confront the country now, and I endeavored to interrupt him to ask him a question, but he declined to yield. Later I asked two minutes in which to address the House on the same question and again that opportunity was denied me. So I take the opportunity now before I begin my address upon the bill before the committee to ask again the gentleman from Massachusetts, who I see is here, whether or not he voted for the Navy appropriation bill which lately passed the House?

Mr. GARDNER. No. I was in New York, and I telephoned over to Mr. Roberts of Massachusetts, or made inquiries through the telephone clerk, of Mr. Roberts, and he said he had a great quantity of votes and it was absolutely unnecessary for me to come over. Whereupon I asked to be paired in its favor. I

asked them to get me a general pair, which they did.

Mr. SHALLENBERGER. I will call attention to the fact that the gentleman from Illinois [Mr. Mann] introduced an amendment to that bill, as follows:

On page 60, after line 23, insert: "It is hereby reaffirmed to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided."

I would like to ask the gentleman from Massachusetts if he agrees to that amendment?

Mr. GARDNER. I will say to the gentleman that I should have raised a point of order against that, and it would have gone out. It is absolutely and historically untrue. We never had such a policy

Mr. MANN. Is the gentleman aware that that was inserted without controversy?

Mr. GARDNER. Absolutely without controversy, because people did not know what was being said.

Mr. STAFFORD. I want to call the gentleman's attention-

Mr. GARDNER. It is absolutely of no consequence, anyway. Mr. STAFFORD. The gentleman may think it is of no conse-

Mr. MANN. It was inserted in the naval bill of last year. Mr. SHALLENBERGER. I was in the House when it was adopted without a dissenting vote, and there was no objection.

Mr. GARDNER. And we have never used arbitration in order to prevent war.

Mr. MANN. Will the gentleman yield the floor long enough-Mr. GARDNER. That is for the gentleman from Nebraska [Mr. Shallenberger] to say.

Mr. SHALLENBERGER. I yield to the gentleman from

Illinois [Mr. MANN].

Mr. MANN. The gentleman knows that the same thing was inserted in the naval bill last year, the current law, without any opposition from anybody at that time.

Mr. SHALLENBERGER. I am aware of that fact, and therefore I wanted to be sure that the gentleman from Massachusetts opposes that amendment. Mr. Bryan has devoted his whole life to the thing at issue right now in this dispute—to the sentiment and idea contained in the Mann amendment.

Mr. GARDNER. The issue with the President, who is not advocating mediation and arbitration. Is that what you meant?

Mr. SHALLENBERGER. That is not what I meant, and that is not the question at issue here. I would like to say that those of us who know Mr. Bryan in Nebraska know that one of the chief reasons that induced him to take a position in the Cabinet, and he has stated it often, was the hope that he might have the honor of bringing about arbitration treaties between this Nation and the rest of the world. The charge of the gentleman from Massachusetts in his speech on yesterday was that Mr. Bryan was "trying to tear the Nation asunder." has stated both publicly and privately that he considered it as perhaps the greatest honor ever permitted to him in his life when he was permitted to prepare and negotiate 30 arbitration treaties whereby we would be enabled to settle international disputes in accordance with the precepts of this particular amendment rather than on the battle field.

Mr. GARDNER. Mr. Chairman, will the gentleman yield

there?

Mr. SHALLENBERGER. Yes. Mr. GARDNER. Was Mr. Bryan able to make one of those treaties with Germany?

Mr. SHALLENBERGER. He was not,

Now, I want to call the attention of the House to the fact that if the gentleman from Massachusetts disagrees with this amendment, he is in disagreement with this House and in disagreement with his own party, as shown by the roll call on that bill. The naval bill is the most important national-defense measure passed in the American Congress; and the gentleman from Massachusetts, the most ardent advocate, and I will say an able one, of a policy of preparedness on the part of the Nation, was here to do his duty when the bill was voted upon. House by a vote of 340 to 22 passed the bill. The arbitration amendment was in the bill and that is the thing that Mr. Bryan has stood for during all these years.

Mr. GARDNER. Does the gentleman think the House is 340 to 22 against the proposition of the President on this question

of submarine warfare?

Mr. SHALLENBERGER. I know the House is with the President, but I also know that arbitration is the policy this House voted for.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SHALLENGERGER. Yes.

Mr. MADDEN. Does the gentleman believe with the Washington Times that this amendment was inserted in the bill surreptitiously?

Mr. SHALLENBERGER. No. On the contrary, I believe that this amendment was inserted in the bill openly and with the full knowledge of the membership of the House here. I can not consider it as having been done in any other way.

Now, I want to say, Mr. Chairman, that I have been somewhat maligned myself on some of these matters, and I believe that a great injustice has been done to Mr. Mann, one of the ablest citizens of the United States, one of the truest patriots of this country; and also an injustice has been done to this House when such an editorial as that was published in the paper mentioned. Such slanders of public men are a disgrace to the newspaper profession, and to American civilization as well.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for

one more question?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Illinois?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. Then the gentleman does not believe it would be possible to sneak such an amendment into the bill without the House understanding what it was?

Mr. SHALLENBERGER. No, sir. I do not believe it for a

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GARDNER. Can the gentleman explain how this important amendment could be passed without our having any information on it beforehand?

Mr. SHALLENBERGER. That was because it was the opin-

ion of the House it should be adopted.

Mr. GARDNER. Does the House usually remain silent when a matter is brought up in which the House is vitally interested? Mr. SHALLENBERGER. It is, when the matter, in the opinion of the whole House, ought to go in the bill.

Mr. MANN. Mr. Chairman, will the gentleman yield? Mr. SHALLENBERGER. Yes.

Mr. MANN. The same proposition was contained in the naval bill which was passed a year ago. It is the current law. I offered my amendment in about the same place in the bill when we reached about the same place in the naval bill this year.

Mr. SHALLENBERGER. Yes; the same as it was before. Mr. MANN. Anybody watching the proceedings with respect

to the naval bill and attending to business and knowing about the matter would have been informed.

Mr. SHALLENBERGER. Mr. Chairman, I have referred to this matter because Mr. Bryan is not here to speak for himself. If he were here, he would not need me as a feeble advocate for him.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. TILSON. Is it not a fact that this amendment spoken of was subject to a point of order, and one objection would

Mr. SHALLENBERGER. Yes; certainly.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, the rule and custom of the House is that the man in charge of a bill shall protect that bill from extraneous matter. are many of us who are required to be almost constantly in committee, and therefore do not have the opportunity to make the objections that they would make if they were on the floor, and we must go on the assumption that extraneous matters will not be introduced into a bill.

Mr. SHALLENBERGER. I do not think that extrangous

matters should be introduced into a bill.

Mr. GORDON. Mr. Chairman, will the gentleman yield? Mr. SHALLENBERGER. Yes.

Mr. GORDON. When that amendment was offered by the gentleman from Illinois [Mr. Mann] I went to Mr. Padgett, the chairman of the Committee on Naval Affairs, and suggested that he make a point of order against it, and he said, "I do not care anything about it."

Mr. SHALLENBERGER. He accepted it.

The point is, Mr. Chairman, that the gentleman from Massachusetts [Mr. Gardner] charged that Mr. Bryan was "tearing the Nation assunder" by advising arbitration rather than war as a settlement of international disputes. I do not myself sub-scribe wholly to that doctrine. There are things I would not arbitrate. If Germany deliberately sinks our ships upon the high seas, with loss of American lives, in the face of the President's solemn warning, then there is nothing but the arbitrament of arms left to us in honor. But the charge is implied that Mr. Bryan is not standing by the President. I believe he is and will continue to stand by him in peace or in war. He has stood by him when he needed support in times past, and he will do so as a patriot in the future. He will not fail him in the hour of war, if war must come, any more than he has failed him in time of peace.

Now, there is a sharp division of opinion between Mr. Bryan and the gentleman from Massachusetts [Mr. Gardner] at this time as to what should be our national policy. Mr. Bryan is a man of great personal magnetism and courage, and I believe the gentleman from Massachusetts is the same. They both re-sponded to the call to arms in the Spanish-American War and were willing to go forth and die for their country; and although I believe they are passed military age now, their patriotism and courage are such that they would do so again if their country called. Mr. Bryan, with his great personal influence throughout the country, is doing the best he can to keep our country out of war, whereas the gentleman from Massachusetts seems to be close the best he can to keep our country. to be doing the best he can to good this country into war, and I am willing to abide by the verdict of the country as to which of these two gentlemen is serving his country the best in this

time of peril. Mr. Bryan went into this struggle to keep the country out of war. He may meet defeat here, as he has met defeat many times before. But defeat does not destroy a great It takes a real man to suffer defeat and then rise again, as Mr. Bryan has repeatedly done. He has been defeated three times for the highest office in the world, the Presidency of the United States; and although thrice defeated for a prize more valued than any that ever crowned a king, his name will live in the history of his country and in the hearts of his countrymen when those who berate and slander him here are forgotten forever. [Applause.]

That is all I have to say about that. Now, I want to call the

attention of the House to the bill which is pending here.

Mr. FIELDS. Mr. Chairman, may I interrupt the gentleman right here?

Mr. SHALLENBERGER. Yes.

Mr. FIELDS. Right in connection with what the gentleman says about the defeat of Mr. Bryan, may I add a word that Mr. Bryan uttered on the morning of his first political defeat?

Mr. SHALLENBERGER. Yes. Mr. FIELDS. That those who fight for the right may be defeated, but they are never conquered. They may suffer reverses, but they never suffer failure. [Applause.]

Mr. SHALLENBERGER. The first-line troops must not only be trained, but organized into fighting units, and this is the deliberate judgment of the highest authority we have in this

Having now the statement of the General Staff as to what they say our military policy must be, I, as a member of that committee, felt it no more than right that for the information of this House and the country the General Staff should give to us an estimate of what that policy was going to cost this Gov-ernment, so I submitted seven written questions to the Chief of the General Staff asking for definite information as to what this was going to cost. We know that the system we have now is going to cost a lot of money. We have appropriated more in the last 12 years than Germany spent before she became engaged in the war in Europe.

Mr. KAHN. The gentleman will admit, however, that that is due to the comparatively large salaries that we pay to the sol-

diers as compared with what Germany pays.

Mr. HOWARD. To the officers.

Mr. SHALLENBERGER. The pay amounts to only about

one-sixth of the cost of the Army.

Mr. Chairman, this Congress will appropriate a billion of dollars more for national defense than did the Congress that preceded it. I believe that we might just as well face the fact that in the future war expenditures will total something like a billion of dollars a year. The expenditures for the Army and the Navy will therefore absorb all the revenues derived by the Government from taxation, and the Nation will have to finance itself in the future by the issue of bonds, never to be paid, but the interest upon them will remain as a constant charge upon the revenues of the Government. This has been the inevitable result in every country which has adopted a policy of complete military and naval preparedness in time of peace. If we are to match ourselves against the strongest military nations of the world, we must pay the price. The great powers of Europe can claim at least as efficient and economical management as ourselves, and none of them has escaped a constant increase in their national debts.

The bill that we are considering is the only one of the great military and naval supply bills to be reported at this session carrying a less sum than was appropriated for the same purposes at the last session. But, nevertheless, it is in effect an increase over the previous bill as it was reported by the Military Committee at the first session of this Congress. The bill reported by the Military Committee at the previous session carried almost one hundred millions of dollars less than the present bill when it was first brought into the House. As it finally became

a law it carried two hundred and sixty-seven millions. If the awful calamity of war should result from the present international crisis, all previous appropriations for national defense will but constitute a drop in the bucket of the flood of wealth that will be poured out of the National Treasury. But we should not deceive ourselves into thinking that the Army and the Navy will not in the future demand larger and larger appropriations for their support in time of peace. In my opinion the Military and Naval Establishments will hereafter absorb all the revenues the people will consent to pay. The additional increments for the Regular Army and the National Guard, as already provided for in the national-defense act of June 3, 1916, necessarily demand increased appropriations for arms, munitions, material, and matériel, and these appropriations will continue to grow like Jonah's gourd. The appropriations by this Congress for national defense on land alone will exceed by \$500,000,000 the amount appropriated for the same

purposes in the Sixty-third Congress.

When the Regular Army reaches the maximum strength provided for under the so-called Hay bill and the National Guard is increased to 420,000 men, as is contemplated under that law, the cost of maintaining those units, added to the expense that will be required for our fortifications and coast defenses, will total a sum of \$500,000,000 a year. And yet any student of modern military development knows that if we are to maintain a system that will in any degree equal those of the great governments of Europe, which have gone into the war game, with the idea of developing the full fighting strength of the Nation, our military policy will have to be entirely changed.

This is not a statement of my own opinion, but on page 773 of the hearings before the Military Affairs Committee, upon this very bill, Gen. Scott, our Chief of Staff of the Army of the United States, speaking for the organization of which he is the head, stated that after long study of the situation in the light of the experience gained from the war in Europe—and I quote

his exact language-

the conclusion of the War College Division, which is concurred in by the remainder of the War Department Staff, is that our system should now be able to furnish 1.500,000 trained organized troops at the out-break of war and 1,500,000 additional in 90 days.

The first line of troops must not only be trained but organized as well—that is, actually organized into fighting units. This is the deliberate judgment of the highest military authority which we have in this country. We know that the system we have now is going to cost a lot of money. We have appropriated more in the last 12 years than Germany spent before she became engaged in the war in Europe.

Having the statement from the General Staff as to what they

believe the safety of the Nation required for a proper military

defense, it seemed to me that the Committee on Military Affairs and Congress as well ought to be informed as to what the cost of such a military establishment would be to the Nation, should we conclude to put this plan into actual being. I therefore asked the Chief of Staff to furnish us a statement as to the probable cost of their plan. So far this statement has not been furnished the Military Affairs Committee, but I have made some estimates of my own, only partial, of course, but based upon actual tables and data furnished as to the cost of the difapon actual tables and data furnished as to the cost of the dif-ferent units of our present Army for arms, munitions, material, materiel, and so forth. I am sure these figures will be found very conservative and much under the mark as to what our actual military expenses will aggregate in time of peace, if the plan proposed by Gen. Scott is carried out. The ques-tions submitted to the Chief of Staff, in my endeavor to ascer-tain the cost of putting the proposed plan for a military estabtain the cost of putting the proposed plan for a military establishment into practice, were as follows:

lishment into practice, were as follows:

Mr. Shallenberger. I should like to have, first, the cost of artillery of all calibers and ammunition, both for annual use and a suitable reserve of ammunition for all calibers for an army of that size.

Second. The cost of rifles and ammunition for yearly use and the necessary reserve of rifles and ammunition for rifles for 3,000,000 men. Third. Quartermaster's supplies, including uniforms and complete field equipage for an army of 3,000,000 men and cost of subsistence, transportation, and expense of annual field maneuvers, and all other necessary expenses of the Quartermaster's Department to maintain an army of 1,500,000 in being.

Fourth. Cost of necessary aeroplanes, including reserve matériel and equipment for field service of a sufficient number of aeroplanes for an army of 3,000,000 men.

Fifth. Cost of equipment and maintenance of an engineering corps sufficient for an army of 1,500,000 men, as demonstrated necessary by the experience of European nations in the present war.

Sixth. Cost of the pay of officers and enlisted men for an army of 1,500,000 troops maintained in field condition and ready for service, together with a reserve of 1,500,000 men sufficiently trained to be ready for battle service in 90 days.

Gen. Scott. Yes, sir.

Mr. Shallenberger. I should like to have those costs; that is all.

	Quartermaster.	Ordnance.	Engineer.	Signal.	Medical.	Total.	
Headquarters I regiment Infantry I regiment Cavairy I buttalion 6-inch howitzers	\$149, 354. 66 366, 213. 92	\$71, 705. 44 174, 011. 58	\$3, 263.00 271.60 790.60	\$2,073.69 2,111.84	\$536.35 536.35	\$3, 263. 00 223, 941. 74 543, 664. 20	
P battalion 4.7-inch howitzers 1 battalion 4.7-inch guns. 1 regiment mountain artillery	402, 839. 91 258, 523. 22	1, 804, 275. 23 474, 821. 19	120.00 120.00	3,821.77 3,821.77	1,509.95 536.35	2, 212, 566. 8 737, 822. 5	

The cost of equipment for an army of 3,000,000 men, which

I have estimated for, is based upon the above table.

The estimates which I have here submitted are in line with the questions asked of the General Staff. In the first place, the system proposed by Gen. Scott contemplates the retention of our present Military Establishment, so far as the Regular Army is concerned, after it shall have been increased to its maximum strength under the national-defense act. tenance of this force will entail a cost of at least \$350,000,000 a year. This is fully and plainly set forth by Gen. Scott on page 791 of the hearings of the Military Committee upon this bill. His positive statement is that the Regular Establishment of the national-defense act will be needed as an expeditionary force and to garrison and maintain our domestic and foreign fortifications.

On page 349 of the Infantry Journal of December last is given a table in detail of the cost of arms and equipment for field army, the cost of each arm of the servce, and the Engineer Corps as well. It is as exact as any that I could obtain. On the same page is given a table of percentages of the officers of the different field and staff corps of the Army.

Taking these percentages as a basis, we find that our Army should consist roundly of 48 per cent Infantry, 20 per cent Cavalry, 28 per cent Field and Coast Artillery, and about 4 per cent Engineers, and so forth. With these tables accepted as a basis, I find the cost of equipment alone for an army of 3,000,000 men would be \$2,576,000,000. If these figures seem excessive, please remember that every Army expert who has appeared before the Military Committee has agreed that all field equipment, including arms and munitions, must be on hand when war starts, or the war may be over before they can be obtained. Just as Col. Tilson has stated, an army without necessary fighting material is no army at all.

The amount stated is only the cost of equipment for actual needs before war begins. There must also be a reserve of all those things essential for the maintenance of an army in the field, or the effectiveness of that army will be gone in a few days of fighting. The Treat Board, which was composed of

Army officers selected for the purpose of determining the amount of reserve of artillery and artillery ammunition necessary for an army of 1,000,000 men, reported that such an army would require reserves to the value of \$480,000,000 in artillery and artillery ammunition. The appropriations now being made for re-serves of artillery and ammunition for our present Army are based upon the report of this board.

Accepting these figures as our basis, an army of 3,000,000 men would require a reserve three times as large as that recommended by the Treat Board. This would mean an investment of \$1,440,000,000 in artillery and artillery ammunition. The wastage in field equipment and arms is enormous in actual war. A reserve of at least 25 per cent must always be maintained of field equipment and small arms and ammunition, and this for an army of 3,000,000 men calls for at least a billion more of reserve supplies. So we have for arms, equipment, ammunition, and reserves for an army of 3,000,000 men, ready for action in 90 days, as the General Staff has declared we must have, a total of \$5,016,000,000. This estimate does not include pay or the cost of subsistence, transportation, maneuvers, quarters, or the hundred other expenses that make up an Army appropriation

Mr. FESS. Mr. Chairman, will the gentleman yield? Mr. SHALLENBERGER. Yes.

Mr. FESS. Those figures are staggering to me. Mr. SHALLENBERGER. Yes; and I will give the gentleman others that will stagger him more.

Mr. FESS. We could probably raise the money, but how are we going to raise the men?

Mr. SHALLENBERGER. That is a proposition that we will have to consider later.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. For a question. I have only five minutes

Mr. BORLAND. If equipping an army becomes imperative, had we not better direct our attention to getting good results for our money

Mr. SHALLENBERGER. Yes.

The War Department recommends a period of eight years for securing the reserves contemplated by the Treat Board. Distributing the appropriations to provide equipment, armament, and reserves for the Army, contemplated by the General Staff plan, over a period of 10 years would necessitate appropriating \$500,000,000 a year. Add to that amount the cost of the Regular Expellightent which Gen. Scott states must be maintained. lar Establishment, which Gen. Scott states must be maintained, and the cost sums up \$850,000,000 a year. Add to that the cost of pay, transportation, subsistence, and all other necessary expenses for the Army of 500,000 citizens to be always maintained in the field by compulsory service, as the General Staff plan contemplates, and the cost will easily amount to a billion dollars a year for the Army alone.

We may be sure that the arms, armament, and equipment required will have to be renewed every 10 years, because it is in present practice renewed oftener than this. If these figures seem somewhat excessive as an estimate of our probable military expenditures for the future, just compare for a moment the advance in those expenditures as appropriated for by this Congress with those voted by the last. We must remember that we have only started upon the road to complete military preparedness, as advocated by those who are shaping the destinies of this Nation to-day. Resist as much as some of you may, the expenditures for the Army and Navy will continue to grow greater and greater as the years advance, unless the whole

world changes its policy and ideas upon the subject of war.

For the year 1916 you appropriated \$300,000 for aviation and \$150,000 for machine guns. This Congress will appropriate almost one-half as much for these two items alone as was the entire cost of the Army for the fiscal year 1916. I have taken the time of the House to read these estimates and comparisons as to the probable expenditures in the future for military preparedness, to give some foundation for the idea that I desire to advance.

The vast sums of money voted for national defense are appropriated under our present system with a lack of accurate knowledge upon the part of both Congress and of committees that is monumental in its magnitude and is bound to result in a wastefulness of public money that would appall our constituents if they really understood it. We are spending billions of public funds upon the request, either in person or by letter, of department clerks and bureau chiefs who are interested mainly in the matter of securing the greatest possible expenditure of money by their departments. Possibilities of pay and promo-tion are always potential factors in determining the size of appropriations asked for by every department of this Govern-

I believe that every member of the Military Affairs Committee of this House feels that we have to pass upon hundreds of millions of expenditures for the Military Establishment of this Government about which we have not sufficient knowledge to act intelligently. We have the same machinery to determine and decide the Government's expenditures for the Army and Navy that we had a few years ago when we voted about one-fourth the amount of public money for national defense that we are spending at present. Committees are fighting for jurisdiction as to appropriations for thirty or forty millions of dollars for aeroplanes and antiaircraft armament about which none of them has any accurate knowledge either as to efficiency, cost, or need. The same thing is true as to artillery, ammunition, machine guns, and all military materiel.

Here are some examples of results under our present system taken from the records of hearings had before the Military Committee of the House.

The service rifle which the soldier carries with him into battle is the most important weapon with which an army fights. No other single arm compares with it in effectiveness in battle.

The Chief of Ordnance states that an army of a million men would require 1,250,000 rifles to properly arm it. An army of 3,000,000 men would therefore require more than 3,500,000 rifles. We have at present 700,000 service rifles-about half enough to properly equip an Army of 1,000,000 men.

No manufacturer in the United States is equipped to manu-

facture a single rifle such as our Army uses, nor could they produce them in quantities in less than a year's time. Therefore the only source of supply we have is the Government arsenals.

They have a capacity of at least 600,000 rifles a year.

Notwithstanding the fact that the war in Europe has been going on for more than two and a half years, "sparks have been flying," and we have been constantly on the "verge of war," in three years we have added less than 25,000 rifles a year to our

The actual figures showing the number of rifles manufactured are: In 1914, 26,545 rifles; in 1915, 25,972; and in 1916, with the war in Europe still coming closer to us, we manufactured

and secured 13,628 rifles; or in three years we have added 66,000 rifles to our reserves

One of the wonders of this war has been the development of large caliber field howitzers and mortars that are used in countless thousands on the battle lines of Europe, and without which modern infantry, intrenched in ditches and armed with machine guns and military repeating rifles, could not be dislodged but could hold their positions indefinitely.

If our troops were required to dislodge an intrenched enemy with the field artillery we now have, they would find it an impossibility except at the end of frightful slaughter. The heaviest calibered field artillery we have is a 6-inch howitzer, throwing a shell weighing 120 pounds, and never designed to be used against modern intrenchments, and we have not enough high-explosive shells of that caliber to keep the guns we have in action for a week. If large-caliber mobile guns, throwing high-explosive shells at high angles, are essential for driving men out of modern intrenchments, and every military authority says they are, then we have not made much progress in three years in this direction, with the example of the war in Europe constantly before us. We have not manufactured a single gun of heavier caliber than 6-inch.

The third astonishing development of this war has been in the increased use of the automatic machine rifle. The record shows we had last year ten hundred and seventy-seven machine guns of various varieties. The bill for 1916 carried an appropriation of \$150,000 for machine guns, but none were purchased or manufactured. Last year Congress voted \$12,000,000 for ma-chine guns. This would have purchased 16,000 machine guns of the Lewis or Colt type, which are being used in thousands in actual battle by the English, French, Belgian, and Russian Armies, and now being manufactured in the United States by thousands every month.

The machine-gun board recommends the purchase of 17,283 guns in three years. We gave them enough to buy 16,000 gasoperated machine guns last year, and they actually purchased 353. Over nine millions of last year's appropriation has been contracted for to be used in payment for 4,000 heavy machine guns, requiring four water tanks with each gun, from a company which has never yet manufactured a single gun of the kind we have contracted for, nor does anyone know when they will be able to deliver them. It is bound to be in the future at the best, and no one is certain that a gun such as the Army will accept will be gotten under this contract.

The above is our record for the past three years, as I have been able to obtain it, as to our achievements thus far in preparing for the possibility of war in the matter of securing rifles, heavy field artillery, and machine guns, the three most essential arms with which to equip men for battle.

Mr. KELLEY. Can the gentleman tell me how long it took the Remington Arms Co. to make the English rifle after they got the order?

Mr. SHALLENBERGER. The information given the committee was that it took about 18 months. We talk about getting an army trained. We will have to have 3,000,000 men if we go into that European war, if we do anything worth while. A colonel from Kentucky or New York or some other place the other evening—Col. Harvey, I believe—made a speech in this city, and in it he said that he wanted to send our Regular Army of 100,000 men to that European battle line, and told of how those people would cheer when they saw that 100,000 men coming to battle, and how their hearts would leap, and all that sort of thing; but, Mr. Chairman, England has sent 5,000,000 men to that battle line, France has sent 7,000,000 men to the battle line, and Russia has sent 10,000,000 men, and they have not been able yet to make a dent in the German line, if that is the line that you are going to fight. We will have to put millions of men into the European war if we are going to turn the tide of victory. We will have to train them before they go to that battle line,

but we will have plenty of time to train them.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield? Mr. SHALLENBERGER. I can not yield. If we finally get these guns, we will have plenty of time to have the boys trained, but we will have to train them with something else than rifles.

Mr. SHERLEY. If the gentleman will permit me, I think it

is only fair to the record to show the truth. The gentleman is talking about the number of rifles. It is true we have not been manufacturing many. Why? Because we have many more rifles than we have men or any immediate prospect of getting men, and there was need of other kinds of munitions.

Mr. SHALLENBERGER. The record shows that we have contracted for and purchased about 250,000 pistols—popguns insected of rifles.

instead of rifles.

When their military expenditures had grown to enormous proportions other nations found it necessary to adopt an efficient business system for handling the public's money in the matter of war expenditures. England created a department of munitions. The strongest man in the empire was given the place of minister of munitions. It revolutionized the policy of the Government and put efficiency and economy to the fore. I firmly believe we will have to adopt some such plan in the matter of expenditures of our money for public defense or else our waste will be enormous. If you say that England's action was in time of war, why should we not avail ourselves in time of peace of the lesson she had to learn by bitter experience in time of trial and stress? We are simply deluging the different departments of the Army and the Navy with the flood of money. Having never had to handle expenditures of such tremendous magnitude before, being suddenly given more money than they ever dreamed existed, they are really put to it to find a place to even give it away. It is my opinion that a committee of Congress having control of the purchase and manufacture of all munitions and supplies both for the Army and the Navy should be constituted by Congress. It should have jurisdiction over all appropriations for arms, armament, material, and materiel.

This would require, of course, the establishment of a new committee, but I am firmly of the opinion that such a committee could properly inform itself as to the most economical and efficient means for supplying the needs of this Government in the matter of war material and direct the manufacture and purchase of war supplies so that the best interests of the Government and of the people, who pay the bills, would be served. The efficiency of our national defense program would be tremendously increased and the National Treasury saved from the

waste of untold millions of money.

If something is not done in the future to more carefully supervise the expenditure of the billions that are going to be spent by coming Congresses upon the matter of national de-fense, we will probably discover what is somewhat apparent now—that while expenditures and appropriations grow by hundreds of millions at each succeeding session, our Army increases by thousands. Since we started to increase our Military Establishment for national defense our appropriations for the Army have increased four hundred millions and the Army has been

increased by about 10,000 enlisted men of the line.

We can get everything for an army by appropriations except men. Without men we can have no army. We can get plenty of officers, eager for rank and thirsty for glory, but the lack is of officers, eager for rank and thirsty for glory, but the kings in fighting men for the line, ready to die in the ditch. Kings and princes have at times in the past found it difficult to get men to fight their battles for them. Napoleon Bonaparte, the wisest warrior the world ever knew, conceived the plan of universal conscription to fill his ranks, and when one nation had adopted that policy it compelled those who were its expected or possible adversaries to inaugurate the same system or be over-thrown. In the event of a war for national defense, this Nation will spend its last dollar and send the last man to the front. In such a war the United States will never be troubled to find soldiers for the fighting line. It will only be put to it to find guns and ammunition with which to arm them. It would be put to it to do so right now.

Militarists are always ready to pay any price for any kind of war material except the human unit, the man who fights the battle, the man who is the heart and the lifeblood of every Having to pay enormous prices for other war material, they purpose under the plan of compulsory service to pay nothing for the men. In war everything goes up in price except human life. The nations at war in Europe will send a man 5,000 miles across the sea and over the land, away out to western Nebraska, where I live, and pay me \$150 in good red gold for a dinky horse that could command a price of perhaps \$50 in time of peace. They will ship that horse back over land and sea to Europe, and when they get him to the battle line he has cost them six or seven hundred dollars and will live perhaps

15 or 20 days.

But they will take the boy of Europe, the flower of his race the pride of his parents—they take him for nothing. They send him to the firing line and he is shot down. They pay him perhaps 7 cents a day while he lives. Seven cents for the boy; \$700 for the horse. It is because I know that such things as this are the inevitable consequence of war that I hope that God may grant to our President the wisdom and the understanding to keep us free from its awful curse. We are at present free from the fearful problems that confront blood-soaked and war-weary Europe. We can show them the true way by example more surely than we can drive them to it by force of arms. There is room and stage here in this western world for this Nation to work out its final and triumphant destiny which, in my judgment, should be the leadership of the peoples of earth in commerce, in education, and in civilization,

Let Columbia still continue to sit here, enthroned between our silver seas, the Atlantic upon the east, the blue Pacific upon the west, "these seas which serve us in the office of a wall or as a most defensive against the envy of less happy lands." And to our future jubilee shall come, in the fullness of time when we hold it, not kings and princes as a relic of the imperialism, the barbarism, the despotism of the past; not conquered nations bound to our chariot wheels, as trophies of conquest and allconquering war, but rather the nations of the earth in peaceful procession, to sit at our feet and learn from a study of America's history the story of man's final emancipation from wrong and oppression and do Columbia reverence as the uncrowned queen of the highest, the freest, and the noblest type of civilization upon the face of the earth. That is the ideal which I hold for my country. That is mankind. [Applause.] That is the mission I would have her bring to

Mr. DENT. Mr. Chairman, I yield six minutes to the gentleman from Georgia [Mr. Rucker].

Mr. RUCKER of Georgia. Mr. Chairman, in 1869 I came to Washington from Princeton College to start life as a correspondent. I represented the Atlanta Constitution, the Augusta Chronicle, and the Mobile Register, then, as now, papers of influence, papers that have made and unmade many a man. They were ably edited, fair on all matters at issue, and they never struck below the belt. The gathering of news then was a different matter from now. Most of the news matter handled by correspondents was sent by mail, the more important being sent by wire, for the Western Union, then as now, was trying to

make an honest living, and charges were quite high.

I sometimes wish, Mr. Chairman, I had stayed in the newspaper business, because all connected with the press seem so bright. I do not know whether they are bright because they are connected with the press or connected with the press because they are bright; but so it is. They have been kind to me since I have been here. [Applause.] May their tribe increase, and may the good Lord reward them according to their works. I hope they get better pay than we used to get. My recollection is I got \$2 a day to start with, and when my talent became recognized the pay was raised by leaps and bounds to \$3. [Laughter.] I know it enabled me to live in more or less splendor at what was then considered the fashionable hotel of the town—the Metropolitan. I fell so much in love with that institution that I am there to-day; and one of the things that makes the Metropolitan such an attractive place is the sense of security and repose which you enjoy when you get into the elevator. [Laughter.] It is the only thing in Washington I have found that goes slow, and I am inclined to think that the present one is the old one or its immediate successor. fare is excellent, the service good, and I have spent many a happy night within the walls of the dear, old Met. [Applause.]
I remember my first appearance at the White House. I ac-

cepted the invitation issued to another gentleman, borrowed a coat from one Member about my size, though it was rather a tight fit, and a pair of pants from a gentleman from Savannah. But my recollection is that my appearance was generally pleasing and commented upon favorably by certain Members who wanted favorable mention. I never went back on a friend, and loans were easily made. I made some to adjust the inequalities of fortune.

The press was a great power then, as now. Many things have occupied my attention since I have been here, but I know nothing I have looked for more carefully than what is said about me in friendly newspapers. I have cut out and have now in a precious scrapbook a volume I will pore over when I get home. The happiness the boys have given me they will never

In the days when I was in the gallery, Mr. Chairman, right over where you sit to-day, in the end nearest the east, there were not many correspondents. I suppose nearly all of them have gone to their reward, for I was the youngest member of the lot. Mr. Blaine was the Speaker of the House, and Mr. Colfax presided over the Senate. Gen. Grant was in the White House. I have seen him many a time on Pennsylvania Avenue, generally smoking, and always democratic and dignified. At the time I was here a great deal of heat was displayed in debate. Passions aroused by the war were at white heat. I remember as Members of the House and Senate Gen. Butler, Mr. Dawes, Mr. Bingham, Mr. Trumbull, Mr. Sumner, and Mr. Sargent. Then, as now, a few did the talking. [Laughter.]

The Democrats sat on the right of the Speaker and they were very small part of the body, but as intelligence has increased they have grown in membership until it looks like now they shall inherit the earth. I love my country and its institutions, and I love the women, collectively and individually, because

they made possible the election of the gentleman in the White House who has no superior and, in my judgment, no equal save

Washington. [Applause.]

I remember the Georgia delegation then-a moderately fair aggregation. I was a great favorite with this bunch, if I may so characterize them, because I called attention only to those things that made for their good. I frequently helped them with their speeches, scissoring sharply, sometimes almost bodily producing speeches from the most ancient Congressional Records we could find. I was a great favorite and frequently lunched with them. It was whilst associating with them I learned to

[Laughter.]

At that time, Mr. Chairman, I have heard there was a barroom in the basement, a place then much frequented, and when some of the Members would get up to make a speech, and were obliged temporarily to be out of the bar, they had placed on obliged temporarily to be out of the bar, they had placed on their desks, in vessels you could not see through, what was called "cold tea." [Laughter.] I do not know as a matter of fact what was in these vessels, but a constant using of the contents produced a thickness of speech and an unsteadiness of Now, an enlightened public sentiment has run drink out of the Capitol, and I hear you can only get liquor at a near-by institution not owned by the Government but contiguous to Government property. [Laughter.] I trust we will get rid of it altogether, and if the Committee on the District of Columbia will bring the question of liquor in the District up in the House they will have a bill prohibiting liquor from the District passed by a large and overwhelming majority, say, 5 to 1. Even if a man wants a drink, he is not going to vote in a way to indicate his desire.

Mr. Chairman, I know of only three institutions that will be injured by putting liquor where the hand of resurrection can never reach it-the poorhouse, the penitentiary, the lunatic asylum-and I have no desire to see these institutions with a full house. Drink, Mr. Chairman, never brightened a home, never made a happy wife or mother, never gladdened the heart of a child, never made one of God's creatures wiser or better. And all of us want to make happy homes, I am sure. [Ap-

plause.

What do you want with liquor? Put it away-far away. is like a glandered mule in a stable of healthy stock, a cocklebur in young corn, crab grass drawing away the life from the cotton plant. Dig it up; hang it on the fence where the rains can drench it, the winds blow through it, and the sun burn it up.

They have got ashamed of the word "bar," which word is succeeded by the word "buffet"—but the poison is there all the same, simply sugar-coated—the poison is there. Buffet! A word

to juggle with.

Burns summed up the philosophy of human life in this

To make a happy fireside climb for weans and wife. That's the true pathos and sublime of human life.

Mr. Chairman, I saw an article in the New York Sun, a paper that I read with more pleasure than any other-the smartest paper published on American soil-in which a gentleman suggested a commission to look into the question. To look into the question! Most questions have two sides, but the question of drink has but one. Human intelligence is staggered when taxed to give a reason why drink should stay in the land. I do not believe in fanatics; but no man can be a fanatic, in my judgment, on the liquor question. Oh, the woes it has caused, the lives it has blighted, the homes it has desolated! The only sad sight I have seen since I have been in Washington is the black Maria as it comes through the streets early in the morning carrying along the poor fellows troubled by drink. It is not these poor fellows alone who suffer, it is the mothers, the wives, the children, the friends. [Applause.]
Mr. Chairman, I have sometimes thought of this: Suppose

every man when he starts to work in the morning would take the amount which in the progress of the day he will spend for liquor and throw it in the mouth of the first open sewer. What a stupendous sum it would be! More than a million dollars a day, and you might say here is waste, stupendous waste, and yet is that true? No; it would be far better for himself and for those whom God has committed to his care if he would make that disposition of the money, for what he

gets does not help him, but tends to his destruction.

Oh, if we can look upon those we love who are coming after us and see them as they round into life with clear eyes and steady nerves, we can rest assured that no rough waters will swamp them and no reefs will mark their wreck, and it will be infinite happiness to those who love them when they can see these things, and we will be willing to go hence with a contented spirit because we will know those who are dear to us are safe.

When I announced for Congress, Mr. Chairman, there was some complaint by those who wanted to grumble that I didn't have a platform. They wanted me to issue a long platform like the others, but I told them I was not going to have a platform longer than the term, and they finally consented to take this view. [Laughter.] I told them I was going to do what was right, that they would be proud of me, and from the letters I am getting from my far-away home I am sure I am coming to time. I am thinking of the people at home. I am loving them because they have been good to me. They are a brave people, they pay their debts, they meet all requirements of good citizenship, they fear God and keep his commandments. They made themselves busy when I was making my race, sponging out my errors, trying to find some good. The campaign was a short one, and as they kept themselves busy in the work indicated they had the slate in pretty good shape on January 11, 1917.

I represent, Mr. Chairman, the most intelligent district on American soil, largely an agricultural district with a good sprinkling of manufacturing. You can tell a tree by its fruits. God bless the people of the eighth district. I love them, they love me, and may they keep in their present frame of mind. When any of you gentlemen desire to know about me you can refer to the Congressional Directory, page 19, in which I relate the more prominent events in my somewhat tempestuous life.

I do not see much difference between the Democrats and the Republicans; all of them are patriotic and they differ only when they vote. Whenever you see the Democratic majority dwindle, be assured the matter will be righted at the next assizes. It is simply a case of arrested mental development, which is sub-

ject to treatment. [Laughter.]

In conclusion, I want to express my love and admiration for our Speaker. I do not want to go hence without giving expression to it. I think of him in connection with the great things in nature-the big trees in California, the Everglades in Florida, the geyser spouts of the great Northwest, the Falls of Niagara, the hot springs of Arkansas, like the eagle he flies high and he blows his breath upon the sun. Framed in the prodigality of nature, the spacious earth may not again produce him. May he have what he deserves, and when he has that he will have more than he can ever desire. [Applause.] I used to think, Mr. Chairman, when my mind was immature and before I got here in this body-which is the repository of all wisdom-that the country, like fodder, had to be saved every year, but I know better now. When I see Mr. Mann on the one side and Mr. Kitchin on the other, each pulling apart, I know that the old ship is going straight. When I look at these gentlemen I am reminded of two steers, each one trying to pull the vehicle to his own side and through their united contrary efforts the wagon is kept in the middle of the road.

Mr. Chairman, if any complaint be made that this speech has no beginning and no middle, I desire to call attention to the fact that it has an end. I never lacked terminal facilities.

[Laughter.]

I know and feel now that when I have gone hence I will

remember the pleasant days spent here—the happy days!

And, Mr. Chairman, when I leave here, before I go home,
I am going to New York to see my three grandchildren—
Tinsley, Cason, and Embry. That a kind Providence may watch
over, protect, and guide these little kids is the earnest prayer of
their old grandchild. their old granddad.

And the same to a little baby granddaughter, Nellie Peters, whom I will find at home. [Great applause.]

Mr. MANN. Did the gentleman use all his time?

The CHAIRMAN. The gentleman yields back one minute. Mr. KAHN. I yield 15 minutes to the gentleman from Illi-

nois [Mr. McKenzie].

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I do not know that I shall use the entire 15 minutes allotted to me, but I desire to make a few observations on this bill. In the first place, as a member of the minority I feel that I ought to say that we have appreciated the kindness and considerate treatment which we have received at the hands of our chairman [Mr. Dent] [applause] in the consideration of the bill now pending before you. When Congress convened in December the Committee on Military Affairs found itself confronted with the duty of making appropriations to take care of the national-defense act which we passed in the last session of Congress. Many new appropriations had to be made, and it was a considerable task to have the hearings and to get the bill ready to report to the House. When we started to consider the bill I stated, and I think it was the opinion of every member of the committee, that it was our duty to see that every branch of the national-defense act was properly taken care of by making appropriations sufficient in order that there might be no criticism of the committee. We have done that,

in my judgment. We have not appropriated the limit asked for in some estimates, but we have tried to consider the matter from a business standpoint and to give every dollar that will be necessary to maintain and take care of the national defense for the year 1918. In the matter of the pay of the line of the Army, as was spoken of by the chairman of the committee on yesterday, I feel that we have made sufficient appropriation for that purpose, but I am reminded now of some things I said in this House when we were considering the national-defense act, when I said it would be utterly impossible to get the men to make up the authorized Army of the United States unless we raised the pay or resorted to conscription.

The truth of the statement I made at that time has been demonstrated by the fact that we have not got the men to-day, and I fear we will not get them. But this bill will take care of the men we have in the Army, and not only that, it will take care of the National Guard, the training in the schools, the summer camps, the Officers' Reserve Corps, and the hundred other things that are provided for in the national-defense act. And surely the committee can not be criticized for being little in the amount appropriated for the national defense. be some criticism, however, of our committee from the fact that we have not reported any substantive legislation, that we have not undertaken to change the national-defense law enacted at the last session of Congress. There may be some criticism of us because we have not reported a bill providing for universal mili-

tary training or compulsory military service.

Now, I want to say to you, gentlemen of the House, that so far I am personally concerned I feel that the reason for the failure to bring in any particular amendment to the nationaldefense act is not altogether with the committee, but that it rests particularly with the War Department and with the Secretary of War. And I want to say that, as I understand it, there will be an effort made in this Hopse to put some amendments onto this bill providing for the increase of the General Staff. Now, I wish to say here that so far as I am personally concerned I have been convinced by observing the operations of the armies in Europe that a strong general staff is the main reliance of an army. I think it has done more to keep Germany at the front than perhaps any other one thing in its military establishment. I am ready, and have been ready, if the War Department feel that they need a larger staff, to give it to them, but I wish to say to the House that the Secretary of War did not take the individual members of that committee into his confidence and neither did he come before us and say he wanted this legislation. Otherwise we might have reported such a proposition. But he submitted his proposition to our chairman, and he had certain views upon that matter, or felt the unwisdom of undertaking to report it, and he simply asked us to report the substitute, and so far as I am personally concerned I feel that the individual members of the committee are not responsible for refusing to bring in that sort of a proposition to the House. Another thing. We did not even take up the matter of universal military training or universal compulsory service, for the very good reason that no bill was submitted to us and for the further reason that we felt it was utterly impossible, a physical impossibility, to undertake to consider a measure of such importance in the limited time that we would have between now and the 4th of March.

Furthermore, I wish to say this, that heretofore I have felt that it would be turning our backs upon all the history of our country to depart from the volunteer system to that of compulsory military training or compulsory military service. [Applause.] But I believe, however, fellow Members of this House, that the people of this country are drifting toward universal military training and compulsory military service and that the military training and compulsory military service, and that the time is coming when we must report some such proposition to this House and let the Members determine whether or not it shall be adopted.

I further will say that I want the American people from now until the next Congress convenes to begin to study this great question. They should study it in all of its details. It is an easy matter to get up and say, "I believe in universal military training," or, "I believe in compulsory military service," but what is to be the concrete plan? Are we going to train all the young men of this country for six months or one year and at the same time maintain a large standing Army, at the same time maintain the National Guard, and at the same time train boys in school and at summer training camps?

Personally, if the volunteer system, which is now evidently on its last and final trial, shall fail under the national-defense act which we passed a few months ago, and we go to universal military training or universal military service, I am in favor of taking the boys and putting them in the Army for one year. I differ from my friend from Massachusetts, who undertakes to say that he favors military training but not compulsory service. I maintain if we are going to give up the volunteer system, let us have compulsory military service that means something. If we train a boy for a year in the Army of the United States, let him be subject to the call, and not train all the boys for a year and then when war comes only the heroes volunteer. want the son of the rich man under those circumstances to have to go to the war the same as the son of the poor man. [Applause.] If we are going to have it universal, let it be universal, with no exceptions, no exemptions, and let us stand squarely on that platform. That is where I stand on that proposition, and I believe, my friends, it is coming, and we might as well begin to think about it seriously and the plan we are going to adopt. Do not let us saddle onto the people of this country compulsory military training and all the additional expense that we are now putting the people to in this country to maintain what is called a deficient system of national defense. I am only in favor

Mr. RICKETTS. Will the gentleman yield? Mr. McKENZIE. I have not the time.

I am only in favor, however, of preparing my country for national defense and for the protection of American rights. do not agree with Col. Harvey when he suggests that we send American boys across the seas to fight on the side of the allies. Fellow Americans, I am not in favor of taking the American boys and putting them into a conflict or a war between crowned heads. [Applause.] I am only in favor of training the American citizen to uphold our flag and defend our rights on land and on sea. I do not favor the proposition I have heard asserted on this floor that in order to maintain our rights against Germany we must become an ally of England, or in order to maintain our rights against England we must become an ally of Germany. [Applause.] We should take the position that we stand for American rights and not for some other country, simply as an excuse to maintain our rights.

Now, fellow Members of the House, I am not going to take any more time, and I will yield back the remainder of my time, if I have any left, to the chairman of the committee. [Ap-

Mr. KAHN. Mr. Chairman, how much time did the gentle-

The CHAIRMAN. He yielded back four minutes. Mr. KAHN. Mr. Chairman, I will yield 15 minutes to the gentleman from New Jersey [Mr. PARKER], a former member of the committee.

The CHAIRMAN. The gentleman from New Jersey is recognized for 15 minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I want to begin by expressing my great appreciation of the remarks of Mr. McKenzie you have just heard, with every word of which I

This bill is a bill that has two features. One is the maintenance or support of the Army, including the National Guard and the matters referred to in the national-defense act. The other part of the bill is perhaps much more important. It is the provision of arms and munitions which will enable us in case of an emergency to call our people to the aid and defense of our Government, to maintain peace and our rights as neutrals.

We have 21,000,000 men in this country between the ages of 18 and 45—the period defined by the fathers of the country under the provision of the Constitution which said that Congress should have the power "to provide for organizing, arming, and disciplining the militia." By the "militia" they meant all those people between 18 and 45 years of age. We have 21,000.000 of them.

Now, we should provide for arming them. We have now, instead of 21,000.000 rifles, 400,000 Krags and about 300,000 or 350,000 Springfields, besides the 250,000 which are held by the Army and the National Guard.

Mr. DIES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. DARKER of Now Jersey. Leak that the gentleman do.

Mr. PARKER of New Jersey. I ask that the gentleman do not interrupt me now. I will give him time afterwards. I am dealing with figures now.

The CHAIRMAN. The gentleman declines to yield.

Mr. PARKER of New Jersey. That is all that we have. The Congress did well last session. They provided \$5,000.000 instead of \$250,000 for the manufacture of rifles. Instead of making 12,000 rifles, we can now make 300,000 a year when our factories get thoroughly to work. I believe they are making only 200.000 a year new, but with 300,000 a year it will take 70 years of taking the boys and putting them in the Army for one year. before we can supply the able-bodied population of this country I am not in favor of simply giving them military training, and with a rifle apiece. We ought to make more rifles, because we may have to call out our people, even if our Navy holds off the enemy a year or so, in perhaps a year or two years. We have not the factories to do this. There are factories making English rifles, but they are of a different caliber. They will not use our cartridges; and dies, gauges, and jigs have to be made before they can make rifles for our ammunition.

It is about the same with reference to field guns; perhaps worse. There is \$12,000.000, I believe, appropriated for field guns in the fortification bill and \$10,000,000 in this bill. As I understand the cost and number of field guns required for the mobile Army, according to the last report, we make enough field guns for about 100,000 men a year, which would supply the 21,000,000 men in 210 years. It is not enough, if you are looking toward emergencies. It is the same with ammunition. I will not go into details. I am stating round figures.

But there is another thing you want to do. The gentleman from Illinois [Mr. McKenzie] has spoken well of the different systems of training our youth. One way is to have compulsory military service for every man who becomes 19 years of age. There are over 800,000 of them every year, and they are to go into a reserve, so that they can not pass the rifles on from one year to the next.

Mr. DIES. Mr. Chairman, will the gentleman yield? Mr. PARKER of New Jersey. I can not yield.

Mr. DIES. Mr. Chairman, I make the point that there is no

Mr. PARKER of New Jersey. Would the gentleman withdraw that point? I do not want the House to be disturbed in that

way. I did not mean to be offensive, I will yield if desired.

The CHAIRMAN. The gentleman from Texas [Mr. Dies] makes the point of no quorum. The Chair will count. [After counting.] Fifty-four Members are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed

to answer to their names:

Bacharach Barchfeld Barkley Beakes Beales Benedict Dooling Drukker Dupré Roberts, Mass. Kearns Roberts, Ma
Rowland
Rucker, Mo.
Sabath
Schall
Scott, Pa.
Scully
Sears
Sells Keating Kennedy, R. I. Kent Kettner Dupré Edwards Estopinal Fairchild Farr Ferris Flynn Gard Glynn Gould Lafean Lee Lever Bennet Blackmon Browning Bruckner Lewis Liebel Shackleford Shackleford Sherwood Siegel Slemp Smith, Idaho Smith, N. Y. Smith, Tex. Sparkman Stout Swift Liebel
Loft
Loud
McCulloch
McDermott
McGillicuddy
McKinley
Maher
Matthews Burgess Butler Campbell Carew Gould Graham Griest Hamili Hart Haskell Casey Chandler, N. Y. Charles Clark, Fla. Matthews Meeker Mondell Montague Hastings Clark, Fin.
Cline
Coady
Coleman
Conry
Costello
Dale, N. Y.
Danforth
Darrow
Davenport
Dewalt Swift Tasgart Tague Talbott Hayes Helvering Henry Hicks Hill Hinds Mooney Tinkham Winslow Woodyard Mudd Nelson Oglesby Hulbert Husted Johnson, S. Dak. Jones Patten Phelan Pou

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the Army appropriation bill (H. R. 20783), finding itself without a quorum, he directed the roll to be called, whereupon 325 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered on the Journal.

The SPEAKER. A quorum having appeared, the committee

will resume its session.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill (H. R. 20783), with Mr. SAUNDERS in the chair.

The CHAIRMAN. The gentleman from New Jersey [Mr.

PARKER] will proceed.

Mr. PARKER of New Jersey. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. PARKER of New Jersey. However unwilling I have been that the House should be delayed by the roll call, I suppose I ought to thank the gentleman from Texas for getting an audience for me. 1 was saying that we had no rifles or munitions for our 21,000,000 able-bodied men, and could not get them for 70 or 100 years at the present rate; that we had not enough for the 800,000 young men of 19 years of age who would come out yearly under the proposed system of military training. We have not enough, if we want to train our 5,426,000

boys between the ages of 15 and 20. There are nearly 1,800,000 of them in the common schools. There are also 673,000 in public There are 250,000 in the colleges, and private high schools. There are 75,000 or 100,000 in professional schools. In the name of military training, are we going to call our men to arms without any arms to give them, as England did when for two years she could not send her men forward because of the lack of arms? Are we going to pretend to have military training without arms, whether in our schools or outside? Gentlemen talk of the Swiss. The Swiss have only a short military training in the field, but for four or five years they receive military training in their schools, and when a man gets through with his training in the camp he is given his rifle, and he takes it home and keeps it in his house as a freeman until he is past the age of military service, and he is always ready to turn out with his gun at any moment. That is what makes for peace. But we

can not have that training without arms.

It is still more so as to officers. We sent 150,000 men down to the border recently. They were called the National Guard, but it is not fair to put all their faults on the National Guard. The National Guard has a peace strength under the statute which is only half its war strength. That is all wrong. peace strength ought to be double the war strength, so that we could call only the younger men to go to the front, and still have the benefit of the older men to help train the younger men and to help take care of riots and for home duty. But the result of that peace strength of 50 men to a company, with more than 100 men to a company when they got to the border, was that they sent a lot of boys down there, real good fellows, who knew nothing whatever of military service, and the question was where to get men to train them. We had no Regular Army officers to spare, because all their companies had been enlarged at the same time, and every one of them was needed with his own company and could not go to train the militia. We had not the trained graduates of West Point, nor the men trained in the work of an army, to take care of the 150,000 of our National Guard. What would we do if we had to take care of 900,000 men and they were asked to come out next year to be trained, all 19 years of age and all knowing nothing about war? And what would we do if we ordered our school-teachers to train their boys? Where are the military teachers for those schools to give them real training? And half training is worse than none, because a man who is half trained thinks he knows it all, and the man who has no training does not think so. We need trained military men in the community. We do not want shoulder straps. I believe that the one remedy, next to providing arms, is to establish military academies like West Point, under the same discipline and drill, that would have 50,000 boys in them, who, when they graduated, would be ready either to take command of an army of volunteers called into the field or to take charge of military training in our schools. Those 50,000 cadets would be an army in themselves, and could have maneuvers of themselves every three months in the summer. They could have maneuvers such as we have never seen before, and would introduce the large tactics as well as the full training. It is tools and teachers, brains and arms, that we need if we are to defend the country in an emergency, and it is with that view that I look on this bill rather than on the question of the splendid little Army that we have.

Mr. EMERSON. Will the gentleman yield?

Mr. PARKER of New Jersey. I yield to the gentleman. Mr. EMERSON. I see the gentleman has a great deal of knowledge and experience on the subject. I would like to ask him what is a trained soldier?

Mr. PARKER of New Jersey. Does the gentleman mean

officer or man?

Mr. EMERSON. A man. Mr. PARKER of New Jersey. A man is a trained soldier who knows how to shoot straight, to obey orders, and to get there. He needs to be able to march 30 miles a day, to shoot straight whether he is firing by volley or by himself, and he needs to know how to obey orders. It takes some time to teach that.

Mr. EMERSON. About how much time should it take to train

an inexperienced man so that he will become trained?

Mr. PARKER of New Jersey. If he knows how to shoot and has the right training from the right kind of an officer, and, what is more important, has the right kind of companions alongside of him whom he can imitate, a recruit can go into the Regular Army and learn to be a fairly trained soldier in about three months; but if a bunch of men go in together who do not any of them know how to do anything no officer can drill them in three months. Is there any other question?

Mr. DIES. Does the gentleman want to train the American

youth to go across the ocean to fight across the water?

Mr. PARKER of New Jersey. No, sir.

Mr. DIES. Or does he want to train them to stay at home and defend their liberties?

Mr. PARKER of New Jersey. I want to train them at present to defend our rights as neutrals. I see no reason for doing any-

Mr. DIES. To go across the water?

Mr. PARKER of New Jersey. I see no reason now to do anything of the sort. There might be some reason under some circumstances, but those, I hope, will never arise.

Mr. DIES. I should like to ask the gentleman this further question: In view of our present international relations, with American commerce practically barred from the high seas, does

the gentleman approve of the President's course? Mr. PARKER of New Jersey. I have not brought up any ques-Mr. PARKER of New Jersey. I have not brought up any question of that sort. I stand by my President wherever I can, and I have not discussed his action. The other day I gave some history of what the United States did in 1798. I refused then to answer questions as to my opinion, because I will not embarrass the Executive. The gentleman speaks of going across the water. We had to send troops across the water once into Mexico, and we might have to defend the Monroe doctrine in South America. There are cases which can be imagined in which America might have to do the like, but at present we are trying to defend our neutrality and maintain the peace, if necessary, by force. [Applause.] Mr. Chairman, I yield back the balance of my time.

### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Page of North Carolina having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On February 9, 1917: H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917,

H. R. 10173. An act for the relief of Anna C. Parrett; and

H. R. 11745. An act for the relief of S. E. Bennett.

On February 12, 1917: H. R. 7763. An act for the relief of Stephen J. Simpson. On February 14, 1917:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public park purposes

H. R. 1358. An act for the relief of Everett H. Corson; H. R. 1609. An act for the relief of S. L. Burgard;

H. R. 6732. An act for the relief of Joseph A. Jennings; H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.

H. R. 11150. An act for the relief of mail contractors;

H. R. 15314. An act to punish persons who make threats against the President of the United States;

H. R. 20453. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers

S. 3681. An act for the relief of the owners of the steamship

Esparta;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 7779. An act to authorize the change of name of the steamer Frank H. Peavey to William A. Reiss;

S. 7780. An act to authorize the change of name of the steamer Frank T. Heffelfinger to Clemens A. Reiss;

S. 7781. An act to authorize the change of name of the steamer George W. Peavey to Richard J. Reiss; S. 7782. An act to authorize the change of name of the

steamer Frederick B. Wells to Otto M. Reiss; and S. 7963. An act to prohibit the manufacture or sale of alco-

holic liquors in the Territory of Alaska, and for other purposes.

On February 15, 1917:

H. R. 5262 An act for the relief of John B. Hoover; H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington;

H. R. 11685. An act for the relief of Ivy L. Merrill; and H. R. 14784. An act for the relief of Alma Provost.

S. 1553. An act for the relief of Peter Kenney:

S. 2880. An act for the relief of Martin V. Parmer;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made

thereby;

S. 3743. An act to reimburse John Simpson;

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.; S. 7556. An act to grant to the Mahoning & Shenango Railway

& Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge, and approaches thereto, across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio; and

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county.

#### ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentle-

man from Mississippi [Mr. Quin].

Mr. QUIN. Mr. Chairman and gentlemen, I hope that no one will interrupt me or ask me to yield, because I have such a short time and I do not want to appear to be discourteous. Gentlemen, your committee has brought out a bill carrying an aggregate of \$247,000,000 for Army national defense. Although the country may not know what it is all for, every man in this House ought to be familiar with the fact that it is for the defense of this country and not for war. It is true that we are building up the nucleus of an army upon and around which an army for war can be built if necessary. This bill does not meet with the approval of the great jingoes, but it ought to meet with the approval of every just and patriotic man who has the proper regard for both defense of his country and the taxpayers. [Ap-

We have provided a good bill. Of course we could not go to the last farthing desired by some of the General Staff and the Secretary of War. Your committee does not want to be put in an attitude that they are insipid or have no regard for the taxpayers by spending and wasting all that anybody may come before the committee and ask for. Therefore we have exercised good common horse sense, after due deliberation from the early part of December until the bill was reported to the House, and every item is just and can be well explained. Aside from the standing army and the 175,000 active National Guardsmen, we have several hundred thousand trained annually in schools and colleges and about 60,000 in the Federal training campa

The House has appropriated for fortifications over \$62,000,000. The House appropriated for the Navy \$368,000,000, and, with this bill, amounting in all to \$707,000,000 for defense. Who wants more? Can the man who has any regard for the taxpayers desire more? Your Navy, gentlemen, has been well cared for. I will put into my speech what Congress has appropriated for the Navy from 1883 down to and including this year:

### INCREASE OF THE NAVY.

The appropriations under the "Increase of the Navy" recommended are necessary to carry out the construction of the vessels anthorized to be begun in the last naval appropriation act and those authorized to be begun in this bill and can not be reduced. These appropriations in addition to carrying the funds necessary for the entire construction of the ships for the next fiscal year, provide for the ammunition necessary for the various ships.

Summary of all appropriations for the new Navy, Feb. 22, 1883, to Sept. 8, 1916.

Year, Congress, and session.	By naval appro- priation acts.	Miscellaneous acts.	Total.	
1883 (47-2)	\$16, 037, 512. 23	\$882,776.57	\$16, 920, 288, 80	
1884 (48-1)	8, 931, 856. 12	1,757,293.14	10, 689, 149, 26	
1885 (48-2)	21, 460, 929. 54	1,145,386.43	22, 606, 315, 97	
1886 (49-1)	16, 489, 556. 72	922,143.49	17, 411, 700, 21	
1887 (49-2)	25, 786, 847. 79	37,257.79	25, 824, 105, 58	
1888 (30-1)	19, 943, 281. 05	1,034,551.56	20, 977, 832, 61	

Summary of all appropriations for the new Navy, etc .- Continued.

Year, Congress, and session.	By naval appro- priation acts.	Miscellaneous acts.	Total.	
1889 (50-2)	21, 692, 510, 27	1,963,027.17	23, 655, 537, 44	
	23, 136, 035, 53	2, 318, 815. 22	25, 454, 850. 75	
	31,541,645.78	1, 234, 394. 86	32, 776, 040. 64	
1891 (51-2) 1892 (52-1)	23, 543, 268. 65	450, 972. 19	23, 994, 238, 84	
1893 (52-2)	22, 504, 061, 38	121, 553, 68	22, 625, 615. 06	
1894 (53-2)	25, 366, 826, 72	325, 073, 75	25, 691, 900, 47	
1895 (53-3)	29, 416, 077. 31	170, 578. 78	29, 586, 656, 09	
1896 (54–1)	30, 862, 660, 95	596, 161. 18	31, 458, 822, 13	
	34, 128, 234. 19	705, 216, 85	34, 833, 451, 04	
	01, 120, 201. 13	557, 561, 02	557, 561, 02	
1897 (55-1) 1898 (55-2)	56, 098, 783. 68	88, 458, 157. 09	144, 556, 940. 77	
	48, 099, 969. 58	9, 197, 600. 20	57, 297, 569, 78	
1899 (55–3)	61, 140, 916, 67	5, 808, 369. 95	66, 949, 286, 62	
1909 (56-1)	78, 101, 791.00	4, 918, 299. 23	83, 020, 090. 23	
1901 (56-2)	70 050 761 07	6, 488, 584. 22	85, 347, 345. 29	
1902 (57-1)	78, 858, 761.07	3, 116, 906. 56	84, 993, 697, 99	
1903 (57-2)	81, 876, 791. 43 97, 505, 140. 94	6, 347, 029, 97	103, 852, 170. 91	
1904 (58-2)		15, 623, 217. 62	118, 459, 897. 56	
1905 (58-3)	102, 838, 679. 94	3, 443, 672. 23	105, 815, 342.50	
1906 (59-1)	102, 371, 670. 27		100, 893, 431. 98	
1907 (59-2)	99, 971, 449. 79	921, 982. 19 7, 347, 020. 33	130, 013, 153, 60	
1908 (60-1)	122, 666, 133. 27			
1909 (60-2)	136, 935, 199. 05	3, 107, 456. 80	140, 042, 655, 85	
1910 (61-2)	131, 510, 246.01	1,706,447.18	133, 216, 693, 19	
1911 (61-3)	126, 478, 338. 24	1,340,343.24	127, 818, 681. 48	
1912 (62–2)	\$128, 908, 196. 96	\$830, 858. 92	\$129, 739, 055. 88	
1913 (62-3)	141, 050, 643. 53	1, 499, 720. 94	142, 550, 364. 47	
1913 (63-1)	*******	193, 802. 80	193, 802. 80	
1914 (63-2)	145, 503, 963. 48	2,750,368.93	148, 254, 332. 41	
1915 (63-3)	149, 763, 563. 45	1, 270, 344. 58	151, 033, 908. 03	
1916 (64-1)	312, 888, 060. 25	5, 324, 147. 52	318, 212, 207. 77	
Total	2, 553, 407, 600, 84	183, 917, 094. 18	2, 737, 324, 695. 02	
Total expenditures for				
the Navy from 1884 to 1916, inclusive			2, 318, 862, 303. 09	

Appropriation for 1917, \$368,000,000.

We have carried into the bills everything that a sensible and practical people in times of peace could expect, but gentlemen, we have in our country some propaganda that is endeavoring to inflame the minds of the American people and make them think that Congress is doing nothing to protect the Nation. I will put into the RECORD what the gentleman from Texas [Mr. CALLAWAY] said, touching the propaganda of this country.

Callaway] said, touching the propaganda of this country.

Mr. Callaway. Mr. Chairman, under unanimous consent, I insert in the Record at this point a statement showing the newspaper combination, which explains their activity in this war matter, just discussed by the gentleman from Pennsylvania [Mr. Moone]:

"In March, 1915, the J. P. Morgan interests, the steel, shipbuilding, and powder interests, and their subsidiary organizations, got together 12 men high up in the newspaper world and employed them to select the most influential newspapers in the United States and sufficient number of them to control generally the policy of the daily press of the United States.

"These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 25 of the greatest papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy, national and international. of these papers; an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished for each paper to properly supervise and edit information regarding the questions of preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.

"This contract is in existence at the present time, and it accounts for the news columns of the daily press of the country being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes.

"This policy also included the suppression of everything in oppo-

sibility and probability of the United States being acceptable.

(oes, "This policy also included the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is that it is 'patriotism.' They are playing on every prejudice and passion of the American people."

Is there any man who doubts the influence that is operating on the great daily press of this Republic? The honest newspapers are doubtless affected by the interest-controlled portion of the great dailies in certain centers, and this coined sentiment is in a measure unconsciously reflected by many of them. So the baneful influences reach out and ramify through every State in this Union for the purpose of misleading and warping public opinion. They have not only stirred the people, but right here, while we are on the verge of breaking with a foreign country, you have the bloodthirsty press of this country endeavoring to inflame the public mind. You find some men in high authority endeavoring to do that. They are endeavoring to force America to fight on foreign soil under the joint banner of a King and Czar. They are mad at the President and Congress

because our country is at peace. I am sorry to say that the papers carry the news that two distinguished ministers, followers of the lowly Nazarene, are attempting to inflame the public mind, and when attacked on the floor of the House justify their position by endeavoring to make the Son of the Lord, the Savior of the world, appear as a great giant with fire and sword, teaching the doctrine of rapine, murder, and bloodshed instead of peace, good will, and the salvation of mankind. I have never heard that doctrine preached before, and I am sorry to hear Not only that, but some great power is endeavoring to make the American people believe that we are an enervated and effeminate people. An ex-officer of the Navy made a speech the other night in New York, in which he stated that the American people are offeningly and the research can people are effeminate, and the reason he gave was that they wear silk stockings, ride in automobiles, and wear kid gloves. If that distinguished ex-naval officer would look around, go out of the little circle he travels in, he would find that the great majority of the people of this country are strong and vigorous. [Applause.] Just because he sees some few Charlie boys in a few cities who wear corsets and a monocle he thinks everybody is effeminate; because he sees some rich and degenerate fellow in that class he thinks all the people who are rich are effeminate. I wish he would go out in the byways and hedges of this country. Even in the great cities he would find that the great financiers and business men work 18 hours a day, are strong, virile men, ready to fight for their country. He would find in the city of Washington 90 per cent of the men in every walk of life strong, vigorous, and virile. [Applause.]

Mr. DIES. Will the gentleman yield? Mr. QUIN. I can not yield. He would find all over the Republic 95 per cent of the men are strong, virile, and vigorous. If he would go to the great sawmills, the great mines, or to the railroads, the shops and factories and oil fields, he would see workmen who are strong and virile; and if he would go on the farms he would see 98 per cent of these patriotic men with calloused hands and many with Army and Navy patches on their breeches, strong, active, brave, and patriotic, ready to defend their country at all times. Would he call all of these wealth producers—laborers, business men, and professional men—effeminate? His indictment of the American people is false, and I here denounce it. [Applause.]

But aside from that we have others of his class endeavoring to bring on compulsory military service for the people of this country. The bill has already been introduced and brought country. The bill has already been introduced and brought out by the Senate committee to that effect. I have it in my hand, and, in my judgment, it is subversive of the liberties of the people. You had better begin to gird on your armor to fight this propaganda.

My friends, this measure has in it all of the provisions and instrumentalities of tyranny. It has in it more than that. It has in it the teeth of a dragon to bite into frazzles the liberties of the people. [Applause.] It is honeycombed with deceptive snares. It is artfully touched with demagogy. It is a mon-strosity in times of peace. It is worthy of the Dark Ages. It is a mon-Gentlemen, will you stand for it? Will you stand for that kind of a measure, that would put all of the powers of a despot in the hands of the President? [Cries of "No!"] Never in the Dark Ages was there a tyrant who had the unbridled power for oppression that is unstintingly given in this bill for compulsory military training, and if put through the Congress would put into the hands of the President of your Nation the power to conscript every man between 19 and 28 years of age into the Army. We have heard that when the three wise men reported that Jesus was born into the world old King Herod sent out a proclamation that every newborn babe be killed. This bill, if adopted, will give the President power to send out a proclamation in the United States to be posted in the post offices and at the consular offices by which every man of the 9,000,000 men between the ages of 19 and 28 years shall go up and register and go into the service to be compulsorily trained, and that he shall be in the Reserve Corps of the Army, subject to the call of the President, for nine years. Not only that, my friends, but they put upon the proposition the power vested in the President to say what all of the regulations shall be. It puts upon the President the power to say that these men shall go upon the high seas or that they shall serve in the Regular Army of the United States. Negroes and whites alike would be drilled side by side and, of course, put on equality while in training and in the Army. This measure is absolutely subversive of all of the best ideals and traditions of our Republic. You have in the great papers that are sending forth this propaganda, in the controlling military men of our Nation, all of the forces coupled with wealth and aristocracy to trample on the rights of the people of the Nation. [Applause.] Not only that, but the exceptions in the bill show the handiwork of a wily and artful dodger. They propose to leave out the people who belong to certain sects and religions who do not believe in fighting, and I guess a great to leave out every man who has dependent upon him a wife or a father or a child. They propose to train criminals and men of bad character all in one unit. I guess that would be called

the regiment of bad men from Bitter Creek.

Then they propose to establish a court, and this measure has in it a provision to give all of the powers of court-martial to an autocrat, to an Army officer, and, in the event these people would not go and register, it is proposed they be fined \$1,000 and 12 months in jail. If this court-martial tribunal did not give justice, the district Federal court would be appealed to. My God! What chance would a poor man have? Not only that, but every man between 19 and 28 years of age who had not served in the Army or who did not have a certificate of exemption would be forced out of employment, because the man that would employ him would be subject to the same offense, to be tried by the same court, with the same penalty. Not only that, but the men who would be conscripted for this military training or service would be put into an army called the reserve army corps, to serve there from the age of 19 until he was 28. After being trained six months the first year, he would have to report one certain place at a stated day every year thereafter. He would be subjected to call by the President at any time till he is 28. I have figured that the expense of it would be at least \$1,000,000,000 a year. You would have fastened as heavy expenses on this Nation a lot of retired Army officers in 30 years that would be much larger than the whole standing Army of your country Every one of these conscripted citizens of the United States under the bill would have a pension under the same conditions as the veterans of the Spanish War. Do you believe the American people would tolerate such things as that in time of peace? [Cries of "No!" "No!"] These people who are proposing that propaganda expect Congressmen to sit down and die of dry rot and do nothing to prevent it. Is it possible that the American people are, during these times of peace, to be swept off their feet by the militarists and propagandists that would allow in this hysteria a law to become effective that would deprive them of their liberties and that would be destructive of the traditions and the foundation stones of their Government? [Applause and cries of "No!"] It goes to the very founda-tion stone and the root of all of the liberties of our people, and if the American people have such a law as that put on them, the party that is responsible for it would be driven out of power. and the individual Congressmen who are sponsors for it would undoubtedly be scourged from their seats of office. [Applause.] But still we have from one end of this Republic to the other this poison gradually being trickled down from one point to another into every strata of society. It is an influence that is working more iniquity, it is an influence that is doing more harm and overriding more of the rights of the people than all of the corporate influences that have ever yet been exerted in the legislative halls of the Nation, and yet we find no newspaper in the city of Washington or in the city of New York that writes a single line against this propaganda. You find it urged by every sinister influence of the Nation. I shall fight it to the last ditch. [Applause.]

The CHAIRMAN. The time of the gentleman from Missis-

sippi has expired.

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentle-

man from Massachusetts [Mr. Olney].

Mr. OLNEY. Mr. Chairman, I ask for only 15 minutes of the time of the House because I believe that a new Member generally should be seen and not heard, though I would like to have about half an hour; but considering that I have only 15 minutes I will ask that I be not interrupted. We agreed as a committee to suggest or make no radical changes from the defense act passed June 3, 1916, and I desire to commend the able and efficient manner in which the chairman of our committee conducted his exposition of the bill. [Applause.] Should the National Guard fall down or weaken in its system, and I hope it will not and that it can meet the conditions of the act passed by this House June 3, 1916, I would suggest another system, and that is universal military training; and I want my district and the State of Massachusetts and the Nation to know that I am in favor of universal training and service as the most democratic system of military establishment. If you were to poll our committee you would find about one-third of it in favor of such a system, and about the same number of men in favor of the summer military training camps, and on our committee there are three colonels—I call them-members of the National Guard, who, too, I believe, are in favor of universal military training, and I shall call

them also battle-scarred heroes of the Spanish-American War; and if by chance there should be up in the Press Gallery there the editor or a representative of the Chicago Tribune, I ask him not to misquote my words as such words were misquoted at one time in the introduction of a speaker in the North at a great gathering. This gentleman introduced a colonel of the great gathering. This gentieman introduced a colone of the Civil War as a battle-scarred hero of the Civil War. The next morning the newspaper account appeared as "bottle-scarred hero" of the Civil War [laughter], and the colonel went to the newspaper editor and said, "You must retract." The editor said, "I will do so." The colonel said, "It means your life or mine if you do not." The next morning the editor did attempt to retract, but instead of it appearing as "battle-scarred hero" it was "battle-scared hero" of the Civil War. [Laughter.] In answer to a question of mine submitted to Gen. Scott he admitted that by the adoption of a system of universal military training we could materially reduce the Regular Army. An hour or so ago, coming out through a question which a Member asked as to what each soldier cost the German Government, I believe the figure is about \$240 per man, while our Army, including overhead charges, costs about \$1,000 per man. Therefore, if in the end we raise our various increments of the Regular Army it will cost our Government about \$200,000,000 to maintain its Regular Army.

The Argentine Republic has a regular army of only 5,000 men. They adopted some years ago a system of universal military training. Switzerland has but a small force. I believe this country could get along with a Regular Army of only 50,000 men and this Government might save \$150,000,000. If the National Guard should fail, and I do not want it to fail, I want it to meet the conditions, but the evidence comes to me in com-munications and letters that this system will fall down and when the terms of enlistment expire they will not enlist again. Let us then adopt the system of universal military training. I am flying in the face of the protests of the labor unions of my district, who have protested to me against the adoption of such a system, but I believe I am strong enough in my district to tell them wherein I believe that they are wrong. Why should my boy not serve his country as well as the boy of my next-door

neighbor? [Applause.]
Mr. DIES. Mr. Chairman, will the gentleman yield?
Mr. OLNEY. Mr. Chairman, I decline to yield. I want more time and I can not get it. I will say my colleague from Tennessee, who made a splendid and able speech, referred to the system of universal training now in vogue in Switzerland. He mentioned 65 days as being required to train Infantry and 48 days the National Guard, but he should have stated 48 nights, and it is only one hour a night a week, or 48 hours during

Mr. DIES. Will the gentleman yield?
Mr. OLNEY. No; thank you; I can not yield.
Mr. DIES. Mr. Chairman, this is so important everybody ought to hear it, and I make the point that there is no quorum present.
The CHAIRMAN (Mr. DRISCOLL). The gentleman from Texas

makes the point of no quorum.

Mr. OLNEY. Mr. Chairman, I decline to yield.
Mr. DENT. Mr. Chairman, I make the point of order the
gentleman can not be taken off his feet by the gentleman from

Texas in this way.

Mr. OLNEY. Mr. Chairman, I decline to yield.

Mr. DIES. The point of no quorum, I understand, can be made at any time.

Mr. DENT. But the gentleman can not take the gentleman off his feet.

Mr. OLNEY. Mr. Chairman, I decline to yield, if that is

Mr. HARRISON. Mr. Chairman, I submit when the point of order was raised by the gentleman from Texas that the gentleman speaking did not yield the floor at all and the gentleman from Texas, therefore, could not make the point of order of no quorum present.

Mr. OLNEY. Sixty-five days of intensive training in the Republic of Switzerland would probably be 600 or 700 hours

year as compared with the 48— The CHAIRMAN. The Chair will count. [After counting.] The Chair finds 125 gentlemen present, a quorum.

Mr. DIES. Mr. Chairman, I demand tellers.

The CHAIRMAN. The Chair has counted and ascertained there are 125 Members present, a quorum, and the gentleman from Massachusetts having the floor will proceed in order.

[Applause.]
Mr. OLNEY. Mr. Chairman, the system of military training has been in vogue in Switzerland since the thirteenth century and it is perhaps one of the most peaceful nations on earth. With a population of approximately 3,500,000 people, an area

twice the size of Massachusetts, it can mobilize an army of 240,000 troops within three days, and in 11 days a reserve army of 250,000. The Swiss Army within the past 20 years has captured 17 international trophies in rifle contests, one of which was held at Camp Perry, Ohio. At one time at a notable celebration 30,000 Swiss Guards were reviewed before the Emperor of Germany. He said to a Swiss officer, "Supposing 60,000 Germans would attack your force of 30,000?" The Swiss officer very quickly said, "They would just have to shoot twice, that is all," showing how confident was the Swiss nation of the marksmanship of its troops. I have referred to the intensive drilling of 65 days in infantry and 75 days for artillery, and 90 days for cavalry, but you must also realize that the Swiss youth starts to train when he is 12 years of age in calisthenics and athletic exercises in his school. That is why perhaps I am so enthusiastic for the establishment and propagation of Government training camps which were started in 1913 with an enlistment of only 222 men at Plattsburg, N. Y.

In 1914 these camps had approximately 660 men; in 1916, about 3,000. The camps are now under Federal supervision, and they are very successful, and there are sectional camps in various places in the Nation, and last year they trained—and the camps are ostensibly for training officers—about 16,000 men, who were enlisted in these camps last year, and it is expected that this year they will train at least 40,000 men. The reason I am in favor of universal military service is that I have heard so much of class distinction and class prejudice that I believe the adoption of such a system will burn away all the barriers forever of class prejudice and class distinction. As it is now, if you take our Regular Army or the National Guard, who are the men serving our country? Invariably they are the sons of poor men and they are the brothers of those who toil. I want the rich and the poor to serve alike, side by side, in times of

peace as well as in times of war. [Applause.] Should the National Guard fail in its system, and the National Guardsmen themselves acknowledge the possibility of failure, we will therein save the Government something like \$50,000,000 a year should we abolish this system. We want no war, gentlemen of the House, but we want to be prepared. Nearly all nations have some form of compulsory military training and service. A member of the English Parliament at my house within a month told me that America would probably never adopt the system until a crisis came. I hope sincerely that the crisis will

never come.

May I quote to you from such men and eminent authorities, first, as Thomas Jefferson, who said:

I think the truth must now be obvious that we can not be defended but by making every citizen a soldier.

And the venerable prince of the Roman Catholic Church, Cardinal Gibbons, who says:

I was greatly pleased to see the bill introduced recently by the Senator from Oregon providing for this training. Such a system would be of immeasurable benefit to the young men of the country in every way. It would safeguard the Nation. It would not foster militarism. It would not be a provocation to war, but would make us strong enough to insure peace as far as humanly possible.

And from Samuel Gompers, president of the American Federation of Labor:

We must have a preparation that means a comprehensive development of all the powers and resources of all our citizens. In Switzerland every man is a soldier—not necessarily to go to war—but he has the physical and manual training necessary to defend himself, his family, and his country. Under that system the Swiss have developed a manhood, a character, that challenges the admiration of the world. We will be satisfied with nothing less in America.

Gentlemen of the committee, we have a great Regular Army. From my experiences at the summer military training camp at Plattsburg last summer, where I spent three days as the guest of the commander of the Department of the East, I was enabled to witness the democracy of such an institution, where the clerk from my own town, my own district, served side by side with the rich banker and broker and lawyer of New York. It innoculates in the youth the spirit of democracy which this Nation needs. It is the best way to brush aside class distinction. Therefore I favor enthusiastically the adoption of such a policy.

I ask to extend my remarks in the RECORD by including an editorial from the Washington Post on the Plattsburg idea.

Our bill has provided an appropriation of \$2,500,000, reduced from \$3,281,000, providing for the transportation and subsistence of these men who are loyal and patriotic enough to take 30 days off in the summer time for their periodical encampment. And you must realize that they have five such different sectional camps in this country, the largest being at Plattsburg, where, during the encampment which I witnessed, there were 6,000 men enrolled. And they are there trained, under our bill, by the best available United States officers. Therefore as an opening wedge to universal military training, and I say uni- own State in the recent mobilization. Pennsylvania stood only

versal military service, too, because perhaps these systems will go hand in hand, the institution of the summer military training has been invaluable.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. DIES. Mr. Chairman, I object to the extension by unanimous consent.

The CHAIRMAN. Does the gentleman desire the Chair to

put the request or to withdraw the request?

Mr. OLNEY. I make the request as a member of the Committee on Military Affairs. I believe I am entitled to such an extension of remarks

The CHAIRMAN (Mr. Saunders). The gentleman from Massachusetts asks unanimous consent to extend his remarks

by including certain papers. Is there objection?

Mr. DIES. Mr. Chairman, I object.

Mr. DENT. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Chairman, I propose when the bill H. R. 20783 is reached in the reading under the five-minute rule to offer an amendment, and in order that the House may understand what the amendment is, it being long, I ask for the

extension of my remarks by the printing of it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DIES. I object, Mr. Chairman. Mr. KAHN. Mr. Chairman, I yield five minutes to the gen-

tleman from Pennsylvania [Mr. Morin].

Mr. MORIN. Mr. Speaker, to-day there are a great many questions before the American people which have to be solved. There was never a time since the birth of this Nation when greater problems, involving the life, prosperity, and destiny of our Republic, were before us. These questions have to be solved on the basis of sound principles and policies and under the wise and able leadership of eminent statesmen. To my mind, the most vital question is that of the preservation of our liberties, those liberties which our Constitution guarantees to every man who lives upon these sacred shores-the inalienable right to live his life, think his thoughts, love his country, and worship his God according to the dictates of his own science—those liberties which were so eloquently expressed by that patriot Patrick Henry, when he said, "Is life so dear and peace so sweet as to be purchased at the price of chains and slavery?" From that day to this liberty has become the priceless jewel of American citizenship. Our forefathers sacrificed their love of family and home for it; they suffered and they died to make it an eternal principle; and we, their children, who renew the obligations it imposes, should enjoy it but never abuse it. That liberty which we inherited from our fathers we are in sacred duty bound to preserve and hand down unimpaired to the safe-keeping of future generations. And how can we best preserve this liberty, Mr. Speaker? Why, by being adequately prepared to strike and crush at the first blow any foreign foe that would attempt to invade our peaceful shores.

Mr. Speaker, I hope this bill as reported to the House by the Committee on Military Affairs will pass in order to make pos sible the Standing Army authorized in the public-defense bill which was passed at the first session of this Congress. great and only regret is that the public-defense bill does not authorize a standing army of 250,000, as was proposed at that time by my colleague on the Military Affairs Committee, the

gentleman from California [Mr. KAHN].

I favor an Army sufficient to repel invasion; large enough to protect the interests of this country against the world. An Army actuated by the high ideals that we are for peace and against war unless it is to defend, protect, and preserve those

liberties for which this Republic stands.

I believe we should have a Navy large enough, great enough, and strong enough to protect us from the aggressions of any and every nation that does not respect American property, the American flag, and, above all, American lives. It matters not how great or powerful a nation may be, it must do no wrong or injustice to an American citizen wherever he may be, so long as in the exercise of his legal rights. The people of our country know their rights and they dare to maintain them at all times; and the sooner the nations of the world become alive to this fact, the quicker and more certain it is that there will be no war or wars. I yield to no man in my love for country, its prestige and welfare, and I wish for peace, but it must be a peace in which the safety of our citizenship is assured and our national honor is maintained. I am for peace with honor. Expense is not a factor, but safety and self-respect is necessary.

I have always been a supporter of the National Guard, and it is a source of gratification to me the showing made by my

second on the list of States that sent troops to the border, and she sent 15,000 fine, stalwart lads to take their places in the ranks. These boys gave up so much. Home ties were broken, loved ones in many instances were left to face distress and pov-They laid on the altar of their country hopes and ambitions, business opportunities, chances that may never come again, but the call of danger came and all was forgotten. Duty's

demand was upon them, and they gave instant obedience.

Much criticism was leveled at the National Guard during their mobilization, and it has been declared by the press and those high in authority that the guard has proven to be an ineffectual branch of the Army. Viewed from a fair and reasonable standpoint, the National Guard acquitted itself most creditably in the mobilization; but the President's call had scarcely been issued before inspired statements were being published alleging the complete failure of the militia system under "the iniquitous Hay bill." The inconsistency of attempting to show failure of the operation of a law which was not in effect and under which the War Department had taken up no detail of administration should have suggested itself to every thinking mind; but in this, as in many other things, the opinions of others, who are considered to know, was accepted without question.

When the smoke clears away, two things will stand out pre-eminently among the features of the mobilization:

First. That on the day of the call there were approximately 134,000 men in the National Guard; that only about threefourths of the organizations composing that force were embraced in the call, and yet the guard went into the Federal service 160,000 strong. This was accomplished within the measure of a few days. The rush of men to the colors was checked by the Federal authorities, who ordered the discontinuance of the system of recruiting for war which had been pre-scribed and in effect in the National Guard and in the operation of which the latter had been schooled since 1911. Even with this handicap the guard was increased over 30 per cent in strength within a few days, and before the recruiting was stopped and placed in the hands of Federal agencies.

Second. Another luminous feature of the mobilization was the absolute and deplorable failure of the supply departments of the Army to meet the situation and their inability to function effectively and efficiently. All War Department agencies were suddenly thrown into a complete state of chaos, and confusion reigned supreme. It is astounding that the men responsible for this condition should now have the effrontery to say to the country that the National Guard was ill equipped.

When the call was made by the President for the National Guard organizations to proceed at once to their respective mobilization camps, they went; but in thousands of cases militiamen were obliged to sleep on the ground and were without arms and necessary clothing for weeks. But this was not due to the failure of the National Guard as an organization, but it was due to those in charge of the affairs of the Army and to our utter lack of foresight and preparation. This is a matter that is now justly engrossing the attention of all. Profiting by our own sad experiences and the lessons that can be learned from the conflict across the seas, we should set ourselves to the task of working out this great problem of military and naval

preparedness.

Recently I received a statement from Brig. Gen. Albert J. Logan, commanding the Second Pennsylvania Brigade. Gen. Logan, I take pleasure in saying, is a constituent of mine. He is a man who stands high in business circles, one who has had years of experience in affairs pertaining to the militia, and was in command of the Second Brigade when it was at the border. Being a close student of national preparedness, when he speaks it is as one who is thoroughly conversant with the subject, and his opinion on such matters receives consideration, for it is a recognized fact that he is an efficient and capable officer. In this statement is proposed a plan, which I think is very logical, for the organiation of our national defense. I will give a few excerpts from this statement:

excerpts from this statement:

Manifestly we can not embark in this most important enterprise—the most critical adventure in which this country has ever embarked—unless we know wnat we are doing. Before we build a building, we must be certain of our foundation. Our foundational trouble is our Army organization. Whether it is due to bureau rule or what not, I state no opinion, but the fact remains that a general staff that is subject to continual changes, a new chief of staff every four years, and a war college that changes every now and then, with no definite fixed deterquations of policy and procedure, can not produce a military system worth having. The first thing we must do, therefore, is to make the organization of the directing element stable and permanent, so that a policy, when once determined, shall be wisely and logically prosecuted.

How shall we decide what course to pursue? What plan shall we

Prosecuted.

How shall we decide what course to pursue? What plan shall we adopt? Every organization has its own solution; Army officers, magazine writers, and many others have written tomes and tomes of solutions. And if we adopt any one of them who shall be responsible for

failure? This is a national question, and it means a mobilization of the patriotism and the resources and the capacity and the brains of this country.

Officers of the Army, no matter how capable or experienced they may be, are not able to formulate such a policy as will properly provide for the mobilization of the elements necessary for the Nation's defense or the training of its civilian population. This involves the social, economic, and political elements of our population. The strategic and tactical features and the actual training may well be left to soldiers, but the solution of the problem itself is much greater than its single military feature.

Manifestly no military legislation that is worth while can be produced at the present short session of Congress. Let a commission be appointed by the President of the United States, to consist of officers of the Army of the United States of experience and judgment, of Members of both houses of Congress, representatives of the Organized Militia of the United States, and a sufficient number of civilians adequately to represent the social and industrial life of the country. Let this commission during the year 1917 pursue an exhaustive investigation into every phase of our military and defense problems. Let it make a comprehensive report to Congress in December, 1917, which will make recommendations for specific legislation. We have tariff commissions and currency commissions and commissions to investigate and control everything imaginable except the one subject which is most important to our national life and which we know least.

The recommendation of a commission of brave, patriotic, unselfish

which is most important to our national file ast.

The recommendation of a commission of brave, patriotic, unselfish men of character will command the respect and confidence of the country and their recommendations will have the support of the people. It is a time for investigation and consideration. We can not do anything without the support of the country. We are not entitled to the support of the country unless the program which is presented is the calm, cool result of the judgment of men who have given it their careful, unremitting, unselfish study and attention and whose capacity and patriotic impulses and purposes can not be questioned.

Specker I am a Republican and believe in the prin-

Mr. Speaker, I am a Republican and believe in the principles laid down by the Republican Party, but there are times when party consideration should be forgotten and patriotism alone should have our thought. Such a time is now. I believe we should be intensely loyal and self-sacrificing under the present trying conditions, irrespective of party affiliation and racial We should stand unitedly in the support of the President of the United States when a question of right is involved; for after all we are first for our country, its ideals and victories, then for our party on all great public questions which tend to promote the prosperity of our land and bring happiness and

contentment to its people.

In conclusion, let me say there have been three great figures in American history which have stood out before the people as great stars in the firmament. The first was Columbus, undeterred by the contumely of those lacking his ken, confronted by the hostility of the Old World's circumscribed belief, and yet having faith in what is now common knowledge he braved the terrors of an untried sea in order to demonstrate his theory. Through forsaking the shores of the Old World he was able to find the new. Then came Washington, whose life was one long and glorious struggle for what he considered to be vital factors of right. Taking his stand when it required the greatest of moral courage, through firm adherence to principle he was able to establish a Government whose proudest boast is that he was the "father." The last of the three was Lincoln. Standwas the "father." The last of the three was Lincoln. Standing with unyielding firmness when the country was being rocked by the storm of strife and dissention within, undismayed by the disloyalty of those he wished to aid, serenely secure until the Nation that seemed to be rent and divided through turmoil within was again united, all then were ready to proclaim him as the one who through fidelity to principle had been able to save us from ruin and final oblivion. Our President is facing troubles equally as grave. We as a people are upholding his hands. If he succeeds in keeping this country from being embroiled in this fearful conflict which is now devestating Europe—which I pray he may—there will come a time in the rope—which I pray he may—there will come a time in the future when party prejudices are stilled and partisan passions have died away that he who records the deeds of men and nations will add another star to that constellation, and then the names will be: Columbus, the discoverer; Washington, the creator; Lincoln, the savior; and Wilson, the preserver.

Mr. KAHN. How much time has the gentleman used, Mr.

Chairman?

The CHAIRMAN. One minute. He yields back four minutes. Mr. KAHN. I yield five minutes to the gentleman from Ohio [Mr. EMERSON] The CHAIRMAN. The gentleman from Ohio is recognized

for five minutes.

Mr. EMERSON. Mr. Chairman and gentlemen of the House, I was in the House on day before yesterday, when the gentleman from Massachusetts [Mr. Garden] asked unanimous consent to address the House for 20 minutes. I did not object at that time, inasmuch as the gentleman from Pennsylvania [Mr. MOORE] had addressed the House formerly on that same subject. I did not object to the gentleman from Pennsylvania addressing the House for 20 minutes after the gentleman from Massachusetts had obtained that consent, because I believed

it was justice and fairness to both of those gentlemen. But I desire to say here and now that I am firmly convinced that any discussion in this House of the causes that lead to the European war or any discussion in this House of the causes that led to our unfortunate break with Germany or what should be our future course in this German controversy is more apt to provoke war than prevent it. [Applause.]

I have come to the conclusion, after listening to the gentleman from Pennsylvania [Mr. Moore] and the gentleman from Masachusetts [Mr. Gardner], that such exhibitions can do nothing but stir up in the minds of American citizens a feeling of hatred toward either one or the other of the belligerents, and thus bring about the thing least desired by all Americans, and

that is war.

In this hour the people of this country who most desire peace should permit the President to handle our diplomatic relations, trusting in him and believing as I do and as most of the people of this country believe that he desires peace, and in the end will obtain peace.

Last fall I, in conjunction with many other Members of this House, condemned the President for his peaceful attitude to-ward Mexico, and called him even a coward and too proud to

The Mexican situation last fall was much worse than our present relations with Germany now are, and yet the President

kept us out of war with Mexico.

I believe the President stands for peace, if peace can be had with honor. I believe the President is doing all he can to keep this country at peace with the world, and the only effect such exhibitions as we had in this House Thursday can have is to hamper the President in his lawful right as the Chief Executive of this Nation.

When the President desires the opinion of Congress he will come, as he always has in the past, and lay the facts before Congress. Then will be the proper time for this House to discuss this subject. But for the present it is improper for Members of this House to discuss in a partisan way, as the gentleman from Pennsylvania [Mr. Moore] and the gentleman from Massachusetts [Mr. GARDNER] did on Thursday of this week.

Believing, as I do, that such discussions are a menace to the peace of this Nation, I for one, if no one else does, will object to granting permission to Members of this House to discuss our present diplomatic break with Germany, believing that any such discussion will do more to provoke war with Germany than prevent it.

We should all restrain our feelings in this matter, to the end that by so doing we may aid the President in bringing about

peace.

So far as I am concerned, I shall object to any Member of this House, if I am here—and I am here most of the timeaddressing this House upon this subject.

Now, what is a patriot? Here is a little article in a paper that I am going to read about what a patriot is. I read:

## THE GOOD PATRIOT.

At this particular time, with the tragic conditions existing in our international relations, the good patriot is not the one who goes around shooting off his mouth about what he would do if he were President. In fact, he is not a patriot at all, but is a public menace and should be hit over the head with a 6-foot water-elm club. The good patriot is the man who keeps his mouth shut, attends to his own business, and stands ready to get out and do his share in case our country should unfortunately be actually drawn into war with Germany and her allies. The worst nuisance of all is the man who is always trying to pick an argument or a quarrel with his neighbor of German birth or descent; we will not attempt to prescribe proper treatment for him. The great bulk of these so-called German-Americans will be found supporting and fighting for the land of their adoption against the land of their birth if such a choice should ever become necessary.

That is a good definition of what a good patriot is. I deplore the fact that Members of this House should attempt at this time to discuss our relations, unfortunate as they may be, situated as we are at this particular time. I believe that the President of the United States will do all that he can, and he will go further than many of us would to preserve peace not only with Germany but with every nation in the world. All that we can do is to sit here quietly and attend to our business, and when he calls upon us to express our views then there will be plenty of time,

Let us stand by the President in this crisis now, and you will find you will do more to bring about peace than if you are constantly talking about it on the floor of the Congress of the United States. [Applause.]

The CHAIRMAN (Mr. CRISP). The time of the gentleman

from Ohio has expired.
Mr. DIES. Mr. Chairman, a parliamentary inquiry,

The CHAIRMAN. The gentleman will state it.

Mr. DIES. Is a point of no quorum in order during the progress of a speech?

The CHAIRMAN. The Chair will answer the question, although the matter is not pending before the committee. In the opinion of the present occupant of the chair, when a quorum is not present no business can be transacted. Therefore, in the opinion of the Chair, if the point of no quorum is made when a gentleman is addressing the committee it is the duty of the Chair to ascertain whether a quorum is present. When the Chair has ascertained the fact if a quorum is present, then the gentleman who is entitled to the floor can not be taken off until his time has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. Helgesen].

The CHAIRMAN. The gentleman from North Dakota is recognized for five minutes.

Mr. HELGESEN. Mr. Chairman, the crisis confronting the country, caused largely by the campaign waged by a controlled press and by those who desire war for the profit it holds, has created a situation, even in Congress, which is most dangerous to the welfare of the Nation.

There is an element here composed of those who, it seems, will go to any length to bring this Government to intervene in the European war without giving any consideration to the people who will be forced to bear the burdens of such a conflict.

Believing that the people of this Nation have the right to be

consulted and to determine for themselves whether or not they want to become a party to the wholesale slaughter now going on in Europe and offer their sons as a sacrifice to the modern barbarous and inhuman engines of destruction used by both sides in that conflict, I am introducing the following resolution:

barbarous and inhuman engines of destruction used by both sides in that conflict, I am introducing the following resolution: House joint resolution ordering a referendum of the question of whether or not we shall declare war.

Whereas the United States has been insidiously dragged toward entanglement in the European war; and Whereas through various propagandic agitations a war sentiment is being artificially engendered in this country; and Whereas the horrors of war have never been more fitly described than in the immortal words of the late illustrious Gen. Sherman, who said that "war is hell"; and Whereas a declaration of war by the United States will bring untold sorrow and misery into hundreds of thousands of American homes, and hundreds of thousands of American wives and mothers will see their sons and husbands torn from them to die in the trenches; and Whereas the question as to whom belongs the right to decide our foreign policies, and whether war shall be declared or shall not be declared is lost sight of; and Whereas we have but one authority with power to declare war, namely, the authority granted by the Constitution, only to the Congress of these United States; and Whereas the Declaration of Independence and the Constitution of these United States recognize the inherent, inalienable right of the people of the United States to instruct their Government to do the will of the people: Therefore be it

Resolved, etc., That the Congress order a referendum of the question as to whether or not we shall declare war to the people of the United States to instruct their Government to do the will of the people in case of threatened invasion), so that the will of the people on this vital question may be made known to the Congress; and be it further

Resolved, That (except in case of threatened invasion) the President shall take no action that may tend to involve the United States in war until the result of said referendum shall be made known to the Congress.

If the element which insists that war is the only way by

Congress.

If the element which insists that war is the only way by which we can honorably settle our differences with the belligerents in Europe finally succeeds in involving us in that terrible conflict, no father, no mother, and no American boy who will be sacrificed in the trenches in Europe will ever be able to truthfully say that I have not done my utmost to save them from such a fate, or that I have not tried to give the people of the Nation an opportunity to determine for themselves whether or not they believe that war is the only honorable means by which

we can deal with the situation now confronting us. [Applause.]
Mr. Chairman, I yield back the balance of my time.
The CHAIRMAN. The gentleman has used four minutes.
Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. DIES].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

[Mr. DIES addressed the committee. See Appendix.]

Mr. KAHN. How much time has the gentleman used? The CHAIRMAN (Mr. Crisp). The gentleman used six min-

Mr. KAHN. He yields back four minutes?

The CHAIRMAN. The Chair understands that the gentleman yields back his remaining four minutes.

Mr. KAHN. I desire to use those four minutes. The gentleman from Texas [Mr. Dies] very properly has pointed out to this committee the gravity of the situation that confronts the American people. Some of us, with wider vision than the gentleman,

foresaw some years ago that some day, possibly, such an emergency might arise, and patriotically we have stood upon this floor and demanded of the Congress that our country be prepared to defend American rights and American citizens all over the world. [Applause.] The gentleman from Texas [Mr. Dies] at this late hour, when we confront a crisis, now says that he is ready to stand by the President. I and those like me who believe in preparedness have always been ready to stand by the President of the United States in any crisis that might confront the American people, but we wanted to be prepared properly and effectively to defend the rights of this country. The time has arrived, I hope, when the gentleman from Texas and others like him begin to realize what it means for a great nation like ours, with all the interests that we have, to be unprepared Mr. DENT. I yield one minute to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent

to print in the RECORD as a part of my remarks an amendment that I propose to offer, when we reach page 75, line 4, providing for compulsory universal training.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks as indicated. Is there

objection?

There was no objection.

The proposed amendment is as follows:

There was no objection.

The proposed amendment is as follows:

Amendment offered by Mr. Calowell: Page 75, line 9, after the word "appropriated," insert:

"Provided further, That hereafter every male person (a) who is a citizen of the United States or (b) who has made a declaration of intention to become a citizen of the United States shall, except as provided herein, undergo military or naval training as prescribed by the President for a period of 6 months during the calendar year in which he reaches the age of 19 years, or, if not then within the description of either (a) or (b) of this section, in the calendar year in which he first comes within such description or in the year immediately following. No person shall be subject to such training after the year in which he attains the age of 26 years, except as otherwise provided in section 2, nor for more than one period of such training.

"Sec. 2. Continued liability to train: That if any person liable to training does not train in any year in which he is subject thereto, he shall, in addition to the penalties prescribed by law, undergo training in the next succeeding year up to the calendar year in which he reaches the age of 26 years, and avoiding training in any year shall constitute a separate offense.

"Sec. 3. Exemptions: That there shall be exempted from training (a) members of the permanent military or naval forces of the United States, members of the National Guard and Naval Militia; and (b) persons physically unit for any military or naval service whatever; and (c) persons on whose carnings a father, mother, brother, sister, wife, or child is wholly dependent for support. Every person exempted under (b) and (c) of this section shall be required to report for reexamination at periods fixed by regulation, up to and including the year in which he attains the age of 25 years, and if on any such reexamination at periods fixed by regulation, up to and including the year in which he attains the age of the internal period of a training of the mother of the

or be discharged therefrom by the payment of money or any other thing of value.

"Src. 9. Issuance of certificate and rosette: That each person exempted from training shall receive a certificate of exemption, and each person who has completed his training shall receive a certificate of training and a distinctive rosette showing the year's class to which the wearer belongs. Whenever a certificate or rosette issued under the provisions of this section is lost, destroyed, or rendered unfit for use, without fault or neglect upon the part of the person to whom it is issued, a new certificate or rosette shall be issued to such person without charge therefor. No person shall wear a rosette to which he is not entitled, and no person shall use a certificate to which he is not entitled.

"Sec. 10. Naturalization: That no person liable to be trained under this act shall be naturalized as a citizen of the United States unless he has a certificate of training or an unexpired certificate of temporary exemption or a certificate of permanent exemption from training or is undergoing training.

"Sec. 11. Persons without certificate ineligible to certain employments: That no person liable to be trained under this act shall hold any position of trust or profit created or authorized by the Congress of the United States unless he has a certificate of training or an unexpired certificate of temporary exemption from training.

"SEC. 12. Employment of person without certificate prohibited: That no person, corporation, partnership, or association shall hire, engage, engloy, or any certificate of training or an unexpired certificate of temporary exemption or a certificate of permanent exemption from training.

"SEC. 13. Training districts: That for the purposes of this act the Secretary of War shall, subject to the approval of the President, divide the territory of the United States into such training districts as may be convenient, and shall establish for training purposes in each such district one or more cuntonments. As far as practicable such division shall include a single State or group of States.

Secretary of War shall establish for training purposes in each such district one or more cuntonments. As far as practicable such division shall include a single State or group of States.

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shall not be required to undergo training while his appeal is pending, but if his application is denied he shall undergo training during the period of training next following the final determination of his appeal, unless otherwise exempt.

"Sec. 20. Reserve citizen army and reserve citizen navy: That every person liable to training shall, from the date fixed for the beginning of his training until the end of the calendar year in which he reaches the age of 28 years, be a member of the reserve citizen army, unless designated for naval training, in which case he shall be a member of the reserve citizen navy, and of the class of the calendar year in which he is trained, except that a person while holding a commission or a warrant as officer in the reserve citizen army or the reserve citizen navy shall not be a member of any class. Every person who (a) becomes a member of the permanent military or naval forces of the United States, or (b) having been a citizen of the United States ceases to be such a citizen, or (c) not having been a citizen of the United States permanently removes therefrom shall cease to be such a member. Each member of the reserve citizen army shall be subject to the Articles of War, and each member of the Government of the Navy, from the date fixed for the beginning of his training until the end of his training. Each member of the reserve citizen army shall be subject to the laws, orders, and regulations governing the Regular Army of the United States, from the date on which he is called by the President into the service of the United States until discharged therefrom. Each such member shall be entitled from the date of reporting for duty under such call to service and until discharged therefrom to the pay and allowances of an officer or enlisted man of the same grade in the Regular Army or Navy.

"Sec. 21. Annual report: That the President into the service of the United States all or each to the pay and allowances of an officer or enlisted man of the same grade in the Regular Army or Navy.

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population of all. The reserve citizen army or the reserve citizen navy shall not be used in cases of strikes or other industrial disputes.

"Sec. 23. Expenses of mobilization: That in the event of call for service the cost of transportation to and subsistence during transportation to mobilization camps and all other expenses of mobilization shall be paid by the United States.

"Sec. 24. Service strictly personal: That no substitute shall be accepted in place of any person called for service under the provisions of this act, and no such person shall be permitted to escape service or be discharged therefrom by the payment of money or any other thing of value.

"Sec. 24. Service strictly personal: That no substitute shall be accepted in place of any person called for service under the provisions accepted in place of any person called for service under the provision accepted in place of any person called for service under the provisions of value.

"Sec. 25. Service of members of certain religious sects: That members of any religious sect or organization now organized and existing whose creed forbids its members to bear arms in war shall not be required to bear or use arms, but shall serve in the noncombatant of the control of t

ernment for the purposes of this act to the extent he may decisarly.

"SEC. 32. Use of Regular Army and Navy: That the President is authorized to employ the Regular Army and Navy, or any part of their personnel, equipment, or matériel, for the purposes of this act. Whenever necessary in order to make available sufficient officers and non-commissioned officers for the purposes of this act the President may, if the public safety so permits, suspend the organization of units of the Regular Army. The Secretary of War and the Secretary of the Navy shall purchase such further equipment or matériel as may be appropriated for by Congress.

"SEC. 33. Grounds and cantonments: It shall be the duty of the Secretary of War to acquire by purchase and lease real estate required for the purposes of this act, and to construct, equip, and maintain buildings or cantonments, within the amounts appropriated therefor by Congress.

Notice by preclamation: That the President shall, by

buildings or cantonments, within the amounts appropriated therefor by Congress.

"Sec. 34. Notice by proclamation: That the President shall, by proclamation posted in a conspicuous place in the post offices and consular offices of the United States, fix the time and place for any registration, examination, report, enrollment, training, or muster into service under this act, and no personal notice shall be necessary to bring any person or class of persons within the provisions of this act.

"Sec. 35. Pensions: That all laws relating to pensions of members of the Regular Army or Navy and their families in time of war shall apply to members of the reserve citizen army and the reserve citizen navy who suffer disability or death while actually undergoing training or while in active service, or while proceeding to or from such training or service, and to the members of their families.

"Sec. 36. Leave of absence for Government employees: That all employees of the United States Government shall be allowed a leave

of absence without pay during the time that they are undergoing training or reporting under this act.

"SEC. 37. Employee not to be prejudiced: That no employer shall in any way penalize or prejudice or attempt to penalize or prejudice, in his employment, any employee for training or appearing for registration, examination, or report under this act, either by reducing his wages or dismissing him from his employment or in any other manner. But this section shall not be construed to require an employer to pay an employee for any time when he is absent from his employment.

"SEC. 38. False registration: That no person shall make or be a party to any false registration; That no person shall make or be a party to any false registration, false examination, false report, false enrollment, or other false response to any call under this act.

"SEC. 39. Penalities: That any person, corporation, partnership, or association violating this act or the regulations made thereunder shall be deemed guilty of a misdemeanor and shall, unless otherwise punishable under the Articles of War or the Articles for the Government of the Navy, be punished by a fine of not more than \$1,000 or imprisonment for not more than 12 months, or both. The running of time under any act limiting the time within which a prosecution for a violation of this act may be commenced shall be suspended as to any person during his absence from the jurisdiction of the United States.

"SEC. 40. Regulations: That the President may make all regulations recessary for carrying out this act.

"SEC. 41. Time of taking effect: That in so far as relates to training and to liability to undergo training, this act shall take effect on January 1 of the year next following its passage.

"SEC. 42. Use of force in case of riot: That no part of the forces trained pursuant to this act shall be used to suppress riot or disturbance within the United States or the District of Columbia unless the chief local peace officer shall certify to the President that the police forces at such

Mr. KAHN. I yield 10 minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, I want to preface what I have to say by this statement: I am in favor of this bill and shall support it. I am not in favor of universal militarism or compulsory military service. If the time comes I shall tell the House why I am opposed to it. God has blessed Mrs. Ricketts and myself with three boys, and I do not want to sacrifice them on the altar of war if that can be avoided. I think the people of America have gone war mad and preparedness mad to a great extent, although I have supported all the preparedness measures that have come before the House with one or two exceptions.

I do not mean to say to you that I am not in favor of defending American rights and this Government or that I am opposed to having one of my sons shoulder his gun and strap on his uniform in the service of his country. That is not what I mean to say. If that time should come, I am willing, so far as myself and my sons are concerned, to do our full share in that regard. I believe America should be protected and American rights should be preserved and protected, but I think before we enter into a war we ought to have something about which to go to war. I fear, my friends, that we are making a great mistake by not inculcating in the minds of our children a greater knowledge of diplomacy, and diplomatic relations between the nations of the world. I think the time will come, although I do not expect to see it in my time, when there will be no such thing as war between nations. It may startle you when I make this statement, but nevertheless I believe it to

be true, and time will prove the wisdom of this statement.

I think the nations of the earth have learned the lesson that very little, if anything, can be accomplished by war. I want to say that I honestly and candidly believe that if it had not been for the fact that Germany and the other nations across the sea now involved in that great struggle had not been so amply prepared for war they never would have had such a war as is being waged over there. I am going to support this measure because the time is ripe when we ought to consider the affairs of the Nation brought on by the estrangement between our own Nation and others across the sea. That is all I want to say about that matter.

Mr. Chairman, I want now to talk about another matter that is very important and has not been discussed on the floor of the House, except once by the gentleman from Ohio, Gen. Sherwood. That is the question of old-age pensions. I have in my district something like six to ten thousand men who labor for a living. In our State we have a workmen's compensation law, and the corporations running the coal mines are required, under that law, to contribute to the insurance fund of the State. As soon as the law became effective the corporations in my State saw fit in the mines to subject every man beyond 50 years of age to a physical examination by a physician employed by the company before he can be taken back into the service as a miner. Many men who have worked in the mines all their lives, at the age of 50 to 60 because of this rule of the company are deprived of the employment in which they have been engaged during the greater part of their lives, and in this way are thrown out of employment entirely, with no chance of going into any other vocation. This is not only true in my State but in many States of the Union, and I only refer to this particular class of people because old-age pensions would apply to all people of the country and make no difference to what employment they worked at.

Mr. GORDON. Will the gentleman yield?

Mr. RICKETTS. Yes; but I have but a short time.

Mr. GORDON. Has the gentleman made any estimate as to

what this will cost?

Mr. RICKETTS. No; I have not made an estimate of what it will cost, but I have made an investigation of what has been done by other nations in the world with reference to this important matter.

Mr. EMERSON. Will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. EMERSON. Is it not a fact that we have a law of this character in Ohio?

Mr. RICKETTS. We have no old-age pension law in the State of Ohio, but we have what is known as a mothers' pension

Mr. EMERSON. That is what I had in mind.
Mr. RICKETTS. Mr. Chairman and gentlemen of the House, the time has come in the industrial history of this Nation when something must be done by this Government toward the sup-port, comfort, and protection of the worn-out workers of Amer-

Every nation on the globe has made provision for old-age pensions with the exception of the United States and Russia, so it is certain that this question is one with which this Government must deal sooner or later. It is not a new question, It has been agitated throughout the world as far back as 1884. But, you say, this Government can not afford at this time to make provision for its aged and worn-out workers. What, then, is to become of them? This Government is certainly not so cold and indifferent toward the men and women of the country who have given all of the best part of their lives to the development of the country as to allow them to go unprotected.

Mr. Chairman, I have given this subject of old-age pensions a very wide and careful consideration, and I am intensely interested in it, and feel it my duty to call the attention of this House to this most important problem. If it is possible to inaugurate a system of old-age pensions, the poorhouses, almshouses, and those institutions caring for the poor would be needed no longer. Only those special institutions would be required which care for the insane, dipsomaniacs, and those whose physical condition is such that it is not advisable for them to

live at home or in private families.

The aim of every normal man and woman is an old age, free from care and want. To that end most of them toil patiently and live closely, seeking to save something against the day when they can earn no more. And yet the same fate awaits the over-

whelming mass of them.

In the life of the toller there are weeks, and sometimes months of enforced idleness; weeks of unavoidable illness; losses from cheating and swindling; and then, as old age creeps on from about his fiftieth year, a constantly declining capacity to earn, until at the age of 55 or 60 years he finds himself helpless and destitute. There is hardly a more pitiful tragedy than the lot of the toiler who has struggled all his life to gain a competence and who, at 60 years, faces the poorhouse. slave had no such tragedy as this. It is a tragedy reserved for the free worker in the freest Nation on the globe.

Mr. FESS. Mr. Chairman, I take it for granted that my colleague would not recommend any system that is not based on reasonable frugality of the beneficiary in the days when he is

Mr. RICKETTS. Of course not.
Mr. FESS. I would not vote for any measure that would allow any individual to waste his substance and say the Government would take care of him anyway when he gets old.

Mr. RICKETTS. I agree with the gentleman. I have not

espoused any such theory as that.

I think it must be apparent to all who weigh the facts relating to the condition of the 20,000,000 wage earners of the United States that one of the greatest economic problems confronting

the Nation is that of old-age dependency.

The proper solution of this problem requires economic skill of the highest grade and legislative courage and ability of the most patriotic kind. With probably three-fourths of all adult males and nine-tenths of all adult females in our great industrial army of 20,000,000 of human beings receiving in wages barely enough to provide food, shelter, and clothing of the poorest sort, and with scarcely 1 wage earner in 10 able to lay by in savings for the rainy day of invalidity or old age, and with the almshouses and benevolent homes crowded with the cast-off, indigent, aged, and worn-out members of our industrial army, and with community and private charity already taxed beyond reason for temporary relief of the poverty stricken; with the

efforts at relief through industrial corporations and mutual societies making only partial, inadequate, and ofttimes unstable provision for a very small proportion of the needy; with the States recognizing the demands of only a few of the wage earners; and with the evidences of growing discontent over present conditions; and with fear and dread of the future and the high cost of living that now prevails throughout the Nation, the problem or question of old-age pensions is one of more serious proportions and of greater magnitude than one at first thought would conclude and makes the solution of this question extremely difficult, yet, nevertheless, important and essential to the welfare of our own esteemed and beloved aged citizens.

It is the same problem in the presence of which the statesmanship of Europe has been standing with uncovered, bowed head during the past half century, that demanded the greatest constructive legislative ability of a Bismarck, the foresight of a Gladstone, the most serious thought and considerate attention of British Parliaments, under the leadership of a Morley, a Chamberlain, an Asquith, and a Lloyd-George; a problem which has forced itself into government councils and legislative assemblies, with demands for immediate solution in Belgium, France, Austria, Denmark, Switzerland, and Italy, as well as Germany and Great Britain, in Europe, and has received the most courteous attention and careful treatment in New Zealand and Australia. The attempts at the solution of this problem abroad may be interesting to those who realize its importance here, but I have not the time, nor can I take the space in the Congressional Record to set forth copies of the various pension laws adopted in the above foreign countries. Germany led in this movement, however, and the law enacted in that country in 1889 has been largely a model and inspiration for other countries.

Among the European nations France is the latest to adopt an Among the European nations France is the latest to adopt an old-age pension law for all working people above a certain age. This law was passed April 5, 1910, and became effective July 1, 1911, and applies to all people of both sexes who receive wages less than 3,000 francs (\$600) per year employed in any branch of industry, commerce, liberal professions, agriculture, servants for wages, mining, seamen, and so forth.

From the above facts of old-age pensions having been established in other countries there may be drawn suggestions and

lished in other countries there may be drawn suggestions and plans that will be of material aid to the economist and legislator in the solution of the problem in this country. The schemes now established abroad comprise practically all those yet devised for the protection of old-age dependency among the

working people.

"What will the United States do with reference to this important matter?" "What scheme will she choose?" These are the questions which the people of the United States must sooner or later meet in legislative action and determine.

Fortunately or unfortunately, we Americans have not that conception of the family as the unit of society and that reverence for old age which is ingrafted upon the hearts of the people in many foreign countries. Why should this condition exist in the United States? In our manufacturing centers especially the helpless destitute father, mother, grandfather, or grandmother is regarded as a distinct burden to the household, the carrying of which ofttimes forces the children out of school and into the streets, factories, or shops, in order to provide for the sustenance and maintenance of the parents or grandparents and supply the household expenses.

Many a man loses heart and goes through the years of his life from 50 onward with drooping head and faltering step, because there is only helpless want as the goal of old age. This

ought not to be in an enlightened and civilized country.

I take it to be clear that from an impartial study of this problem in all its phases the conclusion is inevitable that this country must provide a system of service pensions for its old and

worn-out citizens.

Approximately 1,500,000 people of the 103,000,000 population of the United States above 65 years of age are dependent upon public or private charity to the amount of \$250,000,000 annually. Thus far 1 person in 18 of our wage earners reaches the age of 65 years in penury, and the indications are that the proportion of indications are that the proportion of indigent old is increasing. There are no signs of abatement in the causes of this deplorable condition.

Strange as it may seem, the United States, with the exception of Russia, is the only great industrial nation in the civilized world that has not already attempted a practical and permanent solution of this problem of old-age dependency. Oh, you say, it can not be done. It will be entirely too expensive to this Nation to undertake such an enormous task as caring for the indigent old of this country.

Mr. Chairman and gentleman of the House, this is not a new question. This question has been agitated by all the nations abroad, and a solution has been reached that is entirely satisfactory, not only to those who are protected by the solution of this problem, but to the Government as well.

This is a progressive age, and new questions are arising daily-questions that never before confronted the people of this Nation-and we, as a people, must meet these new questions face to face. Many States, labor organizations, fraternal benefit societies, industrial establishments, transportation companies, steam railway companies, electric line companies, steamship companies, and other associations of capital have already, in a mild way, made provisions for the old aged or dependents of their respective classes or organizations; but as yet no nationwide provision has been made by this Government. many States have provided pensions for the retired teachers. Municipalities have provided pensions for their retired police and fire forces and other employees. This Government has provided pensions for its soldiers, their widows and orphans. only so, but it has provided, by legislation, a national workmen's compensation law, which is limited to Government employees. Several of the States have adopted the workmen's compensation law, which is for the purpose of protecting those who are injured while engaged in the line of duty. Not a few States have already provided mothers' pensions. The different religious conferences have provided for the superannuated ministers, and the teachers of the country have organized themselves for the purpose of petitioning legislation which will take care of the old, worn-out teachers in all the States of this Union.

I regret to say that a great many men and women of the shops, mines, and farms who have toiled incessantly, in order to produce the wealth of the country, and who have greatly assisted in making this the richest Nation in the world, are treated with cold and total indifference after their working days are over. Yet it is the boast of the American statesmen that this is the greatest Republic on earth. That this is a Government of the people, by the people, and for the people. With this latter statement I agree, but let us make it so in fact and

not in name only.

Under the workmen's compensation laws now in vogue in many of the States in which mining is the principal industry the great corporations in opposition to the law have weeded out of their ranks and their employment men 50 years of age and upward. They have been turned out to starve, notwithstanding the fact that they have given their whole lives to this particular employment, and are disqualified in their old days to take up any other vocational pursuit with any degree of effi-ciency. What is to become of them? They have rendered invaluable service to the country in promoting its welfare in this particular industrial enterprise. As one Member of this House I am in favor of such action on the part of this Government and this Congress as will protect and provide for these deserving American citizens. And this is only one of many classes of workingmen who occupy identically the same position and who are entitled to the protection of this Nation. How should they be protected? In a half-hearted, cold, indifferent way or in a way commensurate with their just deserts, as true, honest, upright, and patriotic citizens?

I love this country and its institutions. I am proud of its form of government. I esteem and admire its citizenship and all that this Nation possesses that makes it the greatest of great nations. I love its flag, the emblem of freedom and protection; and as a Member of this House I implore you, in the name of this great Nation and for the sake of humanity and humanitarian equity, to give this subject your most profound, sincere,

and honest consideration.

Why should this Nation be the last to provide for its indigent aged? Why not America first in matters as vitally important as this?

In the last 30 years this Nation has squandered millions and millions of dollars through its Congress under the pretense of conserving some of its institutions, resources, and commercial waterways; yet no step has been taken to protect and provide for the old men and women of our own beloved country. Why are we so benighted to this most important duty? Let us stop now and consider what should be done in the premises.

Over in the Congressional Library there can be found a full

and complete digest of this all-important subject, prepared severally by the countries abroad which have adopted legislation on this subject. Then, why should we send a commission abroad to gather information for us on this subject when we have all the information available in the Congressional Library where each and every Member of this House may read and learn for himself just what foreign countries have done in relation to oldage pensions.

For weeks past I have been investigating this subject in the Library, and I know whereof I speak when I say that all the

information needed in order to enact proper legislation in this matter is within our reach.

Now, I am not going to recommend any particular method by which the old-age dependents of this country may be pensioned. Different countries have adopted different methods and different kinds of legislation, and I leave the question of what class of legislation should be enacted to the membership of this House, However, I sincerely hope that the membership of this House will give this subject that degree of consideration and investigation which it so justly deserves.

After having fully investigated this matter, I am driven to the conclusion that it is not necessary, as proposed by some Members of this body, to spend a fabulous sum of money to have a commission investigate this subject, although at first I fa-

vored it.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken on this bill be allowed to revise and extend their remarks for five legislative days, and also all gentlemen who may hereafter speak upon it.

The CHAIRMAN. The gentleman from Alabama asks unani-mous consent that all gentlemen who speak upon this bill may have five legislative days within which to extend their remarks

in the RECORD. Is there objection?

Mr. TILSON. Mr. Chairman, I should like to have that done, but would we in Committee of the Whole have any such power?

The CHAIRMAN. As a rule, no. Mr. EMERSON. Mr. Chairman, the gentleman is not objecting.

Mr. TILSON. I am not objecting. Mr. DENT. I understand that nobody makes the point of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I yield now to the gentleman

from Ohio [Mr. Gordon].

Mr. GORDON. Mr. Chairman, I wish to address the committee solely for the purpose of calling attention to some testimony which I inserted in the Congressional Record yesterday, which will be found on page 3800 of the RECORD. This testimony consists of evidence that was taken before the Committee on Military Affairs, and a letter from Mr. Alifas, who represents, believe, in this city as a legislative agent some labor organizations, and the reply to that letter from Gen. William Crozier. I believe that those two letters and this testimony afford ample opportunity to examine both sides of the question to which I desire to call the attention of the committee. In framing this bill in our committee a provision which was inserted by the House in the bill last year was included, which prohibits the use of time study and premium payments in the United States arsenals. The committee by a roll-call vote struck out that provision, but by inadvertence it was left in the bill, but I understand that both those who favor the prohibition and those who oppose it have agreed that it will be eliminated, and there will undoubtedly be made upon the floor of the House in the reading of the bill under the five-minute rule a motion to insert an amendment prohibiting the use of time study and premium an amendment promitting the use of this study and payments. I therefore request the Members of the House to examine this testimony, because it is one of the most important questions involved in the bill. This testimony discloses that upon the installation of time study in the Watertown Arsenal the cost of production to the Government was reduced two and seven-tenths times. The appropriation bill last year became a law in August, I believe, and that contained a provision prohibiting the use of the time study and the premium payments which had obtained in the arsenal for several years. As soon as the bill was signed by the President, of course, the system was abandoned in obedience to the law. This testimony discloses that upon the abandonment of that system the cost of production in the arsenal increased two and two-tenths times. whether you want war or not, and regardless of whether we have war or not, it does seem to me that with these undisputed facts staring us in the face we are guilty of criminal extravagance if we prohibit the use in Government arsenals of a system which has demonstrated that it will result in such a tremendous saving to the people of the United States in the manufacture of arms and munitions of war.

Mr. Chairman, will the gentleman yield? Mr. HULL of Iowa.

Mr. GORDON. I will.

Mr. GREEN of Iowa. What does the gentleman mean by saying that the cost was increased two and two-tenths times? Does he mean that an article that would cost \$1 ordinarily would cost \$2.20?

Mr. GORDON. Mr. GORDON. Yes; I mean that. That is exactly what this evidence shows. Gen. Crozier, in his testimony before the Com-

mittee on Military Affairs, introduced in evidence, and it will be found in the hearings of that committee, a table showing the exact cost to the Government of producing these articles before and after this system was abolished. In some instances the cost was multiplied by four, in some instances it was less than double, but the average throughout the arsenal as shown by this table increases that cost two and two-tenths times. not a matter of guess or conjecture; it is a matter of absolute, mathematical demonstration. This is a very important matter to the Government because it involves wasting enormous sums of money in the manufacture of arms and munitions of war provided for the Army, the Navy, and the fortifications, amounting in the aggregate to hundreds of millions of dollars. But it is important to the people of the United States for another reason, and that is this war in Europe has created a most remarkable situation in the United States. You can all remember and recall that within recent years the system of manufacturing in the United States has undergone a revolution. Plants have been enormously enlarged; the work of manufacturing has been subdivided. Now, this system of time study and premium payments is a very simply system. So far as it is applied by the Government itself it simply involves the keeping of a record of the time expended by any man, or any number of men, in producing any kind of article or any constituent part of that article, so that when you are through you not only know what your article costs but you know what every single part of it

There are in the United States business failures every year ranging from 15,000 to 20,000. I undertake to say that a very great proportion of the business failures in the United States are due to the fact that they have not provided themselves with a proper accounting system. They do not know what it costs them to produce an article and every part of that article, and for that reason they in some instances sell articles for less than it costs to produce them. I do not know of any method under the sun by which any firm that does any considerable business can keep an account of the cost of producing an article that amounts to anything without resorting to some system, like the Taylor system, by which they can determine the cost of producing the article and each and every part of that article.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. HULL of Iowa. Does the gentleman mean to assert that the manufacturing institutions that do not have the Taylor system know nothing about the cost of the articles that they manu-

Mr. GORDON. No; I did not say that. Now, the small manufacturers might keep an account by simply counting the number of things produced, and if they only have a few men, they can do it by dividing the total cost in a day by the number of men, but I undertake to say a firm which employs hundreds and thousands of men, such as does the United States in its arsenals, can not possibly conduct its business successfully unless it has some means of determining what is the cost not only of producing an article ready for the market but every part of that article, and you can not possibly know what is the cost of producing these different parts of the article unless you keep a record of the time consumed and know what time is expended and what you have to pay for producing that part of the article.

Mr. HULL of Iowa. Does the gentleman mean to say there is no large manufacturing institution without the use of the Taylor

system which knows anything about what it costs?

Mr. GORDON. Oh, no; I did not say that, but I say that unless the firm confines itself to piecework there is no intelligent way of determining it without the use of this system or some system analogous to it. Now, this system is being intro-duced in manufacturing establishments generally throughout the country

Mr. HULL of Iowa. What is the proportion of the large manufacturing industries in this country to-day that are using this

Mr. GORDON. Oh, I do not know. I think they all ought to be using it, because I do not believe there is any way—
Mr. HULL of Iowa. The gentleman is fairly well acquainted

up in Cleveland?

Mr. GORDON. Yes.

Mr. HULL of Iowa. Do they use it up there?

Mr. GORDON. No; not all of them. I know that some of the most successful manufacturers there use it, and I also know that the firms that use the Taylor system pay the highest wages not only in Cleveland but anywhere in the United States, and they are the most successful manufacturers in the United States. [Applause.]
The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, the committees of the House having to do with military affairs and naval affairs are composed of patriotic Members, who try earnestly and honestly to do their duty. Last year we passed the national-defense act. was approved June 3, 1916, and the many Army officers to whom I have spoken proclaim it with one voice to be the best piece of Army legislation that has ever been written into substantive law. The Congress is often blamed for dereliction of duty in connection with legislation for the Army and the Navy. It has been my experience, and I have been on the Committee on Military Affairs for 12 years, that whenever the War Department makes out a good case the committee invariably grants the request of the department. The members of the committee are laymen and have to depend for information and advice on the officers in the War Department in order that they may legislate intelligently and for the best interests of the country.

For some years there had been a feeling in the committee that there was too much favoritism in the War Department. So three or four years ago Congress passed a law which has met with universal favor among the officers of the Military Establishment. The so-called Manchu law, which requires every Army officer to be with his own organization at least two years out of six, has worked a great good in the Army. And I do not propose with my vote to allow any change to be made in that splendid piece of legislation. Occasionally there may be an isolated case wherein that law works a hardship. But the benefits are so many that I do not believe it ought to be changed in any particular.

We found, too, that occasionally favored officers were being promoted over the heads of brother officers. For instance, men who had been serving in the lower grades of the Army were made brigadier generals. You have no idea of the demoralization an act of that kind brings in its train. The earnest, able, and efficient officers of the line of the Army who do not have a chance to spend much time here in Washington, who continue their arduous work at distant and isolated stations or posts, have a right to expect that in the fullness of time they will be promoted to a higher grade. And, as the distinguished gentleman from Illinois said yesterday, it is the aim of every colonel of the line to be made a brigadier general. The national-defense act contains a provision which is known as section 4 of that act. It reads:

General officers of the line: Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line; officers commissioned to and holding in the Army an office other than that of a general officer, but to which the rank of a general officer is attached; shall be known as a general officer of the staff. The number of general officers of the line now authorized by law is hereby increased by 4 major generals and 19 brigadler generals: Provided, That hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadler general of the line and brigadier generals of the line shall be appointed from officers of the grade of the line shall be appointed from officers of the grade of colonel of the line of the Regular Army.

That was intended to prevent an officer occupying a position in one of the bureaus here in Washington from being promoted over the heads of men who were out in the field with the fighting force of the Army of the United States. This provision of the law was approved on June 3, 1916, and yet six months thereafter the very spirit of the law was violated by the present officials of this administration.

I have nothing to say in derogation of the officer who was recently promoted to the grade of brigadier general of the line. He probably is a very splendid officer. I do not question his ability, but he never served with the fighting force of the Army at any time in his life. He was our military attaché in Berlin up to a few months ago. He is an engineer officer. He was recalled from Berlin recently, and on January 3, 1917, Col. Joseph E. Kuhn was assigned to the First Regiment of Engineers. They were serving down on the Mexican border. On January 5, two days thereafter, before he had joined his regiment, he was nominated to the position of brigadier general of the line, vice Gen. Evans, who had been a brigadier general in the Infantry branch of the service. On January 9 the colonel joined his regiment on the border, four days after he had been nominated to this position. On January 15 he was confirmed as a brigadier general of the line by the Senate. On January 16, the day after his confirmation, he was relieved from duty on the border and ordered to report to the Chief of Staff at Washington, D. C., for duty. On January 19, 1917, he was commissioned a brigadier general of the line. He left the border on January 23, reported in Washington on January 26, and was assigned as president of the Army War College on February 1. Section 11 of the national-defense law—
Mr. SLOAN. Will the gentleman yield right there?
Mr. KAHN. When I conclude this statement.

Section 11 of the national-defense act contains this provision: The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

The officer serving therewith shall constitute a part of the line of the Army, it says, but this officer did not serve with Engineer troops at all before he was nominated for the position of brigadier general of the line. And this whole transaction took place during the month of January last. It savors strongly of favoritism.

Now I will yield to the gentleman from Nebraska [Mr. SLOAN

Mr. SLOAN. I was desirous of knowing the name of this man whose meteoric career you have described.

Mr. KAHN. I mentioned it before. It is Gen. Joseph E. Kuhn, the head of the War College, and no doubt a very excellent officer. I do not question his ability, but I question the propriety of making appointments in that manner in violation of the spirit, if not the letter, of the provisions of the national-defense act. [Applause.] I do not say nor pretend to assert that this administration is alone guilty of such things. It also has been done by Republican administrations. But I do not care whom it is done by; it is unwarranted and most reprehensible, and it tends to demoralize the Army of the United States. [Applause.] It is a practice that I hope will be discontinued from this time on.

Mr. TILSON. Will my colleague yield right there?
Mr. KAHN. Yes; certainly.
Mr. TILSON. What effect would such a transaction as that have upon the mileage appropriation of the Army, which has been

a much-mooted question?

Mr. KAHN. Oh, it would deplete it in no time. In order to give this gentleman a position within the strict letter of the law, not the spirit of it, it was necessary to send him down to the border and bring him right home again after he had gone down there. It furnished him with a round trip to Texas out of the appropriation for "transportation of the Army."

Mr. BORLAND. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Certainly.

Mr. BORLAND. As a general thing, that plan is reprehensible. But does the gentleman think there are absolutely no exceptions where special fitness ought to be recognized in pro-

Mr. KAHN. Well, under peculiar circumstances; yes. But not in times of peace, when men are performing the ordinary

duties that devolve upon them.

Mr. BORLAND. Is it true that this particular officer has been a military observer abroad, and might possibly-I can not say probably-have special fitness at this time to serve in the

Mr. KAHN. Oh, the gentleman did have service abroad. He was an observer in this war, and I believe he was also an observer in the war between Russia and Japan. But I do not consider that that especially fits him to be made an officer of the line, a general officer of the line, in charge of fighting

Mr. BORLAND. Might it not fit him to be useful in the War

College?

Mr. KAHN. I think that they could have promoted any one of the dozens of colonels of the line in the Army who could have done the work in the War College just as creditably.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HULL of Iowa. Would it be necessary to make him a brigadier general in order to make him president of the War

Mr. KAHN. I rather think that the head of the War College has always been a general officer. Whether there is any provision of law that requires that I do not know, but I think that heretofore it has been the custom to appoint a general officer of the line to that place.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman

yield?

Mr. KAHN. Certainly.

Mr. GREENE of Vermont. If the question of merit is involved in this case perhaps a parallel might be found in a recent remarkable jump in the naval service, in the Medical Corps of the naval service, where we might almost consider that merit is not

the determining factor. [Laughter.]

Mr. KAHN. Well, when officers of the Army or of the Navy are promoted because of personal service to some one high in authority you will have a disorganized and dissatisfied Army

and a disorganized and dissatisfied Navy. [Applause.]

Now, the gentleman from Massachusetts [Mr. GARDNER] on yesterday stated what he found on the border. I, too, visited the border while on my way to Washington toward the end of

last November. I consulted many members of the National Guard, officers and enlisted men, and I want to say that there was not a single officer or man of those I consulted who did not tell me that he believed in universal military training and service, and they seemed to have reached their conclusion in this way: They said, "We were patriotic enough to enlist in the National Guard. When the call came we answered it. We went to the Texas border with our organizations. We are here now on the border. We have been compelled to endure many hardships. We do not complain of that. But men equally fit and capable of bearing their share of the public burden, yet not as patriotic as we were, remained at home. They are enjoying the comforts of life. They are being paid good salaries. Probably some of them have secured our jobs, because many of us will have to go back to seek new positions. Our old jobs are gone. We do not think it fair in these United States that such an undemocratic condition should be allowed to prevail. We are willing to do our 'bit' for the country which we love, but we think that every other able-bodied man in the United States should be compelled, when the occasion arises, to likewise do his 'bit,' just as we are doing ours now." [Applause.]
Mr. GARLAND. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARLAND. You mean, when you say that, compulsory military training? You used the word "compelled" there.

Mr. KAHN. Yes. That is what they said. I am quoting

Mr. GARLAND. That means compulsory military training?

Mr. KAHN. It means that. Mr. GARLAND. I understood there was an attempt to make distinction between "compulsory" and "universal" service.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. COX. I want to ask this question for information, because I have confidence in the gentleman: Since this debate has gone on, and for several years, I have heard discussions on the subject of military training. I do not know; but how long does it take to train a soldier until he is a seasoned soldier, ready and prepared under almost any ordinary conditions to go forward in a battle?

Mr. KAHN. It depends upon what branch of the service a

soldier is in.

Mr. COX. I would like to have the gentleman go into that. Mr. KAHN. I think an infantryman can be trained adequately to go to the front and defend his country, if need be, in a year's time. That is why I have always defended a shortterm enlistment, because I feel that what this country needs, not only now, but at all times, is a trained reserve army; and I feel that when a man has had a year's training in the Infantry he ought to be allowed to go back to the body of the citizenship and engage in private employment. I know that the training he secured while in the Army of the United States will be of incalculable benefit to him as a citizen and as a man. [Ap-

Mr. COX. Now, will the gentleman yield for another ques-tion? Does it take longer to train a soldier in the Artillery

than it does in the Infantry?

Yes; it will take probably six months longer. Mr. KAHN.

Mr. COX. How about training a cavalryman?

Mr. KAHN. It takes a little longer than it does to train an infantryman-about the same length of time that it takes to train a man in the Artillery.

Mr. COX: About 18 months?

Mr. KAHN. Yes.

Mr. HAYES. I want to ask the gentleman if it is not true that the higher officers of the Army disagree a good deal about the length of time, some of them maintaining that six months are sufficient to make a seasoned soldier?

Mr. KAHN. I think they have all changed their minds since the European war. At first England began to send its volunteers to France and Belgium after having trained them six months in England: but she soon found out that that was not enough training under present conditions. The trench warfare has caused them all to change their views, and England now requires a full year's training before she undertakes to send her men into the trenches.

Mr. GARDNER. Will the gentleman yield?

Mr. KAHN. Certainly.
Mr. GARDNER. Is it not true that Gen. Wood is almost alone in his opinion that six months of intensive training—which

is very different from ordinary training—is sufficient?

Mr. KAHN. Yes; I think he is. The consensus of opinion among Army officers, as I gauge that opinion-and I have spoken with many of the officers on the subject-is that in the Infantry

you require a full year's training. The conditions over in Europe in this war have changed the opinions of the Army officers of this country in many particulars. For instance, take the Chief of Ordnance. He had been making shrapnel shells in the proportion of 3 to 1 of the high-power explosive shells. The portion of 3 to 1 of the high-power explosive shells. The European armies are using high-power explosive shells much more extensively. Gen. Crozier of the Ordnance Department of the War Department, who for many years felt that the highpower explosive shells were not so important, stated before our committee that he has come to the conclusion that we need a great many more of the high-power explosive shells and fewer

of the other kind than he had formerly thought necessary.

Mr. SANFORD. Will the gentleman yield for just one question?

Mr. KAHN. Certainly.
Mr. SANFORD. What has the gentleman to say with reference to whether the training prescribed for the National Guard can in any sense be considered an equivalent for the one-year minimum of training the gentleman has just men-

Mr. KAHN. I frankly confess that I do not think it can be compared with it at all; but I want to say this about the National Guard: For many years there have been two opinions in this country as to the ability of the National Guard to act as first-line troops. That question will never be decided until it is decided right. I, for one, have held in the committee, and I hold on this floor, that we ought to do everything at this time to give the National Guard every proper chance to make good. If you do less than that, you will have this question recurring all the time. The present law will give an opportunity to demonstrate their worth as troops, and I want to see them given every possible chance.

Mr. HAYES. I wanted to ask the gentleman if his statement as to one year's minimum training is intended by him to apply to our present volunteer enlisting system, or whether he desires to have it understood that that would be the case

if we had compulsory training?

Mr. KAHN. I feel satisfied that anything less than one year's training would be a mistake. Those who advocate universal training may be willing to accept a provision for a six months' period of training in order to make it more popular, but I believe that in the end it will be found that a year's training is

absolutely necessary. [Applause,]
Mr. Chairman, within the last 20 years this country has undergone a material change. Up to that time we were not considered, outside of the United States at any rate, a world power. Then came the Spanish-American War, which brought in its train many new and difficult questions for the American statesmen to solve. For the first time in our history we had insular possessions far distant from the seat of government. The people who inhabited those islands were different in race, in education, and in their traditions from the people of the United States. At that time an overwhelming majority of our countrymen gloried in the fact that we were to take upon our-selves a part of the "white man's burden." We provided civil government for the Philippine Islands on a more liberal scale than any of the great powers had ever given a colony. Under those laws the inhabitants of the Philippines have prospered and flourished in a measure far beyond what their leaders had ever dreamed of. In recent times, however, a sentiment has been growing up in this country against their retention. Many of our statesmen think that the time has come when we ought scuttle" and leave the islands to their fate. Others would establish a protectorate over them. Others, again, would have them neutralized under some treaty which might be agreed to by all the world's great nations. We have learned in recent years that treaties do not amount to much when nations become embroiled in war. Therefore I do not think the American people will ever consent to their neutralization. For myself, I feel that we should hold them permanently. They have already in one instance demonstrated that they are of real value to the Republic. When our minister was held a prisoner in his com-pound in Peking during the Boxer troubles we did not have to appeal to England or France or Germany or Russia or any other great nation to give him protection. We had troops in the Philippines, and once in our history we were able to protect the life and property of an American official in a foreign land without an appeal to any foreign country to protect him for us. But not only did we acquire possession of the Philippines, Porto

Rico, Guam, and Hawaii, but we have established protectorates over Cuba, Panama, Haiti, the Dominican Republic, and Nicaragua. The establishment of these protectorates carries with it new problems, new burdens, and new responsibilities. I have always opposed the proposition that the United States of America has become the world's policeman. We ought to keep out

of all entangling alliances with foreign powers. We ought our-selves to be able to protect American lives and American rights everywhere. And in order to protect American lives and American rights and American property in every portion of the globe we will have to increase materially the effectiveness of our

Army and our Navy.

The experience of the present war has shown that there is only one system in a democracy like ours that will be effective for the adequate defense of the country. That system is universal military training. Universal training would be of great benefit to the growing youth of the land. It would inspire the young men with respect for law and order. It would teach them the necessity of obeying the commands of constituted authority. It would teach them how to work en masse. It would teach them how to keep cool in moments of stress or excitement. It would teach them how to keep cool in moments of stress or excitement. citement. It would teach them how to take care of themselves physically. It would teach them sanitation. It would teach them many things that would be invaluable to them in whatever walk of life they might choose to follow; and above all, it would compel every man to do something in the service of his country. Unfortunately American citizens are growing up in the belief that their country owes them many privileges and the belief that their country owes them many privileges and prerogatives. They do not realize fully that the citizen owes his country duty and service. Why, even in the large cities many so-called patriotic, broad-minded Americans constantly try to escape doing mere jury duty. They think nothing of that. They think they are smart if they are able to induce the court to let them avoid it. It is a wrong principle. Every man owes duty and service to his country. When that is fully understood, and when that is fully carried out, this Republic, which we all love so dearly, will have a far better and far more patriotic and far nobler citizenship than it has ever had in all the days of our history. in all the days of our history.

In conclusion, Mr. Chairman, I desire to read the following

communication from the Conference of American Patriotic

Societies:

WASHINGTON, D. C., February 7, 1917.

Washington, D. C., February 7, 1917.

Hon. Julius Kahn,

House of Representatives, Washington, D. C.

My Dear Ma. Kahn: It becomes my duty as secretary of the Conference of American Patriotic Societies, consisting of 25 patriotic and national-defense societies, with a membership of over 500,000 representative citizens of the United States—men and women resident in every State of the Union—to present the accompanying resolution to the House of Representatives, through you.

This resolution was presented to the Committee on Military Affairs of the United States Senate January 18, 1917. The committee, appointed by the chairman of the conference for this purpose, delivered this resolution to the Senate committee, and each member urged that the Congress give serious consideration to this resolution.

As the Committee on Military Affairs of the House of Representatives of the United States is not now conducting hearings, we can not present this resolution to your committee in person, and therefore I have been instructed to request you to read this resolution from the floor of the House of Representatives and urge you, with all due courtesy, to ask that the same be given the serious consideration of that body.

We believe the temper of our citizens is such at this moment that the legislation recommended will meet with their hearty approval and united support.

Respectfully submitted.

Conference of American Patriotic Societies, By H. H. Sheets. Secretary.

CONFERENCE OF AMERICAN PATRIOTIC SOCIETIES, By H. H., SHEETS, Secretary.

[Conference of American Patriotic Societies in convention assembled, Continental Memorial Hall, D. A. R.]

WASHINGTON, D. C., January 15, 1917.

Washington, D. C., January 15, 1917.

On motion by Brig. Gen. George Richards, duly seconded, the following resolution on national military training was unanimously adopted:

Resolved, That a special committee of five be appointed by the chairman of this meeting to urge upon the Committees on Military Affairs of the Congress the importance of reporting a bill at this session of Congress providing a system of national military training.

Unanimously adopted and the following committee appointed by Brig. Gen. S. W. Fountain, chairman, delegate of the grand commandery of the Military Order of the Loyal Legion of the United States:

Louis W. Stotesbury, chairman, the adjutant general, State of New York; George Wentworth Carr, of Philadelphia, delegate, National Association for Universal Military Training and secretary of the Philadelphia committee of this association; Mrs. William Cumming Story, president general Daughters of the American Revolution; H. H. Ward, Washington, D. C.; Charles L. Frailey, Chevy Chase, Md.

In the event that one or two of the members of this committee are unable to serve, Gen. Stotesbury is authorized to appoint alternates.

Mr. H. H. Ward was compelled to be absent from the city, and Gen. Stotesbury appointed H. H. Sheets, secretary of the conference, to serve on committee vice Mr. Ward.

H. H. Sheets, Secretary.

H. H. SHEETS, Secretary.

II. H. SHEETS, Secretary.

The Conference of American Patriotic Societies formed January 13, 1917, consists of the following member societies:
American Defense Society,
American Befense Society, Women's Branch,
American Red Cross,
American Society,
Army League of the United States,
Daughters of the American Revolution,
Daughters of the Cincinnati,
Ladles of the Grand Army of the Republic.

Military Order of the Carabao.

Military Order of the Loyal Legion of the United States.

National Association for Universal Military Training.

National Society League.

National Society for the Advancement of Patriotic Education.

National Society of Colonial Dames in America.

National Society of Colonial Dames in America in the District of Jumbio Columbia.

National Society Daughters of Founders and Patriots.
Naval and Military Order of Spanish-American War.
Navy League of the United States.
Navy League of the United States, Women's Section.
Order of Washington.
Society of American Wars.
General Society. Sons of the Revolution.
Sons of Veterans, United States of America.
United States Daughters of 1812.
United States Power Squadron.

Mr. HAYES. Does not the gentleman think-I ask that the gentleman may have five minutes more.

Mr. KAHN. My time has been exhausted.
Mr. FESS. Can we not have the time extended five minutes on the question of compulsory military training?

Mr. KAHN. I hope to take that up when the bill is under discussion under the five-minute rule.

Mr. TILSON. When we reach the amendment of the gentleman from New York [Mr. CALDWELL] it will be in order.

Mr. DENT. The balance of the time I have promised to the

gentleman from Kentucky [Mr. Fields]. If he is willing to yield-

Mr. FESS. Just for a question?

Mr. FIELDS. I yield one-half minute.

Mr. FESS. The question I would like to have the House answer is how you are going to reach compulsory military service or universal training with a half a million teachers of the United States prejudiced against it, and with most of the mothers of the country prejudiced against it. I was in a convention of a national teachers' association less than a year ago when an attack was made upon it, and the attack was cheered to the echo, and when somebody spoke in favor of it he was hissed. What are you going to do, and how are you going to get these boys?

Mr. GREENE of Vermont. The way to do it is to educate the

people.

Mr. DENT. Mr. Chairman, I yield the balance of the time to the gentleman from Kentucky [Mr. Fields].

Mr. FIELDS. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman has 274 minutes.

Mr. FIELDS. Mr. Chairman and gentlemen of the committee, I hope, as it is getting late and as those who still remain have been very patient throughout the day, that I may not use all the time allotted to me, because I believe in the policy that the Speaker announced at the beginning of this Congress, that this Congress ought to be a working Congress and not a talking I shall therefore try as best I can to bring myself Congress. within that rule.

I want to say, first, in regard to the bill that the committee has given very careful consideration to each and every provision of it, and while we have recommended material reductions in some of the items, we have in each instance carefully endeavored to guard against any reduction that would impair the efficiency of the military establishment, and with the under-standing that if it should develop that some, or any, of the reductions are too great that we would favor increasing them to the necessary amount before the bill is ultimately enacted into law. I believe that every man on the committee and in the House, if he will sound himself carefully, wants this country I believe that every man on the committee and in the properly prepared to defend itself against an emergency. I do properly prepared to detend itself against an emergency. I do not mean by that that I am a military enthusiast, for I am not. When I was first placed upon the Military Committee I felt that I was very much misplaced, because of my lack of enthusiasm in military affairs. I regret that it is necessary to maintain an Army. I regret that it is necessary to call men from the productive pursuits of life to make up the personnel of the Army. I regret that it is necessary to expend millions of money for the maintenance of the Army. But my likes or dislikes in the matter are one thing and my duty to my country is another, and while I am not an enthusiast about the Military Establishment for the sake of having one, I am an enthusiast about my country, its safety, its liberties, and its rights. [Applause.]
As a matter of duty and to meet a cold, stern responsibility

I join the committee in an effort to prepare this country with an

adequate Army. Mr. TILSON. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. TILSON. The gentleman may not be enthusiastic about a police force, but he thinks it is a necessity, does he not?

Mr. FIELDS. An absolute necessity. I regret that my town has to maintain a police force, but it does, and so does the National Government. I may say here, Mr. Chairman, that I hope

and pray the time may come-and while it may not come in my time or the time of my children, I trust that the time may come-when all nations throughout the earth will, in the natural evolution of government, rise to that high plane of civilization on which it will not be necessary to maintain organizations for war or implements of war. [Applause.] But that condition is not now before us. That day has not arrived; that period of international development is not yet in sight, or if it is it is remotely so; and so long as humanity throughout the earth is infected with the spirit of avarice, greed, and animosity, as we find it to-day, all nations that propose to maintain their rights and their integrity must provide an adequate defense, regardless of whether they like to do so or not.

Now I want to talk a few moments about the cost of the Military Establishment. There are pacifists throughout the country who are attempting to inflame the public mind against preparedness because of the cost. If I have estimated it correctly, the national defense, both Army and Navy, this year will cost in the aggregate \$700,000,000. That is a very large sum. Nobody disputes it; but we are preparing to defend a very large Nation and a very wealthy Nation, a Nation of 100,-000,000 people besides our insular population and of \$200,000, 000,000 of wealth besides our insular possessions, with an annual average increase of 93 per cent. So let us see what pernual average increase of 93 per cent. centage of the national wealth the national defense is costing. Seven hundred million dollars amounts to about one-third of 1 per cent of the national wealth, saying nothing of its rapid increase, to which I have referred. Therefore when we figure the wealth of the Nation, together with the fact that we are the most extravagant Nation on earth, when we consider the fact that the average annual cost of the American family is \$17.44 for legal amusements, which amounts to approximately \$400,-000,000 annually; and, further, consider the fact that \$250,000, 000 are spent annually for automobiles for pleasure riding alone, saying nothing of the countless other expenditures which are unnecessarily made by the American people, which run into billions of dollars, I think, Mr. Chairman, that we can well afford to reconcile ourselves to a cost of one-third of 1 per cent of the national wealth for the national defense, without which the prosperity and perpetuity of the Nation is insecure.

So much for the cost. A good deal has been said about the fundamental principles of our military system, and I want to refer to that, too; but before doing so I want to talk a little about the practical business side of the system. I want to look at it from a business man's point of view, and in doing so I am not personally criticizing, or at least I am not impugning, the motives of the men under whose management our system is and has been conducted. They probably do the best that they know from their viewpoint, but they are men, most of them, who have gone through West Point or some other college at an who have gone through west route or some other conege at an early age, before they had any practical business experience, and went from there into the Army, and have ever since been in a military atmosphere, surrounded by military environment, and have grown up in the belief that the reckless expenditure of money is a matter of little concern so long as it is furnished by the National Government. They are men who have never had any connection with the practical business propositions and problems of the country of a private nature, where economy must necessarily be taught and observed, and because of their lack of such training they do not in many instances apply proper methods of economy through which millions of dollars of the public funds could be saved. If, however, they make mistakes from a business point of view in the management of the affairs intrusted to them we can afford to criticize ourselves as well as them for our failure to make some amendments to the system. I think that one of the reforms most needed is to bring the committees of Congress that have to do with the Military Establishment into closer personal touch and contact with that establishment. We must assume the responsibility of making recommendations to our respective houses in legislative and financial matters pertaining to the Military Establishment. It is, therefore, necessary that we possess as thorough knowledge as is possible of the establishment. We sit in our committee rooms and hear testimony from men many of whom, as I have said, have never had any practical experience. They come to us and tell us what they need and from the testimony we arrive at a conclusion. I maintain that the committees of the House and Senate who must assume the responsibility of making the recom-mendations for the appropriations should personally acquaint themselves with the Military Establishment just as far as it is possible for them to do so. I believe that the members of the committees of the two respective bodies should repeatedly visit every Army post in the United States so far as it is possible for them to do so, and every other place for the support of which we are called upon to appropriate money. By doing that

we would gain a personal knowledge of the conditions that exist, and when they come before us and make representations we could handle the matter more intelligently, and we might, I may say, make improvements upon the part of Congress as well as upon the Military Establishment by such procedure.

It is true that that would cost some money, it would cost the travel and hotel expenses of the members of the two committees while making these trips, and probably this additional expense would meet with some opposition on the floor of the House and in the other body, but be that as it may, it would be one of the most profitable investments that the Congress could possibly make. Then there is another thought that I have had in mind. There is nothing that makes a man get down to brass tacks in his business transactions like a knowledge of the fact that some other man with authority is scrutinizing his work. We appropriate millions of money for the maintenance of the Army. No private business institution on earth would appropriate the amount of money that we appropriate for the maintenance of the Army to finance some private enterprise and turn that sum over to men who are impractical, so far as the business side is concerned, to be their own judges and executioners. What would a private business concern do? It would have agents of some kind inspecting the work done, to see if it was properly done, and so I have a plan that I have in mind to which I have given a great deal of thought. I believe that it would result in a great improvement if Congress would provide for three accountants, one to be appointed upon the recommendation of the military Committee of the Senate, one to be appointed upon the recommendation of the Military Committee of the House, and one to be appointed by the President. I suggest that method of appointment for the reason that by that system this board would not become military in character, for it would realize that its existence depended upon the administration in power, which would cause it to strive to meet the wishes of the administration in the discharge of its duties. I would give that board of accountants authority to look into the expenditures of the War Department. Let the men making the various expenditures account to this board. Give the board power to make investigations of the market values of supplies consumed by the Army and make investigations of the value of buildings or other property purchased or leased for the use of the Army and the purchase or rental price paid for same, and many other duties which I can not here define, and report back to the Congress and the President on the first day of each session, with any suggestions that it might care to offer looking to the greater efficiency of the service or greater economy in the expenditures. I think that that would put the Army nearer onto a business basis, and when the Army officers realize that there is a board of accountants upon their track to scrutinize each expenditure and call them to account for same, or to make a report back to Congress giving their views upon the wisdom or unwisdom of the expenditures, every man who has to do with the expenditures will be more careful. That would cost some money, and yet I think it would be a most profitable investment.

I realize that this proposition will meet with opposition, and especially from Army officers, but that does not discourage me in my belief that it is right. There never was a reform inaugurated that did not meet some opposition from some quarter, regardless of how meritorious it may have been.

Now, Mr. Chairman, we have heard a good deal said about our military system and especially about the National Guard. Each of my colleagues on the committee, and many other Members of the House, know that I have never been wedded to the National Guard system, and I am frank to say that I have be-lieved, as my colleagues on the committee knew, from the be-ginning of the national-defense act of last year that the National Guard system, builded as it is upon the militia of the several States, is a failure. In making that statement, however, I distinguished between the men of the National Guard and the system under which those men must serve. I think that the men who make up the National Guard are as patriotic as any on earth. I have no quarrel with them. They have done the best they could under the system, but my objection is to the system. I do not believe that a military system under double control under 48 subordinate heads can ever be a success.

Mr. DYER. Will the gentleman yield? Mr. FIELDS. I will.

Mr. DYER. Will the gentleman state what he means by the "system" not being satisfactory from his standpoint?

Mr. FIELDS. The National Guard is only under the Federal

Government when called out for national purposes. Then when it is dimissed from Federal service it goes back under State management and control, and is not under Federal control again until called out again by the Federal Government for Federal purposes.

I believe whatever our system is upon which our country must depend for its defense, it should be at all times under the control of the Federal Government. But there is another feature of the system which is more objectionable than the one just referred to, which is the lax and ununiform method of conducting physical examinations of recruits of the National Guard by the different States. Some States may come well up to the standard adopted by the War Department for recruits of the Regular Army; others fall far short of it, as was shown by the Federal examinations of the National Guard called into the Federal service last year. Approximately 27 per cent of the National Guard was rejected upon physical examination in 1916 after it had reached Federal mobilization camps, as is shown by the testimony of Gen. Mann, on page 1184 of the hearings before the Military Committee. More than 50 per cent of the guard of the States of Georgia and Kentucky, and 77 per cent of one company of the First Regiment of the latter State were dismissed from the service because of physical disabilities.

Some of these men had been in the National Guard for several years and thought they were physically fit for Federal service. No man can contend that a system so uncertain is a safe one

upon which to depend for the national defense. Mr. DYER. Would the gentleman be in favor of the Constitu-

tion being amended so as to put the militia under the direct control of the President at all times?

Mr. FIELDS. I agree with the gentleman that the militia of the several States can not be put under the absolute control of the Federal Government without first securing an amendment to the Federal Constitution, vesting in Congress the power to control same.

The vesting of such power in the Congress would deprive the States of their powers over their militia, which was wisely reserved by them in framing the Federal Constitution; and in view of that fact such an amendment should not be proposed, and, in my opinion, would be rejected by the States if submitted to them for ratification, for its adoption would make the States dependent upon the Federal Government for military protection against domestic insurrection or other internal strife too strong to be put down by civil authority. These functions should be performed by the States in their sovereign capacities without dependence upon the will or adherence to the dictates of the Federal Government. Such a relinquishment by the States would be extremely unwise, and is inconceivable.

The State militia was very wisely ordained to perform a double function, viz, to protect the State in its sovereign rights and to serve the United States when called upon to do so in executing the laws of the Union, suppressing insurrections, or repelling invasions. Its duties, therefore, are of both State and National character. Its mission is noble, and its officers and men are patriotic; its services to its State are indispensable, and it should not be taken from under the control which the State now exercises over it. But it can not, in my opinion, perform its double function under 48 different heads and add to the Military Establishment of the United States the strength necessary to make that establishment commensurate with the responsibilities which now confront it and which may materially increase in the future.

Aside from the present conditions, which it is not necessary to discuss but which are in many instances straining every fiber of our foreign relations, we have heavy and growing responsibilities which render necessary a greater preparation for national defense by reason of our obligations under the Monroe doctrine to our sister Republics of Central and South America, which have apparently increased within recent months. And without discussing the wisdom or unwisdom of our assuming these obligations as defined by different opinions, it is sufficient to say that so long as we as a Nation assume such obligations we must preserve our honor as a Nation by meeting the responsibilities which we thereby incur, and it is my opinion that to meet these responsibilities the Federal Government should be in absolute control of a trained force sufficient to meet any exigency which may arise.

The American people very wisely oppose a large standing army, and I do not believe they will permit the creation of such an institution in the future. It therefore becomes necessary, and I think properly so, for us to depend upon a trained national reserve as an adjunct to the Regular Army, over which the Federal Government has absolute control; and it is my opinion that this reserve should and can be organized, operated, and maintained in a way that will strengthen and invigorate the State militia by bringing its organizations of the several States under a more uniform system of training and into closer touch with the Regular Army. I would secure and maintain, in the discretion of the President, this national reserve by the creation of a volunteer force known as the Volunteer Army of the United

States of not to exceed 150,000 men, to be enlisted for a term of three years, in increments not to exceed 50,000 men a year, which would bring the Army to its maximum strength in three I would give these recruits six months' intensive training with the colors, with pay while training as recruits in the Regular Army, and then return them to the body politic, to be held in reserve for the remainder of their enlistment, with the provision that they must attend and participate in not less than 12 days' drill each of the two remaining years with the National Guard at the post nearest to their respective places of residence, with salary, travel pay, and subsistence while thus going to, attending, and returning from such drills.

This would call the volunteers away from their homes for only one period of any consequence—that is, the six months with the colors immediately succeeding enlistment. The drills of not less than 12 days with the National Guard for the two remaining years could be done in a period of two weeks, including time of travel to and from home, which would only be a short vacation and a splendid recreation for those taking advantage of it.

The training and returning to the citizenry of 50,000 men each year distributed throughout the country would create renewed interest and enthusiasm in the national defense, and their association and services with the State militia during the remaining years of enlistment would, in my opinion, animate that organization to such an extent that its recruits would materially increase and be made more efficient for military service; and the knowledge which these reservists would continually carry back to and disseminate among the people as a whole would give them a more intimate knowledge of our Military Establishment and its operations which would serve as a step in elementary training.

Some men with whom I have discussed this plan contend that Congress has no power to require the National Guard-State militia-to drill at fixed periods each year with men of the reserve army, yet these same gentlemen contended when the national-defense act of 1916 was being framed and enacted into law that that measure would federalize the National Guard. But by this last contention they admit the fallacy of their former contentions, from which I dissented at the time the bill was framed and passed.

I am basing my plan for joint maneuvers between the forces of the reserve army and the State militia on the hope that the States would join the Federal Government in the inauguration of such a plan.

If, however, any State should refuse to so cooperate, the second and third year reservists could be drilled at the Army post nearest their respective places of residence; and as I shall explain later I favor a wide distribution of Army posts throughout the country.

There are many plans being discussed at this time, but I think the plan which I have outlined is more in harmony with American ideals than any other plan I have heard discussed or mentioned. The question of universal military training is being discussed throughout the country, and I want to say a word right now in regard to that, and this is a thought that every Member of Congress may well take home to himself and con-sider. It matters not whether we are for or against compulsory or, in the more mild term, universal military training or service, and without going into the merits or demerits of the system at this time suffice it to say we are here as the proxies of the people and we can not enact laws contrary to the will of the people with the expectation that those laws will be maintained. The country at this time is against universal military training, and if this Congress or the ensuing Congress should enact a law forcing upon the country universal military training or universal military service, the successors of the Members who voted for that law would repeal it in the next Congress and would probably reduce our appropriations and set the defense propaganda back perhaps a quarter of a century. And, gentle-men, these thoughts may well be considered. We are legislating for the American people. We have got to keep in harmony with the ideas of the people or somebody else will do their legislating for them, and properly so, for if ever the Representatives of the people in these Halls shall ignore and disregard the will of the people, then our Government will cease to be a representative government.

Will the gentleman yield? Mr. KING.

Mr. FIELDS. I will.

Mr. KING. Do I understand the gentleman to mean that universal military training and universal military service are one and the same thing?

Mr. FIELDS. No, sir.

Mr. KING. I understood the gentleman to use them as the

Mr. FIELDS. I said, if we should do either; that is what I intended to say, at least.

Mr. FESS. Will the gentleman yield for one interruption?

Mr. FIELDS. Gladly.

Mr. FESS. I think the gentleman states the proposition precisely as it is. I have an open mind on this question and I am at sea to know what to do. We want the men, and my concern is, How will we get them?

Mr. FIELDS. I will give the gentleman my idea.

Mr. FESS. I have heard the story for years, in communities, that the reason so many persons came from Germany to this country was in order to avoid military service which was to be forced upon them, and I have had that thing dinged into my mind until I have a prejudice against it. I do not know where it comes from, other than that.

Mr. FIELDS. The gentleman's statement bears out that long-established doctrine that a man's environment becomes a

part of him.

Here is my idea, which I stated a moment ago I would give to the gentleman: We must reorganize the military system of this country. We must first democratize it. We must Americanize it. We must popularize it. We must bring it closer to the people. We must conduct it in such a way that each individual will realize, to some extent at least, his individual re-

sponsibility in the encouragement and support of it.

Now, you know there is a general feeling throughout the country that the defense of the country is the other man's job. We all recognize that fact. When we talk about the defense of the country, people with whom we talk believe, as a rule, that we are discussing the other fellow's job. We need to bring the Military Establishment closer to the people. We need to teach them from the lecture platform, from the school, from the fireside, and at every opportunity, that the defense of the Nation rests alike upon the shoulders of every individual. And, Mr. Chairman, I believe in that way the issue can be brought closer to the people. I would distribute the Army posts and training camps throughout the country. If a man goes to his State capital or to some place near home to train, his parents at home do not agonize about him like they would if he were sent to the Mexican border or out into some other State. They do not feel so much as if he had gone to war. Give each State an Army post and teach the people of the State-or at least talk it to them-that it is the duty of the people of the State to make that Army post a success and to manifest interest enough in it to bring to it all the men necessary or required. Inaugurate this system and compulsory military training or service

will not be essential to the defense of the country. [Applause.] The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergency and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed \$4\$, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, \$50,000.

Mr. ADAMSON. Mr. Speaker, an evening paper makes some statements about my position as to the proposition to increase the

cost of the new bridge at Georgetown.

The contention of the War Department for a fifteen hundred thousand dollar bridge is no new thing; for almost seven years the matter has been under discussion and controversy, certain officials in the War Department insisting on a more expensive bridge at Georgetown or at H Street, so as to eliminate the necessity and possibility of the Arlington Bridge at New York Avenue, on the theory that only one bridge would be built. committee has always wished to build a substantial, handsome highway bridge at Georgetown whenever necessary, and then build a substantial bridge of enduring character and imposing appearance commensurate with the character of the other buildings in Washington, without any gewgaws, filigree, or sentimental nonsense across the river to Arlington Cemetery, which would be practically an everlasting extension of New York Avenue or some other prominent street of Washington. For a long time we thrashed out the subject with the War Department and finally convinced the department that Congress wanted a bridge to cost not more than a million dollars, exclusive of the expense of approaches and preliminaries, and we passed a bill finally, after receiving a written statement from the War Department that it could be done, authorizing the War Department to build a bridge costing a million dollars, and specifically provided that they plan a bridge to cost a million dollars and not a million and a half nor any other larger sum, and appropriated a hundred and fifty thousand dollars to defray the expenses of terminals in locating the bridge. It was the duty of the War Department to proceed to plan and build that sort of a bridge. They helped us secure the passage of the bill by urging the immediate and pressing necessity for the bridge, and yet they have permitted nearly a year to elapse, and instead of planning and building that sort of a bridge and getting that out of the way so we could authorize the other larger bridge lower down the river they have spent all that time planning a more expensive bridge, and now they say it is necessary for Congress to increase the appropriation. It appears that they were convinced against their will when they agreed to build a milliondollar bridge.

I know from long observation of construction of bridges throughout the country that a good bridge can be built for a million dollars, and I for one propose to keep faith with Congress, in which a large number of gentlemen opposed even the expenditure of a million dollars, which they considered a considerable sum to spend on that bridge. If ways are found to go around the committee, and those who conducted the bill through Congress and made the pledges as to the cost, it will be because I can not help it. I intend to make a point of order against it wherever it will lie if it comes into the House, and vote against it if it comes in under circumstances where a point of order will not lie. I insist that the War Department keep faith with Congress and build a million-dollar bridge as instructed and not a million-and-a-half-dollar bridge. The fact that their plan proposes to extend the bridge across a street and up a hill so as to bridge over dry land instead of rivers, and that they have been confused and led astray by the Fine Arts Commission is no justification. They were authorized to confer with the Fine Arts Commission, but they were not compelled to violate the law enacted by Congress and increase the expense on account of any suggestions of that commission. They ought to go on and build that bridge according to the law enacted so that Congress will have some confidence in the movement to build the larger bridge lower down the river. Such a pernicious example may be set in this instance as would discourage Members of Congress from voting for the other bridge.

Mr. MANN. Mr. Chairman, I move to strike out the last I would like to suggest to the gentleman from Alabama

that it is getting late.

Mr. TILSON. Would not the gentleman from Alabama, the chairman of the committee, agree to rise at this point?

Mr. DENT. With that disposition in the committee, I will, but I had hoped that we could read the first two or three pages of the bill, about which there would be no contest. It ought to be finished by 6 o'clock.

Mr. MANN. I think—
Mr. DENT. It is only a few minutes, though.

Mr. MANN. We probably will not get away by 6 o'clock, anyhow.

Mr. DENT. Very well. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20783) making appropriations for the support of the Army, and had come to no resolution thereon.

# PUBLIC HIGHWAY IN UNICOI COUNTY, TENN.

Mr. HULL of Tennessee. Mr. Speaker, I desire to call from the Speaker's table the bill H. R. 11474, with the Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 11474. An act authorizing the Secretary of Commerce permit the construction of a public highway through the fish-cul-station in Unicol County, Tenu., with a Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

# HOUR OF MEETING TO-MORROW.

Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn

to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

#### LEAVE TO PRINT.

Mr. DENT. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken upon this bill be allowed five legislative days in which to revise and extend their remarks.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all the gentlemen who have spoken on this bill have five legislative days in which to extend their remarks. Is there objection? -[After a pause.] The Chair hears none.

### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime.

The SPEAKER announced his signature to enrolled bills of the following titles: S. 8105. An act granting the consent of Congress to the Con-

way County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas;

S. 5672. An act for the relief of sundry building and loan associations; and

S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States.

#### ADJOURNMENT

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House, under its previous order, adjourned until Saturday, February 17, 1917, at 11 o'clock a. m.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Rouge River. Mich. (H. Doc. No. 2063), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, reported the same with amendment, accompanied by a report (No. 1500), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 20873) granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge acress the Rock River, reported the same with amendment, accompanied by a report (No. 1501), which said bill and report were referred to the House Calendar.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XII,

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 20036) for the relief of Frank Bowers, reported the same with amendment, accompanied by a report (No. 1499), which said bill and report were referred to the Private Calendar.

# ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 8416) for the relief of Jose Trujillo, reported the same adversely, accompanied by a report (No. 1502), which said bill and report were laid on the table.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12077) for the relief of Harry C. Bradley, reported the same adversely, accompanied by a report (No. 1503), which said bill and report were laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. RAKER; A bill (H. R. 20935) authorizing and direct-

ing the Public Printer to provide a pulp and paper mill or mills for the manufacture of print paper for the Government, and for other purposes; to the Committee on Printing.

By Mr. EDMONDS: A bill (H. R. 20936) providing for registration of aliens; to the Committee on Immigration and Natural-

By Mr. STEPHENS of Texas: A bill (H. R. 20937) to establish a branch Federal land bank in Wichita Falls, in northwest Texas; to the Committee on Banking and Currency

By Mr. PLATT: A bill (H. R. 20938) to protect the commerce of the United States; to the Committee on Foreign Affairs.
Also, a bill (H. R. 20939) to suspend commercial intercourse

between the United States and the German Empire; to the Committee on Foreign Affairs.

Also, a bill (H. R. 20940) to authorize the defense of the merchant vessels of the United States against German depredations; to the Committee on Foreign Affairs.

By Mr. ANDERSON: A bill (H. R. 20941) to provide a board of administrative control under the direction of the President of the United States; to the Committee on Ways and Means.

By Mr. ADAMSON: Resolution (H. Res. 508) providing for the consideration of H. R. 20752; to the Committee on Rules.

Also, resolution (H. Res. 509) providing for the consideration

of H. R. 9818; to the Committee on Rules.

By Mr. HELGESEN: Joint resolution (H. J. Res. 371) ordering a referendum of the question of whether or not we shall de-

clare war; to the Committee on Foreign Affairs,

By Mr. McARTHUR: Memorial from the Legislature of the State of Oregon, favoring the enactment of S. 7487, having for its purpose the reclamation of arid and swamp lands in the United States by cooperation between the Federal Government and irrigation districts of the States containing such lands; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Oregon, favoring legislation to provide and maintain military highways along the Pacific coast from the Canadian to the Mexican border; to the Committee on Military Affairs.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring military highway along the Pacific coast; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Oregon, favoring reclamation of arid and swamp lands; to the Committee

on Irrigation of Arid Lands.

By Mr. ANTHONY: Memorial of the Legislature of the State of Kansas, asking Federal Government to proceed with project to reclaim semiarid portion of southwestern Kansas; to the Committee on Irrigation of Arid Lands.

By Mr. RAKER: Memorial of the Legislature of the State of California, relative to the preservation of the Galen Clark cabin in the Mariposa Big Trees Reservation, Cal.; to the Committee

on the Public Lands.

By Mr. HAYES: Memorial of the Legislature of the State of California, favoring preservation of the old Galen Clark cabin in Mariposa Big Trees Reservation, Cal.; to the Committee on the Public Lands.

By Mr. CARTER of Massachusetts: Memorial of the Legislature of the State of Massachusetts, pledging support of the State of Massachusetts to the President and Congress in any action taken in the international crisis; to the Committee on Foreign Affairs.

# PRIVATE BILLS AND RESOLUTIONS. .

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. AUSTIN: A bill (H. R. 20942) authorizing the Secretary of the Treasury to pay interest and expenses incurred to and by the owners of lots, pieces, or parcels of land acquired by the United States for the enlargement of the Capitol Grounds; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 20943) granting a pension to Ella H. Garlock; to the Committee on Invalid Pen-

By Mr. SWEET: A bill (H. R. 20944) granting an increase of pension to Walter A. Scott; to the Committee on Invalid Pen-

Also, a bill (H. R. 20945) granting an increase of pension to Darius F. Bell; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois; A bill (H. R. 20946) granting an increase of pension to Emily M. Furber; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of United People's Church, Pittsburgh, Pa., opposing a declaration of war; to the Committee on Foreign Affairs.

Also (by request), petition of sundry citizens of Missouri, opposing the migratory-bird treaty act; to the Committee on

Foreign Affairs.

By Mr. ANTHONY: Petition of Isaiah Faris and other citizens of Shawnee County, Kans., for a Christian amendment to the Constitution of the United States; to the Committee on the

By Mr. BROWNING: Petition of 36 citizens of Alloway, N. J., favoring a Christian amendment to the Constitution of the

United States; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of Chamber of Commerce of the State of New York, relative to Federal encroachment on State revenue sources; to the Committee on Ways and Means.

By Mr. CARY: Telegram from Paul J. Stern, president Atlas Bread Co., of Milwaukee, Wis., protesting against the passage of the bill known as the Kitchin bill; to the Committee on Ways and Means

Also, petitions of 125 citizens of Milwaukee, Wis., protesting against war, etc., to the Committee on Ways and Means,

By Mr. FULLER: Petition of G. D. Bennett, of Rockford, Ill., protesting against House bill 20357, to prevent work on streets and buildings on Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of several citizens of Illinois against war and in favor of a referendum before war can be declared; to the

Committee on Foreign Affairs.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, Dorchester, Mattapan, and Roxbury, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry members of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Brewster, and Cambridge, Mass., favoring a referendum before war can be declared; to the Committee on Foreign Affairs.

By Mr. GRIEST: Petition of Musicians' Protective Association, of Lancaster, Pa., against passage of the mail-exclusion bill; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of California State Federation of Labor and State Building Trades Council of California, favoring submitting declaration of war to vote of the people of the United States; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Petitions of sundry citizens of Bultimore, Md., favoring passage of House bill 20080, migratory-bird

treaty act; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Baltimore, Md., against this country going to war with Germany; to the Committee on Foreign Affairs.

Also, petition of E. M. Funck, of Baltimore, Md., favoring House joint resolution 1, relative to suffrage amendment: to

the Committee on the Judiciary.

Also, petition of Tidewater Portland Cement Co., favoring the Webb bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of H. S. Milnor, of Philadelphia, Pa., favoring bill for compulsory military service; to the Committee on Military Affairs.

Also, petition of H. S. Dulaney, of Baltimore, Md., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry business men of Baltimore, Md., against bill in regard to an amendment to the Federal reserve act; to the Committee on Banking and Currency.

By Mr. MEEKER: Petitions of the St. Louis branches of the Mutual Benefit Life Insurance Co., of Newark, N. J., and Springfield, Mass., favoring passage of House bill 19617, to incorporate the national association of life underwriters; to the Committee on the Judiciary

By Mr. MORIN: Petition of United People's Church, Mr. William A. Prosser, pastor; Miss Bessie M. Wormsley, secretary, opposing war, asking for a referendum vote on the question, and that action be taken along the principles of economic justice and international brotherhood which will forever abolish warfare; to the Committee on Foreign Affairs.

Mr. MOORES of Indiana: Petition of sundry citizens of Indianapolis, Ind., protesting against the entrance of the United States into war; to the Committee on Foreign Affairs.

Also, petition of 53 citizens of Indianapolis, Ind., protesting

against war; to the Committee on Foreign Affairs.

By Mr. NORTH: Petition of Rev. Glenn M. Sgafer, president, J. G. Wrightman, secretary, of a public meeting held in Clarion, Pa., praying for the enactment of legislation to abolish polygamy in the United States and any place within its jurisdiction; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of Manchester local Socialist

Party of Connecticut, deploring severance of diplomatic relations between the United States and Germany; to the Commit-

tee on Foreign Affairs.

By Mr. PRATT: Petition of First Baptist Church of Waverly, Y., consisting of 550 members and represented by Rev. J. E. Miles, pastor, and Mr. H. R. Cronk, chairman board of trustees, favoring national prohibition and prohibition in the District of Columbia, Alaska, and Hawaii; to the Committee on the

By Mr. ROWE: Petition of Leon Renault, protesting against the District of Columbia prohibition bill; to the Committee on

the District of Columbia.

Also, petition of Jennie Heubach, urging the passage of House bill 16358, to establish a Woman's Division in the Department of Labor; to the Committee on Labor.

Also, petition of the employees of the Post Office Department, urging the passage of House bill 17806; to the Committee on the

Post Office and Post Roads.

Also, petition of American Book Co., New York City, favoring the migratory-bird treaty act; to the Committee on Foreign

Also, petition of Donald Campbell, New York City, favoring the migratory-bird treaty act; to the Committee on Foreign

By Mr. SANFORD: Papers to accompany House bill 20917, granting a pension to Elizabeth Hogan; to the Committee on

By Mr. VARE: Memorial of members of the Commercial Exchange, city of Philadelphia, supporting the President in the present diplomatic situation; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Ohio: Petition of Oberlin (Ohio) Loyal Temperance Legion, urging the passage of the joint resolution for national prohibition, the Hawaiian bill, and House bill 18980, to exclude liquor advertising from the mails, and the District of Columbia dry bill; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of J. P. Pillon and 64 other citizens of Lehr, N. Dak., favoring a referendum on the subject of declaring war; to the Committee on Foreign

Affairs.

# SENATE.

# SATURDAY, February 17, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess

Mr. SMITH of South Carolina. Mr. President, I suggest the

absence of a quorum.

The VICE PRESIDENT. The point is well taken. The Sec-

retary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

names:
Hughes
Husting
Johnson, S. Dak.
Jones
Kenyon
Kern
Kirby
La Follette
Lea, Tenn.
Lodge
McCumber
Martin, Va.
Martine, N. J.
Myers Ashurst
Bryan
Catron
Chamberlain
Clapp
Culberson
Cummins
Curris Smith, Ga. Smith, S. C. Norris Overman Smith, S. C. Smoot Sterling Stone Sutherland Swanson Tillman Owen Page Poindexter Ransdell Curtis Fall Fernald Gallinger Reed Robinson Vardaman Walsh Watson Works Saulsbury Shafroth Sheppard Sherman Gronna Harding Hitchcock Simmons

Mr. CHAMBERLAIN. I was requested to state that the Senator from Florida [Mr. Fletcher] and the Senator from Michigan [Mr. SMITH] are detained in the Committee on Commerce upon official business.

Mr. HUGHES. I wish to announce that the Senator from Kentucky [Mr. James] is detained on official business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. SHAFROTH obtained the floor.

Mr. STONE. Mr. President—— Mr. SHAFPOTH. I yield to the Senator from Missouri.

DANISH WEST INDIA ISLANDS.

Mr. STONE. Mr. President, from the Committee on Foreign Relations I report back favorably Senate bill 8256. accompanied it with a written report, but I desire to say that with the exception of one clause in the bill, being the last proviso of section 2, the committee was unanimous in ordering the bill to be reported favorably. The Senator from Mississippi [Mr. Williams] is opposed to the retention of that proviso. He will move to strike it out, and a vote will be had to take

the sense of the Senate upon it.

Just a word more. Section 6 of the bill as presented provides that the President shall appoint a commission to examine into the general conditions in the Danish West India Islands and report. At the time the committee was formulating this bill we had very unsatisfactory information as to the general conditions in the islands. Since then the Secretary of Commerce has sent to us a very full and intelligent report covering the very ground intended to be covered by the proposed commission and I think it is sufficiently covered, so that section 6, when we take up the bill, will I think by the unanimous judgment of the

committee be eliminated. I send the bill to the desk.

The VICE PRESIDENT. It will be read by title.

The Secretary. The Senator from Missouri [Mr. Stone] reports favorably from the Committee on Foreign Relations the

reports favorably from the Committee on Foreign Relations the bill (S. 8256) to provide a government for the West India Islands acquired by the United States from Denmark.

Mr. STONE. I wish to say that at the very first opportunity, possibly on Monday, if I can, I shall ask to have the bill taken up. It is very important that it should be passed, or else in a very short while we shall have a Territory with thirty thousand and odd people upon it without any government. I repeat I shall endeavor to call up the bill at a very I repeat, I shall endeavor to call up the bill at a very early day, so that it may be disposed of. I am sure it will take only a comparatively short time.

Mr. WILLIAMS. I do not know how long it will take to pass the bill, but there is a part of it to which somewhat strenuous

objection will be made.

Mr. STONE. I stated that.
The VICE PRESIDENT. The bill will be placed on the calendar.

# GOVERNMENT OF PORTO RICO.

Mr. OVERMAN. Mr. President, I ask that the unfinished

business, Senate bill 8148, be laid before the Senate.

The VICE PRESIDENT. The unfinished business is before the Senate. The Senator from Colorado [Mr. Shafroth] has

been recognized.

Mr. SHAFROTH. I ask the Senator from North Carolina to consent that the unfinished business may be temporarily laid aside so that the Senate may consider for a few minutes the Porto Rican bill. I will state that an amendment to meet the only difficulty which has been in the way of the passage of the bill has practically been agreed upon by both sides; in fact, it has actually been agreed upon. If the Senator from North Carolina will consent to temporarily lay aside the unfinished business, I think we shall get through with the Porto Rican bill in five minutes.

The VICE PRESIDENT. Does the Senator from North

Carolina consent?

Mr. OVERMAN. Mr. President, I am assured by both sides that the Porto Rican bill will not take over 10 minutes in order to be disposed of, and I will consent that the unfinished business may be temporarily laid aside for 15 minutes, by unanimous consent.

Mr. SHAFROTH. I move, Mr. President-

The VICE PRESIDENT. A motion is not necessary. By unanimous consent the unfinished business is temporarily laid aside for 15 minutes for the purpose of considering what is known as the Porto Rican bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government

for Porto Rico, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from North Dakota [Mr.

Mr. GRONNA. Mr. President, I realize that the Porto Rican bill is one of the measures which have been recommended for passage by the President of the United States, and I, as one Senator, certainly do not wish to be in the way of the passage of the measure. I therefore desire to withdraw my original amendment and to offer a substitute therefor, which I ask may now be read. Mr. LODGE.

Mr. LODGE. Mr. President—
The VICE PRESIDENT. Does the Senator from Massachusetts consent to the request of the Senator from North Dakota?

Mr. President, I should like, first, to have the substitute read, though I believe there is no objection to it.

The VICE PRESIDENT. The substitute proposed by the Senator from North Dakota for the amendment heretofore submitted by him will be stated.

The SECRETARY. In lieu of the amendment heretofore proposed by Mr. Gronna, it is proposed, on page 5, after line 3, to

That one year after the approval of this act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale or gift, any intoxicating drink or drug: Provided, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medical, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than \$25 for the first offense, and for second and subsequent offenses a fine of not less than \$25 on d imprisonment for not less than one month or more than one year: And provided further, That at any general election within five years after the approval of this act this provision may, upon petition of not less than 10 per cent of the qualified electors of Porto Rico, and if a majority of all the qualified electors of Porto Rico, and if a majority of all the qualified electors of Porto Rico, over the provision shall vote to repeal this provision, it shall thereafter not be in force and effect; otherwise it shall be in full force and effect.

Mr. LODGE. I withdraw my objection. The amendment is

Mr. LODGE. I withdraw my objection. The amendment is acceptable to me

Mr. JONES. Mr. President, I desire to ask the Senator from North Dakota a question. As I have heard the amendment read, it says that at any such general election within five years after the passage of this act the question shall be submitted.

Mr. GRONNA. Yes; that at any general election within five years this provision may be submitted to a vote of the people of Porto Rico, and if a majority of the qualified electors shall vote to repeal this provision, of course it will not be in force or effect. Mr. JONES. When is the first general election to be held

after the passage of this act?

Mr. GRONNA. I do not know. This provision will go into force and effect, and if it is not to remain the law will have to be repealed by the people of Porto Rico.

Mr. JONES. I understand that; but I wondered when they would have the opportunity to have the question submittedwithin six months or a year?

Mr. LODGE. I think within a year there will be a general

Mr. JONES. There will be a general election within a year, so that the matter may be submitted within a year.

Mr. LODGE. Within a year; yes. I think there will be a general election on the 17th of July.

Mr. JONES. The Senator thinks possibly on the 17th of July of this year?

Mr. LODGE. Yes; if 10 per cent of the qualified electors

Mr. JONES. It will not be difficult for them to get 10 per cent; but if it is not repealed within five years, then there is no provision for submitting it after that?

Mr. LODGE. No.

Mr. GRONNA. It can not be submitted to a vote of the people, I will say to the Senator from Washington, after the five-year period has expired. I would have much preferred to have had my amendment adopted in its original form; but I understand it would perhaps defeat the Porto Rican bill, and I do not wish to do that. The Congress of the United States has put prohibition into the Porto Rico bill. If the people of Porto Rico do not want it, they can repeal it; and they have five years' time in which to take that action.

Mr. NORRIS. Mr. President, may I ask the Senator from North Dakota a question?

Mr. GRONNA. Certainly.

Mr. NORRIS. I have not been able to attend the night sessions when this bill has been under consideration, and I therefore may be asking a question concerning a matter that has been properly looked after in the consideration of the bill; but, as I caught the reading of the amendment, the question of prohibition may be submitted at any time within five years to the qualified electors of Porto Rico. Is that correct?

Mr. GRONNA. No; not at any time, but at any general elec-

Mr. NORRIS. What I want to ask the Senator is, What has been done in regard to fixing the qualifications of the voters? I understood that this bill originally provided for a property qualification.

Mr. LODGE. That has been eliminated.

Mr. NORRIS. Is there any property qualification now?

Mr. GRONNA. No; I understand not.
Mr. NORRIS. The property qualification has been eliminated?

Mr. LODGE. So I understand.

Mr. GRONNA. That is my understanding.

Mr. LODGE. I understood that all those provisions were eliminated

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, for information, I desire to ask question along the line of that asked by the Senator from Nebraska. I understand that the property qualification affecting the senators and representatives is out of the bill, but that the one affecting the voters is not out of the bill. That is as I understand it. I ask if that is not the case, and if the amendments agreed to do not apply only to the senators and representatives?

Mr. NORRIS. Mr. President, there is so much confusion in the Chamber that I am unable even to hear the Senator from

Utah. I wish we might have order.

The VICE PRESIDENT rapped for order.

Mr. NORRIS. I should like to have that question answered, if there is any doubt about it, by some one who knows, or by the reading of the bill itself.

Mr. SMOOT. Mr. President, I want to ask the Senator having the bill in charge if I understand just what has happened to the bill in reference to the property qualification As I have my bill marked, the property qualification affecting the senators and representatives has been eliminated, but the property qualification affecting the general voters has not been. I will ask the Senator having the bill in charge if that is correct?

Mr. SHAFROTH. I will state to the Senator that there was a substitute for that section which is put in the alternative, giving the right to vote to all those who have voted, consisting of about 250,000 citizens, and also all those who can read and write, and also all those who pay a property tax of \$3 per year whether they can read or write or not. That is the way it was framed, and I would rather for it to be that way.

Mr. SMOOT. I should like to have the amendment read just as it has been agreed to in the Senate. Then we will know.

The VICE PRESIDENT. The Secretary will read the section. The Secretary. Section 35, as agreed to, is as follows:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English, (c) Those who are bona fide taxpayers in their own names in an amount of not less than \$3 per annum: Provided, That at all elections subsequent to the first election herein provided for no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. NORRIS. Mr. President, as I understand the reading of that provision, it gives to the Legislature of Porto Rico-with the single exception that, whatever law they make, those entitled to vote must be citizens of the United States-the power to fix the qualifications of voters in accordance with one of the three different sections, (a), (b), and (c). As I understand the reading of it, they could provide that no one shall be entitled to vote except he was qualified under subsection (c), which is solely and simply a property qualification. In other words, it would give to the Legislature of Porto Rico power to exclude everybody from voting except those who possessed the requisite amount of property. They could exclude entirely those who were qualified by education. They could exclude absolutely every person who was not the owner of sufficient property to qualify him under title (c). I have not read it before, and I get my idea just from the reading by the Secretary; but as I understand that, it gives to the legislature the right to fix absolutely the qualifications. They can, it is true, provide that nobody shall vote unless he has the educational qualification provided in subsection (b), I believe. They can also provide that he must have the qualifications provided in subsection (a). It is within their power to permit voting to be done by persons having the qualifications prescribed by any one or all of these sections.

Mr. SHAFROTH. What does the Senator suggest there?

Mr. NORRIS. I do not believe that we ought to give to the Legislature of Porto Rico the right to say that no one shall vote unless he is possessed of the requisite amount of property named in the statute and pays that much tax every year.

Mr. SHAFROTH. Is the Senator willing to let it go if that is eliminated?

Mr. NORRIS. As I read it, it seems to me that that is the most objectionable part of it. I have not any objection to an educational test

Mr. SHAFROTH. I think an educational test is good.

Mr. NORRIS. So do I.

Mr. SHAFROTH. It is in the interest of education.

NORRIS. But this legislature can absolutely abolish all tests of an educational nature under this law. They may say in so many words that no one shall be a voter in Porto Rico unless he possesses the requisite amount of property, regardless of education and regardless of everything else.

Mr. SHAFROTH. Will the Senator be satisfied if we strike out the property qualification?

Mr. NORRIS. I think that would improve it.

Mr. SMITH of Georgia. I do not think the Senator in charge of the bill ought to make an arrangement just with one Senator. There are a number of Senators who are opposed to any modification, and we would like to come to a vote upon it.

Mr. NORRIS. I concede that the position taken by the Senator from Georgia is a logical one. I am only taking the position as one Senator. I can not expect to have it modified just to suit me. I am not asking such a thing. But I do not believe I would be willing to vote for a bill that would give to the legislature the right to take away the right of suffrage from everybody in the island except those who paid a certain amount of tax. I do not believe that is a good qualification, and it can be made the only one.

Mr. HUGHES. I should like to have the amendment read

again.

Mr. NORRIS. I will be glad to have it read. I have heard it read but once.

Mr. SHAFROTH. I will read the amendment as it was agreed to in Committee of the Whole:

SEC. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English.

lish.

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum: Provided, That at all elections subsequent to the first election berein provided for no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. President, I say that the Porto Rican people themselves have been studying that question thoroughly, and it is their amendment that has been brought up here. There are representatives in this Capitol now who represent the various political parties down there, and they have agreed on this amendment. I think the amendment ought to remain in the bill, but in order to get the bill through I am willing to concede a great

Mr. NORRIS. Let me say to the Senator— Mr. FALL. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator from New Mexico

will state it.

Mr. FALL. Do I understand that this is the bill of the Senator from Colorado we are now discussing or is it the committee bill or the House bill or some other bill providing a government for Porto Rico? I am a member of the committee, and I should like to be informed on the subject, seriously.

Mr. SHAFROTH. What is the inquiry of the Senator?

The VICE PRESIDENT. It was made to the Chair, and the

Chair does not know.

Mr. NORRIS. I should like to discuss the amendment then just a little bit. I have now placed in my hands a copy of the amendment. As I read it, I do not believe there can be any doubt but that the Legislature of Porto Rico will be able to fix the qualifications of the electors in that island as they see fit, provided they come within the limits of this particular part of the law. They can change it from time to time as they desire. They may have a qualification one year which will be entirely of an educational nature, and the next year they can fix it entirely upon the ownership of property.

Mr. STERLING. Mr. President—

Mr. NORRIS. I hope the Senator will not interrupt me for just a moment. The next year they can put it in another class, and that class consists of those people who at the election of 1917 were legal voters. The law says they "shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes." Let us assume that the legislature provides that they shall be comprised entirely within class (a), what will that mean? Class (a) consists of "those who at the election of 1917 were legal voters and exercised the right of suffrage." That means that nobody else can vote except those who were entitled to vote in 1917 and who did vote in 1917. Let us see how that will work out. The next year the qualifications, let us assume, were unchanged. A part of these people die; a number of them may have passed

away. Then those who were entitled to vote are less in number. The next year many more die, and in the course of time there are only one or two of them left, and they are the only qualified voters in Porto Rico. Eventually there will be no qualified voters, because after a while they must all die, unless they are different from all the people I am acquainted with. So if the legislature wanted to confine the voting population

of that island to a select few and would provide that they all shall be in class (a), as we have designated them, the electorate would grow less and less, until the island would be controlled entirely by a few people—those who had the qualification to vote because they exercised the right to vote in 1917. Do we want to do that? Are we going to give to the legislature that power? Are we going to say that they shall have the power to provide that no man shall vote in Porto Rico except he has a qualification in the holding of property and provided that he pays taxes every year? It seems to me that we ought to fix more definitely the qualifications of voters, and we ought to do it here; we ought to do it in this proposed law. I think there are two of those three provisions that are dangerous.

Mr. SHAFROTH. Will the Senator suggest an amendment? Mr. NORRIS. This is the first time that it has been called to my attention, I will say to the Senator, and at least instead of giving them power to confine it to one of those classes, if we are going to have all those qualification in we ought to say that any one of those would be a sufficient qualification, and that they would not be given the power to take it away.

have given the power to take it away.

Mr. SHAFROTH. Let the Senator suggest an amendment. Mr. HUGHES. If the Senator would strike out the words "one of," I think he would reach the object he is trying to

Mr. FALL. Mr. President, striking out one or two words I do not think will reach the objection of the Senator at all. proposition is simply this: Are we willing to leave it to the Legislature of Porto Rico to fix the qualifications of voters at subsequent elections after the first election, subject only to the restriction that they shall be citizens of the United States? That is as the committee bill stands to-day. The amendment adopted here, as I undertook to point out the other night to the Senator from New Jersey, was not reaching what he intended to reach. There is no question about the fact that the Senator from Nebraska is absolutely right. As the amendment stands to-day, the Legislature of Porto Rico can take either of the two first classes and provide a property qualification within those classes. There is nothing in the bill to prohibit them from so doing.

But I wish to point out to the Senate that the Senate to-day is vesting, under the Senate amendment, sovereign power in the Legislature of Porto Rico, subject only to the restrictions that their laws may be affirmatively disapproved by Congress, the same power which is vested in any State legislature under the constitution of that State; and in some respects the organic act which we are prescribing contains fewer limitations upon the legislative power of Porto Rico than do the majority of the State constitutions on the legislative power in the State. I do not wonder that the chairman of the committee, if I may

be allowed to offer a suggestion, is willing to accept anything anyone offers in the nature of an objection when he does not

even understand what the objections are.

Mr. SHAFROTH. Mr. President, I want to say that we have had a great deal of trouble with this bill. We have in it a veto power on the part of Congress at any time. If the Porto Rican Legislature does not do what is right, we have the right to repeal their action. I want to get the bill into conference. I have been laboring for eight months to get it into conference.

Mr. FALL. I understand that; but I for one feel that there

are certain obligations upon me as a Senator in this body, and, with due deference to the chairman of the committee and his exceeding anxiety to get the bill into conference, I propose that we shall legislate here and not in conference. I am going to undertake, so long as I remain in this body, to voice my objection to bills here in the open and not leave it to some secret session of a conference committee to legislate as to the constitutional rights of this body that under the Constitution is to legislate. I am not willing to leave it to two or three conferees. I think we are able to do it, that we are intelligent enough to listen to objections which may be urged or suggestions that may be made, so that Senators may understand something of the conditions existing in Porto Rico. Is this body not intelligent enough to say what should be done and what we are willing to do with reference to self-government in Porto Rico? Mr. NORRIS. Will the Senator permit a suggestion. I wish

to call attention to another thing in this amendment. It is not in regard to the qualifications of voters, but it says:

Thereafter voters for all offices elected by the people.

We have provided in this bill for the possibility of a referendum on the liquor question. Why should the qualification of the voters for office to be elected by the people be different from what the qualifications might be on a referendum of that kind? If that language remains, there would be one qualification for officers and another and a different qualification, possibly, for a referendum like that which we have already provided for in

Mr. FALL. So far as I am concerned, Mr. President, I can see no reason for a different rule whatsoever. Why a different rule has been adopted as the matter stands now I can not answer. Yet it has been suggested that it may be fixed in conference. Mr. President, we might just as well, it seems to me, understand that we are dealing with a condition which very few of us do understand. We are providing here the utmost measure of self-government for the people of Porto Rico. In the first place, those people have two aspirations. Divided very largely in two parties, they have had practical assurance from leaders of sentiment in the United States that they would never achieve either of their aspirations-one that it should become an independent republic and the other that it should get statehood. They have been told by the leaders of both parties, by the leaders of the sentiment as it is reported here in the United States, that they would neither become independent on the one hand, nor be allowed to enter the system of statehood upon the other.

Necessarily they differ when they come before a committee. They do not know what qualifications for voters they want, possibly, because it is possible the Republican Party, upon the one hand, has one ultimate object in view; the Union Party, upon the other, has confessedly another object in view; and the two attempting to achieve different ends have different ideas as to what should be embodied in a bill vesting in Porto Rico the right to self-government. I am frank to say that I think very few Members of the Senate understand what they

are attempting to legislate about at all.

As to the matter now in issue raised by the Senator, if the Senator desires to preclude the Legislature of Porto Rico from putting additional qualifications upon either of the two first classes of voters provided for, then all he has to do, if the qualifications suit him and only citizens of the United States shall vote, if he is satisfied with this language, then his amendment should simply be to strike out the provision vesting in the Porto Rican Legislature the right to fix the qualifications of voters. So far as I am concerned, I am ready to give

Mr. MARTINE of New Jersey. I desire to offer as a substi-

tute for section 35:

SEC. 35. That the qualified electors shall be all males who are 21 years of age and over and who are citizens of the United States.

Mr. President, to my mind the milk in the coconut in this whole situation is the fact that the great franchises in that island and sugar plantations are owned by a clique of wealthy men in the United States, in England, and in Scotland, and it is their purpose and desire to control the elections in the island. Qualified with the electorate they are practically in possession of the island. I can not from my standpoint see how we can adopt any feature of the conditions a, b, c proposed. I offer my amendment as a substitute.

The VICE PRESIDENT. Of course the amendment is not

now in order.

Mr. MARTINE of New Jersey. I offer it to be taken up

when it may be in order.

The VICE PRESIDENT. It will never be in order unless the vote whereby the amendment was adopted by the Senate has been reconsidered.

Mr. MARTINE of New Jersey. Then I move to reconsider it. Mr. SHAFROTH. I ask that it be taken up in the Senate. want to get the bill as far along as I can. I do not think I want to get the bill as far along as I can. there are any other objections to the bill, and let us get the bill in the Senate. Then if the Senator desires to propose his amendment, all right.

Mr. MARTINE of New Jersey. All right; I will withhold it

until the bill is in the Senate.

Mr. SMOOT. The Senator might just as well ask for a reconsideration

Mr. MARTINE of New Jersey. I will ask for a reconsidera-

The VICE PRESIDENT. The question is on reconsidering the vote whereby the amendment was adopted.

The motion to reconsider was agreed to.
The VICE PRESIDENT. The Senator from New Jersey offers an amendment as a substitute for section 35, which will be stated.

The Secretary. In lieu of section 35 insert:

SEC. 35. That the qualified electors shall be all males who are 21 years of age and over and who are citizens of the United States.

The VICE PRESIDENT. The question is on the amendment. Mr. SMITH of Georgia. Mr. President, I think it would be a great mistake to put upon those islands a government of this character. I would be utterly opposed to giving them any government on such a basis. Who are the people who live there? How much ignorance is there? How much lack of capacity to vote? How much utter lack of knowledge of the responsibility of suffrage? You do not propose to allow the legislature to put any limitation on suffrage. You abolish the wise limitations provided by the committee. The committee's limitation is capacity to read and write. Anyone who can read and write in the Spanish or English language can vote.

Mr. WILLIAMS. And anyone who can not can learn in six

months.

Mr. SMITH of Georgia. Anyone who pays taxes to the amount of \$3, if he can not read and write, is allowed to register.

Mr. NORRIS. Will the Senator yield there?

Mr. SMITH of Georgia. Yes.

Mr. NORRIS. Does not the Senator believe that the legislature could take away the right of anyone to vote, even though he could read and write under this amendment that has been considered and agreed to?

Mr. SMITH of Georgia. I do not understand the Senator.

Mr. NORRIS. It says that anyone who can read and write is allowed to be a voter. That does not follow unless the legislature says so. The legislature can say that they shall not be voters, as I understand.

Mr. SMITH of Georgia. What I am addressing myself to is the proposition that every citizen of the United States shall have the right to vote who is 21 years of age, without reference

to the capacity of the citizen to vote.

Mr. NORRIS. My question of course did not pertain to that. I think there is great force in the Senator's argument, but the Senator was stating that under the proposed law as the committee had brought it in, anyone who could read and write in the Spanish or in the English language would be a qualified voter. That does not necessarily follow, as I understand it; for the legislature, if they so desired, could provide that such per-sons could not vote. We have given them the power to take that right away

Mr. SMITH of Georgia. Then the amendment should be to strike out the provision in the bill which gives the local legislature the right to withdraw suffrage under the limitations pre-

scribed by Congress

I am opposed to passing this bill unless some kind of limitation as to suffrage attaches to it or else we give the local legislature the right to attach some limitation as to suffrage. It is simply impossible to tell what will be done down there if every irresponsible man 21 years old has an equal voice in the control of the island. We know perfectly well that a large number, at least, of the inhabitants of the island are not prepared for suffrage. I would be willing to accept the proposition that a man who can read and write shall vote; I would be willing to accept the proposition that a man who pays a small amount of taxes, though he can not read and write, shall vote.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Would the Senator from Georgia be willing to accept an amendment to the amendment by striking out the words "prescribed by the Legislature of Porto Rico and be," so that the section would read:

That at the first election held pursuant to this act the qualified voters shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications comprised within one of the following classes.

Mr. SMITH of Georgia. I would be willing to accept that.

Mr. SMOOT. Then, with those words stricken out, the legis-lature could not change the qualifications at any time. The

qualifications could only be changed by Congress.

Mr. SMITH of Georgia. I would accept that. I really would prefer to provide that no one should vote who could not read and write, and I would be perfectly willing to stop there. I am, however, willing to go one step further, and provide that anyone who pays taxes on a limited amount of property may vote, although he can not read and write, but there ought to be some restriction.

Mr. SMOOT. I was going to ask the Senator one question, following up the one which I first asked him. Would he be willing to modify those qualifications by striking out qualification

(c), which provides:

Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. SMITH of Georgia. I would. I am not seeking to broaden the suffrage; I am seeking to limit it. I think it is essential to good government in that island that there should be a limitation of suffrage, and a limitation that requires a capacity to read and write is not a severe restriction.

Mr. MARTINE of New Jersey. Mr. President-

Mr. NORRIS. With the permission of the Senator from New Jersey, I want to offer two or three amendments to the substi-tute. I should like the attention of the Senator from Georgia, the Senator from New Jersey, and the Senator from Colorado.

In the first place, I think we ought to strike out these words, commencing in line 3 and ending in line 4, " for all offices elected by the people," so that we shall not have a different qualification for the election of officers than we would have for voting for the referendum, as we provide in the bill.

Mr. SMITH of Georgia. I would do that.

Mr. NORRIS. Before the word "qualifications," at the end of line 4, I move to insert the word "following," so that it will read "the following qualifications." Then I move to strike out the words "prescribed by the Legislature of Porto Rico and be comprised within one of the following classes," so that it

The following qualifications:
(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage—

Then after the word "suffrage" insert the word "or," so as to read-

or (b) those who are able to read and write either Spanish or English.

It strikes me it would be a very good idea to stop there, and not put the other qualification in; but if you put the other one in add the word "or," so that a man would be entitled to vote if he had any one of these different qualifications; and the qualification to vote for an officer would be the same as the qualification to vote at a referendum like the one we have submitted.

Mr. SHAFROTH. I would just as soon have the word "or" in.

Mr. NORRIS. To begin with, to get somewhere, Mr. President, I move to strike out the words "for all offices elected by the people.'

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Now, I move to amend by inserting after the word "have," in line 4, the words "one of." The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

Mr. SHAFROTH. I ask that the amendment be again stated.
Mr. NORRIS. I move after the word "have," in line 4, to
insert the words "one of."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.
Mr. NORRIS. Now, after the word "the," in the same line,
I move to insert what I send to the desk.
The VICE PRESIDENT. The amendment proposed by the
Senator from Nebraska will be stated.
The SECRETARY In line 4 of the the word "the" and before

The Secretary. In line 4, after the word "the," and before the word "qualifications," it is proposed to insert the word "following."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. I also offer the amendment which I send to the desk

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska to the amendment will be stated.

The Secretary. After the word "qualification," in line 4, it is proposed to strike out the words "prescribed by the Legislature of Porto Rico and be comprised within one of the following classes."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amend-

The amendment to the amendment was agreed to.

Mr. NORRIS. I now have another amendment to submit, but bfore doing so I want to say that I am not myself satisfied in regard to it; but I offer it in order to get the question before the Senate and that we may make some headway. It seems to me that we ought not to have a property qualification for voters.

Mr. President-

Mr. FALL. I yield to the Senator from New Mexico.
Mr. FALL. I think if the Senator will leave that qualification in, he will simply provide another class of voters. It does not limit either of the first two classes; and I think it is very

properly left in. I think the Senator from Nebraska will agree with me that this provides a third class; in other words, that if a man is not now a resident, although he may not be a legal voter at this election, although, second, he may not be able to either read or write either language, yet if he is a taxpayer he may still be a voter. I do not think it limits the qualifications in either of the other respects, but it adds an additional class of veters

Mr. CLAPP. Will the Senator from Nebraska yield for a suggestion?

Mr. NORRIS. Before I yield the floor I want to add another amendment, which I think is necessary. I want to add after the word "voters," in line 3, the words "shall be 21 years of age and," so that it will read:

Thereafter voters shall be 21 years of age and shall have one of the following qualifications.

I take it that if we do not fix an age qualification here, we might be in great danger.

Mr. MARTINE of New Jersey. Twenty-one years of age is the time fixed in my substitute. That is the amendment which

Mr. NORRIS. Mr. President, I do not care to discuss the amendment.

Mr. SMITH of Georgia. Has the Senator included the provision that they shall be citizens of the United States, or would he add that in connection with the provision as to being 21 years of age?

Mr. NORRIS. That is a good suggestion. That they shall be

21 years of age Mr. SMITH of Georgia. And citizens of the United States.

Mr. NORRIS. And citizens of the United States. Mr. SMITH of Georgia. And "possessing one of the following qualifications.

Mr. NORRIS. With the word "and" following, so that the amendment would be after the word "voters," in line 3, to insert the words "shall be citizens of the United States and 21 years of age, and."

Mr. MARTINE of New Jersey. Will the Senator yield for a moment?

Mr. NORRIS. I yield to the Senator.

Mr. MARTINE of New Jersey. That would include as well the literacy test. I think it would be futile to put that in the bill. We know of recent knowledge from the action of our President in connection with another matter that he would probably veto

the bill with that in it.

Mr. NORRIS. Let me say to the Senator the provision will be still open to amendment when the amendments I have suggested are agreed to, and a motion can be made to strike out any of the qualifications. The Senator will be at liberty to make such a motion.

Mr. SHAFROTH. I will suggest to the Senator—
Mr. NORRIS. But I think it is conceded that voters in Porto Rico ought to be citizens of the United States and ought to be 21 years of age, and that is all the last suggestion proposes to incorporate in the provision.

Mr. MARTINE of New Jersey. My substitute comprehended

all that

Mr. NORRIS. I know it did.

Mr. SHAFROTH. I will state that subdivision (a) provides that all those who at the election of 1917 were legal voters and exercised the right to vote can do so without regard to the educational qualifications.

Mr. MARTINE of New Jersey. I can not see the purpose of putting that in. I think my substitute would accomplish the

whole purpose.

Mr. NORRIS. Let me ask the Senator from New Jersey will he not consent to the amendment that I have suggested, as that does not take away from him or any other Senator the right to make a motion to strike out further down?

Mr. MARTINE of New Jersey. My substitute is before the

Senate.

Mr. NORRIS. I think there can not be any objection to providing that they must be citizens of the United States and must be 21 years of age. If that amendment is agreed to, or, even if it is disagreed to, the provision will still be open to further amendment, and the Senator can move to strike out the

literacy test if he wants to do so.

Mr. MARTINE of New Jersey. I want to strike out not only the literacy test, but I want to strike out each one of the

qualifications mentioned.

Mr. SMITH of Georgia. Has the amendment of the Senator from Nebraska providing an age qualification been agreed to?

The VICE PRESIDENT. The question is on agreeing to that amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the section as it now reads.

The Secretary. As amended section 35 now reads:

Sec. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States and 21 years of age and shall have one of the following qualifications—

Mr. SHERMAN. Mr. President—— Mr. HUGHES. I desire to make a suggestion to the Senator from Nebraska.

Mr. CLAPP. I should like to hear the amendment stated

The VICE PRESIDENT. There certainly can be no objection to at least stating the amendment as it now stands without

Mr. CLAPP. I will ask that the Secretary read the amend-

ment as it now stands.

The VICE PRESIDENT. The Secretary will please read the amendment as it now stands in order that we may get somewhere if we can.

Mr. HUGHES. The Secretary did read it, did he not?

Mr. SMITH of Georgia. No; he did not read the qualifica-

tions. He only read down to that point.

The Secretary. As it now stands, section 35 reads as fol-

SEC. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States and 21 years of age and shall have one of the following qualifications:

states and 21 years of age and shall have one of the tollowing quantifications:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English,
(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per aunum.

Mr. CLAPP. I rise to a parliamentary inquiry. I submit that the Senator from Georgia has not submitted to the Senate as yet that portion of the amendment which comprises a property qualification.

Mr. NORRIS. No. Mr. CLAPP. Yet it appears here as part of the amendment

as perfected by the Senator from Nebraska.

It is still a part of the provision, but it is Mr. NORRIS. subject to a motion to strike it out. That motion has not yet been made.

Mr. SMOOT. Mr. President, may I ask the Senator a ques-

tion?

Mr. NORRIS. Certainly. Mr. SMOOT. Section 35 as amended on motion of the Sena-

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall have one of the following qualifications—

Mr. NORRIS. The Senator did not read it all. He left out the words "shall be citizens of the United States and 21 years of age.

Mr. SMOOT. Yes; that provision was just submitted by the Senator and adopted.

Mr. SMITH of Georgia. And possessed of "one of the fol-

lowing qualifications."

Mr. SMOOT. I desire to ask the Senator what is there in this bill that would prevent the Legislature of Porto Rico from imposing 40 other qualifications, if they desire to do so?

Mr. NORRIS. Unless we give them authority so to do, the legislature would not have any right to impose any other quali-If we define what the qualifications of voters shall fications. be, the Legislature of Porto Rico can not repeal that act of

Mr. SMOOT. It will not be able to repeal the qualifications provided for by act of Congress, but will it not have the right

to provide additional qualifications?

Mr. NORRIS. I think not. We have stricken out the words
 "prescribed by the Legislature of Porto Rico," and so forth.
 Mr. SMOOT. I believe that under the provisions of this bill

the legislature will have that right.

Mr. POMERENE. Mr. President, I should like to ask the Senator in charge of the bill what are the present qualifications

Mr. SHAFROTH. The present qualifications of voters are that they shall be 21 years of age and shall have resided one

year in Porto Rico.
Mr. MARTINE of New Jersey. Are there no other conditions?

Mr. SHAFROTH. No; I think not. This bill proposes to make them citizens of the United States, but they are now citizens of Porto Rico, and they have been voting down there one at a time.

to the extent of some 250,000, which was approximately the vote at the last election. There was a very large vote,

Mr. MARTINE of New Jersey. Then, I should like to inquire, if the present conditions have proven satisfactory and good order has been maintained at elections, why not continue the present arrangement? Why put in these (a), (b), (c), propositions?

Mr. SHAFROTH. In the act providing a government for the Philippines there is an educational qualification. Nobody in the Philippine Islands can vote unless he can read or write. These bills are supposed to relate somewhat to each other; and by reason of that there was first provided simply an educational qualification or a property qualification. There was objection to that in the committee, and we at last agreed that the people of Porto Rico should have 10 years to prepare in which to qualify themselves educationally; but on the floor of the Senate several nights ago, when we had the matter up for considera-tion, it was enlarged, under the amendment offered by the Senator from Washington [Mr. Poindexter], to include every-body who has heretofore voted. That is the condition; and it seems to me that that is a good amendment; but to the suggestions made by the Senator from Nebraska [Mr. Norris] I do not see any serious objection.

Mr. SMOOT. Mr. President, there is one other question which I desire to ask the Senator from Nebraska in relation to the subject matter about which I was just speaking. This section, if adopted, will provide that the voters of Porto Rico shall have certain qualifications. There is nothing in the bill that says that the legislature thereafter may not provide additional qualifications. There is nothing to prevent the Legislature of Porto Rico from imposing any qualifications other than those

provided for in this bill.

Mr. WORKS. Mr. President, I hesitate to add to the complicated condition of affairs here, but I should like to know whether it is the intention of this bill to fix the qualification of voters for the first election and then change the qualifications for all other elections? That is the effect of this amendment

as it now stands.

Mr. SHAFROTH. I will state to the Senator that that complication arises from the fact that at the present time only Porto Ricans are permitted to vote. Some others may exercise that privilege, but ninety-nine one-hundredths of the voters are Porto Ricans. They are not now citizens of the United States, and if we were to prescribe that only citizens of the United States were to vote at the first election there would not be anybody who could vote. Consequently, we are obliged to make a distinction between the first election and the subsequent elections. So we prescribe that all those who voted in the last general election shall be entitled to vote at the election in 1917. Then we prescribe that thereafter those shall be entitled to vote who are citizens of the United States and who were eligible to vote and who voted in 1917 and possess one of the qualifications mentioned.

Mr. WORKS. Then, the effect of it is to allow voters who would not be qualified primarily under the provisions of this act to fix the conditions in the beginning, by the provisions that are contained in this amendment, so that a large proportion of them evidently will be disfranchised.

Mr. SHAFROTH. No; very few of them.
Mr. WORKS. That is the effect of it.
Mr. SHAFROTH. Very few of them will be disfranchised, if any, because on account of the qualifications including those who voted at the last general election, they will evidently vote again,

and consequently they will become permanent voters.

Mr. WORKS. But, Mr. President, under the provisions of this amendment they would not be entitled to vote unless they

had one or the other of these three qualifications.

Mr. SMITH of Georgia. No.

Mr. SHAFROTH. But one of the very qualifications is, "those who at the election of 1917 were legal voters and exercised the right of suffrage"; so that takes in the great mass of them.

Mr. SMITH of Georgia. You see, Mr. President, that carries as a permanent qualification for suffrage the right to vote to those who vote in this coming election.

Mr. WORKS. Mr. President, that is precisely where the Senator is mistaken. The provision is that thereafter they shall have certain and fixed qualifications, and that would exclude those who voted at the last election.

Mr. SMITH of Georgia. But the Senator from California—Mr. NORRIS. If the Senator from California will permit

The VICE PRESIDENT rapped for order, and said: The Chair is entirely willing that Senators shall proceed, but only

Mr. SMITH of Georgia. Have I the floor, Mr. President?
Mr. NORRIS. I did not know the Senator was trying to
proceed. Certainly, so far as I am concerned, I will permit the

Senator to proceed.

Mr. SMITH of Georgia. Just one moment. The Senator from California is mistaken. That language is perfectly clear as the Senator from Nebraska has perfected it. It provides that after this first election a voter must have one of the three following qualifications. Now, what are those qualifications?

First, those who at the election of 1917 were legal voters and

exercised the right of suffrage. If he falls within that class, he

has the qualification.

Mr. FALL. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. Yes.

Mr. FALL. He has the qualification, provided in the mean-

time he has become a citizen of the United States.

Mr. SMITH of Georgia. That we add, of course. We do not propose in future, after this first election, to let anybody vote who is not a citizen of the United States and 21 years old. think everybody agrees to that. But, being a citizen of the United States and being 21 years of age, he must have one of three additional qualifications, as it reads now. What is the first one of those? He must have been qualified to vote and have exercised the privilege at the election in 1917.

Mr. STONE. I will ask the Senator if it would not be well In that first qualification to add, right at the beginning, "being

a citizen of the United States"?

Mr. SMITH of Georgia. That is not necessary, because we preface the three with the statement, first, that he must be a citizen of the United States, he must be 21 years of age, and he must possess one of the three following additional qualifications. Being a citizen of the United States and being 21 years of age, he need have but one of the three following qualifications. What is the first qualification? Let me read it:

Those who at the election of 1917 were legal voters and exercised the right of suffrage,

Mr. WORKS. Well, Mr. President, after the explanation of the Senator from Georgia, I admit that it is not quite as bad as

Mr. SMITH of Georgia. Now, we carry as a permanent right, if he becomes a citizen of the United States and is 21 years of age, the privilege of suffrage to the man who exercises the privilege in this coming election. Second, outside of those who vote in this coming election, if they are citizens of the United States and 21 years of age, we say, "If you can read and write in Spanish or English, you can register and vote." Now, third, as it stands at present, we say, "Even if you do not vote in the coming election in 1917, even if you can not read and write in Spanish or in English, still if you are a property holder, a citizen of the United States, and 21 years of age, though your property only requires you to pay a tax of \$3 per year, you can register and vote."

Mr. MARTINE of New Jersey. Mr. President-

Mr. SMITH of Georgia. I do not care to be interrupted by the Senator from New Jersey.

Mr. MARTINE of New Jersey. Well, I do not desire to interrupt the Senator.

Mr. SMITH of Georgia. I will not let the Senator interrupt me, under the rules

Mr. MARTINE of New Jersey. The Senator need not worry.

I am not going to.

Mr. SMITH of Georgia. Mr. President, this third privilege is, I think, a very proper one; but if the amendment is stronger without it, let it go. I believe that a man in Porto Rico who is a taxpayer has a certain stability attached to him, is likely to be a permanent resident, is more likely to be domiciled in the island, than if he were a mere mover from place to place. I do not care particularly whether that remains or not. What I do insist upon, however, is that, besides those that we allow to vote who are now voters and who exercise the right in the election of 1917, we should maintain some restrictions, and I think the knowledge and capacity to read and write in English or in Spanish is not an unreasonable requirement for those whose names are to be added to the list of those who can now vote in

Mr. MARTINE of New Jersey and Mr. NORRIS addressed the

The VICE PRESIDENT. The Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, the Senator from Georgia was very impatient with me. I was only trying to ask him a question that I thought might enlighten me.

It seems to me that it is utterly out of place to reason or to argue this literacy or educational test at this time. We have thrashed that over and over again. We have passed the bill

here including it, and the President vetoed it. We would have the same experience, in my judgment, again.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. MARTINE of New Jersey. Certainly.

Mr. CLAPP. What I am going to say is not intended in any sense as a reflection upon the President. But the Congress has overruled the veto, and, of course, by the same token it would undoubtedly overrule it as to the government of an alien people by this Government.

Mr. MARTINE of New Jersey. I am conscious of that fact; but the fact still remains that my opinion is not changed.

Mr. POMERENE. Mr. President-

Mr. MARTINE of New Jersey. I want to say that almost every educational magazine in our country and the great metropolitan journals of our country with a remarkable unanimity have not sustained the action of our Congress on that particular

Mr. POMERENE. Mr. President—
Mr. MARTINE of New Jersey. I believe that it is unfortunate, and I believe it is utterly un-American, and certainly un-Democratic; and, for the life of me, I can not vote for it.

Mr. POMERENE. Mr. President, may I call the Senator's attention to a distinction which he seems to have overlooked? The literacy test only applied to immigrants entering the

country.

Mr. MARTINE of New Jersey. Oh, yes.

Mr. POMERENE. This is defining the qualifications of one who shall exercise the right of franchise.

Mr. MARTINE of New Jersey. Yes. Well, if it had any pardon at all for those entering the country, it certainly has no pardon for those who have been born mayhap in the island and are citizens of the United States.

Then, the other qualifications which the Senator says he is not tenacious about-the \$3 tax. Now, a man must have something upon which to be taxed; so it is tantamount to a prop-

erty qualification.

Mr. SHAFROTH. Does not the Senator recognize that that is not a limitation, but is an extension of the franchise?

Mr. MARTINE of New Jersey. Oh, well, all right; put it as you may. The fact is that if he has not either one of these

other qualifications he has to have the tax qualification. pose he has neither of them. Now, I insist that the lack of property is a misfortune, and not necessarily a crime. should not be penalized because he is poor. I know there is a certain disposition to put on a property qualification and a literacy test, an educational test. Now, I want to say—
Mr. CLAPP. Mr. President, will the Senator pardon another

interruption?

Mr. MARTINE of New Jersey. Certainly.

Mr. CLAPP. When we reach a vote on the Senator's amendment I propose to vote for it; but in the meantime, if the Senator will bear with me, it seems to me that we ought, if we can, and as far as we can, to perfect the pending amendment. If the Senator will yield, I should like to move to strike from the pending amendment the words "Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per Then, if we were unable to substitute the Senator's amendment, we would at least, if my amendment prevails, have freed the pending amendment from what I regard as an undemo-

cratic proposition—a property qualification.

Mr. MARTINE of New Jersey. I would be quite willing to vote with the Senator on that proposition, to strike it out.

Mr. CLAPP. Mr. President, if the Senator will pardon me at this time, and will yield for that purpose, I move to strike out of the pending amendment, paragraph (c):

Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. President, in making that motion, of course, I know it will be said that paragraph (c) enlarges the possibility of suffrage; but it enlarges a thousand times more the possibility of controlling the electorate of Porto Rico. If there should be an influence that seeks to control the electorate of Porto Rico. it will be very difficult for that influence to educate voters so that they can pass the educational test. It will be very easy to furnish a tax receipt of \$3 to those men whom they want to vote along the line of certain interests. While theoretically section (c) enlarges the right of suffrage, I repeat that it enlarges a thousandfold the opportunity of forces to control the electorate, if that condition be possible in the future govern-ment of Porto Rico. ent of Porto Rico.

I move to strike out subdivision (c).

Vevy Jersey. Well

Mr. MARTINE of New Jersey. Well— Mr. STERLING. Mr. President, will the Senator yield for just a moment?

Mr. CLAPP. Yes; with pleasure. Mr. MARTINE of New Jersey. I think I have the floor, but still

Mr. STERLING. This does not provide that the voter, in order to be a qualified voter, shall have paid his tax.

Mr. CLAPP. No. Mr. STERLING. He must be a taxpayer in the amount of

\$3 per annum. Mr. CLAPP. But, lacking the educational qualification, if he does show that he has paid \$3 per annum, then he is entitled to

vote, so far as we give him the power to vote. I want to remind the Senate that the Senator from Utah has raised a question here that is vital. We do not say in this amendment that the men who have these qualifications can vote. We simply say that they must, among other things, possess these qualifications. Clearly, if a man had been convicted of a fel-ony the Legislature of Porto Rico could prohibit his voting, not-

withstanding he had these qualifications.

Mr. SHAFROTH. Does not the Senator think the Porto

Rican Legislature should have that power?

Mr. CLAPP. Unquestionably.

Mr. SHAFROTH. It is those people that are voting for the Porto Rican Legislature.

Mr. CLAPP. We were laughing down here the proposition of

the Senator from Utah. I think we ought to take time enough to consider these things, and consider them on their merits.

Mr. President, I move to amend the pending amendment by striking out clause (c):

Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

The VICE PRESIDENT. The amendment to the amendment will be stated.

It is proposed to strike out subdivision (c), The SECRETARY. on lines 12 and 13, as follows:

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. STERLING. Mr. President, just one word in regard to the proposed amendment of the Senator from Minnesota. Of course we have been used so long to a system which does not provide for a property qualification, and it is so inconsistent with our own ideas of democracy and democratic institutions, that we naturally rebel against any such idea. It occurs to me, however, that conditions must be altogether different in Porto Rico and among the people of Porto Rico than they are in the United States, and that there must be a very large class that would have no appreciation whatever of the right of suffrage. It seems to me that there ought to be here some slight property qualification to apply to those who can neither read nor write.

I can conceive of this as the situation—a great mass of people, many thousands of them, in Porto Rico who would hardly understand what was meant by the exercise of the right of suffrage and what it implies. I think we ought to proceed cautiously here in the matter of conferring suffrage upon these people, and there should be either a qualification requiring them to be able to read and write in English or in Spanish or a slight

property qualification. Mr. MARTINE of New Jersey. But, Mr. President, we have been educating these people, I think, for 10 or 12 or 15 years. Then, further than that, I want to say that I have presented here a petition, I think, of 12,000 names from Porto Rico rebelling at the propositions contained in this bill as being un-American and

not up to the standard that we have proclaimed to the world as to what we stood for. I should regret very much to see either one of those qualifications left in the bill.

Mr. HUGHES. Mr. President, I want to call the Senator's attention to something that I think he has overlooked in this bill.

The language that he has drawn does not seem to me to be an The language that he has drawn does not seem to me to be applicable. It frequently happens, as we all know, when we attempt to amend legislation on the floor, that we use unhappy language. It seems to me that result has been achieved this morning.

On line 4 the language of the amendment deals with qualifications. First, it refers to certain qualifications. Then we go down and enumerate (a), (b), and (c), which are not qualifi-

ations, but which are people.

Mr. NORRIS. I did not hear the Senator.

Mr. HUGHES. I say, the language of the amendment deals with qualifications. We say they shall have the following qualifications: (a), (b), and (c). Well, (a), (b), and (c) do not deal with qualifications; they deal with people—"those," "those," "those." So that, to say the least, the language is ungrammatical.

Also, the Senator from Utah suggested that we were granting no particular rights to these people, and a reading of the language seemed to bear out what he said. In order to get this taxes that are due."

amendment perfected, so that we will have a proper choice between the substitute offered by the Senator from New Jersey and this amendment as perfected by the Senator from Nebraska, I would suggest that the language take this form: I would leave undisturbed the first clause, and, on line 3, after the semicolon, I would have it read as follows:

Thereafter, voters shall be-

(a) Those—— and (b) Those—— and (c) Those——.

Mr. NORRIS. If the Senator will permit me, I think it would carry out his idea if he would put the word "or" between those different clauses. If he did not, the voter would have to possess all three of the qualifications named in subdivisions (a), (b), and (c)

Mr. HUGHES. Yes; the Senator is correct about that. wanted to call attention to the fact that the language that comes before the semicolon in the amendment is absolutely clear, and is lacking in the vagueness that characterizes the language that immediately follows the semicolon.

The language is as follows:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law.

That is absolutely clear and unmistakable.

Mr. NORRIS. That is not changed. Mr. HUGHES. That is not changed. I would follow that form for the balance of the paragraph and say thereafter voters shall be-

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage; and

(b) Those who are able to read and write either Spanish or English; and

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. NORRIS. The Senator would not connect it with the conjunctive "and"? I call attention also that, in addition, they must be citizens of the United States and must be 21 years

Mr. HUGHES. I have not intended to touch that part at all.

was only trying to perfect the three divisions.

Mr. NORRIS. After all, let me say to the Senator the pending amendment is the one offered by the Senator from Minnesota, and I would suggest that we take up this matter after that is disposed of.

Mr. HUGHES. I thought that had been acted on.

Mr. CLAPP. No. Mr. NORRIS. I wish to say to the Senator from Minnesota I intend to vote for his amendment; yet I can see, I think, a great deal of weight in the argument made by those who are opposed to it. I feel as though I ought to vote with the Senator to strike it out, but it ought to be amended before the motion to strike out is voted on; and I intended to offer this amendment, but other things came in and I did not get an opportunity. Qualification (b) provides that they must be bona fide taxpayers in their own name in an amount of not less than \$3 per annum. I take it, it would not mean that they had necessarily paid the taxes. It seems to me if we make a property qualification at all, and I am not in favor of doing it, we ought to provide that they not only shall be taxpayers, but that they shall have actually paid the taxes that are due against them. I wanted to move to add the words "and have paid all such taxes." I am not able to offer that amendment now because, under the parliamentary situation we are in, it would be in the third degree; but if there is not any objection to that amendment, in order that we may perfect the particular part that the Senator from Minnesota seeks to strike out, I ask unanimous consent that I may be allowed to offer the amendment before the vote is taken on the Senator's motion to strike out.

Mr. CLAPP. As far as I am concerned, I would gladly accede

to that.

Mr. NORRIS. The Senator can not do that.

Mr. CLAPP. I was going to say that I would be one to accept it by unanimous consent.

Mr. NORRIS. I can offer it if no one objects, and it can be done by unanimous consent, even though in the third degree, I take it.

The VICE PRESIDENT. It is not in the third degree. The pending motion is the motion of the Senator from Minnesota [Mr. CLAPP]

Mr. NORRIS. In line 13, I move to add "and have paid all such taxes.'

Mr. SMOOT. Should not the words be "all such taxes that may be due"

Mr. NORRIS. I have no objection. Let it read "all such

The VICE PRESIDENT. If the motion of the Senator from Minnesota prevails, it goes out, and it does not need any amend-

Mr. NORRIS. I understand; but it would make a different proposition in voting on the motion of the Senator from Minnesota to strike out. I only seek to apply the well-known rule that we ought to have an opportunity to perfect the language that is sought to be stricken out before we vote on striking it out. There may be Senators who would be in favor of striking it out under one condition and opposed to it if that language is in the bill, and I should like to see it amended as I have suggested.

Mr. STERLING. Mr. President, I should like to make a suggestion to the Senator from Nebraska in regard to the last proposed amendment in lines 12 and 13. The amendment, it proposed amendment in lines 12 and 13. seems to me, suggests the very question raised by the Senator from Minnesota a while ago, when he stated as the ground of objection to lines 12 and 13 that certain interests would pay the taxes of certain voters. If the right to vote depends upon the payment of the taxes, that very thing will happen. I think the amendment ought to stand as it is, and a person ought to be a qualified voter when he is a taxpayer without requiring that he should pay the taxes before he exercises the right of suffrage.

Mr. CLAPP. The Senator from South Dakota has emphasized the reason why I was so ready to accept the amendment proposed by the Senator from Nebraska. It would strengthen my argument, it would make it so plain and palpable that I wish it were in here. If it were in my power I would put it in before the motion to strike out was voted on.

Mr. STERLING. Let me ask the Senator from Minnesota— Mr. NORRIS. The Senator from South Dakota does not object to my right to offer the amendment?

Mr. STERLING. Certainly not.
Mr. NORRIS. Then we will vote upon it.
The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add after the words "per annum," in line 13, the words "and have paid all such taxes that are due," so as to read:

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum and have paid all such taxes as are due.

Mr. SHERMAN. Mr. President, there has been rather a peculiar parliamentary position this morning on many amendments. Somebody gets the floor on an amendment, somebody else gets it upon an amendment or a motion or to interpolate a great variety of provisions while the floor is held. The amendment to the amendment stands by unanimous consent; nobody has been heard; it has been adopted; a Senator holding the floor occupies it to the exclusion of every other Senator; and so divers amendments have been added that nobody seems at present to have a very clear understanding of. I have tried keep the run of affairs as best I could. The Chair has been helpless to enforce ordinary parliamentary procedure because the business has seemed by unanimous consent to take the other

This amendment that seeks to provide for the qualification for voters, I think, ought to go further than even the amendment to the amendment. The last amendment that is provided by the Senator from Nebraska with sundry additions made by a number of other Senators, the names of whom are too numerous to mention, to quote a sales-bill phrase, would be to still further limit the ability of the voter by requiring him to pay taxes due. Some objection is made that the candidate might pay the past due taxes to qualify the voters. That is a favorite procedure in some parts of our United States.

I do not know why in our insular possessions one of these embryo citizens should be denied the same right that citizens of continental United States are not denied. I know of parts of the country where candidates pay the poll tax in order to qualify a number of electors to exercise the privilege of an American citizen. I know other States-there might be something in the corrupt-practices act not to permit that—where the delinquent voter borrows money, presumably to pay his taxes. not borrow from the candidate, he borrows it from the bank, and some friend of the candidate stands as security, and the voter by some unusual dereliction which is understood omits to obey the cashier's order when the note matures to take up the negotiable paper, and the friend of the candidate pays it, and the eternal triangle, as divorce suits have it, is complete-the candidate and the voter and the security on the note in the bank, That is a very well-known procedure.

I know of no reason why we ought to deny citizens of Porto Rico as much right as we have in our own country. Still if we ment of the Senator from Minnesota [Mr. CLAPP].

continue these inhibitions after a while we will be unable to pay the \$3-a-vear tax for the voter

I should like to inquire either from the chairman of the committee or anybody else who possesses the information whether a woman in Porto Rico under this act can be a Territorial Member of the Senate. I should like to inquire whether a woman under this act could be a legislator of the lower house in Porto Rico. I would like to inquire whether under the qualification of voters a woman in Porto Rico can not vote under this proposed law. I want that disposed of before I finally vote on the bill, or I shall vote against it, however beneficial the provisions may be,

I want to know why the amendment offered by the senior Senator from New Jersey ought not to be adopted. It seems to add the qualifications that, in addition to being citizens, they shall be male citizens. A woman is a citizen of the United States without any suffrage clause, constitutional or statutory. A woman in Porto Rico possesses the status of a citizen in the United States under the treaty by which we acquired that Territory. Any person who possesses civil rights is a citizen. Political rights are an entirely different matter. The right to vote is a distinctly added qualification to that of citizen of the United States.

I think the amendment offered by the Senator from New Jersey Is a necessary amendment. I am not ready yet to extend the right of woman suffrage to Porto Rico when we do not have it in some 35 or 36 States of the United States. However advantageous it might be, however necessary to carry on the extension of the universal right of suffrage regardless of sex, I prefer that we confine our missionary efforts to the United States until at least we have enlarged the limits in the United States before we go to any of our insular possessions.

To go further on this line, it seems to me that unless we hedge very carefully the qualifications of a voter and of a member of the Territorial or insular legislature we will have an unwise act.

These islands, in common with many others in this part of the country and in Central and South America, were originally Spanish colonial possessions. In none of the colonial possessions of the Spanish Crown was there a qualification or the ability on the part of the subject to take any part in local self-They were governed by viceroys, by representatives of the Spanish Crown, by various names, and for many centuries there was none of the antecedent training that tends to make an American citizen.

Now, we undertake to apply our method of extending the right of suffrage of fixing qualifications to a Spanish Territory. Their traditions, their education, and their general knowledge that is necessary to make a Territorial government do not exist in Porto Rico. When we give the right to vote, I think we ought now to hedge it about with many qualifications as to age, as to sex, as to some interest in the Territorial government, such as a property qualification or the like. Such requirements are not permanent. Congress can amend at any time. I do not think we ought to extend woman suffrage to Porto Rico, and still, by the language of this bill, it will permit every woman of a given age, placed at above 21 years, to vote, unless there is some inhibition in the general act of 1900—I do not now recall—under which the government was first framed under an act of Congress after we acquired the islands under the treaty of Paris at the close of the Spanish-American War.

I do not think it would be a wise provision to permit this general right of suffrage. There are some States of the Union, Mr. President, in which a property qualification is one of the conditions under which male citizens can vote. There are some States of the Union where an educational test, the ability to read and correctly understand and interpret some section of the Constitution propounded to him by the election officials, is one of the requirements, or that he should pay taxes on a given amount of property, or some other qualification.

If that is true, it ought to be at least transplanted with some qualification to the Porto Rican. I see no objection to that,

But I think further we ought to provide these other qualifications, and before I feel disposed to support a bill of this character I should like that the amendment offered by the Senator from New Jersey be adopted, because I do not think Porto Rico is just yet at all prepared for woman suffrage. The status of women in Porto Rico is entirely different from the status of women in the United States or any of the 48 States of the Union.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. Norris].

The amendment was agreed to.

The VICE PRESIDENT. The question now is on the amend-

Mr. JONES. I wish to ask the chairman of the committee whether there is any tax exemption in Porto Rico?

Mr. SHAFROTH. I do not think there is any. Mr. JONES. So if a person owns \$10 worth of property he will have to pay some taxes.

Mr. SHAFROTH. I think so.

Mr. POINDEXTER. Mr. President, I concur in a portion of what the Senator from Illinois [Mr. Sherman] has just said as to the effect of this amendment. I think if the amendment is adopted in its present form, women in Porto Rico would have the right to vote. I have no objection to that myself. I think it a meritorious feature of the amendment, with the other qualifications and conditions which are in effect. With this proviso, however, the Legislature of Porto Rico would have a right under this amendment to limit the franchise to male citizens of the United States 21 years of age, who come within one or the other of the various classes described in the amendment. This amendment, making the classes which are described in it, is not the grant of a privilege or the reservation of a right, as it has been apparently assumed in some portions of the debate. On the other hand, it is a limitation, and it leaves this condition, that the Legislature of Porto Rico, under the general powers which are granted by this act, can prescribe the qualifications of voters with the condition that they must come within one or the other of these several classes. In other words, you may take the class who can read and write, and the legislature may require in addition to that that they shall also have a property qualification. It may require in addition to that that they should have voted at the election in 1917. If the legislature should so require, it would still be within the terms of this act, because those granted the franchise would come within one of the classes here prescribed. That is all this amendment provides. The fact that the legislature should require additional qualifications would not in any way be inconsistent with the amendment.

The legislative powers of the island of Porto Rico will be vested in a legislature consisting of a senate and a house of representatives-a senate of 19 members, a house of representatives of 39 members-both branches to be elected by the people, and that legislature shall determine the qualifications of voters after the first election. This act is not very specific as to the powers of the legislative assembly. It is quite voluminous in prescribing the parliamentary procedure which shall govern the conduct of business, but practically the only specification of the power of the legislature is contained in section 37 in the most

general terms:

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character now in force in Porto Rico or municipality or district thereof in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this act.

And the further provision in section 38 that-

The Legislative Assembly of Porto Rico is hereby authorized to enact ws relating to the regulation of the rates, tariffs, and service of public

So that unless the subject matter is prohibited by the terms of this act the legislature of Porto Rico would have the power to legislate in regard to it in so far as it is applicable to the island of Porto Rico. Of course, that would include the franchise.

The VICE PRESIDENT. The question is on striking out paragraph 3 as now amended. [Putting the question.] ayes seem to have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a pair with the senior Senator from New York [Mr. O'GORMAN], who is not in the Chamber, and for that reason I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have pair with the Senator from Massachusetts [Mr. Lodge] and

therefore refrain from voting.

Mr. STERLING (when his name was called). I have a gen-

eral pair with the Senator from South Carolina [Mr. SMITH]. Not seeing that Senator in the Chamber, I withhold my vote.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. Brady]. That Senator is absent, and I have been unable to secure a transfer. I will therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. Hollis]. Not seeing him in the Chamber, I withhold my

vote.

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. Lippitt] to the Senator from California [Mr. Phelan] and vote "nay.
The roll call was concluded.

Mr. ROBINSON. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is absent on account of illness. I will ask that this announcement stand for the day.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr.

McLEAN] has voted?

The VICE PRESIDENT. He has not voted.

Mr. MYERS. I have a pair with that Senator, and in his absence I withhold by vote. If at liberty to vote, I should vote

Mr. BECKHAM. I inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The VICE PRESIDENT. He has not voted.

Mr. BECKHAM. I have a pair with that Senator, and in

his absence will withhold my vote.

Mr. VARDAMAN. I transfer my pair with the Senator from Idaho [Mr. Brady] to the Senator from Oklahoma [Mr. Gore] and vote "nay."

I desire to state, while I am on my feet, that the Senator from Tennessee [Mr. Shields] is absent on account of illness. I will ask that this announcement stand for the day.

Mr. WILLIAMS. I understand that the Senator from Penn-

sylvania [Mr. Penrose] has not voted.

The VICE PRESIDENT. He has not voted.

Mr. WILLIAMS. Then I transfer my pair with that Senator to the Senator from Illinois [Mr. Lewis] and vote "yea."

Mr. CLARK (after having voted in the affirmative). quire if the senior Senator from Missouri [Mr. Stone] has voted?

The VICE PRESIDENT. He has not voted.

Mr. CLARK. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. COLT. I inquire if the junior Senator from Delaware [Mr. SAULSBURY] has voted?

The VICE PRESIDENT. He has not voted.

Mr. COLT. In his absence I will withhold my vote. If at liberty to vote, I should vote "yea."

Mr. CURTIS. I have a general pair with the junior Senator

from Georgia [Mr. Hardwick]. In his absence I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. McCUMBER (after having voted in the negative). The senior Senator from Colorado [Mr. Thomas], with whom I have

a pair, not having voted, I will withdraw my vote.

Mr. CATRON. I have a general pair with the Senator from
Oklahoma [Mr. Owen]. He being absent, I will withhold my

Mr. GRONNA (after having voted in the affirmative). I have a general pair with the senior Senator from Maine [Mr. Johnson], which I transfer to the senior Senator from Minne-sota [Mr. Nelson] and will let my vote stand. Mr. CURTIS. I have been requested to announce the follow-

ing pairs:

The Senator from Connecticut [Mr. Brandegee] with the Sentor from Arizona [Mr. SMITH];

The Senator from West Virginia [Mr. Goff] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Sena-

tor from Maryland [Mr. SMITH].

Mr. OVERMAN (after having voted in the negative) a general pair with the Senator from Wyoming [Mr. WARREN], who is absent. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and will let my vote stand.

The roll call resulted-yeas 31, nays 16, as follows:

	1.1973	01.	
Borah Bryan Chamberlain Clapp Cummins Fernald Gronna Hitchcock	Hughes Husting Jones Kenyon Kern La Follette Lane Lea, Tenn,	Martin, Va. Martine, N. J. Norris Page Pittman Pomerene Reed Shafroth	Sheppard Smoot Sutherland Townsend Weeks Williams Works
	NAY	8-16.	
Broussard Culberson Fall James	Johnson, S. Dak. Kirby Lee, Md. Oliver	Overman Poindexter Robinson Sherman	Thompson Vardaman Walsh Watson
	NOT VO	TING-49.	
Ashurst Bankhead Beckham Brady Brandegee Catron Chilton	Clark Colt Curtis Diflingham du Pont Fletcher Gallinger	Goff Gore Harding Hardwick Hollis Johnson, Me. Lewis	Lippitt Lodge McCumber McLean Myers Nelson Newlands

O'Gorman Owen Penrose Phelan

Shields Simmons Smith, Ariz. Smith, Ga. Smith, Md. Smith, Mich.

Smith, S. C. Sterling Stone Swanson Tillman

Underwood Wadsworth Warren

The VICE PRESIDENT. On the amendment of the Senator from Minnesota [Mr. CLAPP] to the amendment of the Senator from Washington [Mr. POINDEXTER] the year are 31 and the nays The Senator from New Hampshire [Mr. GALLINGER], the Senator from Kansas [Mr. Curtis], the Senator from Rhode Island. [Mr. Colt], the Senator from Georgia [Mr. SMITH], the Senator from South Dakota [Mr. Sterling], the Senator from New York [Mr. Wadsworth], the Senator from Montana [Mr. MYERS], the Senator from Kentucky [Mr. Beckham], the Senator from Wyoming [Mr. Clark], the Senator from North Dakota [Mr. McCumber], and the Senator from New Mexico [Mr. CATRON] are present and paired. The Chair declares the amendment to the amendment agreed to.

The question now is on the amendment of the Senator from New Jersey [Mr. Martine] in the nature of a substitute for sec-

Mr. SHAFROTH. Mr. President, I hope the Senator from New Jersey will not insist upon that amendment, inasmuch as an amendment has been adopted which covers the matter.

Mr. MARTINE of New Jersey. I do not think it does cover the matter. It seems to me that my substitute is a clean-cut proposition, stripped of all of the "a, b, c" nonsense, and just plainly gives to the male citizens of Porto Rico who are citizens of the United States and over 21 years of age the right to vote. I press that amendment most earnestly, and I can not imagine a Democratic Senate, at least, in fact I can not imagine an American Senate voting for the propositions that are encompassed in the measure presented by the Senator from Colorado.

SEVERAL SENATORS. Question!
The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey in the nature of a substitute for section 35.

Mr. REED. Let the amendment be stated again, Mr. President. Some of us have been attending to duties on committees and could not be here

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary. As a substitute for section 35 it is proposed to insert the following:

SEC. 35. That qualified electors shall be all males who are 21 years of age and over, and who are citizens of the United States.

Mr. MARTINE of New Jersey. That is a plain, clean-cut

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question]. The noes seem to have it.
Mr. MARTINE of New Jersey. I ask for the yeas and nays,

Mr. President.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The Chair will ask concerning the proviso which was attached to the amendment, which the Secretary will read.

The Secretary. There is a proviso at the end of the amendment, which was agreed to, and which reads:

Provided, That at all elections subsequent to the first election herein provided for no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. SHAFROTH. That is surplusage in view of the amendment offered by the Senator from Nebraska, because he has included the same language in his amendment.

The VICE PRESIDENT. The proviso, then, will be considered out. The bill is still before the Senate as in Committee of the Whole and open to further amendment.

Mr. POINDEXTER. Mr. President, I wish merely to say a word in explanation of my vote against the motion of the Senator from Minnesota [Mr. Clapp] to strike out clause (c) of the amendment.

Now that that clause has been stricken out, the Legislature of Porto Rico must exclude from the franchise those who are not able to read and write and did not vote at the election of 1917. If that clause had remained in the act, not only those classes but also those who by thrift and industry had accumulated a little property could be given the franchise. Because the striking out of this class is a limitation upon the franchise I voted against the motion. Many good people in that island may have had no chance to learn to read and write.

The VICE PRESIDENT. The question is on agreeing to the

amendment as amended.

The amendment as amended was agreed to.

Mr. SUTHERLAND. Mr. President, on page 6 1 move to strike out lines 4 and 5, which read:

That the right of action to recover damages for injuries resulting in death shall never be abrogated.

I move to strike that out for this reason-

The VICE PRESIDENT. The Secretary seems to have a different copy of the bill.

Mr. SUTHERLAND. I am reading from the reprint. I have not the original bill in my hand.

The VICE PRESIDENT. What section is it?

Mr. SUTHERLAND. It is the last two lines of section 2.

Mr. SHAFROTH. What page and line?

Mr. SUTHERLAND. On page 6 of the print that I have.

Mr. SHAFROTH. What line?

Mr. SUTHERLAND. The last two lines.

The SECRETARY. It is on page 5, lines 23 and 24, and reads a follows: as follows .

That the right of action to recover damages for injuries resulting in death shall never be abrogated.

Mr. SUTHERLAND. Mr. President, my reason for moving to strike out those words is this: The effect of the provision would be to prevent the Legislature of Porto Rico from providing for a thoroughgoing workmen's compensation law if they desire to do so.

Mr. WADSWORTH. Mr. President, may we have order in the Chamber

The VICE PRESIDENT rapped for order.

Mr. SUTHERLAND. Language of that character is to be found in the constitutions of some of the States, and the result has been that when they have desired to adopt so-called workmen's compensation laws they have had to resort to all sorts of devices to get around the effect of that provision, because the effect of providing that compensation shall be paid automatically for death resulting from injury is to abrogate the action for damages. The tendency in all civilized countries, including our own, is to get rid of the old common-law action for death or injury based upon negligence, and to substitute for it a law which permits the payment of compensation automatically after an accident has occurred.

For the reason that this provision will greatly interfere with the carrying out of that wholesome reform in Porto Rico, I move to strike it out

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.
The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The VICE PRESIDENT. The question is on engrossing the

amendment and the third reading of the bill.

Mr. LA FOLLETTE. Mr. President, I have tried to have the corrections made, so that it is possible to know exactly what the qualifications of a voter may be and what power is left in the legislature to prescribe further qualifications. I do not know that I have the amendment before me in such form that I can possibly find my way through the corrections that have been made, in order to determine what has been adopted and what has been rejected; but, as far as I am concerned, I am not willing to leave to the Porto Rico Legislature the authority to

Mr. SHAFROTH. Mr. President, the Senator realizes, does he not, that the Congress of the United States retains control?

Mr. LA FOLLETTE. I do. I also realize how difficult it is to move Congress in certain directions, and I realize how potential great interests become in controlling legislation in these new governments which we set up.

Mr. SHAFROTH. Then I will suggest to the Senator, also, that the governor of the island, who is appointed by the President, has the veto power. Mr. LA FOLLETTE. Yes.

fix qualifications for voters hereafter.

Mr. SHAFROTH. And if they should override the veto power the matter comes to the President of the United States.

Mr. LA FOLLETTE. I realize that. But, Mr. President, I want to offer an amendment, if I can have time to do so. taken from the Clerk's desk the copy of the bill, to find the proper place to insert it, and I want an opportunity to offer an amendment which shall take from the legislature any authority to change the qualifications of a voter as fixed by this bill or to add any new qualifications to those which we establish for the Porto Rico electorate.

Mr. SHAFROTH. I would suggest to the Senator that there are a number of things that the Legislature of Porto Rico properly should do. For instance, it was said here on the floor of the Senate a short time ago that there is nothing in this about whether a criminal should be allowed to vote or not, and surely the Porto Rican Legislature should have the right to determine such qualifications as that. Then I hope the Senator will bear in mind that the Legislature of Porto Rico heretofore has exercised the right of extending the franchise instead of limiting it. It has been their claim and their contention that-

Mr. LA FOLLETTE. I do not want to show any discourtesy to the Senator, but I am unable to examine this bill and listen

Mr. LA FOLLETTE. I do not wish to delay the Senate in the consideration of this bill, and yet I want to be sure about its provisions. I guess I had better ask for a roll call to get a little time

Mr. OVERMAN. Mr. President— Mr. SHAFROTH. I hope the Senator will not do that.

Mr. LA FOLLETTE. I do not want to do that. Mr. SHAFROTH. I will not interrupt the Senator further. Mr. LA FOLLETTE. I should like to see this bill passed. I should like to correct this amendment so that I will know its provisions

Mr. SMITH of Georgia (after a pause). Mr. President, can

we not proceed with the bill?

Mr. LA FOLLETTE. Yes; you can. Do you want to?

Mr. SMITH of Georgia. The Chair has ordered the third reading of the bill.

Mr. LA FOLLETTE. Well, I will call for a quorum, Mr.

President.

Mr. SHAFROTH. I hope the Senator will not do that. Mr. LA FOLLETTE. I will not do it if I can have time to look at this amendment.

Mr. FALL. I make the point of no querum.
Mr. SMITH of Georgia. If the Senator had been in the
Senate, he would have heard the amendment.
Mr. LA FOLLETTE. I was in the Senate.
Mr. SMITH of Georgia. Part of the time.
Mr. LA FOLLETTE. I was in the Senate all of the time.
Mr. WILLIAMS. Go ahead and fix it.

Mr. SMITH of Georgia. I looked at the Senator's chair and did not see him.

Mr. LA FOLLETTE. I have been upon the floor of the Senate.

The VICE PRESIDENT. The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gallinger	Martin, Va.	Smith, Ga.
Borah	Gronna	Martine, N. J.	Smoot
Brandegee	Harding	Nelson	Sterling
Bryan	Hitchcock	Oliver	Stone
Catron	Hughes	Overman	Sutherland
Chamberlain	James	Owen	Swanson
Chilton	Jones	Page	Thompson
Clark	Kern	Poindexter	Tillman
Colt	La Follette	Pomerene	Wadsworth
Culberson	Lea, Tenn.	Reed	Watson
Cummins	Lee. Md.	Shafroth	Williams
Fall	Lippitt	Sheppard	
Elatohor	Lodge	Sherman	

The VICE PRESIDENT. Fifty Senators have answered to

the roll call. There is a quorum present.

Mr. OVERMAN. Mr. President, I consented to have the unfinished business laid aside for 15 minutes with the understanding that this bill was not to take much longer than that

Mr. SHAFROTH. I think we are about to finish up this bill now, Mr. President.

Mr. OVERMAN. If it takes much longer, I shall have to call up the unfinished business.

Mr. JAMES. It will be passed directly.

Mr. LA FOLLETTE. Mr. President, after the word "qualifications," in line 4 of section 35, I offer the amendment which I

The VICE PRESIDENT. Of course it will be necessary to reconsider the vote whereby this amendment was adopted.

Mr. LA FOLLETTE. Then I move to reconsider the vote.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin. [Putting the question.] By the sound the ayes seem to have it.

Mr. FALL. I call for the yeas and nays, Mr. President.
The yeas and nays were not ordered.
The VICE PRESIDENT. The ayes have it, and the vote is reconsidered. Now the Senator from Wisconsin offers an amendment, which will be stated.

The Secretary. At the end of line 4, after the word "qualifications," it is proposed to insert a comma and the words "which shall not hereafter be altered by the Legislature of Porto Rico without the consent of Congress

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment as amended.

Mr. FALL. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. CATRON. Mr. President, what are we going to vote on? The VICE PRESIDENT. On agreeing to the amendment as amended.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). In the absence of the Senator from Delaware [Mr. DU PONT], with whom I have a general pair, I withhold my vote.

Mr. COLT (when his name was called). In the absence of

my pair I withhold my vote.

Mr. GALLINGER (when his name was called). Announcing my pair with the senior Senator from New York [Mr. O'Gor-

MAN], who is absent, I withhold my vote.

Mr. OVERMAN (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. Warren] to the Senator from Illinois [Mr. Lewis] and vote "yea."

Mr. SIMMONS (when his name was called). In the absence of the Senator from Minnesota [Mr. CLAPP], with whom I am paired, I withhold my vote.

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH] and with-

hold my vote.

Mr. VARDAMAN (when his name was called). I ask if the Senator from Idaho [Mr. Brady] has voted?

The VICE PRESIDENT. He has not.

Mr. VARDAMAN. I have a pair with that Senator and therefore withhold my vote.

Mr. WADSWORTH (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. Hot-LIS]. In his absence I withhold my vote.

The roll call was concluded.

The roll call was concluded.

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. Johnson], which I transfer to the senior Senator from California [Mr. Works] and vote "yea."

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. Hardwick]. Under the circumstances I feel at liberty to vote, and I vote "yea."

Mr. BANKHEAD. I desire to announce the absence of my collegue [Mr. Hardwood] on account of illness.

colleague [Mr. Underwood] on account of illness.

Mr. HARDING. I note the absence of the junior Senator from Alabama [Mr. Underwood] with whom I am paired. I

therefore withhold my vote. Mr. CURTIS. I have been requested to announce that the

Senator from Arkansas [Mr. Robinson] is paired with the

Senator from Michigan [Mr. Townsend].

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Arizona [Mr.

SMITH] and vote "yea."

Mr. WILLIAMS. Transferring my pair with the Senator from Pennsylvania [Mr. Penrose] to the Senator from Arkansas IMr. Kirryl, I vote "vea."

	was announced—		B. as follows
		S-41.	
Bankhead Bryan Chamberlain Chilton Culberson Cummins Curtis Fernald Fletcher Gronna Hitchcock	Hughes Husting James Johnson, S. Dak. Jones Kenyon Kern La Follette Lane Lee, Md. Lodge NAY	McCumber Martin, Va. Martine, N. J. Nelson Norris Overman Page Pittman Pomerene Reed Shafroth S—13.	Sheppard Smith, Ga. Smoot Stone Thompson Tillman Waish Williams
Borah Brandegee Broussard Catron	Clark Fall Lippitt* Oliver	Poindexter Ransdell Sherman Sutherland	Watson
Ashurst Beckham Brady Clapp Colt Dillingham du Pont Gallinger Goff Gore	NOT VO Hardwick Hollis Johnson, Me. Kirby Lea, Tenn. Lewis McLean Myers Newlands O'Gorman	Penrose Penrose Phelan Robinson Saulsbury Shields Simmons Smith, Ariz. Smith, Mich. Smith, Mich. Smith, S. C.	Swanson Thomas Townsend Underwood Vardaman Wadsworth Warren Weeks Works

So the amendment as amended was agreed to.

Mr. LA FOLLETTE. Mr. President, the amendment is still open to amendment?

The VICE PRESIDENT. Not unless the vote is again re-

considered.

Mr. LA FOLLETTE. In the haste of formulating this amendment, which was prepared at the Clerk's desk, three words were omitted which, I believe, are necessary in order to carry out the purpose for which the amendment was offered. Without these words the amendment as adopted fails to accomplish the purpose for which it was offered. Therefore, I want to offer to further amend it, and, if it is necessary, I ask unanimous consent that the vote by which this amendment was agreed to be

The VICE PRESIDENT. The Senator from Wisconsin asks unanimous consent that the vote be reconsidered.

I object.

Mr. LA FOLLETTE. Then, Mr. President, I move to reconsider that vote.

The VICE PRESIDENT. The Senator from Wisconsin moves to reconsider the vote whereby the amendment as amended

Mr. SUTHERLAND. Before voting on that question I should like to know what the Senator from Wisconsin proposes to add, LA FOLLETTE. I propose to add, after the word "qualifications" in the amendment which was adopted, the

words "and no others."

Mr. SUTHERLAND. What is the effect?

Mr. LA FOLLETTE. The effect of it would be to prevent the legislature from imposing further qualifications aside from those fixed by the provisions which we have adopted and such as Congress hereafter consents to.

The motion is debatable, I under-Mr. SUTHERLAND.

stand.

Mr. LA FOLLETTE. I offered the previous amendment, but I find on an examination with reference to the context of the whole paragraph that it will not accomplish the purpose for which it was offered without the addition of these three words.

Mr. SUTHERLAND. I am not going to object to a reconsideration of the vote, but I intend to have something to say about the amendment itself when it is presented.

Mr. OVERMAN. If it is going to lead to a debate, I must

insist on the regular order.
The VICE PRESIDENT. There was an objection to a reconsideration, so the question is on reconsidering the vote whereby the amendment as amended was adopted. [Putting the question.] The Chair is unable to decide.

Mr. FLETCHER. Let us have a division. Mr. FALL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). In the absence

of my pair I withhold my vote.

Mr. CURTIS (when his name was called). Again announcing my pair with the junior Senator from Georgia [Mr. HARD-WICK], I withhold my vote.

Mr. GALLINGER (when his name was called). Again announcing my pair with the Senator from New York [Mr. O'Gor-

MAN], who is absent, I withhold my vote,

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my

pair as before and vote "yea."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. Hol-LIS] I withhold my vote and announce my pair.

Mr. WILLIAMS (when his name was called). announcement made on the last ballot, I transfer my pair to the Senator from Tennessee [Mr. Shields] and vote "yea."

The roll call was concluded.

Mr. GRONNA (after having voted in the affirmative). transfer my pair with the Senator from Maine [Mr. Johnson] to the senior Senator from California [Mr. Works] and let my

Mr. SMITH of Michigan (after having voted in the affirma-I voted in the absence of my pair and withdraw my

The roll call resulted-year 32, nays 11, as follows:

YEAS-32.

Fernald: Chamberlain Chilton Culberson Fletcher Gronna Husting

James Johnson, S. Dak. Kenyon

Kern La Follette Lane Lea, Tenn.

Lee, Md. Lippitt Lodge Martine, N. J.	Norris Owen Page Phelan	Shafroth Sheppard Smoot Tillman	Vardaman Walsh Watson Williams
	NA	YS-11.	
Brandegee Broussard Catron	Fall Hitchcock Martin, Va.	Oliver Ransdell Smith, Ga.	Stone Sutherland
	NOT V	OTING-53.	
Ashurst Bankhead Beekham Brady Bryan Clapp Clark Colt Cummins Curtls Dillingham du Pont Gallinger Goff	Gore Harding Hardwick Hollis Hughes Johnson, Me. Kirby Lewis McCumber McLean Myers Nelson Newlands O'Gorman	Overman Penrose Pittman Poindexter Pomerene Reed Robinson Saulsbury Sherman Shields Simmons Smith, Ariz. Smith, Md.	Smith, S. C. Sterling Swanson Thomas Thompson Townsend Underwood Wadsworth Warren Weeks Works

The VICE PRESIDENT. The year are 32 and the nays are 11. Senators Ashurst, Beckham, Curtis, Gallinger, Harding, OVERMAN, and SMITH of Michigan are in the Senate paired and The motion to reconsider is carried.

Mr. OVERMAN. I understand that this amendment is going to take a long time; and if so, I feel compelled to call for the regular order. I ask that the unfinished business be proceeded

Mr. SHAFROTH. I appeal to the Senator from Wisconsin to

withdraw his amendment and let us pass the bill.

Mr. LA FOLLETTE. The amendment which I propose to offer is only to insure the carrying out of the purpose of the amendment which the Senate adopted, and if the Senate stands by its previous vote-

WILLIAMS. Let us agree by unanimous consent to vote on it.

Mr. LA FOLLETTE. Very well; if it can be voted on in that

Mr. WILLIAMS. I ask unanimous consent to vote on the amendment without debate.

I object.

Mr. SUTHERLAND. I shall have to object to that.

Mr. SHAFROTH. I appeal to the Senator from Wisconsin to withdraw it. We are right here near the passage of the bill. Mr. LA FOLLETTE. I do not want to jeopardize the final passage of the bill. If I can have the assurance of the chairman of the committee that he will use his best endeavors in

conference to so change and modify the amendment as to carry out the intention and purpose of the Senate in adopting the amendment, I will not offer to amend it.

Mr. President, I desire to say to the Senator that other Senators here probably have just as sincere convictions upon this matter as lie has, and should the chairman of the committee agree to the proposition, which I consider rather a remarkable one myself, as a member of the committee I will say the bill will not pass at the present time. So there will be nothing gained by the acceptance by the chairman of the proposition of the Senator from Wisconsin.

Mr. WILLIAMS. Would the Senator from New Mexico object to unanimous consent to take a vote on the amendment now?

Mr. FALL. Yes, sir; I object. I think it is a matter the Senate ought to receive a little information upon. Mr. SHAFROTH. I appeal to the Senator from Wisconsin

Mr. LA FOLLETTE. The Senator ought not to do that. I am simply asking for a change in the amendment to carry out the intention of the Senate in adopting it.

Mr. SHAFROTH. The bill is likely to be defeated if it is

Mr. SHAFROTH. The bill is a good bill.

Mr. VARDAMAN. Why can we not vote on it now?

Mr. BRANDEGEE. I ask for the regular order.

Mr. OVERMAN. I have demanded the regular order.
The VICE PRESIDENT. The Chair has nothing to do, if the

Senator from North Carolina asks for it, but to lay the unfinished business before the Senate. Mr. OVERMAN. I am compelled to do so. Mr. SHAFROTH. Let me say to the Senator from New

Mexico

Mr. BRANDEGEE. I demanded the regular order.
Mr. SHAFROTH. I ask the Senator from New Mexico to allow a vote to be taken.

The VICE PRESIDENT. The Senator from Connecticut is demanding the regular order, and at the request of the Senator from North Carolina the unfinished business is before the Senate.

#### JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. POMERENE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. POMERENE, Mr. HOLLIS, and Mr. DILLINGHAM conferees on the part of the Senate.

#### PRISON SHIPS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 12th instant, reports on file in the Navy Department relative to prison ships, which, with the accompanying papers, was referred to the Committee on Naval Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 157) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 11474) authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.

The message also announced that the House insists upon its amendment to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Carter of Oklahoma, Mr. Hayden, and Mr. Norton managers at the conference on the part of the House.

# ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 5672. An act for the relief of sundry building and loan associations:

S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States:

S. 8105. An act granting the consent of Congress to the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas; and

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime.

## PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the Farmers' National Congress of the United States, remonstrating against the proposed reduction of the tax on oleomargarine, which was ordered to lie on the table.

He also presented a petition of the Publicity Association and Chamber of Commerce of Manchester, N. H., praying for the passage of the so-called daylight saving bill, which was referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of the Trades and Labor Council of Vallejo, Cal., praying for the enactment of legislation authorizing the investigation by the Government of marketing and dairy products, which was referred to the Committee on Agriculture and Forestry.

# REPORTS OF COMMITTEES.

Mr. SHEPPARD. From the Committee on Military Affairs I report back adversely the bill (S. 5204) for the relief of Stephen A. Winchell, with the request that it be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4357) to correct the military record of Joseph J. Mitchell, reported it with amendments and submitted a report (No. 1065) thereon.

Mr. LEE of Maryland, from the Committee on Claims, to which was referred the bill (S. 2581) for the relief of the heirs of Adam and Noah Brown, reported it with an amendment and submitted a report (No. 1066) thereon.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LANE:

A bill (S. 8270) granting an increase of pension to Clifford A. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 8271) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes; to the Committee on Fisheries.

By Mr. WALSH:

A bill (S. 8272) to authorize the Secretary of the Interior to prorate tribal funds of Indians; to the Committee on Indian Affairs.

By Mr. ROBINSON:

A bill (S. 8273) releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the State of Arkansas, for a site for an armory and training camp of the Arkansas National Guard; to the Committee on Public Lands.

A bill (S. 8274) to prohibit interstate and foreign commerce in certain products of female labor, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 8275) to carry out the findings of the Court of Claims in the case of W. W. Busby, administrator of the estate of Evelina V. Busby, deceased, against the United States; to the Committee on Claims.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment authorizing the Secretary of War to acquire land for aviation purposes, intended to be proposed by him to the Army appropriation bill (II. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment authorizing the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise, the plot of ground known as the O'Neal property, immediately east of and adjoining the present post-office site at Gettysburg, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that during the fiscal year 1918 the civilian employees under the Navy Department included on the lump-sum rolls only those persons who were carried thereon at the close of the fiscal year 1917 shall receive increased compensation at the rate of 10 per cent per annum, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to purchase certain land for the Gettysburg National Military Park, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

# THE REVENUE.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes, which was ordered to lie on the table and be printed.

## OFFENSES AGAINST THE GOVERNMENT.

Mr. WALSH submitted two amendments to the amendment of the committee to the bill (S. 8148) to define and punish espionage, which were ordered to lie on the table and be printed.

AGRICULTURAL APPROPRIATIONS (S. DOC. NO. 713).

Mr. SMITH of South Carolina submitted the following report:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture

for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82,

84, 98, and 101.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, 100, 102, and 105, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "\$20,000" and insert in lieu thereof "\$6,500"; and

the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "\$1,468,-740" and insert in lieu thereof "\$1,455,240"; and the Senate

agree to the same:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "\$1,796,-640" and insert in lieu thereof "\$1,783,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "\$269,200" insert "\$277,580";

and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment" in the Senate amendment strike out the words "and maintenance"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "\$2,604,956" insert "\$2,613,-

336"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "\$3,445,326" insert "\$3,555.

326"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "\$90,010" insert "\$82,510," and in lieu of "\$15,000" insert "\$7,500"; and the Senate agree

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "\$112,200" insert "\$107,200," and in lieu of "\$14,000" insert "\$9,000"; and the Senate agree

to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "\$2,460,530" insert "\$2,480, ; and the Senate agree to the same.

That the House recede from its disagreement to the amend-ment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "\$3,123,630" insert "\$3,143,-

; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "\$1,200" in the Senate amendment insert the words "not exceeding"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures \$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "\$1,814,567" insert "\$1,817,-

567"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "\$3,261,475" insert "\$3,264,-475"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "\$5,709,275" insert "\$5,712,-275"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "\$2,992,580" insert "\$2,972,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "\$3,127,660" insert

"\$3,107,660"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "\$813,395" insert "\$843,-395"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "\$1,688,575" insert

"\$1,718,575"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station" and transfer the paragraph as thus amended to page 24, between lines 18 and 19 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "\$139,500" insert "\$104,-

500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of "\$160,000" insert 125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$24,581,213" insert

"\$24,679,113"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "\$25,831,213" insert "\$25,929,113"; and strike out the new language added by the Senate amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000";

and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of "\$1,000" insert "\$1,500";

and the Senate agree to the same.

E. D. SMITH, HOKE SMITH, F. E. WARREN, Managers on the part of the Senate. A. F. LEVER, GORDON LEE. G. N. HAUGEN Managers on the part of the House.

The VICE PRESIDENT. The report will lie on the table and be printed.

# ORDER OF BUSINESS.

Mr. SMITH of Georgia. I ask that the action of the House upon the conference report on Senate bill 703 be laid before the Senate. I wish to say to the Senator from North Carolina if it takes 10 minutes I will not ask to proceed with its consideration. think there will be no objection at all to concurring in the action of the House, and we can dispose of it at once.

Mr. LA FOLLETTE. What is the bill, I inquire?

Mr. SMITH of Georgia. The vocational educational bill.
Mr. OVERMAN. It is the conference report?
Mr. SMITH of Georgia. It is the conference report. The House has acted upon the conference report

Mr. SMOOT. I have no objection to its present consideration, but I have not had time to read the report; and if the report is laid before the Senate I will ask the Senator to make a statement as to what the changes are.

Mr. SMITH of Georgia. I can do that in two minutes. yielded only two propositions, and those not substantial.

The VICE PRESIDENT. Is there objection?

Mr. OVERMAN. The Senator agrees as he has stated.

Mr. SMITH of Georgia. If we can not pass it in 10 minutes, if there is any debate, I will ask leave to withdraw it.
Mr. POINDEXTER. I object, Mr. President.

I move that the Senate proceed to the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes. I hope this motion will be adopted, because it is evident we can dispose of the bill in probably 15 or 20 minutes

Mr. OVERMAN. I will say to the Senator that Senators have stated to me that the Porto Rican bill will take some time, and they are not going to let it pass without debate. Therefore I hope the Senate will vote down the motion of the Senator from

Mr. POINDEXTER. I ask for the yeas and nays on my motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). In the absence

of my pair I withhold my vote.

Mr. CURTIS (when his name was called). Again announcing my pair with the junior Senator from Georgia Mr. [HARDwick], I withhold my vote.

Mr. SMOOT (when Mr. Gallinger's name was called). desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. Gallinger]. He has a general pair with the senior Senator from New York [Mr. O'GORMAN].

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. Penrose]

to the Senator from Tennessee [Mr. Shields], I vote "yea."
Mr. VARDAMAN (when his name was called). I transfer my pair with the junior Senator from Idaho [Mr. Brady] to the senior Senator from Oklahoma [Mr. Gore] and vote yea.'

The roll call having been concluded, it resulted-yeas 22,

nays 25, as follows:

YEAS-22.

Ashurst Bryan Cummins Hitchcock Hughes James	Johnson, S. Dak. Kenyon La Follette Lane Norris Page	Poindexter Shafroth Sheppard Sherman Tillman Vardaman	Walsh Watson Williams Works
	NAY	S-25.	
Borah Brandegee Chamberlain Chilton Culberson Fall Fernald	Fletcher Husting Jones Lippitt Lodge Martine, N. J. Nelson	Oliver Overman Pittman Ransdell Smith, Ga. Smith, S. C. Smoot TING—49.	Sterling Sutherland Thompson Townsend
Bankhead Beckham Brady Broussard Catron Clapp Clark Colt Curtis Dillingham du Pont Gallinger Goff	Gore Gronna Harding Hardwick Hollis Johnson, Me. Kern Kirby Lea, Tenn. Lee, Md. Lewis McCumber McLean	Martin, Va. Myers Newlands O'Gorman Owen Penrose Phelan Pomerene Reed Robinson Saulsbury Shields Simmons	Smith, Ariz. Smith, Md. Smith, Mich. Stone Swanson Thomas Underwood Wadsworth Warren Weeks

The PRESIDING OFFICER (Mr. CHILTON in the chair). On this vote the yeas are 22 and the nays are 25. The Senator from Kentucky [Mr. Beckham], the Senator from Kansas [Mr. CURTIS], and the Senator from New Mexico [Mr. CATRON] are present and not voting. So the motion of the Senator from Washington [Mr. POINDEXTER] is lost.

# VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, I now ask that the Presiding Officer lay before the Senate the action of the House of Representatives upon the conference report on Senate bill

703, which was a concurrence in the conference report.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that the conference report on Senate bill 703

be now laid before the Senate. Is there objection?

Mr. JONES. Mr. President, I want to say to the Senator having the measure in charge, which is now the unfinished business—the Senator from North Carolina [Mr. Overman]—as we have been proceeding heretofore by taking up one bill and talking about it a little while, then setting it aside and taking up another bill, and all that sort of thing, that I shall hereafter, if I am present, object to unanimous consent to the laying aside of the unfinished business for the consideration of anything except conference reports, appropriation bills, and the revenue

Mr. OVERMAN. The unfinished business has only been laid aside once, and every Senator realized that that was all right, I that we yielded. The House yielded on the other matters.

as it was to conclude the consideration of the Porto Rican bill. the understanding being that on the present occasion it would only take three or four minutes to dispose of it; but after the debate proceeded it was realized that the consideration of that bill would take up so much time that it was impossible to conclude its consideration, and therefore I made the motion which I did.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia [Mr. SMITH]? The Chair hears none, and lays the conference report referred to before

the Senate.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for coopera-tion with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

Mr. SMITH of Georgia. Mr. President, I will state to Senators that the only amendments of any importance are those which I have mentioned. First, we extend the date one year In our original bill we expected to get ready to operate in 1916-17. Now, we have extended it to begin in 1917-18. In the bill as it passed the Senate we provided a vocational board to be in charge of the work, consisting of the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The House rejected all Cabinet officers, and provided for a board of five men, one representing manufacturing, one representing commerce, one representing agriculture, one representing labor, and I do not know who the fifth member was, but one representing something else.

Mr. SMOOT. All to be appointed by the President.

Mr. SMITH of Georgia. All to be appointed by the President. We adjusted that difference between us by retaining the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and making the Commissioner of Education a member of the board. Under our original bill he was not a member of the board, but was the executive officer. We abandoned him as an executive officer, and put him on the board. Then we added three additional members, to be named by the President, one of whom should be a representative of manufacturing and commerce, one a representative of agriculture, and one a representative of labor. We have merged the two ideas into one.

Mr. SMOOT. The board will consist of seven members, in-

stead of five, as the Senate bill provided?

Mr. SMITH of Georgia. Yes. We also had a provision in the Senate bill that named four men, to be selected by the board, to be directors—one the general director of vocational education at a salary of \$7,500, one a specialist in agriculture, one a specialist in trades and mechanical arts, one a specialist in commerce, and one a specialist in domestic science or commerce. We named the specialists and fixed their salaries. We gave that up; but left the broad power in this board to determine whether specialists were needed, and, if so, to fix their salaries. We put that provision as to salaries in the Senate bill largely because we wanted to be sure that they would be high-class men. After conference with the House conferees we concluded that we should leave the board unrestricted. for it might be that they would want a man who would require even a higher salary than the highest we had named. We felt that the board ought to put at the head of this work the very ablest man who could be found in the United States who would take charge of it.

Mr. SMOOT. Then, under the provisions of the conference

report there would be no limit at all placed upon the wage of

any of the employees?

Mr. SMITH of Georgia. None at all, except that the board is given \$200,000 for its own use to promote the organization and the development of the work. The salaries of the members of the board, however, are only \$5,000 each.

Mr. SMOOT. I will say to the Senator from Georgia that perhaps that will be satisfactory for the first year; but in the next appropriation bill providing the funds for carrying out the provisions of the bill I hope the Senator will agree with us that each officer shall be specifically provided for and his salary fixed.

Mr. SMITH of Georgia. The Senator from Utah knows that that is one of the theories that I have always urged and pressed. The original bill as prepared by our joint committee did not

contain the paragraph naming the salaries of these five experts.

I wrote that myself, and asked the Senate to adopt it, but the House declined to adopt it. We felt that at least for the first year we could leave it to the board, broadly organized as it is, to start the work without restriction. That is practically all

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.
Mr. SMITH of Georgia. There is a concurrent resolution in connection with this matter, which the House of Representatives has passed. We use the word "name" at one place in the House conference report, where we meant to convey the meaning covered by the resolution; and after the adoption of the conference report the House passed the resolution.

The PRESIDING OFFICER. The Chair lays before the Senate the concurrent resolution from the House of Representatives,

which will be read.

The Secretary read the concurrent resolution, as follows:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 703, entitled "An act to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure," the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the word "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5, as the same appears in the conference report on said bill and amendment.

Mr. SMITH of Georgia. The word "name" applies to authority to the governor, pending the action of the legislature, to name a board. This language, it was desired, should be uni-

The PRESIDING OFFICER. The question is on concurring in the resolution.

The resolution was concurred in.

Mr. SMITH of Georgia. I thank the Senator from North Carolina [Mr. OVERMAN].

OFFENSES AGAINST THE GOVERNMENT.

Mr. OVERMAN. As I understand, Mr. President, the unfinished business is now before the Senate.

The PRESIDING OFFICER. It is.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

The PRESIDING OFFICER. The pending amendment will

be stated.

The Secretary. The pending amendment is one which was offered by the junior Senator from Oklahoma [Mr. Owen], on page 10, line 9, to strike out the word "defeat" and to insert the word "influence"; and, in line 10, to strike out the words "in relation to such dispute or controversy" and to insert the words "or any branch thereof."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. OVERMAN. Mr. President, I think the Senator from Oklahoma ought to be present when that amendment is acted upon. I hope no action will be taken on the amendment until he comes in. I ask unanimous consent that it be passed over temporarily.

The PRESIDING OFFICER. Without objection, that course

will be pursued.

Mr. OVERMAN. The question we were considering yesterday was an amendment offered by the Senator from Iowa [Mr. CUMMINS]. He withdrew the amendment, however, and offered another amendment. If he will introduce that now, I think this would be the proper time to consider and dispose of it. We had quite a debate yesterday on the subject.

Mr. OWEN entered the Chamber.
Mr. CUMMINS. Mr. President, I am quite willing that the amendment proposed by the Senator from Oklahoma be now taken up.

Mr. OWEN. It will take only a moment. On page 10, I suggested an amendment in line 9.

The PRESIDING OFFICER. The amendment has just been stated, but, in the absence of the Senator from Oklahoma, it was, by unanimous consent, laid aside.

The purpose of the amendment which I pro-Mr. OWEN. posed was to broaden the matter so as to cover an untrue statement orally or in writing under oath which had a view or intent to influence any measure of or action by the Government of the United States or any branch thereof. The amendment makes it broad. We ought not, I think, to permit false statements in writing to be made to influence the Government of the United The Senate will doubtless remember in the Lusitania case that there was a man who made a false affidavit with regard to munitions of war, arms, and cannon on the Lusitania. It was on the basis of that false statement that Germany is supposed to have sunk the *Lusitania*. A similar affidavit might be made by a United States citizen that would lead to most mischi vous consequences. The language ought, therefore, to be

made as broad as possible. That is all I wish to suggest. I think it is obvious that that ought to be the law.

The PRESIDING OFFICER. The Secretary will again state the amendment

The Secretary. On page 10, line 9, it is proposed to strike out the word "defeat" and to insert the word "influence," and in line 10 to strike out the words "in relation to such dispute or controversy" and to insert the words "or any branch thereof."

The PRESIDING OFFICER. Are the two amendments to be

considered together?

Mr. OWEN. I ask that they may be considered as one amendment.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.
The PRESIDING OFFICER. The bill is still before the Sen-

ate as in Committee of the Whole.

Mr. STERLING. Mr. President, at this point I should like to inquire what was done, if anything, with the words "under oath," in line 2, on page 10? Were they left in the bill? I know there was some discussion on the point last evening, and I thought at one time that they had been stricken out.

Mr. OVERMAN. They were left in the bill, because it was stated that the objection was covered in another section.

chapter was not amended at all.

Mr. STERLING. Mr. President, it occurs to me that statements injurious to the Government and having a tendency to hinder or injure the Government in its operations can as well be made without being made under oath as if they were made under oath. I hardly see why it should be required that statements of this kind, in order that the party uttering them should be punished, should be required to be made under oath. statements aimed at are those intended "to influence the measures or conduct of any foreign Government," which statements in order to be injurious need not be under oath.

Mr. SMITH of Michigan. Mr. President—
The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. STERLING. I do.

Mr. SMITH of Michigan. If the Senator's theory is worked out practically, we will be obliged to enforce it on our Mexican border, where statements are made not only derogatory to the Government, but truthful; and, if so made, and the Government believe them to be untrue, the person uttering them must be apprehended under that very extraordinary power.

Mr. STERLING. I would say, Mr. President, that the object

of this provision is to punish such statements as will tend "to influence the measures or conduct of any foreign Government." I will say further to the Senator from Michigan that I think such statements are more often made not under oath than under oath; and those are the very statements that do influence the conduct of a foreign Government to the detriment of the Government of the United States. They are not statements made under oath.

Mr. OVERMAN. Mr. President, I think the Senator's suggestion, if adopted, would make the provision too broad. Statements made in a simple conversation or idle talk might render a man liable to indictment. This provision is intended to cover cases where a man swears absolutely to some fact rather than to include the case of a man who may casually talk about a matter. I think to do that and to say that we will indict that man on the ground that his remarks might tend to influence a foreign Government would be going a little too far.

Mr. STERLING. But, Mr. President, the statute sought to

be enacted here requires that he shall have "knowledge or reason to believe" that the statement will "influence the measures or conduct of any foreign Government." It does not mean mere casual statements but statements made with a deliberate purpose and with a knowledge or belief that they will

influence the conduct of a foreign Government.

Mr. WORKS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. WORKS. I was not here when this bill was under discussion yesterday, and I should like to know whether there is some particular chapter that is before the Senate now, or whether the bill is before the Senate generally.

The PRESIDING OFFICER. The entire substitute is before -

the Senate; the whole matter is before the Senate.

Mr. WORKS. I should like to address myself for just a few moments to chapter one, which, I think, calls for serious consideration. This is a time when the public mind is excited and inflamed and we are very likely to go too far in legisla-tion of this kind. It is a time when, I think, we should be cautious, for we are likely to take away some of the liberties and privileges of American citizens by legislation of this kind that I think ought not to be trespassed upon, and I want to call attention to the broad provisions of chapter 1. It provides in the beginning, in section 1:

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters, files over—

And so forth.

Now, there is no limitation upon that, except that he shall not be "lawfully entitled" to the information. I should like to know-and perhaps the acting chairman of the committee can tell me-who is regarded under that section as being lawfully entitled to secure information about the affairs of government, including its defenses. I think a subsequent section of the act tends to construe that particular provision, that is very loose in its terms, for in section 6 it is provided:

Sec. 6. The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground that information with respect thereto would be prejudical to the national defense; he shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person—

Now, mark the language-

(other than officers and employees of the United States duly authorized) shall be lawfully entitled within the meaning of this chapter.

Under those two provisions of the section no American citizen would have the right to make inquiry or seek informaton as to the condition of the defenses of the Government. It seems

to me that is going a long way.

It will be noticed, Mr. President, that it is not required, in order to bring a citizen within the provisions of this act, that he should be seeking this information for any improper purpose or with any ulterior motive. The mere fact of a citizen of the United States seeking the information, even for the most innocent purposes, makes him a criminal under the provisions of this proposed substitute. This will be noticed with respect to all of the provisions contained in section 1.

As I have said, the first clause of the section that I have already read applies simply to obtaining information respecting the national defense, and further along, where there are additional acts prohibited, the clause is "contrary to the provisions of this chapter," and then there is the provision I have already read, which shows, I think, quite clearly that the President may on his own motion designate any place in the United States that he thinks the people of this country ought not to know about, and when he designates it, if any citizen undertakes to obtain any information with respect to it he becomes a criminal,

Of course, if this was intended to prohibit the securing of information for any improper purpose-for example, for the purpose of disclosing it to some foreign nation or to use it in any improper way-I should have no objection to it, and I think it would be entirely proper; but certainly, to my mind, it is going altogether too far to deny any American citizen the right to seek information for innocent purposes with respect to any portion of the Government and its condition.

I am only now briefly calling attention to objections which I think are pertinent to this particular chapter and to the par-

ticular section to which I have referred.

## GEORGE W. LALAND.

Mr. BRADY. Mr. President, out of order I ask unanimous consent to make a report from the Committee on Military

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent to make a report from the Committee on Military Affairs. Is there objection? The Chair hears none, and the report will be received.

Mr. BRADY. From the Committee on Military Affairs I report adversely the bill (H. R. 4360) for the relief of George . Laland. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Idaho moves that House bill 4360, which he has reported adversely, be indefinitely postponed.

Mr. BRADY. I have another report to present, Mr. Presi-

Mr. OVERMAN. Mr. President, I am bound to object to morning business being introduced at this time.

The PRESIDING OFFICER. It is too late. The Senator

did not object

Mr. OVERMAN. I did not understand for what purpose the

The PRESIDING OFFICER. The Chair asked if there was objection, and there was none.

Mr. PENROSE. Mr. President, I desire to offer an amendment to a pending appropriation bill.

The PRESIDING OFFICER. There is a matter pending

before the Senate.

Mr. OVERMAN. I call for the regular order.
The PRESIDING OFFICER. The regular order is before the

Mr. OVERMAN. The regular order is the unfinished business. I did not understand the Senator to get unanimous consent to introduce morning business.

The PRESIDING OFFICER. The Chair understood unanimous consent was given, and the Senator from Idaho presented

a report.

Mr. PENROSE. Does the Senator from North Carolina object to my presenting an amendment to the naval appropriation bill?

Mr. OVERMAN. I understand there is another matter before the Senate.

Mr. BRADY. Does the Senator from Pennsylvania object to

my presenting the report?

The PRESIDING OFFICER. Let the Chair explain the situ-The Senator from Idaho asked unanimous consent to make a report. Unanimous consent was given. He has made the report. It is an adverse report, and he moves that the bill be indefinitely postponed. The question is on that motion.

The motion was agreed to.

Mr. BRADY. I desire to present another report.

Mr. OVERMAN. I object to any further business except the regular order.

The PRESIDING OFFICER. Is there objection to the other request of the Senator from Idaho. The Chair hears none.

Mr. OVERMAN. I objected to any more business being presented while the unfinished business is pending. I thought I had stated that

The PRESIDING OFFICER. There is objection. The regular order will be proceeded with.

### OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the con-

sideration of the bill (S. 8148) to define and punish espionage.

Mr. CUMMINS. Mr. President, as I understand, this measure, consisting of a series of bills, is now before the Senate. It gets before the Senate and then disappears so quickly that I am never certain just what is under consideration. I have no great objection to any of the bills which have been incorporated in the pending measure save one. I think that the amendment which I proposed yesterday to certain of them, or an amendment of that general character, ought to be adopted; but my chief objection is to chapter 1, concerning which the Senator from California [Mr. Works] has just submitted some very pertinent observations. I defer offering the amendment which I have to propose to subsequent chapters, and which relates to the use by the President of the Army and Navy for the enforcement of our laws, until a later time, but, in order that those Senators who are here may be apprised of the character of the amendment I shall offer, I ought to read it, having changed its phrase-ology somewhat as compared with the amendment I offered yesterday. I intend to offer finally to section 8 of chapter 9, page 24, the following addition:

Provided, That without the further authority of Congress such armed force shall not be used beyond the territorial limits of the United States to commit an act of war against a nation with which the United States is then at peace.

I mention the subject now, for I believe that it well deserves some thought on the part of the Senate; and I hope that before we reach that part of the bill those who think that we ought not to abdicate and surrender the power of Congress in this regard to the Chief Executive will give the matter attention. I call now to the minds of Senators chapter 1.

Mr. CLAPP. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.
Mr. CLAPP. Mr. President, in connection with the proposed amendment I simply want to suggest to the Senator—I am in harmony with the purpose and spirit of his position—if cases ought not to be excepted from it where the act occurred in consequence of some act within our territorial limits that necessarily resulted in pursuit. I will not press it now. I just make the suggestion for later consideration; that is all.

Mr. CUMMINS. The suggestion made is worthy of consideration. Possibly I have not phrased it as carefully as it should be phrased, but it expresses my general idea with regard to the property of the property to the use of the Army and the Navy in time of peace by the

President.

Mr. President, we have just been manifesting great solicitude for the citizens of Porto Rico. I think that the interest which the Senate has indicated in preserving to the citizens of that island some of the rights and privileges of people of free countries is very praiseworthy, and I sincerely hope that, as the Senate comes to examine chapter 1 of this bill, its Members will feel the same concern with regard to the rights and privileges of citizens of the United States residing in continental North America.

I want it clearly understood that I am not approaching an analysis of this question from the standpoint of an extreme I believe in adequate preparation against invasion. believe in an army and a navy that will and can protect the shores of this country from every enemy in the world.

Mr. BORAH. Mr. President, may I interrupt the Senator

to ask at what particular point that amendment goes in?

Mr. CUMMINS. The one that I mentioned a few minutes ago?

Mr. BORAH. The one that the Senator just read.
Mr. CUMMINS. It is added to section 8, on page 24.
Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I yield.

Mr. WORKS. I think that in this connection it ought to be borne in mind that the provisions of chapter 1 are not confined to time of war at all, but extend to a time of peace.

Mr. CUMMINS. That is one of the first things that I intended to say when I reached that part of my address.

I do not want to be accused of any lukewarmness in the na-

I do not want to be accused of any lukewarmness in the national defense, although I may differ from some of my associates with respect to the measure of defense necessary to successfully protect this country against inroads or aggressions from abroad. I desire it to be also understood that in time of war I have no desire to restrict the power of the Commander in Chief of our Army and our Navy. I am quite willing that in the territory in which martial law is declared the civil rights of citizens shall, for the time, be subordinate; but I am unwilling that, in time of reace, the privilege and time of peace, the privileges and safeguards of the people of the United States which have been regarded through all the ages as necessary to the protection of the people in a free country shall be repealed or withdrawn. I am unwilling that a great number of new and strange offenses shall be created which will draw within themselves a large part of the population of a country which indulges in free speech and free thought, when not necessary to protect either the territory or the honor of the Republic.

Even in time of war the district which would probably be covered by martial law is small in proportion to that part which will be amenable to the civil laws, and in which the ordinary business of American citizens will be carried on, I hope, in the ordinary way. I intend to analyze this chapter a little more fully than did the Senator from California. If I believed that it was necessary to create a proper national defense, to pass laws of this sort, I would rather go unprepared into the conflict than to subject the people of this country to the dangers, the menace, contained in such legislation.

Let us see. I am confining myself now to chapter 1, and I direct your attention to section 1 of chapter 1. There are two things to be remembered in considering it. First, as stated by the Senator from California [Mr. Works], it governs us in peace as well as in war. Now, that is not true of the entire There are some paragraphs of the chapter which are applicable only in time of war; but this particular section of the chapter, section 1, would be in force in times of the pro-

Second—and I hope those who are here will remember that what I am now saying applies to every provision of section 1 it is not required to be shown that the offender intended either to injure his own country in any degree, or that he intended to aid or abet another country in any degree, whether that other

country at the time is at peace or in war.

With those two thoughts or bases in mind, I begin to read section 1:

That (a) whoever, for the purpose of obtaining information respecting the national defense—

My first inquiry is this: What is the national defense? Those words are not defined; they are in no wise qualified or restricted; and the first question that must be answered in determining whether or not a citizen is guilty of the offense of this paragraph is, Is he attempting to obtain information respecting the national defense?

We have had a good deal of discussion in recent months about the national defense, and I should like to know—I am not asking for an answer just at this moment—the views of Sena-

tors with regard to the meaning of that term. Is it confined to the Army and the Navy? Evidently not, for it is universally agreed that it extends to all manufactories engaged in producing arms and munitions of war. But is it confined to manufactories engaged in producing the things that are directly used in war, or is it to be extended to every national energy which makes up an adequate and effective national defense?

I have heard it applied, and so have you, to agriculture. It is said that it is necessary to make stable, permanent, and general the development of our fields in order that in time of war our armies may be successfully sustained, or our citizens adequately fed. I have heard it applied to schools, because it is alleged that we can not create an adequate national defense unless we have cultivated the heart and the mind. I do not believe it will be asserted here that the words "national defense" do extend to these things, but no one can tell to what they extend. They may mean, I suppose, anything that is necessary in order successfully to defend ourselves against an enemy or successfully to attack an enemy, if attack is the approved method of defense at any given time. I should think that it would include everything from the mines and the forests which ultimately passes into the structures or the arms that are used in war, no matter whether they are used immediately in battle, or whether they are used in general connection with the Army or the Navy.

I ask Senators to observe, second, that this information respecting the national defense is forbidden to every person not

lawfully entitled to it.

Mr. WALSH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield to the Senator.

Mr. WALSH. I think a very erroneous idea is to be gathered from the statement of the Senator and from the comments that he has been making about this matter. It is not necessary, in my estimation, closely to define what is meant by "national defense" here; and the bill does not make criminal, as might seem to be gathered from the remarks of the Senator, the gathering of information about the national defense. The remark concerning national defense is in the nature of inducement. There are certain acts denounced by the bill, namely

Mr. CUMMINS. I have not reached that part of my argu-

ment yet, but I will approach it in a moment.

Mr. WALSH. But the point I was making was that it was to be gathered from the remarks of the Senator that the bill made criminal the gathering of information concerning the national defense.

Mr. CUMMINS. I said that was one of the elements of The person must be endeavoring to obtain inthe crime. formation respecting the national defense; and when you have proved that the person who is arraigned or under charge has obtained information respecting the national defense, you have proved the first thing necessary to be established in order to constitute the crime.

Mr. WORKS, Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa

yield to the Senator from California?

Mr. CUMMINS. I yield to the Senator from California. Mr. WORKS. It seems to me that the only other element necessary to constitute the crime under this section is that he should not be lawfully entitled to that information. According to my construction of this and another section of the bill, as I suggested a while ago, nobody would be lawfully entitled to any information relating to the national defense except the officers having that matter directly in charge. If that be so, no American citizen has the right to inquire at all into the

national defense of the country, and therefore no right or authority to investigate or to inquire into the conduct of the officers who have that matter in charge.

Mr. CUMMINS. Mr. President-WALSH. Mr. President, if the Senator will pardon

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Montana?

Mr. CUMMINS. I am just about to pass on to the subject mentioned by the Senator from California.

Mr. WALSH. I was merely desirous of remarking that it occurs to me that the thing is turned around. When the prosecuting attorney goes to make a case ordinarily, he proves the act first, and the intent afterwards. The act is defined here, The national-defense business refers simply to the intent with

which the act is done.

Mr. CUMMINS. Mr. President, I am not trying to arrange the order of the testimony that would be brought in upon the trial of one charged with a crime under this paragraph. I am

simply endeavoring to state the elements of the crime, and who would be subjected to the penalty of the law if its provisions were carried out.

I resume where I was interrupted.

The next inquiry, after ascertaining whether the information is sought respecting the national defense, is, Was the information sought by one lawfully entitled to it? Now, I restate the inquiry of the Senator from California [Mr. Works]. Who is lawfully entitled to information respecting the national defense? We have no statute prescribing who is entitled to such information. There is no common law determining who is entitled to such information, and I do not know whether all the officers of the Army would be entitled to it, or the officers of the Navy. I do not know whether anybody but the Commander in Chief would be entitled to it. I fancy that in time of war, under some circumstances, no one but the commanding officer is entitled to information that might imperil the force under his command if it were to be disclosed.

Whoever drew those words or whoever is responsible for those words, as it seems to me, does not understand American liberty at all, and has no sympathy with our institutions. He is imagining that we have returned to a time when the citizens of the country are to be kept in absolute ignorance of all public matters pertaining to the national defense. I am not authorized, of course, to say what was in the mind of the draftsman of this bill. It came from the office of the Attorney General. The Judiciary Committee had very little to do with it. I do not mean by that to disparage the action of the Judiciary Committee; for if a majority of the Judiciary Committee had really considered this bill from the usual standpoint, if it had emanated from a member of the Judiciary Committee or any Member of the Senate, and the committee had maturely and intelligently reflected upon it, its action would have great weight with me, and I have no doubt would have equal weight with all the Members of Congress.

Mr. OVERMAN. Mr. President— Mr. CUMMINS. Just a moment. Now, I do not mean to say that it does not express the conviction of the members of the Judiciary Committee who joined in the report. I assume that it does; but what I do mean to say is that it is not the product of any Member of the Senate, and was received by the Judiciary Committee with the authority passing with it that we all recognize in so learned and so influential a department of the Government as the Department of Justice.

I now yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I am sorry the Senator from Iowa did not attend our meetings. If he had, he would have found that this bill, of all bills, was maturely considered. It was more maturely considered than any other bill we had before us. He also knows that this is a substitute for the bill sent down by the Attorney General. It has been amended in many particulars, and when it is said that this bill was not considered I have to say to the Senator that it was considered more than any other bill.

We had the benefit of the Senator's great ability and advice in regard to some of these bills. I am sorry he was not there when this one was considered; but if he had attended the meetings he would have found that we considered this particular bill for

nearly a week.

Mr. CUMMINS. Mr. President, I did not say that it was not considered. I said it was not considered in the way it would have been if it had emanated from another source, namely, a legislative instead of an executive source. I do not believe in that practice, and everybody knows that. I have repeated it so often that my opinion gains no weight by repeating it again.

I was present when this bill was considered originally, and, as recall, the only material amendment was one made because I objected to a part of the bill, and with all deference to the members of the committee the amendment seems to me to make it worse than it was originally. But however that may be, to me it is simply inconceivable that the Judiciary Committee, free from any influence of an executive character, and free from the fear which grows out of the approaching war, would report a bill of this character, for I have already said, and I challenge an answer to it when the time comes, that you can not describe the national defense so that any citizen can tell whether, when he is trying to secure information, he is beginning the commission of a crime or not. You can not tell who is lawfully entitled to information concerning the national defense. We have neither custom nor statute which will inform the citizens of the country upon that subject. I can see no reason why it could not be held that all the citizens of the country, Members of Congress as well as those in private life, were not lawfully entitled to information concerning the national defense, and I ask the Senator from North Carolina if he is entitled to information concerning the

national defense, where did he get the authority? Much less would any private citizen be entitled to information concerning the national defense.

Bearing these things in mind, I pass on to a further part of this paragraph, and I am going over it paragraph by paragraph; and if it were not for the deep respect which I feel for every member of the Judiciary Committee I should characterize this part of the bill as monstrous.

Mr. WORKS. Before the Senator leaves that subject, I understand the Senator to say that no private citizen has any lawful right to obtain information of this kind. Does the

Senator mean that?

Mr. CUMMINS. No; I did not mean it in that sense. What meant is that no private citizen can trace his title to information concerning the national defense to any statute or to any custom that has the force of law. I believe that every private citizen has a right to information concerning the national defense, but I do not know how a court would construe that language.

Mr. WORKS. That is precisely what I wanted to suggest to the Senator. The serious objection that I make to this bill in that respect is that the object and purpose of it is to deny to the American citizen the right to make any inquiry or to get

any information respecting the national defense.

Mr. CUMMINS. If I were construing the words that I have been discussing I would say the idea is that the authority on the part of anyone to receive information concerning the national defense must come from the President of the United States, the commander of our armed forces. I proceed:

That whoever, (a) for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, ap-

Mark that word, if he "approaches"; remember its significance as I read further-

goes upon, or enters, flies over, or induces or aids another to approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense—

Again, we have a description which is so vague and uncertain that no citizen ought to be subjected to a criminal prosecution because he was unable to determine what place is connected with the national defense. I proceed-

owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place—

Now, mark you-

or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States.

I pause there. The Government arsenals and dockyards and ships and forts are fairly definite. They belong to the Government; and I suppose if the President wants to exclude every person from their limits he has a right to do it, at least I will not quarrel with that authority on his part. But a large part of our armament is constructed under contract with various companies. We are building battleships now under contract in a private yard, and if a citizen were to approach a private shipyard at Newport News or at Fore River in order to secure information respecting a ship being built in such a yard, no matter how innocent he might be in his intent, no matter whether he intends to use the information for any purpose that could be prejudicial to our country, he becomes a criminal.

I venture to say, and I will prove it before I get through, if this chapter had been the law for the last 10 years one-half of the intelligent people of the United States could have been sent to the penitentiary for varying periods, from 3 to 30 years. I myself have violated the provisions of this proposed statute during the last two years scores of times, and I think the Senator from North Carolina has been equally guilty, and I think it is greatly to his credit that he has been guilty of doing

the things that are forbidden by this chapter.

Remember now, it is any approach to any manufactory in which anything is being manufactured for the Government or made for the Government. A man who approached the Bethle-hem Steel Works or the Midvale Steel Works or the United States Steel Corporation works, in some of its plants, I assume, in order to get information, without regard to the purpose for which he intended to use it, would at once become a violator of

I am not asserting that this administration would use the law to vex the good citizens of the United States, but I am not willing to give any officer the power when occasion may seem to

require it to subject the people of the country to any such penalties as are here prescribed, or to turn innocence into crime in a way that shocks the moral sense of every man who fairly grasps and comprehends what we are here attempting to do.

But I have not yet reached the climax of this particular para-We have now seen that if anyone approaches any of these things, forts, docks, arsenals, boats, yards, railroads or other property over which the United States is said to exercise an exclusive control, if he approaches any manufactory or yard where something is being made for the Government, he becomes at once subject to the operation of this statute.

But as hard and as unnecessary as any such provisions may be, that is not the worst of it. We have attempted to describe here in a legislative way the prohibition, and there is a little something to guide the citizen in his activites. But now

have the concluding clause:

Or any prohibited place within the meaning of section 6 of this chapter.

That is, whoever approaches for the purpose of obtaining information respecting the national defense any place prohibited, or that may be prohibited, under the provisions of section 6 of this chapter becomes a criminal and may be prosecuted. Let us see what section 6 is. Section 6 begins in this way:

The President of the United States shall have power to designate any

In time of peace, now; not of war. We may be pursuing our way in all the quietude that has characterized us for the last 30 or 40 years, yet it is declared that-

The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground—

Now, mark you how he is absolutely unlimited in his selec-

on the ground that information with respect thereto would be prejudicial to the national defense; he shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United States duly authorized)—

They must not only be officers of the United States but they must be duly authorized in addition-

shall be lawfully entitled within the meaning of this chapter.

I know very well it was not intended by the person who drew the bill, but under that provision the President of the United States could say that what transpires in this Chamber shall not be made public if it concerns the national defense. He can padlock the lips of every man in America respecting the national defense.

It is hard for me to be temperate when I am discussing a provision of that sort. Of course, there is no man who values the privileges of the American citizen more than the Senator from North Carolina, and I am sure that he is now thinking to himself that no President would ever execute the law in this That may be so; but all our laws, or a great many of them, are intended to prevent the abuse of power, to prevent a man without conscience and a man without respect for such institutions as ours to override the rights of a citizen. I shall look with great interest to the answer of my friend from North Carolina when he comes to explain the extent of the President's power in designating any place other than those set forth in paragraph (a) on the ground that information with respect thereto would be prejudicial to the national defense, and I shall look forward with keen curiosity to his exposition of these

He shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United States duly authorized) shall be lawfully entitled within the meaning of this chapter.

Mr. President, I have now finished my comment upon para-It is an extraordinary proposal. If the Senate can persuade itself that it is necessary to enact such legislation as that in order, I assume, to prevent some information which ought to be confidential and confined to our own country from creeping abroad in times of peace, then I shall conclude that it has lost its regard for the liberties of citizens which have been won not only upon many a hard-fought battle field but won in many a contest in the Senate of the United States.

I pass now to paragraph (b) of the chapter-

or (b) Whoever, for the purpose aforesaid-

Now, what is the purpose aforesaid? The purpose aforesaid is to obtain information respecting the national defense. That is the entire purpose. The acquisition of information concerning the national defense-

or (b) Whoever, for the purpose aforesaid, and without lawful authority, copies, takes, makes, or obtains, or attempts, or induces or aids

another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing, or note of anything connected with the national

I wonder if Senators will pause long enough in these busy hours to analyze that paragraph and attempt to apply it to the things to which by its very terms it is applicable. It applies to anyone desiring any information concerning the national defense. We have already, I think, apprehended some of the difficulties that are in our way in determining what the national defense is-

and without lawful authority-

Again, I ask, who has lawful authority to make a copy of any of the things which I have mentioned and to which I shall again direct your attention-

copy, take, make, or obtain any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing—

I pause there. Any writing connected with the defense. You attempt to make it criminal for any man in this country without some lawful authority, the character of which I do not know and which you can not define, to make a copy of any writing connected with the national defense, or any "document.

Mr. President, I said a few moments ago that if this law had been enforced for the last two years more than half the intelligent reading people of the United States would have been in the penitentiary if the law had been put into execution against them. How many of our people have without lawful authority, or such authority as is contemplated here, copied some writing connected with the national defense? We have all done it there over and over again. I know that was not in the mind of the person who drew this bill, and I am sure it was not the intent of the members of the Judiciary Committee, but the difficulty is that in endeavoring to reach one man who is guilty you have drawn within the operation of the law thousands of men who are not guilty of any moral offense, and you can not convert these liberties of the people of this country concerning their own affairs into crimes by merely reciting these offenses in a statute.

Mr. NELSON. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. Kirby in the chair). Do the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Certainly.
Mr. NELSON. Does the Senator believe we ought to have any legislation in reference to the subjects referred to in this bill, or is he utterly opposed to any legislation bearing on these matters

Mr. CUMMINS. Mr. President, I think there are some sub-

Mr. NELSON. And if he is—
Mr. CUMMINS. Now, wait until I answer your question.
Mr. NELSON. Yes; answer it.

Mr. CUMMINS. I am not opposed to legislation on these

Mr. NELSON. Will the Senator suggest something better than this?

Mr. CUMMINS. Just a moment. No one can suggest anything worse; and I am now speaking of chapter 1, of course. am not speaking of the 10, 11, or 12 pages which have been de-nominated as chapters 2, 3, 4, and so on. I am speaking of chapter 1.

It is not an answer, Mr. President, to what I have said for the Senator from Minnesota to ask me whether I can present something better. Impulsively I answered him that any substitute for this chapter would be better. I did not mean any disparagement by that statement, but I invite the Senator from Minnesota and the Senator from North Carolina, when the time comes, to reply to what I am saying with regard to the scope and the operation of these paragraphs. I am as anxious as either of them can be to prevent the revelation, if you please, in a time of war to an enemy or to a foreign country of things that are connected with the movements of our Army and our But I am not willing in order to bring about that state of efficiency, if it be a state of efficiency, to close the mouths of the hundred million of American people upon all subjects at all times relating to the national defense. I think that if we must allow this one man, however unfortunate it may be, to go unpunished in order that these millions may preserve the liberties which they have acquired through long and arduous labors, we had better allow the one man to go unpunished. But I see no reason for permitting that. It is not hard, I am sure, to prescribe the terms of a statute which will punish any man who attempts to reveal to an enemy or even to a foreign country or who gathers information for the purpose of revealing to an enemy or a foreign country information that ought to be confined to American shores. But it is not necessary to spread a net of this kind in order to catch a fish of that kind.

Mr. NELSON. Mr. President— Mr. CUMMINS. I yield to the Senator. Mr. NELSON. I want to call the Senator's attention to how utterly futile it would be to put in clauses requiring the information to be given to a foreign country. What we suffered from during the Civil War more than anything else was the fact that our newspapers contained full information as to the number of troops, their location, the movement of the troops, and every-thing. The newspapers did not do it with an evil intent. They did it for the purpose of selling their newspapers, getting a market for purveying the news to the American people, and yet it was one of the greatest evils that we had to contend with during the Civil War.

Now, if the Senator will allow me, I want to add one further word to what he said a moment ago. He said the President may designate some other place. Let me point out what that means. Suppose in an actual war we had to establish a new submarine base somewhere immediately, a new point. It may be necessary for the President to designate it. We need in this new method of warfare new places to store our supplies for our submarine works, and hence it is necessary to give the President some power.

Mr. CUMMINS. I have no objection to giving the President some power, and the power that has just been described by the Senator from Minnesota. But it seems utterly impossible for me to so express myself that the Senator from Minnesota will understand that in reaching an instance of that kind it is not necessary to extend the crime to every person who may seek to obtain information concerning the national defense.

My second answer to the statement just made is this: He is thinking of a time of war. I will come to the newspaper paragraph presently. It is a most interesting paragraph, but I have not reached it yet. I am not dealing with newspapers or the harm that they did the country in the Civil War. There are some observations to be made upon that subject. But I remind the Senator from Minnesota that this chapter, in so far as I have been considering it up to this time, is not confined to a time of war. It is just as effective in a time of peace as in war.

The Senator from Minnesota may not have been here in the early part of my analysis during which I said that when war comes, when martial law must supersede civil law, when the Commander in Chief of the Armies and Navies must be the supreme arbiter of the liberties of the citizen, then I have no disposition to limit the power of the Commander in Chief, but I have great objection to giving the Commander in Chief of our Army and Navy the absolute disposition of the liberties of the people during times of peace.

Mr. NELSON. Mr. President, will the Senator allow me to

make a suggestion?

Mr. CUMMINS. I will be glad to yield. Mr. NELSON. The Senator can readily see if you limit this to an actual state of war how utterly futile it will be. not help referring to a concrete case. Take the case between France and Germany. For years before the present war broke out Germany carried on a system of espionage in France. The whole country was subject to it. They had maps of every bit of the country. They had diagrams and blue prints of all the fortifications. They had even gone so far in Belgium as to build concrete foundations for their big guns. In cases of that kind, Mr. President, I insist that it is necessary to provide against these things before the outbreak of actual war. If you wait until then it may be too late. The countries we are liable to get into war with will long before the war breaks out have carried on a system by which they will have acquired full information as to our fortifications, our shipyards, and all our naval and military appliances, and secured it before the outbreak of

Now, it is to prevent that as much as in reference to what may occur during actual war that it is necessary to legislate. I want to remind the Senator that while there are some expressions perhaps in the bill that may seem a little too drastic, yet I hold that when the safety of the country is at stake the rights of the individual must be subrogated to the great right of maintaining the integrity and welfare of the Nation.

Mr. CUMMINS. The Senator from Minnesota seems to think that this is necessary for the safety of the United States. not; nor do I think we have a Nation worth saving if this is necessary. If the power that is here sought to be given to the Executive, coupled with these offenses that are for the first time prescribed in American life, are necessary, I doubt whether the

Nation could be preserved.

Mr. NELSON. Mr. President—
Mr. CUMMINS. Just a moment.

Mr. NELSON. I will not interrupt the Senator.

Mr. CUMMINS. Allow me to continue for a few moments. When I have finished this thought I shall then be ready to yield. The Senator from Minnesota has disclosed the real purpose of the proposed statute, or the part of it which I have been reading. I assume that it is well known, and generally accepted, that Germany had pretty thorough information regarding France; I assume that it is fairly well accepted that France had pretty thorough information regarding Germany; and that England had pretty fair information regarding both countries, I have an idea that maps of the United States are in all the capitals of Europe. I do not know, but I presume that Europe understands about how many men we have authorized to make up our Army; about how many ships we have authorized. I have been told, although I have no way of verifying it, that all the foreign countries have people here all the time trying to acquire whatever information they can relative to our country and its armament. If the Senator from Minnesota has any idea that we can build around the United States a Chinese wall so high that no information concerning our national defense can creep through it, or fly over it, he is doomed to disappointment.

The United States, in common with all other countries, has grown very close to even those powers which are farthest removed; we are close to them; and if the Senator means to assert that, in order to prevent this information from getting to Germany or Great Britain or France or Japan, I must be prevented from knowing anything about it, I resent the enactment of the

statute.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?
The PRESIDING OFFICER. Does the Senator from Iowa

yield to the Senator from Minnesota?

Mr. CUMMINS. I do not want to carry on a debate with the Senator pending my remarks, though I am glad to hear the Senator.

Mr. NELSON. I want to say one thing I omitted to say be-

fore, and that is that I have no doubt to-day-

The PRESIDING OFFICER. The Chair understands that the Senator from Iowa declines to yield for an interruption.

Mr. CUMMINS. No; I yield to the Senator from Minnesota, so far as I may properly do so.

Mr. NELSON. What I desire to say and what I neglected to say before was that I have no doubt to-day that all the great

powers in Europe have complete information as to our naval and military strength, as to our ships of war, our munition factories, our naval bases, our navy yards, and everything else that pertains to the national defense; they also have maps of our country; so I think that any one of those countries, if they intended to invade this country, would be as well informed as are our own people where to land an army to attack us. It is to pre-vent information being improperly secured that this statute is intended. I admit what the Senator says, that it is utterly impossible to exclude every such attempt, but we certainly ought to do something to protect the Nation against such dangers and such emergencies. That is all for which I am contending.

Mr. CUMMINS. Mr. President, I am sure that the Senator from Minnesota and myself are in absolute harmony with regard to the general purpose; but the difficulty is that he thinks in order to accomplish that purpose it is necessary to manacle all the people of the United States; that it is necessary to withdraw all the people of the United States from any information respecting the national defense, fearing that some part of it may finally be brought to the attention of the enemy.

You can not make a law, Mr. President, too severe for me aimed at the acquisition of information concerning our Army and Navy and military armament intended to be revealed to an enemy or even intended to be disclosed to a foreign country; I shall make no opposition to any such proposition as that; but when, in order to reach a person who has such an intent, you find it necessary to say to me that I can not know anything about our ships and our armies and our docks and our munition factories and our fields and our forests, all of which are related to the national defense, then you are trampling upon a right that is infinitely more important to be preserved than it is to preserve our secrets from a foreign country.

Mr. OVERMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do. Mr. OVERMAN. It is whenever you go for the purpose of getting information to which you are not entitled that this bill proposes to punish you. It does not propose to punish generally the American people for the acquisition of information, but it says, whenever an American citizen goes for the purpose—those are the words—of obtaining information to which he is not lawfully entitled, then he is guilty. The Senator from Iowa makes it too general when he says all the people of the United States are forbidden. It is only when they attempt to secure such information for an unlawful purpose that this proposed

statute would apply.

Mr. CUMMINS. That is it, Mr. President. The Senator from North Carolina has, with his fine instinct for what is right, really inserted the word that ought to be in this proposed stat-If I desire to secure information for an unlawful purpose, I ought to be punished; but what is an "unlawful purpose" The Senator from North Carolina says that if I attempt to secure information respecting the national defense without lawful authority. But have I lawful authority to acquire information or to approach any of these places in order to secure information respecting the national defense? Assuming now that my only purpose is to make myself a more efficient guardian of the national defense, have I a lawful authority; and if so, where did I get it?

Mr. OVERMAN. What right have you as an American citizen to go upon the premises of an arsenal to obtain the secrets of the Government without lawful authority? I do not think any citizen has such authority, and it shows an unlawful pur-

pose when he does it.

Mr. CUMMINS. Precisely.
Mr. OVERMAN. If he goes there for that purpose and obtains the secrets of the Government or of the national de-

Mr. CUMMINS. This provision says nothing about "secrets." Mr. OVERMAN. But that is what it means.

Mr. CUMMINS. That word is not in it. It says whoever, with the purpose of securing information respecting the national defense-not goes upon-for, again using myself as an illustration, they may close the doors against me, I assume, and I could not go upon these sacred governmental inclosures; but this proposed law says whoever, for the purpose of securing information respecting the national defense, approaches any of these places shall be punished. How near must be approach? If I walk down to the banks of the Potomac River in order to see the Mayflower-it is a part of our national defense, I understand

Mr. SMITH of Michigan. Or to Fortress Monroe.

Mr. CUMMINS. And I may have a great curiosity to know in just what way the Mayflower is being used in order to protect the country against our enemies-if I approach the banks of the Potomac River in order to look upon this triumph of naval architecture, this home of pleasure, I would make myself a criminal. I know the Senator from North Carolina, if he were a prosecuting officer, would not attempt to convict me for that offense; but I, nevertheless, would have committed the offense described in this statute.

Mr. SUTHERLAND. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa

yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator from Utah with pleasure

Mr. SUTHERLAND. I do not want the Senator to yield to

Mr. CUMMINS. No; I yield to the Senator because I know the Senator from Utah will, if there is any merit in this thing, disclose it. So I yield.

Mr. SUTHERLAND. I did not arise particularly for the purpose of disclosing the merits of the proposition, but I wanted to get the view of the Senator from Iowa with reference to a phase of the matter.

The Senator says that if he walked down to see the Mayflower for the purpose of seeing what sort of a ship it was, under this proposed statute he would be guilty of a criminal offense. The Senator would not be guilty of a criminal offense in doing that, even if this proposed statute were passed, because his going down there and seeing the *Mayflower* would not be forbidden. Therefore he would be lawfully entitled to do so. The phrase "lawfully entitled" means nothing more and nothing less than that the particular information must have been forbidden, not necessarily by an act of Congress; because in dealing with milinecessarily by an act of Congress; because in deating with mintary matters the President has very great power. The President is made, by the Constitution, the Commander in Chief of the Army and Navy, and under that authority the President himself, or the Secretary of the Navy or the Secretary of War, discharging part of the duties of the President, as his agent, may make regulations that people shall not go into forts; that they shall not visit battleships under certain circumstances; that they shall not do this, that, or the other in connection with the national defense.

It seems to me that the proper construction of this language is simply that the citizen would have a right to visit these places to seek this information, unless it was of a character that had been forbidden by some regulation of the War Department or order or by some act of Congress. I know there are regulations which do forbid one going into certain fortifications and obtaining certain information; and the President, as Commander in Chief of the Army and Navy, may extend those regulations from time to time. If he does so, a citizen who undertakes to obtain information in violation of those regulations is undertaking to get something to which he is not lawfully entitled; but in the absence of prohibition he is lawfully entitled to such informa-

tion, and he may go.

Mr. CUMMINS. Mr. President, a very large part of my objection to these particular paragraphs of this chapter would disappear if the Senator from Utah had written the law and had expressed in the measure the thought which he has just given to the Senate. There would then be some safety remaining, and

there would be some privileges left.

If we would undertake now to prescribe the information that the ordinary citizen may lawfully secure concerning our national defense, I would have no difficulty, then, at least in understanding what we might do, or if we were to confine it to time of war and say that the President shall have the authority to prevent the approach of any person to any place that he may designate, I would understand that; but that would be tolerable only in time of war and would not be admitted in time of peace.

That, however, is not the proposed statute.

The Senator from Utah [Mr. Sutherland] has given a fanciful explanation and a fanciful definition of the words "lawfully entitled." There is nothing in our statutes or in our customs, as I have already remarked more than once, that will enable us to determine to what part of the knowledge concerning our na-

tional defense the individual citizen is entitled.

There is another paragraph in the chapter which relates to the power of the President to suppress newspapers, and I think that the remarks of the Senator from Utah are especially applicable to that paragraph.

I proceed with my analysis. I have discussed the paragraphs (a) and (b). The next is (c), which reads as follows:

Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reasonable ground to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this chapter.

I would have little objection to that paragraph if paragraphs (a) and (b) were eliminated from the chapter; but it can not certainly be insisted that anyone who receives from another person any plan or copy or note or anything else pertaining to the national defense, knowing or having reason to believe that that person had acquired the information in the ordinary, usual way by which people get information in the ordinary, usual way by which people get information in our land, should be sent to the penitentiary. It simply emphasizes and intensifies the objection to paragraph (b).

Paragraph (d) provides—

Whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense, willfully communicates or transmits or attempts to communicate or transmits the same to any person not lawfully entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it.

That simply means, assuming that we retain paragraph (a), that if I have obtained information for which I have received no authority I can not discuss it with my friend or my neighbor nor give him a copy of any writing or the substance of any information which I have received and which relates to the national defense. Of course this is subject to the same objection that I have already made with regard to paragraphs (a) and (b).

Paragraph (e) is as follows:

Whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, or information relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed.

Mr. President, I do not believe that we have reached a time when if a clerk in a department loses some record or note he ought to be punished by two years in the penitentiary and a \$10,000 fine. We are going a great way when we attempt to punish gross negligence, assuming that the gross negligence has not resulted in any harm or injury to the country.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. CUMMINS. I yield. Mr. NELSON. That is intended to meet such a case as occurred within a year or two at San Francisco. A naval officer who was intrusted with our naval code book, through his negligence, lost it-laid it aside. The result was that the code book fell into the hands of another Government and our Government has been compelled to prepare a new code.

Mr. CUMMINS. I have been told that was the instance which suggested this provision; but because an officer in the Navy lost a code book, which fell into the hands of another Government, are we to punish every officer or clerk or employee who may lose some writing or note? It may be that it is a very immaterial writing or note; but if he loses it, even though it can be reproduced, even though it may not have been communicated to an enemy, and, even if communicated, could do us no injury whatever, he may be prosecuted and sent to the penitentiary for two years and be fined \$10,000.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to further interruption?

Mr. CUMMINS. I yield to the Senator from Utah. Mr. SUTHERLAND. Of course, that is qualified by the provision that it must have been lost or stolen through gross negligence-not negligence merely, but gross negligence-and, as the Senator knows, gross negligence is something which falls just a little short of being willful. We do punish people criminally for gross negligence.

Mr. CUMMINS. Never; unless the negligence does some

harm.

Mr. SUTHERLAND. The Senator says "unless the negligence does some harm." I am not so sure about that, although no offense of that kind occurs to me at the moment; but under the laws of some of the States we punish criminally a man who is negligent in operating an automobile and runs into a pedestrian, and we punish him for a form of manslaughter if somebody is killed.

Mr. CUMMINS. But suppose no one is killed?

Mr. SUTHERLAND. It is not because he has willed that the thing shall be done but because he has been grossly negligent about it. Whether gross negligence, would exist in any particular case, of course, would depend upon the circumstances of that case. If, for example, the note was of such character as the Senator has just described, of no particular consequence, care in looking after it would not be required to be so great; in other words, what would be gross negligence in losing an important document which was of great value to the national defense would not be gross negligence in the case of a matter of no particular concern. The whole matter is under the control of the court and jury to deal justly in the particular case, and, moreover, it is under the further control of the judge when he comes to impose sentence. He is not obliged to impose two years' sentence; he may impose but a day's sentence.

Mr. CUMMINS. I am very glad that the bill permits the court and jury to intervene between these offenses and the people. I really wonder that there was not a more summary method of trial provided. But, replying to the Senator from Utah, I have no objection to making gross negligence an offense. that there are times when gross negligence ought to be punished with death. There are a great many such offenses in time of war, I understand; and, if gross negligence of an employee or anybody else entitled to the possession of any of these things results in harm to the Government, I think, then, he might be punished, but to say that gross negligence resulting in the loss of an instrument of any kind that has caused no one any injury and that has brought no harm to the country seems to me to be

going a very long way.

I pass now to paragraph (f); and this is really remarkable. Whether any other Government in the world ever proposed anything of this sort I do not know. Possibly the Senator from North Carolina will be able to tell the Senate whether other Governments have found it necessary to legislate upon this subject; and if so, when the legislation took place:

(f) Whoever, within the United States, sends by post or otherwise any letter or other document containing any matter written in any medium which is not visible unless subjected to heat, chemicals, or some other treatment shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

It will be observed that the offense is sending through the mails or otherwise any communication written in invisible ink, which is to be made visible only by the application of heat or

some chemical. It matters not what the communication may be; it may be a love letter from one sweetheart to another; it may be any sort of confidential communication absolutely innocent in its character; and yet, seemingly, so great is the fear that the people of this country will communicate with each other in a secret way that we have here attempted to make it a crime for one person to write to another unless the writing is plain and visible.

Mr. VARDAMAN. Mr. President-

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS.

Mr. VARDAMAN. What is the penalty?
Mr. CUMMINS. The penalty is imprisonment in the penitentiary for two years—that is the maximum—and \$10,000 fine.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield. Mr. JONES. I have looked at the Congressional Directory and I find that the junior Senator from Missouri [Mr. Reed] is a member of the Judiciary Committee. As I understand, this bill was reported from that committee.

Mr. CUMMINS. It was.

Mr. JONES. I am amazed that such penalties as that should be prescribed for sending love notes through the mails-sending a man to the penitentiary for two years and fining him \$10,000. I am amazed that the junior Senator from Missouri is not here protesting against such barbarous legislation as is proposed in that bill.

Mr. CUMMINS. I do not wonder that the Senator from Washington is amazed. The penalties that have been suggested with regard to our legislation for prohibition are mere love taps or wrist beatings as compared with the punishment that is

meted out to those who do these things

Mr. President, I have now concluded my review of section 1 of the chapter, and I again assert that these people who are trying to get information in our country to be transmitted to any other country-and I am almost willing to say whether in peace or in war-should be reached by proper penalties; but I beg the Senate not to draw the whole innocent body of the citizens into a series of crimes for things that they have been doing always. There never was a time when all of us did not do these things that are forbidden in section 1.

I now proceed to section 2.

Mr. WALSH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa

yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. Before the Senator leaves section 1 I should like to address his attention to a feature that has had some attention at his hands, and I should like to get his view about it.

Mr. CUMMINS. I am very glad to yield to the Senator for

that purpose.

Mr. WALSH. The Senator referred to the Mayflower. When that ship is at her slip or dock, it becomes necessary to pass through the navy yard to reach her. Under all ordinary circumstances the citizen is permitted to go in and out at will; but now the gates are closed, and, by a rule of somebody, he is shut out from the navy yard. I suppose the Senator will recognize that some one really has lawful authority to exclude citizens from the navy yard.

Mr. CUMMINS. I think I would.

Mr. WALSH. And if such lawful authority exists why should we not make it a crime for anyone who breaks through to get a

view of the Mayflower when he is not wanted?

Mr. CUMMINS. Mr. President, I would have no objection whatever to a law that would provide that one who entered, against the regulations of the Navy Department, a navy yard or a ship should be punished.

Mr. WALSH. Then, Mr. President, let me ask if that is not

exactly the idea advanced by the Senator from Utah?

Mr. CUMMINS. No.

Mr. WALSH. That this means one who goes into a place like that contrary to a rule or regulation promulgated by the proper authority

Mr. CUMMINS. I gave the illustration of the Mayflower without any reference to her dock being in connection with a navy yard. She might be docked anywhere else, and the same rule would apply. I could approach her, I take it, at a great many places as she journeys around the country without trespassing upon any governmental inclosure.

Mr. WALSH. But, as suggested by the Senator from Utah, you would not then be acting without lawful authority.

Mr. CUMMINS. I do not know. That is what I am waiting to hear from some one who is willing to stand for this chapterwho has lawful authority to know about the national defense. I proceed now to section 2:

Whoever, having committed or attempted to commit any offense defined in the preceding section, communicates, delivers, or transmits, or attempts to, or aids or induces another to communicate, deliver, or transmit, to any foreign Government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years.

There is a part of the paragraph I have just read that seems to me to be sound, and that ought to be preserved in any changes that may be made in the chapter. But see what you are doing in another part of the same paragraph. Here is a person who has gotten information contrary to the terms of section 1. That is, he knows something about the national defense, and we will assume that he has acquired the information without lawful authority, although I do not know what that means. Then, if that person discusses in any form the information that he has with a citizen of a foreign country, whether we are at war or at peace with that country, he becomes a criminal, and he is subject to punishment by imprisonment in the penitentiary for 20 years.

I submit to the better judgment of the Senators who are here that such a provision will simply make nugatory the legislation we are preparing. It is so violative of every principle of our institutions that you will not be able to find officers to enforce it; you will not be able to find citizens who will obey it.

Mark you, now, this relates to any information that may have been acquired under section 1. I have often given the illustration, and I need not give it again. If I have secured information relating to the national defense, no matter what part of the national defense it may be-a mine, a factory, a ship, or the Army-and if I discuss that question with any citizen of a foreign country, whether we are at war or at peace with that country, I become a criminal and subject to 20 years' imprisonment. To me the proposal is so wrong that I can not discuss it with composure.

Mr. VARDAMAN. Mr. President, is there any precedent for such drastic legislation as this?

Mr. CUMMINS. I have asked that question before-whether there is or not.

Mr. VARDAMAN. I confess my own lack of information on the subject, but it strikes me as going a very long way.

Mr. CUMMINS. There is a part of this now that is in harmony with free thought and free speech. That is, if a person attempts to communicate or induce any other person to communicate anything to a foreign Government or to any faction or party or military or naval force within a foreign country, it seems to me to be reasonable that he should be punished. But when you pass on and provide punishment for whoever communicates or induces anybody to communicate with any representative, officer, agent, employee, subject, or citizen of any foreign country, then you pass beyond the line that ought to protect the liberty and freedom of citizens.

Mr. OVERMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do. Mr. OVERMAN. The question has several times been pro-Mr. OVERMAN. pounded during the speech of the Senator from Iowa whether any other countries have provided such things as this in their statutory law. I want to say that all of the countries at war have much more drastic legislation than we have upon this subject, and I think probably the most of these provisions were drafted from statutes in other countries, but we have made them very, very much less drastic than they are in other coun-

Mr. CUMMINS. Why did you make them less drastic? Mr. OVERMAN. Because it was more suitable to our form

of government to have them in these terms rather than the That is the reason.

Mr. CUMMINS. If a man is to be arrested and fined and punished for these things, I do not see what more you could do to him. In my opinion, Mr. President, there are no such regulations anywhere in the world, except military regulations. I understand perfectly that Germany is now under martial law, and Great Britain is under martial law; and I have no doubt that provisions much more drastic than these are being enforced in those countries. I do not believe, however, that in times of peace Great Britain ever dreamed of any such regulations as forgotten the name of it-near that city. It was many years

these. I may be wrong about it, but I should be very much surprised to learn that there ever were such statutes in Great Britain until she passed under military control. It may be that Germany had provisions something like these, but I am not willing to fashion American life after German militarism.

Mr. VARDAMAN. Mr. President, we are writing laws now

governing a people in time of peace, Mr. CUMMINS. Precisely.

Mr. CUMMINS. Precisely.

Mr. VARDAMAN. I can understand the necessity for drastic, extraordinary laws in time of war, but that is merely a military order. This law is intended to govern a people in time of peace, with little prospect of war.

Mr. OVERMAN. We are trying to perfect our national

defense.

Mr. VARDAMAN. Yes; but we find a hobgoblin in every shadow

Mr. CUMMINS. Mr. President, I note that the paragraph I have just read closes with this paragraph, which emphasizes what I have said:

Provided, That whoever shall violate the provisions of this paragraph of this section in time of war shall be imprisoned for life.

It simply shows that the former part was not intended to apply to a time of war. Now we come to a paragraph that is confined to war.

SUTHERLAND. Mr. President, before the Senator passes from this subject I should like to ask him a question.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield. Mr. SUTHERLAND. If it be true that the first paragraph of this section should be construed as I indicated to the Senator a moment ago that I thought it should be construed, namely, that the citizen would have a right in spite of this provision to go into a fort or to examine a vessel belonging to the United States, or anything of that kind, unless the thing was forbidden by a law of Congress or by a regulation or order of the Department of War, does the Senator see any objection to punishing a man who, having violated that regulation or law or order, and in violation of it having obtained the information, then turns about and communicates it either to a foreign Government or to a citizen of a foreign Government?

Mr. CUMMINS. I think the Senator from Utah probably did not notice that I began my comment upon this paragraph by saying that if section 1 were properly confined I could see great, if any, objection to this paragraph of section 2. It is only because I do not agree at all with the view taken by the Senator from Utah as to section 1 that I have made the criti-

cisms just submitted upon so much of section 2.

Now, I want the Senator from Utah to understand my thought. I do not want to go on any dock or in any arsenal or on any ship or in any fort. I am perfectly willing that the President shall have the right to exclude everybody from those But section 1 of this chapter broadens those places which have hitherto been regarded as purely governmental affairs to the whole country

Mr. SUTHERLAND. Well, it broadens it, if the President or an agent of the President acting under his authority makes a regulation forbidding the entry upon the place or acquiring information about the thing. I would agree exactly with the Senator from Iowa if I could agree with his premises. If the Senator is right in his construction of this section, obviously he is right in his conclusion. If the section does not mean what I think it does mean, it ought to be amended, as I view it, so

that it will be clear.

Mr. CUMMINS. If the Senator from Utah will sit down and write a section 1 of the first chapter, using the language that he has employed in explaining or interpreting section 1, I

shall have nothing further to say.

Mr. SUTHERLAND. Mr. President, there is only this danger about that-and the Senator from Iowa, who is a splendid lawyer and about as acute in the use of language as anybody I ever met, understands perfectly the danger—when you come to enumerate a number of things there is danger that you will omit something that you ought to include, and therefore it is better wherever you can in a statute to use general language instead of particular language. The Senator understands perfectly the danger of doing that. Now, in stating what I thought the general language meant, I have stated some of the things I thought it meant, but in all probability I have not stated all of

the things that are meant by it.

If the Senator will bear with me just for another suggestion by way of illustration, some years ago I happened to be in San Francisco and went out to visit one of the forts—I have ago, before I was a Member of Congress. I wanted to see all I could of it as a matter of curiosity, not that I was concerned about what was there, but I was simply curious; and I was told that I could see certain things, and certain other things could not see. Among other things, I remember distinctly that they had been installing some disappearing guns, and I was not permitted to go near those guns. I was expressly forbidden to do it. Now, I could go anywhere else in the fort; I could see the buildings; I could see the general arrangement of it, and all that. Now, I would have been at perfect liberty under this statute to have gone out and told anybody the result of my examination of this fort in all of these particulars; but if, in spite of this statement that I would not be permitted to see these disappearing guns, I had insisted upon doing so and had gone there, I would have been guilty of an offense under the first section-

Mr. CUMMINS. I think the Senator would.

Mr. SUTHERLAND. And I think properly I would have been held guilty and punished.

Mr. CUMMINS. Undoubtedly.
Mr. SUTHERLAND. Then if in addition to that I had communicated the information I had obtained with reference to those disappearing guns to some foreign Government, to a representative or even to a citizen of a foreign Government, I ought to have been punished under the second section.

Mr. CUMMINS. Unquestionably.
Mr. SUTHERLAND. Now, that is what I understand this

provision to mean.

Mr. CHMMINS I also understand it to mean that, but it means a great deal more. That is the difficulty. Every instance that has been brought forward here has been an instance of an offense that ought to be punished. That is the only reply that is being made to me—that certain things have been done, or may be done, which are detrimental to the public welfare and to the national defense, and that they ought to be prohibited. say, yes, they ought to be prohibited, but when you are prohibiting them do not at the same time make crimes of a thousand innocent acts of the people. That is what I am objecting to.

Mr. SUTHERLAND. Can the Senator from Iowa conceive of

a case where the citizen is not entitled to go anywhere in the United States or obtain any information unless it is ferbidden by some lawful authority or is in violation of somebody's rights?

Mr. CUMMINS. I do not know. I do not know what the words "lar fully entitled" mean.

Mr. SUTHERLAND. I am quite certain that they mean, in that statute, something which has been forbdiden by lawful authority. Anything that has been forbidden by lawful authority, a citizen is not lawfully entitled to obtain. If it has not been forbidden by some lawful authority, then the citizen is entitled to it.

Mr. CUMMINS. Precisely. That is simply arguing in a circle, however. The Senator says "forbidden by some lawful authority." Who has lawful authority to forbid these things?

Mr. SUTHERLAND. The Constitution very clearly shows in this instance who has lawful authority. That is the President; but, of course, the President can not always act in his own proper person. He acts by agents. He acts by the Secretary of War, by the Secretary of the Navy, and by subordinate officers.

Mr. CUMMINS. I assume the Senator means that provision of the Constitution which makes the President the Commander

in Chief of the Army and Navy.

Mr. SUTHERLAND. Precisely. It has been held repeatedly under that, as the Senator knows, that the President has the power to make regulations and rules governing the conduct of the Army and the defense of the Nation.

Mr. CUMMINS. Has the President the power, as Commander in Chief of the Army, to say that one shall not enter the factory of the Bethlehem Steel Co.?

Mr. SUTHERLAND. Not unless it has become a part of the national defense; no.

Mr. CUMMINS. Exactly. No one knows what does become a part of the national defense. I suppose he could say that a certain part of a city was so connected with the national defense that everybody must move out of it and no one should be permitted to enter it. I think he could do that in time of war, but I do not believe he could do that in time of peace.

Mr. SUTHERLAND. Then the citizen would not be guilty if

he violated it.

Mr. CUMMINS. Then you ask the citizen to incur the risk of determining whether a presidential order or an order of a commander in chief is valid or invalid.

Mr. SUTHERLAND. The citizen does that when he thinks a law of Congress is not constitutional; he has a perfect right to refuse to follow it if he wants to take the risk.

Mr. CUMMINS. Well, Mr. President, I think the argument of the Senator from Utah is the severest condemnation of this chapter that I have heard, and certainly much more conclusive than anything I have said. He has described precisely what the law ought to be, and there should be and is no difficulty in reducing the law to the terms which he has so clearly expressed, and when it is reduced to such terms, or anything like such terms,

he will not find me opposing it.

I return now to paragraph "b" of section 2, and I pass it because I have no objection to it. It simply prescribes the death penalty for communicating to an enemy information concerning our military operations. I say I have no objection to it, but I have. It is, however, a general objection. I am opposed to capital punishment for any offense, but I do not think a discussion upon that subject would be material to the present debate.

I now come to paragraph "e," and this is the paragraph which will arouse most interest throughout the country, I am sure. I

Whoever, in fime of war, in violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy, shall be punished by a fine of not more than \$10.000 or by imprisonment for not more than three years, or by both such fine and imprisonment.

As this bill was originally introduced, as it was drawn in the office of the Attorney General, the crime was described without any reference to regulations to be prescribed by the President. It was simply made criminal for anyone to promulgate, collect, record, publish, or communicate, and so forth, any information with respect to any of these things, all of which may be com-

bined in the one expression "relating to the national defense."

This is the paragraph of which I said before in the committee, and which I now say again, had it been in force in the last two years three-fourths of the people of the United States would have been in the penitentiary, or ought to have been in the penitentiary, because it was an absolute suppression of free speech, it was an absolute overthrow of a free press. I made that objection to it before the committee; and the way in which it has been amended is to insert the words "in violation of regulations to be prescribed by the President, which he is hereby authorized to make and to promulgate." Instead of overturning the freedom of the people by one act, we have simply delegated the authority to the President to overturn and obliterate that freedom. Under this provision the Presi-dent can absolutely command silence in the United States upon every subject mentioned in the paragraph. He can suppress every suggestion concerning the national defense in every newspaper of the land. I am not sure whether he would be able to make it an offense for Members of Congress to discuss the national defense. I am inclined to think that we could still preserve our constitutional privileges in that respect, and at any rate we could take shelter behind the immunity given to us in the Constitution for what we say upon the floor of Congress, but the moment we would emerge from these sacred confines then the President could require that we should be silent upon everything pertaining to the national defense.

I was very unwilling to make it an offense directly to do these things, and I am quite as unwilling to give the President the authority to prescribe any such regulations. I am willing to undertake with the Senator from Utah [Mr. SUTHERLAND] or the Senator from North Carolina [Mr. Overman] to draw a code for the regulation of citizens in civil life during a time of war, for I ought to remark that this paragraph is in force only in time of war; but, I think, it is the most remarkable authority I have ever heard suggested for any executive of any free country. It is an authority that the tyrants of the olden times never dared to exercise. You can not find an instance in either ancient or modern history in which any monarch has attempted to put upon his people the restrictions which the

President can put upon our people under this paragraph.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield. Mr. FLETCHER. Does the Senator understand that these forbidden things are all to take place in time of war?

Mr. CUMMINS. I just said so. Mr. FLETCHER. I did not understand from the Senator's argument that he appreciated that the clause is in the bill, "in time of war." All these things are to take place in time of

Mr. CUMMINS. Yes. Mr. FLETCHER. I might say this to the Senator: He will recall what is called the national-defense act which was pas March 3, 1911. That was considered insufficient, and the bill known as Senate bill 258 was reported in the Senate, and it was not thought to be broad enough. The matter was referred down to the department. The chapter the Senator is now discussing was submitted February 5 and has been approved by the War Department, the Navy Department, and I believe by the General Board. I call attention to the fact that all these matters have been pretty thoroughly considered by the department and re-ported back to us in this form, and they are quite important

and necessary for proper protection in time of war.

Mr. CUMMINS. Every word the Senator from Florida has said is true. If I understand him, I think this paragraph has been not only very carefully considered in the executive departments but it originated in the executive departments. I any doubt that the executive departments would be glad to see Congress abolished entirely. I have been led to believe in the last few years that the executive departments think that Congress is of little value to the people of this country our safety would be better conserved and our welfare better promoted by the deposit of substantially all governmental power in the Executive Office. I think they are perfectly sincere about that. I do not accuse them of any deception about it. They have made their purpose entirely plain in a variety of ways.

I am unwilling, however, speaking seriously, Mr. President, to give the President, even in time of war, the authority to com-

mand silence upon all public matters.

Mr. OVERMAN. The Senator has referred to it often, that he resents the idea that the Secretary of War, the Secretary of the Navy, the Attorney General, the Secretary of the Treasury, in charge of the Coast Guard Service, and so on, should get together, have a meeting probably, and agree that the law is defective in many respects, and that certain laws are necessary in this country for the national defense, and to carry out their recommendations send the bills down here to the Judiciary Committee to consider. Does not the Senator think they are doing their duty when these great men who preside over the Navy Department, the War Department, and the Treasury Department, and the President of the United States, get together and say we need certain laws and they recommend to Congress the enactment of laws for the national defense? Does the Senator criticize them for that action?

Mr. CUMMINS. No, sir. Mr. OVERMAN. That is just what they have done. They have sent down here a recommendation in the shape of a bill that they think ought to be passed in order to protect the national defense. Everybody recognizes the weakness of our laws on this subject; that we have practically no law to protect our country in these places, and because they sent the draft of a bill here that they think necessary for the protection of our country does the Senator criticize them for that?

Mr. CUMMINS. No, sir; I have not done so.
Mr. OVERMAN. I do not understand, then, why the Senator

Mr. CUMMINS. What I have just said is that it is not strange that these departments should think that their chief was a very proper depository of all this power.

Mr. OVERMAN. The Senator intimated that the bill was sent down here and the Judiciary Committee rather accepted what the department recommended without consideration, that

we had not considered it.

Mr. CUMMINS. I think that is measurably true. not say without consideration, but what I said was, although I have not said it recently, not in the last few minutes, that these bills did not receive the same kind of consideration which they would have received had they been the product of a Senator

Mr. OVERMAN. I can not understand why the Senator should say that. He has repeated that two or three times during this debate.

Mr. CUMMINS. I would not have done it if the Senator

had not been drawing it from me all the time.

Mr. OVERMAN. I just came into the Chamber, and I said nothing when the Senator referred to it. The Senator has repeated it, and I have asked him the question whether he thinks when these great men in the Cabinet who preside over great departments and who are looking after the destinies of this country agree among themselves that we have no law such as we need for defense, and that we need laws to protect and defend this country, why he should criticize them for doing that thing.

Now, as to the other point, the consideration of this bill, it was referred to a subcommittee. It is true that some of us

are not as able as the Senator. The Senator is a very able man, and he is able to criticize any bill, and he generally criticize a bill that comes before us. It was referred to subcommittee of four Senators, and was then taken up before the full committee, and nearly all the members of the committee were there. The Senator himself came in two or three times. He was there a few times and made some objection, but did not come back any more. We stayed there and considered these bills day in and day out for a week, and I do not think this criticism of us is justified.

Mr. CUMMINS. Mr. President, I have made no such criticism. I have stated what I believe to be a fact, and the Senator from North Carolina has not denied it. If he will deny it, I will accept any statement he makes. The utmost I have said is that these bills having emanated from the office of one of the departments of the Government were not considered in the same way that they would have been considered if they had come from a Senator. I believe that to be true, no matter how long the Judiciary Committee may have sat in the consideration of them, no matter what amendments may have been made to them.

I now return to the other suggestion. Mr. President, if we are to consider the proper relations between the departments of the Government, I believe they ought not to meet together and agree upon bills to be sent to Congress. The Constitution provides how the Executive shall communicate with Congress. dent believes there is a weakness in our law, it is his privilege, it is his duty, to communicate his judgment to Congress. it is the responsibility of Congress to deal with his communication in a way in which it ought to be dealt with. But without reflecting in the least upon the distinguished Attorney General, for I have the highest regard for him; I think he is a patriotwithout reflecting upon the head of any other department I believe we are rapidly taking on a custom which in the future will defeat in a large measure the usefulness of Congress. I believe Congress is rapidly becoming the mere scrivener for the executive department. In the years to come even more than now, if we do not correct this tendency, it will be our privilege to per-functorily register and record the bills that have been prepared in the departments and sent to Congress for its action.

Mr. CHAMBERLAIN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I gladly yield.

Mr. CHAMBERLAIN. I have not been informed about these measures nor the reasons which induced their preparation by the department, but I have rather assumed that they were suggested by events that transpired shortly after the European war The Senator will recall when a foreign ambassador was recalled and other foreign officials who were connected in one way or another with this Government as a representative of other governments were sent home or invited to go home a good many things were being committed here which led to an investigation by several of the departments to ascertain the condition not only as to the facts that were then in existence but as to the law which would enable such people to be punished who were committing depredations against the property of citizens of this country. This bill was the result of investigations which were then had and which showed that our Government did not have the laws to punish those people. Under these circumstances, does not the Senator feel that the men who have investigated it and who knew wherein the deficiency in the law lay were the best men to prepare the law?

Mr. CUMMINS. I do not. I believe they are the best men to give Congress the information upon which the law should be prepared, and I have no objection to their advice as to the form of the law.

Mr. CHAMBERLAIN. The Senator knows as well as anyone here that it would be almost a physical impossibility for one Senator or half a dozen Senators to get together and formulate a law that would meet these conditions, even if they had all the facts. I think the Senator will recognize that even in the legislative bodies in the States where a bill of any importance is to be prepared it frequently happens that an attorney outside, who gave exclusive attention to the subject, prepares a bill and then it is submitted to the legislative body. to me it is the easiest thing to get laws before Congress in this way, and then the Senate can criticize them and remodel them and reform them to suit themselves.

Mr. CUMMINS. The only trouble in getting laws before us in that way is that there is not the same liberty of dealing with them that would exist if they were to come before us in another way. Gradually I have seen the insidious approach, and so has every Senator. Gradually we will accept the bills as they come from the departments without any change, because we will come to rely upon their superior judgment with regard to public

Mr. FLETCHER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield. Mr. FLETCHER. I wish to make this suggestion to the Senator: The circumstances mentioned by the Senator from Oregon [Mr. CHAMBERLAIN] did develop that in the judgment of the Department of Justice, based upon their experience and investigation, the national-defense act of 1911 was imperfect and in-They reported back to Congress, and the Attorney General submitted a bill (S. 258) to meet some of the defects and to cure the imperfection in the national-defense act. The committee naturally turned to the Department of Justice to point out wherein the act was defective and wherein it was incomplete, and to submit to us recommendations. The Department of Justice took that up with the other departments, and the result is this bill. Of course, I do not mean to say that by way of indicating that the committee of the Senate or any Senator has not a perfect right to tear it to pieces if it can be done, but I am simply saying that it was quite natural that the department which had found the laws which we put on the statute books in 1911 defective and incomplete should be called upon to suggest a cure for those defects.

Mr. CUMMINS. I will not dwell further upon the particular way in which this bill came into Congress. I mention the matter only incidentally, anyhow. I am a great deal more interested in what the bills contain than I am in their origin.

I pass now to section 3, and I intend to make the remainder of my comment upon the chapter very brief, for I have already occupied the floor much longer than I had any dream of doing. Section 3 of chapter 1 provides:

Sec. 3. Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to cause disaffection in or to interfere with the operations, or success of, the military or naval forces of the United States, or shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference, shall be punished by a fine of not more than \$10,000 and by imprisonment for life or any period less than 30 years.

The first part of the section I have read is, I think, unobjectionable, for the crime involves an "intent to cause disaffection in or to interfere with the operations, or success of, the military or naval forces of the United States." The latter part of the section, it seems to me, is, however, exceedingly dangerous and it ought to be very materially modified. It says:

Of shall willfully spread-

Of course, anyone who spreads at all, spreads willfullyor make false reports or statements or convey any false information calculated to cause such disaffection.

A man may circulate a report or a statement-and the subject is not limited; it may be upon any subject whatsoever-but if it is calculated to cause disaffection or interference with the military or naval forces of the United States he becomes liable to imprisonment for life or for any period less than 30 years. I do not believe that we can afford in our country, even in time of war, to make every man a guarantor for the truth of the statements or reports which he may circulate or spread. I do not think we can afford to subject one who issues a statement, which turns out to be false, to a fine of \$10,000 or to life imprisonment or to imprisonment for any period less than 30 years.

Mr. REED. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield. Mr. REED. The language is:

Or shall willfully spread or make false reports or statements or convey ny false information calculated to cause such disaffection or inter-

Is it the Senator's opinion that the word "willfully" does not

qualify the entire clause?

Mr. CUMMINS. I heard the Senator declare the other day that, used in that connection, it did not; and I believe he was right.

Mr. REED. The Senator heard me raise the question whether the word "willfully" in some other bill qualified some other clause.

Mr. CUMMINS. In connection with one of our prohibitory bills.

Mr. REED. But I am asking the Senator, not in a controversial spirit at all, but with the desire to get his opinion, whether it is his judgment that the word "willfully" does not qualify all that follows, so that the bill in effect means—"or who shall willfully spread or make false reports, knowing the same to be

false"-whether the word "willfully" does not imply knowledge?

Mr. CUMMINS. But the word "knowingly" is not here. Mr. REED. I will say to the Senator from Iowa that if he or any other Senator thinks that the word "willfully" could be

o construed as to mean simply that the paper or document was purposely put in the mail or otherwise distributed, and that that did not imply a knowledge of the falsity of the article, then I think the language ought to be changed, for there ought

to be no doubt about it.

Mr. CUMMINS. I was quite serious when I said I heard the Senator from Missouri make an argument upon that subject the other day, and it was that argument which first attracted my attention to this particular section of the chapter. It convinced me, and I have since been of that opinion, that the word "willfully" does not qualify the word "false"; that a statement may be willfully spread without being willfully false.

Mr. REED. Of course, if a man willfully made false reports

he should be punished.

Mr. CUMMINS. That would remove, in my judgment, the entire objection which I have made to the section. All I object to is that it is too severe a penalty to impose upon one who spreads reports, who intentionally starts a report, but does not intend to produce any injury to his country or to its land and naval forces. If he knows it to be false, I would take quite a different view of the section.

I pass on, for I take it that various amendments will be

offered before the chapter is fully considered.

Mr. REED. Will the Senator pardon me for just a moment? The PRESIDING OFFICER. Does the Senator from Iowa yield further!

Mr. CUMMINS. I do.

Mr. REED. In order to make my meaning plain, suppose we should insert after the words "willfully spread," which is the phrase used, the words "knowing the same to be false, or make false reports or statements or convey any false informa-tion knowing the same to be false," would that be satisfactory?

Mr. CUMMINS. That would be entirely satisfactory Mr. REED. I think, as the doubt has been raised, that the

committee ought to modify the language.

Mr. OVERMAN. I think the matter is fully covered; but as the able Senator from Iowa differs and thinks there is doubt about it, I have no objection to accepting that amendment right

I think it will have to be rewritten.

Mr. OVERMAN. Will the Senator from Iowa offer an amend-

ment to that language?

Mr. REED. I would not want to offer the amendment in a haphazard way, because, while I can express the idea very plainly with a great many words, I think it can be expressed in very few words.

Mr. OVERMAN. Probably the Senator from Iowa has an

amendment to cover that.

Mr. CUMMINS. I shall have amendments to propose, assuming that we do not conclude the bill to-night.

Mr. President, I have already commented upon section 6 of chapter 1.

Mr. SUTHERLAND. Mr. President-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. Before the Senator passes from his criticism of the use of the word "false" without any qualification, the Senator will recall that we had in the Judiciary Committee a discussion of the same matter.

Mr. CUMMINS. I remember that.

Mr. SUTHERLAND. And it was finally there determined that the word "false" itself implies a species of knowledge or deliberation. In that connection I call attention to the definition of the word "false" in Bouvier's Law Dictionary, where it is given its legal signification. Of course it means something more than untrue.

False. Applied to the intentional act of a responsible being, it implies a purpose to deceive.

Citing authorities-

In a statute prescribing punishment for false statements in making an entry of imported goods, "false" means more than incorrect or erroneous. It implies wrong or culpable negligence, and signifies knowingly or negligently untrue.

So that, particularly in a criminal statute, the word "false," unlike the word "untrue," implies all that the Senator from Iowa thinks it should imply.

Mr. CUMMINS. I think there is some ground for the contention just made by the Senator from Utah, but we have not been in the habit of drawing criminal statutes that are susceptible to different interpretations or constructions; and I do not want the word "false" to go into the law unaccom-

panied by any qualification.

Mr. REED. I suggest this amendment to the committee and to the Senator from Iowa, who has the floor: In line 7 strike out the word "or" and insert the words "whoever, knowing the same to be false," so that the clause would read:

And whoever, knowing the same to be false, shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference shall be punished—

And so forth. With those words in, I think the entire phrase is qualified as the Senator from Iowa thinks it should be.

Mr. CUMMINS. I think the suggestion of the Senator from Missouri will cure every objection I have to the paragraph, but inasmuch as I am passing through the entire chapter and analyzing it as best I can, I would prefer that action on the amendment should not be taken at this time, as I am about to close my comment upon the chapter.

was remarking a moment ago, section 6 is the section which gives to the President the power to designate any place in the United States other than those set forth in paragraph (a) of section 1 as a prohibited place which one not lawfully entitled to do so is forbidden to approach or to enter or to acquire any information about. I need not say more than I have already said in regard to that section.

These are my objections to chapter 1. I think that, taking the chapter as a whole, it is subversive of the civil liberty of our citizens. I think it will render life in times of peace unsafe. I think it will subject the freedom of the people to the will or whim of the executive officers of the United States. I think it is vastly more important, Mr. President, that we preserve untouched and unmodified the spirit of our institutions than it is to guard every avenue through which information concerning our national defense may escape.

I will at the proper time offer certain amendments to this

chapter as well as to other parts of the bill.

Mr. LEE of Maryland. Mr. President, I desire to ask the acting chairman of the committee whether this bill has not been prepared upon the theory of preventing espionage in advance of war, rather than of preventing espionage after war has commenced; and as to whether it is possible, without interference with the commerce and natural liberties of a people, practically

to prevent espionage before war commences?

Mr. OVERMAN. The bill provides for the prevention of espionage in time of peace, when war is imminent, while war is flagrant in the land, and after war—at all times.

Mr REED Mr President-

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. Yes.

Mr. REED. I offer an amendment, which I hope the chairman of the committee will accept. I have already called his attention to it. In section 3, page 6, line 7, strike out the word or " and insert " and whoever, knowing the same to be false."
The PRESIDING OFFICER. The amendment will be stated.

The Secretary. In chapter 1, section 3, on page 6, line 7, after the words "United States," strike out the word "or" where it occurs the second time, and insert "and whoever, knowing the same to be false," so that if amended it will read:

SEC, 3. Whoever in time of war shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to cause disaffection in or to interfere with the operations or success of the military or naval forces of the United States, and whoever, knowing the same to be false, shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference, shall be punished by a fine of not more than \$10,000 and by imprisonment for life or any period less than 30 years.

Mr. OVERMAN. I think the words suggested by the Senator from Missouri cover what was intended by the committee and what, after discussion, the committee concluded the words "false reports" would be construed to mean; but, inasmuch as the Senator from Iowa [Mr. CUMMINS] has some doubt about it, I will offer no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing

to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I desire to say a word further. During my absence from the Senate it seems that my name has been taken in vain by the Senator from Washington [Mr. Jones] and the Senator from Iowa [Mr. CUMMINS]. were discussing paragraph (f), which reads:

Whoever, within the United States, sends by post, or otherwise, any letter or other document containing any matter written in any medium which is not visible unless subjected to heat, chemicals, or some other treatment, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

When that was under discussion the following colloquy oc-

Mr. CUMMINS. The penalty is imprisonment in the penitentiary for two years—that is the maximum—and \$10,000 fine.

Mr. Jones. Mr. President—
The President Officer. Does the Senator from Iowa yield to the Senator from Washington?
Mr. CUMMINS. I yield.
Mr. Jones. I have looked at the Congressional Directory, and I find that the junior Senator from Missouri [Mr. Reed] is a member of the Judiciary Committee. As I understand, this bill was reported from that committee.

Judiciary Committee. As I understand, this bill was reported from that committee.

Mr. Cummins. It was.

Mr. Jones. I am amazed that such penalties as that should be prescribed for sending love notes through the mails—sending a man to the penitentiary for two years and fining him \$10,000. I am amazed that the junior Senator from Missouri is not here protesting against such barbarous legislation as is proposed in that bill.

Mr. Cummins. I do not wonder that the Senator from Washington is amazed. The penalties that have been suggested with regard to our legislation for prohibition are mere love taps or wrist beatings as compared with the punishment that is meted out to those who do these things.

Now, Mr. President, of course this was all a bit of pleasantry, had in my absence from the Chamber. I would not treat it seriously except that the pathetic character of the humor forbids levity. However, I think I should assure the Senator from Washington that if he is in the habit of writing his love letters in invisible ink, and therefore feels that the clause of the bill against which he protested will infringe his personal liberties or compel him to alter his habits, I shall be delighted to support an amendment which will except him from the penalties of the act.

The truth about the matter is that while I am a member of the Judiciary Committee, as is the Senator from Iowa, like the Senator from Iowa I found it impossible to be present at all times when this legislation was being considered. I know that the Senator from Iowa was, during a part of that time, serving upon another important committee which required his attendance. It happens to be my fortune to be a member of the Banking and Currency Committee, which was considering im-portant legislation, and also of the Commerce Committee, which was considering the river and harbor bill, and all three committees were sitting at the same time; so that while I gave to this bill when in committee such attention as I could the particular clause under discussion never came to my attention until this afternoon, when I learned of the witty remarks of my friend.

However, the bill does relate to serious matters, and this clause of the bill is intended to prevent practices which may be very dangerous. Nevertheless, I remark now, lest I should forget it later, that I believe the clause is very imperfectly drawn. It should be amended, and I will endeavor to draft an amendment which will more clearly express the purpose which was in the mind of its author. The purpose and, I think, the construction which would be given, notwithstanding the somewhat broad and sweeping language of the clause, was to prevent the information of the kind and character which is prohibited by the other clauses of the bill being transmitted through the medium of invisible writing—an act which in itself clearly indicates the purpose of the writer to send the information in such a way as to prevent the authorities from knowing that it is being conveyed. The section of the bill is intended to relate distinctly to that kind of communication which is adopted by spies or those who conspire against our Government, and the

proposition must be treated from that standpoint.

Mr. President, conceding, as I do, that the language ought to be made clearer—for I think there never should be any doubt as to the purpose of a law if that doubt can be removed by a proper use of the English tongue—I nevertheless take this occasion to call attention to the fact that a very grave situation confronts the United States at this moment. We have so long been in a condition of real or imagined security that it is difficult for us to understand that a great menace confronts the At absolute peace with ourselves, and desiring peace with all the world, it is very difficult for the American people to imagine that any foreign power will so conduct itself as to menace our rights as a Nation. But the man who will not be aroused to a state of anxiety and caution, and whose sober judgment will not be enlisted, by the circumstances that now

confront us is very dull indeed.

We do not know at what moment the bolt may fall. We hope, and we will continue to hope and to pray, that our country will escape being drawn into conflict with any nation, great or small. But when we have proceeded to a point where it has be-come necessary to sever diplomatic relations with a great nation, and when we find that a policy is being pursued that is violative of our rights as a sovereign power upon the high seas, when we see American commerce congested in our ports and the threat boldly made that every vessel will be sunk that dares sail the

seas unless it obeys the rules laid down by another nation, when we know that the threat is being boldly and relentlessly executed, it is time to set our house in order, still hoping for peace, but preparing for whatever may eventuate.

This bill may contain language that is too broad; it may contain phraseology which must be modified; but it would be a better service to the country if Senators, instead of sneering at it and simply performing the office of carping critics, were to bring to it their highest thought and best energies in order that the measure might be speedily perfected and enacted into a law.

This bill is intended to apply to two conditions: First, to a case of actual war; second, to a case so threatening that the President shall be justified in declaring an emergency to exist. It is not conceivable that the President will declare such an emergency out of mere caprice or in obedience to a mere whim. It must be regarded that the President will not exercise the great powers conferred by this bill unless conditions are so grave as to warrant the action.

You say that the bill confers great powers upon the President. Powers, sir, must be reposed somewhere. Under the Constitution we have given to the President the supreme command of the Army and the Navy of the United States. It is always possible that some President may abuse that great power. day some President may try to employ it to subvert the liberties of the American people. That argument was made when the Constitution was written. And yet the power to command the Army and the Navy had to be placed in some human agency. It was necessary that the trust should be reposed in some human It was believed then and experience has thus far warranted the confidence that the President would not abuse that power.

If we can confer the supreme command of the Army and Navy upon the President, we surely can trust him not to declare an emergency unless a real emergency exists. I speak not alone of the present Executive. The same statement could have been made of his predecessors. I know of no instance where a President of the United States has not always evinced a patriotic love of his country and of the liberties of the people.

It is said that "this bill will circumscribe the liberties of the press." In time of war, or threatened war, it may be necessary to limit the right of the press to send out information which will be beneficial to the enemy as it is to limit the right of the private citizen. In time of war, or grave danger of war, the ordinary liberties and rights of all of the citizens of a country must give way to the supreme necessity of the hour.

Newspapers perform a most useful function. For the complete liberty of the press all of us have always stood. And yet, if we were in a state of war and newspapers were permitted to print every movement of our Army, every movement of the Navy, they might be performing an office more dangerous to us than would be the presence of a thousand spies who were operating only through secret channels. It might be that information would thus be given to the enemy which would result in the sinking of the American Navy. It might be that the publication of the plans of a fortress or the location and character of a line of defense conveyed to the enemy would give to the enemy commander such an advantage as would enable him to overwhelm our troops. The price of a single article giving important information might be paid in the blood of thousands of

It is said we need no such law in time of peace. There may be conditions so closely approximating the dangers of war that the authority must be exercised even though war has not yet occurred. Let me give you an illustration. I do it without the slightest offense, I hope, against the particular newspaper I hold in my hand. I will say by way of parenthesis that what it did the other day is no worse than other papers have been I speak of the article therefore merely for purposes of illustration. Here is the Washington Times of yesterday. Let me read the headlines:

Wilson plans big naval demonstration against German U-boat campaign.

Tentative arrangement to be laid before Cabinet meeting to-day.

Made in secret.

Then follows the statement in the body of the article that-

The plans are understood to have been completed at a secret meeting of the Naval Officers' League last night at the Navy Department, following the conference which the President held late yesterday afternoon at the White House and at the State, War, and Navy Building, Secretary of State Lansing, Secretary of the Navy Daniels, and Secretary of War Paker tary of Stat War Baker.

With some omissions, this follows:

While the greatest amount of secrecy has been thrown about the meeting, it is learned that the plans agreed upon for submission to the President embrace every phase of future developments, from the arming of American merchant ships with naval guns to an active campaign

against the German U boats. Also considered and arranged for, it is understood, was the intermediary step of convoying American merchant vessels through the war zone.

There is more of the article, but notice the import of it. Naval and military officers hold a secret meeting. Why secret? So that their plans may be effectively put into execution. The Cabinet meets in secret to consider it. Why secret? Because the knowledge conveyed to the country with which we unfortunately sustain strained relations might defeat our plans. Yet a newspaper regards it as entirely proper and as a highly commendable piece of journalism to publish broadcast to the world all it can find out and all it can infer with reference to those

I do not impugn the motives of this paper. I say that it is a part of the general policy that has been pursued by the press for many years, and yet I venture the opinion that if the editor of the Times had been asked to convey that same information to a German officer he would at once have said, "If the Cabinet desire that this shall be secret, and if the military authorities desire that it shall be secret, I, as a patriotic American citizen, will not breathe a word of it." I know he would have said that.

Possibly no harm was done by the publication by the press the statements I have referred to. Nevertheless it serves to of the statements I have referred to. Nevertheless it serves to illustrate what is likely to happen if international relations re-Likewise it shows what is certain to occur if unhappily war does come, namely, that the proprietors of the press, desiring to furnish their readers with information, having that motive and that purpose in mind, will print every-thing they can get to print. They will not pause to consider what uses an enemy may make of the information.

So when we propose this character of legislation it is not out of enmity to the press, neither does it spring from a desire to throttle public discussion or to subvert the liberties of the people, but it is because the safety, aye, perhaps the life, of the Nation may be jeopardized by the indiscriminate publication of information. The measure, therefore, viewed in that light is not a hard measure directed against the press or against the rights of the citizens; it is, on the contrary, calculated to protect the country itself and hence to protect the rights and liberties of all its inhabitants.

Mr. President, I have referred particularly to the press because it has always been regarded as one of the institutions of our country that is to be given the fullest liberty, and with that sentiment I am in complete accord, but the illustration I have used I desire to have applied to all the provisions of this bill. These provisions are intended for times of danger. They are meant to be employed only for the protection of the Nation. The abuse of a single one of these powers would result in an instant repeal of the law by Congress.

Therefore we ought to regard this measure as a very solemn We ought to discuss it fairly, having in view only the production of the wisest law we can frame. We ought also to bring the legislation to the point of passage and signature at as early an hour as possible.

Let me say this in conclusion. Those who have watched the war between the central powers and the allies have observed one thing: Germany has always been ready; the allies have rarely been ready until blow after blow has been struck. Let us employ the days we now have so that if the worst comes to the worst we shall at least have the satisfaction of feeling we have done our best.

Mr. LEE of Maryland. Mr. President, the question arises in my mind, as I listen to the remarks on this bill from Senators who seem to be considering it quite judicially, as to whether or not the provisions in the bill, intended to prevent improper reports getting abroad with reference to American military conditions, are not so light and comprehensive that they will tend to cut off a legitimate discussion of unpreparedness in this coun-We are a Republic, and we are subject, as a Republic, to the infirmity of a lack of military preparation. The Senator from Missouri has just referred to that condition. An imperial nation, with an imperial head and a military aristocracy, if it has any virtue at all will have enough of military discipline and preparation and more than enough. But in a republic there is generally need to have the public mind stimulated and awakened to the necessity of some reasonable preparation for war.

I have been somewhat of late in the Committee on Military Affairs of the Senate, and so far as I can judge it is the opinion of the chairman, the Senator from Oregon [Mr. Chamberlain], who is here now, that the country at large, rather than the War Department and Congress, is responsible for our present lack of preparation.

Mr. President, does not the language of this bill go so far as to practically prohibit citizens in public meetings from speaking in detail of the unpreparedness of the country, because to speak definitely, to describe actual conditions, would be information

affecting the national defense?

Winter before last, if I remember correctly, a friend in New York sent me a letter from Gen. Scott, which I put into the RECORD in connection with our having no great movable guns. By reason of the way in which the Germany artillery destroyed the fortresses of Liege and Namur large stationary guns in fortresses are held to be no longer a defense to a country, and it was thus discovered by the allies and our own military men that the great gun must also be a movable gun, because if it has a fixed position the movable and concealed gun of the enemy will necessarily destroy it. That letter from Gen. Scott to this gentleman in New York, in answer to an inquiry on this subject of great movable guns, stated that after considerable effort the general had persuaded the Secretary of War and the General Staff to agree to the manufacture of six such guns, and that they were going to manufacture the six guns, but they had not yet arrived at a proper kind of mount to put them on, and as soon as the plans for the mount were prepared they were going to go ahead and manufacture the six movable guns, all they apparently contemplated of that absolutely essential form of ordnance under modern conditions.

Mr. President, last winter, after one year, we had not manufactured them, and now, after another year, if a citizen happens to know, as I know that these guns have not yet been manufactured, can he not mention the subject? Would he not be open to the penalties of this act for discussing a lack of preparedness in the War Department of which every government in

Europe is fully aware? Mr. OVERMAN. Oh, no.

Mr. LEE of Maryland. It is absolutely pertinent to our national defense that we should have some of these great movable Six hundred of them-several thousand of them-would be in proportion to the coast lines we have to defend. a citizen ascertaining these facts, organizes an agitation in this country for some remedy, even in time of peace, is not that citizen open to the indictment of this proposed statute?

Mr. President, I sympathize very greatly with all the feelings that these gentlemen have expressed about the necessity of protecting governmental and military secrets, but in a republic, in a country like ours, that has so little land preparation, in attempting to conceal so-called secrets, are we not concealing them from ourselves only and more likely to prevent the proper development of our military defense than to advise an enemy?

As I look at this situation, so far as from suppressing any detailed agitation and comment upon the lack of preparation in the country, comment ought to be stimulated. The country needs more agitation than it does secrecy just at this stage of our

national armament.

I have been listening with a great deal of interest to the comments of the various Members of the Senate on this bill, because I can not help feeling that in seeking one end they have, to a certain extent in the preparation of the bill, overlooked the general conditions that confront a free country trying to arm itself and to protect its national and international rights.

This is a very drastic measure, Mr. President; and without feeling at this stage that I should vote against it, I certainly hope that there will be some definition put into the bill, something wherewithal to protect the citizens of the Republic in the exercise, in times of peace at least, of what might be called cus-tomary rights in the exercise of their ordinary avocations.

I could not help thinking of the situation in my State as I heard the debate going on. Nearly every county seat in Maryland has a militia company with an armory either built by the State or rented. In that armory are the rifles and equipment These armories are also used for social purposes, speaking, and lectures. Everybody knows how many rifles are there; but it is to be made a crime to go there in time Generally speaking, these towns are on the railroads. Now, suppose that under this section 6 the President makes the railway one of the so-called secret places that you could not go near. The armory being already in seclusion, a citizen passing over the railway going to get his mail, say, and into that armory would have violated, in a time of peace, two of the prohibitions in this statute.

Possibly this proposed law may have some other aim than the one expressed. It may be that it is going to settle the railroadstrike question in an indirect manner. But whatever may be the real significance of this statute, it does seem to me that its terms are so comprehensive that they overshoot the mark with reference to military precautions in time of peace.

I agree fully with everything that the statute has in it with reference to times of war. That is a different condition. Take the question of locating these great movable and concealed guns. In times of war all population can be taken out of the section I

where these guns are to be located. Sentries can be posted and the concealment of the great pieces, or any other military preparation that is necessary can go on, and the death penalty be visited upon the person improperly revealing these military But in time of peace in a republican form of government criticism of the acts and more especially of the neglects of the Government with reference to military preparation are pertinent and right. It does seem to me, Mr. President, that this bill as now worded goes too far.

Mr. REED. Mr. President, before the Senator from Maryland takes his seat I desire to ask him a question.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. LEE of Maryland. I do.

Mr. REED. The Senator speaks of giving out information in time of peace, and says it is entirely proper to visit the death penalty for such an offense. Of course he means that the death penalty might be visited in an extreme case. But now let us take a situation like this—I will put a hypothetical case, so that it will not have any bearing on present conditions: Suppose our country was so situated that the President knew in all human probability that war was about to be declared against us, but that war has not been declared; and, in order to be ready, the President, as Commander in Chief of the Army and Navy, should undertake to have established a line of secret batteries so posted as to protect the city of Baltimore; and, in order to keep that information from getting out, he were to declare an emergency, such as this bill contemplates must exist if the declaration is made, and some individual were to slip in, find the location of these batteries, and carry the information where it would do us the most injury; and all this occurred in time of peace, but also during an emergency such as this bill provides for, would the Senator say that Congress ought not to pass some legislation to reach that kind of a case?

Mr. LEE of Maryland. Has the Senator finished his question?

Yes

Mr. LEE of Maryland. Mr. President, the hypothetical case suggested by the Senator from Missouri is precisely what I was talking about, namely, the location of these great guns in such manner that their positions could not be revealed to an enemy. My feeling is that such guns can not be finally located until war is declared and absolutely tight lines of military exclusion are drawn to protect the location of such pieces from common knowledge; and my general feeling would be that any attempt to draw such lines upon the commerce of the people in times of peace would really not keep out the spies of an enemy but would simply operate to inconvenience and harass our own people.

I do not believe, Mr. President, that military men with actual experience in the management of the great artillery struggles on the other side would, with ordinary commercial activities going on, rely upon keeping secret for any length of time the location of such great pieces. It is a matter of art to conceal them; it is a matter of great precaution during hours of daylight to keep their places of concealment from becoming known. The whole business is something to take place after war is declared, rather than to burden commerce with an awkward attempt to control spies, who are necessarily beyond control so

long as ordinary commercial activities go on.

Mr. REED. Then the Senator does not believe that we have any business to prepare for war until war is actually upon us?

Mr. LEE of Maryland. Far from it, Mr. President.

Mr. REED. And that up to the very moment—— Mr. LEE of Maryland. The Senator from Missouri has not been listening to what I have been saying or he would not have made that remark.

Mr. REED. I am merely construing the Senator's own words. Mr. LEE of Maryland. I believe—and I think the Senator will believe if he thinks over it a little bit more—that the nakedness of this country, so far as military preparation is concerned, had better be agitated, and extensively agitated, by our people, and that any effort to conceal that nakedness from ourselves or to prevent criticism of our Military Establishment, when its insufficiency is known to all the world, is a great mistake for any patriot in this country to be a party to.

Mr. REED. Mr. President, of course, nobody intends to stop people from agitating for more preparation; nobody has dreamed of that; but the position of the Senator from Maryland is that it is all right to buy guns, all right to buy ammunition, and all right to get ready, but that it is also all right to tell the enemy all about it, even when you stand in the very

shadow of an impending conflict.

The point of difference between the Senator and myself is that I think when we reach a condition so dangerous that the President declares an emergency it is then time to begin getting ready and protecting ourselves against spies and against the

giving out of dangerous information; and that it is not necessary to wait until the guns of the enemy are thundering at the gates of our cities.

Mr. OVERMAN. Mr. President, I submit the amendment which I send to the desk. I will say that some clerks for service in connection with the issuance of passports charge \$1.50 and some charge \$6. The amendment proposes to fix a uniform system of fees for this service.

The PRESIDING OFFICER. The amendment will be stated.
The Secretary. In chapter 4, section 1, page 12, line 8, after
the word "passport," it is proposed to insert the following:

Clerks of the United States courts, agents of the Department of State, or other Federal officials who may be authorized to take passport applications and administer oaths thereon shall collect for all services in connection therewith a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

Mr. REED. I should like to know the object of that amendment.

Mr. OVERMAN. The fees charged for passports in this country run all the way from \$1.50 to \$6, and this is to make the charge uniform.

Mr. REED. Is that amendment germane to this bill?

Mr. OVERMAN. Yes, sir.

Mr. REED. Very well, then; I have no objection to it.

Mr. OVERMAN. It comes in on the passport section, and provides a uniform fee of \$1 for a passport.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. WALSH. Mr. President, I am very glad, indeed, that the Senator from Iowa [Mr. Cummins] has directed our attention, in his usual persuasive way, to some of the features of this proposed legislation. It is possible that the scope and effect of section 1, of chapter 1, may be broader than it was the purpose of those who are responsible for framing the legislation desired or intended. In practical operation, I am very certain that no harm would come to the law-abiding citizen by reason of the bill if it took effect in the language in which it is now framed. There is, however, it might be said in perfect justice to those responsible for it, more or less ambiguity in the language found in lines 4 and 5, on page 1, "to which he is not lawfully entitled." The section recites—

That whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled—

And so forth.

Then, Mr. President, it is, I feel sure, rather wider in its scope than it need be. It denounces as a criminal anyone who, "for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters," among other places mentioned, any "building, office, or other place connected with the national defense." Of course, the office of the Secretary of War is a place connected with the national defense, and if one enters that office for the purpose of securing information concerning the national defense to which he is not entitled, he would become amenable to the penal provisions of this act. Now, some lady having a son among the troops upon the border and solicitous concerning his welfare, might easily enter the office of the Secretary of War and ask the Secretary of War when the soldiers were coming home from the border, and, of course, he would be obliged to say to her, "My dear madam, that is information to which you are not entitled, and I can not give it to you." Technically, and under the exact language of this bill, the lady would be guilty of a violation of the act. Of course, no one intended any such result at all. As I have said, I think the words "to which he is not lawfully entitled" are too ambiguous to be given a place in a penal statute.

I am going to propose a modification of the language in that respect, which will, I think, remove much of the objection urged against this section by the Senator from Iowa. I shall not ask consideration for the amendment this evening, but shall call for a consideration of it later in the history of the bill. I suggest that the words "to which he is not lawfully entitled," on page 1, lines 4 and 5, be stricken out, and that there be substituted instead the following: "without the permission, expressed or implied, of one lawfully entitled to give the same," so that the sec-

tion shall read:

That whoever, for the purpose of obtaining information respecting the national defense, without the permission, expressed or implied, of one lawfully entitled to give the same, approaches, goes upon, or enters, flies over—

And so forth.

So that two things will be necessary: The one who does it must have permission, either expressed or implied, from one lawfully entitled to give it, and he must enter or go upon the place for the purpose of getting information concerning the national defense.

The conditions that surround the Mayflower have been adverted to. Her dock is within the confines of the navy yard. If the gates of the navy yard are swung wide open, of course that is an implied invitation to anyone to go through. If the gates are closed, one must, as a matter of course, get some express authority to go inside, or he becomes liable under the act.

Criticism has been made also, Mr. President, of subdivision (f) of section 1, chapter 1—a very just criticism to my mind. That subdivision received the careful consideration of the Judiciary Committee. I myself invited the attention of the committee to

its provisions

Mr. OVERMAN. To what provision does the Senator refer:
Mr. WALSH. The provision at the bottom of page 3, extending over into page 4, subdivision (f) of section 1, chapter 1. was of the opinion that it ought to be stricken out of the bill; and I move now that it be stricken out. I was dissuaded from asking that action by the committee on the consideration that it was a privilege that perhaps would not be prized very highly by any citizen—the privilege of sending by post a communication written in invisible ink that could not be brought out except by applying heat or through some chemical action. It occurred to me that it might be made use of in these stressful times for the purpose of communicating to the enemy information concerning the national defense, which it would be unfortunate that they should receive; and inasmuch as it is, in the very nature of things, impossible for one to determine whether it is in its nature entirely innocuous or entirely harmful, the only way in which it could be reached at all would be to prohibit the communication altogether; but I am not satisfied that the practice is fraught with any such danger as to necessitate a specific provision of the character contained in the bill.

Another feature of the legislation is-

Mr. REED. Mr. President, the Senator has moved to strike out subdivision (f). Does he desire to have the question put on that motion now?

Mr. WALSH. Unless the chairman of the committee is desirous of disposing of the bill this evening, I would rather allow these suggested amendments to go over.

Mr. OVERMAN. I understand the Senator from Iowa ex-

pects to offer some amendments.

Mr. CUMMINS, Mr. President, I think it will be impossible to dispose of the bill to-night. I have certain amendments that I intend to propose to chapter 1, but I am not prepared to offer them at this time. I may say that, in a general way, the Senator from Montana has already anticipated two of them; but there are others. I believe that most of the offenses named in chapter 1 ought not to exist without an intent to injure our country or to aid another. That intent ought to be aptly expressed. Of course I do not mean that it ought to be phrased in the way I have just stated it, but that gives a general idea of my intention.

Mr. WALSH. I understand that is the Senator's idea. The PRESIDING OFFICER (Mr. Hughes in the chair).

the Chair understand the Senator from Montana to say that he made a motion? The clerks at the desk so understood the Senator.

Mr. WALSH. I did.

The PRESIDING OFFICER. Then the motion of the Senator from Montana is the pending question before the Senate.

Mr. WALSH. I said likewise that I did not desire, unless the Senator in charge of the bill wished to dispose of the bill this evening, to have the amendments proposed by me now acted upon.

Mr. OVERMAN. I will ask that the amendments go over for the present. I desire to present some amendments relating to a different subject.

The PRESIDING OFFICER. In order that the parliamentary situation may be clear the Chair will state that the metion of the Senator from Montana is now pending.

Mr. OVERMAN. As I understand, it is an amendment, not

a motion.

The PRESIDING OFFICER. The Senator from Montana has moved to strike out subdivision (f) of section 1, chapter 1.

Mr. WALSH. I simply offer the amendment, not for action at this time.

I desire to say, Mr. President, that I am not in harmony with the view expressed just now by the Senator from Iowa. I do not think we ought to make the intent to do harm to the United States or to convey aid or comfort to the enemy an element in these crimes. We differ radically there, and I would not like to be understood that it is in any such spirit that these amend-

ments tendered by myself are proposed.

Mr. President, we could very readily conceive that some enterprising newspaper man, some writer for the magazines, would go about to get this information without any purpose whatever to convey it to the enemy. He simply wants to do it for the enlightenment of the American people, as he believes, for their information, and perhaps his purpose does not go any further than to make a story that he can sell to some periodical. think that ought to be guarded in the way that this legislation seeks to guard it.

Mr. CUMMINS. I think I agree with the Senator from Montana in at least some respects. I think that in time of war a certain espionage or certain restrictions may be placed upon the rights of citizens that are not at all desirable in time of peace, and if we were in war I would not complain of proper restrictions being put upon the publication of information concerning our country in a great many things, and especially about the movements of our Army or Navy. But there is a great deal of this bill that is not confined to times of war. The particular paragraph in regard to newspapers, or the general publication of matters concerning the national defense, is confined to time of war; but, for instance, the first paragraph is not. It applies to time of peace. That offense may be committed at any time, and I can not believe that we ought to make it a criminal offense for persons to secure information respecting the national defense in time of peace, unless there is some evil intent in securing the information, unless it has some wrongful purpose.

Mr. WALSH. Mr. President, let me illustrate a little further how the Senator from Iowa and myself differ with respect to I was called from the Chamber just 10 minutes ago by an old and very dear friend, who is a writer for the magazines. He is here in the city of Washington to-day for the purpose of finding out about anything with relation to which he could write an interesting story for publication in the magazines. Now, Mr. President, we are in peace at the present time, at war with no nation; but I can not conceive of a subject upon which he could write which would be read with more profound interest at the present time by everybody, or that would be more sensational in its character, than the exact location of the mines that there are supposed to be in New York Harbor; than the whole story of the preparation that has been made all up and down our

coast to meet any possible enemy.

Mr. OVERMAN. The wire nets at Guantanamo, for instance. Mr. WALSH. To tell just exactly how many submarines we have, and just exactly where they are located, and just exactly how they are going to operate.

Mr. LEE of Maryland. Mr. President, will the Senator yield

for a question?

Mr. WALSH. I shall be very glad to do so.

Mr. LEE of Maryland. War not being declared, and the ordinary channels of commerce and the movements of people in trade not being stopped, does the Senator believe for a moment that the main details in respect to the things that he has mentioned are not already in the possession of the spies of any possible

enemy of this country?

Mr. WALSH. Mr. President, I do not undertake to say. am yery sure that they have very much more information about this matter than we wish they had. But we are taking pains, by means of this legislation, to see that they do not get any more than we can avoid; that is all. We certainly ought to make it criminal upon their part at least to get the information, and, as I understand the Senator from Iowa, he does not object to that at all. So that the suggestion that foreign powers are already possessed of this information has no relevancy, as it seems to me, to the question that is before us, which is whether we ought not only to prevent those who seek to get it for the benefit of foreign nations, but those who seek to get it without any such purpose, but who, by disseminating it, would put it at the command of these people.

Mr. CUMMINS. I was not, as the Senator knows, discussing the publication of information. I was discussing at that moment the first paragraph "(a)" of chapter 1, which covers the effort to secure information. Now, I do not think that the Senator's friend ought to be regarded as a criminal because he attempts to secure that information. As to the location of mines, I do not know that there are any; but I take it that he would not ask the Senator from Montana the location of those mines, because I have an idea that he is just about as ignorant on that subject as I am. But suppose he goes to the Secretary of the Navy and asks for that information, and the Secretary of the Navy says, "I will not give it to you." Suppose he asks without any lawful authority, but simply because he wants the

information, and tries to get it. Under this measure you would denounce him as a criminal.

When it comes to the publication of the information, if you want to extend the right of the President to suppress newspapers in time of peace, that is a distinct subject of itself, I think; and I do not know but that there are a good many things which I would be willing to put into the law that might curtail, to some extent, the freedom of the press. I am speaking now, however, about the effort of the American people, those who are not in official life at all, to secure information with regard to public affairs; because "the national defense" in fact embraces the whole field of public affairs, or may embrace that whole field.

Mr. WALSH. Just another feature, Mr. President. I understood the Senator likewise to object quite strenuously to a provision, found a number of times in the act, under which the President is authorized to use the Army and Navy for the purpose of preventing violations of the act and for apprehending any persons who may be guilty of a violation of them. That has been proposed as something in the nature of a departure in our legislation. It is suggested that legislation of that character vests the President of the United States with the power practically to declare war, because a vessel, for instance, violating any of the provisions of this act and seeking to escape would be fired upon, and that would constitute an act of war. But if that is the case, Mr. President, we have been occupying that field for, lo, these many years.

Mr. OVERMAN. Mr. President, right there, will the Senator

yield to me?

Mr. WALSH. Certainly, Mr. OVERMAN. I call the Senator's attention to article 10 of The Hague International Peace Conference or treaty:

The fact of a neutral power resisting, even by force, attempts to violate its neutrality, can not be regarded as a hostile act.

Mr. CUMMINS. Mr. President, there must be a great misconception somewhere in the minds of the Senator from Montana and the Senator from North Carolina. I did not say that it was a new departure. I offered yesterday an amendment to section 8 of that chapter which relates to embargoes upon arms and munitions of war. I have not even suggested any objection to the same power in other chapters of the act, although I think as to perhaps one other there is a just objection. But we have never yet attempted to confer upon the President of the United States the right to use the Army and Navy for any such purposes, I think, as are found in the chapter-I do not remember its number-to which I have referred.

For instance, I ask the Senator from Montana this question: In the first place, Congress has to authorize the President to proclaim an embargo before he has the authority to do it. It has nothing whatever to do with neutral rights or our obligations to any nation. It is simply a matter as to our own policy. Suppose that Congress should give the President authority to establish an embargo against the exportation of arms and munitions to Canada. The embargo is properly established. A carload of arms or munitions, however, escapes the watchfulness of the officials in charge of such matters, crosses the St. Lawrence River, and is in Montreal. Does the Senator from Montana believe that we ought to authorize the President to lead an army into Canada for the purpose of recapturing the carload of munitions that had passed into that Dominion?

Mr. WALSH. I should say not.

Mr. CUMMINS. Well, that is just exactly what you do in this chapter, if I understand it.

Mr. WALSH. I do not agree with the Senator from Iowa in that construction of it. I think it would be a forced construction to give to the statute to say that it means that we intended to empower the President of the United States to invade a country with which we are at peace by either the Army or the Navy.

Mr. CUMMINS. It is to restrict the President in that respect that I have offered the amendment. I will speak upon it when the time comes, and I think I can convince the Senator from Montana that that is the interpretation which must be placed upon the act, disassociating that interpretation entirely from any suggestion that a President of the United States would do the thing; but I say that that is what we attempt to authorize

Mr. WALSH. I should hardly think so. Of course, I was not able to be present at all times during the discussion of this subject by the Senator from Iowa. I was referring to some comments that he made in relation to section 8 of chapter 9, appearing upon page 24 of the bill, as follows:

The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

It was in reference to whatever the Senator from Iowa said concerning that section that I have spoken; and I understood him to take the position that that section authorized the President of the United States to declare war or to precipitate

Mr. CUMMINS. No.

Mr. WALSH. And that it was a departure in our legislation, something that had never before been heard of. Of course, if

the Senator does not take that position-

Mr. CUMMINS. The Senator is partly right. It is to that section that my remarks were directed yesterday, and it is to that section that I offered an amendment which I withdrew for the purpose of reframing it. The general purport of the amendment was to declare that the section shall not be construed to authorize the President to commit an act of war. As I now have it, it is that it shall not be construed to authorize the President to use the Army and Navy beyond the territorial limits of the United States to commit an act of war against a nation with which we are then at peace.

Mr. WALSH. Then, Mr. President, I want to call the attention of the Senate to a precedent for this legislation as old as 1838, an act under which the President of the United States was authorized to employ the land and naval forces of the country, and it was not deemed necessary to put into that act a stipulation that he should not invade the territory of a country with which we were at peace. I read from page 214 of the fifth United States Statutes at Large, an act approved March 10,

1838, which contains the following language:

That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

Now let me remark, Mr. President-

Mr. CUMMINS. What was the act? I am not familiar with it. Mr. WALSH. The act, Mr. President, was passed in view of the threatened invasion of Canada, as it will be recalled, about that time, by forces from this side of the international boundary line. It is entitled:

An act supplementary to an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved April 20, 1818.

It provides for the seizure of any vehicles or any vessel or any arms going across the border pursuant to a conspiracy hatched in this country to overturn the Government of Canada.

I also call attention to an act older than that, dating from I read from the fifth volume, Federal Statutes, annotated-

Mr. CUMMINS. May I comment for a moment on the act to which the Senator has just referred?

Mr. WALSH. Certainly.

Mr. CUMMINS. It is very plain that the President's authority under that act was limited to things done within the territorial limits of the United States. In the act to which I have offered my amendment, as I understand it, there are provisions for the execution of whatever power we have beyond the territorial limits of the United States. I have no objection to the use of the Army and Navy within our own territorial limits. My objection is to the use beyond our own jurisdiction.

Mr. WALSH. Certainly the Senator could find no authority in the language to which I have called his attention at page 24 of the bill which is not likewise found in the act of 1838, for the

language is identical.

Mr. CUMMINS. That depends entirely on the nature of the offense that is to be punished or the nature of the act which is to be prevented. It was said yesterday very emphatically— I think the Senator from Montana was absent-that if, for instance, a ship escaped, having received clearance from our ports and having gone upon the high seas, possibly having reached a foreign port, and it being discovered that it had carried arms or munitions contrary to the proclamation of embargo, it was expected that our warships would pursue the ship, and no matter where she might be found, capture her and return her to

the port from which she sailed.

Mr. WALSH. I do not see how possibly a court could ever give any construction of that character to the act. It clearly means that she may be seized within our territorial waters or

that she may be seized on the high seas.

The next statute which I am going to call to your attention is just that kind of a case in which the President is authorized to pursue any vessel leaving our waters without the requisite permission and to use the Army and Navy to seize and capture that vessel and bring her back; but no one ever thought he had the right to invade the territorial waters of another State to do it.

It dates from 1818, and is quoted in the fifth volume of Federal Statutes, annotated at page 376, and reads as follows:

It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treatles of the United States, she ought not to remain within the United States.

That was not construed as authorizing the President to follow the vessel across into her home waters or into the waters of some neutral nation and there seize her.

Mr. CUMMINS. I do not believe the President ought to use the Navy on the high seas for that purpose; but the Senator from Montana will differ with me in regard to that.

I do differ very decidedly. Mr. WALSH.

Mr. CUMMINS. But, aside from that, the Senator from Montana agrees with me in regard to the matter. Our only disagreement is that, in his opinion, the amendment is not neces-

Mr. WALSH. Quite so, except that I was misled apparently into the belief that the Senator reached the conclusion that the use of the Army and Navy for the purposes in our own territorial waters or upon the high seas would be a grant of power to the President of the United States to declare war.

Mr. FLETCHER. Will the Senator allow me a moment? I think the Senator from Iowa had in mind some observations made by the Senator from New Mexico [Mr. Fall] upon that subject. I do not understand that the Senator from New Mexico contended that the vessel could be pursued into the waters of another country or another State. I think his idea was that the vessel could be pursued and captured, if possible, upon the high seas, but beyond that I do not think he meant to go.

Mr. CUMMINS. I may have misunderstood him. I have not read his speech since it was published, but I understood him to say that it would enable us to go into the interior of a foreign country and take the arms and munitions from the person to whom they had been delivered and return them to the United

States; but I may be wrong about that.

Mr. OVERMAN. I offer some amendments which do not change the substance at all, but merely the punctuation.

The PRESIDING OFFICER. The Secretary will state the amendments.

The SECRETARY. On page 4, line 9, insert a comma after the word "to" and before the word "communicate"; on page 7, line 8, strike out the comma after the word "chapter"; on page 1, line 1, abbreviate "Section" to "Sec."; on page 18, line 7, insert a comma after the word "in"; and on page 38, line 1, insert the article "a" before the word "description."

The PRESIDING OFFICER. Without objection, the amend-

ments are agreed to.

## RIGHT OF WAY FOR DRAINAGE OPERATIONS.

Mr. FLETCHER. May I ask the Senator from North Carolina to yield to me for a moment to get consent to call up a bill which is of pressing and great importance not only to the people in my State, but elsewhere? It proposes to give people interested in drainage operations the same right of way across Government lands that those engaged in irrigation operations have. It just adds the word "drainage" after "irrigation" in the irrigation act. The bill was up the last time we considered the calendar, but on account of a mistake in the report it went over. I had it recommitted at once, and since then it has been reported by the committee and is again on the calendar. Those who found some criticism with the form of the bill before I think are entirely satisfied with it now. I know the Senator from Washington [Mr. POINDEXTER] objected to it.

The PRESIDING OFFICER. The bill will be stated by title. The Secretary. A bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404).

Mr. FLETCHER. It will not take two minutes to pass the I do not think anyone will object to it.

The PRESIDING OFFICER. Is there objection?

Mr. CATRON. I object.

Mr. FLETCHER. Who makes the objection, may I ask? Mr. CATRON. I object.

## ORDER FOR RECESS.

Mr. OVERMAN. I move that at the close of the session to-day the Senate shall take a recess until 11 o'clock to-morrow. The motion was agreed to.

## EXECUTIVE SESSION.

Mr. BANKHEAD. I wish to have a short executive session that some nominations may be referred and that others may be placed on the calendar.

Mr. NORRIS. I hope the Senator will not make that motion. I dislike to make the point of no quorum, but I object to an executive session to-night.

Mr. BANKHEAD. I simply want to have some nominations referred and others that are ready to be put on the calendar placed there. I do not want any action taken on them at all. It will take only about two minutes.

Mr. NORRIS. It is just to allow reports of nominations to

be made and placed on the calendar?

Mr. BANKHEAD. And references made. That is all.

Mr. NORRIS. I have no objection to that,

Mr. BANKHEAD. I move that the Senate proceed to the

consideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m., Saturday, February 17, 1917) the Senate took a recess until to-morrow, Sunday, February 18, 1917, at 11 o'clock a. m 11 o'clock a. m.

#### NOMINATIONS.

Executive nominations received by the Senate February 17 (legislative day of February 14), 1917.

JUDGES OF CIRCUIT COURTS.

Samuel B. Kemp, of Honolulu, Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii,

vice William L. Whitney, resigned.

William H. Heen, of Honolulu, Hawaii, to be third judge of the circuit court of the first circuit of the Territory of Hawaii, vice James L. Coke, appointed associate justice of the Supreme Court of Hawaii.

#### COAST GUARD.

Third Lieut. of Engineers Gustavus Richard O'Connor to be second lieutenant of Engineers in the Coast Guard of the United States, to rank as such from August 13, 1916, in place of Second Lieut. of Engineers John T. Carr, promoted.

# PROMOTIONS IN THE ARMY.

## CHAPLAIN.

Chaplain John T. Axton, Twentieth Infantry, to be chaplain with rank of major from March 5, 1917, vice Chaplain James W. Hillman, Sixteenth Infantry, to be retired by operation of law March 4, 1917.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Frederic Charles Dosé, Seventh Field Artillery, to be second lieutenant of Infantry with rank of November 30,

Second Lieut. Edward Martin Smith, Seventh Infantry, to be second lieutenant of Field Artillery with rank from November 30, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Jehu V. Chase to be captain in the Navy from the 29th day of August, 1916.

Lieut. Commander Henry E. Lackey to be a commander in the Navy from the 29th day of August, 1916.

Lieut. Reuben B. Coffey to be a lieutenant commander in the Navy from the 29th day of August, 1916. Naval Constructor William G. Du Bose, with the rank of lieu-

tenant commander, to be a naval constructor in the Navy with the rank of commander from the 29th day of August, 1916. Douglas B. Parker, a citizen of New York, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from

the 30th day of January, 1917.

The following-named first lieutenants to be captains in the

Marine Corps from the 29th day of August, 1916: Julian C. Smith, Paul C. Marmion, and

Lowry B. Stephenson.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the

6th day of February, 1917: Maurice G. Holmes, a citizen of Mississippi, Charles C. Gill, a citizen of Tennessee, James E. Betts, a citizen of Iowa, Norman S. Hinman, a citizen of Ohio, George F. Adams, a citizen of Virginia, John H. McCahey, a citizen of Pennsylvania, Wethered Woodworth, a citizen of California, James W. Webb, a citizen of Alabama, John M. Tildsley, a citizen of Mississippi, Le Roy P. Hunt, a citizen of California, Louis E. Woods, a citizen of New York, Edward R. Rhodes, a citizen of Massachusetts, Harry K. Cochran, a citizen of Missouri, Donald R. Fox, a citizen of New York, William McN. Marshall, a citizen of Colorado, George H. Scott, a citizen of South Dakota, Alexander Galt, a citizen of Virginia, Paul R. Cowley, a citizen of Massachusetts, Allen W. Harrington, jr., a citizen of Massachusetts, Bailey M. Coffenberg, a citizen of New York, Eugene F. C. Collier, a citizen of the District of Columbia, Evans O. Ames, a citizen of California, Stanley M. Mucklestone, a citizen of Wisconsin, William H. Davis, a citizen of Idaho, Richard N. Platt, a citizen of New Jersey, William E. Williams, a citizen of the District of Columbia, William W. Scott, jr., a citizen of West Virginia, and Franklin A. Hart, a citizen of Alabama.

### POSTMASTERS.

#### CALIFORNIA.

Ida M. Fink to be postmaster at Crows Landing, Cal. Office became presidential October 1, 1916.

John W. Foley to be postmaster at Amador City, Cal. Office became presidential October 1, 1916.

S. R. Jumper to be postmaster at Balboa, Cal. Office became presidential January 1, 1917.

Annie M. Lepley to be postmaster at Plymouth, Cal. Office became presidential October 1, 1916.

Edward B. Langford to be postmaster at Zolfo, Fla. Office became presidential January 1, 1917.

#### INDIANA.

James H. Spilman to be postmaster at Milroy, Ind., in place of James R. Sage, resigned.

## ILLINOIS.

Anna Byron to be postmaster at Bourbonnais, Ill. Office became presidential January 1, 1917.

Arthur E. Bassett to be postmaster at Little Sioux, Iowa. Office became presidential October 1, 1916.

Oscar O. Conwell to be postmaster at Lovilia, Iowa. Office became presidential October 1, 1916.

William H. Fowler to be postmaster at Paton, Iowa. Office became presidential October 1, 1916.

C. Ola Goode to be postmaster at Melcher, Iowa. Office became presidential October 1, 1916.

John Grant to be postmaster at Stanwood, Iowa. Office became presidential October 1, 1916.

H. P. Juhl to be postmaster at Thompson, Iowa, in place of Manford C. Evans, resigned.

Jeter H. Jurgensen to be postmaster at Lowden, Iowa. Office became presidential October 1, 1916.

Josephine McMahon to be postmaster at Melbourne, Iowa. Office became presidential October 1, 1916.

H. D. Mussman to be postmaster at Germania, Iowa. Office became presidential October 1, 1916.

Emil M. Peters to be postmaster at Schleswig, Iowa. Office became presidential October 1, 1916.

Mayme L. Petersen to be postmaster at Titonka, Iowa. Office became presidential October 1, 1916.

## KANSAS.

Beatrice Hoffman to be postmaster at Harper, Kans., in place of A. B. Hoffman, deceased.

# MAINE.

Edward C. Watson to be postmaster at Naples, Me. Office became presidential January 1, 1917.

## MASSACHUSETTS.

James H. Madigan to be postmaster at Harvard, Mass. Office became presidential October 1, 1916.

Charlotte L. Parker to be postmaster at Osterville, Mass., in place of Charlotte L. Parker. Incumbent's commission expired July 18, 1916.

Willard H. Rowell to be postmaster at Wrentham, Mass., in place of Hiram A. Cowell, resigned.

Joseph H. Whelan to be postmaster at South Lancaster, Mass., in place of F. A. Hanaford. Incumbent's commission expired July 18, 1916.

## MICHIGAN.

Sara E. C. Irish to be postmaster at Bay View, Mich. Office became presidential October 1, 1916.

Frank A. Miller to be postmaster at Gladstone, Mich., in place of Otto L. Mertz, removed.

# MINNESOTA.

James H. Tofflemire to be postmaster at Jeffers, Minn. Office became presidential October 1, 1916.

#### MISSISSIPPI.

Woodard M. Herring to be postmaster at Inverness, Miss. Office became presidential October 1, 1916.

J. R. Moreland to be postmaster at Philipp, Miss. Office became presidential October 1, 1916.

Nora B. Rose to be postmaster at Shelby, Miss., in place of Rosa Mayers, resigned.

William J. Stephens to be postmaster at Webb, Miss. Office

became presidential October 1, 1916.

### MISSOURI.

Robert J. Ball to be postmaster at Gallatin, Mo., in place of Robert J. Ball. Incumbent's commission expires May 1, 1917.

Frank D. Lair to be postmaster at Charleston, Mo., in place of Eugene H. Smith, resigned.

#### NEBRASKA.

Laura E. Smith to be postmaster at Doniphan, Nebr. Office became presidential October 1, 1916.

#### NEW HAMPSHIRE

Arthur H. Rollins to be postmaster at Andover, N. H. Office became presidential October 1, 1916.

#### NEW YORK.

George B. Burdick to be postmaster at De Ruyter, N. Y., in place of Charles P. Monro, resigned.

Thomas G. Patten to be postmaster at New York, N. Y., in place of Edward M. Morgan. Incumbent's commission expired December 14, 1915.

Eva K. Stupplebeen to be postmaster at Nassau, N. Y., in

place of Eva S. Kirby, name changed by marriage.

Herbert C. Wood to be postmaster at Morrisville, N. Y., in place of Irving D. Blowers, resigned.

#### NORTH CAROLINA.

H. Roy Martin to be postmaster at Mayodan, N. C. Office became presidential October 1, 1916.

R. E. Itskin to be postmaster at Hazen, N. Dak. Office became presidential October 1, 1916.

## OHIO.

Lena L. Reed to be postmaster at Amanda, Ohio. Office became presidential October 1, 1916.

George M. Towle to be postmaster at Sardis, Ohio. Office became presidential October 1, 1916.

# OKLAHOMA.

Samuel L. Arnold to be postmaster at Devol, Okla. Office became presidential January 1, 1917.

became presidential January 1, 1917.

Edwin R. Harrison to be postmaster at Byars, Okla. Office became presidential October 1, 1916.

C. B. McCallon to be postmaster at Kiefer, Okla., in place of O. P. Ramsey, resigned.

David M. Watson to be postmaster at Francis, Okla. Office became presidential October 1, 1918.

became presidential October 1, 1916.

# PENNSYLVANIA.

C. E. Chapel to be postmaster at Youngsville, Pa., in place of Ephraim A. Swanson, deceased.

John L. Goss to be postmaster at Expedit, Pa., in place of Thomas F. Curry, resigned. J. W. Keffer to be postmaster at Starjunction, Pa., in place of

Isaac Lowe, resigned.

Ella I. Price to be postmaster at Canadensis, Pa. Office became presidential January 1, 1917.

W. A. Walker to be postmaster at Warren, Pa., in place of Edwin R. Allen. Incumbent's commission expired August 20,

# TENNESSEE.

J. B. Moore to be postmaster at Smithville, Tenn., in place of Charence W. Moore, resigned.

Joe D. Sperry to be postmaster at Mount Juliet, Tenn. Office

became presidential October 1, 1916.

# WISCONSIN.

Frank H. Grimm to be postmaster at Cassville, Wis., in place of Aloys Grimm, resigned.

Malcolm McNaughton to be postmaster at New Auburn, Wis. Office became presidential October 1, 1916.
Richard S. Serrurler to be postmaster at Wilton, Wis. Office

became presidential October 1, 1916.

Oscar M. Waterbury to be postmaster at Williams Bay, Wis. Office became presidential October 1, 1916.

#### VIRGINIA.

William D. Davies to be postmaster at Manassas, Va., in place of A. W. Sinclair, deceased.

Harry A. Lamb to be postmaster at Ocean View, Va. Office became presidential October 1, 1916.

# WITHDRAWAL.

Executive nomination withdrawn February 17 (legislative day of February 14), 1917.

Mary L. Sage to be postmaster at Milroy. Ind.

# HOUSE OF REPRESENTATIVES.

# SATURDAY, February 17, 1917.

The House met at 11 o'clock a. m. The Chaplain, Rev. Henry N. Couden, D. D., offered the follow-

ing prayer:

O Lord, our Lord, how excellent is Thy name in all the earth, before whom millions prostrate themselves day unto day and night unto night! Teach us wisdom, justice, mercy, truth, righteousness; that our worship may be free from cant and hypocrisy; that it may be acceptable unto Thee and inspiring to us; that we may meet all the conditions of life without fear and go forth to the work Thou hast given us to do willingly, patiently, conscientiously, leaving the results to Thee; for Thine is the kingdom and the power and the glory. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, had requested a conference with the House on the bill and amendments, and had appointed Mr. BANKHEAD, Mr. SMITH of South Carolina, and Mr. Townsend as the conferees on the part of the Senate.

The message also announced that the Senate had passed with-

out amendment bill of the following title:
H. R. 12463. An act for the relief of Meredith G. Corlett, a

citizen and resident of Williamson County, Tenn.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6850. An act authorizing the transfer of certain retired

Army officers to the active list; and

S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other

The message also announced that the Vice President had ap-pointed Mr. Martine of New Jersey and Mr. Jones members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments." for the disposition of useless papers in the Treasury Department.

# SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Com-

mittee on Invalid Pensions.

S. 8120. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 6690. An act for the relief of Americus A. Gordon; to the

S. 6690. An act for the relief of Americus A. Gordon; to the Committee on Military Affairs.
S. 3771. An act for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, and David Edward Adams; to the Committee on Claims.

## POST OFFICE APPROPRIATION BILL.

Mr. MOON, Mr. MOORE of Pennsylvania, and Mr. LEWIS

The SPEAKER. The gentleman from Tennessee.

Mr. MOON. Mr. Speaker, I ask that the Post Office appropriation bill (H. R. 19410) be printed with the Senate amendments numbered. If there is no objection, I will be glad if the House would send this bill to conference and disagree to the amendments of the Senate.

The SPEAKER. How many requests is the gentleman mak-

ing at once?

Two or three of them, but I will divide them. Mr. MOON. [Laughter.] The first is that the bill be printed with the Senate amendments numbered.

Mr. MANN. Reserving the right to object, Mr. Speaker, I believe that will be done without request under the practice.

Mr. MOON. That is true, but it is not always done.

The SPEAKER. That will be done.

Mr. MANN. I was going to say that I did not think it was desirable

Mr. MOON. And then I ask that the Senate amendments be disagreed to and that the conferees be appointed.

Mr. MANN. I do not think it is desirable, Mr. Speaker, to take action on the Senate amendments until we have had them printed, and certainly not before Tuesday in any event.

The SPEAKER. The gentleman from Illinois objects. Mr. MOON. Does the gentleman want a time fixed?

I do not think it is possible to take action on Mr. MANN. these amendments before they are printed, and I do not think it is possible to take action before Tuesday.

Mr. MOON. I have no objection to that, Mr. Speaker. Let the matter go over until Tuesday. I thought it might be dis-posed of this morning, but if there is objection to it, let it go over until Tuesday. I just ask that the bill be held on the Speaker's table. We can take it up later.

#### LEAVE TO ADDRESS HOUSE.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to address the House for one hour on the general subject of this bill.

The SPEAKER. On the general subject of what? Mr. LEWIS. On the general subject of the military bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent, before the House goes into committee, to address

the House for one hour on the Army bill. Is there objection?
Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to offer a resolution and ask unanimous consent for its present consideration. It will not take very long

to determine whether unanimous consent will be given.

The SPEAKER. It will not take half a minute to dispose of

this other matter, either.

Mr. MOORE of Pennsylvania. Pending that request, I ask unanimous consent to have considered a resolution which I would like to have read at the Clerk's desk.

The SPEAKER. Is the gentleman from Pennsylvania object-

ing to the request of the gentleman from Maryland?

Mr. MOORE of Pennsylvania. No; I do not object, but I make this request. It can be quickly determined. I do not want to take the gentleman from Maryland [Mr. Lewis] off his feet. This matter can be determined in a few minutes. I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks

unanimous consent for the immediate consideration of a resolu-

tion, which the Clerk will report. The Clerk read as follows:

Whereas the Congressional Record of February 9, 1917, pages 3220—3221, contained a statement by the Hon. Oscar Callaway, Member of Congress from Texas, charging that "the J. P. Morgan interests" and others had engaged certain persons "to purchase the policy, national and international" of certain newspapers in the matter "of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes" and for "the suppression of everything in opposition to the wishes of the interests served":

\*\*Resolved\*\* That the Sneaker of the House of Parageontations as and the states are the served ":

and for "the suppression of everything in opposition to the wishes of the interests served":

Resolved, That the Speaker of the House of Representatives appoint a select committee of seven Members of the House, with instructions to inquire into the charges made in the printed statement of the said Hon. Oscar Callaway, Member of Congress from Texas, as inserted by him in the Congressional Record of February 9, 1917, pages 3220-3221, respecting an alleged arrangement by "the J. P. Morgan interests" and others to engage certain persons "to purchase the policy, mational and international" of certain newspapers in the matter "of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes," and for "the suppression of everything in opposition to the wishes of the interests served," and such other matters as relate to the preparation, transmission, dissemination, or control, by advertisement or otherwise, of false or misleading information concerning the preparedness of the Army and Navy of the United States, or the suppression of truthful information in newspapers, magazines, or other publications, or as to other matters affecting the neutrality of the United States in its relations with foreign countries or tending to disturb the peace of the United States; and to make effective such inquiry the select committee herein authorized shall have power to enforce the attendance of persons in Washington or elsewhere, to administer oaths to such persons, and to require the production of such books and papers as may be pertinent to the

inquiry; and to pay the expenses of such committee the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any unexpended balance in the Treasury.

Mr. DENT. Mr. Speaker, reserving the right to object, I have no objection myself to that resolution. I object only to its being called up at the present time. I shall object to its consideration

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. MOORE of Pennsylvania. I will say to the gentleman that certain responsible newspapers have demanded an investigation of this matter, and it seems important, in the interest of honest journalism in the United States, that the charges made by the gentleman from Texas [Mr. Callaway] should be investigated. Inasmuch as there is but a very brief time between now and adjournment of Congress, it is evident that the resolution should be acted upon immediately.

Mr. ADAIR. Mr. Speaker, will the gentleman yield for a

question?

Mr. MOORE of Pennsylvania. Yes.

Mr. ADAIR. Does not the gentleman believe that this House has already wasted enough of the people's money in making investigations of charges that have no foundation whatever?

Mr. MOORE of Pennsylvania. That may be. The House has been very wasteful, I fear, in making other investigations; but this is an important matter, affecting not only the dignity of the House but the welfare of the country, and no committee should be expected to undertake to make an investigation of this kind at its own expense.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman

yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SMITH of Michigan. Has the gentleman any inside in-

formation to base this upon except newspaper reports?

Mr. MOORE of Pennsylvania. I have the word of the gentleman from Texas [Mr. Callaway] that he can prove the state-ments made by him in the Record. I am not making the charges. I am asking an investigation of the charges made by the gentleman from Texas [Mr. Callaway], who states that he has proof of these charges.

Mr. ADAIR. A few weeks ago we had the assurance of a gentleman by the name of Lawson that he could prove his own charges, and we investigated them, and now the taxpayers will

Mr. MOORE of Pennsylvania. That investigation developed some things that are of interest to the country and that certain

information came from very high sources

Mr. DENT. Mr. Speaker, I do not disagree with the statements contained in the resolution, but I do not think it ought to displace the consideration of this bill, and I therefore shall have to object to unanimous consent.

Mr. MOORE of Pennsylvania. What is the gentleman's thought—that it should be brought up on Monday?

Mr. DENT. I shall not have anything to do with the control of the calendar on Monday. I understand the debate will go

over until Tuesday.

Mr. MOORE of Pennsylvania. Mr. Speaker, in the interest of decent journalism, which asks for an investigation, I make the request. If it is objected to, I can not prevent that.

Mr. DENT. I object, Mr. Speaker. The SPEAKER. The gentleman from Alabama objects.

CONFEDERATE VETERANS' ASSOCIATION REUNION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 157, giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the re-anion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment. I do not believe it will take many minutes to consider it.

The SPEAKER. The Speaker lays before the House the joint resolution (S. J. Res. 157).

The joint resolution was read, as follows:

The joint resolution was read, as follows:

Resolved, etc.. That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the reunion of the Confederate Veterans' Association, which will take place in the District of Columbia in the year 1917, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares applicable to public conveyances in said District during the period aforesaid. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said Dis-

trict, be liable for such offense to a fine not to exceed \$100, and in default of payment of such fine imprisonment in the workhouse or jail of said District for not longer than 60 days. This resolution shall take offect immediately upon its approval, and the sum of \$11,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction, maintenance, and operation of public comfort stations and information booths, under the direction of said commissioners.

Sec. 2. That the Commissioners of the District of Columbia are

visions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction, maintenance, and operation of public confort senters and information booths, under the direction of sale confort senters.

Sec. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on Illumination of the citizens' executive committee for the entertainment of the Confederate Veterans' Association to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: Provided, That the said conductors shall not be used for the conveying of electrical currents that supports, be fully and alicity remote from the streets and wrenues of the said city of Washington on or before 10 days after said reunien: Provided jurther, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the said wires shall be under the supervision of the Commissioners of the public; and that the pavenent of any street, avenue, or alley disurbed is replaced in as good condition are taken for the protection of the public; and that the pavenent of any street, avenue, or alley disurbed is replaced in as good condition as before entering upon the work herein anthorized: Provided purther, That no expension of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia; And provided jurther, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia; and part of the Said control of the Commission of the confederate Veterans' Association, 1917, such of the United States or the Navy be, and they are hereby, authorized to loan to the chairman of the subcommittee of a said wires shall be under the supervision of the United States as in their judgment may be spared and are not in use by the Government at the time of the reunion. The loan of the said ensign

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. MANN. Mr. Speaker, this being a joint resolution that would require consideration in Committee of the Whole, I suggest to the gentleman that he ask unanimous consent to consider it in the House, not in the House as in Committee of the Whole.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House in lieu of in Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the resolution be considered in the House. Is there objection to that?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Johnson of Kentucky, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS,

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for a further conference on the disagreeing vote of the two Houses on Senate bill 135.

Mr. KEATING. What is the bill? Mr. STEPHENS of Texas. It is for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863. Members of the House will remember that the matter was before the House a few days ago. There is a division between the House and Senate which seems to be irreconcilable, but I ask for a further conference.

Mr. MANN. We passed the Senate bill with a House amendment. Have not the Senate asked for a conference?

Mr. STEPHENS of Texas. I understand so. The bill is on the Speaker's table.

The SPEAKER. The Senate asks for a conference. Now, the gentleman from Texas asks to take this bill from the Speaker's table and agree to the conference asked by the Senate. s there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. Carter of Oklahoma, Mr. HAYDEN, and Mr. NORTON.

#### ARMY APPROPRIATIONS.

Mr. LEWIS. Mr. Speaker, I renew my request to address the House for one-half hour.

The SPEAKER. The gentleman from Maryland [Mr. Lewis] asks unanimous consent to address the House for one-half hour

on the Army appropriation bill. Is there objection?

Mr. DENT. Mr. Speaker, reserving the right to object, I wish to say to the gentleman from Maryland asking time on the bill that I had already agreed to give away all the time I had at my disposal. Much to the regret, I am sure, of the entire membership the gentleman from Maryland [Mr. Lewis] will not be a Member of the House after the 4th of March, and under these circumstances I will not object to one-half hour being used by the gentleman, but I shall have to object to any further requests as long as this bill is under consideration.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland [Mr. Lewis] is recognized for 30 minutes.

Mr. LEWIS. Mr. Speaker, we are now launched into militarism. It is not our fault. The world's events are responsible. A generation ago our military expenditures were small. when this measure, with its sister measure, the Navy bill, shall have passed, this Government will be on a more expensive military footing than perhaps any Government before the war. And yet in modern times war, apart from its inhumanity, has lost all its logic. Centuries ago it might have promised a gambler's chance of gain to the victor. He could profit if he won. He could make slaves of the conquered population, confiscate their property, and work them unpaid. But this is all past. Human nature does change, you see. He can not enslave the vanquished, and he can only confiscate public property, such as roads, streets, courthouses, schools. But since he has to maintain these when he takes them, there is no advantage even in confiscation. In modern times this has also proven true of colonial conquest. There is not a colony which confers any business advantage on the governing country. We know that of our colonies. Rather, they are a bill of expense, and just a fearful anxiety. England knows this, too. Not one of her citizens has been made a shilling richer by her territorial acquisitions. During the jubilee an English beggar on the streets of London was heard to say:

I own Canada, the Australias, colonies in Africa, and the islands of the far Pacific, and here I am, starving for a crust of bread. I am a citizen of the greatest power of the modern world, and all people should how to my greatness. But yesterday I asked alms of a negro savage, and he repulsed me with disgust.

Two years of war have cost Great Britain and Germany, Austria and Russia each enough treasure to thrice rebuild their railways—three generations of toil. War—it is a cheat as well as a crime.

## ANARCHISM CAUSE OF WAR.

But, you ask, if war is unprofitable, grossly unprofitable, if it the stroctous and inhuman besides, why is it still resorted to? This question brings us to the real and responsible cause of war, to the cause of this war. What was its cause? My answer is that it was international anarchy, the absence of government in the community of nations, primarily in the relations of Austria and Serbia, then its absence generally in the international relations of the neutral and warring nations of the world.

Why is it that Governments themselves organized to preserve public order are themselves the chief offenders against public order? I call your attention now to something thoroughly kindergarten, it is true, but apparently, although kindergarten, essential to be expressed and emphasized in the present situation

of our country and the world.

Public peace and order are institutional products in this world. They do not exist as a mere growth of sentiment and noble purpose. They exist, wherever they exist, as the result of a certain kind of institution, and that institution is government. I call the attention of the House—it is hardly necessary-to the fact that in every community where peace and order obtains you have government. The township has peace and order. It has government. The county has peace and order. It has government. The State, as a community, has peace and order. It also has government. And finally, the great interstate community in which we live, the country of Washington, has peace and order, because it, too, has a government to procure it.

But when we come to the international community, where nations meet as individuals meet in the domestic community and have the same complexity of relations, what do you find? You find a state of indescribable disorder at this very moment, but you also find a community without a government. We are citizens in our domestic communities, but in the international community we are simply anarchists. I use that expression not as an epithet but as a term of description, for anarchism means nothing more or less than the absence of government in

a public community.

Mr. Speaker, schoolboys will ask the question why it is that every community has a government except the international community alone. And their histories will answer, "Every government has been built by the sword, and because no conqueror's sword was long enough or strong enough to build a world government, government now stops, and the public order with it, at the national boundaries and the ocean's edge." THE LEAGUE TO ENFORCE PEACE.

Sir, much discussion has taken place recently of measures designed to prevent future wars, and among these is the League

to Enforce Peace. The provisions of the plan are:

(a) That the nations agree to submit their justiciable differences to an arbitration tribunal for decision. (Only a portion of the contentions between nations are regarded as "justici-

(b) Other questions, e. g., privileges of immigration, which are nonjusticiable in character, to be submitted to a concilia-

tion tribunal for recommendation,

(c) For one year, awaiting such decision or recommendation, neither party to the controversy shall make war upon the other.

(d) That neither party shall be bound by the decision, but if either nation shall fail to give such preliminary year of truce and commit an act of war, then-

The other nations shall make war upon it.

(f) Existing international law may be amended at conferences of the nations, and be binding if no nation dissents to such amendment.

All of which means that war is proposed to be avoided only by "unanimous consent." The laws can only be enacted by unanimous consent; the decisions of the arbitral tribunal are effective only by consent of the parties to the controversy; the castigation of the offending nation is to be left to the 41 other nations in the trust that they will unanimously join in executing the punitive program. All of which, I repeat, means that war is to be discontinued only by "unanimous consent."

Mr. SLAYDEN. Is it not true that no arbitration award of international disputes has ever been disregarded, and is not such more to be desired and easier obtained than a scheme of inter-

national government?

With all respect to the gentleman's view of the matter, I fear that when the world's publicists come to analyze the plan, it presents so many novel elements, so many elements of uncertainty that conservative men will instinctively prefer the other alternative, namely, a full-fledged government. They know what government does. They know how government does They understand government perfectly. But as to any newfangled schemes, a league to enforce peace-not a league to enforce law-for example, nobody knows what it may mean; and it probably would not mean as much as the Articles of Confederation which preceded our Constitution.

Mr. SLAYDEN. Will the gentleman permit an interruption

and a question?

Mr. LEWIS. Yes, Mr. Speaker, I do. Mr. SLAYDEN. I am much interested in the gentleman's address, with the greater part of which I am in hearty agreement. I believe that I know his great purpose in advancing this argument. He is inspired by love for his fellow men and sympathy with them in their troubles. He wants to promote international peace, to banish wars and their cruelties from the face of the earth forever more. But why not follow the line of least resistance? Why undertake so impossible a task as a world government, with legislative, judicial, and executive

functions, and its necessary surrender of sovereignty by the individual governments, when experience suggests that universal peace may be secured by a simpler device and one that will involve no such national sacrifice? The gentleman knows that no international arbitral award has ever been disregarded, and we have had them for a hundred years or more. Why not, under these circumstances, try a world court of arbitration and, if you please, a world court for justiciable questions? Enough countries have already, at one time or another, assented to such a plan to encourage us to believe that it can be had without much more delay, and it has established its efficiency in the peaceful adjustment of many international disputes.

Mr. LEWIS. The gentleman is entitled to his opinions about the lines of least resistance. We have no way to decide that point. But about arbitration, let us see. When arbitration works, it works. But voluntary arbitration did not work for the Boer War, the Spanish-American War, the Russo-Japanese War, nor yet the present war. Ex-President Taft is the principal sponsor of this plan, and his present activities for world order make him illustrious, if nothing else had. If the Blaines and the Clevelands, if the Bismarcks and the Gladstones had so done their duty in their generation so it might have been. Now, Mr. Taft proposes to make the submission of controversies compulsory, through a treaty among the nations of the world. His object is my object—the securing of public order in the international community. But his plan, like any mere arbitration plan, is only a rope of sand. It may, indeed, comport with some men's ideas of the "lines of least resistance" in world politics, but its analysis of the nature of the subject matter is so very inadequate as to offer us only a chateau en Espagne.

The international community does not differ from the domestic community in the ingredients or requirements for securing public order; and we all know an arbitration scheme would not suffice for a domestic community. Nations meet in the international community just as individuals meet in the domestic community. They also are liable to have their cross-purposes and misunderstandings just like individuals. So the international community does not differ from the domestic community in the ingredients

and requirements producing public order. What are they?

First. Rules of conduct, specific laws, defining the rights and duties of the parties, provided in advance, and which, being clearly understood, thus avoid nearly all potential controversies.

Second. A judiciary to decide disputed cases of law or fact, not responsible for the merits or demerits of the law, and without power to change it to suit particular cases, thus making its application wholly impersonal.

Third. Last and least, the police power, an officer with no dis-

cretion except to enforce the law.

These three elements render the social law like a law of nature, a mechanical or a chemical law, because if it exists in advance the subject, knowing its meaning before he acts, can harmonize his conduct to it; and if it befalls him to have misunderstood, not his possible enemy, but an impartial institution, adjudicates the dispute, while an impartial agency will certainly call upon him for obedience to its decrees.

Mr. SMITH of Michigan. I understood the gentleman to say there would still be instances that could not be settled by this

tribunal

Mr. LEWIS. Yes. I was speaking of the League to Enforce Peace. Only justiciable causes are adjudicable. Nonjusticiable causes—that is, cases for which existing international rules supply no regulation; the gaps in international law, so to speak—would be referred to a conciliation board, with power to give

advice only to the contending parties.

Now, my answer to the gentleman from Texas is that all of these elements of formal law have been found preessential to the maintenance of public order in domestic communities. An arbitration tribunal gives none of them. The rules of conduct, worked out in such elaborate detail, for our domestic relations; the court with processes so various as to fit all our individual relations, and compulsory processes, too, and the police power, all acting in complete coordination to achieve the objects of preserving security and public order; none of these, I say, are within the reach of the arbitration method. That the plan proposed is deficient in these respects is seen if it be but applied as a preventive to the existing war. (a) There were no rules of conduct, international law, that an arbitration tribunal could have applied to punish the alleged Serbian conspirators. extraterritorial crime committed was not therefore a justiciable cause. Well, then, as a last resort, what could the second tribunal of conciliation have done? It could have delayed the matter, it is urged for a year, giving the passions time to cool. But suppose they did not cool Few people believe this method would have sufficed. Europe was headed for "der tag" as the inevitable consequence of ambitions formed and purposes conceived, in a community where anarchism gave no nation rights that were indubitable, or duties that were adequately defined.
(b) But suppose the tribunal had pronounced a decision or made a recommendation unsatisfactory to one of the parties, or even to both them, what then? Its decision could not be enforced, says the plan. And so we are where we begun, anarchy and still more anarchy.

Mr. Speaker, of course, an arbitration tribunal is not a court, and can not do service for one. Said Prof. Seeley 70 years ago:

We have a problem of federation before us and not merely of constituting a law court. The law court is not only historically found invariably within the State, but it also takes all its character and efficiency from the State. It is a matter of demonstration that a State is implied in a law court, and as a necessary consequence, that an international law court implies an international state. The nations of Europe must therefore constitute themselves into some sort of federation, or the international court can never come into existence. Judges can not constitute themselves, and a judicial assembly is inconceivable without a legislative assembly of some kind executing its sentences.

Real law is the formula product of political government. The

Real law is the formal product of political government. The legislative, judicial, and executive functions are complementary, the flesh, blood, and bone of effective law. I despair of the plan that offers but one or two of them. We must have the rule of conduct first, to know what we should do; second, the judge to say what should be done, when the facts or law are disputed; and third, the force, for the rare personality that respects neither rule nor judge. Experience with domestic institutions shows that a definite rule of conduct operates to prevent controversy in nearly all cases; that the judge's decision is efficacious alone in the rest, except for an infinitesimal number, where the sheriff's club is required. Why should the experience be different in international affairs, if a precise and obligatory rule of conduct has been provided in advance? If I were compelled to choose from the disjecta membra of government but one of its members instead of all three, I should take the first, namely, the "rule of conduct," as most efficacious. If the "rule of conduct" were present, so that nations could clearly see how to avoid offending, or if still offending, precise rules were at hand by which to identify their offense, something might be expected of the coercive power of a public opinion, shared by all the world. Meanwhile what sound hope can we have for a mere arbitration tribunal, with no rules (or insufficient rules) of conduct, prescribed in advance? Its judgments must be in the nature of ex post facto, or retrospective lawmaking, and thus deter submission of causes or incite recalcitrancy to the disappointing decision. And what confidence could be placed in the operation of an executive force left to 40 different States, each to determine whether it would lend it or not? "Enforced peace" its sponsors call it. In all sincerity, what is that? I understand "enforced law." I will entrust my life and my property to it. But "enforced peace," who would prefer to commit his own life or his own property to such a Robbin Goodfellow to such a Will of the Wish as that? fellow, to such a Will of the Wisp as that?

What is this "arbitration" but more executory agreements

for the interested diplomats to construe and break, as heretofore? Surely, the world has exhausted its faith in the sufficiency of the promises of diplomats. Says Seeley again:

In order to be really vigorous and effectual such a system absolutely requires a federation of the closer kind; that is, a federation not after the model of the late German Bund, but after the model of the United States, a federation with a complete apparatus of powers—legislative, executive, and judicial—and raised above dependence upon State government. AN INTERNATIONAL PEDERATION.

Is it not a government for the international community that we need? Then why waste our opportunity on new and doubtful substitutes when the institutions thoroughly tried out in analogous situations are at hand?

Mr. EMERSON. How would the gentleman have the international legislature constituted?

Mr. LEWIS. I should follow the Constitution of the United States, redrafted as the Constitution of the United Sovereign With the elimination of a few hundred words from its clauses and as many words added here and there it would serve to bring them the same orderly progression and security it has given our own sovereign States.

When the American Colonies threw off their adhesion to the British Empire they were 13 sovereign States, with all the extraterritorial relations implied in the international status, includ-ing the power to make treaties and to make war. The Federal Constitution, which provides an interstate or international government, was designed to cover these international or interstate relations, which, be it noticed, were much more numerous because of their contiguity than those we encounter among the historical nations of the world. But the inducing causes for the American Union were hardly as great as those calling now for international

The problems then and now to me seem quite identical. There is the program of substituting law for anarchy in interstate intercourse, the protection of State boundaries, and sovereignty in local affairs, the conquering of the fear by the smaller State that the larger one would seize the international government and misuse it, the fear of the larger State that artful combinations of smaller States would strip it of its prestige or graft upon its prosperity. These fears were overcome. By splitting the legislative organization into two sections, the Senate representing the States as sovereigns, the House their people according to numbers, these disparities have been equalized and State apprehensions wholly dissipated. How does this problem differ then and now?

The fear of violation of boundaries or absorption of the powers of the State by the federation were presented. They were met

by guaranties—and those guaranties have been effective, we say.

How does this problem differ then and now?

Mr. SMITH of Michigan. But if there were questions of sovereignty raised by the individual nations, would it not require as much armament as each nation requires at the present time?

Mr. LEWIS. Well, that problem hardly differed then and now. The danger and fear of individual State militarism was there. It was met by the Constitution with a provision that no State shall without the consent of Congress keep troops or ships of var in time of peace \* \* \* or engage in war unless actually war in time of peace \* or engage in war unless actually invaded." and the State militia should be subject to Federal command. Disarmament established in a line. How does this problem differ then and now? Especially, how does it differ if the federation should acquire by purchase the existing armaments and military implements of the nations to execute its own laws, guaranteeing defensive protection to the respective member States?

Does not experience indicate that the promulgation of the rules of conduct and the obvious guaranties, such as the prohibition of invasion of one State by another and Federal noninterference in internal affairs of the States, would prove the end of international controversies. Practically this is the result that has followed the like guaranties under our Constitution.

Mr. BORLAND. I am very much interested in the parallel the gentleman is drawing between his proposed plan and the Constitution of the United States. The gentleman is aware that the Constitution had to withstand the shock of the argument that the arrangement between the States was simply a league by treaty and was not a consolidation into an indissoluble Nation. That is one question I would like to have the gentleman address himself to,

Mr. LEWIS. Well, with regard to the idea, and the former argument, that our Union was only a league between States: It may have been so designed; it certainly was primarily an international government for 13 independent States, but in a century it has developed such solidarity of spirit and interest as to have evolved from an international into a national form of government, to a substantial extent. There are many national things-indeed, most national things-it can not even now do, and may never do, that still remain with the States. Its primary purpose was to abolish struggle and possible war between our States. Virginia and Maryland had as much to quarrel about as other nations. Most people think it has now permanently succeeded. I quote a pertinent paragraph from Prof. Seelev:

In spite of their one internal war the American Union may be said to have solved the problem of abolishing war, and we may see there the model which Europe should imitate in her international relations. Now, this great triumph of the Union was achieved on the very ground upon which an earlier Confederation had conspicuously failed in the same undertaking; and a comparison of the two federations shows that where the Federal organization was lax, and decisively disentangled from the State organizations, the federation failed; it succeeded when the Federal bond was strengthened.

Now, supposing the federation to embrace all three elements of government, i. e., the legislative, the judicial, and the executive functions, what legislative powers should be granted this international government? I suggest the following as necessary to prevent war:

- (a) To guarantee the inviolability of national boundaries and protect them from invasion by any sovereign State.
- (b) To punish individuals for extraterritorial offenses against State or its citizens.
- (c) To substitute interstate laws for treaties, secure equal rights upon the seas, and exercise exclusive jurisdiction over treaties.
- (d) To purchase existing national armament and military implements, and limit the armed force permissible to any State to its domestic needs of peace and order.

(e) The power of taxation for these ends and the right to maintain an army and navy.

It is submitted that such powers exercised in a governmental way would be effective to prevent war among the States, mem-

bers of the Union. To promote the progress of the world and invest the new

Government with a continuous life activity, I should add:

(f) Power to make laws concerning all the merely international relations of the States and their citizens.

(g) Extradition and navigation regulations.(h) Uniform laws on commercial paper, etc.

(i) To coin money, fix weights and measures, establish international posts, patent regulations, and copyrights.

The principal changes necessary in our Federal Constitution

to effect these objects are thought to be:

The selection of the two Senators from each State by the authority which now appoints ambassadors.

The selection of the representatives, one for each 10,000,000 of population, by the legislature, no State to have less than two.

The election of President and Vice President according to

The election of President and vice President according to the original plan provided in our Constitution.

Mr. SMITH of Michigan. The gentleman is making a fine argument, to which most of us can agree. Will the gentleman discuss the manner of enforcing the decrees of this trib-

Mr. LEWIS. The way of enforcing judgments and decrees would be just what you know here. You would have a Federal legislature constituted from among the member nations as our legislature is constituted from the States, the Senate representing the sovereigns and the House representing their populations. You would have courts like ours to enforce its enactments. Its laws would bear directly upon the citizens and subjects of the member nations just as ours do on ours. I quote Prof. Seeley:

The special lesson which is taught by the experience of the Americans is that the decrees of the federation must not be handed over for execution to the officials of the separate States, but that the federation must have an independent and separate Executive, through which its authority must be brought to bear directly upon individuals. The individual must be distinctly conscious of his obligation to the federation and of his membership in it; all federations are mockerles that are mere understandings between Governments.

With regard to any nation not joining the union-the federation-we should bear the same relations to it a nation does now.

In addition to our Bill of Rights, of which little need be changed, a guaranty of noninterference with the import and export tariff laws of the States should be added. And there should be a distinct statement that the citizens of the different States should be citizens of the union of sovereign States as well and owe its allegiance to make its laws operate directly upon them. Thus sovereign States would not be the offenders if offenses were committed. The citizens directly concerned would be the offending parties, and be denied the shelter of an intervening State authority. The constitution, treaties, and acts of the congress would be the supreme law, as in the United States

Mr. BORLAND. Our Constitution provides that each State, members of the Union, shall be guaranteed a republican form of government. In other words, it makes uniformity, homogeneity in the local government of the different States. That is another question to which I would like the gentleman to address himself.

Mr. LEWIS. Answering the gentleman, I should say that that guaranty would be plainly inapplicable and even unnecessary for the purpose of the federation. And with respect to the homogeneity of which the distinguished gentleman speaks: While I think it highly fortunate that we possess it for our domestic purposes, I do not consider that mere homogeneity of political institutions in the member States of the proposed federation is essential, or that its absence would affect an international structure any more than it now does the treaty-making power. The domestic institutions, the domestic life and history of the member States would not concern the federation in any institutional way. International subjects, important as they

are, are really few in number.

Let us notice, for comparison's sake, what the task of the international lawmaker would be. Now, the generic subjects of international law are very few. Beginning with "Piracy," of which war is now about the only analogy, we have

National boundaries, protection of.

Navigation regulations.

Passports.

Fisheries, and so forth.

International posts.

Minatory armament, and so forth.

Neutrality.

Extraterritorial crimes.

Belligerency, capture, and so forth. Compared with the volume of domestic law, it is easy to see that this field is actually inconsiderable. And yet only a few of even these subjects are such as to require, peremptorily, the exercise of international rather than national government; that is, but a few of them have produced contentions resulting in war. tional boundaries, colonization, extraterritorial crimes, captures, and perhaps minatory armament, so far are the subjects for which treaty lawmaking and diplomatic adjudication have proved inadequate.

Mr. KELLEY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS. Yes.

Mr. KELLEY. One of the great difficulties in carrying on the Austra Hungarder Commencent in the discretize of the

the Austro-Hungarian Government is the diversity of language to be found among the peoples of those two nations. What does the gentleman think of a Congress composed of all the nations

of the world with a multiplicity of languages?

Mr. LEWIS. It would present difficulties, but mainly difficulties of speech. The present international situation presents impossibilities, regarded from any standpoint of human nature.

[Applause.]

But I should not seem to dispose of this difficulty too curtly. It is, in my judgment, a difficulty, but only a provisional difficulty. A number of parliaments have already encountered it, and successfully. Provision can, apparently, be made to over-come it, even should it be necessary to ask that the legislator be acquainted with a language or two besides his own. The Austrian, Chinese, and, I think, the Swiss, Parliaments manage to overcome these lingual difficulties now. A record printed in three or four languages-well, print paper is high, but so is the cost of war, or even preparedness.

#### INITIATORY CONDITIONS.

How many nations should enter such federation to make it

effective? Two minimum alternatives are proposed:

The eight great powers are Austria-Hungary, France, Germany, Great Britain, Italy, Japan, Russia, and the United States. First, its acceptance by a majority of the sovereign States, if the majority include any six of the above powers.

Second, its acceptance by any two-thirds of the sovereign

States of the world.

The number of sovereign States, sending and receiving ambas-

sadors, appears to be forty-three.

Mr. BORLAND. Does not the gentleman think that if a group of the greater powers were to enter into such a federation the moral effect would be to draw the remaining States in when they began to see the benefits which resulted to the domestic and foreign status of the member States, such as the reduction in the burden of armament and of the establishment of fortified frontiers, and the closer commercial, social, and intel-

lectual intercourse, and so forth?

Mr. LEWIS. I think that would be inevitable. It happened here. All the smaller States, it is thought, would welcome an order of things guaranteeing their territorial and domestic inor three States are now possibly ambitious for territorial aggrandizement, but this appetite is chiefly active during war. I do not think any of the European States would decline a union simply to save a possible chance of successful territorial con-

The pride of kings—would that deter some of the great powers? Before the war, perhaps yea. An authority external to their own they might have resented. But fearfully chastened by their present experience, I think it reasonable to hope that any such personal vanity has disappeared.

Mr. BORLAND. I understand the gentleman to say that we

could not concern ourselves about the local government of the

different States?

That would be my answer.

Mr. BORLAND. Would there not be a great diversity of their rights or powers over their people and the method of choosing their representatives, and so on, if we did not have some uniform standard of government?

Mr. LEWIS. A uniform standard is proposed for the selection of the legislators and the President. The latter would be selected through electors chosen by the legislators of the member States, as our first Presidents were selected. The legislators would be selected, the Senators by the authority in each nation that now selects ambassadors, and the representatives by the lower house; for illustration, the House of Commons, the Chamber of Deputies, the lower houses would select them.

think there would not be great popular interest in the proceedings of the institution after it had become fully established. With public order and the inviolability of national boundaries conclusively established, its legislative subject matters would be so few and so remote from the affairs of common life that it would be mostly publicists, travelers, shippers, and so forth, that

would commonly concern themselves with its work.

Mr. EMERSON. How would the gentleman get around the fact that nations of different races and religions might combine against other nations of different religions and races?

Mr. LEWIS. The nations being represented in that Congress as our States are represented in this, the relative possibilities can be compared. There does not seem more danger in that direction than there is of some of our States with a special interest controlling this whole body.

If, EMERSON. We see it done here every session.

Mr. LEWIS. These little difficulties to which you refer are negligible compared with the calamities of war.

Mr. DECKER. The gentleman stated a while ago that all national governments had been established by the sword.

Mr. LEWIS. For the most part.
Mr. DECKER. And even in our own country is it not a fact that there came a time when the sword had to maintain it? Well, now, does the gentleman think in that connection perhaps an international government might also have to come to the same sword? Has the gentleman thought of that? What suggestion

has the gentleman as to that?

Mr. LEWIS. I have thought of that; and while the wisest human being can not peer very far through the abstruse complications of human circumstance into coming time, it has occurred to me that something might arise to endanger such a federation, just as slavery, the vulnus immedicabile of our federation, challenged it. Now, with domestic questions like that, and the hundreds of others involved in our social relations, the federation would have, and should exercise, no power of interference whatever. But I can imagine one national condition of a character possibly making it international in its effect. In the generations to come an overcrowded India or China might demand access for its population to the less populated sections of the earth, demands which, being refused by the States concerned on racial or economic grounds, might lead to attempted secession from the union and to war. But the danger, if such it be, would be a danger as actual for the States unfederated, and the problem perhaps less soluble than with an organized inter-

Now, gentlemen of the House, what I have been saying is, of course, but kindergarten to men of your experience. It is a mere truism to say that public order and personal security mean but one thing at last, and that is government-monarchical government, republican government, aristocratic government, or democratic government, what you will, but still government. Humanity in all times and in all circumstances has adopted only this institution to secure peace and order in their domestic communities. I believe the time will come, I believe the time has come, when as Members of this great Parliament we should do all in our power to advance the day of public order for the community of nations. Experience has provided the form and the

"Oh, it can not be done; it is only a dream," says the pessimist, who is "afraid to brush down the cobwebs lest the ceiling may fall." But the trouble with your pessimist is, he dreams just as much as any other dreamer, but he always dreams nightmares. It can be done, say the fathers, who did it for us and who speak to all mankind through the institutions of which we are the human elements to-day. They supplied the form. We must supply the faith. It is the one thing necessary now, I submit. Faith, faith, the faith to act. And that, too, the fathers supplied us by their example in this very matter. All departures, any constructive changes, however well sustained by reason and experience, require faith. No effort can be truly great without it. Said the philosopher Turgot, "I never admired Columbus so much for discovering a new world as I did for going out to hunt for it on the faith of an opinion.

Washington had this faith. It is but the faith of the rational man that civilization can go on making progress in the future as it has done in the past. Columbus had it indeed. If it were not for his kind of faith we might not be here to-day. We can see in his example the ethical elements necessary in men's hearts for our situation. In the words of Webster, "I see him standing on the deck of his shattered bark, the shades of night falling on the sea, yet no man sleeping, tossed on the billows of an unknown ocean; yet the stronger billows of alternate hope and despair tossing his own troubled thoughts, extending forward his harassed form, straining westward his anxious and eager eyes, till Heaven at last granted him a moment of rapture and ecstacy

by blessing his vision with a sight of the unknown world." there a leadership in the world now equal to this great occasion? If there is, spirit of Washington bid him step forth. [Loud applause.]

#### APPENDIX.

#### PROGRAM LEAGUE TO ENFORCE PEACE.

"We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

"First. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second. All other questions arising between the signatories, and not settled by negotiation, shall be submitted to a council of conciliation for hearing consideration and recommendation.

"Third. The signatory powers shall jointly use forthwith both their economic and military against any one of their number that goes to war or commits acts of hostility against another of the signatories before any question arising shall be submitted as provided in the foregoing.

"Fourth. Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in article 1.'

#### THE TREATY-MAKING POWER.

The Peace Advocate suggests that several provisions of our Constitution would have to be changed to enable the Senate to ratify a treaty creating an international government with the exclusive power of making treaties, or the powers "to declare war," "raise and support armies," and so forth, now committed to the Senate and Congress. This suggestion overlooks the fundamental distinction between the "law" making and the "treaty" making powers under the Constitution. A law must be in "pursuance" of the Constitution; a treaty is not required to be. The Constitution provides:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Laws operate only on land over which our Government is an exclusive sovereign, and can thus always so formulate them as to conform to the Constitution. But treaties operate upon other nations, and therefore must conform to the wills of all the signatory powers. For example: Our Constitution guarantees every State a republican form of government. But if a monarchical power were to occupy, say, the State of Maine, and vanquish us in the war, the treaty of peace might have to commit such State to a monarchical form of government through conquest. And no court could nullify such treaty on the ground that it violated the Constitution. This was all within the ken of those who made the Constitution. Therefore while only laws made in "pursuance" of the Constitution are valid, yet "all treaties made, or which shall be made, under the authority of the United States," are valid when properly ratified. Otherwise our first unsuccessful war, involving terms of peace disappointing to some alleged constitutional inhibitions, might find us institutionally impotent to make terms of peace with a superior force. In which event the Government itself would perish, and the whole Constitution with it, in the nature of things, and ex necessitate in case of war, the treaty-making right, or power, can not be subject to any such limitations. It is the right of self-preservation, and must be free footed and free armed.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the Army.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, with Mr. Saunders in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery; typewriters and exchange of same; office, toilet, and desk furniture; textbooks; books of reference; scientific and professional papers and periodicals; printing and binding; maps; police utensils; employment of temporary, technical, or

special services; and for all other absolutely necessary expenses, including \$25 per month additional to regular compensation to chief clerk of division for superintendence of the War College building, \$9,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word, Yesterday the gentleman from Illinois [Mr. Mann] addressed the House, and among other things he made the following statement, and it appears in the Record on page 3855. After referring to the present war in Europe, he said:

ring to the present war in Europe, he said:

Now, we may be drawn into the struggle. If we are, whatever opinion we may have had in reference to the propriety of being drawn into the struggle will be merged in a universal opinion to stand for the country in what it determines to do. [Applause.] I want to call attention to this: Suppose we become engaged in the European war, and finally there are overtures for peace from one side or the other. If we are a party to the war, we have got to sit in at the final councils. We will have to help to determine the terms of peace, and at once, at one sweep, we will have abandoned the traditional and long-continued policy of the United States to remain supreme on the American Continent and to keep out of the complications of the European Continent, [Applause.] And when we engage in endeavoring to determine the boundary lines of the various nations of Europe, the terms upon which peace shall be made, the guaranties which will be exacted in reference to the small powers of Europe, we will have placed ourselves in a postition where it becomes our duty to endeavor to regulate what Bulgaria or Greece or Servia or Holland or Belgium or Russia or the great or small powers, wherever they may be, shall do. And when we undertake to enter a policy which requires us to interfere in European affairs we can no longer ask or insist upon the traditional policy of the United States that European countries shall keep their hands out of American affairs. [Applause.]

The gentleman from Illinois bases his statement as to what may occur upon the condition that we get into the European war, and, I suppose, nobody wants to dispute the consequences that might follow the result of our getting into the European war; but the very language used implies that getting into that controversy between the contending parties we will have to be a party to a final peace conference between those Governments, because in no other way can we be called into the final settlement of the issues between them, even down to the adjustment of the boundary lines of a few little Balkan Governments.

Now, Mr. Chairman, I do not think the gentleman had any idea, or intended to leave the impression, that we could not have an armed conflict with some one of the warring powers, no matter whether it is with an entente ally or with a central power, upon an issue arising simply and solely between that power and ourselves, but that by the very reason of the fact of having done so we would become a necessary party in the final councils as to peace between all the contending powers now in war with one another. In other words, that if we should have a controversy with England, France, Russia, or Germany about an issue exclusively between one of these powers and ourselves that we could not make a separate peace when we adjust that particular difficulty. Such an impression as this going forth to the country causes questions to be asked like those coming to us now by the hundreds in the form of postal I suppose you have all received them. I will just read the first clause of one of these postal cards, which is in parentheses, as follows:

Note.-In modifying her war zone note, Germany has offered-

The CHAIRMAN. The time of the gentleman has expired. Mr. SIMS. Mr. Chairman, I was so much interrupted I would be glad to have five minutes more.

The CHAIRMAN. Is there objection?

Mr. EMERSON. Mr. Chairman, I reserve the right to object. Does not the gentleman feel that a discussion of this proposition on the floor of this House is more apt to aggravate the situation than anything else?

I am trying to remove an erroneous representa-Mr. SIMS.

tion of the subject that has already occurred.

Mr. EMERSON. Every other gentleman tries to remove

Mr. SIMS. You are taking up my time. I think it is proper to discuss it

Mr. EMERSON. I stated yesterday that I should object to any Member discussing this proposition on the floor of this House until the President came to us and asked us to do so. Now, I am not-

I did not hear the statement.

Mr. EMERSON. I am not going to object to the gentleman having five minutes more, but I do want to say, Mr. Chairman, to the Members of this House that those Members that are inflicted with this diarrhea of words on this subject will have to relieve themselves somewhere else than on the floor of this

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Now, I hope I may have a little order, inasmuch

as an ultimatum has been issued.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the right to object, to observe that the gentleman from Ohio [Mr.]

EMERSON] is about to go home, and that his objection will not last after he is married to-morrow.

Mr. HEFLIN. Mr. Chairman, I make the point that the gentleman from Pennsylvania reserved his objection too late.

The CHAIRMAN. The gentleman from Pennsylvania reserved his right to object just at the moment the gentleman from Ohio sat down.

Is there objection? [After a pause.] The Chair hears none. Mr. SIMS. This postal card starts out by saying:

In modifying her war-zone note Germany has offered safe passage for all American passenger ships which keep to a prescribed course and which our Government guarantees free from contraband.

The first question is:

Do you think we should enter this war in order to uphold our legal right to go into the war zone regardless of these conditions?

That is an absolutely unfair question. It is one that is mis-leading. "To go into this war" is using the same language as the gentleman from Illinois [Mr. Mann] used. That is wholly an assumption. Suppose that we resent and resist the violations of international law whereby the lives and property of American citizens are ruthlessly destroyed by Germany and at the same time England comes along and does identically the same thing in some other way and we resent that also, and we get into an armed conflict with both in undertaking to defend our rights as against both? Then what sort of a fix will we be in in sitting down to the final council as pointed out by the gentleman from Illinois? We will be on both sides I do not believe that statement was worthy of the great ability and knowledge of the gentleman from Illinois.

Mr. MOORE of Pennsylvania. Mr. Chairman-

Mr. SIMS. Do not interrupt me now.

The gentleman from Illinois [Mr. MANN] referred to an interesting portion of our history—I was here at the time when we got into the Spanish-American War, a war of aggression on our part, in which we invaded the soil of a foreign country on account of the treatment by that foreign country of its own citizens under its own flag on its own soil.

In that great war-not great except in the purpose for which it was waged-no referendum, by postal card or otherwise, was submitted to this Congress or demanded of it, and two distinguished gentlemen-I remember it well, because they have both been named in the House debate recently—one the gen-tleman from Massachusetts, Mr. Gardner, and the other the gentleman from Nebraska, Mr. Bryan, without compulsion, without this country having been invaded or even threatened with invasion, voluntarily joined the forces of the United States to invade a foreign country, to wage war upon Spain, because Spain did not regulate the conduct of her subjects according to the standards and ideals of the American people; and no referendum was asked, and no reproach has been put upon any man who went into that war for the purposes for which we waged it.

I think we did right as a matter of principle. stand for what is right, regardless of the size of the nation that invades our country or disregards our rights, whether on land or on sea. An invasion is usually referred to when a land attack is made, but you can invade our rights at sea as well as on land. These postal cards are so written and the question is so asked as not to get real information, but to get a misleading reply, and I think instead of helping us to keep faith with and uphold our President it is stirring up strife. Suppose the question was this: "Would you use the armed forces of the United States to save the lives and property of American citizens and their rights, guaranteed under the Constitution, against the unlawful encroachments of foreign powers?" They would say "Yes" every time.

We do not want war. The President does not want war. We are not seeking war. We may be forced into it. But we will not have to settle the boundary of Montenegro or any of

the small nations of Europe, because we are defending our own rights on sea as well as on land. [Applause.]

Mr. KEATING. Mr. Chairman, I want to oppose the motion of the gentleman from Tennessee [Mr. Sims] to strike out the last word.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. KELLEY. Mr. Chairman, may I inquire, first, what the gentleman from Tennessee proposes to do?

Mr. KEATING. He proposed to strike out the last word in the paragraph just read by the Clerk, and I am always opposed to that amendment. [Laughter.]

Mr. Chairman, what is the matter with the American Army? That is a question that is frequently asked in this House and throughout the country in connection with our plans for national defense.

For some reason the American boy will not enlist in any great numbers in the American Army; and if he does enlist, he gets out of the Army as soon as possible.

Now, what is the trouble?

A great many gentlemen have appeared before committees

of this House to answer that question.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Michigan?

Mr. KEATING. I regret I can not yield. The CHAIRMAN. The gentleman declines to yield.

Mr. KEATING. A great many gentlemen have attempted to answer that question. I want to submit to the House this morning the views of a man whose opinions, in my judgment, are entitled to respect. He is not a "mollycoddle." I do not think he is a "milksop." He is a man who has served perhaps 20 years in the Military Establishment of this country. For his years, I presume, he has seen as much actual service and has been under fire as often as any other man connected with the Military Establishment. The gentleman to whom I refer is Maj. William C. Harllee, of the Marine Corps.

In presenting his testimony before the Senate Committee on Military Affairs, Maj. Harllee described his military service as

I belong to the Marine Corps, the soldier corps of the Navy. I have served in the Volunteer Army as private, corporal, sergeant, and first sergeant during the Philippine insurrection, and as a cadet at the Military Academy at West Point for two years, and for 17 years as an officer of the Marine Corps, appointed from civil life.

Instead of attempting to militarize America and to bring America to the ideals of the present military orthodoxy, why not Americanize our military institution and bring it to the ideals of America?

When you have brought the military system in harmony with things American, you will find a different attitude toward it and no necessity for such drastic measures as compulsory or universal service.

The American people are not pusilianimous; they have not lost their military virtue; they need no system bolstered up by courts, jails, and military constabularies to bring them to a proper preparation for national defense.

Our present military institution violates some of our best American traditions. Purge it of the distasteful things, make it businesslike, adopt in it accepted American methods, and you will find thousands of willing men—more than you can take care of for military training. They are not willing, however, to enter it as it now stands. I interpret it as a protest against our methods and not as any indication that American manhood is on the decline.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. KEATING. Yes.

Mr. MADDEN. Did the major describe what the American

military methods are that he proposed to establish?

Mr. KEATING. Oh, yes, indeed. He describes them in detail, and at the request of the members of the Senate Committee on Military Affairs he has even prepared a bill; and with the consent of the House I will insert it in the RECORD, so that Members may read it. It is a soldier's bill, not prepared with the skill of a lawyer, but it states in plain language what a soldier believes is necessary in order to Americanize the American Army

Mr. MADDEN. If a soldier has the ability to manage the forces of the American Army, he will probably be the general

of the Army and not a private.

Mr. KEATING. Why, not at all. The gentleman from Illinois will understand that in order to secure promotion in the American Army at the present time the man above you must either resign or die, and military men do not resign, and they do not die in any great numbers.

Mr. ANTHONY. Will the gentleman permit an interruption there?

Mr. KEATING. Yes.
Mr. ANTHONY. I will say to the gentleman that there are 1,700 vacancies in the American Army to-day.

Mr. HOWARD. Those are caused by the Hay bill. Those

vacancies have never been filled.

Mr. KEATING. Of course, I am not going to enter into act. The gentleman knows as well as I do and a great deal better the methods of promotion in the American Army. He knows, as a matter of fact, that it is in the main a case of the other fellow dying or resigning.

Mr. TILSON. Or retiring.
Mr. KEATING. Or retiring.
Mr. TOWNER. Is it not likely that a man who has served, as this man has served, in the ranks, knows something at least

of the men who are to go into the ranks?

Mr. KEATING. That is exactly the value of this testimony Here is a man of education, with experience as a private and as an officer.

Mr. GARDNER. Maj. Harllee served as a private as a volun-

teer and not in the Regular Army.

Mr. KEATING. That may be true. He served in the volunteer army as a private, and in various other positions. He has served as been at the Military Academy at West Point. He has served as an officer in the Marine Corps for 17 years. He knows something about the American Military Establishment. He goes on:

Our military institution is not an American development. It remains substantially unchanged since it was imported at the beginning of our Government from England and continental Europe, from countries where there were two classes of men—gentlemen and common men. The officers came from the gentleman class, the enlisted men represented the common caste. The situation fitted such a social structure, but it does not fit America. There is only one class of men here, except in the Military Establishment.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. KEATING. Yes.
Mr. CALDWELL. Has the gentleman examined into the walks of life from which our present American Army officers

Mr. KEATING. It is not a question of the walk of life from which an officer comes, but it is the state of mind in which he emerges from the Military Academy. I know that boys are appointed to the Military Academy who are the sons of hod carriers and the sons of blacksmiths, but when they come out of the Military Academy they feel that their whole social status has been changed.

of the Military
status has been changed.

Mr. KAHN. Will the gentleman yield?

Mr. KEATING. Certainly.

Mr. KAHN. The gentleman has stated that Maj. Harllee was in the Military Academy. Can the gentleman state why he left there?

Mr. KEATING. I do not know, aside from his testimony; but I take it for granted that a man who is now a major in the Marine Corps of the United States severed his connection with the Military Academy in an honorable manner.

Mr. KAHN. I dare say. He may have been dropped, and he would get an honorable discharge for that.

Mr. KEATING. He may have failed in an examination. He may have resigned. I do not know.

The CHAIRMAN. The time of the gentleman from Colorado

has expired.

Mr. KEATING. May I have five minutes more, Mr. Chairman,

on account of the interruptions?

The CHAIRMAN. The gentleman asks an additional five minutes. Is there objection?

Mr. GARDNER. Reserving the right to object, I should like to have 10 minutes in which to answer. I should like to couple

this with the gentleman's request.

Mr. KEATING. I scarcely think, Mr. Chairman, that that is a fair proposition. I do not object to it, but I will suggest this: I have sat in this House and have treated the gentleman from Massachusetts with the courtesy to which I felt he was entitled. I have never objected to one of his requests, and have never coupled one of my requests with a request made by him. I trust the gentleman will withdraw his request.

Mr. DENT. Mr. Chairman, reserving the right to object, I ask unanimous consent that all debate on this paragraph and

amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto conclude at the expiration of 15 minutes. Is there objection?

There was no objection.
Mr. CALDWELL. Will the gentleman yield?
Mr. KEATING. I can not yield, because I am really more anxious to present Maj. Harllee's views to this House than I

am to present my own.

The CHAIRMAN. The gentleman declines to be interrupted,
Mr. KEATING. Maj. Harllee proceeds:

The law recognizes two separate and distinct classes of men in our military service. They are absolutely separate and distinct. There is a line of cleavage between them. Pride and self-respect are the best elements of military character. Caste crushes them both. Napoleon destroyed caste because it injured the business. The impulse which the French Revolution gave to the French Army has never reached the American Regular Establishment.

There was no caste in the Confederate Army nor the citizen army of the United States in the sixties. Why breed it in barracks armies to serve as a model for citizen soldiery?

OATH OF ENLISTMENT OBNOXIOUS.

The thing above all others which prevents men from entering the military service is the oath of enlistment. It is an oath of bondage, Any other employer who contracted with men on this basis would be guilty of peonage—a felony under the law of the Nation which practices it itself. In my own experience in recruiting I found men unwilling to subscribe to such an oath. It is not fair to men who are unfamiliar with the military service to ask them to enter into any such agreement and it is not necessary. There is an instinct in young men which in-

spires an ambition to be a soldier, and plenty of men are willing and anxious to be of service if it can only be done in an honorable and respectable way—witness the men who went to Plattsburg—but they are not willing to be branded as men of a lower caste or in time of peace to subscribe to an oath of bondage.

#### DISSATISFIED MEN OF NO VALUE.

Unhappy or dissatisfied men are of no service to a military or any other body, and it is better policy to let them go, and then if everybody should go to inquire into the cause and seek the remedy. I am opposed to universal service or compulsory service or any other kind of service than that rendered by willing men. I am opposed to it, because dumb driven cattle can not be taught or trained. I am too proud to be comrade with Moldy, Shadow. Wart, Feeble, and Bull Cali in a Falstaffian host. Like King Henry rather "proclaim it to the host that he who hath no stomach for the fight, let him depart, for we would not serve in that man's company who fears his fellowship to serve with us." The Persians had universal service. The Greeks did not. It is not the size of your host, but it is the quality of it that adds luster to the arms. Unwilling men burden armies, eat its substance, retard its action, and give it panic. Even if there were enough jails and Federal constabularies to enforce universal service without riots among a people, it would not be good business to do it. The profession of arms ought to be honorable; spare it from contamination by Moldy and Bull Calis.

There is nothing subtle about military training. It does not require years to train a soldier. The individual instruction is simple. It can be done in weeks, and with the proper machinery developed in less time than any army can cross any ocean. It was done in the volunteer eigenents which went to the Philippines in 1899. Nobody there ever discounted the work of our Volunteers. It is done in the Marine Corps all the time. It was done at Plattsburg in a month. To cook, to bivouac, to march, to move from column of march into line of fight, to dig, to shoot, to give first-aid treatment, these are the salient points of a real soldier's instruction. Yet they are not the features practiced in the life of the barracks. Compare your mental picture of life and conditions at barracks with your mental picture of life in the trenches, or anywhere in Europe to-day,

BARRACKS LIFE INJURES MEN.

The barracks life in idleness impairs the usefulness of a man for the soldier or any other business. It atrophies the talents of its officers. It accustoms all to things not pertinent to the real soldier business and trains men in the wrong habits. It untrains men or overtrains them. Few officers can withstand many years of this so-called training and preserve their usefulness. Grant, Sherman, and Jackson had but few years of this training. Lee, J. E. Johnson, and Longstreet were staff officers and had little of the barracks training. Sheridan, Hood, and Stuart were young men who had received but little of it. Forrest, Hampton, and Gordon were citizens and had none of it.

It is a significant thing how many of the effective officers of both armies of our Civil War fall into these four classes: First, officers who had had a few years' service in the Regular Army—and part of that in the War with Mexico—and then went out into civil life; second, those who, while they remained on the pay roll, were staff officers and avoided the influences of this so-called training; third, young men who had been in but a few years when the war began; and, fourth, men who had always been civilians when the war began; and, fourth, men who had seen in but a few years when the war began, and it is significant how few of those who had spent their lives in the garrisons arose to the occasion in real war.

A NEW ACTIVE ARMY EACH YEAR.

## A NEW ACTIVE ARMY EACH YEAR.

A NEW ACTIVE ARMY EACH YEAR.

My plan for removing the objectionable features and for furnishing a system which wild develop habits of organizing real armies and a system of real training is this:

A new army each year. An active army—give it a good name, so it will be proud of its name. Its period of training to be not over six months, perhaps shorter, to accommodate it to the vacation period of colleges. Have no oath of enlistment. Pay its lowest grade respectable pay, but withhold all except a nominal monthly sum until the end of the period. If anyone wants to quit, let him quit, but without compensation. On the other hand, if anyone was not desirable, simply discharge him on the same basis and not resort to jalis, etc., to try to reform or make him obedient. One month at barrack's rendezvous for individual instruction, the remainder of the time afield. At the end of the period after marching back to the rendezvous discharge everybody and tie no strings to them.

strings to them.

Equip it with nothing but working clothes, a gun, some ammunition, a bag for carrying rations, suitable cooking utensils, a water bottle, and a blanket.

## HOW TO SELECT COMMANDERS.

At the time of discharge reappoint the leaders for the next year. Rearrange the present grades so that the commander of 10 men would be officer in as strict a sense as any other commander and as proud of his job. Appoint him in the same way and give him a respectable salary. The other commanders appointed at the same time, each grade selected by the next higher commander under whom they are to serve, and to be selected from the next lower grade, so that an officer must advance a grade each year or go out. This would send into civil life each year officers experienced in all grades, who would have been through the process necessary when we have to form volunteers into armies. It would furnish rapid advancement to young men of demonstrated capacity. Those who select their own subordinates could be relied upon to select the proper men, because their own chances for future selection would depend upon the work of these men. The only route to the command of this army should be through its ranks. This would dignify service in the ranks.

mand of this army should be through its talks.

After the discharge of the army and the selection of the next year's leaders these leaders could be organized in a school and taught special subjects and advanced military work and be given a normal course in teaching for their next year's work, and finally a suitable time before the next year's army was to be assembled could be the force which would recruit this army, and if they fall to recruit their armies under this plan, drop them from the pay roll.

# MANEUVERING IN THE FIELD.

After one month's individual instruction the different parts of the Army to move out without any tents and with but few wagons, and spend the remainder of the time afield in bivouac and on the march, assembling with other bodies forming larger bodies and moving toward the Government reservations of land, where field exercises with actual armies, instead of imaginary armies, would operate against each other.

An army thus afield would accumulate field habits instead of barrack habits, would furnish the staff an opportunity to cater to actual armies and discover their habits and needs. Federal hospitals could be established all over the country connected with such a system and also serve as public hospitals.

This army would have no dress uniform, no dances, no garrison life to foster caste. Most of its officers would be without families or dependents, and there would be no problem of taking care of their families. It would breed no permanent military class to live on the Government forever, for even its generals would have passed through its processes and into civil life before they became too old to begin civilian careers. Some could go into the permanent staff. There would be no retired list. Such an army would commend itself to businessilke Americans. It would not be suspected of loafing. It would have no caste, no bondage. It would be thoroughly American. It would furnish a reliable supply of tested leaders and would accustom us to the practice of efficiently using the material which must inevitably be the material for America's wars.

#### ARMIES DO NOT NEED TENTS.

ARMIES DO NOT NEED TENTS.

Training nowadays seems to run to getting into camp with tents. Lee's army had no tents, neither did Napoleon's, and I venture to say that you will find but few tents in Europe to-day—armies which can not live afield without tents are not armies; they are camping parties. Casar tells us that the Gauls did not sleep under roofs for seven years. An army which intends to move can not encumber itself with tents, and living in tents is not real training for real service.

So little preparation for real service have we had that our field-service regulations anticipate connecting with the wagons for rations every day. Men can carry on their persons a week's supply of a simple ration, and an army whose habits tie it to a wagon train is not the active army I have been picturing to you.

One of the false ideas which develop among peace-time and barrack soldiery is the fettich for regulation equipment. The soldier needs but little equipment, and as soon as he gets afield he quickly divests himself of everything superfluous. He needs a gun, some ammunition, a blanket, something to tote and cook his rations in, and a water bettie. It doesn't make any difference what is the pattern of his bag or his frying pan or even his blanket. The only thing that must be of a standard pattern is that his ammunition must fit his gun. When we get down to real business we will be glad to have him bring his blanket, his bag, and his frying pan from home with him, and we won't quibble over the cut of his uniform. This idea is not strange, if you will picture to yourself the armies of the sixties or the men in Europe to-day.

REAL VERSUS FALSE DISCIPLINE.

The true discipline is not the kind which reduces the man to the level of a horse teaches him to obey and do which reduces the man to the level of a horse teaches him to obey and do what he is told and nothing elections.

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REAL VERSUS FALSE DISCIPLINE.

The true discipline is not the kind which reduces the man to the level of a horse, teaches him to obey and do what he is told and nothing else and makes within him a fear of his officers and of the law. Such a discipline would not serve you in time of danger.

Real discipline is the discipline which comes from comradeship and community of interest. Active armies are always disciplined. Idle bodies are never so. The joy of labor is the panacea for discipline. Men should be trained to give expression to their thought and to depart from instructions in order to accomplish the purpose. An intelligent cooperation is superior to dumb and unreasoning obedience, and men who are trained to abandon reason are not the kind who possess true discipline.

Do not put your faith in any system of organizing reserves. When a man separates from the military service let him go without any strings upon him. No man can tell what his condition of life will be in the future, whether he can abandon his civilian pursuits or not. Industrial life in America is restless; men move from place to place. It is a different operation to collect men after they have gone different ways and identified themselves in different pursuits.

It is easier to start fresh and accept those who offer themselves and want to be accepted. Such a plan automatically accommodates itself to industrial conditions. Only those men who can disengage from industry will then serve. If you attempt to forcibly disengage men from their places in industrial life, you will have friction.

America needs not a nation in arms, for we have seen what a nation in arms has brought to humanity, but needs a system and working habits by which willing men, the only kind who are not a burden to an establishment, can be made by American methods into an efficient army—a system which will furnish leaders and teachers who know how to lead and teach and who have practiced the art of organizi

# MUST GET RID OF " DEADWOOD."

Whatever machinery you build up, whatever monopolies are created for the ground-floor people, we will find that in true need new men will spring up into leadership; brave and willing men will gather around them, as they did in 1861 and 1898, and unless your machinery is simple and direct it will fail and new and vigorous bodies will spring from the wreckage of your machinery and you will eventually accept them and call for more, but you will lose time and let enthusiasm dissipate while the so-called trained experts on the ground floor are telling you that they are no good.

If war should come now the most serious problem would not be that people would be lacking to bear arms, or would not bear them with credit to themselves, but it would be in working off the old deadwood which has risen to the top of the military service by the passage of time, men who are entrenched there by law, but who are unaccustomed to the habits of active armies. The development of new leaders and the casting off of the old were the real problems of the war of the sixtles. Why not develop leaders now by each year organizing armies for an active life outdoors?

The profession of arms is my profession. What I have said to you is not said in hostility, but in a desire to point out a plan which will bring the profession into closer friendship with the people of our country.

Mr. Chairman, the following is the bill prepared by Maj. Harllee at the request of the Senate committee:

- Sec. 1. Active Army; authority to raise.
  Sec. 2. Appointment of major generals commanding; duties.
  Sec. 3. Equipment and supplies.
  Sec. 4. Administrative control.
  Sec. 5. Eligibility for service.
  Sec. 6. Composition of active Army.
  Sec. 7. Subsistence.
  Sec. 8. Appointment and promotion of officers.
  Sec. 9. Requirements for enrollment.

- Sec. 10. Issue of clothing, equipment, and arms.
  Sec. 11. Not persons subject to military laws.
  Sec. 12. Preference with respect to civil service.
  Sec. 13. Pay and allowances of officers and men.
  Sec. 14. No military courts authorized; discharge for misconduct or unsatisfactory service.
  Sec. 15. Pension status.
  Sec. 16. The recruitment and instruction of the active Army.
  Sec. 17. Field training.
  Sec. 18. Discharge of Army; disposition of property.
  Sec. 19. Records and returns.
  Sec. 20. Money appropriated; administration of its expenditure.

An act for making further provision for the national defense by providing for the organization and discharge each calendar year of an active army and for the maintenance of a system of military training designed to develop efficient methods of training and the habit of organizing, equipping, training, and leading citizen soldiery.

An act for making further provision for the national defense by proderive army and for the maintenance of a system of military training,
designed to develop efficient methods of training; and the habit of organizing, equipping, training, and leading citizen soldiery.

Be if enacted, etc., That, in addition to the forces now authorised by
law to constitute the Army of the United States, the President is any
officence of the Control of the Control of the Control
as hereinafter described.

United States to be reorganized annually and trained and maintained
as hereinafter described,
as hereinafter described,
and for each division may appoint by and with the advice and
consent of the Seaste any person selected by him as a major general
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equipment, maintenance, and supply of the division under his commands;
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the open markets any or all the articles necessary for the equipment,
supply, and maintenance of the division under their commands, and

The officers selected by the President as major generals commanding to organize and command divisions are authorized to submit to the President the names of officers recommended by them for appointments as brigadier generals or colonels in their respective divisions. Brigadier generals will be appointed by the President by and with the advice and consent of the Senate. Congress hereby vests with the President alone the appointment of officers inferior to the grade of brigadier general and authorizes the President to vest the appointment of officers below the grade of colonel as follows:

Officers of the grade of lieutenant colonel, major, captain, and staff officers of all grades not included in the regimental organization by the major general commanding, and officers of all grades below captain by the colonels appointed to command regiments.

The following recommendations will be submitted by those designated for appointment or appointed in and for a division of each annual active army. Each brigadier general will submit to his major general commanding the names of those recommended for appointment as colonels and lieutenant colonels, majors, and captains in his regiment. Each major will submit to his brigadier general the names of those recommended for appointment as captains and lieutenants in his battalion, and each captain will submit to his major the names of those recommended for appointment in all grades of officers in his company. All these recommended for his information, but the appointing officer is not restricted to those recommended.

Sec. 9. That in time of peace no oath of enlistment will be required

appial will submit to his major the names of those recommended for appointment in all grades of officers in his company. All these recommendations will be forwarded with remarks to the appointing officer for his information, but the appointing officer is not restricted to those so recommended.

SEC. 9. That in time of peace no oath of enlistment will be required of those who earoll and serve in the active army, except an oath not oquit the service of the United States after war has been declared by Congress or when in the opinion of the President war or invasion is imminent, and then until discharged by proper authority, and when war is declared or war or invasion is imminent, to consider as binding the oath of enlistment set forth in article 109 of the Articles of War.

An agreement to accept from the United States such pay as is or may be established by law and such rations as may be furnished and to receive such articles of clothing, equipment, and arms as may be issued, and to have the cost of same deducted from the pay, and to forfeit all retained or undrawn pay in the event of quitting the service before being regularly discharged or of being discharged for misconduct or unsatisfactory service will be required of all officers and men alike who are enrolled in the active army.

Sec. 10. That clothing, equipment, and arms issued and paid for by officers and men who are regularly discharged will then become their personal property, but until they are honorably discharged the ownership of such property remains with the United States.

Sec. 11. That those enrolled and serving in the active army, unless otherwise subject to military law, and the Articles of War.

Sec. 12. That persons in the active army or honorably discharged therefrom shall receive the same preference with respect to appointments in the civil service and retention therein as is provided by existing law with respect to persons who have been honorably discharged from the service, except that in time of war or when invasion or naval iservice and

officers must provide their own quarters when Government quarters are not available.

When performing travel under orders, officers and men will be furnished with transportation or reimbursed for transportation, including authorized sleeping-car accommodations. Officers and men will be allowed \$1.50 per day for meals while traveling or when employed in recruiting. Recruits enrolled and other men below the grade of corporal may be furnished with quarters and meals at a cost not exceeding \$1 per day when not at a place where subsistence in kind is furnished. Orders involving travel and expenses for subsistence and quarters connected with the recruiting service may be issued at any time during the year by regimental commanders within the limits of the expenditure of sums allotted for the purpose by the major general commanding.

Sec. 14. That in time of peace or when war or invasion is not imminent no military courts for the active army are established and no officers or men will be imprisoned or confined as a punishment by military authorities, but all officers of the active army are authorized to arrest and deliver to the civil authorities offenders against the law of the land who belong to the active army in grades inferior to their own. Officers and men of the active army may be discharged from the service for misconduct or for unsatisfactory service, and those below the grade of captain shall forfeit to the United States the retained portion of pay which would otherwise be due them after satisfactorily completing their service.

Men and officers below the grade of captain may be so discharged by the regimental commander upon the regimental commander upon the regimental commander when t

Men and officers below the grade of captain may be so discharged by the regimental commander upon the recommendation of the company commander, approved by the battalion commander. Officers of the grades of captain, major, and lieutenant colonel may be discharged by order of the major general commanding, upon the recommendation of the regimental commander, approved by the brigade commander. Staff officers and men may be discharged by the major general commanding. Colonels may be discharged by the President. Brigadier generals and

major generals commanding may be relieved from command by the President, and if in their places other officers are appointed by the President and confirmed by the Senate their appointments will expire.

Sec. 15. That men and officers of the active army come within the pensionable status only when they become subject to military laws and the Articles of War in the time of war or when war or invasion is imminent. At other times their status is the same as any other civil employee of the Government, provided that officers or men of the Army, including National Guard and other parts of the Military Establishment, or Marine Corps serving in or detached for service with the active army do not thereby forfeit the benefits of such status or the benefit of continuous service or any other benefit which would have accrued to them had they remained in their previous service. Officers or men of the Army and Marine Corps serving in the active army do not cease to be persons subject to military law and to the Articles of War. In time of war or when war or invasion is imminent the status of the active army is the same as the Regular Army in respect to the Articles of War, in respect to all benefits so far as the laws and regulations are applicable to officers or men whose permanent retention in the military service is not contemplated by existing laws, and in other respects not herein provided for. No distinction will then be made between the active army and the Regular Army in legal processes.

Sec. 16. That for active armies for training, the months of January, February, and March are designated, as the officers' school period. The month of April as the recruiting period. The months of May and June as the inishing period. The months of July, August, and September as the finishing period. The months of October, November, and December as the finishing period.

The officers of the active army for training will assemble at their own expense for transportation by regiments at such rendezvous as are designated by the respective ma

period.

The major generals commanding will designate the recruiting rendezvous for each company or regiment. The captain of each company, with the assistance of the officers of his company, will recruit his own company and begin the instruction of each man as soon as he is en-

company and begin the instruction of each man as soon as he is enrolled.

As soon as possible in the instruction period the companies of each regiment will be assembled at regimental rendezvous designated by the major generals commanding and equipped for service, and a curriculum of instruction, including practical and theoretical instruction in rifle practice, intrenching, field cooking, first-aid treatment, bivouacking, marching, and the necessary field evolutions will be begun, provided that companies may be designated as school, college, or university companies to recruit their privates principally from students in attendance at schools or other institutions of learning, and such companies may be equipped and receive their instruction during the period of instruction at the places where they are organized at hours which do not interfere with the hours of schools, and their assembling at the regimental rend-zvous may be delayed until the beginning of the field period. The men of such companies will receive no subsistence until the companies join the regiments, and their privates will be discharged in time to permit them to be present at the beginning of their next school term.

period. The men of such companies will receive no subsistence until the companies join the regiments, and their privates will be discharged in time to permit them to be present at the beginning of their next school term.

When the officers of a company fail to recruit the company to its minimum required strength by July 1 all the officers may be discharged and the company may be replaced by a company detached from the Army, National Guard. or Marine Corps, or a volunteer company may be accepted and its officers appointed without regard to previous service, or its place may be left vacant. Recruits may be received at any time before the completion of the field period, provided the strength of the company does not exceed the maximum authorized strength. Companies will be subdivided into squads commanded by corporals and sergeants, and the integrity of the squad organization will be preserved by making them when afield the messing units to which issues of rations are made, and by utilizing the squad organization whenever possible in the performance of work and duty.

Sec. 17. That at the beginning of the field period all regiments will be moved out from their rendezvous and assemble afield with the other regiments of their brigade and remain afield during the remainder of the field period or until ordered to their respective rendezvous for the discharge of the privates.

The movement of the armies thus afield will be planned to utilize Government or State reservations or other tracts available at a reasonable cost for field exercises and maneuvers. During the field period the principal method of moving troops will be by marching.

Armies afield will be equipped with the minimum of equipment necessary transportation. Troops will habitually bivouac or temporarily occupy available buildings, and their movements and stops will be regulated to take advantage of the use of existing storehouses, commercial transportation, and the agencies of commercial supply. Only one kind of uniform will be required of each soldier and

accumulation and transportation of property unnecessary for field service will be prohibited.

The brigades of the division will be ultimately assembled for division maneuvers and evolutions, and for the purpose of holding grand maneuvers the President may organize the several divisions into two or more armies under the tactical command of officers who have organized and commanded divisions of the active armies.

Sec. 18. That in the later part of the field period the regiments will return to their respective rendezvous, where the privates will then be discharged by the regimental commanders. No transportation will be furnished to the place of enrollment.

During the finishing period the property will be secured and held ready for use of the next year's field army, and the accounts and records will be completed and submitted. Where an officer has acquitted himself of his accountability and responsibility, he may be granted, upon

his application, by the regimental commander a furlough on full pay of not exceeding one month, and may be discharged to take effect at the end of his furlough, and receive his furlough pay in advance: Provided, That no pay will be paid for a period after December 31. During this period the officers present, not otherwise employed, will be instructed in the military arts and science.

The property of the active army may be delivered into the custody of officers of the Regular Army designated by the Secretary of War to receive it, and when so received it will be held in trust for delivery to the succeeding division of the active army without transfer of funds, and such parts of it as are from time to time needed will be transferred, upon request, to the authorized agents of the major general commanding.

Sec. 19. That all returns, muster rolls, and records of personnel of organizations of each division of the active army shall be rendered to its major general commanding, shall be transmitted by him, and filed in the office of The Adjutant General of the Army. Medical records will be kept and filed as required for medical records of the Regular Army.

in the office of The Adjutant General of the Army. Medical records will be kept and filed as required for medical records of the Regular Army.

All money accounts and property returns of officers in each division of the active army will be rendered to major general commanding, who shall have administrative control. He shall make such consolidated accounts and returns to the Secretary of War as the Secretary of War may require, and cause the disbursing officers under his command to make the required returns to the accounting officers of the Treasury Department.

SEC. 20. That the sum of \$40,000,000 be, and is hereby, appropriated, out of any money of the Treasury not otherwise appropriated, for the purpose of raising, organizing, equipping, training, and maintaining the active army of the calendar year 1918, which sum may be expended in part in each of the fiscal years ending June 30, 1918, and June 30, 1919: Provided, That this sum will be allotted by the Secretary of War among the several major generals commanding divisions of the active army, to be expended and disbursed in each division under the direction of its commanding general, and for any and all purposes set forth herein, and that the commanding generals are responsible only to the Secretary of War and not to any bureau of the War Department, and the control of the property purchased from the funds of this appropriation remain with the commanding generals of divisions of the active army, and when stored in depots or transferred to officers of the Regular Army for safekeeping it remains in trust for the use of the active army.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GARDNER. Maj. Harllee is a gentleman with ideas which differ conspicuously from those of his associate officers and from the enlisted men.

As I told the House late the other afternoon, I went to the border in November largely with the idea of finding out why men do not enlist in the Regular Army. I went to the El Paso, Tex., district, and subsequently I went down to Colonia Dublan, in Mexico, in order to visit the Regular Army there and see the enlisted men. I began at El Paso by going to the Young Men's Christian Associations of the National Guard and getting in touch with individual National Guardsmen through the Young Men's Christian Association. Then I went to Chaplain Axton, at Fort Bliss. By him I was put in communication with six different enlisted men of the Regular Army who had been on recruiting duty themselves. Recruiting officers stay in an office and attend to the paper work of enlistment and the administra-tion of oaths. The enlisted men on recruiting duty go down on the street corner and argue with the would-be recruits.

After my investigation at Fort Bliss, Tex., I went down to Colonia Dublan, in Mexico, and there I met five more noncommissioned officers and privates who had been actually on recruiting duty. Altogether I met and interviewed 11 noncommissioned officers and privates, representing five different or-ganizations. In no case did they have an opportunity to con-sult with each other beforehand, because in no case did they know what I wanted to talk about. In one case the arrangements for the interviews were made by the chaplain and in the other case I think that they were made by the son of the gentleman from Nebraska [Mr. Shallenberger]. When I went down to the border I was imbued with the idea that this Army caste business about which the gentleman from Colorado [Mr. Keat-ING] has been talking, had a great deal to do with the shortage of enlistments. I talked with Regular officers with whom I had served, and I pointed out that there was this idea about officers' snobbishness abroad. My friends felt that I had been misled. I said, "I am afraid there is something in it." I went to the border with that idea, but after I had looked into the matter I changed my opinion 180 degrees. In other words, I exactly reversed my former views. The 11 men whom I interviewed were unanimous in declaring that there are two principal reasons for nonenlistment which stand out beyond everything else. One of these reasons is that we do not pay our men enough, and the other reason is because there is too long a con-tract of service.

Mr. KEATING. If the gentleman will yield, Maj. Harllee has recommended that the pay should be increased, and I agree with

Mr. GARDNER. Every one of those enlisted men agreed that these were the principal reasons for the scarcity of recruits, and 10 out of the 11 men agreed to as a deterrent the low pay outweighed the long contract for service. The eleventh thought that as a deterrent the long contract of service outweighed the low pay.

Mr. CRISP. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. CRISP. Were the 11 men whom the gentleman interviewed members of the Regular Army or National Guard?

Mr. GARDNER. They were all noncommissioned officers or privates of the Regular Army who had been on recruiting duty. I think that 10 were noncommissioned officers and that 1 was a private.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GARDNER. Yes.
Mr. HUDDLESTON. Does the gentleman think that he could have got a candid answer from these men if they felt that they had been degraded by the enlistment, because of the system that

prevailed?

Mr. GARDNER. I am quite sure these men were talking to me as they believed, and not trying to conceal their opinion on the caste system. I said, "As a matter of fact, is not there a lot in this caste business? Is it not the fact that the officers have a social air about them and try to put it all over the enlisted men, and when they see you with a lady on the street and you salute, is it not true that they are toplofty and perhaps fail to return the salute?" The soldiers replied that that was all "guardhouse lawyer" talk. I was astounded at the unanimity with which those enlisted men said that there was nothing in this talk that "Garri, rechibile to the content of the salute of the said that there was nothing in this talk that "Garri, rechibile to the said that there was nothing in this talk that "Garri, rechibile to the said that there was nothing in this talk that "Garri, rechibile to the said that there was nothing the said that there was nothing to the said that there was nothing to the said that there was nothing to the said that there was nothing the said that the said that there was nothing the said that the ing in this talk that officers' snobbishness impedes enlistment.

Mr. BAILEY. Will the gentleman yield?

Mr. GARDNER. Certainly.
Mr. BAILEY. On the subject of the low pay, I have heard that matter raised a number of times. Is it not a fact that the pay of the soldier, taking into consideration all the other ele-

ments that enter into it, is about as good as it is outside?

Mr. GARDNER. Oh, nothing like as good. It is \$15 or \$20 less per month than the pay of the average workman. Men are willing to make some sacrifice, but are not willing to do all the sacrificing in the community. A community is nothing but a great group of men. Supposing that a dozen men get together and decide that some one of the lot has got to do the fighting. Here is Jones; he is getting \$95 a month as a bricklayer. Another man gets \$28 and all found as a farm hand, and the next man is getting \$1,000 a year as a clerk. And so they say, "Garden, you go ahead and do the fighting." I say, "What will I get as my share if I do the fighting?" "Oh," they reply, "You will get \$15 a month, all found, and take the rest out in patriotism." That is what we are saying to our recruits. [Applause.]

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GARDNER. Yes, Mr. SMITH of Michigan. I see by the record that Gen. McCain is quoted as saying that the enlistments are 2,000 a

Mr. GARDNER. Oh, more than that; they average 4,000 per month. I think that the General testified that we gain about 2,000 men a month, net. But we have only gained 16,500 above our losses in the nine months which have elapsed since we passed the joint resolution of March 17, 1916, authorizing the President to bring the Regular Army up to its full strength, which as we were told, meant an increase of 20,000 men. Instead of getting those 20,000 men promptly, it has taken us over nine months to raise the strength of our Army by 16,500.

Mr. GREEN of Iowa. The gentleman would have to increase the wages of farm hands 50 per cent, if I understood him cor-

rectly.

Mr. GARDNER. Oh, I know that wages differ in different communities. In Virginia, for instance, white farm laborers get about \$18 a month and bacon and pork and fuel and housing for themselves and families. In some States the pay of farm laborers is higher and in others not so high. I have been over this question with a great many men in the National Guard. I specially tried to find out what the National Guard thought about the Regular Army. I got Gen. Bell to send out a list of questions to every first sergeant of the National Guard in his command, and there were 296 of them; and to every National Guard captain in his command, and there were 296 of them also; and to every National Guard colonel; and to every National Guard major who commanded a separate battalion, making 612 inquiries in all sent out at my request. Under the order issued each reply was to be returned not through military channels but directly to Gen. Bell, with the understanding that the name of the signer was to be held confidential. One of the questions

asked was: "Have you any ideas as to universal military training; and if so, what are they?" Five hundred colonels, captains, and first sergeants replied that they were in favor of universal military training and only 10 opposed it.

Listen to the questions sent out by Gen. Bell and listen to the

answers:

Here is Gen. Bell's order:

Headquarters, El Paso District,

El Paso, Tcx., December 13, 1916.

1. The following questions will be answered by each regimental commander, company commander, and first sergeant of the National Guard.

2. The answers will be written with a typewriter or pencil and the completed paper will then be sealed in an official envelope and mailed without delay direct to the "Commanding General, El Paso District, Mills Building, El Paso, Tex."

3. The district commander desires that each man called upon for report express his opinions without consultation with anyone.

By command of Brig. Gen. Bell:

H. H. Whitney.

H. H. WHITNEY, Lieutenant Colonel, Adjutant General, District Adjutant.

Here are the questions and answers:

No. 1. Question. Would the instruction of the National Guard proceed more rapidly if more Regular officers and noncommissioned officers were detailed for service with the National Guard?

Answer. Yes: Colonels, 18; captains, 190; first sergeants, 180; total yes, 388. No: Colonels, none; captains, 41; first sergeants, 53; total no, 94. Conditional: Colonels, 2; captains, 50;

first sergeants, 38; total conditional, 90.

Note.—The noes were qualified in about half of the replies by the statement that there were "already enough," meaning. that one Regular officer and three Regular noncommissioned officers as at present detailed for the instruction of each regiment were ample.

No. 2. Question. Are the officers and enlisted men of the National Guard desirous of the instruction from the officers and noncommissioned officers of the Regular Army? If not, what

is the reason?

Answer. Yes: Colonels, 16; captains, 217; first sergeants, 205; total yes, 438. No: Colonels, none; captains, 12; first sergeants, 30; total no, 42. Conditional: Colonels, 4; captains, 49; first sergeants, 17; conditional, 70.

No. 3. Question. Can you suggest any way in which the officers and men of the Regular Army cooperate more fully with the National Guard in the development of a citizen army?

Answer. The answers to this question may be roughly classified as follows: More cooperation by friendly intercourse and a closer relationship, 122; more careful selection of Regular Army instructors, 28; more instruction from Regular Army, particularly at home stations, 83; sundry suggestions, 50.

Note.—Over 70 replies to question No. 3 desired one regular officer with each regiment or separate battalion and one noncommissioned officer with each company instead of only three

for the whole regiment, as at present.

No. 4. Question. Have you formed any opinion on the question of universal military training? If so, what are your ideas? Answer. In favor: Colonels, 16; captains, 250; first sergeants, 234. Total yes, 500. Against: Colonel, 1; captains, 5; first sergeants, 4. Total no, 10.

No. 5. Any additional remarks you may have to make bearing

on the above.

Many of these remarks are most valuable. They will be made a subject of special study at Gen. Bell's headquarters,

Many a time in a speech on preparedness I have advocated universal compulsory military training. Every time I have been rewarded with thunders of applause. Moreover, recently when I tried it in the Middle West, in Cincinnati and in Detroit, I had as much applause for compulsory military training as I

could have hoped for in my home town. There are several improvements which I wish I could see made in the lot of the enlisted man. I wish we would pass a law preventing such duty for enlisted men as the grading of the parks around some of the Army posts. I do not believe that that sort of duty is what they enlist for. The larger number of recruits come from the class of men whose necessities require them to take \$15 a month because no better job is in sight. A lad comes to St. Louis, let us say. He thinks that he is going to find a good job on every street corner. Pretty soon he finds that he can not get a good job, and so he is obliged to take a poor job at \$15 per month, unless the I. W. W.'s persuade him to stay away from the recruiting officer. If the recruiting officer persuades the recruit, Uncle Sam takes advantage of the latter's necessities and gets him to work for \$15 a month.

The largest fraction of our recruits are men whose financial The second largest element is comnecessities are pressing. posed of men of an adventurous spirit, men who want to see the world's wheels go around, men who want a novelty. Probably the adventurer makes the very finest soldier of them all. A third class is composed of men who are tired of the particular job which they are doing at the time of their enlistment. For instance, a man may be a stonemason. He gets tired of being a stonemason, and he enlists in the Army, not because he is out of a job but because he is tired of being a stonemason. Then there is a fourth class—"snowbirds," as they call them. They come along in December and January, when the cold weather sets in, and they enlist with a deliberate purpose of deserting when the warm weather comes around. Their number is not large. I have gone carefully into those figures of Gen. McCain. It is true that we are gaining soldiers more quickly than we are losing them; but two things must be remembered: In the first place, winter enlistments are always larger. Furthermore, look at the actual figures: From February 29, 1916, to December 31, 1916, 10 months in all, the entire Army, notwithstanding all the reservists called back or held to the colors, was increased by only 16,521 recruits.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn and the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:
Contingencies, Military Information Section, General Staff Corps:
For contingent expenses of the military information section, General
Staff Corps, including the purchase of law books, professional books of
reference; periodicals and newspapers; drafting and messenger service;
and of the military attachés at the United States embassies and legations abroad; and of the branch office of the military information section
at Manila; the cost of special instruction at home and abroad and in
maintenance of students and attachés; and for such other purposes as
the Secretary of War may deem proper; to be expended under the
direction of the Secretary of War: Provided, That section 3648, Revised
Statutes, shall not apply to subscriptions for foreign and professional
newspapers and periodicals to be paid for from this appropriation,
\$11.000.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. I have been very much interested in what both the gentleman from Colorado [Mr. Keating] has had to say of Maj. Harllee's statement and the statement of my distinguished friend from Massachusetts [Mr. GARDNER]. Having at one time had a little experience in the Volunteer service, I think I can put my finger on some of the difficulties we are having in the recruiting of men in the Regular Establishment. In the first place. I want to say this-that I think, as these appropriations increase, and they have enormously increased, the people of this country are going to demand a more efficient administra-tion of our affairs, both as to the Navy and the Army. [Ap-

plause.

The business men of this country are paying for this preparedness propaganda, as our revenue legislation will disclose. There is no doubt about that, and I do not mean to say that it is wrong that they should pay for it. Here is one of the great troubles about the Regular Army: In the city of Atlanta, in my district, we have what is known as Fort McPherson. battalion post at this time. We have a battalion of soldiers out there, a minimum-strength battalion. They go out there and they get up in the morning to the same bugle call and go through the same drill the same length of time, see the colonel or the major sitting on the same horse, eat the same food, and then go down and start to play cards, or do anything on the face of the earth to kill the monotony of camp life. It is a fact that a man when he gets into the Regular Army feels that he is there absolutely stagnating for the time that he is in, and that when he gets out he will not be any better prepared for anything else in life than he was when he came in, and, in addition, he has acquired the habit of being trifling and lazy. whole truth about it. Another thing: There is not enough personal interest manifested by the officers in our Regular Army. I agree with my friend Keating from Colorado. I believe the Army officers and the Navy officers-and I believe it because of overt acts, from their manner, from their method of dealing with the practical questions of life—think that when God Almighty made each one of them he took a day off to do it, and did not do anything else on that day but finish him up. been reliably informed that they have got a rule over here at this Naval Academy that if a student's old mother comes to see him on his graduation day, or comes over there at some com-mencement, and that cadet goes down to the depot to meet his mother, and she has got a hand satchel that weighs 40 or 50 pounds, that that young fellow can not reach down and take his old mother's hand satchel, because it is below the dignity of an officer in the great American Navy to be polite to his old mother and carry a package of any kind. Well, God save the mark if that is the rule. [Applause.]

Mr. CALDWELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CALDWELL. I think the gentleman is entirely wrong about that proposition.

Mr. HOWARD. Oh, well, I do not know whether I am or not, and I do not think the gentleman knows; I hope I am wrong, but I have seen it stated in the papers and it happens that I have a friend of my family who visited over there last year at commencement and she tells me it is one of the rules. I do not know whether it is or not, but she heard it just like everybody else heard it; but I know they come out of there "feeling their oats" just a little bit more than before they I do not know what is the cause of it but there is something wrong when education makes a fool out of a fellow about some things. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent for

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? (After a pause.) The Chair hears

Mr. HOWARD. Now, I happen to have had the honor of serving on the Committee on Military Affairs of this House for two years and I tried to inform myself about some of the things while I was there. My honest judgment is that with every lump-sum appropriation that is made for the Army or the Navy 331 per cent of it is lost in the motion of getting that money to the real benefit of both services. Now let us see. We have in the American Army one of the craziest ideas I have ever seen stood for by people who have got any plain ordinary common sense. For instance, an officer will be stationed in New York. He is a first or second lieutenant, and they will issue an order, just like they were moving chess on a board, and they will ship him from New York to San Francisco, and they will take a man in San Francisco and ship him to New York to fill that officer's place. Then they will pick up a fellow in Maine and send him to Texas, his household furniture and everything costing him more, and we lose in absolutely useless transfers of officers anywhere from a million to a million and a half dollars a year. The men do not have time to form any personal attachment for their officers. They are transferring them all the time at the expense of the people for no particular reason.

Why is my distinguished friend from Connecticut [Mr. TILson] so popular with his regiment? It is because he stays with them; they know him; they know what sort of a man he is and love him because he is human and considerate, and they are willing to do anything on the face of the earth he wants them to do. Why not adopt that same sensible system in our Regular Army? Now, another thing. Until we offer the American boy Why not adopt that same sensible system in our Regular something besides money to serve in the Regular Army you will never get those boys to enlist. I do not care if you raise it to \$24, I do not care if you raise it to \$28 per month, you will not get the men much faster. I will agree that it may stimulate en-listments in hard times, but men would rather work for somebody else after they know what service in the Regular Army is at less wages than to work for the Government. Now, let us see how you can get them. I venture the assertion that if some practical man will work this out and say to the boys in every State in the Union, "We are going to establish an Army post in each State. There is going to be a distinctive, natty uniform; that the years of enlistment are going to be six; that you are going to serve two years with the colors and that during those two years we are not only going to teach you how to drill, how to ride, how to shoot, how to pitch tents and dig trenches, but we are ging to teach you something else. We are going to teach you something that will stay with you and benefit you when you go out. We will teach you agriculture, we will teach you how to become a blacksmith, or how to become a mechanical engineer. We will teach you mathematics, and grammar, and writing. Why, these retired officers are running around here doing nothing, and everyone of them could be used in this educational department in each State in the Union, and if you would let the young country fellow know that he can go to his own State, associate with boys of his own State, that he would be near his home while he is being trained as a soldier and that he could get some finishing touches put on his education, you would have to take a baseball bat and stand in front of the recruiting office and beat them away instead of going out and expending millions of dollars to get soldiers for the Regular Army. [Applause.] That is what is the matter with the Regular Army. You do not offer the young Americans anything. They do not want to become drones and you mold them just like you mold bullets.

Mr. FARR. Will the gentleman yield?

Mr. HOWARD, Yes.

Mr. FARR. These opportunities the gentleman describes are given to boys in the Navy, and yet we are 25,000 short.

Mr. HOWARD. Yes; that is true in a measure of the Navy; but what would be the condition of your personnel if it had not been for the institution of these schools by Secretary Daniels?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask leave to extend my remarks in the RECORD on this particular subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears

Mr. HOWARD. Under the leave granted me I desire to incorporate as appropriate to this discussion a copy of an article I wrote last year for one of our daily journals in which I went into detail as to the plan for really building up a standing and reserve army in this country of at least 500,000 trained-to-theminute men:

"My experience on the Military Affairs Committee has convinced me that there are many abuses, uneconomic policies, and lack of cohesion in the administration of the affairs of the War Department. We get too little for the amount we expend, the per capita cost being in excess of \$1,000 per annum.

"Then, again, our present system creates no nucleus for a reserve army of trained men that may be mustered into the service upon short notice in formidable numbers for defensive purposes.

"Further than this, we are using too many of our officers in purely clerical positions in the War Department. These officers are drawing large salaries; they attained their military training at a cost of \$16,000 each to the people; and in view of the continued shortage of Army officers they should be in the field performing the duties they were educated to perform and leave such departmental service to civilian employees.

"I have collaborated with one of the most brilliant young officers in the American Army on a practical plan for the future Army. I feel that I would be unfair to this splendid officer if I did not state that every professional detail of this plan should be accredited to him.

"The cost of this plan, in my judgment, will not be over thirty millions additional a year. It gives adequate security to the Nation. It will stimulate interest in military affairs; and I confidently submit it to the people as sound from a military standpoint, from a patriotic standpoint, and most economical in every detail.

"A great many measures upon military preparedness, pro and con, will be introduced in Congress, which will tend toward mental confusion; but if each thinking American will make himself conversant with the defects of our present Military Establishment and our military needs, in the light of the recent lessons given us by the present world war, public opinion will soon intelligently express the will of the thinking people, and certain general plans of action will be accepted, others rejected, all of which will tend to prevent the referred-to mental confusion in Congress.

"I propose to first ask you to accept a universally acknowledged military principle, then I will discuss, first, the defects of our present Military Establishment; second, our military needs; third, the present proposed changes to meet these accepted needs; and I will conclude by outlining for your consideration my plan above referred to, and will discuss its merits from every angle.

"Two weeks ago England announced that no troops who have not had at least one year of constant training would be sent to the front. In other words, war has become a science demanding, more so than heretofore, that even the private be scientifically educated and trained, which can not be accomplished in less than one year of continuous service with the colors. This is the acknowledged military principle I must ask you to accept. Since we have been in the past successful in all our wars without acknowledging this principle, a fallacy has grown up in this country that a brave man with a gun is a soldier. Any nation that sends its untrained sons in this day and time to the front to face a scientifically trained and educated army commits ignominious murder. Our military history also proves this principle, but our final successes have caused us not to notice or realize the great unnecessary cost in blood of all our wars. I ask you to accept with me this military principle, not only in order to prevent our sons from being sent untrained to war and ignominiously murdered, but also because the ultimate fate of this Nation might be endangered in any war if we should meet a scientifically trained and educated army with troops of less than one year's training.

"I will now briefly discuss the most glaring defects of our present Military Establishment. A regiment of our Infantry— and Infantry is the backbone of the Army—on paper during peace times consists of 12 companies of 65 men each. A regiment is commanded by 50 officers. This number of officers would

not be increased at the outbreak of war, but each company would be increased by 95 untrained men, making each company 150 men in number of each regiment 1,800 strong. Thus we see the peace efficiency of the Regular Army would be nullified at the very outbreak of war by being swamped with untrained men. if 50 officers are necessary to command 1,800 men during war, but only train a regiment of 780 men during peace times, we are not using our plant at its maximum efficiency or speed. During business depressions the recruiting officers have no trouble keeping each company at a strength of 65 men, but during prosperous times men will not enlist, and companies decrease in strength, often as low as 20 men per company, and are officered and trained by, theoretically, 50 officers. Therefore we see our system is extravagant, if we compare the amount of protection it affords us with the money we spend on it. It resembles a commercial plant running at less than two-fifths of its capacity. Such a condition of affairs proves, first, we are not now during peace reaching the proper voluntary enlisting spring of the Nation, and, second, our plant would only be running at two-fifths its capacity, even should we be able to get 65 men for each of our companies.

"The keeping up of our numerous small posts causes unnecessary expenditures from every point of view. Many of them are distant from our great strategical points, which in most cases are our largest recruiting centers, thus causing large transportation expenditures in sending the men to these numerous and distant small posts and at the end of three or four years returning them to the enlisting places. By saving this unnecessary transportation hundreds of thousands of dollars could be saved each year. The country is crowded with small posts, the upkeep of which costs immense sums. By selling these small Army posts, with this money for larger commands, a saving would accrue, because a brigade post could be maintained at a less cost than three regimental posts. Also it is cheaper to feed 1,800 men than it is to feed three groups of 600 men each.

"When we consider the numerous enlistments during hard times and the few enlistments during prosperous times we come to the conclusion that a great part of the Army is recruited from an undesirable element, which has a tendency to cause the profession to be looked down upon by the layman, whereas it should be looked up to. This undesirable element also contaminates a great many young men, especially those from the South and Middle West, who enlist to go abroad to see the country. This deleterious condition should be corrected at once.

Now we come to a more vital defect. It will be the future policy of this country to rely in time of great national danger upon the discharged soldiers, and during peace the Army should be a school turning out a certain number of trained soldiers each year; these men to constitute the great reserve army to which the country looks for protection when war is declared, and not to the small standing army. Since our Army is turning out trained soldiers at the present time at less than two-fifths out trained soldiers at the present time at less than two-fifths its capacity and about 30 per cent of the discharged soldiers reenlist, thus reducing the number available for the reserves, we see that the present system if continued will never supply us with a reserve army, and we will be forced to send our un-trained sons forth to fight our battles and be defeated and mur-When we take a pencil and paper and figure the number of trained men our military plant could, by running on a maximum-number basis, transfer to the reserves each year we see that the Army is too small to serve this end, the end being to supply us with trained men for a reserve army of 300,000 men, which our military experts tell us is necessary to make this country secure from invasion. Also when we study the personnel of any regiment we find it composed of men from practically every State in the Union, and a practical mind will at once see the impossibility of keeping 'tab' on these men when they are discharged and return to the four corners of our country. To keep a record of 300,000 discharged soldiers, assigned to and discharged from scattered regiments in the heterogeneous manner that is now in vogue, would require an army of clerks.

"Now, let us discuss our military needs. Our War and Staff Colleges tell us convincingly that in case our fleet was destroyed or rendered useless, say, by being in the Pacific Ocean when it should be in the Atlantic, or vice versa, and the Panama Canal out of commission, certain strong military nations have, individually, sufficient merchant marine to land a complete army of 300,000 men, out of range of our coast defenses, capture them from the rear, and immediately, unopposed, capture the adjacent cities (New York not being excepted), and they notify us that our greatest possible military need is to be sufficiently strong in organized and trained men to render such an invasion from any nation impossible. Hence it is clearly the duty of Congress to provide this Nation with sufficient protection to make such an invasion impossible, and to do so in the most economical manner as regards money and men permanently withdrawn from

civil life. These military experts convince us that to secure the desired amount of necessary protection our mobile army should be increased by 10 regiments of Infantry and 4 regiments of Field Artillery, the National Guard rendered more assistance and thus made more efficient, and that we should have an organized, officered, and trained reserve army of 400,000 soldiers. I think these demands are sufficiently modest, reasonable, and can

be economically supplied.

"Then, let us now take up and discuss the different proposed measures which would supply us with the desired Regular Army increase, an efficient National Guard, and a reserve army of 400,000 men. To date all proposed plans for increasing our Regular Army have passed over this vital issue by saying: 'We will increase our Regular Army by 10 regiments of Infantry and 4 regiments of Field Artillery,' but they do not tell us what spring of national impulse or sentiment to press during prosperous times to obtain these additional men or even the present authorized number of men. All of these proposed plans contemplate continuing to operate our expensive Army plant at two-fifths its capacity; they do not attempt to settle the question of selling or abandoning our undesirable posts and placing our small Army at strategical points; they do not correct our present extravagant transportation expenditures by working out a sane plan of assigning and discharging our soldiers, which would also keep them available for reserve use. No plan so far has figured out what economical changes can be effected in our Regular Army, and how this money saving can be used to partially offset the additional expense of increasing the Army. Until these questions are considered and corrected, to increase

our regular mobile army would be unwise.

"All appear agreed upon the plan of assisting and improving the National Guard by paying them when in camp from both the State and Federal Treasury, and it is certain that this would be of some assistance. However, I do not think such an expenditure a wise one until we correct certain defects in the National Guard system as it now exists. We should change the National Guard so as to make it dovetail into any radical change in our military policy. The spending of Federal money upon inefficient National Guard troops that can never become efficient should not be allowed, but the spending of the Federal money upon even inefficient National Guard organizations situated so that they can be made efficient should commence at once. By efficient National Guard I mean an efficiency possible of being attained at the end of two years' service, which would be equivalent to a degree of efficiency obtainable by one would be equivalent to a degree of emiciency obtainable by one year of continuous service. You see I adhere, and ask you to adhere, to our accepted principle that we can not use untrained troops in modern wars, and I will not willingly consent to Federal money being spent except in carrying out this principle. ciple. No plan of assisting our National Guard proposed to date that I know of takes cognizance of the fact that some National Guard organizations have attained an efficiency almost equal to our Regular Army, while other organizations have for years decreased in efficiency and have been juggled around to meet

State and city politics.

'Some cities, having an unusual boosting spirit, have increased their complement of National Guard organizations to such an extent that they have been unable to keep them efficient, because interest soon subsided. To spend Federal money on such organizations would not be to our interest; but to reduce, say, a lightly recruited and inefficient regiment to a battalion which could take care of all the men previously in the regiment and then spend the Federal money in making that battalion as efficient as our Regular Army is highly desirable. The only injustice that such a step could cause would be in the letting out of the National Guard of a great many officers who have spent time and money in the same. However, these men should be taken care of in the reserve army. So instead of enlarging our National Guard and paying it out of our Federal Treasury I favor first putting it in some cases in such condition that it can become highly efficient and then rendering it Federal aid. I believe such a plan would serve best the interests of both the Federal and State Governments and meet with approval from all National Guard officers. This would not affect those splendid regiments of National Guard that have attained a high degree of efficiency but would assist them in the manner they are now asking of Congress.

"Numerous schemes have been proposed for securing our re-

serve army of 400,000 civilians and securing officers for the same. Most of these plans prove to be theoretical and not practical upon examination. They do not recognize the defects in our present recruiting system, nor do they take into consideration the abroard of the same of the sideration the abnormal amount of interest in this subject caused by the atmosphere being electrified by the present world war and appreciate that this interest will subside when the war

is over. I dismiss Gen. Wood's scheme of using our business men right here by asking if you believe that 10 years from now, when the world war is over and the atmosphere is not electrified with war, will it be possible to get the mayor of New York and 1,000 of the leading men of that city to go to Plattsburg and spend one month under canvas learning to become soldiers? Look back 10 years and see if such a camp was possible. It is also impossible because it violates our accepted military principle by attempting to make reserve officers out of these gentlemen by a month's training each year.

"The scheme now being proposed by the Secretary of War for reserve army of 400,000 civilians is as follows: Every year 133,000 civilians would be asked to enlist for three years with the colors and three years on furlough, but during the three years with the colors would be required to undergo an intensive service for a short period of one or two months, and the rest of the year they are civilians to all intents and purposes. This

plan I consider impractical, for the following reasons:

"First. It does not contemplate using the men we discharge from our expensive Regular Army plant as reserves, nor does it contemplate changing our present Regular Army defect so as to make it possible to use these men or operate the plant at its

maximum efficiency.

"Second. As soon as the present abnormal interest aroused in military affairs subsides I do not believe we can enlist 133,000 men a year during prosperous times and ask them to give us one or two months of their time each year for three yearsthis in addition to the enlistments necessary for our increased Regular Army and our increased National Guard that the plan

also contemplates.
"Third. The keeping tab on these 400,000 men would require an army of clerks, and to date no satisfactory scheme has been

devised to accomplish it.

"Fourth. It violates our accepted principle and means we would permit them to be murdered if they were ever called upon to face a trained army. Such a scheme has been successfully used in Switzerland, which is a small country, and the complement enlisting each year with the colors includes all the men of a certain age; but 133,000 men each year would not include one-fifth of our available men of any specified age, and this fact alone would defeat its successful application in this coun-We know too well how ultra polite each young man would be during prosperous times when the Government would ask for the 133,000 recruits. I fear there would be a great deal of nudging and bowing to the other fellow, with the remark, 'After you, my dear Gaston.' We must recognize the fact that a successful system of a small republic will not of necessity meet the different existing conditions found in a large republic with-

out radical modifications.

"Now, we come to the solution of the problem that I propose to submit to the American people for their consideration. I desire to say that I am in accord with the administration as regards the amount of increase necessary for the Regular Army, also the general idea of the administration as to extending to the National Guard a helping hand and as to the size and necessity of our reserve army. However, I differ with others in that I do not believe that a practical plan that will attain the desired end has as yet been submitted. I would not criticize other plans were I not able, in my opinion, to submit a better one, which is economical as regards money and men withdrawn from civil life, and which hurts no one, but benefits many not at present benefited.

"Recognizing that our present voluntary system of enlistment is a failure during prosperous peace times, we ought to bring other forces to play on the recruiting element of the Nation when we consider increasing our Regular Army. Where can such a force possible of utilization be found? I believe it can be found during peace in State patriotism, loyalty, pride, or enthusiasm. I do not mean to say that we as a Nation have no Federal patriotism, loyalty, pride, or enthusiasm, but I do say that these elements lie dormant within us during peace only to burst forth with fury and make State patriotism secondary when war is I believe this State spirit is the strongest potential force possible of utilization during peace, prosperous, and hard times that the Government has with which to solve Regular Army, National Guard, and reserve army problems. And I base my entire plan on the possibility of its successful utilization. "In utilizing this State spirit my plan calls for an Army post

in each State, and the Regular Army organizations, after being increased as now contemplated, assigned permanently as Federal troops to the different States. This assignment to States would be on the general basis of the number of recruits now being obtained from the respective States. Understand that the State governments themselves would have nothing whatsoever to do with these organizations. These Regular Army organizations

will be recruited to war strength, the men to serve two years with the colors and to be then placed in the State organized reserves for four years, during which time they would receive a small monthly allowance from the Federal Government and be required once each year to report for field training. These discharged men would constitute my national reserve army.

"I presume you are now asking, 'But how do you propose to get the recruits for this Army?' I will answer this question and probably others by illustrating the general application of the plan in the State of Georgia. From the recruiting data of the State of Georgia, based on both prosperous and hard times, we would at least have assigned to this State our permanent Coast Artillery garrisons and one regiment of Infantry, this regiment consisting of 1,800 men, divided into 12 companies of 150 men each. These men would enlist for six years, but only serve with the colors for two years and then four years in the Georgia reserves. This regiment would forever be called, say, the Twentieth Georgia Infantry. It would forever, when not on foreign service for two years or on the border, be stationed at Fort McPherson, Ga. Let it have a distinctive, natty, inexpensive, full-dress uniform. Let the officers understand that they are permanently assigned to this regiment. All the recruits would be Georgians, and all recruiting officers would be extra Infantry or Coast Artillery officers of the Twentieth Georgia Infantry and the Georgia Coast Artillery companies. Now, what would be the results? Soon all Georgia would take an interest in her regiment of Infantry and Coast Artillery companies and a competitive spirit would spring up between all the States. This would cause a Georgia esprit de corps in Twentieth Georgia Infantry Regiment, and this esprit would increase as the interest of the State of Georgia increased. The disadvantages of separation from loved ones and family that attend an enlistment in the present Regular Army would not exist, and a father would not object to his son enlisting and receiving the benefits of two years' military training when he knows his son would in all probability reside the two years in the State of Georgia at Fort McPherson and upon the termination of his service would return to him at once. These sons would be given a two weeks' or a month's furlough each year, and could then visit their homes and assist with the crops, and so forth. The very presence of these men on furlough in their home towns, in their natty full-dress uniforms, sober, straight, and erect, would offer positive evidence of the benefits to be derived from military training, would stimulate enlisting, and would quicken the pride of all Georgians. And what is true in Georgia is true in all other States.

"I would add to the now known benefits derived from military training that of teaching each man a profession during his two years at Fort McPherson, I would conduct a school corresponding to any public school in the State; also a school for carpenters, bricklayers, mechanics, blacksmiths, surveyors, typewriting, and so forth. Every man would be required to attend one of these schools. The higher officers of the regiment and recruiting officers would be asked to cooperate with the chambers of commerce, and the spirit of Georgia would then pervade the entire regiment. I would send a crack company to all the large State affairs. I would, as far as practicable, even assign men from the same sections of Georgia to the same companies, so that a young man joining the regiment would be living in the same room and messing at the same table with his friends, and mothers would know their sons to be among friends of the family and cared for by them in case of sickness. If this system presses the desired enlisting spring of the Nation, Georgia If this syswould be able to supply, according to recent enlisting data, at least her Coast Artillery companies and two regiments of Infantry each 1,800 strong.

"Of course, as you see, the plan first corrects the enlisting defects of our present Army, and you can not support it unless you believe it corrects this defect. Let us now discuss its application to the reserves. All men would, of course, enlist for six years, two with the colors and four in the reserves, which would cause approximately 900 men to go to the Georgia reserves each year and would give us about 3,600 men, or two reserve Georgia regiments. Most of these men would reside in Georgia, thus making it possible to keep in touch with them and mobilize them in a very short time (possibly not over three days), and certainly in a very economical manner. Their clothing (especially shoes), rifles, and other accounterments would be in perfect condition at Fort McPherson in lockers, and to put our reserves in uniform would be only a question of an hour after their arrival. Each reserve soldier would receive \$2 a month during the four years of his reserve service. This would insure and make possible the keeping track of the whereabouts of each man every month, and the pay of \$2 to every reserve man

would drop into his lap out of a clear sky each month, thus keeping up his interest in his military career and stimulating enlisting in his community. We must not expect something which is efficient and worth having for nothing; if we want the service and protection of 300,000 trained reserve men we must be willing to make a reasonable payment for the same. Some few reserve men would, of course, move out of the State of Georgia; in these cases they would be transferred direct to the reserve of the State to which they moved by the commanding officer of the Georgia reserves. The commanding officer of the Georgia reserve regiments would be a high-ranking Regular Army officer, who should have an office force of not over two assistants, one from the Infantry and one from the Coast Artillery.

"To obtain the necessary number of trained officers to command the two regiments of reserve Infantry and the reserve companies of Coast Artillery of the State of give preference to the officers of the National Guard of Georgia. When I reduced slightly the number of organizations of the National Guard, there would be an excess of National Guard officers, and to these men I would offer commissions in the reserve regiments and Coast Artillery companies, subject, of course, to mental and physical examination. These reserve officers would, of course, receive a small monthly salary. For the rest of the reserve officers I would take the honor graduates of the military schools of this State, pay them \$100 a month for a year, during which time they would serve as additional lieutenants in the Twentieth Georgia Infantry and Georgia Coast Artillery companies. At the end of the year these officers would be transferred to the reserves and assigned to companies. Once this system is started, the number of men to be accepted as officers from the military institutions of the State would vary according to the vacancies. At the end of the first year of the system we would require sufficient officers to command 900 men, the second year 1,800 men, the third year 2,700 men, the fourth year 3,600 men. So by using one to five honor graduates of each military school each year and the National Guard officers we could have a corps of trained officers sufficient in size at the end of four years to officer the reserve organizations. These officers would know their men, and esprit de corps in each reserve regiment would soon be noticed. honor graduate assigned to Company A, Twentieth Georgia Infantry, as an additional second lieutenant, upon the completion of his year of training, should be assigned to Company A of one of the reserve regiments. Likewise all enlisted men of Company A, Twentieth Georgia Regulars, upon being transferred to the reserves, should be assigned to Company A of one of the reserve regiments. This system would soon create an esprit, de corps in the companies of the reserve regiment. Officers and men would look forward to the yearly maneuvers as a reunion. They would then meet and rub elbows with the men with whom they served for two years; reserve officers would be commanding in many cases the men they commanded during their one year. The entire system would blend toward real efficiency.

"When the President desired to mobilize the Nation's military forces one telegram only to each State would be necessary. The reserves of each State could be mobilized, clothed, and armed certainly within a week, and the President could mobilize a trained and educated army of over 300,000 men at any strategical point on either coast within three weeks from the date of ordering the mobilization. This is brought about because the plan works automatically to this end when we study it. Take New York State, for instance: It is at present our greatest recruiting center; hence it would have the largest number of Regular Army and reserve organizations. The States adjacent to New York are naturally densely populated, and therefore would have a fairly large number of Regular Army and reserve organizations, all of which makes possible the concentration at New York of a large number of troops at a moment's notice and also at a very small cost. Also we find that the system eliminates the present deleterious condition of having the young boys from the farms in the South and West serving with and being influenced by some of the undesirable element enlisting in some of our large cities. It also works our small Army plant at its maximum capacity.

"How would the system work when applied to our foreignservice conditions? Foreign service is very popular with our
soldiers. As soon as it is definitely known that a certain regiment is scheduled for a tour abroad the regiment is at once
filled with recruits. Hence, when our First Georgia Regiment is
scheduled for two years abroad, and at the end of which time
is to be returned to us at Atlanta with our sons, we would be
only too glad to permit our sons to take advantage of the splendid
opportunity of seeing the world. Especially would this be so
when we realized the regiment was to be officered by sober, hon-

est, and efficient officers. The system eliminates two very grave existing conditions. It takes the question of where troops are to be stationed and the elimination of many of our undesirable posts out of politics. Each State would have only one post for its mobile army troops; and by mobile army troops I mean all

troops except those in the Coast Artillery.
"This system would greatly benefit the National Guard. The discharged reserves would be encouraged at all times in associating themselves with the National Guard. Soon the National Guard organizations would consist mostly of men who would have completed their six years regular service. These men would join the National Guard in order to attend the encamp-ments and see their friends again if for no other reason. Understand that I would at the commencing of this system only reduce the National Guard organization at places where it has been clearly demonstrated that the guard organizations are below the required strength per company or where they are very inefficient. In these cases I would simply request fewer organizations, say the transferring of all the men of a weak regiment into four strong companies or a battalion. However, I would take care of the officers eliminated as mentioned above.

"From an economical standpoint the system is well within reason. The real economy can only be realized when you figure the additional security attained by having the Army plant running at full capacity and a reserve army of 300,000 trained and officered soldiers (not civilians), and compare this class of security and what you pay for it with that attained by having your plant running at two-fifths of its capacity, a reserve of 400,000 citizens, and what it costs you.

"The visible economical features are listed below:

"First. Men to-day are sent from the place of enlistment to different and very often distant regiments, and upon being discharged are returned to the place of enlistment, which averages one-half the distance across the continent. This item of expenditure, which runs into hundreds of thousands of dollars each year, would be eliminated.

"Second. At present each soldier has the same money clothing allowance, because he is liable to be called upon to serve in any Under the proposed plan there would be no occasion for southern troops to have a money allowance for clothing as large as the New England troops. Likewise the money allowance for clothing of the New England troops could be reduced, because they would not require certain articles of clothing necessary for southern wear. By carrying out this idea a large saving could be made.

"Third. Officers would remain with the regiments and the present large officers' mileage expenditures could be practically

eliminated.

"Fourth A corresponding saving on the freight bills for officers' household effects would be made as their mileage expenditures are reduced.

"Fifth. It is cheaper to feed 1,800 men than it is to feed three

separate groups of 600 men, as we are doing now.

"Sixth. The cost of keeping up a post for a large command is less per man than keeping up three posts for the same number

"Seventh. The cost of mobilizing troops for maneuvers would be less than it is now, because in practically every State by assembling Regulars, Reserves, and the National Guard a brigade maneuver could be held each year, and by combining the adjacent States a division or corps maneuver could be held every two years, and in each class of maneuvers the distance required to move the troops is less than at present. In other words, there would be a sufficient uniform distribution of our force over the country for this purpose.

"Eighth. By selling the undesirable and useless Army posts sufficient funds could be secured to enlarge the remaining ones and to build the new ones necessary and still have funds on Fully two-thirds of the States have at least one post

possible of utilization if we adopt this plan.

"If at any time the Government considered the Army plan turning out too many reserves, it would be reduced by only having 100 or 125 men in each company. Any reduction below 100 men to a company is believed unwise. On the other hand, if it is found that not enough men are supplied for the reserves a limited number could no doubt be attained by calling on civilians to enlist in the reserves, as the President now con-templates. However, if over 20 per cent of the reserves enter thus as untrained civilians, it would reduce the efficiency of the reserves to an undesirable point. Also a provision should be inserted permitting reserve men to reenlist in the reserve when the reserves are not at authorized strength.

"Let us now figure how our plan would work out:

Regular Army.  Forty regiments of Infantry, at 1,800 each.  Fifteen regiments of Cavalry, at 1,200 each.  Ten regiments of Field Artillery, at 1,000 each.  Two hundred and ten companies of Coast Artillery, at 100 each.	21,000
Three battalions Engineer troops, at 500 each	1,500 500
Total	120, 000

Two times this number, or 240,000, will give us the strength of the reserve army. The 120,000 in the Regular Army does not include the native regiments in our insular possessions or the special troops, such as those in the Quartermaster, Ordnance,

and Signal Corps, and so forth.

"Our National Guard, after being reduced, will amount to a trifle over 100,000. So our total available strength possible of mobilization would be 440,000 men, less those on foreign service. We could eventually increase our militia by 60,000 as the reserve soldiers terminated their six years' service, and then we would have our 500,000 trained and officered soldiers, which amount of preparedness should render us forever free from even the fear of an invader's heel. If we accept this plan we avoid the evils of a large standing Army and at the same time make ourselves secure against attack, at only a small increase over our present military expenditures. We also improve morally, physically, and mentally a large percentage of our population, whose earning capacity will be sufficiently increased to warrant the expenditures."

Mr. BAILEY. Mr. Chairman, I move to strike out the last

two words

I would like unanimous consent to proceed for 20 minutes, and I want to make a statement here before I start. There has been a very serious attack made in this House by the gentleman from Massachusetts [Mr. GARDNER] upon men who hold opinions such as I do, and I desire to proceed for 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

BAILEY] asks unanimous consent that he may proceed for 20

minutes. Is there objection?

Mr. CALDWELL. Reserving the right to object, on what subject?

Mr. BAILEY. On the general subject that is under discussion now

The CHAIRMAN. Is there objection?

Mr. DENT. Reserving the right to object, unless some other gentleman desires to discuss the question while we are on this paragraph, I will ask that at the conclusion of the remarks of the gentleman from Pennsylvania all debate on this paragraph be closed.

Mr. EMERSON. Mr. Chairman— The CHAIRMAN. That will have to be put as a separate proposition. Is there objection to the request of the gentleman from Pennsylvania [Mr. Balley]. [After a pause.] The Chair hears none

The gentleman from Alabama prefers a unanimous-consent request.

Mr. DENT. That at the conclusion of the remarks of the gentleman from Pennsylvania debate on this paragraph and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the termination of the speech of the gentleman from Pennsylvania that all debate on this paragraph and all amendments thereto be closed. Is there objection?

[After a pause.] The Chair hears none.

The gentleman from Pennsylvania is recognized for 20

Mr. BAILEY. Mr. Chairman, for one, I wish to hurl back the charge of cowardice flung at the advocates of peace by the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BAILEY.

Mr. GARDNER. When did I accuse you or any other advocate of peace of cowardice?

Mr. BAILEY. I will quote your language later, if you please.

I do not care to be diverted just now.

It takes more courage than was ever conceived of in the philosophy of swashbuckling shoulder-strappers to face the mob and to bring to bear upon it the forces of reason and justice. Is that courage which enables the soldier to march up to the cannon's mouth the only or the greatest courage which men may show? No; a thousand times no. There is a brute courage and there is also a moral courage. There is the courage of the bulldog, the courage of the tomcat, the courage of the cock sparrow, the courage of a reptile which attacks another reptile. But is this courage such as to inspire our loftiest admiration? Is it the sort of courage we try to develop and strengthen in our children? Who is the greater hero-he that taketh a city or he

that conquereth his own soul?

The gentleman from Massachusetts may arrogate to himself a heroism that he denies to men like William Jennings Bryan, Henry Ford, David Starr Jordan, and the gentleman from Texas [Mr. Callaway]. But I am here to say that any one of these is possessed of a spirit of heroism as far surpassing that before which the gentleman from Massachusetts prostrates himself as day surpasses night. The heroism which enthralls the gentleman from Massachusetts is that of the jungle.

Mr. GARDNER. Will the gentleman yield? I call the gentle-

man's attention to the rule of the House which says that a Member shall proceed in order and avoid personalities. I do

not object to a reasonable amount of criticism.

Mr. BAILEY. I would like to ask the gentleman if he proceeded in order the other day when he branded those who stand for peace as cowards and allies of Germany. [Applause.]
Mr. GARDNER. If the gentleman can point out a single case

in which I transgressed the rights of the House, all right. shall ask the Chair to rule that the gentleman proceed in order and avoid personalities. I do not object to a reasonable amount of criticism, but I do not want the whole speech directed toward

Mr. BAILEY. What is the particular language the gentleman objects to?

Mr. GARDNER. I call the attention of the Chairman to the rule of the House which says that in debate a Member must avoid personalities.

Mr. BAILEY. I hope this will not be taken out of my time,

Mr. GARDNER. I call attention to Rule XIV, which says:

SEC. 734. When any Member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

The CHAIRMAN. The Chair thinks, of course, the general rule is perfectly well understood that there must be a measure of decorum and propriety in debate which the Chair must enforce. There is also a latitude of argument and latitude of reply. What is the particular language used by the gentleman from Pennsylvania which is objected to as being an impingement on the rule cited?

Mr. GARDNER. It was the general fact that he seemed to be making me the butt of all his remarks. I never knew the gentleman, even by sight, until the other day, when he was in the chair, and I never mentioned his name on the floor of the House or elsewhere that I know of. Well, I do not care. Let

him go on. [Laughter.] Mr. BAILEY. Mr. Chairman, I repeat that the heroism Mr. BAILEY. Mr. Chairman, I repeat that the neroism which enthralls the gentleman from Massachusetts is that of the jungle. That is what I repeat, and I am willing to stand by it.

That which inspires men like William Jennings Bryan is the heroism of faith, of service, of love, of justice, of human kindness, of all-embracing brotherhood.

Mr. GARDNER. Is there a rule of the House, Mr. Chairman, that requires me to remain and hear the gentleman?

Mr. BAILEY. No, sir; you are excused, with my compli-

ments. [Laughter.]

The gentleman from Massachusetts, echoing the voice of the metropolitan press and of the military satrapy which seeks to replace the ideals of the Republic with those of the principalities and powers which are now drinking at the fountains of blood, bewails the fact that the American people are taking counsel among themselves regarding this momentous issue which he wishes to be determined without their knowledge or their consent. He would silence those who can not accept the gospel of the claw and the fang which he preaches with such vehe-There is to be no counsel save that of the war lords; no voice heard except that of the munition maker; no suggestion offered save by what may be usurped authority. believes with the Washington Post that death should be decreed against every American citizen who dares in this crisis of the Nation to speak the word of soberness in an effort to curb the mob spirit to which militarism always and everywhere His whole attack on those who believe the people should have some voice in a matter affecting their most vital interests is based on the assumption that only the war lords should be heard in such an emergency. He thinks that only cravens and cowards would question the word of those who settle disputes with the sword and who dispose of issues involving the national honor with 16-inch guns. Yet there is a

bravery above that of the barracks, a courage finer than that of the cavalier, a heroism more splendid than that of the man on horseback. It is the bravery of the man who faces the mob: it is the courage of the man who confronts the serried ranks of prejudice; it is the heroism of the soul which rises superior to the shafts of ridicule and malevolence in the cause of right and justice.

Mr. Chairman, the gentleman from Massachusetts conjures those who believe in the possibility of a peaceful solution of the pending problem to "stand by the President." But is he "standing by the President"? The President is hoping and striving to avoid war. With a matchless poise and patience he has thrown his incomparable influence on the side of peace. By every means at his command he is endeavoring to steer the ship of state through troubled waters to a safe harbor. Yet here is the gentleman from Massachusetts and those for whom he speaks going to extravagant lengths in their efforts to balk him and to force him to enter the war as an ally of the allies. The gentleman from Massachusetts makes no concealment of his purpose. He is at least frank, open, aboveboard. He does not beat about the bush.

I wish he were here to listen to this tribute.

He hates Germany with a consuming hatred. His heart is with Britain, and he wants to plunge his country into war as an aid to King George in his struggle to destroy Germany. Yet he has the consummate effrontery to stand on this floor before the American people and asperse the good faith of those who wish this country to remain neutral and to avoid a dangerous entanglement with the warring powers. He charges them with placing loyalty to Germany above their loyalty to America.

Mr. KING. Mr. Chairman, I make the point of order to this effect, that the gentleman is not talking to the amendment before the House. I agree with the gentleman largely in everything that he says, but I do not think that that last statement is fair or proper.

Mr. BAILEY. It is as fair as the gentleman— Mr. KING. Therefore I ask for a ruling on the question. The CHAIRMAN. The gentleman from Pennsylvania is addressing the House along the line which he proposed to speak.

Mr. KING. He is not discussing the amendment proposed by

the Clerk.

The CHAIRMAN. The pro forma amendment?

Mr. KING.

The CHAIRMAN. The Chair did not understand when he got permission of the House that he was to discuss the pro forma amendment.

Mr. KING. He said he was going to talk on this bill when he got the consent. The gentleman has no right to accuse any Member of this House of being a subject of King George, no matter who he is.

Mr. POU. Mr. Chairman, the gentleman from Pennsylvania

The CHAIRMAN. If the gentleman raises a question of

Mr. KING. I do raise the question.

The CHAIRMAN. What was the statement of the gentleman from North Carolina?

Mr. POU. The gentleman from Pennsylvania was asked what he was going to speak on, and he said "the general subject." That was a part of and a preliminary condition to the request that he made for unanimous consent.

The CHAIRMAN. The Chair will state that that is the way he understood the request of the gentleman.

Mr. CANDLER of Mississippi. Mr. Chairman, that was asked by reason of the fact that the gentleman from New York [Mr. CALDWELL] reserved the right to object.

The CHAIRMAN. The Chair does not believe unanimous consent was given for the discussion of just a pro forma amendment.

Mr. HARDY. Mr. Chairman, I want to call attention also to the fact that the gentleman from Pennsylvania distinctly stated that he wanted to reply to strictures that had been made by gentlemen on his views

Mr. KING. Mr. Chairman, I ask that the words I referred to be taken down.

Mr. HUDDLESTON. Mr. Chairman, I make a point of order that the gentleman is too late. He has made a point of order on the scope of the discussion, and that has been discussed and

ruled on, and now it is too late.

The CHAIRMAN. The Chair would not rule that the gentleman is too late to make the point of order. All this is occurring along the same line. The Clerk will read from the desk the last words to which objection was made.

The Clerk read the words.

Mr. KING. Now, Mr. Chairman, a parliamentary inquiry. Is that a proper parliamentary speech in the House?

The CHAIRMAN. The Chair will have to report that back

to the House.

Mr. GARDNER. Mr. Chairman, I hope that these remarks will not be taken down if they are made at me. I do not mind the gentleman saying that I have a greater loyalty to Great Britain than to the United States.

Mr. KING. The gentleman can not withdraw my inquiry. The CHAIRMAN. The committee will rise.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, objection was made to certain language used by the gentleman from Pennsylvania [Mr. Balley], who had the floor; that a request was made that those words be taken down, and they were taken down, and that he

desired to report the words.

The SPEAKER. The Clerk will report the words.

The Clerk again read the words.

The SPEAKER. What is the will of the House?

Mr. HENSLEY. Mr. Speaker, I move that the gentleman from Pennsylvania [Mr. Balley] be permitted to proceed in

Mr. EMERSON. What does the gentleman mean by "in order "?

Mr. HENSLEY. Let the Speaker pass upon that.

Mr. KING. Mr. Speaker, I move that the words be stricken

The SPEAKER. The gentleman from Illinois moves that the words complained of be stricken from the RECORD. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the

noes seemed to have it.

Mr. KING. I demand a division, Mr. Speaker.
The SPEAKER. The gentleman from Illinois demands a division. Those who are in favor of striking these words from the Record will, when their names are called, answer "aye"; those opposed will answer "no."

The House divided; and there were-ayes 58, noes 31.

Mr. HENSLEY. Mr. Speaker, I make the point of no quorum. Mr. KEATING. I make the point of no quorum, Mr. Speaker. The SPEAKER. On this vote the ayes are 58 and the noes

Mr. KEATING. Mr. Speaker, I make the point that there is

no quorum present.

The SPEAKER. Two or three gentlemen make the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-seven gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of striking these words from the Record will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 167, nays 126, answered "present" 24, not voting 116, as follows:

## YEAS-167.

Adair El	ston	Hinds	Magee
	nerson	Hollingsworth	Mann
	ch	Hopwood	Mapes
	topinal	Howard	Martin
	rley	Howell	Mays
Butler Fa	rr		Meeker
Campbell Fi	elds		
	tzgerald	Igoe	Montague
	cht	James	Moore, Pa.
	rdney	Johnson, Wash.	Moores, Ind.
	88	Kahn	Morgan, Okla.
	eeman	Keister	Morin
	iller	Kelley	Moss
	Illivan	Kennedy, Iowa	Mott
Cooper, W. Va. Ga	rland	Key, Ohio	Nichols, Mich.
	llett	Kiess, Pa.	North
Crago Gl	ynn	King	Norton
	bod	La Follette	Oakey
	ay, N. J.	Langley	Olney
	een, Iowa	Lazaro	Paige, Mass.
	eene, Mass.	Lehlbach	Parker, N. J.
Danforth Gr	eene, Vt.	Lenroot	Parker, N. Y.
	iernsey	Longworth	Peters
Denison Ha	adley	McAndrews	Platt
	amilton, Mich.	McArthur	Powers
Dowell Ha	amilton, N. Y.	McCracken	Pratt
Driscoll H:	augen	McDermott	Ramseyer
	awley	McFadden	Reavis
Dupré H:	nyes	McKellar	Ricketts
Dyer He	eaton	McKenzie	Roberts, Mass.
Eagan He	effin	McLaughlin	Roberts, Nev.
Ellsworth He	ernandez	Madden	Rogers

Rowe Rowland Sanford Scott, Mich. Sherley Shouse Sinnott Sloan Smith, Mich. Snyder Stafford Steenerson Sterling Stiness Stone Sulloway Sutherland Temple

Tilson Timberlake Towner Treadway Volstead Walsh Ward Wason Watson, Pa. Watson, Va. NAYS-126.

Wheeler Williams, T. S. Williams, Ohio Wilson, Ill. Winslow Wood, Ind. Woods, Iowa Woodyard Young, N. Dak.

Sears Shallenberger

Shallenberger
Sherwood
Sisson
Siayden
Smith, N. Y.
Smith, Tex.
Steagall
Steele, Iowa
Stephens, Miss.
Stephens, Mer.
Stephens, Tex.
Sumners
Tayenner
Taylor, Ark.
Taylor, Colo,
Thomas
Thompson
Tillman
Van Dyke

Abercromble Aiken Alexander Allen Almon Aswell Barkley Barnhart Barnhart Bell Booher Borland Brumbaugh Bucharan, III. Buchanan, Tex. Burke Burnett Burnett Byrnes, S. C. Byrns, Tenn. Candler, Miss. Caraway Clark, Fla. Collier Connelly Cox Crisp Crosser Davis, Minn. Davis, Tex. Decker Dickinson Dill Dixon

Ashbrook

Ayres Bailey Black

Kettner
Kincheloe
Kitchin
Lee
Lesher
Lever
Lieb
Littlepage Doolittle Doughton Eagle Evans Flood Gallagher Gandy Garner Garner Garrett Gordon Gray, Ind. Gregg Griffin Llettlepage Lloyd London McClintic McLemore McLemore Moon Morrison Neely Nicholls, S. C. Oldfield Hamill Hamlin Hardy Harrison, Miss. Hastings Hayden Helm Oldfield Overmyer Padgett Park Pou Price Helvering Hensley Hilliard Quin Rainey Raker Randall Rauch Houston Huddleston Hughes Hull, Tenn. Humphreys, Miss. Rayburn Reilly Jacoway Jones Rouse Rubey Russell, Mo. Keating ANSWERED " PRESENT "-24. Cary Costello Dent Doremus

Tillman
Van Dyke
Vinson
Walker
Watkins
Webb
Whaley
Williams, W. E.
Wilson, La. Wingo Young, Tex. Harrison, Va. Helgesen Hood Konop Lindbergh Miller, Pa. Murray Nolan Saunders Small Smith, Minn.

Burgess Caldwell Gardner Dewalt Dies Dooling Adamson Bacharach Barchfeld Beakes Drukker Beales Benedict Bennet Blackmon Edmonds Edwards Fairchild Ferris Flynn Frear Gard Britten Browne Browning Glass Godwin, N. C. Goodwin, Ark. Gould Bruckner Callaway Cannon Cantrill Gould Graham Gray, Ala. Griest Hart Haskell Henry Hicks Hill Holland Hulbert Husted Hutchinson Johnson, Ky. Carter, Okla. Carter, Okla.
Casey
Chiperfield
Church
Cline
Coleman
Conry
Cooper, Wis.
Cullop
Dale, N. Y.
Darrow
Davenport

NOT VOTING-116. Johnson, S. Dak. Kennedy, R. I. Kent Kinkaid Kreider Lafean Lewis Liebel Linthicum
Lobeck
Loft
Loud
McCulloch
McGillicuddy
McKinley
Maher
Matthews
Miller, Del.
Miller, Minn.
Mooney
Morgan, La. Linthicum Mooney Morgan, La. Mudd Nelson Oglesby Oliver O'Shaunessy Page, N. C. Patten Phelan

Porter Ragsdale Riordan Riordan Rodenberg Rucker, Ga. Rucker, Mo. Russell, Ohio Sabath Schall Scott, Pa. Scully Sells Sells Shackleford Siegel Sims Smith, Idaho Snell Sparkman Steele, Pa. Stout Swift Switzer Taggart Tague Talbott Tinkham Vare Venable

Wilson, Fla.

Stedman

So the motion of Mr. King was agreed to.

During the roll call,

Davenport

Mr. KEARNS. Mr. Speaker, I would like to know what the words are which it is proposed to strike out.

The SPEAKER. The roll call has started and can not be interrupted. The Clerk will proceed with the roll call.

The Clerk resumed and completed the calling of the roll. The Clerk announced the following pairs:

Until Monday, February 19: Mr. Talbott with Mr. Browning.

From February 17 until February 21: Mr. Godwin of North Carolina with Mr. Tinkham.

Until further notice:

Mr. PATTEN with Mr. BENNET.

Mr. RIORDAN with Mr. SMITH of Idaho. Mr. LINTHICUM with Mr. MUDD.

Mr. SHACKLEFORD with Mr. HILL.

Mr. Scully with Mr. Mooney. Mr. Beakes with Mr. Coleman. Mr. Dale of New York with Mr. Benedict.

Mr. DAVENPORT with Mr. BACHARACH.

Mr. Loft with Mr. HASKELL.

Mr. HULBERT with Mr. HUSTED.

Mr. Adamson with Mr. Beales.

Mr. Blackmon with Mr. Britt. Mr. BRUCKNER with Mr. BRITTEN.

Mr. Goodwin of Arkansas with Mr. Browne. Mr. Carew with Mr. Cannon. Mr. Cantrill with Mr. Chiperfield.

Mr. Carter of Oklahoma with Mr. Cooper of Wisconsin.

Mr. Casey with Mr. Darrow. Mr. Church with Mr. Drukker. Mr. Cline with Mr. Edmonds.

Mr. Conry with Mr. Fairchild. Mr. Hart with Mr. Fess.

Mr. Gray of Alabama with Mr. FREAR.

Mr. DEWALT with Mr. GOULD. Mr. DIES with Mr. GRAHAM. Mr. Dooling with Mr. Griest. Mr. EDWARDS with Mr. HICKS. Mr. Ferris with Mr. VARE.

Mr. Henry with Mr. Hutchinson. Mr. Holland with Mr. Johnson of South Dakota.

Mr. GARD with Mr. KENNEDY of Rhode Island. Mr. LIEBEL with Mr. KINKAID.

Mr. Lobeck with Mr. Kreider. Mr. GLASS with Mr. LAFEAN. Mr. McGillicuppy with Mr. Loud.

Mr. MAHER with Mr. McCulloch.

Mr. Morgan of Louisiana with Mr. McKinley.

Mr. Oglesby with Mr. Matthews. Mr. OLIVER with Mr. MILLER of Delaware.

Mr. O'SHAUNESSY with Mr. MILLER of Minnesota.

Mr. Page of North Carolina with Mr. Nelson.

Mr. RAGSDALE with Mr. PORTER.

Mr. RUCKER of Georgia with Mr. RODENBERG.

Mr. Sabath with Mr. Russell of Ohio.

Mr. Sims with Mr. Schall.

Mr. Sparkman with Mr. Scott of Pennsylvania.

Mr. Steele of Pennsylvania with Mr. Sells.

Mr. STOUT with Mr. SIEGEL. Mr. TAGGART with Mr. SNELL. Mr. TAGUE with Mr. SWIFT.

Mr. Wilson of Florida with Mr. SWITZER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The motion of the gentleman from Illinois to strike out the words of the gentleman from Pennsylvania [Mr. Bailey] from the Record is agreed to. The committee will resume its sitting.

Accordingly the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, with Mr. SAUNDERS in the chair.

Mr. BAILEY, Mr. Chairman— Mr. MANN. Mr. Chairman, will the gentleman from Pennsylvania permit me, in the middle of his speech, to ask unanimous consent to address the committee for two minutes on a matter entirely unrelated to any of the matters now pending?

The CHAIRMAN. Does the gentleman from Pennsylvania

Certainly, with pleasure.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks two minutes for the purpose indicated. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, in a sort of a way the House itself is a grandfather. When Genevieve Clark Thompson was married the Members of the House presented her with a very beautiful wedding present. She is now the mother of a son, Champ Clark Thompson. [Applause.] I think it would be very appropriate for the Members of the House, under the circumstances, to give to this grandson of the Speaker and of the House a little present in the form of a cup, a knife, a fork, and a spoon. This morning I had Mr. Shaw bring up to the Capitol, having received them by directions from New York, these implements in gold, and the gentleman from Missouri [Mr. Lloyd] and myself, constituting ourselves a committee, went and inspected the articles. If there be no objection from the Members of the House, we ask the Members to contribute voluntarily a dollar apiece. [Applause.] That is in order that we may make this present with the appropriate inscriptions. If there be no objection, we will ask some of the employees of the House to go around to the Members and collect the money. The articles will be displayed before they are

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] will proceed.

Mr. BAILEY. Mr. Chairman, owing to the very considerable delay that has been occasioned by this tempest in a teapot, and inasmuch as I feel that I have succeeded in making the point that I desired to make, I am going to ask unanimous consent to extend my remarks in the RECORD by printing the remainder of my speech; and I will say that I will modify it in accordance with the expression of the House. [Applause.]

SEVERAL MEMBERS. Go ahead.

Mr. BAILEY. No; I have taken up enough time already. do not want to delay the public business, and shall not do so if I am given this permission. Otherwise I will

Mr. MANN. I think no one will object if the gentleman will say that there will be no personalities left in his speech.

Mr. BAILEY. I have stated that I would modify my remarks in accordance with the expression of the House. I would like to say this, however, that I believe the gentleman from Massachusetts [Mr. Gardner] should likewise agree to modify his remarks. [Applause.]

I want to say this, if the Chair pleases—
Mr. GARDNER. In what respect does the gentleman think

I should modify my remarks?

Mr. BAILEY. May I proceed, Mr. Chairman, by reading the language to which I refer?

The CHAIRMAN. If there is no objection.

Mr. RAILEY. I still have time remaining, Mr. Chairman. The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. BAILEY. The gentleman from Massachusetts [Mr. GARDNER] said:

Meanwhile, Mr. Speaker, William Jennings Bryan proposes that we should prepare ourselves to present a united front to the enemy by first tearing the Nation asunder in a political campaign on the question of peace or war. He and his followers, the pacifists—

Of whom I am one, and I am not ashamed in this presence or any other to attest that fact [applause]-

the extreme socialists, and those who place loyalty to Germany above loyalty to America, are engaged in appealing to the cowardice which lurks in every man's breast.

Mr. GARDNER. Let me ask the gentleman if I said or implied in any way that he or any other pacifist placed loyalty to Germany above loyalty to America?

Mr. BAILEY. I think the language was very plain. It seems

Mr. GARDNER. I do not agree with the gentleman. I

He and his followers-

That is, Bryan and his followersthe pacifists

There are pacifists-

the extreme socialists

And there are extreme socialists; that is another kind-other followers of Mr. Bryan-

and those who place loyalty to Germany above loyalty to America-

And there are such people in this country. You are not one, because you are not German. There are many Germansare engaged in appealing to the cowardice which lurks in every man's breast.

If there is any reflection on the House of Representatives I shall cheerfully withdraw it, and if there is any reflection on any Member of the House of Representatives, if the gentleman will tell me where I had any gentleman in my mind when I spoke, I will cheerfully withdraw that; but I surely said nothing about any pacifist except that he was a follower of Mr. Bryan, and that he was appealing to the cowardice which lurks in men's breasts. I do not imply any cowardice on the part of pacifists. think the gentleman has missed that point.

Mr. BAILEY. As long as I have agreed to modify my remarks, I think the gentleman should agree to modify his.

Mr. GARDNER. Let me point out this distinction to the gentleman: It was the House, by a vote, that cut out the gen-

tleman's remarks. That was not my case.

Mr. BAILEY. Yes; I know.

Mr. HARDY. Mr. Chairman, I would like to ask if the gentleman from Massachusetts would be willing to have a vote taken whether his remarks should go out or not. The inference is perfectly plain that he charges the pacifists with a feeling of cowardice

Mr. McKENZIE. Mr. Chairman, the regular order.
The CHAIRMAN. The regular order is demanded. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD, to be modified so as to conform to the rules of the House. Is there objection?

Mr. WINGO. Mr. Chairman, I want to enter my protest against any requests being made in the language in which the

Chair has just stated it. The presumption is that every Member when he extends his remarks will deal fairly with the House and will put in remarks only that are in order.

The CHAIRMAN. The Chair will say to the gentleman that he was stating the request of the gentleman from Pennsylvania exactly in the words used by the gentleman from Pennsylvania.

Mr. WINGO. I am not criticizing the Chair, but I do not want the Record, in view of what has just taken place, to contain language so that when a man reads it, not being familiar with what has taken place, he may be misled. It only adds to the criticism of what has already taken place. I am not criticizing

The CHAIRMAN. The gentleman would have to ask the gentleman from Pennsylvania to modify his request, then.

Mr. WINGO. I am not asking anybody to do anything. I am

entering my protest.

The CHAIRMAN. Does the gentleman object to the request of the gentleman from Pennsylvania?

Mr. WINGO. I do not. The CHAIRMAN. Then the gentleman is not in order. Is there objection to the request of the gentleman from Pennsyl-

Mr. JAMES. I object unless it is understood that personalities

are cut out of the speech.

The CHAIRMAN. The Chair has stated it as clearly as he can that the gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD, and in that connection to conform his remarks, as far as personalities may be contained in them contrary to the rules of the House, to the rules.

Mr. WINGO. If the request is put in that language, I shall

The CHAIRMAN. The gentleman from Arkansas objects to

the request of the gentleman from Pennsylvania.

Mr. BAILEY. Mr. Chairman, how much time have I left? Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be permitted to extend his remarks in the Record. I think the House will take what the gentleman from Pennsylvania has said in good faith.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may extend

his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BAILEY. I thank God for Woodrow Wilson and William Jennings Bryan in this hour of grave peril to republican institutions. I thank God for those men and women all over the land who refuse to bow at the feet of Mars at the call of the war mongers and the traffickers in munitions. I thank God for those really courageous souls who refuse to be silenced by an envenomed press which gets its inspiration from Wall Street and which would crucify every American who dares to plead in this hour of stress and strain for reason to assert herself rather than

Perhaps the gentleman from Massachusetts thinks that it is cowardice which impels me to vote against monstrous appropriations that must impose heavy burdens upon my people. Perhaps he thinks that it is cowardice that has directed me in protesting against compulsory military service. Perhaps he thinks cowardice explains the fact that all my life long I have stood four square against militarism in all its manifestations. Well, he is entitled to his own opinion in this regard. But how much easier would it be for me, Mr. Chairman, "to go along," to run with the mob, to shout with the hurrah boys, to let the tide of war sweep on unchallenged until it should engulf my beloved land and the ideals which have made it precious to every man who has caught the glowing vision of human free-Oh, how little is the courage required of the man who falls in behind the tumultuous crowd as it rushes on its reckless way! How little is the courage one must have to meet the call of the jungle. It is the call of civilization that tries. It is the call of humanity that brings the real test. It is the call of justice which applies the acid to our mettle.

I can understand why dogs fight. They know no better. can understand why the cock sparrow struggles with his rival until he dies. He is governed by his instinct and not by reason. But I can not understand why men fight, because men know better; they have the gift of reason, they know right from wrong, evil from good, justice from injustice. And men have, indeed, ceased to settle their personal differences by appeal to force. They no longer vindicate their honor by killing some one or getting killed. They no longer measure their valor by the number of victims they have sent to the cemetery. And there is none we so much despise to-day as the bully, the bad man, the chap that carries a gun and looks for trouble. We do not honor him. We do not make him the gorgeous and

glittering center of our social life. He does not occupy the chief seat in our synagogues nor the first place at our feasts. No. We send him to jail. We put him on the rock pile. We drive him out of our peaceful communities. We point him out to our children as a horrible example. And we warn the youth of the land against following in his crooked courses.

Yet we magnify the name of the bully when he wears an epaulette and carries a sword. We hail him as a hero and savior. We decorate him with honors and ascribe to him qualities and aspirations that belong to the gods. We place him on a lofty pedestal and invite our children to look up and admire, if not to worship. We make of him an idol before which all the humble and the patriotic must bow if they would escape calumny.

Neither as a citizen nor as a Member of Congress have I reached the pass where anyone can put a gag in my mouth or a seal on my mind. I am still a free man, an American, a citizen, a soldier of the common good, whose only weapon is the sword of truth, whose only defense is the armor of justice. And in this hour of fear and foreboding I do not falter. My faith is unshaken. My courage is that of one who believes that ever the right comes uppermost and ever is justice done. go into this war across the waters or we can stay out of it, and it will take a higher courage to stay out of it than to plunge into it at the call of jingoism. We can go into it and help the kings and princes of the Old World in their mad struggle to strengthen their thrones and extend their dominions. We can get into it and underwrite the securities which Wall Street has taken for the billions loaned the allies. We can go into it and sacrifice the fair youth of our land, your boy and mine. it and fasten on those who shall come after us a burden of debt which will press them down for generations. We may go into it and say that we are doing it to vindicate a right which might be better vindicated by another appeal than to beak and talon. can get into it and enrich the soil of Europe with our best blood, while casting a shadow over a million American homes. We can get into it. We can go into it as we might go to a We can get into it with banners flying and with music working its magic in the heart of the multitude. But we can not go into it without paying the price. We can not go into it without some sacrifice. We can not go into it without leaving something behind which is more precious than any prize it were possible for us to gain in the trenches. We must leave behind American ideals, American hopes, American possibilities of service to a world gone mad with the lust for blood. We can not take these with us into the trenches. We can take with us thither only the things that flourish there, batreds and jealousies, misunderstandings and brute passions, malevolent spirits and hearts bursting with a desire to slay and destroy. That is what we must take there. We can not take our good offices, our helping hand, our leaves of healing. No. We must go red-handed, imbued with all that war instills into the hearts of its votaries, bent on achieving the ultimate in the destruction of human life and in the laying waste of fair lands and peaceful cities.

Is that what Americans have in mind? Is that their ambition? Is this the inspiration of the present hour? I say not so. I believe the American people are for peace. I believe they love the ideals of the Republic and hate those which jingoism holds up in its mailed hand. I believe that if the voice of the plain people of the Republic could be heard it would call a halt on the madness which would precipitate us into the very vortex of that maelstrom of blood that a world in its blind rage has let loose. And because I believe this and because I feel in my heart of hearts that the higher patriotism calls for counsels of prudence rather than those of passion, I am exerting all my humble influence, not to excite hatreds, not to multiply prejudices, not to suppress the urgings of reason, not to stimulate the grosser impulses, not to hurry the land into a fateful enterprise on a false quest, but to restrain the forces which make for evil, to check impulses which are sweeping Europe to her doom and to appeal to those loftier aspirations which can find fruitage only in peace.

Mr. DENT. Mr. Chairman, I demand the regular order. The order was that at the conclusion of the remarks of the gentleman from Pennsylvania all debate be closed on the paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Expenses of military observers abroad: For the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign States at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$15,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling the attention of the House to the testimony of Adjt. Gen. McCain before the

Committee on Military Affairs in regard to the number of men that have been enlisted. Two or three Members of the House in their remarks have seemed to indicate that they were of the opinion that under the present method adopted enlistments were not up to what was expected. I therefore desire to call the attention of the House to the testimony of Gen. McCain on pages 668 and 671 of the hearings before the Committee on Military Affairs. In that testimony Gen. McCain has stated that the enlistments have been very gratifying since the reorganization under the act of June 3, 1916; that in the month of November the enlistments increased 900 over the month from October, and that throughout the five months since the act has been in effect the record of enlistments in the United States Army show there had been an increase of 2,000 a month. This increase takes into account all the men who have gone out of the Army by reason of death, resignation, and discharge on expiration of service or otherwise. He says further that he is satisfied that the increases will be even greater than that, and by the time of the present fiscal year that the United States Army will have all the men provided for in the national-defense act.

Mr. KEARNS. Will the gentleman yield?

Mr. CALDWELL. Yes. Mr. KEARNS. I have noticed in the newspapers within the last few days that since the break with Germany there has been only three men enlisted. Is that true?

Mr. CALDWELL. I have no information on that subject. The rate of enlistment, so far as we have any record, has been

2,024 per month greater than it ever was before.

Mr. KEARNS. I have seen in two different newspapers the same statement, that since the break with Germany there has been only three men enlisted in the Army.

Mr. CALDWELL. I have no information on the subject, but

if I can get it I will put it in the RECORD.

Mr. KEARNS. Does this increase of 2,000 the gentleman

speaks of include withdrawals?

Mr. CALDWELL. Two thousand over and above all of the withdrawals, deaths, and resignations, and Gen. McCain says that the enlistments during the last two months have been greater than those of the first three months.

Mr. KAHN. If the gentleman from New York will pardon me, it would be practically impossible to get the information that the gentleman from Ohio alludes to, because there are so many recruiting stations all over the country; every one would have to report separately, so you could not get the total enlistments at once.

Mr. CALDWELL. I think the gentleman from Ohio refers to

one recruiting station.

Mr. KEARNS. Oh, no; I am speaking about the enlistments in the United States. I read it in two different newspapers.

Mr. KAHN. I think the information is erroneous. It takes the War Department 30 days to get reports in from all the recruiting stations to know how many recruits have been enlisted.

Mr. FIELDS. Mr. FIELDS. The papers could not possibly have it correct.
Mr. CALDWELL. The newspapers could not have official
information, as a matter of fact. It is impossible, for the War Department does not know.

Mr. KEARNS. Remember, I am not claiming that it is true

simply because I saw it in a newspaper.

Mr. CALDWELL. We will try to get the information for the

gentleman in the course of the day.

Mr. GARDNER. Mr. Chairman, it all depends on what months you take as your standard of comparison. In December the total enlistment was 4,372-not the gain, but the total enlistments. It is true that the November enlistments were about 1,000 more than in October. The enlistments rose from 2,446 in October to 3,467 in November. However, in July the enlist-ments numbered 4,342, and they fell off nearly 2,000 by October. I hold in my hand a letter from The Adjutant General, dated January 26, 1917. A copy of it will be found in to-day's Record in connection with my remarks of February 15. According to Gen. McCain the actual strength of the entire Regular Army on December 31, 1916, based on the best data obtainable, was

Mr. CALDWELL. Mr. Chairman, according to Gen. McCain's testimony, on page 668, before the Military Affairs Committee, there were on the date the gentleman mentions one hundred and twelve thousand and odd instead of 109,000.

Mr. GARDNER. The gentleman may be right, but I will allow him to look over my shoulder at the letter which I hold in my hand. Will the gentleman observe the date, January 26, 1917, and the signature, that of Gen. McCain. He says:

The actual enlisted strength of the entire Regular Army on December 31, 1916, based on the best data now obtainable, is approximately 109,959

Mr. DENT. Mr. Chairman, if the gentleman from New York will permit me, I think the figures to which he refers were based on the date of October 31 last year. It is smaller now than it was then.

Mr. GARDNER. Mr. Chairman, yesterday I telephoned down to The Adjutant General's office and I found that on February 29, 1916, the number of enlisted men altogether was 93,438. selected the day of February 29 because that was the date of the last enlistment figures before the passage of the joint resolution of March 17, 1916, which aimed to increase the Army by about 20,000 men. That means, in other words, in the 10 months from February 29, 1916, to December 31, 1916, the Army has been increased by 16,521 men. On the average the increase has been at the rate of sixteen hundred and fifty a month.

This letter from Gen. McCain further says:

The authorized strength of the entire Army for the fiscal year ending une 30, 1917, under the provisions of the national-defense act is 33,166 men, not including the enlisted strength, 5,733, of the Philip-

Yet we have only 109,959 men, not including the Philippine Scouts. Therefore we are about 23,000 men short by the December figures. You can not get around those figures. To claim that you can enlist these men, and the increase of men due this year, at the present rate of pay in the course of the next year and a half seems to me preposterous.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. HULL of Iowa. Perhaps I can set the House straight in regard to the number of men we are short in the enlistments. I think the gentleman from Massachusetts [Mr. GARDNER] is mistaken. I was in Gen. McCain's office this morning, and I asked him how many he was short. He said he was short only from ten to twelve thousand of the required number that should be in the Army on June 30, and that the enlistments coming in so far this month exceeded any other time in the last year.

Mr. GARDNER. I think the gentleman has misunderstood

The Adjutant General.

Mr. HULL of Iowa. I do not think so. Mr. GARDNER. I think so, because— The CHAIRMAN. The time of the s

The time of the gentleman from Massa-

chusetts has expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection? There was no objection.

Mr. GARDNER. What The Adjutant General probably said to the gentleman was that by June 30, 1917, he hoped and calculated that he would be short only about 11,000 men. The fact remains that at the present time he is 23,000 men short, but there are five months coming, and he thinks that if he can gain 2,000 a month that would make him short only about 11,000 by the end of June

Mr. HULL of Iowa. Will the gentleman go to the telephone

and call him up and ask him whether I am wrong?

Mr. ANTHONY. Mr. Chairman, I suggest to the gentleman from Massachusetts that the discrepancy in figures arises from the fact that the gentleman has not taken into consideration that the department is authorized to carry 8,000 unassigned recruits, which are not given credit for in those figures.

Mr. GARDNER. I do give credit for them. I asked especially that question, perfectly aware of the fact that guards at disciplinary barracks, school detachments, disciplinary companies, recruit companies, and unassigned recruits are all extra. I asked especially what was the entire enlisted strength of the whole business, and the General replied on January 26 as fol-

The actual enlisted strength of the entire Regular Army on December 31, 1916, based on the best data now obtainable, is approximately 109,959, not including 5,549 enlisted men of the Philippine Scouts.

There is the figure. We have 109,959. I asked the General a series of questions. I asked him the authorized enlisted strength of the entire Regular Army for the fiscal year ending June 30, 1917. He replied:

The authorized enlisted strength of the entire Army for the fiscal year ending June 30, 1917, under the provisions of the national defense act is 183,166 men, not including the enlisted strength, 5,733, of the Philippine Scouts.

In both cases the Philippine Scouts, between 5,000 and 6,000, are excluded.

Mr. Chairman, I move to strike out the last two words and ask unanimous consent to proceed for 10 minutes. Mr. DENT. Mr. Chairman, I have no objection to the request of the gentleman from Nebraska.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Mr. Chairman, I have somewhat doubted the propriety of Members of Congress speaking on the foreign situation at this time. I should have refrained from doing so myself if it were not for the fact that speeches have been made on this floor during the past several days that I do not think are expressive of the dominant sentiment of the House. We have had one character of speech that seems to be in favor of doing nothing; another character of speech that seems to be in favor of doing everything. I think it would be wise, gentlemen, for Members of this body to take a moment and ascertain just what difficulty confronts this Nation. The appalling conflict on the other side of the sea was instituted without the volition of the United States. We did not start that war. We have no direct and immediate interest in the ultimate issue of that war. There is no belligerent engaged in the war across the water who has designs, so far as surface indications disclose, upon the United States of America. If international law has been violated to our injury, it has not been because the ultimate purpose of England or Germany or any other nation engaged was to injure this country. The injury suffered is merely incidental to the terrific struggle going on between the entente and the central powers. What is the real situation? We have certain rights on the sea to ship, unrestricted, to neutrals, and to ship to belligerents so far as the goods so shipped are not contraband. Those rights have been denied. I wish to say for my part that I am in favor of this Nation defending those rights, but we need not go to war to do so. If we become involved in war; if this body in response to a demand from any source were to pass a declaration of war, we will not accomplish what we desire, which is the freedom of the seas, but we will be adding the influence of our resources, both of life and property, to the accomplishment of what some of the belligerents desire.

If we become a party to this war, we will never get out until it is finished. I believe that the President will ask from Congress the right to enforce an armed neutrality. I believe he has such right without consulting us. There is ample precedent for such course. Twice in the history of the world armed neutrality has been enforced, first, during our revolutionary period in 1780 and again in 1800, and from the action of neutral nations sternly demanding their rights to the sea came the provisions of international law which recognize the right of neutrals to the ocean. None of the nations enforcing those rights became involved in war. I am in favor of either arming our merchantmen or convoying them with our Navy, if need be, to defend the rights which are now denied, and when those rights are obtained I want the United States to be in a position to withdraw. [Applause.] Suppose, on the other hand, we go to war. Suppose we send the youth of America to the blood-drenched fields of Europe to be obedient to the command of a king or a czar, to be the comrade in arms of savages and Hindus, to lay down their lives for a principle which concerns some country not their own. Suppose we send the youth of America to lie stark with white upturned faces upon a foreign battle field, what have we accomplished? Nothing; nothing but to crush the civilization of the world. Gentlemen of this House, in this solemn hour I declare that I will go from this Chamber forever and glory in my going before by my voice or my vote the United States shall unnecessarily become involved in war. [Applause.] The loss of life, the loss of property are comparatively trivial in their consequences. It is the sacrifice of ideals that have controlled America for 150 years. It is the giving up of our exclusive rights to the civilization of this hemisphere; it is becoming a party to the intrigues of Europe; it is sitting about a peace table not only with England, Germany, and France, but with Russia and Japan as well, rearranging the boundary lines of Europe, fixing indemnities, and irretrievably and eternally becoming a party to European affairs. The gentleman from Tennessee [Mr. Sims] stated that the eventualities as enumerated in the address of the gentleman from Illinois [Mr. Mann] were impossible. There is no man of judgment with the courage to predict where our entrance into this war would carry us. Even as I talk to you in the waning hours of this afternoon, far on the other side of this troubled world the night winds are kissing the folds of Old Glory that was raised over the lonely island in that far away sea as an eventuality-of the Spanish-American War, a result that God alone foresaw when the war began. How far we shall go, how far it will take us, no one man can say, and for that reason I favor the cooperation of the United States to the extent of protecting our rights and no further. [Applause.] When that interest is served we may withdraw, not as a belligerent but as a great nation speaking for the neutrals of the world and protecting a common right to the free access and the free use of the highways of nations, the seas. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, the address of

the gentleman from Nebraska is truly inspiring. [Applause.] It is filled with fruitful thoughts, and I am obliged to him for

I, too, insist that we should assert American rights upon the high seas, and especially in our dealings with neutral countries. I have supported measures in this House, every one of them, I believe, to prepare this country to assert its rights upon the high seas, but I want the rights of the United States upon the high seas asserted against every nation that interferes with or tramples upon those rights. [Applause,]

Mr. REAVIS. Will the gentleman yield? Mr. MOORE of Pennsylvania. I will.

Mr. REAVIS. The gentleman did not gather from my remarks that I do not approve of that?

Mr. MOORE of Pennsylvania. No; I approve in the main of everything the gentleman said and congratulate him upon what he did say

Mr. GARRETT. Will the gentleman yield?
Mr. MOORE of Pennsylvania. But for a question.

Mr. GARRETT. Then I will not interrupt now. Mr. MOORE of Pennsylvania. I have in my hand a letter just received, which I shall proceed immediately to read:

AMERICAN TRANSATIANTIC CO., 17 Battery Place, New York, February 13, 1911.

Hon. J. HAMPTON MOORE, Washington, D. C.

Dear Sir: Apropos your remarks to the House of Representatives on last Friday condemning the British efforts to embroil our country in war by circulating false reports, we are calling to your attention the illegal actions of the British Government against our property, indicating another instance of its unworthy object to sacrifice American interests to gain its selfish ends.

Of course, I am not the author of this statement. I am reading a letter:

Ing a letter:

The American Transatlantic Co. is an American corporation, with every officer, director, and stockholder a citizen of the United States, and owning 11 steamers, which were purchased free of all encumbrance from neutral nations, while under neutral flags. There is no foreign interest, direct or indirect, in this company or its ships.

Over a year ago the British Government blacklisted and selzed three of our ships while in transit between the United States and South America, carrying coal for American firms. The reason given for the selzures was that citizens of enemy countries were interested in our company. This belief resulted solely from statements of the United States Commissioner of Navigation, Mr. E. T. Chamberlain, which were based solely on unfounded suspicions.

Our ships were rightfully flying the American flag at the time of seizure, and the Department of State has held and sent notes to England stating that the seizures were illegal and that the ships ought to be released, though it declined to say that the ships must be released, giving as a reason that such a demand would mean war with Great Britain.

Contrary to law, the English Government, after seizing the ships, requisitioned them for their own use, and have been using them for

Britain.

Contrary to law, the English Government, after seizing the ships, requisitioned them for their own use, and have been using them for over a year without any compensation to us. The three ships represent a market value of \$8,000,000 and the loss of earnings and cost to us represent a like amount. The British claim that the ships are being held for prize-court proceedings. These proceedings have been postponed time and again, and there is no indication that the case will come to trial before the close of the war.

We are giving you this information that you may know of a specific case showing the disposition of the British Government to further its own interests in any way, regardless of international law or the rights and security of American citizens.

Very truly, yours,

R. G. Wagner, President.

That, it seems to me, is an important statement affecting American rights. I ask some international lawyer in the House who interprets the phrase "the freedom of the seas" whether the United States ships thus involved are entitled to the freedom of the seas? [Applause.] Let them answer in their own time.

I hold in my hand another letter which I hope I may have time to read. It involves American citizens seized upon the high seas and held in virtual captivity on the other side of the water. I have not time to go into details, but will read only the letter of the Secretary of State of the United States in answer to my request for information as to the status of these American citizens who were evidently denied "the freedom of the seas":

DEPARTMENT OF STATE, Washington, June 16, 1916.

Hon. J. Hampton Moore, House of Representatives.

House of Representatives.

Sir: I have the honor to acknowledge the receipt of your letter of June 1, 1916, relative to the claims of various American citizens against the British Government growing out of their detention at Falmouth, England, on August 4, 1914, as passengers on the steamships Prinz Adalbert and Kronprinzessin Cecilie, these claims having been presented to the department by Mr. Theodore Cuyler Patterson, of 2213 Delancey Street, Philadelphia.

In reply I have the honor to say that the department has informed Mr. Patterson on a number of occasions to the effect that it does not consider that it is in a position to press these claims at the present time, and it has pointed out to him that it must determine for itself the time and methods for acting in matters of this kind.

This letter is dated June 16, 1916, 20 months after these American citizens had been taken from the high seas by British officers.

can citizens had been taken from the high seas by British officers. The Secretary of State continues:

Respecting your inquiry as to whether the communication addressed by the department to Mr. Patterson under date of April 18, 1916, in

which he was advised in the sense just indicated, should be interpreted to mean that "the department dismisses the claims referred to," and as to whether the department knows of any course these claimants may pursue to obtain redress for their grievances, it may be stated that in no communication addressed to Mr. Patterson has the department indicated any disinclination to give these claims proper consideration at the appropriate time.

Eight months have elapsed. I asked the department only recently for further information, but the situation is in statu quo. But as to the rights of Americans upon the high seas and our asserting those rights, read this additional paragraph.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes more in which to read this.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I will read:

The claimants are, of course, at liberty to institute proceedings in the appropriate British tribunals with a view to obtaining indemnity for the injuries which they allege were suffered by them. In this connection the department may call attention to the principle of international law that a claimant against a foreign Government is not as a general rule entitled to the diplomatic intervention of his own Government until he has exhausted his legal remedies in the tribunals of the country against which he makes the claim. I have the honor to be, sir,

Your obedient servant,

Robert Lansing.

ROBERT LANSING.

These American citizens, within their rights upon the high seas, but on a German ship, were not traveling for the mere purpose of a thrill to the war's agitation upon the other side, but their appeal to their own Government for the assertion of that freedom of the seas of which we boast is met in part by the suggestion, even in the midst of these trying times, that they go over yonder into the tribunals of Great Britain and assert their claims. Oh, ye international lawyers who are determining questions for us in this House, will you please tell me how these American citizens who were denied the right to the free seas by one great Government are to obtain redress?

That is not all. Here is a proposition even more serious as

affecting the difficulties we seem bound to get into. I have a letter from an American citizen, one of many, who is endeavoring to do business upon the high seas which we think are free, but which seem now to be "bottled up" against every American ship sailing from an American port, whether it goes into a neutral country or whether it does not. [Applause.] This letter intimates that our boasted freedom of the seas to American shipping to-day means that a ship with American commerce or with the flag attached must first obtain the approval of at least one of the great nations before it can make its destination beyond the 3-mile line. The writer says:

beyond the 3-mile line. The writer says:

I wanted to call your attention to the humiliating position of the American importers of goods from Great Britain and her possessions. It would take a lengthy correspondence to give you the details.

So you will be able to form an idea as to what I am alluding, I inclose three blanks. For identification, I have marked them A, B, and C. Before referring to them I desire to call your attention to the conditions under which importers were allowed to import from Great Britain and her possessions. For a time permission was obtained through the British consul general in the principal ports of Boston, New York, and Philadelphia; then the Textile Alliance (Inc.), New York, acting in conjunction with Messrs. Freshfield, London, for account of the British Government, imposed new conditions, and we were compelled to sign various papers and pay tribute to the Textile Alliance of I per cent and one-fourth per cent to certain bankers through whom the documents had to be forwarded. Recently the commission paid to the Textile Alliance was reduced to one-half per cent, but the additional commission to the bankers of one-fourth per cent is still imposed.

I will not give the name of the American association for it

I will not give the name of the American association, for it might embarrass them in their desire to continue in the import-

The CHAIRMAN. The time of the gentleman has again ex-

Mr. HILLIARD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. MOORE of Pennsylvania. I hope that I will not use

five minutes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be con-

cluded at the end of 20 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto be concluded at the end of 20 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I will read:

Then application was made in writing, and if approved by them, essrs. Freshfield, or the British Foreign Office, was advised by cable

Then application was Messrs. Freshfield, or the British Foreign Office, was advised by called or mail.

Form A. This is a blank recently distributed to both the already approved and new applicants for permission. This virtually gives the representatives of the British Government the right to examine your books and accounts.

Form B. When properly filled out will give the British Government a complete record of the kind of goods you buy, and to whom you sell, whether it be in the United States or in neutral countries.

Form C. One is obliged to fill out this form in making application for permission to import goods from any one of the ports of Great Britain or her colonies, a separate application being necessary in the case of each shipper.

Can you imagine anything more humiliating than an importer of many years standing being obliged to sign such an agreement in order to keep his business, which has been established for many years, going until affairs become in a more normal condition? I claim that countries who are asking so many favors from us should not be permitted to impose on us such arbitrary restrictions if we want to import from their countries.

France is now also imposing restrictions on goods, shipments direct to the United States, but in some cases she is permitting goods to be forwarded to the United States provided they are shipped from her colonies through French or English merchants, the same to the detriment of the American merchants, who import from those places direct.

As you well know, it is very difficult, particularly in times like the present, to obtain positive information of the actions of other governments, whereby they are discriminating against the favored nation, as in the present, but the circumstantial evidence, up to the present, shows that both Great Britain and France are working together to absorb and control the trade of the United States, to the detriment of the American importers and exporters.

I will not read further from this letter.

It is well known to importers and to exporters that no business can be done by merchants in the United States without receiving the approval of the Textile Alliance, incorporated under Great Britain's auspices in New York and in Chicago. These are the conditions that confront American trade at this time. We talk of "the freedom of the seas" as if it were an actual fact. We discuss international law as if it were a real thing, and yet when we attempt to send our people abroad to travel where they please under protection of their American citizenship, we find that they may be taken from ships, with no redress except to go to their captors for justice, and that their commerce may be requisitioned by those who demand it.

We find that cargoes of coal going to pacific South America can be seized and taken into the port of a belligerent, and that the remedy pointed out to the owner of a vessel or of a cargo is to go into the court of the captor to obtain justice. And yet we say that we insist upon the freedom of the seas and that we

will fight to maintain it,

Gentlemen of the Congress, we may punish Germany, and for such crimes as she may have committed against our country I trust she may be held accountable; but if we are to preserve our strength as an independent Nation and are to maintain our rights to sail upon the broad ocean as free as if we were traveling over our own country, then we should at least be just enough and neutral enough to maintain those rights against every nation that assails them, whether upon land or sea. [Applause.]

I ask unanimous consent, Mr. Chairman, to insert in the RECORD with these remarks blanks that are apparently sanctioned by the British Embassy and which American merchants are expected to sign before they can obtain the approval of the Textile Alliance to permit American cargoes to go upon the high seas

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by inserting the matter indicated. Is there objection?

There was no objection.

Following are the blanks referred to:

TEXTILE ALLIANCE BLANKS. Signed at

(Attention of Sir Richard Crawford.)

BRITISH EMBASSY, Washington, D. C.

Gentlemen: We hereby make application for our concern to be approved for receipt of British-controlled materials, and hereby certify to the facts below indicated, and guarantee to surrender to you at any time requested the necessary documents to substantiate said facts.

During the two years ending July 1, 1914, the concern known as \_\_\_\_\_\_\_, of the city of \_\_\_\_\_\_\_, State of \_\_\_\_\_\_\_, was in business and (imported \_\_\_\_\_\_\_, if the city of \_\_\_\_\_\_\_\_, if the concern known as \_\_\_\_\_\_\_\_, if the city of \_\_\_\_\_\_\_\_, state of \_\_\_\_\_\_\_\_, was in business and (purchased from importers) (for sale to manufacturers ) the following imported materials as listed below (and designated by us with an X in the appropriate column), and desires to continue in similar transactions.

	Dealer importers.	Manufac- turing importers.	Purchased from dealer importers.
Hides unfinished			
Calfskins			
Goatskins			
Horsehide and colt skin			
Sole leather Upper leather			
Other leather.			
Tanning materials (specify)		***********	

We desire that the methe British approved I hereby guarantee that, mit a certified public a Mr. Codworth Beye, to carrying out the guaranteguarantee, for ourselves no way be conducted, of Great Britain so long Two signatures requi	specific guara and for our lirectly or inc g as the prese	nties requir	ppropriately entered on for confirmation. We on written request per- cointed by yourself and records the fact of our om time to time. red of us, we do hereby act our business will in advantage the enemies attinues.
		r responsibi	le officer of concern).
			All the second s
			de officer of concern).
Secret	tary (or other	r responsib	le officer of concern).
The guaranty in the bassy merely the opinion will not give the embe	second para	graph abov	le officer of concern).  e will give to the em- er his examination and records, directly or in-
directly.  The officers of compaday of, 1916, and and correct record as slipng as the war lasts.	d swore to th	e statemen	before me this— t herein above as a true th I will keep on file as
		Justice of	the Peace or Notary.
Term expires	application in	triplicate	form.]
	No		
[Textile Alliance (Inc. Sev	), No. 120 M enteenth Stre	filk Street, et, New Yo	Boston; No. 45 East rk.], 1915.
	APPLICA		How to the same
We hereby designate	Bulletin No ou have your ow, in secur Governments aipped by said ir account:	. —, and, coresponding licenses whereby to d agents to Kind of me	pursuant thereto, we ents abroad assist our, if possible, from the he kind of merchandise or through you in the rchandise to be shipped
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In Canada In Great Britain			
In Austrana			
In South Africa			
In East Africa			
In India			
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We hereby authorize on our behalf to execute undertakings pertairing by the British or Colon In consideration of yeard other valuable cons (1) That prior to yenter into such undertupay your usual charges	and empower e and deliver to the said tial authoritie our labors and siderations we our releasing akings and as	such application merchandies or your of the labors to hereby ages such mercigreements	ations, agreements, and se as may be requested correspondents. s of your correspondents ree: chandise to us we will as may be required and
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under neemse or not.		THE RESERVE OF THE PARTY OF THE	correspondents abroad, ial Governments, refuse r name, whether shipped harges, storage charges,
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In the presence of:			
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Name of applicant — Articles to be imported		Address	CONTROL OF SUBS
CANCEL DE LA ELE	REFERE	NCES.	Selfanis and beautiful as a
Name.	Addr	ess.	Report (for purposes of Textile Alliance, Inc.).

Remarks	Sales Sa
Submitted -	
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#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Harrison of Mississippi having taken the chair as Speaker pro tempore, a message sippi naving taken the chair as speaker pro tempore, a message from the Senate, by Mr. Tully, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Pom-erene, Mr. Hollis, and Mr. Dillingham as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 703) to provide for the promotion of vocational educa-tion; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures

The message also announced that the Senate had passed the following concurrent resolution without amendment:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 703) entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure." the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5 as the same appears in the conference report on said bill and amendment.

#### ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. LONDON. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman can proceed by unanimous

Mr. LONDON. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes, and ask not to be interrupted.

The CHAIRMAN. The gentleman from New York asks

unanimous consent to proceed for 15 minutes. Is there objec-

There was no objection.

Mr. LONDON. Mr. Chairman, I have been restraining myself for two weeks. I feel that I am now in complete self-control and that I can speak safely.

Let us go to the meat of the situation. A question was asked yesterday of the leader of the minority by the gentleman from Texas [Mr. Dies]. The astute and brilliant leader of the minority, who is always ready to answer any question thrown at him, thought that the question was embarrassing, and declined to answer it. The thing that the gentleman from Illinois did not dare do I should hardly dare attempt, but as I am younger and can afford to be indiscreet, I shall answer that

I contend that the question has already been answered by the American people. One of the belligerents has already denied the freedom of the seas to American commerce, and the great masses of the American people have refused to accept the idea of going to war because of that injury to American commerce. The practical and the concrete question to-day is this: Having refused to go to war with one of the belligerents because a part of our commerce has been driven off the seas, shall we go to war with the other belligerent because the rest of our commerce is being threatened? [Applause.] In other words, shall we fight for the privilege of carrying on commerce with the belligerent nations? That commerce, so far as exports are concerned, is confined principally to the business of supplying the belligerents with munitions.

Is there any doubt that the American people will repudiate the war agitation if the question is honestly presented?

I am not very generous to what we Socialists call the "capitalistic class," but I would readily vote hundreds of millions of dollars into the pockets of the munition traffickers rather than

The kings and rulers of the Old World have so managed it that every one of the belligerent nations in Europe to-day is fighting for something that appeals to sentiment, that appeals to the spiritual man. Poor little Serbia is fighting against extinctions. Austria-Hungary seeks national consolidation and an

unobstructed road to the Orient. Germany is struggling against being crushed by powerful enemies that surround her on all Russia, the giant of the East-a giant without lungs, because it has not a warm-water port-seeks a warm-water port, and says that she has entered the combat to help a weaker Slav brother, Serbia. If Italy gets what she has started out for, she will restore to herself her "Italia Irridente," that portion of northern Italy now possessed by Austria. Roumania will get back some of her territory. Every one of those nations, if it wins the war, will have satisfied some national aspiration, some national ideal. Of course the probabilities are that none of them will have anything to show commensurate with the sacrifices made. What national ideal will the United States satisfy by a war? What will the United States have accomplished if it goes to war and wins? It will have acceptable of the company of the c plished if it goes to war and wins? It will have established the right of munition makers to sell munitions. That is the only thing that will be established. It will be a war for cash, a war for commerce. It will be a war for the right of the powder barrel, with the American flag on the barrel, giving it the sanctity of the flag and everything that the flag represents.

Why not face the issue fairly and honestly? And if you face that issue fairly and honestly, there can be only one answer such a war is inconceivable.

There seems to be a great deal of soberness and sanity in this Congress now-a great deal more soberness and sanity than I expected to find, I will say. I hope that will not be stricken from the Record. [Laughter and applause.] It is a safe policy to attack people collectively and not individually, because every one takes it as intended for somebody else and is not offended.

It is self-evident that the United States would have exercised a tremendous influence if, in the council of nations, it would act the part of the arbitrator. It would then be the one great neutral power, the one great Republic, the repository of the ideals of democracy and liberty. But the United States as an ally, the United States as a participant in the war, as a sharer in its spoils, will play only such part as will be justified by her contributions to the final result. When you are in the council of nations after the settlement of a war you are strong only to the extent to which you can lick all your partners. It is only when you can say to them, "These are the terms which you shall accept. If you do not accept them, I will lick you all. Take the course I suggest or I am going to fight you all," that you will count. The average American may believe that he can lick the whole world, but he can not. It is not by licking anybody that America has become what she is to-day. We have made progress because we have developed as a peaceful Nation, engaged in peaceful pursuits, promoting democracy, and to me America is so dear not only for the things that she has accomplished but for the great promise for the future that America holds out to the world. [Applause.] I do not hesitate to declare my faith and my hope in the greatness and glory of America as long as she pursues her ideals. [Applause.]

Gentlemen, I hope we will not be swept off our feet. I have a great admiration for the President of the United States, but I fear that slogan, "Stand by the President." It is a dangerous battle cry when the people cease to be a people and become a mob. "Stand by the President" means a great deal when the President is right. "Stand by the President" is a dangerous slogan when the President is in error. It is a mighty dangerous thing to permit Congress to drift into a state of mind where one man can sweep you off your feet. I call for the greatest exercise of freedom of thought, of speech, and of discussion, and the most earnest application to the problem which confronts us. I am glad that the Congress of the United States is seriously discussing this problem and that we are preparing ourselves to act as sensible men should act in a great crisis. When the framers of the Constitution vested Congress with the power to declare war they did not intend that Congress should in a perfunctory way go through the ceremony of declaring war upon somebody's suggestion. The right to declare war means the right to refuse to declare war. It involves deliberation, study, analysis, the searching of one's conscience, the calling into action of all our mental powers. And if there ever was a time when every Member of Congress should be free and strong and independent, this is the time. [Applause.]

I hope, gentlemen, that we shall be spared the horrors of the conflict. I hope that we will stand by our fundamental principles, Germany is now threatening a portion of our commerce. Germany has violated fundamental principles, not only of international law but of that law which is more sacred than all the textbooks that have ever been compiled by quibbling lawyers. When Germany invaded Belgium, when Germany proceeded to deport the civilian population of Belgium, when Germany sunk the helpless women and children on the Lusitania, she committed a crime against civilization, against humanity. We did not fight then,

but now when business is injured people talk of the possibility of war.

Mr. KELLEY. Will the gentleman yield? Mr. LONDON. I yield to the gentleman.

Mr. KELLEY. Is it the gentleman's understanding that the President severed diplomatic relations with Germany because of commercial reasons?

Mr. LONDON. We are confronted now with an accomplished fact. I opposed the severance of diplomatic relations during the discussion of the McLemore resolution. I do not want to criticize the President for what he has already done. He has severed diplomatic relations with Germany. He has not severed diplomatic relations with England for various violations of neutral rights.

How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes.

Mr. LONDON. Then I can answer the question. I do not forget the fundamental difference between the German situation and the British situation. I like to face facts squarely and speak honestly; if a man can not afford to speak honestly there is no use talking at all, and if a Socialist should not be honest, who would be? [Laughter.] England has accomplished her blockade, and England has deprived the United States and other neutral powers of the freedom of the seas by what has heretofore been recognized more or less as a civilized method of doing things. Germany is striving to obtain the same result by means of the submarine, which threatens human life. That is the fundamental distinction, and it is because of this fundamental distinction that the President said to Germany, "We can not do business with you. You disregard fundamental rights of humanity. You throw away human life ruthlessly, cruelly, without compunction. We can not do any business with you." Whether he was wise or not is immaterial. So far as the great masses of the American people are concerned, so far as the question of war or peace is involved, the question reduces itself to this, Shall we submit to the blockade of England? Shall we not submit to the blockade instituted by Germany? The question of method affects only a small number of individuals. The method pursued by Germany threatens a small number of individuals who engage in that traffic and who find themselves within the war zone. So far as the right to the freedom of the seas is concerned, both belligerents disregard our rights. Is not that so?

Mr. CALDWELL. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. CALDWELL. Does not the gentleman make a distinction-understand, now, I am taking no part in it, but I want to

Mr. LONDON. You have a right to take a part, and ought

not to be afraid to take a part.

Mr. CALDWELL. The point I want to get is, Does the gentleman make any distinction between the violation of an international right where human life is involved, and where only property is involved?

Mr. LONDON. Why, of course I draw that distinction. I said so. I started out with that; but so far as the great masses of the American people are concerned it is purely a question

to what extent their commerce will be injured.

Mr. SHALLENBERGER. Does the gentleman mean to maintain that if an American ship is sunk now with Americans on board and American lives are lost by the action of Germany to maintain her blockade, that that presents the same sort of a situation to this country as when England seized our ships on the sea without the loss of human life?

Mr. LONDON. No; it presents a more difficult problem.

There is no doubt about that. But do not forget, please, that those lives will be lost after warning has been given not to enter the war zone. If American lives are lost when you get within the range of the guns fired from the walls of a belligerent fortress, you have no complaint. That is what it amounts to. Germany has now surrounded the British Isles by guns which have a longer range than the guns she had before. That is the proceeding proposition. practical proposition. If you are not within the war zone, your life is not in danger.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

The Clerk read as follows:

United States service schools: To provide means for the theoretical and practical instruction at the Army service schools (including the Army Staff College, the Army School of the Line, the Army Field Engineer School, the Army Field Service and Correspondence School for Medical Officers, and the Army Signal School) at Fort Leavenworth, Kans., the Mounted Service School, at Fort Kiley, Kans., and the School of Fire for Field Artillery and for the School of Musketry, at Fort Sill, Okla., by the purchase of textbooks, books of reference, scientific and professional papers, the purchase of modern instruments and material for theoretical and practical instruction, employment of temporary, technical, or special services, and for all other absolutely necessary ex-

penses, to be allotted in such proportion as may, in the opinion of the Secretary of War, be for the best interests of the military service. Not exceeding \$100 per month may be used for the payment of one translator, to be appointed by the commandant of the Army service schools with the approval of the Secretary of War, \$35,350: Provided, That officers in the grade of second licutenant in the Field Artillery may be assigned, for the period of one year, to batteries stationed at the School of Fire for Field Artillery at Fort Sill, Okla., for the purpose of pursuing courses of practical instruction in field artillery.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word and asks unanimous consent to proceed

for 10 minutes. Is there objection?

Mr. DENT. Reserving the right to object, I would like to ask if there are any other gentlemen who want time on this

Mr. PLATT. I would like to have 10 minutes.

Mr. GARRETT. I would like to have 10 minutes.

Mr. FOCHT. I want a little time. Mr. DENT. Mr. Chairman, I ask unanimous consent that after 30 minutes all debate on this paragraph and amendments thereto be concluded. I want to say that I think I have been pretty liberal and fair with the committee on this proposition, and I hope that after this we will go on and read the items in

The CHAIRMAN. Does the gentleman's request include a desire that the Chair shall recognize the gentlemen who have asked for time?

Mr. DENT. It does.
The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and all amendments thereto terminate in 30 minutes, the Chair to recognize certain gentlemen in the division of the time. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, for once we seem to find the gentleman from Pennsylvania [Mr. Moore] and the gentleman from New York [Mr. London] in absolute accord; for, as I gather from their arguments, they take the position that if Congress shall be called upon to take any action in this present international crisis, that because the executive branch of this Government has failed to maintain our rights against England with reference to property rights, we should refuse to vote to maintain our rights against Germany involving human life.

Mr. Chairman, Congress can not excuse itself from the performance of its duty, if called upon, by pointing to the derelic-tion, if there be dereliction, of the executive branch of this

Government in another case. [Applause.]

Mr. Chairman, in the present crisis with Germany I have felt that the best service a Member of Congress could render his country was to refrain from discussing the matter on the floor until we were called upon to take some action. Unfortunately that has not been done, and extremists on both sides have been freely expressing their opinions until there is a very general belief throughout the country that if Congress is called upon to act at all it will choose between a general declaration of war against Germany, intervening in the European war, and a position that, whatever the provocation may be, we will under no circumstances defend our rights with force.

Believing, as I do, that neither of these positions correctly interprets the position of Congress, the President, or the American people, I think it proper now to give expression to what I believe is the dominant sentiment of the House at this time. I have no authority to speak for anyone but myself, but in conversation with my colleagues I find a very general sentiment in

agreement with my own views.

In severing diplomatic relations with Germany the President did only his duty. Applause.] To have done less would have forfeited any respect the world still had left for us. [Applause.]

By her own admission Germany has made herself an outlaw. She does not pretend that her act which was the cause of the breach can be justified by international law. She asserts that she will sink without warning neutral ships and destroy neutral lives within goodfad around the state of the cause of the ca lives within specified zones. In the case of other neutrals she has actually done so. Any day may bring the news of destruction of American ships and American lives in admitted violation of international law and of the laws of humanity.

If I understand the views expressed by some gentlemen, if this shall come to pass, we must do nothing; that no matter what the provocation may be, under no circumstances must we defend our rights with force. If this is to be the attitude of Congress and the American people, then the days of this Republic are numbered. [Applause.] We will no longer be a Nation, for any people too cowardly to fight for their liberty upon the sea, if need be, will be too cowardly to fight for their liberty upon the land. But, Mr. Chairman, that is not the spirit of the Amer-

ican people, and when the time comes that will not be the spirit of this Congress. Representing the great American people here, we will vote to maintain by force, if need be, our liberties upon the sea: but that does not mean that we will vote a general declaration of war against Germany; it does not mean that we will intervene in the European war; it does not mean that we will send our men to the trenches of Europe; it does not mean that we are to sit in and determine the terms of settlement of European questions. It means only that we are going to settle our difficulty with Germany by compelling her to respect our rights upon the sea. [Applause.] If war must come, it will be a war upon the sea, destroying every German submarine that we can and protecting our own ships until such time as Germany shall cease to be an outlaw upon the sea. When Germany shall again respect our rights our quarrel with her will be over and we will be ready to make peace with her regardless of European nations or European quarrels. [Applause.]

I believe the American people and this Congress will stand for this policy, and that those who would drag us into this world war for reasons other than maintaining our own rights, and those who are for peace at any price, together, constitute a

very small minority.

Mr. Chairman, when the contest upon the McLemore resolution arose last year I was against the President, because I believed he was wrong, because I was unwilling to commit myself to the use of force to maintain what the President had himself denominated a doubtful legal right. I never will vote to use force to maintain a doubtful legal right; but there is no doubt about the questions involved in this crisis. They are admitted wrongs, and the only question is whether we shall submit to them without any further effort to correct them.

If we are called upon to act in this matter, it will be the most solemn responsibility ever laid or to be laid upon any of us. If any Member in that hour is influenced in the least degree by party politics, by prejudice, by sympathy for either side in the European war, he will be untrue to the oath of office he has taken here. If ever in our lives we should be American citizens taken here.

only, it will be then.

I am not so greatly alarmed about possible trouble with Germany as I am about a divided country tere. Divisions now may not only prevent a peaceful settlement of our quarrel with Germany but may result in disorder within our own borders, with consequences much more serious than war with any for-

The propaganda now going on throughout the country to avoid war at any cost is a greater peril to the Republic than war with Germany would be. [Applause.] The proposition for a war referendum is likewise a great peril. Suppose at this time a referendum was held; suppose 10.000,000 votes were cast, 5,100,000 for war and 4,900,000 against. If war was declared on that vote, does it require a prophet to foresee possible civil war among ourselves? Or suppose 4,900,000 voted for war and 5,100,000 against, and we refuse then to exercise force to maintain our rights, how long would it be before we would have no place upon the seas anywhere-England with impunity shutting us out when to her advantage, and Germany doing likewise when to her profit?

We each have duties and responsibilities here which we can delegate to no one, chief among which is to do that which will best preserve those liberties which the fathers of the Republic gained for us, and preserve this Union which we have each

worn to support. [Applause.]

Mr. GARRETT. Mr. Chairman, every time throughout the European war that the House of Representatives has officially or by útterance of its membership thrust itself into the problems of the war it has, in my opinion, brought this country nearer to the danger zone. I myself have never discussed the issues of the war or anything pertaining to the European war save upon one occasion, when official duty rendered it necessary-the Mc-Lemore resolution being called up for action.

I violate no confidence when I say to this House that the hours just before the action on the McLemore resolution were the darkest hours which the diplomatic branch of this Government has passed through since the present European war began.

I do not rise in any spirit of criticism of gentlemen who have seen fit to so extensively discuss this matter, although I can not but feel that these expressions, or many of them, have been extremely unwise and have been detrimental, not with any bad intention on the part of the utterers, of course, to the best interests of the peace of this country. [Applause.]

Now, Mr. Chairman, if I may be permitted, I shall in this hour, when the House is calm, recall to the membership here the official utterance of the President of the United States. suggestions so well and so pertinently made by the gentleman from Nebraska [Mr. REAVIS] a while ago are in line with this official utterance. Such speeches as that made by the gentleman from Nebraska are not subject to the criticism that they

injure the peace of the country.

I think it is well to read this now, because I think there are many Members of this House even who have lost sight of what the real issue is and what the President really said. It is perhaps not remarkable that much of the press of the country appears to have lost sight of it. It is not at all strange that the multiplied thousands of private citizens in the country have lost sight of it, but surely it is inexcusable that Members of this body, likely at any time to have the responsibility thrust upon them to act, should lose sight of the issue and drag into the discussion extraneous matter—that is, matter extraneous to the one purpose expressed before us by the Chief Executive of the Government. I shall not undertake to interpret the language; it would not be proper and it is not necessary, because the language interprets itself. I read from the address of the President delivered at a joint session of the Senate and House on February 3:

House on February 3:

Notwithstanding this unexpected action of the German Government, this sudden and deeply deplorable renunciation of its assurances, given this Government at one of the most critical moments of tension in the relations of the two Governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will feel at liberty to do. I can not bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own or to the solemn obligations which have been exchanged between them and destroy American ships and take the lives of American citizens in the willful prosecution of the ruthless naval program they have announced their intention to adopt. Only actual overt acts on their part can make me believe it even now.

If this inveterate confidence on my part in the sobrlety and prudent foresight of their purpose should unhapply prove unfounded; if American ships and American lives should in fact be sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress, to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. I can do nothing less.

The CHAIRMAN. The time of the gentleman from Tennessee

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that

the gentleman's time be extended.

Mr. GARRETT. Mr. Chairman, I will say to the gentleman from Alabama that the time has been limited by unanimous consent. I do not want to ask for any more myself, but I will appreciate it if some gentleman who is to be recognized will be good enough to grant me two minutes of his time.

Mr. PLATT. Mr. Chairman, I will grant the gentleman two

minutes of my time.

Mr. GARRETT. I thank the gentleman. Mr. Chairman, I have read this simply to show the full extent to which the President has gone. No utterance of the President has suggested war except as it might follow incidentally. What the President has said he and his administration are entitled to be measured by. Public sentiment must be and ought to be consulted, but that sentiment should be formed from an exact knowledge of the issue presented.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Does the gentleman object to free exchange of Mr. LONDON. opinion upon the subject so as to reach a clear understanding of

Mr. GARRETT. I do not like to say that I do, but I will say that in my opinion if the McLemore resolution had passed the House of Representatives, or after it had reached a certain stage, if it had not been called up and laid on the table this country would have been at war months and months ago, and my further impression is that there is nothing which will so unerringly and certainly lead toward the preservation of peaceful relations between this country and Germany at the present time under the great tension which exists as will a refraining on the part of gentlemen here in the war-declaring body from intemperate utterances upon this question. [Applause.]
Mr. DAVIS of Texas. Mr. Chairman, will the gentleman

Mr. DAVIS of Texas. The gentleman presents a serious question to me. Is it not a fact that our Government warned our people out of the war zone in Mexico, regardless of our rights to

Mr. GARRETT. Mr. Chairman, I hope the gentleman will not try to carry me into that discussion. That is a case which stood upon its own bottom. We are dealing now with a situation more tense than any with which the present membership of this House has ever been called upon to deal, and there rests upon us, and I feel it, the gravest responsibility of our lives. I am extremely anxious that we shall be duly circumspect in the matter. [Ap-

Mr. PLATT rose.

The CHAIRMAN (Mr. DECKER). Was the gentleman from New York one of those to be recognized under the unanimousconsent agreement?

Mr. PLATT.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. MANN. Was not the gentleman from Pennsylvania to be

recognized?

Mr. FOCHT. Yes. Mr. MANN. I do not think the gentleman from Tennessee was to have 10 minutes under the arrangement.

Mr. FOCHT. I want only five minutes.

Mr. FOCHT. I want only live limites.

Mr. MANN. It will be easy enough to correct it.

Mr. PLATT. Mr. Chairman, I agree in general with what the gentleman from Wisconsin [Mr. Lenkoot] so well said as to what we could do to fully protect our rights on the high seas without going further into the European war than necessary to protect those rights. I have introduced into the House three bills to carry out just exactly what the gentleman from Wisconsin advocated, and those three bills were once laws of the United States. They were laws that were passed by the Fifth Congress, in the spring and summer of 1798, at a time when the United States of America had a population of only 5,000,000 people. The controversy at that time was almost identically the same as the present controversy. There were no submarines in those days, to be sure, in 1798, but war vessels used to sneak up on merchant vessels under cover of neutral flags and fire upon them, which amounts to practically the same thing as an attack without warning. They sought to capture them rather than to sink them, it is true, and they took on board the crews of the captured vessels, so the practice of those days was by no means so inhuman as the German submarine practice of to-day. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by inserting these three short bills.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, I wonder if gentlemen have looked into just what was done by the United States in 1798. England and France were at war with each other. Both nations were interfering with the rights of neutrals on the seas as at present, but the French were doing the most damage at that time, and antagonism was aroused chiefly against France, so that our action was taken against France and not against England. One of these laws authorized American merchantmen to arm for defense. Another one shut off all commercial intercourse with France and provided that no ship leaving the United States under any circumstances should go directly or indirectly to France or to any French dependency or trade with anyone resident in France. I have taken that law and copied it almost word for word, substituting the word "Germany" for the word "France." If passed now, it will shut off all commercial inter-"France." If passed now, it will shut off all commercial inter-course with Germany and will prevent any further disputes with England.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Not at present.

Mr. STAFFORD. Right on that point-

Mr. PLATT. The third law authorized war vessels of America to go out upon the high seas and capture French war vessels or armed vessels wherever found, and substituting the word "German" for the word "French" this bill would give our Navy absolute right to-day to go out and capture or sink German submarines or cruisers wherever they may be found. That is what we did in 1798, when we were a little nation of 5,000,000 people, and surely we can not be afraid to do the same thing to protect our rights now when we are a nation of 100,000,000 people. If we are, are not we justly subject to the charge of cowardice? How can anybody hold otherwise? In these bills I have left out obsolete matter, such as the authorization of privateers, which is, of course, no longer allowed, and a few other things of that sort, but, generally speaking, the bills are word for word as passed by the Fifth Congress in 1798 with the word "France" stricken out and the word "Germany" put in its place.

We could do to-day just exactly what we did then. We did t declare war against France. We did not even formally not declare war against France. break off diplomatic relations with France. We had no minister in France at that time it is true, and there was no French minister here, but there was no formal rupture of diplomatic relations. We were nominally neutral, although we went on the high seas and captured or sunk 84 armed French vessels and had two or three fights between frigates, the battleships of that day, that are famous in the annals of the American Navy, notably the fight between the Constellation and the Insurgente, which we captured.

Mr. BAILEY. Will the gentleman yield for a question? The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. I had 10 minutes,
The CHAIRMAN (Mr. DECKER). The Chair will say to the
gentleman there is a mistake in regard to the allotment of time. The gentleman's name is not here, and the present occupant of the chair took the liberty of recognizing him.

Mr. FIELDS. The gentleman from New York [Mr. Platt]

was allowed 10 minutes.

The CHAIRMAN. The Chair will recognize the gentleman for five minutes more.

Mr. PLATT. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. When the gentleman was referring to the second bill that he had introduced he said it provided for a cessation of commercial intercourse with Germany, and I want to inquire whether our people have any commercial intercourse with Germany, or have had for two years past?

Mr. PLATT. I think there is still a certain amount of trade

with Germany, directly or indirectly.

Mr. STAFFORD. Is it in the air or in fact?

Mr. PLATT. It is water-borne commerce through neutral countries. It has not been entirely shut off. Right in that connection I want to refer to the letters read a few minutes ago by the gentleman from Pennsylvania [Mr. Moore], letters protesting the shutting off of American commerce going to Germany. He read particularly a statement that Mr. Secretary Lansing had said that the State Department could not act until remedies before the courts in Great Britain had been first tried. I wonder if the gentleman knows that in our own Civil War we did exactly what England is doing now, or almost exactly. We picked up the British ship Peterhof off the island of St. Thomas, 1,000 miles away, going to the city of Matamoras, Mexico, a neutral port, and we sent her under a prize crew to New York, and the lower court, the district court, condemned the vessel as a prize, although it was an English vessel, a neutral vessel, going from one neutral port to another neutral port. The Peterhof was condemned as a prize by the lower court of New York. We also picked up the ship Springbok, going from one English port to another English port-Nassau, Bahama Islands. We sent that ship under a prize crew to New York, and the lower court condemned it as a prize on the theory that the goods in it were destined to the Southern Confederacy. Now, then, we have heard the gentleman from Ohio [Mr. Fess] talk about what the Supreme Court decisions were in both of those cases. The owners of this vessel appealed to the British foreign office, just exactly as the case the gentleman from Pennsylvania [Mr. Moore] referred to, and asked the foreign office to make violent protest to the American Government, but Lord Russell, the English foreign secretary, said to the owners of those vessels, "You have got to try your remedies in the courts of the United States first." There was then an appeal to the Supreme Court, and in both of those cases the Supreme Court overruled the decision of the lower court and the vessels were set free. But when? There is the crux of the whole situation, as far as our case with England goes. These vessels were captured in February, 1863, and they were set free in 1866, a year after the war was over.

Now, that is what England is doing. She is not going as far as we did. She is not condemning these vessels, as a rule, that are captured at sea, but she is simply taking them into port and paying for the cargoes, perhaps not the price the people expected to get, but at fair prices. The shippers are taking money from the English and have not much of a case left. There have been some condemnations, I believe, of goods consigned directly to German ports, and there are many cases pending in British courts. We undoubtedly are entitled to damages, I think, in many of these cases, but England's acts in enforcing her blockade form no justification for the destruction of ships and of human life by the German submarines.

Mr. Chairman, in introducing the bills which would give the President authority to put a stop to the illegal and inhuman German submarine operations without declaring war, I do not mean to imply that I shall not support him if he shall decide to go further. I shall support with my whole energy any adequate measures which the President may recommend for ending the present intolerable situation. The bills referred to are as as follows:

A bill (H. R. 20939) to suspend commercial intercourse between the United States and the German Empire.

Be it enacted, etc., That no ship or vessel owned, hired, or employed wholly or in part by any person resident within the United States shall hereafter be allowed to proceed directly or from any intermediate port or place to any port or place within the territory of the German Empire or the dependencies thereof, or shall be employed in any traffic or com-

merce with, or for any person resident within the jurisdiction, or under the authority of the German Empire. And if any ship or vessel in any voyage hereafter commencing, and before her return within the United States, shall be voluntarily carried, or suffered to proceed, to any German port or place as aforesald, contrary to the intent hereof, every ship or vessel, together with her cargo, shall be forfeited and shall accrue to the United States and shall be liable to be seized, prosecuted, and condemned in any circuit or district court of the United States.

Sec. 2. That hereafter no clearance for a foreign voyage shall be granted to any ship or vessel owned, hired, or employed wholly or in part by any person resident within the United States, until a be shall be given to the use of the United States, wherein the owner or employer, if usually resident or present, where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such vessel for the intended voyage shall be parties, in a sum equal to the value of the ship or vessel and her cargo, with condition that the same shall not, during her intended voyage, or before her return within the United States, proceed or be carried, directly or indirectly, to any port or place within the territory of the German Empire or the dependencies thereof, unless by distress of weather, or by actual force or such bond; and that such vessel is not, and shall not be employed during her intended voyage, or before her return, as aforesaid, in any traffic or commerce direct or indirect, with or for any person resident within the territory of the empire above mentioned or any of its dependencies.

Sec. 3. That from and after due notice of the passing of this act, no German ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the German Empire, or owned, fitted, hired or employed by any persons resident within the territory of the German Empire, or any of its dependencies, or sailing or coming therefrom, shall be

A bill (H. R. 20938) to protect the commerce of the United States.

A bill (H. R. 20938) to protect the commerce of the United States. Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized to instruct the commanders of the public armed vessels which are or which shall be employed in the service of the United States to subdue, seize, or take any armed German vessel which shall be found within the jurisdiction limits of the United States, or elsewhere, on the high seas; and such captured vessel, with her apparel, guns, and appurtenances, and the goods or effects which shall be found on board the same, being German property, shall be brought within some port of the United States and shall be duly proceeded against and condemned as forfeited, and shall accrue and be distributed as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the United States.

SEC. 2. That all German persons and others who shall be found acting on board any German armed vessel which shall be captured, or on board of any vessel of the United States which shall be recaptured, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal or of some civil or military officer of the United States, or of any State in or near such port, who shall take charge of their safe-keeping and support, at the expense of the United States.

A bill (H. R. 20940) to authorize the defense of the merchant vessels of the United States against German depredations.

A bill (H. R. 20940) to authorize the defense of the merchant vessels of the United States against German depredations.

Be it enacted, etc., That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof may oppose and defend against any search, restraint, or seizure which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel sailing under German colors, or acting, or pretending to act, by, or under the authority of the German Empire; and may repel by force any assault or hostility which shall be made or committed or threatened on the part of such German, or pretended German, vessel pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under German colors, or acting, or pretending to act, by, or under authority from the German Empire.

SEC. 2. That after notice of this act at the several customhouses no armed merchant vessel of the United States shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the owner or owners and the master or commander of such vessel for the intended voyage shall give bond, to the use of the United States in, a sum equal to double the value of such vessel, with condition that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas against the vessel of any nation in amity with the United States; and that the guns, arms, and ammunition of such vessel shall be returned within the United States or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and that such owner or owners and the commander and crew of such merchant vessel shall in all things observe and perform such further instructions in the premises as the President of the United States shall establish and order for the better government of the armed merch

SEC. 3. That the President of the United States shall be, and he is hereby, authorized to establish and order suitable instructions to, and for, the armed merchant vessels of the United States, for the better governing and restraining the commanders and crews who shall be employed therein, and to prevent any outrage, cruelty, or injury which they may be disposed to commit, a copy of which instructions shall be delivered by the collector of the customs to the commander of such vessel, when he shall give bond, as aforesald. And it shall be the duty of the owner or owners and commander and crew, for the time being, of such armed merchant vessel of the United States, at each return to any port of the United States, to make report to the collector thereof of any rencounter which shall have happened with any foreign vessel, and of the state of the company and crew of any vessel which they shall have subdued or captured; and the persons of such crew or company shall be delivered to the care of such collector, who, with the aid of the marshal of the same district, or the nearest military officer of the United States, or of the civil or military officers of any State, shall take suitable care for the restraint, preservation, and comfort of such persons at the expense of the United States until the pleasure of the President of the United States shall be known concerning them.

SEC. 4. That this act shall continue and be in force for the term of one year, and until the end of the next session of Congress thereafter: Provided, That whenever the Government of Germany, and all persons acting by or under their authority, shall disavow, and shall cause the commanders and crews of all armed German vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that Government against the merchant vessels of the United States, and he is hereby, authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews

Mr. FOCHT. Mr. Chairman, I desire to ask for how long a time I am recognized?

The CHAIRMAN. The gentleman is recognized for 10 minutes,

Mr. FOCHT. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair

Mr. FOCHT. Mr. Chairman, I to a great extent agree with what has been said by my friend from Tennessee [Mr. Garrett] with regard to dealing with this grave question. And yet since we are the war-making body, if there is to be war, we should have a clear, definite, comprehensive idea as to what the people of the country want, and we should know the views of each other. Therefore we must discuss this question, and discuss it freely, but fairly and dispassionately. I believe those wise forefathers who made the Constitution made it designedly to meet just such an exigency as this, and they meant that we should discuss this question of war, and of all things a war with a foreign power, and of all things again, my friends, certainly discuss this situation, since war, if it does come, will be as the ally of some dynasty of Europe and not wholly one of self-defense. Our sacred duty was clearly and lucidly set forth in the immortal speech delivered by George Washington in his Farewell Address, wherein warning against "entangling foreign alliances" constituted a large part of that mighty deliverance.

I have just 10 minutes in which to reply to some assertions that have been made on this floor, and many of them should not go unchallenged. I know it is pretty hard for any man who has been here listening to these speeches, many of them brilliant and comprehensive and delivered by really profound American statesmen, without forming some idea of what action ought to be taken or where one stands, or, in fact, becoming partial to one side or the other.

I am afraid that those excesses of speech which the gentleman from Tennessee [Mr. Garrett] referred to have been indulged in too freely on the floor of this House. I do not believe that personalities should be a part of the discussion of this great question. If any Members want to have a personal controversy, let them go outside. But just a while ago, during the debate of the question of the neutrality rights of this country and the manner in which our neutrality and the neutrality of other nations is treated by Great Britain, one of my dearest young friends of all my years of public life, who has made a worthy name in Pennsylvania, and to whom some day there will be erected a monument of sculptured marble, I am afraid labored under a misapprehension when he scoffed at the idea of the interference by England with American commerce with neutral nations.

I do not have time just now to pay much attention to what is said in the newspaper press, but I want to say to you here, my friends, in all fairness and candor, that my young friend from Pennsylvania [Mr. Moore] has been stricken hard in the newspaper press of this country simply because he has been courageous. He has been a newspaper man for 30 or 40 years, and he, as well as I, can appreciate and comprehend what newspapers might be capable of doing, carelessly or otherwise, because I myself have been in the business for 35 years. And without even attempting to cast any reproach or odium upon the position taken by any of these papers with regard to the

neutrality rights of the United States, it is sufficient now to say that many important dailies have not been neutral, but boldly and blatantly proally.

My friends the assault that was made in the Washington Times and New York Sun against Mr. MANN and Mr. Moore of Pennsylvania to me sounded entirely too strenuous and as "protesting too much" for whoever wrote these articles to be beyond suspicion. And so it might be with the rest. I am now going to try to make this matter clear to my young friend from Pennsylvania, who might some day be governor, while we are waiting for the monument-that is, in case Mr. Moore of Pennsylvania in his championship of the freedom of speech in Congress, or McFadden, might not get there before you, Mr. Fare. I am not going abroad to hunt through any other Member's district and I am not taking the assertion made for or against this proposition in any newspaper. But it is a duty that I owe this House and the country, when I know of definite facts that exist of the wanton and willful interference with American commerce with neutral countries by Great Britain, to say so, and say it specifically, and give my facts and my figures on the question.

In the central part of Pennsylvania there is a great tanning industry on the Juaniata River, up at Mount Union, owned and operated by a gentleman named Calvin M. Greene and his two sons. He is a bright, energetic, honorable business man, and his two sons are graduates of a university. They, too, are fair and square men, and I believe are of German descent. Anyhow, they are business men and they are Americans, and I am their Congressman. They have written me this letter, and I want you to know what they say, and to judge whether there is any fake, or farce, or fraud about this talk of interference, or whether we have the freedom of the seas, in order that my young friend FARR may have full enlightenment, if not illumination. This is not of last June, as was the case cited by Mr. Moore of Pennsylvania. This was in December, and the letter

MOUNT UNION, December 18, 1916.

Hon. B. K. Focht, Lewisburg, Pa.

Dear B. K.: I inclose two notices from the trade department of the British Embassy, Washington, advising of cabling expenses necessary in order to find if the two parties named therein may have permission from the British Government to receive the goods which we want to

Think of the outrage. An American manufacturer must come to Washington and get consent of the British Embassy to send goods into neutral ports. Is that freedom of the seas? Continuing, the letter reads:

It is very humiliating that American citizens must repeatedly ask Great Britain before any goods can be shipped to the neutral countries of Europe. Great Britain needs a good "beating up." Unfortunately, Germany has not had a square deal through the American press. We are no special descendants of Germany, but our opinion is that she is no worse than Great Britain.

With kindest regards and wishes for a happy Christmas,
Yours, very sincerely.

Mount Union Tanning & Extract Co.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

FOCHT. I would like to have two minutes in which to read this letter from the British Embassy. I think it is worthy of going into the RECORD.

Mr. DENT. I yield two minutes to the gentleman. Mr. FOCHT. Thank you very much. It says:

TRADE DEPARTMENT, BRITISH EMBASSY, Washington, D. C., December 15, 1916.

MOUNT UNION TANNING & EXTRACT Co., Mount Union, Pa.:

(J. H. Goldschmidt, Copenhagen.)

The trade department of the British Embassy beg to advise you that the cabling expenses in connection with your application of the 12th instant amount to \$3.95 and that it would be convenient if you would remit this sum at your earliest opportunity.

Here is another one:

TRADE DEPARTMENT, BRITISH EMBASSY, Washington, D. C., December 15, 1916.

MOUNT UNION TANNING & EXTRACT Co., Mount Union, Pa.:

(Norwegian Tanners' Association (notify John Jerndahl), Christiana; A. S. Bergens, Skofabrik, Bergen.)

The trade department of the British Embassy beg to advise you that the cabling expenses in connection with your application of the 12th instant amount to \$6.65 and that it would be convenient if you would remit this sum at your earliest opportunity.

Under my leave to print, and in connection with the above, I beg to submit as part of my remarks the following editorial which I contributed to the Lewisburg (Pa.) Saturday News of February 17, 1917:

MARKING TIME.

The "overt" act on the part of Germany in the prosecution of her submarine warfare against England and her allies, which many are looking for as the signal to begin hostilities, has not yet been committed. It is the opinion of some, however, that inasmuch as many American ships traverse the prohibited zone something is likely to happen soon, by design or accident, that will precipitate at least some degree of armed conflict.

But since relations with Germany have been broken off there has been a disposition in Washington to "keep cool" and by all honorable means avert war. The President is saying nothing, but in the light of his manner of handling the Mexican situation he is not going to get his page in history as a war President. According to written expressions received in great volume by Members of Congress sentiment against a declaration of war or of engaging in war, excepting in an extreme exigency, is fast crystallizing among the American people.

The feeling is growing that while England has outraged our commerce and Germany criminally violated international law in sinking the Lusitania, the warring nations are in no sense hostile to us, and that whatever has been committed against us has not been through any hostile spirit. It is becoming more clearly realized every day that the European nations are in a death grapple, fighting for their very existence, and that any of them are liable to occasionally violate the rules. Hence a week has brought about a very much modified opinion as to the likelihood of war, and just what Congress should regard as sufficient justification for any action that will involve us in the horrors that infest the war trenches of Europe which have shocked the world. There is no division of opinion with reference to ample preparedness, which is proceeding as fast as the genius of American enterprise will permit. But the question Congress may be compelled to confront almost any day is whether or not before the adjournment March 5, and before an "overt" act is committed

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Contingencies, headquarters of military departments, districts, and tactical commands: For contingent expenses at the headquarters of the several territorial departments, territorial districts, tactical divisions and brigades, including the staff corps serving thereat, being for the purchase of the necessary articles of office, tollet, and desk furniture, stationery, ice, and potable water for office use when necessary, binding, maps, technical books of reference, professional and technical newspapers and periodicals, payment for which may be made in advance, and police utensils to be allotted by the Secretary of War, and to be expended in the discretion of the commanding officers of the several military departments, districts, and tactical commands, \$7,500.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. GARLAND. Mr. Chairman, I have listened here for some time and have been watching the reports made by several generals, admirals, and other military experts of the United States with reference to the possibility of getting recruits in our Army and Navy, and no one can deny that every statement that has been made as to the possibility of getting recruits has been challenged and found wanting. There has been no plan offered that would bring the young men of this country into either the Army or the Navy now or at any time when you need them unless it should be in stress of actual war.

It was suggested here by the gentleman from Georgia [Mr. Howard] this morning—and there was some applause following his statement—that you might do something in the way of educating young men in the Army and Navy and in that way attract them. Mr. Chairman, on the 10th of January, 1916, I introduced into the House joint resolution 93, as follows:

Joint resolution (H. J. Res. 93) authorizing the appointment of a com-mission in relation to educational, vocational, and military-naval training.

training.

Resolved, etc., That a joint commission be constituted to be known as the joint commission on educational, vocational, and military-naval training, to be composed of three Members of the Senate, to be appointed by the Vice President, and three Members of the House of Representatives, to be appointed by the Speaker. The said joint commission be, and is hereby, directed, authorized, and empowered to examine, consider, and submit to Congress recommendations upon the following, to wit:

The need of educational, vocational, and military-naval training in the United States.

Whether national grants should be made to the various States to stimulate vocational and military-naval training, or whether schools or colleges should be established under the direct control of the United States and maintained entirely as national institutions.

If the said commission shall recommend that schools or colleges shall be established and maintained by the United States, then to recommend where not less than 20 such schools or colleges should be placed.

Whether a proportion of such schools should be established on the coasts for educational, vocational, and naval training exclusively. To make recommendations as to the course of instruction in agricultural, trade, and industrial subjects as well as in military and naval training to be given in such schools and colleges, and to recommend the minimum age at which boys shall be admitted to such schools or colleges and the method of selecting the said pupils.

To make recommendations as to the total number of pupils to be received annually and to estimate the annual cost of the maintenance of such schools and colleges.

To make recommendations as to whether pupils who have been trained in such schools or colleges shall be subject to the call of the United States for military or naval services, as the case may be, and the number of years during which this condition of service shall prevail, and whether such pupils shall during such period, when they are so subject to call for service, serve a limited time each year to perfect their military or naval training.

To make all other recommendations pertaining to the subject matter which aid in rendering more efficient a system under the control of the United States Government for educating boys while at the same time preparing them for military or naval service. To report as to whether any monetary compensation shall be given the said pupils in the event of their being called for annual training after graduating from the said school or college.

The said commission shall report their finding to Congress on or before October 1, 1916, together with a bill embodying their recommendations and establishing such educational, vocational, and military-naval training schools or colleges. The sum of \$10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint commission, payment of said expenses to be made upon vouchers approved by the chairman of said joint commiss

Mr. Chairman, I think my association and acquaintance with the young men of this country and the families of the young men who make up the actual soldiery in times of war is second to that of no man in the House.

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. GARLAND. Will the gentleman give me a couple of

minutes more, just for a few more words?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. GARLAND. Yes.

Mr. KAHN. Is the gentleman aware of the fact that the national-defense act provides for vocational training in the Army?

Mr. GARLAND. I do not think it does in this kind or manner. Mr. KAHN. It provides for it in any manner that the Secre-

tary of War desires to indulge in.

Mr. GARLAND. But there is no plan established for it by which the Secretary is directed to make munitions, to train in trades, or is there directions that he put such proposition in the enlistment of men.

Mr. KAHN. This bill carries an appropriation for it. Mr. DENT. Yes; this bill carries an appropriation for that

Mr. GARLAND. I want to say this, in connection therewith, that 85 per cent of the young men of this country who go to the public schools come out unfinished before they get through the high schools, and all of them come out with the purpose of doing something. At 16 or 17 or 18 years of age they can not go through high school for the reason that their condition at home and the situation of their parents will not permit it. come out to hunt for something to do in life. If a plan of this kind, teaching them a trade is prepared, and then call on them for three or four years of service at that time of life when they do not have a family on their hands enlistments will come. the Government make any or all the material they need in a situation of that kind, and teach the trade there, and pay the boys over and above the cost of their teaching; and in that manner I think you will have no trouble in getting all the young men of the right kind, not the kind that are unfit, but the kind you call on in trouble always—the boys of the mill, the factory, and the farm. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD-

The CHAIRMAN. The gentleman had that permission be-

Mr. BOOHER. I desire to extend my remarks by printing in the Record a letter addressed to myself by the William C. Powell Manufacturing Co., of St. Joseph, Mo., tendering to the Government of the United States, free of charge, the use of their plant in case of emergency. This company is engaged in the manufacture of clothing.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record by inserting therein the document indicated. Is there objection?

There was no objection.

Following is the letter referred to:

ST. JOSEPH, Mo., February 14, 1917.

Hon. CHARLES F. BOOHER, Washington, D. C.

My Dear Me. Booher: I wish to offer, through you, to the United States Government, without cost, that they can share and be benefited by it, the use of my patent during the life of it for one-piece suits, suitable for work training, or service garments. Wherein they can have all contractors making up Government goods use same for all uses indoor or out, and in any climate, for United States Government use

door or out, and in any change, only.

The garment can be made of any weight fabric. Saves yardage over two-piece suits. Has more freedom; in fact, all or more than the inclosed circular and letter tell about. See what it saves.

Various changes could be made in the make up as to collar, pockets, etc., which would not change the patent. This garment can be handled by any manufacturer of overalls, men's coats, pants, etc. The saving of yardage would mean a great amount, as well as having a practical garment of freedom. I will agree to furnish all details as to prices and patterns, etc. and patterns, etc.

You will no doubt remember the writer, as you put and had passed a bill in the House abolishing prison labor in the overall industry a

Will be glad to hear from you if you think the United States Government would handle, and if such is the case, will have the details prepared for a bill.

Thanking you and hoping to hear from you, I beg to remain,

Very truly, yours,

W. C. POWELL

Mr. HILLIARD rose.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be considered closed now.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and amendments be considered closed. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

CHIEF OF COAST ARTILLERY.

CHIEF OF COAST ARTHLERY.

Coast Artillery School, Fort Monroe, Va.: For incidental expenses of the school, including chemicals, stationery, printing and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary, technical, or special services; extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in line with their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for office furniture and fixtures, machinery, and unforeseen expenses, \$10,000.

Mr. HILLIARD. Mr. Chairman, I move to strike out the

The CHAIRMAN. The gentleman from Colorado moves to strike out the last word.

Mr. KAHN. Mr. Chairman, I would suggest that the gentleman allow this paragraph to be read to the end.

Mr. STAFFORD. It has been read, Mr. Chairman.

Mr. KAHN. No. On page 6 there are three-fourths of a page, a part of that paragraph.

Mr. STAFFORD. The gentleman is mistaken. We are con-

sidering this bill by paragraphs, and not by titles.

Mr. DENT. The gentleman has the right to get in now. The CHAIRMAN. Under the rule the bill is read by paragraphs, and not by sections.

Mr. KAHN. There are quite a number of sections belonging to this paragraph on the next page, down to almost the bottom

of the page.

Mr. DENT. Down to line 14.

Mr. KAHN. No; line 23, page.

Mr. KAHN. No; line 23, page 6. The CHAIRMAN. Let me ask the gentleman from California this question: We read, commencing with line 13, as I understand it?

Mr. KAHN.

The CHAIRMAN. Does the gentleman from California claim that on page 6 down to the "Office of the Signal Officer" it is all one paragraph?

all one paragraph.

Mr. KAHN. I do. The Chair will notice
the end of line 25 of page 5. It is a semicolon,
The CHAIRMAN. The Clerk will read. The Chair will notice the punctuation at

Mr. STAFFORD. Mr. Chairman, a point of order.
The CHAIRMAN. The gentleman will state it.
Mr. HILLIARD. If the gentleman from California does not want me to speak, all right. I have not hitherto taken up the time of the House,

Mr. KAHN. I have no objection to the gentleman's speaking. Mr. STAFFORD. Mr. Chairman, a point of order. I understand on an appropriation bill the measure is considered by paragraphs.

The CHAIRMAN. That is true.

Mr. STAFFORD. I understood the Chair to rule that in the construction of the pending bill, on pages 5 and 6, the paragraph does not end at the end of line 25, page 5, but continues on to the following page, with succeeding paragraphs. Those items in succeeding paragraphs involve separate and distinct proposals, all pertaining, it is true, to the Coast Artillery, but not to the Coast Artillery school at Fort Monroe, Va. If they all pertained to the Coast Artillery school at Fort Monroe, Va., then they might be held to be a part of the same paragraph; but the items under consideration, and found on page 6, relate to the Coast Artillery service, separate and distinct items, and the mere fact that the punctuation marked at the end of line 25 is a semicolon does not make the succeeding paragraphs a portion of the paragraph found on page 5.

Mr. DENT. I want to suggest that there is no question before

the committee at this time, the gentleman from Colorado [Mr.

HILLIARD] having withdrawn his request.

Mr. STAFFORD. I make a parliamentary inquiry. The CHAIRMAN. The gentleman from Wisconsin [Mr. Staf-FORD] raised a point of order. The Chair asked the gentleman from California [Mr. Kahn] if it was his contention that all this matter was so related that the paragraph as such continued down to the words "Office of the Chief Signal Officer," and he said it was one paragraph. The Chair, without looking at it, directed the Clerk to read. That is the situation. If no one desires to speak, the Clerk will proceed with the reading.

The Clerk read as follows:

For the purchase of engines, generators, motors, machines, measuring instruments, special apparatus and materials for the division of the enlisted specialists. \$7,000;

For purchase of special apparatus and materials and for experimental purposes for the department of artillery and land defense,

\$3,000;
For purchase of engines, generators, motors, machines, measuring instruments, special apparatus and materials for the department of engineering and mine defense, \$5,500;
For purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defenses, \$2,500; in all, \$28,000.

Provided, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Provided further, That purchase and exchange of typewriting machines, to be paid for from this appropriation, may be made at the special price allowed to schools teaching stenography and typewriting without obligating typewriter companies to supply these machines to all departments of the Government at the same price.

Mr. STAKEORD. Mr. Chairman, a parliamentary inquire.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. Throughout this bill there are paragraphs containing provisos, some that have relation and others that have no relation to the paragraph preceding. We have now before us an instance of the latter kind. I should like to have a ruling of the Chair whether, for instance, the two paragraphs on page 6, in lines 14 to 23, are to be considered as one paragraph or are they to be considered as two paragraphs as printed in the bill? Each proviso is concluded with a period.

Mr. MANN. Mr. Chairman, if the Chair is going to make a ruling on that subject, I will suggest that a paragraph is a paragraph. I can give the Chair one instance. In the Agricultural bill in one place it carries general language, and without reaching the point of a period it carries the items for the national forests. Most of the items consist of one line each, and each item is considered, and always has been considered, a separate paragraph, because that is the meaning of the word I do not think there is any question about that. paragraph." The fact that they are related does not make any difference.

Mr. KAHN. Mr. Chairman, at the end of line 12, on page 6,

it says

In all. \$28,000.

Meaning that all the items in the paragraph amount to \$28,000. I take it that that would mean that the various sections are all a part of the one paragraph.

Mr. MANN. The gentleman can find a much longer argu-

ment on that subject by turning to page 21, where it says, in line 5-

Total pay of the Army-

So many dollars. So that would be the end of a paragraph. All of the appropriation bills usually provide at the end of a certain office or a certain class, "in all, so many dollars," but that has nothing to do with the paragraphing.

The CHAIRMAN. The Chair will state that while a head-

ing like this may properly be broken up into small subdivisions, he treats them all as one paragraph. That is the way the Chair is disposed to look at it. The Clerk will continue the reading.

The Clerk read as follows:

Provided further, That the sum of \$1,000,000 may be expended out of the appropriations provided by the act of August 29, 1916, for the purchase of sites and construction of buildings for aviation schools.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

The CHAIRMAN. The gentleman from Wisconsin reserves a

point of order

Mr. STAFFORD. Before passing this item I wish to inquire what is purposed by the department in the item under consideration? I wish to inquire whether the department made any recommendation for an appropriation of \$1,000,000 for purchase of sites and construction of buildings for the aviation school?

Mr. DENT. The department has made a recommendation, and I was just in the act of offering some amendments that would meet the recommendation of the War Department.

In the act of August 29, 1916, we made an appropriation of something over \$13,000,000 for aviation purposes. The Comptroller has ruled that the department can not pay out of that sum any money for the purchase of sites, or for buildings in order to house the machines or to take care of them. The Secretary of War asks that so much of the appropriation made last year as will be necessary for that purpose be made immediately available in this bill out of the appropriation of last year. It does not increase the appropriation that we are giving in this bill.

Mr. STAFFORD. It is generally recognized that the entire amount of the money appropriated last year for aviation purposes will not be used this year, that a good portion of it, \$3,000,000 or \$4,000,000 or more perhaps, will lapse into the Treasury

Mr. DENT. They will have about \$6,000,000 left, and they want to use \$4,500,000 of that for these purposes, and I was about to offer an amendment in order to meet the recommendation of the War Department on that subject.

Mr. STAFFORD. Before I withdraw the point of order I would like to hear the amendment read that is proposed to be

offered.

Mr. DENT. I will offer the amendment first.

Mr. STAFFORD. The amendment can be read for informa-tion, but can not be offered while the point of order is pending.

The CHAIRMAN. The gentleman will send his amendment to the desk and it will be read. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. Dent: Page 8, line 13, strike out "\$1,000,000" and insert in lieu thereof "\$4,000,000"; page 8, line 14, after the word "appropriations," insert the words "for aviation"; page 8, line 16, after the word "the," insert the words "acquisition by," and after the word "purchase" insert the words "condemnation or otherwise"; page 8, line 17, strike out the period and insert a comma after the word "schools," and add the following: "post experimental stations, and proving grounds for the United States Army."

Mr. STAFFORD. As I understand, these are read merely for information, Mr. Chairman. I think it is owing to the committee that some explanation be made of this radical amendment increasing the amount from \$1,000,000 to \$4,000,000. Is it purposed to increase these appropriations, as the Naval Committee increased their appropriation by some \$15,000,000, as the result of afterthoughts of the department?

Mr. DENT. Of course, this does not increase the appropriation which was made last year. It is also true that if sum is not used by the last of June it will be turned back into

This proposition has been submitted both to the Appropriations Committee and the Military Committee of the House by the Secretary of War, and he writes the following short letter:

WAR DEPARTMENT, Washington, January 6, 1917.

The Speaker of the House of Representatives, Washington, D. C.

Sir: I beg leave to inclose a suggested amendment to be incorporated into the urgent deficiency bill. The development of aviation in the Army of course depends upon suitable grounds, and throughout the United States there is now accumulating a very large amount of valuable property of the Aviation Section for which proper housing appliances are absolutely necessary. The appropriation made last year was a very ample provision for the purpose of machines, but made no provision for exercising grounds, storage facilities, etc. This amendment, if incorporated, will authorize the use of a part of the funds appropriated last year for those purposes and, of course, calls for no new appropriation, but merely larger authority with regard to the appropriation already made. The auditor and comptroller have already ruled that the funds appropriated last year, under the limitations contained in the appropriation bill, can not be expended for these purposes.

Respectfully,

Now, the Secretary of War not only wrote this letter, but he tells me that he must have this in order to properly house and take care of the machines

Mr. ANTHONY. Will the gentleman yield?

Mr. DENT. Yes. Mr. ANTHONY. Does the Secretary of War state where he desires to spend this increased appropriation?

Mr. DENT. He does not.

Mr. ANTHONY. Is not the whole matter in a very vague condition, and does the gentleman think we ought to appropriate this enormous sum of money for sites until the department states where they want the sites?

Mr. DENT. I think the matter is of such a character that it ought to be left to the discretion of the administrative officers.

Will the gentleman yield? Mr. STAFFORD.

Mr. DENT.

Mr. STAFFORD. Does not the amendment go further than provide sites for aviation? He could use the \$4,000,000 for the purchase of posts and an experimental school for aviation. Further than that, the matter is before the Committee on Appropriations, which is at present considering the estimates by the department for urgent deficiencies.

Mr. DENT. I have recently had a conversation with the

chairman of the Appropriations Corumittee, who tells me that he would not undertake to put anything of that kind in his bill, and he expects this to be taken care of in the Army appropriation bill

Mr. CALDWELL. All the money appropriated by us, amounting to millions, has been spent, and a part of it is still under contract in the acquisition of certain aviation machinery that will deteriorate until it is housed. At present there are no houses for these machines, although we have the land for them. They must have the additional appropriate in order that the machines are the machines and the machines are t chinery, perishable property, exposed to the weather, may be properly taken care of—not only that which we have but that which is under contract and that which they expect to buy out of the appropriation.

Mr. SHALLENBERGER. Has the gentleman any information as to whether it will take one million or four million dollars?

Mr. CALDWELL. I understand the department asked for \$4,500,000.

Mr. SHALLENBERGER. For housing this property or acquiring the ground? Mr. CALDWELL.

Both.

Mr. SHALLENBERGER. Did I understand the gentleman to say that there were six million left over of the appropriation of last year?

Mr. DENT. Yes; that is my information.
Mr. SHALLENBERGER. Then Congress voted that much

more money than the department has found use for.

Mr. DENT. The department, as I understand, was under the impression that under the appropriation of last year they could use a portion of the fund for acquiring sites to erect buildings to house the machines. The comptroller has ruled that they can not, and the purpose of this amendment is to utilize the money for that purpose

Mr. FIELDS. I want to say to the gentleman that \$3,000,000

and over is asked to purchase sites.

Mr. GREENE of Vermont. The appropriation bill carrying that sum was approved August 9, 1916, so there has been no time to expend the money.

Mr. DENT. That is true; and when we had the Chief of the Signal Corps before the committee the law had been in opera-

tion only about five months.

Mr. CALDWELL. There was appropriated \$14,281,000, and there are \$6,000,000 not yet expended; and the comptroller said that under the wording of the bill it could not be used for the

structures necessary.

Mr. McKENZIE. I would like to ask the gentleman if the Secretary of War or other officers have submitted any estimate in connection with the letter asking for the increased appropriation?

Mr. DENT. No; they have submitted no definite plan or

proposal in regard to it.

Mr. McKENZIE. They are simply asking that we take \$4,000,000 of the money appropriated last year for the construction of flying machines and turn it over to the War Department to expend in the purchase of land and the erection of buildings

to take care of flying machines.

Mr. DENT. That is very true.

Mr. McKENZIE. Is it not a fact that when the matter was considered before the committee we felt that a million dollars was a very reasonable amount to turn over to them at this time for that purpose, and that we needed flying machines rather than land?

Mr. DENT. It is true that the committee thought that a million dollars would be sufficient, but we did not have any more information about it than the War Department has submitted

Mr. McKENZIE. Is it not a fact that they did not state at what point or places in the country the money was to be expended or the land purchased?

That is very true. Mr. DENT.

Mr. KAHN. Will the gentleman yield?

Mr. DENT.

Mr. KAHN. I think there was an estimate submitted to the committee of \$3,000,000 to be appropriated out of the funds that were to go for the purchase of land and putting up the buildings

during the fiscal year 1918.

Mr. FIELDS. That is correct.

Mr. KAHN. And therefore the War Department took cognizance of this subject in its estimates. The committee thought, in view of the testimony given before it by Gen. Squier, that probably they could utilize a sum of money appropriated last year for the purchase of land and the construction of buildings. In fact, the department or the bureau undertook to do that very thing out of the \$13,000,000 appropriated, but the Comptroller of the Treasury held that under the wording of the law they could not do it. Therefore the department bought the flying machines but had no buildings in which to put them and no place to try them out at the various posts in the country. This money is now intended to allow the bureau to buy the necessary land and put up the necessary buildings to house the machines that will be required.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

yield?

Mr. KAHN.

Mr. SHALLENBERGER. Has the gentleman any information as to how much of the \$4,500,000 is to be used for buildings and how much for land?

Mr. KAHN. I have not. I have simply the Secretary's letter for my guidance, which I heard the chairman of the committee read

Mr. SHALLENBERGER. That gives no detail as to that proposition at all?

Mr. KAHN. No

Mr. SHALLENBERGER. It simply asks for the money. Is the gentleman aware that the Government already has hun-

dreds of reservations scattered all over the country?

Mr. KAHN. Oh, yes; I am quite aware of that. There is a reservation at Fort Sill, Okla., but I do not think the Government wants to take these machines out there and try them out. I do not think that would be a proper place for them. think that the Government wants to try these machines out near the seaboard, where they will undoubtedly be used, and where the department will have to have land if they

Mr. FIELDS. Is it not stated also that these sites would have to be purchased where the atmospheric conditions were favor-

That is only for the schools. After the men be-

come expert fliers they can fly in any atmosphere.

Mr. SHALLENBERGER. Is it not a matter of record before the committee that they have already purchased a large site upon the Potomac?

Mr. KAHN. Yes; I believe at Hampton, Va. Mr. SHALLENBERGER. For something like \$350,000?

Mr. KAHN. I do not know how much they paid for it. There was an appropriation of \$300,000 for that purpose. They have purchased that site; but if the gentleman knows anything about aeronautics, he must know they have to have large tracts of land near the posts where these machines are to be located in order to successfully maneuver and fly them, and those the Government does not happen to have at the present time.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.
Mr. McKENZIE. I desire to ask my colleague if, in his judgment, \$1,000,000 would not be sufficient to erect shelter to cover all of the machines that we will have during the year 1918?

Mr. KAHN. Oh, possibly half a million dollars might do that. It might put up the buildings, but that does not get away from the fact that the department must have sufficient land area on which to fly these machines, and that that land must be near the Army posts.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.
Mr. CALDWELL. Mr. Chairman, on page 999 of the hearings Gen. Scriven was before the committee, and the question of the use of this \$3,000,000 which at that time was asked was under discussion. The general testified that in addition to the hangars in which the machines were to be kept there must be provided at Hampton workshops, experimental shops, places for storing ammunition, bombs, etc., and garages for the necessary automobiles So that as I understand it this \$4,500,000 they ask for, or the \$4,000,000 proposed in this amendment, is for the purpose of putting up the necessary improvements to the real estate and the purchase of some small amount of land for the purpose

of having the right kind of station or school for the aviation We have appropriated some \$14,000,000 which they can spend between now and the 1st day of July, 1917.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

yield?

Mr. CALDWELL. In just a moment. If they go ahead spending the money for tools and for flying machines and all those things, they will have to be kept under canvas, as it is being kept, according to the testimony on the same page, at Columbus. If such course is pursued, we are wasting our money, throwing it away, and under these circumstances I think we ought to have a chance to vote upon it. I yield to the gentleman.

Mr. SHALLENBERGER. I want to ask the gentleman a question. He said this money they could spend. Has it not been demonstrated that they can not spend it, because they want to spend it now for something not appropriated for? They have not been able to find a place to spend it.

Mr. CALDWELL. I do not say that.

Mr. DENT. They were under the impression they could not spend it for this purpose until the comptroller gave his decision.

Mr. CALDWELL. We appropriated it upon their request a year ago, and now they want words put into the statute so that they can spend it as they contemplated a year ago.

Mr. HILLIARD. Mr. Chairman, this seems to be a very important subject and the Members ought to hear it. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Colorado makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed

to answer to their names:

Adamson Bacharach Barchfeld Edwards Riordan Roberts, Mass. Rodenberg Kearns Kent Key, Ohio Kreider Lafean Elston Beakes Beales Benedict Rowland Rucker, Mo. Sabath Schall Ferris Fess Fitzgerald Flynn Langley Lee Lewis Liebel Bennet Blackmon Scott, Pa. Scully Sells Shackleford owers Frear Britten Freeman Gandy Gard Linthicum Browning Bruckner Littlepage Lobeck Siegel Burgess Burke Slemp Small Smith, Idaho Garner Loft Garner Godwin, N. C. Gordon Gould Graham Gray, N. J. Griest Griffin Hamill Loud McCracken McGillicuddy Callaway Cantrill Carew Casey Snell Sparkman Steele, Pa. Stephens, Nebr. Stephens, Tex. Stiness McKinley Magee Maher Martin Charles Chiperfield Church Clark, Fla. Matthews Miller, Del. Montague Mooney Hart Haskell Stout Sumners Coleman Haugen Hayes Helvering Connelly Swift Swift Taggart Tague Talbott Taylor, Colo. Tinkham Morgan, La. onry Cooper, Ohio Copley Costello Neely Nelson Oglesby O'Shaunessy Helverin Henry Hicks Hill Hinds Holland Crosser Dale, N. Y. Padgett Page, N. C. Paige, Mass. Vare Venable Watson, Pa. Webb Darrow Davenport Denison Patten Williams, W. E. Wilson, Ill. Wingo Winslow Hull, Tenn. Phe Humphrey, Wash. Pou Husted Pric Hutchinson Rag. Johnson, Wash. Rain Dewalt Phelan Dewalt Dies Dooling Doremus Drukker Edmonds Price Ragsdale

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the Army appropriation bill (H. R. 20783), finding itself without a quorum, he directed the roll to be called, whereupon 279 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered on the Journal.

Rainey Randall

The SPEAKER. A quorum having appeared, the committee

will resume its session.

Jones

The CHAIRMAN. The parliamentary status at the time the point of no quorum was made was that the gentleman from Alabama had submitted certain amendments to be read for information, and the point of order had been reserved to the section of the bill to which those amendments were directed. Does the gentleman from Wisconsin insist on his point of order?

Mr. STAFFORD. Mr. Chairman, from the discussion which has taken place since the point of order was reserved, it is apparent from the expressions that a great number of the members of the Committee on Military Affairs are opposed to this radical increase of appropriation from \$1,000,000 to \$4,000,000. I have examined the hearings and I find that the head of the service stated that there are some propositions under consid-

eration which would involve, in case the tracts are purchased, the expenditure of more than \$1,000,000, and unless I can have some understanding with the chairman of the committee that he will not press his amendment to increase the amount I shall feel constrained to make the point of order. Even though I dis-sent from this \$1,000,000 of appropriation, I shall not oppose it; but I do not believe it is good legislation to come here merely upon the recommendation of the Secretary of War without any full consideration being given by the committee and increase that amount by \$3,000,000.

Mr. DENT. Will the gentleman from Wisconsin accept an

amount of \$2,000,000?

Mr. STAFFORD. No; I think from expressions of members of the committee that this matter was considered by the committee, and it was decided by the committee that \$1,000,000 should be the amount. In fact, there are members who have not participated in the discussion or given it consideration who are averse to this policy of expending these large amounts of money. I believe that it is necessary to allow the War Department to equip some building with the necessary machinery in conjunction with this aviation school so as to aid the aviation service in connection with the Army.

Mr. DENT. As I understand it they require some appropriation for houses that will house and take care of the machines, and this \$1,000,000 will not take care of them, and if I insist on the amendment the gentleman will insist on the point of

order?

Mr. STAFFORD. I will. Mr. GARDNER. Mr. Chairman, I do not think this is subject to the point of order. The decisions are very clear. I refer the Chair to paragraphs 3591 and 3592 in volume 4 of Hinds' Prece-

The CHAIRMAN. The gentleman reserved the point of order and never stated what his point of order was or to what lan-

guage it was directed.

Mr. STAFFORD. The point of order is that it is new legis-lation not authorized by law, and that it is appropriating money carried in another appropriation act for a different purpose than what was stated in the original appropriation act.

Mr. GARDNER. Mr. Chairman, I read from decision No. 3591, fourth volume of Hinds' Precedents:

The reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill.

And from paragraph 3592 of Hinds' Precedents:

On February 14, 1907, the naval appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read as follows:

Page 51, line 16, insert after the word "articles," "And provided further, That the unexpended balances under appropriations 'Provisions, Navy, for the fiscal years ending June 30, 1905, and 1906, are hereby reapportioned for 'Provisions, Navy, for fiscal year ending June 30, 1908."

reapportioned for 'Provisions, Navy, for iscal year enoing June 30, 1908.'"

Mr. John J. Fitzgerald, of New York, made a point of order.

After debate the Chairman (who was the Hon. James Breck Perkins, of New York) held:

"The Chair is of the opinion that the question that has been raised has been covered by previous decisions of those occupying the chair, and in a moment the Chair will call the attention of the gentleman from New York to two decisions which he finds. In one of these decisions it was held: 'That a reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill.'

"Now, in answer to the position stated by the gentleman from New York a moment ago, a second decision held 'That a reappropriation of a sum required by law to be covered into the Treasury was not a change of law."

"It seems to the Chair that these two decisions precisely cover the questions presented. Money has been appropriated for an object authorized by law and is now reappropriated for a shmilar object. That is the decision made by predecessors in the chair, and it has been held not to be a change of law and a thing that could properly be done upon an appropriation bill and the Chair therefore overrules the point of order."

The above decision from which I quoted directly says that a

The above decision from which I quoted directly says that a reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill. The question arises whether this is or is not an appropriation authorized by law. I have not the Book of Estimates here, but the gentleman from Alabama can tell me the law under which the appropriation was made if he will look in the Book of Estimates.

Mr. KAHN. August 29, 1916.
Mr. GARDNER. August 29, 1916.
The CHAIRMAN. The Chair will ask in that connection if it is agreed that this sum of \$1,000,000 is an unexpended balance. There is no controversy about that?

The CHAIRMAN. Now, the application of that fund is to the purchase of sites and construction of buildings for the Aviation What is the authority for that application?

Mr. GARDNER. I am not sufficiently familiar with the act of August, 1916, to say from memory, but I can find the section in a minute or two.

Mr. DENT. I have not found it in the estimates. But I was going to make this statement, Mr. Chairman. As I understand it, the appropriation carried in the appropriation bill for the support of the Army, of August 29 of last year, provided generally for so many millions of dollars for this purpose, and the comptroller has ruled that under that appropriation they can not purchase any sites or erect any buildings to house the machines that they may purchase, or lease any of them. There is no way in which to do it. And I want to confess, Mr. Chairman, that, so far as I am concerned, I think it is subject to a point of order, and that is the reason I said that I would withdraw my amendment if the point of order was going to be insisted on.

Mr. SHALLENBERGER. I would like to call the Chair's attention to the fact that the same appropriation bill which carries this appropriation for aviation purposes carried an appropriation of \$300,000 for the specific purpose for which they now seek to use this money, and that money has been spent for land, showing that it was the intention of Congress when they appropriated that money to have it spent for that specific purpose

Mr. DENT. Mr. Chairman, I withdraw my proposed amend-

Mr. STAFFORD. I withdraw the point of order.
Mr. KAHN. Does the gentleman withdraw the entire amend-

Mr. DENT. I think the point of order would lie on the other. The CHAIRMAN. Does the gentleman understand that the amendment is withdrawn and the point of order is withdrawn?

Mr. STAFFORD. The point of order is withdrawn on the statement of the gentleman that he does not intend to press the amendment increasing the appropriation.

The CHAIRMAN. Does the gentleman understand the point of order is intended to be withdrawn, and the amendment likewise?

Mr. DENT. Yes.

The CHAIRMAN. Then, without objection, that will be

Mr. CALDWELL. Mr. Chairman, I understand now that the point of order having been withdrawn, there are some wordsand I do not want to take advantage and ask for a larger appropriation, although I am in favor of one-there are some words that ought to go into this section, even if it carries \$1,000,000. I do not want to take an unfair advantage with the gentleman, who withdraws the point of order. If he means-

Mr. STAFFORD. I did not wish to enlarge the scope of it. have no objection to the insertion of the word "acquisition." Mr. CALDWELL. The last one may be grounds for the Army.

Mr. STAFFORD. That extends it away beyond the scope

of any mere authorization. I would object to that.

Mr. CALDWELL. The first two amendments, I understand, then, will be in order?

Mr. STAFFORD. I will not press the point of order against those amendments

The CHAIRMAN. What is the agreement of the gentlemen?

Mr. CALDWELL. I move to amend by inserting after the word "appropriations," in line 14, page 8, the words "for aviation," and after the word "the," in line 16, the words "acquisition by," and after the word "purchase," in the same line, the words "by condemnation or otherwise."

The CHAIRMAN. The Clerk will report the amendment

offered by the gentleman from New York.

The Clerk read as follows:

Page 8, line 14, after the word "appropriations," insert the words for aviation." On page 8, line 16, after the word "the," insert the words "acquisition by."

quisition by."

On page 8, line 16, after the word "purchase," insert the words "condemnation or otherwise," so that the proviso as amended will

read:
"Provided further, That the sum of \$1,000,000 may be expended out of the appropriations for aviation provided by the act of August 29, 1916, for the acquisition by purchase, condemnation, or otherwise, of sites and construction of buildings for aviation schools."

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from New York [Mr. CALDWELL].

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, that is all one amendment. The CHAIRMAN. The question is on the second amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I offer another amendment. I would like to have the attention of the gentleman from Wisconsin [Mr. Stafford], because I do not want to take an unfair advantage of him. After the word "buildings," in line 16 of the same section, I want to add, "the improvement of land and water front contiguous thereto."

The reason I propose that is this: At one of the stations we find we can not use the hydroplanes for the reason that the water is too shallow, and they must do some work in connection therewith. I want to put in these words in order that the work may be done. It will cost only a few dollars, but it ought to be done.

Mr. SHALLENBERGER. Mr. Chairman, will the gentle-

man yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Nebraska?

Mr. CALDWELL. Yes, Mr. SHALLENBERGER. I understand the Committee on Appropriations are providing for hydroplanes.

Mr. CALDWELL. Yes; for the Army. This is only hydroplanes for the Aviation School, not for the Army.

Mr. STAFFORD. I have seen the station at Absecon, near Atlantic City, and-

Mr. CALDWELL. They do not have the right kind of a place

Mr. STAFFORD. They have only 10 feet of shore and a channel right in front.

Mr. CALDWELL. I hope the gentleman from Wisconsin will

not object.

Mr. STAFFORD. I will not.
Mr. SHALLENBERGER. I shall object, Mr. Chairman.
The CHAIRMAN. The gentleman from Nebraska objects. Mr. CALDWELL. I will withdraw the amendment, then.
The CHAIRMAN. There is a third amendment still to be

submitted to a vote. The question is on the third amendment, offered by the gentleman from New York [Mr. CALDWELL].

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I withdraw the fourth amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided further, That hereafter motor-propelled vehicles, aeroplanes, engines, and parts thereof may be exchanged in part payment for new equipment of the same or similar character, to be used for the same purpose as those proposed to be exchanged.

Mr. TILSON. Mr. Chairman, before we pass from this important section I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to

strike out the last word.

Mr. TILSON. Mr. Chairman, by far the greater portion of the time to-day has been consumed in discussion of matters entirely foreign to the bill supposed to be under consideration. Therefore it seems to me appropriate before we pass from this important section appropriating for the Signal Corps that I, as a member of the committee, submit a few words in explanation of the large appropriation we have proposed here.

The committee has come to the conclusion that everyone who studies military affairs at the present time must come, that aviation is one of the most important factors, if not the most important factor, in modern warfare. There has been a revolution, so far as warfare is concerned, caused by the invention of

aircraft.

When we developed the method known as indirect fire for artillery, which was not very long ago, whereby we were able to conceal our batteries behind a sloping hill and fire at an unseen enemy, we thought we had gone a long way in the development While yet engaged in completely adjusting ourselves to this new and more scientific use of artillery along comes this new agency, which requires that instead of figuring in two dimensions we must figure in three dimensions. Instead of being able to hide behind a sloping hill, entirely safe from view, it is now necessary, if concealment is to be had, that the battery be concealed either in a building or by trees or by some other method to shield it from view from the sky.

The means of concealing artillery and machine guns as already developed in the European war are varied, ingenious, and extremely interesting. Houses, sheds, and trees wherever available are used. A harmless-looking hut or cabin back of the line upon closer investigation reveals a battery of 75's, one gun on the front veranda, two more in the parlor or bed cham-ber, and the fourth beside the kitchen stove. Sheds are erected for the purpose, and other sheds to deceive the enemy, while overnight clumps of trees are taken up bodily and transplanted into protecting groups. All possible means of concealment and every imaginable ruse to deceive are resorted to, because the depends upon escaping the watchful eye of the airman and the still more searching eye of his ever-clicking camera.

By the aid of aircraft the commander is now able to send his scouts forward to observe the line of outposts, to locate the line of battle, to see the position of the supports and the reserve. In fact all that valuable information that formerly required reconnaissance, oftentimes reconnaissance in force, or a considerable battle to ascertain can now be secured by sending out one aeroplane to examine the country. With the aeroplane, by the use of photography, it is now possible to locate every object on the ground viewed, so that by means of triangulation the distance of every object on the ground under consideration is known. An aeroplane goes up in the air with photographic instruments and takes a photograph of a certain section of the ground. Another aeroplane takes a photograph of another section, and so on over the whole ground. These photographs are placed together, making a continuous map. The next day another photograph is taken of each section so that there is exact knowledge of what changes are going on from day to day all over the ground. It is absolutely necessary to conceal batteries of artillery and machine guns, for if the enemy knows exactly where they are located, and he will sdrely know if permitted to send over his aircraft, he is able to land upon them with his artillery fire. It was but a short time since it was a brave saying to "stand by your guns." Nowadays, having ascertained by the use of the aeroplane the exact range of a battery, it becomes impossible to "stand by your guns." That slogan must now give way to another not so inspiring, but under present conditions far wiser, something like this: "When once your range is found take to your dugouts," which must be prepared in advance.

Within three short years it has come to pass that the aeroplane has become the most important factor in directing not only the fire of artillery, but also the movements of armies; so that the army which is lacking in aircraft is going to be at the mercy of its opponent having superior aircraft.

It was formerly said of the cavalry that it was the eyes of the army. That is no longer true, except in a very different sense. The aeroplane now is the eyes of the army, and without it an army would be not only blind but entirely helpless. For these reasons large appropriations were made last year and large appropriations are proposed in this bill. Our weakness in this all-important service must be remedied. Every effort is now being bent in that direction, because we realize that of all the modern agencies of warfare, the submarine not excepted, the most important one and the one in which we are most deficient is the aeroplane. It is the part of wisdom to understand clearly that unless we make large appropriations, and unless the executive departments in the expending of these appropriations make headway, we shall, in case of war, find ourselves in a sad situation so far as the air service is concerned. While our present situation is far from comforting, nevertheless the prospect ahead of us is very bright. We are indeed fortunate in having come to the head of the Aviation Service at this critical juncture such a man as Brig. Gen. George O. Squier. His unusual ability, training, and enthusiasm for his work, as well as the beginnings he has made are good ground for hope and confidence that we have entered upon a new era in the development of this most important agency for national defense. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to proceed for seven minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for seven minutes. Is there ob-

There was no objection. Mr. GALLIVAN. Mr. Chairman, ever since this bill has been under discussion the House has been entertained from time to time with varying opinions from Members on both sides of this center aisle as to what they think the conduct of this Congress should be in the present international situation. For one I do not believe there is a single Member in the House who has received very much information. It is true that we have been highly entertained by the gentlemen who have spoken; but it has all been without profit, even to us or to the country. A few days ago an editorial came under my notice which appeared in a Boston newspaper, and because it has so much real sound sense in it I propose to offer it at this itme as a contribution to the debate which has been going on since the Army bill has been before the House. This editorial appears every existence of the guns, as well as the lives of the gunners, headed "Give the President a chance." It is as follows:

GIVE THE PRESIDENT A CHANCE.

GIVE THE PRESIDENT A CHANCE.

Give President Wilson a fair and decent chance. To-day he is being pulled and hauled by men who, professing to be good citizens and partiotic Americans, are doing what they can to counteract his influence and to convince other nations that he does not represent the sentiment of this Nation.

Three groups are now deliberately engaged in trying to belittle the President. They may be classified as follows:

First. The professional pacifists, or peace-without-honor patriots, who labor to induce Germany to believe that, no matter what she may do in defiance of our rights as a nation and as plain citizens, the sentiment of the United States is against armed protest.

Second. The violent and seemingly incurable proallies, whose constant demand since the war began has been that we enter the war, not in behalf of our own rights, but as a plutocratic, philanthropic annex of the allies.

Third. A dangerous and unpatriotic element which is conjuring up a war with Japan and fanning every day the flame of Japanese resentment against this country, not because they believe that Japan is anxious to make war against us, but to cover up their own allegiance to Germany, which they are not frank enough publicly to proclaim, but which is as patent as their constructive disloyalty to their own country.

Those three groups represent only a small percentage of the people of the United States; but any one of them can apparently make more noise than all of the pro-Americans combined.

Give the President a chance! Suppress the pro-European shriekers!

Now, Mr. Chairman, because I think I am pronouncedly pro-American, and because I firmly believe that every man in this Congress is for America first, I was one of those who this noon voted to strike from the Record the words of the gentleman from Pennsylvania [Mr. Bailey] in which he attacked the loyalty of the gentleman from Massachusetts [Mr. GARDNER]. The gentleman from Massachusetts needs no defense at my hands. Ever since his membership in Congress he has shown that he is able to take care of himself at any and all times; but because I am unwilling to subscribe to any such attack, suggesting that my colleague from my State is more loyal to Great Britain than he is to the country of his birth, I gladly and heartily voted to strike those words from the RECORD. [Applause.] If a similar attack is made on any other Member of this Congress' I shall cheerfully do as I did to-day. I believe steadfastly in the absolute loyalty and devotion of all my col-leagues to this country and the Stars and Stripes, which spread their sheltering folds over the head of our beloved Speaker. [Applause.]

I do not always agree with the ideas of the gentleman from Massachusetts, and I might say that in most of his contributions to the discussion which has been engaging the attention of Congress I find myself on the other side. But he is a man of courage, of patriotism, of loyalty, and when the test came in his youth he cheerfully responded to the call to the colors in the Spanish-American War. [Applause.] He will do it again if

his country needs him.

While I believe, Mr. Chairman, that it would be monstrous to plunge our country into war because of the sinking of any American ship carrying munitions to the belligerents, and I firmly believe that it would be more than a crime to plunge this country into war for the sake of those so-called "Americans" who go out as cattle valets on steamers sailing from East Boston and New York almost every other day, I am unwilling to believe that the great President of this Republic can be persuaded to any such action. Real Americans have judged already the cattle-boat adventurers, and I dare say there is not a man within the sound of my voice who would give them even a cup of coffee to hide their rum breaths, let alone fight and die for their "honor." These are the types that would bring endless misery on our land, because they would court death defiantly in places where they have no right, save at their own peril. One real American boy is worth tons of these cattle pushers, and I have faith that Woodrow Wilson stands for the American boys.

And, Mr. Chairman, we must not forget another thing that occurs to me at this moment, namely, that we did not permit vessels flying the English or any other flag to pass through the lines of our blockading fleets in the Civil War when they were attempting to carry supplies or cash to the Southern States. We must be on the watch for tricky England in our present crisis. She will "plant" an American on her merchantment, if needs be, an "American" who can be easily bought to sail on a ship loaded with materials of war. But Woodrow Wilson knows more about conditions, in my judgment, than all of us here put together. So I say to you, let us be calm, let us refuse to be either a plutocratic or philanthropic annex of either the allies or the central powers, and, above all, let us give the President a chance. [Applause.]

I want to call to the attention of the House another editorial from a Boston newspaper, the Globe, which appears in to-day's issue over the signature of "Uncle Dudley," one of the ablest one of the ablest and best-posted contributors in this country. It is as follows:

BETTER FOR US TO LOOK BEFORE WE LEAP,

Many of our American ships are lying idle at their docks. They do not make ready to put to sea. Their owners clamor for protection from Washington. They are told that they may arm, but suitable guns are not to be had in the open market. Meanwhile, freight destined for European ports is congesting the railroads. Many trainloads of provisions are sidetracked. Some of our export trade is waiting for a change in the international situation or for a development in the administration attitude.

Washington. They are told that they may arm, but sultable guns are not to be had in the open market. Meanwhile, freight destined for not to be had in the open market. Meanwhile, freight destined for visions are sidetracting the railroads. Many trainloads of provisions are sidetractional situation or for a development in the administration attitude.

In 1798 we adopted a policy of armed neutrality. France and England were at war and the French privateers preyed upon our shipping. The situation became so intolerable that, under President John Adams, an accommerce from the French privateers. We purpose of protecting our commerce from the French privateers. We purpose of protecting our commerce from the French privateers. We purpose of protecting our commerce from the French privateers. We purpose of protecting our commerce from the French privateers. We purpose of protecting our commerce from the French privateers. We purpose of protecting our commerce from the French privateers. We purpose of protecting our commerce from the French privateers. We purpose on the season of the seas

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that leave by order of the House.

Mr. MANN. Mr. Chairman, I think the Chair is in error; the order was for those "who have spoken."

The CHAIRMAN. The Chair did not so understand it. The

Chair understood it was those who had spoken or would speak.

Mr. GREENE of Vermont. On page 3879, Mr. Chairman, the

RECORD says:

Mr. Dent. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken upon this bill be allowed five legislative days in which to revise and extend their remarks.

The Speaker. The gentleman from Alabama asks unanimous consent that all the gentlemen who have spoken on this bill have five legislative days in which to extend their remarks. Is there objection?

The CHAIRMAN. That is sufficient. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection?
There was no objection.

The Clerk read as follows:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extensions, betterments, operation, and maintenance of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1919, from the receipts of the Washington-Alaska military cable and telegraph system which have been covered into the Treasury of the United States, the extent of such extension and betterments and the cost thereof to be reported to Congress by the Secretary of War, \$50,000: Provided, That hereafter the Signal Corps, in its operation of military telegraph lines, cables, or radio stations, is authorized to collect forwarding charges due connecting commercial telegraph or radio companies for the transmission of Government radiograms or telegrams over their lines, and to this end it can present vouchers to disbursing officers for payment or file claims with auditors of the Treasury Department for the amount of such forwarding charges.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the chairman of the committee if he does not think that the phraseology should be further limited so that it shall not be operative unless approved by the Secretary of War?
Mr. DENT. What is the gentleman's point?

Mr. DENT. What is the gentleman's point?
Mr. STAFFORD. I thought the authorization should not go into effect unless first approved by the Secretary of War, and I was going to suggest to the chairman to insert, after the word "authorized," in line 10, the words "in the discretion of the Secretary of War," and then, in line 13, after the word "and," to insert the words "under such regulations as may be pre-scribed by the Secretary of War." I do not think it is advisable to enact into permanent law an authorization to the Signal Corps to collect charges without the Secretary of War having the power to discontinue them or to make regulations governing the subject.

Mr. DENT. I have no objection to those amendments.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendments.

The Clerk read as follows:

Page 9, line 10, after the word "authorized," insert the words "in the discretion of the Secretary of War," and after the word "and," in line 13, page 9, insert the words "under such regulations as may be prescribed by the Secretary of War."

The amendments were agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Tennessee [Mr. GARRETT] called especial attention to the message of the President to Congress in which he announced the severance of diplomatic relations with Germany. Now, when I heard the President read that vastly significant document I thought, and then remarked, that it contained one error in a statement of fact—an error which seemed to be rather important in the sense that the truth-exact knowledge of the factsalways important in serious discussion.

The President said:

Let me remind the Congress that on the 18th of April last, in view of the sinking on the 24th of March of the cross-channel passenger steamer Sussex by a German submarine, without summons or warning, and the consequent loss of the lives of several citizens of the United States, who were passengers aboard her—

And so forth.

But it is not true that several citizens of the United States lost their lives on that British steamer. I have here a copy of the New York World, and on the first page, right-hand column

of that paper for March 28, 1916, are the headlines:
No American life lost on the Sussex. Germany ready to disayow the

Then follows this dispatch:

WASHINGTON, March 27.

Reports received to-day by the State Department from Ambassador Page, in London, and Ambassador Sharp, in Paris, have established that no American lives were lost on board the channel passenger steamer

And so forth.

In the same issue of the World appears an editorial, from which I quote the following:

One paragraph in President Wilson's speech at St. Louis February 8 has a peculiar application to the Sussex case:

"Gentlemen, the commanders of submarines have their instructions, and those instructions are consistent for the most part with the laws of nations; but one reckless commander of a submarine, choosing to put his private interpretation upon what his Government wishes him to do, might set the world on fire."

The editorial continues:

No American lives were lost on the Sussex-

And so forth.

Mr. SLOAN. Mr. Chairman, will the gentleman yield? Mr. COOPER of Wisconsin. Yes.

Mr. SLOAN. I am very much interested in the statement of the gentleman as to past facts. Was there not in that message a statement substantially like this, that it is "taken for granted that all neutral Governments will take the same course" that had just been taken by the President?

Mr. COOPER of Wisconsin. The gentleman is referring to what the President seemed to assume.

Mr. SLOAN.

Mr. COOPER of Wisconsin. I have been referring to what

purported to be a statement of fact.

Mr. SLOAN. I do not think the gentleman gets the purport of my question. He is the ranking minority member of the Committee on Foreign Affairs, and as such must keep in close touch with the actions of the other neutral nations of the world. I want to ask, as a matter of information, whether any neutral nation on earth has followed the course taken by the President of the United States in the severance of the diplomatic relations. with Germany?

Mr. COOPER of Wisconsin. Mr. Chairman, I can say no more than that my information is that no other nation has followed the lead of the United States in that regard. I can not state

positively as a fact that that is true.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired, and the Clerk will read.

The Clerk read as follows:

OFFICERS OF THE LINE.

For pay of officers of the line, \$11,500,000.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the proviso beginning on line 24, page 9, and ending on line 23, page 10, be read at this point in the bill, instead of and in the place of the words printed in the bill. The proviso should come after the figures "\$11,500,000," which is for the pay of officers, and not after the provision for the additional pay to officers for length of service.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the proviso referred to shall be read and considered immediately following line 22, page 9. Is there ob-

Mr. MANN. Mr. Chairman, I shall have no objection to that, and to having it read, if the gentleman will then move to rise.

Mr. DENT. I will state to the gentleman that if there is any controversy over the proviso I will.

Mr. MANN. There is a controversy over it.

Mr. DENT. Mr. Chairman, let the Clerk read the proviso. The period after the figures "\$11,500,000" should be stricken out and a semicolon inserted, and then the proviso.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Provided, That no part of this appropriation shall be paid to any officer of the line of the Army who shall be appointed or promoted in violation of any of the terms next hereinafter specified: That of the whole number of officers of Cavalry, Field Artillery, Coast Artillery Corps, Infantry, and of Engineers serving with the enlisted force of the Corps of Engineers necessary to fill vacancies created or caused in said arms of the service by reason of the second increment, authorized by said arms by act of Congress approved June 3, 1916, not more than one-fourth shall be appointed or promoted until, exclusive of enlisted men belonging to said arms on June 30, 1916, at least one-fourth of the second increment of enlisted men authorized for said arms by said act shall have been enlisted; not more than one-half of said whole number of officers shall be appointed or promoted until at least one-half of said increment of enlisted men shall have been enlisted; and not more than three-fourths of said whole number of officers shall be appointed or promoted until at least three-fourths of said increment of enlisted men shall have been enlisted; and not more than three-fourths of said whole number of officers shall be appointed or promoted until at least three-fourths of said increment of enlisted men shall have been enlisted. And all officers promoted in accordance with the terms of this proviso shall take rank, respectively, from the dates on which their promotions shall have become lawful under the terms of this proviso.

Mr. Chairman, I reserve the point of order

Mr. TILSON. Mr. Chairman, I reserve the point of order upon that, and at this point I ask unanimous consent to have printed in the RECORD an amendment which I have sent to the desk, which is rather long, the amendment to be considered pending, subject, of course, to any point of order to which it may be subject, without having it read now.

Mr. MANN. The gentleman can have it printed in the

RECORD for the information of the House.

Mr. TILSON. I make that request, that it be printed in the RECORD for the information of the House, and I shall offer it at this point.

Mr. STAFFORD. Mr. Chairman, on the amendment I reserve the point of order.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the amendment referred to may be printed in the RECORD for the purpose of information to be hereafter offered at the proper place. Is there objection?

There was no objection.

The amendment referred to is as follows:

Amendment offered by Mr. Tilson: Page 10, line 23, after the word "proviso," insert:
"Provided further, That in any increase in or additions to the Regular Army of the United States all increases in and additions to the

commissioned personnel of any arm, corps, or department shall be in the lowest commissioned grade of such arm, corps, or department.

"That the present method of promotion of commissioned officers of the Regular Army of the United States to any grade below that of brigadier general shall cease, and that hereafter officers of any grade in the Regular Army of the United States below that of colonel shall be promoted, subject to existing laws as to examination, only on the completion of the following total years of service on the active list as a commissioned officer of the United States, to include service in the Regular Army, the Volunteers, the National Guard or Organized Militia in Federal Service, the Navy, and the Marine Corps, and for officers of the Medical Corps, service as a medical reserve officer on the active list: To the grade of first lleutenant on the completion of a total of 10 years of service, to the grade of major on the completion of a total of 10 years of service, to the grade of major on the completion of a total of 12 years of service, and to the grade of colonel on the completion of a total of 27 years of service. Provided, That no credit shall be given for time lost through failure on examination for promotion or through sentence of court-martial.

"Those now holding anomalous position through failure; those holding an anomalous position through sentence of a court-martial shall be given the constructive service of the officer whom they now follow on the lineal list. Those hereafter falling on examination for promotion shall lose one year for each such failure;

"Those who now have more than sufficient credit for promotion to the next higher grade shall be promoted as of the date of this act.

"That officers of the Medical Corps, Dental Corps, and chaplains shall be credited with four years' constructive service for all promotions: Provided, That chaplains, dental surgeons, and veterinarians shall be credited with four years' constructive service for all promotions: Provided, That chaplai

shall be credited with the constructive service necessary to reach the grade to which restored, such constructive service to include any prior active service.

"That the President may assign officers to command and duties in such manner as the exigencies of the service demand, subject to the rules of seniority provided by this act and existing law and the laws affecting detached service: Provided, That, as far as practicable, the assignment of an officer of one arm of the service to another arm shall be avoided.

"That officers in excess of the number otherwise authorized for particular grades shall be assigned to the duties heretofore performed by the officers on the lists of additional and detached officers, and they shall also be used for the purpose of filling any vacancies in typical organizations.

"That the total number of commissioned officers in any arm, corps, or department shall not exceed the total number otherwise authorized for said arm, corps, or department.

"That in time of war officers shall have the rank and pay of any advanced grade or office to which they may be properly assigned for the period of actual service therein; such advanced grade or office to be in conformity with adopted tables of organization for the Army.

"That nothing in this act shall be held or construed so as to discharge any officer from the Regular Army, or to deprive him of the commission which he now holds therein."

Mr. McKELLAR. Will the gentleman state the substance of

Mr. McKELLAR. Will the gentleman state the substance of his amendment?

Mr. TILSON. The substance is a matter of promotion of Army officers. It deals with the subject of promotions in the

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I suggest it is Saturday night— Mr. DENT. Mr. Chairman, I move that the committee do

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20783, the Army appropriation bill, and had come to no resolution thereon.

# ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.;
H. R. 12541. An act authorizing insurance companies and fra-

ternal beneficiary societies to file bills of interpleader; and

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.

The SPEAKER announced his signature to enrolled bills and

joint resolution of the following titles:

S. 703. An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the

preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure

S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other

S. 6850. An act authorizing transfer of certain retired Army

officers to the active list; and

S. J. Res. 208. Joint resolution to grant citizenship to Joseph

#### WASHINGTON'S BIRTHDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal on February 22, Washington's Farewell Address be read by Mr. Neely, of West Virginia

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on the 22d of February, immediately after the reading of the Journal and the cleaning up of matters on the Speaker's table, that Washington's Farewell Address be read by Mr. Neely, of West Virginia. Is there objection?

[After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I will not object, but I think there may be a request made by some gentleman to address the House for a little while on Washington.

Mr. KITCHIN. I will not object to that, but on the afternoon before we will agree to meet earlier on the 22d. Mr. MANN. Very well.

CONFERENCE REPORT ON AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I present a conference report on the Agriculture bill, and I ask for the printing of the report and statement in the RECORD under the rules.

Mr. MANN. Is it a complete report? Mr. LEVER. It is a complete report.

The SPEAKER. The report and statement will be printed under the rule.

The conference report and statement are as follows:

### CONFRENCE REPORT (NO. 1506).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82, 84,

98, and 101.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, 100, 102, and 105, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "\$20,000" and insert in lieu thereof "\$6,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "\$1,468,740" and insert in lieu thereof "\$1,455,240"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "\$1,796,640" and insert in lieu thereof "\$1,783,140"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "\$269,200" insert "\$277,580"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment," in the Senate amendment, strike out the words "and maintenance"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "\$2,604,956" insert "\$2,613,336"; and the Senate agree to the

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "\$3,445,326" insert "\$3,555,326"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "\$90,000" insert "\$82,510," and in lieu of "\$15,000" insert "\$7.500": and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "\$112,200" insert "\$107,200," and in lieu of "\$14,000" insert "\$9,000": and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of \$2,460,580" insert "\$2,480,530"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "\$3,123,630" insert "\$3,143,630"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "\$1,200," in the Senate amendment, insert the words "not exceeding"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures "\$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "\$1,814,567" insert "\$1,817,567"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "\$3,261,475" insert "\$3,264,475"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of \$5,709,275" insert "\$5,712,275"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "\$2,992,580" insert "\$2,972,580"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "\$3,127,660" insert "\$3,107,660"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "\$813,395" insert "\$843,395"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "\$1,688,575" insert "\$1,718,575"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station," and transfer the paragraph as thus amended to page 24, between lines 18 and 19, of the bill; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "\$139,500" insert "\$104,500"; and the Senate agree to the

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of "\$160,000" insert "\$125,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$24,581,213" insert "\$24,679,113"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "\$25,831,213" insert "\$25,929,113"; and strike out the new language added by the Senate amendment; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of \$1,000" insert "\$1,500"; and the Senate agree to the same.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.
E. D. SMITH,
HOKE SMITH,
F. E. WARREN,
Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: This amendment reduces by \$1,680 the appropriation for expenses of the Weather Bureau outside of the city of Washington. The House recedes.

On amendment No. 2: This amendment reduces by \$1,680 the amount which may be expended by the Weather Bureau for salaries outside of the city of Washington. The House recedes. On amendment No. 3: This amendment increases by \$15,140

On amendment No. 3: This amendment increases by \$15,140 the amount which may be expended by the Weather Bureau for special observations and reports. The House recedes.

On amendment No. 4: This amendment provides \$20,000 for the establishment and maintenance of a Weather Bureau station at Greenville, S. C. The House recedes and agrees with an amendment inserting the word "equipment" after the word "establishment," and reducing the appropriation from \$20,000 to \$6,500.

On amendments Nos. 5 and 6: These amendments represent amended totals.

On amendment No. 7: This amendment authorizes repairs and improvements to buildings at quarantine stations. The House recedes.

On amendment No. 8: This amendment increases by \$18,900 the appropriation for animal-husbandry investigations. The House recedes and agrees with an amendment making the amount \$277,580 in order to conform to the action of the managers at the conference on amendment No. 10.

On amendment No. 9: This amendment provides \$15,000 for the purchase of lands in the vicinity of the Morgan Horse Farm, near Middlehury Vt. The House recedes.

near Middlebury, Vt. The House recedes.

On amendment No. 10: This amendment reduces by \$8,380 the amount which may be expended for experiments in poultry feeding and breeding. The Senate recedes.

On amendment No. 11: The first part of this amendment strikes out the language relating to ostrich investigations. The second part adds new language and provides that \$12,280 may be expended for the equipment and maintenance of the United States sheep experiment station in Fremont County, Idaho. The House recedes and agrees with an amendment striking out the words "and maintenance" after the word "equipment."

On amendment No. 12: This amendment strikes out the Fords investigation of tuberculosis in cattle." The House recedes.

On amendment No. 13: This amendment represents an amended

On amendment No. 14: This amendment reduces by \$101,620 the appropriation for meat inspection. The Senate recedes.

On amendment No. 15: This amendment represents an

amended total.

On amendment No. 16: This amendment increases by \$5,000 the appropriation for fruit-disease investigations, with a proviso that \$8,000 shall be available for pecan-disease investigations.

The House recedes.

On amendment No. 17: This amendment adds new language and appropriates \$300,000 for the eradication or control of the white-pine blister rust. The House recedes.

On amendment No. 18: This amendment increases by \$2,500 manufaction for soil-fertility investigations. The House The House the appropriation for soil-fertility investigations.

On amendment No. 19: This amendment increases by \$15,000 the appropriation for crop acclimatization and fiber-plant investigations, and provides that this sum shall be used for experiments in cottonseed interbreeding. The House recedes and agrees with an amendment reducing the \$15,000 for such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the total by a like such purpose to \$7,500 and reducing the such purpose pose to \$7,500 and reducing the total by a like amount.

On amendment No. 20: This amendment increases by \$10,000 the appropriation for cereal investigations. The House recedes.

On amendment No. 21: This amendment increases by \$10,000

the allotment for black rust and stripe rust investigations. The Senate recedes.

On amendment No. 22: This amendment inserts after the words "flax straws" the words "and hemp" in the paragraph for paper-plant investigations. The House recedes.

On amendment No. 23: This amendment increases by \$10,000 the appropriation for pomological investigations and provides that \$14,000 shall be available for the investigation and improvement of the pecan. The House recedes and agrees with an amendment reducing the amount for such purpose by \$5,000

and reducing the total by a like amount.

On amendment No. 24: This amendment increases by \$2,500 the appropriation for horticultural investigations. The Senate

On amendment No. 25: This amendment increases by \$4,000 the appropriation for the testing and distribution of new and rare seeds and for forage-crop investigations. The House recedes.

On amendment No. 26: This amendment adds new language, authorizing the expenditure of \$4,000 for forage-crop investigations in cooperation with the Washington State Experiment Station. The Senate recedes.

On amendments Nos. 27 and 28: These amendments represent amended totals.

On amendment No. 29: This amendment reduces by \$1,000 the appropriation for the Coronado National Forest. The Sen-

On amendment No. 30: This amendment reduces by \$2,000 the appropriation for the Lincoln National Forest. The Senate

On amendment No. 31: This amendment strikes out the language authorizing the expenditure of \$1,200, out of any funds hereafter appropriated for the Nebraska National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, for the purchase of land now under lease and used as a nursery site for the Niobrara division of said forest, and inserts new language appropriating \$1,200 for the purchase of the land during the next fiscal year, increasing the total appropriation for the Nebraska National Forest by that amount, and providing that the cost of any building erected at the nurseries on the Nebraska National Forest shall not exceed \$1,000. House recedes and agrees with an amendment inserting the words "not exceeding" before the figures "\$1,200."

On amendment No. 32: This amendment provides that all moneys received on account of permits for hunting, fishing, or camping on lands acquired under the authority of the Weeks Forestry Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests. House recedes and agrees with an amendment transposing the position of the proviso so that it appears after the amount of

the appropriation.

On amendment No. 33: This amendment represents an amended total.

On amendments Nos. 34 and 35: These amendments insert language authorizing the eradication of poisonous plants in the national forests. The House recedes

On amendments Nos. 36 and 37: These amendments represent

amended totals.

On amendment No. 38: This amendment reduces by \$10,000 the appropriation for poultry and egg investigations. House recedes.

On amendment No. 39: This amendment reduces by \$4,600 the appropriation for fish investigations. The House recedes. On amendment No. 40: This amendment increases by \$3,000

the appropriation for table-sirup investigations. The House

On amendments Nos. 41 and 42: These amendments represent amended totals.

On amendment No. 43: This amendment increases by \$5,000 the appropriation for the investigation of insects affecting deciduous fruits, with a proviso that \$9,600 shall be available for the investigation of insects affecting the pecan. The House recedes.

On amendment No. 44: This amendment makes immediately available \$10,000 of the appropriation for the investigation of insects affecting southern field crops. The Senate recedes.
On amendment No. 45: This amendment provides that \$20,000

of the appropriation for the investigation of insects affecting truck crops and stored products may be used for the investiga-tion of diseases of beans and peas. The Senate recedes. On amendments Nos. 46 and 47: These amendments represent

amended totals.

On amendment No. 48: This amendment restricts the experiments and demonstrations in destroying predatory animals and animals injurious to agriculture to the lands of the United States. The Senate recedes.

On amendment No. 49: This amendment decreases by \$2,440 the appropriation for general administrative expenses of the Bureau of Biological Survey. The House recedes.

On amendments Nos. 50 and 51: These amendments represent

amended totals.

On amendment No. 52: This amendment strikes out the language limiting the loaning, renting, or selling of films to educa-tional institutions or associations for agricultural education not organized for profit and substitutes a proviso that such institutions or associations shall have preference. The House recedes.

On amendment No. 53: This amendment reduces by two the number of clerks, class 3, in the Bureau of Crop Estimates.

The House recedes

On amendment No. 54: This amendment reduces by one the number of clerks at \$900 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 55: This amendment reduces by three the number of messengers or laborers at \$720 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 56: This amendment represents an amended total.

On amendment No. 57: This amendment provides that hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month. The House recedes, On amendment No. 58: This amendment reduces by \$4,078 the appropriation for the field investigations of the Bureau of

Cron Estimates.

rop Estimates. The House recedes, On amendments Nos. 59 and 60: These amendments represent amended totals.

On amendment No. 61: This amendment reduces by one the number of clerks at \$900 in the library. The House recedes.

On amendment No. 62: This amendment represents an amended total.

On amendment No. 63: This amendment reduces by \$4,000 the appropriation for the general expense of the library. The

On amendment No. 64: This amendment represents an amended total.

On amendment No. 65: This amendment increases by \$15,000 the appropriation for miscellaneous expenses. cedes.

On amendment No. 66: This amendment provides for the appointment of a joint committee to investigate the advisability of the erection of additional buildings for the Department of Agriculture. The House recedes

On amendment No. 67: This amendment strikes out the language authorizing the Secretary of Agriculture to prescribe the form of the annual financial statement required under the acts cited in the paragraph. The Senate recedes.

On amendment No. 68: This amendment increases by \$20,000

the appropriation for the insular experiment stations. Senate recedes

On amendment No. 69: This amendment increases by \$10,000 the allotment for the Hawaii Experiment Station. The Senate

On amendment No. 70: This amendment increases by \$10,000 the allotment for the Porto Rico Experiment Station, with a proviso that \$10,000 may be expended for the maintenance of an experimental substation. The Senate recedes.

On amendment No. 71: This amendment increases by \$5,000 the amount which may be expended for agricultural-extension work in Hawaii. The Senate recedes.

On amendment No. 72: This amendment reduces by \$4,000 the appropriation for home-economics investigations. The House

On amendments Nos. 73 and 74: These amendments represent amended totals.

On amendment No. 75: This amendment reduces by \$3,400 the appropriation for general administrative expenses of the Office of Public Roads and Rural Engineering. The Senate re-

On amendments Nos. 76 and 77: These amendments represent amended totals.

On amendment No. 78: This amendment makes immediately available \$40,000 of the appropriation for the market news serv ice. The House recedes.

On amendment No. 79: This amendment strikes out the paragraph providing \$50,000 for the investigation of the production and marketing of agricultural food products, and inserts a new paragraph appropriating \$25,000 to enable the Secretary of Agriculture to certify to shippers the condition of fruits and vegetables at points of destination. The Senate recedes.

On amendment No. 80: This amendment corrects a typographical error. The House recedes.

On amendment No. 81: This amendment reduces by \$5,000 the appropriation for cotton standardization. The House recedes.

On amendment No. 82: This amendment authorizes the Secretary of Agriculture to use \$25,000 of the appropriation for grain standardization for the installation of an experimental flour mill and chemical and baking laboratories in Washington to aid in establishing standards for wheat and other grains. Senate recedes.

On amendment No. 83: This amendment provides \$4,000 for the administration of the standard basket and container act. The House recedes

On amendment No. 84: This amendment reduces by \$5,000 the appropriation for general administrative expenses of the Bureau of Markets. The Senate recedes.

On amendments Nos. 85 and 86: These amendments represent amended totals

On amendment No. 87: This amendment gives the Secretary of Agriculture power to administer oaths, examine witnesses, and call for the production of books and papers. The House recedes.

On amendment No. 88: This amendment adds new language and appropriates \$35,000 for the purchase, preparation, and irrigation of 150 acres of land at Chico, Cal., as an addition to the existing plant-introduction field station. The House recedes and agrees with an amendment striking out the reference to the existing field station.

On amendment No. 89: This amendment adds new language and appropriates \$50,000 to meet the emergency caused by the existence of the pink bollworm of cotton in the Laguna district The House recedes. of Mexico.

On amendments Nos. 90 and 91: These amendments represent amended totals.

On amendment No. 92: This amendment authorizes the Secretary of Agriculture to establish a quarantine without necessary regard to the determination of the fact of the existence of a dangerous plant disease or insect infestation in the State, Territory, or District quarantined. The other changes consist in the incorporation, for purposes of effective administration, of desirable legislation for enforcing effectively the gypsy moth and browntail moth quarantine. The House recedes

On amendment No. 93: This amendment represents an amended

On amendment No. 94: This amendment increases by \$10,000 the appropriation for demonstrations on reclamation projects. The House recedes.

On amendment No. 95: This amendment increases by \$16,396 the appropriation for experiments in dairying and live-stock production in the western United States. The House recedes

On amendment No. 96: This amendment reduces by \$250,000 the appropriation for the eradication of foot-and-mouth and other contagious diseases of animals. The House recedes

On amendment No. 97: This amendment amends the total carried by the bill for the Department of Agriculture and adds new language imposing certain restrictions upon the expenditure. in connection or in cooperation with certain corporations and idividuals, of the funds appropriated to the department. House recedes and agrees with an amendment making the amount of the total \$25,929,113 instead of \$25,831,213 and striking out the new language.

On amendments Nos. 98, 99, 100, 101, 102, 103, and 104: The effect of these amendments is to lower the limit of salary to which the percentage increases shall apply from \$1,800 to

\$1,000, and to provide a 15 per cent increase in salary for employees receiving \$480 or less and a 10 per cent increase for employees receiving more than \$480 and not exceeding \$1,000. The House recedes and agrees with an amendment raising the salary limit to which the increases shall apply to \$1,500 and providing a 10 per cent increase for employees who receive salaries of \$1,000 or less and a 5 per cent increase for employees who receive salaries of more than \$1,000 and not exceeding \$1,500 per annum.

On amendment No. 105: This amendment authorizes the President to extend invitations to other nations to appoint delegates to the International Farm Congress, to be held at Peoria. Ill. The House recedes.

A. F. LEVER. GORDON LEE, G. N. HAUGEN, Managers on the part of the House.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned to meet at 12 o'clock noon to-morrow, Sunday, February 18, 1917.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Columbia River at the town of Hood River, Oreg. (H. Doc. No. 2064); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor at Mackinac Island, Mich., with a view of extending the east breakwater a distance of 400 feet (H. Doc. No. 2065); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Virgin River, Nev., between its intersection with the east line of the State of Nevada and the Colorado River, with a view to confining such river within its channel and the protection of the banks against erosion (H. Doc. No. 2066); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Tchula Lake, Miss. (H. Doc. No. 2067); to the

Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting supplemental schedules of papers, documents, etc., on the files of the Treasury Department which are not needed or useful in the transaction of public business and have no permanent value or historical interest (H. Doc. No. 2068); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination for a breakwater at Sea Gate, Coney Island, N. Y., and connecting waters from Gravesend Bay to Ambrose Channel (H. Doc. No. 2069); to the Committee on Rivers and Harbors and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD, from the Committee on Foreign Affairs, which was referred the bill (H. R. 20755) to carry out the provisions of the treaty of August 4, 1916, for the purchase of the Danish West Indian Islands, and for other purposes, reported the same with amendment, accompanied by a report (No. 1505), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON requested, and it was agreed to, that the resolution (H. Res. 477) requesting the Attorney General of the United States to inform the House in regard to proceeding against the binder-twine monopoly, reported adversely February 14, 1917 (Rept. No. 1494), be taken from the Speaker's table and referred to the House Calendar.

Mr. LA FOLLETTE, from the Committee on the Public Lands,

to which was referred the bill (S. 1792) for the relief of settlers

on unsurveyed public lands, reported the same favorably without amendment, accompanied by a report (No. 1207, pt. 2).

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20512) to admit Marguerite Mathilde Slidell d'Erlanger to citizenship, reported the same with amendment, accompanied by a report (No. 1504), which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 20947) to prohibit interstate and foreign commerce in certain products of female labor,

and for other purposes; to the Committee on Labor.

By Mr. SPARKMAN: A bill (H. R. 20948) providing for the marking and protection of the battle field known as Dade's Massacre, in Sumter County, Fla., and for the erection of a monument thereon; to the Committee on Military Affairs.

Also, a bill (H. R. 20949) authorizing the Secretary of War to donate to the town of Zephyrhills, Pasco County, Fla., two bronze or brass cannon, with projectiles; to the Committee on Military Affairs.

By Mr. MURRAY. A bill (H. R. 20950) granting old-age

pensions; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 20951) to include certain lands in the counties of Modoc and Siskiyou, Cal., in the Modoc National Forest, Cal., and for other purposes; to the Committee on the Public Lands.

By Mr. BRITTEN: A bill (H. R. 20952) for the relief of disbursing officers of the Naval Militia of the United States and of the National Naval Volunteers, and specifying certain dates on which Naval Militia are entitled to pay from Federal funds; to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 20953) to pension the survivors of the War with Spain and Philippine insurrection; to

the Committee on Pensions.

Also, a bill (H. R. 20962) to provide for increasing the rates of pension of totally disabled, needy, and helpless soldiers, sailors, and marines of the Civil and Mexican Wars; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 510) to pay Gist Finley one month's salary; to the Committee on

Accounts.

By Mr. LAZARO: Resolution (H. Res. 511) authorizing the Committee on Enrolled Bills to employ additional clerks; to the Committee on Accounts.

By Mr. MURRAY: Joint resolution (H. J. Res. 372) to change the name of the Danish West Indies to Monroe Isles; to the

Committee on Foreign Affairs. By Mr. LEWIS: Joint resolution (H. J. Res. 373) requesting the President to invite the sovereign governments of the world to a conference to discuss a government for the international

community; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of the General Assem-

bly of the State of New York, favoring appropriation by Congress of \$1,395,275 for the transfer to the Federal Government of the quarantine establishment at the port of New York; to the Committee on Appropriations.

By Mr. DOOLING: Memorial of the General Assembly of the State of New York, favoring appropriation by Congress of \$1.395,275 for the transfer to the Federal Government of the quarantine establishment at the port of New York; to the Com-

mittee on Appropriations.

By Mr. MOTT: Memorial of the Legislature of the State of York, favoring an appropriation for the transfer of the quarantine establishment at New York to the United States; to

the Committee on Appropriations.

By Mr. GRIFFIN: Memorial of the General Assembly of the State of New York, favoring an appropriation by Congress of \$1,395,275 for the transfer to the Federal Government of the quarantine establishment of the port of New York; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 20954) to appoint Allen M.
Summer a captain on the active list of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. CHURCH: A bill (H. R. 20955) to reimburse Robinson Bros., of Merced, Cal., for range feed destroyed by fire; to the Committee on Claims,

By Mr. HAMLIN: A bill (H. R. 20956), granting an increase of pension to Joseph W. Johnson; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 20957) granting an increase of pension to Andrew P. Grubaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20958) granting an increase of pension to John Erwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20959) granting an increase of pension to

Charles Bishop; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20960) for the relief of John E. Osborne; to the Committee on Claims,
By Mr. WALSH: A bill (H. R. 20961) granting a pension to

Carrie C. Washburn; to the Committee on Invalid Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Missouri, urging the passage of the Federal woman-suffrage amendment; to the Committee on the Judiciary.

Also (by request), memorial of sundry citizens of Holstein Evangelical Jesus Church of St. Louis, Mo., and sundry citizens of Springfield, Mass., against the United States in war with any country; to the Committee on Foreign Affairs.

By Mr. BAILEY: Memorial adopted by the Blair County (Pa.) Pomona Grange, No. 37, supporting legislation permitting cities, townships, and boroughs to own and operate coal mines, coal yards, dairy stations, and public markets for the distribution of farm produce; to the Committee on the Judiciary.

By Mr. BELL: Petition of Horace L. B. Atkinson, of Washington, D. C., for \$1,000 for services rendered in election contest of Aaron P. Prioleau v. Hon. Richard S. Whaley; to the Com-

mittee on Elections No. 2.

By Mr. BROWNE: Petitions of sundry church organizations Wisconsin, favoring a national constitutional prohibition

amendment: to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: Petitions of 185 people of the Baptist Church, Allendale; 256 people of the Methodist Episcopal Church South, Allendale; 30 people at a public meeting of the Baptist Church, Blackville; 28 people at a public meeting, Martin; 300 or more of all denominations at a religious meeting, Edgefield; 130 people of the St. Paul Sunday School, Saluda; 200 people of the Red Bank Baptist Sunday School, Saluda; 50 people of St. John's Methodist Episcopal Church South, Graniteville; 30 people at a public meeting of the Baptist Church, Warrenville; 23 people at a public meeting of the Ridgeland Baptist Church, Ridgeland; 23 people at a public meeting in Methodist Church, Denmark; 16 representatives of Methodists and Baptists, Plum Branch; 55 people at a public meeting in Baptist Church, Ward; 33 people of the Woman's Missionary Society, Aiken; 43 people at a public meeting, Ehrhardt; 80 people at a public meeting in the Baptist Church, Saluda; and 65 people at a public meeting in the town hall, Allendale, all in the State of South Carolina, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of sundry employees of the Post Office Department of the State of California, urging the passage of House bill 17806; to the Committee on the Post Office and Post

By Mr. CARY: Petition of sundry citizens of Milwaukee, Wis., opposing the passage of House bill 17606, known as the Kitchin bill; to the Committee on Banking and Currency

By Mr. DALLINGER: Petition of citizens of Medford, Mass., for national constitutional prohibition amendment; to the Com-

mittee on the Judiciary.

By Mr. DOOLING: Memorial of the Union League Club of the city of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FOCHT: Petition of citizens of Waynesboro, Pa., and St. Thomas, Pa., favoring national prohibition; to the Commit-

tee on the Judiciary.

Also, petition of Philadelphia Produce Exchange, Philadelphia, Pa., opposed to House bill 20573; to the Committee on the Judiciary.

Also, evidence in support of House bill 20425, for the relief

of Edward H. Harpster; to the Committee on Pensions.

By Mr. FULLER: Memorial of the Swedish Branch, Socialist
Party of Rockford, Ill., opposing a declaration of war until
first sanctioned by a vote of the people; to the Committee on Foreign Affairs.

Also, petitions of Rev. B. F. Fleetwood, D. D., of Sycamore, Ill.; Dr. A. M. Harrison and C. E. Sovereign, of Rockford, Ill.; and W. E. Prichard, of Ottawa, Ill., for prohibitory legislation; to the Committee on the Judiciary.

Also, petitions of J. E. Lewis and H. C. Wood, of De Kalb, Ill., for the Chamberlain bill, Senate bill 1695, for military and naval training; to the Committee on Military Affairs.

Also, petition of Herman L. Lange, for House bill 15582 and Senate bill 1662, to increase pensions of blind veterans; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston,

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, asking a referendum vote before Congress declares war; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Dorchester, Roxbury, and Mattapan, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, memorial of members of the Convention of New England Electrical, Civil, and Mechanical Engineers, pledging themselves to support the President regarding war; to the Committee on Foreign Affairs.

By Mr. GRIFFIN: Petition of National Housewives' League, signed by Jennie Dewey Heath, favoring the passage of the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Equitable Life Assurance Society of the United States, protesting against the increase in the present tax on life insurance funds; to the Committee on Ways and Means,

Also, memorial of Boston Post Office Clerks' Association, Branch No. 5, United National Association of Post Office Clerks, indorsing House bill 17806; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Memorial of the Portland Chamber of Commerce, Portland, Me., opposing the proposed tax of 8 per cent on the excess profits of corporations and copartnerships; to the Committee on Ways and Means.

By Mr. MORIN: Petition of Messrs. J. W. Cruikshank, H. E. Zaring, R. G. Pentecost. C. E. Mayhew, and H. H. Willock, all of Pittsburgh, Pa., with reference to the Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of Central Pomona Grange No. 1, Patrons of Husbandry, of Connecticut, against amendment reducing the tax on colored oleomargarine; to the Committee on Ways and Means,

By Mr. ROWLAND: Petitions of sundry church organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHOUSE: Petitions of 43 people at a public meeting at Minneola, Kans., and 90 people of the Woman's Christian Temperance Union, Ashland, Kans., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of the retail druggists of Rome, N. Y., for legislation permitting the mailing of poisonous drugs to persons fitted to receive them; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New York, protesting against the passage of the Kitchin bill, to regulate check collection; to the Committee on Banking and Currency.

By Mr. SULLOWAY: Memorials adopted by the 453 mechanical engineers of the New England Branch of the American Society of Mechanical Engineers, in reference to the attitude of the President and Congress on the submarine issue, and pledging loyal support; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of Church of the Brethren, Fruita, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 114 people of the Congregational Church, Fruita, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

amendment; to the Committee on the Judiciary.

Also, petition of certain citizens of Grand Junction, Colo.. protesting against shipment of liquors from the United States to west coast of Africa; to the Committee on Alcoholic Liquor

Also, memorial of the Methodist Episcopal Church of Fruita, Colo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of Francis Willard Union, representing 200 people, of New Castle, Pa., favoring the Sheppard-Gallinger-Webb-Smith joint resolution for a prohibitory amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of College Hill Union, numbering 124 people, of Beaver Falls, Pa., favoring the Sheppard-Gallinger-Webb-Smith joint resolution for a prohibitory amendment to the Constitution of the United States: to the Committee on the Judiciary

of the United States; to the Committee on the Judiciary.

Also, petition of 25 members of the Cross Creek Grange, No.
954, Washington County, Pa., opposing Senator Underwoon's amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Memorial adopted by the Commercial Club of Larimore, N. Dak., urging upon Congress the necessity of the early designation, construction, and maintenance of a system of national highways; to the Committee on Roads.

# SENATE.

# SUNDAY, February 18, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

MEMORIAL ADDRESSES ON THE LATE SENATOR CLARKE.

Mr. ROBINSON. Mr. President, pursuant to the notice heretofore given, I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read. The Secretary read the resolutions, as follows:

# Senate resolution 363.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. James P. Clarke, late a Senator from the State of Arkansas.

Resolved, That is a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. ROBINSON. Mr. President, the notable career of the late Senator James P. Clarke, of Arkansas, was closed by sudden death on October 1, 1916. Within four months after his demise the legislature of our State adopted a resolution providing for the erection of his statue in Statuary Hall in commemoration of his services to Arkansas and to the Nation.

commemoration of his services to Arkansas and to the Nation, Mr. Clarke was born in Yazoo City, Miss., August 18, 1854. He studied in the common schools and other local educational institutions of Mississippi and graduated in law at the University of Virginia in 1878. He entered upon the practice of his profession at Helena, Ark., in the following year. In 1886 his political career began with service in the lower house of the general assembly. In 1888 he was elected to the State senate for a term of four years, becoming president pro tempore of that body and ex officio lieutenant governor. In 1892 he was elected attorney general of Arkansas, and in 1894 governor of that State. Three years later he resumed the practice of law at Little Rock and actively pursued his profession until his election to the United States Senate in 1902. His service in this body began March 4, 1903, and his influential activities here continued until his death.

The action of the General Assembly of Arkansas in authorizing the statue of Senator Clarke to be placed in our national hall of fame within so short a time following his departure, is an unusual tribute. Considered in connection with the fact that he had many personal antagonisms and political controversies, the enmittee of which must have survived him, this tribute to his character and services is the more pronounced. This honor was prompted by appreciation of the personal integrity and marked ability which characterized the private and public career of Senator. Clarke rather than by affection and gratitude. There are other names associated with the progress of Arkansas that thrill her people with loving memories. Gen. Patrick Cleburne ranks with Jeb Stuart, Bedford Forrest, and Stonewall Jackson in courage and daring. The songs of Albert Pike, his chivalric, knightly character and striking personality, render him immortal.

Augustus H. Garland was among the Nation's greatest lawyers and statesmen. James K. Jones led his party for many years with courage, fidelity, and distinction. U. M. Rose was for the lifetime of a generation the most cultured man at the American bar. His knowledge of literature and art was not greater than his comprehension of the principles of justice and equity, which form the basis of our social, industrial, and political system. Any two of these are worthy of places in Statuary Hall, and it has been the difficulty of choosing among them that has kept vacant one of the niches reserved for Arkansas. Any man who

pursues a long political career must incur enmities. One who is always aggressive and uncompromising naturally accumulates many political enemies. This was the case with Senator Clarke. Yet so highly is his memory esteemed in Arkansas that the legislature has already voted the resolution according him a place among the Nation's immortals.

PERSONAL HABITS.

One of the secrets of the success which attended the efforts of Senator Clarke is found in his personal habits. They were in every respect above reproach and criticism. Notwithstanding his impulsive nature, he never dissipated and never indulged in excesses in any form. He abstained from the use of alcohol and tobacco, was systematic in his labors, and regular in his hours of work and recreation. His exercise consisted almost entirely of walking. He never engaged in sports or pastimes. Had he done so, in all probability he would still survive. He lived in a state of almost constant tension. His amusements were limited to the pleasantries of conversations with intimate He rarely attended theaters, never read poetry, and found little pleasure in music. His greatest delight came from his knowledge and study of the peculiarities and personal traits of prominent men. Senator Clarke read comparatively few books. In speeches he rarely quoted any one; yet he possessed the greatest fund of valuable information and the smallest amount of useless knowledge of any man I have ever known. The sources of his knowledge, its accuracy and thoroughness, were sometimes subjects of amazement to his friends.

#### CHARACTERISTICS OF HIS PUBLIC SERVICE.

It is not practicable to review on this occasion the details of his public service. It is my good fortune to have known him all my life and to be familiar with the mainsprings of both his public and private conduct. They were integrity, courage, absolute independence, and consequent masterful will power. His public career was long. There was never an hour of it when his character and conduct were not under the scrutiny of friends and enemies, notwithstanding his detestation of notoricty; yet he was never suspicioned of dishonesty or of willful disloyalty to the public interests. He was always observed and frequently assailed, but never was his personal or official integrity impeached or questioned. He once said to me: "I have some confidences but no secrets."

Courage, both physical and moral, were an equally distinctive trait of this remarkable man. His physical courage was primitive, at times almost savage. Until late in life his habit was to invite conflict, never to avoid it. He had many personal encounters. The readiness with which he avenged an insult and the relentlessness with which he pursued an enemy were perhaps the least admirable traits of his otherwise marvelous

character.

It is not often that moral and physical courage in equal proportions are combined in a single character, but in Senator Clarke extraordinary physical courage was equaled, if not excelled, by moral courage. He did not fear to take any stand, to advance against any measure which his judgment condemned, or to spring to the support of any principle which his conscience approved. He was the only public man I ever knew whom I regarded as absolutely free from demagoguery and every other form of political pretense or dissimulation. A great man who has served a generation in Congress once said:

I am as sincere in my public utterances and acts as the exigencies of politics will permit.

He spoke the truth. Next to Senator Clarke, that man approaches as nearly to absolute independence of thought and action in public matters as any man whom I have known. A great newspaper published in Arkansas once said, in substance:

Whatever one's personal feelings toward him may be, Senator CLARKE can not fairly be accused of any form of demogoguery.

Indeed, he was more likely to choose the unpopular than the popular position. The unqualified independence of Senator Clarke frequently brought him into opposition with his party associates. During the administration of President Roosevelt the

Panama Canal legislation was opposed by the Democratic organization in the Senate. Its passage was accomplished, as Mr. Roosevelt has stated, largely through the exertions of Senator

CLARKE.

When the so-called Bristow amendment, the joint resolution providing for the election of United States Senators by popular vote, was pending in the Senate many Democratic Senators from Southern States expressed the fear that force bills would result, and sought to modify the amendment so as to deny to the Federal Government control over elections. Senator Clarke declared that the preservation of the Government may in the future depend upon its control of the selection of its officers. He voted for the Bristow amendment and against the Bacon amendment

giving to the States the power to fix the times, places, and manner of holding elections. The Bristow amendment became a part of the Constitution. His vote was indispensable to its passage. His contribution last Congress to the defeat of the ship-purchase bill, strongly advocated by the administration, and its modification during the present Congress to conform in part to his views are familiar history to all Senators.

His election as President pro tempore of the Senate when the Democrats secured control of the organization in 1913 was an honor which he and the people of our State heartily appreciated. Speaking for the most part to Senators who are familiar with his personality and his services, I deem it not improper to say that this recognition was the tribute of his associates to his unimpeachable integrity and his notable ability, and was in no wise the result of that partiality which sometimes brings unmer-

ited favor to men in public life.

His reelection as President pro tempore of the Senate at a time when his relationship with some of his party colleagues was strained on account of his opposition to the ship-purchase bill, an administration measure, gives emphasis to this view and illustrates his ability to impress his personality upon his associates in spite of the opposition which his course inevitably aroused.

When the Adamson eight-hour bill was voted upon by the Senate Senator Clarke and one other Democrat voted against the measure. He regarded the bill as a direct encroachment upon the freedom of contract and as legislation under improper restraint and influences approximating compulsion. It has been stated that he declined to sign the bill as President pro tempore because of his opposition to it. It is true that he vacated the chair and called the Senator from New Jersey [Mr. Hughes] to preside when the bill was received for signature; but I happen to know that his action in this instance was not prompted by his opposition to the measure but by a desire to accord the privilege of signing it to one of his intimate personal friends who had been a strong advocate of the bill and whose whole career in Congress had been signalized by a friendly attitude toward legislation in the interest of labor. There is no mistake in the assertion that he was unalterably opposed to the bill, but his failure to sign it was prompted principally by the sentimental consideration above stated rather than by sheer obstinacy.

The Panama Canal bill, the Bristow amendment, the shippurchase bill, and the eight-hour law are all measures of paramount and far-reaching importance. All forms of political and personal pressure, amounting to almost temporary social and political ostracism, were exerted to induce him to yield in every one of these instances. In no case did he seriously consider modifying his position except with reference to the ship-purchase bill. In that case, if he did not slightly modify his atti-

tude, he was almost persuaded to do so.

## PHILIPPINE INDEPENDENCE.

During the last session of Congress, when the Philippine Government bill was under consideration, Senator Clarke offered an amendment providing for independence to the Fillpinos within a short, fixed period. Opposition to the amendment was organized and powerful, and the contest was one of the fiercest which I have observed in Congress during 15 years' service. His amendment, in a modified form, passed the Senate, but was defeated in the House of Representatives. Its defeat was a great disappointment to Senator Clarke, who believed in a prompt grant of independence to the Philippines as necessary to preserve amicable relations with certain oriental powers, and to maintain the honor and good faith of the United States as expressed in its traditional policies, its treaties, the Constitution, and the Declaration of Independence.

These instances illustrate his independent grasp of public questions. They are by no means exhaustive. His views and services were practical rather than theoretical. He never advocated purely idealistic propositions, but invariably justified his course by considerations of justice and the public interest.

# DOMINATING SPIRIT.

The impatience with which he encountered opposition, his decisive views and aggressive assertion of them, and his dominating spirit are known to every Senator here. His appeal was to the group rather than to the individual or the multitude. His influence with courts, juries, committees, and like organizations was remarkable, and at times astounding. He was almost indifferent to popular opinion. His freedom from all forms of demagoguery, of which I have already spoken, is illustrated by the fact that he never advertised, never appealed to sympathy.

that the preservation of the Government may in the future depend upon its control of the selection of its officers. He voted for the Bristow amendment and against the Bacon amendment. Unfriendliness toward newspapers and newspaper men marked his entire public career. He rarely granted interviews, never explained through the newspapers, and frequently provoked unfriendly editorial comment by an intolerant manner. Some of the newspapers in our State pursued a persistent policy of antagonizing him and their reporters and correspondents were instructed to "knock" him. He rarely took public notice of unfavorable comments, but freely expressed, in a personal way, his resentment at this treatment.

Had he pursued a different course, had he been considerate of the feelings of newspaper reporters and availed himself, as most public men do, of fair and just opportunities for publicity, his unusual attainments and mental powers would have been more generally known and appreciated.

#### SOME CLARKE EPIGRAMS.

The power of terse, epigrammatical statement characterized Senator Clarke's utterances. I have memorized a few of his sentences so striking or original as to merit preservation, as follows:

The hate squad in political warfare is always on the firing line, brother; it never sleeps nor goes off duty. It is commanded by disappointed office seekers.

There exists no political friendships; they are merely political alliances,

The ever-increasing details of senatorial labor tend to belittle the office. Under the existing system we exhaust our energy in attention to the trivial and personal requests of our constituents and retain neither the strength nor the disposition to devote ourselves vigorously to the great public issues.

It is not so much the requests of my constituents which I have refused to grant that have plagued and embarrassed my public service as those which I have attempted to grant to the neglect of vital public duties.

No one deserves to be a Senator who shirks responsibility by hiding behind a caucus edict. I am anxious to confer with my colleagues and gladly yield to them in nonessentials, but in matters vital to the Nation's welfare, I must be true to my own convictions.

If the people knew the petty jealousies and the selfishness that animate officialdom, their patriotism might be staggered.

#### I never placate an enemy.

While every man owes a portion of his time to the public, a poor man is foolish to pursue politics through the earning period of life, and thus approach its end in regret and poverty.

The professional politician, like the professional gambler, always loses the big stake if he plays the game long enough.

One of the important principles of our Government is to minimize the influence of selfishness in its actual administration.

The Constitution is too often invoked to justify as an individual right what the public condemn as a moral wrong.

The traditional devotion of this Government to liberty requires that we pledge a prompt grant of independence to the Philippine people.

Nature compensates in part the loss of power that frequently attends old age by inability to realize approaching senility.

In his last campaign he was exhorted by friends to distribute garden seeds and Government documents as a means of promoting his renomination. In the course of a public speech he said substantially:

I have been told that my candidacy would be more popular if I would send the voters garden seeds and documents. This does not appeal to me as a justification for your favor, but if you view the subject differently you will no doubt be gratified to learn that a carload of Government documents and seed is now on the way to Arkansas. I hope, however, that none of you will be influenced by such means to yote for me.

On another occasion he said:

Complaint is made that I do not answer letters. I receive a great many communications that in no wise relate to my public duties; letters that concern the private wishes of some of my constituents. I have answered every letter which I regarded as worthy of an answer, and I inform you now that if I am reelected to the Senate I shall write fewer letters during the next six years than I have written during the last.

The foregoing are reproduced from memory and are incomplete and inaccurate, but they serve to illustrate and emphasize the unusual character of Senator Clarke's mind and manner.

# COURAGE IN THE FACE OF DEATH.

The extraordinary personal courage of this man did not fall him in the face of death. His intimate associates had known for some months before the end that he experienced physical infirmities which occasioned him anxiety. He was aware of the nature of the malady with which he was afflicted—arterioscierosis—and knew that it was incurable. A few months before his death, contemplating the future, he said to me:

If I could call back ten years, I would propose that we retire from politics and form a partnership for the practice of law; but it is now too late for me to make that change. I am facing the wall.

His face assumed the rigidness of marble, and he concluded with this statement:

I shall end my career in the Senate, and it will not continue long. One of the principal ambitions of my life in youth was to become a United States Senator. My only regret is that I have been unable to so control my labors as to apply my energies unreservedly to the great problems with which I have been called to deal.

Three days before his death Senator Clarke was stricken in his office with apoplexy, and while being removed to his home in an automobile a young man of my acquaintance passed him on the street. He was sitting upright between two friends. His demeanor was so complacent and unchanged that, although he was dying and could not speak, the young man, mistaking his fortitude for the manifestation of health and vigor, said to me an hour later: "I saw the senior Senator a little while ago. He looked unusually well." Imagine my feelings when I shortly learned that he was being borne to his deathbed. On the following Sunday about noon, surrounded by his family, he passed resignedly into eternity.

Senator Clarke was endowed with a great mind and possessed an indomitable spirit. His devotion to duty, his adherence to the public interest, and his indifference to censure, which ordinarily deters feeble souls, marked him as an extraordinary man. If he had yielded to the promptings of his generous heart and forgiven the wrongs which his manner invited; if he had cultivated more flowers and planted fewer trees; if he had known more of charity and less of will, his life would doubtless have been happier, but in all probability his public services would have been less fruitful.

Mr. LODGE. Mr. President, the news of the death of Senator CLARKE, which came to us last October with the shock of a surprise, brought to me not only genuine sorrow but a deep sense of personal loss. I never had known Senator Clarke until he entered the Senate, and I shall not attempt to say anything in regard to his career prior to that time, which can be done much better and with a more perfect knowledge by others. I desire merely to give the impression he made upon me during our years together in the Senate. After we first met in this Chamber our acquaintance soon ripened into friendship. Our service upon the Committee on Foreign Relations gave us subjects of a common interest, and this widened to many others, not only those connected with the work of the Senate but to all the matters, great and small, concerning men and things about which friends are wont to talk. Dr. Holmes says that in every one of us there are three men: John as he appears to himself, John as he appears to others, and the real John. But the real man can be discovered, I think, through his acts and words, and through the comparison and combination of the judgments of others. I can only speak of Senator Clarke as he appeared to me, and my opinion and estimate may vary from those of others, but this at least I can say, that my judgment of him was

neither casual nor hasty.

When the wise men of Northumbria gathered, some fourteen hundred years ago, to deliberate on the new Christian faith to which their King Eadwine had pledged himself, an aged ealdorman said:

So seems the life of man, O King, as a sparrow's flight through the hall where a man is sitting at meat in wintertide with the warm fire lighted on the hearths but the chill rainstorm without. The sparrow flies in at one door and tarries for a moment in the light and heat of the hearth fire, and then, flying forth from the other, vanishes into the wintry darkness whence it came. So tarries for a moment the life of man in our sight.

To all engaged in active pursuits, still more to those of us in public life, there comes a vision of many men and many faces as we flutter through the warm and lighted hall of life. One blurs into another and they pass like the marching hundreds of a great procession and leave only the impression of multitude behind. In Meissonier's famous picture of the Cuirassiers passing the Emperor at the Battle of Friedland there is an overwhelming sense conveyed of a vast mass of charging cavalry, of men with uplifted sabers shouting the cry of onset, and of crowding horses, wild eyed and with wide, distended nostrils. And yet I believe there are only seven men and horses actually and separately delineated; all the rest is the indication and suggestion of multitude by the art of the painter. So, as we unroll the canvas where life has stored its pictures, we seem to hear in the silence the tones of many voices like the "sounds of water falling," to see with the eyes of the mind a great gathering of men and women; but as we look closer we discern that memory, like the great artist, has, with cunning hand, given an unescapable effect of numbers, and yet that there are only a few clearly drawn and finished portraits in her gallery. We soon learn to realize, if we reflect upon it, that this is one of nature's more kindly forms of selection, and that the counterfeit presentments which she leaves, deep graven upon the tablets of

memory, of those whom we have met in life, after the gates of childhood have closed behind us, are not there by accident. matters not whether we have loved or hated the original, the portrait is there because its subject possessed qualities which could neither be blurred by a crowd nor overlooked and disre-

garded through insignificance.

Senator Clarke was a man who could not be overlooked. might like or dislike him, but it was impossible to disregard him. He had an arresting personality. For my part, I liked him from the first, and as the years passed my feelings changed from liking to affection, and with the affection was mingled much genuine admiration. He was, of course, an able man. His success in life and the offices he held demonstrated his abilities. But there are many men of ability and industry who are not interesting and who lack the character and qualities which command admiration, even if it is accorded with reluctance. Senator Clarke was interesting. That fact I soon discovered, and I was struck very early in our acquaintance with the alertness of his mind and with his keen sense of humor. mind worked with really extraordinary rapidity, and when this quickness of comprehension was found in combination with humor it is hardly necessary to add that he was a sympathetic companion. He talked extremely well, and that which was best about his talk was that it was all his own, for, so far as my observation went, he almost never indulged in anecdote, which he shunned, I think, because the long-drawn story bored him, and he was bored, it seemed to me, rather easily. It is no doubt an amiable trait to suffer bores gladly, but the man who does not do so—and Senator Clarke did not—is pretty certain never to be tiresome himself. Another quality which made him attractive was his intellectual honesty, whether he was dealing with men or events, and he was singularly free, in forming and expressing his opinions, from the prejudices of either locality or environment, which usually mark the village outlook and the parochial mind.

With his intellectual honesty went almost necessarily intelcourage. He never retracted or fell back from his own beliefs or conclusions. His moral courage was on the same plane. I have never seen a man in public life more wholly courageous in all public questions, whether political or other-I do not say this because on several rather conspicuous occasions he voted against his own party. This is not uncommon, and often requires courage, although at times it is due to very different motives and qualities. I have recognized and appreciated his courage when he was against the views I held quite as much as when we were in sympathy. Sometimes it has seemed to me that the position he took was simply perverse, but the courage with which he maintained it was just as clear as in any other case. He never feared to stand alone. lectual or political solitude had for him no terrors, although he was by no means a solitary man and liked and depended upon the society of his friends. He had a hatred of base compliance and of timidity, especially moral timidity, and this led him perhaps at times to extremes and to the occasional apparent perversities of judgment of which I have spoken. But however much one might differ from him, it was impossible not to respect him. By force of intelligence and character he came to a high place in the Senate, and no one ever doubted that he was a man of power with whom it was necessary to reckon. leaves a gap in our public life not easily filled, and has caused a break in the friendship of many of us which will always be remembered with affectionate sorrow.

I have only attempted to give the merest sketch of Senator CLARKE as he appeared to me. It has, I think, at least this merit, that it is entirely true so far as I saw and knew him, and I know that he would have preferred the truth to be spoken. Oliver Cromwell, when Sir Peter Lely proposed to leave out the wart in the portrait, said, "Paint me as I am." This, I am sure, would be Senator Clarke's wish, and this is what I have tried to do, but I am well aware how imperfect any sketch must I have sought only to give an impression of the man and to point out his most salient attributes, but the quality for which Senator Clarke commands especial commemoration, the one for which he should long be remembered, was his complete courage shown in a time and place and in a mode of life where we are not overburdened or oppressed with that high virtue. He had an intellectual courage which never faltered before the conclusions reached by his reason; a moral courage which never shrank from loyalty to his convictions and his sense of duty; a high personal courage to which the fear of any man or any body of men was not only unknown but impossible. It is thus that I have read the character and the qualities, both intellectual and moral, of the friend whose death I so deeply and sincerely

Mr. BRYAN. Mr. President, we remember many of our public men only because they were successful in politics. of the office, and then, by the association of ideas, figure out who held it at a given time.

Senator Clarke's life was crowded full of political honors. Yet I always think of him first, and of his office afterwards, if

at all.

His fame will rest not upon the fact that he was governor and United States Senator, but upon his individuality.

He was well equipped for public life. He had ability; he was industrious; he hated shams; he was mentally honest; he had convictions and the courage thereof.

He was not provincial, but, on the contrary, comprehended the rights and interests of the whole country, as to which he was remarkably well informed. Moreover, he loved his country and its institutions.

If Arkansas honored him, he was an honor to Arkansas. If the Senate honored him, he was an honor to the Senate.

In his death Arkansas has lost a distinguished Senator, the Senate has lost one of its leading Members, and the country has lost a real statesman.

Mr. HARDWICK. Mr. President, those who knew Senator Clarke best admired him most, respected him most, and loved

Impetuous as Rupert, he was just as dashing, just as brave. The Harry Hotspur of senatorial debate, he was always a Chesterfield in his manners and in his bearing. Possessing a superb mental equipment, he had also that far more rare and precious gift of the gods-an unflinching courage, both physical and moral, that does not leave a man even in the dark hour that immediately precedes the dawn, that makes him a marked man among his fellows, a leader in Israel.

It is not my purpose to speak at length or with detail of Senator Clarke's long and distinguished service in this body. Others who have served with him longer may do so more appropriately. If, however, I may be permitted to summarize in a word the one predominant feature of that service, the crowning virtue of his great public career, I should unhesitatingly say it was "independence"-independence of thought and action, of mind and character. His figure stood out in splendid and startling relief from the drab background of smooth complacency, of easy and frequent surrender of principle and conviction that is so characteristic of modern politics and of modern politicians, the greatest and the boldest and the truest and bravest American Senator of recent times, man of his own mind, captain of his own soul, acknowledging no master save the God he worshipped and the great constituency whose commission he held.

To my mind he was, first, last, and always, the splendid prototype of the Roman Senator in those early days when the glory f the seven-hilled city first began to fill the world, and when chiefest among those glories was the spotless integrity, the profound wisdom, and the lofty patriotism of its Senate.

Senators, we both miss and mourn our erstwhile associate, our late colleague. His dauntless soul has lifted at last the veil that enshrouds immortality, and the secrets of the beyond are bared to his inquiring mind. No tremor of fear ever challenged his manhood in life, and we may be assured that he went unafraid to meet his Maker and his Judge. His great public services have become a part of the heritage of his countrymen, and the memory of his glorious courage remains with us to cheer us and to inspire us when at times the path grows thorny and the feet begin to falter.

May God assoil his soul and may we meet him again in that brighter and fairer land where hypocrisy and cowardice are not and where only the true and the pure in heart keep the altar fires alight.

Senators, I loved him, I miss him, I mourn him.

Mr. GALLINGER. Mr. President, a great lawyer, an eloquent advocate, a fearless defender of his principles, a man of strong likes and dislikes, James P. Clarke belonged to a class of public men who have contributed largely to the advancement of the things that most vitally concern the dignity and welfare of our country. Others will tell of his remarkable achievements as a citizen of Arkansas. It is sufficient for me to say a few simple words as to my knowledge of the man as a Member of this body.

Senator CLARKE entered the Senate March 9, 1903, and died October 1, 1916, shortly after he had been elected to a third term. As a Senator, he was noted for his integrity of character, fearlessness in debate, and independence on the great public questions of the day. Elevated to the high office of President pro tempore of the Senate, he discharged the duties of that position with absolute impartiality. No member of the minority had any reason to fear that he would not be protected in every right that belonged to him or that the rules of the body would not be administered in a most scrupulous manner.

Impatient in speech and militant in manner, Senator CLARKE took a high rank as a debater, demonstrating his great knowledge of the traditions of the Senate and of the fundamental principles of both national and international law.

Senator Clarke, in common with other Members of the Senate who have been here a long time, was a firm believer in free and unlimited debate and vigorously opposed all attempts at cloture, no matter what form they might take. "This is the only tribunal on earth," said he at one time, "where there is unlimited debate, and there is no question of relevancy here except what is designated in the rules."

On another occasion the advocates of cloture attempted to take a long step in the accomplishment of their ends by demanding that a Senator must confine his remarks to the question before the Senate. Senator Clarke was quick to voice his objection to such a course, declaring that if the rule were applied that a Senator must confine his remarks to the proposition which the Senate had before it "it would depopulate the Senate and absolutely doom some of us to eternal silence, if we had to talk directly to questions that are pending." He believed that Senators should be allowed to follow their own methods of debate, and not be required to speak with the knowledge that they might be interrupted at any time by another Senator in whose opinion their remarks were not relevant to the subject under discussion.

As President pro tempore Senator Clarke was confronted with many situations which would have seriously embarrassed a weaker man, but he met them all with courage, and inexorably applied to each case the rules of the Senate as he interpreted them. He was an exponent of the theory that Senators present but not voting should be counted if it was necessary to establish the fact that a quorum was present. He many times, while in the Chair, put that principle into effect, and unhesitatingly announced the presence of a quorum even though it had not been shown by the vote.

Senator Clarke was a close student of public affairs, particularly those involving legal questions. He spent many hours in the Library of the Senate examining the reports of the Federal Courts and the records of previous Congresses for material on which to base his instructive addresses to the Senate, which always commanded the close attention of his colleagues. His death left a gap in the Senate that it is difficult to fill, and he will be missed more and more by those of us who knew the man and appreciated his splendid qualities of heart and mind.

Mr. SAULSBURY. Mr. President, 35 years elapsed between the time I first knew James P. Clarke as a law student at the University of Virginia and the time we renewed our acquaintance in the Senate of the United States. Clarke was a young man of 24 and I was a boy of 16 when we first became acquainted. He was recognized then at the university as a strong, able, self-willed, determined man. I was a young boy in the academic department, and naturally I felt it a privilege to be acquainted with him and have him take some interest in my welfare. The boys at the university predicted that Clarke's ability would carry him far, and they were not in error.

Those of us who have had strenuous experience in the political field know that a man who serves in his State house of representatives, thence goes into the State senate, becomes attorney general of his State, is chosen by his people as their governor, and then elected to the United States Senate for three terms not only has great ability, determination, and all qualities that go to make up leadership but that he has impressed his work and attainments thoroughly upon those who have the opportunity to know him best—the people back home.

It is doubtless a great satisfaction to a man of Senator Clarke's preeminent ability to have that ability recognized in the wider field of national politics, but when your constituents time and again have shown their high appreciation, as the people of Arkansas did in the case of Senator Clarke, one can have the double satisfaction of knowing that back home, where men are weighed in different scales, the constant support and appreciation shown by them leaves no real terrors for a self-reliant, conscientious representative of the people when, perchance, defeat may come to him, and he returns to pass the remainder of his life among them. Kipling has expressed his thought in a way which seems to me as striking as any I have heard:

Old Nineveh town has nothing to give For the place where a man's own folks still live; He might have been that or he may be this, But they love him and hate him for what he is, I have no doubt from my own knowledge of Senator CLARKE that he had his full share of loves and hates, but I have never known a man who was more absolutely self-reliant, willing to meet any contest forced upon him or which he forced upon his antagonists, and, personally, I can not conceive that in any of the stormy episodes of his career he ever gave or asked quarter. Dispositions differ, so that traits like these may seem admirable or not, but no one fails to admire the man of great ability and courage grappling with whatever questions may be presented, entering fearlessly into whatever conditions he may have to undergo, and throughout it all exhibiting, as Senator CLARKE did, an independence of thought, character, and action which many would be proud to emulate.

Some time before his last reelection Senator CLARKE said to me that he had never been satisfied fully with his career in the Senate, and that he hoped, if reelected, he would be able to devote himself to the larger questions of statesmanship which had been too much in his life interfered with by the urgent claims of practical politics. He said to me that he intended during the balance of his political career to take a more active part in the consideration of questions of wider importance than he had been able to do during his prior terms, and I attribute to this intention the very prominent part he took in the consideration of the Philippine bill, where his proposal of early and certain independence became the storm center of that important measure, around which practically all debate revolved. I approved of Senator Clarke's conception of the right treatment of this matter, and feel sure that this was one of the larger questions affecting the future welfare of our country to which he had given most careful consideration and, as usual, regarding which he reached the right conclusion.

Senator CLARKE's powers did not show any signs of failure; his services in this body ended probably at the height of his intellectual powers. He had become a national figure, and achieved that position through intellectual ability. Those of us who lived here on terms of friendship with him admired and respected him as one of the great figures in this body. His State honored itself and him in the selection, as one of her Senators, of this man of dominant personality, and those of us who knew him well will long hold him in remembrance, in the highest esteem and regard.

Mr. BORAH. Mr. President, it has been said that republics have a tendency to make moral cowards of public men. It may be so, but if so, the man to whose memory we pay tribute to-day was a splendid exception to the rule. This tendency did not leave its impress in any way upon his labors here. He was one at least who examined all questions upon their merits and followed without anxiety or apology the course pointed out by an untrammeled conscience and a well-trained mind. Firm in his purposes, fearless in the advocacy of his opinions, he belonged to that splendid breed of men who mold rather than follow public opinion—the only true servants of the people, the real defenders of democracy. Neither prestige, precedents, nor popular outcry disturbed him in the least when once he had made up his mind as to the justice of a cause or the truth concerning the subject in hand. No man had a keener or more accurate scent for the specious and insincere, none more adept and ruthless in striking the mask of patriotism from the face of selfishness and fraud. That confusion of plan, that sudden change of procedure, that drive forward to-day and retreat to-morrow which ever accompanies the course of those who consult expediency rather than truth constituted no part of his public service. He did not belong to that class of modern statesmen whose capacity to discern the drift of popular sentiment has been developed at the expense of the higher and nobler faculty of discerning the sound from the unsound, the temporary from the permanent, or that which satisfies the demands of the day from those great truths which contribute to the permanent happiness and power of a people. His independence was the constant admiration of his colleagues, his moral courage was

We have all often read how at a time when things seemed going against the plan to formulate a constitution and create a government, Washington uttered these words:

It is but too probable that no plan that we can propose will be adopted. Perhaps another terrible conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us -raise a standard to which the wise and honest can repair. The event is in the hand of God.

Underneath these words it is not difficult to discern that abiding belief that in the final disposition of things the people will measure up to and approve the best plan that the bravest and best intellects of the age can give, and such a belief is the bedrock foundation upon which the higher faith in popular

government is built. These words of Washington ought to be written above every legislative hall in our land. Upon any other principle the Republic will ultimately break down. common mistake which we are all prone to make is in underrating the wisdom and patriotism of the people. They may not always discern in the first instance the wisest and the best, but they never ultimately reject the truth when the truth is pointed out. Those who do not believe that the people are capable of indorsing and approving the wisest laws and sustaining the most efficient institutions which the best minds and bravest hearts can give them do not really catch the true princi-ples of popular government at all. They have been lured into time-serving paths and missed entirely the larger outlines of the great faith. I can pay no higher tribute to our departed colleague than to say that he walked in manly fashion in the light of these principles. He believed that that which was wise would ultimately win, and that though not popular to-day a measure founded in reason and justice would be popular tomorrow. He was willing at all times to wait for vindication in case it was not at hand, and he did not worry about the lateness of its arrival. He believed in the eternal law of right and wrong and by it tested all other laws. If the majority approved he was gratified. If not he was not dismayed. He knew there was something of the reptile in the man who crawls whether at the bidding of a prince or a president, something of the intellectual slave in the man who surrenders his conscience to the control of others, whether to a king or a multitude. In this body James P. Clarke represented himself. The vote he cast was his vote, and yet there were among our membership no truer man to popular government, no firmer advocate of the just and the humane than this self-reliant and upright Senator.

Mr. President, a few years ago one of the most attractive men of the South came up into a northern State and told us of a "new South." No one can forget the thrill of joy which the rich tones of Grady's voice sent to every loyal heart in the land. Old chords were touched by a wizard hand and gave up again the strains of nationality. The music of the Union of the old days when, as Webster tells us, Massachusetts and South Carolina stood about the administration of Washington, drowned for years by the din of civil conflict, rang strong and true again all the way from the plantations of the South to the miner's cabin on the slopes of the western mountains. brilliant Georgian sounded a note sincere and true. I have no doubt that here and there sleeping in southern bosoms may be found something of the old prejudice which some untoward act might arouse; I have no doubt there are still those in the North who are unable, honestly unable to free themselves from the strong feelings engendered by the stress and strain of those terrible days. We neither quarrel with nor criticize those people. But if I mistake not there is not only a new South but a new North-a North which has finally torn from its heart the old feeling of suspicion and hate and which has finally come forward to the place where Lincoln stood at the close of the war, a North which realizes deeply and profoundly that the South more than any other part of the country must deal with that peculiar problem of which no one can think without a tremor of doubt—a North which no longer boasts of being better prepared to deal with this great problem than those upon whom the greater portion of the burden rests. Senator Clarke represented this era of rehabilitation, this period of a truly reunited and disenthralled country. He rose easily, naturally, and without ostentation, above locality, above section, and ofttimes above party. His vision and his purposes included his whole country, his patriotism in scope and sympathy was commensurate with the Nation as a whole. He resented the limitations of prejudice and broke away from all restraints which the past would put upon his truly national spirit.

It would prolong these remarks too far to enter upon a discussion of the details of his service here, his exceptional ability as a lawyer, his wide and most accurate information upon all public questions, the dignified and impartial manner in which he presided over this body. I conclude by saying that he was in every sense a great Senator, an honor to the great State which he so faithfully represented, and commensurate in integrity and ability to the responsibility attaching to his position in the highest legislative body in the country. In these crowded tragic days we do not long reflect about the things that are gone by nor often hark back to our colleagues who have passed on, but everyone who served with him misses from our midst this strong, resolute, indomitable, historic figure.

The VICE PRESIDENT. Without objection, the resolutions offered by the Senator from Arkansas will be considered as unanimously adopted.

MEMORIAL ADDRESSES ON THE LATE SENATOR SHIVELY.

Mr. KERN. Mr. President, in pursuance of the notice heretofore given, I offer the resolutions which I send to the desk. The VICE PRESIDENT. The resolutions will be read. The Secretary read the resolutions, as follows:

Senate resolution 364.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. Benjamin F. Shively, late a Senator from the State of Indiana.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. KERN. Mr. President, when it was announced in the Senate on the afternoon of the 14th of March last that the distinguished senior Senator from Indiana had passed out of life in Providence Hospital in this city but a few moments before, there was sorrow, sincere and profound, on both sides of the Chamber. While all realized the loss of one of their ablest and most honored associates, there were very many Senators who mourned the loss of a friend for whom they entertained feelings of the most affectionate regard.

The sad intelligence was not unexpected here in Washington, for all were familiar with the brave and heroic fight for life he had been making for more than a year, and many had been witnesses to the dreadful suffering he had endured and the matchless fortitude with which he had so long fought the losing battle.

And when the message announcing the end of this honorable and useful life was flashed across the mountains to the great Commonwealth whose Senator he was, the expressions of sorrow were universal, and from the lake to the river there came up from the people—men and women of all parties—the strongest manifestations of their deep appreciation of the splendid services rendered by their great Senator, who for so many years and with such great ability and rare fidelity, had represented them first in one and then the other branch of the National Congress.

He was born in Indiana—born and brought up on an Indiana farm—and until he attained his majority his life was spent in the midst of the good country people of his section, working on the farm in the summer, first attending and then teaching in the common schools in the winter. He knew the nature of their joys and the depth of their sorrows, and by this experience he had first-hand knowledge of the aims and purposes, the needs and desires, the hopes and aspirations of the great body of the people whom he was afterwards to serve with such distinction, and it was this knowledge thus acquired which made of him such an effective champion of popular rights.

He loved his native State and in return her people honored him and ungrudgingly gave to him the highest proof of their confidence and esteem, so that when the end came there was universal sorrow throughout the State for one of her best-loved and most distinguished sons was "gone forever and ever by" and the face and figure so well known of all were never more to be seen amongst men.

Benjamin Franklin Shively was born in St. Joseph County, Ind., on the 20th day of March, 1857. He never resided elsewhere, and his body rests in the soil of his native county within a few miles of the place of his birth.

His father, Rev. Joel Shively, was a minister of the Gospel, his mother a devoted Christian woman, so that he was brought up under the influence and within the environment of a Christian home. His youthful experiences were those of the average farm lad in the Central West, working on the farm in the summer and attending the common schools in the winter until his eighteenth year, when he became a teacher in the schools which he had attended as a pupil, and continued to teach in the winter seasons for several years, until 1880, when he engaged in journalistic work until 1884, in the meanwhile giving some time to the study of law.

His entry into the political field was under circumstances somewhat remarkable. In 1884, the year of the great Cleveland-Blaine campaign, Hon. William H. Calkins, who had represented the South Bend district in Congress for several terms, received the Republican nomination for Governor of Indiana, and resigned his seat in Congress.

For the long term the Democrats of the district had nominated Hon, George Ford, a very able lawyer, of South Bend, now the judge of the superior court of that county. After the resignation of Mr. Calkins, it became necessary to nominate a candidate to fill out his unexpired term. As St. Joseph County

was the home of Mr. Ford, already nominated for the long term, the nomination for the short term would in the natural course of politics have been given to a citizen of some other county, for there were several counties in the district, and in all of them were men of such ability and distinction as to have made creditable and formidable candidates. But the attention of many had been attracted by the journalistic work of young Shively, who since his majority had affiliated with the organization known as the Greenback Party—being made up in Indiana of men of character and ability, who believed with many men of both of the old political parties in the quantitative theory of money, and many of whose views as to the proper status of the greenback under the law were afterwards approved and vindicated by the Supreme Court of the United States.

As young Shively's sympathies in the presidential campaign were known to be with Cleveland as against Blaine, and he had shown much ability in his newspaper work, the party leaders concluded that it would be the part of wisdom to enlist his active service in the campaign, and the nomination was tendered him and accepted, and after a brilliant and aggressive canvass he was elected and served out the unexpired term, which ran from December, 1884, until March, 1885. He was the youngest Member of Congress, but by his manly bearing, modest demeanor, and the ability shown in committee and on the floor. he won the confidence and regard of all, and a career of great usefulness was predicted for him by many party leaders.

At the end of this short term he entered the law department of the University of Michigan to continue his preparation for the legal profession and pursued his studies so energetically and successfully that he was graduated with the degree of bachelor

of laws during the next year.

The district was normally Republican by a considerable majority, and prior to 1884 had been represented by a Republican for many years; so in 1886 the Republicans resolved to redeem it if possible and named as their congressional candidate their strongest man, Gen. Jasper Packard, a gallant Union soldier, a skilled debater, and seasoned politician.

Mr. Shively's record, during the short term he had served was so satisfactory that he was given the Democratic nomination without opposition. A series of joint debates was arranged, and a most interesting campaign inaugurated. Great crowds greeted the candidates at these joint meetings, and intense interest was manifested. Young Shively more than met the expectations of his friends, and was hailed everywhere as the champion of the young Democracy of the State. Although the Republican State ticket carried the district, he was elected by more than a thousand majority, and his reputation as an orator and debater was firmly established.

He was reelected in 1888 and 1890, and though the unanimous choice of the party in 1892, declined the nomination, that he might engage in the practice of his profession.

It was while serving his third term in Congress that he married Miss Laura Jenks, daughter of Hon George A. Jenks, a distinguished citizen of Pennsylvania, who was Solicitor General of the United States during the first Cleveland administration. Three children were born of this union, George J., John J., and Mary M., all of whom are living and giving promise of lives of usefulness. Senator Shively was tenderly devoted to his family and home.

In 1896 the Democratic Party of Indiana, by a well-nigh unanimous vote, gave to Mr. Shively the nomination for governor of the State. It was a most exciting contest. From the time that Bryan made his great convention speech at Chicago, there was not a day that was not full of dramatic interest in the Indiana campaign. Shively was at his best. His oratory was second only to that of Bryan, and under the inspiring leadership of these two young champions of popular rights there was such a rallying of the hosts as has never been witnessed since.

SHIVELY was at the very forefront of the battle every day. Handsome in person, commanding in presence, with rich and resonant voice, and genuine oratory born of deep conviction, he sounded the trumpet call, and the very earth was trembling for weeks beneath the tread of the marching hosts of the people.

He went down in defeat, but it was an honorable, if not glorious, defeat. His splendid leadership was everywhere acknowledged, and he was given the complimentary vote of his party for United States Senator, while it was in the minority, and in 1909, when, for the first time since 1893 it had the opportunity to confer the honor, it nominated and elected him to the position, which he filled so honorably and with such distinguished ability to the hour of his death.

Senator Shively's great ability as an orator was recognized throughout the Union, and in every campaign there were de-

mands for him in all the debatable States, and from New England to the Pacific coast he had been a commanding figure in the field of campaign oratory.

His record in both Houses of Congress was an enviable one. Whether in the committee room, in the executive departments, in legislative work upon the floor, or in the party councils, he was always strong and effective. He rose to membership on the Ways and Means Committee of the House at a time when the tariff question was paramount and became at once conspicuous and influential in shaping the tariff policy of his party, and his addresses in both Houses on that subject were equal to the best ever delivered by any of the great party leaders.

In the Senate he served with great distinction on the Finance Committee and that on Foreign Relations and was chairman of the important and busy Committee on Pensions. During the long illness of Senator STONE he was acting chairman of the Committee on Foreign Relations and at a time when questions of great international importance were perplexing the President and the country. He proved himself equal to the great work and commanded the confidence and admiration of the President and Secretary of State, both of whom frequently sought his counsel and prized highly the very important service he rendered them.

I came to the Senate in 1911 without legislative experience and at once sought the advice and aid of my distinguished colleague. He gave me both ungrudgingly and unselfishly, and our relations up to the day of his death were of the most cordial character. He was deeply solicitous that there should be harmony of action between us, and on all important questions we conferred fully, so that, if possible, we might act and vote in agreement. As a result we kept in perfect accord, our only division of opinion being on the literacy test of the immigration bill, and, as we conscientiously differed on this point, there was not the slightest friction.

In the recommendations we were called upon to make for appointments to office he was generous to a fault, and, although we had scores of friends, applicants for the same position, we never had the slightest difficulty in arriving at a satisfactory result.

It was at Senator Shively's suggestion that I was made a member of the Finance Committee of the Senate within two months after I became a Member of this body, and it was on his motion two years later that I was made chairman of the majority conference.

He was a man of great heart and noble impulses, a statesman of profound learning and exalted patriotism, and he has been and will be sadly missed in the councils of the Nation.

He was my friend, and I shall never cease to honor his memory. May he rest in peace.

Mr. NELSON. Mr. President, Indiana is one of the great States carved out of the "territory northwest of the Ohio It was given a Territorial government in 1800, and became a State in 1816. Barring a few scattered French hamlets, most of the pioneer settlers of Indiana came from two sources, the earliest—and perhaps the greatest number—came from the States south of the Ohio River, and among this class was the family of Abraham Lincoln. This immigration was supplemented by a considerable number from the Eastern and Northeastern States. This double source of immigration led to a slight cleavage on the question of slavery at an early period in the history of the State, for, although the ordinance of 1787 had prohibited the "institution," yet an effort, which had no great strength and soon collapsed, was made for its retention. This double ethnic source from which the population of the State has sprung has no doubt, to some extent, led to the many hot and close political controversies which have prevailed, so that, politically speaking and from a party standpoint, the State has for upward of three-quarters of a century been regarded as a so-called "close State." The result of this political contention, ever recurring, has been to breed from time to time a large number of able statesmen and versatile and eloquent orators in both of the great political parties. The political battles have always been strenuous and acute, and have called for and produced aggressive and militant leaders on both sides. not been much room, as a rule, for such political leaders as are sometimes called "political accidents." To become a political leader in such a State and under such conditions real and substantial ability and energy are required. Mere ancestry or wealth is of little consequence.

The fact that our late colleague, Senator Shively, became one of the leaders of his party in the State of his birth, and the State which he so ably represented in this body, is ample proof of his integrity, his ability, and his qualifications as a leader.

He could not have attained the prominence and leadership that was his without ability of a high order. He was not born in the lap of luxury and had no strong friends at court to give him a start in life. By his own efforts, and without help from outside sources, he managed to secure a fair education, and was admitted to the bar as a practicing lawyer. During his earlier years, while he was engaged in securing his education, he taught school, worked on the farm, and did other strenuous manual labor. Among other work in which he had been engaged in those earlier years, he informed me that during one season he operated a thrashing machine among the farmers of Wabasha County, Minn., and he seemed highly pleased with his experience in that line of activity.

in that line of activity.

Most of the bright, brainy, and active young men in the State of Indiana naturally turned to politics, and this was the case with Senator Shively. At the early age of 26, in 1883, he was elected a Member of the Forty-eighth Congress and was reelected to the Fiftieth, Fifty-first, and Fifty-second Congresses. It was my fortune to be an associate of his and to serve with him in the Forty-eighth and Fiftieth Congresses. He was one of the youngest but most active Members of that body. Few Members, if any, were more prominent than he when serving their first term. During that early period of our service we boarded at the same hotel, when I became intimately acquainted with him not only officially but socially, and I found him to be a most genial, warm-hearted, and sympathetic companion.

He was very industrious and attentive to public business, and during the latter part of his service in the House he ranked among the more prominent Members of that body. During the Fifty-first Congress he was a member of the Committee on Banking and Currency and the Committee on Indian Affairs, both very important committees; and during the Fifty-second Congress he was a prominent member of the Committee on Ways and Means.

On leaving Congress he resumed the practice of law. But his ability as a political leader and speaker soon brought him again into the political field, and in 1896 he became the candidate of his party for the governorship. While he failed to be elected, he nevertheless polled his full party vote. After an interregnum of 13 years, during which time he was busy in his profession as a lawyer, though not inactive in politics, his party in 1909 elected him a Member of the Senate, and in 1914 reelected him for a second term of six years, but it was not his fate to be permitted to serve out his second term. He passed away from this life, after a lingering illness, on the 14th day of March, 1916, during the early part of the first month of the second year of his last term, in the 58th year of his age, mourned and missed by his family, his State, his party, and his associates in this body.

Senator Shively was a member of many of the important committees of this body, the most notable of which were the Committees on Finance, Foreign Relations, and Pensions. He was chairman of the Committee on Pensions, and the next in rank to the chairman of the Committee on Foreign Relations and occasionally acted as chairman of that committee. His service in the Senate was marked by the same industry and energy that had characterized him in the House of Representatives. He was serious, conscientious, painstaking, and thorough in his work and was a disbeliever in mere perfunctory service. While not an orator in the common acceptation of the term, he was nevertheless a good and ready debater, who could give and take blows.

While it was not my privilege to hear him on the stump, from what I know of him I can well imagine that he was a strong and effective campaign speaker, whose words, coming from an honest and sincere heart and delivered without any flourish or blare, went home to the heads and hearts of his hearers. It is the man back of the word that makes the word effective and impressive. It seemed to me as though his early struggles had given a color and tone to the entire make-up of his life. There was something intensely human and sympathetic about him. Here in the Senate, as among his neighbors at home, he was always the plain, bluff Ben Shively, without any frills and without an eye on the reporters' gallery. He seemed to be as proud of the fact that he had once run a thrashing machine in Minnesota as of the fact that he was one of the political leaders of his State and a prominent Member of this body.

He was a man of high character, honest, fearless, and brave—a man in whom his party had implicit confidence, and a man whom we all could trust. "Ben Shively's" word was current and good among all who knew him, here and in Indiana. That State has furnished our country with a number of great statesmen, ranking with the foremost in the entire Nation. While the deceased Senator could not perhaps be rated with the foremost of these, he was, nevertheless, near them, and as near the

heart of the people of his State as any of them, typical of the brawn and brain, the soul and the heart, of the great body of the people of his State. Friend and brother, we bid thee a sorrowful and final farewell!

Mr. STONE. Mr. President, my affection for Benjamin F. Shively was so deep and personal and my bereavement at his sad, untimely end is so poignant that I would prefer to sit silent to-day. I say this because when I stand at the grave of one I loved and whose memory is very dear to me mere words become as sounding brass, empty and comfortless. At such a time, except for the hope we have about things shadowed in the mysteries of the great beyond, there is little in speech to soothe or inspire. True, this beautiful hope to which we cling does soften the blow, and there is inspiration in the example of a great life, but the profound regret which grips the heart goes on to the end with little surcease of sorrow. When I stand in the présence of beloved dead my heart calls more for meditation and the tribute of silence than for public utterance. And yet, in the circumstances of this ceremony I feel constrained to join with others here and speak a gentle word or two about my friend who is gone.

Mr. Shively was a man of high ideals. There was nothing even small, much less mean, about him. He was incapable of littleness. He was kindly, but firm; genial, but not fulsome; frank, but reserved; loyal, but not boastful; clean in mind and heart, but human and considerate; fearless as any knight who ever poised a spear, yet gentle as a woman; intellectual in a high degree, endowed with great powers of analysis and with comprehensive mental scope, he was modest and unpretentious. In the full vigor of his strength, before the wasting came, he stood as a king among men and made a superb and pleasing picture to look upon. I shall not say that we may not see his like again, but this I do say, that all in all there never lived a more manly man.

His public life, although cut short by fate with seeming cruelty, covered many years of distinguished service. He was a marvel of studious industry and profoundly conscientious in all he did. When he was at the helm we knew the pilot was fit to steer the ship. His work will stand as a shining monument to his fine intellect, his patient toil, and his stainless patriotism.

But he is gone. Never again will we feel the pressure of his hand or behold the flash of his eye or the smile upon his lips. He has gone from the transitory scenes of mortal life into a sphere of nobler activities. He has trod the unlit path that most men dread and passed on through the gateway leading into the light beyond. Of one thing I am sure—that no man ever entered upon this starless pathway with braver heart, and few have better deserved the welcoming song of the Angelic Choir as they stepped from the darkness into the sweet sunshine of the eternal Summer Land. And thus I part from dear "Old Ben" with this salutation—Hall and farewell!

Mr. SMOOT. Mr. President, to all those who enjoyed the privilege of knowing the late Benjamin F. Shively, a Senator from the great State of Indiana, the best tribute to his memory is an unblemished narrative faithfully describing his rare qualities of character and intellect, as has been done so splendidly by the speakers preceding me. They have portrayed him as he was in life; yet his own works speak more eloquently for him than words of mine can do. I served with him for a number of years on the Committee on Pensions of the Senate and learned of his sympathy and friendship for all those who offered their lives for the preservation of the Union. He never failed to speak or vote for a proper recognition by the Government of the services of the veterans of the Civil War.

His eloquence, his energy, his personal magnetism, and honesty made him a leading and interesting figure upon this floor. To my mind, the most marked characteristic of this worthy man may be summed up in the simple expression, "He was an honest man." By honesty I mean more than a sense of obligation designated as commercial honor; I mean more than a mere sense of duty to obey law and to discharge legal obligations. That is superficial honesty; that is honesty which springs of policy, and may be forced by intellectual recognition of its advantages. Real honesty is a gift of God worked out in those infinite processes which compose the law of heredity, and under all circumstances, under all environments they will work out true results. Benjamin F. Shiyelix was a man of such honesty; a man inherently honest, as every man who knew him must testify to. In his public life no person would have dared by any form of allurement even in the remotest degree to attempt to influence him in the discharge of his public service.

He was called to the beyond in the prime of life, leaving many dear friends who were grieved by the loss of one of the best and most loyal friends, one of the most genial of our distinguished public men. He left to his family more than a princely fortune could bring, because he left behind what all right-thinking men must admit was a successful life, such as thousands of American boys compelled to rely upon their own resources can look to as a model and demonstrating the fact that fortune and business success are open to all in this our beloved America, and may be achieved without wronging a single soul.

Our hearts go out in sympathy to the immediate family and relatives of the late Senator. May the Lord be their comfort! It is but natural that they should feel the pangs of parting; yet there is solace in the knowledge that he was a child of God and that though he has passed out of view for a short time he still lives and is but waiting for his loved ones to rejoin him under more favorable conditions. Let us rejoice in the thought thus

expressed by a poet:

There is no death! The heavens may fall, The flowers fade and pass away, They only wait through wintry hours The coming of the May.

There is no death! An angel form Walks o'er the earth with silent tread, He bears our best loved ones away, And then we call them "dead."

Born into that undying life, They leave us but to come again. With joy we welcome them the same, Except in sin and pain.

And ever near us, though unseen The dear immortal spirits tread, or all the boundless universe Is life—there are no dead.

There is no greater tribute I can pay him than to remind those who loved him that he was an affectionate father, a devoted husband, a faithful friend, a fearless and conscientious public servant. In short, a remarkable national character and a good man.

Mr. WILLIAMS. Mr. President, for one reason, at any rate, I would prefer to have gone to that "bourn whence no traveler returns" before Senator SHIYELY went. I would have had a nobler eulogist in him than he has in me.

I shall speak to-day only of the salient and essentially chief character-making element that went to the make-up of the man.

This prevailing characteristic was utter personal unselfishness. He loved honor much, honors somewhat, money not at all. He dwelt, in thought, less upon his private affairs than upon the public business—the res publica, the Republic. It was his thought, his study, his conversation, almost his life. This unselfishness kept his purse empty, but it made his character noble, and kept him unstained in motive.

If he did not "love his enemies"-a hard saying of the gentle Nazarene—he at least loved his friends and served them better

than he loved and served himself.

It was said of the French noblesse of the ancien régime that they had proved in a thousand ways and in a thousand places that they "knew how to die like gentlemen," but never that they "knew how to live like men." BEN SHIVELY proved that he knew how to do both-he did both.

From that part of the duration of things which we call Time, and in which we live here, many loving hands are extended unavailingly to him where he stands in that other part of it,

unavailingly to him where he stands in that other part of it, known as Eternity—my own hand—I, sorrowing, among them.

Some day he and the other friends who have "crossed over the river" will beckon us over, and we, obeying their call, with vague dread of things unseen and therefore unknown, will go; and the handclasps will come, the spirit of them to endure forever.

Until then may the grace of God make us more like him in this—that we may be less selfish, live and think less self-centered, and be therefore better fitted to invoke, in a spirit resigned to life and death alike, the final blessing upon him of the Church Universal. Requiescat in pace.

Mr. KERN. Mr. President, it is greatly to be regretted that the distinguished Senator from Arizona [Mr. Smith], who was to have delivered an address on this occasion, is by reason of ill

health prevented from taking part in these exercises.

The bond of friendship which attached Senators Smith and SHIVELY to each other was as strong as that which bound Damon to Pythias, or Jonathan to David. It had existed for more than a quarter of a century and increased in strength as the years passed by, so that when Senator Shively died the

away. His regret at not being able to be here to-day, to pay a tribute of respect to the memory of his dead friend, is only equaled by that of his fellow Senators, who know of the intimate personal relations to which I have referred.

Mr. WATSON. Mr. President, I have not committed to paper any remarks for this occasion, because my observations will be personal rather than general.

The traits and characteristics of this noble son of Indiana have been so clearly set forth by those who have preceded me that but for the fact that I am his successor I should wholly

refrain from speech on this occasion.

Mr. President, as the Senator from Missouri [Mr. Stone] so feelingly said but a few moments ago, "Senator Shively is gone." We all realize the full significance of this fact. We know that our pleasing words do not reach his waiting ears; we know that he is as far beyond the reach of our short arms as are the stars that shine above us in the sky at night; we know that he sleeps now in the cold and narrow house, indifferent alike to the careless shallows and the tragic deeps of human life; and therefore it is for the living and not the dead that these exercises are of surpassing moment.

At his bier all tongues were silent, save those of praise; all lips were mute, save those of love; that were sufficient eulogy for his gentle soul; and unless by reciting the traits of character he so splendidly exemplified and which we so highly praise wherever manifested, we ourselves are impressed with the necessity of embodying those same virtues in our lives and characters, then these exercises are but sounding brass and tinkling

cymbal.

Born, as the senior Senator from Indiana [Mr. Kern] has said, in 1857, he was 8 years old at the close of the Civil War; hence the fierceness of that great strife must have impressed itself upon his plastic mind. I am led to this belief because Senator Shively was a natural politician. He had great aptitude for the discussion of public questions and an uncommon desire to engage in public debate. This inclination was doubtless greatly increased by reason of the long struggle over reconstruction that followed the Civil War. His boyhood was lived in that atmosphere, and his young manhood was developed under these conditions. First in the common school, then in the college at Valparaiso, then as a school-teacher, and afterwards in the law school at Ann Arbor, he constantly developed the natural tendency of his mind for public debate, until even in those earlier days he became a master of forensic speech.

well recall the first time I ever heard of him. I was in college, and it was in 1884. Maj. William H. Calkins was nominated that year by the Republican Party for the governorship of Indiana. Being at that time a Member of the other branch of Congress, his nomination created a vacancy. Mr. Shively, then but 26 years of age, or only one year over the required constitutional limit, was nominated by the Democrats as their candidate in the succeeding contest. He conducted that campaign with such skill, such ability, and such assiduity and displayed such remarkable characteristics as a debater and a public speaker that he won in that memorable contest, although the district was normally Republican, and I can well remember that the victory achieved under those circumstances presaged the overthrow of the Republican Party at the final election.

He was reelected to the Fiftieth, Fifty-first, and Fifty-second Congresses; and although he entered that body at the age of 26, he took a leading part from the beginning, and an examination of the Record will disclose that Representative Shively was prominent in all the debates relating to the protective tariff system and the Reed rules, which were then for the first time being practiced by the House. It was in this body that he made for himself a reputation as a tariff debater and a foremost champion of free trade, and I believe him to be the ablest exponent of that doctrine that Indiana has produced for many

In 1892 he declined a renomination, although unanimously tendered him, and, as he afterwards said to me, "because of the irksomeness of the task of being a Member of Congress" "because it destroyed systematic reading," for if there was anything of which Senator Shively was passionately fond it was systematic reading. He was by nature a scholar. He roamed at large in all the fields of literature; he plucked its choicest flowers, and in the ample recesses of his memory stored them away to bring them forth on future occasions to please and

charm, for he was ever an omniverous reader.

But his people were not content to permit him to remain in quietude, and in 1896 brought him forth to become the candidate of his party for the governorship of Indiana. Being myself in Congress at that time, I remember that I heard him with great grief of Senator Smith was as if his own brother had passed interest in that campaign. He was a superb man physically,

with a splendid head, well poised on broad shoulders. He was blessed with a resonant and resounding voice, rich and mellifluous. He had an ample vocabulary not only of Anglo-Saxon words but also of Latin derivatives, and the cogency of his thought, clothed in beautiful language, made him a most formidable antagonist in any campaign.

I recall that in 1896, in advocating the free-silver doctrine of that year, he was, in my judgment, as Senator Kern has so well said, the foremost champion in the State of Indiana of that cause. He was defeated in that campaign, but defeat did not dishearten him. In fact, no contingency ever appalled him, for he was a man not only of titanic mold but of indomitable will, and I did not know him to be discouraged at any time, even in

the midst of failing health and waning power.

In 1903 he was the caucus nominee of his party in the legislature for the United States senatorship, being pitted in that contest against Senator Albert J. Beveridge, then a candidate for reelection. In 1905 he was again the caucus nominee of the Democratic Party for the senatorship, that race being against Charles Warren Fairbanks, then a candidate for reelection. In both of these contests he was beaten, but his consent to become a candidate showed first his fealty to his party, and secondly, his willingness to sacrifice himself even in a fruitless

In 1909 he was elected to the United States Senate. Of his service here you have already heard, and all of you are more familiar with it than am I, and of it I shall not speak.

My intimate acquaintance with Senator Shively began when

I was elected a member of the board of trustees of the State University of Indiana, of which body he was president for many years. For six years I retained membership, afterwards resigning because of the pressure of other duties, but in that six years I learned to know the man intimately, to take his intellectual and moral measure, to assess his real value, and it was at that time that I came to the conclusion that he was indeed a masterful man, intellectually and morally-a man of the loftiest ideals, a man of the purest life, a man of the finest and most enviable traits of character. I have known him on many an occasion to read through the night propped up in bed. He was a passionate lover of history and of fiction and of poetry, and many nights down in the university town of Bloomington I have sat with him and discussed all the questions that men discuss on occasions of that character. He was a most interesting conversationalist; he told a story well and liked one; and yet his conversation was not by any means of a frivolous nature, except on rare occasions when men drop into the frivolous naturally, but his talk was rather of politics and of political opinions and of the movement of nations and the true ideals of life.

The one thing which always impressed me as being Senator SHIVELY'S dominant idea in the realm of politics was his firm belief in the equality of men. He never wavered in his ad-herence to the fundamental doctrine of the Declaration of Independence, that all men were created equal, and he was never so eloquent and never so powerful as when he was expounding that doctrine to the people or even to an individual. The finest speech I ever heard him make was on the occasion of the celebration of a great fraternal order. It was there that he connected in a marked manner the material interests of life with the sentiments that warm the heart and exalt the soul, and showed that the man, intellectually and morally, was a type of orator and of statesman that might well be envied by any

So he lived and so he died. On only one occasion, as I recall, was there any conversation between us about the future, but I remember that at one time, along about the midnight hour, while he was in waning health, he said to me, "What is the difference what becomes of any one man? We come here, play our little part on the stage, and pass away, and that is all." I said to him, "But is that all?" And I vividly remember that he turned to me and said, "Well, if I did not believe in a future, or, rather, in a continued existence, I should be of all men most miserable."

Thus he lived in that hope of another world, and he died in the belief of immortality; and well may we say on this occasion, my friends, that Senator Shively's life was a model for any young man desiring to come into success in our American Republic, for the elements so mixed in him that all the world might stand up and say of him, "Intellectually and morally, this was a man."

The VICE PRESIDENT. Without objection, the resolutions heretofore presented by the Senator from Indiana will be unanimously adopted.

MEMORIAL ADDRESSES ON THE LATE SENATOR BURLEIGH.

Mr. JOHNSON of Maine. Mr. President, in pursuance of the notice heretofore given, I offer the resolutions which I send to the desk, and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Senate resolution 365.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. Edwin C. Burleigh, late a Senator from the State of Maine.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. JOHNSON of Maine. Mr. President, Hon. EDWIN CHICK Burleigh was born in Linneus, Me., November 27, 1843. His parents were Parker Prescott and Caroline Chick Burleigh. grandfather, Moses Burleigh, moved from Sandwich, N. H., to Palermo, Me., in the early part of the nineteenth century, and in 1830, moved from Palermo to Linneus, Me. He was a prominent man in his section and a lieutenant colonel of the militia. In the War of 1812 he was captain of a militia company and represented his district in the Massachusetts general court and in the Maine legislature.

The father of Senator Burleigh, Parker Prescott Burleigh, was born at Palermo, May 16, 1812. He was a farmer and land surveyor, and held many town offices, was a member of the Maine House of Representatives for two terms and of the Maine Senate for four terms, and in 1868 was elected State land agent.

Edwin C. Burleigh was educated in the public schools and in Houlton Academy, where he took the college preparatory course but he early became interested in his father's calling of surveying, and instead of carrying out his purpose of entering college, he studied surveying, assisting himself while pursuing his studies by teaching school,

At the call for troops in 1861 he enlisted in the District of Columbia Cavalry, but was rejected by the examining surgeon, and entered the adjutant general's office at Augusta, Me., as a clerk, which position he filled until the close of the war. then followed the occupation of land surveying, and in 1876, 1877, and 1878 was State land agent, and during the same years assistant clerk of the house of representatives. In 1880 he was appointed clerk in the State treasurer's office, elected State treasurer in 1885, and governor of his State in 1888, and reelected in 1890.

He was elected to the Fifty-fifth Congress from the third Maine district, and was reelected to the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Con-He was elected United States Senator by the Maine Legislature January 15, 1913, for the term beginning March 4, 1913, and died at Augusta, Me., June 16, 1916.

A mere recital of the many offices of trust held by Senator Burleigh proves conclusively that he held the entire confidence of the people of his State, and the record is in itself a sufficient tribute to his worth and the high character of his public

service.

Mr. Burleigh was a man of great industry, who believed in the efficacy of hard work, and no one among the many illustrious men whom Maine has honored has accomplished more by wisely taking advantage of every opportunity presented for advancement, and every office that he filled he did so to the satisfaction of the people of his State.

No man knew the needs of his State better than he and no

No man knew the needs of his state better than he and no man gave more generously of his services and his abilities for her upbuilding. In the minor positions of trust which he held he was an industrious, efficient, trustworthy official, and won the commendation of all with whom he came in contact.

He had the faculty of making friends and attaching them to him with bonds so strong that they were securely held. His manner was most courteous and sympathetic, and no man ever enjoyed doing a kindness for another more than he or derived

greater satisfaction from such acts.

As a result, at the very beginning of his public career he had loyal, earnest friends, whose attachment to him and interest in his advancement were remarkable. He had all the qualities of a good business man and was perfectly upright in all his transactions, and his word, when once given, could be absolutely relied upon. In his conduct of the offices of State treasurer and governor these same business qualifications displayed themselves and largely increased the regard which the people of his

State had for him.

He was not gifted with extraordinary brilliancy nor possessed of genius, but he used faithfully, persistently, and honestly the

abilities with which he was endowed. His administration of the State as governor was marked by his careful attention to all details, and, as he was most democratic in his manner, approachable, and sympathetic, the people of Maine found in him a public servant whose doors were always open and to whom the most humble could apply.

Under his administration an attempt was made to remove the capital of the State from Augusta to Portland, which he strongly resisted with success. A large appropriation was made for the enlargement of the statehouse, and he was made the chairman of the commission which gave to Maine a finely

equipped and commodious State capitol.

His attention was attracted to the needs of the militia of Maine; and he advocated and, by the influence of his great office, obtained the purchase of a permanent militia ground in the capital of the State, where the citizen soldiery could meet once a year.

He observed the needs of the State for larger accommodations for the unfortunate insane and strenuously advocated the building of another asylum for them in the eastern part of the State, and as a result of his efforts the Eastern Maine Hos-

pital for the Insane, at Bangor, was established.

It had become apparent that there was a great discrepancy between the valuation of property in our State for the purposes of State taxation and the valuation placed upon it by agents of the Federal Government. He therefore advocated the creation of a valuation commission, which should study the question of valuation in the State of Maine, and strongly advocated the appointment of a board of State assessors, which should take under consideration values in the State and report to the State legislature the results of their investigation. He strongly advocated the passage of the Australian ballot system, although many in his party opposed it.

During his administration as governor, by his wise business administration, the public debt of Maine, which had borne interest at 6 per cent, was refunded at 3 per cent and a large saving made to the taxpayers of Maine. His mind was alert and filled with the sense of his obligation to the people who had intrusted him with the responsible position, and his conduct of the affairs of his State with which he, as the supreme executive of the State, was connected was entirely satisfactory to her

citizens.

He was always a sincere friend to the old soldier, and under his administration as governor the ap ropriations of the State for their relief were increased to nearly twice their previous amount.

His administration of the various "tate offices to which he had been appointed and elected so inspired his people with confidence in his integrity and ability, and they had become so attached to his democratic manners and careful attention to their varying needs, that the people of his district, although ably represented in Congress, called for his candidacy for the nomination for Congress in 1892. He was defeated in this contest but gave loyal support to the nominee, Hon, Seth L. Milliken.

His loyal support of Mr. Milliken after this heated controversy won for him the commendation of the members of his party, and at Mr. Milliken's death, in 1897, he was nominated and elected as his successor. He was now chosen to represent the district so singularly represented by Mr. Blaine for many years, the old third Maine district. He had won his way by hard work, loyal support of its friends, and a clean public record.

He came to Washington a man but little past middle life, of splendid physique, and unlimited capacity for work. He was not an orator, but he gave his great energy and his unlimited capacity for work to the service of his constituents. Maine had had many brilliant men to serve her in the Halls of Congress, but never one who surpassed Senator Burleigh in his capacity for work and in his desire to serve the humblest of his constituents.

I think he gained greater satisfaction from being of service to one of his constituents than the recipient ever experienced in the enjoyment of what was obtained for him. He assiduously cultivated his acquaintance with all of his constituents and encouraged their frequent communication with him. As a result he had most firmly the attachment of all the members of his party in his district, and by his broad generosity he had attached to himself the support of many of his opponents.

And thus, through a long congressional career, which began

And thus, through a long congressional career, which began in 1897 and did not end until the close of the Sixty-first Congress, on March 4, 1911, he held the people of his district in most loyal support, not by the brilliancy of his career, but by his honest, earnest, and sincere attachment to their interests.

In 1910 he suffered the first defeat he ever experienced at the polls; but it came when his party in Maine met, the first time

since 1880, a defeat in their State election. The result was not a defeat of himself individually, but it was a defeat of the whole party; and as a loyal member of it he went down with it. None of his friends, and very few of his opponents, expected his defeat; but under the form of ballot which Maine had adopted, party defeat meant individual defeat.

He had to such a degree won the confidence of his party in the State that when it became necessary to nominate in the State-wide primary for the first time a candidate for the United States Senate, in 1912, he won easily in the contest, although opposed by men of great attainments; one of them an exjustice of the supreme court of his State and the other a lawyer whose great ability as an eloquent advocate and also as a man of broad sympathies and the highest intellectual development had marked him as one of the leaders of thought and directors of public opinion in the State.

Having won his nomination for the Senate, he entered with his usual vigor upon the conduct of his campaign, directing his efforts to carrying the close congressional districts of his State. He was successful; and although the legislature which was elected was, in its political complexion, the closest in the history of the State, he won the election to a seat in this body

by the narrow margin of one vote.

The energy and persistency with which he conducted his candidacy for his election have never been equaled in a political contest in the State, and without the supreme loyalty of most sincere friends, he could not have been elected.

He came to the Senate a sick man. The great contest through which he had passed had paralyzed his magnificent bodily energies, for he had given to his candidacy the best that was in him, and nature must have her way. Of this he had thought little, because in his spiendid equipment he had known nothing of disease or of sickness. Work had been his pastime; success had been his reward.

I saw him when he came to take his oath of office in 1913. My acquaintance with him had been limited, although my home from birth had been only 20 miles from the capital where he had long resided, but I had been a lawyer, devoted to my profession, and of another political faith. Consequently we had not been brought in contact with each other, but I saw him close to when he had come with his devoted wife and daughters, who so affectionately followed his footsteps, to take upon himself his oath of office in this Chamber.

I gladly went to him when I learned of his presence in this city, and found him in intense suffering. He had come here feeling that he must be present to have the oath of office administered to him at the commencement of his term on March 4, 1913, and had arranged to submit to a surgical operation as soon as he had received his oath.

My first acquaintance began with him then, when he lay upon his bed of sickness, but the first hand grasp between us disclosed that we had an intimate bond of connection. I admired his courage, his high sense of public duty, and his determination in spite of physical disease to discharge the duties which he believed he had assumed. I attempted to make easy for him the assumption of these duties, and I never received greater satisfaction in my public life than I did from his sincere acknowledgment of his gratification at what he termed my courtesy.

He went from the Senate Chamber, after taking his oath, to a bed of sickness and pain and hovered between life and death for several weeks, cared for by his devoted and loving wife. I heard from him often, and when he rallied and was able to leave the hospital where he had been treated the people of my State rejoiced that one who had served them so faithfully and long had been restored to their service.

He came back to assume his duties here, but disease and inexorable fate had placed their stamp upon him. With indomitable courage and a high sense of duty he attempted to discharge what his conscientious regard for service had always taught him, that there should be a return for what was rendered him. I grew to have a most affectionate regard for him as I observed his fine traits of character, the breadth of his mind, and his consideration for others, including myself.

mind, and his consideration for others, including myself.

His service here was too short for Senators to learn his lovable disposition, his ability for public service, and his loyal devotion to the interests of his country. Fate had made me his senior in this Chamber although I was inexperienced as compared with his larger participation in public affairs, but he most readily accorded me full support in all measures which concerned our State.

That energy and physical health which had enabled him to be of such important service to his State while a Member of the lower House of Congress, had failed him, but his desire to be of service, his loyalty to his State, and his interest in the welfare of both State and Nation, were still the guiding, controlling influences of his life.

Thus I saw him and grew to love him and I believe that my affection was reciprocated. I come now to pay the honest tribute of a sincere friend who has had an opportunity to see

the inner life of a conscientious public servant.

No tribute to Senator Burleigh would be complete without mentioning that supreme test of a man's life—the verdict rendered upon him in his home, and among those bound to him by ties of blood. He was most fortunate in having chosen as his companion for life a woman of remarkable energy, strength of character, and traits which go to make up the wife and mother. In her, nature had joined all these, and she was to him a helpmeet indeed.

Her great intellectual ability supplemented his, and together they fought the battle of life on fully equal terms, and if ever man had reason to thank neaven for having blessed him with

a loyal wife, Senator Burleigh was under that obligation. She entered with him into all his political contests and with the acumen of a woman's judgment, weighed every political exigency. She was a true wife. Her heart was with her exigency. husband and with him it went with a loyal, loving devotion that sustained and strengthened him in every contest. She was of the best type of our New England-women, reliant, strong, trustworthy, and loyal, and to a great measure his success was due to her ennobling influence.

The sons and daughters who grew up about them were splendid examples of New England's civilization. It has been my good fortune to know them all and to know that the heritage that they received from an honorable father and a loving mother

has been most meritoriously preserved.

Senator Burleigh had achieved success in the political arena and in business life as well. He bore upon himself the honors of an old State, conservative in her grants of favor. About him he had gathered, by his industry and his business sagacity the fruits from a long life with troops of friends, the loving, affectionate services of a dear companion, and the most fillal regard of sons and daughters, whose children looked to him for endearing phrase and were ever the subject of his tender solicitation. Life had brought him in abundance of her treasures, and when he seemed most ready to enjoy them the inexorable call of fate called him, as it will each of us, to sever every

The wife who had been the companion at his side, who had planned with him, who had rejoiced with him at his successes, and who at his defeat had soothed him with her assurances of a deep regard was called from his side, and when that summons came I knew the end was not far off for him, because nature had so linked their lives together that one could not

long survive the other.

He did not long survive her death, but dwelling in the gloom with gathering darkness over him death came to him on June 16, 1916, but a short time after that of his wife. We laid him at rest in the capital of our State, where he had so many friends, beside her broad, rolling Kennebec, in the city he loved, and near the capitol, the scene of so many political contests in which he was concerned. There came to mourn his loss not only the high and influential but I marked those of lowly position and reverent mien, who came to show their devotion and to express their loss.

His was a grand character, not because it rose in mountain peaks, upon which the eye rested, but rather because it was that of the undulating plain, steadfast and serene. He satisfied most because on the plain most dwell; on the mountain peak the idealist's vision rests. He was for the practical, the everyday, which brings into common life something that touches neighbor and friend and as such he bore an abundant harvest.

Maine has had men of genius showered in great abundance upon her but never one who brought more of the sunlight into the home of the common, every day citizen and was more a friend to him in want, or did more to meet the demands upon him as friend, neighbor, and constituent, than Senator Bur-

In his long life, devoted to the public service, beginning with the boy of 18 years of age, to the close of his service as United States Senator in the 73d year of his life, through all the various offices of trust to which he had been elected and in which he had so faithfully served the people of his State, not one stain remains upon that official record. It is clean and does not now, and never will, need a defender.

Mr. GALLINGER. Mr. President, Edwin Chick Burleigh was my friend, and I loved him as a brother. He was a man of acknowledged ability, of the highest order of integrity, and the personification of kindliness and courtesy. He was one of the most delightful of companions, and a man who could be re-

lied upon at all times to do the just and honorable thing. attachment to him was so deep and sincere that his death came to me in the nature of a personal bereavement. In thinking of him and his rare qualities the lines of James Whitcomb Riley are recalled, as they illustrate the feeling I had toward him:

And so it is you cheer me,
My old friend,
For to know you and be near you,
My old friend.
Makes my hope of clearer light,
And my faith of surer sight,
And my soul a purer white,
My old friend.

Mr. Burleigh had made a great reputation in his State before engaging in the public service. He was a business man of large activities, owner and editor of an influential newspaper, and governor of his State for three years. In every position to which he was called he discharged his duties with rare fidelity, becoming one of the most popular and influential men in the State of Maine.

Mr. Burleigh entered the National House of Representatives in the Fifty-fifth Congress, having been chosen at a special election held June 21, 1897, to fill the vacancy caused by the death of Hon. Seth C. Milliken, and he immediately was recoginzed by his associates as a strong and useful member of that body.

His first speech in the House was a eulogy on the life and character of Mr. Milliken, his predecessor. In that eulogy Mr.

BURLEIGH said:

I am fully conscious of the inadequacy of mere words, in time of deep bereavement, to voice the sentiments of the heart and speak the language of sorrow.

And in those few words Mr. Burleigh expressed the feelings that those of us who knew him well feel to-day.

Mr. Burleigh was an engaging speaker, quick in repartee, but he was a man-

Whose wit in the combat, as gentle as bright, Ne'er carried a heart-stain away on its blade. His eulogy on Mr. Milliken closed with this quotation:

THE DEATH CHANGE COMES.

Death is another life. We bow our heads At going out, we think, and enter straight Another golden chamber of the King's, Larger than this we leave, and lovelier. And then in shadowy glimpses, disconnected, The story, flowerlike, closes thus its leaves. The will of God is all in all. He makes, Destroys, remakes, for His own pleasure all.

On June 15, 1898, Mr. Burleigh made a strong speech in favor of the annexation of the Hawaiian Islands, saying that "Such a move will establish an ocean fortress for the protection of the great and growing interests of our Pacific coast, and bring nothing but benefits to the American people."

January 5, 1901, Mr. BURLEIGH made a notable speech on the apportionment bill then pending, in which he advocated an adequate representation "to keep pace in some degree with the growth of the country in population and material resources."

After being in the House of Representatives for about 13 ears Mr. Burleigh became a Member of the Senate on March 4, 1913, and after a service covering a period of a little over three years he died June 16, 1916. He served on important committees, and nothwithstanding his health was greatly impaired during his entire service in the Senate he was faithful in committee work and attentive to his duties on the floor. He was a favorite on both sides of the Chamber, his affability and kindness of heart gaining him the good will and friendly regard of all with whom he came in contact.

Mr. President, if it be true that the tomb is but the gateway to an eternity of opportunity, we can well believe that our friend, the late Senator from Maine, freed from the shackles that beset us in this life, with greater opportunities and an enlarged vision is still engaged in shedding light and happiness upon those around him. He acted well his part in life, and is doubtless receiving the reward that comes to those who deserve the appellation of "Well done, good and faithful servant." Of him it may well be said, in the words of a Massachusetts

poet:

So when a great man dies, For years beyond our ken, The light he leaves behind him lies Upon the paths of men.

Senator Burleigh is gone, but the memory of his good deeds should be an inspiration and a help to those of us who are left behind. Let us emulate his virtues, and endeavor to meet all the vicissitudes of life with the same philosophical calmness and lofty purposes which characterized our late associate and friend.

Mr. JONES. Mr. President, I come to pay a simple, heartfelt tribute to my friend, whose memory is an inspiration and a benediction to me. The world may have forgotten him. It soon forgets if it ever remembers us. It keeps in mind only those great figures which spring from some great cataclysm or epoch-making event and tower above the landscape of the This, howworld's progress with centuries rolling between. ever, will not discourage anyone who looks upon life from the viewpoint of humanity. We may not command the world's attention through the centuries, but we can live in grateful remembrance in some human heart long after our bodies are dust and our spirits have passed to the great beyond.

There are events in our lives that make lasting impress upon mind and heart. Their memory lasts through the years and become sweeter as the days go by. They may seem small in themselves and yet be priceless in their effects. They make

us better men and life more worth living.

My public service began with the Fifty-sixth Congress. It was my good fortune to draw a seat next to Edwin C. Burleigh. He sat on my left. I do not remember who sat on my right.

I was a stranger and a new Member in one of the branches of the greatest lawmaking body in the world. attached too much importance to my presence in that body. I was soon made to feel that there were others there who knew something and felt their responsibility. Mr. Burleigh had served in the preceding Congress. He no doubt knew my feelings, but not by word or act did he make me feel this. He was kind, so considerate, and so sympathetic that he won my high regard and lasting gratitude. I trusted him unconsciously. I came to him freely and naturally for advice and help. He was so tactful and so kind and so helpful that I was saved from many a humiliation. I did not see it then, but I saw it afterwards, and this fact makes his memory more precious to me. He did not treat me differently from others; this was his character. He did these kind and gentle things without apparent thought, and yet he was so tactful in it all that one knew the head was directing the heart in a sincere and unselfish way that he might be most helpful without being obtrusive.

He was not a showy Member of Congress, but he was a faithful and efficient Representative of his people. Their interests were his interests, and he looked after them to the minutest detail. While others were speaking to but little purpose except to attract attention, he was doing things. While others were entertaining the galleries with fulsome platitudes, he was doing things for his constituents by his work before committees and by following up and pressing the matters of interest to them in a quiet, persistent, and effective way. He measured his success

by the results and not by his oratory.

One instance of his quiet but effective work comes to mind. After the census of 1900, congressional apportionment and representation came up in the House. It was proposed to reduce the membership of the House. This plan would have reduced Maine's representation. Mr. Burling took the lead in the quiet, effective, organized opposition to this measure. It was defeated, and Mr. Burleigh was more responsible for its defeat than anyone else.

Mr. President, this is but a feeble and imperfect tribute to a very dear friend. The orator may be reasonably well satisfied with his rounded sentences, well-chosen words, and fitting cli-maxes upon some lofty theme, but words fail, they are empty things, when one attempts to pay fitting tribute to a dear friend. This is my feeling now. Edwin C. Burleigh was my dear and good friend. He was a faithful representative, a loyal, tactful friend, a real, kindly gentleman, and a genuine true man. The world is better for his life, and there are many to whom his memory is and will continue to be an inspiration and a benediction.

Mr. FERNALD. Mr. President, the kindly, generous tribute which has just been paid to Senator Burleigh by my distinguished colleague, is, I am pleased to believe, characteristic of American politics.

In life we struggle for the principles we cherish, urged on by the incentive of ambition; but when death claims one of our number we bow to the inevitable and together mourn the loss.

Nothing can be added to the biographical sketch of EDWIN C. Burleigh so eloquently spoken by my colleague. Born almost in a wilderness, far from city or town, he labored on a farm as other boys have done, but with a determination to become useful. He endured much to gain an education and to qualify himself for those positions of honor which he was to hold in after life.

To achieve success is the duty of every man and woman in America, and the accomplishment of it possible to all who are willing to pay the price in patience, perseverance, temperance, economy, hard work, and faith in the future. Senator Burleich possessed all these virtues, and having a splendid physique was able to accomplish much which would have been impossible to one of less sturdy frame.

Mr. Burleigh was successful in all his undertakings as a business men; his splendid judgment, his careful attention to every detail, his rugged honesty, his unfailing loyalty made him the trusted leader of the pioneers who in his early years were beginning to develop the marvelous resources of the great county of Aroostook, where he was born. And that confidence placed in him by his early companions was never shaken.

No man stood higher in the esteem of his associates than did

EDWIN C. BURLEIGH. From his early advent into public life he manifested that same interest in State and national affairs that had made him so successful in all his business activities. same love of truth; the same unswerving loyalty; the same fidelity to his constituents was ever present and paramount during his entire public service. Senator Burleigh could always be depended upon to do his full duty and do it well. His conscience was ever his guide, and to do right his great ambition.

As treasurer of our State, Mr. Burleigh was a careful, painstaking, and trusty official; and the books of the department during his term of office are models of neatness and accuracy.

As governor of our State he was admired not only for his great ability as an executive—and his administration will go down in history as one of the best our good State of Maine has ever had-but also for his simple, democratic manner and his fair and courteous attitude toward all opponents.

As United States Senator, he was privileged to serve only a brief period, but in that time he commanded the respect of all his associates and filled the office to a fullness which might have been expected of one who had served so faithfully in other

official capacities.

But the phase of Senator Burleigh's character which appealed most strongly to those who knew him best was his love of home, and the reflection of his domestic life shone through his public career, as a close bond existed between the official and domestic atmosphere. The constant, companionship of Mr. and Mrs. Burlligh was a charming picture, as she accompanied him in all his hardest campaigns; and his children were consulted and advised with on matters of interest. It has been affectionately said of him that his family constituted his cabinet.

Senator Burleigh's death is sincerely mourned, and to those who knew him best his memory will be cherished as a loyal and delightful friend, a congenial associate, and a patriotic and

devoted servant of the people.

In this world of contrasts-tempest and sunshine, pain and pleasure-we know that-

Every joy must have its sorrow, Every pleasure brings its pain; To-day is bright with sunshine, To-morrow weeps its rain.

To-day a smile is playing
On the lip and in the eye;
To-morrow tears are falling
And the fount of mirth is dry.

The calm succeeds the tempest, As the light the darksome hours; On the rough and thorny bramble Bloom the sweetly perfumed flowers.

Life springs from death's cold ashes, And in death life's lamp grows dim; In Eden perfect bliss is found, And from Eden cometh sin.

And thus in contrast ever Light and shadow strangely blend, To fit and discipline us For life's highest, noblest ends.

Mr. ROBINSON. Mr. President, as a further mark of respect to the memory of the deceased Senators I move that the Senate do now adjourn until 10.30 o'clock to-morrow morning.

The motion was unanimously agreed to; and (at 1 o'clock and 35 minutes p. m., Sunday, February 18, 1917) the Senate adjourned until to-morrow, Monday, February 19, 1917, at 10.30 a. m.

# HOUSE OF REPRESENTATIVES.

SUNDAY, February 18, 1917.

The House met at 12 o'clock noon and was called to order by Mr. Jacoway as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer

Infinite Spirit, Father-Soul, Thy blessing be upon us to fit us for the sacred duty of the hour, a time-honored custom, a precious memorial dear to our hearts. Two great men, public servants, Senators of the United States, have been called from labor to refreshment, from earth to heaven. Ours the loss, theirs the gain; ours the sorrow, theirs the joy; ours the hope, theirs the reality; ours the struggle, theirs the victory. May the unbroken continuity of life which has come down to us out of the past, sung by poets, taught by sages, prophets, and seers, reenforced by the glorious resurrection of Jesus of Nazareth, comfort those who knew and admired them and solace those who were bound to them by the ties of love and kinship; that the heart may cease to ache and tears to flow.

Be still, sad heart! and cease repining; Behind the clouds is the sun still shining; Thy fate is the common fate of all, Into each life some rain must fall, Some days must be dark and dreary.

So teach us to wait with patience till the veil shall be rent asunder and Thy ways be made plain; and we will ascribe all praise to Thee now and evermore. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

THE LATE SENATOR CLARKE, OF ARKANSAS.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. Oldfield, by unanimous consent, Ordered, That Sunday, February 18, 1917, be set apart for addresses upon the life, character, and public services of Hon. James P. Clarke, late a Senator from the State of Arkansas.

Mr. OLDFIELD. Mr. Speaker, I move the adoption of the resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Arkansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 512.

House resolution 512.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. James P. Clarks, late a Senator from the State of Arkansas.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. OLDFIELD. Mr. Speaker, we have, according to a beautiful custom, met this Sabbath Day for the purpose of paying tribute to a colaborer and friend, the Hon. James P. Clarke, late a Senator from the State of Arkansas.

Senator Clarke was born in Yazoo City, Miss., August 18, 1854, and died after a brief illness at his home in Little Rock on October 1, 1916. Senator Clarke received his literary education in the schools of Mississippi and studied law at Lutinovalty of Vincinia, avaduating from that institution in 1878. University of Virginia, graduating from that institution in 1878. He moved to Arkansas and began the practice of law in 1879. Hence, at Helena, Ark., in 1879, began a most active and conspicuous career. Almost from the beginning he was appraised one of the foremost lawyers in his part of the State, and, while he divided his time between politics and the law from the beginning, yet he excelled in both fields. There was not a time during his illustrious career that he could not have made many times the salary of any office he held if he had given his whole time to the practice of his profession. And he ran the gamut of politics from the office of representative in the State legislature to three times a Senator of the United States. He was elected to the house of representatives of the State legislature in 1886; a member of the State senate in 1888, serving until 1892. He was elected president of the senate in 1891 and ex-officio lieutenant governor; elected attorney general in 1892, declined a re-nomination, and was elected governor in 1894; he declined a renomination for governor in 1896, preferring to return to his lucrative law practice; he was elected to the United States Senate in 1908 and twice reelected to this high office, and was elected President pro tempore of the Senate in the Sixty-third Congress and reelected at the beginning of the Sixty-fourth Congress, which position he held at the time of his death.

Mr. Speaker, I remember quite well the first time I ever saw Senator Clarke. It was in my home town in 1894, when he was making his first campaign for governor. He was a young man then, only 40 years old. He was certainly a fine specimen of young manhood. Tall, erect, and slender, with perfectly white hair and flashing eyes, he walked up and down the streets calling upon and shaking hands with the voters. Needless to say that he made a favorable impression in that campaign and I

was elected governor of the State. From that time on I gladly gave him my support in his succeeding campaigns. always personal and political friends.

Of course, Senator Clarke could not keep up his law practice after coming to the Senate, yet he was looked upon as one of the best lawyers of our State, and a wise counselor, during the interims of Congress earned a great many splendid fees as a lawyer. Mr. Speaker, very few men have been developed in our public life who could divide their time between politics and the law and at the same time stand at the head in both fields as Senator Clarke so successfully did. At the time of his death there can be no question that he stood in the very front rank among the lawyers of his State, and there can be no question that he stood in the front rank as a lawyer among the great lawyers of the United States Senate.

Senator Clarke was a man of very simple tastes, true and loyal to his friends, and preferred not to have anything whatever to do with his enemies. I have never known a man in public life who could draw a man to him more strongly than Senator Clarke if he desired to do so. He was one of the most distinguished-looking men I have ever known, and his mind sparkled and scintillated like a diamond. Brave, honest, and courageous under any and all circumstances, I never knew him to falter when he had a duty to perform.

Mr. Speaker, Senator CLARKE was no ordinary man; he was a man of great force of character, and brooked no opposition. Neither wealth, power, nor influence could persuade or deter him from the course which he had previously mapped out. He was independent in thought and action, and came nearer doing just as he pleased under any and all circumstances regarding public questions than any man I have ever known in public life. He was always an active man, both in mind and body, and was stricken of a fatal illness during the latter part of September, 1916, while at work in his office. Hence it may be truly said that he died in the harness.

Mr. Speaker, the people of Arkansas whom he represented so long and so ably in the United States Senate appreciated his great services to the State and the Nation, as has been recently attested.

The State legislature, now in session, within the past few days has passed proper resolutions providing for placing his statue in Statuary Hall in this building.

Senator Clarke, possessing a great intellect and possessed of strong will power and determination, made our Republic greater than it had been before, for it is by the lives of such men that States and Nations grow strong and great. The poet has expressed this thought most beautifully in the following linear. lines:

What bullds a nation's pillars high, What makes it great and strong? What makes it mighty to defy The foes that 'round it throng?

Not gold, but only men can make A nation great and strong; Men, who for truth and honor's sake, Hold still and suffer long.

Brave men who work while others sleep, Who dare when others sigh; They build a nation's pillars deep And-lift it to the sky.

Mr. TAYLOR of Arkansas. Mr. Speaker, the formal eulogy seems most unsatisfying and insufficient where the stroke of death has fallen and where a gap in life has been made. It is with profound misgivings that I undertake to make a fitting tribute to the character, achievements, and genius of the illustrious lawyer and statesman in whose memory these services

Senator James P. Clarke was born in Mississippi in 1854. 1879 he came to Arkansas. He seemed to like politics. In 1886 he was elected to the Legislature of Arkansas. In 1888 he was elected to the State senate. In 1891 and in 1892 he was president

In 1892 he was the Democratic nominee for attorney general, and was elected. He served as attorney general in 1893 and 1894. In 1894 he was the Democratic nominee for governor, and was elected by a handsome majority. He served Arkansas as governor with distinction and with great credit to the State. In 1902 he was elected to the United States Senate, and again in 1909. He was reelected in 1914, and was serving his third term at the time of his death. During his last term he served as a member of three of the most important committees, namely, chairman of the Committee on Commerce, also a member of the Foreign Relations and Military Affairs Committees.

I have had a personal acquaintance with Senator Clarke for about 30 years. Soon after this acquaintance began he became to me a study. Indeed he was sui generis-in fact, unlike anyone else that I ever knew. I had great respect for his abilities. was proud, and he liked a proud, courageous man, although he might have been his political or personal enemy. Respecting himself he expected to receive the respect of other men; and he was not disappointed. When he made up his mind upon any public question he stood by his convictions; in other words, when he set his hand to the plow he never turned back.

His death was a sad one. While in his law office at Little Rock alone he was stricken. It is said that somehow he reached the phone, called up his home, and asked for his son James to come after him with the car. Apoplexy was the cause of his

death, his physicians say.

CLARKE stood among the foremost of the great Senator lawyers of his time. A great lawyer is naturally a successful and constructive statesman. The history of the legislation of the world exemplifies this, and it should occasion no surprise that the Senator's eminence as a lawyer signalized his work as

a legislator.

The people of his State looked upon him as one of America's greatest statesmen. In politics those who admired his exceptional abilities and his stern unswerving character always stood by him with the greatest fidelity. They believed him capable in any position; they admired his lofty bearing, although now and then, finding fault with him, they did not desert him. Strange to say, he had among his supporters those who were not personally attached to him-these voted for and sustained

him because they believed him a wise statesman.

Senator Clarke and myself were always personal friends, but I did not support him in all of his political ambitions. When he defeated Senator Jones I was not his supporter, and he knew it. We talked about it, and on one occasion he said: "TAYLOR, I know you are for Senator Jones. I know of your friendship and admiration for him, and I do not blame you for not supporting me." The last time I ever saw the Senator was in Statuary Hall in this Capitol. There we met accidentally and conversed about certain legislation that was then pending before the Rivers and Harbors Committee. He appeared in fine health, and I believe I never saw him in a more delightful

Mr. Speaker, I try to speak truly touching the life, character, and public services of Senator Clarke as I understood him and

know about him.

Mr. Clarke became a power in the State when he was elected governor. Prior to this he was attorney general and member of the State legislature, as I have stated—positions which gave him access to the opinions of all the clashing interests of the State and into whose citadels he was welcomed and flattered. Each contending interest looked upon him as a man of lofty and independent convictions, despising cowardice and trim-ming, yet fully imbued with ambition and desirous of becoming not only a great man, but the greatest man of the State. It said of Cicero that he was so nervously sensitive to the fluctuations of public opinion that he could not decide between Pompey and the aristocracy on the one hand and Cæsar and the new democracy on the other.

This can not be said of Senator CLARKE. He cared nothing for the fluctuations of public opinion as presented in the gossip of newsmongers or placarded by speech on the public rostrum. He desired the good opinions of the public, but refused to bend his convictions to their notions—to the passions of those who might judge without knowledge and condemn without reason. He really wanted a constituency that would stand behind him like a stone wall, and therefore never modified his course so as to follow his backers—they were to follow him, although it was hard for his followers at times to see the wisdom of his

In his race for the Senate of the United States he was pitted against one of the best-loved and one of the most powerful men of the State, as well as one of the most powerful Members of the United States Senate. Senator James K. Jones must always be classed as one of the leading great men of Arkansas. To beat such a man in the zenith of his popularity and power indicated that for the time being Senator Clarke had gained a great popular following, and was on the billows of popular esteem and affection.

It may well be said that Gov. CLARKE at this time was at the height of his fame in Arkansas and just beginning to as-cend the heights of national fame at Washington. He was not an orator but a rapid-fire speaker of the Gatling-gun order. He knew his facts and was a master of arrangement; he studied carefully all the great decisions of the Supreme Court of the United States and relied upon them to carry him through the emergencies of debate. No man on the floor of the Senate had hardly an equal power with him in brushing aside the little

things and seizing the great and essential things. He had a logical mind and used it in making friends of those whose minds ran in the same logical groove. Politically he was a Democrat, but at times strained the definition of the word to a near breaking point. Self-willed to the extreme, he also ran perilously near to injustice in his treatment of his opponents. He seemed to think that he had climbed aloft without the help certain of his fellows, and that from his high position he could afford to be nonaffable. In the quiet of his office, I am told, he lamented this characteristic of his temperament and attributed it to some physical affliction rather than the lordly bent of mind that, soaring aloft, brooks no contradiction and spurns all advice.

He was a close critic of himself and never favored himself in these moods of self-investigation. He was genuinely sorry for his want of power to properly relate the little things of life, but no man can have all things at once. Senator CLARKE became a great Senator. It is extremely doubtful, however, if he would have ever become so great had his mind been compelled to connote little things or to give them the value they really deserved. He ignored the claims of extreme politeness and fellowship, and set his mind inflexibly on a higher end-an end which he invariably attained. He was a good reasoner and in this regard was seldom excelled by an adversary. In intensity, flery earnestness, and rapid-fire delivery he led, and seemingly was the only Senator of whom many of his colleagues appeared genuinely afraid.

He reached the highest empyrean of successful senatorial life, died a leading statesman, and was one of the most brilliant and accomplished politicians of his State. In his senatorial life of 14 years he had a very conspicuous share in shaping the legislation of the Republic. As a public man his career was brilliant, and he died as he had lived, unafraid, uncompromising, stal-

wart, majestic, and masterful.

Mr. CARAWAY. Mr. Speaker, the custom of paying tribute to the dead is as old as recorded history. All nations have observed it. In this we but give expression to that longing after life eternal and that hope and that desire for immortality. In these tributes, whether in spoken words or chiseled stone, we express but the hope that beyond the grave is life, and that those we honor here there live again amid fields elysian, and because we hold that hope we pay homage to those who have gone a little while before. On this Sabbath day in this famous Chamber of the House of Representatives, in the city of the Nation, we now pay a national tribute to the memory of the late Senator James P. Clarke, of Arkansas. When I say we pay a national tribute, I speak advisedly, for in truth Senator CLARKE was a national character. He thought for the Nation and labored for humanity everywhere. In no sense was he sectional nor circumscribed by the boundaries of that State which honored itself in honoring him. He planned for a Nation and labored for a Nation as wide as the boundaries over which floats the flag of that Nation. He sought no advantage for his own State that he did not demand for that of every other State and for all our people. His allegiance was to the Nation as a whole. In many respects Senator CLARKE was the most remarkable man who has sat in the Senate of these United States in the lifetime of any now living. Tall and straight in form, direct and clear in speech, he impressed all who knew him or heard him with the honesty of his purpose and the courage of his convictions. Neither friend nor foe was left in doubt of his position on any question touching the Nation's welfare. As he sat day by day at his desk in the Senate Chamber, his erect figure, white hair, and strong and striking features, and the dignity of his deportment proclaimed him the Senator ideal. Even the casual observer marked him and instantly and instinctively paid him homage. He ruled the Senate as he did all other bodies of men among whom he sat not by the arts of the politician but by the uprightness of his motives and the greatness of intelligence. Almost upon his first entrance into the Senate he became a member of the steering committee of that body, which has much to do with determining what legislation should be considered. When the Democratic Party came into control he was elected President pro tempore, and was serving in that station at the time of his death. He was one of the greatest parliamentarians in the Senate, and he impressed all with his fairness and profound knowledge of the rules governing that body. He knew neither friend nor foe, section nor party as presiding officer.

He scorned to win favor or preferment by fawning or by ap-

pealing to base and mean sentiments.

Of his life and achievements I shall speak but briefly. I shall leave those for defter hands and more gifted tongues, for those who have known him longer and known him better. The barest sketch must suffice my purpose.

James P. Clarke was born in Yazoo City, Miss., in 1854. His parents were poor, but of character and standing. He received a liberal education and took his professional training, that of the law, at the University of Virginia, where he graduated with Immediately after his graduation he located at Helena, Ark., where he literally sprang into honorable place and position. Soon after he located here he married the charming daughter of an old and distinguished family. He served in both branches of the State legislature and rose to the position of presiding officer in the senate. Thence he was elected attorney general of the State, and from that office became governor. In all these positions he shed honor on the citizenship of the State and served well their best interests.

In his first race for the United States Senate he was defeated, but his defeat left no scars, and in 1902, in a State-wide preferential primary, he was chosen, succeeding that great and muchbeloved Senator, James K. Jones. At the expiration of his first term in the Senate he was reelected without opposition, and was again elected for a third term, of which he had served a

little less than two years when the summons came.

From the day he first took his seat as a Senator until his task was done his was the dominating influence in that august body. No legislation of national importance that did not take shape and form from his masterful touch, whether it were tracing the course for the uniting of the turbulent Atlantic to the sun-kissed Pacific by the Panama Canal, or the framing of a constitution and a code for the government and civilization of the peoples of the far-away Philippine Islands, his was the fecund brain in which was builded the finished plan. For more than half a century the American people demanded, but demanded in vain, the right to elect their Senators by direct vote of the people. With a stroke of the pen, as it were, he made that an accomplished fact. Wherever men strove for human rights and human needs cried out for leadership and help wise men turned to him and turned not in vain. The merest recital of his achievements would require more time than is allotted to me, and I need not enumerate them here; they are writ large in the annals of his country's fame.

Of him personally I shall speak even more briefly.

To a friend he always bent a listening ear; to a foe he presented an unyielding front. Strong and just men loved him and followed him; weak and corrupt ones feared and shunned him. About him ever swirled the turmoil of battle. He feared neither criticism nor defeat; dishonor and cowardice he never Whenever his country needed a champion it found one in him, and with him as champion the weak became strong and the hopeless took heart again.

Death came to him as he would have wished it should come, while yet his faculties were undimmed, but after his aspirations had been achieved and his ambitions had been gratified. It came not in lingering pain nor yet so suddenly that farewells were left unsaid. In his own home, with hands clasped in hands of children and soothed by the ministrations of his

noble wife, he fell asleep-

Like one who wraps the drapery of his couch about him and lies down to pleasant dreams.

Beyond love or hate, praise or blame, in the city that he loved, literally buried beneath a mass of fragrant flowers laid above him by loving hands, we left him to slumber until-

Time shall be no more, and the sea shall give up its dead.

But, oh-

How many a loving one's blessing went With thee beneath the low green tent Whose curtain never outward swings.

Nothing we may say here to-day can enhance his fame. His character and his deeds are his fairest epitaph. We seek not in these exercises to add to his virtues, but in praising them to renew our own.

Like a garland of fair flowers we lay a nation's tribute this day upon his tomb. His life is ended, his career finished, but his memory is enshrined in his public labors and in the hearts

of his friends.

Mr. TILLMAN. Mr. Speaker, from the moment I first saw him in the parlor of the old Capitol Hotel in Little Rock, in January, 1889, to the hour of his death, I was perhaps as close to Senator Clarks as were any of his contemporaries in the public life of the State. In the September election of 1888 we had been elected to membership in the State senate, he from Phillips, I from Washington County. He was a candidate for president of the senate, and had called to solicit my support. I was a fledgling member, barely old enough to satisfy the statutory requirements of the position as to age; he was several

fever antedating by some years the meeting to which I refer. I shall never forget my first impression of this remarkable man. He had the look of an eagle, a magnetic presence, and being young and impressionable I became at once his ardent admirer, friend, and supporter. From the hour of our first conversation, and throughout the years following, we were personal and political friends, actively cooperating in numerous public enter-prises and exchanging letters and visits at frequent intervals. He failed of election to the presidency in 1889, but at the succeeding session two years thereafter he was elected, and from that time forward, to him political preferment locally and nationally was sure and rapid.

Like most great men he was possessed of marked eccentricities. His temper at times was none of the best, and his control of the same not always exceptionally good. He had other peculiarities as well. One day a close friend of some years' standing called him by his given name. His friend received a sharp rebuke for this indiscretion and never repeated the offense. Senator CLARKE stated to him that he desired his friends, no matter how intimate, to call him CLARKE. cared nothing for titles and preferred to be Clarke of Arkansas, rather than general, governor, Senator, or Mr. President pro tempore of the United States Senate. In no event did he wish to be called James. I imagine that even Marc Anthony was not permitted to address the first Cæsar as Julius nor did Atticus call Cicero, Marcus Tullius.

The world is made of little men, but Senator Clarke was not of this type. If a man passed him on the street he would turn to look at him again. His figure was striking, his carriage majestic, his swinging stride and distinguished bearing at once impressed acquaintances or strangers with the knowlege that he was a real man. Imperious? Yes. Impatient of opposition? Certainly. Dominant? Nature made him so. With all that, at least before advancing years and ill health had seriously impaired his vital forces, he was as sweet as summer to his friends and gracefully polite to his enemies.

He once characterized himself as a good hater, and he was. With him there was no shadow land, no twilight zone between the things he hated and those he loved. Somewhat as did Pizarro, the Spanish gold hunter, the Senator drew a line on the sand, and bade his friends get on his side of the mark and his enemies on the other. And there he desired them to abide.

No other man was just as he was.

Like every virile character he was unique. He was as distinct as a snow-crowned mountain peak.

That he might bind a voter to him he never practiced the petty but effective art of insisting upon a relationship, real or possible to John Smith or to John Smith's wife. He never insisted upon his near or remote partiality to any church to tickle the ear of the zealous religionist. He never mentioned his lodge membership nor displayed its emblem to make friends more active or to induce his enemies to become less active.

He was deaf to the jingle of tainted money.

He flattered no man.

He was never an opportunist.

He loved the din of battle.

He fought his antagonist face to face, "lance to lance and horse to horse."

Like a white-crested eagle, he scorned prey that had not fallen to his beak and talon.

His restless soul courted combat and disdained a lower flight. Without consulting a single friend or advising with political associates, he determined to go to the United States Senate. He did not lay in wait for an easy mark. He sought out the strongest antagonist he could find.

In the tournament at Ashby Sir Walter Scott, in his incomparable style, causes the Disinherited Knight to ride into the lists. The rule governing the tournament provided that if any knight proposed a conflict he might, if he pleased, select his antagonist by touching his shield with the sharp end of his lance, provided he desired an actual battle; if he wished only a trial of skill, to touch his opponent's shield with the reverse end of his lance. As Ivanhoe entered he was advised to touch Ralph D. Vipont's shield, to touch the Hospitaler's shield—"he has the least sure seat; he is your cheapest bargain." But the young knight struck with the sharp end of his spear the shield of Bois-Guilbert, the strongest of the Norman knights, and thus did Senator Clarke in the political lists. Not waiting for a vacancy, by death or resignation, without the backing of wealthy or influential friends, with but a few years of residence in the State, he hurled his challenging spear straight at the shield of Senator James K. Jones, the strongest and most popular man in years my senior and already prematurely gray, caused by a the State, the leader of his party in the Nation, a mental and

physical giant, and defeated him in a second effort with comparative ease. Since then he has ranked with the great men of the Nation, and was twice elected President pro tempore of the United States Senate.

Senator Clarke was a man of a remarkable mental energy. He was a master of terse, lucid, expression. Each of his sentences rang like a new-made coin of gold. His English was pure and undefiled. No man ever had difficulty in determining his position upon any question, either by the Senator's action or language. In debate his mental blows were delivered with the strength that King Richard exhibited when he wielded his two-handed broadsword, and with the finesse and dexterity displayed by Saladin when he severed the delicate veil with his keen scimitar.

He left no senatorial survivor who can with propriety and justice assume to be his superior. Few equaled him in courage,

in probity, in mentality.

Last night 1 stood in Statuary Hall on the spot where John Quincy Adams fell in a dying state on February 21, 1848. From that point of vantage I looked round upon the circle of statues in this, the Nation's great Valhalla of distinguished dead, and noted among the number brave Sam Houston, of Texas, robed in buckskin. There stood the portly figure of Thomas Benton, of Missouri; yonder the marble form of the scholarly Ingalls, of Kansas. There, within a few feet, stood Washington and Lee, of Virginia. Not far to my right, facing west, was the priestly Marquette, of Wisconsin; and near him the handsome Senator Kenna, of West Virginia; and I felt that I knew that when our people make provision here for the stately statue of James P. Clarke, of Arkansas, that every citizen of our great Commonwealth will hold up his head, supremely proud of him, when looking upon our distinguished fellow citizen in bronze or marble, the acknowledged peer of any of his silent associates.

I last saw him in the Union Station at St. Louis, on the 9th of September last, as we were going home from the first session of the Sixty-fourth Congress. He passed out of the station with the same vigorous step that ever characterized his walk, never looking better, never happier. He was stricken within a month thereafter in his law office at Little Rock at work among his books. I know that he received the fatal shock with fortitude, and as he hoped to receive it, with his armor on his back, fighting the grim battle of life. How much better it is to die before the mind becomes eclipsed, the reason beclouded, and the limbs dead and useless. I have long since decided that it is desirable to hurriedly and quietly pass away like this.

Some time at eve, when the tide is low,

I shall slip my mooring and sall away,
With no response to a friendly hall
Of kindred craft in a busy bay.
In the slient hush of the twilight pale,
When the night stoops down to embrace the day
And voices call in the waters' flow—
Some time at eve, when the tide is low.
I shall slip my mooring and sall away,
Through purple shadows that darkly trall,
O'er the ebbing tide of the unknown sea.
I shall fare me away with a dlp of sall,
And a ripple of waters to tell the tale,
Of a lonely voyage sailing away
To mystic isles where at anchor lay
The craft of those who have gone before,
O'er the unknown sea, to the unknown shore.
A few who have watched me sail away
Will miss my craft from the busy bay;
Some friendly barks that were anchored near,
Some loving souls that my heart held dear,
In silent sorrow will drop a tear;
But I shall have peacefully furied my sail
In mooring sheltered from storm and gale,
And greeted the friends who have gone before,
O'er the unknown sea to the unknown shore,
ator Clarke's life was a successful one. He

Senator Clarke's life was a successful one. He left a fair estate and lived to round out an enviable and a brilliant career. He died in the season of harvest—in the rich, golden Autumn, the fairest time of all the year, when the frost deepens the blush on the apple and the snowy cotton turns its white, pure face to the chaste kisses of the southern sun; when the meadows are rich with goldenrod; during the season when God touches with His artist finger the foliage of our glorious forests and paints the leaves as brown as the hazelnut's flinty coat as yellow as God's noblest metal and as red as the blood of a Saxon king.

Senator Clarke's friends have every reason to believe that all is well with his gallant spirit. His public and his private life was, we know, impeccable,

> Faith builds a bridge across the gulf of death To break the shock blind nature can not shun.

It can be said of him in truth that-

He walked the rugged road of right,
And never for a moment wandered from the way,
To loiter in alluring shade,
Or drink the Bacchanalian draught,
Or pluck the idle flowers that fringe
The banks wherein temptation's wooing tide
Doth ever surge and flow.

A long good night to Senator CLARKE,

Mr. HUMPHREYS of Mississippi. Mr. Speaker, Senator Clarke was a native of Mississippi, and although his lot was cast with a sister State and his name and fame associated with the great State of Arkansas, Mississippi has always claimed him for her own, a son in whom she was well pleased. It was my good fortune, Mr. Speaker, to be thrown in rather more intimate association with Senator Clarke than is usual with those who serve here from different States and in the different Houses of Congress. Our legislative purposes were very much the same. There was one great object, the attainment of which inspired us both and brought us into intimate collaboration. That being true, it is hardly necessary, it is in fact mere surplusage, to say that I soon discovered in him a

man of genius and of unusual mental force.

I believe in raw mentality, if I may use such a crude phrase; he was the equal of any man with whom he came in contact in that great, if not the greatest, of all legislative assemblies. That he came, through the choice of his fellows, to be the President pro tempore of the Senate when his party gained control there after 18 years as a minority was no surprise to those who knew him; it was, in fact, as inevitable in the orderly course of natural events as that the sparks fly upward. It was said and has been suggested here to-day that Senator Clarke was not a good party man; that he did not at all times recognize the authority of his political organization; that, to use a homely phrase, he was not always politically bridle-wise; and that is probably true. Certain it is that neither in the Senate nor on the stump in Arkansas did he ever "crook the pregnant hinges of the knee where thrift may follow fawning." He never made commerce of his political convictions; he never traded or offered to trade, either here or on the stump, his opinions for votes. Nature had most generously illumined his great mind with the light of reason, and he used that divine attribute as became a man made in the image of his Maker. Cæsar says that—

Cowards die many times before their deaths, The valiant never taste of death but once.

If that be true, I think we may say with assurance that the first time James P. Clarke ever met the grim reaper was on the first day of last October, when he laid down the burdens of this life.

Blest and equipped as he thus was, with strong mind and invincible courage, no wonder he succeeded. He literally demanded the lavish favor of the fates, and his rise in his profession and his elevation through progressive steps to the highest offices in the gift of his people was as inevitable as it was rapid. I said, Mr. Speaker, I had been intimately associated with him

I said, Mr. Speaker, I had been intimately associated with him because of a common legislative purpose which animated and inspired us both. The last time I saw Senator Clarke he told me that the great predominant purpose of his official life was to secure the passage in the Senate of a bill which had been sent there by the House which would rescue his people from the ravages of the floods of the Mississippi River; and to that purpose, Mr. Speaker, he was as constant as the northern star, of whose true-fixed and resting quality there is no fellow in the firmament. Had he lived I think no man will doubt that that legislation would to-day stand upon the statute books, Unfortunately for us all, he was taken from us "like the summer-dried fount when our need was the sorest."

I have been to the Senate many times this session, and when I have observed the situation there, seen that great measure time and time again set aside for less important matters, and noted the absence of the great champion upon whom we depended with such confidence and reliance, I have almost involuntarily exclaimed—

Where, where was Roderick then? One blast upon his bugle horn were worth a thousand men.

Being a Mississippian, and being one who enjoyed the friendship of the distinguished gentleman whose death we lament today, I felt, Mr. Speaker, that it was proper that I should pay him this last tribute of my respect. There were few men whom I admired more than Senator Clarke. I was one of those who were favored with his friendship. From my first acquaintance with him down to the day of his death I had many proofs of it. We have heard it stated here to-day, and all of us who knew him realize the fact that he was not only an aggressive man, a forceful man, a positive man, but sometimes it seemed an overbearing man, a pugnacious man; but, as is common with all who are so blessed with force of character and courage, he had a gentler

A gentleman was telling me last night at the hotel of a trip that he made after adjournment of Congress on a train with Senator Clarke on his way back to Arkansas. This gentleman had never seen any other side than that which I have just re-They met on the train—this gentleman had his family with him-in a casual way. It was purely a social meeting, and there for the first time was revealed to him that other side of this great character. There was no battle then in progress; no conflict of wits, no struggle for supremacy, and this gentleman was charmed, he was indeed fascinated, by his genial personality. His little girl was with him, and the Senator was particularly attracted to her. Her childish prattle, her unsophisticated innocence appealed to his great heart which many strong men thought was adamant, and after he had reached his home in Arkansas he wrote this little child a letter manifesting the gentleness of that rugged nature which was frequently hidden from other men.

But this, of course, is the characteristic of all brave souls. I think I can fittingly close this meager tribute to the memory of a man whom I admired and loved by quoting that verse of Bayard Taylor to the soldier who fell in the Crimea-

Sleep, soldier, still in honored rest Your truth and valor wearing: The bravest are the tenderest, The loving are the daring.

Mr. RAYBURN. Mr. Speaker, I would not feel like saying anything to-day upon this occasion, as I feel I can not add anything to the tribute that has already been paid to Senator CLARKE, if it were not for the fact that my relationships with him for the last three years of his life were so close and so intimate. For the last three years of his life, while Congress was in session—and it was in practically continuous session—I lived and it was in practically continuous session—I lived at the same hotel with him and sat at the same table with him. I grew to admire his great ability as I have admired the ability of few men in my life, and I can say that I had for him an affection, deep and abiding, such as I have had for few men in all my life. I believe that he gave to me as much friendship and as much of his confidence as it were possible for a man of his age to give to one of my age.

Senator Clarke was pictured by a great many people, who did not agree with him or who did not like him, as being everything that he was not. Senator Clarke was one of the most human beings I ever knew in my life. As has been said, in the fierce struggles over principles, in the fierce debates, and in the fierce conflicts of wits he knew no favorites; he knew nothing but the guiding star of principle. And that is what should

guide men.

Senator Clarke had the true conception, and therefore the old conception, of a public servant, and that was that a public servant should be a leader of his people and not a follower of his people. He had that supreme confidence in the wisdom and in the patriotism of the people to believe that if he were right the people would always finally come to support him in that right. He had a more supreme confidence, therefore, in the people than has the average politician of this day.

The thing that drew me closer to Senator CLARKE than anything else was, I think, the companionship and the love that he gave to his only son. I knew him after I had heard a great deal of him and of the rough side of his nature, that he was this thing or he was that thing. When I see that a man is capable of a great love, I know it matters not what that man has done; that man can not be wholly a bad man. If Senator CLARKE in his life had ever done a bad thing, it would have been a big bad thing. It would not have been a little bad thing. I know from my talks with him every day that his great heart beat in unison and in sympathy with the great masses of the people, not alone of his own beloved State of Arkansas that had done so much to honor him and that he had in turn so signally honored. I know that his heart was with those people, and he tried that his acts might be such that those people would be benefited.

I am proud that the State of Arkansas has had wisdom and patriotism enough to vote in its legislature to place the statue of that great man out in this Hall of Immortals here, because if they had waited for a hundred years and had searched the annals of the State of Arkansas they would not in my opinion have found his like again.

Senator Clarke was not an old man when he died. Although he had been honored with everything that the State of Arkansas

could give him, and had been elevated to the highest office within the gift of the United States Senate, he was a man of only 62 years. I simply wanted to say these words in tribute to the memory of this great and, I know, this good man. I know that in his life he did not know what fear was, and I know that he had a divine confidence in the existence of a Supreme Being and of a life that lies beyond death. I do not know what conception he had of the Great Beyond except that; but knowing the man as I did, when the summons came and he knew that he was about to cross the Great River, I know that he was not afraid.

The SPEAKER pro tempore. Unless some other gentleman desires to speak of the life and character of Senator CLARKE, this concludes the exercises to-day in behalf of Senator Clarke.

Mr. CARAWAY. Mr. Speaker, I should like to ask unanimous consent that those who have not spoken to-day may be

permitted to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that those who have not spoken to-day be permitted to extend their remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER pro tempore. As I stated before, if no one else desires to-day to address himself to the life and character of Senator Clarke, I will ask the gentleman from Indiana [Mr. DIXON] to take the chair.

THE LATE SENATOR SHIVELY, OF INDIANA.

Mr. DIXON took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the

special order.

The Clerk read as follows:

On motion of Mr. Dixon, by unanimous consent, Ordered, That Sunday, February 18, 1917, be set apart for addresses upon the life, character, and public services of Hon. Benjamin F. Shively, late a Senator from the State of Indiana.

Mr. BARNHART. Mr. Speaker, I send to the Clerk's desk a resolution, and move its adoption.

The SPEAKER pro tempore. The Clerk will report the reso-Intion.

The Clerk read as follows:

House resolution 513.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Benjamin F. Shively, late a Senator from the State of Indiana.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Journed.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. BARNHART. Mr. Speaker, the subject of our tribute to-day, Senator Benjamin Franklin Shively, was a lifelong resident of the congressional district I represent, and I knew him well as friend, citizen, and statesman. And knowing much of his scholastic and realistic inclinations as I do I beg your indulgence while I give some extracts from Gray's Elegy, which he frequently quoted, as illustrative of his reflective moods and as basis for the panegyric to follow:

The curfew tolls the knell of parting day.
The lowing herds wind slowly o'er the lea,
The ploughman homeward plods his weary way,
And leaves the world to darkness and to me.

Now fades the glimmering landscape on the sight, And all the air a solemn stillness holds, Save where the beetle wheels his droning flight, And drowsy tinklings full the distant folds.

Th' applause of list'ning senates to command,
The threats of pain and ruin to despise,
To scatter plenty o'er a smiling land,
And read their history in a nation's eyes—

Far from the madding crowd's ignoble strife Their sober wishes never learn'd to stray; Along the cool sequester'd vale of life They kept the noiseless tenor of their way.

One morn I miss'd him on the custom'd hill, Along the heath, and near his fav'rite tree; Another came; nor yet beside the rill, Nor up the lawn, nor at the wood was he.

The next with dirges due in sad array
Alow through the church way path we saw him borne.
Approach and read (for thou canst read) the lay
Graved on the stone beneath you aged thorn.

Large was his bounty, and his soul sincere, Heaven did a recompense as largely send: He gave to mis'ry (all he had) a tear, He gained from Heav'n ('twas all he wish'd) a friend.

No further seek his merits to disclose, Or draw his frallties from their dread abode, (There they alike in trembling hope repose). The bosom of his Father and his God.

Such, Mr. Speaker, portrays the modest but eventful life of Senator Shively. If we can grasp the marvelous spectacle of the onward march of a farmer boy from the devout environ of an humble Dunkard home through college, through the law, and through oratory to a foremost seat in his Nation's council, we have a graphic picture of the Senator whom we here honor in formal tribute.

Others will speak of Senator Shively's biography specifically. but I shall only refer to that phase of his life incidentally and as it weaves into his public career. Like most great men he started from the farm, where so many fundamentals of strength and character are given to men and women. He was industrious and ambitious, and went from common school to college, from college to editorial chair, from editorial chair to the law, from the law to the lower House of Congress, and from the House to the Senate. Incidentally he was called to many high positions of leadership in the Democratic Party, having been candidate for governor of his State, chairman of his State delegation in national conventions, and so prominent in oratory and profound in statesmanship that he was frequently talked of by his party leaders as an available candidate for both the Vice Presidency and the Presidency. He voluntarily retired from Congress in 1892 after a popular service, and later was three times the nominee of his party for United States Senator, elected twice, and served in that body with national distinction for nearly seven years, having been called hence with more than five years of his second term unexpired. In this latter service he was ranking member on the Committee on Foreign Relations, and was frequently and safely consulted by President Wilson on the international troubles which beset our country.

As an orator Senator Shively had a national reputation, was a foremost speaker in point of popularity in a dozen States of the Union, and in his own State there were requests for Shively from the people of every county in every campaign. This popularity was due to two characteristics of the man. One was his ripe familiarity with current public questions and his captivatingly eloquent gift of presenting his arguments, and the other was his uniform fairness to the opposition.

It has been truthfully said of him that in all his life he never conducted a defensive campaign. His campaigns were aggressive. He scorned to misstate the position of his opponents; but having stated fairly the issue, no fact connected with, or consequences following, or conclusion inferable from such position escaped his attention. His knowledge of the science and philosophy of government was profound. He brought all questions to the test of organic principles, and with masterful analysis exposed the sophisms employed in defense of perverted power. His advocacy, always dignified, vindicated and strengthened the cause of his political belief by placing it on solid ground and giving the highest and best reasons for its And, furthermore, Mr. SHIVELY always identified himself with the cause. When the candidate of his party he was never known in any speech to make a special appeal for votes for himself. He employed all his power to advance the cause he represented and took his chances with the humblest man on the ticket. If he led his ticket, the fact was due to his engaging personality and the confidence he inspired by his freedom from personal offensiveness in the discussion of public questions, and not to any effort by himself not common to the interests of all his associates.

These admirable qualities of superior talent in both knowledge and argument were not alone the all of Senator Shively's power. His towering physique, his classical face, and his keen and penetrating eyes combined to make him a striking and impressive man, and as his acquaintanceship grew his rugged honesty and his sterling devotion to the cause of the masses gave him a public confidence that developed nation-wide proportions.

But in all of his illustrious political career Senator Shively never approved so-called machine politics. Instead, it was ever his concern that the sentiments of the rank and file should prevail. And so his leadership was never dictatorial nor mechanical. On the contrary, his power was in his genius to analyze the situation—discern the true condition of public opinion and then serve it. Of course, this ability and his poise served him well to make him a natural leader. Without being presumptuous or demonstrative his political bearing was at all times dignified and commanding. He was retiring, rather than

vain, and this was admirable to all who realize that vanity is generally the attribute of those who drift along the surface, for those who are profound are, as a rule, modest and unpretentious.

Senator Shively was devoted to statesmanship and the political economy of his country. He never tired of delving into history and biography for inspiration and into philosophy and tradition for his faith. He was painstaking and deliberate in the consideration of every problem that confronted him, and this analytical digest of pending questions always gave him mastery in championing constructive issues and benevolent policies. And not only was he a thinker and an orator of rare gift, but as a writer he was captivating as well. His sentences were fault-lessly constructed and yet revealed no labored effort to detract from their elegant diction and captivating logic. Like the philosophers and orators of historic fame, the products of his resourceful mind and heart were masterpieces of composite English and wisdom.

Personally Senator Shively was always the center of attraction in any assembly of people. Versatile in his intellectual accomplishments, amiable in presence, and generous to a fault, he eastly adjusted himself to any environ. This made for a personal following as wide as his acquaintanceship. But he did not have multitudes of confidential associates. Instead, he confined close personal relations to a very few men, and it was often said of him that his most intimate and helpful friends were his books. Among the few who knew him best was Hon, John B. Stoll, one of Indiana's most illustrious journalists, and in recent observation on Senator Shively's personality he described him as one as to whose generosity there could be no diversity of opinion. He was big hearted, kindly, and self-sacrificing. Had he been a Colossus, no want brought to his attention would have been turned away unsatisfied. Often did he amplify the adage that it is more blessed to give than to receive. The warmth with which his friends always rallled around him strikingly attested his intrenchment in their admiration and devotion. And the popular esteem in which he was held in his home city was strongly exemplified on the day of his funeral, when thousands of his acquaintances lined the streets of South Bend in solemn mein, which bespoke their pride in an illustrious and beloved fellow citizen, and their sorrow incident to his eternal leavetaking.

Was he inspired? Yes; by the help of a devoted, accomplished wife and the divine endowment of two manly sons and a dutiful daughter. I believe the best impulses of any man's life radiate around his family circle and gain strength and character in his home. And at no time did Senator Shively's parental courage more richly bless his family than in his declining days, when his cheerfulness and resignation made him the same soulful companion that characterized the most thrilling triumphs of his remarkable career. He played well the part of a patriotic genius; he served well his country's call.

But for Frank Shively, as we so familiarly knew him, life's pilgrimage is ended, and the mystery of life and death is as complex to us who are left as when time began and the stars sang together in pæans of praise to the Omnipotent. And those of us who have suffered the pangs of unspeakable sorrow when death's messenger has ruthlessly called our loved ones from us can only know that they are in their eternal home where, and only where, the mystery is unfolded, a mystery that neither philosophy nor science solves, a mystery which only the consolation of a religious faith can in any degree clarify. We can explain by natural and scientific research almost anything but the problem of human life and the possibilities and probabilities of the hereafter. And these are comprehensible only by those blessed by the comforts of a living faith in Him who doeth all things well.

Here on earth we may accomplish much, and it is our duty to give all the assistance we can to the world's work. Personal satisfaction and consolation teach us all that such is our mission, and unless we contribute our share to the discharge of life's real responsibilities, watchman, what of the night? After we have accumulated wealth, after we have surrounded ourselves with home and family and friends, after we have achieved distinction in scholastic and social endeavor, and after we have stood in the leadership of men in social or political power—after all these and probably many more accomplishments there will come a day for all of us when, weary of it all, we will lie feverishly and fretfully on a couch that has furnished us refreshing rest in all of the years gone by; we will be surrounded by the family and friends that have been our mainstay of strength always; we will be attended by the best medical skill our abundance of money can employ; and in the midst of it all when it would naturally be expected that we will continue to depend on these earthly agencies for help, we will turn our

backs upon it all and, reaching a palsying hand out into space, we will beseechingly implore:

Lead, kindly Light.

Mr. COX. Mr. Speaker, in the order of nature, which moves with unerring certainty in obedience with fixed laws, Senator SHIVELY has gone to that repose we call death. In the midst of his labors, while yet a young man by no means having reached the zenith of his powers, crowned with honors meritoriously bestowed with a future illumined with lights of promise, this friend and colleague of ours was suddenly stricken by death. Anything we may add will not add anything to the fame of our deceased colleague, friend, and coworker that the people of Indiana who honored him most will not now freely

To me this is a solemn occasion to meet my colleagues here upon the floor of the House, the scene of so many activities and victories won by him, in commemoration of his life and death. It was not my pleasure to know him intimately until he became a Member of the Senate. I knew of him prior to that date, but it had not been my pleasure to come in close touch and contact with him. His name was a familiar household word to the citizens of the State of Indiana and to the Nation long before he entered the Senate. He was born on the 20th of March, 1857, of poor, humble, yet honorable parents. His road to success in life was by no means an easy one. It was beset with stones, confronted with many difficulties; but possessed of a strong physique, endowed with a keen and piercing intellect, he moved forward, aided by an indomitable will, succeeded in reaching a commanding position in the National councils of the He was not born with a silver spoon in his mouth. Inured in early life to hardship, toil, and drudgery, his very surroundings furnished the means, the ladder by which he succeeded in making life a success. Left an orphan early in life, he was compelled to depend on his own resources, and resolving to win in the struggle of life he set about to acquire a fundamental education to arm and equip himself for the struggle.

He was graduated from the Northern Indiana Normal School in Indiana and later completed a course at our university at Bloomington, Ind. He elected to follow the law as a life profession, and to equip himself in this work he graduated at the law department at Ann Arbor, Mich., with credit and honor

to himself and the university as well.

Senator Shively had not only a brilliant, but a penetrating and analytical mind. While recognized as a sound lawyer by the legal profession of the State, if he had not been caught by the lure of politics and devoted his time and energy to his chosen profession no doubt he would have ranked as one of the leading lawyers of the Nation. He was a student, a historian, as conversant with ancient, medieval, and modern history as a child is with the alphabet. He lived among the classics of the past, and through his intimate knowledge of history he was able to blend the past, present, and the future into a harmonious whole.

To him history, events, and epochs were constantly repeating themselves, and his erudite knowledge of the past to him was a signboard unerringly pointing the way to the future.

A profound philosopher, able through his strong brain to follow a proposition from its first to its last analysis, and after he dissected, criticized, and analyzed a proposition it was the last say on the subject. Through his keen, penetrating intellect he quickly separated the chaff from the wheat, and when done few there were who dared dispute with him on the finished product of his thought.

Senator Shively was in no sense a man that might be called a "trimmer" or "policy man"; in no sense a man willing to follow the lines of least resistance. Never afraid to rush in where angels dared not tread, but traveled along the lines from the known to the unknown, reasoning from cause to effect, he was able to arrive at certain definite conclusions on a propo-

sition where he applied the genius of his thought,

Once having made up his mind that he was right, he was as unyielding as the rocks of Gibraltar. No power on earth could shake him in his views or make him yield a solitary point from what he thought to be right. In no sense a follower of public opinion, but always in advance of it, paving the way and molding public opinion himself as he moved onward and forward, always blazing the way, never waiting to have it blazed by others.

He was a fluent talker, seldom dealt in high-sounding phrases, yet able to hold his audiences spellbound for hours at a time while discussing the most common subjects of economic life involving the existence of our country.

He was elected to Congress in 1887 from the thirteenth In-

life to engage in the practice of law at his home in South Bend. Ind., in 1894; but the memorable campaign of 1896 called him to the front, this time as a standard bearer of his party's candidate for governor of Indiana. After the most memorable and exciting campaign ever held in the State, barring none except that of 1860, he was defeated by a small majority, not because of any weakness on his part or lack of brilliancy, logic, or argument thrown into the campaign by him, but because the things to which his party was pledged went down to defeat. Every child 10 years of age who heard his speeches and arguments in that campaign will remember him until they reach their three score and ten, or four score if by reason of strength they be permitted to live that long.

Accepting defeat as magnanimously as he entered on the contest, he again retired to the practice of law in his native city, but each campaign thereafter he was found on the hustings

taking an active part in behalf of his party.

He was a Democrat in principle, precept, and example. He believed in the Jeffersonian principles of government and never afraid under any and all circumstances to espouse and defend them under any and all circumstances. Never a pessimist, always an optimist, a believer in the future triumph of these principles, and though he lived to see them defeated time and again, yet he firmly believed that time would vindicate them; that they would rise supreme and triumphant as the rule and doctrine not only of our Government but of all the world.

At the Kansas City convention in 1900 he was offered the

nomination for Vice President at the hands of his party, but

declined this proferred honor.

He reached the goal of his ambition in 1909 when elected by the Legislature of the State of Indiana to represent the State in the Senate of the United States, and was reelected to this

commanding position in 1914.

Some of the brightest men of our Nation have served our State in the United States Senate since Indiana took her place among the sister States of the Nation. During this time she has had her Lanes, her Whites, her Julians, her Voorhees, her Harrisons, and her Mortons, and a host of others, and along with these intellectual giants stands, and will forever stand, the name of Benjamin F. Shively as a monument, a glory, and an honor to the greatness of the intellectuality of the people of Indiana.

He soon took front rank in the Senate, meeting veteran legislators of many years' experience in open debate face to face. His opponents quickly learned that he was a foeman worthy of his steel. Always courteous, both in private and in public life, never overaggressive but always able to defend himself and his position under any and all circumstances. His early education and training of mind peculiarly fitted him for a public career in life. His broad mind, his wide grasp of things made him master of the situation. He was especially strong on many of the great economic questions of the day, particularly the tariff and financial questions, the two fundamental problems on which the economic existence of all governments

I am not putting it too strongly when I say he was a complete master of the tariff question. By nature and training, a firm believer in the equal rights of men engaged in the struggle of life, and believing that a high protective tariff favored the few as against the many and that it enabled the few to control and monopolize the natural resources of our Nation, to oppress the many for the benefit of the few, he became not only a bitter foe but an implacable enemy of all private monopolies and at the same time an able defender and a Nation-wide champion of the rights of the individual man, and whenever and wherever he assailed this unjust system of taxation, whether in or out of Congress, he tore to shreds and tatters the argument of the advocates of monopoly. Many of his speeches and arguments on this subject will go down in history unanswerable, unassailed, because they were and are logically sound.

Perhaps the crowning work of his life along this line was exemplified in the enactment of the Underwood tariff law. While it does not bear his name, yet every paragraph, every section, and every schedule in that law bears the impress of his great mind. He firmly believed that if this bill was given a chance that it would tear the mask from the face of monopoly and restore equal rights, equal opportunities to every man

seeking to acquire and maintain his rights.

He cared nothing about the trappings or the garments by which a proposition was clothed, but was constantly searching for the principle in it, and when he found it, if it squared itself with his ideals of right, he gave it earnest and loyal support. On the other hand, if it did not square itself with his ideals of He was elected to Congress in 1887 from the thirteenth In-diana congressional district, and voluntarily retired to private litself to him so to do. While Senator Shively had phenomenal success in life, there was nothing accidental about it. It came to him because he deserved it, because he worked for it, and because he had the ability and courage to possess it. He was elected among many ambitious men; not by any tricks of fate, not by a wheel of fortune, but because he possessed those qualities which make for greatness, brain power, energy, singleness of purpose, and indomitable courage to carry these traits of character into execution.

There was nothing sentimental about it. His devotion to duty was his creed. Absolute and exact justice to all, and everybody alike was to him an obsession. Honesty and loyalty were the points by which he ever steered his course; true to his conscience, true to his oath, and true to his obligations to the people who called him to their service, were his guiding stars and the groundworks upon which he built for himself a monument more to be prized and more enduring than the marble slab which marks his final resting place.

From this memorial exercise let us, the living, learn a new lesson that is as old as sacred history itself. The lesson is, "It is better to go to the house of mourning than to go to the house of fasting; that is the end of all man; and the living will lay it to his heart." A sanctuary of sorrow is a crucible in which to purify the soul. It reminds us that in the midst of life there is death. Let the premature death of Senator Shively be a constant reminder to us of the serious meaning of that heavenly decree, "Man is born to die." Let us bear in mind that our days may be consumed with impotent and helpless grief or our life shrouded with dispiriting gloom, but rather that we may be impelled to make timely preparation for the coming of the inevitable hour in which every man must surrender his own soul to God, who gave it.

To the land of the hereafter.

Mr. BARNHART took the chair as Speaker pro tempore.

Mr. DIXON. Mr. Speaker, to-day we turn aside for a brief period from the active and laborious routine of legislation to pay our homage to the life, character, and public service of one of Indiana's most distinguished and illustrious sons, Hon. Benjamin Franklin Shively, late a Senator from the State of Indiana.

It has been the custom here that those who have died in the congressional service of their country should have accorded them some permanent memorial of the personal regard and esteem felt by those who were associated with them in this service. Civilized nations have always mingled with their sorrow commemoration of the noble qualities of the dead. Benjamin F. Shively was born March 20, 1857, in St. Joseph County, Ind., where to-day his ashes rest. He was the son of Rev. and Mrs. Joel Shively, natives of Pennsylvania, who had emigrated to the West and settled in St. Joseph County, Ind., in 1854. Religiously they were of the Dunkard faith.

Young Shively's early life was spent upon his father's farm, and during the winter he attended school. He later attended the Northern Indiana Normal School at Valparaiso. During the years from 1875 to 1880 he taught school, six terms in all, and then engaged in journalism as the editor of a Greenback and Antimonopoly paper called The New Era. This paper was especially filled with editorials, and the young editor found pleasure in the preparation of strong and vigorous articles in support of Greenback and Antimonopoly doctrines and championed the cause with fervor, zeal, and unusual ability. In 1882 Mr. Shively was the candidate of the Greenback Party for Congress for the Forty-eighth Congress. In that contest William H. Calkins, the Republican candidate, was elected over his Democratic opponent by 391 plurality, while Mr. Shively received 1,948 votes. Mr. Calkins was nominated for governor in 1884, during the Forty-eighth Congress, and resigned October 20, 1884, to make that race.

The Democrats had already nominated Hon, George Ford as their candidate for the Forty-ninth Congress, and a vacancy now existed for the unexpired term of the Forty-eighth Congress. Mr. Shively having made the race at the preceding election as the candidate of the Greenback Party, both the Republicans and Democrats eagerly reached out for him to be-

come their candidate for the unexpired term. Being much more in sympathy with the Democrats than the Republicans, he became the candidate of the Democratic Party for the unexpired term and with the expected and natural result that both Messrs. Ford and Shively were elected, the Greenbackers and Democrats supporting each of these candidates and each elected by over 2,000 majority.

by over 2,000 majority.

Mr. Shively entered Congress December 1, 1884, and served until March 4, 1885, and was the youngest Member in that Congress, being not quite 28 years of age. The Congressional Directory of that Congress in its biographical sketch of Mr. Shively, and no doubt the data, at least, was furnished by him, states that he was elected as an Anti-Monopolist and that he was in 1883 secretary of its national organization.

After his retirement from Congress, he entered the law department of the University of Michigan at Ann Arbor and graduated therefrom in 1886 and then began the practice of the law at South Bend, Ind. Mr. Shively was nominated as a Democrat in 1886 as candidate for the Fiftieth Congress, and was reelected to the Fifty-first and Fifty-second Congresses. In the Fiftieth Congress he was a member of the Committees on Indian Affairs and Indian Depredation Claims. In the following Congress he was continued as a member of the Committee on Indian Affairs and was also a member of the Committee on Banking and Currency. The work of this latter committee was better suited to his taste and line of study. In the bitter contest for Speakership in the Fifty-second Congress he early espoused the cause of Mr. Crisp, who was elected and assigned him to membership on the Ways and Means Committee. He had given the subject of taxation a special study and was thoroughly equipped for the work of that committee. Early in 1892 Mr. Shively published a letter to his constituency announcing that he would not again be a candidate and that he expected to retire from public life at the end of that term. He again entered into the practice of his profession, but he was deeply interested in public affairs and continued an active participant in political campaigns and party organization. He served as city attorney of South Bend, as also attorney for the city school board.

In 1892 he was offered a renomination to Congress, and again in 1894, but each time he refused, preferring to remain in the practice of his chosen profession. In 1896 he was nominated by the Democratic Party as its candidate for governor, and made a vigorous and brilliant campaign. The political contest of that year was extremely bitter and stubbornly fought, but Mr. Shively not only endeared himself to the members of his own party but won the admiration and respect of all our people, but, with his party, was defeated by a small majority in the election. In 1906 he was again nominated for Congress, but was defeated in the election. In 1903 Mr. Shively received the complimentary vote of the Democratic members of the legislature for United States Senator. In 1905 he again was the Democratic nominee for the United States Senate, and received the votes of the Democratic members of the Indiana Legislature.

In 1893 he was selected a trustee of Indiana State University, and remained trustee continuously thereafter until his death, being president of the board at that time.

In 1909 he was selected by the caucus of Democratic members of the legislature on the twentieth ballot as their candidate for United States Senator, and later was elected by the legislature and took his seat March 4, 1909. In 1914 he was reelected to the Senate by the popular vote, and was the first Senator for Indiana to be elected under the law for the election of Senators by the direct vote of the people. This election by popular vote was adjudged by him as the proudest event of his political life. During his service in the Senate he was a member of the Census Committee, chairman of the Pension Committee, member of the Committee on Fereign Relations, and also member of the Committee on Finance.

As chairman of the Pension Committee he enthroned himself in the affections of the old soldiers of the country by his broadminded, generous, and loyal service. No soldier ever had a firmer friend.

He was acting chairman of the Foreign Relations Committee during the period of our complications and trouble with Mexico and was the close adviser and confident of the President during that period and was the spokesman of the administration on that subject upon the floor of the Senate.

When the Underwood bill was sent to the Senate Mr. Shively, in committee, on the floor of the Senate, and in the conference meeting, was active and vigorous in upholding the principles upon which said bill was constructed. While not fully agreeing with all its many miner items, he was steadfast, earnest, and sincere in its support and passage. From the beginning of his public career he

made a specialty of the study of the tariff, and he became one of the recognized authorities on that subject. There is hardly a place in Indiana where he has not discussed this question, and always with clearness and ability, and our people have marveled at the wide range of his information and admired his ability to present the same with such force and effectiveness. He was possessed of a strong mentality which enabled him to readily grasp and

solve great problems.

Senator Shively was sworn in at the beginning of the Sixty-fourth Congress but never returned to the Senate Chamber. The disease that finally terminated his career had been making steady inroad on his vitality and was regarded as necessarily a fatal one. No man made a more determined fight for life, and up to within a few weeks of his death he talked about work he would do when he regained his strength and health. When death finally ended his sufferings on March 14, 1916, and the sad news was flashed over the wires, there were countless deeply saddened firesides in the State that gave him birth and that had repeatedly showered high honors upon him.

On June 19, 1889, he was married to Miss Emma Laura Jenks, the accomplished daughter of Hon. George L. Jenks, Solicitor General under President Cleveland; the devoted widow and

three children survive him.

Mr. Shively was endowed by nature with all the charms of a fine physical presence and with an intellectuality of the highest order. He was tall and graceful, with a handsome face, an engaging countenance, a commanding and attractive address, and an orator whose messages were listened to attentively, and whose clear and persuasive logic enabled him to appeal to the judgment of his hearers. His speeches appealed to the judgment and not to the emotions. He dwelt in facts rather than fancies and in reason rather than in high-sounding phrases. He was one of the most forceful, pleasing, and magnetic speakers who ever graced the political forum of our State. He was always serious in his speeches, seldom, if ever, relieving the same by humor or anecdote, but they always bristled with facts and figures.

He was loyal to his friends, steadfast in his friendships. At times subjected to bitter and unjust criticism himself, he never deserted a friend who was himself under fire, when he felt that the fire was unfair and unjust, even though his loyalty might bring to himself added criticism. He knew the penalty of public life was criticism and ingratitude, but he bore them bravely. When political friends sought his aid for preferment and place, he sought to give to each unprejudiced and friendly consideration. When one would seek to improve his own chances by the repetition of rumors or reflections against other candidates, that man invariably ruined his own chances for the place. Dealing with others on a high plane of fairness and justice he had no patience with those who adopted a different course. He was slow to make a promise, but when once made it was fulfilled if he had the power to make it good.

Although a partisan in politics and holding firmly to the principles of his party, he was free from narrow partisanship and liberal and generous in granting to those with whom he differed the belief that their judgments were equally sincere and honest as his own. He was not one who was inclined to find fault with

those with whom he differed.

He was a politician in the highest and broadest sense of that term. A politician does not mean in its proper sense one whose aims and ambitions are solely selfish and who seeks only his own advancement without regard to means or method employed, but rather one who has an intense interest in public affairs, fixed ideas as to politics and principles, ability to command respect and win the confidence of men, and who seeks power and place in the hope that he can be of larger service to his fellow man. With no thought other than the public good, with no ambition but to faithfully perform his duty, then the politician becomes the safe legislator and statesman, and such was the man, the politician, and statesman, Benjamin F.

In every relation of life he did his duty as an enlightened judgment dictated and as a quickened conscience approved. In all his life, whatever position he occupied, as a teacher, a journalist, a lawyer, or a public official, never was the integrity of his conduct or the purity of his motives questioned. He did not speak often in the Senate, but when he did, he prepared his speeches with infinite care, study, and thought; his words were well chosen, his sentences carefully balanced, and his diction was perfect.

Mr. Shively was never sensational or spectacular, neither was he vain or egotistical. He never spoke for the purpose of selfglory nor for the purpose of appearing in the public limelight. He never advertised himself nor posed and played for the gal-

leries. He was modest and unassuming and had the complete confidence and respect of his colleagues. He was respected for his abilities and honored for his services. With dignity and with modesty he performed his labors, doing great things, but "unheralded and unsung" by himself. In the committee room, where the real work of Congress is done, he made his great impression on legislation.

Indiana has produced many distinguished men, and is proud of their records and achievements; she has had many illustrious public men and statesmen; she has given to the service of the Nation men whose services have not only honored them but reflected honor upon the State; she has given to the Senate Hendricks and Morton, McDonald and Turpie, Harrison and Voorhees, and now Shively is added to the list of our departed Senators whose services have shed a luster on our State and

left their impress upon the Nation.

It is impossible to state in formal phrase the many noble qualities of his heart and mind. He had no malice in his heart, no envy in his thoughts, and was always the same, always a gentleman in manner and in speech. I was a member of the committee appointed to attend his funeral, and I know the sincere grief felt by the people of his city and his State. The day of his funeral all business was suspended in every avenue of trade, and all sought to pay their last tribute to their departed friend and neighbor. As they honored him in life, they honored his memory after death by breathing the tenderest and most loving sentiments of affection and love.

Heaven portions it thus—the old mystery dim— It is midnight to us; it is morning to him.

These were the words written of a friend by Indiana's most gifted and beloved poet, James Whitcomb Riley.

Mr. ADAIR. Mr. Speaker, we are here to-day in compliance with a commendable and well-observed rule of this House to pay tribute to the life, character, and public service of Hon. BENJAMIN F. SHIVELY, late a United States Senator from Indiana.

I learned to know Senator SHIVELY more than 30 years ago, when he first served as a Member of this House. young man at that time, interested to some extent in the legislation of the country, and was a great admirer of Senator SHIVELY and the course he pursued as a Member of Congres watched him with much interest, admired the work he did here, and was indeed sorry when he decided not to be a candidate for reelection. I felt at that time that his services were needed in this body and that it was a loss to our State and to our Nation to have him retire from Congress. After leaving this body I met him occasionally, but my close acquaintance with him began in 1896, when he was a candidate for governor of our State. It was my pleasure and privilege to be with him considerably during that campaign. I spoke from the same platform with him at a number of places in the congressional listrict I have the honor to represent, and it was then I learned his true worth and his remarkable ability. In my humble opinion the most remarkable speeches ever made in the State of Indiana were made by Senator Shively in the campaign of I heard it said during that campaign that his speeches were too deep, or, to use the common phrase, that he shot over the heads of his audiences. But the consensus of opinion was that the speeches made by him upon the issues of that campaign and upon the great questions confronting the American people at that time were the soundest and most convincing of any delivered in the State. He held the attention and won the admiration of all who heard him. After that campaign I met him many times, and our friendship ripened and grew as the years passed by. It was a deserved recognition when Indiana saw fit to send him to the Senate of the United States. he was chosen to that position I knew he would do credit to himself, to his party, and to the State of Indiana. He came to that body not as strong physically as he might have been, not as able as he had been in the past to render hard, arduous service; yet he contributed his part in the consideration of the great problems coming before Congress. He had been a Member of that body only a few weeks until you could hear it remarked among the membership of the Senate that he was one of the most intellectual men of that body and the kind of a man who would have been chosen to do the most difficult task that could have been assigned to any Member of the United States Senate.

He served his first term and the people of Indiana said, "Well done, thou good and faithful servant," and by popular vote of the people sent him back to that body for another six years. At the beginning of his second term his health was so undermined that he was not able physically to meet the task before him.

It is a fine thing to see a man battling against tremendous adversities of life. It is an inspiration to see a great soul endeavoring to overcome the moral and physical difficulties of the world. But to observe at close hand a man fighting for his life against such transcendent obstacles with supreme cheerfulness and rare courage will perhaps leave to you and to me a stimulus for the public good, a contribution to our official standards, greater than any forensic triumps that may resound through this Hall.

Eloquence may be sometimes preserved by the records of this House; wit may here and there leave a shaft to be seen in after years; reason and exposition may cleave the clouds of our doubts; but I suspect I voice the inner conscience of the membership of the House when I observe that you and I are most helped in the discharge of our public duties by contact with a clean, lofty soul standing firm amidst racking pain and lowering clouds that gather about the end of the journey and knowing no hypocrisy and no cant. One may consider himself fortunate whose privilege it has been to serve and associate with such a character.

Mr. Speaker, the future historian who writes the history of our Nation and of our lawmaking bodies will give a high place to the statesmanship and ability of Senator Shively. In his death the wife and children have lost a loving and faithful father, I have lost a good and true friend, the State of Indiana an able, faithful, and conscientious representative, and the Nation a statesman worth while.

Mr. DIXON resumed the chair as Speaker pro tempore.

Mr. WOOD of Indiana. Mr. Speaker, Plutarch has told us that—

Not by lamentations and mournful chants ought we to celebrate the funeral of a good man, but by hymns, for in ceasing to be numbered with mortals, he enters upon the heritage of a diviner life.

It occurs to me that these words have a peculiarly fitting application in considering the passing away of Senator Shively. He was sick for a long time. Courageously did he battle against the ravages of disease. By his sheer indomitable spirit was his life prolonged. He did not surrender. He fell fighting that mysterious foe we call death. Though a sufferer long, he was not weary of this life, and the fact that he was not weary of this life is the best evidence of his being prepared for the life hereafter. For it has been said that "a man is not quite ready for another world who is altogether tired of this." Therefore, I am of the opinion, that if Senator Shively could speak to us to-day he would say, "Lament not and mourn not, but rejoice that I am enjoying the heritage of a diviner life."

If there was any one evil that Senator Shively detested

If there was any one evil that Senator Shively detested above another, it was sham or hypocrisy, and he possessed a rare faculty for detecting it. He religiously abstained from its practice throughout his life. Now that he is dead his friends will not do his memory the injustice of indulging it through the use of fulsome flattery. In life he made no attempt to make himself appear what he was not, and in passing he left a fame that needs no superficial laudation. He believed, like Warwick believed, that—

Hypocrisy desires to appear, rather than to be, good; honesty, to be good rather than seem so. Fools purchase reputation by the sale of desert; wise men seek desert even at the hazard of reputation.

In consequence he was without ostentation, which is said to be the signal flag of hypocrisy.

He was not a self-advertiser. He shrank from it as he would from a plague. It was hard indeed for a newspaper man to get anything from him that seemed to be in praise of himself or his accomplishment. He was content to be judged by his works rather than by words used to advertise his works, and right well did his works speak for themselves. They have made for him a place that is secure in the appals of the State that so

him a place that is secure in the annals of the State that so signally honored him and in the Nation he served so long and well.

He loved his friends and his friends loved him. He made friendships by the giving of friendship. His friendship was not "like the shadow of the morning, decreasing every hour," but it was "like the shadow of the evening, which strengthens with the setting sun of life." His was the friendship that is characteristic of broad minds. It overlooked the faults and frailties of his fellow men and remembered only their virtues. In turn he learned his virtues from his friends who loved him and who buried his faults in the sand. He was indeed an exemplar of Socrates, who said:

Get not your friends by bare compliments, but by giving them sensible tokens of your love. It is well worth while to learn how to win the heart of a man the right way. Force is of no use to make or preserve a friend, who is an animal that is never caught nor tamed but by kindness and pleasure. Excite them by your civilities and show them

that you desire nothing more than their satisfaction; oblige with all your soul that friend who has made you a present of his own.

The most precious jewels that we can possess in this life of

The most precious jewels that we can possess in this life of trial are love and friendship. These were possessed by Senator SHIVELY, and he gave of them as freely as he received.

Peace to his ashes.

Mr. CULLOP. Mr. Speaker, it is said that death loves a shining mark. When death laid its cold and icy hand on Benjamin F. Shively it captured a shining mark. I first met Senator Shively in the notable campaign of 1896, when he was the candidate of the Democratic Party for governor, waging one of the most active and able canvasses ever made in that State for a great office.

He was a striking figure; tall, erect, large in stature, with a handsome face, of distinguished appearance, he attracted the audiences before whom he spoke and created enthusiasm not alone by the manner in which he spoke but by the unanswerable logic, the clear and convincing arguments he made before the people.

The campaign of 1896 was one of the bitterest, perhaps, we have had in Indiana, a State of bitter political contests, and during my recollection of political campaigns in that State I never knew a candidate for governor who bore himself more nobly and with more grandeur than Benjamin F. Shively did in that great contest. Defeated as he was by a small majority, yet he came out of the contest stronger with the people of Indiana than he had ever been before. He was elected four times to a seat in the National House of Representatives and twice a United States Senator from Indiana. These marks of distinction and of honor were not given to him by political intrigue but were given to him upon his merit. He was not the creature of machine politics; he was too independent for that; but all the honors he received he won by his merit. He was strong with the people. They believed in him. He had their confidence, and, best of all, be it said, he never betrayed it. This was the source of his strength. This was why he held the confidence of the people and why they rallied around his standard and bore it bravely to victory. In him they had a friend upon whom they could rely, a strong and sturdy advocate of every cause for the advancement of their welfare.

friend upon whom they could rely, a strong and sturdy advocate of every cause for the advancement of their welfare.

Mr. Speaker, because of the evenly divided sentiment in politics in Indiana it has been blessed in the United States Senate by some of the greatest minds that have adorned that great legislative body. Men famed for their ability, their eloquence and statesmanship, men who have shaped legislation and molded public opinion, men who have fashioned the destiny of this great Republic; and when impartial history is written of the great work these men have performed Senator Shively will take high rank because of his splendid services, his great ability, and his unswerving fidelity to the cause of the people.

Indiana has been signally fortunate in the great men in the last half century who have represented it in the United States Senate, the greatest law-making body in all the world. The people of Indiana are proud of these great men and their splendid achievements. It is one of the richest legacies they possess, and they are proud of the fact that Benjamin F. Shively took high rank among these great statesmen, proud of the fact that he performed his duty in keeping with the other illustrious men who had been commissioned to represent that State in the National Congress and raised higher the standard of American statesmanship. We mourn his death, the loss of his wise counsel, and his genial association. We realize the value of his public service, of his great abilities, and how he labored to promote the welfare of the people. These redound to his honor and enshrine his name in the affections of a grateful public.

Mr. CLINE. Mr. Speaker, I court the opportunity to speak very briefly of the subject of this occasion. I knew Benjamin Franklin Shively for many years. He was a finished specimen of American citizenship, a patriot and a statesman. He was a wise, courageous, and capable man. He had many superior qualities, chiefest among which was his unflinching integrity. You and I, as the years creep over us, come more and more to place a high estimate on the man who trusts in other men, who believes that the essential elements that come into correct living are made so by such a devotion to them that they become our ideals. I like a man who has faith in his fellows. Who is the antithesis of he who doubts, mistrusts, and suspicions. Such a man has lost the value of living, in that he has himself written early across his life the word "failure," Two of the great words in the English tongue are faith and hope. In both of these symbols Ben Shively lived and wrought a useful life. May I say, without formality, that Senator Shively was on common ground with Indiana's greatest stales-

men. There is one essential particular that adds luster to his integrity and his name and leaves untarnished his political career. He died a poor man. In that particular, strange as it may appear, he has a place with all of Indiana's prominent men once in public life. It is a singular coincidence that Hendricks, McDonald, Voorhees, and Turpie were all men in very moderate circumstances. That fact alone is a fine heritage to the youth of that great State. He was like these splendid men in another He was the peer of that galaxy of profound thinkers of the State of whom the people are justly proud.

Senator Shively was not an offensive partisan, though long and active and consistent supporter of his party. His devotion to it is shown in the fact that in the days when it met with the greatest reverses he submitted to its call when a candidacy

on the State ticket was absolutely hopeless

Year in and year out he traveled back and forth across the State, detailing before great audiences the principles of the political faith in which he believed without the hope of any reward except the patriotic duty well discharged. His ability and fairness in discussion won for him friends by the thousands. In 1908 when his party came to power in Indiana he was readily chosen as its representative in the United States Senate, I need not relate to you the story of his successes. It is familiar to all. It is full of glory. When the Democratic Party came into power in 1912 the President of the United States found in him a safe counsellor. In 1914 when he sought reelection at the hands of the people of his State his popularity and ability were shown by the fact that though unopposed for renomination he ran many thousands ahead of his ticket both at the primary and in the election.

He was recognized all over Indiana and throughout the country as authority on the subject of national taxation. Probably no contemporary in Congress has given so much time and study to that subject as had Senator SHIVELY. quote a paragraph from one of his speeches to show the breadth

of thought and strong patriotism of this man:

The solution of our problems does not lie alone in writing the rates of duty a little higher or a little lower, or in writing no rates at all, but in the coordination, control, and equitable distribution of all those commingling agencies of our production and distribution, in all of which every man must contribute under law an untiring service to produce and distribute the material good won by such study, such devotion, such patriotism to the myriads "who have sprung from the earth's bosom in this summer of political liberty."

Senator Shively was also a warm advocate of legislation in the interest of labor. When the proposition arose concerning the addition of a new member to the President's Cabinet to represent labor, he delivered an able speech on the bill on February 26, 1913, to establish a Department of Labor. select one paragraph of that speech to show the breadth of

thought on this important subject:

thought on this important subject:

The American Declaration of Independence was an unqualified challenge to the whole political doctrine and philosophy of Aristotle. That some of those who subscribed to that instrument were not entirely free from the spirit of caste we can easily believe. Yet it was issued at a time when then existing institutions and dogmas were under the white heat of a remorseless intellectual and moral inquisition, and many cherished idols of power were being cast down and melted away in the flame of a revolution that signalized a new conception of the true form and functions of government. It is easily conceivable that in the fervor and enthusiasm of that revolution the sponsors of the great declaration regarded the humblest toiler in the Colonies as of more value to society than the whole tribe of titled parasites bred at princely courts of kingly power.

In every field of legislation he was a thorough student. He was a man of great value to the country at large. I have often admired him for his large heartedness and sturdy character. He was a man of lofty purposes and high ideals. He was so well regarded by his party that in the St. Louis convention in 1908 he could have had the vice presidential nomination had he desired it He was, in the largest sense, a patriot, and his service was always an unselfish one. In his death Indiana lost one of her foremost citizens and the country a man of the highest honor. He was a man of courage. Fortune never smiled upon him. What he was he accomplished through his own efforts and his resolution to conquer whatever obstacles challenged his success. I can not help but speak the words of Sarah K. Bolton, so applicable to the life and character of the distinguished Senator:

ble to the life and character of the distinguished S
I like the man who faces what he must
With step triumphant and a heart of cheer;
Who fights the daily battle without fear;
Sees his hopes fail, yet keeps unfaitering trust
That God is God; that somehow, true and just,
His plans work out for morfals; not a tear
Is shed when fortune, which the world holds dear,
Falls from his grasp; better, with love, a crust
Than living in dishonor; envies not
Nor losses faith in man, but does his best
Nor ever mourns over his humbler lot,
But with a smile and words of hope gives zest
To every toiler; he alone is great
Who by life heroic conquers fate.

Mr. LIEB. Mr. Speaker, when BENJAMIN FRANKLIN SHIVELY died, full of years of public service, there was lost to this country one of the ablest statesmen of all times. Possessed with a great mind that encompassed and illumined every subject he touched, Senator Shively ranked high in the annals of American statecraft. As a student, as a teacher, as an editor, as a lawyer, as a Member of the House of Representatives, as a Member of the Senate, as a man among men he gave all who came in contact with him through each step of his career the same impression of indomitable character, courage, and ability. He was not a leader of men in the usual acceptance of the term; he was more than that; he was the diviner of ways, the solver of difficulties, the meeter of trying situations, the one man who was equal to every emergency.

The sad intelligence of the death of Senator Shively, while not unexpected, owing to his long and brave fight for life, came as a shock to the Nation. It seemed almost impossible to think

he had passed into the-

Sinless, stirless rest, That change which never changes.

Taken by the hand of death from his seat in the Upper Body of Congress, his colleague's were moved as men are seldom

Among the membership of the Senate not one of his colleagues could boast of service in Congress prior to the term when he first served in the House of Representatives in 1884. It was an unusual commentary that he should be the youngest Member of Congress upon his ascension to statesmanship in Washington and that he should be the oldest in the point of priority of service among his colleagues of his own political party in the Senate at his death. It was the Forty-eighth Congress when Senator SHIVELY was elected to the House of Representatives. In this same House of Representatives NATHAN GOFF, of West Virginia, and KNUTE NELSON, of Minnesota, like Senator SHIVELY, were serving their first terms in the Lower Body of Congress. 33 other Senators of the Sixty-fourth Congress had previously held seats in the House of Representatives, none of them had served prior to the Forty-ninth Congress.

Some of my colleagues have spoken before me and have touched upon the splendid traits of the late Senator's character and life. Every word of tribute that has been uttered voices my sentiments. The esteem I had for Senator Shively grew more pronounced through the advancing years of the acquaintanceship I had with him. I speak not in extolling a man whom I knew only through association in the National Capitol, but through an association dating back to the early eighties when the young and resourceful man began to make his mark as a Democrat and as an orator. I first met him in Indianapolis at a political gathering. From then until his death, a period of more than 30 years, I came in contact with him

often.

On the occasion of one of his last speeches before his election to the United States Senate, I had the pleasure of introducing him to an audience at Rockport, my home city. This was during the campaign of 1908. I will never forget the impression he made in discussing the tariff issue. It was the most wonderful exposition on this subject that I had ever heard. Eloquent in his oratory, but simple in his explanation of the principles of this great question, he held his audience in breathless attention. Senator SHIVELY had all his life specialized on tariff and taxation, and at the time of his death there was a popular belief in Washington that he had few equals in knowledge of the tariff.

Anyone well acquainted with Senator SHIVELY could not

help but be impressed with his retiring manners.

He was a man who studiously shunned the embellishments of life. He cared nothing for the glory of a personal victory. As long as he won, he was satisfied. To gloat over a triumph over his political adversaries or to get out and hurrah over his political successes was not a trait in his character. Simplicity was always a craving in him. One of his friends remarked at his funeral, when others had noticed the simplicity of the

Why he wouldn't even let us celebrate his election to the Senate. We wanted to get up a big jollification, but Frank vetoed it firmly. He simply would not do an ostentatious thing. He loved the quiet of close communion with his friends.

I always found Senator Shively to be a man easy to ap-He never refused an audience unless circumstances made it impossible. Even when his health failed him almost completely he received his friends in his office in the Capitol ready as ever to give his ear to whatever might be brought to his attention. I visited him several times when he was too fatigued to set at his office desk. But each time he lay on his couch and evidenced his usual interest in the affairs that had come up, even though pain was written on the contours of his face when he talked and listened. I was a visitor at his bed-side in the hospital a short time before his death, and in his greatly weakened condition he evidenced a surprising interest

in the prevailing topics of the day. Until the very last he was keenly alert to the wants and needs of his constituency.

It is in the community in which a man has made his home that one gets a true insight into his character and esteem in which he is to be most critically observed. While I knew Sentor Superior well enough to indee his more wants to the control of ator Shively well enough to judge his many worthy traits through and through, I perhaps never appreciated more fully the high regard in which he was generally held than on the sad occasion when his body was borne through the streets of South Bend. It seemed as though the whole city between South Bend. It seemed as though the whole city had turned

South Bend is a large manufacturing city, and I judged from the faces and dress of the throngs that lined the streets and the faces and dress of the throngs that lined the streets and visited the Shively home, that workingmen from the factories had joined with the bankers, the tradesmen, the professional men, and men in all walks of life in paying tribute to the fellow townsman they had all loved. Here, then, was a man who had gained eminence by no fluke. His own people had been sincere in their suffrage to him in his many battles of campaign, red fire, and oratory, and in the harbor of the final refuge he was borne through silent avenues of a grieving people.

No wealth had been left behind this son of Indiana soil, but what is more greatly cherished—a good name—was bequeathed to a people who had thrilled in the thought of this priceless legacy.

legacy.

The life of Senator Shively was great in years and great in achievements. His work in this mundane sphere of action has ended. He will be missed by his colleagues and by his country-men, but the greatest loss will be to his fond and noble wife and children, to whom he was a devoted husband and a loving father. May they have comfort in his honorable and success-

Mr. GRAY of Indiana. Mr. Speaker, time is a great analyzer facts. Time is a great demonstrator of truth. Time is a great vindicator of principles and policies and men. Time will tell. In the great final analysis time will weigh and consider and determine the right and the true worth and merit of men. When time has weighed and decreed its estimate of great national policies and public men it will place the name of Ben-JAMIN F. SHIVELY among the great men of the State he honored by his representation and among the great leaders in the Nation he served.

Men build great monuments and raise enduring marble shafts to hold up their names after death. They erect great buildings, structures, and imposing statuary to hold up their names after death. Men climb to dizzy heights and chisel their names upon some high rock or lofty crag to hold up their names after death.

But in time the monument and enduring shaft will crumble In time the great building, structure, or imposing statuary will fall to the earth. In time the elements will erase the name chiseled in the high rock or overhanging crag. In time every vestige, trace, and evidence of the efforts of men in a material and physical way to perpetuate their names will be obliterated from the earth.

But BENJAMIN F. SHIVELY has built his monument in the great principles and policies of government for which he has stood and defended and promoted by his ability as a statesman

and an orator of the highest rank.

There are some men who have obtained high rank, distinction, and national reputation because their names have been linked or associated with great and important acts of legislation in Congress, when the real labors by which the legislation has been framed and enacted into law have been performed by others. Many times men thus take credit and obtain fame by reason of their place and position in the enactment of great legislative measures, and not by virtue of performing greater duties or more able services than others. But the honor, credit, and distinction won by Benjamin F. Shively has been won by sheer force of his abilities as a statesman, his talents as an orator, and his zeal and indefatigable industry in the study of public questions, and his advocacy on the floor of the House of Representatives and the Senate where he has served the people

Mr. Speaker, I regret that circumstances have denied me an opportunity to express my full appreciation and to speak at greater length on the life and services of Benjamin F. Shively, late Senator from Indiana, but I could not refrain from speaking these few words in honor of his memory.

Mr. MORRISON. Mr. Speaker, the people of the State of Indiana had through many years of his political and official public life come to know intimately and to hold in higest esteem

the man whose memory we are met to-day to honor, the late Senator Benjamin F. Shively, of Indiana.

Born and reared in St. Joseph County, Ind., he resided in that county during all of his eventful and honorable life. He was long the most distinguished citizen of the city of South Bend, was an honor to the city, and was honored highly by all

its people.

His was a strong, active, and analytical mind. He was ever a thorough student. He acquired a thorough knowledge of the facts in every case and a clear grasp of the principles involved. He traced much of the unorthodox teachings of political adventurers to "intellectual sloth," rather than to a deliberate purpose to sacrifice correct principles for temporary convenience or personal advantage. In his own life intellectual sloth was

never for a moment tolerated.

Senator Shively was elected to represent his district in the Forty-eighth, Fiftieth, Fifty-first, and Fifty-second Congresses, at the end of which service he voluntarily retired from public at the end of which service he voluntarily retired from public life and to the practice of his chosen profession—the law. By that time he had gained a reputation for high character and great ability, that made it impossible for him to live a retired and quiet life, free from active participation in political and other forms of puble activity and service. His party made insistent and incessant demands upon him. It desired the benefit of his learning, ability, and sound judgment, and it never

appealed to him in vain,

In times of public agitation and resulting political and social unrest Senator SHIVELY did not seek to avoid problems by denying their existence, nor by misstating their terms, nor by minimizing their importance, nor yet by attempting to sense out the trend of public thought and following the line of least resistance. It has not been my privilege to enjoy the friend-ship and to receive the helpful advice of any man who had a broader, deeper, or more accurate knowledge of American history or the fundamental principles of the American Government. He believed in our institutions. He knew them with the thoroughness that spares no labor and overlooks no detail, and was ever ready to give a reason for the faith that was in Like the founders of the Republic, he knew the centuries of human history out of which came the almost superhuman wisdom with which the fathers framed the Constitution and established the elementary powers, purposes, and activities of the Central Government of our people, exercising in full and exclusive sovereignty the powers, and performing effectively the duties cast upon it by the fundamental law of the land. He knew the division of powers and duties that necessarily results from our dual form of government, believed in it with all his mind and heart, and refused in times of peace and tranquility or in times of excitement or in response to the dangers of political storm or stress to forget that there is a dividing line or to change his mind as to just where it lies.

To him who has not studied the history of the past all suggested changes in the organic or statute law of the Nation or of the State are equally novel. They are as novel to their of the State are equally novel. They are as hovel to their proponents as they are to other persons, if all are alike unfamiliar with fact, the times, and the circumstances of their prior presentations, discussions, trials, and successes or failures. To Senator Shively most of them were ancient history, and to him history furnished irrefutable evidence of the degree of merit or demerit that must at last be credited to each of them by enlightened public opinion. This element of his intellectual equipment enabled him to maintain a steadfast restition in all discussions and to pursue a streight course. position in all circumstances and to pursue a straight course through every maze of conflicting interests and ill-considered opinions of men. Every student of public questions in Indiana gave great weight to Senator Shively's deliberate and final judgment. They learned only of his last and best thought, for he was accustomed to investigate, learn, weigh, and consider before he undertook to discuss a public question. He did not seek men out and attempt to impress his opinions upon them. They had learned to seek him out that they might have the benefit of his ability, scholarship, and sound judgment.
Senator Shively was truly great as an advocate of his views

upon public questions. He spoke without manuscript or notes, but not without preparation. The speech as it fell from his lips was ready for publication, and needed not to be edited or revised.

He did not seek to impress men with his eloquence. sought only to enlighten their minds and move their wills. When he was at his strongest and best his hearers sat in solemn silence and he read the verdict of their approval in the stillness of their rapt attention, rather than in their rounds of thunderous

applause.

His service in the Senate of the United States came at a time when his ability, character, characteristics, and his intellectual attainments and habits gave to him peculiar fitness to meet the exact duties that were immediately cast upon him. So long as his physical strength would permit he was a trusted and safe adviser to the President in the decision of those first questions growing out of our foreign complications, the correct decision of which has made possible the correct and unimpeachable record which the President has made in the establishment and maintenance of his foreign policy.

To us his death seemed untimely and his brethren can not but mourn. And yet it is not for us to judge of the times and the seasons. We can not know what his full mission was or when he had completed his allotted task. We only know that his ability was great, his attainments were high, he was faithful to every trust, and rendered a public service worthy of the great

man he truly was.

His character, attainments, record, and high achievements make it impossible to write the history of his State or country without paying homage to his name. To wife, daughter, and without paying homage to his name. To wife, daughter, and sons he left a precious heritage of blessed memories and of public honors and gratitude the value and consolation of which they alone can ever know.

We who have known him best and to whom his friendship was dearest and most helpful shall ever think of him as one of the greatest of the great men Indiana has given to our

national life.

The SPEAKER pro tempore. According to the terms of the resolution heretofore adopted, the House will now stand ad-

Thereupon (at 3 o'clock p. m.) the House adjourned until to-morrow, Monday, February 19, 1917, at 12 o'clock noon.

## SENATE.

# Monday, February 19, 1917.

The Senate met at 10.30 o'clock a. m. The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the

following prayer

Almighty God, we come to Thee for guidance and blessing as we are engaged in a great struggle for the supremacy of the truth. We know that the truth in its highest form can only emerge from human struggle; that out of the testing of character, out of the conflict of opinion, out of the clash of interest, there must come the establishment of those lines of right relationship between men, truth in its highest and divinest form. We pray Thee to guide us this day that we may have the light of Thy holy Spirit in our hearts and the light of Thy holy word upon our path, that we may follow the light as God leads us, to accomplish the supremacy of the truth. For Christ's sake. Amen.
Mr. SMOOT. Mr. President, I suggest the absence of a Amen

quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hellis	Norris	Smith, S. C.
Beckham	Hughes	O'Gorman	Smoot
Brady	Johnson, Me.	Overman	Sterling
Brandegee	Johnson, S. Dak.	Page	Swanson
Bryan	Jones	Penrose	Thomas
Chamberlain	Kenvon	Pittman	Thompson
Clapp	Kirby	Ransdell	Tillman
Colt	La Follette	Robinson	Vardaman
Cummins	Lane	Shafroth	Walsh
Curtis	Lodge	Sheppard	Watson
Dillingham	McCumber	Sherman	Williams
Fernald	Martin, Va.	Simmons	Works
Fletcher	Martine, N. J.	Smith, Ga.	
Gallinger	Myers	Smith, Md.	one this only
Gronna	Nelson	Smith, Mich.	ma de de la

Mr. HUGHES. I desire to announce the absence of the senior Senator from Kentucky [Mr. James] on official business, Mr. VARDAMAN. Mr. President, I have been requested to

announce the unavoidable absence of the Senator from Tennessee [Mr. Shields] on account of illness.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The Secre-

tary will proceed to read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, February 14, 1917, when, on request of Mr. Overman and by unanimous consent,

the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they

were thereupon signed by the Vice President:
S. 703. An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure;
S. 6850. An act authorizing transfer of certain retired Army

officers to the active list;

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe

Indian Reservation, Okla., within which to make payment;
S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other

S. J. Res. 208. Joint resolution to grant citizenship to Joseph

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fishcultural station in Unicoi County, Tenn.; H. R. 12463. An act for the relief of Meredith G. Corlett, a

citizen and resident of Williamson County, Tenn.; H. R. 12541. An act authorizing insurance companies and fra-

ternal beneficiary societies to file bills of interpleader

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry; and

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across

Red River at or near Boyce, La.

#### STATUE OF ADMIRAL DUPONT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, which was, on page 2, line 4, after "complete," to insert:

Provided further, That no greater area in the said Duport Circle shall be taken for the memorial herein authorized than the small circle now occupied by the statue of Admiral Dupont.

Mr. WILLIAMS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the

The motion was agreed to; and the Vice President appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoot conferees on the part of the Senate.

## PETITIONS AND MEMORIALS.

Mr. THOMAS. I have a petition from the Bethel Baptist Church, of Denver, Colo., on the subject of prohibition, which I ask to have printed in the Record.

There being no objection, the petition was ordered to be printed in the Recorp, as follows:

DENVER, Colo., February 11, 1917.

To the honorable Senate of the United States of America.

Gentlemen: We, the members and friends of the Bethel Baptist Church, of Denver, Colo., respectfully request your honorable body to pass a law to prohibit the manufacture, sale, transportation, importation, and exportation of all alcoholic beverages of every kind and character.

The wonderful effect of prohibition after a trial of one year in Colorado has shown what great results will occur to all parts of the United States should a similar law be in effect. But we in Colorado are cursed with importations of liquors from neighboring States east, south, and north of us. We therefore urge you to pass the law immediately and not wait for an amendment to the Constitution, but deal with the poison

alcohol as your honorable body has dealt with all forms and preparations of opium and morphine. Alcohol is surely a worse narcotic drug than the former, and should be treated in the same manner.

H. H. MCCULLOCH, Chairman.

Mr. THOMAS. I present a joint memorial of the Legislature of the State of Colorado for the establishment of tactical division of United States Army at Fort Logan, in the State of Colorado, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs, and ordered to be printed in the

RECORD, as follows:

STATE OF COLORADO,
OFFICE OF SECRETARY OF STATE,
Denver, Colo., February 15, 1917.

Hon. Charles S. Thomas,

United States Senate, Washington, D. C.

Dear Sir: I have the honor to transmit herewith a true copy of house joint memorial No. 2, for the "Establishment of tactical division of United States Army at Fort Logan, in State of Colorado," duly passed by the Twenty-first General Assembly of the State of Colorado.

I have the honor, sir, to be,

Very respectfully, yours,

[SEL.]

[SEAL.] JAMES R. NOLAND, Secretary of State.

House Joint Memorial 2. (By Mr. Crowley.)

Establishment of tactical division of United States Army at Fort Logan, in the State of Colorado.

To the Hon. Woodbow Wilson, President, and the Congress of the United States of America:

Your memorialist, the General Assembly of the State of Colorado, respectfully represents that—

Whereas the European war and the rebellion in Mexico have prompted the people of the United States to adopt a public policy of national military preparedness, and to that end emphasized the necessity of providing and establishing ways and means for the proper tactical training of the several groups composing the United States Army and enhancing its speedy and effective mobilization in emergency; and

whereas the people of the State of Colorado express the belief that the present order would, because of the number of Army posts and their geographical distribution, impede free, speedy, and effective mobilization and concentration of the Army in case of military emergency, and that it should be found expedient to reorganize and unite the scattered posts into tactical groups composed of detachments of all arms, stationing each group in the vicinity of a strategic center affording adequate facilities for administration, distribution, and supply; and
Whereas there is located at Fort Logan, in the State of Colorado cree

center affording adequate facilities for administration, distribution, and supply; and
Whereas there is located at Fort Logan, in the State of Colorado, one of the regularly established posts of the Army, which has unusual and unlimited advantages for tactical training in drill, field, and mountain maneuvers and Army discipline; and
Whereas Fort Logan is admirably well situated to fulfill all requirements for the proper military training of men and the administration, transportation, and supply of a large Army post, and its speedy and effective mobilization and concentration on either frontier or seaboard by direct connections through the city of Denver, about 10 miles distant, with all principal railroad lines of the central and western parts of the United States; Fort Logan has extensive railroad sidetracking, and at all times a large available supply of rolling stock, making it practical to immediately entrain for transportation great numbers of soldiers and equipment, there being a station at the post and three loading points within a few miles; Fort Logan is so situated that its quartermaster's department could be as economically supplied as anywhere in the United States and at lower rates than at most of the existing posts; Fort Logan lies on a vast expanse of upland close to mountains at an altitude of approximately one mile above sea level, enjoys an adequate supply of excellent waters, and an abundance of sunshine, and, because of these and many other advantages, it is an ideal site for the training of large numbers of men for military service in sanitation and wholesome environment.

Wherefore your memorialist respectfully advises, recommends, and requests that a measure he passed by your honorable body establishing

military service in sanitation and wholesome environment.

Wherefore your memorialist respectfully advises, recommends, and requests that a measure be passed by your honorable body establishing at Fort Logan a full tactical division of the United States Army, with proper proportion of cavalry, field artillery, and special troops.

It is directed that this memorial be enrolled and that one copy be sent to the President of the United States, one to the chairman of the Committee on Military Affairs of the House of Representatives, one to the chairman of the Committee on Military Affairs of the Senate, one to the Secretary of War, and one to each of the members representing the State of Colorado in the Senate and House of Representatives and in Congress now assembled; and

That the Twenty-first General Assembly of the State of Colorado, now in session, urgently request our Senators and Representatives in Congress to use all honorable means to establish at Fort Logan a full tactical division of the United States Army, in conformity with the spirit and terms of this resolution.

BEAN BEST,

BEAN BEST Speaker of the House of Representatives.

Attest:

JAMES A. PULLIAM,
President of the Senate,
JULIUS C. GUNTER,
Governor of the State of Colorado.

Approved February 15, 1917, at 12.15 p. m.

Mr. THOMPSON. I present a resolution passed by the House of Representatives of the Legislature of Kansas, indorsing the position of the President of the United States and his foreign policy in relation to Germany. I ask that this copy may be printed in the RECORD. The senate of that body has passed a similar resolution.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House resolution 24. (By Mr. Thompson, of Morton County.)

Whereas telegraphic news has been received that the United States Government has broken diplomatic relations with the Imperial Government of Germany on account of its announced submarine policy in violation of piedges given to the United States Government: Therefore be it

Resolved by the House of Representatives of Kansas this 3d day of February, 1217, the Sanate not in session, That the speaker of the house be directed to send a message to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives, expressing confidence in the President and Congress, and pledging support of the State to the full extent it may be necessary to call upon it in this grave crisis.

W. A. LAYTON,
Speaker Pro Tempore.
CLARENCE W. MILLER,
Chief Clerk.

Mr. SMITH of Michigan. I have a resolution passed by the Common Council of the City of Grand Rapids, Mich., which I send to the desk and ask to have printed in the RECORD for the information of Senators. I do not care to have it read.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GRAND RAPIDS, MICH., February 15, 1917.

Hon. WILLIAM ALDEN SMITH,
Senator from Michigan, Washington, D. C.

DEAR Sin: Inclosed find copy of the action of the common council of this city, which was ordered transmitted to you.

Very truly, yours,

TAMES SCHRIVER, City Clerk.

James Schriver, City Clerk.

(By Alderman Quinlan.)

Whereas from conditions at present it is becoming difficult for the residents of the city to purchase coal; and
Whereas many, people are unable to purchase a sufficient amount of fuel to keep their families from suffering; and
Whereas conditions are becoming critical: Now, therefore be it.

Resolved, That the city clerk be instructed to communicate with our Representatives in Washington, requesting them to use their influence toward relieving the condition, which seems to be beyond the control of the local authorities.

Adopted.

Adopted.

I hereby certify that the foregoing is a true transcript of the action of the common council of the city of Grand Rapids in public session held February 13, 1917. JAMES SCHRIVER, City Clerk.

Mr. SMITH of Michigan. I present a telegram from the president of the Board of Commerce of Detroit, Mich., which I ask to have read.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., February 17, 1917.

Hon. WILLIAM ALDEN SMITH,

United States Senate, Washington, D. C.:

At a meeting of board of directors of Detroit Board of Commerce yesterday, the following resolution was unanimously adopted:

"Whereas House bill 17808 has recently here introduced which bill

yesterday, the following resolution was unanimously adopted:

"Whereas House bill 17606 has recently been introduced, which bill amends the Federal reserve act by providing reinstatement of exchange charges on country checks; and

"Whereas the board of directors of the Detroit Board of Commerce believes that the clearing of checks under the old system was a serious disadvantage to the business men of this country; and

"Whereas we believe that provision of the Federal reserve act which makes possible collection of country checks at amount approximating the actual cost of the transaction has removed the burden which should never have been imposed on business and industry of this country; And therefore be it

"Reserved That the beard of directors of the Detroit Board of Com-

"Resolved, That the board of directors of the Detroit Board of Commerce are opposed to the amendment to the Federal reserve act incorporated in House bill 17606, which provides for the reinstatement of exchange charges on country checks appreciate your careful consideration of this bill, which, if passed, will impose upon the business of this country an unwarranted tax."

President Detroit Board of Trade and Commerce.

Mr. SMITH of Michigan. I present a telegram from the secretary of the Detroit Chamber of Commerce, referring to a referendum of the membership of that board on the question of universal military training and service. The referendum covers about 1,805 ballots. Fourteen hundred and eighty-five of them were in favor of military training and service and 288 were opposed to it. I ask that the telegram be printed in the RECORD without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., February 17, 1917.

WM. ALDEN SMITH,

United States Senate, Washington, D. C.:

A referendum of the membership of the Detroit Board of Commerce
on "Shall universal military training and service be adopted in the
United States?" closed at noon to-day. There was a total of 1,805
ballots cast, 1,485 in favor of universal military training and service,
an additional 32 in favor with qualifications, and 288 opposed to universal military training and service.

Sincerely,

Secretary Detroit Roard of Commerce

WALTER C. COLE, Secretary Detroit Board of Commerce.

Mr. LODGE. I present a telegram from the Lumber Dealers' Association of Massachusetts, in session at Worcester, in support of the President, which I ask may be printed in the RECORD without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WORCESTER, MASS., February 17, 1917.

Senator HENRY CABOT LODGE, Washington, D. C.:

View of the present international complications, hereby pledge our unfaltering loyalty to the President and Government of the United States and the fullest support possible of all measures of offense and defense which it is deemed warranted to take for the protection of the lives, property, and liberty of all American citizens and the maintenance of the country's national dignity and honor before the nations of the world.

Resolved, That a copy of this resolution be telegraphed to President Wilson and Senators Henry Cabot Lodge and John W. Weeks.

Donald Tulloch,
Secretary the Lumber Dealers of Massachusetts, Now in Session in Worcester, Mass.

Mr. JONES. I present a joint memorial adopted by the Legislature of the State of Washington, which I ask may be printed in the Record and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

United States of America, The State of Washington, Department, of State,

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5 of the fifteenth session of the Legislature of the State of Washington with the original copy of said memorial as enrolled now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 1st day of February, A. D. 1917.

[SEAL.]

Recretary of State.

I. M. HOWELL, Secretary of State.

Senate joint memorial 5.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, respectfully represent that—

whereas Mr. Albert Johnson, Congressman of the third congressional district of the State of Washington, has introduced in the House of Representatives of the United States Congress a bill to provide for the construction of a military highway along the north bank of the Columbia River connecting Forts Vancouver and Canby, in the State of Washington:

of Washington:

Now, therefore, your memorialists, in the name of and for the people of the State of Washington and speaking in behalf of the State of Washington, earnestly and respectfully petition and urge the passage of said bill by your honorable bodies.

The secretary of state is hereby directed to transmit a copy of this memorial to the presiding officers of the United States Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of Washington.

And your memorialists will ever pray.

Passed the senate January 23, 1917.

Louis F. Hart.

LOUIS F. HART, President of the Senate.

Passed the house January 29, 1917.

GUY E. KELLY, Speaker of the House.

(Indorsed.) STATE OF WASHINGTON, 88:

Filed in the office of the secretary of State January 31, 2.56 p. m.
J. Grant Hinkle,
Assistant Secretary of State.

Mr. JONES. I present a joint memorial adopted by the Legislature of the State of Washington, which I ask may be printed in the Record and referred to the Committee on Military Affairs. There being no objection, the joint memorial was referred to

the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, THE STATE OF WASHINGTON, DEPARTMENT OF STATE,

To all to whom these presents shall come:

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 6, of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have bereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 1st day of February, A. D. 1917.

[SEAL.]

I. M. HOWELL,

I. M. HOWELL, Secretary of State.

Senate joint memorial 6.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, respectfully represent that—

Whereas the people of the Pacific Coast States urgently request the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense, such as supplying coast forts with guns and ammunition, the handling of artillery, ammunition, and mobilizing troops in the event of an invasion, and all other incidents appertaining thereto;

ing thereto;

Wherefore your memorialists, the Senate and House of Representatives of the State of Washington, earnestly petition and urge your honorable bodies that provisions be made for the building and maintaining of such military roads.

The secretary of state is hereby directed to transmit a copy of this memorial to the presiding officer of the United States Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of Washington.

And your memorialists will ever pray.

Passed the senate January 23, 1917.

Louis F. Hart,

LOUIS F. HART, President of the Senate.

Passed the house January 29, 1917.

GUY E. KELLY, Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, 88:

Filed in the office of secretary of state January 31, 2.57 p. m.
J. Grant Hinkle,
Assistant Secretary of State.

Mr. JONES. I present a joint memorial adopted by the State Legislature of Washington relating to the expenses the State of Washington was put to in connection with sending the National Guard to the Mexican border. I ask that the memorial be printed in the Record and referred to the Committee on Claims

There being no objection, the memorial was referred to the Committee on Claims and ordered to be printed in the Record, as follows:

United States of America, The State of Washington, Department of State.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 4 of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial, as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia, this 1st day of February, A. D. 1917.

[SEAL.]

I. M. HOWELL,

Secretary of State. Senate joint memorial 4.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition as follows:

represent and petition as follows:

Whereas on the 18th day of June, 1916, the President of the United States ordered into the service of the United States a large portion of the National Guard of the United States, including the Second Regiment of Infantry, Troop B Cavalry, Field Company A Signal Corps, and certain officers and enlisted men of the medical department of the National Guard of Washington; and
Whereas in compliance with said order it became necessary immediately to recruit such organizations from their authorized peace strength to their authorized maximum war strength, thereby requiring the State of Washington to order on duty a number of officers and enlisted men not included in the President's order, to increase the number of civilian employees of the military department of the State and necessarily to incur and pay on account thereof the sum of \$2,612.60; and
Whereas such expenses were incurred and paid by the State of Washington for the benefit and on behalf of the United States: Now, therefore,

therefore,

therefore,
Your memorialists, in the name of and in behalf of the State of
Washington, earnestly and respectfully petition and urge that an appropriation be made forthwith by Congress to reimburse the State of
Washington for said expenditures.
The secretary of state is hereby directed immediately to send certified copies of this memorial to the President of the Senate of the
United States, to the Speaker of the House of Representatives of the
United States, to the honorable the Secretary of War of the United
States, and to each Senator and Representative in Congress from this
State.

State.

And the memorialists will ever pray.
Passed the senate January 19, 1917.

Louis F. Hart, President of the Senate.

Passed the house January 29, 1917.

GUY E. KELLY, Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, 88: Filed in the office of secretary of state, January 31, 1917, 2.56 p. m.
J. Grant Hinkle,
Assistant Secretary of State. Mr. McCUMBER. I present a large number of petitions from citizens of Wishek, Napoleon, Hebron, and Danzig, all in the State of North Dakota, asking that all questions of war shall first be submitted to a referendum of the people. I ask that they may be received and referred to the Committee on Foreign Relations

The VICE PRESIDENT. Without objection, that action will he taken.

Mr. McCumber. I present a concurrent resolution adopted by the Legislature of North Dakota, which I ask may be printed in the Record and referred to the Committee on Commerce.

There being no objection, the concurrent resolution was re-ferred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby set forth and certify that the following is a true and complete copy of a certain concurrent resolution adopted by the Fifteenth Legislative Assembly of the State of North Dakota, relating to Federal aid for the construction of a wagon bridge over the Missouri river.

[SEAL.]

THOMAS HALL,

Secretary of State.

Concurrent resolution. (Introduced by Mr. King.)

Concurrent resolution. (Introduced by Mr. King.)
Whereas no permanent wagon bridges have been constructed across the Missouri River between the forty-third parallel and the international boundary line; and
Whereas the development of millions of acres of valuable lands owned by the Federal Government and the State of North Dakota has been, and now is, retarded because of lack of such bridges; and
Whereas transcontinental highways are rapidly developing north of said forty-third parallel; and
Whereas Indian reservation and military reservations are maintained by the Federal Government north of such parallel; and
Whereas bridges are essential to the development of continuous and practicable post roads and military roads; and
Whereas Congress has appropriated funds for the development of national highways across the continent without providing expressly for the building of bridges properly to complete such highways:
Therefore be it

Resolved by the Scnate of the State of North Dakota (the House of

Resolved by the Scnate of the State of North Dakota (the House of Representatives concurring) That we, the members of the Fifteenth Legislative Assembly of the State of North Dakota, petition Congress to provide Federal aid for the building of one or more wagon bridges across the Missouri River north of the forty-third parallel properly to complete the highways whose building has been already authorized;

and be if further he secretary of state be instructed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Mr. CHILTON. I ask to have printed in the RECORD a telegram in the nature of a petition.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WHEELING, W. VA., February 12, 1917.

Hon. W. E. CHILTON, United States Senate, Washington, D. C.

We urge that war not be declared without submitting question to referendum vote.

OHIO VALLEY TRADES AND LABOR ASSEMBLY, F. W. SONDERMAN, Secretary.

Mr. FLETCHER. I have a couple of telegrams which I ask to have printed in the RECORD as samples of numerous others I have received on the same subject.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

JACKSONVILLE, FLA., February 16, 1917.

DUNCAN U. FLETCHER, Washington, D. C .:

Will you please endeavor to have eliminated from the excess profits tax mutual life insurance? The proposed bill apparently discriminates against the masses. FRED W. HOYT.

BRATTLEBORO, VT., February 15, 1917.

DUNCAN U. FLETCHER, United States Senate, Washington, D. C.:

The Holstein-Friesian Association of America, representing 100,000 owners and breeders of dairy cattle, protests against the passage of the amendment proposed by Senator Underwood raising the tax on oleo and removing all other restrictions, as it would work an irreparable injury to the dairy industry, and we deem the same as in the interests of the packers and cotton growers.

F. L. HOUGHTON, Secretary,

Mr. WORKS. I have here a telegram signed by 37 citizens of Pasadena, Cal., protesting against going to war, which I ask to have printed in the Record without the signatures.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

PASADENA, CAL., February 17, 1917. Senator John D. Works, Washington, D. C.

DEAR SIR: We ask that you bring this to President Wilson's attention, commending your attitude. We are plain, hard-working American citizens, not agitators. We think this country should keep out of this

world insanity of war. No belilgerent has purposely harmed us. All harm we have suffered has been incidental to the war, which is the climax of murder and all lawlessness. The questions with England in the Civil War and with Mexico were not allowed to drag us into war. Let us retain our sanity now. Not only has our national integrity and independence not been threatened, but not even our national dignity and honor. By all means do not let us be rushed into this war to save the profits of munition manufacturers and those taking our food and selling it at exorbitant prices to the belligerents.

Mr. CHAMBERLAIN. I have received a large number of telegrams from constituents of mine in Oregon, principally from the city of Portland, asking that the mutual life insurance companies be relieved from the excess profits tax as included in the revenue tax bill. I do not care to have them read, but I ask to have them received and properly referred.

The VICE PRESIDENT. The telegrams will lie on the table. Mr. CHAMBERLAIN. I have also received a telegram in the nature of a memorial from Brattleboro, Vt., remonstrating against the adoption of the so-called Underwood amendment to the revenue bill, which I ask to have received and properly referred.

The VICE PRESIDENT. The telegram will lie on the table. Mr. GRONNA. I present a concurrent resolution of the Legislature of North Dakota, which I ask may be read.

There being no objection, the concurrent resolution was read, as follows:

DEPARTMENT OF STATE, STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby set forth and certify that the following is a true and complete copy of a certain concurrent resolution adopted by the Fifteenth Legislative Assembly of the State of North Dakota, relating to Federal aid for the construction of a wagon bridge over the Missouri River.

[SEAL.]

Thomas Hall, Secretary of State.

Concurrent resolution. (Introduced by Mr. King.)

Concurrent resolution. (Introduced by Mr. King.)
Whereas no permanent wagon bridges have been constructed across the Missouri River between the forty-third parallel and the international boundary line; and
Whereas the development of millions of acres of valuable lands owned by the Federal Government and the State of North Dakota has been, and now is, retarded because of lack of such bridges; and
Whereas transcontinental highways are rapidly developing north of said forty-third parallel; and
Whereas Indian reservation and military reservations are maintained by the Federal Government north of such parallel; and
Whereas bridges are essential to the development of continuous and practicable post roads and military roads; and
Whereas Congress has appropriated funds for the development of national highways across the continent without providing expressly for the building of bridges properly to complete such highways: Therefore be it

Resolved, By the Senate of the State of North Dakota, the House

Therefore be it

Resolved, By the Senate of the State of North Dakota, the House
of Representatives concurring, that we, the members of the Fifteenth
Legislative Assembly of the State of North Dakota, petition Congress
to provide Federal aid for the building of one or more wagon bridges
across the Missouri River north of the forty-third parallel, properly
to complete the highways whose building has been already authorized.
And be it further

Resolved, That the secretary of state be instructed to send copies
of this resolution to the President and Vice President of the United
States, to the Speaker of the House of Representatives, and to each
of our Senators and Representatives in Congress.

Mr. GRONNA presented a telegram in the nature of a petition from Fred Leutz, of Hebron, N. Dak., and a petition of sundry citizens of New Orleans, La., praying that the question of war be submitted to a referendum of the people, which were referred to the Committee on Foreign Relations.

Mr. GRONNA. I presented petitions of sundry citizens of North Dakota asking for national prohibition. I ask that the heading of one of the petitions may be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table, and the heading of one of the petitions was ordered to be printed in the RECORD, as follows:

Resolution suggested for adoption by churches, young people's societies, clubs, and other organizations, and by public meetings generally. W. C. T. U. speakers are urgently requested to secure from all meetings which they address the adoption of this resolution:

\*Resolved\*\*, That we are in hearty favor of national constitutional prehibition and will do all within our power to secure the adoption of an amendment to the Constitution forever prohibiting the sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States, in accordance with the joint resolution introduced in the United States Senate by Senators Morris Sheppard and Jacob H. Gallinger, and in the House by Representatives Edwin Y. Webb and Addison Smith.

Mr. GRONNA. I present petitions of sundry citizens of Hebron, N. Dak. I ask that the heading of one of the petitions may be printed in the RECORD and that all of them be referred to the Committee on Foreign Relations.

There being no objection, the petitions were referred to the Committee on Foreign Relations, and the heading of one of them was ordered to be printed in the Record, as follows:

Hon. A. J. GRONNA, Washington, D. C.

Washington, D. C.

Dear Sir: At a mass meeting of the citizens of Hebron and the vicinity the following resolutions were unanimously passed:

"Whereas the United States of America have with profound regret looked upon the useless and insane sacrifices of life and property caused by the European war, which threatens the destruction of all nations involved; and

"Whereas it has always been the intentions of the United States of America to further permanent peace between all nations; and

"Whereas we believe that the majority of the citizens of the United States of America wish and fervently pray that the terrible destruction, loss of life, and misery connected with modern warfare be kept away from our homes: Now, therefore, be it

"Resolved, That the question of war and peace be submitted to a referendum of the people who will be called upon in case of war to carry the main burden."

Mr. NORRIS presented a petition of sundry citizens of Grand Island, Nebr., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Columbus, Nebr., remonstrating against the enactment of proposed legislation for the protection of migratory birds, which was ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of Hart-ford, New Haven, Derby, and Wallingford, all in the State of Connecticut, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Greenwich and Hartford, in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of Central Pomona Grange, No. 1, Patrons of Husbandry, of Berlin, Conn., remonstrating against the proposed reduction of the tax on oleomargarine, which was ordered to lie on the table.

Mr. WADSWORTH presented a petition of the congregation of the Fourth Presbyterian Church, of Albany, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the

Mr. PAGE presented a memorial of the Holstein-Friesian Association, of Brattleboro, Vt., remonstrating against the proposed reduction in the tax on oleomargarine, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Bay City, Saginaw, and Grand Rapids, all in the State of Michigan, praying that the United States remain at peace and that the question of war be submitted to a referendum of the people, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Commerce of Bay City, Mich., praying for the enactment of the proposed legislation for the so-called saving of daylight, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Howell, Mich., praying for national prohibition, which was ordered to lie on the table.

Mr. STERLING. I present a number of letters and telegrams in the nature of petitions from Dr. D. C. Bond, of Mitchell; Conrad Korimann and Hans Demuth, of Sioux Falls; L. V. Schneider, F. Tinnenbuerger, Joseph Roelleke, Henry Bruhn, Anton Cook, Henry Hipschman, B. Rotert, Henry Fendrich, Albert Kuhle, Herman Sahs, C. Schmidt, Joseph Drier, B. Webber, and A. Heinz, of Salem; the German-American Society of Elkton; Miss Alice Lorraine Daly, the department of public speaking of the State Normal School, and State chairman of the Woman's Peace Party, of Madison; and from Rev. A. Funck, pastor of the Reformed Church of Tripp, all in the State of South Dakota, praying that the United States remain at peace. I ask that the petitions may be referred to the Committee on Foreign Relations

The VICE PRESIDENT. The petitions will be referred to the

Committee on Foreign Relations.

Mr. MARTINE of New Jersey. I present a number of telegrams from the States of New Jersey and New York, which I ask to have printed in the Record.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ELIZABETH, N. J., February 14, 1917.

Hon. James E Martine, United States Senate, Washington, D. C.:

Expect you to go to the limit to keep us out of war. No vital interests nor honor at stake. We want peace. OTTO FROEBEL.

PATERSON, N. J., February 14, 1917.

Hon. James E. Martine, United States Senate, Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at stake. We want peace. A. SNYDER.

PATERSON, N. J., February 14, 1917.

Hon. James E. Martine, United States Senate, Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at ake. We want peace. GEO. A. SLAGHT.

JERSEY CITY, N. J., February 16, 1917.

Hon. James E. Martine, United States Senate, Washington, D. C.:

Do all within your power to keep us out of war. We want peace since our honor is not at stake. EUGENE PATTBERG.

JERSEY CITY, N. J., February 16, 1917.

Hon. James E. Martine, United States Senate, Washington, D. C.:

Do all within your power to keep us out of war. We want peace since our honor is not at stake. PHILLIP PATTBERG.

NEWARK, N. J., February 14, 1917.

Hon. James E. Martine.

Enited States Senate, Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at stake. We want peace. R. H. MUELLER.

Hon. James E. Martine,

United States Senate, Washington, D. C.:

We respectfully enter a protest against passage of legislation affecting second-class mail without opportunity for hearing, and protest against discrimination between newspapers and magazines.

The American Hatter.

The Millinery Trade Review.

Nucent's Bulletin.

HOBOKEN, N. J., February 14, 1917.

HOBOKEN, N. J., February 14, 1917.

Washington, D. C.:

Business interests of Hoboken Board of Trade urge you to use your utmost efforts to secure the passage of the Webb bill prior to March 4. Federal Trade Commission advocates it; President strongly indorses it.

HOBOKEN BOARD OF TRADE, By WYATT.

NEW YORK, N. Y., February 19, 1917.

Hon. James E. Martine, United States Senate, Washington, D. C.:

We earnestly urgs passage of Webb bill at this session of Congress. Delay will work serious injury to all manufacturing industries.

A. B. Daniels,

President American Paper and Pulp Association.

PRINCETON, N. J., February 16, 1917.

Senator James Martine, Washington, D. C .:

Vote against Underwood amendment to permit coloring oleomargarine. It will work against the poor.

H. W. Jefferson, Commissioner to Investigate High Cost of Living.

Mr. SHERMAN. I present from one of my constituents a communication selected from a very large number received very recently. The one selected is very brief and I ask that it may be read.

There being no objection, the communication was read, as

URBANA, ILL., February 17, 1917. Senator LAWRENCE Y. SHERMAN, Washington, D. C.

Dear Sir: Inasmuch as I have been approached by the American Union Against Militarism requesting that I participate in a "national referendum on peace or war," directing the card ballot to my "Congressman in Washington," I am herewith inclosing a copy of my opinion of said organization relative to its present action in the matter.

Yours, very respectfully.

JNO. G. THOMESON.

URBANA, ILL., February 14, 1917. AMERICAN UNION AGAINST MILITARISM, ... Washington, D. C.

Gentlemen: Your card with reference to a "national referendum on peace and war" is received. I gather that your members would have been against the War of the American Revolution and against the Declaration of Independence. My first thought was to set you down in my mind as un-American, unpatriotic, and probably unneutral. However, I have decided to be as charitable as possible and to try to believe merely that you are lacking in just ordinary good common sense.

Yours, very truly,

JNO. G. THOMPSON.

JNO. G. THOMPSON.

Mr. POMERENE. I have a brief letter from Mr. Harry E. Mr. POMERENE. I have a brief letter from Mr. Harry E. Taylor, one of the editors of the Portsmouth Daily Times, of Portsmouth, Ohio, on the subject of the increase in postage rates on second-class matter. The Portsmouth Daily Times is one of the most thriving papers in Ohio; and in view of the great diversity of the views expressed during the past week, I ask that the letter may be read. There being no objection, the letter was read, as follows:

THE PORTSMOUTH DAILY TIMES, PORTSMOUTH, OHIO.

Dear Senator: I wish to express my hearty approval of your stand on the matter of newspapers and periodicals paying their way through the Postal Service. We are engaged in a legitimate commercial business and we have no right to ask or expect that the Government shall carry our papers at a loss, as is being done now. I am confident that the great majority of publishers engaged in legitimate business feel about it as I do and are willing to pay their way with the Government or anyone else.

Sincerely,

Harry E. Taylor.

HARRY E. TAYLOR.

#### THE LATE ADMIRAL DEWEY.

Mr. OVERMAN. Mr. President, Hon. James C. Dobbin appointed Admiral Dewey to the Navy. Mr. Dobbin was a citizen of North Carolina, and at the time was Secretary of the Navy. The Legislature of the State of North Carolina has adopted a resolution expressing appreciation of the people of that Commonwealth for the services rendered to the country by Admiral Dewey. I ask that the resolution be printed in the Record, together with a letter from Mrs. Dewey, the widow of the late lamented admiral, expressing the appreciation that Admiral Dewey had for the present Secretary of the Navy.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

1601 K STREET, February 10, 1917.

Hon. Lee S. Overman, United States Senator from North Carolina.

United States Senator from North Carolina.

Dear Senator: I am sending you a copy of the resolutions adopted by the General Assembly of North Carolina expressing the appreciation of the people of that Commonwealth of the services rendered to his country by my husband, George Dewey, the Admiral of the Navy.

I am grateful for this tribute kindly sent by the secretary of state of North Carolina. My husband had a warm spot in his heart for North Carolinians, particularly for Hon. James C. Dobbin, who was Secretary of the Navy when he entered the Naval Academy, and for the present Secretary of the Navy, Hon. Josephus Daniels, under whose administration he rendered his last service to the Navy and to his country.

In the following letter written in 1913 the admiral expressed his estimate of Mr. Dobbin as Secretary of the Navy:

"Admiral of the Navy.

"Admiral, Of the Navy.

"Admiral, Of the Navy.

"Admiral, Of the Navy.

"Navy Department, March 12, 1913.

"Dear Mr. Secretary: Referring to our conversation of this morn-

"Navy Department, March 12, 1913.

"Dear Mr. Secretary: Referring to our conversation of this morning, it gives me pleasure to restate what I said at that time, that I was appointed an acting midshipman in the Navy in September, 1854, by the Hon. J. C. Dobbin, Secretary of the Navy, a resident of North Carolina. During his administration of the Navy Department we built 18 of the finest ships of their class that there were in the world: Six frigates of the Wabash class, six sloops of the Hartford class, and six third-class sloops of the Iroquois class. In my opinion, Mr. Dobbin was one of the ablest Secretaries of the Navy the country ever had.

"Faithfully, yours,

"George Dewey.

"GEORGE DEWEY.

"SECRETARY OF THE NAVY,
"Navy Department, Washington, D. C."

"Navy Department, Washington, D. C."

I wish you, and the people of the country also, to know that my husband felt for the present Secretary of the Navy, Hon. Josephus Daniels, a sincere affection. Only a short time ago the Admiral said, "I have been in the Navy 62 years, and have served under many Secretaries of the Navy, but Secretary Daniels is the best Secretary we have ever had, and has done more for the Navy than any other. I am amazed by his knowledge of technical matters. He has studied profoundly, and his opinion is founded on close observation."

Will you express my profound thanks to the General Assembly of North Carolina? I am, Senator,

Very, truly,

Resolution 10—Joint resolution regarding Admiral Dewey.

Resolution 10-Joint resolution regarding Admiral Dewey.

Whereas there has been called from life unto death Admiral George Dewey, of the United States Navy, the ranking naval officer of the world, a man whose gallantry, bravery, and chivalry gave added glory to the American flag, an officer whose fame is part of the history of our country, his death a loss to the Nation; and Whereas he was appointed to the United States Naval Academy while Hon. James C. Dobbin, a North Carolinian, was Secretary of the Navy, a matter that has caused North Carolinians to take a greater interest in his career: Now, therefore, be it

interest in his career: Now, therefore, be it

Resolved by the house of representatives (the senate concurring).
That in the death of Admiral George Dewey the United States has lost one of its most distinguished sons, a man whose patriotism and love of country has set an example for all future generations of Americans, his services of the greatest value to this Nation; and further be it

Resolved, That the General Assembly of North Carolina request the Senators and Representatives in Congress of the State of North Carolina to represent North Carolina at the funeral of Admiral Dewey on Saturday, the 20th day of January, 1917; and further be it

Resolved, That the sympathy of the people of North Carolina be tendered to the widow and the bereaved loved ones of Admiral Dewey, a copy of these resolutions to be forwarded to the family; and further be it

Resolved. That this resolution he in force from each of the senators.

Resolved, That this resolution be in force from and after its ratifi-

cation.

In the general assembly read three times and ratified this the 22d day of January, 1917.

O. MAX GARDNER,
President of the Schate.
WALTER MURPHY,
Speaker of the House of Representatives.

STATE OF NORTH CAROLINA, DEPARTMENT OF STATE, Raleigh, January 23, 1917.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 23d day of January, in the year of our Lord 1917.

J. BRYAN GRIMES, Secretary of State.

STATE OF NORTH CAROLINA, DEPARTMENT OF STATE, Raleigh, January 22, 1917.

Hon. Josephus Daniels, Secretary of the Navy, Washington, D. C.

Dear Mr. Daniels: I am herewith inclosing you a resolution passed by the general assembly, which I am directed to send to the family of Admiral Dewey. As I have not at hand the address of his family, I will appreciate it if you will see that this resolution is presented to

em. With kindest regards and best wishes, I am, Sincerely,

J. BRYAN GRIMES

Secretary of State.

#### VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, on the 11th of January the Senate adopted an order directing that 500 copies of the House amendment to Senate bill 703, known as the vocational-education bill, be printed for the use of the Senate. It was found unnecessary to have that print made. The bill has been passed, and I ask unanimous consent that the order be rescinded.

The VICE PRESIDENT. Without objection, that action

will be taken.

#### REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 7952) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, reported it with amendments and submitted a report (No. 1069) thereon.

He also from the same committee to which were referred.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 15999. An act for the relief of Asbury Scrivener (Rept. No. 1067); and

H. R. 19978. An act for the relief of Janna Stoppels (Rept.

No. 1068)

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2744) to correct the military record of Isaac Purnell, reported adversely thereon and the bill was postponed indefinitely.

Mr. BRADY, from the committee on Military Affairs, to which was referred the bill (S. 5529) for the relief of Washington Kellogg, reported it without amendment and submitted a report (No. 1070) thereon.

He also, from the same committee, to which was referred the bill (S. 4008) for the relief of John Fitzgerald, reported ad-

bill (S. 4008) for the relief of John Fitzgerald, reported adversely thereon and the bill was postponed indefinitely.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 8222) to amend an act to incorporate the National McKinley Birthplace Memorial Association, approved March 4, 1911, reported it with amendments.

Mr. WEEKS, from the Committee on Post Offices and Post

Roads, to which was referred the bill (H. R. 13754) for the relief of Charles A. Carey, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. JOHNSON of Maine, from the Committee on Finance, to which was referred the bill (H. R. 10749) amending section 3285 of the Revised Statutes, reported it without amendment and submitted a report (No. 1076) thereon.

#### CHANGE OF NAME OF STEAMER.

Mr. FLETCHER. From the Committee on Commerce, I report back favorably, without amendment, the bill (S. 8252) to authorize the change of name of the steamer Charles L. Hutchinson to Fayette Brown, and I submit a report (No. 1075) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the Commissioner of Navigation, upon application of the owner, the Brown Transit Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Charles L. Hutchinson* (official No. 207345) to the Fayette Brown.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## RED RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 8228) authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index,

Tex., and I submit a report (No. 1072) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The amendments were, on page 1, line 8, before the word "act," to strike out "an" and insert "the," and after the word "six," at the end of line 10, to strike out "and also the act of December 17, 1872, as amended by the act of February 14, 1883," and to strike out the comma and insert a period, so as to make the bill read:

Be it enacted, etc., That the commissioners of the Red River bridge district be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Red River at or near Index, Tex., for railroad and other traffic at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## PEARL RIVER BRIDGE, MISSISSIPPI.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 19239) granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River between Pearl River County, Miss., and Washington Parish, La., and I submit a report (No. 1071) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine. From the Committee on Pensions I submit two favorable reports, with amendments, on House pension bills, and I ask unanimous consent for their present consideration. In explanation of my request I will state that it is made because the time is so short. These bills came from the House, and have been thoroughly considered by the Senate Committee on Pensions, and I should like to have present consideration.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war (S. Rept. 1073).

The VICE PRESIDENT. The amendments of the committee

will be stated.

Mr. OVERMAN. Was unanimous consent given for the con-

sideration of the bill?

The VICE PRESIDENT. It has been given. The Senator from Maine asked for unanimous consent, and there was no objection.

Mr. OVERMAN. It has been given? The VICE PRESIDENT. It has.

The amendments were, on page 3, to strike out lines 11, 12, 13, and 14, as follows:

The name of Jackson S. Fugate, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 4, line 21, to strike out "\$40" and insert "\$25," so as to read:

The name of Fannie J. B. Kelley, widow of Edward B. P. Kelley, late surgeon Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

On page 5, line 3, to strike out "\$30" and insert "\$24," so as

The name of Martin Waymire, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 5, line 7, to strike out "\$30" and insert "\$24," so as to read:

The name of Michael T. Dwyer, late of Company I, Ninety-third Regiment New York National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 7, line 17, to strike out "\$40" and insert "\$30," so as to read:

The name of Daniel Torpy, late of Company C, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 14, line 5, commencing with the words "And provided further," strike out the remainder of the paragraph down to and including the name "Emma Koontz," in line 10, so as to

The name of Emma Koontz, widow of Phillip Koontz, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: Provided, That in the event of the death of Leela Koontz, helpless and dependent child of said Phillip Koontz, the additional pension herein granted shall cease and determine.

On page 15, line 9, to strike out "\$36" and insert "\$30," so as to read:

The name of Newton E. Eldred, late of Company K, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 15, line 13, to strike out "\$36" and insert "\$24," so as to read:

The name of Thomas H. Glenn, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 19, line 2, to strike out "\$30" and insert "\$24," so as to read:

The name of Emergene J. Mitchell, widow of William H. Mitchell, late of Company A. Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

On page 20, to strike out lines 5, 6, 7, and 8, as follows:

The name of Clarinda Branch, widow of Levi Branch, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

On page 21, to strike out lines 5, 6, 7, and 8, as follows:

The name of Edgar G. Spaid, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

On page 22, to strike out lines 13, 14, and 15, as follows:

The same of John W. Echols, late of Company F, Fifth Regiment United States Infantry, and pay him a pension at the rate of \$24 per

On page 23, line 9, to strike out "\$30" and insert "\$24," so as to read:

The name of Ogden C. Lowell, late first-class boy, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 24, line 23, to strike out "Harry W." and insert the name "Joseph," and on page 25, line 2, to strike out "Harry W." and insert the name "Joseph," so as to read:

and insert the name "Joseph," so as to read:

The name of Margaret I. Reider, widow of Emanuel Reider, late of Company C, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$32 per month in lieu of that she is now receiving: Provided, That in the event of the death of Joseph Reider, helpless and dependent child of said Emanuel Reider, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Margaret I. Reider the name of said Joseph Reider shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the death of said Margaret I. Reider.

On page 26, to strike out lines 22, 23, 24, and 25, as follows: The name of George C. Wachob, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now

On page 27, line 3, to strike out "\$30" and insert "\$24," so as to read:

The name of Robert Walker, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 27, to strike out lines 13, 14, 15, and 16, as follows: The name of Charlotte M. Eckstine, widow of Robert O. P. Eckstine, late of Company A, Ninth Legion Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

On page 29, to strike out lines 13, 14, 15, and 16, as follows: The name of Edwin H. Miner, late of Company F, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 29, to strike out lines 21, 22, 23, and 24, as follows:

The name of Charles Michel, late of Company G, Second Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 32, to strike out lines 11, 12, 13, and 14, as follows: The name of James T. Rolff, late of Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 33, to strike out lines 3, 4, 5, and 6, as follows:

The name of Timothy J. Hurlbut, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 35, line 24, to strike out "\$40" and insert "\$50,"

so as to read:

The name of James A. Hibbard, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

On page 36, to strike out lines 13, 14, 15, and 16, as follows:

The name of Sarah E. Freed, widow of Henry H. Freed, late of Company D, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

On page 36, to strike out lines 17, 18, 19, and 20, as follows:

The name of Anna Sophia Moldenhauer, former widow of Gottlieb Breitag, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

On page 38, line 9, to strike out "\$40" and insert "\$30," so

The name of William M. Fultz, late of Company G, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 43, line 16, to strike out "\$30" and insert "\$24," so as to read:

The name of Louisa M. Tobey, widow of Elisha H. Tobey, late of Company G. Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

On page 43, to strike out lines 22, 23, 24, and 25, as follows: The name of Charles Henry, late of Company I, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 44, to strike out lines 8, 9, 10, and 11, as follows:

The name of Charles W. Everson, late of Company B, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 44, line 18, to strike out "\$36" and insert "\$30," so

The name of Jacob F. Minch, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 44, to strike out lines 20, 21, 22, and 23, as follows:

The name of Anna Smith, widow of Oscar Smith, late of Company D, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

On page 45, line 5, to strike out "\$36" and insert "\$30," so as to read:

The name of John W. Pence, late of Company A, Eighty-eighth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

On page 45, line 22, to strike out "\$40" and insert "\$24," so as to read:

The name of George W. Easton, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

On page 46, line 23, to strike out "\$36" and insert "\$24," so as to read:

The name of William Vanatta, late of Company C, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Maine. I move that the Senate request a conference with the House on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed

Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoot conferees on the part of the Senate.

Mr. JOHNSON of Maine. From the Committee on Pensions I report back favorably with amendments the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (S. Rept. 1074).

The VICE PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole.

Mr. OVERMAN. Has unanimous consent been given for the present consideration of the bill?

The VICE PRESIDENT. The Chair understands that it has

Mr. OVERMAN. If a Senator can ask unanimous consent to consider three or four bills at the same time, all right.

The VICE PRESIDENT. The amendments of the committee will be stated.

The amendments were:

On page 3, line 3, to strike out, after the word "Louisa," the name "Carey" and insert "Cary, former," so as to read:

The name of Louisa Cary, former widow of Joseph B. Crowley, late of Company B, Third Ohio Volunteer Infantry, War with Mexico, and pay her a pension at the rate of \$20 per month.

On page 4, to strike out lines 1, 2, and 3, as follows:

The name of Fred Craig, late of Company E, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 5; line 24, to strike out "\$40" and insert "\$50," so as to read:

The name of Russell B. Tripp, late of Company D, Sixteenth Regiment United States Infantry, War with Mexico, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

On page 7, line 1, to strike out "\$17" and insert "\$12," so as to read .

The name of George F. Randall, late of Company M, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 9, to strike out lines 21, 22, 23, and 24, as follows:

The name of Lawrence Hubschman, late of Company A, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$6 per month.

On page 12, line 6, after the word "steward," to strike out the words "in the," so as to read:

The name of Harriet A. Pearman, widow of William E. Pearman, late hospital steward, United States Navy, Regular Establishment, and pay her a pension at the rate of \$12 per month.

On page 13, to strike out lines 18, 19, and 20, as follows:

The name of Reuben D. Way, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 15, to strike out lines 18, 19, 20, and 21, as follows: The name of John P. Phillips, late of Capt. Isaac J. Carter's independent company, Florida Mounted Volunteers, Indian wars, and pay him a pension at the rate of \$40 per month in lieu of that he is now

On page 16, line 21, to strike out "\$17" and insert "\$12," so as to read:

The name of William E. Keels, late of Anderson's battery, South Carolina Volunteer Heavy Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 18, line 22, to strike out "\$12" and insert "\$17," so as to read:

The name of Al. A. Reineck, late of Company K. Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

On page 18, to strike out lines 24 and 25, and on page 19, lines 1, 2, 3, and 4, as follows:

The name of Elizabeth Noland, widow of Thomas Noland, late of Company C, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of \$12 per month upon her furnishing the Bureau of Pensions with satisfactory evidence that she is the lawful widow of the said Thomas Noland.

On page 19, to strike out lines 5, 6, and 7, as follows:

The name of Eugene B. Richard, late of Troop E. Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 19, line 14, to strike out "\$17" and insert "\$12," so as to read:

The name of Christian S. Lowe, late of Company L., Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 20, line 13, after the name "Edinger," to strike out "Anna N. Edinger," so as to read:

The name of Florence E. Edinger, widow of Frederick Edinger, late of United States Marine Corps, Regular Establishment, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of the said Frederick Edinger until she reaches the age of 16 years.

On page 20, lines 21 and 22, after "Volunteers," to insert the words "Indian wars," so as to read:

The name of Laura E. Elliott, widow of Benjamin F. Elliott, late of Capt. M. M. Williams's Company D. Recruiting Battalion, Second Regiment Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

On page 22, to strike out lines 20, 21, and 22, as follows:

The name of Paralee Jackson, widow of William J. Jackson, recruit, unassigned, United States Army, War with Mexico, and pay her a pension at the rate of \$20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Maine. I move that the Senate request a conference with the House of Representatives on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoor conferees on the part of the Senate,

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota:

A bill (S. 8276) providing for judicial practice in the Bureau of Indian Affairs; and

(By request.) A bill (S. 8277) providing for qualifications of special examiner in the Bureau of Indian Affairs; to the Committee on Indian Affairs.

By Mr. CHILTON:

A bill (S. 8278) granting an increase of pension to Carrie

Burns (with accompanying papers); and A bill (S. 8279) granting an increase of pension to John S. Kenney (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 8280) granting a pension to Caroline A. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BECKHAM:

joint resolution (S. J. Res. 215) to grant citizenship to Henry E. Dosker; to the Committee on Immigration.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment providing that all general officers shall be of the grade of major general, the senior half of whom shall have the pay and allowances of that grade and the junior half the pay and allowances now authorized by law for brigadier generals, which latter grade is hereby abolished, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to ap-

propriate \$200,000 for the construction and completion of the United States post office, courthouse, and other Government offices at Paris, Tex., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment authorizing the Secretary of the Treasury to pay to the Copper River & North western Railway Co. the sum of \$3,102.92 as a refund of gross income tax paid by said company and held by the Treasury Department to have been inequitably and unjustly levied, and so forth, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PHELAN submitted an amendment providing for the establishment of an additional navy yard in San Francisco Bay on such site as may be recommended as most suitable, and so forth, intended to be proposed by him to the Naval appropriation bill, which was referred to the Committee on Naval Affairs and or-

dered to be printed.

Mr. WORKS submitted an amendment authorizing the accounting officers of the Treasury to credit the accounts of cer-tain Army officers, and so forth, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

## RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

#### ADJUDICATION OF PRIVATE CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and be printed.

## FUNERAL EXPENSES OF THE LATE ADMIRAL DEWEY.

Mr. LEA of Tennessee submitted the following concurrent resolution (S. Con. Res. 32), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the expenses incurred by the committee appointed by the Vice President and the committee appointed by the Speaker of the House of Representatives in arranging for and attending the funeral of the late Admiral George Dewey, in the Rotunda of the Capitol at Washington, D. C. January 20, 1917, be paid in equal proportions from the contingent funds of the Senate and House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives.

### INTRACOASTAL WATERWAY.

Mr. HUGHES submitted the following resolution (S. Res. 366), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to furnish for the use of the Senate such information as he can secure as to the measures taken in the State of New Jersey toward carrying into effect a joint resolution adopted by its legislature by which the said State of New Jersey pledged itself to acquire and donate to the Federal Government the right of way for an intracoastal waterway across said State; and he it further

Resolved, That the Secretary of War is directed to secure, prepare, and report to the Senate summaries of reports of Government commissions, officers, and engineers heretofore made, and such facts, information, and opinion of the boards or officers of the Army and Navy as he may deem proper or pertinent as to the advantage or disadvantage, commercial, naval, and military, of the construction by the United States of a public waterway through said right of way across the State of New Jersey.

#### WOMAN SUFFRAGE.

Mr. CATRON. Mr. President, I have received a statement from the District of Columbia Association Opposed to Woman Suffrage, which I ask to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE DISTRICT OF COLUMBIA ASSOCIATION OPPOSED TO WOMAN SUFFRAGE.

Both the Republican and Democratic national platforms of 1916 declared against a United States constitutional amendment granting the franchise to women, and very wisely so; for with an amendment to the Constitution of the United States, 36 States with a population of 41,240,339 could, by their legislatures and without submitting the question to the voters, force woman suffrage on 12 States with a population of 50,731,927. (The States that now have woman suffrage have small populations, the State of Pennsylvania having more women of voting age (census of 1910) than have all the 11 full suffrage States combined.) Why should a minority be permitted to force its will on a majority in this country, and in so doing take away the right of sovereignty that has been recognized as a fundamental right of a State since this Government was formed? Why should our form of government be changed so that 50,000,000 people could be made to bow to the will of 41,000,000? What necessity exists for such a change? Would such a change be in harmony with our boast of democracy? If three-fourths of the States should say to the other one-fourth that women may vote, then they could say that men shall not vote. Or they could say that only negroes shall vote in the South, or that only Indians shall vote in Oklahoma. What, then, becomes of "State s rights" or the law of self-preservation? If a State is subject to the control of another distinct government in organic functions, it can only exist at the mercy of that government. No exigency can be shown to exist for demolishing the very foundation of State sovereignty and investing the central government with the power of determining the quality of the electorate, thereby taking from the States the very corner stone of local self-government and without the guaranty of local self-government; this Union could not have been formed. When the United States Congress once submits a constitutional amendment, it is submitted for all time and can not be revoked. When a State legislature ratifies such an

rights.

Senator Thomas, of Colorado, has said that he concedes woman suffrage has not and maintains that it will not change conditions. We believe we can show that aside from the competition and antagonism engendered between husbands and wives and fathers and danghers and brothers and sisters (which is detrimental to the human race, for human happiness can only exist by harmony between the sexes), that we can prove conclusively that where women vote it is harmful from a practical standpoint, for statistics and election returns show that women, where they have been given the ballot, fail to vote as generally as men, and thereby the will of the majority of all the people is not so well expressed at the ballot box as with men alone voting.

FAILURE OF WOMEN TO VOTE WHEN GIVEN THE BALLOT.

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FAILURE OF WOMEN TO VOTE WHEN GIVEN THE BALLOT.,

In the six suffrage States of California, Colorado, Wyoming, Utah, Idabo, and Washington—Oregon, Arizona, and Kansas did not adopt woman suffrage till November 5, 1912—the abstract of United States census of 1910, pages 110 and 118, shows there were in April, 1910, 3,170,153 men and women 21 years of age and over, exclusive of Japanese and Chinese. The total vote actually cast for President November 5, 1912, in the then six woman-suffrage States was 1,521,590, so 47.9 per cent of the men and women over 21 years of age, exclusive of Japanese and Chinese, actually voted. In the six adjoining and neighboring States (where there are similar laws regarding voting except as to sex) of Kansas, Nebraska, Oregon, Nevada, South Dakota, and Missouri where men alone voted, the total number of men 21 years of age and over, exclusive of Japanese and Chinese, was (in April, 1910, Abstract of Census, p. 110) 2,295,119; total vote in the six male-suffrage States for President November 5, 1912, 1,587,984; 69.1 per cent of the men over 21 years of age, exclusive of Japanese and Chinese, actually voted, or about 22 per cent more of the possible voters in the male-suffrage States voted than did the possible voters of the six adjoining woman-suffrage States, as men in the adjoining male-suffrage States did vote, then an analysis of the figures show that only 19.1 per cent of the women over 21 years of age in the six women-suffrage States actually voted. If more than 19.1 per cent of women did vote in the six woman-suffrage States, then less than 69.1 per cent of the men voted; so it is impossible to escape one or the other conclusion—that the women do not vote as generally as men when given the ballot, or if they do their voting does cause less interest to be taken in politics by men, and in either event woman suffrage is harmful to the Republic.

According to

In San Francisco, in the latter part of 1912, at a local-option election, out of 120,859 women over 21 years of age in the city 40,655 women and 89,023 men registered, yet only 15,087 votes, all told, were cast for local option, and it is estimated that approximately 1 woman in 8 who was interested enough to register took the trouble to go to the polls.

At a city election in San Francisco November 11, 1913, 49,833 women registered and 19,678 voted, about one-quarter of the votes in this election being cast by women. In three precincts no women voted; in 49 out of 675 precincts there was an average of less than 10 votes per precinct by women. (Analysis of votes by Registrar of Elections Zemanski. See Los Angeles Times, Nov. 20, 1913.) Census of 1910 shows there were 120,859 women over 21 years of age in San Francisco, so only 16.2 per cent voted in election of November 11, 1913. At an election March 24, 1913, in Los Angeles, Cal., involving radical changes in the city charter, only 31,000 voters, men and women, out of 222,817, cast their ballots, this, too, after a citizens' committee of 1,000 advocated in all the newspapers the adoption of certain propositions and the defeat of others. Nine out of ten of the reform measures were defeated. The Los Angeles Times of March 26, 1913, says:

"The vote of the women was disappointing. In some precincts it was a negligible quantity, while in others it was only about one-third of the total, yet suffragists carried on an active campaign, attended and spoke at all-day meetings, and even worked at their headquarters on Easter Sunday."

At an election June 3, 1913, in Los Angeles, for mayor, Rose was elected by 8,037 majority over Shenk. Los Angeles had "good government" officials for several years before women had the ballot. Rose ran on an "open-town" platform and Shenk on "good government" officials for several years before women had the ballot. Rose ran on an "open-town" platform and Shenk on "good government" officials for several years before women had the ballot. Ros

[From the Los Angeles Times, Oct. 27, 1915.]

"Two women voted yesterday at the city hall out of 71 registered. This is an average of less than 3 in 190, with ideal conditions for exercising the suffrage. None need to walk more than two blocks on perfect sidewalks and pavements in entrancing weather."

When we realize that this election was on important State constitutional amendments, it proves that the women in California are not so eager to vote as the agitators in the East would have the people believe.

At an election in Chicago April 7, 1914, with the strenuous efforts of the suffragists to get out the female vote, only 158,686 women voted. Chicago had, in 1910, 626,629 women over 21 years of age. (Letter from Director of Census, Feb. 28, 1914.) About 25 per cent of the women of Chicago over 21 years of age voted. More than double that number of men voted at the same election.

Most of the women who vote in the woman-suffrage States do so in self-defense, or at the earnest appeal of the male members of their families, and not because they want the ballot, for if such women did not vote they would lose their own and their husband's political status, with which they were satisfied under male suffrage, and must either vote or live under the laws to which they are opposed. For this reason it is unjust to place the burden on a majority of women in order that a few aggressive, forward, notoriety-seeking women can get into politics, some of whom resent the fact that they were created women and not men.

son it is unjust to place the burden on a majority of women in order that a few aggressive, forward, notoriety-seeking women can get into politics, some of whom resent the fact that they were created women and not men.

Helen M. Foster, in Los Angeles Times, November 7, 1913, under the head of "Woman lectures woman," commends Senator Works for daring to call attention to the neglect of citizenship by women voters, which she says are facts backed up by data and registration lists.

If further evidence were needed to prove that women, when given the ballot, will not vote as generally as men, the city election April 4, 1916, in Chicago leaves no doubt on that point. The official vote shows that 328,199 men voted and only 140,195 women. (Letter from chief clerk of board of election commissioners, Jan. 6, 1917.) Suffragists have claimed that the votes of women would be of such great help in city elections, in having laws enacted for pure milk, sanitation, and other laws for the special benefit of children and the home; yet we find 232 men to every 100 women voting in Chicago. Also at the election November 7, 1916, in Illinois, there were 150 men's votes to every 100 women's. Illinois has partial suffrage for women and is the only State where the votes of men and women are counted separately. The number of women eligible to vote in Illinois is about the same as the number of men. Also the number of men and women of voting age eligible to vote in Chicago is about equal, as there are more allen males than alien females in Chicago and the same is true of the State of Illinois.

males than alien females in Chicago and the same is true of the State of Illinois.

An editorial in the San Francisco (Cal.) Chronicle, January 3, 1915, says: "In this and other States the franchise was given without waiting for the request of the majority of the sex, and as the event has shown without the desire of a majority. It is even more than probable that were the question of the withdrawal of the right submitted to a vote in this State, with the women voting, the right would be withdrawn. There are multitudes of women who would register for such an election for the sole purpose of getting rid of a duty they detest and whose obligations they refuse to fulfill."

## THE WOMAN'S VOTE FOR PRESIDENT.

THE WOMAN'S VOTE FOR PRESIDENT.

The woman's party announced that they had half a million dellars to spend for the defeat of President Wilson. Having hundreds of workers in the suffrage States, they declared that they would carry those States for Mr. Hughes with the votes of women, but instead of doing so States that have been normally Republican for years gave majorities for President Wilson. (Ten of the 11 full-sufrage States giving their vote for the Democratic candidate.)

In Illinois Secretary Emmerson's report shows 1,316,007 men and 876,700 women voted at the election November 7, 1916, and the per cent of women's votes cast for President Wilson was practically the same as the per cent of the men's votes cast for him, which proves that the woman's vote can no more be delivered for or against a candidate than can the farmer's vote, the church people's vote, or any other vote. The threats of the suffragists are idle boasts, and will no longer influence even the timid politician.

TAXATION AND WOMAN SUFFRAGE.

The suffragists, who have taken the slogan of our Colonies, "Taxation without representation is tyranny," utterly fail in endeavoring thereby to show a parallel between women without the ballot to-day and the condition of the Colonies in 1775. The men—the British Parliament— who voted the taxes on the colonists paid no part of the taxes they laid, and the more they could extort from the American Colonies the less the Englishmen would have to pay themselves, whereas to-day in the United States the men voting the taxes pay the larger part of the same. In our country only about one-eighth of the women of voting age pay taxes direct or indirect, so if women had the ballot the women who pay the taxes would not be so fairly and justly treated as they are now, for then about seven-eighths of the women voters would pay no taxes, while the men alone voting more than seven-eighths of the voters are taxpayers and pay about seven-eighths of all taxes. As men always have and always will produce the greater part of the wealth, they will always pay the greater part of the wealth, they will always pay the greater part of the amount. Most of the property on which women pay taxes is the fruits of the labor of male members of their families acquired by gift, will, or placed in the names of women for some other reason. It would be absurd to believe that the men, nearly all of whom pay taxes, would vote unreasonable taxes on themselves in order to have the small per cent of women who pay taxes mjustly taxed. If women had the ballot the per cent of nontax-paying voters would be greatly increased, and taxpayers of both sexes would have a greater percentage of voters who would not be taxpayers to vote taxes on their property than with men alone voting age in the Southern States than negro men and women together. (Their statement is erroneous, as Abstract of Census, 1910, pp. 110 and 119, shows that there are more white women of voting age in the Southern States then negro men and women together. (Their statement is erroneous, as Abstr

cent.

In the 11 States above mentioned the per cent of negro women of voting age to all women over 21 years of age is 35.3 per cent, while the per cent of negro men of voting age to all men over 21 is only 33.6 per cent. Who would doubt that a larger per cent of negro women who were eligible would vote than white women? Who would contend that if the Southern States should ratify or have forced upon them a United, States constitutional amendment granting the franchise to women that the Federal Government would permit the negro race to be discriminated against by State laws in voting?

PROPHILIPION AND WOMAN SUPERAGE.

women that the Federal Government would permit the negro race to be discriminated against by State laws in voting?

PROHIBITION AND WOMAN SUFFRAGE.

So many people are being misled on the liquor question by the suffragists that it is well to submit some facts on the subject. Prior to November 3, 1914, in no State in which women voted on the question had State-wide prohibition ever been adopted. Ten States where men alone voted had State-wide prohibition. November 5, 1912. Colorado voted on State-wide prohibition: 75,877 votes were cast for the measure and 116,774 against it. (See Abstract of Votes, compiled from official returns by James B. Pearce, secretary of state, Denver, Colo.) If 58 per cent of the women over 21 years of age in Colorado had voted for prohibition the measure would have become a law by 7,912 majority, without a single male vote being cast for prohibition, there being 213,425 women over 21 years of age in Colorado. (Abstract of Census, 1910, p. 118.)

Wyoming legalized gambling for about 40 years after women had the ballot, and had neither State-wide prohibition nor local-option laws.

About six years prior to the adoption of woman suffrage in California Los Angeles voted on local option, and the measure was defeated by nearly 2 to 1. About a month after women had the ballot in Los Angeles the question was again voted on, and the saloons won by nearly 3 to 1.

Women have had the franchise five and one-half years in Pasadena, Cal., and the sale of liquor has been legalized ever since women were given the ballot. Pasadena has 2,688 more women than men over 21 years of age (census 1910), about 29 per cent.

December 2, 1913, Santa Monica, Cal., voted wet; ballots nearly 3 to 1 for liquor, for liquor to be sold on Sandays and nights. Los Angeles Times of December 3 says: "The triumph of 'demon rum' and the sparkling cabaret is attributed to the women, who voted 3 to 1 against a Sunday frouth." Total vote for the saloons and Sunday sillour legalized in cafés all night and Sundays in a city of hom PROHIBITION AND WOMAN SUFFRAGE.

had been dry, returned to the wet colmun. (See Los Angeles Times, Apr. 14, 1914.) Only I small county in California, Lake County, was dry, and only 10 counties out of 62 in Colorado were dry.

In Colorado Springs, Colo., where the sale of liquor was prohibited for many years, when women voted on the question about four years ago liquor selling was legalized. Colorado Springs had \$19 more women than men over 21 years of age in 1910 (letter of Director of Con pages 208-299, Annual Report of the Commissioner of Internal Revenue, you will find that in the 8 States that had woman suffrage January I, 1913, Colorado, California, Wyoming, Idaho, Utah, Washington, Arizona, and Oregon, there were 28,108 liquor dealers paying special license to the Government for the fiscal year ending June 30, 1914. From page 24, Abstract of Census, 1914 on 6,0452; 1 liquor dealer for every 211 people for the 8 States. For the remaining 40 States and District of Columbia there were 225,299 liquor dealers paying licenses for the same period. The 40 States and the District of Columbia had a population of \$5,931,674, or 1 liquor dealer for every 311 people for the 8 States. For the remaining 40 States and the District of Columbia had a population of \$5,931,674, or 1 liquor dealer for every 321 people, or about one-half the number of dealers per capita that the work of the control of the suffage and the suffage of the control of the suffage and the suffage of the control of the suffage and the suffage of the suffage and the suffage of the suffage and the suffage of the suffage and suffage and the suffage of the suffage and suffage and the suffage of the suffage and suffage and the suffage and suffage and suffage and suffage and the suffage and suf

mittee on woman suffrages, said: "The United Brewers' Association states that the antisuffragists have never received nor asked for contributions from them," although, he adds, "we have had appeals from the other side."

May Wright Sewall said, October 30, 1913, in Milwaukee, "Votes for women will no more prohibit drink than they will prohibit food." Mrs. Grace Wilbur Trout, president of the Ilflnois Equal Suffrage Association, and one of the leaders in the lobby at Springfield which brought about the enactment of the suffrage bill, said:

"It is a great pleasure to remember that some of the firmest supporters of the suffrage measure in the forty-eighth general assembly were some of the so-called wets."

Suffragists have said that the reason the woman-suffrage States had not adopted prohibition was because there were so many miners in those States and that men outnumbered the women so greatly. The six States that had woman suffrage November 1, 1912—California, Colorado, Utah, Wyoming, Idaho, and Washington—had in December, 1909, 78,565 wage earners engaged in mining industries. (Abstract of Census 1910, p. 561.) Total number of men over 21 years of age in the six States, 1,911,518 (abstract of Census 1910, p. 107), or about 1 man of every 24 a miner. West Virginia, a prohibition State, had 78,404 wage earners in the mining industry and had in 1910, 338,349 men over 21 years of age, or about 1 man out of every 4 a miner. Alabama, that voted State-wide prohibition, had about 1 man out of every 16 engaged in mining, and Kansas (Kansas adopted prohibition about 30 years ago) had only a few less per capita engaged in mining than the six woman-suffrage States, and yet West Virginia, with nearly six times the number of men per capita over 21 years of age working in mines, and with Alabama with one-third more per capita, and Kansas with only a few less per capita of miners than woman suffrage States, all voted State-wide prohibition with men's votes only. Santa Monica and Pasadena, Cal., and Colorado Springs, Colo., al

women has changed but little in two years. California, with 137 men to 100 women of voting age, defeated prohibition by 169,345, while Washington, with 158,9 men to 100 women, adopted prohibition by over 18,000 majority, and Oregon, with 152.8 men to 100 women, by 36,480. Taking the vote collectively of the five woman-suffrage States that voted on prohibition in 1914, the majority against prohibition was 99,416; population of the five States, 5,195,682. Taking the vote of the two male-suffrage States that voted on prohibition the same year, Ohlo and Virginia—population, 6,828,733—the majority against prohibition was only 53,787; Ohlo, which has very large brewing, distilling, wholesale, and retail liquor interests, voted against prohibition by only 84,152, and about 40,600 in 1915, while California, whose wine and ilquor interests are probably very much less, computed in dollars and cents, voted against prohibition by 169,245, and California has only about and the population of Ohlo. So anyone who will make an not women's votes that bring prohibition of use general sentiment being worked up against the liquor business.

It is admitted that a prohibition law is the most difficult of all laws to enforce, even when a majority of men in a State vote for it. What chances would there be for the enforcement of such a law if the majority of men were against prohibition and such a law was enacted by women's votes. Four woman-suffrage States voted prohibition in 1914, but California, a suffrage State, with nearly as large a population as all four woman-suffrage States, with nearly as large a population as all four woman-suffrage States, with nearly as large a population as all four woman-suffrage States that adolshed the ilquor traffic), voted overwhelmingly against prohibition.

South Dakota, Nebraska, and Michigan adopted prohibition by men's votes November 7, 1916, while on the same day, California, with women and men voting, defeated the measure by 101,561 majority.

The liquor dealers certainly have nothing to fear

#### SCHOOLS AND PLAYGROUNDS.

Fifteen States have adopted prohibition by men's votes.

SCHOOLS AND PLAYGEOUNDS.

Suffragists tell us on all occasions that if women had the ballot much better laws for the education and welfare of the child and youth of our country will be enacted. Let us cite a few instances to disprove such a theory.

At Berkeley, Cal., April 12, 1913, for the issuance of bonds for playgrounds, which were defeated, only about 1,500 of the 8,000 women of the city voted. The mayor, who had been a zealous worker for woman suffrage, reprimanded the women for their negligence of this particular issue, which of all others should interest them. In a newspaper article he asks. "Where were the mothers?" Berkeley had 1,301 more women than men over 21 years of age in 1910 (letter of Feb. 28, 1911, Director of Census.)

At Pasadena, Cal., where there were 2,688 more women than men of voting age, the playgrounds that were the pride of Pasadena and were established before women had the ballot were discontinued in July, 1913, on account of the failure of the voters to vote money for the purchase of the grounds. (Los Angeles Times, July 27, 1913)

At an election November 12, 1913, Pasadena, Cal., failed to vote bonds to repair leaky roofs and make sanitary repairs on schoolhouses, to complete new schoolhouses under construction, and to make it possible to provide schools for the entire school year. The superintendent of schools said the school year would have to be cut a month or two, and that some schools would have to close when the rains began. (Los Angeles Times, Nov. 13, 1913.)

It happened to rain November 12 in Pasadena, and some thought the bonds might have carried had the vote been taken on a fair day when the ladies could more conveniently get to the polls, so it was decided to have another election to vote for bonds in a less amount than was voted on November 12. So on January 16, 1914, a fair day, another election was held, and the bonds were again defeated. So the voters of Pasadena decided at two elections that the repair of

Wice not suppressed where women vote.

Much has been said by suffragists about the recall of the mayor of Seattle, who has since been renominated and reelected, and the abolishing of the Barbary Coast, San Francisco. Mayor Harper was recalled in Los Angeles about four years before women voted on account of not enforcing laws against vice, and more than 50 cities in the country have abolished segregated vice districts in the past four years. Los Angeles abolished the segregated district about six years before women had the ballot, but it took Denver nearly 20 years after women voted to do away with its segregated vice district. An abatement law was passed in the District of Columbia by men, and such a law has been passed or is pending in several male suffrage States. The Barbary Coast was again established in San Francisco, which is one of the last big cities in the United States where a segregated vice district yet exists. January 27, 1917, the mayor announced he would appoint 25 leading citizens to investigate conditions. The law enforcement league, the chamber of commerce, ministers, and women's clubs are working to stamp out vice in San Francisco. It seems that "votes for women fall to bring reforms, and that the old way—law enforcement leagues, business men's organizations, ministers, and women's clubs had to be summoned. Chicago, where women vote, also has its scandal. Charges are being made that money is being collected for protection of vice resorts and gambling houses.

Denver Post, October 17, 1913, report of Mrs. Stewart Walling and Dr. Elizabeth Cassidy: "Colorado Reformatory rotten. Nothing but fifth and graft found at Buena Vista. Merely a preparatory school for the penitentiary. The reformatory, submerged in politics, is a monument to graft, ignorance, stupidity, extravagance, and mismanagement. Building so infested with vermin that only fire could purify it."

The Daily News, of Denver, of October 13, 1913, says the Rev. A. E. Shattuck, of Grand Junction, has stirred up the animals in fine shape

#### WAR AND WOMAN SUFFRAGE.

Was And Woman Suffrages.

Suffragists continually tell us that if women had the ballot wars and internal strife would be a thing of the past, yet Colorado, which has had woman suffrage for nearly a generation, was in the throes of civil war nearly all of 1914. The State had become so weakened in its fabric that it could not keep order and protect life and property within its borders, but was compelled, through the State authorities, to call upon the President of the United States to send Government troops to administer affairs and bring order out of chaos. This is another proof of the failure of woman suffrage in the model State of Colorado, and refutes beyond any possibility of controversy the suffragists' claim.

The European war and our break with Germany came suddenly, and, as with most wars, there was no time for men to vote whether war should or should not be declared. Should a foreign foe invade our country and the women of our land vote to offer no resistance, but decide to surrender our liberty and property and submit to the yoke of a foreign despot rather than consent to the men defending our homes and firesides by going to war, and the men of our Nation decide to fight for the honor and well-being of our country, how could the women prevent them? Would it be right for women to vote that our men should not defend our homes and country? On the other hand, would it be just and right for the women of our country to vote that our men should not defend our homes and country? On the other hand, would it be just and right for the women of our country to vote that our men should go to war when the women would be unable to do their share of the fighting?

WAGE-BARNING WOMEN AND WOMAN SUFFRAGE.

## WAGE-EARNING WOMEN AND WOMAN SUFFRAGE

of the fighting?

WAGE-EARNING WOMEN AND WOMAN SUFFRAGE.

It has been sald that women working in stores and factories need the ballot to increase their wages and for bettering their condition generally. Of the 8,075,773 female workers over 10 years of age, only 4,436,804 are employed outside their home and home farms; 1,346,905 are under 21 years of age, leaving only 3,088,899 to vote—only about one-eighth of the women of voting age in the United States, there being many times more workingmen than working women in the country. Why have not men increased their wages by the ballot, as men have had the ballot for over 100 years? If the ballot can increase wages and produce wealth and make equal pay for equal work, why do different wage scales obtain in different parts of this country, and why do laboring men rely on labor unions instead of the ballot for better wages and working conditions?

The main reason for lower wages for women, aside from the physical difference, which the ballot can not change, is that women are only temporary wage earners, about seven years being the average length of time which women engage in wage-earning occupations; after which they graduate into matrimony, their natural sphere, which is the expectation of every normal woman.

As there are over 20,000,000 women of voting age not employed as wage earners, what chance would 3,988,399 working women have in a contest of votes, with 20,000,000 women not so engaged and about 27,000,000 men voters besides? The first "mothers' pension law," the first "workmen's compensation law." the first "mothers' pension law," the first "workmen's compensation law." the first "mothers' pension law," the first "workmen's compensation law." the first "mothers' pension law," the first "workmen's compensation law." the first "mothers' pension law," the first "workmen's compensation law." the first "mothers' pension law," the first "mothers' pension law," the first is acknowledged that Wisconsin, Michigan, Ohio, Nebraska, Missouri, Pennsylvania, New York and Mas

States in this regard.

Judge Lindsey, in an address in Denver in 1915, said; "We are 20 years behind Massachusetts in spite of suffrage."

At an election November 3, 1914, California defeated an 8-hour law and 48 hours per week; and Oregon defeated an 8-hour day and room-ventilation law for women by a large majority.

In most States where men make the laws a woman can desert her husband and all he can do is to ask her to return to him, while men can be arrested and imprisoned for deserting their wives. In many male-suffrage States women can sell and convey their real estate without the husband signing the deed, while men must have their wives' signatures in order to sell and convey their own lands.

Women acting as nonpartisans without the vote will get more favorable legislation and better laws of every kind enacted than as partisans with the vote.

WOMAN SUFFRAGE UNDEMOCRATIC.

Woman suffrage is undemocratic: First, because the leaders will not leave the question to the women to decide, but would have the men force suffrage on women, 80 per cent of whom do not want the ballot. Second, as has been proven beyond a doubt, which anyone can verify by United States Census and secretaries of states' reports, women will not vote, relatively as generally as men of the different classes, and can never do so, however much they might desire to on account of their duty of motherhood; consequently, the will of the majority is often set aside and defeated where women vote, and the political status of both men and women changed, and laws representing the will of the minority enacted. This is one of the great injustices of woman suffrage, for laws representing the will of the minority are dangerous to our free institutions. Third, as the Father of our Country truly said, "Government without force is a nullity," and is not just nor democratic for women to vote laws unless they can fulfill all the functions of government. As they can not serve in the Army and Navy, assist the officers in arresting criminals and putting down riots, etc., it can not be said they have a right to vote laws which they can not enforce and which would not be enforced unless the men of the country desired they should be.

WOMAN SUFFRAGE NOT AN INHERENT RIGHT.

not enforce and which would not be enforced unless the men of the country desired they should be.

WOMAN SUFFRAGE NOT AN INHERENT RIGHT.

"The granting of the franchise," said Chief Justice Marshall, "has always been regarded in the practice of nations as a matter of expedience, and not as inherent right."

If it is a right for all to vote who pay taxes and who live under laws they must obey, then all State laws preventing Chinese, United States soldiers, and illiterate men from voting should be repealed. Also laws for punishing boys for crimes or taxing their property should be abolished, as boys have no voice in making the laws of the land till they reach the age of 21 years. Yet who would say that the laws pertaining to the youth of our land are unfair or unjust, or who would say that the illiterate man is living under unjust laws in the many States where he is not allowed a voice in the making of them? Hilterate men, Chinese, and boys under 21 are people, and are not allowed to vote; and it is not now and never has been considered expedient for all people to use the franchise. Only when the interests of all the people—men, women, and children—are best served by granting the franchise to anyone is voting a right, as suffrage is a political and not a natural or inherent right, but entirely a matter of expediency. The women of the suffrage States might say that as men had always held the offices for the enforcement of laws against crimes, such as train robbing, etc., that it was a right for women to be placed in these offices; but who would say that women could arrest criminals and enforce the laws as well as men? And as they could not, who would say it was a right they should be given such offices? The same is true of voting. As women only perform the duty of voting to a much less degree than men, and thereby the will of the people is not as well expressed at the polls, it can not be a right, nor is it justice, for women to vote.

We believe that you will agree with us that the main object of voting

pressed at the polls, it can not be a right, and to vote.

We believe that you will agree with us that the main object of voting is to register the will of the majority; that it may be crystallized into the law of the land; that any propaganda that tends to and does, in some instances, defeat the will of the majority is inimical to our form of government.

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We think, from the instances cited, we have shown beyond question that women given the ballot do not vote as generally as men. When a man votes in a male-suffrage State his vote counts one, but in a woman suffrage State, unless his wife votes, his vote counts one-half. If a single man, if the women of his class do not vote relatively as generally as men of his class and opinions, his vote is of less effect than if women were not enfranchised. The fact that the different classes of women do not vote relatively in so large a proportion as men of the different classes in the suffrage States tends to, and in many instances does, defeat the will of the majority; and the registration of the will of the majority as men, where they have been given the ballot, in many cases cause laws to be enacted that are the will of the minority, and that is one of the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many in the greatest injustices of woman suffrage, for the laws made by many interests of the greatest injustices of woman suffrage, we have a large majority for woman suffrage, only a greatest injustices of woman suffrage, only 35.5 per cent of the m

#### WOMEN AS OFFICE SEEKERS.

1917.

Suffragists have said that women only want the ballot to protect themselves, their children, and their property. Yet when we consider that 255 women were candidates for county offices in Kansas last November and 151 were elected, we are compelled to believe that the desire to hold office is one of the chief reasons for the agitation for November and the control office is one of the chief reasons to the vote.

Umatilia, Oreg., has all the city offices filled by women, and all the suffrage States have women officeholders, Montana having elected a woman to Congress last November.

Another example of the harmful effect of giving women the ballot is the fact that woman suffrage would decrease the power in politics of that great independent vote of the rural communities, where reside the larger part of our population, and add to the power of the boss-controlled city vote. Since the number of males to females in the rural part of our Nation is 109.9 males to 100 females, while in our city population the number of males is only 101.7 to 100 females. (See pp. 276 and 334, vol. 1, U. S. Census 1910.) Besides, the women rural voters, living farther from the polling places than the city women, who reside only a few blocks from where they cast their ballots, would not and could not vote in as large a proportion as their city sisters. It not being convenient or possible for as large a per cent of women in the country districts to go to the polls, as the men, the power of the pollitical machine in the cities (where the large foreign-born population reside) would be greatly increased, for the country women's vote would not offset the city women's vote offsets the city men's vote. The political bosses in Chicago and other cities where women have been permitted to vote have been shorn of none of their power by women entering politics. Also in our big cities, where the liquor interests are large, the saloons, brewerles, hotels, and cafés that sell liquor, property owners who rent property to such interest, and all ailied trades and business, as well as gamblers, etc., see that their women go to the polls on election day nearly as a unit, besides inducing their women friends to vote, it being to their interest financially to do so, while women with no monetary interests in the election would fail to vote as generally as men of their class and opinions do. So the will of the majority in such an election may often be defeated, and liquor interests win; while if men alone voted, the saloon might be abolished. As before mentioned, when men alone voted no local option in Los Angeles the saloon won by two to o

gain advantage and defeat the will of the majority.

WOMEN AS JURORS IN WOMAN-SUFFRAGE STATES.

The Washington Post of September 21, 1916, contains a dispatch from Reno, Nev., about a divorce case, which says in part: "A jury, consisting partly of women, of whom three are married, one single, and two widows, the other six jurors being men. " The case, which will probably occupy several weeks, is being tried behind closed doors, as the attorneys claim the evidence is unfit for public hearing." Mr. Voter, how would you like to have your wife, mother, sister, or daughter on a jury with men for several days or weeks to hear evidence unfit for the public to hear? That is just what you may expect if woman suffrage is sopted.

unfit for the public to hear? That is just what you may expect if woman suffrage is sopted.

FEMINISM AND SOCIALISM.

According to Mrs. Beatrice Forbes-Robinson Hale, noted suffrage speaker and writer, woman suffrage is "an essential branch of the tree of feminism." "Feminism," she says in her book on the subject, "is gradually supplying to women the things they most need." Among these things she mentions "easy divorce" and "economic independence." Feminism is 'variously defined, but in whatever guise of words we find it we see the same earmarks of revolt against nature and Christian morals. The feminist is an avowed enemy of the home. Writing in McClure's Magazine for March, 1913, Inez Milholland Boissevain, a prominent suffragist, foresees with delight "the beginning of a breakdown to the artificial barriers in the way of a more natural observance of the mating instinct." in other words, "free love."

The Case for Woman Suffrage, a bibliography of suffrage literature, published by the College Equal Suffrage League, and sold by the National Woman Suffrage Association, sneers at the "old-fashioned" suffrage arguments and gives the highest meed of praise to the radical writings of the most radical feminists and socialists. "Too many advocates of woman suffrage," says the Case (p. 64), "insist that when woman is enfranchised she will be no less 'womanly' than before; whereas in point of fact perhaps the chief thing to be said for the suffrage is precisely that it would make woman less womanly in the commonly accepted sense of the term. One can not argue logically on woman suffrage wrthout facing this fact."

The devotees of feminism talk gibly and coarsely about "sex freedom" and "sex independence for women," all to be achieved with the vote. "Economic independence for women," all to be achieved with the vote. "Economic independence for women," all to be achieved with the vote. "Economic independence for women," all to be achieved with the vote. "Economic independence for women," all to be achieved with the vote.

printed and circulated as a campaign document by the National Woman Suffrage Association.

Charlotte Perkins Gilman, leading suffrage speaker and writer, in an article in the Woman's Journal, the suffrage organ edited by the president of the Massachusetts Suffrage Association, says:

"The woman should have as much to do in the home as the manno more. Who, then, will take care of a sick baby? The nurse, of course. If the child is not seriously ill, the nurse is as good as the mother. If the child is seriously ill, the nurse is as good as the mother. If the child is no more holy than the post office.

Mary Ware Dennett says it is unwholesome for any woman to be supported by any man. Mrs. Dennett was formerly an officer of the Massachusetts Woman Suffrage Association, later an officer of the National Woman Suffrage Association. Under this theory of economic independence for women the husband must cease to be the provider, and the wife must cease to be the home maker; otherwise their relations are anwholesome.

In the suffrage parade in Washington, D. C., March 3, 1913, was carried a large banner with the inscription, "1,000,000 Socialists work and vote for woman suffrage." There is no getting away from the fact that woman suffrage, feminism, and socialism are indissolubly linked. Socialists like the late Inez Mitholland Boissevain, Mrs. Harriet Stanton Blatch, Alice Stone Blackwell, and Miss Jessie Ashley are prominent leaders in the Woman Suffrage Party. Socialists favor woman suffrage because they know what it means to their cause. Where do you stand? Are you in favor of it? Do you care to have private property abolished? Do you believe that wifehood is slavery? Do you think homes should be abandoned in order that women may have economic independence? If you want these things, work for woman suffrage with the feminists and Socialists; but if you hold your family relations, your home, your religion sacred, if you desire to preserve them for yourself and your children for all time, then work with all your might against the companions, the handmalds, the forerunners of feminism and socialism-woman suffrage,

#### WOMAN SUFFRAGE AND DIVORCE

WOMAN SUFFRAGE AND DIVORCE.

It has been said that there was no connection between votes for women and divorce, yet it is significant that in the 11 States where the sentiment was favorable to woman suffrage (Wyoming, Idaho, California, Utah, Montana, Arizona, Washington, Oregon, Nevada, Colorado, and Kansas) there was, according to Marriage and Divorce, United States Census Bulletin No. 96, page 20, an average of 364 divorces per 100,000 of married population, while in the adjoining male-suffrage States west of the Mississippi River (Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Louisiana, Arkansas, Oklahoma, Texas, and New Mexico) the average number of divorces was only 264 per 100,000, and for the United States as a whole only 200 per 100,000 of the married population.

## WOMAN SUFFRAGISTS UNJUST.

WOMAN SUFFRAGISTS UNJUST.

The suffragists say they demand justice for women in demanding the ballot for women; but for which women—the 20 per cent who demand it or the 80 per cent of the women who protest or who are silent on the question? Should 80 per cent of the women be compelled to bow to the will of 20 per cent? We are entirely unable to understand how anyone can claim that women have the right to vote and deny, as the suffragists do, that women have the right to vote on the question as to whether or not they want the ballot. Abstract of census, 1910, page 107, shows there were in the United States 26,999,154 men and 24,555,754 women 21 years of age and over. So if women were given the ballot they could not, if they desired to do so, vote any laws that the men opposed.

We deny the allegation of the suffragists that the men of this Nation have made a failure of government, or that men have become such "mollycoddles" or so weak that it is necessary to place the burden of government upon women, most of whom are opposed to having the additional responsibility imposed upon them. It is an insult to the men of this country to be told by the suffragists that they can not be trusted to make just laws for women and children, when an average of four-fifths of the earnings of the man, over and above the necessities of the family, are spent on the women and children. Suffragists often quote the praise given woman suffrage by politicians from States where women have the franchise would condemn woman suffrage, as the loss of a few votes of the agitating class of women, or even one vote to a politician, might mean the loss of a big-paying office.

If woman could ever vote as generally as men, there would be little

or even one vote to a politician, might mean the loss of a big-paying office.

If woman could ever vote as generally as men, there would be little or no change in our laws; for if even once in a while a wife voted in opposition to her husband and canceled his vote—in which event the family would have no voice in the laws at all—the final result of the whole vote would rarely be changed, and we would have the absurd spectacle of two people doing what one alone could accomplish as well and waste all the effort expended in the study of politics by women and the enormous expense the doubling the vote would entail.

The foundation of every government is the family, and the large majority of men and women of voting age are married. If a wife voted in opposition to her husband there would be no necessity for either to vote, while if they voted alike her vote would be useless.

Our Government is in part one great business concern; and what business man or manufacturer would not consider a proposition childish to use for part of his work double the number of people at double the cost to do something which would be of absolutely no profit? Yet it has been proven that suffrage does not better conditions or laws, and still suffragists ask men to give women the ballot when it would almost double the cost of elections and nearly double the number of people to do the voting, with no good whatever accomplished.

POPULATION NOT TERRITORY COUNTS.

## POPULATION NOT TERRITORY COUNTS.

In the 11 full suffrage States, Kansas, Moutana, Oregon, Washington, California, Arlzona, Utah, Nevada, Idaho, Wyoming, and Colorado, the total number of women of voting age was 2,097,945 (census, 1910), which is 16,063 less women of voting age than reside in the State of Pennsylvania.

# HIGH COST OF WOMAN SUFFRAGE.

Under caption "What freaks do to California," the Los Angeles Times of September 26, 1914, prints, in a dispatch from Sacramento: "California citizens will pay approximately \$1,637,500 for the privilege of exercising the right of suffrage this year. This is an increase of 1335 per cent since 1910." Above amount is exclusive of city, county, and special elections. Women were given the ballot in California October 10, 1911. California also has the highest government cost per capita of any State in the Union.

In Chicago in 1913 (the year before women were given partial suffrage), the cost of elections was \$386,954, but in 1917 the election board asks for \$1,305,000. Votes for women will increase taxes for it costs money to hold elections and if you provide 50 or 100 per cent more polling places the expense is bound to be greater. Chicago has double the number of polling places it had before women voted.

# DEFEATS OF WOMAN SUFFRAGE.

In the past four years 13 States have by overwhelming majorities in most instances voted against giving the ballot to women, viz: Wisconsin, Michigan, Ohio, Missouri, Nebraska, North Dakota, South Dakota, New York, New Jersey, Pennsylvania, Massachusetts, Iowa, and West Virginia. Five of the above States defeated woman suffrage in 1914, the four States of New York, Pennsylvania, New Jersey, and Massachusetts in 1915, and the three States of Iowa, West Virginia, and South Dakota in 1916. These 13 States that defeated votes for women have a population (census, 1910) of 41,685,845. Add to these

the 12 Southern States whose hostility to woman suffrage is well known: Virginia North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Lousiana, Oklahoma, and Texas, we have the States with a population of 65,735,414, known to be strongly opposed to the franchise for women, or States in which reside 71.4 per cent of the population of this Nation. In addition there are the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, Maryland, Kentucky, Indiana, New Mexico, and Minnesota, in all of which there has never been enough suffrage sentiment to get the legislatures to submit the question to the voters, therefore the States which contain about 84 per cent of the population of this country are decidedly against "votes for women." The wave of hysteria is passing and instead of the sentiment for woman suffrage increasing, it is on the decline, as shown by the vote in Michigan, where it was defeated in 1912 by only 760 majority and in 1913 by 96,144. In Ohio in 1912 "votes for women" was defeated by 87,455 majority and in 1914 by 182,905. In Massachusetts in 1915 the majority against giving women the ballot was 133,447, the largest majority ever given against men or measures in that State. In 1916 West Virginia voted nearly three to one against giving women the franchise. Woman suffrage is going—not coming.

The more women go out into the rough world to do men's work the greater the loss to the home and the more she loses her delicate charm and sympathy, which is distinctly feminine; and, in the language of the late Senator Vest, of Missouri, "What man would care to go home after the struggle and worry of the day in the business world and fall into the arms of a constitutional lawyer or politician for rest, consolation, and comfort?"

#### OPINIONS OF EMINENT MEN AGAINST WOMAN SUFFRAGE.

OPINIONS OF EMINENT MEN AGAINST WOMAN SUFFRAGE.

Thomas Jefferson: "Nature has marked the weaker sex for protection, rather than the direction of government."

Daniel Webster: "It is by the promulgation of sound morals in the community, and more especially by the training and instruction of the young that woman performs her part toward the preservation of a free government."

The Hon. Elihu Root, United States Senator: "I am opposed to granting suffrage to women because I believe it would be a loss to women and an injury to the State. \* \* It is a fatal mistake that these excellent women make when they conceive that the functions of men are superior to theirs and seek to usurp them."

Grover Cleveland: "I am willing to admit it was only after a more thorough appreciation of what female suffrage really means that I became fully convinced that its inauguration would vastly increase the unhappy imperfections and shortcomings of our present manvoting suffrage, its especial susceptibility to bad leadership and other hurtful influences would constitute it another menacing condition to those which already vex and disturb the deliberate and intelligent expression of the popular will."

William Howard Taft: "If in any of the States now acting on the question I were called upon to vote, I would vote against giving the suffrage, because I think, to force it upon an unwilling or indifferent majority \* \* \* is to add to the electorate an element that will not improve its governing capacity."

Rev Lyman Abbott, D. D.: "If any man attempts woman's functions he will prove himself but an inferior woman. If woman attempts man's functions, she will prove herself an inferior man. Some masculine women there are; some feminine men there are. These are the monstrosities of nature."

Bishop John H. Vincent (founder of the chautauqua): "When about 30 years of age I accepted for a time the doctrine of woman suffrage and publicly defended it, Years of wide and careful observation have convinced me that the demand for woman suffrage in Amer

James Cardinal Gibbons: "Woman is queen indeed, but her empire is the domestic kingdom. The greatest political triumphs she would achieve in public life fade into insignificance compared with the serene glory which radiates from the domestic shrine and which she illuminates and warms by her conjugal and motherly virtues."

## OFFENSES AGAINST THE UNITED STATES

The VICE PRESIDENT. The morning business is closed. Mr. OVERMAN. Mr. President, I move that the Senate pro ceed to the consideration of the unfinished business, the bill (S. 8148) to define and punish espionage.

Mr. SIMMONS. I wish my colleage to advise the Senate how long, in his judgment, it will require to finish the bill.

Mr. OVERMAN. In answer to my colleague I desire to say that there are some 8 or 10 amendments to the bill. I do not think they will take a great deal of time. How many more amendments will be offered I do not know, but we ought to finish the bill by 3 or 4 o'clock, and in even less time than that.

Mr. SIMMONS. I should like to inquire further of my col-league if the bill is not finished by the usual hour for adjournment, say at 6 o'clock, is it his purpose to have a night session?

Mr. OVERMAN. I should like to go on without even a recess

and finish the bill to-night, but if we must take a recess that it be taken until 8 o'clock and that we come back and finish it to-night.

Mr. SMITH of Michigan, I should like to ask the Senator from North Carolina [Mr. Simmons] if it is his intention to call up the revenue bill after this bill has been disposed of.

Mr. SIMMONS. Yes, that is the purpose of my inquiry. I had expected that the Senate would proceed to the consideration of the bill this morning, but my colleague advised me late Sat-urday evening that he thought probably it would take only a short time this morning to dispose of the unfinished business. In view of that I am not disposed to ask that the revenue bill shall be taken up until the pending bill has been completed, unless it is likely to take a very considerable time.

Mr. CUMMINS. Mr. President— Mr. NEWLANDS. Mr. President, with the permission of the Senator from North Carolina [Mr. Simmons], I should like to say that I have arranged with the Senator from Wisconsin [Mr. LA FOLLETTE] to bring up at 4 o'clock this afternoon a motion to make a special order of the bill increasing the Interstate Commerce Commission and permitting its division into three divisions so as to facilitate the business of that commission. It was my idea to ask that it be made a special order for this evening or to-morrow evening. I ask the Senator, taking into consideration, of course, the urgency of the measure which he is presenting and the urgency of the legislation I have in view, whether he can not arrange to have either to-night or to-morrow night given for the consideration of the Interstate Commerce bill. I give notice that at 4 o'clock I will bring up this

Mr. THOMAS. My colleague [Mr. Shafroth] is absent, and in his behalf I wish to give notice that the Porto Rican bill

wili be pressed.

Mr. CUMMINS. Mr. President, I do not want by my silence to lend myself to any false impression that might prevail in the Chamber. I do not intend to unduly delay final action upon the bill which is the unfinished business, but it can not be finished, in my opinion, within two or three hours. I have before me and I shall present some 14 or 15 amendments to the bill, all of which I believe to be important.

Mr. SIMMONS. Does the Senator intend to discuss each

one of the amendments?

Mr. CUMMINS. It will be necessary to explain at least each one of them as I offer them. There may be other amendments, and doubtless will be. I will facilitate the consideration of the bill in every way I can, but there are some things in it which must either come out or there will be very considerable debate upon it.

Mr. OVERMAN. The Senator does not mean that as a

threat?

Mr. CUMMINS. Not at all. I am simply uttering a proph-

ecy; that is all.

Mr. SIMMONS. Of course I understand if the Senator from Iowa is going to offer 14 amendments and address himself to each of them the probabilities are that we shall not get through with the bill before midnight. What I desired to say, and all I desire at this time to say, is that I shall be disposed on to-morrow to ask the Senate to proceed with the consideration of the revenue bill. I trust that we may be enabled either during the afternoon or at the night session to dispose of the measure now before the Senate, because I regard it as a very important matter, and one that should be acted upon. For that reason I have decided that I would not, as I formerly intended, ask the Senate to take up the revenue bill to-day unless the unfinished business should be disposed of.

The VICE PRESIDENT. Without objection, the unfinished

business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

What is the pending question?

The VICE PRESIDENT. The pending question is the amendment proposed by the committee to insert an entire bill upon the motion of the Senator from North Carolina [Mr. OVERMAN'

Mr. CUMMINS. I ask that the proposed amendment be stated.

Mr. OVERMAN. It has been read.

The VICE PRESIDENT. It is what is known as the 14 chapters.

Mr. CUMMINS. I beg pardon of the Chair. I thought it was the amendment offered by the Senator from North Carolina on Saturday concerning some details in the bill.

Mr. OVERMAN. Those were adopted. Mr. CUMMINS. The Senator from North Carolina advises me that those amendments were adopted. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 1 of the proposed amendment strike out of lines 4 and 5 the words "to which he is not lawfully entitled" and insert "in violation of a statute or a lawful order of the President of the United States," so that when amended the section will read:

Sec. 1. That (a) whoever, for the purpose of obtaining information respecting the national defense in violation of a statute or a lawful order of the President of the United States, approaches, goes upon, or enters, files over, or induces or aids another, etc.

Mr. CUMMINS obtained the floor.

Mr. WORKS. Mr. President Mr. CUMMINS. I yield to the Senator from California.

Mr. WORKS. I regard this as a grave piece of legislation, affecting the liberties of the people of this country, and I think Senators ought to hear what is said on the subject. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators an-

swered to their names:

Hardwick Hollis Husting James Johnson, S. Dak, Jones Martin, Va. Martine, N. J. Beckham Smith, Md. Smith, Mich. Smith, S.C. Borah Brady Broussard Catron Chamberlain Myers Norris Oliver Overman Smoot Thomas Jones Kenyon Kirby La Foliette Lane Lea, Tenn. Lodge McCumber McLean Thompson Clark Cummins Pittman Townsend Poindexter Pomerene Ransdell Vardaman Wadsworth Works Curtis Dillingham Fernald Fletcher Gallinger Gronna Robinson Shafroth Sheppard

Mr. VARDAMAN. Mr. President, I wish to again announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. ROBINSON. Mr. President, the Senator from Delaware [Mr. SAULSBURY] is absent on account of illness. I ask that

IMr. Saulsbury is absent on account of filmess. I ask that this announcement may stand for the day.

Mr. OVERMAN. Mr. President, I beg to announce that the Senator from West Virginia [Mr. Chilton], the Senator from New York [Mr. O'Gorman], the Senator from Missouri [Mr. Reed], the Senator from Montana [Mr. Walsh], the Senator from Georgia [Mr. Smith], the Senator from Minnesota [Mr. Nelson], the Senator from Connecticut [Mr. Brandegee], and the Allerburgers of the Committee on the Indiagram the Senator the chairman of the Committee on the Judiciary, the Senator from Texas [Mr. Culberson], are absent on official business at a meeting of the Judiciary Committee considering important matters.

Mr. President, I desire to announce the unavoidable absence of the Senator from Ohio [Mr. HARDING] on account of illness.

I also desire to announce the absence of my colleague [Mr.

SUTHERLANDI.

eration.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum is present. The Senator from Iowa.

Mr. CUMMINS. I may be permitted, Mr. President, to restate my general attitude toward the legislation under consid-

I recognize that there are weaknesses in our law on the subject covered by the substitute to the pending bill offered by the Senator from North Carolina [Mr. OVERMAN], and I shall be glad to join in an effort to strengthen within proper limits those

weaknesses of the law; but I can not concur in legislation which makes criminal things that all of us do every day of our lives, and which will impose criminal penalties upon a very large proportion of the American people if the law is enforced.

I intend to offer a series of amendments to the bill, as at present advised, 14 or 15 in number. If all of them are adopted, the measure will still be an exceedingly stringent regulation of American life, a regulation which I venture to say is more arbitrary, more rigorous than any country on the face of the earth ever adopted in time of peace. I say this because I do not want to have it supposed that I am endeavoring to deprive the Government of any reasonable weapon for the national de-

The amendment which I have just sent to the Secretary's desk, being the first of the series, proposes to strike out, in chapter 1, section 1, page 1, in lines 4 and 5, the words "to chapter 1, section 1, page 1, in lines 4 and 5, the words which he is not lawfully entitled," and to substitute for them the words "in violation of a statute or a lawful order of the President of the United States."

In order that the significance of the amendment may be fully appreciated, I must repeat very briefly my comment upon this

part of the section made on Saturday last.

As it is now before us, the section proposes this:

SECTION 1. That (a) whoever, for the purpose of obtaining informa-tion respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters, files over—

Certain places that cover the entire military operations of the United States and all other places which may be designated by the President. I remarked on Saturday, and reflection has simply deepened my conviction, that it is utterly impossible for any man, however well trained he may be in the law, to determine whether he is or is not lawfully entitled to the information which he may seek. There is no statute now upon the subject; there is no order of any executive officer upon the

subject, except as such orders have been made in recent days, covering certain offices and certain places in which our military work is being conducted. I have no objection to such an order, and any man who disobeys the order, who enters any of the places, entrance to which has been forbidden by the President of the United States, in order to secure information, however innocent he may be in his desire to use the information, ought to be punished, for I am a respecter of law and authority. I desire is that before I become a criminal, I may be advised and informed of the mandates of the law, so that an innocent act may not be turned into a criminal act, without any intent whatsoever.

Mr. WORKS. Mr. President-

Mr. CUMMINS. I yield to the Senator from California. Mr. WORKS. I should like to ask the Senator whether, independently of any order of some constituted officer, every American citizen has not the lawful right to inquire into the affairs of government, including our national defense?

Mr. CUMMINS. I think he has; and it will be observed that my amendment proceeds upon that theory. My amendment

That, whoever for the purpose of obtaining information respecting the national defense in violation of a statute or in violation of a lawful order of the United States.

Mr. WORKS. The Senator from Massachusetts [Mr. Lodge], in passing, says "and published in the newspapers." Well, wherever it may be published, the people of this country have a right to know what is being done by their officers. defending the newspapers, because just now I think the way in which the newspapers of this country are being conducted is perfectly outrageous; but I insist that every American citizen has the right to know what is going on in this country, if

this is a Government of the people.

Mr. CUMMINS. I agree with the Senator from California. I do not want to have it supposed or believed that if these amendments are adopted the law is one that would meet the approval of an unprejudiced patriot; but we have the bill before us, and I am trying, as best I can, to eliminate its most objectionable parts, and I think that I meet in my amendment the view of the Senator from California, because it would be then provided that if the citizen does any of these things in violation of the statute-and we may assume that Congress will not pass an unconstitutional statute-or if he does it in violation of a lawful order of the President, then he becomes amenable to the penalties of the paragraph. The people of this country are entitled to that protection. They are entitled to know within reasonable limits and with reasonable certainty

what they may and may not do.

Mr. VARDAMAN. Mr. President, does the order of the President become a law except in time of war? Does the Senator's amendment give the President authority to write a

law just by proclaiming a rule?

Mr. CUMMINS. The amendment that I am now considering does not give the President any authority; it simply recognizes the authority he has under the law. I am not very sure about my opinion on that point; but I assume, for instance, that the President's order issued the other day, excluding visitors from the War and Navy Departments or offices, except when provided with a pass or with some other form of credential, is a lawful order. I do not know but I assume it is within his power as Commander in Chief of the Army and Navy. But however that may be, I do not attempt, in my amendment, to decide the question. All I ask is that a man shall not become criminal when he is seeking this information unless, in entering upon the premises or in approaching the premises, whatever they may be, he is violating either a statute which has been passed by Congress or a lawful order of the President.

I submit, Senators, that we can not do less than is provided in my amendment. Is it possible that we have reached a time when we are willing to subject the people of this country to the risks, the hazards of the arbitrary will of a prosecuting officer, and put upon the citizen the onus of discovering whether he is or is not lawfully entitled to the information he seeks, without a word in the law defining his rights, without a word in any order that may be issued by the Executive prescribing his rights or forbidding him to do the thing which he is

doing?

I can not understand the state of mind which proposes any such legislation as this paragraph presents. I am sure that the Senator from North Carolina will agree with me that every instance that has been mentioned in the Senate during the consideration of this bill as being an instance in which it was desirable to punish the offender will be within the statute as it would be if my amendment were adopted. I challenge any Senator to give any instance in which a guilty man could escape even if every amendment which I present shall be adopted. I have attempted in this amendment simply to exclude the operation of the law in bringing within this great net persons who are innocent of every moral offense and innocent of any intent whatsoever either to violate the law or to injure their country.

I have the most earnest hope that the Senator from North Carolina, in charge of the bill, will see the propriety, the wisdom of accepting, in so far as he can, this amendment; and what I have said about it applies with equal force to all the amendments I shall offer.

In order that those who are here now who were not here when it was read may hear the amendment, I ask that it be stated from the desk.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to strike out of lines 4 and 5 the words "to which he is not lawfully entitled" and insert " violation of a statute or a lawful order of the President of the

Mr. CUMMINS. I ask that it be read as it would read with the amendment adopted.

The VICE PRESIDENT. The Secretary will read as re-

The Secretary read as follows:

That (a) whoever, for the purpose of obtaining information respecting the national defense—

Mr. CUMMINS. I will read it, because I understand its connection, probably, better than the Secretary.

The SECRETARY (continuing)-

in violation of a statute or a lawful order of the President of the United States, approaches, goes upon, or enters, files over, or induces or aids another to approach, etc.

Mr. CUMMINS. That is sufficient.

Mr. OVERMAN. "Whoever, for the purpose of obtaining information respecting the national defense in violation of a statute or a lawful order of the President of the United States, approaches, goes upon," and so forth; that is the way it will read.

Mr. CUMMINS. Yes; that is correct. Mr. OVERMAN. Mr. President, I think the Senator is seeing ghosts. I want to say to him that every single, solitary one of the extreme cases that he has cited here is of a kind for which no man would ever be prosecuted or punished.

Why, take the case he talks about—the poor woman going up to the Navy Department and inquiring about her son, because she wants to know when the Army is coming back, and all that sort of thing, for which, it is asserted, she would be liable to punishment under this bill. Does the Senator think any district attorney would ever present a bill, or anybody would ever file a complaint, or anything would be done about that?

The trouble about it is that you limit us here to a statute when we have no statutes upon this subject. That is the trouble. We have no law on the subject. This Nation is the weakest nation on earth in that respect. Why, the Attorney General has had men out to try to enforce the neutrality laws, and we have no laws to enforce. He has had cases, and these bills are gotten up to meet cases, where the law is not only deficient but we absolutely have no law.

Now, what does this provide?
"Whoever goes upon or approaches"—for what? "For the purpose "—that is what it says—for the purpose of what? "For the purpose of obtaining information." What business has any citizen of the United States going in or upon the radio stations or the naval stations or into the great war-defense stations of the United States for the purpose of getting information? The

Senator from Iowa would not do it without some authority.

Mr. CUMMINS. But, if I may be permitted to interrupt the
Senator from North Carolina, this bill is not limited to radio stations and docks and arsenals, which can be covered, of course, by an Executive order.

Mr. OVERMAN. Why, Mr. President, it names the places, and everything that is named here has reference to the national defense.

Mr. CUMMINS. It names them, and names everything else in the country at the same time.

Mr. OVERMAN. Oh, Mr. President, let us see what it names. "Whoever \* \* \* goes upon \* \* \* for the purpose of "Whoever \* \* \* goes upon \* \* \* for the purpose of obtaining information," and so forth, "shall be punished." That is what he goes for. He goes as a spy. That is what this bill is for—to punish spies. I want to say that this bill is not nearly as drastic as it was when it came to us, because it did make them spies in many instances, and we struck it out. It is not as drastic as any law upon this subject adopted by any other country. This is a Republic, as the Senator has said. We have not gone as far as some other countries, but we have considered this matter, and, as the great Senator from Utah [Mr. Sutherland] said in reply to the Senator from Iowa, this matter is covered

by using the words "not lawfully entitled." That means against any statute of the United States or against any rule or regulation prescribed

Now the Senator wants to limit us to a statute. We will have to go to work here and pass a thousand statutes or more if you limit it to that. This language is general. It does not particularize. Any man who goes in and on and approaches the places named for the purpose of obtaining information on these matters is punishable under this law. What business has any man to go, without lawful authority, in and upon our nationaldefense stations for the purpose of getting information? Why, there is no American citizen who needs to have the information unless he goes by lawful authority; and if he goes without lawful authority he ought to be punished, because he goes for the purpose of giving the information to an enemy.

Therefore, Mr. President, I hope this amendment will be voted down, for I see no need of it. Why, Senators, we had this matter considered by two of the ablest Senators on that side, two as able lawyers as there are in the United States, and we had lawyers on this side as able as any in the United States, and they say that this expression, "without lawful authority," is sufficient to protect the innocent man. I tell you here and now that any innocent man in the cases cited will be protected. You have got to leave some discretion in the district attorney. Nobody will file a complaint in a perfectly innocent case, like that of the woman going up here to the War Department. is one of the extreme cases that some great lawyer like my friend here can find to cite. As a matter of fact, it is impossible to punish her. No district attorney, as I say, would file a bill against her; no man would file a complaint, and no jury would convict her.

Mr. WORKS. Mr. President-

Mr. CUMMINS. Mr. President, if the Senator from California will allow me, I desire to correct one statement. I did not bring forward the instance about the widow or the mother going to the Secretary of War.

Mr. OVERMAN. I know the Senator did not, but it was

Mr. CUMMINS. That was brought forward by one of these great lawyers—and he is a very great lawyer—to whom the Senator from North Carolina referred, namely, the Senator from Montana [Mr. Walsh]. He said that this law would

cover just such a case as that.

Mr. OVERMAN. I do not agree with him; and he is opposed to this amendment of the Senator from Iowa. Therefore, Mr. President, I do not see why it is not covered; and the innocent will be protected. This is intended in order to protect our Government against spies. Why, there are 100,000 spies in this country to-day, I am told, and more. Are we to have no law in this country to protect our naval stations, our marine and submarine bases, our dockyards, our canals, our arsenals, our factories, our mines, our telegraph stations, our wireless stations? That is all that is mentioned in this chapter; and in others the prohibition is extended to whoever lawfully or unlawfully has possession of, access to, control over, or is intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, and so forth-all applying to the national defense; in other words, our secrets in regard to the national defense. If he communicates it or transmits it, and so on, he ought to be punished. A man ought to be punished if he has these things in his possession and communicates

them to the enemy or anybody else.

Mr. WORKS. Mr. President, as has been said by the Senator from Iowa [Mr. Cummins], this bill did not originate in the Senate. It did not originate in the mind of any Senator. It came out of one of the executive departments of the Government fully formed, ready for enactment. It is shocking to me that any officer of the Government should even suggest, much less recommend, legislation of this kind. It absolutely closes the door against any inquiry or any effort to obtain information by any and every citizen of this country relating to our national defense.

If the Czar of Russia should ever see this legislation, if it becomes a law, he would turn green with envy at the extent to which the Government of the United States has gone to close the eyes and stop the ears of its citizens against any information as to what the Government is doing.

The Senator from North Carolina says that it only prohibits these things as a means of gaining information—not information obtained with any ulterior or improper motive, or in order that any improper use may be made of it, as in the case of a spy, for example. We are spending millions and millions of dollars for the national defense. The people of the country are compelled to bear that burden, and if any one of them or any body of them should undertake to obtain information as to whether that money is being properly expended as provided in the appropriations he would, under this proposed statute, be a criminal, subject to fine and imprisonment.

The question as to who would be lawfully entitled under this act to obtain information of that kind may be a matter of debate. It is entirely uncertain. Generally speaking, I suppose any American citizen would have the right to ask for information respecting any of the affairs of the Government, but I called attention on Saturday to the fact that another section of this chapter of the bill evidently shows that the intention is to confine it to officials, because in section 6 it is provided that persons other than officers and employees of the United States duly authorized shall not be entitled to do these things.

Mr. President, there may be occasions when it is absolutely necessary that the proceedings of the Government should be kept secret, not only in time of war but at other times of peril

Mr. OVERMAN. Mr. President, before the Senator passes from that point, I will say that it has been stated here several times that this is a bill sent down here by the department. want to repeat what I said on Saturday, that the President of the United States, the Secretary of the Navy, the Secretary of War, the Secretary of the Treasury, and the Attorney General did get together, and all of them appreciated our great weak-ness along this line; and they directed the Attorney General to draw up certain proposed statutes as recommendations to the Congress that it was imperative to have enacted into law. They sent them down in the nature of recommendations. not think the Senator intended to say that the bill we are now considering here is just as it came from the Attorney General or the Secretary of War. I am sure he did not mean to say that, because he knows that is not true. He was with us and helped to amend this section and amend it very materially.

Mr. WORKS. No; I did not say that, Mr. President. Mr. OVERMAN. I thought the Senator did not intend to

Mr. WORKS. This bill originated in one of the executive departments, however.
Mr. OVERMAN. Why, of course; it was sent here as a

recommendation.

Some changes have been made in it by the Judiciary Committee, I am glad to say; but with respect to this particular chapter, the Judiciary Committee has not made it any better. It is just as bad now, in the particular to which I have called attention, as it was when it came out of the office of the Attorney General.

As I was saying when I was interrupted, there are cases when it is perfectly proper that officers of the Government having the national defense in charge shall prevent information becoming That is necessarily true in time of war. There may be special occasions in time of peace when something of that kind may be properly done, but generally speaking, the condition of the country, whether it relates to the national defense or something else, ought not to be concealed from the people of the United States, and I protest against it.

The amendment offered by the Senator from Iowa certainly would help that situation somewhat, because it would require in advance either that the Congress of the United States should forbid a certain thing by statute or that the President in the performance of his duty as President or as Commander in Chief of the Army and Navy of the United States should issue some order preventing citizens from making inquiry and obtaining information about specific things. But this general provision, it seems to me, is perfectly unjustifiable and un-American.

Mr. TOWNSEND. Mr. President, I have not been able to hear all that the Senator from Iowa has said in reference to his proposed amendment, but there are two or three things involved which are somewhat confusing to me. The committee uses the expression "to which he is not lawfully entitled," which would indicate that if there was no law on the subject no one would be entitled to information. The Senator's amendment states "in violation of a statute," which supposes that there is a statute. I do not understand that at present there is any law on that subject. The second provision of his amendment is "or a lawful order of the President of the United States." The query with me is, Can the President make an order prohibiting people from obtaining information which is prohibited in the committee pro-

I am thoroughly convinced that inasmuch as Congress has entered upon an extensive program of preparation it is wise that there should be some control over the bases of supplies, the munition factories and other institutions that are operated for the purposes of the Government in this war emergency. Therefore, I ask him-and I speak of this because I want the opinion

of the Senator from Iowa in reference to the language of his amendment-first, does he agree that there is no statute now on the subject?

Mr. CUMMINS. I do not know of any statute forbidding any person from approaching or going upon the premises which are

described.

Mr. TOWNSEND. There would be no violation of a statute if any individual did go on the premises described?

Mr. CUMMINS. Not unless we enacted a statute to prohibit it. Mr. TOWNSEND. Does the Senator believe that the President without any act of Congress could make a lawful order forbid-

ding people from going on these premises?

Mr. CUMMINS. On some of them, yes; on others, no. I have no doubt the order which forbids visitors entering the office of the Secretary of War, or the Secretary of the Navy, or the navy yard, and all such other places connected with the Army and Navy, was a valid order, and that anyone who would enter such a place in view of that order for the purpose of securing information of the national defense would violate the provision as it

would be if my amendment were adopted.

Mr. TOWNSEND. Does the Senator believe that the President would have the authority to issue an order prohibiting an aviator from sailing over the forts, arsenals, and other war and naval stations mentioned in the bill?

Mr. CUMMINS. Forbidding a citizen of the United States?

Mr. TOWNSEND. Any person. Mr. CUMMINS. I rather think he would, although I am

Mr. TOWNSEND. If I were certain the Senator's provision would enable the President to issue an order for protecting these various things, I could see no objection to the Senator's amendment; but if it is intended that there shall be no statute and no possibility of issuing a lawful order to protect these various things, it seems to me we would make a very serious mistake if we failed to properly legislate. The reason that we have not done this in the past has been due to the fact that there has been no danger apprehended, but at the present time we are entering upon a very extensive program of preparation, and unless we protect from designing people these various institutions of ours, it seems to me, Congress would be derelict in the performance of its duty. But, I repeat, if I thought the President had the right to make this kind of an order I could see no objection to the amendment of the Senator from

Mr. CUMMINS. Mr. President, may I ask the Senator from Michigan a question? Is he willing to forbid everybody from obtaining any information with regard to the national defense?

Mr. TOWNSEND. I do not think that is the purpose of this provision. No; I would not be in favor of it. I think Congress has the right at any time to obtain information and to authorize people to obtain that information. It can pass a statute to correct any abuses that might be made by this statute. But the prohibition suggested by the Senator evidently is not the purpose of this proposed law.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER (Mr. KENYON in the chair).

Does the Senator from Michigan yield to the Senator from California?

Mr. TOWNSEND. I yield.

Mr. WORKS. I have no doubt the Senator from Michigan is right—that that is not the purpose of this bill—but I insist that that is the effect of it; and I should be glad if the Senator would give that pretty close attention, because that is the

important question,
Mr. TOWNSEND. I certainly would not want to do that. If this provision was to be enforced technically for the purpose of preventing proper intelligence going to the people, of course I should very seriously object to it. I have done what I could do honorably to avert war, and I shall continue so to do; but I recognize the serious portents which threaten our Republic. At the same time I am going to the limit of my ability to provide for the adequate protection of my country against reasonably possible dangers and I want to surround our institutions of defense and preparation with such safeguards as would prevent their destruction by an enemy or anybody in the employ of an enemy. I would rather err on that side at this time, so far as that is concerned, knowing that Congress has power at any time to pass a statute to right an evil, than to leave the thing wide open without the proper protection.

Mr. CUMMINS. Mr. President, I desire to reply for a moment to the Senator from North Carolina and the Senator from Michigan. I think it is true that the President has the power as Commander in Chief of the Army and Navy, the military forces of the country, to exclude citizens from the places in which these operations are being carried on or places which are directly a part of our military preparation. The President has exercised that power already. I think he has wisely exercised it, and I have no quarrel with him; but I can not agree with the Senator from Michigan with respect to the necessity or wisdom of simply excluding all American citizens from all information concerning the national defense. I may be willing that our people shall know nothing about the Army, if that be the warlike notion at the present time; I may be willing that they shall not know the name of a single ship in the Navy, if that be necessary in order to make our Navy effective; but I am not willing that citizens shall be excluded from the broad field of public welfare which is connected with the national

Mr. President-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield. Mr. OVERMAN. Did the Senator vote for the joint resolution of 1911?

Mr. CUMMINS. I do not know.

Mr. OVERMAN. The joint resolution for the protection of the national defense?

Mr. CUMMINS. I do not know whether I did or not. Mr. OVERMAN. The same language was used in the joint resolution of 1911, and no man was even punished or indicted under it. Congress passed the joint resolution in the same language that is employed here. The Senator did not complain then.

Mr. CUMMINS. I am not complaining now.
Mr. OVERMAN. It reads, "That whoever, for the purpose of obtaining information respecting the national defense, to which he is not lawfully entitled, goes upon any vessel," and so

This was the act of 1911, 36 Revised Statutes, and all the hobgobblins the Senator has stirred up here never occurred under that act. Here is the joint resolution of 1911, and the

Senator will see that that language was in it.

Mr. CUMMINS. Let me see it. The Senator asked me whether I voted for it. I do not know whether I did or not. My attention was not called to it. I venture to say, without any knowledge at all, that it is essentially different from the bill we now have before us, and either I will be confounded by reading it or the Senator from North Carolina will be overthrown, one of the two. I will read it:

That whoever, for the purpose of obtaining information respecting the national defense, to which he is not lawfully entitled, goes upon any vessel, or enters any navy yard, naval station, fort, battery, torpedo station, arsenal, camp, factory, building, office, or other place connected with the national defense, owned or constructed or in process of construction by the United States, or in the possession or under the control of the United States or any of its authorities or agents, and whether situated within the United States or in any place noncontiguous to but subject to the jurisdiction thereof.

I have now read what is the equivalent of paragraph A in the act of 1911. I give no assent to the act of 1911, but it is so radically different from the proposed act that it ought not to be cited in its support.

Mr. OVERMAN. I cited it only to show that the very lan-guage the Senator complains of in this bill was employed in the

joint resolution, that is all.

Mr. CUMMINS. Does the Senator mean the entire language? Mr. OVERMAN. The language which is used and which the Senator wishes to strike out in this paragraph: "That whoever, for the purpose of obtaining information respecting the national defense, to which he is not lawfully entitled." That is what the Senator proposes to strike out from this bill.

Mr. CUMMINS. The Senator confines his comparison to that? Mr. OVERMAN. Surely. Mr. CUMMINS. In that respect he is right, but there is a vast difference between such a law when applied to the ships and boats and camps and arsenals and docks and applied to the places which are authorized in this bill. Let us see. The Senator from North Carolina says he wants to exclude people from these places in which military preparations are going on. The Senator from Michigan [Mr. Townsexn] says he wants to pre-vent people getting information and conveying it to an enemy. I do, too. I think a man who enters upon any place or approaches any place in this country that is even remotely connected with the national defense for the purpose of conveying that information to an enemy in time of war, or even conveying it, if you please-I will go that far-to a friendly nation in time of peace, ought to be punished; and in the former case ought to be punished with the greatest severity. I would be willing to attach to that crime a penalty that would only end with the natural life of the person convicted of the offense.

Mr. TOWNSEND. May I interrupt the Senator? The Senator made a statement a little while ago to the effect that he did not agree with the Senator from Michigan, who would prevent our citizens from obtaining information. The Senator from Michigan never made any such statement. The Senator from Iowa asked me a question, and I told him no. I could not agree with him; that I did not think that was the intent of the law.

Mr. CUMMINS. May I ask the Senator from Michigan, why did not the persons who drew the law confine it to that?

Mr. TOWNSEND. I do not know why they did not, unless, I suppose, they did not imagine the point would be raised on it, because that is not the object of the statute, evidently. If it

can be safeguarded, I would be very glad to have it done.

Mr. CUMMINS. That is all I am trying to do, to safeguard it so that it will not be used to persecute men who are innocent of any desire to injure their country or to aid or abet an enemy.

Now, I point out, if I may be permitted to do it, the vast difference between the present law and the proposed paragraph. If the present paragraph is so drastic and adequate, why repeal it and substitute anything in its stead? There must be some difference between the law of 1911 and the proposed law, or we would not be engaged here in endeavoring to enact another.

This person who goes upon these places for the purpose of

obtaining information will find that if he-

approaches goes upon, or enters, files over, or induces or aids another to approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine hase, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station—

I pause there to say that I have no doubt the President has power to exclude citizens from approaching or entering upon these places, and therefore my amendment would not at all weaken the statute in so far as these places are concerned. Then it proceeds

building, office, or other place connected with the national defense

I wonder if the Capitol is connected with the national defense? I wonder if the Capitor is connected with the national defense? I do not know what the judicial construction of the words "connected with the national defense" may be, but I take it there is a rather intimate connection between the Capitol and the national defense-

owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States.

This language extends the operation of the bill to every manufactory in the United States which has undertaken to construct anything for the United States in the nature of preparation for war. I read further:

Or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this chapter.

Here is the part of the bill which is especially dangerous and objectionable, because I turn now to section 6, in order to inform those who are here and who were not here Saturday what other places the President may designate and which it will be a crime to approach for the purpose of securing information:

SEC. 6. The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section I hereof as a prohibited place for the purposes of this chapter.

That is the end of that grant of power, and it puts in the hands of the President the power and the authority to include the entire territory of the United States. There is no limit whatsoever to his authority in that respect.

Mr. OVERMAN. The Senator ought to have read the other

Mr. CUMMINS. No; I consciously did not, because I am about coming to the other line and will point out why it does not limit that authority.

The President of the United States shall have power to designate any place other than those set forth in paragraph (a)—

He can include any scene of activity in the whole country as a place which no citizen must approach for the purpose of ob-taining information in any way related to the national or public defense. Now I proceed-

on the ground that information with respect thereto would be prejudi-cial to the national defense.

That is to say, if the President believes that information that could be secured in any of these places anywhere in the United States would be prejudicial to the national defense, he may

include all such places within the prohibited category.

Now, I am not asserting, as I have repeatedly said, that any President would be guilty of so monstrous an act, but I am not willing to give him any power to be guilty of an act of that sort.

I know that he could exercise it to the very great disadvantage of the country, and he could in that way limit and restrict the liberties of our people far within the measure which they ought to enjoy. But that is not so bad after all as the thing which follows in section 6 is the climax, and I wish the Senator from Michigan would follow me there:

He shall further have the power, on the aforesaid ground-

That is, on the ground that information with respect thereto would be prejudicial to the national defense.

He shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United duly authorized)—

Presumably by him-

shall be lawfully entitled within the meaning of this chapter.

Any words of mine characterizing the paragraph I have just read would but weaken the impression which I am sure must be left upon the mind of any Senator as he hears the clause read. The marvel is that such a thing could ever be proposed.

Mr. WADSWORTH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. WADSWORTH. Does the Senator construe that language to mean, we will say, that a committee of Congress would not have the power to investigate the condition of the Navy Department or the War Department in the event the President

had withdrawn those two departments from all inquiry?

Mr. CUMMINS. I do not know how I ought to answer the Senator from New York. Plainly the words give him, or attempt to give him, that authority, but the proposal is so shocking that I could hardly believe any court would ever give it

that interpretation.

Mr. BORAH. If they did, the act would be unconstitutional. Mr. CUMMINS. Certainly. But the collusions between this chapter and the Constitution are very numerous, and I hope to reduce them somewhat.

Mr. TOWNSEND. Is the Senator going to move to strike out

section 6?

Mr. CUMMINS. I am going to move to strike out this part of it, and I am going to move to amend another part of it.

One more word and I shall have said all I care to say upon

The Senator from North Carolina suggests that this bill has been very materially modified since it came from the hands of the Attorney General. I will not gainsay that although I doubt the extent of the modification; but it is sufficient to say, so far as we are at this moment concerned that paragraph (a) to which I am directing myself is in the exact terms in which it came from the office of the Attorney General. It has not been changed or amended in any respect whatsoever. I sincerely hope, Mr. President, that my amendment will be adopted, and upon which I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas

and nays seconded?

I am not doing that, of course, to cut off Mr. CUMMINS. debate, but when the vote is taken I want to have it taken in that way.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. Cummins], and the Secretary will call the roll.

Mr. HUSTING. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will read the

The Secretary. On page 1, strike out of lines 4 and 5 the words "to which he is not lawfully entitled" and insert "in violation of a statute or a lawful order of the President of the United States."

The Secretary proceeded to call the roll, Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Oklahoma [Mr. Gore] and vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair, the Senator from North Dakota [Mr. McCumber], I withhold my vote. If I were at liberty to vote, I should vote

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING]

The PRESIDING OFFICER. He has not voted.

Mr. UNDERWOOD. Then I withhold my vote, as I have a pair with that Senator.

Mr. WALSH (when his name was called). I inquire whether or not the Senator from Rhode Island [Mr. Lippitt] has voted? The PRESIDING OFFICER. He has not voted.

Mr. WALSH. I have a pair with that Senator, which I transfer to the Senator from Indiana [Mr. KERN] and vote "nay."

The roll call was concluded.

Mr. SMOOT. I desire to announce the absence of the Senator from Ohio [Mr. HARDING] on account of illness. eral pair with the Senator from Alabama [Mr. Underwood].

I also desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. I desire that these announcements

may stand for the day.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCumber] to the junior Senator from

California [Mr. Phelan] and vote "nay."

Mr. GRONNA (after having voted in the affirmative). I in-advertently voted on the roll call. I have a general pair with the junior Senator from Maine [Mr. Johnson], which I transfer to the Senator from Utah [Mr. SUTHERLAND] and will allow my

Mr. CATRON. I am generally paired with the Senator from Oklahoma [Mr. Owen]. He does not seem to be present, and I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. VARDAMAN (after having voted in the affirmative). Mr. President, I desire to ask if the junior Senator from Idaho [Mr. Brady] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. VARDAMAN. I inadvertently voted. I have a pair with that Senator, and in his absence I will transfer the pair to the Senator from Arizona [Mr. ASHURST] and let my vote stand.

Mr. UNDERWOOD. As already stated, I have a general pair with the junior Senator from Ohio [Mr. Harding]. In his absence I transfer that pair to the Senator from Oklahoma [Mr. Gore] and vote "nay."

Mr. GRONNA. I observe that my pair, the Senator from Maine [Mr. Johnson], is now in the Chamber. I therefore withdraw the transfer of the pair which I made to the Senator from Utah [Mr. Sutherland] and will let my vote stand in

my own right.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. Owen] to the Senator from Utah [Mr. Suther-LAND] and will vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Arizona [Mr.

west virgina [Mr. Goff] to the Senator from Arizon:
SMITH] and vote "nay."
Mr. JAMES (after having voted in the negative). H
junior Senator from Massachusetts [Mr. Weeks] voted?
The PRESIDING OFFICER. He has not voted.

Mr. JAMES. I have a pair with that Senator, which I transfer to the senior Senator from Nevada [Mr. Newlands], and will let my vote stand.

Mr. LEWIS. I have been requested to announce that the

junior Senator from Kentucky [Mr. Beckham] is detained on

official business

Mr. DU PONT. Mr. President, I inquire whether or not the junior Senator from Kentucky [Mr. Beckham] has voted?
The PRESIDING OFFICER. He has not voted.
Mr. DU PONT. I have a general pair with that Senator, and

will therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

The result was announced-yeas 28, nays 48, as follows:

Str. Salsh	YEA	S-28.	diameter prison
Borah Brandegee Catron Clapp Clark Cummins Curtis	Gallinger Gronna Hitchcock Jones Kenyon La Follette Lane	Lee, Md. Norris O'Gorman Oliver Page Penrose Poindexter	Sherman Smith, Mich. Smoot Vardaman Warren Watson Works
	NAY	S-48.	
Bankhead Broussard Bryan Chamberlain Chilton Culberson Dillingham Fall Fernald Fletcher Hardwick	Hughes Husting James Johnson, Me. Johnson, S. Dak. Kirby Lea, Tenn. Lewis Lodge McLean Martin, Va. Myers	Nelson Overman Pittman Pomerene Rargdell Reed Robinson Shafroth Sheppard Simmons Smith, Ga. Smith, Md.	Smith, S. C. Sterling Stone Swanson Thomas Thompson Tillman Townsend Underwood Wadsworth Walsh Williams
	NOT VO	TING-20.	
Ashurst Beckham Brady Colt du Pont	Goff Gore Harding Kern Lippitt	McCumber Martine, N. J. Newlands Owen Phelan	Saulsbury Shields Smith, Ariz. Sutherland Weeks
So the ome	ndmont of Mr Ch	MATTER WOO PO	octor

So the amendment of Mr. Cummins was rejected.

Mr. WALSH. Mr. President, on Saturday last I said to the Senate, toward the close of the discussion on that day, that I would offer an amendment to the feature of the bill then pending. I ask that my amendment be now presented to the Senate.

The PRESIDING OFFICER. The amendment proposed by

the Senator from Montana will be stated.

The Secretary. On page 1 of the proposed amendment, lines 4 and 5, strike out the words "to which he is not lawfully entitled," and insert in lieu thereof "without the permission, expressed or implied, of one lawfully entitled to give the same."

Mr. WALSH. Mr. President, I merely desire to say in sup-

port of this amendment that the act denounced by the bill is not the securing of information concerning the national defense, as might be gathered from much of the discussion which has taken place. The act denounced by the bill is the going upon certain places, entering certain places, and so forth, and so forth, for the purpose of obtaining the information. It occurs to me that what we want to do is to punish the man who goes upon those places or who enters those places without permission to do so from some one who has lawful authority to grant such permission. Of course, if one were going there to get information to which he was lawfully entitled, he would undoubtedly secure or have permission to go there. I believe the bill would be improved, would be more definite in its character, and would more clearly define the crime to be punished by the adoption of the language which I have proposed.

Mr. OVERMAN. Mr. President, I should like to have the amendment again stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be again stated.

The Secretary again stated the amendment proposed by Mr.

The PRESIDING OFFICER. The question is en agreeing to the amendment proposed by the Senator from Montana to the amendment reported by the committee.

Mr. LEE of Maryland obtained the floor.
Mr. CUMMINS. The Senator from North Carolina has indicated a willingness to accept the amendment.

The PRESIDING OFFICER. The Senator from Maryland

has the floor.

Mr. LEE of Maryland. I am perfectly willing to yield to the Senator from Iowa.

Mr. CUMMINS. I beg pardon. I did not know the Senator had the floor.

Mr. LEE of Maryland. Mr. President, I mentioned in the debate on Saturday an instance of our lack of preparedness in connection with the construction of large movable guns. becoming accidentally acquainted some years ago with the conditions of our national defense in that respect I have made a point to try to keep in touch with the progress along that line, and to discover what, if any, progress in making these guns was being made. I went to the War Department a year ago and found out that nothing had been done. I visited the department this winter and ascertained that the six movable cannon, large movable guns of position, heretofore authorized have not yet been manufactured.

am heartily in favor of this amendment, because in going to the War Department and taking the matter up with military men or others having knowledge of the subject for the purpose of agitating this question or mentioning it here on the short, under this bill as originally drawn, I would be subject to indictment, I take it; but under the amendment of the Senator from Montana [Mr. Walsh] there would be an implied permission to make this inquiry about our preparedness until that permission were definitely withdrawn. I am inclined to think that the implied permission would save the citizen or the Member of Congress making apparently legitimate inquiry into the subject. So this amendment, Mr. President, is a very desirable one, in my humble judgment, in the interest of a proper public knowledge of the national defense, and should be adopted.

Mr. OVERMAN. Since examining more carefully the amendment suggested by the Senator from Montana, I hope it will not be adopted. I do not like the expression "without the permission, expressed or implied."

Mr. SMITH of Michigan. That is not all of the amendment.
Mr. OVERMAN. It reads "without the permission, expressed or implied, of one lawfully entitled to give the same." I hope the Senate will let the provision remain as it now stands. It is the same language as that contained in the act passed on March 3, 1911, from which I quoted when the Senator was not I repeat, that we have employed in this proposed statute the exact language used in that statute, no trouble has arisen because of that law, and no innocent man has been indicted or prosecuted. The law has worked well, but it is now

out of date. This provision in the pending bill simply seeks to enlarge that statute, but the language proposed is copied directly verbatim et literatim from the old statute.

Mr. WALSH. Mr. President, will the Senator advise us what the act of March 3, 1911, is?

Mr. OVERMAN. It is very much like the provision of the pending bill now under discussion. Our attention was called to the fact that that statute needed to be amended and enlarged, and this provision simply seeks to do that. I will read the provision in the act of March 3, 1911, to the Senator, and will ask him to note the words:

That whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, goes upon any vessel or enters any navy yard, naval station, fort, battery, toppedo station, arsenal, camp, factory, building, office, or other place connected with the national defense owned or constructed or in process of construction by the United States, or in the possession or under the control of the United States, or any of its authorities or agents, and whether situated within the United States or in any place not contiguous to but subject to the jurisdiction thereof—

And so forth. The Senator will see that the language employed in the provision now under consideration is exactly the same as that employed in that statute passed six years ago. I do not think it is necessary to modify it, and I hope the Senator will withdraw the amendment,

Mr. WALSH. Mr. President, let me suggest to the Senator from North Carolina that that would operate very unjustly in some case

Mr. OVERMAN. If the Senator will yield to me, I desire to call the attention of the Senate to the illustration the Senator gave the other day of an old lady going to the War Department and seeking information about her son and the whereabouts of the army in which he was serving. The Senator said that she might be guilty under this proposed statute of a violation of its terms. As I said at the time, however, and, as I now repeat, in a case of that kind nobody is going to file a complaint and no prosecuting officer would ever prosecute a case like that; no indictment would ever be presented and no jury would ever convict. So in the illustrations which have been given by the Senator from Iowa I can not imagine that anybody would ever present an indictment against a person in a case of that kind. We must, however, make the statute general.

Mr. WALSH. I quite agree with the Senator that no prosecution would be carried on in the case I have instanced; but, notwithstanding that fact, such an act falls under the condemnation of the proposed law. I should like to direct the attention of the Senator from North Carolina to the objection I find in the language he has suggested, quoted from the act of 1911. One goes to the commander of a fort or any other structure in connection with the national defense and asks permission to go inside to gather some information. That permission is granted to him. Now, he is not lawfully entitled to it, and yet he very courteously went to the commandant of the fort or the navy yard, or went aboard a man-of-war, or something of that kind, with the entire consent and approval of the commander; he obtained some information that he wanted to get and which he told the commander he wanted to get, but to which he was not lawfully entitled; and he would be amenable to presecution.

Mr. OVERMAN, Mr. President, I think if a man gets the

permission of the commander, or if some one who is authorized allows him to obtain the information, and the commander then lets him have it, he would not be amenable to prosecution under the words "lawfully entitled."

Mr. WALSH. But suppose there is an order out that that permission should not be granted?

Then he would not be entitled to have it. Mr. OVERMAN. Mr. WALSH. Exactly so, but he has permission to go there from the commander of the boat.

Mr. OVERMAN. But he goes there for the purpose of getting certain information, and he wants to use it for unlawful purposes. Mr. WALSH. That is where we differ. I assume that the man wants to use it for a perfectly lawful purpose; that he wants to publish, for instance, for the information of the world something about a contrivance on board of an American battleship. Now, we will assume that there is an order out to all commanders not to allow anybody to get any information about that matter, but he does not know anything about that; he has never heard of such an order; it has not been published; it is a secret instruction that has been given to the commander. He goes to the commander, and the commander forgets about the order, or for some reason or other-it does not make any difference what it is-he allows the man to go and make the inspection, and he writes about it. He is amenable to prosecution

under this proposed act. It occurs to me, Mr. President—
Mr. OVERMAN. He might be amenable to the statute. So
persons are amenable to all criminal statutes that have been passed, and yet men are not prosecuted when they are innocent. Mr. WALSH. I have submitted all I care to say, Mr.

Mr. President, if it is made unlawful for any person to do this thing under this bill, of course he is not excused on the ground of ignorance; if it is not made unlawful, then he can go, under the amendment of the Senator, if he can secure permission, and obtain exactly the information which it is the purpose of the law to prevent his obtaining. No one has any lawful right to do these things. The question is as to whether Congress will provide a penalty to prevent its being

The second objection that I find to the wording of the amendment is that the words "without the permission, expressed or implied," would simply give every spy in time of war or in time of peace a defense to work out technically in his trial before a jury. Everyone, if he surreptitiously, or by any method, obtains entrance to any of our works or our vesselsit makes no difference how he does it-if arrested, and if he did not have the express permission of the officer in charge to enter and obtain the information, would undoubtedly immediately set up the fact that his going there was in itself not unlawful, because the Senate of the United States had stricken out the words "to which he is not lawfully entitled," and that he had implied permission because he got there in some way. The very fact that sufficient guard was not kept to prevent his entrance would of itself enable him to make a defense before a jury upon his trial for violation of this act. I think that the intention of this provision is simply to broaden the act of

I have listened with a good deal of interest to the argument along this line. We have had for a great many years, for a hundred years or more, laws along this general line. Circumstances have developed, and it has become necessary from time to time to broaden these laws. The Senator in charge of the bill has called attention to the law of 1911, the language of which has been incorporated in this proposed law, and the object of the present section which we are now discussing is simply to enlarge the provisions of the act of March 3, 1911, to meet cases which have actually arisen, and for no other pur-

We are prohibiting here, for instance, the obtaining of information by flying over a ship of war in an aeroplane; we are preventing the obtaining of that information by approaching a ship for that purpose without entering upon it: we are broadening the law as it stands now, and not making anything unlawful which was not unlawful before, except as new circumstances have arisen, just as I have suggested in the matter of the development of aero flight, the possibility of which was never dreamed of a few years ago, even as late as 1911. That is all that this bill, which has been so vigorously condemned, is designed to accomplish. It simply broadens the law as it stands, taking in other cases. Heretofore it was made unlawful to enter a ship or to enter a military post for the purpose of to enter a ship or to enter a military post for the purpose of obtaining information, and now the language is simply broadened to prohibit the doing of other acts for the same purpose or to the same effect.

As I have said, to excuse a person for going upon a ship for this purpose by allowing him to offer in his defense that he had the implied permission of some subordinate in command of the ship or of the fort or of the work of harbor defense or munition factory, or whatever it might be, would simply be to offer a premium to spies irstead of prohibiting their methods.

Mr. LEE of Maryland. Mr. President, I want to come back

to the concrete case of those six guns and to draw the attention of the Senator from New Mexico to that case. I should like to have him consider that particular instance. If the Senator will listen to me, I will remind him of the instance. I just mentioned it here a little while ago.

We are absolutely defenseless so far as these large movable pieces are necessary to defense in modern war. We have not made, so far as I can ascertain, any of them. I did not imagine it possible that so important a matter had been vegetating for years—several years from the time I put a letter here in the records of the Senate stating that it was just being taken up and started with the War Department. I happened to mention the matter to a young officer of the Regular Army in the War Department this winter and learned from him that we were just as defenseless now with respect to those great guns as we ever have been. Now, Mr. President, was that inquiry a crime? I had no express right to be in the War Department to ask that question. There was an implied right in any citizen of the United States, there was an implied right in any Senator of the United States, to enter that department and get proper information as to the conduct of the public affairs, either from a legislative standpoint or as a voter in this country.

I do not understand the extraordinary nervousness and excitability shown in this bill. We can not discuss our unpreparedness under this bill. The Senator knows that these great guns can be made only in a few places in the United States. There are only a half dozen factories or arsenals, or perhaps not that many, where they can be made. Does any informed man suppose for a moment that the great Governments of Europe have not already placed their enlisted, paid informers in those gun shops? Why, they have them plentifully there; and yet, while these foreign Government know all about our defenselessness, under the terms of this statute we, or the people of this country, can not inquire and agitate to expedite making these guns for the defense of our coasts.

I want to call attention to the language of the President of the United States in his message to Congress on December 8, 1914. Speaking of this very question of preparedness, he says:

We shall not alter our attitude toward it because some amongst us are nervous and excited.

Mr. President, because we are nearer a possible climax likely to show the need of preparedness and apparently, taking this great gun incident, no nearer preparedness than we ever were years ago, shall we shut down upon all sources of information or possibility of publicly discussing this question so that we can meet it effectually and in manner appropriate in a free country? Is not the phraseology of this act, its actual scope, whether so intended or not, a protection to inefficiency in the War Department?

I know the Senator is not looking at it from that standpoint; but we have got to take the meaning of these words as written and we must consider the natural effect of these words. Supposing that some one in authority in the War Department, being somewhat galled under the criticisms of his own conduct, of his own lack of action for proper preparation, of the absence of these movable great guns that we need so much along our coast lines, should undertake to prosecute and imprison a citizen who ascertains that we are defenseless and proclaims the fact to the people of the country for the purpose of creating some kind of defense, when we all know, and everyone of us knows, that there is not one of these great gun shops of the country that is not sprinkled with the spies of foreign nations, who can tell their Governments just what we have and what we have not made! Such a silencing prosecution would seem to lie under the wording of this act.

Mr. FALL. Mr. President, as the Senator from Maryland has

directed his remarks to me, I shall in a very few words under-

take to answer them, if an answer is necessary.

The Senator from Maryland apparently bases his objections to this section upon the use of the word "building" or "office," and illustrates by recounting an incident where he had the temerity to enter the War Department Building, and there to ask information from some clerk or some one engaged in the War Department.

Mr. LEE of Maryland. Mr. President, may I correct the Senator for a moment?

Mr. FALL. Certainly.

Mr. LEE of Maryland. The information I referred to was

given me by a Regular Army officer.

Mr. FALL. The Senator, then, as I understand, to be perand I want to be correct—had the temerity to fectly correctenter the War Department and there to obtain some information from some officer in the military service of the United States. He concludes that he would be guilty of an offense under this act if he repeated that proceeding; and therefore, as he might possibly be prosecuted in the event he entered the War Department, he objects to the entire act as being such a highhanded procedure as he has never heard of in the history of any nation, I presume.

So far as the Senator's criticism upon the War Department is concerned, or the Navy Department, or any other department of this Government for dilatoriness in preparedness, or his implied criticism of the President for saying that it was not necessary for us to become prepared, he can wrestle with his own conscience and his own party. I have nothing to say upon that subject. I have this, however, to say as to this particular bill, and as to the instance which the Section 1.

and as to the instance which the Senator cites:

The Senator knows perfectly well that the Congress of the United States has the right, not prohibited by this bill, and that he, as one of its Members, has an absolute constitutional right to invoke that right of Congress in time of war or otherwise, to ask, demand, or secure information with reference to the national defense from the proper authorities. He knows perfectly well, of course, that it was within his power to offer a Senate resolution or a joint resolution or a concurrent resolution demanding information upon the subject which he was at that time investigating, and that with the official information

in hand, obtained, not simply from some one officer, but from the proper legal authorities capable of getting it, he could have formulated and advanced a criticism which the whole country would have heard.

We have all, possibly, seen matters in the conduct of the affairs of our Government which were subject to criticism. That is one of the defects of our form of Government. It is one of the defects which we are now seeking to cure by vesting in some one authority the power to protect the interests of the people of the United States, where such authority is not vested

at the present time.

The Senator has said that we are in a crisis. We are; but to my mind the crisis now confronting the people of the United States is much more serious as it affects them nationally, as it affects their own form of Government and the perpetuity of their institutions, than is such crisis as dependent upon the re-sult of present negotiations or failure to negotiate with certain countries of the world, no matter what the immediate result of such negotiations or failure to negotiate may be. In other words, I think the people of the United States are now on trial; that it is a question now as to whether this democracy is capable of continuing and perpetuating itself. The other democracies of the world—more pure democracies in many respects, more democratic in their form of government in many respects than this-have found that they were inefficient, that they were not prepared even to preserve their national lives or existence. The Socialist Briand, in France, has been vested with more authority than Napoleon Bonaparte ever had when he was the conquerer of the world-vested with that absolute dictatorship and authority by a democracy purer than ours, more nearly a democratic government than ours, because they found that the democracy itself could not compete with the autocracy headed by the Kaiser and the national efficiency worked out by the most autocratic Government in the world.

The same thing has been discovered with relation to another democracy, which is even more democratic in many respects than ours—that of Great Britain. They have found that it was absolutely inefficient, that it was incompetent, when it was confronted with the efficiency and competency of the autocracy of the Kaiser; and it has been necessary for that great democracy of Great Britain to confer the most absolute autocratic power upon Lloyd George, the most radical statesman whom Great Britain has ever known, the man who has gone further toward State socialism in Great Britain than any other prominent statesman has ever been able to go, and who has carried the

people of Great Britain with him.

I say to you now that you yourselves, this legislative body, are incompetent and inefficient. You are proving to the people of the United States every day your inefficiency and your incompetency to take care of the affairs of this Government. You are doing it either by acts of omission or by acts of commission every day of the world. It is a question as to whether we can preserve our form of government and protect ourselves in a

crisis—an international crisis and a national crisis.

I say that while I have no reason personally to entertain any feeling of friendship of any kind or character for the present occupant of the White House, while I have been as severe in my criticisms of him, of his acts, or rather of his failure to act, as any Senator or any man in the United States, I believe that it is absolutely essential to the salvation of this Government now that some man who will act shall have the power to act in times I believe that it is necessary that we should have laws which will enable us to control the spies of foreign countries, who, as the Senator says, now have access to the intimate secrets of this Government for its national defense. I believe that the Congress of the United States should vest in the Executive Department at this time absolute, arbitrary powers; and I believe that without that this Government itself and the perpetuity of our democratic institutions are at stake. For that reason I am willing to yield something of my previous convictions with reference to one-man power. I am willing to support the man whom I have criticized as strongly as any man in the United States has criticized him, just as far as he will allow me to support him—not, I may say, as the leader of a party who comes to the Capitol and seeks advice only from the members of his own party; not that form of support, but I am willing to support him as the President of the United States, in whom is vested the executive authority, and who stands before the people of the world as the representative of this great Govern-To him I am willing to yield authority, and I am ment of ours. willing to vest him with the power necessary to carry it out. I am willing to trust to the courts to see that justice is done to the Senator in the event that he, as a Senator, seeks to set the War Department right upon some matter concerning which they have been negligent, or which they have overlooked.

The Senator knows that under this law, making it unlawful, he would neither be prosecuted nor would he be convicted by any court or by any tribunal before which he was tried, if he repeated exactly the experiment which he undertook to carry out and to which he has referred. The Senator is a lawyer, and he knows it. The Senator knows that there must be criminal statutes, general rules, prohibiting all manner of offenses. There is a general law, and it must be a general law, prohibiting the taking of human life by another; and yet there are exceptions, there are defenses to every law, and the courts are the place to make them, under a proper defense of justification, for instance.

The Senator knows that no matter what indictment or information might be laid upon such an offense as he is reciting, in any court the indictment would go down upon a statement of the case; and he, a Senator, interested in the welfare of his country, calling the attention of any official of this Government to a matter of the kind to which he has referred, seeking information with respect to it in behalf of his country, walking into the War Department, knows that he would go with impunity. He knows that he would never be indicted, and he knows that no jury of his peers would ever convict him for such a supposed offense, any more than a man justifiable under the laws of a State would be precluded from pleading self-defense, although there is a general statute prohibiting homicide.

Mr. PITTMAN. Mr. President, I do not take it that this paragraph is attempting to prevent a person from going into a navy yard or on a vessel, or to make it a crime to go into a navy yard or a crime to go on a vessel. If that were the declaration of the paragraph, I would understand the amendment of the Senator from Montana, because then it would be a crime to go on a vessel or into a navy yard without the permission of those in charge.

That, however, is not the object of the paragraph. It is not the stated purpose of it. It states very plainly that it applies to whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, shall do certain things. The crime does not consist in going into a navy yard or going on a vessel, but the crime consists in going there with a criminal intent, for a criminal purpose. The Senator from Montana, under his amendment, permits a man to go there for a criminal purpose, for the purpose of criminally obtaining information, against the law, simply by the implied consent of some one in charge of the work or the vessel. I do not believe that Congress desires to allow anyone to unlawfully obtain the information with regard to our vessels or our navy yards simply upon the implied consent of anyone; and yet that is what his amendment means.

If the Senator wants to place a different section in this bill, or a different paragraph, stating that no one shall go into a navy yard or on a vessel without the permission of the officer in charge, I would vote for it; but I can not vote to allow anyone to unlawfully obtain information with regard to our Navy or its works upon the implied consent of anyone. I think that to adopt this amendment is going to destroy the effectiveness of this paragraph as a criminal statute, because a man can obtain the implied consent to go in a navy yard, and no matter on what pretext he obtains that implied consent he is not guilty, if his real purpose be to unlawfully obtain information to which he is not entitled. I certainly insist that

this amendment would destroy the very purpose of the act.

Mr. LEE of Maryland. Mr. President, I think there is a misconception here of the ordinary methods of spies, and a mixing up of spy methods with the free habits of the American citizen. Now, a spy who wants to find out about a navy yard of the United States or a ship of the United States, or where and how great guns and their mounts are being manufactured by a private party under contract with the United States, enlists; he becomes a workman in that yard; he becomes a sailor in our Navy; he becomes a person authorized to go there and observe those details.

Why, Mr. President, do you suppose that signal book which was stolen off a United States naval ship was stolen by an American citizen who was wrongfully there? Quite the contrary. That signal book was stolen by an emissary of some foreign Government enlisted in the Navy of the United States and watching for every possible opportunity to steal any signal book or acquire any other information that would be to the good of his Government and bad for ours.

This law as framed strikes me as showing every sign of somebody being nervous and excited. It goes out and embraces a lot of innocent things that the American has been in the habit of doing and ought to do as a self-governing man, and makes those innocent things crimes. It does not get by that any closer to the spy that stole the signal book off that ship. It does not get at the spy who will report to every Government in the world that we have not yet designed, completed, or manufactured the mounts

for those six movable guns.

Mr. President, we should draw a great line in this proposition. There is one great line to be drawn between peace and war. That is one great line that this act does not apparently draw. Then there has got to be another line drawn, and that is between the normal, innocent habits of our people and the designing conduct of the spy. It is a very reprehensible thing to draw a statute in such wise that it can be used to prevent publicity in a republican form of government, that it can be used in such ways as to punish a citizen who is doing a patriotic thing in proclaiming that his country is undefended, and pointing out where her defenses should be strengthened.

Mr. President, there was nothing excited about the President of the United States when he gave that message on December 8, 1914. and I do not believe that the President is excited now, although it might be inferred from what has been said here in

this Chamber that he has become so.

On December 8, 1914, the President said, in this same message:

It is right, too, that the National Guard of the States should be developed and strengthened by every means which is not inconsistent with our obligations to our own people or with the established policy of our Government. And this, also, not because the time or occasion specially calls for such measures but because it should be our constant policy to make these provisions for our national peace and safety.

More than this carries with it a reversal of the whole history and character of our polity.

character of our polity.

Mr. President, there is a great newspaper combination in this country, there is a combination of men, who perhaps are acting within the limits of their convictions, in the Regular Army of the United States, to break down the larger part of the military efficiency of this country on land, as represented by the National Guard system of this country. The President of the United States has expressed himself in favor of the National Guard system of this country. Mr. President, I propose at an early date to show on this floor how for year after year, and especially during this great mobilization, there has been a series of things taking place that show that there has long been a combination in high official circles and the press against the National Guard, the most numerous portion of the land defense of the country. I deem it my duty to acquire all the informa-tion I can on that subject, and I do not propose to sit here quietly and help pass a law under which anyone of these emissaries of centralized power, anyone of these people that want to Prussianize the Government of the United States, can send me or any other citizen, inside or outside of the Senate, to jail because we inquire into and expose these attacks upon the National Guard system, or because we inquire into and expose the

lack of preparation in the Regular Army.

Mr. President, this law goes too far. It is nervous and excited to a high degree. We have created in this country a free Constitution. Armies have been created before. Great battless have been fought throughout the ages. Armies and battles are but the common incident of the history of mankind, but the but the common incident of the history of mankind, but the creation of a free Constitution and the maintenance of free institutions are something new, relatively speaking, in the history of the world. This great country represents that great idea, and will represent it, I hope, through all time to come; and for us, the chosen representatives of the people here, for the Democratic Party of all parties, the party that believes in the rights of the people and the rights of local self-government, for my party, the Democratic Party, to be guilty of such extraordinary, sweeping, statutory limitations of public rights as this law contains, Mr. President, is a shock to my party principles as well as a surprise.

ciples as well as a surprise.

I do not believe that the President of the United States is a party to this radical statute-certainly not to the extent that has been intimated. It is inconsistent with the calm dignity of his message, from which I have just quoted. It is inconsistent with the principles upon which he was reared and for which he stands in this country. It is inconsistent with the reasons for which he was put first in the White House, and then put back in the White House. I believe, Mr. President, that the public safety can be protected by a democratic and sane form of lawmaking, entirely free from the color of military dictation which this bill shows. I do not believe that the public safety renders it necessary for us to grant a power that might at some time be used to beat down the ordinary rights of the American citizen in the way that this statute makes it possible to beat them down.

There have been a great many occasions in the Senate when the Senator from Iowa [Mr. Cummins] and the Senator from California [Mr. Works] were inveighing against the alleged encroachments upon the rights of Congress by the present administration with which I had no sympathy. I think when I first came into this body the Senator from Iowa [Mr. Cum-MINS] was intimating that increasing the parcel-post package from sundry pounds to sundry other pounds was an encroachment by the administration on the rights of Congress in some way. I may not have accurately described the occasion, but I remember taking issue with him on that question at that time. Mr. President, on this occasion these critics, if they are criticizing the administration-and I very much doubt whether the administration is responsible—on this occasion these critics, as watchdogs of American liberty, let us say, are not upon a false trail. This is a serious proposition, and I am inclined to think that it has been most hastily presented and misrepresenfed in chapter first of this bill, the part of the measure to which I object. These objects could be attained by other language and other protection thrown around our land defenses, such little defenses as we have. God knows they are small; but I believe the proper protection could be thrown around them without this dangerous provision as against individual freedom to run on and on in times of peace.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 17, 1917, approved and signed the following

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 5632. An act for the relief of Aquilla Nebeker; and

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes; and S. 8079. An act to amend the first and seventh paragraphs

of section 4414 of the Revised Statutes of the United States, as

amended by the act of April 9, 1906.

The message also announced that the House had passed resolutions relative to the life and public services of Hon. BENJA-MIN F. SHIVELY, late a Senator from the State of Indiana.

The message further announced that the House had passed resolutions relative to the life and public services of Hon. James P. Clarke, late a Senator from the State of Arkansas.

## HIGH COST OF LIVING.

Mr. BORAH. Mr. President, I wish to take this occasion to advert for a moment to another matter. The price of those things which enter into daily living, of everything which we wear and which we eat, has reached a point where it presents a national crisis. It has brought about a situation which it seems to me we can not longer afford to ignore, if there is any possible way by which we can intelligently and effectively deal with it. I read from an article in the New York Sun of yesterday:

Prices of common staple vegetables—potatoes, cabbages, and onions—have soared to such heights in the past two months that the average housewife is now compelled to consider them in the light of luxuries. They have reached a point where they are twice as expensive as in Civil War times. Apparently there are no substitutes for these very necessary items of food—all foodstuffs have been caught in the market swirl of high price—and the woman who buys for her family has to be ingenious indeed to figure out how to make a dollar go where a quarter or a half went before.

The other afternoon, on my way home, I dropped into a market and while there a woman came into the market, apparently the wife of a workingman, or a man of limited means at any rate, and began to price the articles in the market; and pricing them one after another seemed to be utterly astounded at the prices. Finally she turned and went from the market without making any purchases, with this ejaculation to herself: "I do not know what we are to do."

It was simply tragic, as I witnessed it there.

I have no doubt that even in these times of certain kinds of prosperity that is the situation which confronts the wife of practically every workingman in the United States and the wife of every man who is drawing a limited salary. At a time when we are enjoying a period of prosperity, by reason of conditions particularly superinduced by the war, such as we have never before known in the history of this country, particularly along certain lines, there are literally hundreds of thousands of people who are living on the ragged edge of hunger, who are worried from day to day and from month to month as to how they shall meet the situation which confronts them. I do not see how they clothe and feed their families. It is, to say the least, a harrowing situation,

I am aware, of course, as everyone is, that the war brought on a condition of affairs which had its effect upon prices. I presume that a certain per cent of the increase of prices of all articles, both clothing and food articles, has been brought on by reason of war conditions.

But, Mr. President, I am clear in my own mind that there are those operating in these products and articles who have taken advantage of the conditions presented by the war, and under cover of the fact that the war is supposed to have induced a rise of prices, have increased them through monopolistic combines and other combinations practically 50 per cent higher than otherwise they need to be by reason of any real conditions brought on by the war. Assuming that raises would be laid to the war, they have wrought their schemes of speculation and are making millions through combines and by speculation out of those things which constitute the necessaries of life

I do not know, and that is the reason why I rose, and the only reason, whether our laws, in the minds of those who must execute them, at present are sufficient and efficient to deal with this situation or not. I believe that they are if they were enforced. In that I may be in error. If they are not sufficient, they should be made so at once.

It was my purpose this morning to introduce a resolution addressed to the Attorney General, whose department I am advised has had to do with the investigation of some of these matters, and who, I presume, is in touch with the other departments of the Government, The Trade Commission, and so forth, to make inquiry as to whether or not, in the judgment of the Department of Justice, the laws at the present time are sufficient and efficient to deal with this situation. If they are not before this Congress adjourns we ought to hear from that department and perfect these laws. I do not want Congress to adjourn and leave the officers whose duty it is to execute the laws without ample means to deal with the matter effectively. I do not want to see merely investigation; I want to see action, speedy and condign.

I am perfectly satisfied from investigations which I have made, both as to the facts and as to the laws, that this condition could be relieved and the high prices of products very materially changed by a proper enforcement of law. It may be that in some details they are not sufficient and efficient for the purpose, but generally speaking I believe that they are.

But I did not introduce the resolution because I thought I could express the purpose of the resolution here, and I sincerely hope that before this Congress closes, if the Attorney General and those who are in charge of these situations are not satisfied with the laws which are now upon the statute books and believe that they are inefficient for the purpose of protecting this situation, that that should be made known to Congress and that Congress may deal with it. If there is anything outside of actual war for which we could afford above all other things to remain in extraordinary session it is this.

I should like to see a specific statement from the department as to what is necessary, just such as it made here as to the neutrality laws in national defense. They have been dealing with the situation, attempting, I assume, to enforce the law, and are satisfied by this time as to whether or not the law is sufficient for their purposes.

A few days ago we were advised that by reason of an investigation which had been started and had partially proceeded the manufacturers of print paper had been brought to a position where they were willing to arbitrate and willing to have the prices of their product fixed by some arbitral tribunal, selecting, as I am informed, the Federal Trade Commission.

Of course, if they selected the Federal Trade Commission, they selected it as they would any other arbitrator, because the Trade Commission in and of itself has no power to fix prices. But, Mr. President, if a proper investigation conducted in an efficient manner has brought one class of people to a point where they are willing to have prices fixed, a sufficient investigation under proper laws would bring about a condition where others would be willing to answer as to why the prices which they are charg-

ing are made at this time.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I do.

In this connection, if the Senator will per-Mr. FLETCHER. mit me, I will say the experience of the Joint Committee on I that that occurs pretty generally in the market where the man

Printing with reference to paper and the information which that committee has obtained leads quite to the conclusion—perhaps I will not be justified in stating it as an absolute fact, but the evidence is quite convincing—that the increased cost of machine-finished paper has been about six-tenths of 1 cent a pound for the last year, and the bills offered to the Joint Committee on Printing ranged all the way from 3 to 8 cents a pound over that figure. So whereas the increased cost on paper, and that refers to machine-finished paper, has been less than 1 cent a pound you can not get any of that kind of paper to-day for less than from 3 to 8 cents a pound more than was charged a year ago. There is something wrong somewhere. I can imagine that the condition with reference to machine-finished paper is quite as acute and needs remedying quite as much as print

paper.
Mr. BORAH. Mr. President, according to statistics the prices of those things upon which the American people must live, if they live at all, have increased about 366 per cent in the last few months. There is no one who thinks for a moment that that is all due to natural causes.

Mr. JONES. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

I simply wish to ask the Senator for his view with reference to the situation in regard to some farm products. Potatoes in my section are selling for from \$50 to \$75 a ton: that is, the farmer, the man who produces them, is getting that Does the Senator think that that is the result of a combination or that we could reduce that price to the farmers by legislative act?

Mr. BORAH. I do not know whether that is true or not. But if there is not a combination in one State that is no proof

that there may not be elsewhere.

I understand that those who produce onions are getting \$100 a ton for them. It seems to me there must be some very material cause for those very high prices. Of course if it is done under a combination, we ought to punish that under the law; but if it is the result of conditions that actually exist in this country, whether of the war or lack of production or something of that sort, I do not see how we are in a position to reach those high prices.

Mr. BORAH. It is altogether probable there are some products which, by reason of loss of crops or small crops, have been affected in that way; but take the entire range of products upon which the American people live and there is scarcely an exception. The price upon practically all has gone up from 300 to 350 per cent. There have not been any such losses of

crops in this country as that.

Mr. JONES. I have a letter here that I received this morning from a farmer of Walla Walla, Wash. He refers to this matter in a general way as a farmer, and he suggests a remedy in his letter. He says he is willing to have an embargo placed upon food products. He seems to think that is the reason why the prices are going so high, and while he is engaged in the production of those things he takes into account other people who do not see hardly how they can live if the prices continue to go up. He says here:

I was told to-day by a butcher that hogs would go to 15 cents a pound, live weight.

That would mean 15 cents a pound to the raiser of the hogs, not in the markets of the country for the packers, and so forth, but it would go to the man who raises the hogs.

Mr. BORAH. If it must go to somebody, I am glad it goes

to him.

Mr. JONES. I am glad, too. It occurred to me that by legislation we would not be able to reduce those prices, at any rate to a man who produced these things, even if we wanted to do it. I sympathize with the suggestion of this man here, and I hardly see how the people who purchase these things are going to live if the prices go very much higher. It would be very hard for us to consider legislation looking to fixing prices to the men who produce these natural products.

Mr. BORAH. Of course it is not a noncomplex question; it is not a wholly simple proposition. I realize, in the first place, as I said in the beginning, the war has brought on high prices; undoubtedly it had its effect upon prices; that we all concede, and we must submit to it; but I have no doubt, either, it is somewhat like when we change the tariff laws, some merchant marks up goods, and when you come in and ask why he will tell you because the change of the tariff, when perhaps that particular article has not had any change in the tariff or it may have been reduced.

Mr. JONES. If the Senator will permit me, I am satisfied

who does not produce the natural product has the disposal of it. I think that is done pretty generally; but, nevertheless, we can not get around the fact that the prices of these natural in the hands of those who produce them are very much higher than they were a few years ago. That seems to be pretty general; and in reference to the articles that the laboring man, for instance, must buy and consume I have not any doubt that the party from whom he directly buys in town does take advantage of the very situation the Senator suggests and adds on an unconscionable amount.

Mr. BORAH. Let me ask the Senator, does the Senator know how much that particular hog which the farmer sells at 15 cents represents in price when it gets to the consumer? It has gone up between the time it left the farmer and the time it reaches the table about 500 per cent.

Mr. JONES. I know it is pretty high in cases where they put

on prices based on a fictitious proposition.

Mr. BORAH. It is only the fictitious price that I am addressing myself to. If it should be discovered and demonstrated that there are no fictitious prices, that this is a situation superinduced by natural causes—by the war and other conditions which have followed it—it would be a situation to which we must submit. I have not a particle of doubt-and I have been giving some attention to these matters in the last six months—but the larger portion of these prices is fictitious and that if the fictitious part were taken out the American people would have very little reason to complain about the situation. If the laws of our country are not sufficient to deal with it, they ought to be made so. If they are, they ought to be enforced to determine whether or not there are fictitious prices. If they are, whoever is responsible for them should be accordingly dealt with under

Mr. BRANDEGEE. Mr. President, there is an appropriation, is there not, made by Congress at the disposal of the Department of Justice for making inquiry into such questions as the Senator has raised?

Mr. BORAH. I understand so. Mr. BRANDEGEE. And if the department has reason to think there is any violation of the Sherman antitrust law it has a special appropriation for that purpose. Does the Senator know whether there is any shortage in that appropriation or not?

Mr. BORAH. No; I do not. Mr. BRANDEGEE. Whether the Department of Justice has

some funds to carry on this inquiry?

Mr. BORAH. No; I am not informed as to that; I do not know. But I do not desire, Mr. President, to charge that the Department of Justice has not been doing its duty. I think this, however: The nonenforcement of the law has been slack for a good while. I do not know whether it is by reason of the in-applicability of the law to the situation or the ineffectiveness of the law, or whether the fault rests elsewhere. To my mind the best thing that we could possibly do under this situation is to have some grand juries called near certain stock-produce exchanges and certain boards which are in fact boards of speculation. I believe that that would bring about some facts which would enable us to know more about the real situation as to these fictitious prices.

Mr. BRANDEGEE. Does the Senator mean stock exchanges

or produce exchanges?

Mr. BORAH. Both.

Mr. BRANDEGEE. I do not intend to cast any reflection on the Department of Justice.

Mr. BORAH. I did not so understand the Senator.

Mr. BRANDEGEE. I simply have felt this way about it; That, in my opinion, we had about all the law which it was possible for the mind of man to devise for prohibiting combinations in restraint of trade. It seemed to me that if this tremendous rise of prices was fictitious, as the Senator said, the remedy was by inquiry to find who was in the combination to artificially and unlawfully raise the prices. I think it is of sufficient importance for the country and all of the people in it that if the department is short of funds to make this very necessary inquiry, or if it can do so on a scale that will make it efficient, then it is the duty of Congress to institute a nation-wide inquiry of its own through the proper instrumentalities and appropriate all the money necessary to carry it to a successful conclusion.

Mr. DU PONT. Mr. President—
Mr. BORAH. Just a moment. I ask leave to insert in connection with my remarks the quotation of prices here from the New York Sun.

The PRESIDING OFFICER. Leave is granted, without ob-

The matter referred to is as follows:

Comparing wholesale prices of just two months ago with the prices of gesterday it will be seen that potatocs have gone up 100 per cent, and

the price was high then; onlons, 366 per cent; cabbages, 212½ per cent; beans, 300 per cent; beets, 100 per cent; and cauliflowers, 100 per cent. HOW THE PRICES HAVE SOARED.

The comparison follows:

31			Two months
8	And the second s	Yesterday.	ago.
e	Potatoes (Bermuda), barrel	\$8,00@ 11.00	\$4.00@ 8.00
ġ	Potatoes (Long Island) barrel or bag	9, 25@ 9, 50	4. 50 ( 5. 00
9	Potatoes (Maine), barrel	9. 25@ 9. 50	4. 65@ 5.00
9	Beans, green (Florida), basket	6, 00 @ 12, 00	1.50@ 3.50
ă		5, 00@ 10, 00	
ð	Beans, wax, basket		1,50@ 3.75
9	Onions, old yellow, 100 pounds	14.00@ 15.00	3. 00@ 3. 75
5	Onions, old red, 100 pounds	12.00@ 13.50	3.00@ 3.75
ij	Onions, old white, 100 pounds	11.00@ 12.50	3, 50@ 4, 25
9	Cabbage, Danish seed, ton	125. 00@160.00	40.00@55.00
ij	Cabbage, barrel	6,00@ 7,00	2, 00 @ 3, 25
3	Cabbage, red, barrel	7.00@ 8.00	2,000 3,50
d	Beets, barrel	4.00@	2.00@ 2.50
3	Cauliflower (California), half crate	1.50@ 2.00	. 75@ 1.00
i	Turnips, rutabaga, barrel	2. 50@ 3. 00	1.75@ 2.00
g		7. 00 @ 8. 00	6.50@ 7.50
9	Horseradish, 100 bunches		
ı	Tomatoes (Florida), carrier	1.50@ 3.25	1.50@ 3.00
9	Tomatoes (Cuba), carrier	1.50@ 3.00	1.50@ 3.00

A Washington Market merchant who glimpsed into the future bought onions at \$3 a bag and hung on to them until the price reached \$14 per 100 pounds. Then he let go and cleared up \$500,000 by his fore-

He was quoted yesterday as saying that the supply of vegetables is so limited and the demand is so great that the market can not be held

OTHER FOOD SPECULATORS BUSY.

OTHER FOOD SPECULATORS BUSY.

He insisted that food speculators are not responsible for conditions, but he did admit that there is one commission firm in Norfolk which has a corner on all potatoes grown in Virginia this year. This firm contracted for these potatoes at \$1.50 to \$3 per barrel, and they are now letting them go into the market at \$9 to \$9.50.

Just a year ago yesterday fresh gathered eggs, known as "extras," were sold at wholesale at 25 to 26 cents a dozen. Yesterday's price for the same grade was from 46 to 46½ cents. The best cold-storage eggs cost from 19 to 20½ cents a dozen on February 17, 1916. The same kind of refrigerator eggs brought yesterday in the wholesale market from 42 to 42½ cents a dozen, or 4 cents less than "fresh gathered extras."

Creamery butter "extras" cost 34½ cents a pound a year ago. The wholesale price for the same grade of butter yesterday was 46 to 46½ cents per pound.

Mr. DU PONT. Mr. President, the problem as to the high cost of living is solved in at least one respect. We no longer hear, as was the case five years ago, that the high cost of living is entirely due to the former protective tariff. That was the doctrine enunciated by the successful candidate for the Presidency at that time and by the campaign orators who supported him. The truth is, in my opinion at least, that the high cost of living is largely due to a natural cause, that cause being the abundance Never before in the history of the world of gold in circulation. has there been so much gold in circulation per capita, and as gold is the yardstick by which all values are measured it is inevitable that when it is very abundant the prices of other commodities are enhanced, because gold by reason of its superabundance is gradually cheapened.

This is not a new experience in financial history. phenomenon occurred in Europe after the discovery of America. When, about 1520, the Spaniards conquered Mexico and Peru, they seized and sent back to Spain hitherto undreamed of stores of gold and silver, as the precious metals were very rare articles in the Old World during the Middle Ages. When these treasures arrived in Europe prices immediately began to rise, and in the year 1572 the price of everything, in France at least, had increased from five to six times. I have read a very interesting memorial on this subject, which was addressed to the French Government in those early days. The author described the enormous rise in prices and gave many reasons which hold good to-day, enlarging particularly upon what I hold was the true reason, which was the abundance of gold in circulation. He then proceeded to discuss other causes for the high cost of living, such as the increase in luxury, and finally wound up by insisting that a contributory cause was because the King of France had failed to put an embargo on breadstuffs leaving the

Mr. President, I shall not object to any inquiry as to the existence of any combination or other abuses connected with the high cost of living. On the contrary, I favor all such measures; but in my opinion all prices will be substantially higher than they have been for many years past so long as a superabundant gold supply is in circulation throughout the world.

### OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

The PRESIDING OFFICER. The question is on the amend-

ment of the Senator from Montana.

Mr. JONES. Mr. President—
Mr. VARDAMAN. I ask that the amendment be stated.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. JONES. Some Senators who went out a moment ago asked me to keep them advised if this matter came to a vote.

suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the

roll.

The Secretary called the roll, and the following Senators answered to their names:

Fletcher Gronna Hollis Nelson Norris O'Gorman Stone Thomas Thompson Townsend Underwood Vardaman Wadsworth Ashurst Bankhead Borah Oliver Overman Page Penrose Pittman Brady Brandegee Husting Johnson, Me. Jones Catron Chamberlain Jones
Kenyon
La Follette
Lea, Tenn.
Lee, Md.
Lodge
McCumber
Martine, N, J.
Myers Clapp Clark Culbers Walsh Pittman Poindexter Shafroth Sheppard Smith, Ga. Smith, Mich. Smoot Sterling Warren Watson Williams Cummins Curtis Dillingham du Pont Fall Works

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from Oklahoma [Mr Gore] because of illness. I ask that this announcement may stand for the day

The PRESIDING OFFICER. Fifty-seven Senators have answered to the roll call. A quorum is present.

The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. VARDAMAN. Mr. President, let the Secretary state the

The PRESIDING OFFICER. The Secretary will state the

The SECRETARY. On page 1, of the amendment reported by the Senator from North Carolina [Mr. Overman], section 1, in lines 4 and 5, it is proposed to strike out the words "to which he is not lawfully entitled," and in lieu thereof to insert "without the permission, expressed or implied, of one lawfully entitled to give

Mr. STERLING. Mr. President, I move to amend the amendment proposed by the Senator from Montana, so that it will

Without the express permission of one lawfully entitled to give the same.

That strikes out the words "or implied." The reason I offer the amendment to the amendment is simply this: I fear that the circumstances from which consent might be implied in this case might be the subject of dispute, and that, too, in time of peril or in time of need of the utmost care and caution. I think express permission should be given by one lawfully entitled to give any permission at all.

Mr. FLETCHER. Mr. President, I hope the Senator from Montana [Mr. Walsh] will accept that amendment to his amendment. It strikes me as being a very important change. It does seem to me that this permission ought to be expressed, and that there ought to be no question raised as to whether or

not it is implied.

Mr. WALSH. Mr. President, I am sure we are all actuated by a single purpose—to expedite the passage of this legislation and to pass it in the best form. The objection which I have to the amendment suggested by the Senator from South Dakota [Mr. Sterling], and which has been commended by the Senator from Florida [Mr. Fletcher], is that it seems to me entirely impracticable. Every employee in the navy yard here—and I understand there are some thousands of them—is daily getting information of the most important character concerning the national defense. Those employees are obliged to go about their work, and they are obliged to go to various places about the navy yard and elsewhere, for the purpose of getting information in relation to the national defense. You can not give an express written authority to every one of these employees

under the Government every time he goes into those places.

Mr. PITTMAN. Are not the officers and agents to whom the Senator refers entitled to that information?

Mr. WALSH. Exactly. But the plan is to strike out the language "to which he is lawfully entitled" and to substitute the language proposed by the Senator from South Dakota.

Mr. PITTMAN. That is what I meant. The language of the bill now is "not lawfully entitled." Consequently the language of the bill as it is now would exclude the agents and officers of the Government from its operation-

Mr. STERLING. I can not think, Mr. President-

Mr. WALSH. Let me remark, in answer to the statement made by the Senator from Nevada [Mr. PITTMAN], that, in my estimation, it would not have the effect suggested by him, because when a man is employed in the navy yard he has implied authority to go in and to come out in accordance with the rules of the navy yard; he has implied authority to go wherever it is necessary for him to go in order to get the information necessary to do his work. So he has the implied authority to get whatever information is incident to the doing of that work.

I would not be averse to accepting the suggestion of the Senator from South Dakota if it did not occur to me that it is simply impracticable to give express authority to every person

who is required to go in or about such places.

Mr. STERLING. Mr. President, all I have to say, in answer to that suggestion, is to give my own view, which is that the act could not apply to and is not intended to apply to employees of a navy yard or those on board a vessel. course, get information in going about the performance of their everyday work and duties; but it is made to apply-and can hardly receive any other construction—to those who are outside of the service who may be seeking information in regard to

the national defense and not to those who are in the service.

Mr. CUMMINS. Mr. President, I am a little uncertain whether the amendment proposed by the Senator from Montana [Mr. Walsh] makes the case better or worse. In one respect it has a great advantage over the words now in the substitute; in another, I think it is more objectionable. The real spirit of the legislation is disclosed by the argument of the Senator from New Mexico [Mr. Fall], and is expressed in the "democracy efficient." It is the same spirit that moved Alexander in his mastery of the world, that led Cæsar to his victories, and that animated Napoleon in his wonderful triumphs. If that be the spirit of democracy, if that be efficient democracy, I have failed to apprehend its true form and purpose.

Mr. President, Great Britain is not a democracy at this time; France is not a democracy at this time; Germany never has been a democracy. Martial law controls Great Britain; martial law controls France; and martial law prevails in Germany. If we have reached a time when we desire to declare martial law throughout the United States, then we ought to adopt unmodified this legislation, for while it is not in form martial law,

it is in effect miltary rule.

I said on Saturday last that if we ever reach a time when we must have martial law in all or in a part of the United States, I shall be the last man to question the supreme authority of the Commander in Chief of our Army and Navy; but this legislation is to control the people of this country in time of peace. not in time of war. It is not limited to the duration of any war; it is to continue indefinitely; and it is to establish the relations of our people to their Government for all time, so far as we are now able to say. In those circumstances I do not believe that we ought to treat all the people of this country as enemies of their country. I do not believe we ought to put them on the basis of the spy. That is what is being done. You are denying to the people of this country the information which is properly denied to a spy, and only properly denied

If there were apt words here confining the offense to those instances in which the information is sought for an improper purpose, I would have no objection to it at all. Shortly after I finished my remarks upon my own amendment I received a note from a very intelligent gentleman, who is in this Chamber, and whose name, of course, I shall not give-not a Member of the -but I intend to read it and to ask the Senator from North Carolina [Mr. OVERMAN] a question about it. The note

says:

I desire to approach the Bureau of Navigation in the navy yard to recure some lantern slides of pictures of battleships appearing in the Washington Star of yesterday. Could I go there safely with this law in effect?

Mr. OVERMAN. He could get permission to go there.

Mr. CUMMINS. I should like to ask the Senator from North Carolina, in all seriousness, whether or not that person could go there and ask for that information?

Mr. OVERMAN. He could, unless there were some law or

regulation forbidding him to go there.

Mr. CUMMINS. That is just the difference between the law as it now is and the law as it would be if amended as proposed by the Senator from Montana [Mr. Walsh]. Under the provision as it is now reported, it is made an offense to enter upon these places for the purpose of securing information to which the person is not lawfully entitled.

Mr. OVERMAN. That is what I say. This person is not

lawfully entitled to the information.

Mr. CUMMINS. Is this person lawfully entitled to ask for lantern slides of battleships, the pictures of which appeared in yesterday morning's Star?

Mr. OVERMAN. I do not know anything about whether or not such things ought to be furnished, but if this person is lawfully entitled to them, he could get them; and if he is not, he could not get them. That is all there is about it. could not get them. That is all there is about it.

Mr. CUMMINS. But he would be guilty of an offense when

he asked for them.

Mr. OVERMAN. If he was not entitled to them, of course,

he would be, if he went there for such a purpose

Mr. CUMMINS. But if he merely asked the Chief of the Bureau of Navigation for a lantern slide of a picture of a battleship, which had already been made public property-

Mr. PITTMAN. Mr. President-

Mr. CUMMINS. Just a moment. Then, unless the chief of the bureau could say to him, "You are lawfully entitled to this information," he would be guilty under the law.

Mr. OVERMAN. If such information has been made public

property, he would not be guilty. Mr. CUMMINS. Why not?

Mr. OVERMAN. Because he would not then be guilty of a

Mr. CUMMINS. But because some newspaper gets the in-

formation to which it is not lawfully entitled-

Mr. OVERMAN. But the newspaper got it when there was o such law. That is what I say. We have now no such law no such law. That is what I say. We have now no such law in this country, but it is essential that we should have some law to protect ourselves against these offenses. I do not know whether or not from the publication of these pictures in the newspaper there is danger of giving improper information. I do not know how the newspaper got them. It may be that the information should not have been given out; it may have been a secret of the department, which ought not to have been given

Mr. CUMMINS. I am not talking about that. It seems to me that the Senator from North Carolina will not confine his mind to the point that it is proposed to make it a crime to ask for this information.

If the person is not entitled to it; yes. Mr. OVERMAN. But who is to determine whether or not he Mr. CUMMINS.

is entitled to it?

Mr. OVERMAN. If he goes there for the purpose of getting

Mr. CUMMINS. Who is to determine whether or not he is

entitled to it?

Mr. OVERMAN. The Senator from Utah [Mr. SUTHERLAND] made it very plain the other day. This language necessarily means in violation of some rule or some statute. It could not mean anything else. You can not go into every detail about everything in a statute; you have to make the law general; I thought the explanation of the Senator from Utah was very clear on that subject.

Mr. CUMMINS. And yet, when I offered the amendment phrased in almost the identical language of the Senator from Utah, the Senator from North Carolina made a most earnest

argument against it and succeeded in defeating it.

Mr. PITTMAN. Mr. President-

I yield to the Senator from Nevada. Mr. CUMMINS.

Mr. PITTMAN. Mr. President, I fail to find anything in the bill that either prohibits or attempts to prohibit the asking of any question to ascertain what information may be legally obtained. The letter which the gentleman wrote to the Senator shows that he is cautious, and there would be no harm in directing that very question contained in the letter to the captain of any battleship or to the superintendent of any navy yard. The language is this:

That whoever, for the purpose of obtaining information respecting the national defense, \* \* \* approaches, goes upon, or enters—

What? A navy yard or a vessel or a public work. There is no attempt in this bill to say that any individual shall not ask for information as to what the law is and what his rights are, and I do not think any committee would every try to place in the bill any such provision. If there is in the bill—and I fail to see it—any such paragraph, the Senator can move to strike it out, and that will simplify things. Certainly the gentleman who wrote to the Senator, it not being made a crime to ask permission, would not hesitate to ask for such permission from the proper officers. Instead of asking the Senator on the floor, why does the gentleman not go to the navy yard and ask the question? There is nothing in this bill to prevent that being done, even if it passes as it is. I should like to have the Senator show me where in this bill there is any attempt to prevent anyone from asking for any information of anybody.

Mr. CUMMINS. I will undertake to answer that question.

I am a private citizen; I approach the Bureau of Navigation

Mr. PITTMAN. Mr. President-Mr. CUMMINS. Just a mome Just a moment; I will ask the Senator to wait until I get through. I approach the Bureau of Navigation, therefore I am approaching a place connected with the na-

tional defense, am I not? That is true, is it not? I am approaching it for the purpose of securing information connected with the national defense, namely, to take a picture of a battleip. Now, so far, I am surely within the terms of this bill. Mr. PITTMAN. I do not see anything about the Bureau of

Navigation in the bill. That office is not mentioned.

Mr. CUMMINS. Does the Senator from Nevada say that the Bureau of Navigation is not included within the terms of

this proposed law?

Mr. PITTMAN. I do not say that it is not; but I do say that those places named in this provision are physical places, and the intent of the bill is plain, to prevent an individual from going upon these various works and places for the purpose of obtaining information to which he is not enfitled. The Senator can not refer to any provision in this bill where any individual is prevented from asking any information as to what act or question is lawful and as to what act or question is not lawful; and any such attempt in any bill would be absurd on the face of it, for the law encourages people to seek what the law is. One can go to the Attorney General's office and ask regarding the law. There is no attempt in this bill to prevent a person seeking such information; but if there is anything in this bill that denies anyone the privilege of asking what the law isand I do not think there is any such thing in the bill-I suggest that a proviso be put in to the effect that any person may ask anyone else with regard to whether or not he has a lawful right to do a certain act or seek certain information.

Mr. CUMMINS. I presume there is nothing in the bill that

prevents anyone asking his neighbor what the law is. We have not gotten quite that far yet, although I expect to see that come in very soon, for I really think that this is the first step toward complete and utter silence and subjection in this country. But the Senator from Nevada has simply read the language, and he has answered himself, I think. I repeat, that if I approach a place named in this paragraph for the purpose of securing information, if that is in my mind, and if I am not entitled to that information then I become subject to the penalty pre-

scribed by the act.

Mr. FALL. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Mexico?

Mr. CUMMINS. I yield. Mr. FALL. I think the difficulty is that the Senator would have to amend the law which has been in existence for six years if he wants to get away from this proposition.

Mr. CUMMINS. I know as to that law, and my comment, so

far as this paragraph is concerned, applies to it.

Mr. FALL. I was trying to call the attention of the Senator to that statute, so that we might possibly avoid further full discussion of it. If the Senator does not care to have me call his attention to it, or if I am interfering with the Senator in any way, of course, I will desist.

Mr. CUMMINS. Not at all.

Mr. FALL. The appetion according to the letter force with the senator in any content of the letter force with the le

Mr. FALL. The question asked in the letter from which the Senator read is answered by the law as it exists. As affecting that matter exactly the same law as the one now proposed, without the change of a word or a line or an expression or meaning, is in existence to-day. So that the Senator could answer his correspondent under the law of 1911, and not under this bill, for this bill does not change the law.

Mr. CUMMINS. This bill, of course, is not the law yet, and

I hope it may never become so.

Mr. OVERMAN. The law exists to-day, and yet the man who took the pictures for the newspaper has not been punished. That is the point I make.

Mr. CUMMINS. As I remarked an hour or two ago, this

bill infinitely extends the places the approach to which would

constitute a crime.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, the very fact, as I have said, that there is such a law in existence and the man who took the pictures for publication in the newspaper has not been punished shows to my mind what I have been contending for all the time, that if a man does an innocent act nobody is going to call him to account for it, and nobody is going to prosecute him, just as no one has prosecuted the Star for publishing the pictures referred to.

Mr. CUMMINS. I think that is likely true, but that is the plea which every tyrant who ever oppressed humanity has made, I will not abuse the power. No matter what power I have, I will not use it against those who are not in some fashion or in some way guilty of a moral wrong." That is the argument that destroys democracy; that is the argument that annihilates institutions of our kind; and I am not willing to pass a law that comprehends thousands of innocent people and one guilty person simply because I may believe that the executive officers of the Government will not enforce it against the thousands of

innocent people.

I have already said so much, however, about this expression "to which he is not lawfully entitled," that I care to say no more regarding it, but I desire now to address myself for a moment to the amendment offered by the Senator from Montana [Mr. Walsh]. The objection which I have to that amendment-and I am very uncertain as to whether or not I can vote for it—is this: It presupposes that no private citizen, at least, has any right to go upon or approach any of these places, and that in order to do so he must have permission, either expressed or implied. I am not ready to admit the proposition that the citizens of this country have not an inherent right to do a great many of the things which are forbidden in this paragraph.

Mr. WALSH. Mr. President

Mr. CUMMINS. I yield to the Senator. Mr. WALSH. I should like to ask the Senator a question. A battleship is out in the harbor of San Francisco. The Senator would not insist that he has a perfect right to go out there and go aboard that battleship?

Mr. CUMMINS. No; I would not; but I ask the Senator this

Mr. WALSH. Let me remark that sometimes the commander of a battleship is quite willing that visitors should come and look it over, and at other times he is quite unwilling that they should do so. Apparently, under the existing practice, at least, he is invested with complete authority to allow visitors to come aboard or to keep them off, as he sees fit; so that the amendment was framed by me in accordance with the notion that those who are put in charge of these places which are directly associated with the national defense are intrusted with the authority to allow them, under the rules that may be established, to be inspected and visited or to prohibit such inspection and visitation. That was the theory upon which the amendment was framed, I will say to the Senator from Iowa.

Mr. CUMMINS. I will ask the Senator from Montana a question. Suppose a citizen of my State lives near a temporary camp of the National Guard, where a company or regiment comes together once or twice a year for the purpose of training in military matters, and suppose that citizen-and these camps, of course, are not held within any inclosure—should approach the camp for the purpose of ascertaining whether the guardsmen were well drilled. I ask whether there

is any law granting the citizen that permission?

Mr. WALSH. Mr. President, I should think that the commander of a military training camp would necessarily be invested with authority to exclude everybody from the confines

Mr. CUMMINS. How far would that authority extend? Must it extend to a point that would exclude human vision? The camps are held, of course, out on the prairie, and the ordinary custom is for the neighbors or the people in the community to gather around, sit on the fence, and see the soldiers

Mr. STERLING. Mr. President, if the Senator will allow me for just a moment, I should like to say that I hardly think the illustration he gives comes within the meaning or can be at all construed to come within the meaning of this bill. The places described in the act to which approach or entrance is forbidden are places

owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States, or with any person on behalf of the United States.

I can not conceive that that language would apply to a training camp at all,

Mr. CUMMINS. Does the Senator from South Dakota think that the National Guard is a part of the national defense?

Mr. STERLING. Yes; it is a part of the national defense; but a visit to the National Guard in training is not included

in the places to which a person is forbidden to go.

Mr. CUMMINS. Let us see whether it is or not. The language is:

To approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp—What does the word "camp" there mean?

Mr. STERLING. Well, if the Senator will read on, as I read it a little while ago, and get the connection, the places are described further down on that page.

Mr. CUMMINS. No; the description read by the Senator

from South Dakota applies to other things.

Mr. STERLING. Oh, no-"or other place connected with the national defense, owned or constructed, or in progress of

construction by the United States." The implication is that this is a place connected with the national defense to which he must go, because the language is "or other place connected with the national defense'

Mr. CUMMINS. The Senator from South Dakota, it seems to me, is too partial in his view. He says, "Or under the control of the United States." Every camp of the National Guard is under the control of the United States, if the National Guard receives the compensation which is provided for in the law. There can not be any doubt but that a camp of the National Guard is one of the places that will be covered by this statute.

Mr. WALSH. Mr. President-

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH. I am disposed to agree with the Senator from Iowa with respect to that matter, although I usually agree with the Senator from South Dakota about these matters. But it does occur to me, Mr. President, that I must answer the question of the Senator from Iowa as I did. If that is not covered by the law, it seems to me it certainly ought to be.

Mr. President, here is a camp in which an officer of the United States is engaged in drilling members of the militia in anticipation of immediate service. There might be military anticipation of immediate service. There might be military reasons of the most powerful and persuasive character why information should not get out concerning the particular line of tactics that are being pursued, the particular degree of proficiency to which the troops have attained, and all that kind of thing. It seems to me that it would be quite proper to vest in the officer in command of that camp the power to exclude the public while the training is going on.

Mr. CUMMINS. I thought so, and therefore I offered the amendment which was voted down this morning; and I think the Senator from Montana was among the majority. I assume that the President could, by an order, exclude everybody from a camp of that kind; and if the emergency came that required any action of that sort, and he did it, then the whole world would know that it was contrary to the law to enter upon the camp or to approach the camp within a certain distance, and citizens could protect themselves. That was the very object I sought to accomplish in the amendment which I offered.

Mr. VARDAMAN. Mr. President— Mr. WALSH. If the Senator from Mississippi will pardon me for a moment, I was, as the Senator from Iowa says, with the majority, because I contemplated tendering this very amendment, and I preferred my own amendment to the amendment tendered by the Senator from Iowa—possibly an inexcusable

vanity upon my part.
Mr. VARDAMAN. Mr. President, I was going to suggest to the Senator that should the occasion arise, or should the time ever come when the President would exercise that power, it would suspend all laws that Congress might enact, and this law

would not be necessary at all, would it?

Mr. CUMMINS. I did not grasp the question. Mr. VARDAMAN. I said, if the occasion should ever arise for the President to exercise the power, as the Commander in Chief of the Army, to make these proclamations, you would need no congressional enactment. The military law would suspend all civil law.

Mr. CUMMINS. I think that is true.

Mr. VARDAMAN. It occurs to me that all of this legislation is for the purpose of meeting extreme cases, relying upon the benevolence of the military despot to mitigate its rigor in time of

Mr. CUMMINS. Upon the whole, Mr. President, I believe that the bill, as it is, is rather to be preferred than the amendment offered by the Senator from Montana, for I think the inference that no citizen has any right in times of peace to approach any of these places without permission invades more grievously the privileges which I have thought a free country should enjoy than the language contained in the bill as it is reported.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from Montana if there is anything in this bill as it is now drawn, without his amendment, that would make a person guilty of any offense under the act for asking for information with regard to what was permissible thereunder?

Mr. WALSH. I know of nothing.

Mr. PITTMAN. In other words, if a person with good intent desired to obtain information with regard to the national defense, he would be on his guard, knowing that in times of these emergencies he should ask for information with regard to the law on the subject. The Senator from Montana gives it as his opinion, and I think that the lawyers here will all concur in it, that there is no crime in anyone asking anybody what is permissible under this bill and what is not permissible. Now, while it may impose a slight burden on a person to ask for information, it is much better to impose that burden upon a citizen than to permit espionage in this country with impunity.

The object of this paragraph, as I understand it, is not to keep people out of these yards, but it is to punish people for going into these yards for a certain unlawful purpose. I do not see anything in this bill that attempts to prevent people from going into these navy yards or on these battleships. We are not at war now, and, as the Senator from Iowa says, he would regret at this time to see a law passed which in times of peace would prevent the citizens of this country from visiting camps and possibly navy yards and shipbuilding yards. This bill does not attempt to do that. This bill does not attempt to keep people out of a certain place. The natural authority of the superinendent of these works will keep improper people out and will let proper people in. The object of this act is to punish spies. That is the object of the act. The object of the act is to punish a man gullty of a crime, and that crime consists in spying on this Government. Now, all of these amendments are directed to keeping people out and are not directed to the punishment of criminals, and therefore, if you adopt any of these amendments, you wipe out the punishment of criminals and simply provide a means for keeping certain people out or letting certain people in the places described.

I certainly insist that there is no hardship under this bill upon a person who desires information for legal purposes. There is only a hardship upon the person who is spying or attempting

to spy upon our national defenses.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the noes

Mr. STERLING. Mr. President, may not the amendment be stated? My impression is that Senators may have the idea that they are voting, in the first place, on the amendment offered by the Senator from Montana. I offered an amendment to that amendment, and I think it was hardly understood that we are voting upon that amendment. That is the amendment before

I ask that my amendment may be stated.

The VICE PRESIDENT. The amendment to the amendment

The SECRETARY. It is proposed to amend the amendment offered by the Senator from Montana [Mr. Walsh] as follows: After the word "permission" strike out the comma and the words "expressed or implied," so that it will read "without the permission of one lawfully entitled to give the same."

Mr. STERLING. It should read "without the expressed per-

mission."

The Secretary. It is proposed to transpose the word "expressed" to come before the word "permission," so that it will read "without the expressed permission of one lawfully entitled to give the same."

The VICE PRESIDENT. The question is on the amendment

to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now recurs on the amendment offered by the Senator from Montana [Mr. Walsh]. The amendment was rejected.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In lines 2, 3, and 4, on page 10 of the proposed substitute, it is proposed to strike out the words "under oath before any person authorized and empowered to administer oaths," so that if amended it will read:

SECTION 1. Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign Government, etc.

Mr. STERLING. Mr. President, in the event this amendment prevails, I will offer another amendment striking out the word "affiant," which, of course, would be incorporated to which, of course, would be inappropriate if the amendment prevails, and substituting other words in place of that. But first, Mr. President, as to this particular amendment:

First, it seems to me that the requirement that the statement shall be made under oath really destroys the purposes of this act, or of this portion of the act. Now, the statement may be untrue; it may be willfully made, and it may, nevertheless, be very positively made, and be made with great detail, so that, though not sworn to, it will be very convincing in its effect, and therefore be just as detrimental to the interests and welfare of the Government as though it had been made under oath. I take it that few of these statements which are of injury to the Government relating to the military or payal operations of the Government relating to the military or naval operations of the Government or relating to our negotiations with foreign Governments in any dispute or controverysy that may arise be-

tween ours and a foreign Government are made under oath, and the parties making the statements would purposely avoid making them under oath; but their injurious effects would exist

just the same as though they were made under oath.

Under the terms of the bill it will make no difference how positively the statement is made or how injurious might be its effect in the event of a prosecution for making the statement it would be an absolute defense, of course, whatever injury had been wrought, that the statement had not been made under oath; and I think the purpose of this act is to prevent statements, whether under oath or not, which will influence the measures or conduct of any foreign Government to the detriment of our own Government.

I hope that the amendment will be agreed to.

Mr. OVERMAN. Mr. President, this is the same language that is used in the Penal Code about other matters, and applies to a case like that of the man who, on the occasion of the sinking of the Lusitania, made an affidavit to the effect that that vessel was armed when it was not armed, and they could not convict him of perjury. He just simply made a sworn statement. It was not sworn to in any court.

Mr. STERLING. There the offense charged, of course, was perjury for making a statement under eath that the Lusitunia was an armed vessel. That was the statement made. This That was the statement made. This relates to a somewhat different situation, and relates to any statements that are made prejudicial to the Government in its dealings with foreign Governments. All that a party need do, of course, in order to avoid punishment for any statement, however detrimental to the Government, would be to avoid making the statement under oath. The influence would be the same, and he would have perfect immunity from punishment for making such a statement.

Mr. OVERMAN. I think that would be a little too drastic and carrying it too far. Where a man makes a false statement in writing under oath, he ought to be indicted for perjury and convicted, but in the case of simply ordinary conversation I doubt whether we ought to go that far.

Mr. STERLING. If the Senator will recall the other language of the bill, the statement, of course, must be willfully made and knowingly made, with the intent, of course, to hinder the Government in its dealings with foreign Governments.

Mr. OVERMAN. Yes. Mr. CUMMINS. Mr. President, may I ask the Senator from

South Daketa a question?

Mr. STERLING. Certainly.

Mr. CUMMINS. Does the Senator think it is ever allowable to tell a falsehood in order to benefit one's country?

Mr. STERLING. It may be.
Mr. CUMMINS. Well, this would make it criminal.
Mr. STERLING. No; if the Senator will permit me, I propose to offer another amendment that will cover that proposition. It is a delicate question, I will say to the Senator, as to whether he may or not; but I think the statement made should not be made to the detriment of the Government of the United States, and I propose to offer that amendment in case this amendment

Mr. CUMMINS. Suppose, however, that the Senator's first amendment was adopted and his latter amendment was not. If it is ever permissible to tell a falsehood in order to save your country, you ought not to make the man a criminal who would do it. Aside from that—
Mr. STERLING. The effect is just the same, I will say to the

Senator, so far as that is concerned, whether made under oath

or whether not made under oath.

Mr. CUMMINS. The opportunity, however, may come oftener. I myself am not in sympathy with the amendment offered by the Senator from South Dakota, because I do not believe we have reached a time when we should put a man in the penitentiary for lying. If you apply it to this particular object, you might just as well apply it to the most ordinary affairs of life; and my observation has been that if you should make it a criminal offense for a man to lie-or to prevaricate, if I may use a gentler term—you would rapidly depopulate the country.

The VICE PRESIDENT. The question is on the amendment

offered by the Senator from South Dakota.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which send to the desk.

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 2 of the proposed substitute, lines 4, 5, and 6, it is proposed to strike out the words "building, office,

or other place connected with the national defense.' Mr. CUMMINS. Mr. President, the purpose of this amendment is to confine somewhat the territory or the place which it would be a crime to approach or enter. It must be recalled that the last clause in this paragraph provides

or any prohibited place within the meaning of section 6 of this chapter. I intend to offer an amendment to that section when we reach it; and in order to understand clearly the amendment that I now offer, I desire to refer to section 6 for a moment.

Mr. WALSH. Mr. President, I should like to make a suggestion to the Senator from Iowa. Possibly the idea has occurred to him, but I am not sure. The War College down here would be excluded from the operation of the act if the amendment now offered by the Senator prevailed, would it not?
Mr. CUMMINS. It would not.

Mr. WALSH. Under what feature of the bill as it remained would the War College be included?

Mr. CUMMINS. As I just remarked, the last clause of the

paragraph is:

or any prohibited place within the meaning of section 6 of this chapter. Mr. WALSH. Oh. That is to say, the President might issue a proclamation under the provisions of section 6 designating the War College?

Mr. CUMMINS. As it is now the reference is to a place designated by the President of the United States; but I do not believe that it ought to remain in its present unrestricted

form. Section 6 now says:

The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground that information with respect thereto would be prejudicial to the national defense.

At the proper time, when I reach it, I intend to move that after the word "hereof," in line 7, there be inserted these words: In which anything for the use of the Army or Navy is being prepared or constructed.

But at this moment the question is whether the words "building, office, or other place connected with the national defense shall be stricken out. I believe they ought to be stricken out, because in the effort to reach one building like the War College, for instance, you have to take in every building in the United States if it is directly or indirectly connected with the national defense. In order to reach one office that may very properly be segregated from other offices, and from which the public may be very properly excluded, you take in every office in the country if it can be in anywise connected with the national defense, and I believe that the Senator from North Carolina is of the opinion that it need not be connected with the Army or the Navy. It need not be connected with the military forces of the country. It may be anything that is used, directly or indirectly, in the support of the Army or the Navy.

Of course every appropriation is connected with the national defense. Every inquiry concerning military training is connected with the national defense. Every movement of our citizens is connected with the national defense, for they are all a part of the militia of the United States. All people from 18 to 45 constitute the militia of the United States, and they are protected just as much by the terms of this law as are the members

of the Regular Army or the Organized Militia.

I appeal to the sober and considerate judgment of the Senator from Montana. Does he desire to fling this net around every building and every office which may be connected with the public defense in the tenuous and remote way I have just mentioned? We have gone mad, Mr. President. We have formentioned? We have gone mad, Mr. President. We have forgotten that we live in a republic. We are thinking only of German spies and English spies, and this bill will not help in any respect to catch an English spy or a German spy. A spy enters an office or a place or a building for the purpose of obtaining information that he can communicate to the enemy or to a hostile power. How does it help to arrest me if I enter or approach such an office for a perfectly innocent object? It does not assist the Government in the detection of the criminal, because when the criminal is detected then the Government must prove these things, and in proving these things it will establish his unlawful intent.

There has not been an instance since the war in Europe in which such a law as this would have been of the least benefit in detecting or arresting or convicting a criminal against our country. There have been some instances in which men who have violated what ought to be the law of the country have escaped, and I want the law strengthened so that if such things occur in the future they will be brought to justice.

I have no objection to the subsequent parts of this measure save in one respect, which is not very material; but when you pass this law and the people of the country understand it they will appreciate that from every building and every office that is in any way connected with the national defense they are to be excluded, and it is criminal if they approach any such building or office with the intent to secure information. I leave out the words "to which they are not lawfully" entitled, because they mean nothing to me. I do not know who is entitled to any particular information, nor do I believe the rest of the country will be able to find out who is entitled to such information. When you extend this tyrannical power to cover every building and every office you will offend the just sensibilities of a people of a free country.

If you so frame the law that the President can extend the operation of the law to any building or any office or any place

that is in some way attached to the military department of the Government, there can be no objection to that; people will understand it and, I think, will approve it, but they will not approve attempting in this indirect way to establish martial law

throughout the whole United States.

Mr. OVERMAN. The Senator proposes to strike out one of the most important parts of the bill, relating to plans, code books, and signals, which are kept in some building or some office and are necessary to the national defense. I know that some of our plans have been abstracted; one or two signal books have gone; a code book has gone; and there is no law to stop it. Now the Senator proposes to strike out the word "building" and the word "office," and that is where they are kept. It seems to me they are the most important words in the sentence.

Mr. CUMMINS. Will the Senator yield?

Mr. OVERMAN. Certainly.

If these words were stricken out, would not Mr. CUMMINS. the President have the power to issue an order making any such office or building as has just been described by the Senator a prohibited place?

Mr. OVERMAN. Mr. President-

Mr. CUMMINS. I ask the question and I beg the Senator to answer it

Mr. OVERMAN. I am going to answer the question. In this section we go on to describe the place where they are prohibited, including buildings and offices. For fear that we have not covered everything, in order to protect the national defense, in section 6 we give power to the President to designate, in his judgment, other places and stations that are to be pro-tected. That is the reason for section 6. Senators do not know, the Senator from Iowa does not know, of the places that ought to be protected. If the time shall come when some places that ought to be protected are not included in the section then we want to give the Executive of the Government

the power to designate other places which should be protected from spies. That is what it is for-to protect the Government from spies and from traitors. I would hang every one of them.

Mr. CUMMINS. I wish the Senator from North Carolina would use the word "spy" in the act and the word "traitor"

in the act instead of in his speeches.

Mr. LEE of Maryland. Mr. President, I should like to ask the Senator from North Carolina a question. Does he not complain of certain overt acts and the loss of valuable documents, code books, and other things belonging to the United States Government? Why can not the Senator specify the things he wants to protect and the things which it is improper for citizens to take and stand on that? Why does the Senator want to go so far as to make it a crime for a citizen of the United States innocently and in the course of other perfectly legitimate business to of certain overt acts and the loss of valuable documents, code approach and go into quite ordinary places or talk about mili-tary matters in the War Department or any other of the places mentioned in the act?

The bill is so broad in its language that, as I said, it implies nervousness and a lack of detailed conception of what is really desired. Everybody knows how these things have been stolen in a general way, and I imagine the Navy has taken proper pre-cautions to prevent the stealing of any more code books from our

It is largely a question of personnel. You can enact all the laws that you want between now and doomsday and you can not control the man who has enlisted for the purpose of stealing a code book if he gets a chance. It is a question of vigilance on the part of our officers in not letting the wrong kind of people in the wrong place. It is very far-fetched legislation to throw a net all over this country and make things that are absolutely innocent in themselves the subject of possible criminal prosecution.

When the Senator speaks he has a perfectly clear line of objects in his mind, thoroughly legitimate, entirely proper, with which every American citizen ought to sympathize, but to take this kind of a law and make it applicable in times of peace in a democratic country is without precedent and certainly without just cause.

Mr. OVERMAN. It would be impossible to specify these places. No Senator knows what are these plans or what specific articles are in some buildings that ought to be protected, and we made it general to protect everything connected with the national defense

The VICE PRESIDENT. The question is on agreeing to the

amendment of the Senator from Iowa.

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst Brady Brandegee Broussard Smith, Ga. Smith, Md. Smith, S. C. Johnson, Me. Johnson, S. Dak. Oliver Overman Overman
Page
Penrose
Phelan
Pittman
Poindexter
Pomerene
Ransdell
Reed
Robinson
Shafroth Jones Jones
Kenyen
Kern
Kirby
Lea, Tenn.
Lee, Md.
Lewis
Lodge
McCumber
Martin, Va.
Martine, N. J. Catron Chamberlain Smoot Stone Swanson Tillman Clapp Enderwood Vardaman Wadsworth Walsh Williams Colt Cummins Fall Hardwick Shafroth Hughes Husting Sheppard

Mr. SHEPPARD. I wish to state that the Senator from Illinois [Mr. Sherman], the Senator from Michigan [Mr. Smrrh], the Senator from Minnesota [Mr. Nelson], the Sen ator from Florida [Mr. Fletcher], the Senator from Oregon [Mr. Chamberlain], the Senator from Louisiana [Mr. Rans-DELL], and the Senator from Missouri [Mr. REED] are absent on official business.

Mr. WALSH. I rise to state that the Senator from West Virginia [Mr. Chilton] has been called from the city on account of the serious illness of a member of his family.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Iowa.

Mr. CUMMINS. I ask for a division.

The amendment, on a division, was rejected.

The VICE PRESIDENT. The question recurs on the committee amendment as amended.

Mr. CUMMINS. I offer the amendment which I send to the

The VICE PRESIDENT. The amendment vill be stated.

The SECRETARY. On page 2, line 16, strike out the words "without lawful authority" and insert "in violation of a statute or a lawful order of the President of the United States."

Mr. CUMMINS. This amendment touches the same subject covered by the first amendment which I offered, and it would have the same effect as to this part of the bill that my former amendment would have had upon that part of it to which it was directed.

Mr. OVERMAN. Mr. President, let me appeal to the Senator from Iowa. We have had a test vote on this question. Will be not withdraw this amendment?

Mr. CUMMINS. If I may have an opportunity to be heard, I am sure I will not disappoint the Senator from North Carolina.

I was remarking that the Senate had voted upon the same proposition in principle and I do not intend to prolong the discussion by restating my views upon this particular subject. I intend to offer the amendment simply in order that my record shall be straight upon this subject. I do not intend to allow a bill of this sort to pass without doing what I can do to eliminate its enormities; and, much to my regret, I must take up some time in tendering these amendments. I submit the present amendment, however, simply saying that it involves the same principle which was involved in the amendment upon which the yeas and nays were ordered and taken this forenoon.

The VICE PRESIDENT. The question is on the amendment

proposed by the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk

The VICE PRESIDENT. The Secretary will state the amendment.

The Secretary. On page 3, line 14, it is proposed to strike out the words "not lawfully entitled to receive it," and to insert in lieu thereof the words "who is forbidden by statute or a lawful order of the President of the United States to acquire or receive it."

Mr. CUMMINS. This amendment also embodies the same idea, and is an attempt to protect, if I can, the great body of the population of the United States from the danger which I think is contained in the proposed statute. I shall not say anything more about it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. I offer the amendment which I send to the

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The Secretary. On page 3 it is proposed to strike out from lines 14, 15, and 16 the words:

Or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it.

Mr. CUMMINS. Mr. President, this amendment is of an entirely different character and presents a very different subject. I have not pointed out the defect, as I look at it, in the bill in this respect. Therefore I shall trespass upon the time of the Senate long enough to indicate what the bill really does in this regard.

Paragraph (d) of section 1 provides:

Whoever, lawfully or unlawfully-

Now, remember that-

(d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appllance, note, or information relating to national defense, willfully communicates or transmits, or attempts to communicate or transmit, the same to any person not lawfully entitled to receive it. tled to receive it.

The Senate has just voted against an amendment of mine which substitutes for the phrase "not lawfully entitled to receive it" the phrase "who is forbidden by statute or a lawful order of the President of the United States to acquire or receive it." It then proceeds with the further offense, "or willfully retains the same."

Mr. POINDEXTER. Mr. President-

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. POINDEXTER. I merely wish to make an inquiry. Does the Senator from Iowa think there is any vital difference between the phrase "not lawfully entitled to receive it" and the phrase "forbidden by law to receive it"

Mr. CUMMINS. There is all the difference that exists be-

tween safety and danger.

Mr. POINDEXTER. I was not able to hear the Senator's argument on that question; but on first impression there does not appear to me to be a vital difference between the phrase "lawfully authorized to receive it" and "not forbidden to receive it."

Mr. CUMMINS. Mr. President, there is a very great difference, which I have attempted to point out at so much length that I would not dare to take up time in repeating it. I will, however, have to go back now in order to connect myself with the present admendent, for that does not cover the particular subject referred to by the Senator from Washington,

Whoever is in possession of any information, whether it is lawfully in his possession or unlawfully in his possession, and willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it, becomes subject to the penalties of this paragraph and section; that is to say, if I, being in lawful possession of information concerning the national defense, refuse to deliver that information to the President or to a general of the Army or to an admiral of the Navy, I become a criminal.

Mr. WILLIAMS. Pardon me a moment for an inquiry.

This provision reads:

Willfully communicates or transmits or attempts to communicate or ansmit the same to any person not lawfully entitled to receive it.

Of course the General of the Army is lawfully entitled to receive it.

Mr. CUMMINS. Mr. President, just a moment. Mr. WILLIAMS. And, of course, the Secretary of War is lawfully entitled to receive it.

Mr. CUMMINS. The difficulty with the Senator from Mississippi is that I am not considering that at all-

Mr. WILLIAMS. And, of course, the President is entitled to receive it.

Mr. CUMMINS. I am not considering that part of the bill. have passed on to another part, and the present amendment does not relate to that part of the bill.

Mr. WILLIAMS. I understood the Senator's amendment to strike out the language "willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it."

Mr. CUMMINS. It does not.
Mr. WILLIAMS. What is the Senator's amendment?
Mr. CUMMINS. It proposes to strike out the words "or willfully retains the same and fails to deliver it on demand to

the officer or employee of the United States entitled to receive it.'

I hope the Senate will appreciate this most remarkable situation; and in view of the fact that I was just interrupted-and very properly so-by the Senator from Mississippi, I must restate it. If anyone, officer of the Government or otherwise-and that covers a Senator of the United States, of course, or a Member of the House of Representatives-is lawfully in possession of information concerning the national defense, no matter what part of the national defense, and some other officer of the Government who has been directed to receive it asks for the information, the one who has possession of it must give it to him or become a criminal.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, the provision reads:

Or willfully retains the same and falls to deliver it on demand to the officer or employee of the United States entitled to receive it.

Suppose the United States is in a state of war or menaced by war, as is the case right now, and the Senator from Iowa or I should happen to have information of value to the executive officers of the Government, and we willfully retained that information, of benefit perhaps to a belligerent Government about to engage in war with us, and we failed to deliver it on demand? It is not a question of voluntary failure to deliver it. The Secretary of War or the President writes to me or to the Senator and says:

I am informed that you have certain information that is of value to the United States, or may be of value against the United States in behalf of some foreign Government, and I ask you what it is.

The language is-

and fails to deliver it on demand to the officer or employee of the United States entitled to receive it.

Does not the Senator from Iowa think that if he or I had that Does not the Senator from flows think that if he of I had that information and willfully retained it, or failed upon demand to communicate it to the proper officials of this Government, we would be guilty of constructive treason—

Mr. CUMMINS. I do not.

Mr. WILLIAMS. And absolute disloyalty to the United of the Constructive treason—

Mr. WILLIAMS. And absolute disloyalty to the United States." but these United

States of America, not "this United States," States, including Iowa and Mississippi? but these United

Mr. CUMMINS. I think these United States would be of little value if it were not for Iowa and Mississippi [laughter], and therefore under no circumstances would I want to exclude either of those Commonwealths.

Mr. WILLIAMS. I merely used that phrase to indicate that Iowa and Mississippi were both interested in this question.

Mr. CUMMINS. Yes; they are both interested, and I think are both desirous of good government and desirous of preserving some of the forms of a republic. I ask, though, the Senator from Mississippi this question: He is an officer of the Government and I am an officer of the Government; he has possession lawfully of information concerning the public defense, and I want it. I go to him and say: "I want you to give me that information; I am entitled to receive it." This bill will make the Senator from Mississippi a felon if he declines to give it to me. Now, I have no objection to saying that when the President of the United States wants from a citizen information that is of value to the country, he shall have it. The whole difficulty with this bill is that, in order to reach a few very proper cases, we have brought within its scope a thousand cases that are improper and that ought not to be

included in the law.

Mr. WILLIAMS. If the Senator will pardon me, this provision does not read "retains the same and fails to deliver it on demand to any officer or employee of the United States"; it does not read in that way; it reads "retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it." No Senator is an officer of the United States entitled to receive from another Senator the information which that Senator may have. This provision only applies to his failure or refusal to give the information to the officer or employee of the United States entitled to receive it. That, of course, does not contemplate the idea that I must communicate to the Senator from Iowa every piece of information that I have, or that he must communicate to me every piece of information that he has. It merely means just what it says, "to the officer or employee of the United States en-

titled to receive it." Now, who is the officer—

Mr. CUMMINS. That is just what I was about to ask the Senator.

Mr. WILLIAMS. Wait a moment. Who is the officer or employee of the United States entitled to receive it? A naval or a military officer in charge or in control, or the President of or any other defense of the United States, or the Secretary of War, or the Secretary of or to me to be important?

the Navy. Now, the Senator can not make any more out of it to save his life.

Mr. CUMMINS. Mr. President, suppose that I know how many bushels of wheat or corn have been raised in Iowa during the year, and assume that such information is connected with the national defense, will the Senator from Mississippi tell me what particular officer is entitled to demand and receive that information from me?

Mr. WILLIAMS, Yes; I can tell the Senator. The President of the United States, the Secretary of War within his province, the Secretary of the Navy within his province, the commandant of the post within his province, the commandant at Fort Myer, in connection with the city of Washington, within his province, and any other officer charged with the defense of the United States at the locality at which the Senator or I might be at the moment resident.

Mr. CUMMINS. Mr. President, I have some objection to being really in the power of one master, but I did not dream that I was to be put under the power of so many masters, whose views on the subject might be somewhat conflicting.

Mr. WILLIAMS. If the Senator will pardon me for just one further observation: Every citizen in time of war or in time of the menace of war-in time of war, especially-is under a great many superior officers—the captain of the company, the colonel of the regiment, the commander of the brigade, the commander of the division, the commander of the corps, the general in supreme command, the Secretary of War. We can not live in this world in competition with people who are violating the law of nations agreed upon by the civilized world without subjecting ourselves to some sort of subordination to military authority. and that military authority will go from the captain of the company up to the general of the Army. The observation about being submitted to so many commands is, I think, not well taken. We have got to be submitted to all sorts of commands if we are faced with a situation that we are apprehending.

I ask the Senator's pardon for interrupting him so long. Mr. CUMMINS. Mr. President, I am very glad to hear an interruption of that kind, because there is a great deal of force in what has just been said if it were in any degree or any respect applicable to the present bill.

Mr. WILLIAMS. Does not the Senator admit that we are

now, every day, living in daily apprehension of war?

Mr. CUMMINS. Will the Senator from Mississippi allow me just a moment in my own behalf? Of course we are; but this bill is not limited to the time of apprehension of war. It is not limited to threatened war. It will be just as applicable 10 years hence, in a time of profound peace, as it is now, or as it is after hostilities shall begin, if unfortunately they do begin. There are certain paragraphs in the bill which are limited to a time of war; but this paragraph, the one that I am discussing, is the law that is proposed for the American people permanently and during times of peace.

If it should be limited to a time of war, or even threatened war, a large part of my objection to it would at once disappear. But we are changing the entire fabric of our Government here; we are changing the entire policy which we have pursued for so many years in establishing a system of this sort among the people in time of peace. What I have said, I repeat—that I do not intend, or I hope I shall not be compelled, to submit in a time of peace to the demand of an Army or a Navy officer, I care not whether he is of high degree or of low degree, insisting that I shall deliver to him information which I have ac-

quired with regard to the national defense.

Mr. WILLIAMS. Mr. President, I hope the Senator will pardon me a moment further. Why should the Senator or I refuse to give to a military officer of the United States any information which either he or I possess that would be important for the defense of the United States? Now, in connection with that question the Senator will remember that this entire bill is a bill for the defense of the United States; and the Senator will remember that his amendment is to strike out the words. "or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive No officer of the United States is entitled to receive information that you or I possess except upon the assumption of a state of war, a condition of war, or a condition of apprehended immediate war.

I should like to ask the Senator upon what principle he could justify his refusal or my refusal, in time of war or of anticipated war, or even in times of peace, to give any officer of the United States charged with the defense of the United States any information that we had with regard to the fortifications or any other defense of the United States that seemed to him

Mr. CUMMINS. Mr. President, the only reply I make is that there are some privileges which a citizen may enjoy in time of peace. He has no privileges in time of war. I agree to that. I agree that the law disappears.

Mr. WILLIAMS. I do not agree with that.
Mr. CUMMINS. Well, just a moment; allow me to talk just a moment. I say that a citizen has no privileges in time of war, such as we have been discussing here, and I am not arguing this bill from the standpoint of war. I am arguing it from the standpoint of peace, and I think the mere fact that I am a free man, a free citizen of the United States, gives me the right to refuse to give to any officer of the Government information which I may have acquired in a perfectly lawful way, if I choose to refuse it. It might just as well be said that we should pass a law that would enable any officer of the Army or Navy to command the distinguished Senator from Mississippi to rise in his place and make a speech upon a subject. There is no limit to the invasion of the rights of citizenship if an officer of the Army or Navy can, in time of peace, command a citizen to communicate to him information which he has lawfully acquired touching the na-tional defense—and that means touching American life, because all of it is a part of the national defense, as has been declared here over and over again. If we can confer on any officer such power as that, then of course we can attach to it the proper penalties. We can say that the officer can put him on the rack until he discloses what he has.

Why. Mr. President, those were just the atroclous policies pursued in the time of the Inquisition. Those were the things done when it was sought to extort from victims some information with regard to the good of the church, or, at a later time, some information with regard to the good of the government. It has been that power which has been relied upon for more acts of infamy in the history of the world than any other power

ever exerted by organized society.

I do not believe it is necessary for the public welfare or for the public defense that this obligation be put upon citizens of the country in times of peace, and it is for that reason that I

have offered the amendment.

Mr. WILLIAMS. Mr. President, in the first place I deny that in matter of substance and common sense we are now living in a time of peace. It is true that formally and nominally the United States is not at war with anybody; but it is also true that pretty nearly all the other nations of the world are at war with one another. This entire statute is based upon the apprehension of war; and the Senator from Iowa seems not to have read, or if he has read seems not to have fully comprehended, or if he has comprehended seems not to have fully realized, the exact sense in which his amendment would be taken in connection with this bill.

The Senator offers his amendment on lines 14 to 17 on page 3. Now, the language which accompanies the language which he wishes to strike out is this-and I ask the careful attention of the Senate to the language:

Whoever, lawfully or unlawfully, having possession of, access to, control over, or being intrusted with—

What?-

any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense—

Relating to the national defense-

willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it—

Shall be punished as prescribed in the bill. Now, the Senator proposes to strike out the words:

or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it—

Fails to deliver what?-

any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense.

Any man who would refuse to communicate to the Government of his own country "any document, writing, code book, signal book, sketch, photograph," and so forth, "or information relating to the national defense, upon proper inquiry by the proper officer, would be spiritually a traitor to his own land. There is no reason why he should be protected.

The Senator says that there are no privileges in time of I beg to differ from him there. Every American citizen in time of war, unless he is within the line of hostilities, has a right to every constitutional protection that is thrown around him by the bill of rights and the 10 first amendments to the Constitution and the balance of that instrument; and even the Supreme Court of the United States, in the case that went up

from Arkansas, in which Judge Garland was concerned-I do not remember the title of the case—said that outside of the boundary of hostilities the martial law of the United States could not apply, and the man had a right to his ordinary constitutional privileges of citizenship. There is nothing in this bill that takes it away from him. The only thing in this bill is this: That if I have information useful to my country, my land, my motherland-not, as the Germans call in their absurd spirit of dominance, fatherland, but as we English-speaking people call it in tenderness, our motherland-if I have any information useful to my motherland, it shall be a crime for me willfully to refuse to disclose it on demand of the proper officer of the United States—these United States, Mississippi, Iowa, California, Minnesota, all the balance of these United States, coupled together for common defense. That was the only reason why they were coupled together. It is the only reason why their citizens are coupled with one another—for common defense against a foreign foe; and here we are hesitating about whether or not we shall make it a crime to refuse to give to the Government of these coupled United States, coupled against the world in common defense, information that is useful for the common defense. To whom? To "any officer entitled to re-

Why, even during the War between the States, when you people up North went pretty far, nobody, except in temporary aberration of judgment for a short time, ever contended that a citizen of the United States in Indiana or Illinois or Ohio or Minnesota did not have the same constitutional privileges and rights that he had in times of peace, except that if he was within the lines of military operations he was subjected to martial law.

I say that no man has any right to refuse any information necessary, or thought by these United States to be necessary, to "the public defense," much less has he any right to refuse to hand over a document, a writing, a code book, a signal book, a sketch, a photograph, perhaps of our fortifications of the Narrows at New York, or Fort Henry and Fort Charles, protecting the Chesapeake, and thereby protecting the Capital of the United States, or a photographic negative, a blue print, a plan, model, instrument, appliance, or note, as outlined in this act. That is outside of the general language "or information relating to the national defense." There is nothing in this bill requiring you or me or anybody to give any information that does not relate to the national defense. How can a man excuse himself, if he is loyal to his motherland, in failing or refusing to give any information that is germane to the national defense?

think, with all due deference to the Senator from Iowa, that he really did not think about the clause of which this amendment is a part, and a necessary part, and of the efficacy and efficiency of which he would deprive the clause if his

amendment were agreed to.

Mr. FALL. Mr. President, of course what the Senator from Mississippi [Mr. WILLIAMS] has just said with relation to the duty of an American citizen to his country, in time of war or in time of peace, to furnish the Government generally with any information necessary for its defense is taken by everyone for granted. With the objection of the Senator from Iowa to this language in the bill I do not agree.

There are two rules of ordinary statutory construction. This is merely a matter now of statutory construction. There are two rules that are ordinarily followed by a court. One of the two rules that are ordinarily followed by a court. first is that the court, in undertaking to ascertain the meaning of the legislature, never presumes that the legislature intended a futile or a foolish thing. That may be a violent presumption. However, it is a principle of law with reference to statutory construction by which every court is supposed to be guided.

The second is one, it seems to me, that would settle the controversy being discussed now in any court in the world, that where a matter is defined by statute and there is a further classification of the acts which are prohibited, and those acts are set forth in specific acts, and then there are general terms following, the general terms are always construed as applied to like acts. I have never known any deviation from this rule of construction. To say that a Senator of the United States should be intrusted with a blue print or a document of any kind or any other information relating to the national defense by an officer of the United States, taking it out of the possession of the custodian, should be guilty of a crime when he refuses the demand to return it to the possession of the proper custodian would be, of course, foolish.

The illustration the Senator has used-information which might come into his possession with reference to the food supply, the corn crop or the wheat crop of the State of Iowa-of course, would be one of those which the court would reject under the first rule I have referred to-that the legislation is

not presumed to attempt a foolish or a futile thing. However, to apply the illustration as any court, in my judgment, would apply it, certainly as I would apply it, to the case before us, as to what the word "information" meant, aside from the general proposition that it means acts of a like character to those enumerated specifically, I would say, if it became necessary for the United States to ascertain exactly how many bushels of corn there were in the States of the Union necessary for the public defense, furnishing all the land and naval forces and feeding all the population, if it became necessary to ascertain that information, if it became necessary for the United States of America to ascertain how many bushels of wheat were to-day in the elevators within the State of Iowa as a part of the national defense or upon which to base measures for the national defense, that information so obtained was in the possession of the Senator from Iowa, it being a matter necessary for the national defense, and the Senator from Iowa was to refuse to deliver that information to the party who had obtained it or to the party whose business it was to obtain it, I should say that the Senator from Iowa was guilty under this act if he retained it, that if he refused to deliver that information he would be guilty. That is all there is to this provision.

The VICE PRESIDENT. The question is on the amendment

of the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. I offer the following amendment: The Secretary. Strike out paragraph (e), page 3.

Mr. CUMMINS. Mr. President, the amendment strikes out the paragraph which makes negligence a crime. I discussed it at some length on Saturday, and I shall not take up the time of the Senate in repeating what I then said. I do not believe we have reached a time in this country, especially when we are at peace, when it should be made a crime to commit an act of negligence, even though it be gross negligence, unless some one or something is harmed or injured by the act of negligence. I do not know of any law in the world which makes an act of gross negligence a crime unless it is followed by injury.

Mr. WALSH. Mr. President, I think the Senator from Iowa forgets about speed laws. If I go speeding at a reckless rate down Pennsylvania Avenue I may not do anybody any harm, but I am punished, notwithstanding, simply because the tendency of that thing is to result in harm to people. That is the theory upon which this part of the bill is framed. We punish one who through gross neglect loses important documents relating to the national defense-plans of defense, and otherwiseeven though no harm comes to the Government, because if things of that kind are overlooked it is not at all improbable that those documents will get into the hands of some foreign power with which, unfortunately, we may in future be at enmity.

I think, upon reflection, the Senator from Iowa will not feel that in his statement he is quite accurate.

Mr. CUMMINS. I think the Senator from Montana is wrong in his application of the instance he put. Suppose a man does race down Pennsylvania Avenue at a grossly negligent speed, and there is no law which fixes the speed, no law which determines how fast he can go, if he injures no one he does not become a criminal. There is not a law I remember anywhere that would punish him as a criminal. If Congress fixes a speed which travelers must regard on the streets of Washington, then if he exceeds the speed he would even be guilty of a crime.

Mr. OVERMAN. One of the oldest cases I remember when I read Blackstone was that of a man on top of a building who was so grossly negligent that he allowed a brick to fall over and

kill a man, and that was a crime under the law.

Mr. CUMMINS. That is what I said a moment ago. That

was followed by some injury.

Mr. OVERMAN. This gross negligence is a quasi crime, and

we have made it an unlawful act.

Mr. CUMMINS. I do not know what the Senator means by a quasi crime. Negligence subjects one to civil penalties. There may be damages recovered for negligence of various grades, but I do not know of any law that makes negligence of any degree a crime unless some one is injured or something is injured. I think, though, it is not comparable with some of the other things in the bill. I am becoming numb, absolutely numb, as I hear such legislation defended. I have offered the amendment because I believe we ought to have no such statute; but if other things I have mentioned do not appeal to Senators I am sure this will not.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was rejected.

Mr. CUMMINS. I offer the following amendment. The Secretary. It is proposed to strike out paragraph (f), pages 3 and 4.

Mr. CUMMINS. Mr. President, this is the paragraph which makes it a crime to post a letter or document containing any matter written in any medium which is not visible until subjected to heat, chemicals, or some other treatment. I made some observations upon it Saturday, but I have no reason to think they made any impression. My remarks upon it, I have no doubt, are just as invisible upon the minds of those Senators who are here as is the ink which is to be made criminal here

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa. [Putting the

question.] The noes seem to have it.

Mr. TOWNSEND. May we have the amendment read? Mr. CUMMINS. I ask for the year and nays upon it.

Mr. WALSH. Mr. President, my attention was diverted for a moment. I desire to say a word about the amendment. I believe that paragraph (f) can scarcely be justified, and I think upon reflection the Senator from North Carolina will agree that it may very properly go out. I can not believe that there is much occasion for it. If writing of that character could be utilized for the purpose of conveying to an enemy information concerning the national defense, in order to get a conviction we would be obliged to establish that the communication was made in that manner. Yet it seems to me that it would be next to impossible to establish that a communication was made in that manner unless one possessed the secret by which the invisible writing could be brought out. If it was brought out then the character of it would be disclosed. It carries, as a matter of course, a communication that is entirely innocuous upon a matter totally unrelated to the public defense, as well as one which would fall within that class. It does not seem to me that we can justify ourselves in a sweeping provision of this character.

Mr. WADSWORTH. Will the Senator yield?

Mr. WALSH. I will be glad to yield. Mr. WADSWORTH. Does it not seem also to the Senator that it should apply to a communication in code? If we are to forbid secret communications of any sort, why not include communications in code between two gentlemen?

Mr. WALSH. I would not be able to distinguish any differ-

Mr. WADSWORTH. I believe this is a rather remarkable provision in the bill, because apparently the provision does not relate to national defense whatsoever.

The VICE PRESIDENT. The Chair will put the question

again.

Mr. OVERMAN. This matter was discussed by the committee good deal. I remember the Senator from Montana [Mr. Walsh] was opposed to it in the committee, but I think he yielded. I know very little about how this is done. I am told that there is a good deal of secret information conveyed by this method; that sometimes they may have invisible writing, by which you can take up the paper and it will not show a thing, but it is detected and the information conveyed when it is subjected to heat. That sort of information I know is conveyed now throughout the world by means of invisible writing by the application of some chemical. I admit what the Senator from Montana says as to proving it, but it does not do any harm if you can not prove it. This is to stop people from trying to convey secret information or hostile information against the Government by some kind of a method that I know has been used by means of chemicals.

Mr. TOWNSEND. This does not refer to information connected with the Army at all.

Mr. OVERMAN. That is what it is intended to do.
Mr. TOWNSEND. It is not mentioned anywhere.
Mr. OVERMAN. We can only reach it by prohibiting the

whole thing. However, I am willing to let it go out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. I am very much obliged. I offer the following amendment: After the word "in," in line 12, page 5, I move to insert the word "willful."

The VICE PRESIDENT. The question is on the amendment

offered by the Senator from Iowa.

Mr. CUMMINS. Mr. President, this seems to me to be rather an obvious omission. I hope the Senator from North Carolina will be willing to insert it in the bill. The provision to which it is directed reads as follows:

Whoever, in time of war, in violation of regulations to be prescribed by the President, which he is hereby authorized to make and promul-gate, shall collect, record, publish—

And so forth.

It is highly essential, I think, that the violation should be a willful one; that is to say, inasmuch as we are about to dele-

gate to the President the authority to prescribe rules with regard to speech and publications, no one should be held guilty of a violation of the regulation unless he had or should have had knowledge of the regulation. We are all held to have knowledge of a law which has passed in the regular way and published as provided by the Constitution and the statutes, but how are men to be informed with regard to the regulation that may be prescribed by the President? Does not the Senator think that before one is punished merely for publishing or communicating or speaking of these things it should be a willful violation?

Mr. OVERMAN. the word "willful"? Where does the Senator propose to put in

Mr. CUMMINS. I propose to put it in after the word "in" and before the word "violation," in line 12, page 5.
Mr. OVERMAN. Will the Senator read it as he proposes to

insert it?

Mr. CUMMINS. I will read it as it would be if my amendment were adopted:

Whoever, in time of war, in willful violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition—

And so forth.

Mr. OVERMAN. This is a time of war, and I do not think the word "willful" should be in there. Everybody ought to be forbidden from doing the act which is denounced whether willful or not. I am opposed to the amendment.

Mr. CUMMINS. I know that my only chance is to appeal to the Senator from Montana [Mr. Walsh]. He is the only one who can convince the Senator from North Carolina.

Mr. OVERMAN. He did not convince me on the former

Mr. WALSH. Mr. President, the Senator from Iowa does me too much honor. Let me inquire of the Senator, though, just what case he contemplates reaching by this wording. What class of violations would be exempted? I find it a little difficult to understand just exactly what the significance of the matter is. The President issues and promulgates certain rules and regulations concerning the collection and dissemination of information touching these matters in time of war. These are all published, and, under well-accepted rules, everyone takes judicial notice of those rules and regulations. Now, a newspaper man, in violation of those rules and regulations. Now, a newspaper man, in violation of those rules and regulations, collects and publishes the information. It is the purpose to make him amenable to the provisions of the proposed act. How could a man collect this information and disseminate it in violation of

man collect this information and disseminate it in violation of the rules and regulations without doing it willfully?

Mr. CUMMINS. My idea is that the word "willfull" contemplates knowledge of the regulations. I as somewhat fearful plates knowledge of the regulations. I as somewhat fearful of mere regulations. They have not the publicity of law, and it might very well be that in obscurer portions of the country—not in New York, not in Chicago, not in Washington, but in parts of the country that are somewhat remote from the seat of government—a great many people would violate this paragraph in utter ignorance of the existence of any such regu-

lations.

Now, mark you, if it only referred to newspapers, I would not be here to say a word upon this point. I assume that they would know what the regulations of the President are. I am opposed, of course, to giving the President the power to suppress newspapers entirely, absolutely, as this provision does; but that is a very little thing as compared with many other features of this bill. It is true that we never have had a law which contemplated the absolute suppression of all news, of all communication between citizens relating to the national defense, but I am not now discussing that. However, in my own State and in the Senator's State there are a great many people who communicate with each other concerning the national defense who will be in entire ignorance of the fact that they have been forbidden to do so by the President, for, mark you, this is not confined to publications or newspapers. It says

Shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy.

If two farmers in Iowa or two miners in Montana were sitting down together and discussing the public welfare, and one of them-I am assuming now that it had been forbidden by the President to do so-should communicate to the other any information with regard to the movement, numbers, description,

condition, or disposition of any part of the armed forces of the country or any information relating to the public defense, he would become a criminal. I do not think he ought to become a criminal unless he knows that he has been forbidden by an Executive order to do those very common, ordinary, and, as we have hitherto supposed, legitimate things. Does not the Senator from Montana believe that so much security, at any rate,

should be preserved?

Mr. WALSH. Mr. President, it will be borne in mind that, in the first place, this provision applies only to time of war; in the second place, it will be borne in mind that the thing is expressly forbidden by rules and regulations promulgated by the President of the United States as Commander in Chief of

the Army and the Navy.

The Senator from Iowa has often said in the course of this The Senator from Iowa has often said in the course of this discussion that in time of war he is willing to accord the most extraordinary powers to the President of the United States. Of course, this is an extraordinary power; but I was not sufficiently imaginative to think that the Senator intended by the word "willful," as it applied here, to excuse one who could plead ignorance of the rules and regulations. These rules and regulations, of course, have the force of law; and no man is required to excuse himself, under well-established principles. permitted to excuse himself, under well-established principles, for the violation of a criminal statute by asserting that he did not know what the law was; and ! dare say the Senator from Iowa will recognize that the whole value of the provision is gone if a man may say, "I did not know anything about the regulations."

Of course, the Senator from Iowa presents an extreme case of two neighbors sitting down to talk about the war that unfortunately is progressing; but it is scarcely conceivable, Mr. President, that the President of the United States, in issuing his rules and regulations, will frame them in such a way as to forbid communications of that character. I think, if that is the significance that is to be given to the word "willful" in the act, I must turn a deaf ear to the personal appeal made to me

by the Senator from Iowa.

Mr. LEE of Maryland. Mr. President, this is one of the points with reference to which I must desert the Senator from Iowa [Mr. Cummins]. I am inclined to think that item (c) is absolutely correct. As has been pointed out, it applies to times of war; it applies to military movements in time of war, and if you will permit me to illustrate by an anecdote, I can show just exactly what kind of a situation it would apply to.

I had this statement from Gen. Grant's Engineer Chief of Staff, that on a certain occasion Gen. Meade, having heard of an exposed and unprotected position south of the Potomac, massed troops—infantry, artillery, and cavalry and proper supplies—at a given point for the purpose of attacking the unprotected place. He did it with great secrecy, as he thought, and he was ready to make the attack when a full report was printed in one of the morning papers of New York, describing every movement he had made for the purpose of this secret attack. Gen. Meade was rather a testy officer, and he had the two reporters involved tried by court-martial, drummed out of camp, and prohibited from again being seen within the limits of the Federal lines. The result of it was that the whole press got down on Meade, and he was given what was known as the "silent treatment" so effectively, as this general officer told me, that he thought many of the Federal troops in the Battle of Gettysburg did not know that Meade was their commanding officer.

Mr. President, that is an illustration of an absolutely wrongful act committed by newspaper enterprise—both wrongful acts—and that is the kind of a wrongful act that this section (c) prohibits, and prohibits with a great deal of vigor. I think it is all right; but when you go back to section (d), on page 3—we have passed that, but it may yet come up in the Senate— I think that is as far in the wrong as the provision under discussion is right.

Eliminating certain of the parenthetical sentences, subdivision (d) would simply read:

Whoever, lawfully or unlawfully, having possession of information relating to the national defense willfully communicates or transmits the same to any person not lawfully entitled to receive it shall be punished—

And so forth.

That, I take it, Mr. President, is aimed at any newspaper reporter who gets any kind of information about military matters in time of peace. Now, I desire to give an illustration where newspaper enterprise was of a good deal of use to the country within a few months in connection with a matter affecting the National Guard. It will be recalled that, under a suspension of the rules, an appropriation of \$2,000,000 was put through here last summer on the Army appropriation bill to

provide for the dependents of members of the National Guard who were serving under the President's call. That provision was in vigorous language, and yet, Mr. President, somebody That provision was in vigorous language, and yet, Mr. President, somebody in the War Department had the Secretary of War refer that provision to the Treasury Department, and the Treasury Department knocked the heart out of that appropriation by the construction they put upon it. Fortunately for the country and fortunately for the National Guard, a newspaper man discovered what was going on. He published it in the evening expressions and was reasonable by an appropriate which I ning newspapers, and we were able, by an amendment which I offered to the revenue bill, to correct that construction by the Treasury Department of the amendment which provided for the dependent families of soldiers serving in the National Guard at the border.

Mr. President, fortunately the enterprise of a newspaper man gave us the necessary information and we were able to prevent that crippling effort directed against the efficiency of the

National Guard.

There was a legitimate exposure in time of peace of some-thing affecting the national defense which that reporter had a perfect right to print, and that reporter ought not to be sent to jail for printing it; and yet, under subdivision (d), on page 3, a reporter publishing such information, upon which the Senate of the United States acted, immediately would be sent to jail.

This illustration shows in what an excited and hysterical

manner this proposed statute is being considered. The demarcation or line to be drawn through the whole effort to enact a law of this kind should be between times of peace and times of war. In times of war it is the patriotic duty of the press to keep silent as to the number, condition, and movement of Federal troops. In times of peace in a Republic like ours, in my humble judgment, the more they discuss the condition of our military affairs, the better it will be for the country.

Mr. OVERMAN. Question!

Mr. JOHNSON of South Dakota. Mr. President, I desire to call the attention of the chairman of the committee to a small matter in this bill.

Mr. OVERMAN. I suggest to the Senator that he allow us

to dispose of the amendment that is now pending.

I did not Mr. JOHNSON of South Dakota. Very well.

understand that an amendment was pending.

The PRESIDING OFFICER (Mr. Hollis in the chair). question is on the amendment offered by the Senator from Iowa, which the Secretary will state.

The Secretary. On page 5, line 12, before the word "violation," it is proposed to insert the word "willful"; so as to read "in willful violation of regulations to be prescribed by the President," and so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The "ayes" seem to have it; the "ayes" have it, and the amendment is agreed to.

Mr. OVERMAN. I ask for a division.

The PRESIDING OFFICER. The Senator from North Caroline asks for a division.

The amendment was rejected on a division.

Mr. CUMMINS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary. On page 5, it is proposed to strike out in lines 22, 23, and 24, the following words:

or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy.

Mr. CUMMINS. Mr. President, we have already given to the President the right to prescribe what shall be promulgated, published, or communicated-

with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct, of any naval or military operations, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place.

I have no objection to so much of the paragraph. It is limited to a time of war; and, while it is vastly more stringent than the provisions any other country in the world ever had in time of war, vastly more comprehensive than either England, France, or Germany has at the present time, if I understand their laws aright-I only understand them by knowing what is being said in those countries and what is being printed in the newspapers there, and I assume that all of it is lawfultheless I am willing to fall in with this march toward militarism and arbitrary government so far as to give the President in time of war authority to suppress all newspapers and all information and command silence among all the people with regard to these things, namely, "the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States." Of course he could foreclose discussion in Congress about those intent to"?

things just as readily as he could foreclose discussion among private citizen about them. Possibly that will be one of the advantageous things that will be accomplished under the act. If I have objection to that I make none now. But when we get toward the close of the paragraph we see this language:

Or any other information relating to the public defense

Now, I do not know, as I have said a great many times, what does relate to the public defense, and no human being can define it. Nobody has attempted to define it in this debate; and I repeat that I assume that it embraces everything which goes to make up a successful national life in the Republic. It begins with the farm and the forest, and it ends with the Army and the Navy. Now, I am unwilling to give the President, even in time of war, the right to lay an embargo upon information concerning those subjects. I think it unwise, and it is a power that might easily be abused.

But that is not all:

Or which might be useful to the enemy.

If the President can determine what in his judgment could be or might be useful to the enemy, he could by the exercise of that discretion infinitely broaden his powers and suppress practically everything, every word, written or spoken. I do not believe in it, and therefore I have moved to strike it out; and the paragraph after it is stricken out will be strong enough. I think, to meet the views of the most ardent militarist.

The PRESIDING OFFICER. The question is on the amend-

ment offered by the Senator from Iowa, which the Secretary

will read

The Secretary. On page 5, lines 22, 23, and 24, it is preposed to strike out:

Or any other information relating to the public or calculated to be, or which might be, useful to the enemy.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

Mr. JOHNSON of South Dakota. Mr. President, I desire to call the chairman's attention to some language which occurs in line 24, on page 3, which reads:

Whoever, within the United States, sends by post, or otherwise, any

Mr. OVERMAN. That has gone out.

Mr. JOHNSON of South Dakota. Has that been stricken out?

Mr. OVERMAN. Yes.

Mr. JOHNSON of South Dakota. I was not aware of the fact

Mr. CUMMINS. Mr. President, I offer the amendment which send to the desk

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary. On page 6, it is proposed to strike out of lines 5 and 6 the words "cause disaffection in or to," and out of line

6 the words "operations, or."

Mr. CUMMINS. Mr. President, if this amendment were adopted, section 3 would read:

Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to interfere with the success of the military or naval forces of the United States, or shall—

And so forth. The words I seek to strike out are "cause disaffection in or to," in lines 5 and 6, and the words "operations,

or," in line 6.

I suppose Senators know that we are here creating a sub-

Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements-

They may be perfectly true; they may be highly necessary and desirable; but if the intent is to interfere with the operations of the military or naval forces of the United States, the man who utters or makes these statements becomes a criminal. If this were the law in England, I wonder whether the agitation which led to the leadership and the promotion of Lloyd George would have taken place? I wonder if the articles in the London Times which exposed the errors, the mistakes, the blunders which had been committed in the Dardanelles campaign would ever have seen the public eye or been heard by the public ear? I wonder if the agitation in France which finally led to the deposit of great power in the hands of the premier would ever have taken form? Is it possible that Members of Congress are to be told that in time of war no man can utter a criticism that may interfere with the military or naval forces of the United

Mr. WALSH. Mr. President, does not the Senator entirely overlook the significance and importance of the words "with

Mr. CUMMINS. No. If I believe the welfare of my country and the success of the military forces of the United States requires a criticism, I claim the right to utter it, and I intend to utter it, and that is my sworn duty.

Mr. WALSH. But, Mr. President, that is not the act that is

denounced here.

Mr. CUMMINS. It is the act that is denounced here, as I view it

Mr. WALSH. The act denounced by this bill is the spreading of statements with intent to cause disaffection among the troops and to interfere with the military operations of the country. There must be the specific intent to do the wrong.

Mr. CUMMINS. Mr. President, I can not understand the mental operations of those who are supporting this bill. I admire their alertness in always finding a refuge of that sort; but the bill says:

Whoever, \* \* with intent to \* \* interfere with the operations \* \* of the military \* \* forces of the United erations

That is one statement of the bill. Now, if any citizen saw great blunders being made, disaster immediately before us, and if he could not rise and intentionally interfere by speech, if possible, with the operations that were in progress, we have become Indeed a nation without spirit and without liberty.

Mr. THOMAS. Mr. President—
Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. I merely interrupted to suggest to the Senator that striking out the word "disaffection," on line 9, and the word "or," on line 10, would seem to be necessary to perfect the whole amendment.

Mr. CUMMINS. My amendment strikes out the words "cause

disaffection in or to."

Mr. THOMAS. That is in lines 5 and 6; but in line 9 is the word "disaffection," and on line 10 is the word "or."
Mr. CUMMINS. No; I am quite willing to leave the latter

part of the section as it is, because

Mr. THOMAS. There is nothing to give force to the word "disaffection" where it appears the second time, if it is allowed to remain in the bill.

Well, the word "such" might be stricken Mr. CUMMINS.

Mr. THOMAS. No; the words "disaffection, or," so as to read "calculated to cause such interference."

Mr. CUMMINS. No; the Senator from Colorado does not quite grasp what I mean,

Mr. THOMAS. I understand the Senator's purpose. Mr. CUMMINS. I believe that a man who writes or promulgates or spreads a false report to bring about disaffection or interference ought to be very severely punished; but the man who states a truth, something that he believes to be necessary in order to accomplish ultimate success, ought not to be punished.

Mr. THOMAS. Then the word "such" should be eliminated. Mr. CUMMINS. I think so, if my amendment is adopted.

I am willing to attach any punishment that may be suggested for one who, with intent to interfere with the success of our military forces, shall make statements, true or false; but when it is said that no one in this country can make a truthful statement if he has intent to interfere with what is going on in the military world, I think that you are sapping the very life-blood of a free people. If this had been the law, as I said before, the great movement which led to the reformation of the English military strength and promoted the present leader to his place of authority would have been a criminal movement, and it likewise would have been criminal for the same reformation to have been undertaken in France,

Mr. WALSH. Mr. President Mr. CUMMINS. I yield.

Mr. WALSH. If any such significance is to be given to the bill at all, I am very sure the Senator will recognize that none of us could give it any support whatever; but, of course, we differ with the Senator with respect to that matter, and none of us can conceive that it would. Now, the Senator is at perfect liberty, if this should become a law, to say whatever he chooses

in criticism of any campaign that is waged.

Mr. CUMMINS. Do I not intend by that criticism to inter-

fere with the movements of the military forces?

Mr. WALSH. Not at all.

Mr. CUMMINS. Why do I say it, then?

Mr. WALSH. Why, the Senator says it simply so that the pelicy may be changed, so that the plans may be changed. That is not interfering with the operations, or making a statement in order to interfere with the operations. Making a statement in order to interfere with the operations would be giving informa-

tion to the enemy, or giving information to the forces that would lead them into disaster. That is the thing that is to be done.

Mr. CUMMINS. That is not possible.

Mr. WALSH. What the Senator would like to do, under those circumstances, is not to raise disaffection among the troops. His purpose is to raise disaffection among the people with the men who are directing the troops.

Mr. CUMMINS. Well, I would not at all think myself in error, even though I sought to create disaffection among the troops, if I was declaring a truth. If I could bring about an immediate change by the promulgation of a truth, I would feel that I ought to do it. Why is it that the Senator from Montana is not satisfied when we say a man can not even tell the truth if it will interfere with the success of our military forces?

Mr. WALSH. Mr. President, suppose that Lloyd George had known about some fatal weakness in the English forces in the unfortunate and disastrous Gallipoli Peninsula campaign, and he had told about that weakness. Does the Senator desire to leave him at liberty to do so? Why, Mr. President, that was not the way that the revolution was accomplished, either in England or in France. No one had accused Lloyd George of seeking to create disaffection and dissension among the troops In the field. He criticized, and so did Lord Northcliffe, very severely indeed, the general conduct of that campaign and the wisdom of carrying it on at all; but neither of them could be accused, in anything that he said in connection with the matter, either of a desire to create disaffection among the troops in the field or of a desire to interfere with the military operations.

Mr. CUMMINS. Mr. President, I did not mention any speech of Lloyd George's. I said that the campaign supported by the London Times would have been a crime, because that great paper did, in the most emphatic way, interfere or attempt to interfere with the military operations at the Dardanelles. Lord Churchill—I do not know whether that is his title or not, but the former First Lord of the Admiralty-made a speech in the House of Commons with the express purpose of preventing certain military operations and securing the withdrawal of the troops from eastern Europe.

The Senator from Montana is in error, at least I believe he is in error, when he says that such a statement will not in a be held to be statements with the intent to interfere with the operation of our Army and Navy. I think they must be held to be statements made with such intent. ever unfortunately fall into war free speech should be preserved as completely as is consistent with the public interest. When we have forbidden all men to tell the truth if it is told with intent to interfere with the success of our armed forces, I think we have gone as far as we should in commanding silence.

The next clause in the paragraph relates to false statements. I do not care how severe the penalty be made with regard to them, but the first part of the paragraph, the one to which my amendment is directed, is limited to statements that are true.

Mr. LEE of Maryland. Mr. President, I should like to ask

the Senator from Iowa if an amendment would be satisfactory to him inserting after the word "dissaffection" the following words: "In the Navy or Army of the United States"? That I think is the idea which the Senator from Montana [Mr. Walsh] really has in mind. The disaffection which he wishes to discourage is in the ranks of the fighting forces, and evidently disaffection there is most undesirable in any stage of a war.

Mr. CUMMINS. I ask the Senator from Maryland this question: Suppose you saw a condition which you thought ought to be remedied and rose to describe it and did describe it. Suppose you knew, after you had described it, it would have a tendency to cause disaffection among the troops. Does the Senator from Maryland think, if he honestly believed that was the only way in which the reform could be brought about, he ought to remain silent or be a criminal because he tells the truth?

Mr. LEE of Maryland. I am inclined to think that the acts which excite disaffection in fighting troops have to be of a very radical, serious, and ugly nature. I do not believe that mere parliamentary discussion or agitation of a political nature in the papers is apt to make troops on the firing line disaffected There is where the line should be drawn. The word "disaffection" as it appears here would cover disaffection at home; it would cover all forms of criticism of the military administration, whereas it should be limited to disaffection among troops. I do not believe that any speech that any man could make in Congress would affect men on the fighting line in a great war or create any serious disaffection, because those men are in such a position physically that they have got to fight to live, as a rule, under modern conditions. The word "disaffection," there-

fore, clearly should be made to apply to the fighting force, and not to prevent any political discussion in a free parliament or a

free Congress

Mr. CUMMINS. Mr. President, I would be very willing to accept the modification which has just been proposed by the Senator from Maryland. I had some experience with a part of the troops that were lately sent to the border. We were not in a state of war, but suppose we had been in a state of war with Mexico. There were things done there which I thought were wrong, injustices practiced upon certain of the troops. I made such inquiry as I could, and I was not slow to denounce the practices which I thought to be wrong. I hope the statements I made in regard to them were true, but I could have been convicted, assuming that one means the thing which naturally flows from his act or word. I could have been convicted of an intent to cause disaffection among these troops. not believe that the Senate proposes to take that right away from either myself or any citizens of the United States. But that is not so vital a part of my amendment as the effort to eliminate the words "interfere with," because I think that every attempt to change a military situation must be construed as an interference with the military operations, and if one has that intent he becomes amenable or subject to this law.

Mr. NEWLANDS. Will the Senator yield to me? Mr. CUMMINS. I yield the floor.

## INTERSTATE COMMERCE COMMISSION.

Mr. NEWLANDS. I desire to ask unanimous consent-

Mr. OVERMAN. I object to anything being done right now until we get through with the bill.

Mr. NEWLANDS. Will the Senator first listen to what I

have to say with regard to it?

Mr. ROBINSON. Let the Senator from Nevada state his

Mr. OVERMAN. Very well, Mr. NEWLANDS. I think it will be reasonable. Mr. NEWLANDS. I think it will be reasonable. I ask unanimous consent that Order of Business 406, being House bill 308, entitled "An act to amend the act to regulate commerce, as amended, and for other purposes," be considered to-morrow night at 8 o'clock, and that the Senate take a recess to-morrow afternoon until 8 o'clock in the evening for that

Mr. FALL. Will not the roll have to be called to get a

quorum here for that purpose?

Mr. ROBINSON. No; not for that purpose.

The PRESIDING OFFICER. The Chair will state that the only time when the roll has to be called for a quorum is when unanimous consent is asked to fix a time for a vote on a bill

or a joint resolution.

Mr. NEWLANDS. I will state that it is a matter of great The Interstate Commerce Commission is, as we all urgency. know, overloaded. Its duties have been very largely increased by reason of legislation regarding valuation, and so forth, and it is of the highest importance that the membership should be increased from seven to nine and that it should be permitted to divide itself into divisions, each division to have the same jurisdiction as the commission itself.

Mr. OVERMAN. Why can not the Senator make that request to-morrow and let us go on with the bill that is before the

Senate?

Mr. NEWLANDS. Perhaps there may be some opposition to it.

Mr. FALL. There certainly will be opposition at this time, when we are considering another bill.

Mr. SIMMONS. I wish to make a suggestion to the Senator. Mr. OVERMAN. I call for the regular order. Mr. ROBINSON. I ask unanimous consent to make a brief

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. OVERMAN. I yield for that purpose.
Mr. ROBINSON. Mr. President, the Committee on Interstate Commerce had a meeting yesterday and determined that the necessity for passing the bill which the Senator from Nevada has in mind increasing the membership of the Interstate Commerce Commission and authorizing it to form divisions or sections is indisputable. The commission is so crowded with its work that it will break down unless this relief is afforded, and, in fact, the whole system of governmental regulation of interstate commerce may break down.

By way of illustration, the number of formal complaints pending February 1, 1917, was 1,221, the number of suspension cases on the same date was 157, making 1,378 proceedings of investigation involving the reasonableness and propriety of

rates.

Mr. President, that is just one class of work before the commission and it does not involve the greatest amount of work.

The second important task before the commission is the valuation of the physical properties of the railroads of the United States. Heretofore and until recently this work has proceeded largely through the agents of the commission, but the work has now reached a stage that requires the personal attention of the commission. If this work is to be successfully and fairly done, the commission must be afforded some relief.

Another class of work which the commission is now charged with is that growing out of the Panama Canal act, and still a fourth class is that arising under the Clayton Antitrust Act. The car-shortage question is at present one requiring a great deal of work upon the part of the commission; and while, of course, it is hoped that this work is temporary, it is at present

exacting a great deal of labor.

The Cummins amendment passed during the last session of Congress is just now beginning to impose a large amount of work upon the commission. Thus there are seven different phases or classes of work devolving on the commission that I have in mind and that I am mentioning from memory. One member of the commission has broken down physically. Mr. Clark, who is one of the most valuable members of the commission, has broken down from overwork. At one time recently four members of the commission were in such physical condition that they were unable to work.

Mr. President, Congress is constantly loading the commission with work. We are passing frequently resolutions involving investigations, and we have imposed upon the commission a large amount of very arduous work in addition to that required by the general law.

I submit it is unfair for Congress to refuse to make some provision that will enable that body to perform the increasing

duties we are constantly imposing upon it.

The bill should not require any great length of time on the part of the Senate. If the Senate wants to break down the commission and destroy its usefulness, it can accomplish that end by refusing the reasonable request of the Senator from Nevada. I, as a Senator, would not want to take that responsibility. I believe that Senators, in the exercise of the power of objection, which is now the power, under the conditions we are legislating, to prevent legislation, should agree to this request out of a sensible regard to the public interest,

If the Interstate Commerce Commission is to perform its very important functions which we have defined and imposed upon it by law, then, in good conscience, give it the opportunity of

doing so.

Mr. BRANDEGEE. Mr. President, I thank the Senator from North Carolina for his courtesy in allowing this matter to in-tervene. I realize how anxious he is to get through with his bill. I, too, attended the meeting of the committee yesterday to which the Senator from Arkansas has referred, and I hope that no one on this side of the Chamber will object to giving us a chance to see if we can not pass the bill by devoting to-morrow night to it. Let us see if we can not pass it. It is a measure of the very utmost importance. I entirely agree with the chairman of the committee and the Senator from Arkansas that the work we have heaped upon that commission will break it down without this relief, and if we are to adjourn for nine months tremendously important subjects will be before the commission

which can not be attended to at all.

Mr. POMERENE. Mr. President, if I may say just a word, while there are some differences of opinion among the members of the committee as to what the provisions of the bill should be, there is no difference, I dare say, at all among the members of the committee as to the necessity of some legislation increasing the membership of the commission. I feel that we would be almost guilty of a crime if we should adjourn this session without granting some relief. I hope there will be no objection to an order made such as the Senator from Nevada has re-

quested.

Mr. SIMMONS. Mr. President, I recognize the importance of this legislation and I am as anxious as the Senator from Nevada, the Senator from Arkansas, and other Senators on the committee to have action upon the commission bill. bership of the commission ought to be increased; but, Mr. President, I gave notice that to-morrow morning I would move to take up the revenue bill, and I dislike to agree to any arrangement just at this time which would displace that bill.

Mr. ROBINSON. Will the Senator allow me?
Mr. SIMMONS. Just pardon me one moment. I shall be anxious after starting with the consideration of that bill to proceed with it without interruption. It is probable if the Senator will let his suggestion go over until to-morrow I may see my way clear some time during the day—to-morrow—after the bill is

taken up, to consent to having to-morrow night devoted to it, but I would not like to do that now. If that is not satisfactory, I will make the suggestion that this evening instead of a s we take an adjournment and give the chairman of the Committee on Interstate Commerce the benefit of the morning hour to-morrow, and I think the nearly two hours he would have would afford him ample opportunity to pass the bill. Then at the expiration of the morning hour, after he has finished his bill, if he has not finished it before that time, I will move to take up the revenue bill.

Mr. BRANDEGEE. Mr. President, I was going to ask the Senator from North Carolina and the Senator from Nevada why

we could not have an evening session to-night?

Mr. SIMMONS. My colleague [Mr. Overman] desires to go on and finish the bill which is the unfinished business to-night.

Mr. BRANDEGEE. That I did not know.

Mr. SIMMONS. I hope that arrangement will be satisfactory to the Senator from Nevada, and if it meets with the approval of my colleague, who is in charge of the pending bill, we will have a morning hour to-morrow during which time the commission bill can be considered.

Mr. OVERMAN. I do not know how long it is going to take to finish the bill that is now before the Senate, but we have gotten so far with the bill that I shall insist on going on with

it until we pass it. I hope to finish it to-night.

Mr. NEWLANDS. Does the Senator object to an adjournment until to-morrow so that we will have a morning hour tomorrow within which to consider the commission bill, as the Senator's colleague suggests?

Mr. OVERMAN. If this bill is finished.
Mr. NEWLANDS. Suppose it is not finished?
Mr. OVERMAN. Then I shall desire to proceed with it until

Mr. WADSWORTH. In all humility, Mr. President, and with no desire to seem impertinent, would it not be possible for gentlemen who are responsible for the conduct of legislation in the Senate to discuss these matters and come to an agreement as to what bill is going to come up next in such a way as not to interrupt the business of the Senate we are now engaged in? If the discussion proceeds much further I shall be forced to insist on the regular order.

Mr. OVERMAN. I think the Senator from New York has

made a very apt suggestion.

Mr. WADSWORTH. Senators on this side are as anxious as are the Democratic Senators that the business of the Senate shall be finished by March 4, but we are confronted with a situation that Senators on the Democratic side do not seem to have any program to bring about that state of affairs.

Mr. SHAFROTH. I will state, if the Senator will allow me, that it is impossible to have such an arrangement as the Senator speaks of, for when a person has arranged the matter so as to take up one measure some one else jumps in and inter-

feres with it.

Mr. ROBINSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arkansas? Mr. OVERMAN. I yield.

The PRESIDING OFFICER. The Senator from Arkansas is

recognized.

Mr. ROBINSON. The suggestion of the Senator from North Carolina [Mr. SIMMONS] would be satisfactory to me and to some of the rest of us who are interested in the railroad legislation, but if the Senator from North Carolina [Mr. Overman] in charge of the bill now under consideration, objects, I ask if he would object to unanimous consent to make the bill which the Senator from Nevada [Mr. Newlands] has in charge a special order for Thursday night of this week?

Mr. OVERMAN. I do not object.

Mr. OVERMAN. I do not object.
Mr. ROBINSON. I suggest to the chairman of the committee to submit that request.

Mr. NEWLANDS. Well, I will submit that request.
Mr. SIMMONS. Mr. President—

Mr. OVERMAN. I think we will get through with this bill

Mr. SIMMONS. I suggest to the Senator that he try out the suggestion and dispose of the matter in the morning during

the morning hour.

Mr. NEWLANDS. If that is agreeable to the Senator's col-

Mr. NEWLANDS. If the is agreeable to the league, I shall not object.

Mr. OVERMAN. It is agreeable to me.

Mr. NEWLANDS. If we do not succeed, then we will consider the suggestion for a night session.

Mr. ROBINSON. I understood the Senator from North Carolina to object to that.

Mr. OVERMAN. No; I do not object to that.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. Has there been any agreement of any kind made? Mr. ROBINSON. No.

The PRESIDING OFFICER. The Senator from Nevada was understood by the Chair to have withdrawn his request for unanimous consent for the consideration of the bill named by him. Mr. NEWLANDS. I will bring it up to-morrow during the

morning hour.

### OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

Mr. FALL. Mr. President, is the unfinished business now be-

The PRESIDING OFFICER. The unfinished business is before the Senate as in Committee of the Whole. The amendment of the Senator from Iowa [Mr. CUMMINS] is pending.

Mr. FALL. Mr. President, as I understand, the amendment of the Senator from Iowa is pending, and I desire to address my-

self merely for a moment to that.

I think the Senator is correct in his assumption that the power which is proposed to be vested here—that is, the power to punish certain acts-has never before been provided. He is correct in that, but there has been an occasion, Mr. President, in the history of this country when this power was needed just exactly as the power provided for in this bill is now needed, and that power was used. It was possibly usurped-it was the power to deal with a man who disseminated reports causing not dissatisfaction but disaffection in the armed forces of the United States. That man was a citizen of Ohio. His name was Vallandigham, and Abraham Lincoln usurped the power to put him beyond the confines of the United States, because he did not have the power vested in him by Congress to punish him as he should have been punished.

That is exactly what is aimed at in this section of the bill. It is not a question of anyone simply criticizing, as in the instance mentioned, through the newspapers published in Great Britain with reference to a criticism of the Dardanelles campaign, which might cause dissatisfaction with the methods being pursued by those in command of the British Army, but it is aimed at such practices as that of Vallandigham and the copperheads-those, and no others-that they may not cause not

dissatisfaction but disaffection.

As Abraham Lincoln said-I shall not undertake to quote his exact words, but in effect—the man who spreads reports tending to prevent enlistments in the armed forces of the United States when this country is facing a crisis and its existence is at stake is a traitor to the country. While there was no law that could punish him, the law of national necessity arose, and he used it, and sent Vallandigham beyond the confines of the United States.

Now, it is a question as to whether you want that power usurped-because it will be usurped in time of war if you do not place the power in some official-and the country saved, or whether you prefer that the Executive may be allowed to proceed in an orderly and constitutional and legal manner.

Mr. CUMMINS. Mr. President, I must say one word in reply to the rather extraordinary position taken by the Senator from New Mexico. Either he does not know his history or I do not Vallandigham was sent beyond the limits of the Territory within the northern jurisdiction not because he had made a statement or a series of statements but because he was making false statements with regard to the conditions of the country, and especially with regard to the conditions of the war. Such statements ought to be punished, and there ought to be power to deal severely with one who issues false statements. That condition, however, is covered by the last paragraph of the bill, to which I have not sought to make any amendment what-

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

The Secretary. In section 3, on page 6, line 5, it is proposed The Secretary. In section 5, on page 6, the 5, it is proposed to strike out the words "cause disaffection in or to," and to strike out of line 6 the words "operations or."

The PRESIDING OFFICER. The question is on the amend-

ment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. THOMAS. Mr. President, I have an amendment which

I desire to offer to section 6, on page 32, if it is now in order.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 32, line 6, it is proposed to strike out the word "or" and to insert the words "and concurrent jurisdiction with the district courts of the United States of offenses under this chapter committed."

Mr. OVERMAN. I think that is a very proper amendment, and that there is no objection to it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

The Secretary. On page 7, line 7, after the word "hereof," it is proposed to insert the following words: "in which anything for the use of the Army or Navy is being prepared or constructed."

Mr. CUMMINS. Mr. President, I have very often referred to the section to which this amendment is directed. It is the section which is referred to in the first paragraph of the bill. Its effect is to give the President the power to designate any place other than those set forth in the paragraph to which an approach or upon which an entry is forbidden.

I attempt to limit this power by the words I have proposed in the amendment I have sent to the desk. I, of course, know that they will not be accepted; but I simply enter my protest against giving the President the power to forbid the people of this country from all its parts. I assume that he could under this power exclude the hundred million people of the United States from every part of the country, if it can be asserted that all parts of the country are connected in some remote way with the national defense. I submit the amendment simply as the expression of my position with regard to the law.
Mr. WALSH. Mr. President, I have not been able to appre-

clate quite accurately the effect of the amendment tendered by the Senator from Iowa; but I am convinced-and I address myself to the Senator from North Carolina-that there should be, and I think must be, some limitation upon this power. That it ought not be granted in this sweeping language, I think will be apparent to anyone who reflects upon the language of the bill.

Mr. OVERMAN. This matter has been considered by the committee and reported out, and I do not see why we should limit the power of the President. I am willing to trust the President of the United States, no matter who is elected to that office, as to what works he may designate and as to what things he may designate. I think the President of this country is a man who can be trusted, I do not care whether he is a Republican or a Democrat, and I think Woodrow Wilson in this emergency certainly can be trusted.

Mr. WALSH. Mr. President, there is no question about that at all; but we are making a law for all time, not one that is operative merely in time of war, or in time of threatened war, or

in time of public danger.

Mr. OVERMAN. I have heard that stated upon this floor so often that I am tired of it. It has been stated a number of times by the Senator from Iowa. Some years ago the Congress of the United States passed 23 statutes, known as the reconstruction laws that went into "innocuous desuetude." No one was ever indicted under them, and no one called attention to the violation of those statutes. When it is necessary for something of this kind to be done, if we leave the matter to the President in time of peace and in time of war, he is not going to exercise it in time of peace; but he will exercise it in time of war, in time of great emergency; and the President ought to have that power, in my judgment.

Mr. WALSH. Mr. President, I was not really prepared to

hear the Senator from North Carolina refer, as a model to be imitated at this time, to the acts passed during the reconstruction period for the purpose of carrying out a policy which those

acts represented.

The trouble about this provision is, Mr. President, that there is no limitation at all. The President of the United States may designate any place whatever within the confines of the United States and say that to go thereon for the purpose of securing information concerning the national defense is a crime.

Mr. OVERMAN. Can the Senator imagine the President of the United States designating a place that ought not to be protected, such as a radio station or a naval station? Can the Senator conceive of the President of the United States desig-nating a place under this paragraph just because he has the power to do so without any regard to the military necessity for the action?

Mr. WALSH. Mr. President, we have taken pains to make a Constitution which limits the power of the President with respect to all these matters, and up to the present time we have

not deemed it wise to repose this power in him.

I do not recall that this particular section had any especial consideration by the Judiciary Committee. I feel justified in saying that in explanation of the attitude I take with respect

to it. I believe that some amendment of the section ought to

The VICE PRESIDENT. The question is on the amendment

offered by the Senator from Iowa.

Mr. TOWNSEND. Mr. President, as I have heretofore said to-day. I am very much in favor of enacting such laws as are necessary to make efficient, and to continue efficient, the various military and naval preparations which Congress has authorized; but I confess that I can not understand why at this time it is necessary to adopt section 6 at all. I do not wish to give unnecessary speculative power to the President. It seems to me that in section 1 you have covered all of the emergency grounds that could in reasonableness be anticipated. If, however, we can not strike out section 6, then this unusual power sought to be conferred upon the President certainly ought to be limited to a time of war. I think we make a mistake

Mr. OVERMAN. I will accept such an amendment as that.
Mr. TOWNSEND. Well, then, if that amendment will be a Well, then, if that amendment will be ac-

cepted, I will move it first.

Mr. CUMMINS. Mr. President, there is an amendment pend-

The PRESIDING OFFICER. There is an amendment now pending.

Mr. TOWNSEND. Very well; I will wait until that is dis-

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. JONES. I ask to have the amendment stated.

Mr. WALSH. Let the amendment be again read. The PRESIDING OFFICER. The Secretary will again state

the amendment. The SECRETARY.

The Secretary. On page 7, line 7, after the word "hereof," it is proposed to insert the words "in which anything for the use of the Army or Navy is being prepared or constructed."

The PRESIDING OFFICER. The question is on agreeing

to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. TOWNSEND. Now, Mr. President, after the word "power," in line 6, page 7, I move to insert the words "in time of war," so that it will read, "The President, of the United States shall have power in time of war to designate," and so forth.

Mr. LEE of Maryland. I object to that amendment. I think the amendment of the Senator from Iowa covers the situation. The protection of a place where something is being made for the Government ought not to be limited to time of war.

Mr. CUMMINS. I desire to suggest to the Senator from Maryland that the amendment of the Senator from Michigan does not relate to that part of the section to which my amendment was directed. It relates to an entirely different subject.

Mr. LEE of Maryland. I may be under a misapprehension as to where the amendment of the Senator from Iowa comes in the bill. I ask that it be read again.

The PRESIDING OFFICER. The Secretary will read the amendment last adopted.

The Secretary. On page 7, line 7, after the word "hereof," the following words have been inserted:

In which anything for the use of the Army or Navy is being pre-

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Michigan [Mr. Town-

Mr. OVERMAN. Mr. President, I hardly think it would be wise to put in there the words "in time of war." There is

preparation going on now.

Mr. TOWNSEND. But does not section 1 cover all that the Senator has in mind?

Mr. OVERMAN. I doubt it; and I hope the Senator will withdraw the amendment.

Mr. TOWNSEND. I should like to have the amendment go in and have the committee consider it, because I think when the Senator considers it he will see that we are going at a

pretty good pace just now.

Mr. OVERMAN. I agree with the Senator that we are giving a great deal of power to the President; and I think he ought He ought to have that power right now, at a time to have it. like this, although we are not engaged in war. It may be that it might become necessary to commandeer things or designate places that we can not mention now. We are not in the secrets of the department, but they may be taking over certain places in this country that we know not of and that ought to be designated by the President in such an emergency as confronts us at this time. If there were not preparations going on now in connection with these matters, I would agree to the suggestion.

Mr. TOWNSEND. The Senator from New Mexico [Mr. Fall] makes a suggestion which perhaps may make it more satisfactory to the Senator from North Carolina, although it does not, in my judgment, strengthen my original suggestion. I will change it by making the amendment read, "in time of war or military necessity.'

Mr. OVERMAN. "Or threatened war."
Mr. FALL. "Military necessity" would cover it better.

Mr. OVERMAN. With the words "military necessity" added, I do not object to the amendment.

Mr. CUMMINS. Mr. President, the Senator is directing his

amendment

The PRESIDING OFFICER. The Chair understands that the Senator from Michigan wishes to perfect his amendment by adding the words "or in case of military necessity." Without objection, the amendment is so modified. The Senator from

New York is recognized.

Mr. WADSWORTH. Mr. President, may I ask the Senator from Michigan and the Senator from North Carolina if they will inform me as to whether or not the amendment now suggested by the Senator from Michigan will act so as to qualify that portion of the section which commences on line 10 of page 7, which reads:

He shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national

Mr. OVERMAN. Is there any doubt about that? Does the

Senator have any doubt about it?

Mr. WADSWORTH. I wanted to be perfectly certain about it. Mr. OVERMAN. I rather think it does not. I think it applies to the whole section. The power which is given to him applies to time of war or military necessity.

Mr. CUMMINS. It applies to that section.

Mr. OVERMAN. I mean, it applies to the matter that the Senator read.

Mr. CUMMINS. It applies just to that paragraph.
Mr. OVERMAN. It applies to that paragraph down to the semicolon

Mr. WADSWORTH. Do I understand the Senator from North Carolina to say that the amendment suggested by the Senator from Michigan applies only to the first paragraph of

Mr. OVERMAN. Down to the end of paragraph 6, it looks to me, without reading it. I have not time to read it. It goes

down to the semicolon, anyway.

Mr. TOWNSEND. It ought to apply to all of section 6. That is my intention.

Mr. WADSWORTH. That is what I want it to do.

Mr. TOWNSEND. I want it to apply to the whole of section If it does not do it, then I should like to have it.

Mr. FALL. Mr. President, in my judgment it does apply to both paragraphs, the entire section; but if there is any doubt about it, it ought to be made to do so.

Mr. OVERMAN. The second paragraph is, "he shall further

Mr. O'PIRAIA. The second paragraph is, he shall further have the power, on the aforesaid ground"; that is, in time of military necessity. I think it would relate back; but if there is any question about it,

then I think it ought to be remedied to read in that way.

Mr. OVERMAN. I think, after reading it, the words "on the aforesaid ground" probably would relate back to the first part

Mr. WADSWORTH. Will the Senator also be so kind as to explain the proviso at the end of the section? I do not quite understand that proviso:

Nothing herein contained shall be deemed to limit the definition of such information.

Mr. OVERMAN. I can not explain it, except what it says—that "nothing herein contained shall limit the definition of such information" as the President shall prescribe.

Mr. WADSWORTH. The amendment offered by the Senator

from Michigan would seek to place a limit upon the definition;

then the proviso says that nothing herein contained shall limit it.

Mr. OVERMAN. Well, I am willing to let it go into the bill, and work it out in conference, and see if we can not make all of that in accordance with the terms of the bill.

Mr. FALL. Mr. President, if the Senator will allow me-

Mr. WADSWORTH. I shall be very glad to yield.

Mr. FALL. I think the proviso is intended to cover this proposition: That nothing in this section allowing the President to designate other places than those specifically designated in the act itself, of which section 6 is a part, shall be deemed to limit, within the meaning of this chapter, the definition of such infor-

mation—that is, the information with reference to other places and other things-to such designated matter, thing, or information. In other words, while it is very awkwardly worded, I think that in giving this additional power to the President to designate other things and other places it was not intended that this additional power should be construed as limiting the things which the additional power is spread over to the same class of things that were specifically designated in the bill itself. I

think that is the purpose of it.

Mr. WALSH. Mr. President, I imagine that very likely the Senator from Iowa will agree that the limitation provided by his amendment is scarcely necessary in the bill in view of the amendment offered by the Senator from Michigan; and the Senator from Michigan will probably recognize that if his amendment is adopted there would seem to be no occasion for the amendment offered by the Senator from Iowa, because if the exercise of this power is restricted exclusively to times of war I do not think that it should be limited, or that the intention of the Senator from Michigan was that it should be limited to those conditions suggested in the amendment offered by the

Senator from Iowa.

By way of illustration, we have been informed that foundations were laid at various places in Europe upon which to mount heavy guns when the occasion should arise. Suppose that it was deemed advisable, as a part of the military defense, to establish such foundations in various portions of the country. The President might be extremely desirous, and it would be quite necessary from the military point of view, that the work should be carried on in perfect secrecy. Such a place as that would scarcely fall within the limitations suggested by the amendment of the Senator from Iowa; but certainly if we were in the midst of war the President ought to be permitted to designate as a prohibited place a place of that character.

I think that the two amendments ought not to go concur-

rently. We ought to adopt the one and reject the other.

Mr. CUMMINS. Mr. President, if the amendment is adopted

it will better the bill, but the latter part of the section is sub-stantially as objectionable to me with the amendment added as before. The suggestion that the amendment would apply to the first part of the section is, I think, unfounded. That could hardly be so, and we would have the first part of the section limited as it has been by the amendment which has been adopted to it. The latter part of the section, if the present amendation is the section of the section of the section in the present amendation. ment is adopted, is confined to times of war or military necessity. That does not confine it greatly, if at all, for whenever the President thinks there is a military necessity then there would be one. There is no appeal, no review of his discretion in that regard, and there ought not to be. So the amendment that has been proposed is of no value whatever, as far as I am concerned, and I intend to move to strike out the entire section, beginning with the word "he," in line 10, when I have an opportunity to offer the amendment.

In order that we may understand what it really does in voting on the amendment offered by the Senator from Michigan, I beg to suggest that it gives to the President, or attempts to give to the President—of course, it is unconstitutional; it is absurd, in my opinion, to attempt to confer any such power upon the President, but we are trying to do it—"the power, on the aforesaid ground"—that is, on the ground that it would be prejudicial to the national defense—"to designate any matter, thing, dicial to the national defense— to designate any matter, thing, or information belonging to the Government or contained in the records or files of any of the executive departments or of other Government offices as information relating to the national defense, to which no person—other than officers and employees of the United States duly authorized—shall be lawfully entitled within the meaning of this chapter."

There is but one interpretation which can be put upon that, and that is that we are attempting to say to the President that without respect to the character of the thing, matter, or information, no matter how far it is removed from the national defense, nevertheless the President can designate it as relating to the national defense, as information touching the public defense. Under that authority he could come to the office of the Secretary of the Senate and put the seal upon every page of the records of this body. He could go to the office of the collector of customs in the city of New York and put under lock and key, or subject, at least, to all the regulations of the national defense, everything contained in the record of entries and discharges of importations.

I should like to know why we want to give the President any power of that sort. It is better, of course, to give it to him only in time of war. It would be better if we should give it to him only for 50 years. It would be better if we should give it to him only for 25 years. It would be better if we

should give it to him only for 2 years, and far better if we did not give it to him at all.

I am not opposing the amendment offered by the Senator from Michigan, because while I think the addition of the words "military necessity" robs it of nearly all its effectiveness, yet

it does at least look in the right direction.

Now, a word has been said with regard to the proviso. means just one thing, and can not mean any other thing; namely, that fearing that there is some limitation in the previous part of this section-although I confess I fail to observe the limitation-in order to be sure that there is no limitation, the proviso is inserted. It reminds me a good deal of a lawyer friend I had who lived in Worcester, Mass. He was a very careful man, and in drawing up all instruments of conveyance he exercised the greatest diligence to see that no flaw could be found in any of the instruments, so he always began his conveyances in this way:

I hereby convey all the interest I have in and to certain property. I further convey all the interest I think I have in and to the said property, and I hereby convey all the interest that any person else may think I have in and to the property.

This provise is just in that spirit. My friend from North Carolina believed that there might possibly be some things, some matter, some information in the United States which the President could not lock up under the previous part of the paragraph and therefore he inserts the proviso:

Provided, however, That nothing herein contained shall be deemed to limit the definition of such information within the meaning of this chapter to such designated matter, thing, or information.

With that clause added to the section nothing whatsoever could escape, on the earth, above the earth, or under the earth, and I compliment whoever drafted the section for the comprehensiveness of his views and the thoroughness of his purpose. He intended to rob the people of this country of all the stray privileges they might have enjoyed with respect to speech and publication, and he has done it most successfully.

I have anticipated what I intended to say upon my motion strike it all out. It is utterly unnecessary. We have already to strike it all out. It is utterly unnecessary. legislated against everything that the imagination can conceive in the bill, and there is no use of saying to the President that he can declare white to be black, or that he can transform a communication with regard to the crops into a matter relating

to the national defense.

The PRESIDING OFFICER. The question is on the amend-

ment offered by the Senator from Michigan.

Mr. CUMMINS. I will simply say to the Senator from North Carolina that I intend to have a roll call on my amendment, if I am able to secure it.

Mr. OVERMAN. The Senator's amendment was adopted.

Does he mean the motion to strike out?

Mr. CUMMINS. Yes. Mr. OVERMAN. To

To strike out the whole section?

Mr. CUMMINS. No; to strike out that part of the section beginning with the word "he," in line 10.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan, on page 7, line 6, after the word "power," to insert the words "in time of war or in case of military necessity."

Mr. LEE of Maryland. I think the amendment of the Senater from Michigan is objectionable in one sense because it covers any place, for instance, where a battleship is being constructed

in time of peace.

Mr. TOWNSEND. The law covers navy yards now.

Mr. LEE of Maryland. Most of them are made in private

Mr. TOWNSEND. "Any other place" is the language of section 1

Mr. LEE of Maryland. That is true.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. CUMMINS. I offer the following amendment. The PRESIDING OFFICER. It will be read.

The Secretary. On page 7, line 10, strike out all after the word "defense," the semicolon, and the remainder of the paragraph, down to and including the word "information," in

The PRESIDING OFFICER. The question is on the amend-

ment of the Senator from Iowa.

Mr. CUMMINS. I have already given the Senate my views about the latter part of the section. I do not care to repeat them. As far as I am concerned, the discussion is over upon the amendment. I ask for the yeas and nays upon it.

Mr. OVERMAN. All I have to say is that after accepting the amendment offered by the Senator from Michigan, making from Delaware [Mr. Saulsbury];

it apply to a time of war, a clear case of military necessity. I hope this amendment will be voted down.

The PRESIDING OFFICER. The Senator from Iowa demands the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. He is absent, and I withhold my vote.

Mr. CURTIS (when Mr. Gallinger's name was called). was requested to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER]. He is paired with the Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

Mr. JAMES (when his name was called). I transfer the

general pair I have with the Senator from Massachusetts [Mr. Weeks] to the senior Senator from Texas [Mr. Culberson] and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Oklahoma [Mr. Gore] and vote

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. Dir-LINGHAM] to the Senator from California [Mr. PHELAN] and vote "nay.

Mr. THOMAS (when his name was called). In the absence

of my pair I withhold my vote.

Mr. VARDAMAN (when his name was called). I have a pair with the junior Senator from Idaho [Mr. Brady], and I withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. Lippitt]. In his absence I withhold my vote.

The roll call was concluded.

Mr. VARDAMAN. I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. Shields] on account of illness

Mr. JONES. The junior Senator from Virginia [Mr. Swanson] is necessarily absent from the Chamber, not feeling well. I have agreed to pair with him for the rest of the day, therefore withhold my vote.

Mr. OVERMAN (after having voted in the negative). that my pair did not vote. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Tennessee [Mr. Shields] and allow my vote to stand.

Mr. THOMAS. I desire to be counted for the purpose of a

Mr. STONE (after having voted in the negative). fer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Ohio [Mr. POMERENE] and let my vote stand. Mr. MYERS. Has the Senator from Connecticut [Mr. Mc-

LEAN] voted?
The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator. In his absence I withhold my vote.

Mr. FALL (after having voted in the negative). I have a pair with the senior Senator from West Virginia [Mr. Синдол] I have a but as I understand he would vote as I have already voted I

will allow my vote to stand.

Mr. WALSH. I transfer my pair with the Senator from Rhode Island [Mr. Lippitt] to the Senator from Wisconsin [Mr. Husting] and vote "nay."

I wish to state that the Senator from West Virginia [Mr.

CHILTON] is absent on account of serious illness in his family.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLean] to the Senator from South Dakota [Mr. Johnson] and vote "nay."

Mr. WILLIAMS. Has the Senator from Pennsylvania [Mr.

PENROSEl voted?

The PRESIDING OFFICER. He has not. Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. Peneose] to the Senator from Florida [Mr. Bryan] and vote "nay."

Mr. SMITH of Georgia (after having voted in the negative).

voted, although I have a pair with the senior Senator from Massachusetts [Mr. Lodge]. I desire to state that in leaving the Chamber he authorized me to yote.

Mr. CURTIS. I have been requested to announce the follow-

ing pairs:

The Senator from New Mexico [Mr. Catron] with the Senator

The Senator from Rhode Island [Mr. Colt] with the Senator

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. Underwood]; and The Senator from Pennsylvania [Mr. Oliver ] with the Senator

from Oregon [Mr. CHAMBERLAIN].

The yeas and nays resulted-yeas 11, nays 35, as follows:

And John the	d majo recuired	2 com mai medio o	09 660 20220 1102
	YEA	S—11.	
Borah Brandegee Cummins	Gronna Hitchcock Kenyon	Lee, Md. Martine, N. J. Page	Smith, Mich. Townsend
	NAY	S-35.	
Ashurst Bankhead Broussard Fall Fletcher Hollis Hughes James Johnson, Me.	Kern Kirby Lea, Tenn. Martin, Va. Myers Newlands Overman Pittman Poindexter	Ransdell Reed Robinson Shafroth Sheppard Sherman Simmons Smith, Ga. Smith, Md.	Smith, S. C. Sterling Stone Thompson Tillman Wadsworth Walsh Williams
	NOT VO	TING-50.	
Beckham Brady Bryan Catron Chamberlain Chilton Clapp Clark Colt Culberson Curtis	Fernald Gallinger Goff Gore Harding Hardwick Husting Johnson, S. Dak. Jones La Follette Lane	Lodge McCumber McLean Nelson Norris O'Gorman Oliver Owen Penrose Phelan Pomerene Saulsbury	Smith, Ariz. Smoot Sutherland Swanson Thomas Underwood Vardaman Warren Watson Weeks Works

Shields Lippitt The PRESIDING OFFICER. The Chair counts as present and not voting Senators Thomas, Curtis, Catron, Vardaman, and Jones and declares that the amendment is rejected. The parliamentary situation as the Chair understands is that the bill before the Senate is Senate bill 8148, which has been reported from the Judiciary Committee with an amendment by the Senator from North Carolina to substitute certain chapters for the amendment offered by the committee. The question is on the substitution as amended.

Mr. CUMMINS. I offer the following amendment. The PRESIDING OFFICER. It will be read.

After line 14, on page 24, at the end of sec-The SECRETARY. tion 8, add the following proviso:

Provided, That without the further authority of Congress such armed forces will not be used beyond the territorial limits of the United States to commit an act of war against a nation with which the United States is then at peace.

Mr. WALSH. I inquire of the Senator from Iowa whether if his amendment should be adopted declaring that the President should not by virtue of this section commit an act of war against a foreign nation beyond the territorial limits of the United States it would not by implication confer upon him the right to commit an act of war against a foreign nation within the territorial limits of the United States?

Mr. CUMMINS. Not by implication; but I would a great deal rather he would commit an act of war within the territorial limits than beyond. I think he is not nearly so apt to commit an act of war within the United States as without the United States, simply because it is more difficult to commit an act of war with the Army or the Navy within our own territory than it is to do the same thing beyond our territory. own territory I assume that the civil authorities will ordinarily be sufficient to enforce the law. Beyond our territory the civil

authorities are powerless and could not accomplish anything.

As I said the other day, Mr. President, I have some objections—although they would be unavailing here—to giving the President power to declare war. I have not a particle of doubt if there were attached to the bill a provision that the President should have the power to declare war, nothwithstanding the constitutional inhibition, it would pass by almost a unanimous vote; such is the influence of the hysteria which I think is now filling the minds of the people.

Mr. OVERMAN. Mr. President—
Mr. CUMMINS. Just a moment. I can not yield just now. This authority is, within certain limits, the equivalent of authorizing the President to declare war, for it is authorizing him to do a thing which, being an act of war, must necessarily bring on war.

I gave this instance the other day: Suppose we had declared an embargo upon arms and munitions as against Canada. That has nothing to do with neutrality. This bill can not be termed a bill to enforce our neutrality or preserve our neutrality. It is a bill to enforce a policy of embargo. Assume that we had laid an embargo on arms and munitions and forbidden their exportation to Canada. Notwithstanding that, a carload of arms and munitions succeeds in passing over the border, and we know it to be in Montreal or in Quebec or in Toronto. The bill says to

the President of the United States he can take the Army and lead it across into the Dominion of Canada and retake the carload of arms which he may find there. It not only gives him authority to do it, but its direct implication is that he ought to do it.

Again, we have an embargo now-an authorized embargoupon arms and munitions to be exported into Mexico. The President has the authority to raise or lower the embargo, I think, whenever he sees fit. Suppose that a carload of arms consigned to Carranza had gotten across the border, was nearing Chihuahua, destined to Carranza, contrary to the proclamation of the President. The bill gives the President the power to lead our Army into Mexico for the purpose of retaking that car of arms or munitions. Suppose that instead of passing over the border between our country and Mexico a ship sails away with arms and munitions that are contrary to the embargo and she is lying in the port of Vera Cruz; it gives the President the right to take our Navy and capture the ship in the port of Vera Cruz.

Suppose we had an embargo upon the exportation of arms and munitions applicable to Great Britain; if a ship containing arms and munitions be duly cleared from our ports is found finally in the port of Liverpool, it gives the President authority to take our Navy and retake the vessel in that port.

I am putting cases which may not happen; I do not know; it depends on the courage of the President; it depends on whether or not he wants to fight; and, I suppose, would depend, with any President, largely upon the strength of the nation against which our manifestation of force was directed. I suppose we could do that thing with impunity in some port of Nicaragua or Honduras or Colombia or Panama; and we do it all the time substantially, but we do not do it with regard to any great nation.

The Senator from Montana, in discussing this matter the other day, said very frankly that he did not want the President to do any of these things, and I think he challenged me at the time to find in the proposed law the warrant for my statement. I will try to do that now. Section 1 of chapter 9 provides:

Section 1. Whenever, under any authority vested in him by law, the President of the United States by proclamation, or otherwise, shall forbid the shipment or exportation of arms or munitions of war from the United States to any other country, or whenever there shall be good cause to believe that any arms or munitions of war are being, or are intended to be employed or exported in connection with a military expedition or enterprise forbidden by section 13 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," the several collectors, navie officers, surveyors and inspectors of customs, the marshals and deputy marshals of the United States, and every other person duly authorized for the purpose by the President may seize and detain any arms or munitions of war about to be so exported or employed—

If the words "or employed" were not in the section, I would be of the opinion that our power to seize did not continue after the act of exportation is complete; but inasmuch as we have said we may seize any arms or munitions exported con-trary to the terms of the embargo that are to be employed in any foreign country, I take it for granted that, so far as the terms of the proposed statute are concerned, they extend to the forbidden arms and munitions in every country in the world—that is, in every country in the world to which the embargo applies—and that we can, if we desire so to do, reach out and take them, not only within our own territory, but in the territory of other countries as well.

Personally, I am opposed to giving the President the power to use the Navy in capturing a vessel on the high seas if it be an act of war to do it. I think we ought not to so far invade our exclusive authority to declare war as to give any officer the right in advance, by a general statute, to use our Navy in the capture of a vessel of a friendly nation, if to capture it

would constitute an act of war.

For these reasons, Mr. President, I have offered the amendment.

Mr. WALSH. Mr. President, I should like to have the idea of the Senator from Iowa about that matter. Is it the idea of the Senator from Iowa that, if a vessel of a friendly power leaves a port in this country in violation of our law and if she is overhauled on the high seas by a vessel of our Navy and

brought back, that that constitutes an act of war?

Mr. CUMMINS. I am not prepared to answer the question with all the breadth that the Senator has put into it, but if it is not an act of war, then my amendment does not forbid it. I think that very much would depend upon the circumstances under which the vessel left our harbor. If we had exercised our authority over it, had inspected it, and had given it clear-ance, and the boat had therefore lawfully left our waters, that because we might desire to reconsider our suggestion and we were to send a naval vessel after it, capture it, and bring it back—I am rather inclined to think it would be an act of war.

Mr. WALSH. It might be a cause for war, but it certainly would not be an act of war.

Mr. CUMMINS. Then, of course, my amendment does not apply to it; and the Senator from Montana can not object to the amendment on that ground, because I limit the exception to those uses of our armed forces which are acts of war against a nation with which we are then at peace.

Mr. WALSH. Mr. President, perhaps I ought not to invade the right of the chairman of the committee with respect to this matter; and I addressed myself to an amendment of this character a day or two ago; but I now object to the amendment offered by the Senator from Iowa, and for this reason: The language used in this bill is ancient; it is found in an act running away back to the year 1818 and in another act to which I called the attention of the Senate a few days ago, which dates away back to 1838, and was framed to meet much the same conditions as those cited as a possibility by the Senator from Iowa.

I object to the language now which says that nothing herein contained shall be deemed to entitle the President to do an act of war beyond the territorial waters of the United States. That, it seems to me, almost carries the necessary implication that he may commit an act of war within the territorial waters of the United States. I do not want to invest the President of the United States with the power to precipitate a condition of war even within the territorial waters of the United States, for I conceive that that is a power which the Constitution has reposed in Congress, and we can not, and we ought not, to repose it in the President of the United States.

Mr. CUMMINS. Mr. President, I do not desire to leave the amendment open to that implication; nor do I think that it would be; but, in order to satisfy any doubt upon that point, I ask that there be inserted in the amendment the words within or without the territorial limits of the United States."

Mr. WALSH. The language carries the implication necessarily. It reads:

That without the further authority of Congress such armed forces shall not be used beyond the territorial limits of the United States to commit an act of war against a nation with which the United States

THE PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Iowa as he now modifies it.

The Secretary. On page 24, at the end of section 8, after the word "chapter," it is proposed to insert:

Provided, That without the further authority of Congress such armed forces shall not be used within or without the territorial limits of the United States to commit an act of war against a nation with which the United States is then at peace.

Mr. WADSWORTH. Mr. President, from a somewhat hasty consideration of the amendment offered by the Senator from Iowa, it appears to me that his amendment under certain circumstances would very seriously handicap and cripple the power, not of the President particularly, but of the United States, in enforcing its own statutes; and yet I have some sympathy with the contention made by the Senator from Iowa that under the language of the bill as it now stands, there is ap-parently no hindrance placed upon the President in the use of the Army and the Navy of the United States in performing, we will say, an act of violence in the harbor of a friendly country. I desire to suggest to the Senator from Iowa, and also for the consideration of the Senator from Montana, that perhaps the objection raised by the Senator from Iowa and the fears which some of us may have in connection with the arbitrary use of power by the Executive would be met or done away with, as the case may be, if the amendment offered by the Senator from Iowa should be changed in some respects, and in this respect particularly, so as to provide that the Army and the Navy shall not be used by the President within the territorial limits of a friendly power.

Mr. CUMMINS. That would accomplish a part of my pur-

pose, of course.

Mr. WALSH. Mr. President, I would say to the Senator from New York that, in my estimation, it is entirely unnecessary to put such a provision as that in the bill, because it occurs to me that by no stretch of the rules of construction could it be deemed that such power was given to the President. Of course, if we followed any kind of a vessel within the territorial waters of the power to which it is attached, or of any other friendly power, and seized it by violence there, we would commit an act of war. It is impossible to conceive that we would pass a statute of that kind, and this bill could not receive a construction of that nature.

Moreover, Mr. President, that would be war, as a matter of course; and a statute extending power of that kind to the President would be beyond the Constitution; and perfectly plain

rules require that statutes be construed so that they shall be constitutional rather than unconstitutional.

In 1837 or 1838, when a great many people in this country talked about invading Canada, a law was passed authorizing the confiscation in this country of arms and ammunition that were intended for transport across the border, and the President was given the power to use the Army and the Navy to prevent the exportation of such arms and to seize them wherever they were found; but no one feared that that was intended to give the President the power to invade Canada; indeed, the very purpose of the act was to prevent anybody in this country from invading Canada. It was deemed that this language met all the necessities of the case as it is, and I do not think that the Senator from New York need have any apprehension upon that point at all.

Mr. WADSWORTH. Mr. President, perhaps the worst that could be said about my suggestion is that it is unnecessary, according to the opinion of the Senator from Montana [Mr. Walshl, for which I have a great deal of respect; yet the Senator from Iowa [Mr. Cummins] seems to think that this language would, by inference at least, give the President the right to use the Army and the Navy in any way he saw fit and anywhere he saw fit in order to carry out the provisions of the neutrality law of this country. I think if we search our history with a little diligence we will find instances where the President on more than one occasion has used the Army and the Navy to enforce either laws or policies in such a way as certainly to invade the neutral rights of nations with which we were at peace. It is not an unknown procedure; and it is one which I have regarded somewhat with disapproval.

Mr. CUMMINS. Mr. President, it must be remembered that this is not a neutrality statute. The chapter we are now con-sidering has nothing to do with neutrality. It is, as I have often said, designed to enforce a policy which we may by legis-lation adopt, namely, the policy that the exportation of arms to a particular country shall be forbidden. It is only then that the President has the power to issue a proclamation which constitutes an embargo. The language used in section 8 is exactly the same as used in the old statutes of 1818 and 1838; but the thing for which the President may use the armed forces is entirely different, as I recall the statute quoted by the Senator from Montana on Saturday. At any rate, even if we once did give the President that power, I would be unwilling to give it to him again, or to any President under existing circumstances.

I may be unduly tenacious about the matter, but I have seen the power of the President abused; I have seen our Army and Navy used for unlawful purposes ever since I came into public life. I have seen it used constantly in such a way that had the poor victims of its use been able to resent the affront we would have been in constant war for the last 10 years and, I think, for

a greater length of time.

I should like to begin to draw away that power and to intimate to the Executive Department that our forces ought not to be used under those circumstances. We are about to create an Army much more effective than we have ever had before; we are in the act of creating the largest navy in the world; we are about to do that; and I think we ought to be reasonably conservative with respect to the use of that immense weapon, which we have placed in the hands, and which the Constitution

places in the hands, of the President of the United States.

Mr. FALL. Mr. President, when this country was unfortunate enough to be faced with war with Spain we had no law under which the President could prevent shipments of material or munitions of war or articles that might be used in war, although they might be employed by Spain against the United States. The Congress of the United States on April 22, 1898, had to meet that condition. There were foodstuffs, there were coal shipments particularly, as well as other shipments, which were leaving our harbors and going to the benefit of the country with which we were on the verge of war and with which on that very day, April 22, if I remember correctly, we did go to war by a declaration of war. We were not able to protect ourselves in that instance. That is an illustration of the cases that might be covered, whether intended to be covered or not, by section 1 of the chapter of the bill now under consideration. that time the joint resolution passed by Congress was as fol-

Resolved, etc., That the President of the United States is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by the President or by Congress.

Now we will suppose that he did issue his proclamation and did prohibit such shipments, but that such shipments were nevertheless carried under the British flag, although they were intended to be landed on the coast of Cuba or elsewhere, where they might fall into the hands of the country with which we were at war. They might go for the benefit of U boats, for instance, in some Cuban harbor, and we might be at war with that country, yet, because we were not at war with Cuba, we would not be allowed under the limitation now attempted to be fixed in the bill, to pursue with the naval forces those shipments which were really to be used against us; or if so, we would not be allowed to encroach upon Cuban sovereignty within her waters, or we would not be allowed to attack that ship if we could overcome it, because it happened to be flying the flag of some neutral country with which we were at peace.

This is the effect, as it strikes me, of just exactly such amendments as are proposed here. Now, sir, under our form of Government it is a fact that the President of the United States can commit such acts as may possibly precipitate a war on this country, and may therefore force upon Congress the necessity of going to war or of a declaration of war. That is the fault of our Government; and you can not remedy the constitutional faults, you can not remedy the weaknesses of a republican, representative system of government, by legislating from time to time in a piecemeal fashion of this kind. As it stands now, without any amendments, the act is intended to provide, and will provide, the President with authority which has been used now for five years, without any authority being vested in him by direct act of Congress, to prohibit the exportation of arms and munitions of war to Mexico, a country with which we

are at peace. President Taft ordered 20,000 of the military forces of the United States to be stretched along the border between the United States and Mexico to arrest, without a complaint, citizens of the United States pursuing their peaceful avocations, upon the theory that they might intend or might be able to violate the proclamation against the exportation of arms or munitions of war to a contiguous country with which the United States was at peace, under the act of March 14, 1912. Now, the forces of the United States have been used for that purpose without any authority. As it stands, the section is intended to give to the President the authority which he lacked but which This administration has followed the example of President Taft and has kept those forces there, and they have been utilized in direct contravention, as I understand it, of the provisions of the Constitution of the United States guaranteeing the citizens in time of peace against illegal search and seizure. Nevertheless, it is one of the necessities of preserving peace and carrying out our American policy here on this hemisphere. We have done it. We have been obliged to do similar things heretofore. Just as in the case of Vallandigham, we have been forced to do things by usurpation of power because some man here, forsooth, was afraid to vest in the President of the United States the legal authority to do those things which are absolutely necessary to preserve the peace and save the Nation when its very life is at stake.

This I regard as one of those acts or investments of power necessary to enable us to keep the peace. This country, so long as it undertakes to maintain its position as a neutral, owes a duty to itself and owes a duty to the belligerent nations of the world. It owes an affirmative duty to each of the belligerent nations. That duty is to see that one of them does not receive military assistance by any act of the Government of the United States; that no military expedition is recruited upon our shores for the purpose of aiding Great Britain upon the one hand, or Germany upon the other, to come down to a concrete illustration. That illegal armed expedition may be either by the outfitting of a naval vessel, by the shipping of arms and munitions in a vessel which of itself is not of a warlike character, or it might be by the outfitting of a land expedition, or by allowing shipments to be sent into Canada or elsewhere illegally, against the proclamation of the President of the United States, to be used by soldiers or people enlisted under contract to go into Canada and avail themselves of those arms and become incorporated into the Canadian Army. Would not that be in absolute violation of the attitude of neutrality? Because neutrality is an attitude. It is not a law, nor is it a duty. The United States, at any time that it pleases, can declare that it is no longer a neutral country, or it can by its acts show that it is no longer a neutral country; and when it does it takes the responsibility of such declaration or of such act upon itself, and that responsi-bility generally is being faced by the armed forces of the other

So long as we undertake to maintain neutrality, however, we owe a duty; and in the event that under the circumstances mentioned by the Senator from Iowa we did not with our military forces pursue that expedition across into Canada, while it might be treated by Great Britain as an act of war if we did, it would

certainly be treated by Germany as an act of war if we did not pursue them.

It is sometimes difficult to maintain neutrality. We have found it exceedingly so. We have been criticised by every nation in the world and have become, possibly, in the eyes of those nations, enemies because we have attempted, under the direction of the President of the United States, to maintain neutrality between the two. If we propose to maintain that attitude, we have then assumed a duty; and if we do not carry it out, even at the expense of facing another nation with arms in our hands—if we do not carry it out at any cost, even at the cost of committing an act of war—then we give the nation with whom that nation is at war just cause for a declaration of war against us.

You can not assume all the benefits of neutrality, you can not pay off four billions and a half of your indebtedness to the foreign nations of the world, you can not become the richest nation on the face of the globe to-day, you can not reap all these benefits of neutrality, without being called upon to face the consequences of an unneutral act. To my mind, sir, in the event it becomes necessary for the President of the United States to preserve neutrality by committing an act of war, that power should be absolutely vested in him. Just as I pointed out a day or two ago when this matter was up, other Presidents of the United States have often been called upon, in enforcing our own laws, in compliance with our constitutional duty to our own citizens, to commit acts of war against a foreign country which were not in themselves causes of war, even although we went to the extent of taking the lives of foreign citizens upon foreign soil. But in this case, while we still leave the President the power to bombard Vera Cruz for the purpose of requiring reparation for an insult to the flag, or to blow Greytown into the harbor because of wrongs suffered by American citizens, reparation for which was not granted, we propose to shear him of the power to use the land and naval forces of the United States to preserve the neutrality of this country and to keep it out of war!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa [Mr. Cummins].

The amendment was rejected.

The PRESIDING OFFICER. The question now is on the substitute offered by the Senator from North Carolina, as amended.

Mr. CUMMINS. Mr. President, I do not intend to offer further amendments. There are two or three that I think ought to be offered, probably; but the disposition of the Senate is perfectly well known, and I do not desire to prolong the matter by offering them. Those I have offered present my view of what the statute should be, and I have offered them mainly because I did not want to be hereafter accused of participation in a measure which I think invades and overthrows the fundamental rights of American citizens.

There are many of these chapters for which I would giadly vote, which command my approval. I think that may be said of the greater number of the chapters which compose the substitute offered by the Senator from North Carolina, and if I had an opportunity to vote for them separated from the first chapter I would have no hesitation in doing so. But I regard the first chapter of the substitute as so destructive of everything that the American people have hitherto held dear and necessary to the security of free institutions that is is impossible for me to vote for the substitute with that chapter in it.

I say so much because I want the Record to contain my explanation of the vote that I shall cast. If I can secure it, I intend to have a roll call upon the bill, and I shall not further prolong the debate.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from North Carolina, as amended.

The substitute as amended was agreed to.

The PRESIDING OFFICER. The question now is on the committee amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. OVERMAN. Mr. President, I want to say to the Senator from Iowa that we probably can not get a quorum to-night. I do not know. Would there be any objection to granting unanimous consent to have a roll call——

Mr. FLETCHER. Let us finish the bill to-night. We can et a quorum.

Mr. OVERMAN. I was trying to get an arrangement with the Senator—

Mr. FLETCHER. If you can not get a quorum now, you will not get it at all.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment. If there be no further amendment to be proposed the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed and to be read a third

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. CUMMINS. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. JONES (when his name was called). In the absence of the junior Senator from Virginia [Mr. Swanson] for the reason stated on the former vote I withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Oklahoma [Mr. Gore] and vote "yea."

Mr. SMITH of Georgia (when his name was called). Again announcing my pair with the senior Senator from Massachusetts [Mr. Lodge] and the further fact that he authorized me in his absence to vote upon this measure, I vote "yea."

Mr. SMITH of Maryland (when his name was called). ing the same transfer as on the last vote, I vote "yea."

Mr. SMITH of South Carolina (when his name was called) I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Virginia [Mr. Martin] and vote "yea."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote. I wish to be counted for a

quorum.
Mr. VARDAMAN (when his name was called). I have pair with the junior Senator from Idaho [Mr. Brady]. In his absence I withhold my vote. If I were permitted to vote, I

should vote "nay."
Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. Lippirt] to the Senator from Wisconsin [Mr. Husting] and vote "yea."

I wish to announce that the Senator from West Virginia [Mr. Chilton] has been called from the Chamber by reason of illness in his family.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the Senator from Florida [Mr. Bryan] and vote "yea."

Mr. VARDAMAN I wish to announce the senior senior of the senior from Florida [Mr. Bryan] and vote "yea."

Mr. VARDAMAN. I wish to announce the unavoidable absence of the Senator from Tennessee [Mr. Shields] on account of illness

Mr. WADSWORTH. I was requested to announce that the senior Senator from New Hampshire [Mr. Gallinger] is unavoidably detained from the Senate.

Mr. MYERS. Has the Senator from Connecticut [Mr. Mc-

LEAN1 voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from Tennessee [Mr. Lea], and I vote "yea."

Mr. OVERMAN (after having voted in the affirmative). I de-

sire to announce my pair with the Senator from Wyoming [Mr. WARREN] and the transfer of that pair to the Senator from

Tennessee [Mr. SHIELDS]. I will let my vote stand.
Mr. VARDAMAN. I desire to transfer my pair with the Senator from Idaho [Mr. Brany] to the Senator from Indiana [Mr. Kern] and vote "nay."

WADSWORTH. I have been requested to announce the following pairs

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]

The Senator from West Virginia [Mr. Govr] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from New Mexico [Mr. Catron] with the Senator from Oklahoma [Mr. Owen];

The Senator from Kansas [Mr. Curtis] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Massachusetts [Mr. Weeks] with the Senator from Kentucky [Mr. James];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN];
The Senator from Pennsylvania [Mr. Penrose] with the Sena-

tor from Mississippi [Mr. WILLIAMS]; and
The Senator from North Dakota [Mr. Gronna] with the Sena-

tor from Maine [Mr. Johnson]. Mr. REED. I ask that the bell be again rung and that the

absentees be called before the vote is announced. The PRESIDING OFFICER. The Chair understands that the vote will have to be announced first.

Mr. REED. Then no quorum will appear.
The PRESIDING OFFICER. When the roll is to be called

for a quorum the bell will be rung.

Mr. REED. I do not think I made myself understood, or else there is some rule I do not know. We are now engaged in taking a vote. Of course, if any Senator here desired he could demand the immediate announcement of the vote, but, in the absence of that, I see no reason why we could not have the roll of absentees called. If we could do that by unanimous consent, it might save wasting two or three hours with this bill: that is all.

Mr. JONES. Let the vote be announced.
Mr. SHAFROTH. I ask that the vote be verified.

Mr. REED. If the vote is announced, of course it will not show a quorum.

The Secretary recapitulated the vote.

Mr. THOMAS. I ask to be recorded as present.

The yeas and nays resulted-yeas 27, nays 5, as follows:

	YEA	S-27.	
Ashurst Bankhead Fall Fletcher Hitchcock Hollis Hughes	Johnson, S. Dak. Kirby Martine, N. J. Myers Nelson Newlands Overman	Ransdell Reed Rooinson Shafroth Sheppard Simmons Smith, Ga.	Smith, Md. Smith, S. C. Thompson Wadsworth Walsh Williams
	NA	YS-5.	
Cummins Kenyon	La Follette	Lee, Md.	Vardaman
lew tion parties	NOT VO	TING-64.	
Beckham Borah Brady Brandegee Broussard Bryan Catron Chamberlain Chilton Clapp Clark Colt Culberson	Fernald Gallinger Goff Gore Gromna Harding Hardwick Husting James Johnson, Me. Jones Kern Lane	Lodge McCumber McLean Martin, Va. Norris O'Gorman Oliver Owen Page Penrose Phelan Pittman Poindexter	Shields Smith, Ariz. Smith, Mich. Smoot Sterling Stone Sutherland Swanson Thomas Tillman Townsend Underwood Warren
Curtis Dillingham	Lea, Tenn. Lewis	Pomerene Saulsbury	Watson Weeks
du Pont	Lippitt'	Sherman	Works

The PRESIDING OFFICER. On the final passage of the bill the yeas are 27 and the nays are 5. No quorum has voted.

Mr. OVERMAN. I ask that the absentees be called.

The PRESIDING OFFICER. The Secretary will call the

Mr. CUMMINS. I rise to a point of order. On the call that was had a quorum was not developed. It seems to me that the

roll ought to be called of the absentees and allow those who come in to vote upon the question.

The PRESIDING OFFICER. Opportunity was given for every Senator to vote who addressed the Chair, and the rule

requires that when the absence of a quorum is developed the roll shall be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Ransdell	Stone
Bankhead	Kenyon	Reed	Thomas
Cummins	Kirby	Robinson	Thompson
Fall	Lee, Md.	Shafroth	Vardaman
Fletcher	Martine, N. J.	Sheppard	Wadsworth
Hitchcock	Myers	Simmons	Walsh
Hollis	Nelson	Smith, Ga.	
Hughes	Newlands	Smith, Md.	
Johnson, S. Dak.	Overman	Smith, S. C.	

The PRESIDING OFFICER. Thirty-three Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators and Mr. WILLIAMS answered to his name when called.

Mr. BROUSSARD entered the Chamber and answered to his

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. There is not a quorum present.

Mr. REED. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will

carry out the order of the Senate.

Mr. VARDAMAN. I wish to announce that the junior Senator from Tennessee [Mr. Shields] is confined to his home by

Mr. REED. I desire to state that the senior Senator from Oklahoma [Mr. Gore] is confined to his room by illness, and has been for some weeks. I make this announcement so that there may be a full understanding not only of his absence to-day but

for many days past.

Mr. FALL. If the announcement has not been made, I desire now to make the announcement that my pair, the senior Senator from West Virginia [Mr. CHILTON], has been called home by illness in his family, and for that reason he is not present.

Mr. FLETCHER. Mr. President, I know that no business is

in order. I think we ought to procure the attendance of absent Senators and we ought to proceed with the business of the Senate. It will be very near impossible to get through with the business necessary to be transacted at this session unless we have night sessions, and we might as well understand it and begin to-night. I am very much interested particularly in the river and harbor bill, and I hope to call up that measure at the very first opportunity.

Mr. KENYON. Mr. President, I make the point of order that no business is in order.

The PRESIDING OFFICER. The point of order is sus-

tained. No business is in order.

Mr. WALSH. If it is in order, I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is absent from the Senate on account of illness

The PRESIDING OFFICER. Announcements of that kind

are in order.

Mr. KENYON (at 7 o'clock and 25 minutes p. m). I move

that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate adjourn. The question is on that motion.

Mr. SIMMONS. Mr. President—
Mr. KENYON. I will withdraw the motion if the Senator

from North Carolina objects.

Mr. SIMMONS. I am communicating now with my colleague [Mr. Overman] in reference to this matter, and I ask the Senator to withhold his motion.

Mr. KENYON. I withdraw the motion, but I shall renew it

in a little while.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MARTINE of New Jersey (at 7 o'clock and 30 minutes p. m.). Mr. President, it seems to me it is quite evident that we shall not be able to get a quorum, and it is rather foolish for us to sit here longer to-night, after all we have done during the day

Mr. SIMMONS. Will not the Senator withhold his motion adjourn until I can hear from the junior Senator from North Carolina [Mr. Overman], who has charge of this measare? He will be here in a few moments. I think it is an act

of courtesy that is due him.

Mr. MARTINE of New Jersey. I should like to show all reasonable deference to the Senator in charge of the bill, but he doubtless has gone away and is having his dinner, and in the meantime we are staying here without ours.

Mr. SIMMONS. I am sure that the Senator will be in the

Chamber in a few moments. He is on his way here now.\
Mr. MARTINE of New Jersey. Very well, I will bide my peace for awhile.

Mr. CURTIS and Mr. LEA of Tennessee entered the Cham-

ber and answered to their names.

Mr. OVERMAN. Mr. President, I move that when the Senate adjourns it adjourn to meet at half past 10 o'clock to-

morrow morning

The PRESIDING OFFICER. The Senator from North Carolina moves that when the Senate adjourns it adjourn to meet at half past 10 o'clock to-merrow merning. These in favor of the motion will say "aye"; contrary-minded, "no." The "ayes" have it, and the motion is agreed to.

Mr. MARTINE of New Jersey. I move that the Senate

adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey that the Senate adjourn.
The motion was agreed to; and (at 7 o'clock and 35 minutes

p. m.) the Senate adjourned until to-morrow, Tuesday, February 20, 1917, at 10.30 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

## MONDAY, February 19, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Almighty and Everliving God, our Heavenly Father, let Thy spirit come mightly upon us, we beseech Thee, to quicken our minds and enlarge our scope of vision, to strengthen our faith and inspire larger hope and nobler aspirations; that we may make for righteousness in all the conditions of life, doing justly, loving mercy, walking humbly with Thee, our God and our Father. In His name. Amen.

The Journal of the proceedings of Saturday, February 17,

was read and approved.

EXTENSION OF REMARKS.

Mr. WALSH. Mr. Speaker

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. To ask unanimous consent to extend my remarks in the Record by inserting a letter from my predecessor in Congress, setting forth certain resolutions adopted by his

home town on Cape Cod.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

YARMOUTHPORT, MASS., February 16, 1917.

YARMOUTHPORT, MASS., February 16, 1917.

House of Representatives, Washington, D. C.

My Dear Congressman: I beg to advise you that at the annual town meeting of Yarmouth, held on February 13, the following resolutions were unanimously adopted:

"Resolved, That we, citizens of the town of Yarmouth, Mass., in town meeting assembled, indorse the action of the President of the United States of America in severing diplomatic relations with Germany.

"Resolved, That we, loyal citizens of the old town of Yarmouth, pledge to our President our undivided support in any course necessary to protect our flag and our citizens and maintain the rights of our country."

to protect our mag and to country."

Former Congressman Thomas C. Thacher, chairman of committee; William N. Stetson. representative in Massachusetts House of Representatives; and T. W. Swift.

Faithfully, yours,

THOMAS C. THACHER.

. JOURNAL OF SUNDAY, FEBRUARY 18.

The record of the Journal of Sunday, February 18, 1917, was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. TOWNER. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from

Iowa rise?

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that on next Thursday, Washington's birthday, after the reading of the Journal and the reading of Washington's Farewell Address by the gentleman from West Virginia [Mr. Neely] I be permitted to address the House for 30 minutes.

The SPEAKER. The gentleman from Iowa [Mr. Towner] asks unanimous consent that on next Thursday after the read-

ing of Washington's Farewell Address he be permitted to address the House not exceeding 30 minutes. Is there objection?

Mr. SHERLEY. Reserving the right to object, it is not pleasant to object to this sort of a request. We have reached a point in the time of this session where we want to finish the work of Congress, and we will have to refrain from even taking 30 minutes on any day in the discussion of matters not relating to the business of Congress.

Mr. MANN. This is on the subject of Washington, not ex-

traneous matter.

Mr. SHERLEY. I shall not object to this case to-day, with the understanding that it is just an address touching Washington's life. I do not want to open up a lot of discussion that may serve to waste a good deal of time.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Towner]? [After a pause.] The Chair

hears none.

## EXTENSION OF REMARKS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the extension of my remarks in the Record by printing a number of telegrams, letters, and resolutions that I have received relative to the pending international situation.

The SPEAKER. The gentleman from Pennsylvania [Mr. BAILEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an editorial from the Providence Journal entitled "Mr. Moore on the press."

The SPEAKER. The gentleman from Rhode Island asks

unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The following is the editorial referred to:

MR. MOORE ON THE PRESS.

Representative J. Hampton Moore, of the third Pennsylvania district, a seasoned self-advertiser, has taken occasion twice within the last few days on the floor of the House to attack the press of the

last few days on the floor of the House to attack the press of the United States.

On Tuesday he quoted a series of charges by Representative Callaway, of Texas, which were, in substance, that 25 prominent American newspapers have been paid by influential interests to advocate preparedness, and vehemently declared: "I want no dictation from Lloyd George, any more than from the Kaiser. I want no dictation from Lloyd Northcliffe, the head of the great newspaper fraternity of Great Britain and certain alliances in the United States, any more than from

Von Hindenburg." A correspondent elsewhere on this page vigorously and effectively characterizes this outburst of the Pennsylvania Con-

and effectively characterizes this outburst of the Pennsylvania Congressman.

Two days later, on Thursday, Mr. Moore was at it again. According to a dispatch from Washington, he "asserted that the press of the country was deliberately coloring the news from Europe so as to inflame the American people." And he added:

"I repeat the challenge to the majority of the House to introduce a resolution to prove whether or not the newspapers are actually subsidized, because it is due to what there is of honest journalism in the United States that the real facts be known with regard to this monstrous proposition to the taxpayers of this land and those whose blood must be let if we are to be driven into this fierce controversy across the sea."

In spite of Mr. Moore's violent talk, the American people will not believe that the press of the United States is subsidized to advocate preparedness or purchased to shout for war. Self-restraint and a sober sense of their responsibilities are conspicuous qualities of the great body of American newspapers. Mr. Moore makes a characteristic fling at the profession when he commends "what there is of honest journalism in this country is the overwhelming mass of American journalism. We have cheap and irresponsible papers in America, as every country has them, but they are so few as to be noticeable exceptions to a general and wholesome condition.

It is unfortunate that the Representative from the third Pennsyl-

so few as to be noticeable exceptions to a general and wholesome condition.

It is unfortunate that the Representative from the third Pennsylvania district is not always as restrained and discreet in his public utterances as the representative, the unpurchasable, newspapers of the United States habitually are.

Mr. DAVIS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the problems of war and the possibilities of peace.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record on the problems of war and the possibilities of peace. Is there objection? [After a pause.] The Chair hears none.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoot as the conferees on the part of the Senate.

The message also announced that the Senate had passed with-out amendment bill of the following title:

H. R. 19239. An act granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River be-tween Pearl River County, Miss., and Washington Parish, La.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof.

The message also announced that the Senate had passed the

following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES P. CLARKE, late a Senator from the State of

Arkansas.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved. That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

## MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 17, 1917:

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto:

H. R. 11288. An act for the relief of S. S. Yoder; H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture;

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon;

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 5632. An act for the relief of Aquila Nebeker; and

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture.

On February 19, 1917: H. R. 10697. An act for the relief of S. Spencer Carr;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois:

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the

North on the boundary line between said States

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a

bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

#### QUESTION OF PRIVILEGE

Mr. MOORE of Pennsylvania. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolution directing the appointment of a special committee to inquire into the charges contained in the statement made by the Hon. OSCAR CALLAWAY, a Member of Congress from Texas, and for other purposes.

Mr. GARNER. I object, Mr. Speaker.

Mr. MOORE of Pennsylvania. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.
Mr. MOORE of Pennsylvania. It is too late to discuss the question raised by the gentleman from Texas [Mr. Garner].

The SPEAKER. The gentleman from Texas did not raise any question.

Mr. MOORE of Pennsylvania. The gentleman objected. The SPEAKER. He objected flatly.

Mr. MOORE of Pennsylvania. He objected to unanimous consent. That is all right. The resolution affects the honor of the House, and the gentleman objected. That is the status.

The SPEAKER. What did the gentleman say?
Mr. MOORE of Pernsylvania. I asked unanimous consent for the consideration of a resolution which affects the honor of the House, and the gentleman from Texas [Mr. GARNER], I understand, objected.

The SPEAKER. The gentleman from Texas objected to the

equest of the gentleman made a while ago.

Mr. MOORE of Pennsylvania. Mr. Speaker, I shall press that resolution for a day or two, but meanwhile I rise to a question

The SPEAKER. Is it a question of personal privilege, or the privilege of the House, or the highest privilege, or what?

Mr. MOORE of Pennsylvania. A question of privilege affecting

the dignity and integrity of the proceedings of the House. The SPEAKER. The gentleman will state his question.

Mr. MOORE of Pennsylvania. Also affecting the rights, reputation, and conduct of Members of Congress individually in their representative capacity only.

The SPEAKER. The gentleman will state his question.

Mr. MOORE of Pennsylvania. And in support of that question, in order to save time, I read from an editorial in the Washington Post of Saturday, February 17, which, amongst other things, said:

Mr. J. HAMPTON MOORE, Member of Congress from Pennsylvania, has attracted notoriety by a speech which he recently delivered in the House, in which he mingled pacifism and detraction, and repeated baseless charges against the integrity of the newspapers of the country.

Passing that, I read further:

Mr. Moore has declared that he will demand an investigation of the charge that newspapers are subsidized. He has become sponsor for this charge. Let him press it. Let him name the newspapers that are bought by British or German gold—

And so forth.

Mr. GARNER. May I interrupt the gentleman? Mr. MOORE of Pennsylvania. The gentleman may.

Mr. GARNER. I want to suggest to the Chair and to the gentleman from Pennsylvania that if he is now directing his remarks to the integrity of the proceedings of the House, that can only come in the form of a resolution to correct the Record and the Journal of the House. Whatever a newspaper may state can not affect the proceedings of this House.

The SPEAKER. That is true, but the gentleman also says it is a question of personal privilege.

Mr. MOORE of Pennsylvania. It is a question of privilege, and under Rule IX it affects the rights, reputation, and conduct

of Members, individually, in their representative capacity.

I read the first editorial in order that the situation may be cleared up by the second one. In the Washington Post of this morning, February 19, is an editorial headed "Bogus Patriot-

The exhibition now being made in Congress by self-appointed guardians of American patriotism is anything but creditable to their good sense or good Americanism. They charge that the newspapers are trying to drive the country into war. They assert that hundreds of letters are pouring in demanding that the country shall remain at peace. Thereupon they read a lecture on the horrors of war and the dessings of peace and roundly denounce those who insist that the Government shall prepare itself, so far as possible, for the defense of its rights by war.

I will cut a little of it out for the purpose of coming to the

No reputable newspaper in the United States has demanded war. The assertion that there is a cabal of newspapers bent upon forcing the Government into war is the feeblest counsel of cowardice that has yet been emitted. The press reflects public sentiment, by and large, and there can not be any question of the fact that the people will go to war rather than surrender fundamental rights.

I will pass that for a moment. I read further:

Twin pass that for a moment. I read further:

The people unquestionably expect that Congress and the Executive will take all proper precautions and not be caught napping in the event of war.

The cheapest sort of demagogy is that which flatters the people and tries to make them believe that conspiracies are on foot which can only be thwarted by their brave and vigilant Representatives, the aforesaid demagogues.

Now, have I proceeded far enough to make this a question of privilege affecting the dignity of the House?

The SPEAKER. You have not. [Laughter.]
Mr. MOORE of Pennsylvania. May I continue further?
The SPEAKER. The Chair will explain to the gentleman that if it is a matter affecting the dignity of the House he ought to introduce a resolution. If it is a matter of personal privilege he is rising to, that is not necessary. Now, that matter that the gentleman has read may be unpleasant and all that sort of thing, but there is no resolution pending. But it does not say a word about the gentleman, so far as I can hear.

Mr. MOORE of Pennsylvania. It does speak about dema-

gogues in the House, however. [Laughter.]
The SPEAKER. I know. [Renewed laughter.]

Mr. MOORE of Pennsylvania. And if any of the gentlemen

put the boot on their foot they may wear it.

The SPEAKER. But the thing that the gentleman overlooks is that if he is raising a question of privilege affecting the dig-nity of the House he has to introduce a resolution. If it is a matter of personal privilege he does not have to introduce a resolution. But you have to have some substantial foundation for it. Now, if the gentleman has anything reflecting on him individually, the Chair will entertain it.

Mr. MOORE of Pennsylvania. Then, Mr. Speaker, I will un-

dertake to answer as to personal privilege. In the Washington Star of yesterday, Sunday, February 18, appears a speech attributed to the gentleman from Wisconsin [Mr. Lenroot], in which this statement is made, the quotations being put on

the gentleman from Wisconsin:

If I understand the views expressed by gentlemen-

The gentleman from Pennsylvania [Mr. Moore] and some

If this shall come to pass-

That is to say, if this war shall come to pass-

"If our honor as a Nation is at stake," says the gentleman from Wisconsin, applying it to the gentleman from Pennsylvania [Mr. Moore] and attributing motives to him-

That is a direct violation of the belief and of the motives of the gentleman from Pennsylvania and it is a reflection on his personal and his Representative honor. The gentleman from Wisconsin proceeds:

If this is to be the attitude of Congress and the American people, then the days of this Republic are numbered.

That is a very serious charge in connection with the motives of a Member of this House—

We will no longer be a nation, for any people too cowardly to fight for their liberty upon the sea, if need be, will be too cowardly to fight for their liberty upon the land.

I not only resent that statement as attributed to me and as imputing to me motives which I do not entertain, but I insist that that statement having gone broadcast, I am entitled to speak on it as a matter of personal privilege. I am neither too cowardly to fight, nor am I too cowardly to vote, as I have voted,

for all proper measures of preparedness in this country, and—
Mr. SHERLEY. Mr. Speaker, I make the point that the
gentleman has not stated a matter of privilege, and is out of

Mr. MOORE of Pennsylvauia. I contend that this language constitutes a breach of personal privilege, and I demand the right to speak upon it.

The SPEAKER. The gentleman from Kentucky [Mr. Shekley] makes the point of order that there is no personal privilege involved in the language uttered. I wish the gentle-

man would read it over again—that part of it.

Mr. MOORE of Pennsylvania. "If I understand the views expressed by" the gentleman from Pennsylvania [Mr. Moore] and some others "if this shall come to pass"—that is to say, the destruction of American rights and things of that kind—"if this shall come to pass, we must do nothing." That is not may position Mr. Speaker.

my position, Mr. Speaker.
Mr. SHERLEY. Mr. Speaker, I make the point that what the gentleman is quoting is the language of the gentleman from Wisconsin [Mr. Lenroot], delivered upon the floor, and that it can not be turned into a question of personal privilege simply because it is subsequently printed in a newspaper. The gentleman had his remedy, if there was need of one, at the time the man had his remedy, if there was need of one, at the time the gentleman from Wisconsin spoke, when he could have made the point that the gentleman was not in order and had the words taken down, and the House could then have passed upon it. But now to say that the reproduction of a speech made by a Member on the floor by a newspaper brings it into a question of personal privilege carries that doctrine further than I have ever known it to be seriously urged before.

The SPEAKER. Now the Chair will ask the gentleman from

Kentucky a question: Does the fact that a Member neglects to have words taken down and acted on then and there prevent him from subsequently rising to a question of privilege about a statement made on the floor of the House?

Mr. SHERLEY. No; if the language of the Representative is such as to raise a question of privilege, the Member has a right to make a motion in connection with it, to move that it be stricken from the permanent RECORD, or to take any such action as that, but it can not be made the basis of an excuse for a speech on the subject matter. It must be accompanied by some formal proposal for the action of the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, may I add a

Mr. GARNER. May I suggest to the Speaker that it occurs to me that the speech of the gentleman from Wisconsin [Mr. Lenroot] as it appears in the Record is the best authority on this matter? The Chair can determine from that whether there this matter? The Chair can determine from that whether there is anything in it that is calculated to give the gentleman from Pennsylvania the right to address the House on a matter of personal privilege. A mere conglomeration of reports in the Star about what was said on the floor of the House is not, it occurs to me, the best evidence as to whether it presents a question of privilege. The Record itself is the best evidence as to the right of the gentleman from Pennsylvania.

The SPEAKER. There is no question but that the Record is the best evidence.

is the best evidence.

Mr. MOORE of Pennsylvania. Mr. Speaker, I refer, if the Speaker pleases, to that portion of the speech of the gentleman from Wisconsin [Mr. Lenroot] which is woven around the gentleman from Pennsylvania [Mr. Moore] and others, in which it

The SPEAKER. If the gentleman will suspend, the Speaker will read the RECORD and see what it does say. Here is what the gentleman from Wisconsin [Mr. Lenroot] said-

Mr. MOORE of Pennsylvania. Mr. Speaker, before the Speaker rules, will he not listen to me for a moment?

The SPEAKER. I will. I want to read this so that the gentleman can predicate his action upon the official record.

Mr. MOORE of Pennsylvania. I am making the point of privilege on the strength of the publication in the Evening Star. The SPEAKER. Yes; but suppose the Evening Star misquoted the gentleman from Wisconsin?

Mr. MOORE of Pennsylvania. Then the gentleman from Wisconsin is entitled to explain, as I am entitled to explain.

The SPEAKER. Well, we want to get it straightened out.
Mr. MOORE of Pennsylvania. If the gentleman from Wisconsin [Mr. Lenroot] did not attribute these sentiments to me, then that is for him to state on the floor.

The SPEAKER. Here is what the gentleman from Wisconsin said, and the general rule of construction is that a man

means what he says:

Mr. Chairman, for once we seem to find the gentleman from Pennsylvania [Mr. Moore] and the gentleman from New York [Mr. London] in absolute accord, for, as I gather from their arguments, they take the position that if Congress shall be called upon to take any action in this present international crisis that, because the executive branch of this Government has failed to maintain our rights against England with reference to property rights, we should refuse to vote to maintain our rights against Germany involving human life.

Now, if the gentleman wants to get rid of that declaration of the gentleman from Wisconsin [Mr. Lenroot] his proper mode is to move to strike it out.

Mr. MOORE of Pennsylvania. Mr. Speaker, it is absolutely untrue, so far as it relates to me. Only an hour or so before the gentleman from Wisconsin [Mr. Lenroot] spoke I had made a speech in which I said, following the speech of the gentleman from Nebraska—and this is the utterance of Mr. Moore of Pennsylvania, not as interpreted by the gentleman from Wisconsin but as a bireal of male bore or this decrease. consin but as he himself spoke here on this floor:

I, too, insist that we should assert American rights upon the high seas, and especially in our dealings with neutral countries. I have supported measures in this House—every one of them, I believe—to prepare this country to assert its rights upon the high seas, but I want the rights of the United States upon the high seas asserted against every nation that interferes or tramples upon those rights.

Now, the gentleman from Wisconsin [Mr. Lenroot] came in subsequently. I did not hear him make the statement, or it would have been challenged at once. The gentleman came in subsequently, changing his attitude from his vote on the McLemore resolution, when he voted against the President—
The SPEAKER. The gentleman from Pennsylvania stated

to the Chair that he wanted to argue this question of order.
Mr. MOORE of Pennsylvania. Very well, Mr. Speaker, I

do want to

The SPEAKER. But the gentleman is not doing it.

Mr. MOORE of Pennsylvania. That the gentleman from Wisconsin [Mr. Lenroot] having made this false statement of the motives of the gentleman from Pennsylvania, the gentleman from Pennsylvania has a right to reply and give his reasons.

The SPEAKER. A reply is one thing and a question of privi-

lege is another.

Mr. MOORE of Pennsylvania. Mr. Speaker, I insist under the rules that if a gentleman of this House is misrepresented in a newspaper, he has a right, if it affects his integrity as a Representative, to come upon this floor and as a matter of per-

sonal privilege, explain his position.

The SPEAKER. The rule is this: A newspaper can tell all sorts of things about a person, but if the charge is as to his conduct as a Member of the House, that makes it a question

of privilege.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania be allowed to proceed for 10

The SPEAKER. The gentleman from Georgia asks unanimous consent that the gentleman from Pennsylvania be allowed to proceed for 10 minutes. Is there objection? pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker-

Mr. ANDERSON. The gentleman from Wisconsin does not

appear to be present. I object.

Several Members. Too late.

The SPEAKER. The Chair thinks that comes too late.

Mr. MOORE of Pennsylvania. Mr. Speaker, I do not intend

to say a word about the gentleman from Wisconsin.

The SPEAKER. The gentleman will proceed for not exceed-

ing 10 minutes

Mr. ANDERSON. The gentleman from Wisconsin is present. I will not object.

The SPEAKER. The objection came too late, anyhow.

Mr. MOORE of Pennsylvania. Now, Mr. Speaker, I sent to
the Clerk's desk a little while ago, for the second time, a resolution which proposes an investigation of certain charges made by the gentleman from Texas [Mr. Callaway] as to the influences controlling certain newspapers of the country that have been advocating a foreign war.

Mr. GARNER. Will the gentleman yield? Mr. MOORE of Pennsylvania. Yes.

Mr. GARNER. The gentleman just got unanimous consent to address the House not exceeding 10 minutes on the theory that he desired to address the House on a question of personal privilege on a speech of the gentleman from Wisconsin [Mr. LENROOT].

Mr. MOORE of Pennsylvania. Mr. Speaker, I refuse to yield further. The gentleman is only consuming the 10 minutes that

The Washington Post is one of the newspapers that has challenged Members of Congress in the last two or three days to investigate the Callaway charges. The charges have been made that certain large interests have influenced newspapers in this country to proclaim a war against Germany, and that they have been urging the President to come to Congress for a declaration of war. I suggested that there should be an investigation, because there has been a sudden change on the part of some of these great newspapers in regard to war conditions, which has given color to the charge that these certain influences are trying to drive the United States into a war that the majority of the

people of this country do not want.
Witness this editorial in the Washington Post of 1916, a little over a year ago. This is the same paper that is to-day driving the country into war with Germany. Tuesday, January 4, 1916,

it says:

GREAT BRITAIN'S ACTION A DECLARATION OF WAR AGAINST OUR COMMERCE.

In order that the readers of the Post may know how utterly unjust, illegal, and inconsistent Great Britain and her allies are in selzing vessels laden with noncontraband cargoes bound to either belligerent or neutral countries we quote from the official notes of the British foreign office as to the British postition upon cases of precisely the same character of those in which the British foreign office to-day takes diametrically the opposite position of that which it held in former cases. During the Boer War, when Lord Salisbury was asked to state the position of the British Government regarding shipments of foodstuffs, he said:

"Foodstuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemies' forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of the selzure."

Yet in 1914, through the infamous and inhumane order of council of Angust 20, even such foodstuffs were made contraband of war and were made subject to selzure by British vessels if consigned to any person in Germany, and even if moving to Germany through a neutral port. GREAT BRITAIN'S ACTION A DECLARATION OF WAR AGAINST OUR COMMERCE.

person in Germany, and even if moving to Germany through a neutral port.

The case in 1904, when Russia, a belligerent then, seized a cargo of flour and railway material consigned to private concerns in Japan, the opposing belligerent, brought out the positions of the United States and Great Britain upon that seizure in the clearest possible light, and is so conclusive that it leaves Great Britain not a particle of defense for its present unjust and tyrannical actions.

Lord Lansdowne then wrote to Mr. Choate, who at that time was ambassador to Great Britain: "The test appeared to be whether there are circumstances relating to any particular cargo to show that it is destined for military and naval use."

Let our readers note well that this cargo of flour and railway material was consigned to private concerns in a belligerent country, Japan, yet Lord Lansdowne stated that the test must be to show that it was destined for military and naval use.

The British Order in Council smashes that Lansdowne test which he set forth so clearly to Ambassador Choate. But let our readers follow Lord Lansdowne further in this same case: "His Majesty's Government further pointed out that the decision of the prize court of the captor in such matters, in order to be binding on neutral states, must be in accordance with the recognized rules and principles of international law and procedure."

In other words, the British Government refused to recognize any decision of a prize court that did not conform to the test as laid down and abide by the principle involved.

To-day the British Government cancels that test, wipes out international law and procedure, and declares that "Orders in Council" be supreme.

During this same Russo-Japanese war Theodore Roosevelt was Presi-

To-day the British Government cancels that test, wipes out international law and procedure, and declares that "Orders in Council" be supreme.

During this same Russo-Japanese war Theodore Roosevelt was President of the United States, John Hay was Secretary of State, and Joseph Choate was ambassador to Great Britain, and there is nothing upon the record to show that there was any difference of opinion of these officials as to the rights of neutrals to sell foodstuffs to belligerents, and surely not to neutrals.

This is what John Hay said to Russia upon that point, and it may be taken as granted that Theodore Roosevelt, as President, approved the note:

"When war exists between powerful states it is vital to the legitimate maritime commerce of neutral states that there shall be no relaxation of the rule, no deviation from the criterion for determining what constitutes contraband of war lawfully subject to belligerent capture, namely, warlike nature, use, and destination. Articles which, like arms and ammunition, are by their nature of self-evident use are contraband of war if destined to enemy territory; but articles like coal, cotton, and provisions, though if ordinarily capable of warlike use, are not subject to capture and confiscation unless shown by evidence to be actually destined for the military or naval forces of a belligerent."

If the principle which appears to have been declared by the Vladivostok prize court, and which has not so far been disavowed or explained by His Imperial Majesty's Government, is acquiesced in, it means, if carried into full execution, the complete destruction of all neutral commerce with the noncombatant population of Japan; it obviates the necessity of blockades; it renders meaningless the principles of the declaration of Paris set forth in the imperial order of February last that a blockade in order to be obligatory must be effective; it obliterates all distinction between commerce in contraband and noncontraband goods, and is in effect a declaration of war against commerce

What would have been the words of those men if Russia had seized hundreds of vessels and cargoes bound to neutral ports? Does any American think they would have filed protest and protest and protest without any redress to our shippers?

Does not John Hay speak the truth when he declared that Russia's action in seizing the cargo of foodstuffs bound to Japan, a belligerent, was "in fact a declaration of war against commerce of every description between the people of a neutral and those of a belligerent state "? Then what is it when Great Britain and France seize neutral vessels laden with foodstuffs bound from neutral states to neutral states? Is the United States and its President to be treated as Greece and is King is being treated? Is this country ready to be treated as an African or Asiatic dependency by the allies?

"He that would be free himself must strike the blow" applies to nations as well as individuals.

Why the chapper since Japany 4 1916? This investigation

Why the change since January 4, 1916? This investigation committee might find out.
Mr. GARDNER. Will the gentleman yield?

Mr. GARDNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I do not. On January 5, 1916, the same Washington Post that now wants war with Germany, under the heading of "Starvation of civilians—A most barbarous form of warfare," in the first column of the editorial page, carried an intensely vigorous anti-British editorial, in which, amongst other things, it said:

Whatever sympathy was won by Great Britain and France through their somewhat awkward attempts to pose as champions of neutrality in the case of Belgium has been lost by their conduct in Greece, their disregard of Chile's neutrality, their "unjust, illegal, and indefensible" practices under the "orders in council" against our neutral country and the neutral and peaceful countries of Holland and Scandinavia.

Why this startling change on the part of the editor of the Post within one brief year? On Friday, January 7, 1916, on the first column of the editorial page, under the caption "It is a question of American rights," the same Washington Post, in another editorial, which I can not read in full, but speaking of the markets of the world, which we are supposed to be free to enter, says:

They are not open to our customers, our legal, anxious, neutral customers, in any of the peaceful nations named, and those countries are blocked and limited in their purchases from this country by reason of British diplomatic work, backed by British navalism, and the Senator from Massachusetts should not have neglected to place this important fact before the Senate and the American people.

Mr. GARDNER. Now, will the gentleman yield?
Mr. MOORE of Pennsylvania. No. Why this change in the course of one year? On January 10, 1916, in the second column of the editorial page, the Post, under heavy headlines, demands full freedom of the seas to our nationals and our commerce, and states, somewhere here down at the bottom of it, this:

There may be some blue-light Federalists still in the United States, men as blindly loyal to British traditions as the old Jacobites who a century after the revolution of 1688 were filling up their cups and drinking toasts to "the King across the water," but they can not prevent the people of the United States from forcing Great Britain back to its proper position under international law.

The people of the United States handled both Federalists and the British Government with greatest success in 1812, and they can do it again.

Now that negotiations with Germany have almost reached a successful conclusion, President Wilson's task is much simplified, and he can give his undivided attention to bringing the allies to a sense of their proper respect for international law and the rights of this Retheir proper respect public and its people.

Mr. Speaker, why this change? Mr. GARDNER. Will the gentleman yield? Mr. MOORE of Pennsylvania. No; I can not.

Mr. GARDNER. Does not the gentleman know that John R.

McLean is dead?

Mr. MOORE of Pennsylvania. On January 12, 1916, this same Washington Post, that now, with some of the other great newspapers, wants war with Germany, in the first-column editorial, entitled "A world trade monopoly England's avowed object," had this to say:

object," had this to say:

The United States has been marvelously patient in the face of grievous injury to its peaceful commerce by the power that happens to have control of the seas. It would not be so patient if the temporary injuries and stoppages were made permanent. It will never take its orders from London. An attempt to dominate American trade in that fashion would necessarily result in war.

A monopoly of trade! So that is the ambition of the British; that is the noble motive that inspires this war; that is the animus against Germany; that is the splendid cause for which "Great Britain is fighting America's battles!"

There is no danger, from present prospects, that Great Britain will so crush her enemies as to be able to rob them of their trade; but if there were danger of it, there would be added reason for the United States to arm itself for battle, for its turn would come next.

Oh. you Americans who think about running into this

Oh, you Americans who think about running into this European war, consider what the Post said January 12, 1916. Why the change?

Mr. GARDNER. Mr. Speaker, will the gentleman yield? Mr. MOORE of Pennsylvania. No. Mr. GARDNER. Do you not know that John R. McLean is

Mr. MOORE of Pennsylvania. Mr. Speaker, on Tuesday, The SPEAKER January 18, 1916, when it was afraid of Great Britain and the New Jersey rise?

Post was apparently telling the truth under the heading of Great Britain's attempt to dominate the high seas," it said:

We find it difficult to believe that the great democratic people of the New World will allow their influence to be used to disarm the democratic peoples of the Old World in their struggle for liberty against military dominations—says the Westminister Gazette, of London.

How about the struggle of the democracies of the New World against

naval dominations?

The world is dominated not so much by German militarism as by British navalism.

The United States does not propose to be dominated by either.

Do you get that, my friend from Massachusetts? [Laughter.]
Mr. GARDNER. Does the gentleman yield? Does he not
know that John R. McLean is dead?
Mr. MOORE of Pennsylvania. Oh, Mr. Speaker, what is the
use of going on further with this? There are numerous such
editorials as of 1916. Have I shown enough to prove the change of attitude in one brief year on the part of one great newspaper of the United States? Does it not suggest that there Mr. GARDNER. Mr. Chairman, will the gentleman yield?
Mr. MOORE of Pennsylvania. No.
Mr. GARDNER. Does the gentleman not know that John R.
McLegn is dead?

McLean is dead?

Mr. MOORE of Pennsylvania. Here is an editorial from one of the great newspapers that wants the truth told. Here is an editorial entitled, "They Dare Not Investigate." Let me quote from the Chicago Tribunte of February 16, 1917, only a day or two ago:

THEY DARE NOT INVESTIGATE.

There is one worthy measure before Congress which has even less chance of passing than a proper Army bill. It is a resolution to investigate the ownership of newspapers to find out if any of them have been acquired in the interest of foreign Governments to sway public opinion for the benefit of those Governments against the interests of the United States.

Nothing is more probable than that this should be so. Newspapers are property and can be bought and sold. Buying the editorial service of a newspaper and buying the newspaper itself are two very different things. Men who would scorn to take money for editorial expression would not hesitate to sell their properties. Few, indeed, are the newspaper properties which would not be sold at a sufficient price, and unlimited are the funds to buy them, and unlimited the needs of all the warring nations for friendly publicity in the United States. Hence it is more than likely that there are newspapers in the United States which now belong to allen Governments and are being conducted in their behalf.

Congress will not investigate, however. Congressmen, smarting under merited criticism, will charge newspapers, both singly and collectively, with treasonable motives, but the majority party of Congress will not investigate the ownership of newspapers for the same reason it objected to the investigation of the "leak" of the President's message—namely, for fear that it will find something.

For years there has been on the staute books a law requiring the publishing of the actual ownership of newspapers, and for an equally long time the administration has failed to enforce this law. An investigation of the ownership of newspapers might not only bring to light some interesting concealed ownerships but might prove also that the administration permitted the evasion of the law in return for political support. There will be no investigation.

Mr. Speaker, to-morrow and on the day after I shall renew my request for the passage of this resolution to investigate the story of the gentleman from Texas. [Applause.]
The SPEAKER. The time of the gentleman from Pennsyl-

vania has expired.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent for

one minute in which to reply.

Mr. KITCHIN: Mr. Speaker, I want to notify the House that I am going to call for the regular order immediately after that one minute.

Mr. HENSLEY. Mr. Speaker, I object. The SPEAKER. The gentleman from Massachusetts asks unanimous consent for one minute and the gentleman from Missouri objects.

Mr. GARDNER. Does the gentleman from Missouri really

object?

mr. HENSLEY. Yes.
Mr. GARDNER. Does he think it fair—
The SPEAKER. The gentleman from Missouri objects, and that is the end of it.

Mr. KITCHIN. Mr. Speaker, I demand the regular order.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is unanimous-consent day, and the Clerk will call the first bill.

## FORT PECK INDIAN RESERVATION.

The first business on the Calendar for Unanimous Consent was the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.

Mr. HAMILL rose.

For what purpose does the gentleman from The SPEAKER.

Mr. HAMILL. To ask for the present consideration of Senate joint resolution 201, which has passed the Senate, a similar resolution having been unanimously reported to the House from the Committee on Foreign Affairs.

Mr. GORDON. Mr. Speaker, I object.

Mr. HAMILL. Does the gentleman object?
Mr. GORDON. I do object. [Cries of "Regular order!"]
The SPEAKER. Is there objection to the consideration of the bill which the Clerk will report?

The Clerk will report the first bill.

The first business in order on the Calendar for Unanimous Consent was the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of land within the former Fort Peck Indian Reservation, Mont.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to ob-

Mr. TAYLOR of Colorado. The gentleman from Montana

will explain-

Mr. STAFFORD. Last unanimous-consent day I asked that this bill be passed over, because as it is now phrased any en-tryman upon the Fort Peck Indian Reservation upon the payment of one-fifth of the original purchase price would be privileged to have all the subsequent installments deferred for eight years upon merely payment of interest at 5 per cent. I do not consider that a private owner would permit his land to be used for eight years upon the mere payment of interest at the rate of 5 per cent on the purchase price, and then at the termination of that time allow perhaps the entryman, after he may have exhausted all the virtue of the soil, to deliver up the land. I do not see how any person can subscribe to a principle as enunciated in this bill. It is merely putting a premium upon the exploitation of the public domain, particularly upon the lands of the Indians. I would like to have some explanation from the Committee on the Public Lands, who seek to safeguard their interests, how they could report any such bill as this, which would grant the privilege of deferring the payments, save the initial one, until eight years afterwards by merely paying an annual interest of 5 per cent on the deferred installments.

Mr. TAYLOR of Colorado. I will say to the gentleman from Wisconsin it seems to me he misconstrues the purpose of the bill. It is very fully explained in the Secretary of the Interior's

Mr. STAFFORD. I not only read the Secretary's letter once, but I have read it twice, so I would be certain I did not misconstrue it, and I will go further by saying the committee does not follow the recommendations of the Secretary of the Interior, who only recommends an extension for seven years, whereas the committee recommends eight years. Now, will the gentleman explain that feature?

Mr. TAYLOR of Colorado. I will yield to the gentleman from Montana, in whose district this is.

Mr. EVANS. Mr. Speaker, this bill comes from the Senate. The original provision provided for deferred payments on one-half of the installments. It was at the instance of the Secrehair of the instalments. It was at the instance of the Secre-tary of the Interior that the proposition of deferred payments on one-half was stricken out. Why he made the recommendation I do not know. Personally I think that clause should remain in the bill. The Public Lands Committee of the House should not be taken to task because they did not follow the recom-mendation of the Secretary, perhaps because the recommendation of the Secretary was made to the Senate and the Senate put in eight years and the Public Lands Committee doubtless followed the recommendation of the bill as it passed through the Senate. Perhaps it would meet the objection of the gentleman from Wisconsin if we would resubstitute the proposition and allow the deferred payments of one-half of the annual amount, and if so I would offer an amendment to line 1, page 2, after the word "pay" add the words "one-half of any", which would make it read "may obtain extensions of time within which to pay one-half of any installments of purchase

Mr. STAFFORD. Personally I do not think it is good business policy to extend the additional installments of the purchase money of our public lands, especially in such a way as is embodied in this bill.

Mr. FERRIS. Will the gentleman yield?

Mr. STAFFORD. I will yield. Mr. FERRIS. As the gentleman from Wisconsin knows, I have come here many times asking similar relief for the citizens of my State, and if the gentleman will let me make a statement that would, I think, appeal to him. It usually works out this way. A piece of Indian land is opened for disposition; if it were public land they would pay nothing for it, but as it is Indian land they are compelled first to bid for it by com- Mr. Speaker, I would like to suggest this: That when proof is

petitive bids, or they enter their bids pursuant to an appraised price fixed by the Government. This is what happens. The people who buy these lands can only buy tracts of 160 acres. The homesteaders are necessarily and uniformly poor, and the first thing they have to do is to build a fence, build a little shack to live in, and plow and wrestle with the wild sod land until it becomes productive. Now, these payments fall due. It is just impossible to make payments, and they have to have a little encouragement from the Government by giving them extensions of time to make the payments. It does the Indian no injustice because the settler pays 5 per cent interest, and that is all that he ought to pay. This bill ought to pass. These settlers need the relief. It does no one any harm.

Mr. STAFFORD. Is the gentleman defending the principle of this bill by permitting the entryman to be privileged to defer all payments for eight years after the initial payment by paying

merely 5 per cent interest a year?

Mr. FERRIS. It may be better in some instances to make them pay one-fifth, but what happens in nearly every case is this: The settler finds that he must mortgage his land, and he can not mortgage it until he makes final proof. If he owes a thousand dollars on his homestead, he goes and probably borrows \$1,200, \$1,000 to go to make his payment and the \$200 to have a little surplus to run another year. Then he has to wrestle and run along for the next year. But if he makes these payments promptly when due and keeps up his homestead as he has to do it results in taking the land away from the first home-

steader and letting the succeeding homesteader get it.

Mr. STAFFORD. But I can not subscribe to any principle as embodied in this bill as will permit any person entering upon the public domain and pay one-fifth of the purchase price, and live on the land for eight years by paying 5 per cent on the deferred installments. I am seeking not to put a premium upon these entrymen in abandoning their homesteads after utilizing the land for eight years. The gentleman can not conceive of an instance of any private owner granting such liberal provisions as are embodied in this bill, paying one-fifth of the purchase price, and then allowing him to have an option for eight years when paying only 5 per cent on the balance of the payment.

Mr. FERRIS. Wait a minute. I can give the gentleman a

number of instances.

Mr. EAGLE. Mr. Speaker, I call for the regular order. The SPEAKER. The gentleman from Texas demands the regular order. The regular order is, Is there objection?

Mr. STAFFORD. If the regular order is demanded, I object.

Mr. FERRIS. Will the gentleman withhold it for a moment? Mr. EAGLE. I will gladly withhold it at the request of the gentleman from Oklahoma.

Mr. FERRIS. One of the things I think the gentleman

from Wisconsin has overlooked is that no title is given until payment is made. This renders it perfectly safe to the Indians,

to the Government, and everybody. They need it.

Mr. NORTON. Will the gentleman yield just a moment?

This should be borne in mind: These entrymen shall actually reside on the land for seven months in the year, and they may make a three-year proof upon the land. Now, I will ask the gentleman how long, under the present homestead law, can they hold this land after making entry and establishing their residence? I do not imagine they can hold the land for eight years

Mr. FERRIS. They probably could not. Mr. NORTON. They must make proof

Mr. NORTON. They must make proof for eight years.
Mr. STAFFORD. They could, under this law, hold the land until the end of the eight years' period. I am objecting only to the idea of allowing a person to go upon these lands and paying one-fifth of the purchase price, and then permitting the balance of deferred payments to continue over a period of eight

Mr. FERRIS. I do not insist on that. I have no doubt the gentlemen from Montana [Mr. Evans and Mr. Stout] will accept an amendment if the gentleman will offer it. All over the United States the building associations exact but a small payment

Mr. STAFFORD. The building and loan associations are not the Government. There is no precedent like this ever heretofore established-that is, as broad as this.

Mr. FERRIS. It has been-

The SPEAKER. Is there objection?
Mr. FERRIS. Will the gentleman accept this?
Mr. STAFFORD. If the gentleman will insist on it in conference.

Mr. FERRIS. If the gentleman insists on it, we, of course, will do our best to hold it.

Mr. NORTON. Will the gentleman yield for a moment?

made upon these homesteads the entire amount should be paid at the time of proof, whether it is final proof or commutation

Mr. STAFFORD. Read the letter of the Secretary of the Interior and you will see that he may still do that under the

terms of this bill.

Mr. NORTON. What is the objection of the gentleman if the

proof is made when the payments are made?

Mr. STAFFORD. I do not think it is good business policy to allow a stranger to enter upon another person's land and utilize it for nine years upon paying merely one-fifth of the purchase price, and have the other installments deferred until nine years upon paying 5 per cent.

Mr. NORTON. Under the suggestion I make, the entryman could not hold the land for more than five years, because he is required under the present homestead law to submit proof

within five years

Mr. STAFFORD. Under the explanation of the Secretary of the Interior he will be privileged, if this becomes a law, to hold until the end of eight years.

Mr. FERRIS. I am telling the gentleman what the law is.

Mr. NORTON. The Secretary suggests that the payment might be extended at the time the proof was submitted. I suggest that the bill be so changed that all the payments are made when the proof is submitted. It now provides in case of commutation proof all the payments shall be made.

Mr. FERRIS. The gentleman from Wisconsin is objecting

to that?

Mr. NORTON. The gentleman would not object if all the payments are made when the proof is made?

Mr. STAFFORD. I say make it mandatory.

Mr. NORTON. That is not what the gentlemen want. They want it deferred until eight years.

Mr. FERRIS. We will accept the amendment if the gentle-men insist upon it. Some relief is needed, and we must get something through.

Mr. MANN. Reserving the right to object, do not all the gentlemen think that the interest payment on extensions ought to be made annually?

Mr. FERRIS. I do. We can so amend it when it is con-

sidered.

Mr. MANN. This does not provide that. In line 12, on page would the gentlemen interested be willing to strike out, at the end of the line, the words "at or" and insert the word "annually" in place of them, so it would read that "interest payments must hereafter be made annually "

Mr. FERRIS. The committee would be very glad to accept

that.

Mr. MANN. So that it would read, "the interest payments shall be made annually."

Mr. FERRIS. Yes.

Mr. MANN, I do not make this as any condition. I was going to move to strike out section 2.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, with the understanding that the gentleman is going to offer an amendment, I have no objection.

The SPEAKER. The Chair hears none. The Clerk will re-

Mr. FERRIS. Mr. Speaker, this bill is on the Union Calendar. I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. GARDNER. I object.

Mr. MANN. I hope the gentleman will not insist. If we get into the Committee of the Whole on this bill, we will have all afternoon in the Committee of the Whole.

Mr. GARDNER. I will not object if I am allowed five minutes to answer the gentleman from Pennsylvania [Mr. Moore].
Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that
the gentleman from Massachusetts [Mr. Gardner] may have five

minutes

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Massachusetts may have

five minutes. Is there objection?

Mr. MANN. And then let the bill be considered in the House

as in Committee of the Whole.

Mr. STAFFORD. Reserving the right to object, does not the gentleman from Massachusetts think the gentleman from Penn-sylvania [Mr. Moore] should be on the floor when he makes his

Mr. GARDNER. The gentleman may object or not. The SPEAKER. Is there objection?

Mr. KING. I object, but only to have Mr. Moore on the floor. Mr. FERRIS. Only to get him in? Mr. KING. Yes.

Mr. GARDNER. I am not going to attack Mr. Moore.

The SPEAKER. Is there objection to the request that this bill be considered in the House as in Committee of the Whole?

Mr. GARDNER. I must object. I must have a chance to debate, and the only way I can get it is by going into Committee of the Whole.

Mr. FERRIS. Will the gentleman from Massachusetts withhold a moment?

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that pending this request-

Coupled with it-Mr. MANN.

The SPEAKER. Coupled with the request is the request that the gentleman from Massachusetts [Mr. GARDNER] be allowed five minutes. Is there objection?

Mr. KING. Reserving the right to object, I wanted to ask the gentleman from Massachusetts if he intended to say anything in

regard to Mr. Moore whereby he ought to be present?

Mr. GARDNER. I have never in my life in this House alluded to a man without having him present, with the single exception of Mr. Hopkins of Kentucky some years ago, when I was forced to do it.

The SPEAKER. Is there objection to this bill being considered in the House as in Committee of the Whole on the condition that the gentleman from Massachusetts [Mr. Gardner] shall have five minutes now?

There was no objection.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. GARDNER. Mr. Speaker, I am in favor of the resolution offered by the gentleman from Pennsylvania [Mr. Moore]. But it ought to be amended so as to allow both sides of this newspaper question to be investigated.

I hold in my hand an editorial from the Milwaukee Journal of February 14, 1917, a few days ago. It is headed "Their danger increases." This is a very serious charge made by the Milwaukee Journal. I read:

waukee Journal. I read:

The Sheboygan Herald and other pro-German organs can not understand that most American newspapers are American. It is not surprising, therefore, that these organs of Germany talk of American newspapers "bought up by the allies" and by Wall Street and the munition makers, or that they charge that these influences sway the course of officers of the United States Government.

This makes it pertinent to point to the fact that the only known cases of corruption of the American press in connection with the world war involves publications established or reestablished since the war began. These publications have invariably espoused the cause of Germany against that of the United States and have received German money for doing so. Moreover, the only American correspondents who are known to have been corrupted with foreign money, in return for "coloring their reports," succumbed to offers of German money. The number of American journalists known to have been bribed in this way is small. The number of those tempted with German money is larger. These are facts. The Journal gives its assurance that they can be depended upon. It has in its possession photographic copies of checks and other evidence to establish these facts. It may publish some of this evidence in the near future.

Now, Mr. Speaker, if you are going to have an investigation.

Now, Mr. Speaker, if you are going to have an investigation, you must draw that resolution in such a way as to investigate both sides. I understand the gentleman from Pennsylvania agrees to that.

Mr. MOORE of Pennsylvania. He thoroughly agrees to that. Mr. GARDNER. I ask unanimous consent, Mr. Speaker, to put this whole editorial from the Milwaukee Journal in the

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks as indicated. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentle-

man yield?

Mr. GARDNER. Yes.

Mr. MOORE of Pennsylvania. I thoroughly agree with the gentleman from Massachusetts [Mr. Gardner], that if there is foreign interference with American newspapers by any country it should be included in the investigation; if the Germans are buying up American newspapers or controlling American newspaper sentiment, that is just as reprehensible as if the English were doing it.

Mr. GARDNER. I ask unanimous consent, Mr. Speaker, to

extend my remarks.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks. Is there objection? There was no objection.

Following is the entire editorial referred to:

[From the Milwaukee Journal, Feb. 14, 1917.]

THEIR DANGER INCREASES.

The Sheboygan Herald and other pro-German organs can not understand that most American newspapers are American. It is not sur-

prising, therefore, that these organs of Germany talk of American newspapers "bought up by the allies" and by Wall Street and the munition makers, or that they charge that these influences sway the course of officers of the United States Government.

This makes it pertinent to point to the fact that the only known cases of corruption of the American press in connection with the world war involve publications established or reestablished since the war began. These publications have invariably espoused the cause of Germany against that of the United States and have received German money for doing so. Moreover, the only American correspondents who are known to have been corrupted with foreign money, in return for "coloring their reports," succumbed to offers of German money. The number of American journalists known to have been bribed in this way is small. The number of those tempted with German money is larger. These are facts. The Journal gives its assurance that they can be depended upon. It has in its possession photographic copies of checks and other evidence that establish these facts. It may publish some of this evidence in the near future.

Those newspapers, propagandists, and allen organizations which, parading under the guise of Americanism, have been serving Germany by fostering disloyalty among citizens of this country, may soon find themselves in what would be, to say the least, a very embarrassing situation. Their words and plots and acts constitute a record that damns them, and they may safely take it for granted that their record is not only officially known but officially preserved. Should Germany force the United States into war, it will be found that our Government, which has been most patient with trouble makers at home, can use the power of a strong arm swiftly and surely. For what is now only disloyalty would in a state of war at once become sedition and treason. Those whose words and deeds have placed themselves in the black record already made up would be subject to summary arrest and punis

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That any person who has made or shall make homestead entry under the act approved May 30, 1908 (35 Stats., p. 558), entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana," etc., may obtain extensions of time within which to pay installments of purchase money, which have become due and are unpaid or which will hereafter become due by paying to the register and receiver of the land office for the district in which the lands are situated interest in advance on the amounts due and for the period of the desired extension at the rate of 5 per cent per annum, and any payment so extended may at its maturity be again extended in like manner: Provided, That payment of interest on installments now due must be made in order to secure the extension; interest payments must hereafter be made at or before the maturity of the payments to be extended, and no payment will be postponed for more than eight years from the date of entry nor will any extension be made for less than one year: Provided further, That if commutation proof is submitted all the unpaid payments must be made at that time.

SEC. 2. That in case any entryman falls to make the payments, or any of them, when due, unless the same be extended, or to make any extended payment at or before its maturity, unless it is again extended, all rights in and to the land covered by his entry shall cease and any payments therefore made shall be forfeited and the entry canceled.

SEC. 3. That moneys paid as interest, provided for herein, shall be deposited in the Treasury to the credit of the Fort Peck Indians, the same as moneys realized from the sale of the lands.

Mr. MANN. Mr. Speaker, I offer an amendment.

Mr. Speaker, I offer an amendment. The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Mann: Page 1, line 8, after the word "Montana," strike out the words "and so forth" and insert in lieu thereof the following: "and the sale and disposal of all the surplus lands after allotment."

Mr. MANN. That is simply to conform to the proper title.

Mr. FERRIS. The committee accepts that, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I offer a further amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Mann: Page 2, line 11, after the word "made," strike out the words "at or" and insert the word "annually." The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, at the proper time I want to strike out section 2

Mr. FERRIS. I think the gentleman from Wisconsin [Mr. STAFFORD] has an amendment to section 1.

Mr. STAFFORD. I move to amend, on page 2, in line 1, by inserting after the word "pay" the words "one-half of any."

The SPEAKER. The gentleman from Wisconsin offers an

amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, in line 1, by inserting after the word "pay" the ords "one-half of any."

The amendment was agreed to.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out section 2. Mr. FERRIS. I have no objection to that.

Mr. MANN. Section 2 provides for the forfeiture of all the payments which the entryman has made if he fails to make some payment. In other words, if the entryman should pay all the payments except the last one and then should die, leaving a widow and children, and they were unable, either because of estate matters or something else, to make the final payment, all of the payments would be forfeited. I do not believe the Government ought to forfeit payments unless it is done deliberately, knowing what the facts are.

Mr. FERRIS. Mr. Speaker, I think the gentleman from Illinois is entirely right about it, because this is what would happen. If a case of that kind should arise the parties interested would come to Congress and ask the passage of a special bill for their relief, and everyone would be willing to pass it. This

will obviate the necessity of that.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. Mann] to strike out section 2.

The motion was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

STOREHOUSE AT BENICIA ARSENAL, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 762) providing for the construction and equipment of a storehouse at Benicia Arsenal, State of California.

The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. STAFFORD. I object.
The SPEAKER. The gentleman from Wisconsin objects.
The bill is stricken from the calendar.

Mr. RAKER. I ask unanimous consent that it retain its place on the calendar and be passed over to-day.

The SPEAKER. The gentleman from California asks to pass

this bill over without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, how many times has the bill been on the calendar?

Mr. RAKER. I do not know. This is the first time I have

asked that it remain on the calendar.

Mr. MANN. I shall have to object. I think a bill that has been on the calendar once, that is objected to now, if it stays on the calendar at all, ought to go to the foot of the calendar and not stop at the top of the calendar.

The SPEAKER. The gentleman from Illinois objects. The

Clerk will report the next bill.

SETTLERS ON UNSURVEYED RAILROAD LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. Cox). Is there objection? Mr. STAFFORD. Mr. Speaker, reserving the right to object, since this bill was under consideration the gentlemen interested have furnished a more elaborate report, which gives a better understanding of the real purpose of the bill. I wish to inquire whether the Northern Pacific Railway Co. have not some rights in these lands which would be the basis of a claim in the Court of Claims against the Government in case this bill is passed? As I understand this bill, it privileges homesteaders who have entered upon odd-numbered sections of land-grant lands of the Northern Pacific Railway Co. to obtain patents to those lands, and it grants, in turn, to the Northern Pacific Railway Co. the right to accept lieu lands. My objection is not only to the fact that I do not wish to have the Government incur an obligation, so far as the Northern Pacific Railway Co. is concerned, but I also want to know whether the lieu lands that might be obtained would not be of greater value than the land which the company surrenders? There is nothing in this bill which says they shall be of approximately the same value, which is the lan-

guage generally used when lieu lands are accepted.

Mr. FERRIS. Will the gentleman yield to the gentleman from Washington [Mr. LA FOLLETTE], who is very familiar with this, as is also the gentleman from Washington [Mr. Johnson]?

Mr. LA FOLLETTE. Mr. Speaker, this is simply an amendment to a law that is already on the statute book covering the same kind of cases. When that law was passed it ran down to a certain date, and it was supposed that all those lands would be surveyed soon after that time; but it has run on now for many

years, and the lands have not been surveyed. A great many settlers have gone on the land, and they are simply asking for the relief that other settlers have had who have gone on lands under the same conditions in the past.

Mr. STAFFORD. What are the rights of the Northern Pacific Railway Co. to these unsurveyed lands? Here you purpose to take away the rights of the original grantee, the Northern Pacific Railway Co., without their consent or approval, upon condition that they will be privileged to accept other lands.

Mr. LA FOLLETTE. Their rights are just the same as they were when the other law was passed which they have been acting under, and this simply amends that act by extending

Mr. STAFFORD. Is not the gentleman in error on that?

Mr. LA FOLLETTE. I do not think I am.
Mr. STAFFORD. Did not the other law merely give to those who had entered upon the unsurveyed lands the right to retain them in case the Northern Pacific Railway Co. approved of the

transaction and took the lieu lands in exchange?

Mr. JOHNSON of Washington. It all hinges on the decision in the Violette case. The suggestion of amendatory legislation was made to correct what was believed to be a failure in the original act to provide adequate protection for the settler, subsequent to January 1, 1898, on unsurveyed lands, a condition emphasized in the decision in the case of the Northern Pacific Railway Co. v. Violette (36 L. D., 182), reaffirmed in the case of Arthur Gilfeather October 29, 1914.

Mr. STAFFORD. Is it not a fact that the Northern Pacific Railway Co. have given notice to the department that they intend to press a claim in the Court of Claims if this law is passed and their rights are attempted to be crippled in this

matter?

Mr. JOHNSON of Washington. The department of the Interior suggests the legislation. Here are unsurveyed lands, which are out of taxation and subject, as other lands are, to lieu land scrip. This proposed legislation is for the protection of 34 settlers, all that can be found who so settled on lands in the railroad grant, thinking that they had the same rights as all others under the passage of the act to which my colleague [Mr. LA FOLLETTE] refers, but without rights, since the decision in the Violette land case.

Mr. STAFFORD. I have no objection, so far as the provision relating to the settlers is concerned, provided it does not involve the Government. This action is to be taken, as far as I have seen, and I have read everything submitted to me in the matter, without the approval of the Northern Pacific Rail-

road Co.

tive

Mr. JOHNSON of Washington. It gives the settlers an

equity in the matter.

Mr. MANN. Does not the Northern Pacific Railroad Co. have the right to relinquish these lands and take new lands? Mr. STAFFORD. Yes; but it must be done on their initia-

Mr. MANN. They can take the same lieu lands in one case as they could in the other; they do not get any rights against the Government.

Mr. STAFFORD. No; not if they do it voluntarily, because they are estopped from making any claim against the Government.

Mr. MANN. They would not have any claim against the Government if they took the lieu lands.
Mr. STAFFORD. No; not if they took the lieu lands.
Mr. MANN. And if they do not take them they will never

get anything

Mr. LA FOLLETTE. The Northern Pacific Railroad Co. has had every opportunity to have these lands surveyed since 1884.

Mr. STAFFORD. Oh, yes; but we have not been in a position to survey all the lands of the United States.

Mr. MANN. They would not have any claim against the

Government anyway Mr. LA FOLLETTE. The title is in the Government.

Mr. JOHNSON of Washington. The title has not passed. Mr. STAFFORD. The title has not passed. The right

The right has been granted to them under the original land grant.

Mr. MANN. There are many cases where under the original land grant they took lieu lands and do take them; if they do not take them they do not get anything.

Mr. DILL. When the other bill was passed they did not have

any claim against the United States.

Mr. STAFFORD. No; but the land department has construed that law that it did not extend to the settlers any rights except with the approval of the Northern Pacific Railroad Co. That was the decision in the Violette case.

Mr. Speaker, upon the statement made by the gentleman from Illinois I hardly think I will press my objection further if the gentleman agrees to insert after the word "lands," in line 5, the words "of approximately equal value."

Mr. LA FOLLETTE. I will not object to that; I do not think

it means anything.

Mr. STAFFORD. I think it does mean something from the way that the public domain has been raided under these lieu

Mr. FERRIS. I have no objection to that.

Mr. STAFFORD. Then, Mr. Speaker, I withdraw my objec-

The SPEAKER. Is there objection? There was no objection.

Mr. FERRIS. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 1792) for the relief of settlers on unsurveyed railroad lands. An act (8. 1792) for the relief of settlers on unsurveyed railroad lands. Be it enacted, etc., That where, prior to July 1, 1913, the whole or any part of an odd-numbered section within the primary limits of the land grant to the Northern Pacific Railway Co., within the State of Washington, to which the right of the grantee or its lawful successor is claimed to have attached by definite location, has been settled upon in good faith while unsurveyed, by any qualified settler, the same shall be subject to all the provisions of the act of July 1, 1898 (30 Stat. L., pp. 620-622), relating to lands in said primary limits so settled upon prior to January 1, 1898, and said act is hereby amended accordingly: Provided, That upon the relinquishment by said railway company of any of the lands so settled upon the selection of any lieu lands by said company shall be confined to the State of Washington.

Mr. STAFFORD. Mr. Speaker, I move to amend by inserting, after the word "lands," line 5, page 2, the words "of approximately equal value."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 5, by inserting, after the word "lands," the words of approximately equal value."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was

read the third time, and passed.

On motion of Mr. Johnson of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table. DISPOSITION OF LAND IN PORT ANGELES, WASH.

The next business on the Calendar for Unanimous Consent was the bill S. 5900, an act providing for the disposal of certain land in block 69 in the city of Port Angeles, State of Washington.

Mr. LA FOLLETTE. Mr. Speaker, I ask unanimous consent that that bill be stricken from the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

JUSTICES OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection:

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be appointed by the President, by and with the advice and consent of the Senate, two additional associate justice of the Supreme Court of the District of Columbia; that said additional associates justices shall have the same power, authority, and jurisdiction as now or hereafter may be exercised by any of the associate justices of the said supreme court and shall be entitled to receive the same salary, payable in the same manner.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Webb, a motion to reconsider the vote whereby the bill was passed was laid on the table.

# STEAMBOAT INSPECTORS AT TAMPA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17605) to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1900.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, what will this

board of local inspectors cost the Government?

Mr. SPARKMAN. I can not say; but 1 am safe in saying that the amount saved in the passage of the bill will be considerable. My recollection is that there are two inspectors, and they are paid \$1,500 or \$2,000 a year.

Mr. STAFFORD. Sixteen hundred dollars, I believe, under

Mr. MANN. The statute does not fix any salary except at this particular place, does it?

Mr. STAFFORD. At this particular place it would be \$1,600.

Mr. MANN. Are there two or three inspectors?

Mr. STAFFORD. Two.
The SPEAKER. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to substitute and consider the bill S. 8079, a similar bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the

The SPEAKER. Is there objection?
Mr. WILSON of Florida. Mr. Speaker, reserving the right to object, I would like to inquire of my colleague if this changes the headquarters from Apalachicola of the present local in-

Mr. SPARKMAN. Mr. Speaker, I will say that it does not change the headquarters of the inspection district of which Apalachicola is the headquarters, and was not intended to do so.

The SPEAKER. Is there objection to considering this bill in

the House as in Committee of the Whole?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I now ask unanimous con-sent that Senate bill 8079 be considered in lieu of this, which bill is on the Speaker's table.

The SPEAKER. The gentleman from Florida asks unanimous consent to consider Senate bill 8079, of like tenor, in place of the House bill. Is there objection?

Mr. MANN. Let us have the Senate bill reported.

The Clerk read as follows:

Be it enacted, etc., That the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906, be amended by inserting after the words "Jacksonville, Fla.," in each paragraph, the words "Tampa, Fla."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question in on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill was laid on the table.

On motion of Mr. Sparkman, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORT PECK INDIAN RESERVATION.

Mr. MANN. Mr. Speaker, we just passed Senate bill 5612, providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., and we struck out section 2. As this is a Senate bill the Clerk would not have authority to renumber the sections. I ask unanimous consent that the order for the third reading and passage of the bill be vacated, and that an amendment be agreed to to strike out the numeral "3" after the word "Sec." and inserting the number "2" in lieu thereof, and then that the bill be considered as read a third time and passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate the proceedings on the bill S. 5612, back

to the amending stage. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, in line 24, page 2, by striking out after the word "Sec." the numeral "3" and inserting in lieu thereof the numeral "2."

The SPEAKER. The question is on agreeing to the amend-

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

PRODUCTION AND DISTRIBUTION OF FOOD PRODUCTS.

The next business on the Calendar for Unanimous Consent was H. Res. 389, directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the production, marketing, and distribution of food products in the United States, together with any violations of the antitrust laws in connection therewith, and recommendations for greater economy and efficiency in the marketing of food products and the punishment and prevention of contention in the princes thereof of extortion in the prices thereof.
The SPEAKER, Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object. I think this has been taken care of.

Mr. BORLAND. Mr. Speaker, the purpose of this is covered by an order which the President has made upon the Federal Trade Commission, but it does not seem to me that that militates against the passage of this resolution. It is rather an argument

Mr. MANN.

Mr. MANN. It seems to me to be the other way. Mr. BORLAND. If the President agrees that the investigation ought to be made, it seems to me that the House can well . agree to it, too.

Mr. MANN. I do not see any reason for duplicating the work.

Mr. BORLAND. That is not duplicating.

Mr. MANN. The President has already directed that the investigation be made.

Mr. AUSTIN. Mr. Speaker, I object.

Mr. BORLAND. Will the gentleman permit me to ask unanimous consent that the resolution remain on the calendar?

Mr. MANN. Let it go to the foot of the calendar. Mr. BORLAND. Does the gentleman object—

Mr. AUSTIN. I do not object to the bill going to the foot of the calendar.

The SPEAKER. Without objection, the bill will go to the foot

of the calendar.

Mr. BORLAND. I am afraid that that means that it will not be reached this session.

There was no objection.

FISH-CULTURAL STATION, KLAMATH RIVER, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11245) to authorize the establishment of an auxiliary or field fish-cultural station on the Klamath River, in the State of California.

The SPEAKER. Is there objection?
Mr. MANN. I object.
The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

ADDITIONAL DISTRICT JUDGE FOR TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5450) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill must be considered in connection with another bill upon the Unanimous Consent Calendar providing for a new division of the northern judicial district of Texas, H. R. 19299. It is surprising that the Attorney General, though he comes from the State of Texas, virtually makes an adverse report upon the bill providing for either an additional judge to relieve the conditions in the western district or to create a new dis-

Certainly he does not make a favorable report as to these proposals. As to the bill that provides for a new division, he does make an adverse report upon it, for he says in his letter to the chairman of the Judiciary Committee of the Senate:

It does not occur to me that new courts at any one of these three points are especially needed. As distances go in Texas, Lubbock, Wichita Falls, and Brownwood are fairly close to other points whose terms of court have already been established.

It was my idea that there was an equal need of relief in the northern district of Texas as in the western district of Texas. I can not agree with the proponents of this bill, who have favored me with a large amount of data of the conditions prevailing there, that the conditions in the western district are so exceptional. While there has been a large increase of criminal cases and bankruptcy cases, which we all know as far as bankruptcy cases are concerned do not require the attention of the court, as far as civil cases are concerned there has only been an increase of 20 in new suits introduced some 8 or 10 years ago, but I think the report shows a rather exceptional condition prevailing so far as the trial of persons in El Paso is concerned, a distance of 700 miles from Austin, I believe, and from Dallas.

Mr. STEPHENS of Texas. Has the gentleman also taken into consideration that there is more business at El Paso than at any other point?

Mr. STAFFORD. That is a small section, largely criminal suits arising out of conditions on the border, merely ephemeral,

and will pass away ultimately.

Mr. GARNER. If the gentleman will permit, let me say I agree with the gentleman from Wisconsin that the northern district does need relief. The truth of the business is that Judge Maxey and Judge Meeks both have endangered their lives,

if not put themselves on the very verge of invalidism, on account of the amount of work they have had to do in the last six or eight years in those two districts. Now, I agree with the gentleman that the northern district should have relief, just as the western district; and I would like to see this bill amended so that, if possible, the northern district would have the same relief as the western district.

Mr. STAFFORD. I had intended to frame an amendment so as to provide that this additional judge could be used in the northern district as well, but on referring to the Judicial Code I find that there is an express provision which enables the circuit justice to assign a district judge of any district to work in another district where his services are needed. I am withdrawing my opposition to this bill largely with the idea that if it is passed this additional judge will not merely look after the little work that arises in El Paso, because the Attorney General says that there is not enough work there to engage the attention of a judge, but that the circuit justice there will assign this new judge to the relief of the judge of the western district and also of the northern district. Sooner or later, when the population increases

down there, there will be need for the creation of a new district.

Mr. GARNER. May I say to the gentleman, the attorneys interested in this matter have already looked after that matter by preparing a statement to the presiding judge of the circuit court as to the conditions of these various courts that this judge may be assigned to the place where there is greatest need on account of the work.

Mr. STAFFORD. As the gentleman knows, the showing made from the report of the Attorney General that the conditions in the northern district are almost identical as the western in regard to work

Mr. GARNER. Undoubtedly.
Mr. STAFFORD. Undoubtedly the judge may be assigned to the relief of conditions in both districts. Mr. Speaker, I with-draw the reservation of objection and ask unanimous consent, or some one may ask unanimous consent, that the substitute be read in lieu of the House bill.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the House bill and that the bill be considered in the House as in Committee of the Whole House

on the state of the Union.

The SPEAKER. First, is there objection to the consideration of this bill at all? [After a pause.] The Chair hears none. Now, the gentleman from Texas asks unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. GARNER. And that the substitute be read in lieu of

the original bill.

The SPEAKER. And that the substitute be considered in lieu of the House bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the District Court of the United States for the Western District of Texas, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and whose official place of residence shall be maintained at El Paso until otherwise provided by law.

The substitute was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

The title was amended so as to read: "An act to provide for an additional judge in the State of Texas."

On motion of Mr. Garner, a motion to reconsider the vote by which the bill was passed was laid on the table.

## GREAT NORTHERN RAILWAY CO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 16922) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other pur-

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The hair hears none. This bill is on the Union Calendar. Chair hears none.

Mr. EVANS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS. I ask that the bill S. 7796 be taken from the Speaker's table and substituted for this bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to take the Senate bill of similar tenor from the Speaker's table and consider that in lieu of the House bill.

Mr. MANN. Reserving the right to object, is the Senate bill ist the same?

I understand it is verbatim.

Mr. EVANS. Mr. MANN. Mr. EVANS. Including the amendment to section 4?

I can not say positively. I had that assurance from the Secretary. My bill was introduced first.

Mr. MANN. I will not object to the consideration, but I want to hear whether it is the same bill or not.

The SPEAKER pro tempore (Mr. Garner). The Clerk will port the Senate bill.

The Clerk read as follows:

An act (S. 7796) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes.

convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised all those parts of section 32 and 33, township 31 north, range 32 east, and of section 5, township 30 north, range 32 east, Montana meridian, State of Montana, described as follows:

Beginning at the point of intersection of the present right of way of the Great Northern Railway with the east line of the northwest quarter of the southeast quarter of said section 33, which point is 75 feet northerly at right angles from the center line of said Great Northern Railway as the same is now constructed across said section 33; thence westerly to a point on the west line of said dearter quarter section 300 feet northerly at right angles from said center line; thence southwesterly parallel with said center line to an intersection with the east and west quarter quarter section line in the southwest quarter of said section 33; thence westerly along said quarter quarter section line to the west line of said section 32; thence westerly along the east and west quarter quarter section line in the south half of said section 32 to the northwest corner of the southwest quarter of the southwest quarter of said section 32; thence southerly along the west line of said quarter quarter section to the north line of section 5, township 30 north, range 32 east; thence westerly along said north line to the northwest corner of said section 5; thence southerly along said west line to the present northerly right-of-way line is 75 feet northerly at right angles from the center line of said railway with the east line of the southwest quarter of the southeast quarter of said section 32, said point being 75 feet distant southerly at right angles from said center line; thence northeasterly parallel with said center line to the place of beginning, the southwest quar

isc, 921 feet north of the southwest corner, a distance of 10,422 feet; thence on a curve to the left, with a radius of 11,459.2 feet, a distance of 500 feet; thence southwesterly, tangent to said curve, 511.4 feet to the west line of said section 5 at a point 825.5 feet south of the northwest corner.

SEC. 2. That the Secretary of the Interior be, and he is hereby, further authorized and directed to cause to be appraised all those parts of sections 14 and 15, township 27 north, range 47 east. Montana meridian, in the Fort Peck Indian Reservation, State of Montana, described as follows:

Beginning at the point of intersection of the present right-of-way line of the Great Northern Railway with the east line of the northwest quarter of the northwest quarter of said section 14, which point is 75 feet distant northerly at right angles from the center line of said Great Northern Railway as the same is now constructed over said section; thence westerly in a straight line to a point on the west line of said quarter quarter section which is 275 feet distant northerly at right angles from said center line; thence southwesterly parallel with said center line to an intersection with the south line of the northwest quarter of the northwest quarter of said section 14; thence westerly along said south line to the west line of said section 14; thence westerly along the east and west quarter quarter section line in the northhalf of said section 15, to the northwest corner of the southeast quarter thalf of said section 15, to the northwest corner of the southeast quarter of the northwest quarter quarter section line in the northhalf of said section 15, to the northwest corner of the southeast quarter of the northwest quarter quarter section line in the northhalf of said section 15, to the northwest line of said variety at right angles from the care in the section 15 thence south section 15, thence south and the said center line of said railway as the same is now constructed; thence northeasterly parallel with said center line t

project. The conveyances for the lands described above in sections 1 and 2 shall reserve to the United States and its successors in interest right of way for cauals or ditches heretofore or hereafter constructed thereon, and the railway company shall construct at its own expense any crossings of said canals or ditches which may be necessary for its purposes, and such crossings shall be built and maintained in such a manner as not to interfere with the operations of said canals or ditches by the United States or its successors in interest, and such conveyances shall be subject to any prior valid rights of way.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the

third time, and passed.

By unanimous consent the corresponding House bill (H. R. 16922) was ordered to lie on the table.

#### MOUNT M'KINLEY NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska.

The SPEAKER pro tempore. Is there objection to the present

consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I have no objection to the general purpose of the bill, but I think there should be some amendment.

Mr. McCLINTIC. At the suggestion of one of the Members I have prepared an amendment which will limit the amount to be appropriated in any one year, and fixing it so that no money shall be appropriated except by a direct legislative act.

Mr. STAFFORD. On the amount? Mr. McCLINTIC. It is the same as It is the same amendment that is included in the other park bills. This amendment was taken from the Rocky Mountain Park bill.

Mr. STAFFORD. Where does the gentleman propose to in-

Mr. McCLINTIC. I will say this suggestion was made by the gentleman from Wisconsin [Mr. Lenroot], and this amendment was submitted to him. It reads:

Provided, That no appropriation for the maintenance of said park in excess of \$10,000 annually shall be made unless the sum shall be first expressly authorized by law.

Mr. STAFFORD. Does that include the funds that will arise from the rental of the privileges and the like in the park, which under the provisions of this bill are to be utilized for the main-

tenance of the park?

Mr. McCLINTIC. I understand that all funds derived from

the park are to be paid into the Treasury.

Mr. STAFFORD. Not under the wording of this bill. That is one of the amendments I propose to offer. I want to know whether it would meet the approval of the chairman of the committee.

Mr. McCLINTIC. I do not think there would be any objec-

tion to that.

Mr. STAFFORD. In the last sentence of section 7, instead of having the funds derived from leases or other privileges to be utilized for the continuous use of the pork, to have them turned

into the Treasury as miscellaneous receipts.

Mr. McCLINTIC. I am sure that will be satisfactory.

Mr. MONDELL. Mr. Chairman, I did not hear the colloquy between the gentleman from Wisconsin [Mr. Stafford] and the gentleman in charge of the bill.

Mr. STAFFORD. The gentleman from Oklahoma [Mr. Mc-

CLINTIC] stated he proposed to offer an amendment so that not more than \$10,000 should be utilized.

Mr. MONDELL. I heard that, but with regard to the provisions relative to the provisions in lines 11 and 13, page 4.

Mr. STAFFORD. My idea was to offer an amendment so as to have all those proceeds turned into the Treasury as miscellaneous receipts.

Mr. MONDELL. Would it not be a better amendment to

strike out that part of the paragraph?

Mr. STAFFORD. What provision would be made, then, as to the proceeds from leases and other sources of revenues?

Mr. MONDELL. Then the proceeds would flow into the Treasury

Mr. McCLINTIC. Will that be satisfactory to you?

Mr. STAFFORD. Entirely satisfactory

Now, another thing: Does not the gentleman think, so far as the privileges of prospectors and hunters in the park are con-

the privileges of prospectors and futners in the park are con-cerned, that those privileges should be under such regulations as the Secretary of the Interior may prescribe?

Mr. McCLINTIC. I might answer that by saying that this matter was thoroughly considered by the Secretary of the Interior and also the Department of Agriculture. In the House bill originally some reference was made to that particular provision, but afterwards the Secretary of the Interior withdrew

his recommendation along that line and allowed the Senate bill

to go through with his full recommendation and approval.

Mr. STAFFORD. Does not the gentleman think, regardless of the attitude of the Secretary of the Interior in that par-ticular, that we should vest in the Secretary of the Interior certain powers to restrain prospectors and miners in the amount of game that they are privileged to kill? Those privileges ought to be under the regulation of the Secretary of the Interior.

Mr. McCLINTIC. The Secretary of the Interior thought that

under the provisions of this act that the provision was sufficiently safeguarded, and he would have sufficient jurisdiction to take care of game in the Territory. But I would like to ask the Delegate from Alaska in regard to that.

Mr. STAFFORD. I do not find any such jurisdiction. I do not think there would be anything wrong in inserting "under such regulations as the Secretary of the Interior may prescribe." We are providing an organic act for this park and occasion may arise when the Secretary of the Interior may think it necessary to proscribe the shooting of game ad libitum by prospectors there.

The SPEAKER pro tempore. Is there objection?
Mr. MONDELL. Reserving the right to object—
Mr. STAFFORD. The gentleman from Oklahoma just sug-

gested he would like to have the opinion of the Delegate from Alaska as to the suggestion made that the privileges of the miners and prospectors so far as hunting without limitation and for their actual necessities is concerned, should be restricted under such regulations as the Secretary of the Interior may prescribe.

Mr. WICKERSHAM. Yes; I do not think that ought to be in

there.

Mr. STAFFORD. The restriction should not be in?
Mr. WICKERSHAM. I do not think that amendment should be made. I understand there is a general park law which gives him that right without putting it in here.

Mr. STAFFORD. I do not recall any such provision as would

extend that.

Mr. WICKERSHAM. We thrashed that out in the committee several times. There are good reasons why it should not be

Mr. STAFFORD. There is one other matter that I wish to call attention to, and then I will subside, so far as this bill is concerned. There is awkward phraseology found in section 5that the said park shall be under the executive control of the Secretary of the Interior, and it shall be the duty of said executive authority." Why not say just "he"?

Mr. McCLINTIC. This is the language of the Senate bill as

it passed that body.

Mr. STAFFORD. That does not give it more right to be exempt from criticism than if it were a House bill.

Mr. McCLINTIC. If the phraseology is wrong it ought to be corrected.

Mr. STAFFORD. I would like to inquire of the gentleman as to his opinion. It seems to me to be awkward. It says: "It shall be the duty of the said executive authority." Why not say "he"? It refers, I am sure, to the Secretary of the Interior.

Mr. McCLINTIC. I am sure there will be no objection to

any amendment that will perfect the section.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, I want to call attention to section 4, at the bottom of page 3, which provides that the mineral land laws of the United States are hereby extended to lands included in the park. I understand the situation is this, that the mineral laws that apply to Alaska—and they are somewhat different from the general land laws—now apply to lands in the park. What is desired, as I understand, is that nothing in this bill shall modify or change that situation. Now, my information is that there is some question as to what we might do if we enacted into law the language of the bill, because the mineral laws of the United States, some of them, do not apply to any part of Alaska.

I thought the gentleman would not have any objection, possibly, to striking out that language and inserting something like this: "Nothing in this act shall in any way modify or affect the mineral laws now applicable to the lands in said park." That leaves them as they are.

Mr. McCLINTIC. We would be very glad to accept that.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman said he would offer an amendment providing that not more than \$5,000 a year could be appropriated for the support of this park. I want to say I propose to antagonize such an amendment, if it comes upon the floor.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of the bill?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I wish to say that that amendment has been adopted in all the park bills recently passed. Unless we shall have an understanding that that amendment will be agreed to, I shall be compelled to object.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of this bill?

Mr. LENROOT. What does the gentleman from Oklahoma say in regard to that matter?

Mr. McCLINTIC. I agree that the amendment shall be presented, and we will support the amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

An act (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska.

The Clerk read as follows:

An act (8, 5716) to establish the Mount McKinley National Park, in the Territory of Alaska.

Be it enacted, etc., That the tract of land in the Territory of Alaska particularly described by and included within the metes and bounds, to wit: Beginning at a point as shown on Plate III, reconnoissance map of the Mount McKinley region, Alaska, prepared in the Geological Survey, edition of 1911, said point being at the summit of a hill between two forks of the headwaters of the Toklar River, approximate latitude 63° 47′, longitude 150° 20′; thence south 66° 20′ west 10 miles; thence south 68° west 60 miles; thence in a southeasterly direction approximately 28 miles to the summit of Mount Russell; thence in a northeasterly direction approximately 89 miles to a point 25 miles due south of a point due east of the point of beginning; thence due north 25 miles to said point; thence due west 28 miles to the point of beginning, is hereby reserved and withdrawd Sim and call tract is dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the Mount McKinley National Park.

Sec. 2. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purposes whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land.

Sec. 3. That whenever consistent with the primary purposes of the park the act of February 15, 1901, applicable to the location of rights of way in certain national parks and national forests for irrigation and other purposes, shall be and remain applicable to the lands included within the park.

Sec. 5. That the said park shall be under the executive control of the Secretary of the Interior, and it shall be the duty of the said executive authority, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the

Mr. McCLINTIC. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McClintic: Page 4, line 14, after the word "park," insert the words "Provided, That no appropriation for the maintenance of said park in excess of \$10,000 annually shall be made unless the same shall have been expressly authorized by law."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN rose.

The SPEAKER pro tempore. Does the gentleman desire recognition on the amendment?

Mr. McCLINTIC. Mr. Speaker-

Mr. MANN. I suggest that the gentleman from Oklahoma, who did not take the floor until the Chair put the question, can not go on now. However, I am willing to yield to him.

The SPEAKER pro tempore. The Chair will state that the gentleman from Oklahoma was on his feet.

Mr. McCLINTIC. I did not yield the floor.

Mr. Speaker, I desire to state that in offering this amendment we are only following a precedent that has been established in the creation of all the late parks. I believe in the bill creating the Rocky Mountain Park and many others; they include this provision, which limits the amount to be expended in one year; and that being the case and having agreed with the gentleman from Wisconsin [Mr. Lenroot] that this amendment should be offered, I believe that the same should be adopted, as it will be in keeping with the policy that has already been established by the House. I hope the amendment will be adopted.

Mr. MANN. Mr. Speaker, I very much doubt the propriety of putting this limitation into these park bills. I can appreciate, however, the fact that probably more national parks will be created, since it is easy to put this proposition into the bills, than would be created if this sort of a proposition did not go

into the bill.

We passed the Rocky Mountain National Park bill a few years ago. Well, you can not do anything with the Rocky Mountain National Park with \$10,000 a year. Now we propose to create the Mount McKinley National Park, where Mount McKinley is. I believe Mount McKinley is the highest mountain on the North American Continent. The Alaskan Railroad will run not a great distance from it when it is completed, and that will not be very long, and everybody who goes to Alaska visiting will probably go to this national park, which has the most imposing scenery that can be found on the western continent outside of the Andes Mountains, and from my reading I believe it is more imposing than anything in the Andes Mountains.

Mount McKinley is said to be the most imposing mountain in the world. Because the ascent to the top is not gradual, by foothills, the distance of the mountain up in the air from the surrounding country is greater, I believe, than that of any other mountain in the world. Necessarily a good many people will go there. I am told there are great herds of caribou there and considerable herds of mountain sheep and some other wild animals. Necessarily if the park is set aside and anything is done with it, there must be some trails constructed and some guards or watchmen there. I doubt very much whether in the course of a year or two \$10,000 will be enough. Of course, I would rather pass the bill, even with the provision that there shall be no money spent, just so the park is set aside, than not to have it set aside at all. Though for the life of me, since I first read Dr. Cook's Ascent of Mount McKinley--which he never made, but a book which is probably the most graphic description of that territory that can be found anywhere-I have doubted whether anybody else could make any use of any of the icebergs or the other mountainous country included in this bill.

I do not believe it is desirable to make such limitations a fixed habit.

Mr. LENROOT. Mr. Speaker, I am opposed to the expenditure of any large sums of money on new national parks in the present condition of the Federal Treasury; but I am in favor of the creation at this time of national parks containing great scenic beauty or natural curiosities. I believe that if you strike out this limitation there will not be many more park bills re-ported from the Public Lands Committee; but they ought to be reported, not with the idea of immediate use, but to set them aside so that they will not go into private ownership, and that later on they may be developed. We now have, I believe, some 14 national parks. The bills creating the latest two have contained the limitation that is now proposed by this amendment. In the very nature of things the amount that Congress will annually appropriate for the development of parks is limited. If you strike out all limitation, and we appropriate half a million dollars a year to be divided among 14 or 16 national parks, it will amount to nothing so far as actual utility is concerned, and that money should be confined to four or five national parks until they are developed, and begin to gain some revenue such as we are now getting from the Yellowstone, and such as we are now getting from the Yosemite; but they should not be scattered through all the parks of this country. At the same time we ought to preserve them now for future generations, before a portion of them may get into private ownership. Therefore I am very much in favor of this amendment. It ought to be adopted, and so far as Alaska is concerned, by the time the Alaskan Railway is completed, by the time that tourist travel shall go there in any large numbers, will be time enough for Congress to remove the limitation that

ought to be adopted by this amendment.

Mr. WICKERSHAM. Mr. Speaker, I think generally there ought to be limitations of this kind upon these park bills. a member of the Committee on the Public Lands, I always favor these limitations with respect to expenditures on the parks of this country, generally, but I do think such a limitation in this bill is a mistake, not because the lack of it will tend in any way to destroy the great beauties of that park, but it will tend to leave open to spoliation the herds of wild game which are now within its boundaries. There is good reason for some stringent measures to be taken at this time for the protection of the game in the park. It embraces the highlands around Mount McKinley. All of it is above timber line, and all is substantially within the region of constant snow. Great glaciers are embraced within its boundaries. But the great game animals in that region resort to this park and to the high valleys around it for protection, especially in the summer time. Thousands of caribou, many moose, and herds of sheep and other wild animals are found there. The Government railroad is now being constructed along the east line of the park. Thousands of people are going in there soon, and too many will carry a gun Thousands of and be looking constantly for game; and if something is not done pretty soon for the protection of this game, it will all be killed off. So, I say again, I think now is the time to make a good appropriation for the protection of the game in the park. The great scenic beauties of the park do not need an appropriation for their protection, but the game there does need it, and needs it now.

Mr. LENROOT. Does not the gentleman think an appropriation of \$10,000 a year for the protection of game in one single park is a fairly liberal appropriation?

Mr. WICKERSHAM. It may be sufficient. I am only stating the facts. The park itself is very large, and it is approached by the game upon all sides, so that considerable money will have to be spent in protecting the game if you want it protected.

The SPEAKER pro tempore (Mr. GARNER). The question is on the amendment offered by the gentleman from Oklahoma

[Mr. McCLINTIC].

The amendment was agreed to.

Mr. MONDELL. I move to strike out section 4 and to insert the language which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 3, strike out all of section 4 and insert in lieu thereof the following:

"Sec. 4. Nothing in this act shall in any way modify or affect the mineral-land laws now applicable to lands in the said park."

Mr. McCLINTIC. I accept the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to strike out in section 7 all after the word "park," down to the end of the paragraph, excepting the proviso just adopted by the House.

The SPEAKER pro tempore. The gentleman offers an amend-

ment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 4, line 10, following the word "park," strike out the following language:

"The proceeds of leases and other revenues that may be derived from any source connected with said park shall be expended under the direction of the Secretary of the Interior in the administration, maintenance, and improvement of the park."

Mr. McCLINTIC. Mr. Speaker, I think those words ought to go out.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Wisconsin [Mr. Stafford].

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF MINE OWNERS IN FEDERAL SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18826) to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Reserving the right to object, I would like to ask the gentleman in charge of the bill whether he is quite certain that the bill as it now reads would not relieve indefinitely the officers and men of the National Guard from the necessity of doing assessment work on mining claims?

Mr. HAYDEN, I do not think so. The men are mustered into the service of the United States and mustered out again just as some of the National Guard of the District of Columbia

have been within the past few days.

Mr. MONDELL. On a hurried reading of the bill I do not see anything providing that it shall only apply to the time they are enlisted. It applies after they have been mustered into the service of the United States. If that point in an amendment was made limiting it-

Mr. MANN. If the gentleman will permit me, the same question arose in my mind, and it may be that it is a valid objection. However, on page 2, line 2, it reads:

So that no mining claim or any part thereof owned by such person which has been regularly located and recorded shall be subject to forfeiture for nonperformance of the annual assessments until six months after such owner is mustered out of the service or until six months after his death in the service.

reached the conclusion that that was a limitation.

Mr. MONDELL. It is a limitation, and yet it is rather an indefinite one, when you take into consideration the fact that this question of relief from the necessity of doing assessment work is likely to be taken into the courts.

Mr. MANN. I have not doubt what the court would determine about it, but what the department would do about it I am

not so certain.

Mr. MONDELL. If the gentleman is quite sure that a court would construe that language to the effect that the relief was only during the service I will make no objection.

Mr. HAYDEN. It is only intended as such.
Mr. MONDELL. It is evident, however, that the relief is not only during the service but for a period subsequent-

Mr. HAYDEN. For six months.

Mr. MONDELL. That is perhaps all right.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year shall not apply to claims or parts of claims owned by officers or enlisted men of the Organized Militia or the National Guard who have been mustered into the service of the United States, so that no mining claim, or any part thereof, owned by such person which has been regularly located and recorded shall be subject to forfeiture for nonperformance of the annual assessments until six months after such owner is mustered out of the service or until six months after his death in the service: Provided, That the claimant of any mining location, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, within 90 days from and after the passage and approval of this act, a notice of his muster into the service of the United States, and of his desire to hold said mining claim under this act.

The bill was ordered to be read a third time, was read the third time, and passed.

NEW DIVISION OF THE NORTHERN JUDICIAL DISTRICT OF TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19299) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk of said court, and for other purposes

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to consider the Senate bill S. 7644, a similar bill to the House bill.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to consider a similar Senate bill.

Mr. STAFFORD. Reserving the right to object, the Senate bill does not contain the amendment that the committee offered to the House bill.

Mr. MANN. I would like to ask the gentleman from Texas where did I get the impression that there was a Federal building at Wichita Falls?

Mr. STEPHENS of Texas. There is none and never has been one at Wichita Falls.

Mr. STAFFORD. I would like to ask the gentleman from Texas whether he intends to offer the committee amendment in the House bill to the Senate bill if the Senate bill is considered?

Mr. STEPHENS of Texas. The bills are identical, except that the amendment was offered to the House bill that Wichita Falls should furnish a room to hold the court.

Mr. STAFFORD. Will the gentleman from Texas offer that amendment to the Senate bill?

Mr. STEPHENS of Texas. I will.

The SPEAKER pro tempore. Is there objection? [After a The Chair hears none.

The Clerk read Senate bill 7644, as follows:

Be it enacted, etc., That the counties of Archer, Baylor, Clay, Cottle, Foard, Montague, King, Knox, Wiehlta, Wilbarger, and Young shall constitute a division of the northern judicial district of Texas.

SEC. 2. That terms of the district court of the United States for the said northern district of Texas shall be held twice each year at the city of Wichita Ealis, in Wichita County, on the fourth Monday in March and the third Monday in November. The clerk of the court for the northern district of Texas shall maintain an office in charge of himself or a deputy at Wichita Falls, which shall be kept open at all times for the transaction of the business of the court.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend the Senate bill, on page 2, line 4, after the word "court," by adding thereto the following:

"Provided, That suitable accommodations for holding court at Wichita Falls shall be provided by the county or municipal authorities without expense to the United States."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was

read the third time, and passed.

On motion of Mr. Stephens of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 19299 was laid on the table.

TRANSFER OF LAND AT FOREST GROVE, OREG., TO THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13166, authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the Department of Agriculture, for the use of the Bureau of Entomology.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to inquire of the author of the bill what is the need of this school site being transferred to the Bureau of Entomology? There is no report here from the Agricultural Department.

Mr, HAWLEY. There were some statements about it in the apers submitted favorable to the action proposed in the bill. The situation is this: The land was transferred to the Commissioner of Indian Affairs, to be located at Forest Grove, many years ago, but the school was removed to Chemawa, near Salem, and the lands have been unused by the school for a long time. They continued out of such use probably 25 years. The Bureau of Entomology in the Department of Agriculture has an experiment station located there, which has charge of all the experiments connected with the ravages of pests and insects affecting forage and other crops in the Pacific Northwest.

Mr. STAFFORD. The station is at present in existence at

this place?

Mr. HAWLEY. Yes; and they are using these lands for that

Mr. STAFFORD. I wish to know whether it was the establishment of a new station?

Mr. HAWLEY. No; it has been there established three or

four years

Mr. STAFFORD. And it is to continue a work already in progress

Mr. HAWLEY. Yes.

Mr. MANN. What is the value of this land?
Mr. HAWLEY. I have no idea. It is not a valuable tract; it is a small tract, less than an acre, I think.

Mr. MANN. What would the Bureau of Entomology do with

Mr. HAWLEY. They plant clover and other crops on the land that are affected by pests, and they make experiments and study the life history of the pests, and instead of having to go out to the fields where the pests are infesting the crops they can make these studies on this tract.

We will have to pay for this land, will we not? Mr. HAWLEY. No. It was given to the Commissioner of Indian Affairs in the Department of the Interior.

Mr. MANN. It Mr. HAWLEY. It was deeded to him as a trustee, was it not? Y. Yes; as I recall.

Mr. MANN. Will we not have to pay for the land?

Mr. HAWLEY. No.

Mr. MANN. Plainly we will, unless the gentleman has more information than is contained in the report:

\* \* The land involved at Forest Grove was purchased with funds contributed by persons interested in the Indians' welfare and deeded to the "Commissioner of Indian Affairs for the time being, as trustee for the Forest Grove Indian Training School, and to his successors in office." As the land at Forest Grove is not in use, the Indian school now being located at Salem, and as Congress makes gratuity appropriations for the support of the school at the latter place, I see no objection to the enactment. \* \*

But if the gentleman stays in Congress for two years more he will be offering a bill to send the claim of these Indians to the Court of Claims to find out what this land is worth, so as to reimburse them.

Mr. HAWLEY. The gentleman from Oregon would introduce no such bill, because the land was donated by public-spirited no such bill, because the land was donated by public-spirited citizens for the benefit of the Indian school, and when the Indian school was removed gratuity appropriations were made and are now being made for the purpose of supporting the school. The people who donated the land told me they would like to have it now used for this station.

Mr. MANN. Let me give the gentleman one instance, and then I will not say anything more. Not long ago we referred a matter to the Court of Claims, and the Court of Claims found that we owed the Cherokee or some other tribe of Indians \$1,000,000 and more as of 1838—everybody dead and gone who knew anything about it—upon which we are paying 5 per cent interest since 1838, and some day we will pay for this land and 5 per cent interest.

Mr. HAWLEY. I think not. The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.
Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that
it be considered in the House as in the Committee of the Whole. The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc.. That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to transfer all right, title, and interest in fractional block 6 of Naylor's addition to the city of Forest Grove, in Oregon, to the Secretary of Agriculture, for the use of the Bureau of Entomology.

With the following committee amendments:

Page 1, line 7, strike out the words "Secretary of Agriculture" and insert in lieu thereof the words "United States of America."

Page 2, line 1, after the word "Entomology," insert the words "Department of Agriculture."

The SPEAKER. The question is on agreeing to the amend-

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the

Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture."

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the bill (H. R. 20967) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 1508), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL. Mr. Speaker, I reserve all points of order on

The SPEAKER. The gentleman from Wyoming reserves all points of order on the bill.

EXCHANGE OF LANDS IN WYOMING.

The next business on the Calendar for Unanimous Consent was the bill (S. 4282) to permit the State of Wyoming to relinquish to the United States lands heretofore selected and select other lands from the public domain in lieu thereof.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.
Mr. MONDELL. Mr. Speaker, will the gentleman object to allowing the bill to remain on the Unanimous Consent Calendar? Mr. MANN. Mr. Speaker, the gentleman has the right to put

Mr. MONDELL. I hope that the gentleman will not object to its remaining on the calendar. It is a very important piece of legislation, and I hope I may persuade him that it ought to pass.

The SPEAKER. Has the gentleman any request to make? Mr. MANN. The gentleman can place it upon the calendar.

Mr. MONDELL. It will go to the foot of the calendar.
Mr. MANN. I think it ought to go to the foot of the calendar. I think we will be able to run through the calendar before the

end of the session.

The SPEAKER. The gentleman from Illinois objects.

### AIDS TO NAVIGATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19067) to authorize aids to navigation and for other works in the Lighthouse Service, and for other pur-

The SPEAKER. Is there objection?

Mr. COX. I object.

The SPEAKER. The gentleman from Indiana objects, and the bill is stricken from the calendar.

Mr. ADAMSON. Mr. Speaker, is the gentleman willing to reserve that objection?

I will reserve it for a moment, but I am going to Mr. COX. object to it.

Mr. ADAMSON. Mr. Speaker, I wish to state this is the department's bill authorizing such aids to navigation as appear to be necessary to the service. They are not appropriations, but merely authorizations, a very important bill, and should pass in my judgment and in the judgment of the committee. The department is very anxious it should be considered, and I do not think the gentleman ought to object to it.

The SPEAKER. Is there objection?
Mr. COX. I object.
The SPEAKER. The gentleman from Indiana objects, and the bill is stricken from the calendar.

#### NATIONAL EMPLOYMENT BUREAU.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 5783) to provide for the establishment of a national employment bureau in the Department of Labor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?
Mr. COX. Mr. Speaker, I object.
The SPEAKER. The gentleman from Indiana objects, and the bill is stricken from the calendar.

## ADDITIONAL JUDGE FOR MONTANA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 789) providing for an additional judge for the district of Montana.

The Clerk read the title of the bill. The SPEAKER. - Is there objection? Mr. MANN. Mr. Speaker, I object.
The SPEAKER. The bill is stricken from the calendar,

Mr. EVANS, Mr. Speaker, will the gentleman from Illinois reserve his objection and let the bill remain on the calendar? Mr. MANN. The gentleman can put it on the calendar, where

it will go in the proper place. I will say, frankly, I think we ought some way at some time to go clear through the Unanimous Consent Calendar. Nearly every time when one of the old bills is considered on the calendar and objection is made, the gentleman in charge of it wants to have the objection reserved and to make a speech on it. The gentleman can put his bill on the calendar again: he is not denied that right.

Mr. HULBERT. Mr. Speaker, I desired to reserve the right to object to this bill for the purpose of getting some information. Mr. MANN. I think we ought to go on to the next bill, so I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

## DESERT-LAND ENTRIES.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1068) relating to desert-land entries. The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none,

The Clerk read as follows:

Be it enacted, etc., That the right to make a desert-land entry shall not be denied to any applicant therefor who has already made an enlarged-homestead entry of 320 acres: Provided, That said applicant is a duly qualified entryman and the whole area to be acquired as an enlarged-homestead entry and under the provisions of this act does not exceed 480 acres.

The bill was ordered to be read the third time, was read the third time, and passed.

## SAFETY OF EMPLOYEES AND TRAVELERS UPON RAILROADS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15950) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911.

The Clerk read the title of the bill The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object. The SPEAKER. The bill is stricken from the calendar.

### UNITED STATES DISTRICT ATTORNEY, RHODE ISLAND.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10110) to increase the salary of the United States district attorney for the district of Rhode Island.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the United States district attorney for the district of Rhode Island shall be at the rate of \$5,000 a year.

The committee amendment was read, as follows:

Strike out, in line 5, the figures "\$5,000" and insert in lieu thereof \$3,500."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

## NATIONAL RESOURCES OF THE PUBLIC DOMAIN.

The next business in order on the Calendar for Unanimous Consent was H. Res. 418, authorizing certain members of the Committee on the Public Lands of the House of Representatives to make investigations relative to national resources of the public domain.

The Clerk read the title of the House resolution.

The SPEAKER. Is there objection?
Mr. COOPER of Wisconsin. Mr. Speaker, I object.

Mr. MANN. Will the gentleman withhold his objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I reserve the right to object

Mr. MANN. I want to ask a question. Did the gentleman ascertain whether a simple resolution of this sort would have any effect or not?

Mr. FERRIS. I did take it up with the Committee on Accounts after talking to the gentleman from Illinois, and they said there were two precedents where it was held to be sufficient; one of them was the half-and-half investigation and one other that-

Mr. MANN. That this House can by resolution provide for expenditure of the contingent fund after the final adjournment of Congress?

Mr. FERRIS. I remember the suggestion of the gentleman-

Mr. MANN. Or was the other in vacation?

Mr. FERRIS. The other was in vacation, just as this is. Mr. MANN. That is between sessions; that is quite a different

Mr. FERRIS. Oh, no; it carried on over to the succeeding Congress. It is an identical case with this.

Mr. MANN. After the final adjournment of Congress?

Mr. FERRIS. After Congress had adjourned. suggestion of the gentleman from Illinois. I followed his suggestion and consulted the chairman of the Accounts Committee. I feel sure the resolution will accomplish it.

The SPEAKER. Is there objection? Mr. COOPER of Wisconsin. I object.

Mr. FERRIS. Will the gentleman from Wisconsin reserve the right to object for a moment?

Mr. COOPER of Wisconsin. No; I think I will object. The SPEAKER. The bill is stricken from the calendar.

BADGE OF UNITED DAUGHTERS OF CONFEDERACY OF VIRGINIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19771) to permanently renew patent No. 24917.

The SPEAKER. Is there objection?
Mr. BORLAND. Reserving the right to object, can we have

the bill reported? The SPEAKER. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That a certain design patent issued by the United States Patent Office of date November 28, 1895, being patent No. 24917, is renewed and extended for a period of 14 years from and after the passage of this act, with all the rights and privileges pertaining to the same as of the original patent, being generally known as the badge of the United Daughters of the Confederacy of Virginia.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. tion is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to renew patent No. 24917."

PURCHASE OF EMBASSY, ETC., BUILDINGS ABROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19122) to amend the act of Congress of February 17, 1911, entitled "An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

The SPEAKER. Is there objection?
Mr. STAFFORD. I object.
Mr. ROGERS. Will the gentleman reserve his objection?
Mr. STAFFORD. I reserve it.
Mr. ROGERS. This bill was reported unanimously from the Committee on Foreign Affairs after full hearings. It is an exceedingly opportune moment to pass the bill at the present time because of the fact that the American dollar is worth very much more in making purchases abroad of embassies and lega-tions than it would be after the war. The State Department is particularly anxious to have an embassy purchased at Petrograd. There is said to be a discount of 40 per cent on the ruble, so that our money would go almost half again as far as it would in normal financial times.

Mr. MANN. If that is the case we would purchase now practically for \$150,000 what would cost in times past \$220,000? Mr. ROGERS. The proposition now is to pay \$450,000 for a building that would cost about \$650,000 in peace times.

Mr. STAFFORD. The gentleman is not considering the condition of the Treasury at the present moment.

Mr. ROGERS. The gentleman understands that this measure involves the expenditure of not an additional dollar beyond that contemplated under the Lowden Act.

Mr. STAFFORD. I understand that we leave the exemption

of \$150,000

Mr. ROGERS. The Lowden Act limited the expenditures to \$150,000 in any one city. The effect of that has been that we have been unable to purchase any embassies or legations in the great capitals of Europe, where we needed them the most.

Mr. MANN. The gentleman said this would not affect the intent of the Lowden Act. I drew the Lowden Act myself. would say it would very materially affect the intent of it.

Mr. ROGERS. I did not say it would not affect the intent of it. I said it would not necessarily involve the United States

in any additional financial outlay.

Mr. MANN. It would involve the United States in a great deal more money in the course of years. I am not undertaking to say whether we ought to have it or not. The Lowden Act was the result of years of agitation. It was, of course, a com-promise. The gentleman from Ohio [Mr. Longworth], before Mr. Lowden was here, had the same proposition pending before the House. The Lowden Act was a compromise. The gentleman's amendment now proposes to lift the lid off entirely, with absolutely no limitation as to the amount the Government may pay at any one place.

Mr. ROGERS. Within the \$500,000.

Mr. MANN. Not at all within the \$500,000 limit. If you spent only \$500,000 in one year, you might take 10 years in paying for the place, and the gentleman's bill now would make in order a provision to pay \$2,000,000 for a building at Petro-

Mr. ROGERS. Would the gentleman be willing to tolerate a modification of the language?

Mr. Mann. I am only calling the attention of the gentleman to what would be done. I have not raised any objection myself.

Mr. LONGWORTH. May I have the attention of the gentleman from Wisconsin [Mr. Stafford]? Would the gentleman

object to the bill if an amendment should be offered to restore the present limit of \$150,000 in any one place except in places where the population is in excess of 1,000,000?

Mr. STAFFORD. I thought of putting a limit there of

\$150,000.

Mr. FITZGERALD. Let me ask the gentleman a question. What is the purpose of this bill? To permit the purchase of an embassy at Petrograd?

Mr. LONGWORTH. Not directly.
Mr. FITZGERALD. I think that is the real purpose of it. They tried to put it in the diplomatic bill, and could not, because it was not authorized by law. Then they tried to put it in the deficiency bill, and now they try to put it on this bill.

Mr. LONGWORTH. If the gentleman will pardon me, this

would have nothing to do—

Mr. FITZGERALD. The only place now in the world where that price would prevail is at Petrograd, where they are pro-

posing \$485,000.

Mr. LONGWORTH, The gentleman recognizes, of course, that under the Lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the \$150,000 that under the lowden bill if we do not raise the lowden bill if we do not raise the low limit we will never have an embassy building in Petrograd, Berlin, Vienna, or Paris.

Mr. FITZGERALD. Why not?
Mr. LONGWORTH. Because it is utterly impossible for us to get suitable land in those cities for that purpose.

Mr. FITZGERALD. That is nonsense. You can get it in

New York for that.

Mr. LONGWORTH. While I do not particularly recommend that this building should be at Petrograd or at any one capital, it is impossible under the present law ever to have suitable embassies in the large capitals. And when I say suitable embassies, I do not mean the buildings to be used only for the embassies, but for the chancellories as well.

That is where the actual business of the American Government will be carried on, instead of at some office down a by-

street as it is in most cases now.

Mr. MANN. Will the gentleman from Ohio or the gentleman from Massachusetts give me this information? Has a building been selected at St. Petersburg? I use the term "St. Peters-

Mr. LONGWORTH. Yes.

Mr. MANN. How many rooms has it in it? Mr. LONGWORTH. A very large number.

Mr. MANN. How many? Mr. LONGWORTH. I think there are 70.

Mr. MANN. Seventy or one hundred? Mr. LONGWORTH. As I remember the correspondence, which, by the way, was confidential, I think there were 70.

Mr. MANN. I do not know where I got the information; it

may have soaked into me somewhere, and I may not have got-ten the right impression, as in that other case, but my impression is that they have picked out a building with 100 rooms in it.

Mr. ROGERS. When the committee selected the limit or classification named there was no question of any particular city that would be benefited by this bill.

The SPEAKER. Is there objection?
Mr. FOSTER. I object, Mr. Speaker.
The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next bill.

## ENTRY ON RECLAMATION WITHDRAWALS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17085) to permit homestead and desert-land entry on lands withdrawn for reclamation purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.
The SPEAKER, The gentleman from Wisconsin objects. The bill will be stricken from the calendar.

Mr. SINNOTT. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. STAFFORD. Yes. I will be glad to accommodate the gentleman.

The SPEAKER. The gentleman withholds his objection. Mr. SINNOTT. Mr. Speaker, in the various Western States there are now withdrawn from all forms of entry over 11,000,000 acres of land including some privately owned land. This land is lying idle at the present time and is not used by anybody. bill will permit this land to be entered subject to the right of the Government to take over the land whenever it is needed for reclamation purposes. It will put into immediate use 11,000,000 acres. In the State of Oregon alone there are something like 1,900,000 acres withdrawn from entry and withdrawn from use.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SINNOTT. Certainly.

Mr. MANN. Admitting the full force of what the gentleman says, does he doubt, if some one would go on the land under the terms of this act and afterwards the Government should want the land, and that man has improvements on it, we would be asked to pay for those improvements?

Mr. SINNOTT. No. The man specifically enters the land, with the understanding that he is not to be compensated.

Mr. MANN. If a man enters homestead land to-day, the Government makes no guarantee to him, and yet we have a number of bills on the Private Calendar now to pay money to men who located lands that they afterwards bought.

Mr. SINNOTT. He makes the entry without specific agree-

ment.

Mr. MANN. He does that when he goes on the homestead, too.

Mr. SINNOTT. He specifically waives any claim there.
Mr. MANN. It would not make any difference what he waives. He might die. Whether he did or not, there would be a claim made here inevitably. I think something ought to be done, but I do not really believe that this is the way to do it

Mr. SINNOTT. If he would apply to Congress for reimbursement hereafter, his damages would amount to very little. It would be only a right of way for a ditch or something like

that.

Mr. MANN. Suppose he had a building on the land and the land was afterwards overflowed and the building ruined or destroyed?

Mr. SINNOTT. He would get nothing. Mr. MANN. It would be unconscionable on the part of the Government to permit him to go ahead and construct a farmhouse and a barn and other buildings and then take it away without paying him for them.

Mr. SINNOTT. He does that at his own hazard. It would

be better to do that than to have 11,000,000 acres lying idle and

useless

Mr. MONDELL. Mr. Speaker, the way to remedy this sort of thing is to get the department to restore these lands that are not needed and are not used for reclamation purposes. We in the other public-land States have difficulties similar to those encountered by the gentleman from Oregon. I have a number of cases now pending before the department of that kind. If the gentleman will labor long enough and industriously enough with the department, I think he can get them to restore those lands that can be clearly shown will not be used for reclamation purposes, and if that condition can not be shown the lands would not be entered, because, as the gentleman from Illinois [Mr. Mann] has well said, we should not allow settlers to go upon lands, even by waiving all of their rights, if the lands are eventually to be desired and taken over by the Government for its purposes

Mr. SINNOTT. We have labored long and industriously to get these lands restored. Some of these lands will ultimately be irrigrated, but from the report of the Secretary of the Interior it is apparent that there will be no money available probably in the next 15 or 20 years to get these lands irrigated. In the meantime the land should be tilled and cultivated.

Mr. BORLAND. Mr. Speaker, will the gentleman yield? Mr. SINNOTT. Yes.

Mr. BORLAND. Does not the gentleman recollect that one of the objections that the department has always made to the original reclamation law was that it permitted this very thing? It permitted homestead entries upon lands that were to be withdrawn for reclamation,

That has been one of the greatest difficulties encountered in carrying out that act. People would rush upon the land that the department was not prepared to irrigate, and although they were there, knowing that there was no plan to irrigate the land, there would be a constant moral claim that the Government should do something for them. And then again, as the gentleman knows, when the lands are finally irrigated some man may have a homestead or a desert-land claim that is entirely too large for him to irrigate, and he is placed in the position of a speculator or else he is withholding his land from the use which is contemplated under an irrigation project.

Mr. SINNOTT. Under the old law they had the right to make entries as a matter of right. Under this bill they make entry only in the discretion of the Secretary of the Interior. The bill is intended to relieve a situation which has caused much embarrassment in the department according to the Sec-

retary's report on this bill.

Mr. BORLAND. If these lands are finally irrigated, some man with 160 acres as a homestead will have more land there than can possibly be cultivated, and he will be in a position where he can not respond to either the construction or other

Mr. SINNOTT. He will have to conform to the farm unit

established by the Secretary.

Mr. BORLAND. You are asking him to do something that he has no right to do, and you are giving him a 160-acre home-

stead. These lands should be left in a position where they can be restored to entry.

Mr. SINNOTT. I can not agree to that. The SPEAKER. Is there objection?

Mr. STAFFORD. I object.
The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

RECLAMATION OF CERTAIN LANDS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20362) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

Mr. BORLAND. Reserving the right to object, I should like to have the bill reported.

The SPEAKER. The Clerk will report the bill.

The bill was read,
The SPEAKER. Is there objection?
Mr. BORLAND. Mr. Speaker, reserving the right to object, I should like to have the gentleman explain the merits of this proposition.

Mr. SINNOTT. The company which has contracted to reclaim these lands has been unable to reclaim them within the allotted time.

Mr. BORLAND. That is 15 years, is it not? Mr. SINNOTT. Yes. The time will expire on list No. 6 next February, and on the other list two years after that. The company claims to have expended \$1,500,000 up to the present time in the reclamation of these lands,

Mr. BORLAND. How has that money been expended? What

has been done with the \$1,500,000?

Mr. SINNOTT. It has been expended on a dam on the Des Chutes River and on a number of canals, as is shown in the report. There are at the present time on this project 1,500 settlers and 730 farms. The appraisal of the farms last year, 1916, was \$2,502,000.

Mr. BORLAND. What has been the obstacle to their com-

pleting their improvements within the 15 years?

Mr. SINNOTT. They have had both financial and physical difficulties-financial difficulties in securing the money and physical difficulties in the character of the country they have had to run through. They are irrigating in a volcanic country.

Mr. MANN. Is it not also true that they have gone ahead

as fast as they could get settlers? Mr. SINNOTT. . The report of the State land board shows

Mr. MANN. Have they not always had more land than they have had settlers coming in?

Mr. BORLAND. They all have that condition, but here is what I would like to ask the gentleman: What is the prospect of their being able to attain ultimate success? The gentleman says they are irrigating in a volcanic country, where there are physical difficulties. Are they going to be able to bring the

project to success?

Mr. SINNOTT. They have remedied a number of these difficulties, and they expect to achieve success within the 10-year extension period. This is similar to the ordinary Government reclamation project. They had to extend the time on those Government projects for 20 years, and they have met some of the same difficulties.

Mr. BORLAND. If they have expended their money in good faith, I am inclined to think they ought to be given a chance.

Mr. MANN. I think the gentleman will find one of the main

reasons for asking the extension is that they have not been able to certify that they have the required number of settlers on some of this land, as the law requires.

Mr. BORLAND. If they have expended their money in good faith and have a reasonable prospect of success in the future, I think they ought to have a chance.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.
Mr. SINNOTT. I ask unanimous consent that the corresponding Senate bill (S. 8044) be substituted for consideration in place of this bill.

Mr. FERRIS. And that it be considered in the House as in Committee of the Whole.

Mr. SINNOTT. And that it be considered in the House as in

Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent to consider this bill in the House as in Committee of the Whole, and that the Senate bill (S. 8044) be substituted for the House bill. Is there objection?

There was no objection.
The SPEAKER. The Clerk will report the Senate bill.
The Clerk read the bill (S. 8044) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, within his discretion, to extend for a period of not exceeding 10 years the time of segregation in the Oregon Carey Act segregation lists Nos. 6 and 19, the two areas comprising 140,714 acres, in the aggregate, approximately 86,000 acres of which are irrigable, same being situated in Crook County, Oreg.: Provided, That the Secretary of the Interior is further authorized to grant to the State of Oregon a similar extension of 10 years for the reclamation of said lands in addition to the time allotted under existing rules, regulations, contracts, and laws.

The bill was ordered to a third reading and was accordingly.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Sinnott, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent the corresponding House bill (H. R. 20362) was laid on the table.

### ALCOHOLIC-LIQUOR ADVERTISING.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18986) to exclude alcoholic-liquor advertising from the United States mails.

The Clerk read the title of the bill. The SPEAKER. Is there objection? Mr. HULBERT. I object.

The gentleman from New York will realize Mr. RANDALL. that the whole agony is coming up to-morrow anyway. Why not have part of it to-day? To-morrow the House will be asked to concur in a similar amendment to the Post Office appropriation bill, including the Reed amendment. Will the gentleman withdraw his objection?

Mr. HULBERT. No; I must press the objection. I do not think it is a matter to be disposed of by unanimous consent.

The SPEAKER. Is there objection? Mr. HULBERT. I object.

#### LANDS IN GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 778) to authorize an exchange of lands with owners of private holdings within the Glacier National Park.

The Clerk read the title of the bill. The SPEAKER. Is there objection? Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar.

## SURPLUS COAL LANDS IN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?
Mr. MONDELL. I object.
The SPEAKER. The gentleman from Wyoming objects. The bill will be stricken from the calendar.

## PROOF OF WIDOWHOOD IN PENSION CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20353) concerning proof of widowhood in claims for pension.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?
Mr. STAFFORD. I object.
The SPEAKER. The gentleman from Wisconsin objects. The bill will be stricken from the calendar.

Mr. FULLER. Mr. Speaker, would it be in order now to move to suspend the rules and pass this bill?

The SPEAKER. It would not. The Clerk will report the next bill.

## PUBLIC BUILDING AT PITTSTON, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18894) to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.

The SPEAKER. Is there objection?
Mr. CASEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.. That the provision of the public-building act approved March 4, 1913 (37 Stat., p. 876), which authorizes the acquisition of a suitable site, etc., at Pittston, Pa., be, and the same is hereby, amended so as to add the following proviso, namely:

"Provided. That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores or minerals on the lands with the right of mining the same."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Casey, a motion to reconsider the vote whereby the bill was passed was laid on the table.

### HOMESTEAD ENTRY ON WATER-POWER SITES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7632) to provide for a homestead entry on water-power sites.

Is there objection? The SPEAKER.

Mr. MANN. I object.

#### CLAIM OF CHEROKEES FOR INTEREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6444) providing for the payment of certain items of interest on the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokees, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. HASTINGS. Will the gentleman reserve his objection?

Mr. MANN. I will at the request of the gentleman.
Mr. HASTINGS. Mr. Speaker, the Court of Claims in 1905
rendered a judgment in favor of the Cherokee Nation in which there were four items. Subsequently, in 1910, the large items of this money was paid. The Indians have claimed ever since that there was an error in the calculation of interest allowed by the court as paid to them. I introduced a bill—H. R. 6444—making an appropriation for it. It was referred to the Commaking an appropriation for it. It was referred to the Committee on Indian Affairs, and it referred it to the Secretary of the Interior for report. The Secretary of the Interior referred it to the comptroller, who admitted that there was an error. In the meantime the House Committee on Indian Affairs has reported back H. R. 6444 in two sections. Section 1 makes the appropriation for interest on two items. The next section referred the whole matter to the Court of Claims. In the means appropriation for interest on two items. The next section referred the whole matter to the Court of Claims. In the meantime the Senate passed a bill practically the same, except a slight amendment in four or five words, as section 2. The bill that passed the Senate is now here on the Speaker's table. It was my purpose, if this bill was considered, to ask that the Senate bill be substituted.

Mr. MANN. Mr. Speaker, some years ago a bill was passed authorizing the Cherokee Tribe of Indians to file suit in the Court of Claims. I think it was a slimpsy claim, but the Court of Claims did not agree with me. They found the Government of Claims did not agree with me. They found the Government of the United States, among other items, owed these Indians the sum of \$1,111,284.70 and interest thereon at the rate of 5 per cent from June 12, 1838, to date of payment. The interest figured to date amounts to nearly five times what the principal amounted to. A pretty slimpsy claim to begin with.

Mr. HASTINGS. But the Supreme Court of the United

States affirmed the decision of the Court of Claims.

Mr. MANN. Oh, yes; but that means that the Indian attorneys were brighter than those for the Government, and so forth. Now, having obtained 5 per cent interest on this old stale claim since 1838 they want a little more interest on some other claims on technical grounds. They had no legal claim at first. They would not be willing to go back and open up the whole suit to say whether they were entitled to any interest or anything on their claim at all.

Mr. HASTINGS. I am willing the gentleman should frame an amendment to open up the whole suit, and if he will put it on this bill I will be glad to accept it. I claim that it is a meri-

torious claim.

Mr. MANN. If the gentleman can get an agreement with the Senate that we have legal authority to set aside the judgment and put that in the bill, we can pass it so quickly that it will make his head swim.

Mr. HASTINGS. Oh, we would not go back and set aside the old judgment. I mean to say that we would be glad to look into the merits of this claim.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

## OLLALA SLOUGH, LINCOLN COUNTY, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 1697) to declare Ollala Slough, Lincoln County, Oreg., nonnavigable.

The SPEAKER. Is there objection?

Mr. RAKER. I reserve the right to object. Mr. COOPER of Wisconsin. I am wondering how the majority of us know whether that is navigable or nonnavigable.

Mr. HAWLEY. Offala Slough is a small branch of the Yaquina River, emptying into the river about 12 or 14 miles from the ocean. It is navigable at its mouth. I have forgotten how wide it is, but for some 2 miles there is some navigation which is not involved in this bill, but above that it is only the lower reach of a small mountain stream. This bill proposes to build a dike at the upper end of the 2-mile portion to reclaim the land, which is salt land and of little value.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes. Mr. GARRETT. Has the portion which the gentleman desires to affect been under improvement by the Federal Govern-

Mr. HAWLEY. It never has, The Ollala Slough has never been under improvement by the Federal Government.

Mr. GARRETT. Why does the necessity exist for having the Government declare a negative? Navigability is not a It is a matter of fact. matter of law.

Mr. HAWLEY. If the gentleman will yield, in a number of instances coming under my observation the department holds that water which can be used to float saw logs on or run a canoe upon and which has been so used is navigable, and that it can not be closed without consent of Congress

May I ask the gentleman, for my own in-Mr. GARRETT. formation, does the idea of the navigability grow out of the fact that these were all once Government lands? Is there anything of that sort involved in it?

Mr. HAWLEY. I think not.
Mr. GARRETT. This has been a somewhat interesting question to me.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield? Mr. GARRETT. In a moment. Drainage propositions have arisen in the section which I have the honor to represent, and there have been some appeals to me at times to undertake to secure the passage of measures declaring certain streams not I have taken the position that the question of navigability of a stream is a matter of fact rather than a matter of law. There have been parts of certain streams under improvement by the Federal Government, but all we had to do there was to go to the War Department, submit our plans, and secure the permission. I will say that the improvement had been abandoned.

Mr. MANN. If the gentleman will permit, I think we have a case in our State where private parties spent a large sum of money upon the improvement of Des Plaines River, upon the theory that it was nonnavigable; then, when it became an important matter in connection with the drainage canal, the Government instituted a suit to declare that it was navigable. course it is a question of fact. The suit was instituted, and that is what everybody wants to avoid—making an improvement where a suit may afterwards be instituted to set it aside.

Mr. GARRETT. I am not going to object to the bill.

Mr. HAWLEY. Along the same line the gentleman was speaking upon a moment ago—about four years ago authority was given by a permit of the War Department to construct a dike across the slough, with a gate through which boats could pass. This was located near the mouth of the slough. That dike was constructed and the gate was put in, but objection was made, and it was ordered that the gate be taken out. The people who put in the money lost all of it. They are now going back farther up the slough where it will never be used for any navigation whatever, to enable 14 farmers to reclaim their lands—some 250 acres—that are now worth only a few dollars an acre, but which when redeemed will be worth up to \$500 an acre for dairy purposes—the richest kind of land.

Mr. GARRETT. I am not objecting to the bill, but it does seem to me a very peculiar thing that a Government should have to declare a negative, in order to reach the thing which the gentleman desires, because, as I have said, the navigability of a stream is not a question of law but is a question of fact.

Mr. MANN. This is navigable by rowboat.

Mr. HAWLEY. At high tide.

Mr. GARRETT. If I may be permitted to express this opinion, the mere declaration here that it is nonnavigable, while it will be very persuasive in the future, would not pre vent a future Congress from reiterating that it was a navi-

Mr. MANN. Mr. Speaker, I want to ask the gentleman from Oregon a question. Ollala Slough has a very familiar sound to me. I am sure it has been here before. Have we not passed a bill relating to this Ollala Slough at some time?

Mr. HAWLEY. Yes; the one to which I referred a moment

Mr. MANN. The gentleman did not refer to any bill. understood him to refer to a permit of the War Department.

Mr. HAWLEY. Then there was an act passed following the permit from the War Department.

Mr. MANN. I thought we had given a permit at some time to construct a dam.

Mr. HAWLEY. Farther down; and that proved impracticable, and now they are going back up beyond any possibility of navigation.

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. How much land is there involved in this?

Mr. HAWLEY. There will be about 250 acres reclaimed. What is the depth of the water above the point Mr. RAKER.

where the gentleman asks to have it declared nonnavigable? Mr. HAWLEY. Where the dike is to be located, at high water there will be about 4 feet, but when the tide is out there

will be very little, with what fresh water there is coming down. Mr. RAKER. The 250 acres now belong to the Government of the United States?

Mr. HAWLEY. They do not. They belong to private citizens, every acre of it. They own the whole thing; it is in their deeds. There is not a foot of land that the Government has any shadow of claim to at all.

Mr. RAKER. I do not quite get the point of the gentleman if it is all private land. I do not see how you can figure on the question of its being nonnavigable.

Mr. HAWLEY. They wish to shut the tide out; that is all.

The tide runs over this land, and they want to shut it out. Mr. RAKER. Does not the Government have control over the

land where the tide ebbs and flows?

Mr. HAWLEY. Only in the channel for navigation purposes. This slough was never meandered and the deeds call for every foot of the land. There is no question, and the War Department raises no question about it being privately owned land. They would have given the permit, but such a permit could be revoked after the dike was constructed and the farmers sub-This is to enable the people to build a dike that jected to loss. will stay there.

Mr. RAKER. I still do not get the gentleman's point of view-of its being privately owned land. Where does the gentleman get the idea the Government has no control over it?

Mr. HAWLEY. It does have control of it now for the purpose of maintaining the navigability of the stream. This bill proposes to cut off three-quarters of a mile at the upper end of the slough where there is no navigation.

Mr. RAKER. As a matter of fact, does not the tide ebb and

flow over this land?

Mr. HAWLEY. Yes. Mr. RAKER. Does not the Government have absolute control over land where the tide ebbs and flows over it?

Mr. HAWLEY. It has control over the navigable portion of the stream.

Mr. RAKER. They are navigating on this farm; that is all

Mr. BENNET. Is not the exact situation that the War Department wants to be put in a position where, in relation to dikes, they will not have to give a dam? [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote

by which the bill was passed was laid on the table.

# TEMPORARY VACANCIES IN LAND OFFICE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 19781) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices.

The Clerk read the title of the bill. The SPEAKER. Is there objection? Mr. MONDELL. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wyoming objects.
Mr. HAYDEN. Will the gentleman reserve his right to

Mr. MONDELL. I will.

Mr. HAYDEN. I want to say the Senate has passed the Senate bill 7767, an identical bill which I want to substitute for the House bill. If consent can be given, I shall move to amend the Senate bill in accordance with the report of the House Committee on the Public Lands.

Mr. MONDELL, Mr. Speaker, I will say to the gentleman that certain folks have for years been trying to secure legislation un-der which settlers on the public domain from the time they first make their filing until their patents are finally denied years afterwards shall never have the opportunity to appear before

anyone except a clerk in the classified service of the Government, who in many cases has little sympathy for them, knows very little about the conditions under which they make and hold their entries, and is about the last man in the world who ought to be allowed without review to settle their cases. As the law now stands, registers and receivers are drawn from the body of the people in the country where public lands are entered. of the people in the country where public lands are entered. They are supposed to know, and generally they do know, about the lands and laws they administer. They are in sympathy with the men who, amid the hardships of the frontier, are trying to transform the wilderness into homes and make it fit to live upon. So far as I am concerned I shall never consent, I shall do all I can to prevent substituting for these judges, taken from the standard free the stand the people and familiar with the situation, a clerk sent from the Land Office here, who may be entirely without qualifications to be a judge of the bona fides and good intentions of homestead settlers.

Mr. HAYDEN. If the gentleman will pardon me, the committee amendment provides he shall be an employee of the local land office. He will only be a temporary officer pending the ap-

pointment of a register and receiver.

Mr. MONDELL. Under the bill they can take a civil-service clerk from the Land Office, from the department here, who never saw an acre of public land, send him out to a local land office to-day, and to-morrow make him register or receiver. The gentleman says it is temporary. It might be, but on the other hand there is nothing to prevent these assignments becoming permanent. In fact, under this bill as the terms of the present registers and receivers expire clerks might be assigned to their duties permanently. In fact, under this bill in due time civil-service clerks might take and keep all the positions now held by regis-I am against it.
Is there objection? ters and receivers.

The SPEAKER. Mr. MONDELL. Mr. Speaker, I object.

RELIEF OF CERTAIN DESERT-LAND ENTRYMEN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 18825) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

Chair hears none.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that the committee amendment be read in lieu of the bill.

The SPEAKER. The gentleman asks unanimous consent that the committee amendment be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Strike out all after the enacting clause, down to and including line 11, on page —, and insert the following:

"That the provisions of the last three paragraphs of section 5 of the act of March 4, 1915, 'An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes,' be, and the same are hereby, extended and made applicable to any lawful pending desert-land entry made prior to March 4, 1915: Provided, That in cases where such entries have been assigned prior to the date of the act, the assignees shall, if otherwise qualified, be entitled to the benefit hereof."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Timberlake, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROBATION SYSTEM IN THE UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20414) for the establishment of a probation system in the United States courts, except in the District of Columbia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 20414) for the establishment of a probation system in the United States courts except in the District of Columbia.

Be it enacted, etc., That the courts of the United States having original jurisdiction of criminal actions, except in the District of Columbia, shall have power in any case, except those involving treason, murder, rape, arson, kidnapping, or a second conviction of a felony, after conviction or after a plea of guilty of a felony or misdemeanor and after the imposition of a sentence thereon but before commitment, to place the defendant upon probation, provided that it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public

as well as of the defendants would be subserved thereby, and may suspend the execution of the sentence for such time and upon such terms as may be deemed best. The probationer shall be provided by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereon. He shall observe the rules prescribed for his conduct by the court and report as directed. No person shall be put on probation except with his or her consent.

SEC. 2. That upon the expiration of the term fixed for such probation, the court may thereupon discharge the probationer from further supervision, or may extend the probation, as shall seem advisable. At any time during the probationary term the court may modify the terms and conditions of the order of probation, or may terminate such probation, when in the opinion of the court the ends of justice shall require, and when the probation is so terminated the court shall enter an order discharging the probationer from serving the imposed penalty; or the court may revoke the order of probation and cause the rearrest of the probationer and impose a sentence and require him to serve the sentence or pay the fine originally imposed, or both, as the case may be, and the time of probation shall not be taken into account to diminish the time for which he was originally sentenced.

SEC. 3. That the provisions of this act shall also apply to cases where a judge or judges of courts of the United States of original jurisdiction have heretofore, after a plea or verdict of guilty, suspended the imposition or execution of sentence.

Also the following committee amendment was read:

Also the following committee amendment was read:

Page 2, line 21, strike out the words "and impose a sentence."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by

which the bill was passed was laid on the table.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of this bill.

The SPEAKER. Is there objection?
Mr. BENNET. Mr. Speaker, I make the same request.
The SPEAKER. The gentleman from New York [Mr. Ben-NET] makes the same request. Is there objection? [After a pause.] The Chair hears none.
Mr. CARAWAY. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Arkansas makes a

similar request. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I make the request to insert in the Record at this time a letter written by the secretary of the National Probation Association in connection with the bill that was just passed.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

The following is the letter referred to:

NATIONAL PROBATION ASSOCIATION, Albany, N. Y., February 14, 1917.

NATIONAL PROBATION ASSOCIATION, Albany, N. Y., February 14, 1917.

Hon. Isaac Siegel, House of Representatives, Washington, D. C.

My Dear Congressman: I am pleased to learn that the House will probably take up the probation bill for passage on Monday, February 19. I would say regarding the present bill (H. R. 20414) that while it does not accomplish all that we believe the bill should accomplish, especially in not providing for the appointment of salaries to probation officers, still it is better than nothing and will greatly relieve the present deplorable and impossible situation in the Federal courts, on account of which it is now absolutely impossible for the United States district court judges to suspend sentence or use probation in any case. We hope very much that this bill will pass the House as speedly as possible. I hope to hear any day that Senate bill No. 1092, reported out by Senator Walsh, has passed the Senate. We then trust that in conference committee a bill may be agreed upon satisfactory to all parties.

Under separate cover I am sending you about 25 copies of the inclosed circular, which contains the very latest statistics that I have been able to secure regarding the criminal work of the United States district courts, and also two illustrative cases showing the need of probation which occurred in this State, together with arguments for the proposition. I also send you copy of the House hearing, the Senate hearing, and my letter to Senator Owen containing the original brief on the subject. I hope these will be of some assistance to you. The many thousands of persons who are interested in the extension of the advantages of the probation system throughout the country will be grateful to you for your active efforts in behalf of this much-needed reform.

reform.

Yours, very truly, CHARLES L. CHUTE, Secretary.

ADDITIONAL JURISDICTION OF COURT OF CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16212) to confer jurisdiction on the Court of Claims

The SPEAKER. Is there objection.

Mr. REAVIS. I object.

HALIBUT FISHERIES IN PACIFIC OCEAN.

The next business on the Calendar for Unanimous Consent was the bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established. The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, who has charge of this bill, which comes from the Committee on the Merchant Marine and Fisheries? I just wanted to ask the question. I notice in section 6 it says:

That this act shall take effect as soon as possible after the enactment of concurrent or essentially similar regulations by the Government of the Dominion of Canada, either by act of Parliament, order in council, or other proper means.

Mr. BORLAND. Mr. Speaker, I ask that the bill be passed

without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. MANN. I object.

## AMENDMENT TO FEDERAL RESERVE ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17646) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 4, 1907, by the act of March 2, 1911, and by the act of June 12, 1916.

The SPEAKER Lie there obtacked

The SPEAKER. Is there objection?
Mr. MANN. Reserving the right to object, does the gentleman from Arkansas [Mr. Wingo] have charge of the bill?
Mr. WINGO. I do.
Mr. MANN. The only change in the law is the law concerning

the issue of certificates?

Mr. WINGO. That is the sole object.
Mr. MANN. There is no intention to amend the section

Mr. WINGO. Oh, no. The only change made in the law is covered by the proviso on page 3 of the bill, lines 4 to 10, inclusive. By this change the issuance of certificates in \$100,000 denomination is permitted. These will be used for clearance purposes. That is the only change there is in the law.

Mr. BORLAND. Reserving the right to object, is there any

purpose to amend this bill by changing the method of collect-

ing the tax under the reserve-bank law?

Mr. WINGO. It has nothing to do with that. The only change is that it permits gold certificates to be issued in large denominations, to be used for exchange purposes and clearances. Under the law now they are limited to the size as to gold and silver certificates, and if this act is passed they can issue gold certificates of the denomination of \$100,000, and they can use those certificates in settlement of any balances in clearing.

Mr. BORLAND. I take it from what the gentleman says that an amendment providing a collection charge on checks

would not be germane? Mr. WINGO. No.

Mr. LINDBERGH. And, on page 2, after the words "And provided further," is that provision similar to the old law?

Mr. WINGO. The only change we make in section 6 of the old law is to be found on page 3. The sole change is to permit the state of the old law is to be found on page 3. The sole change is to permit the state of the old law is the sole could on page 3. mit the \$100,000 certificates, which can not be done now under the law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the

bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill. The Clerk read as follows:

A bill (H. R. 17646) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14. 1900, as amended by the act of March 4, 1907, by the act of March 2, 1911, and by the act of June 12, 1916.

4, 1907, by the act of March 14, 1900, as amended by the act of March 4, 1907, by the act of March 2, 1911, and by the act of June 12, 1916.

Be it enacted, etc., That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 4, 1907, by act of March 2, 1911, and by act of June 12, 1916, is hereby further amended to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than \$20, and to issue gold certificates therefor in denominations of not less than \$10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below \$100,000,000 the authority to issue certificates as herein provided shall be suspended: And provided further, That whenever and so long as the aggregate amount of United States notes and sliver certificates in the general fund of the Treasury shall exceed \$60,000,000

the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: And provided further, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of \$50 or less: And provided further, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of \$10,000, payable to order: And provided further, That if requested by the Federal Reserve Board, or by any Federal reserve bank or Federal reserve agent, the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of \$100,000, payable to order, and such latter certificates shall not be subject to limitations as to suspension of issue prescribed by this section: And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than \$1,000 in value and issue gold certificates therefor of the description herein authorized: And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than \$1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed two-thirds of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed."

Mr. BENNET. Mr. Speaker, will the gentleman from Ar-

Mr. BENNET. Mr. Speaker, will the gentleman from Ar-

kansas [Mr. Wingo] yield for a question?
Mr. Wingo. Yes; I yield.
Mr. BENNET. I notice from a reading of the bill that in connection with the issuance of the \$100,000 certificates there is a provision that it shall not be subject to the suspension What does that mean?

Mr. WINGO. Here is the proviso:

Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below \$100,000,000 the authority to issue certificates as herein provided shall be sus-

The provision that we are putting into the law is for the issuance of gold certificates in denominations of \$100,000. same reason that may exist for the suspension of a certificate provided for in the first part of the section which I quoted would not exist as to the issuance of gold certificates.

Mr. BENNET. Because they would not have a general cir-

culation?

Mr. WINGO. Yes; because they would not have a general circulation as a matter of actual use. It would not be necessary to suspend the issuance of the \$100,000 gold certificates in order to protect the gold in the reserve trust fund. Does the gentleman understand?

Mr. BENNET. I can not say that I do, but I will take the gentleman's word for it.

Mr. WINGO. Under the law quoted when the amount of gold reserve trust funds falls below a certain sum, then you suspend the issuance of the certificates provided for in the first part of the section. But I think the gentleman will agree with me that the maintenance of these funds will not be impaired by the issuance of \$100,000 gold certificates, as provided by

Mr. BENNET. These \$100,000 gold certificates can only be issued, then, when a man takes what is called "new gold"?

Mr. MANN. It is in payment for gold

Mr. MANN. It is in payment for gold.

Mr. BENNET. I see.

Mr. WINGO. These large gold certificates would be preferable to the gold in effecting clearances. Mr. BENNET. It is

It really protects the actual gold?

Mr. WINGO. Yes.
Mr. MANN. We stamp the gold for nothing.

Mr. WINGO. I think the actual working of it will be to keep more gold in the funds referred to.

Mr. BENNET. I think the gentleman is right. In the large centers where these will be used-New York, Chicago, Kansas City, or any other place where gentlemen are proud of their city—it will be a convenience.

Mr. WINGO. The gentleman has a correct conception of the bill. It is really to have, for convenience, large denominations

of gold certificates in settling clearances, instead of having bills of small denominations or the actual gold.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

## SURPLUS COAL LANDS IN INDIAN RESERVATIONS.

Mr. MANN. Mr. Speaker, a few moments ago I objected to Senate bill No. 40, Calendar No. 447. I did it purely through inadvertence. I ask that the question of the objection be again submitted.

The SPEAKER. The gentleman from Illinois states that he objected to Calendar No. 447 inadvertently and desires to with-draw his objection. The Clerk will report it by title. The Clerk read as follows:

A bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations.

The SPEAKER. Is there objection?
Mr. MONDELL. Reserving the right to object, Mr. Speaker,
I was on my feet with the intention of reserving the right to
object when the gentleman from Illinois [Mr. Mann] objected.
At that time, from a rather hurried reading of the bill, I was At that time, from a rather hurried reading of the bill, I was inclined to think that its provisions were rather dangerously broad, but after giving the matter further consideration and reading the bill pretty carefully I think the bill is carefully drawn, and I shall therefore not object.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire whether, if this bill becomes a law, it would grant the right to make entry to those who have already exercised their homostand rights?

exercised their homestead rights?

Mr. MONDELL. It does not change the status.

Mr. MANN. It would not have any effect on that person.

The SPEAKER. Who has charge of this bill?

Mr. FERRIS. The gentleman from Arizona [Mr. HAYDEN]. Mr. MONDELL. I think it is very apparent, Mr. Speaker, that the bill will not in anywise affect the provisions of the homestead law as applied to the reservations in question. That is, whatever the provisions were under which the homestead law was made applicable to Indian lands those laws would remain as they are now-without change.

Mr. HOWELL. Mr. Speaker, the bill simply applies to coal lands in Indian reservations and gives the same opportunity to acquire such lands as the law now provides for entering similar lands on the public domain. It authorizes the entry of lands classified as coal lands, with a reservation to the United States of the coal thereunder and the right to prospect and

mine the same.

Mr. STAFFORD. It would not deprive anybody heretofore possessed of the privilege from exercising that right?

Mr. HOWELL. No. It simply extends the surface rights of entry to Indian coal lands.

Mr. MONDELL. Mr. Speaker, if the gentleman from Utah will allow me, I wish he would not use the words "surface rights" in connection with the rights here involved. There are rights" in connection with the rights here involved. There are good reasons why we should not use that term in this connection and thus get confused. We have recently passed the 640-acre homestead law, granting surface rights only. But this is much more than a surface right; it is a limited right, a fee title, in which is reserved the body of this one mineral. It is a modified patent, a limited right. It is very different from the ordinary surface right. It is a much better title.

Mr. HOWELL. The gentleman from Wyoming [Mr. Mondell] and I have exactly the same understanding of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. FERRIS. This bill is on the Union Calendar. Mr. HOWELL. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the

The SPEAKER. The gentleman from Utah asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That in any Indian reservation heretofore or hereafter opened to settlement and entry pursuant to a classification of the surplus lands therein as mineral and nonmineral, such surplus lands not otherwise reserved or disposed of, which have been or may be withdrawn or classified as coal lands or are valuable for coal deposits, shall be subject to the same disposition as is or may be prescribed by law for the nonmineral lands in such reservation whenever proper application shall be made with a view of obtaining title to such lands, with a reservation to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same: Provided, That such surplus lands, prior to any disposition hereunder, shall be examined, separated into classes the same as are the nonmineral lands in such reservations, and appraised as to their value, exclusive of the coal deposits therein, under such rules and regulations as shall be prescribed by the Secretary of the Interior for that purpose, SEC. 2. That any applicant for such lands shall state in his application that the same is made in accordance with and subject to the provisions and reservations of this act, and upon submission of satisfactory proof of full compliance with the provisions of law under which application or entry is made and of this act shall be entitled to a patent to the lands applied for and entered by him, which patent shall contain a reservation to the United States of all the coal deposits in the lands so patented, together with the right to prospect for, mine, and remove the same.

SEC. 3. That if the coal-land laws have been or shall be extended over lands applied for, entered, or patented hereunder the coal deposits therein shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of th

or patented under this act for the purpose of prospecting for coal thereon. If such coal deposits are then subject to disposition, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such lands, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: Provided, That the owner under such limited patent shall have the right to mine coal for personal use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: Provided further, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications made under the applicable land laws of the United States for any such surplus lands which have been or may be classified as coal lands with a view of disproving such classification and securing a patent without reservation.

SEC. 4. That the net proceeds derived from the sale and entry of such surplus lands in conformity with the provisions of this act shall be paid into the Treasury of the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation.

With the following committee amendment:

Page 4, line 10, insert:

Provided, That the provisions of this act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

The committee amendment was agreed to.

The bill as amended was ordered to a third reading, and

was accordingly read the third time and passed.

On motion of Mr. Hayden, a motion to reconsider the vote by which the bill was passed was laid on the table.

WORLD'S PURITY FEDERATION.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 334) authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and respectfully requested to appoint delegates to attend and represent the United States at the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917: Provided, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said concress

Mr. FITZGERALD. Mr. Speaker, I move to amend by strik-

ing out the words "and respectfully requested" in line 4.

The SPEAKER. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 4, by striking out the words "and respectfully requested."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

### REESTABLISHMENT OF POST OFFICES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20687) to amend the postal laws. The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLACK. Mr. Speaker, reserving the right to object, I would like to have the bill reported.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Postmaster General shall have authority, in his discretion, to reestablish as a post office of the second or third class any post-office station which has been heretofore or may hereafter be established by reason of the discontinuance of such post office; and appropriations made for the maintenance of post offices of the second and third class are hereby made available for the necessary expense of conducting such reestablished post office of the second or third class. The salary of the postmaster at such office shall be based on the gross receipts of the station for the previous calendar year. year.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation should be made of this bill. I find in the report no mention whatever whether this bill has the approval of the Postmaster General or whether it has ever been submitted to the Post Office Department for its consideration.

Mr. RANDALL. I will say to the gentleman from Wisconsin that the bill was submitted to the Post Office Department, and the language of it was drawn by the officials of the depart-

The department already has the power to discontinue post offices, even in a city of 10,000 people, but it has no power to reestablish them. This gives to the Post Office Department the power to reestablish post offices above the fourth class.

Mr. STEENERSON. That is only where the post office is

within 5 miles of the principal office.

Mr. BLACK. That is correct.

Mr. STAFFORD. I know of many instances where post offices in suburbs having municipal government have been discontinued and substations established in connection with the main office in the large city to which the suboffices are tribu-I do not think it would be good business policy to grant authority to the Postmaster General to reestablish the old system of separate offices rather than to continue the present

Mr. MANN. Mr. Speaker, I have a large number of postal stations in my district, established when post offices were discontinued, when the territory was annexed to the city of Chicago. This bill would permit the reestablishment of all those stations as post offices. People might want that done. I do not know. It would be an extravagance, and I am not going to put myself in a position where I may be asked to favor such a proposition, if I can help it.

Mr. RANDALL. Will the gentleman permit a question?

Mr. MANN. Yes. Mr. RANDALL. If the Postmaster General should conclude that he had made a mistake in the exercise of his power to discontinue a post office, does not the gentleman think he ought to

have the power to correct that mistake?

Mr. MANN. No; I do not think he can make a mistake in discontinuing a post office and establishing a substation in its To reestablish such post offices would simply call upon the Government to pay the salaries of these postmasters for doing nothing. I have been all through it.

Mr. RANDALL. Will the gentleman object to having this bill

amended so as to apply to specific offices in California, which are not in the vicinity of Chicago?

Mr. MANN. I do not know that I would object as to some other place, if the circumstances were stated, but I decidedly object to having it apply to my district. Therefore I object.

Mr. RANDALL. Let me say to the gentleman that I will offer that kind of an amendment, if he will permit the bill to be considered.

Mr. MANN. Oh, well, the gentleman can have it called up

later, when he has his bill prepared.

Mr. CANNON. Well, we will have no exceptions. If nobody else objects, I will object to the passage of this bill by unanimous consent.

Mr. MANN. I have objected.
Mr. CANNON. I say, we will have no exceptions.
The SPEAKER. The gentleman from Illinois objects.

UNITED STATES MARSHAL, WESTERN DISTRICT OF MICHIGAN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19233) to increase the salary of the United States marshal for the western district of Michigan.

The Clerk read the title of the bill.
The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Speaker, I called attention to this class of bills three weeks ago. I think gentlemen should have these bills referred to the proper committee, or when they are referred to other committees gentlemen ought to ask that they be transferred to the committee properly having jurisdiction.

Mr. McLAUGHLIN. This bill was referred to the Judiciary

Committee.

That is not the proper committee to which these bills should be referred. Bills like this should be referred to the Committee on Expenditures in the Department of Justice.
Mr. McLAUGHLIN. This bill has been very fully considered

by the Committee on the Judiciary.

Mr. RAKER. That may be true.

Mr. McLAUGHLIN. There is no time in this session to have it rereferred. If it goes to the other committee it will not receive any consideration whatever. I think it might now be

considered on its merits.

Mr. RAKER. That may all be true; but with the continued effort to legislate for increases of salary, it seems to me that the bill should be referred to the proper committees. There are 11 committees on expenditures in the executive departments, and these committees have jurisdiction of these matters. The Committee on Appropriations and the Committee on the Post Office and Post Roads are loaded down with such propositions, and here is one of these bills which has been referred

to the Committee on the Judiciary, that has no jurisdiction of

Mr. McLAUGHLIN. Does the gentleman think this is a good time in the session to call the attention of the House to

that practice?

Mr. RAKER. Three weeks ago I called it to the attention of the House, and intended then to object if any more bills of this kind were brought up. I do not like to delay the gentleman in his bill or to hold it back, but it does seem that committees which are organized and instituted by the House for the purpose of considering such bills ought to be given the opportunity to do so. All you have to do is to look at the report of the expenditures of the House to see the money that is expended for the maintenance of the organization of many of these committees, without any work whatever being done by them. The bills ought to go to the committees having jurisdiction of the legislation, so that the big committees would not be burdened with them.

I withdraw the objection at this time. The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the United States marshal for the western district of Michigan shall be at the rate of \$4,000 a year.

The SPEAKER. This bill is on the Union Calendar.

Mr. McLAUGHLIN. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### STATE OF FLORIDA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16993) to validate a patent to certain lands heretofore issued to the State of Florida to allow said State to claim certain other lands, and for other purposes. The SPEAKER. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection. Mr. SEARS. Mr. Speaker, I ask unanimous consent to substitute the bill S. 6654.

The SPEAKER. The gentleman from Florida asks unanimous consent to substitute a similar bill, Senate 6654. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That as to all lands on Key Biscayne in townships 54 and 55 south range 42 east, in the State of Florida, which were embraced in the military and lighthouse reservations established on said Key Biscayne by Executive orders dated August 28, 1847, and February 10, 1897, but now abandoned and relinquished; that certain patent, dated May 4, 1885, and designated as Tampa patent No. 35, be, and the same is hereby, declared valid and effective to vest the title to the said lands in the State of Florida and any such persons as have, since the Issuance of said patent, acquired the right, title, and interest of the State of Florida in and to the said lands or any portion thereof.

SEC. 2. That as to all lands embraced in said abandoned reservations, which were properly to be classified as swamp and overflowed lands, in accordance with the terms of the swamp and overflowed land act of 1850, the State of Florida shall now have the right to claim said lands as swamp and overflowed land act of 1850, the State of Florida shall now have the same allowed, set apart, and patented as swamp and overflowed lands to the same extent as if the said lighthouse and military reservations had never existed.

SEC. 3. That the descriptions contained in said patent and in the selection list aforesaid shall be construed as having reference to the plat of lands of Key Biscayne in townships 54 and 55 south, range 42 east, prepared in December, 1870, by J. E. Hilgarde, without regard to the acreage named in said patent or said selection list: Provided, That this act shall not be construed as affecting the title to any lands on Key Biscayne embraced within the Mary Anne Davis claim.

The Senate bill was ordered to be read a third time, was read

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Sears a motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill H. R. 16993 was laid on the table.

### RELIEF OF THE STATE OF KENTUCKY.

The next business on the Calendar for Unanimous Consent was the bill S. 2543, an act for the relief of the State of Ken-

The SPEAKER. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the State of Kentucky for reimbursement for expenses incurred by its governor in alding the United States to raise the Volunteer Army for the War with Spain, arising under the act of Congress of July 8, 1898, and the acts amendatory thereto, which has heretofore been filed before the Treasury Department and disallowed because such claim had not been "filed and disallowed" before the passage of the amendatory act of April 27, 1904, shall be reopened, examined, and allowed in accordance with the second section of said act of April 27, 1904, and in accordance with the rulings of the accounting officers of the Treasury Department heretofore made in claims of like character of other States, said allowance not to exceed in amount \$1,400.44.

The bill was ordered to be read a third time, was read the

The bill was ordered to be read a third time, was read the

third time, and passed.

On motion of Mr. Johnson of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### ACTIONS FOR DEATH ON THE HIGH SEAS.

The next business on the Calendar for Unanimous Consent was the bill S. 4288, an act relating to the maintenance of actions for death on the high seas and other navigable waters.

The SPEAKER. Is there objection?
Mr. STAFFORD. Reserving the right to object, let the bill be reported.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or on any navigable waters of the Panama Canal Zone, the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

Sec. 2. That the recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought, and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

Sec. 3. That such suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until 90 days after a reasonable opportunity to secure jurisdiction has offered.

Sec. 4. That if a person die as the result of such wrongful act, neglect, or default, as is mentioned in section 1, during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this act for the recovery of the compensation provided in section 2.

Sec. 5. That, in suits under this fact, the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly.

Sec. 6. That the provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this act as to causes of action accruling within the territorial limits of any State.

Nor shall this act apply to the Great Lakes or to any waters within the territorial limits of any State.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker,

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to make some inquiry about this bill. This is a very important bill. What recovery could absolutely be had by the heirs of any person suffering death on the high seas under section 2 of the bill? The wording here says that the recovery shall be a fair and just compensation. That is very indefinite. The court might consider under that that it would not be fair and just compensation to give damages for mental anguish. Under the Lord Campbell Act, which granted the right of the heirs to recover for death, there was a limitation as to the amount. Most of the States have enacted similar statutes.

Mr. WM. ELZA WILLIAMS. The gentleman's objection is based upon a pecuniary loss. There would be no damages for anguish and suffering in case of death. In case of personal injury that might be said to exist.

Mr. STAFFORD. I suppose this bill arises out of the Titanic

Mr. WM. ELZA WILLIAMS. I suppose that might have had

something to do with starting it.

Mr. STAFFORD. Does the gentleman mean that the heirs of those who met death in that catastrophe would have no right to recover except for pecuniary loss?

Mr. WM. ELZA WILLIAMS. Yes; I do not understand that there is any right in case of death by dependent relatives to recover except for pecuniary loss. In the case of personal injury I can understand how the person injured would be entitled to recover for anguish, pain, and suffering, but not for dependent relatives

Mr. STAFFORD. Take the case of the widow of one who met death in the Titanic disaster; what would be her rights under

this bill?

Mr. WM. ELZA WILLIAMS. Whatever her pecuniary loss was-the loss of the husband upon whom she was dependent for support.

Mr. STAFFORD. And under the Lord Campbell Act what would her rights be?

Mr. WM. ELZA WILLIAMS. I do not know; I would not undertake to answer the gentleman.

Mr. KEATING. Mr. Speaker, I object. The SPEAKER. The gentleman from Colorado objects, and the Clerk will report the next bill.

### COUNTERFEITING THE SEAL OF EXECUTIVE DEPARTMENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17190) to prohibit and punish the fradulent use, application, or counterfeiting of the seal of any executive department or Government commission.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I do not know whether the gentleman from North Carolina is here or not, but I think these bills should not be acted upon at this time, because in the Senate they have an omnibus bill which I understand includes the next three measures on the calendar. Therefore I object.

The SPEAKER. The gentleman from Massachusetts objects.

INJURY TO VESSELS ENGAGED IN FOREIGN COMMERCE.

The next business on the Private Calendar was the bill (H. R. 17189) to prevent and punish willful injury or attempted injury to, or conspirary to injure, any vessel engaged in foreign com-merce, or the cargo or persons on board thereof, by fire, explosives, or otherwise.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

### NATIONAL-DEFENSE SECRETS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11706) to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to prevent the disclosure of national defense secrets," approved March 3, 1911, be amended so that the said section will read as follows:

"SEC. 3. That offenses against the provisions of this act committed upon the high seas or elsewhere outside of a judicial district shall be cognizable in the district where the offender is found or into which he is first brought; but offenses hereunder committed within the Philippine Islands shall be cognizable in any court of said islands having original jurisdiction of criminal cases, with the same right of appeal as is given in other criminal cases where imprisonment exceeding one year forms a part of the penalty, and offenses hereunder committed within the Canal Zone shall be cognizable in the district court of said zone; and jurisdiction is hereby conferred upon such courts for such purpose." purpos

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

### ACTION FOR DEATH ON THE HIGH SEAS.

Mr. MONTAGUE. Mr. Speaker, I understand that the gentleman from Colorado [Mr. Keating] will withdraw the objection which he made just a moment ago to the consideration of the bill (S. 4288) relating to the maintenance of actions for death on the high seas and other navigable waters, and I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

Mr. WALSH. Mr. Speaker, I object.

### UNITED STATES DAUGHTERS OF 1812.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20228) to renew patent No. 25909.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That a certain design patent issued by the United States Patent Office of date of August 11, 1896, being patent No. 25909, is hereby renewed and extended for a period of 14 years from and after the passage of this act, with all the rights and privileges pertaining to the same as of the original patent, being generally known as the badge of the United States Daughters of 1812.

Abercrombie Adair Adamson Aiken Alexander Allen Almon Ashbrook Austin Ayres Bailey Barnhart Black

Black Blackmon

Booher

Bowers Britt Britten Browne

Burke

Browning Brumbaugh Buchanan, Tex.

Burke
Burnett
Butler
Byrnes, S. C.
Byrns, Tenn.
Caldwell
Campbell
Candler, Miss.
Cannon
Capstick
Carter, Okla.
Cary
Casey
Chandler, N. Y
Chandler, N. Y

Chandler, N. Y. Chiperfield Church Cline

Cline
Coady
Coleman
Collier
Connelly
Conry
Cooper, W. Va.
Copley
Cox
Crago
Cramton
Crisp
Cullop
Curry
Dallinger
Danforth
Darrow
Davis, Minn.
Decker

Decker Dempsey Denison

Dent Dickinson

Dickinson
Dies
Dill
Dillon
Dixon
Doolittle
Doremus
Doughton
Dowell

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXPATRIATION OF CITIZENS AND THEIR PROTECTION ABROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20605) to amend an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907.

The SPEAKER. Is there objection?
Mr. BENNET. Mr. Speaker, I hope the gentleman from Alabama will ask that that bill be passed over without prejudice. I think it requires some further amendment.

Mr. BURNETT. The gentleman has suggested that perhaps there is a defect in the bill and I ask that it be passed over without prejudice.

Mr. MANN. I object. The gentleman can put it upon the Unanimous Consent Calendar again.

Mr. BURNETT. But then would it be reached?

Mr. MANN. I do not know; but it has been reached once, and those who have bills that have not been reached are entitled to preference in being reached.

Mr. BENNET. I object. The SPEAKER. The gentleman from New York objects.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as fol-

To Mr. Capstick, for four days, on account of illness in his family.

To Mr. Austin, for three days, on account of official business. REPUBLIC COAL CO.

The SPEAKER. The Chair will recognize the gentleman from Montana to move to suspend the rules.

Mr. STEENERSON rose.

The SPEAKER. For what purpose does the gentleman from Minnesota rise

Mr. STEENERSON. A parliamentary inquiry, Mr. Speaker. Are we not to finish the call of the Unanimous Consent Cal-

The SPEAKER. The Chair has promised to recognize three If there gentlemen this afternoon to move to suspend the rules. is any time after that, we will go back and finish the Unanimous Consent Calendar.

Mr. STEENERSON. But we have just reached the bill in which I am interested.

The SPEAKER. That is true; but we are always reaching

somebody's bill Mr. STEENERSON. There are only four or five left on the

whole calendar. The SPEAKER. That is true, and if the Chair was sure that

the House would stay here he would go on and finish it.

Mr. MANN. We will reach all of the bills some time before

the session is concluded.

Mr. STOUT, Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 50, authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and empowered to lease, under such terms and conditions as he may prescribe, to the Republic Coal Co., a corporation organized and existing under and by virtue of the laws of and doing business in the State of Montana, the coal deposits in and under the following described lands, situate in Musselshell County, State of Montana, to wit: The northwest quarter of the northeast quarter; the northwest quarter and the north half of the southwest quarter; section 6, township 7 north, range 26 east; the south half of the northwest quarter; the southwest quarter; and the west half of the northwest quarter, section 30, township 8 north, range 26 east; and the northeast quarter of the southeast quarter of section 26, township 8 north, range 25 east: Provided, however, That said lease shall be made subject to the legal or equitable rights, inchoate or vested, of any surface or other entryman on any part of said lands, and subject to the laws now in force governing the sales of coal or other minerals where the surface lands and rights are reserved or have been previously disposed of: Provided, however, That the coal taken from said described lands shall be used only for the uses and purposes of the Chicago, Milwaukee & St. Paul Railway Co. and the railway corporations owned and controlled by it, and not for commercial purposes, nor for sale to the public except to such employees of said corporation as may be employed in the actual mining operations conducted on said described lands.

The SPEAKER. Is a second demanded?

The SPEAKER. Is a second demanded? Mr. HILLIARD. Mr. Speaker, I demand a second, and, pending that, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILLIARD. Does it not require unanimous consent to have these amendments inserted?

The SPEAKER, No. Mr. HILLIARD, Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Colorado [Mr. HIL-LIARD] demands a second.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. BENNET. Mr. Speaker, I rise to a parliamentary in-

The SPEAKER. The gentleman from Montana asks unanimous consent that a second be considered as ordered.

Mr. HILLIARD. Mr. Speaker, I object.
The SPEAKER. The gentleman objects. The gentleman from Montana and the gentleman from Colorado will take their places as tellers. Those in favor of seconding this motion will pass between the tellers and be counted.

The question was taken; and the tellers reported-ayes 79,

Mr. HILLIARD. Mr. Speaker, I make the point of order of

no quorum present. The Doorkeeper will lock the doors, the The SPEAKER.

Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of seconding the motion will answer aye, those opposed will answer no.

Mr. MANN. Mr. Speaker, did the Speaker count for a quorum?

The SPEAKER. No; the Chair will count. Mr. MANN. I think there is a quorum here.

The SPEAKER (after counting). One hundred and thirtyeight gentlemen are present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 298, nays 31, answered "present" 4, not voting 100, as follows:

YEAS-298.

Hutchinson Driscoll Phelan Driscoll Drukker Dunn Dyer Edmonds Edwards Ellsworth Powers Pratt Rainey Igoe Johnson, S. Dak. Johnson, Wash. Jones Raker Jones
Kahn
Kelley
Kennedy, Iowa
Kennedy, R. I.
Kettner
Key, Ohio
Kiess, Pa.
Kinkaid
Kitchin
Konop
La Follette
Langley Raker Ramseyer Rauch Rayburn Ricketts Roberts, Nev. Rodenberg Rogers Elston Evans Fairchild Farley Farr Ferris Fess Fields Rouse Rouse Rowe Rowland Rubey Rucker, Ga. Russell, Mo. Russell, Ohio Sanford Fitzgerald Flood Focht Fordney Langley Lazaro Lee Lehlbach Lenroot Lever Lieb Linthicum Foss Foster Freeman Fuller Gallagher Saunders Schall Scott, Mich. Sears Gallivan Gandy Gard Gardner Littlepage Lloyd Lobeck Sherley Siegel Sinnott Lobeck
Loud
McAndrews
McArthur
McClintie
McCulloch
McDermott
McFadden
McGlllieuddy
McKellar
McKinley
McLaughlin
McLemore
Madden
Magee Sisson Garland Slavden Garner Garrett Glass Slemp Sloan Smail Smail
Smith, Mich.
Smith, Minn.
Smith, N. Y.
Smith, Tex.
Snyder
Sparkman
Stafford
Steagall
Stedman
Steele Lowa Glynn Good Goodwin, Ark. Green, Iowa Greene, Mass. Gregg Griest Griffin Guernsey Hadley Hamill Hamilton, Mich. Magee Mann Mapes Martin Stedman Steele, Iowa Steele, Pa. Steenerson Stephens, Miss. Stephens, Nebr. Stephens, Tex. Sterling Stiness Stout Martin Meeker Miller, Del. Miller, Minn. Mondell Moontague Moon Moore, Pa. Moores, Ind. Hamlin. Hardy Harrison, Va. Hastings Haugen Hawley Hayden Stout Sulloway Hayden Hayes Heaton Heffin Helgesen Helm Helvering Sutherland Sweet Swift Morgan, La. Morgan, Okla. Morrison Moss Mudd. Swift
Switzer
Taggart
Tague
Talbott
Taylor, Ark,
Taylor, Colo.
Temple
Tilson
Timberlake
Treadway
Yan Dyke Helvering Mudd.
Henry Murray
Hensley
Hernandez Nichols, S. C.
Holland North
Hood Oakey
Hopwood Oldfield
Houston Oliver
Howell Parker, N. J.
Hull, Tenn.
Humphreys, Miss. Peters Van Dyke Vare Venable Vinson

Walker

Ward Wason Watkins	Wheeler Williams, T. S. Williams, W. E. Williams, Ohio	Wilson, La. Wingo Winslow	Woods, Iowa Young, N. Dak. Young, Tex.
Watson, Va. Webb	Wilson, Fia.	Wise Wood, Ind.	
Aswell	Gordon	YS—31. Keating	Shallenberger
Barkley	Gray, Ind.	Kincheloe	Sherwood -
Buchanan, Ill.	Hilliard	King	Sumners
Caraway Carlin	Howard Huddleston	Mays Park	Tavenner Thomas
Crosser	Jacoway	Quin	Thompson
Davis, Tex.	James Johnson Ky	Randall	Tillman
Eagle	Johnson, Ky.	Reilly	THE SECTION OF
		"PRESENT"—4	
Bennet	Borland NOT VO	Lindbergh TING— 100.	London
Anderson	Emerson	Kreider	Porter
Anthony	Esch	Lafean Lesher	Pou Price
Bacharach Barchfeld	Estopinal Flynn	Lewis	Ragsdale
Beakes	Frear	Liebel	Reavis
Beales Bell	Gillett Godwin, N. C.	Loft Longworth	Riordan Roberts, Mass.
Benedict	Gould	McCracken	Roberts, Mass. Rucker, Mo.
Bruckner	Graham Gray Ala	McKenzie	Sabath
Burgess Callaway	Gray, Ala. Gray, N. J. Greene, Vt.	Maher Matthews	Scott, Pa. Scully
Cantrill	Greene, Vt.	Miller, Pa.	Sells
Carew Cartor Mass	Hamilton, N. Y. Harrison, Miss.	Mooney Morin	Shackleford Shouse
Carter, Mass. Charles	Harrison, Miss.	Mott	Sims
Clark, Fla.	Haskell	Nelson	Smith, Idaho
Cooper, Ohio Costello	Hicks Hill	Nolan Norton	Snell Stone
Dale, N. Y. Dale, Vt.	Hinds	Oglesby	Tinkham
Dale, Vt.	Hughes Humphrey Was	Olney h O'Shannassy	Towner Volstead
Davenport Dewalt	Humphrey, Was	Padgett Padgett	Watson, Pa.
Dooling	Kearns	Paige, Mass.	Whaley
Dupré Eagan	Keister Kent	Patten Platt	Wilson, Ill. Woodyard
Mr. CALLAY Mr. CANTRI	ss with Mr. Bar vay with Mr. Si LL with Mr. Sni with Mr. Carti	ELL.	setts.
	of Florida with		
	R with Mr. Coo		
	f New York wit		
	PORT With Mr. D		L.
	T with Mr. Tow		
	g with Mr. FREA		
	with Mr. GILLE		
	NAL with Mr. G		
	with Mr. GRAY		THE BEACH
Mr. GRAY O	f Alabama with	Mr. GREENE of	Vermont.
Mr. HARRI	son of Mississi	ppi with Mr.	HAMILTON of I
York.			
	with Mr. HASKEI		
Mr. Transver	es with Mr. Hro	ow of Donnoule	onia
	R with Mr. WATE		
Mr. Lewis	with Mr. WATS	REY of Washin	
Mr. LEWIS Mr. LIEBEL	with Mr. WATE with Mr. HUMPH with Mr. HUST	REY of Washin	
Mr. Lewis Mr. Liebel Mr. Loft w	with Mr. Wats with Mr. Humps with Mr. Hust with Mr. Kearns	IREY of Washin	
Mr. Lewis Mr. Liebel Mr. Loft w Mr. Maher	with Mr. Wats with Mr. Humps with Mr. Hust with Mr. Kearns with Mr. Reav	IREY of Washin ED.	
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Mr. Shouse with Mr. Norton. Mr. Sims with Mr. Parge of Massachusetts. Mr. Stone with Mr. Platt.

Mr. WHALEY with Mr. WOODYARD.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The gentleman from Montana [Mr. Stout] is recognized for 20 minutes.

Mr. STOUT. Mr. Speaker, it will not require any very great explanation to fully acquaint Members of the House with the purposes of this resolution. The Chicago, Milwaukee & St. Paul Railway Co. has a line running through Montana. It has to have coal in order to operate its trains. It is reaching that point where it will soon have no coal, and this bill offers them, on the part of the Government, a lease of 640 acres of coal land at a price to be fixed by the Secretary of the Interior.

Mr. HILLIARD. Will the gentleman yield for a moment?

Mr. STOUT. I will.

Mr. HILLIARD. The gentleman has yielded to me for a

Wait a minute. I yielded for a question.

Mr. STOUT. Wait a minute. I yielded Mr. HILLIARD. You said you yielded. Mr. STOUT. I yielded for a question. Mr. HILLIARD. This is all I want to say-

Mr. STOUT. You can have some time in a moment. Mr. HILLIARD. I will ask the gentleman a question: At the close of this debate, will you join me in asking that there

shall be a yea-and-nay vote?

Mr. STOUT. I do not care whether there is a yea-and-nay vote or not. I am not going to join you in asking anything.

Mr. HILLIARD. All right.

Mr. STOUT. This matter has been quite thoroughly discussed. The Secretary of the Interior has given due consideration to it. The Senate considered it fully and exhaustively. The Public Lands Committee of this House gave it their usual careful and painstaking consideration, and reported it out with practical unanimity. So I can see no possible objection to it.

Mr. RAKER, Mr. Speaker, will the gentleman yield for a

question?

Mr. STOUT. Yes, Mr. RAKER. The original resolution provided for 14,500

Mr. STOUT. No; 1,440 acres. Mr. RAKER. The resolution now before the House as amended includes 640 acres?

Mr. STOUT. Yes.

Mr. RAKER. And instead of a sale of the land, the resolution now provides for a lease, at a price to be fixed by the Secretary of the Interior under that lease?

Mr. STOUT. Exactly; yes. As the resolution originally came before this body it provided for 1,440 acres.

Mr. SCOTT of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Michigan. I would like to ask the gentleman if there is any limitation on the lease that is to be granted by the Secretary of the Interior? Can he grant a lease for 50

years, or 1 year, or 10 years?

Mr. STOUT. He can grant any sort of lease that he desires. This coal is lying there undeveloped. With 1,300 miles of railroad to be supplied, you can imagine how long a 5-foot vein, even of good coal, would last on 640 acres of land. The committee amended this bill in some particulars, providing for a lease instead of a sale of the land to the railroad company, and there was read into the joint resolution to-day a further amendment, which reduces the acreage, as has been suggested by the gentleman from California [Mr. Raker], from 1,440 acres to 640 acres. That was done so as to obviate any possible objection. At the present time four individuals under the present coal laws can go out there—even if this bill should not pass or before it should be passed—at this moment and file upon those 640 acres of coal land and pay the Government's price and become the owners of it in that manner. It has been lying there all these years. It has been lying there beside the railroad tracks for eight years, and despite that fact it has not been considered of sufficient value by any private citizens from there or elsewhere to warrant them in filing upon it; and that comes from this fact: This land is undoubtedly of great value to the Chicago, Milwaukee & St. Paul Rallroad Co. It is of no value to anyone else, for the reason that it is coal of a comparatively low grade. I burn it in my own furnace, and I know what it is. It is fit only for steaming purposes. For a private individual to attempt to go in there and develop that field it would, according to the figures of competent engineers, cost \$300,000. But the railroad company has dug out a section right up to this location. It has put from \$600,000 to \$800,000 worth of machinery into its shafts and tunnels, and it is all ready to proceed. All it needs to do is to go and dig out the coal.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman

Mr. SMITH of Michigan. Has the gentleman any information as to the price to be paid by the railroads under this lease? Mr. STOUT. That is in the hands of the Secretary of the

Mr. SMITH of Michigan. And does the Secretary of the Interior fix the price that the employees of the company shall pay

Mr. STOUT. That may be incorporated in the lease, but there is nothing on that in this resolution. The railroad company is not permitted to sell this coal to anybody except its own employees. It will not enter into competition at all. It is taking this coal solely and wholly for steaming purposes.

As I pointed out here on a previous occasion, the other railroad companies had opportunities to acquire coal lands, and they got all they could; but when this particular company went through the West the coal lands were all gone, or such restrictions had been placed around the coal that they could not get it.

I think the enactment of this joint resolution will serve a distinct public purpose. I may say that we have been undergoing a coal famine out there recently. My people have been suffering severely, and by permitting the railroad to open up this little tract it will permit the other independent mines to supply the public trade.

Mr. Speaker, I reserve the balance of my time. [Applause.] The SPEAKER. The gentleman from Montana reserves the rest of his time. The gentleman from Colorado [Mr. HILLIARD] is recognized for 20 minutes.

Mr. HILLIARD. Mr. Speaker, I yield 10 minutes to the gentleman from Utah [Mr. Mays].

The SPEAKER. The gentleman from Utah is recognized for

Mr. Speaker, the gentleman from Montana [Mr. STOUT] stated that this joint resolution had received very deliberate consideration in the Committee on the Public Lands and had been passed practically by a unanimous vote. are that this bill was considered in the Committee on the Public Lands for about 30 minutes, and a subcommittee was appointed, consisting of the gentleman from Montana [Mr. STOUT], the gentleman from California [Mr. RAKER], and myself, to further

consider the merits of the proposition.

We went into this matter at some length, and when it came to the question of reporting upon this bill two of the subcommittee were opposed to it, and one, the gentleman from Montana [Mr. Stour], favored it. I think perhaps it is wise that we should give a few of the reasons why we were opposed to it. gentleman quoted the Secretary of the Interior as being in favor of this bill. The Secretary of the Interior made a report on this bill, and in view of the fact that we were just passing through the House a general law providing that a railroad company might for its own uses lease 2,560 acres of land, he favored a leasing proposition on this bill, but not a selling proposition. The Senate, however, passed this bill to sell 2,000 acres of land to the Milwaukee Railroad Co., the Republic Coal Co. being a subsidiary of the Milwaukee Railroad-to sell it outright-giving them exclusive control, of course, over that

We oppose this bill because there is no precedent for it in all the history of legislation. When the subcommittee were considering it I addressed a letter to the Secretary of the Interior, trying to find some reason why he favored it, and I asked him to report to us, as a subcommittee, the reason why he favored it. I asked him to give the formalities necessary for anybody to secure coal lands under the laws of the United I asked him if in all the laws there was any precedent for such legislation. I asked him if it was not a special privilege conferred upon a railroad corporation. I asked him how much land a citizen could acquire under the law. I asked him how much land an association of citizens could acquire and under what circumstances. He replied to these questions, first, that a citizen could acquire 160 acres of coal land by making required application and payment and by exhausting his right to acquire; that an association of citizens could acquire 320 acres of coal land, provided each member of the association was qualified to make entry upon coal lands; that an association of citizens, provided they had already expended the sum of \$5,000 upon a coal mine, could acquire not to exceed 640 acres of coal lands. He said there had been no precedent for this legislation in all the history of legislation, but he thought in view of the fact that the Congress had just passed a leasing bill providing that 2,560 acres might be acquired under a lease this legislation might be justified.

The Milwaukee Railroad Co. is owned by the Standard Oil Co. It comes in here pretending that it is facing a great emergency; that it has no coal with which to run its rallroad. The Milwaukee Railroad Co. has just as much coal as anybody else in the market, and if anybody who has no coal should come in here and ask for a coal mine, you would not be prepared to grant such a special privilege. We have sugar factories in the West that are out of coal. We have cement factories out there that are out of coal. We have whole communities out of coal. They are not now coming here and asking that you pass a special bill granting special legislation to them that will grant to them the right of having a coal mine. You will recall that a few weeks ago several municipalities came in here asking that a small tract of coal land be granted them at the market price. Grand Junction, Colo., suffering as it was by the monopoly that these same railroad companies have exercised for 20 years out there by virtue of the fact that they own the coal of that country, came in here asking that that municipality be granted the right to purchase a small subdivision of coal land to furnish coal to the people of that municipality, that they might be relieved of this monopoly. That was objected to by gentlemen on the other side. The Mr. LENROOT. In any of those cases did it provide that they should pay for the land?

Mr. MAYS. That they should pay the market price for the

coal. Mr. LENROOT. I think the gentleman is mistaken.

Mr. MAYS. No.

Mr. LENROOT. I think it was a pure donation in each case. Mr. MAYS. The gentleman from Wisconsin can ask the gentleman from Wyoming [Mr. MONDELL] about that. tleman from Wyoming asked that the little town of Kaycee, Wyo., be granted the right to purchase 40 acres of coal at the market price, in order that the people of that town might have a coal mine for the relief of that municipality. We have had some experience in the West on account of these coal railroad companies owning coal lands there. I have no confidence in the amendment which the gentleman proposes to offer. I know when that bill goes back to the Senate-I feel sure the amendwill be stricken out. I have all assurances of that, and that a pure and simple sale will be carried through by this bill when it goes back to the Senate. I could get no assurance from the conferees of the Public Lands Committee that they would hold tenaciously to this leasing proposition that only 640 acres would be granted instead of 2,000, as the bill first provided. This bill has been before this House since the first session of the Sixtythird Congress. It never has had a favorable consideration. They have had a persistent lobby. The president of the company has been here lobbying with Congressmen. The attorneys of the railroad company have camped on their trail and urged that the bill be passed, and I do not believe that we have had before us in the history of my little time in Congress such a dangerous proposition as is this. because of the fact that it establishes a precedent. We have in our State one railroad company that has owned and controlled 95 per cent of the coal business of that State, and if we should pass such legislation as this I know that that railroad company would be here asking that coal lands adjoining be granted to them by special legislation. Why should a railroad company be granted a right that an association of citizens can not obtain? If you want to form yourselves into a coal company, into an association of citizens, under what circumstances would you get coal land? Not by special legislation but by the general laws, as the Secretary of the Interior has set out in his instructions to us. I am satisfied that the Secretary of the Interior would never approve of this bill providing for the sale of the land as it will undoubtedly come back to us from conference. I believe that we ought to defeat this legislation. The railroad companies will be in here urging similar legislation if we pass this bill. In the history of the Congress, the Secretary of the Interior says, no such bill was ever passed. Why should you pass it now? I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, my reasons for not being for this bill are almost diametrically opposite to those of the gentleman who last spoke. I can not claim an extensive knowledge of legislation, but, so far as my research goes, this is the first time that the Congress of the United States has attempted to take away from a man who either bought or paid for a thing or a man who got it under law the right to dispose of it as such property is usually disposed of. It seems to me that this is an extremely bad precedent and along the same lines as some heretofore

passed by this Congress of attempting to limit the rights of a man to do what he pleases with the property that he has. If the railroad company is entitled to lease or buy coal land, it ought to have the right to dispose of the product. We introduced a new element into legislation. Listen to this, if this is the language that is now in the bill:

Provided, however, That the coal taken from said described lands shall be used only for the uses and purposes of the Chicago, Milwaukee & St. Paul Railway Co. and the railway corporations owned and controlled by it, and not for commercial purposes, nor for sale to the public except to such employees of said corporation as may be employed in the actual mining operations conducted on said described lands.

Mr. MONDELL. Has the gentleman from New York forgotten that that was the intelligent action that the House took in connection with the general leasing law—the same sort of provision?

Mr. BENNET. The gentleman from New York has neither

forgotten nor remembered it. He did not know it.

Mr. STAFFORD. Has the gentleman knowledge that it is in harmony with the commodity clause in the interstate-com-

Mr. BENNET. I stated that this Congress had passed some bad legislation, and I thought this was in line with it. As a result of that sort of legislation, they are to-day taking the steamboats from the Great Lakes in the gentleman's territory.

Mr. STAFFORD. That is not ascribable to the commodity

clause of the interstate-commerce act.

Mr. BENNET. During all this Congress I have been protesting against bills that interfered with the rights of people in attempting to demonstrate that there is at least one Jeffersonian Democrat left in the House of Representatives, and I am he. [Laughter.]

Mr. MANN. Not for long.

Mr. BENNET. Only until the 4th of March, as the gentleman from Illinois suggests.

Mr. CALDWELL. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. CALDWELL. Does the gentleman think that a railroad would have authority under its charter to mine coal for general

sale to the public?

I do not know what the charter of the rail-Mr. BENNET. road is, but I do know that the precedent is a bad one-that we shall by statute provide that a man who buys something can not exercise the ordinary right that the other citizens of the

United States have in relation to property of the same kind.

Mr. CALDWELL. The gentleman does not catch my point. If we authorize the making of a law that would permit the lease, then the lease would fail because the railroad would have no authority to enter into that kind of lease.

Mr. BENNET. I do not know about that. Mr. STOUT. Mr. Speaker, I yield four minutes to the gen-

tleman from Wisconsin, Mr. Lenroot. Mr. Lenroot. Mr. Speaker, I am in favor of this bill, and I believe it fully safeguards the public interests in every way. It is exactly in line with the general leasing bill that has been passed by this House. In that bill an individual was permitted to lease 2.560 acres. A railroad was permitted to make a lease, providing the coal was used solely for the purpose of the railroad, and an additional lease was authorized by that bill for every 200 miles of road.

Mr. MAYS. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. I yield to the gentleman.
Mr. MAYS. I want to ask if that bil' became a law?

Mr. LENROOT. No; but the House has expressed itself to the fullest extent it was able to do so.

Mr. MAYS. That was a general law, if the gentleman remembers?

Mr. LENROOT. The gentleman has referred to some municipal bills. He has referred to the Grand Junction bill and to the Kaycee bill. which was objected to to-day, and has sought to have the House believe—and I do not question the gentleman's good faith—that we were discriminating in favor of a railroad company. I want to say to the gentleman that in the case of the Grand Junction bill the price provided was the minimum price of \$1.25 an acre, and did not provide for an appraised price at all, and the gentleman from Colorado will correct me if I am wrong. In the case of the Kaycee bill, I hold it in my hand, and it provides that in the case of lease there should be no royalty or charge whatever. So far as discrimination is concerned, the discrimination has not been in favor of the railroad company, but has been in favor of the municipality, as it ought to be. With reference to this matter the railroad is limited in the use of this coal to its own purposes. My friend from New York [Mr. Bennet] objects to that. I wonder if my friend from New York thinks that a railroad has a right to engage in any kind of private business?

Mr. BENNET. Does the gentleman ask me a question?

Mr. LENROOT. Yes. Mr. BENNET. If it is authorized by its charter. If we grant

It rights, it ought to be permitted to exercise those rights.

Mr. LENROOT. I will say in reply to the gentleman, that if any railroad corporation engaged in interstate commerce has the right to engage in every kind of private business, it is the duty of the Congress of the United States to prevent it so far as it is possible, and it is entirely in harmony with good public policy to limit the use of this railroad company to this coal for its own uses and its own purposes.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman

Mr. LENROOT. The situation is that the Northern Pacific and the Great Northern Railroads are competitors of this Milwaukee road, a transcontinental line. The Northern Pacific has thousands of acres of coal lands which it secured by land grant. The Great Northern Railroad has a large quantity of coal. road that had no land granted whatever simply seeks to get the right to either purchase or lease 640 acres of coal land at the highest price, asking no favors from this Government and pay to the Government what it is worth, in order that it may get coal to run its own engines.

The SPEAKER. Does the gentleman yield to the gentleman

from Nebraska?

Mr. LENROOT.

Mr. SHALLENBERGER. Mr. Speaker, the bill provides, as read it, that it shall be leased to the Republic Coal Co. and

not to the railroad company.

Mr. LENROOT. That is correct. The Republic Coal Co. is subsidiary company of the Chicago, Milwaukee & St. Paul Railroad, and all of the stock of the coal company is held by the Milwaukee road as it appeared before our committee.

Mr. SHALLENBERGER. The gentleman is aware that that

is the way all railroad companies handle coal which they sell to

other people.

Mr. LENROOT. Oh, the gentleman will notice that there is a prohibition in this bill against the coal company using it for any other purpose than to supply the railroad company.

Mr. SHALLENBERGER. The bill provides that the coal

shall be sold to no other company than the railroad company?

Mr. LENROOT. Yes.

Mr. SHALLENBERGER. And without that prohibition in

the bill the subsidiary company could sell to others.

Mr. LENROOT. The proviso absolutely prevents it. The provision is that the coal shall be used only for the uses and provision is that the coar shart be used only for the uses and purposes of the Milwaukee road.

The SPEAKER. The time of the gentleman has expired.

Mr. STOUT. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. Ferris].

Mr. FERRIS. Mr. Speaker, this bill in a word authorizes the Republic Coal Co. to lease 640 acres of land to mine coal upon that land for their own use and no other. It provides that they must pay what the Government says it is worth. Third, under existing law any citizen or individual can buy coal and pay for it according to the price fixed by the same department that will fix this price. The whole objection to this bill results from the fact the name of a railroad is in it. The Government of the United States, as well as anybody else, ought to use a little sense about legislating, and it is not proper, because there is a provision in here that a railroad is to buy or lease some of this coal for its own use to burn in its own engines, not to enter into commerce in any way, to be scared to death and vote against it. The bill ought to have passed by unanimous consent and ought to have passed long ago by unanimous consent, but the gentle-man from Utah [Mr. Mays] has objected to it, which of course was within his right, and he opposes it now, which is within his right, and also the gentleman from Colorado [Mr. HILLIARD]. but I insist anyone who sits down and reads this bill and the report will conclude there is no valid objection to it. The railways herein can not enter into commerce or competition under this bill. They merely desire to buy for their own use. They agree to pay all for it that the Interior Department says it is worth.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. FERRIS. I can not; I have only three minutes. Mr. FERRIS. I can not; I have only three minutes. The Interior Department reports it favorably. The Geological Survey reports it favorably. Anyone who will go into it carefully will approve it. It is simply the word railroad that gives some people hysteria. This railway is nothing to me one way or the other, but the passage of this bill is but common justice. They ask no favors. They propose to pay full value for all they get. We passed a bill through this House, H. R. 406, the so-called conservation bill sutherizing mining companies and individuals. conservation bill, authorizing mining companies and individuals to lease 2,560 acres of coal land where this only provides for the leasing of 640 acres of land. That bill passed by this House twice

by unanimous consent after careful consideration. What earthly objection can there be to allowing a railroad company to buy or lease coal for their own use, paying full value therefor? The Government has 53,000,000 acres of coal. The railroad has not a coal mine in 1,500 miles of this place. The next coal land suitable for a supply is found way down in Iowa. They need the able for a supply is found way down in lowa. They need the coal, and they are willing to pay what the Government says it is worth. The opposition to this bill is simply a tempest in a teapot. There really is no foundation for the opposition. They only ask to take 640 acres, and I would like to know what valid objection there can be to this bill? The railway asks no quarter. They merely ask to do a necessary thing and agree to pay full value for it. What more could they do? What more does any thoughtful person want them to do? I yield back my time if I

have any. [Applause.]
The SPEAKER. The gentleman yields back one minute. Mr. STOUT. Mr. Speaker, I will ask the gentleman to use the remainder of his time.

Mr. HILLIARD. I yield to the gentleman from Utah [Mr. Mays]; how much time does he wish?

Mr. MAYS. Mr. Speaker, I only want half a minute to say the gentleman from Wisconsin tried to make the impression here that I had misconstrued the provisions of a certain measure. I have just talked with the father of the bill providing that we grant land to Grand Junction, Colo., and he told me my recollection was right; that they offered to pay the minimum price fixed by the Secretary of the Interior for the coal lands sought to be purchased by the town of Grand Junction.

Mr. LENROOT. Did not the gentleman state to the House the appraised price in his original statement?

Mr. MAYS. I may have said appraised price, but there is some-times a minimum appraised price and a maximum— Mr. LENROOT. I read from the other bill where there was

no royalty whatever.

Mr. MAYS. That is a very small difference.

Mr. HILLIARD. Mr. Speaker, I do not desire to detain the House long. I want to confess now it was I who called you here. I wanted you to hear the discussion of this bill. If you want to give the railroad company this special privilege, I shall not complain if you do it; but I want you to know what the bill is and do it with full knowledge, and if at the end of the debate you shall conclude that you want to do this I am going to ask that there be a yea-and-nay vote, and I sincerely hope that you will bely rea to get that

help me to get that.

Now, Mr. Speaker, the gentleman from Oklahoma [Mr. Ferris] seems to think that he possesses the last word of wisdom about this bill. He says it ought never to have been objected to; that it ought not now to be objected to. Well, why not? If I had introduced a bill when I came here to give the gentleman from Oklahoma a chance to lease land on terms that you gentlemen could not Jease it under the general law, the committee would have laughed at me and you would have laughed at me, and I would have been placed in the newspapers, if I had been a man of any consequence, as a joke. Yet the gentleman from Okla-home, with all his powers as a great leader of this House, feigns surprise that there is any opposition to the measure and

would frown it down.

The distinguished gentleman from Wisconsin [Mr. Lenroot]. who recently has become a great militarist [laughter], labors under the impression that this coal company, because it may not sell to other people, is going to render a great service. Why, the gentleman from Oklahoma and several of these other gentlemen on the Public Lands Committee put in their entire time through all the hot summer last year in trying to develop the West, to the end that the people out there right have a chance; and yet they come in here now and advocate that this coal company shall not be permitted to sell coal to the people out there, although they may be freezing, as the distinguished gentleman from Montana tells us here in this presence. Why should they not sell coal? Why should they not be required to do it? Some gentleman says there is no limit to it. It may be 50 years. For purposes of the railroad that is a sale and nothing else.

Mr. Speaker, it may be fine to be generous with public property, as gentlemen seem to believe, but I venture the word of warning that a different rule obtains in this country now. It is no longer the practice to yield valuable properties to railroad companies under special acts. Uncle Sam is more careful with his heritage. He wants to preserve it. He wants the people to have a chance. It is safe as well as just to take the people's side. They can not have a lobby, as do the great interests, and that it the many recent that their care of his larger than the state of the state that is the more reason that their cause should be championed by somebody on this floor.

Mr. SWITZER. Does the gentleman believe that the railroad company really needs this coal to operate its line out there?

Mr. HILLIARD. I think the railroad needs this coal just as John D. Rockefeller needs everything in the world he does not now have, and for no better reason. [Applause.] railroad company, if it has not coal, can buy it from the coal companies out there like other people buy it, and give those other coal companies a chance to make a little money. course, Mr. Speaker, they would like to get the coal cheaper than you and I could buy it, but they ought to go into the market and patronize some other coal companies and give some other soulless corporation a chance to make a dollar.

Mr. SWITZER. Does not the gentleman believe that the cheaper the railroad company can get the coal the cheaper the Interstate Commerce Commission will make the rates? [Laugh-

Mr. HILLIARD. The laughter that goes over the Chamber

answers the gentleman. [Applause.]

The SPEAKER. The time of the gentleman from Colorado has expired.

The gentleman from Illinois [Mr. Mann] is recognized for

four minutes.

Mr. MANN. Mr. Speaker, I have no interest in the Chicago, Milwaukee & St. Paul Railroad, which does not run through my district, but I have some admiration for the road, because it has been built in competition with the Great Northern and Northern Pacific, out to the Pacific coast, and is the only rail-

Northern Pacine, out to the Pacine coast, and is the only railroad in the country, so far as I know, which is attempting to conserve the natural resources by running trains over the mountains by electric power. [Applause.]

Now, what does it ask? It asks that the Republic Coal Co., which it owns, shall have the right to continue to mine coal. The Republic Coal Co. has a plant now costing \$1,000,000. Coal which they owned is exhausted. All the other coal there is owned either by the Government or the Northern Pacific Paulyand

Railroad.

The Government owns the even-numbered sections and the Northern Pacific owns the odd-numbered sections. The Northern Pacific and the Milwaukee are in competition with each other. The Milwaukee road ought not to be compelled to buy its coal The Milwaukee road ought not to be compelled to buy its coal from the Northern Pacific Railroad, and the only other place that it can buy its coal from is from the Government of the United States. It is willing to pay a fair price for it. It is to the interest of the country that the railroads have coal with which to operate their trains. This company can not carry on its business without coal. When it pays the full price to the Government, why should not we give it the right to burn the coal in its locomotives? What objection is there to it? No objection has been offered. They can not run without the coal. They have got to buy it from the Government or else they have got to buy it from the Northern Pacific Railroad, or they have got to go a long distance away and buy coal and carry it to this section of the road, greatly interfering with transportation and greatly increasing the cost. And the cost eventually is paid by the public. We ought to give them the right to mine this coal, paying for it what it is worth.

The objection of the gentleman from New York [Mr. Benner]

The objection of the gentleman from New York [Mr. Bennet] is not valid. The grant runs to the Republic Coal Co. While it is a subsidiary of the Milwaukee road, we do not want to give to the Republic Coal Co. the right to mine coal to sell to anybody else. If the grant ran directly to the railroad company the present law would cover it, but it runs indirectly to the railroad company, and hence the amendment providing that they can not sell the coal in the market. We do not propose to give the railroad company the right to mine coal, transport it, and sell it in competition with people who have to pay for the transportation of coal. [Applause.] Cries of "Vote!" "Vote!

The SPEAKER. The question is, Shall the rules be suspended and this paper that has been read at the Clerk's desk,

including the amendments, be agreed to? The question was taken.

The SPEAKER. In the judgment of the Chair, two-thirds having voted in the affirmative

Mr. HILLIARD. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Colorado demands a division. Those in favor of suspending the rules and passing the Senate joint resolution with the amendments read in will rise and stand until they are counted. [After counting.] hundred and fifty-two gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After Thirty-nine gentlemen have risen in the negative. On this vote the ayes are 152 and the noes are 39.

Mr. HILLIARD. Mr. Speaker, I demand the yeas and nays.

I make the point of no quorum.

The SPEAKER. The gentleman from Colorado makes the point of no quorum.

The Chair will count.

Mr. HILLIARD. I submit that the Speaker has just counted.

The SPEAKER. The Chair knows, but the Chair will have to count over again. A whole lot of people do not get up on either side. [After counting.] Two hundred and sixteen gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing the Senate joint resolution with amendments read in will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 234, nays 52, answered "present" 3, not voting 144, as follows:

monered pre	sent " 3, not votii	—234.	
bercrombie	Evans	Langley	Rouse
dair	Farr	Lee	Rowe
damson	Ferris	Lehlbach	Rowland
iken	Fess	Lenroot	Rubey
lexander		Lieb	Ruscoll Mo
llen	Flood	Lindbergh	Russell, Mo. Russell, Ohio
Almon		Linthicum	Sanford
shbrook	Fordney	Littlepage	Saunders
swell	Foss	Littlepage	
Black	Foster	Lloyd Lobeck	Schall
	Freeman		Sherley
Blackmon		Longworth	Siegel
Borland	Fuller	McAndrews	Sisson
Bowers	Gallivan	McArthur	Sloan
Britt	Gandy	McClintic	Smith, Minn.
Britten	Gard	McCulloch	Smith, N. Y.
Browning	Garland	McDermott	Smith, Tex.
3rumbaugh_	Garner	McFadden	Stafford
Buchanan, Tex.	Garrett	McGillicuddy	Steagall
Burke	Glass	McLaughlin	Stedman
Burnett	Glynn	McLemore	Steele, Iowa
Butler	Good	Madden	Steele, Pa.
Byrnes, S. C.	Gray, Ala.	Magee	Steenerson
	Green, Iowa	Mann	Stephens, Miss.
Candler, Miss.	Gregg	Mapes	Stephens, Miss. Stephens, Nebr
Cannon	Griest	Martin	Stephens, Tex.
Capstick	Griffin	Meeker	Sterling
Capstick Cary	Guernsey	Miller, Del.	Stiness
asev	Hadley	Miller Minn.	Stout
Casey Coady	Hamilton, Mich.	Miller, Minn. Miller, Pa.	Sulloway
Coleman	Hamlin	Mondell	Sweet
Collier	Hastings	Moon	Swift
Cooper, W. Va.	Hangen	Moore, Pa.	Switzer
Cooper, Wis.	Hawley	Moores, Ind.	Taylor, Colo.
or Tor	Hayden	Morgan, Okla.	Temple
Cox Cramton Crisp		Morrison	Thomas
Telen	Hayes Heaton	Mass	Tilson
Curry	Heaton Heffin	Mudd	Timberlake
Dollingen	Holosop	Murray	
Danfanth		Neely	Van Dyke
Danierth	Henn		Vare
Darrow	Henry	Nelson	Vinson
Davis, Minn.	Hensiey	Nicholls, S. C.	Volstead
	Honand	Michels, Mich.	Walker
Dempsey	Hollingsworth Hood Houston Howard	North	Walsh
Denison	Hood	Norton	Wason
Dent	Houston	Oakey	Watkins
Dies	Howard	Oldfield	Watson, Va.
Dill	Humphreys, Miss.	Oliver	Wheeler
	Hutchinson	Parker, N. J.	Williams, T. S.
	Igoe	Parker, N. Y.	Williams, T. S. Williams, W. E Williams, Ohio
Doughton	Johnson, S. Dak.	Phelan	Williams, Ohio
Driscoll	Johnson, Wash.	Platt	Wilson, La.
Dunn	Johnson, Wash. Kennedy, Iowa	Pratt	Wingo
Jupré	Kennedy, R. I.	Rainey	Winslow
Dyer	Kettner	Rauch	Wood, Ind.
Eagle	Kiess, Pa.	Rayburn	Woods, Iowa
Edmonds	Kinkaid	Ricketts	Young, N. Dak
Edwards	Kitchin	Roberts, Nev.	Young, Tex.
Elston	Konop	Rodenberg	
Esch	La Follette	Rogers	

	NAYS—52.		
Ayres Bailey Barkley Buchanan, III. Caldwell Caraway Carlin Church Connelly Conry Crosser Dowell	Farley Gallagher Goodwin, Ark, Gordon Gray, Ind. Hardy Harrison, Va. Helvering Hilliard Hopwood Huddleston Jacoway	Johnson, Ky Keating Kincheloe King London McCracken Mays Montague Park Powers Quin Raker	
Ellsworth	James	Ramseyer	

ANSWERED "PRESENT "-3.

Carter, Okla. Chandler, N. Y. Charles	TING—144.  Doremus  Drukker  Eagan
Chandler, N. Y. Charles	Drukker
Clark, Fla. Cline Cooper, Ohio Copley Costello Crago Cullop Dale, N. Y.	Emerson Estopinal Fairchild Fitzgerald Flynn Frear Gardner Gillett Godwin, N. C.
Davenport Davis, Tex.	Graham . Gray, N. J.
Dewalt Dickinson Dooling	Greene, Mass. Greene, Vt. Hamili Hamilton, N. Y.
	Chiperfield Clark, Fla. Cline Cooper, Ohio Copley Costello Crago Cullop Dale, N. Y. Dale, Vt. Davenport Davis, Tex. Dewalt Dickinson

Harrison Miss.
Hart
Haskell
Hernandez
Hicks
Hill
Hinds
Howell
Hughes
Hull, Jowa
Hull, Tenn.
Humphrey, Wash.
Husted
Jones
Kahn
Kearns
Keister
Kelley Kelley

Randall

Reilly Scott, Mich. Shallenberger Sherwood Smith, Mich. Sumners

Tague
Tavenner
Taylor, Ark.
Thompson
Tillman
Wise

Key, Ohio	Morin	Riordan	Snell
Kreider	Mott	Roberts, Mass.	Snyder
Lafean	Nolan	Rucker, Ga.	Sparkman
Lazaro	Oglesby	Rucker, Mo.	Stone
Lesher	Olney	Sabath	Sutherland
Lever	O'Shaunessy	Scott, Pa.	Taggart
Lewis	Overmyer	Scully	Talbott
Liebel	Padgett	Sears	Tinkham
Loft	Page, N. C.	Sells	Towner
Loud	Paige, Mass.	Shackleford	Treadway
McKellar	Patten	Shouse	Ward
McKenzie	Peters	Sims	Watson, Pa.
McKinley	Porter	Sinnott	Webb
Maher	Pou	Slayden	Whaley
Matthews	Price	Slemp	Wilson, Fla.
Mooney	Ragsdale	Small	Wilson, III.
Morgan, La.	Reavis	Smith, Idaho	Woodyard

So (two-thirds voting in the affirmative) the rules were sus-

pended and the joint resolution was passed. The Clerk announced the following pairs:

Until further notice:

Mr. Bell with Mr. Cooper of Ohio.

Mr. Clark of Florida with Mr. Gillett.

Mr. O'SHAUNESSY with Mr. GREENE of Vermont. Mr. STONE with Mr. AUSTIN.

Mr. Sabath with Mr. Anthony. Mr. Aswell with Mr. Ward. Mr. Shouse with Mr. Charles. Mr. Barnhart with Mr. Beales. Mr. BOOHER with Mr. BROWNE. Mr. CULLOP with Mr. CAMPBELL

Mr. Davis of Texas with Mr. Chandler of New York. Mr. Dickinson with Mr. Chiperfield. Mr. Doolittle with Mr. Copley. Mr. Doremus with Mr. Crago.

Mr. FITZGERALD with Mr. DRUKKER. Mr. HAMILL with Mr. EMERSON.

Mr. Hull of Tennessee with Mr. Fairchild.

Mr. Jones with Mr. Greene of Massachusetts.

Mr. Jones with Mr. Greene of Massachus Mr. Key of Ohio with Mr. Hernandez. Mr. Lazaro with Mr. Hinds. Mr. Lever with Mr. Howell. Mr. McKellar with Mr. Hull of Iowa. Mr. Morgan of Louisiana with Mr. Kahn. Mr. Overmyer with Mr. Keister.

Mr. Overmyer with Mr. Keister.
Mr. Page of North Carolina with Mr. Kelley.
Mr. Rucker of Georgia with Mr. Treadway.
Mr. Wilson of Florida with Mr. Sutherland.
Mr. Sears with Mr. McKinley.
Mr. Slayden with Mr. Mathews.
Mr. Small with Mr. Peters.
Mr. Sparkman with Mr. Porter.
Mr. Treggarm with Mr. Synyrote.

Mr. Sparkman with Mr. Porter,
Mr. Taggart with Mr. Sinnott.
Mr. Talbott with Mr. Bennet.
Mr. Webb with Mr. Snyder.
Mr. Bennet. Mr. Speaker, I find I am paired with the gentleman from Maryland, Mr. Talbott. Therefore I withdraw my vote, and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will block the doors.

Two-thirds having voted in the affirmative, unlock the doors. the rules are suspended and the bill, with the amendments read into it, is passed.

### LEAVE TO EXTEND REMARKS.

Mr. TILSON. I ask unanimous consent to extend my remarks by printing in the Record an address delivered by the gentleman from New York [Mr. Bennet] on Lincoln's birthday before the Young Men's Republican Club of New Haven, Conn. The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MURRAY. I ask unanimous consent to extend my remarks in the RECORD on the subject of the farm-land registration system.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to ex-

tend my remarks in the RECORD on vocational training.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on vocational education.

Is there objection? There was no objection.

### DANISH WEST INDIES.

Mr. FLOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20755) to carry out the provisions of the treaty of August 4, 1916, for the purchase of the Danish West Indian Islands, and for other purposes, with the amendments recommended by the Committee on Foreign Affairs read into the

The SPEAKER. The gentleman from Virginia moves to suspend the rules and pass the bill (H. R. 20755) and the committee amendments read into it. The Clerk will report the bill.

The bill was read, as follows:

tee amendments read into it. The Clerk will report the bill. The bill was read, as follows:

Be it enacted, etc., That all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct until Congress shall provide for the government of said islands.

Sc. 2. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty.

Sec. 3. That until Congress shall otherwise provide, all laws now imposing taxes in the West Indian Islands acquired from Denmark, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty, continue in effect, except that articles the growth, product, or manufacture of the United States shall be admitted therein free of duty: Provided further, That upon exportation of sugar to foreign countries or the shipment thereof to the United States or any of its possessions there shall be levied, collected, and paid thereon an export duty of \$8 per ton of 2,000 pounds in lieu of any export tax now required by law.

Sec. 4. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the United States,

United States, but shall be paid into the treasury of the said islands, to be used and expended for the government and benefit of said islands.

Sec. 5. That the sum of \$25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate of the United States on the 17th day of January, 1917.

Sec. 6. That the sum of \$50,000 is hereby appropriated for the purpose of carrying this act into effect, to be paid out of any money in the Treasury not otherwise appropriated and to be applied under the direction of the President of the United States.

Sec. 7. That this act, with the exception of section 5, shall be inforce and effect and become operative immediately upon the payment by the United States of said sum of \$25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President, and published in the said Danish West Indian Islands and in the United States. Section 5 shall become immediately effective and the appropriation thereby provided for shall be immediately available.

Amend the title so as to read:

"A bill to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes."

The SPEAKER. Is a second demanded?

The SPEAKER. Is a second demanded? Mr. FORDNEY. I demand a second.

Mr. FLOOD. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Michigan demands a second, and the gentleman from Virginia asks unanimous consent that a second be considered as ordered. Is there objec-

was no objection.

The SPEAKER. The gentleman from Virginia [Mr. Flood] is entitled to 20 minutes and the gentleman from Michigan [Mr. FORDNEY] to 20 minutes.

Mr. FLOOD. Mr. Speaker, this bill provides a government

for the West Indian Islands acquired by the United States from Denmark by treaty entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916; provides for raising revenue to support the government of the islands; and makes an appropriation to pay Denmark the amount agreed

upon by the treaty.

These islands consist of three larger islands and a number of smaller islands. The larger ones are St. Thomas, St. John, and St. Croix. Their population is about 33,000. St. Thomas has an extraordinary fine harbor, which is deemed a very

desirable acquisition.

The trade of the islands is largely with the United States and amounts to over a million and a quarter dollars. It has long been the opinion of Americans that we should own these islands. The first negotiations looking to the acquisition of them was begun by Mr. Seward in 1866, during the administration of Mr. Lincoln. At that time there were a number of offers and counteroffers, and finally our Secretary of State offered

\$7,500,000 for the islands of St. John and St. Thomas. question of the sale was submitted to the people of the two islands and they voted overwhelmingly in favor of it. Rigsdag of Denmark promptly ratified the treaty and the King signed it. It was not acted upon by our Senate for several years and was then rejected.

Another treaty was entered into in 1902 for the purchase of all three of the islands and the adjacent islands and rocks, the consideration being \$5,000,000. This was ratified by the United States Senate, but was rejected by one of the houses of the

Danish Rigsdag.

The present treaty has been ratified by both countries.

The advantages of securing the islands are well stated by Secretary Lansing:

This convention is responsive to the conviction of both Governments, as well as of the people of the islands, that the Danish West Indies should belong to the United States. This conviction, as is well known, has been manifested in earlier treaties for the transfer of these islands to the United States. Without entering upon any extended historical review of the negotiations of these earlier treaties, it may be pointed out that the first negotiations for the purchase of the islands were initiated by Secretary Seward during the administration of President Lincoln and before the close of the Civil War, culminating in the convention signed at Copenhagen October 24, 1867, during the administration of President Johnson, for the cession of the islands of St. Thomas and St. John. It is the opinion of students of the subject that this convention was brought about through the conviction of the United States, gained by its naval operations during the Civil War, of the need of a naval coaling supply and repair station in the Caribbean Sea in order that the United States might be placed on a footing with other great powers owning Islands in those waters. This conviction no doubt, was strengthened by the fact that the United States emerged from that war as a maritime power to whom a good harbor and depot in the West Indies had become a matter of so great importance, if not of necessity, that the United States could not wish to see the Danish West Indies fall into the hands of another power.

Although the plebiscite in St. Thomas and St. John held under the treaty was promptly approved by the Danish Rigsdag and ratified and signed by the King, and although the period for ratification was extended from time to time to April 14, 1870, the Senate Committee on Foreign Relations took no action until March 24, 1870, when Senator Summer reported it adversely and the Senate acquiesced in that opinion.

Prior to the Spanish War overtures were again made for the cession

signed by the King, and although the period for ratification was extended from time to time to April 14, 1870, the Senate Committee on Foreign Relations took no action until March 24, 1870, when Senator Summer reported it adversely and the Senate acquiesced in that opinion.

Prior to the Spanish War overtures were again made for the cession of the islands—this time initiated by the Danish Government. During the Spanish War the question of the purchase of the islands was further agitated. Concurrently with the discussion of the Isthmian Canal and the protection of the islands obtained from Spain, a second treaty for the purchase of the Danish West Indies was signed at Washington, January 24, 1902. In reporting this treaty favorably to the Senate, Senator Cullom, of the Committee on Foreign Relations, stated: "These Islands, together with Porto Rico, are of great importance in a strategic way, whether the strategy be military or commercial St. Thomas is the natural point of call for all European trade bound to the West Indies, Central America, or northern South America. These islands, together with Porto Rico, form the northeastern corner of the Caribbean Sea, and are of great importance in connection with the American isthmus, where a canal will be constructed between the Atlantic and Pacific. They are of first importance in connection with our control of the Windward Passage."

The treaty was approved by the United States Senate February 17, 1902, but failed of ratification by a tie vote in the upper house of the Danish Rigsdag.

All of the reasons upon which the two prior treaties were based, whether strategic, economic, or political, are of more force to-day than in previous years. There can be no question as to the value of St. Thomas Harbor as a naval port, with its circular configuration, ample roadsteads, protection from prevailing winds and seas, and facilities for fortifications. Moreover, the advantages of the possession of an aval base off the entrance of the Panama Canal and near the island of Port R

It is apparent that the Danish Government desires to dispose of the islands, and certainly it is very important to this country, and particularly at the present time, that no other Government be allowed to acquire them.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. CALDWELL. On page 3, paragraph 3, there is a provision for an export tax of \$8 a ton on sugar. Can the gentleman tell the House something about the conditions under which that

is to be levied?

Mr. FLOOD. I will. I want to say, Mr. Speaker, that the jurisdiction of the provisions of this bill referring to import and export duties properly belonged to the Ways and Means Committee, but the general subject of the bill belongs to the Foreign Affairs Committee; so the whole matter was referred to that committee, which has reported the revenue provisions as well as the others. In view of the fact that it is necessary to get this bill through promptly the Ways and Means Committee decided not to raise any question as to jurisdiction, but to let the bill go through as reported, without having it considered as a precedent for the future,

The Ways and Means Committee considered the provisions of sections 2, 3, and 4 of the bill, and the Foreign Affairs Committee accepted the amendments suggested by the Ways and

Means Committee.

To return to the question of the gentleman from New York [Mr. Caldwell], the imports into these islands are largely from this country, and they produce a revenue of about \$100,000 a year. To make up for the loss of that revenue when we have free trade with the islands we have authorized the imposition of an export duty of \$8 a ton on sugar. At \$8 a ton the 15,000 tons exported will make up the revenue that they lose in import

Mr. CALDWELL. There is a constitutional provision that prevents the levying of an export duty in the United States, is there

Mr. FLOOD. This is not a part of the United States yet.

Mr. CALDWELL. It will be as soon as we take possession of

Mr. FLOOD. No. It will be a possession.

Mr. FESS. Will the gentleman yield for a question? Mr. FLOOD. Yes.

Mr. FESS. Does the bill propose to form any sort of government for those islands?

Mr. FLOOD. A temporary government only.
Mr. FESS. While the temporary government is in operation, will it be under the Executive department of the United States? Mr. FLOOD. Absolutely under the Executive department. The islands will be in the possession of this Government and under the Executive department.

Mr. FESS. Will it come under the jurisdiction of the insular

committee at any time?

Mr. FLOOD. Not unless the rules are changed. Under the rules of the House the jurisdiction of the insular committee is confined to the possessions that were acquired by the treaty of 1898.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. When the bill was before the Ways and Means Committee it provided in the first paragraph that the provision of section 1591 of the Revised Statutes of 1878 should not apply to these islands. That provision of the Revised Statutes is that the Constitution and laws of the United States so far as applicable shall apply to all of our

Mr. FLOOD. That was in the bill as originally introduced. When the bill was reported from the Committee on Foreign Affairs it was not left in it, and when it went to the Committee on Ways and Means it was not in it. Whether it was in it or not made no difference, because the section the gentleman refers to applies to organized Territories of the United States, and these islands do not constitute organized Territories.

Mr. MOORE of Pennsylvania. As the bill was read from the

desk as amended, that provision in relation to the Constitu-

tion and laws being applicable is not provided for.

Mr. FLOOD. No; the provision in the bill as originally introduced excluded the section the gentleman mentioned. The bill as amended by the Committee on Foreign Affairs does not take any notice of that because the committee concluded that it was unnecessary. That statute would not apply to these islands because they do not constitute an organized Territory of the United States.

Mr. MOORE of Pennsylvania. But the President is to have control regardless of that statute until Congress shall provide otherwise.

Mr. FLOOD. Exactly.

Mr. MOORE of Pennsylvania. Is the amendment with respect to the articles of growth and products of the island—the tariff provision-the same as it came from the Ways and Means Committee?

Mr. FLOOD. Absolutely. It was not changed at all.

Mr. MOORE of Pennsylvania. No change by the Foreign ffairs Committee after it came back?

Mr. FLOOD. None whatever.

Mr. MOORE of Pennsylvania. It is the same provision that was made in the Philippine bill?

Mr. FLOOD. That is my understanding, and I was so informed by the chairman of the Ways and Means Committee.

Mr. MOORE of Pennsylvania. And in the previous tariff

Mr. FLOOD . Yes. Mr. Speaker, I reserve the balance of my

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the

gentleman from Nebraska [Mr. Sloan].

Mr. SLOAN. Mr. Speaker, Hamlet, the Prince of Denmark, complained of the "overripeness" of the State of Denmark. If he were living now he would make no complaint about lack of thrift on the part of his State, because they are selling three little islands of 138 square miles to the Yankees for \$25,000,000. Talk about the high cost of living, it does not keep pace with

the high cost of land.

This land was quoted some time ago at \$5,000,000; offered to us later at \$7,500,000. They turn it over to us at the rate of \$285 an acre. For the blacks living there we are paying \$825 for each human soul. We are paying for it \$24,999,976 more than we paid for Manhattan Island; \$24,920,000 more than was paid for the State of Pennsylvania by William Penn; \$15,000,000 more than the Gadsden Purchase, with its 45,000 square miles; \$10,000,000 more than we paid for the Louisiana Purchase, containing 820,000 square miles; \$4,900,000 more than we paid for 1,700 islands in the Philippine group, containing 122,000 square miles; more by \$2,800,000 than we paid for the Louisiana and Alaska Purchases combined. We paid less for one-third of the area of the United States and all her possessions than we pay for these three little sanctified islands.

Mr. HULBERT. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. HULBERT. Is not our title to the Danish Islands more permanent than our title to the Philippines, for which we

paid \$20,000,000?

Mr. SLOAN. I do not know; the fact that we are appropriating out of a Treasury where there is nothing may strengthen our title. Then, too, you know our title to the Philippines is waxing stronger since the party in power repudiated its pledge made at Baltimore in 1912 to grant independence to the Philippines.

Mr. MURRAY. Will the gentleman yield?
Mr. SLOAN. Yes.
Mr. MURRAY. Does not the gentleman think that Japan would give \$25,000,000 for one of our ports?

Mr. SLOAN. Oh, I think they would for the port of New

York or a port in Oklahoma. [Laughter.]
Mr. MURRAY. We would not take that for one of our oil

Mr. FESS. We once had the islands offered us for seven and a half million dollars.

Mr. SLOAN. Five million dollars first,

Mr. FESS. No; seven and a half million. Why did not we buy them?

Mr. SLOAN. I do not know; I suppose they wanted to wait until they found the Treasury in such a condition as we find it now; because it is much easier to buy when you are not limited by what you have. The limit of what you have not is so broad that you can appropriate from it with a great deal more ease. [Laughter.]

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield to me for a moment in order to answer the gentleman?

Mr. SLOAN. I shall be delighted to, because I know the gentleman can do it so much better than I.

Mr. MILLER of Minnesota. Oh, no; but I desire to state that it is persistently rumored that the reason the Senate of the United States declined to ratify the treaty by which we proposed to buy these islands in 1867 was that shortly thereafter a very large hurricane visited that section doing a great deal of damage, and that the Yankees began to feel that the dollars they were expending-these seven and a half million dollarswere perhaps too much money to buy a hurricane-ridden section. I want to be frank to say that we are all agreed, I think, at least those of us who have historically examined the subject, that that is one of the blots upon the history of the United States. Either we should not have tried to enter into that treaty at all or when we did enter into it we should have stood by it.

Mr. SLOAN. Mr. Speaker, I want to remark in the brief time

that I have that we refused to buy it at a hurricane time. That is, we refused to buy it on wind, then, but we are buying

it strictly on wind now.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. SLOAN. Yes.
Mr. FESS. My impression is that it was not the Senate of the United States that refused to ratify that treaty. Am I mistaken about that?

Mr. FLOOD. The gentleman is mistaken about that. The Senate of the United States refused to ratify that treaty.

Mr. FESS. Then it was our fault. Mr. FLOOD. They wanted the two smaller islands.

Mr. SLOAN. Moreover, we are paying \$15,000,000 more for these islands than we paid for the Panama Canal Zone, not including, of course, the railroad and the French interests. This zone is the greatest maritime and commercial strategic point in the world.

These little islands will cost nearly 30 per cent of all the lands purchased by the United States in all our history.

An inquiry might at this time be submitted: If little Den-

mark can make diplomatic and financial game of us, as I have set forth, what would there be left of us should we sit in a settling game at a table where all the nations of Europe would participate with the United States as the one big, generous,

guileless, full-pursed participant?

It is suggested that the strategic value of these islands is great. Not for the present war period, because it will take years to fortify them. If we fortify them in accordance with their purchase price, and then fortify to the same degree our other strategic positions, and then build up a Navy to correspond therewith, it will entail an expenditure in the next 10 years of over \$25,000,000,000. And while we may appropriate lavishly from a deficit, debts can not be discharged therefrom. [Applause.]
Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. Cannon].

Mr. CANNON. Mr. Speaker, I want to ask a question, and I am depending upon my recollection. Have there been two treaties made with Denmark for acquiring these islands prior to this?

Mr. FLOOD. I shall be glad to answer the question. There was one treaty in 1867, which provided for the payment of seven million and a half dollars for St. John and St. Thomas. That treaty was rejected by the United States Senate in 1870 or 1871. Another treaty, negotiated in 1902, provided for the payment of \$5,000,000 for all three of the islands, and that was rejected by the Rigsdag of Denmark.
Mr. CANNON. By one vote,
Mr. FLOOD. Yes.

Mr. CANNON. That was my recollection, that the last treaty that was made prior to this one we were to pay \$5,000,000, but finally, as the gentleman stated, it was turned down by Denmark; and if I recollect right, the statement was made in the newspapers that this was done after consideration by one vote in their parliamentary body. Now comes this treaty for \$25,-The President negotiates treaties and the Senate ratifies them in the event they are ratified. The House has the power to refuse the money. My recollection is-and I hope I shall be corrected if it is wrong-that we once entered into a treaty with Mexico away back in the seventies, and if I recollect right-I have not examined it lately-the Senate ratified the treaty and the House defeated it by refusing to appropriate

The House has always the power to refuse to ratify a treaty that requires an appropriation, and if this appropriation should fail, of course, so far as the United States is concerned, it would not be ratified. Talk about jurisdiction! This proposition is exceptional, coming near the close of the session. This is a deficiency appropriation; that is, it is one to be appropriated for the current year. The Committee on Appropriations, by one of its subcommittees, had a hearing upon it the other day, considering it in connection with the deficiency appropriation bill, which bill is to carry \$100,000,000 in round figures for the current year. I supposed that bill would pass and that the House would have an opportunity to discuss it, not under suspension of the rules but to discuss it as general appropriation bills are discussed-in general debate and then under the five-minute rule. I apprehend that this bill will pass, notwithstanding it contains the revenue measure as well as the appropriation provision for \$25,000,000. It is a very serious question in my mind whether it is not \$25,000,000 thrown away. Can any gentleman tell me whether we are to fortify St. Thomas?

Mr. FLOOD, Yes.

Mr. CANNON. Some gentleman says "Yes"; and I have asked a dozen men, and they have said "No."
Mr. SHERLEY. Mr. Speaker, will the gentleman yield.
Mr. CANNON. Yes.

Mr. SHERLEY. How about its being owned by some other country that might fortify it? What is the value of Heligoland now to Germany, that England sold?

Mr. CANNON. Oh, well, what is the matter with the harbors that Great Britain has in the West Indies, the French West Indies, with great harbors in Haiti. There are harbors and there are different ports there. We flap our wings and and there are different ports there. We flap our wings and crow and say under the Monroe doctrine that nobody shall get a holding in this country, at least no Government on the Continent, and yet how much protection does that give us if we were to have a falling out with France or have a falling out with Great Britain? Germany has not any foothold—perhaps she ought not to have it. We assert the Monroe doctrine—assert it with force. Japan has not any hold, yet there are har-bors on the Pacific coast and—

The SPEAKER. The time of the gentleman has expired. Mr. CANNON. Can the gentleman yield me two minutes

more?

Mr. FORDNEY. I yield two minutes more to the gentleman. Mr. CANNON. Any of these countries can get harbors in North America or South America or in the West Indies if they are strong enough to take them. I doubt very seriously, with all the harbors we have to fortify, whether this would be forti-fied or not, and if Germany could take St. Thomas by force, if that is the great bugbear in front of us, could not she take Cape Haytien by force, could not she take the harbors of Haiti? Are we going to fortify all the harbors? I believe there are none in Nicaragua, but we have possessions now, under the Monroe doctrine, in Santo Domingo and Haiti both. Twenty-five million dollars gone-extravagant price to pay-but I guess you are liable to pass it, you know. [Applause.]
Mr. FORDNEY. I yield two minutes to the gentleman from

Wisconsin [Mr. Cooper].

Mr. COOPER of Wisconsin. Mr. Speaker, I am glad indeed to have the gentleman from Michigan recognize me for two minutes on a bill that is reported from the Committee on Foreign Affairs, [Laughter.] With some of the things the distinguished gentleman from Illinois [Mr. Cannon] has said I might agree. Perhaps it is an extravagant price and yet I think this bill ought to pass and pass to-day. As to the jurisdiction of the Committee on Foreign Affairs in the matter of this appropriation, I call the attention of the House to the language of Rule XI:

All proposed legislation shall be referred to the committees named in the preceding rule as follows, namely: Subjects relating to the rela-tions of the United States with foreign nations, including appropria-tions therefor, to the Committee on Foreign Affairs,

This bill is to carry out the provisions of a treaty with a foreign nation, the recommendation of which appropriately comes from the Committee on Foreign Affairs. And I conclude by saying what I said at first, that I think the bill ought to pass and pass now.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentle-

man from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the price may seem a little high; it is high compared with the amounts that have been agreed upon tentatively heretofore. But after all we pay much higher prices for things now than we did when we bought Louisiana and the West, more than we did when we bought Alaska from Russia. I am not disposed to criticize the administration for the price that it names. Doubtless they did the best they could. A previous offer had been rejected by Denmark. I think we ought to take every opportunity that can come to us to own these little islands among the West Indies. [Applause.] And I think that we ought to own the Danish West India Islands. Whether we will fortify the harbor at St. Thomas I do not know, probably not at once, but certainly we will eventually. Now, this bill comes up under a motion to suspend the rules. I would prefer if we had the time that there should be longer debate upon the bill, but we are in the closing hours of the session. It is necessary to pass this bill at this session or we will undoubtedly have an extra session and pass it then. It is necessary to pay the money within the 90 days which is provided. If we are to obtain the islands and if we obtain the islands, it is essential that we pass some kind of legislation giving the President the power to have a government on those islands.

The committee has followed the precedent set in the Louisiana Purchase and in Panama Canal Zone, practically, by authorizing the President to conduct the Government until Congress otherwise provides. In the Panama Canal Zone matter we passed a bill giving the President power to carry on the government there until the end of the next session of Congress. The next session of Congress came and went, but made no provision for further government. However, President Roosevelt, with some criticism teveled against him by gentlemen on the Democratic side, did the only thing he could do. He kept up the government which Congress had inaugurated there, and without that there would have been chaos in the Panama Canal Zone. Unless we provide here, or unless the President executes the power which the Constitution does not really give him, we would have chaos in these islands if we paid the money without providing what the President may do. And I am in favor of taking the islands, of governing them, and in the end giving the people there as much local self-government as possible, remembering all the time that the interests of the great United States are somewhat at stake. We ought to dominate the West India Islands. [Applause and ries of "Vote!" "Vote!" Mr. FORDNEY. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. Mondell].

Mr. Speaker, out of the depths of a bottom-Mr. MONDELL. less and abysmal deficit we are to pay \$25,000,000 for a bunch of West India Islands that, in my opinion, we do not need, and that will never be of any use or value to us. It may be true we should start out on this sort of real estate speculation down yonder in the Caribbean Sea and thereabouts, but, if we do, at least we should not place the price quite so high when we begin our experiments in buying questionable territory.

Mr. KENNEDY of Rhode Island. Will the gentleman yield

for a question?

Mr. MONDELL. I yield.

Mr. KENNEDY of Rhode Island. I understood the gentleman to say a moment ago that we do not, in his opinion, need

these Danish West Indies?

Mr. MONDELL. That is what I said.

Mr. KENNEDY of Rhode Island. Does the gentleman rea-

Mr. MONDELL. I can not yield for a speech. Mr. KENNEDY of Rhode Island (continuing). Republican platform of 1896 contained this language:

And by the purchase of the Danish Islands we should secure a proper and much-needed naval station in the West Indies.

Mr. MONDELL. And about that time we turned down a proposition to purchase these same islands for \$7,500,000.

Mr. KENNEDY of Rhode Island. I do not think the gentleman is correct about that. It was in 1870 we turned that

proposition down.

Mr. MONDELL. We are now proposing to pay \$25,000,000 for them—\$300 an acre; \$800 an inhabitant. Since that time we have acquired a naval station in the West Indies, at Guantanamo, an infinitely better naval station than we can have at the diminutive harbor of St. Thomas. Of course, we could fortify all of the harbors of all the islands of the West Indies that we saw fit to fortify, and burden the future for it, as we will in this case by an issue of bonds. If we continue at the present rate, we may at some time do so. But, in my opinion, this purchase of the islands at a fancy price is simply a waste of public money. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on suspending the rules and

passing the bill with the amendments read into it.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill as amended was

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to ex-

tend my remarks in the Record.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there

objection? [After a pause.] The Chair hears none.

Mr. SANFORD. Mr. Speaker, I make the same request with
reference to printing a speech of Mr. Barnes, of Albany, at the

Lincoln Day dinner,

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a memorial to the Congress on the passage of the bill H. R. 18721.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ENROLLED JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint reso-

lutions of the following titles:

S. J. Res. 157. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment; and

S. J. Res. 205. Joint resolution authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont

in place thereof.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9288. An act providing for the refund of certain duties

illegally levied and collected on acetate of lime;

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.; H. R. 17710. An act authorizing the construction of a bridge

across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry;

H. R. 18529. An act granting the consent of Congress to the

police jury of Rapides Parish, La., to construct a bridge across

Red River at or near Boyce, La.;

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.; and

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader.

### CHANGE OF REFERENCE.

Mr. RANDALL. Mr. Speaker, the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves is, by error, on the Union Calendar. I ask that it be transferred to the House Calendar.

Mr. STAFFORD. Mr. Speaker, I object at this late hour.

The gentleman can make his motion to-morrow.

### EXTENSION OF REMARKS.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on the Danish West Indies bill.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to extend his remarks in the Record on the Danish West Indies bill. Is there objection?

There was no objection.

## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 59 minutes p. m.) the House, under its previous order, adjourned until Tuesday, February 20, 1917, at 11 o'clock a. m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy, submitting additional and supplemental estimates of deficiencies in appropriations required by the Navy Department for the fiscal year 1917 (H. Doc. No. 2070); was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 5768) for the relief of Frank Carpenter, reported the same without amendment, accompanied by a report (No. 1507), which said bill and report were referred to the Private Calendar.

Mr. PETERS, from the Committee on Claims, to which was referred the bill (H. R. 20436) for the relief of Alfred B. Andrews, reported the same with amendment, accompanied by a

report (No. 1509), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS. Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. LEVER: A bill (H. R. 20963) to amend Part C, known as the United States warehouse act, of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes," approved August 11, 1916; to the Committee on Agriculture.

By Mr. TIMBERLAKE: A bill (H. R. 20964) authorizing the Secretary of War, in his discretion, to deliver to the board of county commissioners, Logan County, Colo., four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls; to the Committee on Military

By Mr. CARY: A bill (H. R. 20965) to establish a National Commission of Aeronautics, and for other purposes; to the Committee on Appropriations.

By Mr. STEPHENS of Texas: A bill (H. R. 20966) to establish a branch Federal land bank at Wichita Falls, in northwest

Texas: to the Committee on Banking and Currency.

By Mr. FITZGERALD: A bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RAKER: A bill (H. R. 20968) to include certain lands in the counties of Modoc and Siskiyou, Cal., in the Modoc National Forest, Cal., and for other purposes; to the Committee

on the Public Lands.

By Mr. FARR: A bill (H. R. 20969) to amend the public building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Olyphant, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HASTINGS: A bill (H. R. 20970) providing for an additional judge for the eastern district of Oklahoma; to the

Committee on the Judiciary.

By Mr. BLACKMON: A bill (H. R. 20971) to make further provision for the organization of native troops in the Philippine Islands; to the Committee on Military Affairs.

# PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 20972) to authorize the placing on a roll in the War Department, designated as "The Civil War Volunteer officers' retired list," the name of Morton A. Pratt, first lieutenant Company A, Third Illinois Cavalry of the United States in the Civil War; to the Committee on Military

Also, a bill (H. R. 20973) granting an increase of pension to Morton A. Pratt; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 20974) granting an increase of pension to Nathan L. Nims; to the Committee on Invalid Pen-

By Mr. DAVIS of Minnesota: A bill (H. R. 20975) for the relief of William E. Jones, Faribault, Minn.; to the Committee on Military Affairs.

By Mr. DILL: A bill (H. R. 20976) granting an increase of pension to George Bannar; to the Committee on Invalid Pen-

Also, a bill (H. R. 20977) granting a pension to John G. Miller; to the Committee on Pensions.

Also, a bill (H. R. 20978) granting a pension to W. A. Davis; to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 20979) granting an increase of pension to Henry D. Potter; to the Committee on Invalid Pen-

By Mr. GOULD: A bill (H. R. 20980) granting an increase of pension to Cyrenus F. Horton; to the Committee on Invalid Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 20981) authorizing the owners of square 710, District of Columbia, to construct, maintain, and operate an elevated railway siding track; to the

Committee on the District of Columbia.

By Mr. NEELY: A bill (H. R. 20982) granting an increase of pension to Mary E. Hine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20983) granting an increase of pension to Jerry A. Fitzgerald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20984) granting an increase of pension to Beckwith A. McNemar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20985) granting an increase of pension to Fannie R. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20986) granting an increase of pension to George Keck: to the Committee on Invalid Pensions.

Also, a bill (H. R. 20987) granting an increase of pension to John W. Oldfield; to the Committee on Pensions.

Also, a bill (H. R. 20988) granting an increase of pension to Walter Griffith; to the Committee on Pensions.

Also, a bill (H. R. 20989) granting a pension to Thurman L. Anglemyer; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 2090) granting an increase of pension to Elizabeth C. Van Gundy; to the Committee on

Invalid Pensions Also, a bill (H. R. 20991) granting an increase of pension to Michael J. Breyfogel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20992) granting an increase of pension to Lizzie S. Williams; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 20993) to correct the milirecord of Capt. John H. Holbrook; to the Committee on

Also, a bill (H. R. 20994) to correct the military record of Louis Smith Kelly; to the Committee on Military Affairs.

By Mr. GALLIVAN: A bill (H. R. 20995) granting an increase of pension to Frances E. C. Horton; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: Resolution (H. Res. 514) providing for the consideration of H. R. 6915; to the Committee on Rules.

By Mr. MILLER of Delaware: Joint resolution (H. J. Res. to grant citizenship to Harry Kety; to the Committee on Immigration and Naturalization.

By the SPEAKER (by request): Memorial of the Legislature of the State of North Dakota, favoring the construction of a wagon bridge across the Missouri River; to the Committee on

By Mr. MURRAY: Memorial of the Legislature of the State of Oklahoma, expressing confidence in the action of President Woodrow Wilson, toward a world-wide Monroe doctrine, and his support of a league of nations to preserve the peace of the world; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Memorial of the Legislature of the State of New York, favoring an appropriation of \$1,395,275 for the transfer to the Federal Government of the quarantine establishment of the port of New York; to the Committee on Ap-

propriations.

Also, memorial of the Legislature of the State of New York, favoring the passage of H. R. 20080; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: Memorial of the Legislature of the State of Colorado, favoring the establishment of tactical division of the United States Army at Fort Logan, Colo.; to the Committee on Military Affairs.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Grange, Furniss, Pa., protesting against Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also (by request), memorial of Farmers' National Congress of the United States, protesting against the Underwood elec-margarine amendment to the revenue bill; to the Committee on Ways and Means.

Also (by request), memorial adopted by the National Board of Directors of the Farmers' Educational and Cooperative Union of America, opposing the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and

By Mr. BROWNING: Petitions of sundry citizens of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CAREW: Petition of the Commercial Exchange of Philadelphia, Pa., approving the act of the President of the United States in severing relations with Germany; to the Committee on Foreign Affairs.

By Mr. CARTER of Massachusetts: Petition of E. W. and F. B. Dean and M. C. Hardy, of Roxbury, Mass., relative to program of President in his speech of January 22, 1917; to the Committee on Foreign Affairs.

By Mr. CARY: Petition of O. L. Hollister, president of the Federal Malleable Co., of West Allis, Wis., urging passage of House bill 17350; to the Committee on Interstate and Foreign Commerce.

Also, petitions of South Side Mill Work Co.; Pioneer Brotherhood, No. 2, National Association of Letter Carriers; and the Linde Air Products Co., of Milwaukee, Wis., favoring House bill 17806, relative to salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of F. G. Findley, president of Wisconsin Paste Co., of Milwaukee, Wis., favoring prohibitory legislation; to

the Committee on the Judiciary.

By Mr. CHARLES: Petition of the Trades Assembly, Schenectady, N. Y., for a referendum before any declaration of war; to the Committee on Foreign Affairs.

By Mr. COOPER of Ohio: Memorial of Board of Trade, Warren, Ohio, indorsing Senate bill 7909; to the Committee on

Immigration.

By Mr. DALE of New York: Petition of Juvenile Aid Society of Philadelphia, favoring House bill 92, to establish a probation system in the United States courts; to the Committee on Rules.

Also, petition of Corrugated Bar Co., Buffalo, N. Y., protesting against the Federal tax on excess profits; to the Committee on Ways and Means.

Also, petition of Fort Orange Paper Co., New York City, opposing a portion of House bill 20573, to provide for increased

revenue; to the Committee on Ways and Means.

Also, petition of Farmers' National Congress of the United States, protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways, and Means. Also, memorial of citizens of the city of Minneapolis, against

being drawn into war; to the Committee on Foreign Affairs. By Mr. DYER: Petitions of owners of Western River steam

vessels, of St. Louis, Mo., relative to salaries of clerks and inspectors of United States Steamboat-Inspection Service; to the Committee on Appropriations.

By Mr. EAGAN: Petition of Chamber of Commerce of the State of New York, against Federal encroachment on State revenue sources; to the Committee on Ways and Means.

Also, petition of New York Navy Yard Painters' Association,

protesting against an increase of but 8 cents per diem in their salary; to the Committee on Naval Affairs.

Also, petition of New Jersey Press Association, against passage of the Owen corrupt-practices bill; to the Committee on the

Judiciary.

Also, memorial of Chamber of Commerce of New York State, favoring any taxation necessary to provide for the protection of American lives and vessels and other American property throughout the world; to the Committee on Ways and Means.

Also, memorial adopted by the antiwar mass meeting under the auspices of the Socialist-Labor Party, New York City, protesting against forcing this country into war; to the Committee on Foreign Affairs.

Also, petition of Navy Yard Retirement Association, New York, favoring House bill 5757; to the Committee on Pensions.

By Mr. ESCH: Petition of Wisconsin State Federation of

Labor, against the United States in war with any nation; to the Committee on Foreign Affairs.

Also, petition of American citizens of Minneapolis, Minn., against United States in war with any nation; to the Committee

on Foreign Affairs. By Mr. FOSS: Memorial of citizens of Wilmette, Ill., relative to moral environment of the soldier in military preparedness;

to the Committee on Military Affairs. By Mr. FULLER: Petitions of citizens of Rockford, Ill., against any participation in the European war and urging a referendum vote before any declaration of war; to the Committee on Foreign Affairs.

Also, betition of H. A. Bent, Oglesby, Ill., for prohibitory bills; to the Committee on the Judiciary.

Also, memorial adopted at a mass meeting of 3,500 citizens of Minneapolis, in favor of this country remaining at peace and opposing any participation in the European war; to the Committee on Foreign Affairs.

Also, petition of German-American Commerce (Inc.), concerning protection of American interests at sea; to the Committee

on Foreign Affairs

By Mr. GALLIVAN: Petition of citizens of New York City, relative to food embargo; to the Committee on Interstate and Foreign Commerce.

Also, petition of letter carriers of the United States, favoring a retirement law and increase in salary; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Minneapolis, Minn., and of Boston, Mass., against this country in war with any nation; to the Committee on Foreign Affairs.

Also, petition of E. B. Whitingham, of Boston, Mass., urging adoption of proposal of Massachusetts branch of the League to

Enforce Peace by the United States; to the Committee on Foreign Affairs.

Also, memorial of the Springfield Board of Trade, opposed to divorcement of the Sound steamship lines from the New York, New Haven & Hartford Railroad system; to the Committee on Interstate and Foreign Commerce.

Also, petition of Farmers' National Congress of United States, against the Underwood oleomargarine amendment to the rev-

enue bill; to the Committee on Ways and Means.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 20913, granting a pension to Charles L. Thornton; to the Committee on Pensions.

By Mr. GRIFFIN: Petition of Chamber of German-American Commerce (Inc.), New York City, relative to protecting American cargoes; to the Committee on Interstate and Foreign Commerce.

Also, memorial of food-embargo committee, New York City, relative to embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of a mass meeting of citizens of Minneapolis,

against war; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Memorial of William O. Foster and 125 others and Elwood Thomasson and 125 other citizens of central eastern Ohio, against compulsory military training; to the Committee on Military Affairs.

By Mr. KETTNER: Petition of Miss Elizabeth Chapman and 6 others, of Redlands; Mrs. Isla Noyes, East San Diego; Henry Weihe, San Diego; Mrs. Kate A. Mitchell, secretary San Antone Valley Improvement Association, Victorville; Mrs. Annee W. Jay, San Diego; and Mrs. Z. Weihe, San Diego, all in the State of California, favoring passage of House bill 19295; to the Committee on Interstate and Foreign Commerce.

Also, petition of T. J. C. Kelly, Santa Fe, Needles, Cal.; O. W. Phipps, Santa Fe, Needles, Cal.; E. A. Vahey, secretary-treasurer, A. M. Seymour, D. I. Carter, B. W. Cruikshank, J. W. Stagg, Ben S. Williams, C. A. Anderson, E. D. Metzger, Charles A. Lewis, C. L. Barrows, chairman conductors' committee, and William Duncan, all of the Order of Railway Conductors of America, No. 392, San Bernardino, Cal., protesting against passage of House bill 19730; to the Committee on the Judiciary

Also, petition of Mrs. James R. Stevenson, California Federation of Women's Clubs, Imperial; David Starr Jordan, Leland Stanford Junior University, Stanford, University; and Mrs. Anna M. W. Connell, San Diego, all in the State of California, favoring House bill 20080; to the Committee on Foreign Affairs.

Also, petition of W. S. Conger, president of the Evening Index, San Bernardino, Cal., protesting against passage of House bill 18986 and Senate bill 4429, mail-exclusion bills; to the Committee on the Post Office and Post Roads.

Also, petition of David B. Todd, Escondido, and D. C. Collier, San Diego, both in the State of California, protesting against postal rates on second-mail matter according to zone system; to the Committee on the Post Office and Post Roads.

Also, petition of C. C. Redwine and 26 other clerks and carriers, of Riverside, Cal., favoring increase of pay for postal clerks and carriers; to the Committee on the Post Office and

Also, petition of Clarence Harden, secretary Bar Association of San Diego, San Diego, Cal., favoring Smith bill for increase in salaries of judges of district courts of United States and circuit courts of appeal of United States; to the Committee on Appropriations.

Also, petition of F. V. Owen, secretary Arrowhead Trails Association, Redlands, Cal., favoring construction and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

By Mr. MORIN: Petition of H. S. Gerstein, I. A. Mazer, L. Fuss, and A. Epstain, committee of the Social Science Club of the University of Pittsburgh, Pittsburgh, Pa., protesting against any attempt to foist compulsory military service upon the Nation, and demanding that a national referendum be taken before any war is declared; to the Committee on Military Affairs.

By Mr. OAKEY: Petition of sundry citizens of Hartford, Conn., against being drawn into war; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of citizens of Beaver, Pa., favor-

By Mr. VARE: Memorial of Equal Franchise Society, of Philadelphia, Pa., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. VOLSTEAD: Petition of farmers of the State of Minnesota, relative to advance in the price of sisal fiber; to the

Committee on Agriculture.

By Mr. WICKERSHAM: Petition of citizens of Ketchikan, Alaska, praying for the passage of Alaska halibut amendment to the House revenue bill; to the Committee on Ways and Means.

## SENATE.

# Tuesday, February 20, 1917.

The Senate met at 10.30 o'clock a. m.

The Chaplain, Rev. Forest J. Prettyman, D. D., offered the

following prayer:

Almighty God, we lift our hearts in humble, fervent prayer that we may have the Divine light upon our pathway this day. In the journey to which we at this time commit ourselves may we have the accompanying inspiration and light of the Divine presence. We have found that when we have exhausted all the resources of our human life still there are unsolved problems There are questions pertaining to the eternal and before us. the changeless and the absolute that must be solved only by the inspiration that Thou canst give to Thy servants who commit themselves to Thy will. Do Thou look upon us this morning and endue us with heavenly wisdom, that we may discharge the duties of this day in Thy sight and accomplish all Thy perfect will in us. For Christ's sake. Amen.

Mr. BRANDEGEE. Mr. President, I rise to a question of

order.

Mr. TOWNSEND. I was going to suggest the absence of a quorum.

Mr. BRANDEGEE. I do not think that can be done when I

am raising another question of order.

Mr. TOWNSEND. Very well; I do not care to insist on it. Mr. BRANDEGEE. If the Chair will look at page 4014 of the RECORD, at the bottom of the second column, it appears that last night the Presiding Officer announced that "35 Senators have answered to their names. There is not a quorum present." Thereupon, on the first column of the next page, it appears that Mr. REED moved "that the Sergeant at Arms be directed to request the attendance of absent Senators. The motion was agreed to."

A little further down Mr. Fletcher said:

Mr. President, I know that no business is in order. I think we ought to procure the attendance of absent Senators, and we ought to proceed with the business of the Senate.

Whereupon Mr. Kenyon said:

Mr. President, I make the point of order that no business is in order. The Presiding Officer. The point of order is sustained. No business is in order.

Mr. Kenyon (at 7 o'clock and 25 minutes p. m.). I move that the Senate adjourn.

Later on:

Mr. KENYON. I withdraw the motion, but I shall renew it in a little .

Mr. Overman. I move that when the Senate adjourns it adjourn to meet at half past 10 o'clock to-morrow morning.

The Chair will bear in mind there was no quorum present. The standing order of the Senate is that the Senate shall adjourn to meet at 11 o'clock. No other hour could be fixed for meeting in the absence of a quorum. Nothing was in order except to procure a quorum or to adjourn. I make the point of order that the Senate can not come in session until 11 o'clock.

Mr. OVERMAN. The Senator is right. I agree to it.

The VICE PRESIDENT. The Chair sustains the point of order.

Thereupon the Senate (at 10 o'clock and 35 minutes a. m.) dissolved to reassemble at 11 o'clock a. m.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the

following prayer:
We thank Thee, Almighty God, that Thou dost continually stir up within us an aspiration after the highest and the best. Thou hast taught us in Thy Word what is the chief good, and that we are to attain it by doing justly, loving mercy, and by walking humbly with God. We pray that the path of this day may contain within itself the effort on the part of each one of us to attain unto this highest good, that we in our outward lives may do justly, that in our inward spirit we may love mercy, and that in our upward life we may walk humbly with God. We ask for Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Beckham	Husting	Newlands	Sterling
Borah	Johnson, Me.	Norris	Stone
Brady	Johnson, S. Dak.	Overman	Thomas
Brandegee	Jones	Page	Thompson
Bryan	Kenyon	Pittman	Townsend
Catron	Kern	Poindexter	Underwood
Chamberlain	La Follette	Pomerene	Vardaman
Colt	Lane	Ransdell	Wadsworth
Cummins	Lea. Tenn.	Robinson	Walsh
Curtis	Lee, Md.	Shafroth	Warren
Fernald	Lodge	Sheppard	Watson
Fletcher	McCumber	Sherman	Weeks
Gronna	McLean	Simmons	Williams
Hardwick	Martine, N. J.	Smith, Md.	Works
Hollis	Nelson	Smoot	

Mr. CURTIS. I desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. Gallinger]. He is paired with the Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

Mr. VARDAMAN. I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. Shields] on account

Mr. CURTIS. I desire to announce the absence of the Senator from Ohio [Mr. HARDING] on account of illness. This an-

nouncement may stand for the day.

No Drive of New Jersey. I rise to announce the ab-Mr. MARTINE of New Jersey. I rise to announce the absence of the senior Senator from Oklahoma [Mr. Gore] and the junior Senator from Illinois [Mr. Lewis], both on account of illness. I ask that this announcement may stand for the day.

Mr. LEA of Tennessee. I have been requested to announce that the senior Senator from Kentucky [Mr. James] is detained

on official business.

Mr. WALSH. I have been requested to announce that the Senator from Delaware [Mr. SAULSBURY] is detained from the

Senate on account of illness.

Mr. OVERMAN. I desire to announce that the Senator from Texas [Mr. Culberson], the Senator from Missouri [Mr. Reed], the Senator from Georgia [Mr. SMITH], and the Senator from Vermont [Mr. DILLINGHAM] are absent on official business of the Senate.

Mr. SMOOT. I desire to announce the unavoidable absence

of my colleague [Mr. SUTHERLAND].

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will read the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Brandegee and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 1068. An act relating to desert-land entries;

S. 1697. An act to declare Ollala Slough in Lincoln County, Oreg., nonnavigable;

. 2543. An act for the relief of the State of Kentucky;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida; to allow the said State to claim

certain other lands, and for other purposes; S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other

railway purposes, and for other purposes; S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the

Carey Act; and

S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States as amended by the act of April 9, 1906.

The message also announced that the House had passed the bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, with an amendment, in which it requested the concurrence

of the Senate.

The message also announced that the House had passed the passed the northern judicial bill (8. 7644) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes, with an amendment, in which it requested the concurrence of

The message further announced that the House had passed the bill (S. 5450) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (8, 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the The message also announced that the House had passed the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House further insists upon its amendments to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, disagreed to by the Senate, agrees to the further con-ference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Adamson, Mr. Sims, and Mr. EscH managers at the further conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5788. An act to create two additional associate justices of the Supreme Court of the District of Columbia;

H. R. 10110. An act to increase the salary of the United States district attorney for the district of Rhode Island;
H. R. 11706. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March

3, 1911; H. R. 18166: An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture; H. R. 17646. An act to amend section 6 of an act to define

and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the of money issued or comed by the Cinted States, to return the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 4, 1907, by the act of March 2, 1911, and by the act of June 12, 1916;

H. R. 18825. An act to amend an act entitled "An act making

appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes"

H. R. 18826. An act to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service;

H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.;

H. R. 19233. An act to increase the salary of the United States marshal for the western district of Michigan;

H. R. 19771. An act to renew patent No. 24917; H. R. 20228. An act to renew patent No. 25909;

H. R. 20414. An act for the establishment of a probation system in the United States courts, except in the District of Colum-

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louis-

ville, State of Kentucky, November 8 to 14, 1917.

### PRISON-MADE GOODS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a further report relative to the extent to which prisoners, paupers,

or detained persons are utilized in the production and manufacture of articles sold in the commerce of various countries, which was referred to the Committee on Printing and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair has received a communication from the speaker of the House of Delegates of Porto Rico, which will be printed in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The communication is as follows:

#### [Cablegram.]

SAN JUAN, P. R., February 17, 1917.

To the President of the United States, United States Senate, House of Representatives, Chief of the Bureau of Insular Affairs, War Department, Washington:

FAIRS, WAR DEPARTMENT, Washington:
Consistent with repeated previous petitions, house of delegates today unanimously passed resolution praying Congress to transfer to
Supreme Court of Porto Rico jurisdiction of Federal court or to restrict
the same in accordance with original section 42 of House bill 9533,
to authorize proceedings in said court both in Spanish and English,
and to insert section 35, Foraker Act, without part relative to Federal
court instead of section 44. Full text of resolution by mail.

Jose de Direct, Speaker.

Mr. NEWLANDS. I ask unanimous consent that the bill (H. R. 308) to amend the act to regulate commerce as amended, and for other purpose

Mr. LODGE. I object at this stage until the routine business

concluded.

Mr. NEWLANDS. That the act proposing to enlarge the membership of the Interstate Commerce Commission be taken

The VICE PRESIDENT. There is objection.

Mr. LODGE. I ask for the regular order. I think we ought to be allowed to dispose of our routine business

Mr. NEWLANDS. It seems to me the Senator might well

Iet me conclude my remarks before making the objection.
Mr. LODGE. It is because I want to save time; that is all.
Mr. NEWLANDS. Yes; but there is an orderly and courte-

ous way of proceeding.

Mr. LODGE. I present resolutions adopted at a town meeting of citizens of Yarmouth, Mass., in support of the President's action in severing relations with Germany. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

YARMOUTHPORT, MASS., February 16, 1917.

YARMOUTHPORT, MASS., February 16, 1917.

Hon. Henry Cabot Lodge,
United States Senate, Washington, D. C.

My Dear Senator: I beg to advise you that at the annual town meeting of Yarmouth held on February 13 the following resolutions were unanimously adopted:
"Resolved, That we, citizens of the town of Yarmouth, Mass., in town meeting assembled, indorse the action of the President of the United States of America in severing diplomatic relations with Germany.
"Resolved, That we, loyal citizens of the old town of Yarmouth, pledge to our President our undivided support in any course necessary to protect our flag and our citizens and maintain the rights of our country"

Thomas C. Thacher.

THOMAS C. THACHER,
Former Congressman, Chairman of Committee.
WILLIAM M. STETSON,
Representative in Massachusetts House of Representatives.
T. W. SWIFT.

With my best wishes, Faithfully, yours,

Mr. LODGE. I present resolutions adopted at a meeting of the electrical, civil, and mechanical engineers of New Eng-land, held in Boston, Mass., pledging their support to the Gov-ernment in the maintenance of American rights. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WENTWORTH INSTITUTE, Boston, February 14, 1917.

Hon. Henry Cabot Lodge,

United States Senate, Washington, D. C.

Dear Sir: I am instructed to transmit to you the following resolutions which were passed at a professional gathering of 453 engineers from all parts of New England without a dissenting vote:

"In view of the grave crisis which our country is now facing and in recognition of the stand recently taken by the President of the United States for the protection of American rights and American lives on the

sca—
"Be it resolved. That we, the members of the convention of New England electricai, civil, and mechanical engineers, held jointly in Boston Wednesday, February 7, 1917, first do pledge ourselves to the support of the President and Congress in the hope that our rights may be obtained by peaceful means; and second, that we pledge ourselves likewise to the utmost of our powers and our service, in case our country is forced into war, as the only means of maintaining all our rights, freedom, and safety the world over.

"Be it further resolved, That a copy of these resolutions be sent to the President at the White House in Washington and to every Senator and Representative from New England."

Yours, very respectfully,

ARTHUR L. WILLISTON,
Chairman of the Boston Section of the
American Society of Mechanical Engineers.

Mr. LODGE presented a petition of the Board of Trade of Springfield, Mass., praying for an amendment to the Panama Canal act to permit the continued operation of steamships by the New York, New Haven & Hartford Railroad Co., which was referred to the Committee on Interstate Commerce.

Mr. McCUMBER presented petitions of sundry citizens of Hebron and Fordville, in the State of North Dakota, praying that the question of war be submitted to a referendum of the people, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Larimore, N. Dak., praying for the enactment of legislation to provide for a system of national highways, which was referred to

the Committee on Agriculture and Forestry.

Mr. WARREN. I present a petition in the form of a memorial of the Legislature of Wyoming. It happens to bear no signatures, but the letter which accompanied it vouches for it. relates to a matter concerning which I introduced a bill a short time ago. I ask that it be printed in the RECORD.

The memorial was referred to the Committee on Public Lands and ordered to be printed in the Record, as follows:

Senate enrolled joint memorial 2.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States be memorialized as follows:

memorialized as follows:

Whereas there are large areas of lands in Wyoming which are suitable for and susceptible to irrigation, there being also a sufficient water supply, if carefully conserved and economically used, to properly reclaim this entire area, and since it is of the highest public advantage, both to the Nation and State, to reclaim and colonize these potentially fertile lands as rapidly as possible; and

Whereas to-day in Wyoming we have hundreds of thousands of acres of unoccupied lands which are commanded by completed irrigation systems, and since failure to successfully settle these lands has emphasized the necessity of considering the great human problem involved; and

and
Whereas a study of this problem has led to the following conclusions:

(a) That we can not bring successful settlement to these lands under our present system and policies.

(b) That in settling these lands we must look chiefly to the men of small means, who must depend mainly on frugality and industry, and that such settlers working unaided and alone can not hope to succeed.

succeed.

(c) That since there is no enacted legislation, either Federal or State, which will aid the new settler in the arduous, costly task of transforming raw, sagebrush land into an irrigated farm, there is urgent need of immediate and appropriate legislation both by Congress and our State legislature.

(d) That the plan of State-aided settlement must include a permanent, revolving fund, to be invested, under capable and careful control, in the first essential improvements of raw land and in loans to qualified settlers for such improvements, necessary materials and equipment, the money so invested to be repaid by the settlers, with a low rate of interest, on the long-time amortized plan. In addition, there should be oversight and direction in irrigation and cultivation and help in cooperative purchase of implements and live stock, in order to prevent costly mistakes and promote the spirit of agricultural cooperation and of community rather than individual action.

(e) That Wyoming at this time has no source of revenue from which the necessary fund for this work can be derived: Now, therefore, be it

\*Resolved\*, That the Congress of the United States be earnestly urged

which the necessary that to the United States be earnestly urged fore, be it

Resolved. That the Congress of the United States be earnestly urged to take early and favorable action which will provide a permanent fund to be held in trust by the State of Wyoming and invested in State-aided settlement of our irrigable lands; and that as a means of providing this fund we suggest the advantages and necessity of setting aside 2,000,000 acres of public lands, to be selected, appraised, and sold by a beard consisting of Federal and State authorities, the proceeds to be invested by the State in loans to qualified settlers on irrigable lands and to have as security a first lien on the lands and improvements; and that the fund so provided and used shall, together with accrued interest, be returned to the Federal Government after it has served its purpose in this great work; and be it further

Resolved, That a certified copy of this memorial be sent to each of the Members of the congressional delegation from the State in Congress, the Secretary of the Interior, and the Commissioner of the General Land Office, with the request that they employ their best efforts to secure favorable action from Congress along the lines indicated.

Mr. KIRBY. I present a memorial adopted by the Legisla-

Mr. KIRBY. I present a memorial adopted by the Legislature of the State of Arkansas, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the senate and house of representatives of the State of Arkansas in legislature assembled, being the forty-first regular session, most respectfully petition as follows: That—

Whereas the importance of prompt and accurate record of births, deaths, and communicable diseases is now recognized by all civilized countries as of direct benefit to the Nation; and

Whereas the reporting of these births, deaths, and communicable diseases is now required by Federal and State laws, and it being for the general welfare of the public, your memorialists believe that this expenses, in so far as postage is involved, should be borne by the the general weather expenses, in so far as postage is involved, should be expenses, in so far as postage is involved, should be public; and hereas the education of the people by means of printed matter pertaining to the preservation of health is conducive to the general public welfare: Therefore

Congress of the United States to authorize the

We petition the Congress of the United States to authorize the franking of all reports of births, deaths, and communicable diseases to the proper officer, and all printed matter of an educational character issued by the State Board of Health to the people of the State in which such matter is issued.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Joseph, Oreg., praying that the United States remain at peace, which was referred to the Committee on Foreign Rela-

He also presented a memorial of sundry citizens of Whiteson, Oreg., remonstrating against the United States becoming en-gaged in the European war, which was referred to the Committee on Foreign Relations.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. NELSON presented a petition of the St. Paul (Minn.) Association, praying for the passage of the so-called Webb bill relating to the export trade, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Morris, Minn., approving the course of the President in the handling of international affairs, which was referred to the Committee on Foreign Relations.

Mr. HUSTING. I present a petition from E. B. Wolcott Post, No. 1, Grand Army of the Republic, Department of Wisconsin, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

printed in the Record, as follows:

E. B. Wolcott Post, No. 1, Grand Army of the Republic, Department of Wisconsin, in this solemn hour of America's peril, recalls with pride the prompt, uncompromising support tendered the President of the United States and the National Government by the State of Wisconsin in the black days of the Civil War. The splendid patriotism exhibited, and the glorious record made by the State in that great conflict, constitute its proudest history.

Our fighting days are over and we love peace, but when the honor of America and the lives and rights of our people are assailed by foreign foes and domestic traitors our national existence demands the unqualified and unfaltering loyalty of all citizens. We stand for one country and one flag.

Mr. WATSON presented a memorial of District No. 11, United Mine Workers of America, of Terre Haute, Ind., remonstrating against the United States becoming engaged in the European war, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Master Painters and Decorators' Association of the State of California, praying for the enactment of legislation to provide for the standardization of paints, oils, and turpentine, which was ordered to lie on the table.

Mr. MARTINE of New Jersey presented a petition of sundry citizens of Salem, N. J., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

### OIL-LEASING BILL.

Mr. WORKS. It is quite evident now that the oil-leasing bill will not be reached for consideration during the present session. There is a very general misunderstanding of the facts relating to some of the provisions of the bill. I have here a statement by ex-Gov. Thorne, of Kentucky, in the form of a letter to the chairman of the Naval Committee, intended to correct some of the mistaken statements which have gone out. It is very brief, and I ask that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., January 25, 1917.

Washington, D. C., January 25, 1917.

Senator Benjamin R. Tillman.

Chairman Committee on Naval Affairs, United States Senate.

Dear Sir: In order to prevent, so far as possible, a gross injustice from being done, and perhaps an irreparable wrong from being committed by a misstatement of facts upon a vital question, I beg to call your attention to the following with the hope that such steps as you and your committee may deem advisable may be taken in the premises.

It appears at page 71 of the printed record of "Hearing before the Committee on Naval Affairs, United States Senate, Sixty-fourth Congress, second session, on the so-called relief provisions of the leasing bill relative to the California Naval Petroleum Reserve." said hearings having been held before your committee January 17, 1917, that in response to an inquiry from Senator Pittman, Mr. Justice, of the Department of Justice, made the following statement:

"Senator PITTMAN. Do you approve the decision in the Obispo case?
"Mr. JUSTICE I certainly do. I invite your attention to the fact that the commissioner, who found the same as the judge, found that these locators—that these McCutcheons were fraudulent locators and claimants, and also found they had not diligently worked on that section. He found the facts as to diligence as I have stated.

"Now, then I invite your attention to the two decisions reported in the Federal Reporter by Judge Bledsoe, two opinions, one on a motion for injunction and one on final hearing. He discusses the facts most elaborately, and then, if you would be better satisfied with the Land Commissioner, his decision is full, and the Assistant Secretary sat with him and approved his findings."

It will be noted that the Obispo Co. was claiming under and through the McCutcheons, referred to by Mr. Justice, when he says:

"I invite your attention to the fact that the commissioner, who found the same as the judge, found that these locators—that these McCutcheons were fraudulent locators and claimants."

There were two decisions by the Interior Department on this question, first, July 28, 1914, and the second, April 21, 1915.

In the opinion of Commissioner Taliman, when sitting with the Assistant Secretary, as referred to by Mr. Justice, the following language is used:

"July 28, 1914, your office recommended that the charges be dismissed."

assistant is used:
"July 28, 1914, your office recommended that the charges be dismissed, that the said amended application for patent be accepted and filed, and that patent to the land be issued." (44 Land Decisions, 423.)
A little further on in the same opinion the following language is

A little further on in the same opinion the following language is used:

"It must be and is therefore held that this case does not fall within the protection accorded by the proviso to the aforesaid act of June 25, 1910, as amended.

"The material facts with reference to the several so-called locations have been fully set forth, but a review thereof and the expression of any conclusion therefrom are deemed unnecessary, as the original and amended applications must be rejected for the reasons above stated." (44 Land Decisions, 437.)

Thus it is seen that the two decisions rendered by the Interior Department the first recommended that patent be issued and the second denied the application not on the ground of fraud but because the case did not fall within the protection accorded by the act of June 25, 1910, as amended, which related to the diligent prosecution of the work at the time of withdrawal.

A more glaring misstatement of fact by Mr. Justice appears from an examination of the decisions of the judges to which he refers. There have been three decisions by Julges of Federal district courts—one by Judge Dooling and two by Judge Bledsoe. The decision by Judge Dooling and the first decision by Judge Bledsoe were preliminary hearings on the question of an application by Mr. Justice for receivership. The last decision by Judge Bledsoe was on the merits of the case.

In his preliminary opinion, rendered July 12, 1915 (224 Fed. Ren.

case. In his preliminary opinion, rendered July 12, 1915 (234 Fed. Rep., 702). Judge Bledsoe used the following language:

"The facts involved in the McCutcheon case are very succinctly stated by Judge Dooling in his opinion filed at the time of the dealar of the motion for a receivership, reported in Two hundred and seventeenth Federal Reporter, at page 650, and it is unnecessary therefore to reiterate them here or to refer to them save merely for purposes of explaining my ruling herein. It is apparent from Judge Dooling's decision that request was made of him for the appointment of a receiver upon two grounds: First, the alleged fraud on the part of the locations of the lands in question in the making of the location which was sought to be made the basis for the partnt, and, second, because of the nondiscovery of oil upon the premises previous to the promulgation of the withdrawal order of 1909. Judge Dooling refused to grant the application upon either of the grounds urged."

urged."

It will be noted that the application refused by Judge Dooling was the application for the appointment of a receiver.

"With respect to the other question involved and considered by Judge Dooling, to wit, that of fraud, I am constrained to agree with him that at this time and in the advance of a trial upon the merits, that issue is not so free from doubt as to justify this court upon that ground in taking the property of the defendants out of their possession and giving it over into the hands of an officer of the court."

In his final decision on the merits of the case, Judge Bledsoe used the following language:

In his final decision on the merits of the case, Judge Bledsoe used the following language:

"A determination of the basic and controlling features of this case, then, depends upon an answer to the two questions: Was the Lone Star location valid and devoid of fraudulent intent? If so, did its beneficiarles actually, through the efforts of themselves or their agents, effect a 'discovery' of oil or gas thereon prior to September 27, 1909?

"With respect to the first question I can come to no conclusion other than that it should receive an afilirmative answer." (Manuscript decision, pp. 9 and 10.)

"It may be that there was the fraudulent intent that an individual, or what is more colorable, that the 'McCutcheen Bros.' should be the sole and real beneficiary of the Lone Star location, but there is no proof that this was the fact and no circumstances adduced from which the court could rationally and in the exercise of the reasonable discretion confided to it deduce the inference that such fraudulent intent in fact existed." (Manuscript decision, p. 10.)

"In substance, the parties directly interested, the McCutcheons, were at all times relying upon and proceeding from an entirely valid and bona fide transaction and muniment of title, to wit, the Lone Star location of 1900. Their rights, therefore, and the rights of those deriving title from them, will have to be measured under the assumption that at all times within the domain of this controversy they had made and were relying upon a bona fide location of the mining ground in dispute." (Manuscript decision, p. 12.)

Thus it is seen that in the decision of Judge Doeling on the preliminary hearing for the appointment of a receiver he point-blank decided that the McCutcheons were not guilty of frand in the location, and that this decision was referred to and sustained by Judge Bledsoe in the preliminary hearing of the case before him for the appointment of a receiver, and, in the final decision of the case by Judge Bledsoe upon its merits, he held that the McCutcheons and those holding under them had to be considered upon "the assumption that at all times within the domain of this controversy they had made and were relying upon a bona fide location of the mining ground in dispute."

Respectfully,

WM. P. Thorne.

WM. P. THORNE.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 2743. An act for the relief of the widow of Joseph C.

Akin (Rept. No. 1078); and H. R. 16116. An act for the relief of Adelaide L. Gibbs, widow

of Robert M. Gibbs (Rept. No. 1077)

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3253. An act for the relief of Hudson Bros., of Nor-

folk, Va. (Rept. No. 1081); H. R. 11661. An act for the relief of Catherine Burns, widow of Patrick Burns (Rept. No. 1080);

H. R. 14754. An act for the relief of Charles M. Way (Rept.

No. 1079)

H. R. 15109. An act for the relief of Catherine A. Fex (Rept. No. 1098); and

H. R. 13754. An act for the relief of Charles A. Carey (Rept.

No. 1099)

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without

amendment and submitted reports thereon: S. 7989. A bill for the relief of Horace P. Hulett (Rept. No.

1084); and

S. 7990. A bill for the relief of R. S. Van Tassell (Rept. No. 1083).

He also, from the same committee, to which was referred the bill (S. 8250) to establish the Grand Canyon National Park, in the State of Arizona, reported it with amendments and submitted a report (No. 1082) thereon.

Mr. LANE, from the Committee on Indian Affairs, to which was referred the bill (S. 6014) authorizing the Secretary of the Interior to withdraw from the Treasury a certain sum of the permanent fund of the Chippewas of Minnesota, now on deposit

therein, to their credit, reported it with amendments and submitted a report (No. 1088) thereon.

Mr. JOHNSON of South Dakota, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon: S. 7841. A bill for the relief of the heirs of Harry Davenport,

deceased (Rept. No. 1093); and

H. R. 10869. An act to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation in South Dakota (Rept. No. 1092).

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 5999) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, reported it without amendment and submitted a report (No. 1094) thereon.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (S. 7602) for the relief of Mary C. Mayers, reported it without amendment and submitted a report (No.

1097) thereon.

Mr. JOHNSON of Maine, from the Committee on Claims, to which was referred the bill (S. 3529) to refund to John B. Keating customs tax erroneously and illegally collected, reported it without amendment and submitted a report (No. 1095) thereon.

He also, from the same committee, to which was referred the bill (S. 3777) for the relief of W. H. Presleigh, reported it with an amendment and submitted a report (No. 1096) thereon.

### AMERICAN NATIONAL RED CROSS.

Mr. BRANDEGEE. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905. I ask unanimous consent for the present consideration of the bill. It is recommended by the Secretary of War. It simply changes the date of the fiscal year of the American National Red Cross Association so as to make it correspond with the fiscal year of the Government, that the reports of the association may be submitted to Congress with the other Government reports.

There being no objection, the Senate, as in Committee of

the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. BRANDEGEE. I should like to have the report of the House committee printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[House of Representatives, Report No. 589, 64th Cong., 1st sess.] AMERICAN NATIONAL RED CROSS.

April 24, 1916, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Webb, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 14426:

The Committee on the Judiciary, having had under consideration the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, report the same back to the House with the recommendation that the bill do pass.

Section 6 of the existing law reads as follows:

"Sec, 6. That the said American National Red Cross shall on the 1st day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of recepts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department."

The bill reported requires the report to be made on the 1st day of July of each year of its proceeding: for the fiscal year ending June 30 next preceding.

The bill as reported was recommended by the Secretary of War in his communication to the House on January 25, 1916, in the following language:

WAR DEPARTMENT, Washington, January 25, 1916.

The Speaker of the House of Representatives.

Sir: I have the honor to submit the draft of a bill to amend section 6 of the act to incorporate the American National Red Cross, approved January 5, 1905 (33 Stat., 599), so as to make the fiscal year of the Red Cross correspond to that of the Government instead of to the calendar year. The proposed amendment would allow the annual report of the proceedings, receipts, and expenditures of the Red Cross to be transmitted to Congress at the beginning of the session instead of later on in the session as under existing law. It is therefore recommended to the favorable consideration of Congress.

Very respectfully,

IANDLEY M. GARRISON, Secretary of War.

The following letter from Hon. Arthur Murray, acting chairman of the American National Red Cross, dated April 10, 1916, fully sets forth the reasons for the proposed legislation:

THE AMERICAN RED CROSS, Washington, D. C., April 10, 1916.

THE AMERICAN RED CROSS,
Washington, D. C., April 10, 1916.

Hon. Edwin Y. Webb,
Chairman House Committee on Judiciary, Washington, D. C.
My Dear Mr. Webb: In accordance with your suggestion of to-day, I write to invite your attention to House Document No. 674 (copy inclosed), entitled "To amend section 6 of the act to incorporate the American National Red Cross."

As will be seen from an examination of the document referred to, it is simply a copy of a letter from the Secretary of War, transmitting, with a recommendation for the favorable consideration of Congress, a "draft of a bill to amend section 6 of the act to incorporate the American National Red Cross, approved January 5, 1905."

As to the object of the proposed amendment under section 6 of the act of January 5, 1905 (copy inclosed), the American National Red Cross is required to transmit to the Secretary of War on the 1st day of January of each year a report of its proceedings for the preceding (calendar) year, which report is required to be audited by the War Department and a copy transmitted to Congress. In actual practice for years past it has been found impossible to submit this required report to the Secretary of War until a month or so after the 1st day of January, and then as a month or more is required by the War Department to audit it, it results that instead of the report being submitted to Congress near the opening of a session, as apparently contemplated by the act, it usually reaches Congress about the end of a session. If section 6 is amended as proposed, it is believed that the required report can be audited by the War Department and a copy transmitted regularly to Congress at the opening instead of the end of a session.

So far as known, there is no objection of any kind to the proposed amendment. Its passage will undoubtedly be of benefit both to the American Ref Cross and to the War Department, and it is believed that it would be desirable for Congress to have the required report submitted for its consideration at the beginning rather

ment I am,

ARTHUR MURRAY, Acting Chairman.

## ST. FRANCIS RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 18534) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark., and I submit a report (No. 1086) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 18720) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota, and I submit a report (No. 1087) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROCK RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 8227) granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River, and I submit a report (No. 1085) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bil. was considered as in Com-

mittee of the Whole.

The amendments were, on page 1, line 10, before the word "act," to strike out the word "an" and insert the word "the"; after the word "act" to strike out the words "of Congress"; and, on page 2, line 2, to strike out the word "sixteen" and insert the word "six," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Fort Atkinson, in Jefferson County, in the State of Wisconsin, and to its successors and assigns, to construct, maintain, and operate a bridge, and approaches thereto, across the Rock River in said city at a point suitable to the interests of navigation and at a point where Main Street approaches said river in the County of Jefferson, State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HENRY E. DOSKER.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back favorably without amendment the joint resolution (S. J. Res. 215) to grant citizenship to Henry E. Dosker, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present

consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

read, as follows:

Whereas Henry E. Dosker, of Louisville, Ky., has constantly been under the jurisdiction of the United States and a resident therein since the age of 18 years; and
Whereas the said Henry E. Dosker, when he became of age, went to the . Federal court at Grand Rapids, Mich., and was informed by the clerk of said court that he had become a citizen of the United States by reason of the naturalization papers taken out by his father; and Whereas the said Henry E. Dosker, since that time, for 41 years, has been exercising the privileges of American citizenship under the impression that no naturalization papers were required to be taken out by him; and
Whereas it now appears that the information given him by the clerk of the Federal court at Grand Rapids, Mich., was incorrect and that he is not a citizen of the United States nor of any other Government: Therefore be it

Resolved, etc., That Henry E. Dosker be, and he is hereby, uncondi-

Resolved, etc., That Henry E. Dosker be, and he is hereby, unconditionally admitted to the character and privileges of a citizen of the United States.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

## PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine. From the Committee on Pensions I report back favorably with amendments the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, and I submit a report (No. 1091)

The VICE PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole, and the amendments of the committee will be stated.

The amendments were:

On page 2, to strike out lines 1, 2, 3, and 4, as follows:

The name of Charles A. Holmes, late of Company H, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 5, to strike out lines 1, 2, and 3, as follows:

The name of Charles A. Vanatta, late of Company M. First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 6, line 4, after the name "John," strike out the initial "P." and insert the initial "F.," so as to read:

The name of John F. Burrow, jr., late of United States Navy, War with Spain, and pay him a pension at the rate of \$8 per month.

On page 6, line 17, after the name "Daniel," to strike out the initial "F." and insert in lieu thereof the initial "T.," so as

The name of Daniel T. French, late of Fifteenth Battery, United States Field Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 8, to strike out lines 20, 21, 22, and 23, as follows:

The name of Thomas Whitson, late captain Company L, Fourth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 8, in line 24, after the word "late," to strike out the words "a member," so as to read:

The name of George R. Weight, late of Company B. Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

On page 11, to strike out lines 5, 6, and 7, as follows:

The name of Harry W. Feldman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per

On page 11, in line 19, after the name "Smith," to insert the word "late," so as to read:

The name of Frank A. Smith, late of detachment of Engineers, United States Military Academy, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 12, to strike out lines 4, 5, and 6, as follows:

The name of Orin Marshall, late of Company A, First Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On Page 13, in line 4, before the word "Marine," to insert the words "United States," so as to read:

The name of Marie G. Harding, widow of Arthur E. Harding, late captain. United States Marine Corps, United States Navy, Regular Establishment, and pay her a pension at the rate of \$20 per month.

On page 13, strike out lines 17, 18, and 19, as follows:

The name of Louis S. Harris, late of Battery A, Third Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 13, to strike out lines 20, 21, and 22, as follows: The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 15, to strike out lines 8, 9, 10, and 11, as follows: The name of Fred Angelo, late of Troop C, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

On page 15, to strike out lines 19, 20, 21, and 22, as follows: The name of Lily D. Murphy, widow of Frank T. Murphy, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of \$12 per month.

On page 15, to strike out lines 23, 24, and 25, as follows: The name of Charles V. Grogan, late of the United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 16, to strike out lines 1, 2, 3, 4, and 5, as follows:

The name of Robert J. Clement, dependent father of Ira C. Clement, late of Company G, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

On page 17, to strike out lines 8, 9, 10, and 11, as follows:

The name of George W. Paul, late of Company D, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

On page 17, to strike out lines 12, 13, and 14, as follows:

The name of Frank L. Schaarman, alias Frank L. Sherman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$24 per month.

On page 17, to strike out lines 15, 16, 17, 18, and 19, as follows: The name of George Parliament, late of Company C. Second Regiment Louisiana Volunteer Infantry, and Company G. Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 18, to strike out lines 14, 15, and 16, as follows: The name of Otto H. Staron, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments and request a conference with the House on the bill and amendments, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoor conferees on the part of the Senate. Mr. JOHNSON of Maine. From the Committee on Pensions

I submit a report (No. 1089) accompanied by a bill (S. 8295)

granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. I ask unanimous con-sent for the present consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

It proposes to place on the pension rolls the following-named

persons at the rate Lerein specified:
Eliza J. Sparrow
Sarah J. Wheatley
Harriet C. Squire
Lillian A. Loomis
Lillian A. Loomis Helena E. Clark
Flora L. Cum aings
Julia E. Booth
Alice P. B. Kenvon
Howena M Caikins Julia E, Booth Mary A. Birge Alice P, B. Kenyon Mary A. Hughes Ruth A. Ingraham Mary B. Johnson Benjamin F, Clark Kate M, King
Mary B. Johnson
Benjamin F. Clark
Kate M. King Jacob S. Fritz Samuel P. Shaffer Millie M. Ball
Samuel P. Shaffer
Uriah Ruch
Uriah Ruch Abraham T. Casey
Alfred Quackenbush
Jennie M. Chapman
James K. ClearElla M. Dailey
Charles Cain
Isaac J. C. Guy
George Hinds
Annie Humphreys
James E. Sipes
Clar M. Dalley Charles Cain Saac J. C. Guy Arthur Ward George Hinds Annie Humphreys Oyer B. McConnell Iames E. Sipes Mary E. Button Ada Roberts Addaide E. Thomas
Adelaide F. Thomas
Ada Roberts Adelaide F. Thomas Elden B. Maddocks Henry C. Sargent William D. Collins Eugene H. Otis Daniel Killigan Jeorge W. Smith Albania D. Thornburgh Jeorge H. Wilkins Jeorge H. Fernald Mariaa Robinson
William D. Collins
Eugene H. Otis
leorge W. Smith
Albania D. Thornburgh
George H. Wilkins
Marian Robinson
Marcellus Hoben
James H. Hines
Cimothy Stone
George H. Fernald Mariaa Robinson William A Millard Marcellus Hoben James H. Hines Cimothy Stone John W. Hall Asa T. Worcester Hram Haynes
Iram Haynes
Train Haynes Frederick Nientzenheizer Fhomas J. Leathers John G. McKay.  Henry E. Flanders John J. Ashline Sdward T. Jackson Mifred T. Rand Javid Russel
Jenry E Flanders
J. Ashline
Odward T. Jackson
David Russel
Alfred T. Rand avid Russel. liram H. Titterington 3enjamin F. Byers Thomas R. Luckhardt oseph Grubb Daniel McNutt
Chomas R. Luckhardt
Joseph Grubb
Mary E. Campbell
Jabez R. Bowen
Janiel McNu <sup>1</sup> t Mary E. Campbell Jabez R. Bowen Jarace M. Copeland Margaret Downey
torace Griggs
Saran M. Law
fary E. Newbury
rank S. Shaffer
Illen Manchester Arry E. Newbury.  Mmothy Quinn Frank S. Shaffer Sdward D. Woodmansee Charles A. Mudgett Allian S. Hawkes Oseph McKenney, jr Jariton J. Beaman Ohn S. Raymond
Allian S. Hawkes
oseph McKenney, jr
ohn S. Raymond
ariton J. Beaman ohn S. Raymond 'heodore B. Magie ames H. Waugh 'rank Goodwin Villiam H. Clark
ames H. Waugh
Yilliam H, Clark  Thomas D, Scott
ddie M. Higgins
Zra F. McIntire
Valter M. Edes
Inomas D. Scott ddie M. Higgins Zra F. McIntire Valter M. Edes Aarcellus E. Hart ames M. Gwinn Vaddy Hoover
Vaddy Hoover ohn F. Anderson Jorr H. Mayne
Dorr H. Mayne
William H. Lasher
Roscoe G. Tibbetts
Catherine Crane Patrick
William H. Lasher Roscoe G. Tibbetts Simon Hasselback Catherine Crane Patrick Isalah W. Deemer Charles Richards

Edward E. Gould	\$50
George H. Clark	30
Joseph Artley	24
Jacob M. Westfall	30
May E. McCoy	20
Lucretia Whitt	20
Mary E. A. Winans	20
Oliver W. Davis	30
David E. Dodge	30
Timothy S. Heald	40
Charles Fisk	30
Thomas A. Stevens	40
Stephen B. Packard	40
Michael Sheline	40
Leroy S. Griswold	40
Robert H. M. Dennelly	40
Michael Callahan	30
Henry S. Silsby	40
Dennis W. Riordan	36
John H. Wells	50
Lewis Seymour	
Robert Johnston	36
Samuel E. Palmer	
Sarah Baker	20
Mollie Thompson	20
Anna Alexander	
Robert S. Bowman	36
George W. Moore	50
John S. Adams	
Caleb Akers	
Harrison White	50
Ella Taylor	24
Francis A. Ricketts	50
Hanry Smith	50
Henry SmithFrancis M. Blankinship	30
Jeremiah Coombs	36
John W. Roberson	40
Minatree Turner	50
George S. Robinson	40
William M. Helvy	
Augusta Lambert	12
Elizabeth Roberts	20
Francis E. Derby	40
Pidnets D. Detoy	
The bill was reported to the Senate without amendm	ent,

ordered to be engrossed for a third reading, read the third time,

Mr. JOHNSON of Maine. From the Committee on Pensions I submit a report (No. 1090), accompanied by a bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to place on the pension rolls the following-named

It proposes to place on the pension rolls the following-nan persons at the rate herein specified:

Louis Hagenbucher.
Percy A. Farrar.
Edward Robinson.
Mattie S. M. Hope.
M. B. Sasser.
Hans C. Neilsen.
Carl J. Nelson.
Robert L. Zell.
Clark E. Messenger.
Edward Harris.
John H. Elder.
Elner Bjarnson.
Meda Mathey.
Leonard Kempenar.
Byron W. Jacks.
Abel H. Hall.
Harry F. Roddy.
William A. Bowens.
Delia B. Lydecker.
Ethel M. Robards.
Arabelle G. Walker.
Lotta K. Boyd.
William E. Puett.
George P. Cross.
George Moir.
Herbert G. Hoots.
Alada Thurston Paddock Mills
Ferdinand Klawitter
Frank Burrow.
John A. West.
Joseph J. Meyers.
Kathrina E. T. Vreeland.
Robert A. Imrie.
William F. Core.
Ernest Wesche, jr.
Mary L. Pritchett.
Elizabeth S. Naylor.
Aurelia H. Gibson.
Emily A. Baldridge Cavender.
Johanna E. Waalkes.

The bill was reported to the Senate without amendment,
dered to be engrossed for a third reading, read the third th persons at the rate herein specified: 

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time,

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 8281) to carry out the findings of the Court of Claims in the case of Arthur E. Colgate, administrator of the

estate of Clinton G. Colgate, deceased; to the Committee on

By Mr. SMOOT:

A bill (S. 8282) to change the name of the Mukuntuweap National Monument in the State of Utah to Little Zion National Park; to the Committee on Public Lands.

By Mr. THOMAS:

A bill (S. 8283) for the relief of Samuel W. Morrison; to the Committee on Claims.

By Mr. CURTIS: A bill (S. 8284) granting a pension to Mary C. Thompson (with accompanying papers);
A bill (S. 8285) granting an increase of pension to James
K. P. Wilson (with accompanying papers); and
A bill (S. 8286) granting an increase of pension to William B.

Gray (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 8287) to establish aids to navigation at Fond du Lac Harbor, Wis.; to the Committee on Commerce. A bill (S. 8288) granting an increase of pension to Emily E.

Fowler; and

A bill (S. 8289) granting an increase of pension to Ferdinand Fetter; to the Committee on Pensions. By Mr. WATSON:

A bill (S. 8290) granting an increase of pension to Maberry M. Lacey, and

A bill (S. 8291) granting an increase of pension to John A. Markley; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 8292) to authorize sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased; to the Committee on Public Lands,

By Mr. MARTINE of New Jersey (for Mr. Chilton): A bill (S. 8293) granting an increase of pension to Mary Ella

Walton; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 8294) for the retirement of employees in the classified civil service; to the Committee on Civil Service and Retrenchment.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment proposing to appropriate \$20,000 for the repair, rebuilding, and completion of the road on the Fort Riley Military Reservation in the State of Kansas, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20067), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate \$125,000 for eight or more launches for the Coast and Geodetic Survey, including their equipment, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and

ordered to be printed.

He also submitted an amendment proposing to appropriate \$708,000 for two new vessels for the Coast and Geodetic Survey, including their equipment, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

### THE REVELUE.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes, which was ordered to lie on the table and be printed.

### MARGARET N. BAUSKETT.

Mr. BRYAN submitted the following resolution (S. Res. 369), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Margaret N. Bauskett, widow of William T Bauskett, late clerk to the Committee on Claims of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

### REPORT ON MILK STANDARDS.

Mr. WADSWORTH submitted the following resolution (S. Res. 368), which was referred to the Committee on Printing:

Resolved. That the third report of the Commission on Milk Standards, appointed by the New York milk committee, as printed in volume 32, No. 7, of the Public Health Reports, dated February 16, 1917, be printed as a Senate document, and that 100,000 additional copies be printed for the use of the Senate document room.

#### INDIAN APPROPRIATIONS.

Mr. CLAPP. For the senior Senator from Arizona [Mr. ASHURST] I submit a conference report on the Indian appropriation bill, which I ask may lie on the table and be printed in the RECORD.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 6, 7, 8, 13, 14, 20, 21, 26, 27, 28, 29, 30, 31 33, 34, 36, 38, 39, 55, 58, 62, 65, 66, 73, 74, 76, 82, 88, 96, 100, 103, 106, and 112.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 17, 18, 23, 25, 37, 40, 41, 43, 44, 45, 47, 52, 53, 54, 56, 57, 59, 61, 64, 67, 68, 69, 70, 71, 72, 75, 77, 78, 79, 81, 83, 86, 89, 91, 94, 97, 98, 99, 101, 102, 104, 105, 107, 108, and 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further, That \$5,000 of the above amount shall be used for an investigation and report on the merits of the claim of the Indians of the Warm Springs Reservation in Oregon to additional land arising from alleged erroneous surveys of the north and west boundaries of their reservation as defined in the treaty concluded June 25, 1855 (12 Stat. L., 963), and the Secretary of the Interior is hereby authorized to make such survey or resurveys as may be necessary to complete said investigation and report"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided, That automobiles or any other vehicles or conveyances used in introducing, or attempting to introduce, intoxicants into the Indian country, or where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in section 2140 of the Revised Statutes of the United States"; and the Senate agree to

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert ; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

sert the following:

"For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$400,000: Provided, That of this amount \$300 may be expended for the purchase of a perpetual water right and right of way across the lands of private individuals, for the purpose of running a pipe line from a certain spring or springs located near the Sisseton Indian Agency buildings, South Dakota, to said buildings, the purchase of such water right to include sufficient land for the construction of a small cement reservoir near such spring or springs for the purpose of storing the water so acquired: Provided further, That not to exceed \$500 of the amount herein appropriated may be used for the acquisition on behalf of the United States, by purchase or otherwise, of land for a site for the Mesquakie Day School, Sac and Fox, Iowa: Provided further, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: And provided further, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further, That where practicable the

transportation and expenses so paid shall be refunded and shall be returned to the appropriation from which paid"; and the Senate agree to the same

That the House recede from its disagreement to the amend-ment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$475,000, of which sum not less than \$75,000 shall be used for the employment of additional field matrons"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the figures "\$10,000" and insert in lieu thereof "\$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert ; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in line 1 of said amendment insert "\$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment numbered 24 and the following language appearing in lines 10 to 14, inclusive, on page 13 of the bill:

"That from and after the passage of this act the Secretary of the Interior shall have the power to authorize any superintendent, clerk, or other employee in the Indian field service to administer oaths and take acknowledgments in connection with matters pertaining to their official duties."

And the Senate agree to the same. That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, after the word "Interior," strike out the period, insert a comma, and add the following: "reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a

charge and lien upon the lands and funds of said tribe of In-dians until paid"; and the Senate agree to the same. That the House recede from its disagreement to the amend-ment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: " IOWA.

"Sec. 6. The Secretary of the Interior is hereby authorized, in his discretion, to pay to the enrolled members of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, entitled under existing law to share in the funds of said tribe, or to their lawful heirs, the sum of \$10,334.96, together with the interest which has or may hereafter accrue thereon, remaining in the Treasury of the United States to the credit of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, from the sum of \$42,893.25 transferred to the credit of those Indians under the provisions of the act of June 10, 1896, said sum of \$10,334.96 to be apportioned per capita among the enrolled members of said tribe.

And the Senate agree to the same. That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 6 of the amendment strike out the following: "for setting out trees, \$500;" and in line 7 of the amendment strike out the figures "\$75,175" and in lieu thereof insert the figures "\$74,675"; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Heyes to the amendment of the Senate numbered.

ment of the House to the amendment of the Senate numbered 48 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 4 of the amendment strike out word "on," after the word "bridge," and insert the following: "across the Mississippi River on the"; and the Senate agree to

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 5 of the amendment, after the word "been," strike out the words "omitted erroneously from the rolls," and in lieu thereof insert the following: "heretofore erroneously stricken from the rolls and reinstated prior to the passage of this act"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: After the word "Washington," in lines 21 and 22 of the amendment, insert the following: "and other Chippewa Indians visiting said city"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment strike out the following: "for the purchase of additional land, \$41,600; in all, \$129,920," and insert the following: "in all, \$88,320"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the figures "\$52,100" and in lieu thereof insert the figures "\$50,430"; and in line 4 of the amendment strike out the figures "\$99,100" and in lieu thereof insert "\$97,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$100 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: Provided, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: Provided further, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: Prorided further, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.'

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the sum of \$5,000, to be immediately available, be, and the same is hereby appropriated, out of any funds of the Chickasaw Nation, not otherwise appropriated, to reimburse Douglas H. Johnston, Governor of the Chickasaw Nation, for extra expenses incurred in the performance of his duty as chief executive of the Chickasaw Nation and principal chief of the Chickasaw Tribe of Indians during the period covered between the years 1907 and 1912, and the Secretary of the Interior is hereby authorized and directed to make such payment from the funds of said

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"Hereafter no allotments of land shall be made to members of the Creek Nation: *Provided*, That upon the approval of this act the Secretary of the Interior shall, in lieu of an allotment, pay out of any funds in the Treasury of the United States, to the credit of the Creek Nation, the sum of \$800 each, to Lula Butler, Quenton Garrett, Jack Elton Wilson, and David Bowlegs who have not received an allotment or money in lieu of an allotment: Provided further, That if it shall be found that any of said parties have received a partial allotment the Secretary of the Interior shall pay to such party or parties a sum sufficient to equalize such partial allotment up to the sum of \$800."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In line 7 of the amendment strike out the following: "\$40,000; in all, \$162,200," and insert \$30,000; in all \$152,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In line 12 of the amendment, after the word "prescribe," strike out the period, insert a colon, and add the following: "Provided, That the application of this provision shall not interfere with any rights guaranteed by treaty to any allotted Umatilla Indian or Indians"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter proposed insert

the following:

SEC. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for new barn, \$3,000; in all, \$73,955."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the amendment proposed

insert the following: "in all, \$53,750."

On page 40, line 1, of the bill, after the figures "\$43,750," insert the following: "of which amount not exceeding \$900 may be expended for the purchase of two new busses"; and the Senate agree to the same,

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For acquiring, constructing, or enlargement and equipment of school buildings on the following reservations: Crow Creek, Pine Ridge, Rosebud, Standing Rock, Yankton, Sisseton, Lower Brule, and Cheyenne River, \$300,000, of which sum not to exceed \$50,000 shall be used for the construction and equipment of new school buildings at Fort Yates, N. Dak. And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC 26. That until the meeting of the Sixty-fifth Congress, those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of the Indian Service, at Washington, District of Columbia, and elsewhere, and the sum of \$15,000, or so much thereof as may be necessary, to be immediately available and remain available until expended, is hereby appropriated for expenses incident thereto. The said committee is hereby authorized and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration, to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpœna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said committee is hereby authorized to employ such clerical and other assistance, including stenographers, as said committee may deem necessary in the proper prosecution of its work: Provided, That stenographers so employed shall not receive for their services exceeding \$1 per printed page."

And the Senate agree to the same. That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 111, and agree to the same.

HENRY F. ASHUEST, H. L. MYERS, MOSES E. CLAPP. Managers on the part of the Senate. JNO. H. STEPHENS, C. D. CARTER, P. D. NORTON Managers on the part of the House.

MOUNT M'KINLEY NATIONAL PARK.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, which were, on page 2, to strike out lines 23 to 25, inclusive, and insert:

SEC. 4. Nothing in this act shall in any way modify or affect the mineral-land laws now applicable to the lands in the said park.

On page 4, line 8, after "park," to strike out all down to and

of page 4, fine 3, after park, to strike out an down to that including "park" in line 12, and insert:

Provided, That no appropriation for the maintenance of said park in excess of \$10,000 annually shall be made unless the same shall have first been expressly authorized by law.

Mr. PITTMAN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### COURTS IN TEXAS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 7644) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes, which was, on page 2. line 3, after "court," to insert:

Provided, That suitable accommodations for holding court at Wichita Falls shall be provided by the county or municipal authorities without expense to the United States.

Mr. CULBERSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### DISTRICT JUDGE FOR TEXAS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5450) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which were, to strike out all after the enacting clause and insert:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the District Court of the United States for the Western District of Texas, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and whose official place of residence shall be maintained at El Paso until otherwise provided by law.

And to amend the title so as to read: "An act to provide for an additional judge in the State of Texas."

Mr. CULBERSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

### UNSURVEYED RAILBOAD LANDS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, which was, on page 2, line 6, after "lands," to insert "of approximately equal value."

Mr. POINDEXTER. I move that the Senate concur in the

amendment of the House. The motion was agreed to.

## COAL-LAND ENTRIES.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations, which was, on page 4, line 7, after "reservation," to insert:

Provided, That the provisions of this act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

### FORT PECK INDIAN RESERVATION.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., which were, on page 1, line 8, to strike out "and so forth" and insert "and the sale and disposal of all the surplus lands after allotment"; on page 1, line 9, after "pay," to insert "one-half of any"; on page 2, line 4, to strike out "at or" and insert "annually"; on page 2, to strike out lines 11 to 16, inclusive; and on page 2, line 17, to strike out "SEC. 3." and insert "SEC. 2."

Mr. MYERS. I move that the Senate concur in the amend-

ments of the House

Mr. JONES. Mr. President, I should like to know what this bill is

Mr. MYERS. It is Senate bill 5612, introduced by me. proposes to grant a slight extension of time for homesteaders the public domain hereafter?

on the Fort Peck Indian Reservation in Montana to make their payments

Mr. JONES. What is the character of the amendments made

by the House?

The principal amendment adopted by the House, Mr. MYERS. and the only one that amounts to anything, is to make the extension on one-half of the payments instead of on all of them, as passed by the Senate, and I am willing to accept that amendment.

Mr. JONES. How much time does the bill give?
Mr. MYERS. As the Senate passed the bill it provided that the time might be extended from five to eight years. That is not disturbed by the House action. The provisions of the bill are confined to the Fort Peck Indian Reservation, solely in the State of Montana. It is a local bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to concur in the House amend-

ments.

The motion was agreed to.

#### REPUBLIC COAL CO.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation.

Mr. MYERS. I move that the Senate disagree to the amendment of the House and request a conference with the House

ments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. Myers, Mr. Thomas, and Mr. Smoot conferees on the part of the Senate.

Mr. KENYON. Mr. President, I desire to make an inquiry of the Senator from Montana regarding this joint resolution. Is it the same measure granting certain lands to the Republic Coal Co. that was pending in the Senate a couple of years ago and in regard to which there was some controversy here?

Mr. MYERS. I think this is the joint resolution the Senator

has in mind.

Mr. KENYON. When did it pass the Senate?
Mr. MYERS. A month ago, probably.
Mr. SMOOT. It was passed one evening, I will say to the Senator.

Mr. MYERS. When the calendar was called.

The PRESIDING OFFICER. The joint resolution was passed on June 3, 1916, the Chair will say to the Senator from Iowa.

Mr. KENYON. It was passed during a call of the calendar, presume, for unobjected bills.

Mr. MYERS. It was passed much farther back than I thought, but it passed, as I recall, on a call of the calendar during the daytime. I do not think it was passed at night.

Mr. SMOOT. My recollection is it was passed in the evening.

Mr. KENYON. I should like to ask the Senator if this joint

resolution as it is now constructed is different from what it was when the objection was made to it when originally considered in the Senate?

Mr. MYERS. There were so many objections raised and it has been pending so long, in both the Sixty-third and Sixty-fourth Congresses, that I can not answer that question intel-

Mr. KENYON. A number of amendments have been made to the joint resolution?

Mr. MYERS. It was amended in the Senate, and then still further amended in the other House.

Mr. JONES. Mr. President, I want to ask the Senator a question. Of course the amendments of the House were read changed the entire resolution. Is not that true?

Mr. MYERS. I would not say that, but the House has changed the joint resolution in a number of material respects.

Mr. JONES. As I understand, the Senate joint resolution provided for the sale of some of the public lands, or the coal under the public lands to this company, and the House has changed that to a leasing system.

Mr. MYERS. That is one of the changes the House has made.

Mr. JONES. That is the important change, is it not?

Mr. MYERS. That is probably the most important change; yes, sir.

Mr. JONES. And if the amendments made by the House shall be concurred in, then it will form a precedent for handling

Mr. MYERS. I presume it would, but the amendments have not been adopted as yet.

I hope the Senate conferees will see that they Mr. JONES.

are not adopted.

Mr. MYERS. I have done all that I could do. I moved that the Senate disagree to the amendments of the House, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate. That motion was agreed to, and the conferees have been appointed.

Mr. JONES. I know that; but I desired to make to the con-

ferees the suggestion I have made.

Mr. MYERS. So far as I am concerned, I have always favored the sale of the lands, and I am not in favor of the leasing provision.

Mr. KENYON. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state it.

Mr. KENYON. Would a motion at this time to concur in the House amendments be in order?

The PRESIDING OFFICER. It would.

Mr. MYERS. I raise the point of order that it would not be in order unless the Senate should reconsider the action that has already been taken. The Senate has taken positive action in the matter.

Mr. KENYON. I move, Mr. President, that the Senate concur

in the House amendments.

Mr. MYERS. I raise the point of order that the motion is out

of order.

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that he overlooked the fact for the moment that a motion to disagree to the amendments of the House had been made and carried, and that conferees had been appointed. Therefore a motion to reconsider will have to be made before the motion of the Senator from Iowa can be entertained.

Mr. KENYON. It was done in a hurry—I am not criticizing

anyone—but it was done as such matters usually are done, without full knowledge on the part of the Senate, I think, as to what was taking place. I move to reconsider the vote by which the Senate disagreed to the amendments of the House of Representatives and appointed conferees.

Mr. MYERS. I should like to say to the Senator from Iowa

that I-

Mr. SIMMONS. Mr. President, it is perfectly apparent, from the statements made to me by Senators, that this measure can not be acted upon without long discussion, and I object.

Mr. MYERS. I do not want any action on it except what has already been taken. I am not asking for any.

Mr. KENYON. As the parliamentary situation now stands, the matter, as I understand, goes over with my motion pending to concur in the House amendments.

The PRESIDING OFFICER. The Chair holds that the mo-

tion to reconsider is in order.

Mr, SMITH of South Carolina. If the Senator from Iowa will allow me

Mr. SIMMONS. Mr. President, a parliamentary inquiry. Is

that motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. SMITH of South Carolina. I just wanted to address this observation to the Senator from Iowa: This matter has gone to conference, as I understand. I know nothing about the merits of it. Of course, those who live in that section of the country are more familiar with its merits; but the Senator from Iowa will have his opportunity when the conference report is made in the Senate.

Mr. KENYON. I think not.

Mr. SMITH of South Carolina. Oh, certainly the Senator

Mr. KENYON. My motion is that the House amendments be

Mr. SMITH of South Carolina. If the conferees bring in a report they will recommend an agreement. Then the Senator from Iowa will have an opportunity to inquire as to the nature of the agreement, and he can object to the conference report

and defeat it if he has votes enough.

Mr. NORRIS. Mr. President, I want to submit to the Senator from Iowa that if he is anxious to have the Senate concur in the House amendments he ought to insist on his motion to reconsider the vote by which this bill was acted on and conferees were appointed, because if the conferees are appointed and the vote is not reconsidered and they make a report here, no matter what it may be, it will be the conference report that will be before the Senate, and it will not be in order at that time for him to make his motion to concur in the House amendments. If, however, a motiton to reconsider is made and agreed to, then a motion to concur in the House amendments is in order, and if that motiton prevails the bill is passed.

Mr. MYERS. Mr. President, I want to appeal to the Senator from Iowa to let this matter take its usual course. no objection to it. Conferees have been appointed now. They will meet the conferees from the House. There are a number of material amendments in the bill-a number of amendments that are material to the nature of the bill. The conferees from the House will meet the conferees from the Senate. I think possibly in conference there may be some compromise arrived at that will be fairly satisfactory to both House and Senate. If so, then a report will be made to each body, and the Senator from Iowa will have his opportunity to hear the report of the conferees, and if it is not satisfactory to him in any particular he may oppose it and make his fight on it. Why not let the conferees see if they can get anything out of it that is satisfactory, and then, if not satisfactory, make his fight and let the matter take the usual course?

Mr. KENYON. Mr. President, I think I will follow the suggestion of the Senator from Montana. As this bill was originally presented to the Senate, I was opposed to it, and it seems to me that it was passed without any particular consideration; but the objections I have may have been fully covered by amend-

ments. I am inclined to think the House amendments—
Mr. MYERS. If the Senator will pardon me, I will say that
there have been a number of amendments made. If the Senator will pursue the course he kindly indicates he will, he will have ample time to study it. He can study the bill and the amendments and the conference report, and see if he is satisfied in every respect

Mr. KENYON. I will follow the suggestion of the Senator

from Montana.

The PRESIDING OFFICER. The motion to concur in the amendments of the House is withdrawn.

### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 5788. An act to create two additional associate justices

of the Supreme Court of the District of Columbia;

H. R. 10110. An act to increase the salary of the United States district attorney for the district of Rhode Island;

H. R. 11706. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March

H. R. 19233. An act to increase the salary of the United States marshal for the western district of Michigan; and

H. R. 20414. An act for the establishment of a probation system in the United States courts except in the District of Columbia.

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Foreign Relations:

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louis-

ville, State of Kentucky, November 8 to 14, 1917.

The following bills were each read twice by their titles and referred to the Committee on Patents:

H. R. 19771. An act to renew patent No. 24917; and
H. R. 20228. An act to renew patent No. 25909.
H. R. 18894. An act to amend the public-building act approved
March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 17646. An act to amend section 6 of an act to define and fx the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 4, 1907, by the act of March 2, 1911, and by the act of June 12, 1916, was read twice by its

title and referred to the Committee on Banking and Currency.

H. R. 13166. An act authorizing the Commissioner of Indian
Affairs to transfer fractional block 6, of Naylor's addition,
Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture, was read twice by its title and referred to the Committee on

H. R. 18825. An act to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes," was read twice by its title and referred to the Committee on Appro-

priations.

H. R. 18826. An act to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service, was read twice by its title and referred to the Committee on Mines and Mining.

#### OFFENSES AGAINST THE GOVERNMENT.

The VICE PRESIDENT. Is there further morning business?

If not, the morning business is closed.

Mr. OVERMAN. I move that the I move that the Senate proceed to the con-

sideration of Senate bill 8148.

The motion was agreed to, and the Senate resumed the consideration of the bill (S. 8148) to define and punish espionage.

The VICE PRESIDENT. The Chair understands that the question is on the passage of the bill, and the yeas and nays have been ordered. The Secretary will call the roll.

Mr. NORRIS. The question is debatable, is it not?

The VICE PRESIDENT. It is not. The roll was once called.

Mr. NORRIS. There was no quorum, I understand. The VICE PRESIDENT. That is true, but the roll call has

been begun, and it is not debatable.

The Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called).

I transfer my pair with the junior Senator from Minnesota [Mr. Clapp] to the Senator from Oklahoma [Mr. Gore] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a

general pair with the junior Senator from Ohio [Mr. Harding], who is detained at home on account of sickness. He has, however, informed me, through his secretary, that, if he were present, he would vote for the bill, and asked me to announce that fact. As, if he were present, the Senator from Ohio would vote in the same way that I shall vote, I will vote. I vote

'yea."
Mr. VARDAMAN (when the name of Mr. SHIELDS was called). I wish to announce the absence of the Senator from

Tennessee [Mr. SHIELDS] on account of illness.

Mr. WALSH (when Mr. SAULSBURY'S name was called). The Senator from Delaware [Mr. SAULSBURY] is absent on account of illness. The Senator from West Virginia [Mr. Chil-TON] is also absent on account of illness in his family.

Ton] is also absent on account of finess in his family.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. Du Pont] to the Senator from Illinois [Mr. Lewis] and vote "yea."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Alabama [Mr. BANKHEAD] and vote "yea."
Mr. COLT (after having voted in the affirmative). I have

a general pair with the junior Senator from Delaware [Mr. Saulsbury], but, as I understand, if present, he would vote the same way that I have voted. I shall allow my vote to

Mr. FALL. I am paired with the senior Senator from West Virginia [Mr. Chilton]. The Senator from West Virginia, if present, would vote as I intend to vote. I therefore vote.

Mr. CURTIS. I desire to announce the unavoidable absence

and pairs of the following Senators:

The Senator from New Hampshire [Mr. Gallinger] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from West Virginia [Mr. Goff] with the Senator from South Carolina [Mr. TILLMAN].

Mr. McCUMBER (after having voted in the affirmative). desire to inquire whether the senior Senator from Colorado

[Mr. Thomas] has voted? The VICE PRESIDENT. He has not.

Mr. McCUMBER. I have a pair with that Senator, but I transfer that pair to the junior Senator from Utah [Mr.

SUTHERLAND and will allow my vote to stand.

Mr. STERLING (after having voted in the affirmative).

I desire to inquire if the Senator from South Carolina [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not voted.

Mr. STERLING. I have a pair with that Senator, but I understand that if present he would vote the same way as I have voted. I will therefore allow my vote to stand.

Mr. CATRON. Understanding that my pair, the Senator from Oklahoma [Mr. Owen], would vote the same way as I shall vote, I vote "yea."

Mr. WEEKS (after having voted in the affirmative). Has

the senior Senator from Kentucky [Mr. James] voted?
The VICE PRESIDENT. He has not voted.

Mr. WEEKS. I have a pair with that Senator, and therefore withdraw my vote

Mr. POMERENE. I have been requested to announce the unavoidable absence of the senior Senator from New York [Mr. O'GORMAN] and to state that he is paired with the senior Senator from New Hampshire [Mr. Gallinger].

Mr. WEEKS. I am informed that my pair, the Senator from Kentucky [Mr. James], if present, would vote as I have voted. I will therefore allow my vote to stand as originally cast

Mr. WILLIAMS. I desire to transfer my pair with the Senator from Pennsylvania [Mr. Penrose] to the Senator from Arizona [Mr. Smith]. I vote "yea."

Mr. STONE (after having voted in the affirmative). fer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. Broussard], and I will permit my vote to stand.

The result was announced-yeas 60, nays 10, as follows:

#### YEAS-60

Ashurst	Hollis	Nelson	Smith, Md.
Beckham	Husting	Newlands	Smith, Mich.
Brady	Johnson, Me.	Overman	Smoot
Brandegee	Johnson, S. Dak.	Page	Sterling
Bryan	Jones	Pittman	Stone
Catron	Kern	Poindexter	Swanson
Chamberlain	Kirby	Pomerene	Thompson
Colt	Lea, Tenn.	Ransdell	Townsend
Culberson	Lippitt	Reed	Underwood
Curtis	Lodge	Robinson	Wadsworth
Dillingham	McCumber	Shafroth	Walsh
Fall	McLean	Sheppard	Warren
Fernald	Martin, Va.	Sherman	Watson
Fletcher	Martine, N. J.	Simmons	Weeks
Hardwick	Myers	Smith, Ga.	Williams
	NAY	S-10.	SALISH SELLING
Borah	Kenyon	Lee, Md.	Works
Cummins	La Follette	Norris	
Gronna	Lane	Vardaman	
	NOT VO	TING-26.	CONTRACTOR OF THE PARTY OF THE
Bankhead	Goff	O'Gorman	Smith, Ariz.
Broussard	Gore	Oliver	Smith, S. C.
Chilton	Harding	Owen	Sutherland
Clapp	Hitchcock	Penrose	Thomas
Clark	Hughes	Phelan	Tillman
du Pont	James	Saulsbury	Line to the Control of the
Gallinger	Lewis	Shields	COLDER STUDENTS

So the bill was passed.

On motion of Mr. Overman, the title was amended so as to read: "A bill to punish espionage and acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, and better to enforce the criminal laws of the United States, and for other purposes."

Mr. OVERMAN. Mr. President, I ask unanimous consent

that the 13 bills now upon the calendar which are covered by the bill which has just been passed, from Order of Business 907 to Order of Business 920, both inclusive, with the exception of Order of Business 912, which is the bill just passed, may be taken from the calendar and indefinitely postponed.

The VICE PRESIDENT. In the absence of objection, it will

be so ordered.

The titles of the bills indefinitely postponed are as follows:

A bill (S. 6813) to prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation;

A bill (S. 6816) to prevent and punish the impersonation of officials of foreign Governments duly accredited to the Govern-

ment of the United States;

A bill (S. 6793) to prevent and punish willful injury or at-tempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof,

by fire, explosion, or otherwise;
A bill (S. 6795) to authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes

A bill (S. 6797) to regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining,

transfer, use, alteration, or forgery thereof;

A bill (S. 6794) to empower the President to better enforce and maintain the neutrality of the United States;

A bill (S. 6796) to require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes;

A bill (S. 6798) to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission;

A bill (S. 6799) to amend section 13 of the act "To codify, revise, and amend the penal laws of the United States," ap-

proved March 4, 1909;
A bill (S. 6811) to authorize the seizure, detention, and condemnation of arms and munitions of war in course of exporta-tion or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained;

A bill (S. 6812) to regulate and restrain the conduct and movements of interned soldiers and sailors of belligerent nations,

and for other purposes;

A bill (S. 6815) to prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States are at peace, or of any subdivision or municipality thereof; and
A bill (S. 6819) to provide for the issuance of search warrants

and the seizure and detention of property thereunder, and for

other purposes.

#### GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I have an arrangement now, I believe, with everybody who has objected with relation to the Porto Rican bill. I think the passage of the bill can now be completed in a few moments. I therefore move that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be considered by the Senate at this time.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado to proceed to the consideration of

what is known as the Porto Rican bill.

Mr. POMERENE. Mr. President, was there not at least an informal understanding on yesterday that at the close of the morning business we should take up the interstate commerce

Mr. SHAFROTH. I do not think it will take a moment to complete the consideration of the Porto Rican bill.

Mr. POMERENE. I have heard that statement made re-

peatedly in connection with that bill.

Mr. SHAFROTH. That may be; but if Senators will not continue the debate on the bill it may be speedily completed.

Mr. POMERENE. There are some Senators here who have

inconvenienced themselves to be present particularly to take up the interstate commerce bill, and I do not feel, in view of the understanding we had yesterday, that the Senator from Colorado is justified in making his request.

Mr. SHAFROTH. I have been trying to get the Porto Rican bill disposed of for months instead of simply on yesterday.

Mr. POMERENE. I realize that.

The VICE PRESIDENT. This is not a debatable question.

It is easy to vote it up or vote it down. The motion to take up a bill before the expiration of the morning hour is not debatable. The question is on the motion of the Senator from Colorado to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other

purposes

Mr. SHAFROTH. I move, as a substitute for section 35, the amendment which I send to the desk, which, I think, meets the approval of all Senators who have objected to that section.

The VICE PRESIDENT. The amendment, in the nature of a

substitute, will be stated.

The Secretary. In lieu of section 35 as now found in the bill it is proposed to insert the following:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States, 21 years of age and over, and have such additional qualifications as may be prescribed by the Legislature of Porto Rico: Provided, That no property qualification shall ever be imposed upon or required of any voter.

Mr. SMOOT. Mr. President, I desire to ask the Senator having the bill in charge if the amendment has been submitted to the Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. SHAFROTH. It has, and it meets with his approval. Mr. SMOOT. And he does not intend to offer the amendment

that he offered to the bill when it was last under consideration?

Mr. SHAFROTH. No, sir; he does not. Mr. MARTINE of New Jersey. Mr. President, may I ask the Senator whether there remains in the bill the qualification as to the payment of \$3 in taxes?

Mr. SHAFROTH. That has been eliminated entirely. Question, Mr. President.

Mr. WADSWORTH. Mr. President, I desire to ask the Senator from Colorado if he is clearly of the opinion that this amendment would provide woman suffrage in Porto Rico?

Mr. SHAFROTH. No; it is not intended to force woman suffrage. The bill could not possibly get through Congress in the remaining 10 days of this session if it were complicated with that question.

Mr. WADSWORTH. Will the Legislature of Porto Rico, under this amendment, have power to prescribe qualifications in such a way as to confine the franchise to male voters'

Mr. SHAFROTH. It can prescribe whatever additional qualifications it may see fit, under the restrictions imposed by this provision. The only qualification required under this provision as it now stands is citizenship and that the voter must be 21 years of age or over. Question, Mr. President.

The VICE PRESIDENT. The question is—

Mr. JONES. Mr. President, I desire to ask the Senator whether he thinks that the Legislature of Porto Rico can deny to some of its citizens the right to vote under this provision?

Mr. SHAFROTH. Well, Mr. President, that is for them to determine. They have that power under this amendment. Mr. JONES. Does the Senator think that under this provi-

sion the Legislature of Porto Rico can deny some of its citizens the right to vote on account of their sex?

Mr. SHAFROTH. That will be a qualification that can be determined by act of the legislature in connection with this

Mr. JONES. I desire to understand the purpose of this amendment and the effect of it. It says, does it not-I have only just now heard it read-that all citizens of the United States, having a certain other qualification as to age, shall have the right to vote?

Mr. SHAFROTH. It says that voters shall be of a certain age, and that other qualifications may be prescribed by the Legislature of Porto Rico.

Mr. JONES. Yes; but the legislature can not deprive citizens because of their sex of the right to vote, can it?

Mr. SHAFROTH. The legislature may prescribe that a per-

son shall live for a certain length of time in Porto Rico; they can require that questions of bonded indebtedness shall be voted upon by taxpayers, and can make other qualifications.

Mr. JONES. But can they say that because of their sex per-

sons shall not have the right to vote?

Mr. SHAFROTH. It seems to me that that is in their power under the authority given.

Mr. JONES. Well, I doubt if it ought to be adopted, then. Mr. SHAFROTH. I appeal to the Senator to let the bill be

Mr. KENYON. Question!

Mr. JONES. We are legislating here for a million and a half of people, and we can not legislate simply by saying, "Oh, let it go through." That is not the way to legislate for human beings. There may be grave doubts about the capacity of the Porto Rican women to exercise the franchise. There is doubt as to the capacity of the men. I am satisfied that the Porto Rican women are just as capable as the Porto Rican men. If one is ignorant, so is the other; if one is inexperienced, so is the other; if one can govern, so can the other; if one sex is competent, so is the

Mr. SHAFROTH: The Legislature of Porto Rico will only have the power that is given to every State legislature and that has been given to every legislature under a Territorial form of government, and there has been no abuse of the powers thus

Mr. JONES. I am not so sure about that. I should like to hear the amendment read again.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Secretary. In lieu of section 35 as now found in the bill it is proposed to insert the following:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States, 21 years of age or over, and have such additional qualifications as may be prescribed.

Mr. JONES. I will make no objection to the amendment, Mr. President.

Mr. SHAFROTH. Question!
Mr. VARDAMAN. Mr. President, the Senator from Colorado has not kept his promise. He said that he would finish this bill in three minutes. I move now that the Senate proceed to the consideration of what is known as the flood-control bill.

Mr. SHAFROTH. We have reached the point where we can vote right now, if the Senator will just let us do so. Question, Mr. President!

The VICE PRESIDENT. The question is on the amendment

Mr. MARTINE of New Jersey. Mr. President, one moment. I should like to ask what are the qualifications under the pres-We may be voting for a cat in a bag. [Laughter.] ent law? Mr. SHAFROTH. The qualifications under the present law

are citizenship in Porto Rico and 21 years of age. That is all. Mr. MARTINE of New Jersey. Are there no other qualifications than those?

Mr. SHAFROTH. No; I think not.

Mr. MARTINE of New Jersey. Well, that is very indefinite-"I think not."

Mr. SHAFROTH. That is the law.

Mr. MARTINE of New Jersey. I read in a newspaper quite recently an article wherein it was stated that this bill proposes to grant the right of suffrage to the women of Porto Rico. If that is the case, I shall not knowingly vote for the measure, for I am unqualifiedly opposed to woman suffrage. I think it would be a detriment to the Commonwealth, and I believe it would be a misfortune and disaster for the women. If I believed that it would elevate women and enhance the well-being of our Nation, I would advocate it; but the contrary, to my mind, is true.

Mr. SHAFROTH. I will state to the Senator that under the present law women do not vote, and consequently the bill confers no particular privilege upon them except that it gives the Legislature of Porto Rico the right to determine such questions, just as the acts of Congress do which create Territories.

Mr. MARTINE of New Jersey. Let me ask whether the pro-hibition provision is included in the bill?

Mr. SHAFROTH. The prohibition provision is something that was settled the last time the bill was under consideration, and a referendum is provided to the people of Porto Rico. Question, Mr. President

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado in the nature of a substi-

tute for section 35 as now in the bill.

Mr. VARDAMAN. Mr. President, I withdraw the motion I made a few moments ago. I see the Senator from Colorado is about ready to jump.

Mr. SHAFROTH. Question, Mr. President.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed. Mr. SHAFROTH. I move that the Senate request a conference with the House on the bill and amendments, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed

Mr. SHAFROTH, Mr. KERN, and Mr. Poindexter conferees on the part of the Senate.

### INTERSTATE COMMERCE COMMISSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of the bill for the enlargement of the Interstate Commerce Commission, H. R. 308.

The VICE PRESIDENT. The question is on the motion of

the Senator from Nevada.

Mr. VARDAMAN. Mr. President—
The VICE PRESIDENT. The question is not debatable until o'clock

Mr. VARDAMAN. Is it amendable?

The VICE PRESIDENT. It is not amendable.

Mr. VARDAMAN. I call for the yeas and nays on the motion. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

same transfer as on the last roll call, I vote "yea."

Mr. COLT (when his name was called). Making the

pair, the junior Senator from Delaware [Mr. SAULSBURY], I

Mr. SIMMONS (when his name was called). Making the same transfer as announced on the former roll call, I vote

Mr. STONE (when his name was called). with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. Harding], who is confined to his home by sickness. I do not know how he

would vote on this matter and therefore withhold my vote. If

he were present, I would vote "yea."

The roll call was concluded.

Mr. LODGE. I have a general pair with the senior Senator from Georgia [Mr. SMITH]. Understanding that he would vote as I am about to vote, I vote "yea."

Mr. CATRON. I have been informed that my pair, the junior

Senator from Oklahoma [Mr. Owen], would vote as I would vote. I therefore vote "yea."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

The result was announced—yeas 50, nays 9, as follows: VEAU EO

A LANGE TO SHARE THE PARTY OF T	IEA	5-00.	
Ashurst Bankhead Beckham Brady Brandegee Bryan Cafron Chamberlain Curtis Dillingham Fall Fernald Fletcher	Hardwick Hollis Husting James Johnson, S. Dak. Jones Kern Lea, Tenn. Lippitt Lodge McLean Martin, Va. Martine, N. J.	Myers Newlands Page Pittman Poindexter Pomerene Robinson Shafroth Sheppard Sherman Simmons Smith, S. C. Smoot (S—9.	Sterling Stone Swanson Thomas Thompson Townsend Wadsworth Walsh Warren Watson Weeks
Cummins Gronna Kenyon	Kirby La Follette	Lane Nelson	Norris Vardaman
	NOT VO	TING-37.	
Borah Broussard Chilton Clapp Clark Colt Culberson du Pont Gallinger Goff	Gore Harding Hitchcock Hughes Johnson, Me. Lee, Md. Lewis McCumber O'Gorman Oliver	Overman Owen Penrose Phelan Ransdell Reed Saulsbury Shields Smith, Ariz. Smith, Ga.	Smith, Md. Smith, Mich. Sutherland Tillman Underwood Williams Works

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other

The Secretary read the bill, as follows:

purposes.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 24 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be further amended to read as follows:

"Sec. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members, with terms of seven years, and each shall receive \$10,000 compensation annually. The qualifications of the members and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1922. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioners whom he shall succeed. Not more than five commissioners shall be appointed from the same political party."

Sec. 2. That section 17 of said act, as amended, be further amended to read as follows:

"Sec. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may from time to time make or amend such general rules or orders as may be requisite for the order and regulation of proceedings bef

order.

"The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said acts, or under any other act or joint resolution which

has been or may hereafter be approved, or in respect of any matter which has been or may be referred to the commission by Congress, or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the

effect forthwith and remain in effect until otherwise ordered by the commission.

"In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner, as if made or taken by the commission as a whole. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

"The salary of the secretary of the commission shall be \$7,500 per

The salary of the secretary of the commission shall be \$7,500 per

annum.

"Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the commission of any of its powers."

SEC. 3. So much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed.

Mr. CUMMINS. Mr. President, I do not want to precede my friend the chairman of the committee if he cares to discuss the bill at this time

Mr. NEWLANDS. Mr. President, I do not care to discuss it at this time. I assume that the necessity of passing the bill is well known to the Senate, and I do not wish to consume time.

Mr. CUMMINS. Mr. President, I have no doubt that the Interstate Commerce Commission ought to be reorganized. Unquestionably it has more work to do than it can possibly do as it is organized at the present time. I had hoped that the reorganization of the commission would be postponed until the report of the joint committee of the House and Senate, raised to consider this special subject, had come in; but I do not intend to lay a straw in the way of the consideration and the disposition of this bill. I have two or three objections to it

which I hope can be removed by proper amendments.

The bill contemplates the addition of two members. We would then have a commission of nine members. I have no objection to a commission of nine members. I think there ought to be commission of 15 members or more. What is proposed here will be very temporary and very inadequate to meet the real situation, and I have no doubt that the joint committee of the two Houses of Congress will ask for a very much larger commission than is here proposed—at least, I hope it will so report-and for a division of that commission so that proceedings for the purpose of securing relief against unreasonable rates and unfair practices may be instituted and carried forward with less inconvenience and less expense than now attend such pro-

Mr. POMERENE. Mr. President-

Mr. CUMMINS. I yield to the Senator from Ohio. Mr. POMERENE. From the study I have given the

From the study I have given this measure, I am disposed to think that the commission ought to be larger than nine; but the situation is such that I feel that any relief at this time would be of very great value to the country. Why may we not increase the membership of the commission to nine now? And later, if after the joint committee has concluded its deliberations it should conclude to increase the number to 15, that can be done by Congress quite as well. Meanwhile, we will be getting some relief.

There are many questions, such as car shortage and distribution of cars, that are coming before the commission now, and are of the utmost importance to the people of the country. I say nothing of the many other classes of questions which are coming up; but I feel that we could best serve the country by granting this increase at the present time under the terms of

this bill

Mr. CUMMINS. What I suggested was purely preliminary, for I do not bottom my objection to the bill before us on any such ground. I was merely expressing my hope, which I have held for some time, that when we did begin the reorganization of the commission it might be one that would give the relief sought. I doubt very much whether the mere increase of the commission by two members will afford any real relief compatible with the sound principles which should control a body of that sort

I point out why I think the bill is inadequate. I quote:

The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc.

It will be observed that the commission may divide itself into nine divisions if it is thought desirable by the commssion to do so. In that event we will have nine commissions composed of

one member each. Bearing that in mind, I call the attention of the Senate to the power of each one of these divisions. I quote from page 5 of the bill:

Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the commission as a whole.

Under the law as it is proposed it will be possible, it may be probable-I do not know what the exigencies of the commission may lead it to do-to divide it into nine divisions. The decision of each man, of each division, will be final. It is unreviewable. I mean unreviewable as a matter of right, and whatever power the Interstate Commerce Commission as a whole has had up to this time may be exercised by the single man if the commission is thus divided. It is more likely it will divide itself into divisions of two, leaving one possibly with three. That is the most likely thing; but it is impossible for any of us just at this date to state just how the commission may think it necessary to distribute itself over the work which it has in hand.

Mr. President, I am wholly opposed to any such situation. The Interstate Commerce Commission performs a work more important to the people of this country than any other tribunal which we have constituted, not excepting the Supreme Court of the United States. Its decisions affect more people and they affect them more vitally than the decisions of any other bodymean of administrative or judicial or quasi-judicial characterwhich has been created under our laws. I can not give my assent to the proposal that one commissioner or even two commissioners and in some cases three commissioners shall have the jurisdiction which has heretofore been exercised by the seven commis-

Mr. KENYON. Mr. President-

Mr. CUMMINS. I yield to my colleague.

Mr. KENYON. I should like to ask the Senator at this point, suppose the commission is divided into three groups or three divisions. Each one has full power, as I understand the bill, to make binding orders. Suppose the division that is in the West has a question before it and the division in the East has exactly the same question and they decide the question in exactly opposite ways. Is there any provision here for any review of that by the commission? Is there anything to bring about uniformity of decisions on important questions through the different di-

Mr. CUMMINS. I am not able to find any such provision. Mr. KENYON. I have been unable to find it, and that is why I asked the question.

Mr. CUMMINS. Whatever uniformity is desirable could only be secured through informal or extra-official action. There is no provision for an appeal from any division to the full commission. There is no review provided for as I read the bill.

It has been said that we ought to increase the commission on account of the great importance of certain phases of the regulation problems it has before it. I agree as to the importance of those phases of the work. Allow me to call your mind for a moment to one aspect of the work the commission is now or will shortly be engaged in doing. The valuation of the railroad property of this country. Are you willing to give to one man or to two men or even to three men the final jurisdiction to declare what the railway valuation shall be? When it is engaged in that work it is engaged in doing something that will affect this country for all time to come, and to me it is intolerable to even suggest that the commission should have the power to delegate that work and to delegate the authority to one, two, or even three men to make a decision upon the work in a matter which involves railway property said to be of the value of more than \$20,000,000,000. A very little divergence from the true principle which ought to prevail in any investigation of that character might impose, for all the years to come, tremendous burdens upon the people. When we passed the act which relates to the valuation of common-carrier property we supposed we were going to have the judgment of seven eminent men upon that somewhat new and difficult problem. We are now asked to pass a bill which may remit us to the judgment of one man upon it.

I discussed not long ago the tendencies of at least one man upon this commission, and I do not believe the people of the country would accept it with much toleration if, in the division of the commission, it should happen that those who hold these views should be charged with the work of determining the value of the railway property freed from any influence on the part of their associates. It may be that these things have been in the minds of those who have proposed the bill, but having so great confidence in them I must think that they have not con-

Again, the work of the commission is of a character threefourths of which-

Mr. McLEAN. Mr. President-

Mr. CUMMINS. I yield to the Senator from Connecticut. Mr. McLEAN. The Senator is a member of the Committee

on Interstate Commerce. I should like to ask him if he pre-

sented these views to the committee.

Mr. CUMMINS. I did not. I was not present when this bill was reported. I did not know it was to be reported, although I do not charge the least want of good faith. It was perfectly understood that I did not favor the reorganization of the commission at this time. The Senator from Nevada had introduced a bill which is the exact duplicate of this, which was pending before the committee, and at some time, in a perfectly proper way of course, the present bill was taken up and reported just as it passed the House.

Mr. McLEAN. The Senator does not know whether the committee considered the propriety of an amendment allowing an

appeal on such an important question as he suggests

Mr. CUMMINS. I do not know, and I intend the Senate shall have an opportunity of considering some amendment of that character. I was about to remark-Mr. WATSON. Mr. President—

Mr. CUMMINS. I yield to the Senator from Indiana. Mr. WATSON. The Senator is perhaps more familiar with the Interstate Commerce Commission and its business than any other Senator. Therefore I ask for information. I want to find out what course he has to suggest and what policy he would adopt in reference to relieving the congestion of business before

the commission.

Mr. CUMMINS. I believe we ought to have divisional or regional commissioners, either three or five of them, sitting in various parts of the country, who could be approached by those who feel themselves aggrieved, who could take jurisdiction of complaints and hear them and decide them without requiring all the shippers of the country or others who may be dissatisfied with rates or practices to come to Washington and here remain over a long period of time in order to obtain a hearing and a decision. I believe there ought to be in Washington a commission of five or seven members with jurisdiction to hear appeals in certain cases from the divisional or regional commission, but not in all cases. In a general way, I am sure that will give the Senator from Indiana my idea of the reorganization which ought to take place, but we, of course, can not do that on this bill.

I was about to refer to another phase of the work of the commission which is vastly important, namely, those hearings which relate to the reasonableness of rates and to alleged discriminations. One might think that constitutes a large part of the work of the commission. I do not think so. I think there is a great deal of the work of the commission that could be done by one man. It could be done by a board of examiners, which the com-mission already has the authority to create. There are thoumission already has the authority to create. There are thousands of things which are of no great difficulty, such as the application of the safety-appliance laws and other things of that character, and the consideration of claims for reparation where an overcharge has been established but where there must be a computation and evidence heard that would show the amount the railway company ought to restore to the shipper. All these things take a vast amount of time, and I do not wonder that the commission is overwhelmed with work of this kind, a large part of which it ought not to do at all. But when a question involving the reasonableness of a rate comes before the commission it presents an entirely different matter. Then the commission is called upon to decide as between shippers, usually in a very large territory and affecting a very large interest.

Mr. STERLING. Mr. President—
The PRESIDING OFFICER (Mr. Lea of Tennessee in the Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I yield.
Mr. STERLING. I appreciate what the Senator says and the objection that he makes. It seems to me that under the provisions of the bill we shall have an Interstate Commerce Commission of three members instead of nine members, because the three constituting a division may decide the most important cases that ever could come before the commission. It has occurred to me that the orders of a division might be made subject to the approval of the full commission. I should like to call the Senator's attention to an amendment, just as a suggestion. In line 24, page 4, after the word "shall," insert "subject to the

"shall," in line 4, on that page, insert "subject to the approval by the commission as aforesaid."

Mr. CUMMINS. I have not reached my proposals for amendment yet.

Mr. STERLING. The Senator may have some language different, but it occurred to me that that might possibly be suggestive, Mr. CUMMINS. The suggestion which instantly arises in my mind is this: At whose suggestion would the approval of the full commission be sought?

Mr. STERLING. The law itself would provide for that.
Mr. CUMMINS. Then would any shipper or any railroad company have the right to demand a hearing by the full commission?

Mr. STERLING. No; I would provide that in any final order

or decision the approval of the full commission must be had.

Mr. CUMMINS. Must be had. That is going a little further than I want to go, because that would practically defeat the object of the bill which is to exempt in a large part of the work the necessity of the full commission becoming familiar with the

Mr. STERLING. I did not think that it would possibly defeat the purposes of the bill. There would be a good many cases perhaps in which the approval of the entire commission would be more or less formal. If, however, it were the consideration of a great rate case, then the entire commission would act, perhaps, after more deliberation; but it would be the work of the entire commission in the end. I do not think there would be any practical difficulty.

Mr. CUMMINS. Mr. President, I would have no objection to the proposal of the Senator from South Dakota [Mr. Sterling], and it may be that is required. I am sure that something of

that kind is required to be added to the bill.

I again refer to the different kinds of work done by the commission. A great deal of it is rather formal, and ought to be done by a few men, possibly by one man; but when you come to the question of rates, no one man or no two men ought to have the authority to decide, especially if the full commission is not to pass upon the question.

I propose to offer this amendment—and unfortunately I have not reduced it to writing, but if the Secretary will take it down, I will propose it. In offering it I suggest that I intend to offer some amendment along the line of the thought of the Senator from South Dakota, or to stand for the one he has proposed, for that I think is essential. I propose to add to line 8 on page 5 the following:

In all proceedings relating to the reasonableness of rates or to alleged discriminations, not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled "An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto, and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, not less than seven members shall sit in the hearings and participate in the decision.

Mr. NEWLANDS. Is that with reference to the valuation? Mr. CUMMINS. It is.

Mr. WATSON. Does the Senator contemplate that, when three of the commission shall sit as a court to determine the reasonableness of a rate, there shall be the right of appeal to the full commission?

Mr. CUMMINS. I do; that is, I hope that may be so; at least, I want to get a tribunal composed of three to pass on rate questions.

Mr. KIRBY. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I yield to the Senator.

Mr. KIRBY. Does not the Senator from Iowa think that the amendment which he first proposed is already within the provisions and scope of the bill? My experience on the Supreme Court bench of Arkansas, with five members, was that where a majority was required to decide any question it was impracticable to work with less than three men. This whole matter, as I understand, is subject to the order of the commission itself the entire membership. The Senator will observe that, in lines 18 and 19, on page 4, the commission is divided into divisions, and that then each division is subject to the power of the commission. I believe that it is better to leave this in the hands of the commission, because as to all those matters that are of importance, which the Senator is now suggesting, I feel confident the entire commission will sit, and there will be the judgment approval of any final order or decision made or rendered by the of, at least, a majority of the commission on all great questions, full commission"; then, on the following page, change the phraseology, so as to carry out the same idea, after the word rules, I believe it will be better for expediting its business; that the power be not restricted—that is, my experience has caused me to come to that conclusion. I submit it to the Senator in the consideration of the question for whatever weight it may be entitled to.

Mr. CUMMINS. Mr. President, I suppose the commission would have the power to make no division of less than nine members, and in that way it could retain all the power that it now has; but the language cited by the Senator from Arkansas [Mr. Kibry] I think hardly bears the construction which he puts upon it. I will read it. It is as follows:

In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission—

That regulates the power of the commission in assigning the work. Then the bill proceeds to say:

And in respect thereto-

That is, the work that has been assigned to it by the commission, whether it is a division of one, two, three, four, five, or no matter what the number may be-

the division shall have all the jurisdiction and powers now or then conferred by law upon the commission and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect and may be made, evidenced, and enforced in the same manner as if made or taken by the commission as a whole.

Those words are entirely inconsistent with the reservation of power upon the part of the full commission respecting the orders of the division.

Mr. President, I have submitted my amendment, and I ask the Secretary to state it as he has taken it down, in order to be sure that it is right.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa

The SECRETARY. On page 5, after line 8, it is proposed to insert:

In all proceedings relating to the reasonableness of rates or to alleged discriminations not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled "An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, not less than seven members shall sit in the hearings and participate in the decision.

Mr. NEWLANDS. Mr. President, I have no objection at all to the first amendment which the Senator presents as to a membership of not less than three, but, on the contrary, I quite approve of that. As to the membership of seven in connection with for the fear that that would absorb so large a proportion of the time of the commission as to prevent them from attending to their other duties.

As I understand, the hearings regarding valuation have just commenced. They will be of enormous proportions. I judge, from the issues presented, the protests made, and the briefs filed. What I fear is that if we require that seven of the nine members of the commission shall apply themselves to that subject there will be no time for the commission to attend to its other business. Can not the Senator suggest some method of appeal to the entire commission regarding that matter which would suit his view?

Mr. WATSON. Mr. President—
The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. I do.

Mr. WATSON. Does not the Senator think that in a matter so important as the determining of the reasonableness of a rate or in a matter so important as the subject of valuation there should be the right of appeal to the full commission, or that the full commission, at least, should be asked to pass upon and either approve or disapprove the findings of the lesser number, consisting of three commissioners in this instance?

Mr. NEWLANDS. I have not the slightest doubt that the commission will so arrange its rules and regulations as to keep control of these cases, if it deems it necessary. The Senator will observe on page 4, lines 13, 14, and 15, down to line 17, the provision is made that the commission " may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission."
Mr. WATSON. That is quite true; but the Senator will

also observe

Mr. NEWLANDS. And I imagine the good judgment of the commission will probably be a better guide for the action of the commission through rules, and so forth, than any hard and

fast rule which we might adopt here in the hurry of legislation.

Mr. WATSON. But let me call the attention of the Senator from Nevada to lines 23 and 24, on page 4, which read:

And in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission.

That is the clause of which I am making particular complaint.

Mr. TOWNSEND. Mr. President—
The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. TOWNSEND. I do not care to interrupt the Senator. I

thought he had yielded the floor.

Mr. NEWLANDS. I wish to ask the Senator from Iowa whether he would not be willing to reduce the number from seven to five? In that event I would be disposed to accept the amendment, with the understanding that it will be considered in conference. The Senator will doubtless be one of the con-

Mr. CUMMINS. I hope the Senator from Nevada will not ask me to do that. It is by far the most important work ever put upon the commission; it is infinitely difficult, as well as overwhelmingly important. The Senator from Nevada, I think, has an erroneous idea with regard to the way in which the work is done.

The commission created what is known as a committee on valuation. Judge Prouty resigned from the commission in order to become the head of the committee on valuation. The committee on valuation is the employee of the commission. It takes all the testimony. No member of the commission is present or required to be present at the taking of the testimony. The committee on valuation hears, in the first instance, the arguments of the railways upon the one side or those who may be interested upon the other. The committee on valuation then reports to the commission. It is in the nature of an appeal. It is only a hearing that is required to be had, and I had very great difficulty in bringing myself to suggest that even a less number than the whole commission should pass on matters of valuation.

Mr. NEWLANDS. Well, Mr. President, I recognize the importance of the question the Senator has raised, and I will state that I have no objection to the amendment going in the bill. It will be considered in conference and the Senator will be one of the conferees. I am as anxious as is the Senator, of course, to have this whole commission reorganized in such a way as to properly guard the interests of the public. I accept the amend-

Mr. TOWNSEND obtained the floor.

Mr. KIRBY. Mr. President, I desire to object to that amendment.

The PRESIDING OFFICER. The Senator from Michigan

has the floor.

Mr. TOWNSEND. Mr. President, I do not want to say anything to delay the action of the Senate on this matter, for I think it is one of the most vital things that has been brought or will be brought before the Senate. I think there is a very serious misunderstanding, however, on the part of some of the Senators in reference to this subject. I can see no reason why the matter of valuation of railroads should be treated differently from any other matter pending before the commission. Personally I regard this valuation subject as the least important thing with which the Interstate Commerce Commission has to deal.

The majority of the commission act upon all matters that come before it, but this proposition of the Senator from Iowa is to make seven members sit in all hearings. I am sure that the conferees in considering it will see the point of it and reject it, and therefore I do not care to occupy the time of the Senate in discussing it.

All of these questions decided by the commission are subject to a practical appeal, in a measure; they are all subject to a rehearing. The present interstate-commerce law provides for a rehearing on all matters, and this bill is but an extension of the existing law. So that any person interested can ask for a re-hearing, and it will be determined by the commission, the entire commission or a majority of them. The question is then finally settled.

We had this up before the committee and held extensive hearings upon it, at which appeared some of the commissioners. Mr. Commissioner Clark was present and explained the whole situation, and I desire to say a word in reference to his testimony on this important subject, as it makes it clear to me, as I

think it will do to other Senators:

The Senator from Rhode Island [Mr. Lippirr], a member of the committee, in examining Mr. Clark, asked this question:

Mr. Clark, under this bill, the decisions of the subdivisions are final, are they; there is no appeal to the full commission?

Commissioner CLARK. Oh, I do not understand that to be so. I undertook to explain a while ago that in subdividing under that authority of that kind the purpose of the commission would be to delegate to certain subdivisions the handling and disposition of certain particular matters but retaining for the commission all the time the right to bring any matter, either on appeal or by initiative of the commission itself, before the full commission.

Senator Lippitt, Would a dissatisfied individual have the right to appeal from a decision?

Commissioner CLARK. He would have the right to petition for a rehearing and have that considered by the whole commission.

Mr. WATSON. Now, Mr. President— Mr. TOWNSEND. Let me finish this testimony, and then I will yield to the Senator.

Mr. WATSON. Very well.

Mr. TOWNSEND. I continue the quotation:
Senator Lippitt. He would have the right to petition but not the right to make an appeal and have it necessarily granted?
Commissioner CLARK. I think it would be futile to confer upon him the absolute right to have the rehearing before the full commission if he were dissatisfied with the decision of the subdivision in the first instance.

Senator Swith of South Carolina. The full commission would at

If he were dissatished with the decision of the subdivision in the first instance.

Senator Smith of South Carolina. The full commission would at least pass upon whether his appeal had good grounds?

Commissioner Clark. If he filed an appeal for rehearing before the full commission it would be handled in principle just as petitions for rehearing are now handled. They are analyzed in the light of the report of the commission, and if he alleges any error in fact the record is gone over to ascertain whether that allegation is well founded, and then the entire commission determines whether or not a rehearing is justified and ought to be granted. We do grant a good many and we deny a good many. We act on them only after there has been a very careful scrutiny of every allegation in the petition.

Senator Lippitt. Of course the bill says in respect thereof the division shall have all the jurisdiction and powers now conferred upon the commission, so that would give the decision of the subdivision the full effect of a decision by the full commission?

Commissioner Clark. Yes; the real idea underlying that was to authorize a subcommittee to enter an order for the commission.

That is the whole idea of passing this act to amend the present interstate-commerce law

Mr. WATSON. And yet he goes on to say that the right of appeal, or the right of approval, would lie to the entire com-

Mr. TOWNSEND. Yes. Mr. WATSON. That is the substance of his testimony all the way through.

Mr. TOWNSEND. Yes.

Mr. WATSON. Now, of course, they have not hitherto made these divisions of the commission. How does he happen

to give testimony of that kind?

Mr. TOWNSEND. Heretofore they have been obliged to rely upon subordinates. It has been an absolute human imrely upon subordinates. It has been an absolute human impossibility for the commission to hear these cases personally. They have had to rely upon their subordinates. Each one of the commission now is delegated to consider certain particular branches of the business; but of course he confers with his associates, and a determination is had by a majority where there is a disputed question. Many matters are governed fully by precedents and general consent is accorded by the whole commission. commission.

Mr. WATSON. I quite fully concur as to the necessity of action, but I was trying to get at this point: He is simply one man stating what might be the custom or might be the practice of the commission—that they might grant the right of appeal from a commission of three to the full body. What is the objection to simply stating that in this bill and making it mandatory that the right of approval shall rest on the final commission, or the right of appeal shall lie to the full com-

mission?

Mr. TOWNSEND. Well, I understand that the chairman of the committee has accepted the amendment. I am not going to make any objection to it, because I think when six members of the two Houses get down together in conference, and go over this matter, they will see the unwisdom of it. They will see that possibly if it is adopted and enforced to the letter it will practically nullify the object which we are seeking to accomplish through the passage of this bill.

Mr. CUMMINS. Mr. President, possibly a word is due from me, in view of the rather remarkable statement made by the Senator from Michigan, which is to the effect that my amend-

ment is not only useless but foolish.

I may be wrong, of course, but I have studied this bill with a good deal of care; and I assert that there will be no power on the part of the commission after this bill is passed to review the action of one of the divisions which is authorized in the bill. The commission acts when it assigns to the division the work, or the branch of the work, which it is to do, and it can abrogate that assignment at any time it likes; but after the division acts there is no right of review, and the commission could not order a review, in my opinion.

Of course at the present time there are no divisions of the

commission. One man may do the preliminary work, and either division but by the order of the whole commission.

formally or informally his work is brought before the commission, or a majority of the commission, and the order is entered by that majority.

I have not offered the amendment simply to feel the pleasure

of offering an amendment.

Mr. KIRBY. Mr. President, I shall object to the acceptance of this amendment, if it is within the province of a Member of the Senate to do that.

I do not know by whom this bill was drawn, but it was evidently well considered. This commission has all the work that it can possibly do, and more. I have read, in a cursory way, the report here. We have recognized the necessity by providing for the appointment of two other men.

The commission is given plenary power by this law to make such rules and regulations as are necessary for expediting its

business. I read from page 3:

The commission may from time to time make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States.

It has plenary power to make divisions of its members. Reading from line 16:

The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary.

The divisions can not be made except by order of the entire commission. The bill further provides that the decision by a division must be by a majority thereof, necessarily meaning that there shall be at least three members. Now:

The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction.

There is plenary power to make rules. There is plenary power to divide the commission into divisions. Here is plenary power by the full commission to amend, modify, supplement, or rescind any direction given to any division.

Now, lines 18 and 19:

In conformity with and subject to the order or orders of the commission in the premises—

In the premises-what premises? Of this bill? No; in the premises of the matter about which the order made by it giving the direction to the division or dividing the commission into

each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions—

What? How? By order of the commission, and not other-

I do not know how good a lawyer the Senator may be. understand he is a great lawyer; but I say this bill is well drawn, and I say that the power is given here as I have stated. The ordinary, reasonable construction of this language indicates it, and it was evidently drawn by somebody who is familiar with the practice down there and familiar with the needs of this commission.

If you are going to provide that upon any rehearing all of this commission must act, you will fix it so that the commission may never in the world get through its business.

In the supreme court of my State there are five judges, and in nearly every case that is decided by the supereme court there is a motion for a rehearing. Especially is this true if the decision is by a divided court, one or two justices dissenting. Under that amendment, if you provide here that there shall be a rehearing at which all the members shall sit, you will require this commission to spend half its time in going over cases for

The commission is given plenary power to make rules and regulations. It can not be divided into divisions except by order of the entire commission. It has the power to amend, supplement, modify, or rescind any such direction at any time, and it has the power in the first instance; and there is no jurisdiction given to any division until the entire commission grants the jurisdiction. That is exactly what this bill means.

I dislike to differ from other lawyers in the Senate; but this is so plain, it seems to me, that there is not room for controversy about the meaning of it. I have no doubt but that the commission are fully advised of the provisions of this bill, and most probably approved them before they came in here. They know their needs, and they know the condition. They know their business, and are given power to make rules to direct their work or business by order, to modify, amend, supplement, or rescind any such direction; and no jurisdiction is given to any

The amendment ought not to be adopted; and I object to its being accepted, at least.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. KIRBY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LEA of Tennessee. I suggest the absence of a quorum. The PRESIDING OFFICER. The absence of a quorum is

suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Banknead	Hoills	Martine, N. J.	Smith, Ga.
Beckham	Hughes	Nelson	Smith, Md.
Borah	Husting	Newlands	Smith, S. C.
Brandegee	Johnson, S. Dak.	Norris	Smoot
Catron	Jones	Overman	Sterling
Chamberlain	Kenyon	Page	Stone
Colt	Kern	Penrose	Thomas
Culberson	Kirby	Phelan	Thompson
Cummins	La Follette	Poindexter	Townsend
Curtis	Lea, Tenn.	Pomerene	Vardaman
Dillingham	Lee, Md.	Robinson	Wadsworth
Fall	Lippitt	Shafroth	Warren
Fernald	McCumber	Sheppard	Watson
Fletcher	McLean	Sherman	Williams
Hitchcook	Moutin No	Cimmona	

Mr. LEA of Tennessee. I have been requested to announce the necessary absence of the senior Senator from Kentucky [Mr. JAMES 1

Mr. VARDAMAN. I wish to announce the unavoidable absence of the junior Senator from Tennessee [Mr. Shields], on account of illness.

Mr. OVERMAN. I desire to announce that the junior Senator from Montana [Mr. Walsh] and the junior Senator from

Missouri [Mr. Reed] are detained on public business.

The PRESIDING OFFICER. Fifty-nine Senators have responded to their names. A quorum is present. The question is on the amendment offered by the Senator from Iowa [Mr. Cum-MINS]

Mr. NORRIS. Let it be stated. The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 5, after line 8, it is proposed to insert the following:

In all proceedings relating to the reasonableness of rates or to alleged discriminations not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled "An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, not less than seven members shall sit in the hearing and participate in the decision.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. LA FOLLETTE. Let us have the yeas and nays.

The yeas and pays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. Saulsbury]. I transfer that pair to the Senator from Utah [Mr. SUTHERLAND] and vote "yea."

Mr. FALL (when his name was called). I have a general pair with the Senator from West Virginia [Mr. Chilton]. In I have a general his absence I refrain from voting.

Mr. SIMMONS (when his name was called). I transfer my pair as on the former vote and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my pair with the Senator from Pennsylvania [Mr. Oliver] to the junior Senator from Louisiana [Mr. Broussard] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. Gallinger], which I transfer to the junior Senator from Illinois [Mr. Lewis] and vote "yea."

The result was announced—yeas 60, nays 5, as follows:

YEAS—60.

	7.1347	D-00.	
Ashurst	du Pont	La Follette	Norris
Bankhead	Fletcher	Lane	O'Gorman
Beckham	Hardwick	Lee, Md.	Overman
Borah	Hitchcock	Lippitt	-Penrose
Brandegee	Hughes	Lodge	Pomerene
Chamberlain	Husting	McCumber	Ransdell
Clark	James	McLean	Reed
Colt	Johnson, S. Dak.	Martin, Va.	Sheppard
Cummins	Jones	Martine, N. J.	Sherman
Curtis	Kenyon	Nelson	Simmons
Dillingham	Korn	Nawlanda	Smith Ca

Smith, Mich. Smith, S. C. Smoot Sterling	Stone Swanson Thomas Thompson	Tillman Vardaman Wadsworth Walsh	Warren Watson Weeks Williams
	N.	AYS-5.	
Hollis Kirby	Robinson	Shafroth	Townsend
	NOT V	OTING-31.	
Brady Broussard Bryan Catron Chilton Clapp Culberson	Fernald Gallinger Goff Gore Gronna Harding Johnson, Me.	Lewis Myers Oliver Owen Page Phelan Pittman Poindeyter	Saulsbury Shields Smith, Ariz. Smith, Md. Sutherland Underwood Works

So Mr. Cummins's amendment was agreed to.

### THE REVENUE.

Mr. SIMMONS. I ask the Senate to proceed to the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. NEWLANDS. I will ask the Senator whether it can not be arranged that the pending bill can be proceeded with to a conclusion after this bill is made the order?

Mr. SIMMONS. After the Senate has made it the order I will discuss that with the Senator from Nevada.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of for-tifications, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. PENROSE. Will the Senator from North Carolina permit me? I desire to submit a resolution relating to the pending measure which I should like to have read, printed, and lie

on the table. It is a short resolution, The PRESIDING OFFICER. With Without objection, it will be

Mr. SIMMONS. I wish to ask the Senator from Pennsylvania if he will not be content to state the general purport of the resolution without having it read?

Mr. PENROSE. It will not take a minute to have the reso-

lution read.

Mr. SIMMONS. Very well, I will not object. The PRESIDING OFFICER. The resolution will be read. The Secretary read the resolution (S. Res. 367), as follows:

The Secretary read the resolution (S. Res. 367), as follows:

Resolved, That H. R. 20573 be recommitted to the Committee on Finance with instructions to amend the bill so as to raise an equitable portion of the required revenue from a protective tariff "sufficient to protect adequately American industry and American labor, and to be so adjusted as to prevent undue exactions by monopolies or trusts"; and With further instructions to the Committee on Finance to give special attention to securing the industrial independence of the United States, to the end that "our industries can be so organized that they will become not only a commercial bulwark but a powerful aid to national defense"; and

That the bill be further amended so as to require the tariff commission to report the difference in wages and the cost of production between foreign countries and the United States.

The PRESIDING OFFICER. The Chair understood the Senator from Pennsylvania to request that the resolution should lie on the table.

Mr. PENROSE. I asked to have the resolution read, which has been done, and now I will withhold it until I have an opportunity to address the Senate upon it. Let it lie on the table and be printed.

The PRESIDING OFFICER. That course will be pursued.

Mr. SIMMONS. Mr. President, if I can have order-The PRESIDING OFFICER. Order, Senators.

Mr. SIMMONS. In response to the inquiry of the Senator from Nevada a few moments ago, I desire to state that if I could have any assurance that the bill which he has in charge—
Mr. PENROSE. Mr. President, no one can hear the Senator

on this side.

The PRESIDING OFFICER. Order, Senators.

Mr. SIMMONS. I was stating, in response to the inquiry of the Senator from Nevada made a few moments ago, that if I I was stating, in response to the inquiry of can have any assurance that the bill which he has had before the Senate this morning will be disposed of in a reasonable time, say, in half an hour, I would not object to going on with that measure and let the revenue bill be laid aside for that length of time.

Mr. NORRIS. Mr. President— Mr. NEWLANDS. I hope to dispose of it within that time, but I am not informed as to whether any further amendments are to be offered to the bill. I should like to inquire whether

Mr. NORRIS. I rose for the purpose of giving some informa-

tion.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS. I yield. Mr. NORRIS. I wish to say to the Senator from North Carolina that I do not believe the bill can be disposed of in half an hour. I think there will be considerable debate on it. I do not object to the consideration of the bill. I am only giving that information because I feel it my duty to do so, since the inquiry was made by the Senator from North Carolina. I think it will take considerable time—a few hours at least.

Mr. SIMMONS. Mr. President, another Senator said to me this morning that considerable time will be taken in the discussion in addition to that which has already been consumed. Under the circumstances I feel that I can not yield to the wishes of the Senator from Nevada, much as I should like to do so.

Mr. STERLING. Mr. President—
The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I yield to the Senator.

Mr. STERLING. I offer the amendment which I send to the desk

The PRESIDING OFFICER. Does the Senator desire to have it read?

Mr. STERLING. I desire to have it read.
The PRESIDING OFFICER. It will be read, without objec-

The Secretary. On page 4, line 24, after the word "shall"——
The PRESIDING OFFICER. The Secretary informs the Chair that there is no such word in the line.

Mr. BRANDEGEE. To which bill is the Senator offering the

Mr. STERLING. House bill 308, the bill we have been considering, and which I understand is the bill before the Senate at the present time.

The PRESIDING OFFICER. The Chair will inform the

Senator that that bill was displaced.

Mr. STERLING. I thought that was the measure before the Senate now. The Senator from Nevada was insisting on going on with the bill.

The PRESIDING OFFICER. House bill 20573, the revenue

bill, is before the Senate.

Mr. NEWLANDS. I wish to ask the Senator from North Carolina whether he will yield to me to make a motion that House bill 308, regarding the enlargement of the Interstate Commerce Commission, be made the special order for 8 o'clock this

Mr. SIMMONS. Mr. President, I can not yield to the Senator

for that purpose

The PRESIDING OFFICER. The Senator from North Carolina declines to yield for that purpose.

Mr. SIMMONS. I hope to go on with the revenue bill to-

Mr. STERLING. Mr. President-

The PRESIDING OFFICER. Will the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I yield.

Mr. STERLING. I ask the Senator from North Carolina if

he will yield and permit me to offer this amendment that it may be printed and lie on the table?

Mr. SIMMONS. I have no objection to yielding. I hope the

Senator will not ask that it be read. Mr. STERLING. I will not.

Mr. LEA of Tennessee. I ask the Senator to yield to me that I may offer an amendment and have it printed and lie on the

I have no objection. Mr. SIMMONS.

The PRESIDING OFFICER. Without objection, the amendments will lie on the table and be printed.

Mr. LEA of Tennessee. It is an amendment to House bill 308. Mr. NEWLANDS. I will ask the Senator from North Carolina whether he will yield to me to make a motion to make House bill 308 the special order for Thursday evening at 8 o'clock?

The PRESIDING OFFICER. Will the Senator from North

Carolina yield for that purpose?

Mr. SIMMONS. As I stated, I desire to continue the consideration of this bill until it is finished, and I shall ask for night sessions until we have finished the bill. I hope we may finish the bill before the time mentioned by the Senator from Nevada, but that is not at all certain. I ask the Senator to withhold his

motion now. It may be that we will be able to accommodate him by some compromise arrangement.

The PRESIDING OFFICER. The Senator from North Caro-

lina declines to yield for that purpose.

Mr. SIMMONS. Mr. President, before beginning the statement I desire to make I wish to give notice to the Senate that I shall insist upon night sessions until this bill has been finally disposed of

Mr. STONE Let me understand the request of the Senator.

Mr. SIMMONS. I am not going to make a motion now. Mr. PENROSE. Mr. President, I insist on Senators addressing the Senate so that the minority may hear what is going on. I rise to a question of privilege. The minority have been totally ignored in the preparation of this bill, and colloquies have been conducted by the majority Members in an inaudible tone, the minority sitting here utterly unable to hear the conversation of majority Members.

The PRESIDING OFFICER. The Chair appeals to the Sen-

ate to be in order.

Mr. PENROSE. We are entitled to hear what is going on. Mr. SIMMONS. I am exceedingly sorry the Senator from Pennsylvania has so much difficulty about hearing. I believe that a majority practically of Senators have heard substantially what I have said. The Senator from Missouri [Mr. Stone] simply asked me a question in a low tone of voice which was probably not heard. I answered the Senator by saying that I had made no motion, but merely notified the Senate that I would ask to have the bill considered continuously and for that pur-

pose I would ask for night sessions.

Mr. STONE. In this connection I desire to say that, while am in entire sympathy with what the Senator from North Carolina has said, I will ask at an early date this week that the bill providing for a government for the Danish West India Islands may be disposed of. I am sure it will not take longer time than to read it and vote upon it. I shall have to insist that my friend from North Carolina will make a gap, a little time somewhere soon, so that that bill may be taken up. It is simply out of the question that those islands should be taken over as they will be very soon and leave thirty-odd thousand people upon the islands without any government at all.

Mr. SIMMONS. I shall do everything I can to assist the Senator from Missouri in passing the bill he has in charge. It is an important measure and one that ought to be acted upon.

Mr. NORRIS. Mr. President-

The PRESIDING OFFICER. Will the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS, I do.

Mr. NORRIS. In order that Senators may know about meeting here, I wish to ask the Senator in connection with the statement that he is going to have the Senate hold night sessions. does he intend to take a recess for dinner or are we going to be held in continuous session until some hour in the evening?

Mr. SIMMONS. I think we ought to follow the usual custom, especially at the beginning of the consideration of the bill.

and take a recess for a couple of hours.

Mr. NORRIS. Some time about 6 o'clock? Mr. SIMMONS. From about 6 o'clock until 8 o'clock.

Mr. CURTIS. Mr. President-

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. I do. Mr. CURTIS. I desire to ask the Senator if it is his purpose to ask for anything more than debate at night sessions, or does he expect that the Senate shall vote upon amendments?

Mr. SIMMONS. I assume that we shall have, first, general debate, and then we will begin the consideration of amendments. I think we will not want to take up the amendments for some little time.

Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I do.

Mr. BRANDEGEE. In line with the remarks of the Senator from Nebraska [Mr. Norris], could the Senator now make a suggestion about the time we will take a recess this afternoon and what time we will convene this evening and how long we will sit?

Mr. SIMMONS. I have just stated that I thought we would follow the usual custom and take a recess from 6 o'clock until 8 o'clock.

Mr. BRANDEGEE.

Mr. BRANDEGEE. And then sit until 11 o'clock?
Mr. SIMMONS. I think probably that would be a good hour. I do not desire at this stage to suggest any particular hour. Mr. BRANDEGEE. Very well.

Mr. PENROSE. Mr. President-

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I do. Mr. PENROSE. I should like to inquire of the chairman of the committee whether it is his purpose now to address the Senate on the bill? Mr. SIMMONS. Yes; it is my purpose to make an explana-

Mr. PENROSE. Could we not approach the subject with greater lucidity and fuller information if the bill was first read? Mr. SIMMONS. I think that is unnecessary, and I hope the Senator will not insist upon it.

Mr. PENROSE. The direct-tax bill was read last summer. It seems to me in a measure of such importance and great moment it is only decent and orderly to have the bill read.

Mr. BRANDEGEE. And appear in the RECORD. Mr. PENROSE. And it ought to be in the RECORD.

Mr. SIMMONS. Will the Senator pardon me? The Senator is the ranking member of the minority, and if the Senator makes the request that the bill be read before I make my statement I shall not make any objection.

Mr. PENROSE. I certainly think that before debating the measure or perhaps voting on it it would be well to see what we are discussing. The reading can only be waived by unanimous consent. People all over the United States, the business interests, are bitterly opposed to this measure, and for us to quietly sit here and have this discussion go on without having the bill read is a gross violation of the proprieties. I ask that

the bill be read.

Mr. SIMMONS. I did not, of course, yield to the Senator for a speech, and I think the statement that in proceeding to the consideration of the bill that an initial statement as to its general scope and purpose without having the bill read is a gross impropriety is a gratuitous statement. On the contrary, we all know that that is the constant practice of the Senate with reference to the most important bills that come before the Sen-A request is constantly made that the formal reading of a bill be dispensed with, and that we proceed to its considera-tion. But, as I said, if the ranking member of the minority, the Senator from Pennsylvania, desires to have the bill read, I shall interpose no objection.

The PRESIDING OFFICER. Does the Senator from Penn-

sylvania make the request?

Mr. BRANDEGEE. Mr. President, when the Senate votes to proceed to the consideration of a bill the next thing in order is to have it read. The reading is only dispensed with by unanimous consent when a Senator moving to proceed to its consideration asks unanimous consent that the formal reading of the bill be dispensed with. That request has not been pre-ferred, and the regular order is to have the bill read.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Pennsylvania?

Mr. SIMMONS. I have not begun to discuss the bill, but before I began to explain it I was going to make that request. I had not reached that stage.

Mr. BRANDEGEE. If the Senator should make the request,
I would object to it. I demand the reading of the bill.

The PRESIDING OFFICER. The Chair believes that the

reading of the bill is in order, and the Secretary will read it.

The Secretary read the bill, as follows:

Be it enacted, etc.,

TITLE I .- SPECIAL PREPAREDNESS FUND.

TITLE I.—Special Preparedness Fund.

Section 1. That the receipts from the tax imposed by Title II and one-third of the receipts from the tax imposed by Title III of this act shall constitute a separate fund in the Treasury to be used only for the expenditures incurred under the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; and the act entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved July 6, 1916, or any other act or acts subsequent thereto making appropriations for Army, Navy, or fortification purposes. In addition to such receipts from the taxes imposed under Titles II and III of this act, there shall be credited annually, beginning with the fiscal year ending June 30, 1918, to such separate fund, the sum of \$175,000,000, such sum being the estimated additional revenue to be derived under the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, in excess of the revenue to be derived under then existing laws: Provided, That the Secretary of the Treasury may use such fund for other purposes, but such fund shall be reimbursed for any portion thereof so used.

TITLE II.—Excess Profits Tax.

TITLE II.—Excess Profits Tax.

Sec. 200. That when used in this title—
The term "corporation" includes joint-stock companies or associations, and insurance companies;
The term "United States" means only the States, the Territories of Alaska and Hawaii, and the District of Columbia; and

The term "taxable year" means the 12 months ending December 31, except in the case of a corporation or partnership allowed to fix its own fiscal year, in which case it means such fiscal year. The first taxable year shall be the year ending December 31, 1917.

SEC. 201. That in addition to the taxes under existing laws there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, excepting income derived from the business of life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 and (b) 8 per cent of the actual capital invested.

Every foreign corporation and partnership including

exceeds the sum of (a) \$5,000 and (b) 8 per cent of the actual capital invested.

Every foreign corporation and partnership, including corporations and partnerships of the Phillippine Islands and Porto Rico, shall pay for each taxable year a like tax upon the amount by which its net income received from all sources within the United States exceeds the sum of (a) 8 per cent of the actual capital invested and used or employed in the business in the United States, and (b) that proportion of \$5,000 which the entire actual capital invested and used or employed in the business in the United States bears to the entire actual capital invested; and in case no such capital is used or employed in the business in the United States the tax shall be imposed upon that portion of such net income which is in excess of the sum of (a) 8 per cent of that proportion of the entire actual capital invested and used or employed in the business which the net income from sources within the United States bears to the entire net income, and (b) that proportion of \$5,000 which the net income from sources within the United States bears to the entire net income.

SEC. 202. That for the purpose of this title actual capital invested means (1) actual cash paid in, (2) the actual cash value at the time of payment of assets other than cash paid in, and (3) paid in or earned surplus and undivided profits used or employed in the business, but does not include money or other property borrowed by the corporation or partnership.

SEC. 203. That the tax herein imposed upon corporations and partnerships shall be computed upon the busines of the next income shall partnerships and undivided profits used of the part income shall partnerships.

does not include money or other property borrowed by the corporation or partnership.

Sec. 203. That the tax herein imposed upon corporations and partnerships shall be computed upon the basis of the net income shown by their income-tax returns under Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, or under this title, and shall be assessed and collected at the same time and in the same manner as the income tax due under Title I of such act of September 8, 1916: Provided, That for the purpose of this title a partnership shall have the same privilege with reference to fixing its fiscal year as is accorded corporations under section 13 (a) of Title I of such act of September 8, 1916: And provided further, That where a corporation or partnership makes return prior to March I, 1918, covering its own fiscal year and includes therein any income received during the calendar year ending December 31, 1916, the tax herein imposed shall be that proportion of the tax based upon such full fiscal year which the time from January 1, 1917, to the end of such fiscal year bears to the full fiscal year.

Sec. 204. That corporations exempt from tax under the provisions of section 11 of Title I of the act approved September 8, 1916, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title, and the tax imposed by this title shall not attach to incomes of partnerships derived from agriculture or from personal services.

personal services

not attach to incomes of partnerships derived from agriculture or from personal services.

SEC. 205. That every corporation having a net income of \$5,000 or more for the taxable year making a return under Title I of such act of September 8, 1916, shall for the purposes of this title include in such return a detailed statement of the actual capital invested.

Every partnership having a net income of \$5,000 or more for the taxable year shall render a correct return of the income of the partnership for the taxable year, setting forth specifically the actual capital invested and the gross income for such year and the deductions hereinafter allowed. Such returns shall be rendered at the same time and in the same manner and form as is prescribed for incometax returns under Title I of such act of September 8, 1916. In computing net income of a partnership for the purposes of this title there shall be allowed like deductions as are allowed to individuals in sections 5 (a) and 6 (a) of such act of September 8, 1916.

SEC. 206. That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this title are hereby extended and made applicable to all the provisions of this title and to the tax herein imposed, and all provisions of Title I of such act of September 8, 1916, relating to returns and payment of the tax therein imposed, and all provisions of Title I of such act of September 8, 1916, relating to returns and payment of the tax therein imposed, of the Secretary of the Terasury shall make all precessory required by the title and to the tax because of the Secretary of the Terasury shall make all precessory required to the tax therein imposed, of the Secretary of the Terasury shall make all precessory required.

ax required by this title.

Sec. 207. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title, and may require any corporation or partnership subject to the provisions of this title to furnish him with such facts, data, and information as in his judgment are necessary to collect the tax provided for in this title.

## TITLE III.—ESTATE TAX.

SEC. 300. That section 201, Title II, of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 201. That a tax (hereinafter in this title referred to as the tax), equal to the following percentages of the value of the net estate, to be determined as provided in section 203, is hereby imposed upon the transfer of the net estate of every decedent dying after the passage of this act, whether a resident or nonresident of the United

States:

"One and one-half per centum of the amount of such net estate not in excess of \$50,000;

"Three per cent of the amount by which such net estate exceeds \$50,000 and does not exceed \$150,000;

"Four and one-half per cent of the amount by which such net estate exceeds \$150,000 and does not exceed \$250,000;

"Six per cent of the amount by which such net estate exceeds \$250,000 and does not exceed \$450,000;

"Seven and one-half per cent of the amount by which such net estate exceeds \$450,000 and does not exceed \$1,000,000;

"Nine per cent of the amount by which such net estate exceeds \$1,000,000 and does not exceed \$2,000,000;

"Ten and one-half per cent of the amount by which such net estate exceeds \$2,000,000 and does not exceed \$3,000,000;

"Twelve per cent of the amount by which such net estate exceeds \$3,000,000 and does not exceed \$4,000,000;
"Thirteen and one-half per cent of the amount by which such net estate exceeds \$4,000,000 and does not exceed \$5,000,000; and "Fifteen per cent of the amount by which such net estate exceeds \$5,000,000."

SEC. 301. That the tax on the transfer of the net estate of decedents dying between September 8, 1916, and the passage of this act shall be computed at the rates originally prescribed in the act approved September 8, 1916.

TITLE IV .- MISCELLANEOUS.

tember 8, 1916.

TITLE IV.—MISCELLANEOUS.

Sec. 400. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation, the construction of the armorplate plant, the construction of the Alaskan Railway, and the purchase of the Danish West Indies, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States not exceeding in the aggregate \$100,000,000, in such form as he may prescribe, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: Provided, That such bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same: And provided further, That in addition to such issue of bonds, the Secretary of the Treasury may prepare and issue for the purposes specified in this section any portion of the bonds of the United States now available for issue under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5,

## CERTIFICATES OF INDEBTEDNESS.

CERTIFICATES OF INDEBTEDNESS.

Sec. 401. That section 32 of an act entitled "An act providing ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, as amended by section 40 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended to read as follows:

"Sec. 32. That the Secretary of the Treasury is authorized to borrow, from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form and in such denominations as he may prescribe; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: Provided. That the sum of such certificates cutstanding shall at no time exceed \$300,000,000, and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act."

RETURNS OF DIVIDENDS.

RETURNS OF DIVIDENDS.

SEC. 402. That Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be amended by adding to Part III a new section, as follows:

"SEC. 26. Every corporation, joint-stock company or association, or insurance company subject to the tax herein imposed, when required by the Commissioner of Internal Revenue, shall render a correct return, duly verified under oath, of its payments of dividends, whether made in cash or its equivalent or in stock, including the names and addresses of stockholders and the number of shares owned by each, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury."

# AMENDMENT OF BANKRUPTCY LAW.

During the reading of the revenue bill,

Mr. O'GORMAN. Mr. President, out of order, I desire to report from the Committee on the Judiciary the bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903. The bill proposes an amendment to the bankruptcy law by which a bankrupt may not be relieved from his liabilities under any judgment rendered against him in a breach of promise action accompanied by seduction. The bill has the unanimous support of the committee, and I ask unanimous consent for its immediate consideration

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York for the present consideration of

the bill?

Mr. JONES. Mr. President, the bill should first be read before consent is given for its consideration.

The PRESIDING OFFICER. The Secretary will read the bill. The Secretary. A bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto, of February 5, 1903.

The PRESIDING OFFICER. Is there objection to the present

consideration of the bill?

Mr. JONES. The bill has not yet been read.

The PRESIDING OFFICER. Does the Senator from Washington desire to have the bill read at length?

Mr. JONES. Yes

The PRESIDING OFFICER. The Secretary will read the bill,

The Secretary proceeded to read the bill. Mr. SIMMONS. Mr. President, I do not understand what permission the Senator from New York has received for the consideration of the bill.

Mr. THOMAS. He had unanimous consent.

Mr. O'GORMAN. The consideration of the bill will not take a moment. I followed the precedent which was set by my friend

the Senator from Alabama [Mr. Underwood].

Mr. SIMMONS. No; the Senator from Alabama simply asked to introduce a bill; and I thought that was all the Senator from

New York desired to do.

Mr. O'GORMAN. This bill will only take half a minute.

There is no objection to it.

Mr. SIMMONS. I shall not yield any further for such a purpose. I misunderstood the request of the Senator from New York.

The PRESIDING OFFICER. The Chair put the request for unanimous consent.

The Secretary resumed the reading of the bill.
Mr. JONES. The Chair does not understand that the Senate has yet given unanimous consent for the consideration of the measure?

The PRESIDING OFFICER. No: the Secretary is simply reading the bill.

Mr. JONES. I ask that the bill may be read before unanimous consent is given for its consideration.

The PRESIDING OFFICER. The Secretary will resume the

reading of the bill.

The Secretary resumed and concluded the reading of the bill, which is as follows:

which is as follows:

Be it enacted, etc., That section 17 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended February 5, 1903, be amended so as hereafter to read as follows:

"Szc. 17. Debts not affected by a discharge: A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for breach of promise of marriage accompanied by seduction, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiductary capacity."

The PRESIDING OFFICER. If objection is made to the

The PRESIDING OFFICER. If objection is made to the consideration of the bill, it will be placed on the calendar.

Mr. BRANDEGEE. I ask unanimous consent that the Senator from New York may have leave to withdraw the report.

Mr. O'GORMAN. I will withdraw the report if objection is going to be made to the consideration of the bill; but I think it would only take a minute of the time of the Senate to act upon it.

Mr. SIMMONS. The Senator may proceed with the bill. I will withdraw my objection to its consideration.

The PRESIDING OFFICER. Is there objection to withdraw-

ing the report Mr. BRANDEGEE. The Senator from North Carolina has withdrawn his objection to the consideration of the bill.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his objection to the consideration of the bill? Mr. SIMMONS. If it will only take one minute, I will with-

draw my objection. The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

Mr. SIMMONS. I shall not object, if it does not lead to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment. ordered to a third reading, read the third time, and passed.

## THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purpos

The PRESIDING OFFICER (Mr. SHEPPARD in the chair).

The reading of the bill has been concluded.

Mr. SIMMONS obtained the floor.

Mr. KENYON. Mr. President, if the Senator from North Carolina is going to discuss the bill, I think there should be a quorum present; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Gronna Hardwick Hughes Ashurst Overman Smith, S. C. Beckham Borah Page Smoot Sterling Penrese Stone Thomas Thompson Brady Husting Pittman Poindexter

Brandegee Catron Chamberlain James Johnson, Me. Jones Pomerene Ransdell Townsend Clapp Clark Culberson Cummins Kenyon Lea, Tenn. Lewis Martine, N. J. Underwood Vardaman Wadsworth Reed Shafroth Sheppard Sherman Watson Fernald Simmons Weeks Norris Fletcher Smith, Ga.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum of the Senate is present.

Mr. SIMMONS. Mr. President, I shall content myself with a brief statement—at least, I hope it will be brief—of the general scope and purposes of this bill and an explanation of the amendments which have been made to it by the Committee on Finance.

The estimated expenditures for the years 1917 and 1918 for the Army, the Navy, and fortifications exceed the expenditures for the last normal year—that is, the year before we entered upon this program of preparedness—by the enormous sum of \$860,-000,000. That is, an average increase in expenditures during these two years on account of this program for these purposes of \$430,000,000. The appropriations, adding to the normal expenditures of the Government these enormous sums of money, were made in response to a popular sentiment, which found expression in Congress by a vote in both Houses approaching the point of unanimity. They have since been approved by the people of the country in the general election which followed their enactment. They are for the purpose of preparing the country for defense, not only against invasion, but for defense in case its rights are disregarded and violated, either upon sea or land.

In these circumstances the House, in framing this bill, de cided that the Government should set aside a special fund for the payment of these increased expenses. In pursuance of that there is written in the bill a provision that all the additional revenues accruing to the Government from the adoption of this bill, estimated to amount in the aggregate to about \$248,000,000, and all of the additional revenues accruing to the Government from the so-called emergency act of September, 1916, estimated to amount to about \$175,000,000, making together \$423,000,000 as the total amount that will accrue to the Government from all of our so-called emergency legislationfor the emergency legislation of the previous Congress, at least that part of it which did not expire by limitation or was not repealed, was brought forward in the revenue act of 1916should be segregated from the balance of the funds in the Treasury, and set apart as a fund to be applied to the payment of the expenses incident to the Army, the Navy, and fortifications. It is true that there is a provision that in cases of emergency the Secretary of the Treasury may use this fund for other purposes; this is accompanied, however, with the requirement that so much of it as is so used shall be reimbursed from the general fund in the Treasury so as to keep this preparedness fund intact.

But for these extraordinary expenses during the present fiscal year and the fiscal year 1918, there would be sufficient revenues from the current receipts of the Government to pay ordinary expenses.

To illustrate: In the fiscal year 1917 the additional expenditures on account of the Army, Navy, and fortifications were estimated at \$329,000,000, including the expenses of the Mexican situation. To meet that we expended from the receipts to be received from the last emergency bill \$175,000,000, did not then make any provision for the Mexican situation. was stated in the report of the committee upon that bill that it was not the purpose to provide therein for the Mexican situation, but that it was the expectation that those expenses would be financed by the issuance of Panama Canal bonds.

The Secretary has not issued those bonds, but has paid the entire expenses up to this time from funds in the Treasury, and will so continue to do until the end of the fiscal year. As a result of the payment of these expenses in that way, an estimated excess of disbursements over receipts for the year will exist on the 30th day of June, 1917, of \$157,000,000. We have in this bill authorized the Secretary—we did not authorize him before on the 30th day of June, 1917, of \$157,000,000. We have in this bill authorized the Secretary—we did not authorize him before because we thought he already had the authority, but in this bill

we give him express authority-to issue enough of these bonds to cover this expenditure, estimated to amount, by the end of this fiscal year, to \$162,000,000, so that when those bonds are sold and the money received therefrom is covered into the Treasury it is apparent that it will pay off and discharge the estimated deficit of \$157,000,000 so expended, and add about \$5,000,000 to the Treasury balance.

It is estimated that the expenditures on account of the Army and Navy and fortifications for the fiscal year 1918 will reach \$530,000,000, or a little over \$200,000,000 more than the estimated expenditures for these purposes during the present fiscal year. This amount will exceed the amount that we propose to set aside for preparedness, the amount to be realized from all the emergency-revenue bills-to wit, the one at present under consideration and the one of 1916-by about \$107,000,000. The estimated excess of disbursements over receipts for the year 1918 is \$366,-000,000. At least, that was the estimate at the time the report upon the House bill was made. There have been some deficiency estimates made since then which will run it up somewhat, but according to that estimate the deficiency will be \$366,000,000. So that it is apparent from this statement that but for these extraordinary expenditures imposed upon us as the result of this program to which the country has so heartily agreed, and which it has so strongly indorsed, there would be in the Treasury, exclusive of the total amount which will accrue from this bill and from the emergency act of 1916, ample funds to meet the expenses of the Government.

Mr. WATSON. Mr. President-

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. SIMMONS. Yes. Mr. WATSON. Will it interfere with the Senator if I ask him to state at this point how much revenue was raised under the special act of September 8, 1916, and what became of that revenue? I am asking for my own information.

Mr. SIMMONS. I just stated to the Senate that for the year 1917 that amount was estimated at about \$175,000,000, and it is to be used, of course, to defray this additional expense. Probably I did not eatch the Senator's question. I will ask him to repeat it.

Mr. WATSON. The question was, How much revenue was produced by, or raised under, the provisions of the act of September 8, 1916, and what disposition was made of that revenue?

Mr. SIMMONS. I stated that the amount was estimated to be \$175,000.000.

Mr. WATSON. All told? Mr. SIMMONS. Yes; under that act. That is a little less than we estimated at the time of the passage of the act, but that is the amount it is now estimated, in the light of further experience, it will yield.

Mr. WATSON. And the revenue produced then was practically the same as estimated?

Mr. SIMMONS. No; it will not be quite as much as was estimated at the time the bill passed.

Mr. WATSON. And that special tax was levied at that time for Army and Navy preparedness, was it not?
Mr. SIMMONS. Yes; and I stated a few minutes ago that after that amount is applied to that purpose we will lack \$157,000,000, or about that, of paying off and discharging the increased appropriations for that year for Army, Navy, and fortifications. That additional amount was to be paid out of bonds. The bonds have never been issued, but the amount has been or will be paid out of the current revenues of the Government; and we are now proposing in this bill to authorize the Secretary of the Treasury to sell Panama Canal bonds and reimburse the Treasury for that \$162,000,000 spent or to be spent during the current fiscal year on account of the Mexican situation. When that is done, and that fund goes into the Treasury for the purpose of reimbursing it, it will wipe out the estimated deficit for the year 1917, and leave a small surplus.

Mr. PENROSE. Mr. President, will the Senator yield to me? If the Senator objects to an inquiry, I will wait until he gets through.

Mr. SIMMONS. I will state to the Senator that I would greatly appreciate it if he would let me go on and conclude my remarks

Mr. PENROSE. I understood, in conversation with the Senator in the rear of the Chamber a little while ago, that he expected inquiries, and was willing that they should be made.

to explain the bill; and while, of course, I shall not object to interruptions, I should like it better if I were permitted to

Mr. PENROSE. I hope the Senator will not suspect me of rising to address an inquiry to him because I wanted to get into a partisan discussion.

Mr. SIMMONS. No; I certainly would absolve the Senator from Pennsylvania of any purpose in that direction.

Mr. PENROSE. I think the Senator would not suspect me

of that.

Mr. SIMMONS. Now, Mr. President, the bill has two general provisions imposing taxes. One is in reference to inheritance taxes. The proposition is simply to increase the rates of the The second provision imposing taxes present law 50 per cent. is that which relates to taxes upon excess profits. Speaking generally, this provision imposes upon corporations and copartnerships a tax of 8 per cent upon their net profits in excess of \$5,000 plus 8 per cent of their invested capital. In estimating the net income for the purposes of this tax the bill provides that the return made under the income-tax law in that year shall be accepted as the basis of assessing the tax against that That makes, of course, the application of that part of the law very easy.

But there is another side to the problem, and that is one which grows out of the exemption of 8 per cent. In order to ascertain what that exemption is it is necessary to fix a basis for calculating it. The bill fixes that basis by taking the capital actually invested in the business. To make it clear what is meant by those general terms, the bill undertakes to define the meaning of the words "capital actually invested in the business." It defines those terms to mean, first, "actual cash paid in"; second, as amended by the committee, "actual cash value of execute when there each at the time and of assets other than cash at the time such assets were transferred to the corporation or partnership"; and, third, "paid-in or earned surplus and undivided profits used or employed in the business; but does not include money or other property borrowed by the corporation or partnership, whether evidenced by bonds or otherwise.'

The chief controversy made by the representatives of the corporations who appeared before your committee in opposition to this tax was with reference to the language in subdivision 2 of section 202. Some of them insisted that the correct rule would be the cash value of the property at the time of the return of income for taxation, instead of at the time the property was turned over as a part of the assets of the corporation. Of course, it is to their interest to increase the amount of the exemption, and they insisted that the basis of such exemption should be the value at the time of the return, the effect of which clearly would be to give them the benefit of the unearned increment, of good will, and so forth.

Your committee adopted the basis recommended by it because they thought it would place every taxpayer upon the same basis. That is, it would allow to each taxpayer an amount estimated in cash equal to the actual investment in the This puts every taxpayer upon a standard of parity in estimating the invested capital. It is contended that the rule, the exemption, and the tax imposed is arbitrary. That may be. Most taxation is imposed upon lines that are more or The Government needs a certain amount of less arbitrary. money; it must be raised by taxation. It has the right to determine the way in which it shall be raised. It should be fair as between the class upon which it is imposed. Subject to that qualification, the standard may be arbitrary, and frequently is, and yet be just. When we allow an 8 per cent exemption, that is an arbitrary amount. We might have made it 6; we might have made it 10; but we had in view the purpose of the legislation, and in exercising this arbitrary right we fixed it at 8 per cent based upon the theory that 8 per cent is a good profit in any business.

In presenting the rate of the tax we arbitrarily placed it at We might have fixed it at 10. There were suggestions that we make it that much. In some countries of Europe it is 10, in some 25, in some as high as 60 per cent. There is no certain criterion in respect to that. It is a matter that must be arbitrarily settled by the taxing power.

The same is true as to the time of valuation of property transferred to the business. It is competent for the Government to provide that the valuation should be at the time of the transfer or at the time of the return for taxation. This question may justly be settled upon consideration of the amount of tax which is to be realized and fairness and equity between the class upon which the tax is to be imposed.

Your committee decided, in the circumstances, that the interest of the Government and equality between the taxpayers required that the exemption should be based upon the cash

value of the property at the time of investment instead of at the time of return for taxation.

It is clear if you make the valuation at the time of the return, inequalities between taxpayers would arise which do not exist under the rule adopted. The rule adopted secures equality as between the taxpayers with reference in the exemption. Every taxpayer will get an exemption upon the same basis, namely, the amount he actually invested, measured in cash at the time it was invested.

If we should adopt the other basis and take the valuation at the time of the return, the unearned increment of property, and the earning capacity of the concern would be capitalized annually and be reflected in each return for taxation.

The unearned increment of real property would be very great in a place like New York, while it would be very small in many prosperous but smaller places.

The earning capacity, which is reflected in the market value of the property, depends largely upon the nature of the business, upon good will, trade-marks, patents, and so forth. At the present time the earning capacity of certain concerns, like the powder factories, is very great, while for other concerns it is very small.

Under the basis as recommended, the standard for measuring the capital invested is a fixed and unchangeable one; under the basis as suggested, the standard would be a varying one, changing with every season and with every change in condi-

Your committee believes that with the amendment proposed to section 202 of the House bill the definition therein made of actual capital invested will furnish a just and equitable basis of computation as between the taxpayer, and will secure to the Government the income sought to be derived from this source without making it necessary to increase the tax beyond 8 per cent upon net profits.

Another objection urged to the bill as it came from the House was on account of the exemption allowed in that bill in favor of partnerships engaged in agriculture. It was claimed that if partnerships engaged in other business were taxed, they should be taxed when engaged in agriculture.

Again while the House bill exempted partnerships it did not exempt corporations engaged in agriculture. This likewise was objected to and it was contended that if partnerships engaged in agriculture were exempted corporations likewise engaged should be exempted.

On the other hand, it was contended that to exempt either corporations or partnerships so engaged, would be a discrimination against those in other business. It was contended that in certain sections of the country both corporations and partnerships, owning immense tracts of land, supplied with great capital, engaged in the production of food animals, growing cotton, sugar, wheat, and general farm products, making tre-mendous profits, in some cases equal to that of many of our great industrial corporations, would be relieved of all taxes.

After consideration of these and other suggestions to the same general import, your committee decided to recommend an amendment to the House bill making both partnerships and corporations engaged in agriculture, subject to the tax imposed upon other combinations.

Your committee continued the exemption under section 204 of the House bill as it applied to incomes derived from personal service with the amendment that it should apply to corporations as well as partnerships, and only when that income is

derived exclusively from personal service.

I think that reasonably meets the objection made on that score.

It was also objected, and probably the objection was urged more strenuously than any other, that the exemption of individuals from this tax is unduly and unjustly discriminative against corporations and copartnerships. Upon its face this proposition would appear to be sound, and, speaking broadly and generally, it probably would be but for the fact that the income tax imposed upon individuals is far greater than that imposed upon corporations, while partnerships pay no tax under that law. The corporation pays an income tax of only 2 per cent. It starts at 2 per cent and it ends at 2 per cent; it does not increase. On the other hand, the individual pays an income tax of 2 per cent upon his entire net income, plus a graduated surtax upon all income above \$20,000, reaching by the time his income has risen to the \$2,000,000 mark a flat 13 per cent, in addition to the normal tax of 2 per cent. individual receives an income from a corporation which has paid the 2 per cent tax and his income exceeds \$20,000, that excess also is subject to this graduated tax.

individual is very little less than that which would be paid by the corporation, the one subject to the excess profits tax and the other not. And the same is true as between the individual and a partnership. If, on the other hand, you add an excess profits tax to the income tax of the individual you will find, as I have found from certain calculations made me by the Actuary of the Treasury Department, that the result will be a gross discrimination against the individual, and that he would pay a larger sum than would the corporations or partnerships

Mr. POMERENE. May I ask the Senator a question?

Mr. SIMMONS. Yes.

Mr. POMERENE. Does the Senator mean by that, adding the excess profits tax to the supertax as applied to individuals. Mr. SIMMONS. I mean if you apply the excess profits tax to the individual as well as to a corporation.

Mr. POMERENE. And also the supertax? Mr. SIMMONS. Oh, certainly.

Mr. President, I wish to put in the RECORD as a part of my statement a computation made by the Actuary of the Treasury at my request. It is a comparison of the total amount of taxes to be paid to the Government from the net profits of a certain business when conducted as a corporation, a corpartnership, or as an individual, said taxes to include all Federal taxes to be paid by the concern or by the members of the same out of profits derived therefrom. It includes all the taxes that are to

For this purpose he used the same capital, the same net income, as to the corporation, copartnership, and individual. He took a corporation with an assumed actual invested capital of \$1,000,000, with an assumed net income of \$200,000. corporation excise tax of 50 cents on each \$1,000 of market value of capital, assumed to be \$1,500,000, will amount to \$750. The income ax is 2 per cent, or \$3,985. We have as the result, net income of \$195,265; under the provision of the excess profits to the company of the excess profits. tax there is exempt in the case of corporations \$5,000, and 8 per cent of capital invested, \$80,000, making the total exempt per cent of capital invested, \$80,000, making the total exempt profits \$85,000, leaving as excess profits \$110,265. A tax of 8 per cent of this amount, that is the excess profits tax, will be \$8,821. This leaves as the net excess profits \$101,443, and the exempt profits \$85,000. Total profits for division among stockholders, after paying all these taxes upon a net income of \$200,000, will be \$186,443. The shareholders will pay no additional income tax upon their dividends, because the share of each would be less than \$20,000. Total taxes, corporation excise, \$750; corporation income, \$3,985; excess profits, \$8,821; total, \$13,556.

He made the same calculations with reference to a copartnership. The total profits in that case exempt from taxation he found would be \$190,800. He divided this between the five partners in order to ascertain the amount of his individual in-The share of each partner will be \$38,160. Income come tax. tax, normal, 2 per cent on \$34,160 will be \$683.20. 1 per cent on excess over \$20,000, will be \$181.60; total, \$864.80: making the total individual income tax of the five partners \$4,324. The net result of that calculation shows that a copartnership would pay \$13,524, a difference of only about \$30 from a corporation.

Now, take the individual with the same capital and profits. On \$196,000 he will pay 2 per cent, an additional 1 per cent on \$20,000, an additional 2 per cent on \$20,000, an additional 3 per cent on \$20,000, an additional 4 per cent o tional 5 per cent on \$50,000, and an additional 6 per cent on \$50,000, which makes a total income tax that the individual would pay of \$11,420. That is, his total income tax would be about \$2,000 less than the total tax that would have to be paid from the profits of the same business when conducted as a corporation or as a copartnership, including the excess tax.

If you charge the excess profits tax against the individual you have this result: Exempt profits, \$5,000, plus 8 per cent, capital invested, \$80,000, or a total exempt profit of \$85,000; taken from the net profit after deducting the income tax, \$11,420, which would leave as excess profits, \$103,580. Impose the 8 per cent tax on this and you have \$8,268 as the excess profits tax. The total tax the individual would pay under those circumstances is \$11,400 income tax and \$8,286 excess profits tax, a total of \$19,706, as against \$13,524 by a partnership and \$13,556 by a corporation. So that it is perfectly clear that under the provisions of our income-tax law, if you impose this excess profits tax upon individuals as well as upon corporations and copartnerships, you will bring about a gross inequality, an inequality amounting to something over \$6,000 against the individual taxpayer upon a net income accruing to each of \$200,000.

Mr. President, there was more or less vigorous opposition— Mr. HARDWICK. Before the Senator from North Carolina leaves that branch of the discussion, will be explain to me why

it was that copartnerships, as well as corporations, were made subject to this tax? Do not the individuals composing a copartnership have the same income tax to pay which other individuals do; and why were copartnerships put on a parity with corporations? If the Senator can tell me just in a word, I should be glad. It may be that he has already made the ex-

Mr. SIMMONS. Copartnerships do very largely the same character of business as corporations, although they do not issue As I have demonstrated, I think, from these figures, the application of this law to copartnerships would not result in any discrimination between them and corporations; that is to say, the profits of a copartnership would have to pay the same tax as the profits of a corporation, and not any more than those of the corporation.

Mr. HARDWICK. But if the argument be applied fairly and squarely, then the individual who is engaged in business with a corporation on one side of him and a copartnehship on

the other would have to pay the same tax.

Mr. SIMMONS. The corporation only has to pay the excess profits tax on the profits of that corporation. A copartnership consisting of five copartners, taking that as an illustration, as I do, would divide up the income, and they would divide it up exactly as the income of a corporation is divided up between the stockholders of that corporation. Suppose we have a corporation with five stockholders. They divide up at the end of the year the net profits. Each individual stockholder of that corporation must pay an income tax upon his share of the profits, just as each individual partner in a copartnership must pay the income tax upon his dividends, so to speak. One is a dividend; the other is a division of profits; but they are in principle identically the same thing. They represent the net profits of the operations of that concern. It does not make any difference whether it is a corporation or a copartnership they receive the profits, one in the shape of dividends, the other on shares; but, as I said, it is the same thing in principle. After they have received the profits they are both subject to identically the same With reference to the income-tax law, they are requirements. identical, except that as to the individual he would be entitled to exemptions of the income tax paid by the corporation.

Mr. HARDWICK. Let us see whether that is exactly ac-

The individuals who compose

Mr. SIMMONS. I might call the attention of the Senator to another fact, which is very important in this connection, which was about to escape me, and that is the fact that a copartnership, as such, does not pay any income tax at all.

Mr. HARDWICK. But the individual members of the copart-

nership pay it on their profits?

Mr. SIMMONS. The individual members of the partnership pay on their profits, just as the individual stockholder pays on

his profits.

Mr. HARDWICK. Let us see, then, whether or not the Sena-tor has arrived at a just conclusion about this matter. Here is one man engaged, we will say, in the dry-goods business, for the purpose of this illustration—just one. He pays an income tax, and nothing more, to the Government, so far as this proposition is concerned. Here are two men who are engaged in a copartnership—Smith & Jones. Next door, we will say, is Mr. Brown, the first man I spoke of. Brown pays the individual income tax; Smith and Jones, each one, would have to pay an individual income tax, and yet you are going to charge the copartnership another tax, although each one of them will get half of the profits. I do not see why that is.

Mr. SIMMONS. They do not pay like the corporation. The

corporation pays a flat income tax of 2 per cent upon its entire

Mr. HARDWICK. Yes.

Mr. SIMMONS. But the copartnership does not pay any income tax upon its net profits at all. The 2 per cent income tax which the corporation has to pay, and which the copartnership does not have to pay, I should say, upon the general average, would make up the difference created by the income tax.

Mr. HARDWICK. It must be my own failure to comprehend exactly what the Senator is trying to explain, but I find this trouble about the proposition, and I have from the beginning of the consideration of this question: I can see how you put the copartnership in in order to equalize it with the corporation, but now let us take the other horn of the dilemma for just a Here are two individuals, we will say, engaged in —Mr. Smith and Mr. Jones. They are partners, and moment. businessthey are selling dry goods or any other commodity. Right next door to them, perhaps, there is a man named Brown, who is running a business and has no partner. Smith and Jones, each one, must under the Federal law pay, if he makes enough money, his income tax, just as Brown next door who has no partner pays his income tax. Why, then, do you charge Smith & Jones this copartnership tax when you do not charge Brown anything on his business as a business tax? That is the point I can not understand.

Mr. SIMMONS. I think the figures which I have given to the Senator will explain that. This tax is not a business tax but an income tax, based not on business but upon income or

Mr. HARDWICK. They do not elucidate that point in the

slightest particular.

Mr. SIMMONS. I think they do. Mr. HARDWICK. They do not. Mr. SIMMONS. Of course, Mr. President, it is utterly impossible to make absolute equality in these cases.

Mr. HARDWICK. But the Senator's figures do not even

apply to the question I have suggested.

Mr. SIMMONS. But my figures show that a copartnership, which is a corporation with the single solitary exception that it is not incorporated, conducts business upon the same gen-

eral principles as does a corporation.

Mr. HARDWICK. Undoubtedly; but if the Senator will pardon me—and I want to get entirely clear upon that point and not get away from it—the Senator's figures would apply to the comparison between a partnership and a corporation, and they do show that there is substantial equality between a partnership and a corporation, but the question to which I am now directing my inquiry-because I want information on the subject—is how you are going to make the same sort of showing with reference to the individual who is engaged in business on his own account and the two individuals who are engaged in business as a copartnership?

Mr. SIMMONS. I can not answer the Senator from Georgia

differently from what I have already done.

Mr. HARDWICK. Then the Senator has not answered the

Mr. SIMMONS. I have answered the Senator that under the present circumstances the individual pays a graduated tax as high as 15 per cent on incomes in excess of \$2,000,000; the corporation has to pay a flat tax of 2 per cent, while partnerships pay no income tax at all.

Mr. HARDWICK. Now, if the Senator will pardon me, I am not willing for that sort of an answer to stand. I am going to get this thing straight, if I can. That is not true about either the individual or the partnership. It is true as to the corporation, which pays, as I understand, the 2 per cent tax.

Mr. SIMMONS. The copartnership pays no income tax. Mr. HARDWICK. I know; but its members do. B

Smith and Jones, who constitute the copartnership, pay.

Mr. SIMMONS. The copartnership members; yes.

Mr. HARDWICK. Just like an individual does.
Mr. SIMMONS. The members pay no income tax, as distinguished from a corporation, until the profits are divided. If an individual receives an income from a corporation, that individual receives that income after it has paid the income tax. If a member of a copartnership receives it, he receives it after it has paid an income tax. They both receive it under the same conditions. The individual will not be subject to this income tax upon the dividends which he receives upon his stock in a corporation or upon his stock in a copartnership in any different way from the way in which the members of the copart-nership will be liable for that tax. If the individual has a part of his money invested in a corporation, when the dividends therefrom comes to him, if his total income amounts to more than \$20,000, the excess over the \$20,000 becomes at once subject to the graduated income tax under the provisions of the

As I have already shown, in the case of the business conducted as a corporation, partnership, or as an individual, the imposition of this excess profits tax upon the individual would be a decided discrimination. In the case instanced this would amount to a tax upon the individual of nearly 50 per cent more than the total tax paid from the profits of the partnership. The principal reason for this is the additional income tax payable by the individual. In general, it may be said that the reason for not applying this tax to individuals is, in addition to the above, that the exemptions allowed to individuals will be duplicated to each member of a partnership in his individual capacity; also the nonimposition of any income tax upon partnerships as such. It is evident that the following deductions and exemptions allowed to individuals are multiplied by the number of partners, when the individual partners pay their income tax upon their receipts from the profits of the business:

All interest paid on indebtedness during the year. All taxes paid during the year.

Losses actually sustained during the year in transactions not connected with the trade or business.

Debts found to be worthless during the year.

The \$4,000 exemption of income allowed married individuals. I will here insert the table I have been quoting from:

Comparison of the total amount of tax to be paid to the Government from the net profits of a certain business when conducted as a cor-poration, a partnership, or an individual, said taxes to include all

CORPORATION WITH 10 STOCKHÖLDERS. Capital invested	200	0, 000. 00
Corporation excise tax, 50 cents per \$1,000 upon		750. 00
\$1,500,000 Income tax at 2 per cent	19	3, 985. 00 5, 263. 00
Excess-profit tax: Exempt profits (cash) 8 per cent of capital invested	80	5, 000. 00 0, 000. 00
Total exempt profits  Excess profits  Tax at 8 per cent		5, 000. 00 0, 265. 00 8, 821. 20
Total profits to be divided:	28 . OIL	
Excess profits	10	1, 443, 80 5, 000, 00
Share of each stockholder	180	8, 443. 80 8, 644. 38
Personal income tax: No personal income tax.  Total taxes:		
Corporation excise Corporation income Excess profit	2 301	750. 00 3, 985. 00 8, 821. 20
Total	-	3, 556. 20
PARTNERSHIP.		
Capital investedNet profitsNumber of partners, 5.	20	0, 000. 00
Number of partners, 5. Excess-profit tax: Exempt profits (cash) 8 per cent capital invested	8	5, 000. 00 0, 000. 00
Total excess profits	11	5, 000. 00 9, 200. 00
Profits for division: Excess Exempt	100	5, 800. 00 5, 000. 00
TotalShare of each partner	19	0, 800. 00 8, 160. 00
Income tax: Normal, 2 per cent on \$34,160Additional, 1 per cent on excess over \$20,000		683, 20 181, 60
Total Income tax of all partners	gall to	864. 80 4, 324. 00
Total taxes: Excess profit	27, 11, 12, 1	9, 200. 00
		4, 324. 00
* TotalINDIVIDUAL.	1:	3, 524. 00
Capital invested.	\$1,000	0,000 00
Profits		0, 000. 00
Income tax : Normal, 2 per cent on \$196,000		
Total		1, 420. 00
Net profits Excess-profits' tax:	188	8, 580. 00
Exempt profits 5,000 8 per cent capital invested 80,000		5,000 00
Excess profits Tax at 8 per cent	10	3, 580. 00 8, 286. 40
Total tax:	1	1, 420. 00
Excess profits		3, 286. 40
Total (with excess-profits' tax)  Total (without excess-profits' tax)  RÉSUMÉ.	1	9, 706 46 1, 420. 00
	mount	Per cent.
	mount.	

Mr. McCUMBER. Mr. President, right here may I ask the Senator a question so that I may understand the matter? I understand under this proposed law there is first an exemption of \$5,000, both as to partnerships and corporations, and then there is allowed a further exemption of 8 per cent on the capital stock.

Mr. SIMMONS. Yes; the 8 per cent being based upon the actual capital invested, however, and not upon capital stock.

Mr. McCUMBER. If there is nothing more than that earned by the corporation or by the partnership, it pays nothing, but pays 8 per cent on all above that, and then when the individual, either as a partner or as a stockholder, receives his dividend or his proportion from the partnership, he will be charged again another 2 per cent and an additional tax, according to the amount involved?

Mr. SIMMONS. If the income is received from a corporation, he would pay only the additional tax on the excess of his income over \$20,000. In case his income is received from a partnership he would pay the normal income tax and the additional tax also. The reason for this difference is that the corporation has already paid an income tax of 2 per cent upon the amount returned as dividends to the individual, while the partnerships have paid no

income tax upon their profits.

Mr. McCUMBER. He does not have to pay unless his income exceeds \$20,000? Is the Senator sure about that under this bill?

Mr. SIMMONS. What is the question?

Mr. McCUMBER. That the person who draws the dividends from a corporation or draws his share of the partnership profits is not taxed at all unless his income exceeds \$20,000. I do not so understand the bill.

Mr. SIMMONS. The Senator is getting copartnerships and corporations somewhat confused. The copartnership pays no

income tax at all.

Mr. McCUMBER. It does not under this bill?

Mr. SIMMONS. No; not an income tax, but an excess profits

Mr. McCUMBER. I understand that, but that is upon its

Mr. SIMMONS. It pays no income tax, though.
Mr. McCUMBER. But it does pay a tax on profits in excess
of \$5,000 and also in excess of 8 per cent profit on the capital invested.

Mr. SIMMONS. Yes.

Mr. McCUMBER. That is paid by the copartnership? Mr. SIMMONS. That is paid by the copartnership.

Mr. McCUMBER. Then, if the individual partner draws anything, he is also taxed on whatever he draws as a charge against

the individual. Is not that correct?

Mr. SIMMONS. He is taxed under the income-tax law?

Mr. McCUMBER. Yes.

Mr. SIMMONS. If his income, as I understand, exceeds \$20,000.

Mr. McCUMBER. No; is he not taxed if his income exceeds \$4.000?

Mr. SIMMONS. The Senator is correct; my answer was inadvertent. Four thousand dollars, I should have said, or \$3,000,

if his exemption is that low.

Mr. McCUMBER. His exemption is \$3,000 if he is single and \$4,000 if he is a married man. Then there is a double taxation there clearly upon the same funds, for there is first a tax upon the excess profits of the partnership and then another tax of equal amount against the individual in excess of the exemption of \$3,000 or \$4,000, whatever it may be.

Mr. SIMMONS. Yes; but does not the Senator see that the same thing applies to the stockholder who gets his dividends from a corporation; that is, to the individual who invests his

money in a corporation?

Mr. McCUMBER. I presume that under this bill probably that is true; but as I understand, under the old law, if his income did not exceed \$20,000, there was no additional tax charged.

Mr. SIMMONS. The Senator probably did not understand me. If an individual invests a part of his money in a corporation, takes stock in that corporation, and the corporation makes a net earning, that earning is divided among the stock-holders and the individual gets his part of it. That has paid a flat income tax of 2 per cent,

a flat income tax of 2 per cent,

Mr. McCUMBER. That is paid at the source.

Mr. SIMMONS. No; that is the corporation income tax.

That has already been paid, and after that is paid the fund is divided and the individual who invests his money in the corporation stock gets his part of those proceeds; but the minute it comes into his hands it is subject to the income tax.

Which they had any their foreign custom Mr. VARDAMAN me—

Mr. SIMMONS. be just as easy for minute it comes into his hands it is subject to the income tax.

Mr. McCUMBER. And to a surtax, if his income exceeds a certain amount.

Mr. SIMMONS. If it exceeds \$20,000,

Mr. McCUMBER. If it exceeds \$20,000, it is then subject to the surtax.

Mr. SIMMONS. He must pay the surtax, that is true, whether he gets his income from a copartnership, from a corporation, or otherwise.

Mr. McCUMBER. I am not stating that there is a distinc-

tion at all in that respect.

Mr. SIMMONS. Now, Mr. President, there was considerable opposition made to the bill on the part of the munition manufacturers. They insisted that they were already paying quite a considerable tax, and the imposition of this additional tax upon them was a discrimination, an unjust imposition upon their business. The answer to that, whether it be satisfactory or not-and every individual must make his own answer to a question of that sort-the answer to that, which was made and urged with force, I think, was that if there is any discrimination against the manufacturer of munitions it is not made by this bill It was made in the present law. The Congress decided in 1916, when it passed the present emergency revenue law, to make a discrimination against these manufacturers, and they fixed the amount of the discrimination at 12½ per cent. That has not been disturbed. We do not add to that discrimination in this bill, because, with reference to the excess profits tax, they are taxed as every other manufacturer is taxed. We simply continue the discrimination, and we say, "subject to the discrimination," if you please to call it so, "made by the prior Congress, we impose this tax upon you as we impose it upon every other corporation."

I do not think that we have levied any tax in this country in many years, certainly not since I have been in Congress, that was more universally demanded by the people than the 121 per cent flat profit tax that we imposed upon this class of corporations in 1916. It was practically universally demanded. The demand was based upon the justice of the situation. They were making admittedly enormous profits out of the very situation that had called forth the action resulting in imposing upon the shoulders of the people of this country heavy additional taxation, and they are still making them. We have not changed that situation at all; we continue that; but we find that it is necessary to levy additional taxes to pay this very identical expense—that of placing this country in a state of preparedness to meet, if need be, the aggressions of some of those out of whom the munition manufacturers have been and are making these abnormal profits. Why should they not bear the same part of this additional taxation that other corporations are made to bear? There is certainly more justice in this additional levy against them, or as much justice, as in the original

levv.

But again, Mr. President, in 1916 when we were about to levy this tax against the munitions manufacturers they came here, not to complain so vigorously against the tax, for they admitted they were making the enormous profits about which the country had heard; they admitted that they were receiving enormous orders from abroad day by day; but the thing of which they complained most severely in connection with the tax was the fact that we made it retroactive; we made it apply to all contracts and to all sales made during the taxable year before the enactment of the legislation as well as after the enactment of the legislation. They said that was unjust. What reason did they give for saying that it was unjust? They said, "If you let this apply only to future sales and contracts we can protect ourselves in the contracts by passing the tax on to the purchaser. We did not anticipate and could not anticipate this legislation. We have made provisions in our contracts for many contingencies, but we have not made provision in any of those contracts for passing on this tax." They had made provision for passing on other taxes, States taxes and municipal taxes, but they had not in those contracts made provision permitting them to pass on this tax, and, therefore, they said. "We have a real cause of grievance against you when you propose to impose this tax upon contracts we have already made, and which we are now billing. What does that mean, Mr. President? That means that while a tax which would ordinarily be called a heavy tax was imposed upon them in 1916, they had a means, which they had already employed as to other taxes, of making their foreign customers pay that tax.

Mr. VARDAMAN. Mr. President, if the Senator will allow

Mr. SIMMONS. If we shall add this additional tax it will be just as easy for them probably to pass that on as to pass

Mr. VARDAMAN. I was about to suggest to the Senator that it would be interesting to the American people to know how able these people are to pay this tax and that information would be furnished by the Senator putting in the RECORD, if he has it convenient, the profits that they are making on the capital stock of their companies. I understand their profits amount to 200 to 300 per cent.

Mr. SIMMONS. Unfortunately, I have not the figures at hand. If the Senator will supply them to me I will be very glad to see that they go into the RECORD.

Mr. President, the next objection came from the insurance companies. While all these companies, both old-line and mutual companies, objected to this tax in a general way, the chief objection came from the so-called mutual companies, companies doing insurance on the mutual plan. The general objection, though, made and stressed by both lines of insurance went to the very root and fundamentals of the imposition of the tax. They insisted that a war tax, as they characterized it, should not be imposed upon insurance. In 1916 they came and made a fight against the imposition of the income tax upon insurance companies. They insisted broadly then, as they do now, that insurance was a class of business that stood on its merits separate and apart from the other business of the country and

should be treated upon a different basis and was entitled to higher and more preferential consideration because of the humanitarian and benevolent elements that enter into it. said, "Our policyholders are making sacrifices and indulging in all sorts of self-denial in order to leave something to those who come after them, and when men make such sacrifices, the usufruct of which is to take place after their death, they are entitled to special consideration by the Federal Government, and income taxes or other war taxes ought not to be

In 1913, and again last year, under the influence of their persuasive appeal, in the goodness of our hearts we made exemptions, I think in some instances rather remarkable exemptions, in favor of these companies. We did not altogether let them out. When they found that we were going to tax them, they asked for first one exemption and then another, and we granted to them practically every exemption that they asked for. The result, Mr. President, was that the insurance companies have paid relatively a mighty small income tax. I have here in my hand the returns from 20 of the largest insurance companies in this country, including some of the old-line companies and some mutual companies, just as they come in the order of their magnitude:

Statement of income, etc., of \$0 leading life insurance companies for the calendar year 1915.

	Premium income.	Income from investments.	Total income.	Expense of operation.	Policy losses paid.	Taxes paid.	Other dis- bursements.	Total dis- bursements.	Actual net income.	Net income on which tax was paid.
1	7, 030, 584, 67 6, 612, 723, 05 52, 021, 853, 47 5, 476, 696, 55 28, 684, 561, 55 111, 290, 521, 52 23, 704, 542, 68 62, 782, 699, 98 6, 652, 132, 65 8, 576, 971, 88 47, 51, 481, 11 40, 592, 926, 37 21, 205, 719, 70 5, 505, 614, 35 93, 487, 320, 33 6, 675, 145, 59	\$5, 471, 156. 88 1, 341, 736, 10 3, 472, 314. 96 25, 243, 604. 41 2, 523, 759. 88 5, 438, 280. 29 3, 896, 641. 17 24, 443, 457. 95 7, 700, 819. 93 27, 391, 679. 62 2, 204, 122. 90 2, 814, 842. 77 36, 493, 514. 43 15, 963, 602. 60 7, 102, 717. 84 1, 843, 556, 602. 60 7, 102, 717. 84 1, 843, 556, 6142. 02 4, 335, 732. 20 6, 592, 659. 85	\$27, 210, 861. 06 8, 372, 320. 77 10, 085, 038. 01 77, 265, 487. 88 8, 000, 329. 43 32, 122, 820. 89 14, 641, 558. 78 135, 733, 779. 47 31, 405, 362. 61 80, 174, 379. 60 8, 856, 235. 55 11, 301, 814. 63 121, 244, 995. 54 56, 555, 928. 97 28, 308, 437. 54 7, 349, 171. 03 111, 489, 813. 31 7, 681, 287. 61 31, 102, 800. 13 10, 283, 433. 74	\$4, 361, 110. 75 1, 235, 534. 54 1, 258, 950. 96 9, 199, 196. 91 1, 309, 464. 19 7, 258, 047. 80 21, 53, 379. 56 27, 830, 610. 62 23, 754, 340. 01 9, 074, 552. 29 1, 286, 496. 40 1, 724, 517. 22 6, 553, 552. 91 6, 819, 725. 97 4, 376, 392. 68 1, 185, 389. 31 24, 259, 953. 90 1, 145, 573. 20 5, 128, 932. 79 2, 960, 939. 28	\$15, 808, 988. 94 4, 348, 171. 69 6, 447, 937. 76 46, 381, 483. 26 4, 932, 853. 11 12, 856, 970. 61 12, 856, 970. 61 14, 307, 902. 50 51, 425, 764. 37 5, 534, 986. 50 14, 95, 274. 37 5, 686, 250. 84 29, 747, 686. 00 14, 059, 274. 30 4, 000, 999. 91 35, 348, 615. 60 4, 030, 114. 93 14, 000, 989. 47 10, 087, 270. 94	\$768, 702. 51 111, 488. 86 312, 048. 86 1, 201, 040. 69 129, 708. 71 334, 587. 90 204, 421. 11 1, 912, 325. 19 620, 522. 95 1, 197, 588. 04 201, 839. 94 221, 053. 87 1, 386, 617. 34 1, 236, 152. 34 445, 297. 54 185, 288. 35 2, 559, 845. 02 111, 279. 15 775, 061. 69 357, 590. 19	\$4, 196, 293. 56 54, 282. 12 156, 650. 02 359, 490. 81 81, 394. 67 233, 984. 52 120, 810. 18 14, 690, 356. 02 100, 939. 68 2, 382, 433. 56 86, 641. 08 262, 068. 04 6, 311, 710. 06 1, 805, 068. 02 41, 036. 79 42, 561. 09 640, 965. 14 83, 491. 71 4, 023, 380. 12 442, 300. 55	\$25, 135, 095, 76 5, 749, 477, 15 8, 175, 587, 60 57, 141, 210, 67 6, 453, 420, 08 20, 682, 990, 477, 19 84, 932, 710, 02 18, 783, 705, 14 64, 089, 338, 26 7, 109, 874, 27 73, 938, 231, 15 39, 608, 632, 33 18, 922, 001, 31 5, 413, 318, 66 62, 819, 379, 66 62, 819, 379, 66 63, 70, 458, 99 24, 328, 364, 07 13, 848, 100, 96	\$2,075,765.30 2,622,843.62 1,909,450.41 20,124,247.21 1,546,909.35 11,439,830.06 5,737,381.59 50,801,009.45 12,621,657.47 16,094,041.34 1,746,381.28 47,305,764.39 16,947.296.64 9,386,436.23 1,935,852.37 2,310,828.62 6,774,435.06 5,435,352.78	\$178, 406, 29 315, 399, 76 714, 934, 05 3, 588, 052, 51 692, 518, 11 1, 790, 808, 67 171, 488, 98 4, 946, 953, 04 1, 854, 732, 76 659, 308, 23 11, 333, 882, 38 11, 360, 503, 26 301, 060, 13 20, 521, 04 262, 404, 90 1, 511, 224, 49 763, 165, 28
	623, 994, 031. 69	204, 282, 134. 86	828, 276, 166. 55	122, 876, 740. 29	385, 582, 280. 22	14, 342, 460. 19	36, 115, 857. 14	558, 917, 337. 84	269, 358, 828. 71	30, 464, 641. 88

The gross income of those 20 companies during the year 1915, I believe, was \$828,000,000. After taking out all expenses of operation, losses paid to policyholders, taxes, and other disbursements incident to the business, the total disbursements amounted to \$558,000,000, leaving an actual net income of \$269,000,000. We were so liberal in allowing exemptions to them that of

that \$269,000,000 returned as net income they returned only \$80,000,000 subject to tax under the income-tax law, because, as I said, we exempted nearly everything. Only \$30,000,000 of that \$270,000,000 returned as net income was on account of \$30,000,000 these exemptions liable to an income tax and actually paid an income tax. The total tax paid by those 20 great companies, with a net income of \$270,000,000, in the year 1915 was only

I might say right here, in passing, that this bill exempts everything that we exempted under the income-tax law. We carry into this bill the exemptions allowed in that law. What are

those exemptions?

In the first place, we exempt the whole legal reserve fund that they are required, under the law, to set apart. That is one of their big funds. We exempt the money that they return to their policyholders in the way of excess premiums. We exempt, in short, every dollar of the income of the mutual companies—and they are the chief complainants, as I said—that they return to their policyholders. In addition to that, we exempt them from taxation on a certain element of their securities—and they are the largest purchasers of this element-that is, governmental bonds, State bonds, and municipal bonds. We let them take out their total expenses, including overhead charges of all kinds, salaries, taxes of every kind to the Federal Government, States, counties, and municipalities, all their losses, and tax them only upon the balance.

Now, they make two objections to this tax. They say that they have no actual invested capital and make no profits. They say, "We make no profits, because we return all our money to our stockholders." Well, if they make no profits,

if they do, in fact, return all of their receipts not required to meet expenses to their policyholders, of course they have no meet expenses to their policyholders, or course they have no net income upon which to levy the tax and would not have to pay any tax; but their statement is misleading. There are some fraternal associations, some few cooperative associations, to which this statement does not apply; but practically all the great mutual companies, which are gradually covering the whole field of insurance and absorbing the great old-line companies. panies—for the old-line companies are mutualizing so rapidly that there are but few of them left—do have a fund that stands in place of invested capital. Sometimes they build that fund up until it is pyramided and topheavy. In the case of one company, they have built it up until it amounts now to over \$43,000,000, and they are adding to it every year. They do have a fund that they neither set apart as a part of their legal reserve to guarantee death losses nor to pay returned premiums or current losses; a fund that, when it is set aside, may at some time in the indefinite future be distributed among the policyholders, just as the funds of any corporation will ultimately be distributed among its stockholders when it goes out of business or winds up its affairs; but it is a fund that stands there permanently, and out of it they pay expenses; out of it they make investments. It is their operating fund. It is the fund set apart to do all the business that the corporation does in addition to the payment of losses. It is actually used in their business.

That fund, as I said, in the case of one great company, has reached \$43,000,000. If they do not add to that fund, if they are content that this great surplus they have piled up and that they are not sharing with their policyholders shall not be en-larged, it will not be taxed. The only tax that this bill imposes is upon the sum that the insurance company annually adds to

that great surplus.

To illustrate, the Mutual Benefit Co. of New Jersey, according to the testimony, had a gross income in 1915 of \$38,000,000.

That company had what is known in the reports as a surplus—

unassigned profits, they call it sometimes, but it is known in the reports as a surplus—of \$9,000,000 in 1915, already accumulated. Its income in that year was \$38,000,000. They paid out in current losses and returned to policyholders, I think, \$21,000,000. They paid in taxes something around \$700,000, and \$4,200,000 for other expenses. When they had paid all of these expenses out of their premiums for that year they carried to their legal reserve the amount that they were required to add on account of increased liabilities, and after they had paid all of this they had \$1,500,000 as net income upon which to pay income tax. If they had returned that \$1,500,000 to their stockholders as an excess levy—because it was an excess levy—they would not have had to pay any tax that was based on their profits; but instead of returning it to their policyholders they added it to the \$9,000,000 surplus, already big enough for any legitimate purposes of a mutual company.

If any mutual insurance company will do business upon the mutual plan and be what it holds itself out to the public as being, a mutual company, give its stockholders the benefit of what they pay in, if they need an operating fund build it up, but when they have built it up sufficiently stop, as some of them have, and after that time, instead of adding their profits to their surplus fund, give the policyholders the benefit of it in the reduction of their premiums, they will not have to pay any tax. In other words, Mr. President, if they pay any tax under this bill they do it not because they are forced to do it but because they are unwilling to give their policyholders the full benefit of their plan.

Mr. CLAPP. Mr. President-

Mr. SIMMONS. Pardon me; just one minute. Let me finish this statement.

Mr. CLAPP. Certainly.

Mr. SIMMONS. I think, Mr. President, they will not relatively have to pay much tax, as I will show a little further along—no heavy tax. I think if this law will have the effect of making them return this profit to their policyholders instead of using it to swell an already sufficient surplus, it will serve a good purpose in the interest of the policyholders. It may force these companies from now on to do at least a larger measure of justice toward their policyholders than they have done in the past. It may tend at least to stop the piling up of these great surpluses in the treasuries of these companies.

Mr. VARDAMAN. Mr. President, is there any provision in this bill to prevent them from passing that to the policyholders, if they want to, and thereby escaping taxation?

Mr. SIMMONS. None in the world.

Mr. CLAPP. Mr. President, I have followed the Senator's remarks with a great deal of interest, and they are certainly illuminating. I simply want to ask a question, perhaps to accentuate and confirm my own view of the conclusion he reaches. I will ask him if this tax that is proposed would in any manner trench upon, reduce, or impair the rights and interests of the policyholders in this mutual company?

Mr. SIMMONS. I think it would in no way have that effect. On the other hand, I think it would force these companies to distribute among the policyholders a fund which they are now carrying to a surplus which already is sufficiently large and in many instances too large.

Mr. President, I have here the estimated tax to be paid by insurance companies, based upon the various insurance companies' reports of business transacted during the calendar year

ending December 31, 1915, as shown by the 1916 New York life insurance reports. That is, this table takes the actual returns of 34 corporations made under the New York law, and on the basis of those returns estimates the amount of excess profits tax they will have to pay under this act. Just let me call the attention of Senators to a few of them; and let me say, in passing, that it appears from this table that nearly one-half of these companies will not pay a single dollar of the proposed excess profits tax. A large part of them are not paying a single dollar under the present income-tax law.

One of them, and one of the largest of them, was represented before the committee by a very distinguished lawyer acting as their counsel, and he made a vigorous protest against this bill. I refer to the Northwestern Mutual Life Insurance Co. I believe it is a Wisconsin corporation. He made a vigorous protest against this bill. He complained of the income tax that his company was having to pay; and he complained that his company, if this bill was passed, would have to pay an enormous tax, one that would be oppressive to its policyholders. He insisted, as others had, that insurance companies should not be taxed, especially these mutual companies, at all; they ought to be exempt. Before he finished, however, he admitted that his company alone-doing a business that he said, because of its character, the United States Government ought not to tax at all—was paying now in the way of State, county, and municipal taxes in the several communities in which it was doing business, or paid last year, \$1,100,000; and yet he thought that it was wrong for the Government to tax it at all. All of these companies whose report I read a little while ago, all of those 20 largest companies, while they paid the Government last year, and complained about it, a tax of only \$304,000, according to their own return paid to the States, counties, and municipalities in which they are doing business a tax of \$14,342,000.

Mr. CLAPP. Mr. President, as I understand, these companies are required in most States to keep a certain amount on deposit with the States in which they do business, are they not?

Mr. SIMMONS. Yes. That is their legal reserve.
Mr. CLAPP. Would or would not that be affected by the proposed tax?

Mr. SIMMONS. Absolutely not—their legal reserves are exempt under the income-tax law and under the pending bill.

What I was going to say about this distinguished counsel that came here to represent this company, protesting against the tax it is paying now and the tax it would pay under this bill, was this: When I turned to the report I have just presented to the Senate, and examined it, after reading his testimony before the committee, I discovered that in the year 1915, about which he was talking, his company, though it is a mutual company, with a surplus, according to its return, of \$14,988,000, will not pay one single dollar under this tax, because the deductions to which it would be entitled—the \$5,000 and the 8 per cent upon its \$15,000,000, in round numbers, of surplus—absorb its net profits, and leave nothing for the act to operate upon.

Mr. President, without reading this report, I wish to incorporate it in my remarks as a part of them.

The PRESIDING OFFICER (Mr. Thomas in the chair). In the absence of objection, it will be so ordered.

The matter referred to is as follows:

THE EXCESS PROFITS TAX UPON INSURANCE COMPANIES.

The estimated tax to be paid by insurance companies is based upon the various insurance companies' reports of business transacted during the calendar year ended December 31, 1915, as shown by the 1916 New York life insurance report.

Insurance companies' statements of business transacted during the year ended Dec. 31, 1915, and estimated tax under the excess-profits tax provisions.

Company.	Capital.	Surplus.	Total capital and surplus .		under ex- cess-profits	Taxable income under excess-profits tax.	Estimated tax to be paid under excess- profits tax.	Policy- holders.	Tax per policy- holder (cents).
The Equitable Life Assurance Society of the United States.  Farmers and Traders Life Insurance Co. The Germania Life Insurance Co. The Manhattan Life Insurance Co. The Manhattan Life Insurance Co. The Mutual Life Insurance Co. The Mutual Life Insurance Co. New York New York Life Insurance Co. Niagara Life Insurance Co. Postal Life Insurance Co. Postal Life Insurance Co.  Constructive Mutual Life Insurance Co. United States Life Insurance Co, in the City of New	200,000 200,000 125,000 100,000	43, 436, 629	\$10, 166, 675 254, 979 1, 989, 128 2, 978, 283 341, 384 25, 263, 690 14, 740, 055 43, 436, 629 150, 000 251, 113 225, 552	\$447, 574 None. 522, 067 None. None. 1, 512, 674 758, 241 9, 208, 371 None. 15, 251 50, 044	\$827, 285 25, 398 174, 571 171, 261 32, 311 2, 056, 349 1, 199, 369 3, 664, 098 17, 000 25, 394 24, 045	None. None. \$347, 496 None. None. None. 5, 544, 273 None. Sone. 25, 999	None. None. \$27,800 None. None. None. 443,542 None. None. 2,080	\$653, 207 823 79, 753 61, 665 33, 612 15, 832, 885 734, 560 1, 175, 321 4, 823 21, 991 31, 427	Non Non Non Non Non Non Non Non Non
York.  Etna Life Insurance Co.  Bankers Life Co.  Berkshire Life Insurance Co.  Fle Colonial Life Insurance Co. of America.	264,000 5,000,000	139,498 13,103,148 13,586,320 1,212,939 98,714	403, 498 18, 103, 148 13, 586, 320 1, 212, 939 348, 714	84,377 97,881 252,224 None. 6,640	38,967 1,455,209 1,096,950 102,035 33,030	45,410 None. None. None. None.	3,633 None. None. None. None.	14,443 193,631 189,962 32,106 233,934	Non Non Non Non

Insurance companies' statements of business transacted during the year ended Dec. 31, 1915, and estimated tax under the excess profits tax provisions—Continued.

Company.	Capital.	Surplus.	Total capital and surplus .		Deductions under ex- cess profits tax.	Taxable income under excess profits tax.	Estimated tax to be paid under excess profits tax.	Policy- holders.	Tax per policy- holder (cents).
The Columbian National Life Insurance Co. Connecticut General Life Insurance Co. Connecticut Mutual Life Insurance Co. The Fidelity Mutual Life Insurance Co. John Hancock Mutual Life Insurance Co. Massachusetts Mutual Life Insurance Co. The Mutual Benefit Life Insurance Co. The National Life Insurance Co. The National Life Insurance Co. The Northwestern Mutual Life Insurance Co. The Penn Mutual Life Insurance Co. The Penn Mutual Life Insurance Co. Phoenix Mutual Life Insurance Co. Pittsburg Life & Trust Co. Provident Life & Trust Co. Frovident Life & Trust Co. of Philadelphia The Prudential Insurance Co. of America. State Mutual Life Assurance Co. of Worcester The Travelers Insurance Co. The Union Central Life Insurance Co. Union Mutual Life Insurance Co.	1,000,000 1,000,000 2,000,000 5,000,000	6,308,281 9,725,636 4,303,434 5,118,800 14,988,685	\$1, 453, 543 1, 864, 211 4, 423, 627 1, 230, 158 7, 622, 696 6, 308, 281 9, 725, 636 4, 303, 434 5, 118, 800 14, 988, 685 7, 630, 652 1, 603, 039 1, 535, 525 5, 776, 413 28, 615, 188 3, 163, 868 13, 210, 865 4, 147, 724 1, 327, 649	\$163, 281 331, 893 675, 333 416, 303 564, 54) 1, 912, 678 None. 83, 718 257, 869 974, 591 362, 757 177, 707 138, 722 3, 460, 384 426, 323 1, 325, 008 803, 787 185, 488	\$124,549 160,775 372,397 111,739 627,906 547,916 813,834 349,275 416,178 1,209,252 634,944 140,493 131,396 409,887 2,363,423 409,887 2,363,636 1,883,369 352,894 114,922	\$38, 732 171, 118 302, 936 304, 570 26, 634 1, 384, 762 725, 334 None. None. None. 339, 647 222, 259 46, 311 None. 1, 966, 961 159, 663 236, 639 450, 833 70, 566	\$3,099 13,689 24,235 24,365 2,131 109,181 58,027 None. None. None. 17,781 3,705 None. 87,757 12,775 18,931 36,071 5,545	28, 629 45, 994 100, 411 64, 403 2, 790, 631 165, 462 124, 438 101, 122 128, 438 548, 762 237, 603 88, 299 60, 135 126, 923 13, 828, 276 75, 388 147, 288 200, 426 43, 052	11 -30 -24 -38 -0.03 -66 -18 -18 -19 -19 -19 -19 -19 -19 -19 -19
Total	17, 389, 000	239, 213, 081	256, 602, 081	26, 844, 900	21, 240, 062	11, 520, 227	921, 620	38, 390, 118	

Mr. SIMMONS. This table covers 34 insurance companies. As I said, more than half of them, I think, are mutual companies and many of them will not pay any tax. These comhad altogether a capital stock, in round numbers, of \$17,000,000; but these 34 companies returned to the State of New York under the head of surplus \$239,000,000, total capital and surplus \$256,000,000, net taxable income \$26,000,000, deductions under excess-profit tax \$21,000,000. So that these 34 companies, among the largest in the world, will return for taxation under this act only \$11,000,000 out of a total surplus of \$256,000,000, and the tax which they will pay under this bill to the United States Government will amount to the meager sum of \$921,000, not as much as one of them, the one to which I have referred to, the Northwestern Mutual—and that is not the largest—paid last year to the States, counties, and municipalities in which it does business

Mr. President, some of these companies have claimed before the committee that this surplus, the additions to which we propose to tax, this surplus that we propose to have constitute the fund upon which the 8 per cent exemption is to be levied and ascertained, and the increase of which we propose to make the basis of net income, is in some way or other set apart and will go back to the policyholder upon the happening of some sort of indefinite contingency that may happen or may never happen. The truth about the business is, I think—and that is borne out by the brief filed by one of the largest of these companies and the statement of its attorney—that this surplus is maintained for the purpose of providing against what they call the fluctuations in the value of the securities which under the law they are required to deposit in the various States as legal reserve. They say those securities sometimes depreciate, and after they fall below a certain standard of value they are required to make good their depreciation by the deposit of other or additional securities, and that this surplus is kept for that purpose and for the purpose of making good losses in investments. Here is the statement made in a brief, I will call it—it seems to be in the nature of a brief—filed with the Finance Committee by the Northwestern Mutual Co.:

This is a protest against imposing an excess profit tax upon mutual life insurance companies, submitted by the North-western Mutual Life Insurance Co. They start out by saying:

We have no stockholders. Our funds belong to our policyholders. We collect from them from year to year a sum which, with interest additions, enables us to fulfill our contracts. We carry a comparatively small surplus to take care of the fluctuations in the market value of our securities and to make good losses in investments. Aside from this surplus, all other income is returned to the policyholders at one time or another.

It may be well to call attention in this connection to the fact that while some of the securities in the legal reserve may depreciate, others may appreciate, and while there may be losses in some investments, there may be compensating profits on others.

From the statement of this company and its attorney that I have just read, it appears that this surplus, which they sometimes call their contingent reserve, is not to be returned to the policyholders, but is kept for a specific purpose, to wit, to guarantee against depreciation of securities in their investment

It may never be called upon for that purpose, and it could only be called upon for that purpose in case the depreciation of some of their securities was so great that it would not be made good by the interest on their investments and that the State should require them to make good their depreciation. It is not kept there idle, of course; it is kept employed. It is used in the operation of business. It is not returned to the policyholders. In the case of a mutual company the annual additions to this fund, Mr. President, is the only part of their profits upon which the tax imposed in this bill will operate.

Mr. CLAPP. I do not know whether the Senator would prefer to present the bill without interruption at this time or not.

Mr. SIMMONS. I am about through, I will say to the

Senator. Mr. CLAPP. Then I should like to ask the Senator-Mr. SIMMONS. Will the Senator just let me finish reading

this testimony? Mr. CLAPP. Certainly.

Mr. SIMMONS. On the same line a distinguished lawyer, Mr. Barnes, speaking for one of these insurance companies, used this language to the committee:

Let me refer for a moment to this item of surplus. There is only one excuse, in my judgment, for mutual life insurance companies carrying a surplus account at all. We all do it and we do it, I think, for just one reason, and that is to take care of the fluctuations in the value of securities from time to time so that there will no time come when we have not enough property on hand to keep our reserve unimpaired. For instance, our company has an investment of \$100,000 in bonds and this goes up and down. There are times when the fluctuations were quite remarkable. We may meet losses from time to time, and so we carry a surplus which we think is large enough to cover those fluctuations and to cover any unusual losses that we may meet. It is an insurance fund to insure the stability and continuity of the reserve fund which we must carry for the benefit of our policyholders.

Mr. CLAPP. What company is that?

Mr. SIMMONS. The Northwestern Mutual Life.

Mr. CLAPP. That has answered the question I designed to ask the Senator.

Mr. POMERENE. Mr. President, the same reason which he assigns for exempting these companies from taxation would apply with equal force to the fluctuating values of raw material

or stock which a manufacturing company carries.

Mr. SIMMONS. Of course. That is the purpose of this surplus. The declaration by one of the largest companies that came before the committee is to the effect that that is the only fund which is not returned to the policyholder at one time or another.

Does this bill do an injustice to the policyholders of mutual companies? I do not think it does. The only capital of a mutual company which it treats as invested capital is its surplus accumulated in previous years. If the annual addition to this fund is not in excess of \$5,000 plus 8 per cent, it pays no tax. These surpluses are, in the case of most companies, already sufficiently large for the purposes they are intended to serve. These annual additions serve apparently no good purpose except to swell an already sufficient fund. If there are profits that might be carried to this fund, they can as well be returned to the policyholder, and if returned to the policyholder, there will be no income upon which the tax imposed in this bill would operate.

So we impose a tax which can be avoided and will be avoided, if these companies treat their policyholders fairly, if they do not insist upon increasing from year to year by more than one-twelfth, an already overgrown fund.

Mr. President, I have already taken up in explaining the bill more time than I intended. The excess profits tax is not an oppressive tax. There may be those who would prefer some other way of raising this money than by this tax, but I do not believe the tax can be successfully assailed as unjust, unfair, unduly discriminatory, or as excessive taxation.

The bill lays no burden upon any industry in this country that is not making a clear net profit after meeting every actual and contingent obligation that it is liable for, until it makes, in addition, a profit of 8 per cent upon its actually invested capital and, in addition to that, \$5,000.

I am not going to discuss the question whether 8 per cent is a sufficient profit for a corporation or partnership to make upon its investment. It is not proposed to take from the taxpayer the excess over 8 per cent. Eight per cent is a good, ordinary business profit, and the Government demands no part of that. It only taxes the excess over that sum plus \$5,000.

We are confronted by a great national emergency. not at war, it is true, but we are in a situation almost as bad. We find ourselves unprepared for exigencies of the most portentious import that may overtake us at any moment, a situation that might involve the national safety, not to say the national life.

For 30 or 40 years we have been reposing in a false security, looking to physical conditions and barriers to protect us against aggression from the outside world. These barriers have been removed by the agencies of modern invention and science. have been brought by the progress of the world into practical juxtaposition with all maritime countries. The distance that separates us by water has practically been eliminated. We have been brought into juxtaposition on one side with a warring continent, a continent aflame with war, on another side, with a continent a part of whose people have been said to be ambitious to control one of the great oceans of the world, to drive us out, and to monoplize the trade of that great ocean. Whether this is so or not, a great national emergency has arisen, full of dangers and possibilities not foreseen or anticipated, and for which we had not in advance adequately prepared, and which admonish us to take immediate and quick action involving large expenditures, to the end that we may be able to defend our country and enforce our rights upon land or sea against aggression or invasion.

The public sentiment of the country demands that as speedily as possible this condition shall be changed, that this great Nation, naturally the most powerful and the wealthiest and, with but few exceptions, having the largest population of any country in the world, will not remain in a position of helplessness; that it shall, with such speed as is possible, when backed by the wealth and the resources of the Nation, prepare itself adequately, both upon land and upon sea. For this purpose, and in response to this public demand, we are about to appropriate the great sum of \$530,000,000 for the next year in excess of the appropriation for these purposes in 1916, the year before this public awakening.

We say to these men, representing the corporate industries of the country, you are the people who led in this propaganda in favor of adequate preparedness. The only direct tax that corporations are now paying to the Federal Government is a small excise tax upon their capital and an income tax of 2 per cent upon their net income. Compared with enormous consumption taxes paid by the masses of the people, the tax they pay may be said to be a small tax, while their prosperity is exceptionally great under existing conditions. The total taxes which cor-porations other than manufacturers of munitions pay will under the present law not amount to much more than \$150,000,000 a year. The net income of corporations for the last taxable year, after paying all expenses, was \$5,700,000.000. The consumption taxes paid by the masses of the people amounts to many times that sum. This bill does not tax corporations unless they are prosperous, unless they are making a fine profit upon their investments, and then only taxes them one-twelfth of their profits in excess of a profit above the average made on ordinary investment.

Mr. President, the largest corporate investment of this country is that invested in railroads. Their business is that of selling transportation; they distribute the products of the people. The largest customers of the railronds in this country are the corporations. We have a law in this country which in effect says to the railroads you shall not charge for transportation, including the products of the factories of these great cor-

porations, a sum in excess of a reasonable profit. The courts have applied that law of Congress and of the States, because the States followed in the line of Congress in the matter of regulating railroad rates, and interpreted the purpose and intent of Congress with reference to this matter of rates.

Under the decisions of the courts, applying the laws of reasonable rates, which were made largely for the benefit of corporations, and made largely because of their demands—because it was they who led the fight against excessive railroad tariffs under these decisions, interpreting the will of Congress as de-clared in the enactment, these railroad corporations, the largest investors in this country, in the performance of this great function, the distribution of the products of the industry of the country, are not permitted to make a rate predicated upon a profit of as much, certainly not more, than 8 per cent. I think there is no case in the books in which the court, in de-termining the reasonableness of a rate, have held that the roads were entitled to fix their rates on a higher basis of profit than per cent.

Mr. LA FOLLETTE. Mr. President—
The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. I do. Mr. LA FOLLETTE. Of course, the Senator does not mean upon the actual investment in railroad property?

Mr. SIMMONS. I mean a profit upon their business.

Mr. HITCHCOCK, Mr. President, there are undoubtedly some railroad corporations that are paying dividends above 8 per cent, though there are not many; but a large portion of their capital is in bonds, which pay only 4 or 5 per cent. So the Senator is correct.

Mr. SIMMONS. I had reference to the standard of profits which the court establishes in determining the reasonableness of a rate charged by a railroad.

When we come to banks and individual capitalists, which are in most of the States hedged about by usury laws, they are not permitted to charge more than a certain per cent; sometimes 6 per cent; it may be under special contract 8 per cent. upon money loaned; more than that is generally held to be usurious and illegal. A man who is compelled to pay a higher rate in my State and in most of the other States can bring suit and recover it. Yet when the Government, not proposing and recover it. Yet when the Government, to confiscate a cent, not proposing a limitation upon profits at all, says to the great corporations of this country, are making more than 8 per cent plus \$5,000 net profit, you shall contribute a reasonable part of that excess—one-twelfth of it— to pay the expenses of the Government," it is denounced as confiscation-that is the term some of them use-denounced as extortion, or, as one of them put it to me, "It is taking our profits away from us."

Why, Mr. President, the \$100,000 corporation-and that is an average-size corporation in my part of the country-has got to make 13 per cent profit before it will have to pay a single dollar in taxes under this bill. There are corporations of that size in my State and elsewhere in this country who are making as high as 33 per cent profit. Under this proposed act, what would such a corporation, making a net profit of 33 per cent, pay in the way of excess profits taxes? Taking out the 13 per cent, which represents the \$5,000 exemption, and the 8 per cent exemption, there would be \$20,000 left. The excess profits tax upon that would be \$1,600, leaving that company, after paying this tax,

still a net income of over 31 per cent.

Mr. CLAPP. Would this bill impose a tax on an individualand I am not asking the question out of any personal interest on my part, because it does not affect me-who loaned money out at interest in excess of 8 per cent? Would this bill tax that

Mr. SIMMONS. No; of course an individual is not subject to

Mr. CLAPP. It would apply in the case of a corporation loaning money?

Mr. SIMMONS.

Mr. CLAPP. There are States in the Union where the legal rate of interest, I think, in the main is above 8 per cent; in a great many of the States it is 10 per cent; and if the current rate was above 8 per cent, of course it would simply carry that tax

right over onto the borrower.

Mr. SIMMONS. Mr. President, I should not care to go into a question of that sort. There would be no tax charged against the corporation that happens to make over 8 per cent on its money, unless it made a profit after deducting \$5,000 and the 8 per cent provided in this bill. It does not make any difference whether the net income comes from usury or other sources, if this net income was in excess of 8 per cent and \$5,000; they

would pay the tax; otherwise they would not.

Mr. CLAPP. Where it is authorized by the State and local conditions are such that the rate of interest is above 8 per cent, in those cases I think the tax would simply be passed right over onto the borrower. I do not see any escape from that conclusion.

Mr. SIMMONS. If the tax was passed on to the borrower, the profits of the lending firm would be increased; and consequently his tax payable to the Government would be increased.

greater his profits the greater the tax to be paid.

Mr. McLEAN. Mr. President, I want to ask the Senator a question before he leaves the subject.

The PRESIDING OFFICIAL Door the Senator from North

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I yield. Mr. McLEAN. I want to ask the Senator if he has taken into consideration the possible effect of this 8 per cent excess profits tax on very small incomes which happen to be invested in a particular corporation? Take, for instance, the corporation which the Senator cited as his illustration, having a capital of a million dollars and paying 20 per cent. It seems to me that the tax of 8 per cent on the 12 per cent excess is a 1 per cent tax on the entire capital. A widow left, we will say, with 50 shares of stock in such a company, would pay a tax of \$50, or 5 per cent of her entire income.

Mr. SIMMONS. I do not know that I quite catch the mean-

ing of the question the Senator has asked, but small corpora-tions are rather favorably dealt with in this bill.

Mr. McLEAN. I am not speaking about that. I am speaking about the illustration which the Senator cited of a corporation with a capital of a million dollars. Of course, there the \$5,000 exemption would be a small matter.

Yes; it would be a small matter. Mr. SIMMONS.

Mr. McLEAN. It pays a 20 per cent dividend. Now, the excess profits tax would be 8 per cent of 12 per cent, or practically 1 per cent of the capital; so that the dividend of 20 per cent would be reduced to 19 per cent if it were charged over to the dividend, or 5 per cent of the income. Therefore, a woman, for instance, inheriting 50 shares of stock in such a corporation and having no other property would pay an income tax of a dollar a share, or \$50 upon her income of \$1,000. I ask the Senator if the committee took that into consideration?

Mr. SIMMONS. That particular case was not taken into

consideration.

Mr. BRADY. Mr. President— Mr. McLEAN. I think, if the Senator from Idaho will pardon me, that those cases will not be unusual.

Mr. SIMMONS. We can not frame a law that will not have some of the quicksands about which the books speak.

Mr. McLEAN. I think it would have been very easy to have framed this law to avoid that inequality and injustice

Mr. SIMMONS. The Senator will have an opportunity to suggest such amendments as he desires.

Mr. McLEAN. I shall have an opportunity to suggest my remedy, but I doubt very much if it will be accepted.

Mr. SIMMONS. I will suggest to the Senate that I am not

quite sure that I fully caught the meaning of his inquiry, but

I will not bother him to repeat it.

Mr. BRADY. Mr. President, referring to the statement of the Senator from Connecticut, we must bear in mind that in the case he has mentioned the woman owning the stock would receive 8 per cent before the excess profit tax becomes operative, and in addition to the 8 per cent dividend, which ought to be a reasonable dividend on the stock, she would receive her proportion of the \$20,000, would she not?
Mr. SIMMONS. Yes.

Mr. SMITH of Georgia. She would get 19 per cent still.

Mr. McLEAN. But it would be a 5 per cent income tax on an income of \$1,000 in that company.

Mr. BRADY. But when she pays that she has already received 8 per cent on her stock.

Mr. McLEAN. Yes; but such investments are very apt to have a market value that would not return more than 4 or 5 per cent on the investment. For instance, a stock paying 20 per cent ordinarily would have a market value of \$400 a share, and a very careful and conservative man might invest his accumulations, which might not be very large, in 50 shares of that stock and leave it to his wife as something that would be exceptionally safe. Now, it has been the policy of Congress up to date to exempt all incomes less than \$3,000 in any case, and it would seem to me to have been much better to have raised the additional sum needed by adding to the general income tax the amount required.

Mr. SMITH of Georgia. Mr. President-

Mr. McLEAN. Or, if the Senator from Georgia will pardon me, by resorting to that source to which all civilized nations

resort, the customs duties.

Mr. SMITH of Georgia. I have no doubt we will discuss the question of adding to the customs duties before we get through, and I think we can easily show the Senator that that would be an impracticable way to raise revenue at this time. Of course, there is an element of inequality in nearly every system of taxation. It is extremely difficult not to leave some element of inequality. The percentage in the case the Senator gave would be 3 per cent on the income, and not 5-a little less than 3.

than 3.

Mr. McLEAN. No.

Mr. SMITH of Georgia. Yes; the fixed tax is 2 per cent, and 8 per cent on 12 per cent is 0.96 of 1 per cent. That, added to the 2 per cent, is a little less than 3 per cent of the lady's income, in the illustration the Senator gave of the dividend of 20 per cent that ordinarily would have been paid.

Mr. McLEAN. If the dividend were reduced by 1 per cent, as the would have to be. I may be wrong, but I assume that a

it would have to be. I may be wrong, but I assume that a dollar is 5 per cent of \$20.

Mr. SMITH of Georgia. It is 3 per cent of the dividend. Two per cent is the fixed tax that the corporation pays, and 8 per cent of the surplus could not be but 0.96 more.

Mr. McLEAN. But that is nearly 1 per cent.
Mr. SMITH of Georgia. Which makes 3 per cent of the

income paid in taxes.

Mr. McLEAN. The Senator may be right about that. I have not given it much consideration, but my impression is

that the Senator is wrong.

Mr. SMITH of Georgia. I am undoubtedly right. It is a little less than a 3 per cent tax on the income that otherwise would go to the party. Now, our view of the matter is that where a corporation is making these very large dividends, in a great many instances, these very large incomes are incident to the situation that confronts the country at the present time. I can illustrate my view of that by a letter that I wrote to some constituents of mine in the cottonseed oil and in the cotton manufacturing business who for the past two years have been making quite handsome dividends. I happen to have a little stock in the companies myself.

Mr. McLEAN. Mr. President, if the Senator from Georgia

will pardon me-

Mr. SMITH of Georgia. Let me finish, and then I will yield to the Senator. Their complaint was that up to the last few years they had been making but moderate dividends, and now as they were making quite good dividends they felt that it was hard to put an excess profits tax on them. My answer to them was very simple. I said: "The same condition that has given you an excess income has obliged the Government to have excess revenue, and you ought to be well satisfied, as we all ought to be, to contribute some of it." I understand that this is not the case everywhere, but where the capital of a corporation is producing more than 8 per cent I do think, in view of the present condition of the country and the number of organizations, some partnerships and some corporations, making vast profits, that 8 per cent on the surplus beyond 8 per cent is about as fair a way to reach the unusual prosperity incident to many of those institutions as could be adopted. Now, I yield to the Senator.

Mr. McLEAN. The illustration I stated was that of a person

holding 50 shares of the character of stock to which I have referred. The income would be \$1,000 instead of \$2,000, and the tax would be \$50; that is, if the dividend were reduced from 20

to 19 per cent-1 per cent-\$50 would be the tax.

Mr. SMITH of Georgia. What was the amount of stock held? Mr. McLEAN. The amount of stock was 50 shares in a corporation of a million dollars capital, paying 20 per cent. income in that case would be a thousand dollars and the tax

Mr. SMITH of Georgia. The tax would be \$30. The tax could not be more than that if the profit the company was making was 20 per cent. Two per cent would be the charge for the fixed income tax, and 8 per cent of the 12 per cent surplus, about 8 per cent, would be 0.96 of 1 per cent.
Mr. McLEAN. I still think that \$50 is 5 per cent of \$1,000.

Mr. SMITH of Georgia. Well, I have not figured the \$50, but know that 8 per cent of 12 per cent is 0.96 of 1 per cent.

Mr. PENROSE. Mr. President, I do not expect to discuss is bill at length this afternoon. The hour is late, and I am this bill at length this afternoon. The hour is late, and I am informed that it is the purpose of the majority to hold an executive session in a short time. I should, however, like to take this opportunity of stating that this bill, like the act of September 8, 1916, has gone through the usual course of consideration

in a secret Democratic caucus to which the public were not admitted. It was a usurpation of the legislative functions of the Senate by the majority. The year and nays were not published on the different questions involved. Hearings were held by subcommittees, on which the minority were not represented in any way, and were not even officially informed of the hearings or invited to participate in them. No opportunity was given to cross-examine the few people who appeared before these subcommittees, and the hearings were not even printed, as they should have been, currently from day to day, until the day after the bill had been reported to the Senate. The minority have been completely ignored and have had no opportunity to discuss with the majority the proper ways of raising revenue. Now the bill is reported to the Senate, and in the few days remaining of the session—the Congress expiring by limitation on March 4—it is obviously impossible for the minerity to assume any responsibility or entertain any feeling of responsibility for revenue legislation to meet the growing deficit of the Treasury.

Notwithstanding the fact that the revenue measure passed in the last Congress was declared to be amply sufficient for the requirements of the Government and to meet the deficit in the revenues, the Government is again confronted with a deficit and with a necessity of passing another bill to raise additional revenue. The bill in the last Congress was most fully discussed for many weeks, and I predicted and other members of the minority predicted just what has happened. We declared then, as the RECORD will show, that the then revenue bill would not meet the requirements of the Government; that the Treasury was practically be about in the comment of tically bankrupt, in the sense that the revenues did not balance the expenditures; that the deficit would grow; and that further taxes would be necessary. Notwithstanding the declaration made by the majority in the last Congress that the direct-tax law of that session would be amply sufficient, we are now con-fronted with another revenue bill imposing direct taxes, far more burdensome, in my opinion, than the taxes contained in any of the preceding measures of this character. I again make the prediction, and I make it with the greatest confidence, and I challenge contradiction, that this measure will fail as a revenue producer as the preceding ones have failed, and that the deficit will continue to grow until the deplorable mismanagement of the financial affairs of the country ceases.

The Republican minority in the Senate in the last Congress

vigorously called attention to the fact that the revenue bills then under consideration would not be sufficient, and that for all practical purposes the Treasury was likely to continue in a bankrupt condition. To-day, Mr. President, there is a deficit of many million dollars disclosed in the daily reports of the Secretary of the Treasury. The deficit has gone on increasing, and again it is necessary to impose burdensome direct taxes, which will fall principally upon a section of the country.

The Republican minority, Mr. President, is not responsible for the extravagance which has brought about the deficit and,

in my opinion, is not called upon to assume responsibility for revenue legislation to meet such a deficit. The minority will recommend that this bill be recommitted to the Finance Committee with instructions to reconsider the same and report, as soon as practicable, on a bill of sufficiently comprehensive character to safeguard American labor and industries, to provide sufficient revenue for the needs of the Government wisely and economically administered, to defray the expenses of necessary economically administered, to derray the expenses of necessary increases in the Army and Navy and for the extension of fortifications, and for other purposes of national defense and development, and to frame the bill along the lines of those fundamental principles which have guided the Congress in matters of revenue legislation, with few exceptions, since the First Congress of Washington's administration approved and adopted the first act. I quote-

For the support of the Government, for the discharge of the debts the United States, and the encouragement and protection of manu-

of the United States, and the encouragement and protection of manufacturers.

We earnestly call the attention of the Finance Committee and of the Senate to the fact that absolutely no provision is being made in this revenue bill, nor was provision made in any of the preceding revenue bills since the Democratic Party has been in power, to conserve and protect adequately the industrial and commercial interests of the country when they shall become exposed to the industrial and commercial invasion of European nations when the war in Europe draws to a close. We hold that protection to American industries is now of greater importance than ever before in the history of the country because of these foreign countries.

I am opposed to this measure, Mr. President, because it violates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national taxation; it is unlates the established principles of national protects.

Encreaches the Federal Government upon the field of taxation interest or tak

American, unjust, discriminatory, and sectional. The encroachment by the Federal Government upon the field of taxation hitherto belonging exclusively to the States is already causing a vigorous protest.

I call attention in my remarks on the revenue bill in the last Congress in the following words to the inexpediency of having the Federal Government encroach upon the domain of State taxation:

"The States of the Union and the large municipalities therein all require large revenues for purposes not thought of a few years ago. Our municipalities are nearly all heavily in debt, and are in most cases restricted to a limited field of taxation. The municipal needs, however, are ever enlarging in a constantly increasing ratio, without any prospect of relief from debt or the securing of revenue to meet the demands necessary for projects in the interest of the health and well-being of the citizens. The States themselves and the cities therein are called upon to maintain elaborate boards of health, systems of sewage disposal, continually increasing requirements of educational and eleemosynary institutions, and, over and above all, to cite one instance of development to an extraordinary degree of magnitude in the last few years, the imperative demand for good roads has caused an expenditure running into a staggering amount of money in the aggregate from one end of

the country to the other.
"Now the States are expressly excluded by the Constitution from levying duties or imposts, and are obliged to resort to the various well-known forms of State taxation of a direct character. The Federal Government, under the doctrines re-cently advanced that no taxes should be imposed upon articles of consumption and, apparently, that as little revenue as pos-sible should be collected from imports, encroaches upon the field of direct taxation belonging to the States and abandons a source of revenue from the customhouse to which the Government has the exclusive right. This seems to me illogical in principle and unfair in practice. The ultimate effect necessarily following is that the State revenues will be greatly limited, if not impoverished, and the outlook for many of our municipalities from a financial point of view is not very hopeful.'

Since that bill was under consideration, Mr. President, I know in my own State and in many other States the functions of State government have been enormously increased, and many millions of dollars of expenditure have been authorized. Pennsylvania we have the workmen's compensation bureau, the elaborate department of labor and and factory inspection, and the irresistible demands for good roads which, even since last summer, have almost doubled the appropriations required by the legislature of that great State. In my opinion the time is rapidly approaching when we will witness a revolt from Maine to California against this tendency of Congress to tax in-heritances and levy other forms of direct taxation to the depriva-tion and impoverishment of the great sovereign States with their growing needs and requirements.

I was greatly impressed with a notice which I saw in one of

the Washington papers the other day on this point, and I will ask the Secretary to read it. Mr. STONE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. PENROSE. Yes.

Mr. STONE. I wish to ask the Senator if he has reached point where he will yield?

Mr. PENROSE. I should like to have this clipping read, and then I will yield to the Senator.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

## A TAXATION CONFERENCE.

For the sake of simplicity in administration, if not in the name of equity, a clear understanding should be reached between the States and the National Government as to the field of taxation that should be reserved to each governmental agency.

Mr. STONE. Mr. President— Mr. PENROSE. I yield to the Senator from Missourl. Mr. STONE. I thank the Senator.

## DANISH WEST INDIAN ISLANDS.

Mr. STONE. From the Committee on Foreign Relations I report back without amendment the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes. I should like to take up the bill. I will ask the Senator from North Carolina if he will agree to lay the revenue bill aside.

Mr. SIMMONS. The Senator from Missouri assures me he thinks it will take a very short time to pass this very important measure which ought to be acted upon. I will consent to temporarily lay the revenue bill aside. I will ask unanimous

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? There being none, the Senator from Missouri is recognized.

Mr. STONE. I ask that the bill I have just reported may be laid before the Senate, and I ask unanimous consent for its present consideration.

Will the Senator from Missouri yield to Mr. RANSDELL. me to make a request for unanimous consent? It will take but

Mr. STONE. The Senator can make his request, but I am very anxious to have this bill considered.

The PRESIDING OFFICER. Does the Senator from Missouri

yield to the Senator from Louisiana?

Mr. RANSDELL. I will not detain the Senator, but I wish to ask unanimous consent for the Senate to consider the flood-control bill to-night at 8 o'clock. We are getting close to the end of the session. If we can not get the bill under consideration soon there will be no chance to pass it at this Congress. It is a measure of the greatest interest to a great many people of the

country.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Louisiana?

Mr. SIMMONS. I can not consent to that.

The PRESIDING OFFICER. Does the Senator from North Carolina object?

Mr. SIMMONS. I object.
The PRESIDING OFFICER. Objection is made. objection to the request of the Senator from Missouri?

Mr. UNDERWOOD. Mr. President—

Mr. STONE. I ask unanimous consent for the present consideration of the bill I have reported.

Mr. UNDERWOOD. Is there

Mr. UNDERWOOD. I assume that the bill is all right, but before the request for unanimous consent is granted I think it ought to be read to the Senate so that we may understand what is in the bill.

Mr. STONE. I am asking unanimous consent for its present

consideration.

Mr. UNDERWOOD. Before that is granted I think we should know what is in the bill.

Mr. STONE. Very well.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, as follows:

The Secretary read the bill, as follows:

Be it emacted, etc., That all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct until Congress shall provide for the government of said islands.

SEC. 2. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty.

SEC. 3. That until Congress shall otherwise provide, all laws now imposing taxes in the West Indian Islands acquired from Denmark, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty, continue in effect, except that articles the growth, product, or manufacture of the United States shall be admitted therein free of duty: Provided further, That upon exportation of sugar to foreign countries or the shipment thereof to the United States or any of its possessions there shall be levied, collected, and paid thereon an export duty of 88 per ton of 2,000 pounds in lieu of any export tax now required by law.

SEC. 4. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the

United States, but shall be paid into the treasury of the said islands, to be used and expended for the government and benefit of said islands. SEC. 5. That the sum of \$25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate of the United States on the 17th day of January, 1917.

SEC. 6. That the sum of \$50,000 is hereby appropriated for the purpose of carrying this act into effect, to be paid out of any money in the Treasury not otherwise appropriated and to be applied under the direction of the President of the United States.

SEC. 7. That this act, with the exception of section 5, shall be in force and effect and become operative immediately upon the payment by the United States of said sum of \$25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section 5 shall be immediately available.

Mr. UNDERWOOD. Mr. President, before consenting to the present consideration of the bill I should like to get some information from the chairman of the committee, if I can. I should like to know what are the exact terms of the cession of these islands to the United States. If the Senator has a copy of the treaty will he allow to be read a statement as to the terms and how we acquired these islands as a part of the United States, and what is their status?

Mr. STONE. They belong to the United States by purchase.
Mr. UNDERWOOD. I know, but are they a part of our
colonial possessions, a part of our territory, or what is the
status of the islands as fixed by the treaty?
Mr. STONE. It is a possession of the United States, a terri-

torial possession acquired by the United States by cession from the former sovereign, the King of Denmark. The entire title and right and sovereignty were transferred to the United States by the terms of the treaty for which the United States is to pay the sum of \$25,000,000 within 90 days after the exchange of ratifications.

Mr. UNDERWOOD. I understand that portion of the treaty. have read the treaty, and I do not want to delay the bill, but I desire to get that information, and until I get the information will withhold my consent.

Mr. STONE. What is the exact point?
Mr. UNDERWOOD. I want to find out whether these islands come to the United States with the status that Alaska came when we purchased it from Russia or whether they come to us with the status Porto Rico came to us under the treaty with

Mr. STONE. I should say it was more analogous to the cession from Russia to the United States of what is now the Territory of Alaska.

Mr. LODGE. Will the Senator allow me?

Mr. UNDERWOOD. Yes.

Mr. LODGE. There was a debate in the Senate a great many years ago concerning Florida, then recently acquired by the United States from Spain. Mr. Calhoun, who was discussing it, said: "The Senator from Massachusetts," referring ter, "has declared that it is a part of the United Mr. Webster, from his seat, said, "Never." Calhoun to Webster, States." Mr. Webster, from his seat, said, "Never." Calhoun said, "The Senator certainly said it belongs to the United States." Mr. Webster said, "That is a very different thing." The Danish Islands belong to the United States; they have been

There is no condition about statehood, no condition about territory, but the power is the power over Government property.

Mr. UNDERWOOD. The Senator from Massachusetts grasps

my point of view.

Mr. LODGE. Perhaps not.

Mr. UNDERWOOD. I think he does. I want to know what is the status of the islands to-day under the cession. Are they a part of the territory of the United States, as Alaska was when we acquired it, and does the Constitution go there, or are they an insular possession, under the Porto Rican decision? Mr. LODGE. The Constitution does not go there unless it

goes automatically.

Mr. UNDERWOOD. That is true; it either goes automatically or goes there by legislation. We can send it there by legislation or it can go there automatically by the terms of the

treaty.

Mr. LODGE. The treaty gives the islands to us as our abso-

Mr. UNDERWOOD. If it is our absolute property-Mr. LODGE. Except such restrictions as are in the treaty which relate to Danish property rights and certain corporations.

Mr. UNDERWOOD. If that is so, the guaranties of the Federal Constitution have already gone there.

Mr. LODGE. I did not say that, because that is confined to a territory

Mr. UNDERWOOD. I want to know the language of the treaty.

Mr. LODGE. This is not a territory, it is not-

Mr. UNDERWOOD. I want to know the conditions in the language of the treaty taking these islands over, where it places them, in so far as the Constitution of the United States is concerned.

Mr. LODGE. The relation is the same as in the treaty in

relation to the Philippines and Porto Rico.

Mr. UNDERWOOD. Can the Senator from Massachusetts refer me to the part of the treaty which defines the status of

Mr. LODGE. The treaty of peace with Spain.

Mr. UNDERWOOD. I am talking about the Danish West India Islands. Do I understand the Senator to say that legally, so far as the Constitution of the United States is concerned, they occupy the status that Porto Rico does? Whatever status they do occupy is determined by a treaty. There is no other legislation or action. I do not want to delay the bill and ask that it go over until to-morrow, but-

Mr. LODGE. The treaty simply ceded the islands to us in consideration of \$25,000,000. Of course, it makes certain provisions that inhabitants may remove therefrom at will.

Mr. UNDERWOOD. Does it make any provision about the inhabitants becoming citizens of the United States?

Mr. LODGE. None.

Mr. BRANDEGEE. Will the Senator allow me? The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I yield. Mr. BRANDEGEE. If it is a clear cession in consideration of \$25,000,000 paid, and there is nothing said in this act about extending the guaranties of the Constitution to the islands, I should think it would be clear the guaranties of the Constitution did not extend under the decision of the Supreme Court of the United States.

Mr. LODGE. The treaty provides that-

The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.

And there are no stipulations except these about certain property rights and certain corporations.

Mr. SMITH of Michigan. There is a citizenship proposi-

tion.

Mr. STONE. There is a citizenship proposition in the treaty,

if that is what the Senator is speaking about.

Mr. UNDERWOOD. The point I had in mind, I will say to the Senator, is that this bill, possibly very properly, seeks to levy a tax on sugar coming from the Danish West India Islands into the United States for the support of those islands. That may be a proper handling of the question at this time, but as to whether it can be handled in that way, it seems to me, clearly depends upon the status of the islands. If they are a part of the United States, as is Alaska, clearly we can not pass a law that would fix a customs tax between this country If they occupy the status of the Philippine Islands and them. toward this country, I concede that under the Porto Rican decision you could pass such a law. Therefore I wished to obtain the information.

Mr. LODGE. Mr. President, the restriction of the Constitution in regard to export duties relates wholly and solely to the States; it applies to nothing else. The language is as explicit

as it possibly can be.

Mr. UNDERWOOD. I am not sure about that.

Mr. LODGE. It is confined to the States explicitly. Mr. UNDERWOOD. I think, though, if the Senator would examine some of the decisions with relation to the District of Columbia he would find that we could not levy an export tax upon goods made in the District of Columbia and exported. The District of Columbia is not a State.

Mr. LODGE. These islands are not organized as a Territory; they are not a Territory; they are not recognized as

such; and they are not a State.

Mr. UNDERWOOD. Of course, outside of that, we can not levy a customs tax between a Territory to which the guaranties of the Federal Constitution apply and the territory of continental United States.

Mr. LODGE. The question of the Constitution extending automatically to those islands is, I think, an open question, but in the Philippines it was explicitly excepted, while in Porto Rico

It was not. Now, this export tax is made necessary by the fact that the only sources of revenue they have are imports, which come chiefly from the United States, and an export duty on We have obliged them to remove their import duties so far as we are concerned, and they would be left entirely without revenue if we did not continue the export duty. I do not understand that the Senator questions the expediency of it, and, as to the constitutional power, I do not think there is any doubt about

Mr. UNDERWOOD. I am not complaining of the course which has been adopted; it may be necessary to adopt such a course in the emergency which confronts us, but the question in my mind, and what I desired information about, was as to whether the committee having the bill in charge was prepared to state what was the status of these islands and as to whether or not we could, under the status fixed in the treaty, levy a customs tax between the islands and continental United States.

There is none levied by the bill.

Mr. UNDERWOOD. If I understood the reading of the bill correctly, there is a tax levied on all sugar going out of the Danish West India Islands to other countries,

There is an export tax on sugar. Mr. UNDERWOOD. That is a customs tax-Mr. STONE.

Mr. UNDERWOOD. Between those islands and this country. I do not think there is any question that we can not levy a customs tax or an export tax between Hawaii and continental United States under the Constitution, because it is a part-

Mr. STONE. Hawaii is a Territory of the United States. Mr. UNDERWOOD. Because it is a Territory of the United States. Now, the question as to whether we can levy such a tax between the Danish West India Islands and continental United States is dependent entirely upon the status fixed for those islands in this treaty. That is the proposition that I am trying to get light on, as to what is their political status as defined in this treaty. Now, I am told that this treaty makes the citizens of the Danish West India Islands citizens of the United If that is true, and they are made citizens of the United States, they are entitled to all the guaranties of the Constitution of the United States; and if they are entitled to all the guaranties of the Constitution of the United States, because they live and reside in the Danish West India Islands, does not that bring the Danish West India Islands within the inhibition of the Constitution against levying export taxes or of levying customs taxes between the several States?

Mr. SMITH of Michigan. Mr. President

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. UNDERWOOD. I do.

Mr. SMITH of Michigan. I would like to say to the Senator from Alabama that under the treaty the Danish citizens in those islands must renounce American citizenship, provided for in the treaty with Denmark, or they become ipso facto citizens of the United States. The treaty specifically says that "the civil rights and the political status of the inhabitants of the islands shall be determined by the Congress," subject only to the limitations of the treaty, which do not limit the question of citizenship.

Mr. UNDERWOOD. That may save the question. hoped, Mr. President, that the committee had investigated this subject and could give us some direct light upon it. I recognize the importance of the bill passing at an early date; and even if the tax should be subsequently decided to be unconstitutional, that portion of the bill which seeks to pay for the islands, if we live up to our contract, of course, ought to become a law. The only question is that if we pass this bill and there is doubt as to the status of those islands, and there is doubt as to whether or not we can properly levy this tax, we may find the citizens of those islands and the government of the islands in a very embarrassed condition.

It was only my purpose to try to ascertain those facts in withholding consent for the immediate consideration of the bill. I do not, however, desire, after calling the attention of those in charge of the bill to the matter I had in mind, to delay the passage of the bill further

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri [Mr. Stone] for the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. STONE. I move to strike out all after the enacting clause

of the bill as read and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The Senator from Missouri proposes a substitute for the pending bill, which will be read.

The Secretary. It is proposed to strike out all after the enacting clause and insert the following:

The Secretary. It is proposed to strike out all after the enerting clause and insert the following:

That in so far as the same may be compatible with the changed sovereignty, all powers exercised in the Danish West India Islands on and prior to the 17th day of January, A. D. 1917, by and under the sovereignty of the Government of Denmark, shall, until otherwise provided by the Congress, be exercised by the President of the United States. For the proper administration of the laws, rules, and regulations appertaining to said islands, until otherwise provided by the Congress, the President is authorized to appoint a governor, by and with the advice and consent of the Senate, for the said Islands, and to appear the said of the said Islands, and the proper of the chief administrative officer of said islands, and such other administrative officers as the President may appoint as herein provided shall be subordinate to the governor and subject to his direction under such rules and regulations as the President may appoint as herein provided, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said order: President said appears of the said of the

of said islands under such rules and regulations as the President may prescribe.

SEC. 6. That for the purpose of taking over and occupying said islands and of carrying this act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this act the sum of \$100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

SEC. 7. That this act shall be in force and effect and become operative from and after the date upon which the United States shall pay to Denmark the sum of \$25,000,000, as stipulated in the convention between said countries signed at New York on the 4th day of August, 1916, and the fact and date of such payment shall be made public by a proclamation issued by the President, which proclamation shall be published in one or more newspapers printed and circulated in said West India Islands, and be incorporated in the rules and regulations prescribed by the President, as provided for in section 1 of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. STONE. I move that the Senate adhere to its amendment to the bill, ask for a conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. STONE, Mr. HITCHCOCK, and Mr. Lodge were appointed as conferees on the part of the

EXECUTIVE SESSION.

Mr. O'GORMAN obtained the floor. Mr. SIMMONS. Mr. President-

Mr. O'GORMAN. I yield to the Senator from North Carolina, Mr. SIMMONS. I move that the Senate proceed to the consideration of executive business. I understand there are some nominations which it is desired to act upon.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

#### RECESS.

Mr. SIMMONS. Mr. President, I will inquire of the Senator from Pennsylvania whether he desires to go on until 6 o'clock?
Mr. PENROSE. I do not think it is worth while.
Mr. SIMMONS. I move, then, that the Senate take a recess

until 8 o'clock to-night.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

## EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

Mr. PENROSE. Mr. President, I suggest the absence of a

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Kirby
Lee, Md.
Martin, Va.
Myers
Overman
Penrose
Pittman Ashurst Bryan Chamberlain Reed Robinson Sheppard Sherman Thomas Thompson Vardaman Clapp Fletcher Simmons Smith, Ga. Smith, S. C.

Mr. VARDAMAN. I wish to announce the unavoidable absence of the Senator from Tennessee [Mr. Shields] on account of illnes

The PRESIDING OFFICER. Twenty-five Senators have answered to their names. A quorum of the Senate is not present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators.

Mr. LEA of Tennessee entered the Chamber and answered to his name

The PRESIDING OFFICER. Twenty-six Senators have answered to their names. A quorum of the Senate is not present.

Mr. SIMMONS. I move that the Sergeant at Arms be directed

to notify absent Senators to attend the session of the Senate.

Mr. KENYON. I should like to inquire if the Sergeant at

Arms can be instructed to arrest Senators and bring them here? The first question in on the motion I made, Mr. SIMMONS. if the Chair please.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. Lane entered the Chamber and answered to his name. Mr. CLAPP. It seems to me it is due to the senior Senator

from Oklahoma [Mr. Gore] to state that he is dangerously ill, and has been so for some time. I think that ought to appear in the RECORD, if it has not already been stated.

Mr. VARDAMAN. I wish to state again that the Senator

from Tennessee [Mr. Shields] is absent on account of illness. He is confined to his room.

I am also advised that the junior Senator from Alabama [Mr. Underwood] is quite indisposed. I trust these Senators will be excepted from the order.

The PRESIDING OFFICER. Is there objection to excusing the Senators who have been named? The Chair hears none.

Mr. SMOOT. I desire to announce the unavoidable absence

of the Senator from Ohio [Mr. HARDING] on account of illness, and also the unavoidable absence of the senior Senator from New Hampshire [Mr. Gallinger].
Mr. ROBINSON. I was requested to announce the absence

of the junior Senator from Delaware [Mr. SAULSBURY] owing to illness. He has been absent from the Senate some two or three days, and his absence has been occasioned by illness, ask that he be excused from the order.

The PRESIDING OFFICER. Without objection, the junior Senator from Delaware will be excused.

Mr. RANSDELL and Mr. HUGHES entered the Chamber and answered to their names.

Mr. VARDAMAN (at 8 o'clock and 20 minutes p. m.). Mr. President, may I inquire the number of Senators who have re-

The PRESIDING OFFICER. Twenty-nine Senators have responded to their names, the Chair is informed.

Mr. SIMMONS. I ask that the Sergeant at Arms be directed to make a report as to what he has done to execute the order

The PRESIDING OFFICER. The Senator from North Carolina moves that the Sergeant at Arms be directed to report as to progress. The question is on that motion.

The motion was agreed to.

Mr. Lewis and Mr. Wadsworth entered the Chamber and answered to their names

Mr. KENYON. Mr. President, I should like to inquire how many Senators have now answered to the roll call?

The PRESIDING OFFICER. The Chair is advised that 31

Senators have answered to their names.

Mr. Brandegee, Mr. Beckham, Mr. Pomerene, and Mr. Shafroth entered the Chamber and answered to their names. The PRESIDING OFFICER. The Sergeant at Arms has made to the Senate a report, which will be read by the Secretary.

The Secretary read as follows:

SENATE OF THE UNITED STATES, SERGEANT AT ARMS, February 20, 1917-8.25 p. m.

SERGEANT AT ARMS,
February 20, 1917—8.25 p. m.

The President of the Senate:

I beg to report on the following Senators:
Senator Lippitt is reported "not in."
Senator Lippitt is reported "not in."
Senator McCumber reported sick in bed.
Senator McLean reported as dining with Senator Warren's residence.
Senator Bankhead reported sick; gone to bed.
Senator Bank proported as being on way to Senate.
Senator Brant reported as being on way to Senate.
Senator C. D. Clark reported out.
Senator Newlands reported out.
Senator Newlands reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported as being on way to Senate.
Senator Sterling reported sick.
(8.35 p. m.) Senator Warren's residence reports not knowing where the Senator is dining.

Very truly, yours,

Charles P. Higgins,
By John T. Wayland,

CHARLES P. HIGGINS, By JOHN T. WAYLAND, Assistant Sergeant at Arms.

Mr. SIMMONS (at 8.37 o'clock p. m.). Mr. President, I move the following order:

Ordered, That the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from North Carolina proposes the following order, which will be read

The Secretary read as follows:

Ordered, That the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the adoption of the order submitted by the Senator from North Carolina. The order was agreed to,

The PRESIDING OFFICER. With the exception of those Senators excused by reason of illness the order will be executed as to other absent Senators at once.

Mr. Broussard entered the Chamber and answered to his

Mr. SMITH of South Carolina (at 8 o'clock and 39 minutes p. m.). I inquire how many Senators are now present?
The PRESIDING OFFICER. The Chair is informed that

36 Senators have answered to their names.

Mr. Townsend and Mr. Brady entered the Chamber and answered to their names.

After a little delay Mr. Husting, Mr. Colt, Mr. Catron, Mr. Johnson of Maine, and Mr. La Follette entered the Chamber and answered to their names.

and answered to their names.

Mr. SMITH of South Carolina (at 9 o'clock and 51 minutes p. m.). Mr. President, how many have we now?

The PRESIDING OFFICER. Forty-three.

Mr. MARTIN of Virginia. Mr. President, I desire to say that my colleague [Mr. SWANSON] is just out of a very severe and lengthy spell of sickness, and he did not feel well enough to come to the Senate to-night. While he is not ill, after a day's work he did not feel equal to the task of coming to-night, and he was warned by his physician not to tax himself much

The PRESIDING OFFICER. Without objection, the Senator from Virginia will be excepted from the order compelling other Senators, except those who are ill, to attend the session of the Senate.

At 9 o'clock and 15 minutes p. m. Mr. TILLMAN entered the Chamber and answered to his name.

Mr. TILLMAN. Mr. President, I wish to explain why I was not here when the Senate met. I have been hard at work all day on the naval appropriation bill and I feel very tired. come down here at night at no time unless notified. If those

in charge of the revenue bill had notified me that they wanted me to stay, I would have been here; I would not have gone home at all.

Mr. SIMMONS. I wish to say to the Senator from South Carolina that I announced this morning that I would ask the

Senate to consider the bill to-night.

Mr. TILLMAN. I was upstairs and did not hear it.

Mr. SIMMONS. I will see that the Senator is notified hereafter.

Mr. VARDAMAN. The Senator from South Carolina not being well, I think he should be excused from attending the session to-night.

Mr. TILLMAN. The Senator from South Carolina was notified over the telephone by the Sergeant at Arms that he was wanted in the Senate, and he asked me if I was sick. I told him I was very tired and would be glad to stay away, but that I would come if necessary to make a quorum and carry on the business of the Senate. They sent a taxicab after me with a young boy from Georgia acting as Assistant Sergeant at Arms, and we had a very pleasant ride down. Having come I will stay here until morning if it be necessary to break up this filibuster.

Mr. SMOOT. There is not any filibuster.

Mr. VARDAMAN. I will say that the Senator from South Carolina should not have been notified at all to come. He should be excused from attending all night sessions if he feels that to do so would tax his strength. I am very sure that no Member of the Senate would have the Senator from South Carolina imperil his health by attending these night sessions.

Mr. WATSON, Mr. CURTIS, Mr. CUMMINS, Mr. MARTINE of New Jersey, Mr. STONE, and Mr. Hollis entered the Chamber

and answered to their names.

Mr. STONE. The Senator from New Hampshire [Mr. Hollis] and I were brought by the Sergeant at Arms to the Senate Chamber. I wish to apologize to the Senate for my absence. The Senate did right in using its authority to compel my attendance.

Mr. PENROSE. I move that the Senator's apology be accepted.

The PRESIDING OFFICER. The motion is out of order.

Mr. STONE. I hope the example will be followed in future.
The PRESIDING OFFICER. Fifty Senators have answered their names. A quorum of the Senate is present.
Mr. SIMMONS. I ask that the unfinished business be proto their names.

ceeded with.

## THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations of the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. SHERMAN addressed the Senate. After having spoken

for some time,

Mr. SMITH of Michigan. Mr. President—
The PRESIDING OFFICER (Mr. VARDAMAN in the chair).
Will the Senator from Illinois yield to the Senator from Michigan?

Mr. SHERMAN. I yield for a question. I am extremely desirous not to lose the floor.

The PRESIDING OFFICER. The Senator will not lose the

Mr. SMITH of Michigan. A parliamentary inquiry. The Senate is now operating under a call of the Senate?

The PRESIDING OFFICER. It is.

The PRESIDING OFFICER. It is.

Mr. SMITH of Michigan. And the call has disclosed a quorum?

The PRESIDING OFFICER It has.

Mr. SMITH of Michigan. Then I move that all further proceedings under the call be dispensed with.

Mr. SIMMONS. I have no objection to that.

The PRESIDING OFFICER. The question is on the motion

of the Senator from Michigan.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Illinois will proceed.

Mr. SHERMAN resumed his speech, and after having spoken for some time

Mr. TILLMAN. Mr. President-

The PRESIDING OFFICER (Mr. Husting in the chair). Does the Senator from Illinois yield to the Senator from South

Mr. SHERMAN. I do, for a question. Mr. TILLMAN. Will the Senator yield for a motion to take

Mr. SHERMAN. Yes, sir.

#### RECESS.

Mr. TILLMAN. I move that the Senate take a recess until 10.30 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 21, 1917, at 10.30 o'clock a. m.

## NOMINATIONS.

Executive nominations received by the Senate February 20, 1917.

## FEDERAL TRADE COMMISSION.

William B. Colver, of St. Paul, Minn., to be a member of the Federal Trade Commission, for a term expiring September 25, 1920, vice Edward N. Hurley, resigned.

John Franklin Fort, of New Jersey, to be a member of the Federal Trade Commission, for a term expiring September 25,

## UNITED STATES DISTRICT JUDGE.

D. C. Westenhaver, of Cleveland, Ohio, to be United States district judge, Northern District of Ohio, vice John H. Clarke, appointed Associate Justice of the Supreme Court of the United States

## PROMOTIONS IN THE ARMY.

#### CAVALRY ARM.

First Lieut. Frederick T. Dickman, Seventh Cavalry, to be captain from July 7, 1916, vice Capt. Lawrence S. Carson, Twelfth Cavalry, detailed in the Quartermaster Corps.

First Lieut. Adna R. Chaffee, Cavalry, unassigned, to be cap-

tain from July 7, 1916, vice Capt. George F. Bailey, Second Cavalry, detailed in the Quartermaster Corps.

First Lieut. George W. De Armond, Fifteenth Cavalry, to be captain from July 7, 1916, vice Capt. William C. Gardenhire,

Tenth Cavalry, detailed in the Quartermaster Corps.

First Lieut. John G. Quekemeyer, Seventh Cavalry, to be captain from July 10, 1916, vice Capt. Alfred E. Kennington,

Tenth Cavalry, promoted.

First Lieut. Frank M. Andrews, Second Cavalry, to be captain from July 15, 1916, vice Capt. Herman A. Sievert, Seventh

Cavalry, promoted.

First Lieut. Joseph C. King, Cavalry, unassigned, to be captain from July 17, 1916, vice Capt. Christian Briand, Twelfth Cavalry, who died July 16, 1916.

First Lieut. George L. Converse, jr., Fourth Cavalry, to be captain from July 21, 1916, vice Capt. Walter S. Grant, Third

Cavalry, detailed in the Signal Corps.

First Lieut. Donald A. Robinson, Fifteenth Cavalry, to be captain from August 21, 1916, vice Capt. Thomas F. Ryan, Thir-

teenth Cavairy, retired from active service August 20, 1916. First Lieut. Bruce L. Burch, Fifteenth Cavairy, to be captain from August 27, 1916, vice Capt. George E. Mitchell, Sixth Cavalry, promoted.

First Lieut, Edgar M. Whiting, Fourth Cavalry, to be captain from September 6, 1916, vice Capt. Pierce A. Murphy, First Cavalry, promoted.

First Lieut. Edward G. Elliott, Cavalry, unassigned, to be captain from September 13, 1916, vice Capt. Frederick T. Arnold, unassigned, promoted.

First Lieut. Wade H. Westmoreland, Eleventh Cavalry, to be captain from September 14, 1916, vice Capt. Leonard L. Deitrick, Seventh Cavalry, detailed in the Quartermaster Corps.

First Lieut Guy H. Wyman, Eighth Cavalry, to be captain from September 21, 1916, vice Capt. William S. Valentine, Tenth Cavalry, promoted.

First Lieut. Verne R. Bell, Seventh Cavalry, to be captain from September 28, 1916, vice Capt. Thomas B. Esty, unassigned, retired from active service September 27, 1916.

First Lieut. Henry W. Baird, Ninth Cavalry, to be captain from October 6, 1916, vice Capt. Aubrey Lippincott, Fourth Cavalry, detailed in the Signal Corps.

alry, detailed in the Signal Corps.

First Lieut. Alexander H. Jones, Cavalry, unassigned, to be captain from November 15, 1916, vice Capt. Alexander B. Coxe, Second Cavalry, detailed in the General Staff Corps.

First Lieut. Charles L. Stevenson, Fourteenth Cavalry, to be captain from November 21, 1916, vice Capt. William L. Lowe, Tenth Cavalry, retired from active service November 20, 1916.

First Lieut. Frank K. Chapin, Seventh Cavalry, to be captain from December 3, 1916, vice Capt. Ralph Talbot, jr., Fifteenth Cavalry, detailed to the Quartermaster Corps:

First Lieut. Henry L. Watson, Seventeenth Cavalry, to be captain from December 25, 1916, vice Capt. James D. Tilford, unassigned, placed on detached officers' list.

unassigned, placed on detached officers' list.

First Lieut. Murray B. Rush, Cavalry, detached officers' list, to be captain from January 16, 1917, vice Capt. Samuel Van Leer, Seventh Cavalry, who resigned January 15, 1917.

First Lieut. Augustine W. Robins, Twelfth Cavalry, to be captain from January 23, 1917, vice Capt. Kyle Rucker, Fourteenth Cavalry, who resigned January 22, 1917.

Second Lieut. Daniel A. Connor, Seventeenth Cavalry, to be first lieutenant from November 2, 1916, vice First Lieut. Hugh

S. Johnson, First Cavalry, promoted.

# PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Leander R. Hathaway, Sixteenth Cavalry, to be second lieutenant of Infantry, with rank from November 30,

Second Lieut. Athael B. Ellis, Sixth Infantry, to be second lieutenant of Cavalry, with rank from November 30, 1916.

## PROMOTIONS IN THE NAVY.

Capt. Harry S. Knapp to be a rear admiral in the Navy from the 13th day of August, 1916.

Capt. William L. Rodgers to be a rear admiral in the Navy from the 29th day of August, 1916.

Commnder Louis R. de Steiguer to be a captain in the Navy from the 10th day of August, 1916.

The following-named commanders to be captains in the Navy from the 29th day of August, 1916:

Louis A. Kaiser, William C. Cole, Carl T. Vogelgesang, Charles B. McVay, jr., Julian L. Latimer, and De Witt Blamer.

Commander John K. Robison to be a captain in the Navy from the 10th day of October, 1916.

Commander Henry H. Hough to be a captain in the Navy from the 1st day of January, 1917.

Lieut. Commander Earl P. Jessop to be a commander in the

Navy from the 10th day of August, 1916.

The following-named lieutenant commanders to be commanders in the Navy from the 29th day of August, 1916:

Lyman A. Cotten, William T. Tarrant, Yancey S. Williams, Charles P. Nelson, Victor A. Kimberly, Claude C. Bloch, Edward C. Kalbfus,

Cyrus W. Cole, and
John W. Greenslade.
Lieut. Commander Harry L. Brinser to be a commander in
the Navy from the 30th day of September, 1916.
Lieut. Commander James H. Tomb to be a commander in the

avy from the 1st day of January, 1917. The following-named lieutenants to be lieutenant commanders

in the Navy from the 29th day of August, 1916:

William Ancrum, Benjamin K. Johnson, Joseph V. Ogan, Albert T. Church, Logan Cresap, John N. Ferguson, Louis C. Farley, Arthur C. Stott William S. McClintic, Byron McCandless Roscoe C. MacFall, and Robert L. Irvine.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

Riley F. McConnell, and Edmund D. Almy. Boatswain Dallas Wait to be an ensign in the Navy from the 9th day of February, 1917.

Capt. Seth Williams, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of major, from the 29th of August, 1916.

The following-named first lieutenants to be captains in the

Marine Corps from the 29th day of August, 1916: John L. Mayer, and

Benjamin A. Moeller.

# HOUSE OF REPRESENTATIVES.

Tuesday, February 20, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

We bless Thee, our Father in Heaven, for that quality of soul which in times of stress or peril lifts men above the sordid and makes them heroes. Sanctify the proceedings of the hour to the public weal and help us to realize that we must work while it is yet day for the night cometh when no man can work; that we may go forward with patriotic zeal and unanimity of purpose as servants of the people. And all praise be Thine. In His Name, amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 32.

Resolved by the Senate concurrent resolution 32.

Resolved by the Senate (the House of Representatives concurring), That the expenses incurred by the committee appointed by the Vice President and the committee appointed by the Speaker of the House of Representatives in arranging for and attending the funeral of the late Admiral George Dewey, in the Rotunda of the Capitol at Washington, D. C., January 20, 1917, be paid in equal proportion from the contingent funds of the Senate and House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8252. An act to authorize the change of name of the steamer

Charles L. Hutchinson to Fayette Brown; and

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.

The message also announced that the Senate had passed with amendments bills of the following titles; had requested a conference with the House of Representatives; and had appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoot as the conferees on the part of the Senate:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the President had approved

and signed bills of the following titles:

On February 17, 1917:

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 5632. An act for the relief of Aquila Nebeker;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture;

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto;

H. R. 11288. An act for the relief of S. S. Yoder; H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture; and

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

On February 19, 1917:

H. R. 10697. An act for the relief of S. Spencer Carr;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the County of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the

North on the boundary line between said States; H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

## SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 8252. An act to authorize the change of name of the steamer Charles L. Hutchinson to Fayette Brown; to the Committee on

the Merchant Marine and Fisheries.

## AMENDMENT OF THE GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, I would like the Speaker to lay before the House Senate bill 3331 and have the House further insist on its amendment and grant a further conference with the Senate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. ADAMSON. I ask unanimous consent that the House further insist on its amendment and grant a further conference asked for; and I would like to state in a minute or two to the House the reason why I have concluded to ask that a further conference be granted.

Mr. SMITH of Minnesota. Mr. Speaker, reserving the right to object, do I understand the conferees have now concluded

that they can agree?

Mr. ADAMSON. I stated that if the House would indulge me a minute or two I would state the reasons why I have concluded to ask the House to grant a further conference. If the gentleman will allow me to make that statement, I think he will be satisfied.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection. Mr. ADAMSON. Mr. Speaker, as the House knows, the House made but one amendment to the Senate bill, which was a substitute.

The conferees met and took the substitute bill as the basis of the conference, we stating to the conferees that the House insisted on retaining the form as well as the substance. We found in three consecutive meetings, in which we went over the entire subject, that the Senate had about four objections to our substitute, on which they insisted with more or less determination. After three meetings, failing to agree, we set another meeting for the 22d of November. The House con-ferees came here, but the Senate conferees did not appear. One, we heard, was sick at home and another had a celebration on hand, and having accounted for two we did not inquire about the third. We adjourned the Joint Subcommittee on Transportation for two days for the purpose of enabling the House conferees to attend that conference. We attended, and the other side did not.

Nothing further was said about a conference until some time in January, when the Senate conference and some time in January, when the Senate conferees asked for a meeting. We replied, "If you are ready to yield anything, we will have another meeting; if not, there is no use in wasting time on this, because the House insists on its amendment, and we will not betray the House." Finally, when it looked hopeless, we did meet and declared a general disagreement and reported it to the House. At that time an agreement appeared hopeless, because no concessions were in sight.

Since that time, however, conferences have been going on among members of the House and Senate conferees. Now, whether or not they are prepared to make some concessions, and if so how far, I do not know; but I am perfectly willing to go back and try, assuring the House that the rights of the House shall be protected.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House further insist on the amendments of the House and consent to a further conference requested by

the Senate. Is there objection?

Mr. MANN. Reserving the right to object, this whole matter has been treated, up to within a recent period, wholly as a nonpartisan proposition. The newspapers state that some very distinguished gentlemen on the Democratic side of the House and of the Senate have been called into conference with the President, to which, of course, I take no exception. No one on this side of the House has been consulted in reference to any such Now, I do not know whether it is the intention

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit

Mr. MANN. In just a moment. I do not know whether or not it is the intention or expectation that the President-to use the term without offense, or meaning to be offensive at all-is to force the Democratic side of the House and the Senate into some compromise, leaving gentlemen on the Republican side who have been interested in the matter entirely out of consideration. Heretofore it has been treated only as a nonpartisan proposition. It seems to me that it ought to continue to be.

Now, I yield to the gentleman from Kentucky

Mr. SHERLEY. Mr. Speaker, I simply desire to say this, which will be borne out by gentlemen on the Republican side: There have been a number of informal conferences between various gentlemen interested in this legislation, with the idea of seeing if a common basis could be found on which the Senate and the House might agree about legislation. Those negotiations have gone through various stages without anything final having been agreed upon. Every step of them-and I say that advisedly—has been brought to the knowledge of gentlemen on the Republican side of the House. There has been no intention on the part of anybody to undertake to take the House or any part of the House by surprise, and I am quite sure that nothing will be done, from the understanding that I have had with the gentle man from Georgia, which will take anybody by surprise; but that prior to any attempt at a final agreement there will be sufficient consultation to apprize everybody of the situation and to reserve to everybody his full rights in the matter.

Mr. MANN. Mr. Speaker, of course, I do not know what conferences have taken place involving gentlemen on this side of the House. I have taken a rather active part in connection with this dam legislation from the beginning. I have had no consultations with anybody in reference to the matter—

Mr. SHERLEY. Of course, the gentleman has not—
Mr. MANN. And I have not heard of any.
Mr. SHERLEY. The gentleman from Wisconsin [Mr. Lex-Mr. SHERLEY. The gentleman from Wisconsin [Mr. Len-moot] has had, and it was my understanding that the gentleman from Illinois [Mr. Mann] was cognizant of what was going on. There was no secrecy about it. The gentleman from Wiscon-

Mr. ADAMSON. If all gentlemen will yield to me for a min-

ute. I think I can clear up the situation.

Mr. SHERLEY. The gentleman from Wisconsin [Mr. Len-ROOT) and myself, undertaking informally to carry out what we believed to be the views of men on both sides of the House, have met a number of times. I then met informally a number of times with the Senator from Alabama [Mr. BANKHEAD], and the result of all those meetings has been conveyed in its entirety to the gentleman from Wisconsin [Mr. Lenroot], and I think he will bear witness to the accuracy of that statement.

Mr. MONDELL. Will the gentleman from Georgia [Mr. Adamson] yield to me to allow me to ask a question of the gentleman

from Kentucky [Mr. SHERLEY]?

I will do that, although I think I can Mr. ADAMSON. straighten this out.

One of these bills relates entirely to water Mr. MONDELL. powers on the public lands.

Mr. ADAMSON. This has nothing to do with that. Mr. MONDELL. I want to ask the gentleman from Kentucky whether anyone from a public-land State, on either side of the House, has been present in these conferences to which he refers?

Mr. SHERLEY. The conferences have dealt with the bill that relates to navigable waters, and not with the public lands. There were present at a number of conferences, and there have been kept informed, gentlemen who do come from public-land States, and are familiar with the legislation of the House on that particular phase of the matter.

Mr. MONDELL. I have inquired of a number of gentlemen from the public-land States who are tremendously interested, because the rights of their constituents are affected, and have asked them if they knew anything about these conferences, and they have all of them told me that they did not.

Mr. MILLER of Minnesota. I should like to ask the gentleman

from Kentucky a question.

Mr. ADAMSON. If gentlemen will yield to me, I think I can

Mr. MILLER of Minnesota. The gentleman from Wisconsin [Mr. Esch] is the ranking Republican member on the Interstate and Foreign Commerce Committee. Has he been consulted in these conferences?

Mr. SHERLEY. I have not talked with Mr. Esch, I will say to the gentleman-

Mr. MILLER of Minnesota. I should like to ask one more question.

Mr. SHERLEY, All right. Mr. MILLER of Minnesota. The Foreign Affairs Committee of the House, of which I happen to be an humble member, has charge of some legislation of this character. The gentleman from Wisconsin [Mr. Cooper] is the ranking Republican member of that committee. Has he been consulted?

Mr. SHERLEY. I have not talked recently with Mr. Cooper. Mr. MILLER of Minnesota. Now, one further question.

Mr. SHERLEY. Just wait a moment. I do not want to answer questions with an implication in them-

Mr. MILLER of Minnesota. The gentleman does not need to.

He has plenty of time.

Mr. SHERLEY. All of these matters have been informal conferences, without any desire to take anybody by surprise, but simply with the desire, if possible, to adjust matters. On a bill of this kind it is impossible to talk with 20 people about every stage of it, when it is under informal discussion; but it was my understanding that the Republican Members were advised, and certainly the gentleman from Wisconsin [Mr. Lenroot] has been in full touch with the situation, and he will bear witness to the fact that there has been nothing done with the idea of having one side of the House alone control the matter.

Mr. MILLER of Minnesota. One further question. Does the gentleman think consulting with the gentleman from Wisconsin [Mr. Lenroot] is a consultation with the Republican side of the

Mr. SHERLEY. Oh, no; but I think it is a consultation with

one of the best Republicans in the House.

Mr. MILLER of Minnesota. There is no question about that. would like to ask a further question of the gentleman. As I understood him to state a moment ago, the bill pending relates to navigable streams of the United States?

Mr. SHERLEY. Yes. Mr. MILLER of Minnesota. The gentleman from Wisconsin [Mr. Lenroot] is the ranking Republican member of the Committee on the Public Lands?

Mr. SHERLEY.

Mr. MILLER of Minnesota. Which committee, the gentleman intimated, was a committee that naturally would not have particular charge of this class of legislation. Does the gentleman think it is a consultation with the Republican Members who ought to be consulted on a matter of this kind, to consult with a gentleman who is on a committee that has nothing to do with the subject, and to leave out gentlemen Members who do have to do with it?

Mr. SHERLEY. Oh, well, there was no intention-

Mr. MILLER of Minnesota. I do not think there was any consultation at all except with one man.

Mr. SHERLEY. The gentleman can think what he pleases. I am not required to consult him or any other particular man.

Mr. MILLER of Minnesota. Nobody cares to have the gentleman consult me, but when the gentleman speaks of consulting the Republican side of the House, the statement he has made does not bear out the facts.

Mr. SHERLEY. I am willing to submit whether it does or

Mr. ADAMSON. Will the gentleman yield? Mr. MANN. I yield to the gentleman from Georgia [Mr. ADAMSON ]

Mr. ADAMSON. Mr. Speaker, I do not think all this has much to do with the case. The conferences that have been had with my knowledge have been directed entirely to finding out whether the Senate would yield anything or not. That is all. There was no partisanship. There has never been any on our There was no partisanship. There has never been any on our committee. We respect Mr. Esch, the ranking Republican on that committee, as much as any Member, and this morning we reported out a very important bill in his name because we like him and there is no partisanship in it. As to consultations, they have been directed to two points. The two gentlemen with whom I have talked about them are the two men who have stood for the two propositions. It seems that the insurmountable difficulties were the question of a charge, which the gentleman from Kentucky [Mr. Sherley] was the author of, and the question whether we should remit the matter to the Secretary of War, which proposition the gentleman from Illinois [Mr. Mann] has always opposed. We brought in, in his name, the first general dam bill. We had a subcommittee of which he was chairman and I was a member of it. When that law was amended in 1910 we both fought the amendment because we thought the original bill was good enough. I would not allow

anything done on that question without conferring with him; so while we conferred with Mr. Sherley and Mr. Lenroot about the tax I have conferred with Mr. Mann, the only other Republican beside Mr. Esch, with whom I have conferred about it. I want the House to understand now that I do not want any partisan bill here. I have conferred with Senator Nelson as much and as often as with Senator BANKHEAD. Gentlemen will understand that we think we have more sense, when we get into conference, than to bring back a conference report that the House would not adopt. I have not talked to the President any more than I did to the Republican President on commerce matters when the Republicans were in power. And after we get into conference I expect to confer with the gentleman from Illinois [Mr. Mann] as much as with anybody else.

Mr. MANN. Mr. Speaker, of course, I take no exception to the gentleman from Georgia talking with the President. I think it is a perfectly proper thing to do. When this bill went to conference in the first instance, without any vote in the House on any of the propositions except an informal unanimous-consent vote on the disagreement, there was an understanding that the conferees would not agree to certain Senate propositions without giving the House a chance to determine what its attitude would be on those propositions.

Now the conferees reported a disagreement. It has been intimated by certain distinguished gentlemen, not Members of this House but Members of another great legislative body, that the very purpose of reporting a disagreement and getting a new conference was to get rid of the obligations which were made when the bill first went to conference

I attribute to the gentleman from Georgia the utmost of good faith. I do not question that for one moment, but admitting that entirely, I know what the influence of the Executive at times may be. The House and the Senate have been diametrically opposed on certain propositions relating to water-power The gentleman from Georgia said the Senate is willing to yield something; of course they are willing to yield something, but what we want to know really is whether they yield a pin and we give away the whole thing. I do not think that is the disposition of the gentleman from Georgia.

Mr. GARNER. May I ask the gentleman from Georgia a

Mr. ADAMSON. I know what the gentleman from Illinois refers to about the purpose of the disagreement. That statement was a pure piece of romance. The disagreement was made because it appeared absolutely hopeless to get an agreement, and since the disagreement the Senate has indicated a disposition to make concessions. If they do not make substantial concessions, they will get no agreement from me.

have betrayed the House.

Mr. MANN. The gentleman from Georgia never has betrayed the House, but the gentleman's attitude and the attitude of the other House conferees on this bill has not been in conformity with the attitude of the House as expressed on several occasions. have no desire, so far as I am concerned, to change conferees. I have the utmost faith in the conferees, but their personal opinion is not the same as the opinion expressed by the House heretofore.

Mr. ADAMSON. The gentleman refers to the charge question?

I refer to the whole question. Mr. MANN.

Mr. MANN. I refer to the whole question.
Mr. GARNER. Will the gentleman yield?
Mr. ADAMSON. Yes.
Mr. GARNER. Does the gentleman from Georgia go into the conference still considering the agreement made with the House heretofore as still in force and that it still holds?

Mr. ADAMSON. I will say that unless we go in with some

latitude to talk, propose, and discuss things it is of no use to go into conference.

Mr. GARNER. There is no disposition to deprive the conferees of talking, hearing, and discussing every item.

Mr. ADAMSON. I have no disposition to bring in any report not in conformity with the wishes of the House.

Mr. GARNER. The gentleman will remember that we had a distinct understanding as to the views of the House; does the gentleman still believe that that is the view of the House?

Mr. ADAMSON. My understanding is that the Senate conferees propose to agree to the proposition which the gentleman has in mind.

Mr. GARNER. And the gentleman will give us a chance to vote on that?

Mr. ADAMSON. I shall not give away the amendment without the consent of the House.

Mr. Speaker, reserving the right to object, I want

gentleman from Illinois [Mr. Mann]. There has never been any general dam legislation or general bridge legislation that has not provided that in the erection of each bridge, even a highway bridge over a navigable stream, the consent of Congress by a specific bill for that particular project must be obtained. There has never been any general dam legislation that has not provided for the same condition. The House amendment to this bill provided that a special bill authorizing a dam shall be passed in each case. The House has not consented to yield to the contention of the Senate as provided in the Senate bill that only the Secretary of War shall be consulted. There is no part of our bill that I have stood for more firmly in conference and out than that we shall pass no general dam legislation that authorizes the Secretary of War to authorize these water-power dams to be constructed without the consent of Congress in each case. I contend that a special act in each and every case shall be passed by the Congress. There are 435 Members of this House to be consulted on each project, and with scrutiny of the 435 Members on each bill there is going to be no joker dam bills that will get through here. impugning the motives or the wisdom, even by implication, of the present Secretary of War, or any Secretary of War in the past or in the future, but the office of Secretary of War is a political office. Sometimes the personnel changes two or three times during one administration. Therefore, I think it exceedingly important that Congress should retain jurisdiction on each project. As far as I am concerned, unless I am instructed by this House to yield on that particular feature of the House amendment to the Senate bill, there will be no yielding done on my part, and any insinuation that I am not in harmony with the action of the House is uncalled for and unwarranted by any action or any utterance of mine that has fallen from my lips in committee or in the House.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry.

What is the parliamentary status?

The SPEAKER. The parliamentary status is that this colloquy has been going on for 15 or 20 minutes, with nothing before the House

Mr. HUDDLESTON. I call for the regular order. Mr. ADAMSON. Mr. Speaker, I do not think the gentleman from Illinois insinuated-

The SPEAKER. The gentleman from Alabama demands the regular order.

Mr. ADAMSON. I would be glad to have the gentleman from

Wisconsin [Mr. Lenroot] say a word. Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Lenroot] have five minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Wisconsin may proceed for five minutes. Is there objection?

Mr. SMITH of Minnesota. Mr. Speaker, I will ask the Chair to recognize me for the purpose of making an objection to the request of the gentleman from Georgia or to reserve an objection. I would be glad to have the gentleman from Wisconsin [Mr. Lenboot] proceed for five minutes, but I want an opportunity to make an inquiry of the gentleman from Georgia

The SPEAKER. The trouble is that the regular order has been demanded by a Member of the House.

Mr. HUDDLESTON. Mr. Speaker, I withdraw the demand for the regular order and reserve the right to object.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the gentleman from Wisconsin

[Mr. Lenkoot] have five minutes?

Mr. ADAMSON. Will not the gentleman permit me to conclude the remarks I was making about the gentleman from Illinois [Mr. Mann]? I was going to say that I do not think the gentleman

The SPEAKER. The gentleman from Georgia has not the floor.

Mr. ADAMSON. I understood the gentleman from Wisconsin to consent

The SPEAKER. The gentleman from Wisconsin has five

minutes only, and the House has the rest.

Mr. ADAMSON. Will not the gentleman yield me just a moment?

Mr. LENROOT. I yield to the gentleman for half a minute.
Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois
[Mr. Mann] refers to the amendment about charging, which I always have opposed, because I do not believe it would bring money, but the House wants it, and I am the House's lawyer, and I am for it as long as the House wants it.

Mr. LENROOT. Mr. Speaker, I would like to state just exactly the situation as it exists, as I understand it. Something to make a statement in view of what has just been said by the like a month ago I received a letter from Senator Bankhead ask-

ing me if I would join in an informal conference with the ing me if I would join in an informat conference with the gentleman from Kentucky, Mr. Sherley, the gentleman from Illinois, Mr. Rainey, the gentleman from Illinois, Dr. Foster, and the gentleman from Oklahoma, Mr. Ferris, with a view of discussing this dam legislation. I readily agreed to it, as I am always ready to informally confer with any Member of the House upon any matter of important legislation. We did meet, and nothing came of that meeting. We found ourselves just as far apart as the House and the Senate are apart upon the bill. The gentleman from Kentucky [Mr. Shekley] afterwards asked me whether I would sit down with him and go over the House bill and the Senate bill, with a view of seeing what we individually, representing no one but ourselves, might be willing to agree to. We did that, and we drafted or redrafted a bill that contains every provision that is contained in the bill as it passed the House and some others. I understand from Mr. SHERLEY that he presented that to Senator BANKHEAD, and that they have come back with a proposition to him that contains substantially the bill as passed by the Senate. So the fact is that these informal conferences up to this point have accomplished nothing and have gotten nowhere, and they amount to nothing further than any Member of the House on either side of the aisle is justified in making with anybody

With reference to the conferences, I did report the matter to the gentleman from Illinois [Mr. Mann] in a general way, but as nothing was being accomplished I did not go into detail with him, and nothing has been accomplished up to this time. That explains the situation as it exists; but I want to say further that before this bill went to conference in the House last year several gentlemen had an informal understanding with the chairman of the committee, Judge ADAMSON, among them the gentleman from Illinois, Mr. Mann, the gentleman from Kentucky, Mr. Sherley, the gentleman from Illinois, Dr. Foster, and myself. Those I now recollect; I think there may have been The informal agreement reached was this: That, in view of the attitude of the House, a conference agreement would not be reached without its being submitted to at least that number of gentlemen and found satisfactory to them, upon the understanding that this group of men represented the views of the House in a general way. I do not understand that the motion that the gentleman from Georgia now makes is made for the purpose of avoiding that informal understanding, but that the gentleman agrees to keep it just the same as if no disagreement had been reached.

Mr. ADAMSON. Mr. Speaker, I do not think the conferees would have any disposition to bring in any report contrary to the will of the House

Mr. LENROOT. That is a little different proposition from the one I stated. The gentleman's informal agreement was that

Mr. ADAMSON. It was stated in the House that the conferees would observe the wish of the House in its conference.

Mr. LENROOT. No; I sincerely hope the gentleman— Mr. GARNER. That is exactly what I suggest. That the informal understanding had should be adhered to.

Mr. BUTLER. Mr. Speaker, will the gentleman yield? Mr. LENROOT. I can not yield. This is too important a matter.

Mr. ADAMSON. I thought we agreed about it.
Mr. LENROOT. The gentleman from Illinois [Mr. Mann] made exactly the agreement I stated, and I certainly do not expect by reporting a disagreement and then asking for a new conference that the gentleman from Georgia thinks he is going to avoid that agreement that he made informally.

Mr. ADAMSON. The purpose of the disagreement was to get the Senate to agree, not the House. We have no idea in the world of betraying the interest of the House.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HUDDLESTON. Mr. Speaker, I demand the regular

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Alabama demands the

Mr. SMITH of Minnesota. Will the gentleman withdraw that

Mr. HUDDLESTON. I am willing to have the gentleman have five minutes, and then I shall make my demand for the regular order.

Mr. SMITH of Minnesota. I renew my request. The SPEAKER. Is there objection? There was no objection.

ferees reported back to the House that they were unable to agree. The House accepted that report and discharged the conferees. This morning, in the closing hours of this session, we are asked to again report conferees to consider the Adamson bill and the Shields bill. I think, Mr. Speaker, it is very unwise, in the congested condition that we find the calendar, to again have conferees appointed to consider this matter at this late hour. It is a proposition so important that we can not do it justice at a time like this, and I trust that the gentleman from Georgia [Mr. Adamson] will withdraw his request. It is farcical to attempt to whip into shape a bill of this kind at this late hour.

Mr. DILL. Mr. Speaker, will the gentleman yield?
Mr. SMITH of Minnesota. No; I can not. Mr. Speaker, there are three or four distinct propositions that every water-power bill must contain if it is going to protect the rights of the people.

ESSENTIAL FEATURES OF A SAFE PUBLIC WATER-POWER BILL.

First. There is the recapture clause providing for a safe and effective process by which the Government for the protection of the public interest may recover its valuable water-power property after the expiration of the lease to the private corpora-

Second. There is the feature of public regulation of rates and use to protect the public against extortionate power and lighting

Third. There is the preferential provision giving to a public corporation, such as the State, a municipality, or Federal institution, preference as lessee over a commercial corporation in competitive application for a lease:

Fourth. There is the section reserving the right of the United States by act of Congress to amend or repeal the act to meet the public interest and change of national conditions.

Fifth. But of far less import than the above is the provision for a public charge for the use of the power in the form of a public rental.

The great and essential provisions for the protection of the public in its vast water-power properties are the four first named, namely, recapture, rate regulation, public preference, and repeal.

I maintain that the idea that we must make a charge is the least of these, and I have expected from the time this legislation was framed and brought in, in the way it has been, that the Senate would yield on the question of charge. Now, if the Members of the House will bear with me for just this one statement, I will ask them in all candor, what does it amount to, what difference does it make to the Hydroelectric Trust and I speak without any disrespect of that organization, because it is a business that is monopolistic in its very tendencies, and you can not stop it—if we are going to get the best results, what difference does it make what charge you make upon a monopoly when that monopoly can charge it back on the public that will use the current? Now, that is it in a nutshell, and any scheme that attempts to make this House believe that because the Senate is yielding this point is deceiving the House and obscuring the principal features of the bill. Let us not be

led astray on this proposition of charge. Why, gentlemen—
Mr. ADAMSON. Will the gentleman yield?
Mr. SMITH of Minnesota. No; I want to complete this statement and then I will. One of the leading water-power advocates in this country was in conversation with me one day, and I said, "Mr. —, why do you put so much force and strength upon the proposition of charge?" "Why," he said, "that is the only part of this bill that the public understands, and that is why I am harping on it." Now, the public does understand the Hydroelectric Trust will pay something into the National Treasury, and for that reason it appeals to and appeases them, but we can see that a charge amounts to nothing. It is only taking money out of one pocket and putting it in another.

PRACTICAL EFFECT OF A PUBLIC RENTAL CHARGE.

Any layman can see the practical effect of a public rental charge for the use of the water power. It is simply one of the fixed charges, like interest and taxes, which must be met by an increase of rates to yield a return upon the capital invested.

Any public-utility commission, whether State or Federal, would allow the lessee company to increase its rates to meet this extra fixed charge. Otherwise the company might be shorn of sufficient earning power to warrant its existence as a business enterprise. If the margin of profits which the State or Federal public-utility commission, or War Department, as the case might be, decided was a reasonable return for the invested capital was, say, 8 per cent, as some State commissions have ruled, the rate charged by the lessee company for power and lighting would be increased by the public commission to the Mr. SMITH of Minnesota. Mr. Speaker, this bill went to conference over six months ago, and only a few days ago the conpublic rental charge plus the usual operating and fixed charges.

In other words, every dollar of extra cost represented by the public rental charge paid to the Government is an item of cost of operation and maintenance—an item of the cost of production—for which the public user must pay in additional rates. There is no escape from this proposition. It is elemental. The public rental charge, in the last analysis, is simply a method of causing the purchasers of hydroelectric power and light, the local consumers, to contribute to the Federal Treasury. The corporation which holds the lease simply passes it on to the consumer, and every public-utility commission and every court would permit the act as a justifiable business transaction necessary to protect the holders of its securities.

I am not opposing the rental charge. It may have its benefits. The Government may be entitled to a just rental on its vested interest. But I am simply stating the plain facts of the case as they are. Incidentally, also, we may find here why the corporate interests behind the Senate bill are so willing to make this concession. They are entirely willing that consumers should pay money into the Public Treasury. They are willing, moreover, that Congress by this provision should legalize a higher standard of public-utility rates generally. The higher rate standard thus produced by this act for water-power leases issued thereunder is a profitable margin of protection for existing water powers, perhaps owned by the same corporations, which do not pay this public charge to the Government. In this way this provision works both as insurance against competition with water powers already developed and exempt from this public charge, but also gives them an extra margin of profit to the amount of the increase in rates sufficient to take care of the public rental charge paid by lessees under this bill. Do not for a moment, therefore, be deceived into thinking that the interests behind the Senate bill are making any con-

Do not for a moment, therefore, be deceived into thinking that the interests behind the Senate bill are making any concessions in offering to compromise in favor of a public rental charge. They are conceding nothing. On the other hand, they are simply adding to the profit margins of existing plants owned by them. They are doing it, moreover, under the guise of false pretenses. Their generous offer is that of the traditional Greeks offering gifts. Their pretended concessions to reform are the professions of the wolf in sheep's clothing.

Let us not be led astray by the proposition that a surrender by the Senate of the right to make a charge is going materially to affect any legislation we may enact concerning this proposition. Now I yield to the gentleman.

Mr. ADAMSON. I suppose the gentleman failed to hear my statement that the House amendment was the basis of our conference and the House conferees have no idea of taking anything but the House bill as the basis.

Mr. SMITH of Minnesota. Now, let me understand—
Mr. ADAMSON. The House conferees intend to bring back

Mr. SMITH of Minnesota. If the conferees can get the Senate to adopt the House bill just as it passed, I have no objection, and I will vote for the conference report, but we will take nothing less than that. There is not an item in the House substitute bill that really is not necessary in order to make an effective piece of legislation which will protect the rights of the people, except section 19.

## AN UNLIMITED FRANCHISE TO THE HYDROELECTRIC TRUST.

In the very nature of the case, an act of this kind is in effect an unlimited franchise to the great Hydroelectric Trust, which has absorbed the bulk of the large water-power companies of the country. It should be considered by Congress in that light. We do not need any additional evidence on that point. six years past every Government commission dealing with the subject, and a score of experts and publicists appearing before the committees of this House have testified, until the world knows that an aggregation of interwoven hydroelectric corporations control practically all of the important developed water powers of the United States and much of that of Canada, and constitute the parties with whom we are dealing in this so-called general dam act. In its very nature, the water-power grant is a monopoly, and the Hydroelectric Trust is a consolidation of monopolies. We, as representatives of the American people, are simply naming the terms upon which the people shall issue a charter to this hydroelectric monopoly. We are naming the terms upon which the people are to allow this hydroelectric monopoly to hold and operate one of the greatest public resources in the national possession.

Moreover, this franchise we are granting is not merely for a day. It is not something which may be recalled the next session or the next year. It may be a grant which will govern the Nation for a half century; or, if we are hasty or otherwise neglectful of our full public duties, it may be in effect a franchise forever.

We are dealing with huge responsibilities. Everyone knows that the coal supply of this country is limited, that it is beginning to show exhaustion, and that it can never be replenished, Its days are numbered. Long before the proposed 50-year hydroelectric franchise demanded by the trust in the terms of the Senate bill has expired the coal supply of this country will be so far exhausted that our very industrial existence as a Nation will hang upon the use of hydroelectric power. The corporate trust which holds the water powers of the United States in its grasp under a favorable grant of Congress, the terms of which the attorneys of this trust themselves in the main have suggested or dictated, will then be in a situation to dominate the principal channels of American industry and commerce. Hasty and ill-considered provisions passed by this House in the closing days of the session, when the country is threatened with the possibilities of plunging into the European war, may lead to undreamed-of consequences affecting our national welfare and that of our sons for generations.

I do not mean to intimate to anyone in either House any suggestion of bad faith, but I do charge that in the zeal of those handling the two measures to pass some kind of bill in this legislative crisis there is involved necessarily an amount of risk which we prudently should avoid. There is danger, moreover, that special interests urging this legislation may put over provisions which look good superficially but which may hang as a millstone upon the public welfare throughout the lives of all Members present.

To a man who is conscientiously anxious to see the passage of a good bill securely protecting the public interest, and, conversely, anxious to prevent the passage of a bill dictated by special interests, or in which they have skillfully planted their legal "woodchucks," there are several aspects of this present demand for hurried action that do not look auspicious.

In the first place, why six months' delay on the part of the conferees until the session is nearly closed if it is so necessary to hastily pass a bill at this time? Why was the report and the motion delayed until a day when well-considered legislation on these vital and complex provisions is almost a physical impossibility? And if the welfare of the country can stand six months' delay, why can it not stand delay until another session can act with the deliberation and thoroughness which the great national interests involved demand?

In the second place, why must this bill be forced upon us in the closing hour of a congested session when every nerve is being strained to get through the administration program before adjournment? Why must it be forced upon us in an hour when diplomatic relations with perhaps the greatest military power on earth have been severed, and no man knows when he retires at night that sunrise may not find his Nation involved in the greatest war of its history?

In the third place, all that has been said as to the nature of the terms of a possible compromise indicates that agreement has been reached, not upon the great essentials of a sound and safe water-power bill for the protection of the American people and succeeding generations but upon comparatively unimportant provisions, like the rental charge, which are concessions to reform only in name. Why do we not hear that agreement has been reached to give the American people an ironclad recapture provision, an effective and thorough regulation of rates, and the reserved power to amend or repeal?

Moreover, every Member familiar with the appearance of the officials, agents, and attorneys of the hydroelectric interests about this Capitol during the past four years in which this general dam bill has been agitated, knows that at the present time there is camped in this city and about Congress all their band of paid workers and lobbyists, like buzzards scenting a carcass. Some of them are from my own State, some from Chicago, some from Niagara, and some from Wall Street; but they are all here busy getting in their work and apparently expectant that now will come the fruition of dreams for which they have hitherto labored in vain for years.

It is not necessary for me to characterize the Senate measure. It has been exposed and denounced, not only in the press of the country but upon the floor of this House again and again by those loyal to the public interest in water-power legislation, as an ultracorporation measure many of whose provisions are traced to hydroelectric special counsel.

It is not necessary for me to emphasize in detail before this House the necessity of the great essentials which should govern a good water-power bill that will conserve and protect future generations. The general outline of these essentials is known to you in the House measure which passed this body originally, but which the Senate conferees have steadily refused to accept.

What I fear is that in the rush of the closing hours hurried compromise may commit this country to hastily studied pro-

visions which look good at a hurried glance, but which in the last analysis may prove the people's undoing. Under attractive and false guise the special counsel of the great Hydroelectric Trust may have for our consideration in the last days of the session, when no Member will have time to digest the bearing thereof, provisions which look pretty on paper, but the acceptance of which may make this Congress the target for just and serious criticism for a half century to come.

Finally, however, if we must have this hurried conference, I trust that every Member will see that no steps are left untaken to put the compromise measure about to be issued to a strict test. We must see to it that the great essentials of the House bill, the bulwarks without which the protection of the people is gone, are amply and securely anchored. The great public interests of the American people must not be jeopardized in

an hour of haste.

Mr. ADAMSON. My understanding-

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. HUDDLESTON. Mr. Speaker, I renew my demand for

the regular order.

Mr. ADAMSON. Mr. Speaker, I move that the House further insist on the House amendment and grant the conference

Mr. MANN. Mr. Speaker, there ought to be some debate on

Mr. ADAMSON. How much does the gentleman want?

Mr. MANN. Well, I do not know that I want any.

Mr. ADAMSON. I will say to the gentleman from Illinois the conferees have no disposition at all to let the Senate take snap judgment on them, and when we get in conference we will hear him and anybody else and we will keep faith with the House; that is all.

Mr. MANN. The conferees will not be entertained by hear-

ing me.

Mr. ADAMSON. We would not have an agreement contrary

to the wishes of the House if we get the conference.

Mr. MANN. It is not customary for a conference committee to hear Members of the House, and I hope this conference committee if appointed will have sand enough not to hear individual Senators on the subject.

The SPEAKER. The question is on the motion of the gen-

tleman from Georgia.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. HUDDLESTON. Mr. Speaker, I demand the yeas and

The SPEAKER. The gentleman from Alabama demands the yeas and nays. [After counting.] Three gentlemen have arisen, not a sufficient number.

So the motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. ADAMSON, Mr. SIMS, and Mr. ESCH.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post Office appropriation bill H. R. 19410, to disagree to all the Senate amendments, and agree to the conference asked for by the Senate.

Mr. RANDALL. Mr. Speaker, reserving the right to object,

I wish to ask the gentleman-

The SPEAKER. The gentleman from California reserves the right to object. The gentleman from Tennessee [Mr. Moon] asks unanimous consent to take the Post Office appropriation bill from the Speaker's table, to disagree to all Senate amendments, and agree to the conference asked for by the Senate.

Mr. MANN. Mr. Speaker, reserving the right to object,

there are four Senate amendments-

Mr. RANDALL. Mr. Speaker, reserving the right to ob-

Mr. MANN. There are four Senate amendments

Mr. RANDALL. Mr. Speaker, I would like to ask the gentleman if it would be agreeable for him to have action upon the Senate amendments, particularly upon Senate amendment 34?

I want to move to concur in Senate amendment 34. Mr. MANN. I think we can very quickly reach an understanding. There are four Senate amendments upon which a separate vote is desired; there may be others. One is No. 15, that is the pneumatic tube; one is 32, that is increase in compensation; one is 33, that is the branch post offices; and the other is 34, which is the advertisement, or Reed, amendment.

Mr. MOON. Mr. Speaker, I do not desire to shut off the

House from a vote on any amendment that it desires to express its opinion about previous to conference. Therefore, in-

asmuch as a separate vote is requested on Senate amendments Nos. 15, 32, 33, and 34, I amend my proposition so as to ask unanimous consent to disagree to all the other Senate amendments in the bill.

Mr. TAGUE. Mr. Speaker, I move that the House concur— Mr. MANN. That question is not up yet.

The SPEAKER. The Chair understands the gentleman from Tennessee [Mr. Moon] to ask unanimous consent to disagree to all the Senate amendments except 15, 32, 33, and 34.

Mr. RAKER. Mr. Speaker, I ask that No. 30 be included

in that, as I want to concur in the Senate amendment with an amendment.

Mr. MOON. I will not object to that. If anybody wants a separate vote on anything, he can have it, so far as I am concerned.

The SPEAKER. Which amendment does the gentleman from California refer to?

California refer to?

Mr. RAKER. No. 30.

The SPEAKER. What amendment does the gentleman from Massachusetts [Mr. Tague] refer to?

Mr. TAGUE. I refer to No. 15.

Mr. MOON. That motion is out of order now.

Mr. RANDALL. Reserving the right to object to the last re-

Mr. VAN DYKE. Mr. Speaker, I ask for a separate vote on amendments Nos. 18, 19, 20, 21, and 22. Mr. MOON. That all goes into conference.

The SPEAKER. The gentleman from Minnesota [Mr. VAN DYKE] asks unanimous consent that a separate vote be had on amendments Nos. 18, 19, 20, 21, and 22.

Mr. BENNET. Reserving the right to object-

The SPEAKER. Does the gentleman from Tennessee [Mr. Moon] include these in his request?

Mr. MOON. I do not, and I do not see any reason why that should be done. If the gentleman has any good reason for it, I would like to hear it. I think they all ought to go to conference. If the House wants to take up the bill beginning with these various sections, I do not care.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary

inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Did the gentleman from Tennessee [Mr. Moon] except Senate amendment No. 15 from his request?

Mr. MOON. I did.

The SPEAKER. He did. Mr. BENNET. Reserving the right to object to the request of the gentleman from Tennessee [Mr. Moon], I would like to ask him if he would not withdraw it for the present. I may want to make a preferential motion concerning these separate votes, but I may not. But if the gentleman gets all his mendments to conference it will cut them all off.

Mr. MANN. The gentleman is mistaken. The other amendments do not go to conference until these other ones are acted on.

Mr. BENNET. The gentleman from Tennessee asks to dis-

agree to all the remaining amendments.

Mr. MANN. When amendments are accepted, the request for

conference may be out of the request.

Mr. BENNET. The remaining amendments go to conference. Mr. MANN. Not at all. You need not be alarmed about that. The SPEAKER. The request is to disagree to all the Senate amendments except 15, 32, 33, 34, and 30.

Mr. CRISP. I reserve the right to object to that. At least, I

want amendment No. 19 to be acted on by the House.

Mr. MOON. It can be acted on by the House when the conference report comes back.

Mr. VAN DYKE. I would like a vote on amendment No. 19. Mr. MANN. I think the gentleman had better exclude that from his request. I do not think it will take the House long to act on that.

Mr. MOON. I will include 19 in my metion.

The SPEAKER. What is the request of the gentleman from Tennessee?

Mr. BENNET. Mr. Speaker, I reserve the right to object. Mr. MANN. I understand the request now is to take from the Speaker's table the Post Office appropriation bill and to disagree to all the Senate amendments except 15, 19, 30, 32, 33, and 34.

The SPEAKER. That is it.

Mr. MANN. And there it stops.
The SPEAKER. There it stops.
Is there objection?
Mr. BENNET. I object.
Mr. MOORE of Pennsylvania. Reserving the right to ob-

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from New York has already

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry. I desire to know whether the pneumatic-tube amendment, which is No. 15, is now excluded from the request of the

The SPEAKER. The whole thing is withheld. The gentleman from New York objected. There is nothing before the

## CLAIMS AGAINST CHOCTAW AND CHICKASAW INDIANS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the bill S. 5427 be transferred from the Private Calendar to the Union Calendar.

The SPEAKER. What is the bill about?

Mr. RAYBURN. It is an act referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. The Clerk will report the bill by title. The Clerk read as follows:

An act (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be transferred from the Private Calendar to the Union Calendar. Is there objection?

Mr. GARDNER. Mr. Speaker, I have not been able to hear the request in the confusion which prevails.

The SPEAKER. It is simply transferring a small bill from one calendar to another.

Mr. MANN. What is the bill?

The SPEAKER. The Clerk will report the bill again.

The bill was again reported.

Mr. MANN. What is desired to do with it?

The SPEAKER. It is on the Private Calendar and the gentleman asks that it be transferred to the Union Calendar. there objection?

Mr. MANN. It might as well be buried in one place as another.

The SPEAKER. The Chair hears no objection.

CONTESTED-ELECTION CASE, DONOVAN AGAINST HILL.

Mr. STEPHENS of Mississippi. Mr. Speaker, I desire to submit a privileged resolution (H. Res. 515) from the Committee on Elections No. 1.

The SPEAKER. The gentleman from Mississippi presents a privileged resolution from the Committee on Elections No. 1, which the Clerk will report.

The Clerk read as follows:

Resolved, That Jeremiah Donovan was not elected a Member of the Sixty-fourth Congress from the fourth congressional district of Connecticut and is not entitled to a seat therein.

Resolved, That Ebenezer J. Hill was elected a Member of the Sixty-fourth Congress from the fourth congressional district of Connecticut and is entitled to a seat therein.

The SPEAKER. Is this a unanimous report?
Mr. STEPHENS of Mississippi. It is. The question is on agreeing to the resolution.

The resolution was agreed to.

CHANGE OF CALENDAR-H. R. 6814.

Mr. RANDALL. Mr. Speaker, House bill 6814 is on the Union Calendar by mistake. I ask to have it transferred to the House

The SPEAKER. What is it about?

Mr. RANDALL. The exclusion of intoxicating liquors from

national parks.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

The SPEAKER. Now, what is the request of the gentleman from California?

Mr. RANDALL. That it be transferred from the Union Calendar to the House Calendar.

The SPEAKER. Ask unanimous consent.

Mr. RANDALL. I think it is on the Union Calendar in error, by mistake.

The SPEAKER. The Chair understands. The gentleman asks unanimous consent to transfer the bill H. R. 6814 from the Union Calendar to the House Calendar. Is there objection?

Mr. TAGUE. Mr. Speaker, reserving the right to object, can we hear the bill read?

Mr. MANN. Oh, we ought not to stop for that.

Mr. RANDALL. I think the transfer should be made in order to correct the proceedings. I do not ask unanimous consent. ask that the error be corrected.

The SPEAKER. The gentleman from California asks unanimous consent, and the gentleman from Massachusetts [Mr. TAGUE] objects.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. When a public bill is erroneously referred to a committee, I understand that it takes unanimous consent or a motion to correct the reference; but when a bill is favorably reported to the House the Speaker refers it to one of the calendars of the House; and if the reference is erroneous, does it require unanimous consent for the Speaker to correct the error and have the bill referred to the proper calendar? That is the situation that confronts the Speaker in this case.

The SPEAKER. When a bill is called up, the Speaker can decide that he can transfer it from the wrong calendar to the

Mr. CRISP. That is the case.

The SPEAKER. The Chair knows; but the question is now put, and you can not break in the regular proceedings of the House in that sort.

Mr. CRISP. Mr. Speaker, a further parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. CRISP. Under the call of committees a bill on the House Calendar can be called up for consideration, but a bill on the Union Calendar can not be called up. In the case at bar, if the bill is erroneously on the Union Calendar, if the committee had the call, would it be precluded from calling up

The SPEAKER. That is precisely the case where the Chair held he had the right to transfer it from one calendar to

another.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army

appropriation bill.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918. The question is on agreeing to that motion.

Mr. MOON. Mr. Speaker, pending that, I think the gentleman from New York [Mr. Bennet], who made the objection, had a misunderstanding as to the Post Office appropriation bill. I renew my request for unanimous consent to disagree to all the Senate amendments except amendments numbered 15, 19, 30, 32, 33, and 34, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take the Post Office appropriation bill from the Speaker's table; disagree to all the Senate amendments except Nos. 15, 19, 30, 32, 33, and 34; and agree to the conference asked for by the Senate. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Tennessee if under that arrangement there will be an opportunity in the

House for a vote on the pneumatic-tube amendment?

Mr. MOON. I will state to the gentleman from Pennsylvania that if that agreement is reached I will move to take up this bill and vote to nonconcur in all the Senate amendments except those named, and give the House an opportunity to take what action it pleases.

Mr. CALDWELL. Mr. Speaker, I object to the unanimous

consent asked for.

The SPEAKER. The gentleman from New York objects.

Mr. MOON. Does the gentleman from New York object?
Mr. CALDWELL. I will withdraw my objection for a moment, but if you are going to have a discussion all day, I will object.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object— Mr. BENNET. Reserving the right to object, Mr. Speaker-The SPEAKER. The gentleman from Wisconsin reserves the right to object.

Mr. STAFFORD. Mr. Speaker, there is an important amendment, namely, No. 33, which has not been mentioned in this agreement.

Mr. MOON. Oh, yes; it has. Mr. STAFFORD. No. 33?

Mr. MOON. Yes.

Mr. STAFFORD. I refer to No. 23. I am following this rather closely. It relates to the subsidy of \$10 per mile to ocean-going steamships plying between the United States and Great Britain.

Mr. MOON. We will include that. Mr. STAFFORD. I do not ask to have it excepted; only I would like to have an understanding with the gentleman before it is agreed to in conference, because I question whether it will be agreed to; that the House will have the opportunity to vote on it separately?

Mr. MOON. I have no objection to it. I am not for it my-

self.

Mr. STAFFORD. I think the House will vote overwhelmingly to disagree to it; but before the bill is sent to conference I want to have an opportunity sometime to vote on it separately.

The SPEAKER. Is there objection?
Mr. STAFFORD. If I have that understanding, I will not

press my point.
Mr. HULBERT. Mr. Speaker, reserving the right to ob-

The SPEAKER. The gentleman from New York reserves the right to object

Mr. HULBERT. I should like to inquire of the chairman of the committee what, if any, action has been taken on this agreement with regard to amendment No. 14?

Mr. MOON. I have just proposed to disagree and let it go to conference. That is a matter that can go to conference without being decided by the House in advance. We can not take

up all these questions here in the House and decide them.

Mr. HULBERT. I would like to get a separate vote on that

amendment.

Mr. MOON. I hope the gentleman will not insist on that. He does not want to kill this bill.

He does not want to kill this bill.

Mr. HULBERT. All right; I withdraw my objection.

The SPEAKER. Is there objection?

Mr. BENNET. Mr. Speaker, reserving the right to object,
I have talked with the gentleman from Tennessee [Mr. Moon]
and I understand the situation is that he is perfectly willing,
as, of course, the rule permits, that there shall be a separate
vote on amendment 15 and others, and that if the House concurs in Senate amendment 15 he will not carry his antagonism
to that principle—which antagonism of course he has a perfect to that principle-which antagonism, of course, he has a perfect right to, as we have the right to advocate it-he will not carry his antagonism to that amendment so far as to kill the bill himself because the amendment is in it.

Mr. MOON. Mr. Speaker, just one minute. When this House concurs in Senate amendment 15, that is the end of all controversy on that question, and that section becomes a part of the law; and the suggestion from the gentleman from New York that I, disagreeing with the action of the House upon that particular amendment, would seek to kill the balance of this bill is unworthy of him and a reflection upon myself that

Mr. BENNET. It may be unworthy of me and it may be a reflection, but I take the gentleman's statement as an indorsement of my position, unworthy though it may be, and I withdraw my objection.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I object.
The SPEAKER. The gentleman from Wyoming objects.
Mr. MANN. Mr. Speaker, I hope the gentleman from Wyoming will not do that. I would like to have three minutes to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent for three minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, every effort that I make is to give the House the widest latitude in the disposition of matters that come before it. But we are now within less than two weeks of the end of the session. I believe not a single appropriation bill has yet been enrolled. The enrollment of the appropriation bills is just as essential as passing them. They have to be enrolled and presented to the President and signed before a week from next Sunday at 12 o'clock. We are behind in the enrollment of bills. We are behind in the disposition of conference reports on the appropriation bills. It is not within human physical power to enroll all of these bills instantly. Unless we get a move on ourselves in disposing finally of appropriation bills, and commence very soon, when the time comes for the final adjournment of Congress we will be in the attitude of having probably passed bills which are not yet enrolled, thereby causing an extra session of Congress; and I hope we will be able to dispose of these appropriation bills and the conference reports, and that the conferees will act upon the matters in conference and bring them before the House speedily, so that we will have the opportunity to consider the propositions, and then have the bills enrolled, without waiting along until

the last, when there will be neither opportunity to consider nor time to enroll. [Applause.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that

may proceed for two minutes.

The SPEAKER. The gentleman asks to proceed for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, there may be ground for difference of opinion as to the proper method to be pursued to advance the business of the House and the Congress at this time. My opinion is that we will advance the business of the House if this bill goes to the committee and is disposed of in the regular order under the rules, better than by taking up these matters and attempting to dispose of them now, when we ought to be debating and passing the military bill. I think the way to dispose of this matter speedly is to dispose of it in accordance with the rules of the House and to go on with the discussion of the military bill, which is certainly as important a measure as there is before the House.

This bill has passed both Houses. It can be taken up most any time and disposed of without great delay. On the other

hand, the military bill has not passed the House, and still has a long road before it. Let us dispose of that in the House while the committee-in the first instance, at least-disposes of the Post Office bill. Therefore I object.

## ARMY APPROPRIATIONS.

Mr. DENT. Mr. Speaker, I renew my motion. The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill,

Mr. LANGLEY. Mr. Speaker, pending that, I ask unanimous consent to extend my remarks in the Record by printing a telegram from some of my constituents expressing their views on the present international situation.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The telegram is as follows:

PRESTONSBURG, KY., February 19, 1917.

Hon. John W. Langley, Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at ake. We want peace. EMPLOYEES OF PRESTONSBURG COAL CO.

The motion of Mr. Dent was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, with Mr. Saunders in the chair.

The Clerk read as follows:

Pay of members of Officers' Reserve Corps, \$1,500,000.

Mr. DENT. Mr. Chairman, as I understand, when the committee rose last Saturday the Clerk had finished reading the proviso on pages 9 and 10 of the bill, and the gentleman from Wisconsin [Mr. Stafford] had reserved a point of order.

Mr. STAFFORD. That is a correct statement of the par-liamentary situation. I had reserved a point of order on the proviso beginning with line 24, page 9. With the consent of the committee, I would like to have the gentleman from Connecticut [Mr. Tilson] explain the purport of the amendment that he inserted in the RECORD under leave of the committee.

Mr. DENT. I have no objection to that. I have great respect for the judgment of the gentleman from Connecticut. But why

not dispose of the proviso first?

Mr. STAFFORD. I do not wish to have anything made in order, like an extraneous amendment that would be offered by the gentleman from Connecticut, which might be objectionable under the rule. I have no serious objection to the proviso as incorporated in the bill, but I do not want that made a handle to incorporate an amendment that would be subject to a point

Mr. TILSON. Mr. Chairman, I do not understand that the amendment that was offered by me last Saturday and printed in the RECORD will be made in order by the proviso to which the gentleman from Wisconsin reserves a point of order. amendment presented by me is subject to a point of order, because it is clearly legislation. It is legislation, however, of such a wise character that it should go unchallenged.

The question of promotion in the Army, as you all know, is a

very perplexing and vexing question. Originally promotions in our Army were regimental. There was a certain advantage in

regimental promotion. It kept the officers a longer time in the same regiment. There came to be more cooperation between officers who worked together for a long time in the same service. The officers of a regiment became something like a family, and worked together accordingly.

The trouble was that regimental promotion soon developed great inequalities. Two men becoming second lieutenants at the same time, one going to one regiment and another to another, would very soon find themselves of quite unequal rank. regiment promotion by reason of casualties, resignations, or something else was very rapid. In another regiment few died and none resigned, and premotions were few and far between.

The result was great dissatisfaction in the Army.

Then came the proposition to have a lineal list in the different arms, so that when there was a vacancy in one regiment the next in line in that regiment would not take it, but an officer from another regiment, if at the top of the list, would be assigned to the vacancy. That had its disadvantages in bringing together men not accustomed to working together, but it did something toward preventing inequalities in promotion. However, it soon developed that inequalities which formerly prevalled when promotion was regimental began to appear between the different arms of the service, so that an officer who went into the Cavalry would find himself a first lieutenant when his more fortunate classmate would find himself a major of Field or Coast Artillery.

That is the situation we have to-day. One of the results is that each arm of the service is unduly desirous of increase in that particular arm. Army officers are human, like the rest of Their only chance of advancement is by promotion in the service. Every increase in that particular arm of the service means promotion for the officers of that arm. It is natural that officers should regard their particular arm of the service as most important, and would therefore favor an increase of it. Their ardor for an increase would not be lessened by the fact that it would also give them promotion. The result is we have the officers of the different arms of the service pulling this way and that, each trying to increase his own arm of the service in order that there may be promotions. Under such conditions it is no wonder that the advice of capable Army officers on the subject of relative increases in the several arms is often subject to the suspicion that it is not entirely disinterested.

Mr. KAHN. Will the gentleman yield? Mr. TILSON. Certainly.

Mr. KAHN. Assuming that the gentleman's amendment is adopted, with the condition that has arisen this year, with about a thousand second lieutenants appointed, if his provision were now the law, in 27 years from now that entire thousand of second lieutenants, or all those left in the service, would be-

Mr. TILSON. At the end of 27 years, in the normal course of events, there would be a few more colonels than there probably would be by the present method, though it would probably even itself up to some extent by deaths, resignations, and retirements. There is under our present method what we call "humps," and the difficulty would be no greater than it is at present, unless we assume that the Army is going to stand still; that is, not going to be enlarged any further. If there is to be further development, further increases as the needs of the country grow, then what the gentleman says would not be true to any harmful

Mr. KAHN. Of course, I am in harmony with the gentleman that something ought to be done to equalize promotions, but I doubt if his amendment would be effective.

Mr. TILSON. I am quite sure it would be effective. My plan, in a word, is to take the average time required to reach the several grades of promotion and fix this as the time in which each officer shall reach these grades. At present we have second lieutenants receiving promotion within the first year of commissioned service and captaincies within two or three years, while other officers equally efficient, but less fortunate in their choice of service, wait 20 years or more for the much coveted two bars. Under this amendment all are treated alike. No waiting for dead men's shoes, resignations, or retirement. Upon passing the required examination each officer becomes a first lieutenant in 4 years, a captain in 10 years, and a major in 19 years, and so on. The time in each case is, of course, arbitrary, but corresponds roughly to the average time now required to reach the several grades. No change is proposed in the examination required for promotion. They must pass an examination the same as they do now.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation

of a point of order.

Mr. McKELLAR. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. McKELLAR. I am inclined to think that there is something in the gentleman's contention about promotion. very difficult, as the gentleman realizes, but would it not be better to have this go over until the next session of Congress, when we will have more time and can go into it and settle it

Mr. THLSON. It will probably have to go over, because it is subject to a point of order, but I wish to refer to it now so that when the gentleman from Tennessee reaches his higher estate at the other end of the Capitol he may assist in having

it considered and be ready to act upon it.

Mr. FIELDS. The gentleman means when he enters on his

longer tenure.

Mr. TILSON. We have adopted the same principle in regard to the Medical Corps, and it has worked out well. When we adopt universal military training it will be the only workable Instead of having each officer tied up to a particular organization, officers will be available for use throughout the Army and all over the country for training others, which will be the real occupation of the Army when that time comes.

Mr. DENT. Mr. Chairman, do I understand that the gentle-

man offers that amendment at this time?

Mr. TILSON. I offer at this point the amendment as printed in the RECORD.

Mr. DENT. Mr. Chairman, I make the point of order that it is new legislation,
Mr. TILSON. Mr. Chairman, it is clearly legislation.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. KAHN. Mr. Chairman, before the Clerk reads, on page 10, line 7, the first word "by" should be "in," and I move to strike out the word "by" where it occurs the first time in the line and insert in lieu thereof the word "in."

Mr. DENT. Mr. Chairman, I accept that amendment. The CHAIRMAN. Without objection, that will be done.

There was no objection, and it was so ordered. The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read at line 24, page 10.

Mr. CALDWELL (interrupting the reading). Mr. Chairman, by unanimous consent on Saturday the proviso beginning on line 24, page 9, and ending on line 23, page 10, was read in connection with line 22, page 9, and lines 23 and 24, up to the word "Provided," page 9, were omitted, to be read after the

proviso. Mr. DENT. Mr. Chairman, that is correct.

Mr. CALDWELL. The gentleman from Alabama [Mr. Dent] asked unanimous consent that the Clerk should read line 22, and then skip lines 23 and 24, down to the word "Provided," and read the proviso in connection with line 22, which was done; and it was the understanding that the reading should be resumed with line 23, page 9.

Mr. DENT. That is correct, Mr. Chairman. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Additional pay to officers for length of service, \$2,000,000.

Mr. TILSON. Mr. Chairman, is it understood that the proviso to which the gentleman from Wisconsin [Mr. Stafford] made the point of order and later withdrew is the proviso to be attached to line 22?

Mr. KAHN. That is correct.
Mr. DENT. That is correct.
Mr. TILSON. On page 9, "For pay of officers of the line, \$11,500,000.

Mr. CALDWELL. That is correct.

Mr. DENT. Yes; unanimous consent was given for that. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pay of members of Officers' Reserve Corps, \$1,500,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I do not want to take up the time of the House except to say that I desire to call attention to the fact that the proposition read into the RECORD on February 16 at my request, for universal military training, is a proposition that will go out on a point of order if any Member of this House makes the point of order, and that if the matter is to be discussed by any Member of the House he will have to take advantage of the five-minute rule before the proposition is reached on page 75. I also desire to call the attention of Members to two photographs which I have in my hand of two Regular Army soldiers, one taken when they enlisted in the Regular Army and the other of the same men four months thereafter, showing the effect of military training in the service,

and I shall ask a page to hand them around.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pay of officers, National Guard, including staff corps, \$2,500,000: Provided, That out of this appropriation the Secretary of War be, and he is hereby, authorized to pay assistant inspectors of small-arms practice of the Organized Militia and National Guard whose services were accepted in the mobilization of said troops under the call of the President, June 18, 1916, the pay and allowances of the grade in which they were accepted and served.

Mr. SLAYDEN and Mr. BORLAND and Mr. DENT rose. Mr. DENT. Mr. Chairman, I have an amendment which I desire to offer Mr. STAFFORD. Mr. Chairman, I reserve the point of

order on the proviso.

The gentleman from Wisconsin reserves The CHAIRMAN. a point of order and the gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 11, line 2, by striking out the proviso and inserting in lieu thereof the following:

"That so much of this appropriation as may be necessary for the purpose shall be available to pay inspectors and assistant inspectors of small-arms practice of the Organized Militia and National Guard who responded to the call of the President of June 18, 1916, the pay and allowances appropriate to their grade from the dates they would have begn entitled to pay had their services been authorized to the dates on which they were mustered out or their services were otherwise terminated; and the proper accounting officers of the Treasury be and they are hereby directed to allow credit for any such payments which have heretofore been made to such officers from the appropriation from which made."

Mr. STAFFORD. Mr. Chairman, I reserved the point of order, and I assume that this amendment is being offered merely for information.

Mr. DENT. I offer that as a substitute.

Mr. STAFFORD. But prior to the gentleman offering it I reserved a point of order on the proviso, waiting to hear the amendment of the gentleman read. The amendment would not be in order until the point of order is disposed of. I would like to inquire the purpose of this proviso to include inspectors as well as assistant inspectors of small-arms practice.

Mr. DENT. Mr. Chairman, the gentleman is perhaps familiar with the fact that these officers existed under the old Dick bill, inspectors and assistant inspectors, prior to the act of June 3, 1916, in which law these positions were abolished. When the When the National Guard and the Organized Militia were called into the service on June 18, 1916, only a short time after the act of June 3 had become a law, these organizations were not familiar with the fact that these particular positions had been abolished. and they took these officers along with them to the mobilization camps and some actually paid them under the old law, being ignorant of the fact that it had been abolished. It is simply to take care of that situation.

Mr. CRAGO. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. CRAGO. I would like to add this further statement to the explanation that the chairman has made, namely, that the mustering officers directed these men to be mustered in in this rank, and personally I called up the Bureau of Militia Affairs and they directed me to tell one of these officers that he should be mustered in, so that the error was on the part of the War

Department and not the National Guard officers themselves.

Mr. STAFFORD. As I understand the amendment, it only applies to inspectors and assistant inspectors of small arms

mr. DENT. That is true.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation.

Mr. DENT. and I offer the substitute for the proviso.

The CHAIRMAN. The gentleman from Alabama offers a substitute for the paragraph and the gentleman from Theorem.

substitute for the paragraph, and the gentleman from Texas [Mr. Slayden] moves to strike out the last word.

Mr. SLAYDEN. Mr. Chairman, I believe every person who appreciates manly and virile qualities in men must have heard with keen distress this morning of the death of the distinguished commanding officer of the Southern Department, Gen. Funston. He died suddenly last night in the city of San Antonio while engaged in entertaining a little child. It shows the truth of the observation of the poet that "the bravest are the tenderest, the loving are the daring," and I have no doubt that Gen. Funston, if he had to go suddenly, would have been glad to be called from the scene of earthly activities under such circumstances.

The people of the frontier will be exceedingly distressed and no little disturbed by the fact that this distinguished officer had to end his earthly and military career so unexpectedly and so prematurely. The frontier had confidence in Funston. It felt secure while he was on guard. He was a great soldier, a splendid officer, but had not had the privilege of the usual training of that class. His high endeavor on all occasions and his

brilliant successes are certainly an inspiration to men in humbler ranks and to enlisted men who may not have concealed in their knapsacks the baton of a marshal, but who may pull out the commission of a major general. So did Young, Chaffee, and Schwan, and other of our distinguished officers, who began their career in the humblest way. Funston made his reputation and earned his first star as a volunteer with State troops, and in these times when the State troops are so disparaged, when they are spoken of with such contempt by critics, some of whom, in my judgment, are not qualified to pass on them, it is well to remember that Gen. Funston did his first important work and won his first great recognition as a soldier with troops from the State of Kansas.

The State troops have been harshly and unjustly criticized since the movement to the Mexican border began, a little more than a year ago. They have been denounced as incompetent, they have been held up to ridicule and said to be an unstable reliance for the defense of the country. But against that criticism, Mr. Chairman, I appeal to all the history of our coun-They do not fail us. They may be defeated occasionally, but what Regulars are not? The old guard had to die if it were not forced to surrender at Waterloo, and it is true the most skillful veterans must sometimes yield. [Applause.] Texas troops, in which I am personally and more directly interested, were criticized in the very beginning harshly and untruthfully, but I want to call attention to the fact, Mr. Chairman, that they were among the first who arrived on the border; that they have served uncomplainingly; and that they are still there, guarding the people of this country against the invasion of bandits from the other side. I regret to say, sir, that these invasions have been renewed in a minor way, of course, and since the withdrawal of the army of Gen. Pershing from Mexico and since the dispersion of the army of State troops, there have been sporadic incursions from Mexico, and American citizens have been killed on their own properties Mexico and in Arizona. I do not say that that would have not occurred if the State troops had been kept there. I only call attention to the fact that it did occur after their withdrawal, and I hope that those gentlemen who criticize the volunteers and State troops as an unstable and unfit reliance in time of trouble will remember this

Mr. MEEKER. Will the gentleman yield? Mr. SLAYDEN. I have only a few minutes.

Mr. MEEKER. How recently has that killing occurred? Mr. SLAYDEN. I will say to the gentleman that I have here an extract from a paper dated February 15, telling of an incident that happened two days before, in which three Americans were murdered in our own country on their own property while going about their peaceful business

The CHAIRMAN. The time of the gentleman has expired. Mr. SLAYDEN. May I have one minute more? The CHAIRMAN. Is there objection to the request of the gentleman from Texas. [After a pause.] The Chair hears

Mr. KAHN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. KAHN. The gentleman has spoken of the reliance to be placed in the State troops. Has the gentleman seen the article signed "Militiaman" in the Army and Navy Register of February 3, 1917

Mr. SLAYDEN. Yes; I had my attention called to it, I will

say to the gentleman from California.

Mr. KAHN. I ask unanimous consent that it be inserted in the RECORD.

The CHAIRMAN. The gentleman from California unanimous consent that the article indicated be inserted in the Is there objection? [After a pause.]

Mr. SLAYDEN. Now, Mr. Chairman, just a word. The most unfortunate incident in this whole Mexican border movement and one which, to put it mildly, reflects least credit upon the United States Army, is referred to in the communication to the Army and Navy Register, which the gentleman from California has just secured consent to print in the Record. The facts are, as anyone will see who reads that document, that the Regulars were surprised at Columbus. The town was invaded, citizens and soldiers were killed, the town burned, and the humiliation came to the Army of the United States of having a large number of its horses stolen and carried off by a lot of ill-armed, illkept, undisciplined, untrained bandits from Mexico. I am glad the gentleman inserted that article in the Record.

The CHAIRMAN. The time of the gentleman has again

expired.

The matter referred to by Mr. KAHN is as follows: A MILITIAMAN'S QUESTIONS.

A MILITIAMAN'S QUESTIONS.

Sir: We of the Organized Militia, who have been instructed in our military duties by officers of the Regular Army and have studied the rules and regulations prescribed for that Army, have been impressed with the supreme importance of "the service of security"; that is, of protecting a command, wherever it may be, against the invasion of marauders of any kind, and especially against a surprise attack by an armed and hostile force. We were astounded and shocked, therefore, to gather from newspaper accounts some time ago that this important service was see performed, or neglected, by a force of Regular troops stationed at Columbus, N. Mex., presumably for the protection of that town and its neighborhood against a possible and even probable raid by Mexican bandits, that Villa and his small band could surprise both camp and town by a night attack and, after much burning, looting, and killing, could escape with but little punishment, taking with them as trophies a goodly number of horses that belonged to the troops that were supposed to be protecting the town.

How could such a surprise have been effected if patrols and sentinels had been employed as they should have been in view of the fact, known to everyone, that our troops were sent to the border because of the dangerous conditions prevailing to the south of it?

But our astonishment that Regular troops of the United States should have permitted themselves to be surprised in this way while guarding a notoriously hostile border became amazement when we learned, as we did learn from public accounts, that a "special inspectar" had investigated the affair and that, as a result of his investigation, he and his superiors not only exonerated the officers and most highly for their good conduct in the affair.

If National Guard troops had been so unfortunate or negligent in the discharge of their duties anywhere as were the Regular Army troops at Columbus is it likely that any special inspector could be found with hardhood enough to commend thos

Is it a fact that two days or more before that attack the State Department delivered to the War Department copies of telegrams containing this information?

Is it a fact that the person in the War Department into whose hands these telegrams unfortunately fell failed to send them to the proper bureau, where they would have been immediately telegraphed to the commanding officer at Columbus, but that, on the contrary, he sent them to the War College, where they remained unacted upon and unheard of until long after Villa had made his attack and escaped?

At any rate, an investigation that will investigate the Washington as well as the Texas end of this affair seems to be called for.

MILITIAMAN.

Mr. MONDELL. Will the gentleman yield for a question? Mr. SLAYDEN. My time has expired. Mr. FESS. Mr. Chairman, I would like to have the attention

of the committee.

Mr. DENT. Will the gentleman yield for a moment? I would like the debate on this paragraph to be closed in some reasonable time. If gentlemen desire to speak on this subject for a few

minutes, I have no objection. Mr. Chairman, I ask unanimous consent that the debate on

the paragraph and all amendments thereto be concluded in 20 minutes, five minutes of the time to be consumed by the gentleman from Kansas [Mr. Campbell], five minutes by the gentleman from Missouri [Mr. Borland], five tleman from California [Mr. KAHN], and five minutes by the

gentleman from Ohio [Mr. Fess].

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and all amendments thereto terminate at the expiration of 20 minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent for a slight extension of my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the RECORD. there objection?

There was no objection.

Mr. FESS. Mr. Chairman, the little town of New Carlisle, Ohio, is 15 miles from where I live and located in the seventh district, which I have the honor to represent. To-day its people are thinking of its most distinguished son, whose achievement has given the little town great recognition. It is the birthplace of Gen. Funston, and the people in that little quiet village per-sonally take a great deal of pride in the career of this soldier. I think that he is one of the most brilliant representatives of the possibilities of American life. His early beginnings were not unlike those that have marked so many of the distinguished men of the Nation. Of very little promise, as is the case with so many of America's great, he took the wise course that many another boy has taken and decided to enter college, which he did in the State of Kansas, and made not only a career as a

college boy in his classroom but also rather a distinguished career as one of the fellows in the various activities of the college. His later life displayed that striking paradox; that is, of the quiet sort in his demeanor and yet most of his life was spent in

My first interest in Funston was not in "Gen." Funston. It was in the stories told about him, as a very wide-awake student in a college and, secondly, as a conductor on a railroad train in the Southwest, but more especially the work that he attempted to do as a research man and investigator. However, my chief attraction was to the biologist, who had undertaken a special work in botany, and who for that purpose had become identified with one of the Government departments. This expert research work was carried on in the Klondike region, also in Death Valley, and later he extended his explorations to the Bering Sea. One of his most romantic expeditions was that which took him down one of the country's lonely and unfrequented rivers with a canoe, hundreds of miles, without seeing scarcely a single individual except his companions. After giving some distinguished evidence of what the research man could do, that pioneer element so prominent in him, that strenuous quality so characteristic of American manhood, displayed and exerted itself. Those elements which had been so prominent in his college days took possession of him, which carried him from the work of the research man to that of the heroic realm. He planned to go to Cuba, where he became a figure in many battles, and where he was once captured. Then, after having distinguished himself in that struggle for the disenthrallment of a subject people, and after our country had extended her influence over the islands of the southern seas, you very well recall his remarkable career in the Philippines, where, by his capture of the insurrectionist leader, he ended that unhappy rebellion. After this service he did unusual work at San Francisco at the time of the earthquake, where the highest tributes of praise from those whom he served are still remembered, and finally his work down here on the border and at Vera

As I suggested, his was a quiet, modest life of a very fraillooking gentleman, not over 120 pounds in weight, as quiet in his demeanor as was Gen. Grant, as quiet in his attitude as the peerless Gen. Lee; and yet back of that quiet exterior there raged the storm center that thrust him in the midst of the fight for the right as he understood it, and which caused him to become interested in the freedom of Cuba, the rehabilitation of the Philippines, the rebuilding of San Francisco, and the conserving of the honor of the American troops on the border.

I rise as a Representative of the district that contains the little town in which he was born, simply to pay to him this

quiet tribute. [Applause.]

Mr. BORLAND. Mr. Chairman and gentlemen, last night there passed away one of the splendid figures of American military life. Maj. Gen. Frederick Funston was so well known in Kansas City, having spent a portion of his early years there in newspaper work, that he was almost like a Kansas City boy, although his residence was in the neighboring State of Kansas, which State his father represented in this House. His whole career is one of those romantic chapters that we sometimes think is impossible in this rather gray and neutral age of human

The young soldier was born in Newcastle, Ohio, but was brought by his parents to Kansas when an infant and spent his boyhood on the prairies of the Sunflower State. He attended the University of Kansas, and during his summer vacations earned his expenses and gratified his love for adventure by acting as mountain guide in Colorado. He was a stocky little fellow, barely 5 feet 2 inches tall, with a round bullet head and a quiet, reserved demeanor. But somewhere hidden under that stoic exterior was the fire of restless adventure. For a quiet man whose words were few and never boisterous, he seems to have found the storm centers with unerring accuracy. When Funston left college his first job was as a passenger conductor on the Santa Fe Railroad, which then ran through the old West of the cowboy and the cattle king. The bad man had not yet disappeared from the fringe of civilization, and one of the first tales told of Fred is that he put a drunken cowboy off his train and then chased him 2 miles across an Arizona desert.

Restlessness carried him from that job to Kansas City, where he tried his hand at newspaper reporting for the Kansas City Star. His methods seem to have been too strenuous even for advanced journalism in that advanced community, nor did they make a success in Fort Smith, Ark. A scientific study of botany, which had attracted his attention, lead him to secure a position as field agent for the Department of Agriculture in an expedition to Death Valley, Cal. Here adventure as usual met the quiet man on every turn. Death Valley at that time meant

only danger, privation, and toil to those who braved its terrors. Soon afterwards he went with another Government expedition to the Yukon, and was one of the first white men to cross the Chilcoot Pass.

During his experience in the frozen North he floated alone in a cance 1,100 miles down the Yukon. This was just before the gold excitement in the Klondike, and the young Kansan soon joined the army of gold seekers. While excitement and adventure gravitated naturally toward him, money gravitated directly away from him, for not a single business venture of his

was crowned with even moderate success.

From Alaska he went to Mexico and to South America, traveling extensively and having many thrilling experiences. tried coffee planting, but without success. The Indian and the natural military man seem to have no commercial ability. This portion of Funston's life when he was finding his true career and trying to fit a round peg into a square hole reminds us of the first 40 years of the life of Gen. Grant, whose experience in earning a livelihood was quite similar. For Funston fate was continually turning the great kaleidoscope of events, until it fell into the proper combination. Somewhere, somehow, forces were gathering in which the restless energy of his indomitable spirit and his wonderful coolness in danger would count in the scale when the fate of nations was in the balance.

We may easily say that opportunity makes the man, but the truth is that man more often fits himself for the opportunity. Doubtless in the prodigality of God's providence genius of some sort is poured out with a lavish hand, and men are always to be found fitted by nature and training for every crisis. the individual is may depend upon who has the courage and the spirit to seize the opportunities. There is no predestined nor prophesied place where prophets may be born. Good can come out of Nazareth and military leaders from a Kansas farm. I have never agreed with the poet Gray that environment always

clips the wings of genius, although he says:

Beneath these stones there might have laid Hearts once pregnant with celestial fire; Hands that the rod of empire might have swayed Or waked to ecstasy the living lyre.

Some village Hampton, who with dauntless breast The little tyrant of his fields withstood; Some mute, inglorious Milton here may rest, Some Cromwell, guiltless of his country's blood.

But knowledge to their eyes her ample page, Rich with the spoils of time, did ne'r unroll; Chill penury repressed their noble rage And froze the genial currents of the soul.

During Funston's wanderings in South America the fires of During Funston's wanderings in South America the fires of the last revolution in Cuba were being lighted. As the magnet draws the steel, this coming storm drew the Kansas conquistador. He hastened to New York and employed the long, patient weeks in the back streets of the East Side drilling a group of Cuban plotters in the use of the American machine gun. With a commission as chief of artillery in the patriot army of Cuba he sailed from New York. When the great searchlight of American public opinion was turned upon the struggle in the people of the Aprilles there stood out in that white light the Pearl of the Antilles there stood out in that white light the figure of the young Kansan as a colonel in the patriot army. He had disappeared for a few years from the sight of his neighbors and friends in Kansas and suddenly reappeared in this dramatic way.

Wounded and on sick leave, he started to return to the States, but was captured by the Spanish troops, and to save his life ate and swallowed the important papers which he carried that would have identified him with the cause of the insurrection. One reason of his withdrawal from the Cuban Army was the

proposal of its commander to execute a number of Spanish prisoners over Funston's protest.

By that time our whole Nation was aroused by the Cuban outrages, and the Spanish-American War was just beginning. Funston was elected colonel of the Twentieth Kansas, a Volunteer regiment of Kansas boys. We thought at that time that the western troops would have no opportunity to reach the real theater of war, as the number of volunteers in the East far exceeded the demand, and it was supposed the fighting would all be done in the West Indies. But suddenly the call came for troops for the Philippines. The Twentieth Kansas in the West was not to do the tedious police duty which it anticipated, but was to play a striking and gallant part in the Philippine insurrection, which was the most prolonged and hazardous portion of the entire war.

We are all familiar with the record of this regiment in the hot fight in North Luzon. When they were chasing the insurgent troops, it became necessary at one time to strike a quick blow by crossing the river and scaling the opposite bank in the face of the enemy. We remember the story of Funston calling for volunteers | of the field. He died at the early age of 51 in what should have been the very prime and vigor of his manhood, and yet he died

to swim the river. We can see now the picture of those 80 Kansas lads upon the banks of the Tropic stream in the far-off Orient, preparing to carry a Kansas cyclone into the 600 Philippine insurgents on the opposite bank. There are so many exciting adventures that are a part of our familiar school history! remember also the romantic enterprise of Funston in capturing Aguinaldo. How he went with a small group of Macabebe scouts, disguised as Filipino insurrectos, down into the jungles and villages and mountain passes into which no white man had ever penetrated, until he located his man, captured the chief of the insurrectos, and brought him safely out, thereby taking the very heart out of the revolt. And here we may pause to remark that under any previous rule to which the Filipinos had been accustomed Aguinaldo would have been promptly shot. result would have been the continuance of bitterness and hostility, and the insurrection would still probably be in progress. But Funston not only safely brought Aguinaldo to the American authorities, but the native leader was afterwards set at liberty unharmed, and for 15 years the Philippines have been in peace for the first time in 300 years of their history.

Funston was created brigadier general of the Regular Army for his gallant service in the Philippines. He was not only one of the youngest men to hold that rank but the smallest man

physically.

His services did not end with the return of peace. When the terrible visitation came to San Francisco, he was in command at the Presidio. He promptly declared martial law over that raging chaos of man and nature and enforced it with a firm hand. Life and property were soon safe. Shelter was provided for the homeless; food and hospital supplies were dis-Shelter was protributed; the sufferers were gathered into camps and the work of relief systematized by districts and divisions; and soon the generous impulses of the Nation were in touch, over the wire of military efficiency, with the actual needs at the scene of disaster. The San Franciscans are the sincerest mourners at disaster. The San Franciscans are the sincerest mourners at Funston's bier. He occupies a warm place in their hearts for his quickness of decision and his broad impulses and sympathy. What San Francisco needed in that hour was not only the heart

What San Francisco needed in that hour was not only the heart to feel but the brain to decide and the hand to execute.

When the troops were to go into Mexico to deal with Huerta, Gen. Leonard Wood, Chief of Staff of the Army, selected Gen. Funston as the proper man to lead the Vera Cruz expedition. That port fell first into the hands of the naval authorities, but was turned over to the control of the Army under Funston. It was a peculiarly difficult task which Funston had to perform at that crisis, especially to a man of his blood. The tiny Ameriwas on hostile soil. Hot-headed ambition would can Army have counseled some rash enterprise of invasion and of conquest. Every impulse led the Americans to advance, but humanity and wisdom compelled them to stand their ground. The hardest thing to do under the circumstances was to repel with firmness the dangers which surrounded our troops and restrain with equal firmness their pardonable impatience. Funston did both. No Army under such circumstances in the history of the world ever withdrew with less bitterness and less bloodshed.

Funston was on his way to be made a major general, but on six successive occasions he was passed over and other officers Only a short time ago his long-expected promotion

came at the hand of President Wilson.

When events required that our soldiers be ordered to the Mexican border, the War Department again decided that Funston was the man to be placed in command. As he was then a major general, his duties were at the headquarters in San Antonio rather than on the firing line at the front. While we have no way of telling at this time, there are many in this administration who believe that if he had been given a free hand to go into Mexico and get Villa he would have gotten him as promptly and as easily as he got Aguinaldo in the Philippines. [Applause.] Be that as it may, the career of the American Army on the Mexican border shows that some giant hand was at work in organization and discipline. Never before, in the history of our country at least, has there been an army so well handled from a physical and moral standpoint. There were no fever camps, no hospital scandals, and little of the discouragements and breakdowns which distinguished the Spanish-American War. The militia regiments that went forward from the various States were practically raw recruits, unused to camp life. They returned to their homes finished soldiers. The pale-cheeked bank clerks that marched out came back bronzed The militia regiments that went forward from the veterans as hard as nails. There was less sickness and fewer deaths from disease than have ever been known in such a gathering of men. It was this work that broke Funston down-harder work, doubtless, to him than the dangers and privations

when his life history had been fully written. Few men have been able to crowd into a short lifetime so many and so varied It seems to have been his part to experiences as Funston. show that the spirit of high emprise and daring is not dead in the American heart. The deeds of his career will be known wherever courage stirs the human heart and manhood has a friend. Out of this gray old world, with its neutral tones of sordid business and its leaden background of the commonplace, there springs the flash of fire that lights up the whole landscape of human events.

Some men can not be forced into the shopkeeper's mold nor grind like tired horses at the treadmill of business. Some men leap to the front in moments of danger with the same energy and instinct with which the eagle soars toward the sun. And as the great bird of freedom leaves the barnyard fowls far below, so the indomitable spirit of genius shakes off the trammels of environment. Evidently, Funston was not born to be a railroad conductor, a newspaper reporter, nor a coffee planter. His career was of his own making. No carpet knight was he with the gold straps pressed upon his shoulders by loving hands or the political influence of friends. He won his spurs in the tented field. The striking thing about the life of this Kansas boy is not that he possessed greater opportunities than other boys but that he was ready for the opportunity when it came. I desire here to pay a tribute of respect to his memory. His record and his fame are safe. [Applause.]

Mr. CAMPBELL. Mr. Chairman, in the death of Fred. Funston this Nation has lost one of its great men and great

Funston, as he will be pictured in history, feared nothing. He was adventuresome. He undertook the unusual. His trip to Alaska was that of a pioneer. He spent 18 months with the Indians and Eskimos in that unexplored country studying the flora and fauna of that great Territory. His report would do credit to a scientist in those branches of science.

Immediately he went from that frozen region to the Death Valley in California to make researches and discoveries there. His soul was not satisfied. Hearing of the insurrection in Cuba, he at once went to that island. Without knowledge of the language, without knowledge of the topography of the country, he went there with the determination to fight for the freedom of Cuba; and without any experience whatever as a soldier or any previous military training, he soon rose to the rank of a colonel in the Cuban Army, was severely wounded, had fever, and was thrown to one side to die.

He turned up in a hospital at New York, went through a series of repairs, and again undertook the unusual. At the outbreak of the Spanish-American War he was appointed as a colonel of the Twentieth Kansas. They were volunteers. They were boys of the State; many of them were his schoolfellows; many of them had attended the State university with him. They were appointed lieutenants and captains and majors in that great regiment, a regiment that made a record that will be a credit to American soldiers as long as history records the achievements of soldiers of the Republic. [Applause.] None of them had any previous experience in military life. They were volunteers. Fred. Funston's only service in the Army before that had been his service in Cuba; and yet his record in the Philippines will compare favorably with the record of any soldier who served his country there.

His capture of Aguinaldo has been referred to as one of the achievements of our Army in the Philippines. That capture really took the heart and life out of the Philippine insurrection.

Fred. Funston's services in San Francisco in restoring order bringing out of the chaos of that catastrophe order and discipline and aid to the citizens of that stricken community, in ministering to the necessities of life, showed that he was a man of more than military ability. His services to those people in Vera Cruz were similar to the services rendered by other distinguished soldiers in some of our tropical countries, in Habana and Santiago. He cleaned up Vera Cruz and made it a habitable city, and the citizens there mourned when Funston retired from that city. They regretted the departure of those who had made their city a habitable place in which to live.

Funston was not afraid to do a soldier's duty. He had a genius for accomplishing things, and, as stated by the gentle-man from Missouri [Mr. Borland], if he had been permitted to go into Mexico with a free hand, there would now be nothing said about the insurrecto Villa, who has given this country and that country so much trouble. [Applause.] He would have disposed of the bandit Villa long ago. [Applause.]

The Army and the country have suffered a great loss in his death, and I am sure that the tribute that this House pays to him is a worthy one. We all join in sympathy with those he

left behind-his wife, his children, his mother, his brothers, and

s sisters. [Applause.] Mr. KAHN. Mr. Cha Mr. Chairman, I desire also to pay a brief tribute to Gen. Funston. He was acting as commandant of the Army in San Francisco at the time of the earthquake and fire, which occurred there April 18, 1906. He had his quarters in the hotel and apartment-house district of San Francisco, living on the side of the eminence known as Nob Hill. When the earthquake occurred he immediately jumped into his clothes, rushed into the street, and saw fire breaking out in half a dozen different places in the city. He immediately dispatched a courier to the mayor of the city, informing him that he felt sure there would be a great conflagration in the business and financial sections; that he would at once patrol those sections of San Francisco with troops of the Regular Army of the United States. He also sent a courier to the Presidio of San Francisco and gave instructions to send the troops in double-quick time into the stricken city. By 8 o'clock that morning every street in the financial section of the city was patrolled by the Regular Army soldiers, who effectively prevented looting or destruction of property. They also saved many lives.

It was only a man of Funston's character and initiative who could have realized so readily the dangers that confronted the city, and he was quick to act in the emergency. His readiness on that occasion prevented the destruction of many thousands of dollars' worth of property and the looting of the business houses of the city. San Francisco will never forget Funston's

services during that trying period.

Mr. Chairman, within the last six or seven months I have received letters from some of his brother officers, telling me of the splendid work that he performed in Mexico and on the border. They suggested that Congress ought in some fitting way to recognize his splendid ability. In some way or other Gen, Funston heard of this movement. He immediately wrote to me, asking me to take no steps in the matter whatever; that what he had done was his plain, simple duty as a soldier. [Applause.] Recently when I saw him in San Antonio he again referred to the matter. He said when he was appointed a brigadier general in the Regular Army by President McKinley there was some dissatisfaction expressed at his appointment; that since then he felt satisfied that his brother officers had become reconciled to that appointment; that he thought he had won their regard and esteem and wanted nothing done by Congress or anybody else that would subject him to any criticism of any kind, and that,

that would subject him to any criticism of any kind, and that, if he were to be given special recognition, he thought other officers ought to be treated in the same way. [Applause.]

He was magnanimous, brave, and a splendid officer. Personally, I shall always hold a very warm spot in my heart for Gen. Funston. When San Francisco was burning there was a four days' old baby in my home in that city. Gen. Funston heard of that, and immediately sent one of his subordinates to my house and left a message that if there were any occasion to bring my wife and baby to a place of safety all the facilities he had at his command were at the disposal of my household. [Applause.] I can never forget that fact. To his own wife and children, as well as his mother, who were very dear to him. I know that every Member of this House extends heartfelt sympathy. They have suffered a great loss, and this country of ours has likewise suffered a great loss in the death of Gen. Funston.

[Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Alabama to the proviso.

The amendment was agreed to.

The Clerk read as follows:

# ENLISTED MEN OF THE LINE.

For pay of enlisted men of all grades, including recruits, \$27,000,000. Mr. GARDNER. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Massachusetts offers

n amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 11, line 12, strike out \$27,000,000" and insert "\$40,000,000."

Mr. GARDNER. Mr. Chairman, that amendment is introduced in order to provide money sufficient to pay the enlisted men in the Army if subsequently we adopt, either in this body or in the other, a new provision of law and a new scale of pay for enlisted men.

There has been a good deal of discussion in this House as to the exact shortage of enlisted men in the Army. After a good deal of correspondence and two sets of letters signed by the gentleman from Iowa [Mr. HULL] and myself, we finally framed an issue and presented the question to Gen. McCain. His answer is that as nearly as he can estimate it we were short 20,600

enlisted men of all kinds on February 15—five days ago. But he says it is not fair to include in this shortage the total number of vacancies in the unassigned recruits. That may or may not be the case. It is a complicated question, but doubtless there is ground for such a view. However, if the general's opinion is sound, we ought not to go about telling the people that we have authorized one hundred and thirty-three thousand and odd enlisted men of the line for the current year, if it is not proposed to fill up the ranks of the unassigned recruits.

But, Mr. Chairman, I have taken pains, so far as I can, to find out exactly what our Army shortages were, not counting the unassigned recruits, on the 3ist of December, 1916. I believe I am accurate, because my totals correspond with the figures given me by The Adjutant General. If my figures are correct—I have not had time to submit them to The Adjutant General, but shall do so to-day or to-morrow—on December 31, 1916, we were short 109 men in the Engineers, 791 men in the Field Artillery, 11,936 men in the Infantry, 2,675 men in the Coast Artillery, 2,137 men in the Quarter Corps, 500 men in the Ordnance, 1,612 men in the Coast Artillery, 2,137 men in the Quarter Corps, 500 men in the Ordnance, 1,612 men in the Middel Department and in the Signal Corps, 411 men in the Medical Department, and 562 miscellaneous enlisted men, which means school detachments, prison guards, Indian scouts, and so forth, making in all short-ages amounting to 20,733 men, not counting vacancies in the ranks of unassigned recruits. In the Cavalry we had an excess of 199 enlisted men. Deducting that excess leaves a shortage on December 31, 1916, of 20,534 men, not counting the shortages among unassigned recruits.

But, Mr. Chairman, the real question in which the public is interested is the actual number of enlisted men of the line; interested is the actual number of enlisted men of the line; that is to say, the fighting men; the Artillery, Field and Coast; the Infantry, and the Cavalry. The real question of interest is how many fighting men we have, not how many fighting men plus hospital stewards and plus quartermaster's employees and the like. On December 31, 1916, we had 84,771 enlisted men of the line, and that is all we had. As long ago as October 31, 1915, we had nearly as many as that. We had, as a matter of fact, 82,620 men, and yet that was before we passed our boasted preparedness laws. On March 17, 1916, we passed an emergency resolution allowing the President to recruit the Army up to its maximum strength, which at that time was legally up to its maximum strength, which at that time was legally 109,746 enlisted men of the line. Actually at that time we had in the Army 75,830 enlisted men of the line. It does not look as if our recruiting were going on very fast.

Now, what is the use of going around and telling the country that we have provided for a Regular Army of 225,000 men in time of peace and a Regular Army of 300,000 in time of war? It simply misleads the people. I have tried to show the House and this committee that the principal difficulty facing us in the matter of recruitment is the question of pay. I am trying to meet that difficulty by this amendment which I have offered. I shall, as a matter of form, even if it proves not to be in order, offer an amendment a little later increasing the scale of pay. offer an amendment a little later increasing the scale of pay. In the same part of the bill I shall also offer an amendment curtailing the period of enlistment.

Mr. Chairman, I include as a part of my remarks the correspondence with Gen. McCain to which I have referred:

Brig. Gen. H. P. McCain, United States Army, War Department, Washington, D. C. FEBRUARY 17, 1917.

Dear General: Will you be kind enough to answer the following question: How many enlisted men is the United States Army short of the number authorized by the national-defense act for the fiscal year ending June 30, 1917?

Very truly, yours,

H. E. Hull. H. E. HULL. A. P. GARDNER.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 17, 1917.

Hon. Harry E. Hull and Hon. A. P. Gardner, House of Representatives.

GENTLEMEN: In response to your joint note of to-day, in which you request to be advised of the number of vacancies in the enlisted strength of the Army at present, I have the honor to advise you that the total number of vacancies is approximately 20,000. Included in that figure are the vacancies in the unassigned recruits (8,639); but if the unassigned recruits are excluded as not being a part of the strength of either the line or staff the number of vacancies at present is 17,628.

strength of either the line or staff the number of vacancies at present is 11,568.

These figures agree substantially with those furnished to Mr. Gardner on the 26th ultimo; but the figures furnished to Mr. Gardner were those for December 31, whereas the figures now given are brought up to date. As shown by the figures furnished on January 26, the actual strength was 109,959, and the authorized strength 133,166, a difference of 23,207; but included in the vacancies are the 8,639 unassigned recruits, which are not a part of the authorized strength of either the line or the staff.

In other words, it is estimated that the net gain between December 31 and to-day is approximately 3,000 enlisted men.

Very truly, yours,

H. P. McCain,

H. P. McCain, The Adjutant General.

FEBRUARY 18, 1917.

Brig. Gen. H. P. McCain,
Adjutant General United States Army,
Washington, D. C.

Washington, D. C.

Dear General: As a good many Members of the House of Representatives are still somewhat puzzled with regard to the extent of the shortage of enlisted men in the Regular Army, would you mind answering the following questions, so that we may be able to put before the House an agreed statement of fact:

1. According to the latest available figures, how many enlisted men of all descriptions, including unassigned recruits, are there in the Regular Army?

2. By how many does this number fall short of the total numbers of enlisted men of all descriptions, including unassigned recruits, authorized by the national-defense act for the fiscal year ending June 30, 1917?

Very truly, yours.

Very truly, yours,

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 19, 1917.

Hon. H. E. HULL and Hon. A. P. GARDNER, House of Representatives.

Hon. A. P. Gardner,

House of Representatives.

Gentlemen: In response to your letter of yesterday in which you request to be advised (1) how many enlisted men of all descriptions, including unassigned recruits, are there in the Regular Army, and (2) how many does that number fall short of the total number of enlisted men of all descriptions, including unassigned recruits, authorized by the national-defense act for the fiscal year ending June 30, 1917, I have the honor to advise you as follows:

On December 31, 1916, the latest date for which complete returns are available, the actual strength of the Army, including unassigned recruits, was 109,959, and the authorized strength was 133,166, leaving 23,207 vacancies of all kinds on that date. From the best data now obtainable it is estimated that the net gain between December 31 and February 15 was approximately 3,000, which would make the actual strength of the Army on the latter date approximately 112,900, and the number of vacancies, including those in the unassigned recruits, approximately 20,600.

The strength of the Philippine Scouts is not included in the foregoing figures. The authorized strength of the Scouts is 5,733, while the actual strength is 5,550, leaving 183 vacancies in that organization on December 31, 1916. It is not believed that any material change in the number of vacancies in the Scouts has occurred between December 31 and February 15.

If the Philippine Scouts are included, the total authorized enisted strength is 138,899 and the approximate actual strength is 118,150, a difference of 20,749.

Very truly, yours,

H. P. McCain,

The Adjutant General.

H. P. McCain, The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 20, 1917.

The Adjutant General's Office,

Washington, February 20, 1917.

Hon. A. P. Gardner,

House of Representatives.

My Dear Mr. Gardner: Referring to my letter of yesterday to you and Mr. Hull in response to your joint request for information concerning the authorized and actual strength of the Army for the purpose of determining the number of vacancies in the enlisted strength, I desire to invite your attention to the following facts:

The statement furnished you yesterday was an accurate answer to your inquiry, but I do not think that the difference between the authorized and actual strength as shown in that letter should be regarded as the number of vacancies in the enlisted strength. To regard that difference as the actual number of vacancies seems unfair to the recruiting service, because it includes the total number of unassigned recruits authorized, and those recruits are not a part of the authorized strength of any line, staff, or miscellaneous organization. They are nothing more nor less than a surplus or reserve that may be maintained without impairment to the strength of the established organizations. In other words, they are an addition to, but not a part of, the established units of the Army.

Under the act of February 2, 1901, the unassigned recruits were a part of the line and were included in the strength authorized by law for line organizations, and consequentiy it was proper to include vacancies in the unassigned recruits as vacancies in the enlisted strength of the Army. Different from that act, the present law provides for unassigned recruits in excess of the authorized by law for line organizations, and consequentiy it was proper to include vacancies in the unascigned recruits as vacancies in the enlisted strength of the Army. Different from that act, the present law provides for unassigned recruits in excess of the authorized strength of the various units; not for the purpose of maintaining the total number of recruits in excess of the authorized. In fact, it would not be necessary to make any

H. P. McCain, The Adjutant General.

Mr. CRAGO. I realize the necessity for utilizing all our time in the discussion of this important bill, but under the circumstances I think I would be remiss in my duty if I did not add or attempt to add something to the words of eulogy which have been so fittingly pronounced over one of our national officers who has answered the last roll call, Gen. Frederick Funston, who

died February 19, 1917, at San Antonio, Tex.

In 1898, as an officer of the Tenth Pennsylvania Regiment, I reached San Francisco sometime during the month of May. A few days after our arrival another organization joined us, the Twentieth Kansas Regiment, commanded by Col. Frederick Funston. I could give no better illustration of the unpreparedness in which our country found itself in 1898 than by pointing to that particular organization. We thought we were unequipped and unprovided for, but the Twentieth Kansas boys, as fine men as ever shouldered rifles, came into camp in San Francisco ununiformed, unequipped, with hardly the semblance of the equipment of a soldier. They were not equipped by the time we left, so we left on an expedition before them. As an officer of our regiment, I met Col. Funston at that time, and when a few months later he joined the Eighth Army Corps in the city of Manila, it was my pleasure to meet him care. the city of Manila, it was my pleasure to meet him again. On the 4th of February the Philippine insurrection started, and when the line of troops was formed to advance on Malolos the Twentieth Kansas was on our left, and for weeks and months our work of driving back the insurrectos, of disarming them, of clearing the country, and opening up the railroad, was per-formed in conjunction with this splendid regiment composed of citizens of Kansas.

Our men mingled with the men from Kansas and we came to know them well. We knew Gen. Funston well; he was always regarded as a real fighter, and the boys of the regiment were never afraid to follow him any place. [Applause.] Today in this National Legislative Hall on behalf of the men of the Eighth Army Corps, the men who knew and loved Gen. Funston, on behalf of the men who followed him and looked to him as a leader during those days in which they were engaged in a warfare which cost the lives of many brave American soldiers, I want to add my feeble words of tribute and respect to the memory of a gallant soldier, a real American. The life of Gen. Funston is typical of our institutions; here and there out of the good red soil springs forth a man towering high above his fellows in the elements of leadership, and we wonder at the seeming mystery his life gives us. In life he gave all to country, in death he becomes one of our immortals, an example to those who shall follow after him. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I do not know how the gentleman from Massachusetts [Mr. GARDNER] arrived at the figures which he has included in his amendment—\$40,000,000—but I presume it is a mathematical calculation. Last year we appropriated for the enlisted men of the line \$23,000,000. This year the estimate submitted to us was \$31,979,596, and this bill proposes to appropriate \$27,000,000, which sum was arrived at as explained by the chairman of the committee when he explained the bill a few days ago.

I presume the figures of the chairman are correct; that is, figuring on the statement of Gen. McCain as to the number of men that we will get during the next few months. I simply took the floor to say that I have been and am now an advocate of higher pay for the privates in the Regular Army. I realize that to give the private more pay we will have to increase this item, and I further understand that an amendment to increase the pay of the soldier is subject to a point of order if anyone feels to make it. However, it may be that we are all convinced at this time that the only way that we can get the men to fill up the Army as provided for in the national-defense act is to increase the pay of the private soldiers, and feeling so, the point of order may not be made. But if not made, we should increase this item, and, while I do not know whether the figures of the gentleman from Massachusetts are correct, I feel inclined to support him, because it will lead up to increasing the pay of the private soldier. When we are increasing the pay of the officers and promoting them, I feel that the time has come when we ought to increase the pay of the man who carries the gun in the Army of the United States.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all

debate on this paragraph close in-how much time does the gentleman want on that side?

Mr. ANTHONY. I want five minutes.
Mr. GARDNER. I would like two minutes to explain about the figures

Mr. FREEMAN. I would like to have 10 minutes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto conclude in 17

Mr. STAFFORD. Does that allow 10 minutes to the gentleman from Connecticut?

Mr. DENT. That allows 7 minutes to the gentleman from Connecticut. I will make it 20 minutes, Mr. Chairman, and give the gentleman from Connecticut 8 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto close at the expiration of 20 minutes, the time to be divided as has been informally indicated.

Mr. GREENE of Vermont. May I inquire of the chairman if he has changed his purpose to present a certain amendment in connection with the paragraph?

Mr. DENT. I have not, and will present it.

Mr. GREENE of Vermont. But if amendments are foreclosed by limiting debate

The CHAIRMAN. The agreement does not foreclose the right to offer an amendment. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks that I have just made by inserting the correspondence alluded to.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. FREEMAN. Mr. Chairman, I agree with the gentleman from Massachusetts [Mr. Gardner] in his laudable desire to provide in this country an adequate defense, but I have no sympathy whatever with his proposal to enlist men by the inducement of higher pay for the protection and defense of other able-bodied men of the United States. I believe that in this great Republic we should not depend upon a hired Army. The other day I had occasion to state that it was our plain duty to maintain a fleet sufficient to prevent the transportation of troops across the Atlantic and the Pacific by any other nation. I believe if we are faithful and energetic in the pursuit of such a policy there will be no need of a large standing Army. Our combined Military and Naval Establishment should be organized solely with a view of home protection, and never for the purpose of foreign aggression. [Applause.] There is always a risk that a large standing Army may be used for other purposes than for protection and defense, and for that reason I have been fairly content with the provisions of the national-defense act and with the provisions of the bill now pending.

I am, however, not unmindful that through the courage and statesmanship of loyal, patriotic Americans in the past we have become a great Nation of the world, with ever-widening dominion, with ever-increasing responsibilities, and I am deeply grateful that through their hardships, through their sacrifices. we have inherited a country great and prosperous in all things; rich in agriculture, rich in manufactures, rich in mineral resources, rich in the arts and sciences, rich in freedom. And I now keenly realize that this great national wealth of ours, if left unprotected, is an element of peril when other nations of the world, animated by lust of conquest and greed of trade, are arming and equipping by the aid of conscript laws millions and millions of their men, trained in the art of modern warfare. Our friendly neighbor upon the north will soon have over 500,000 men, trained veterans. Our unfriendly Our friendly neighbor upon the north will neighbor on the south is making out of every Mexican bandit more or less of a trained soldier, and there is ever present the possibility that we may not be able to maintain control of the ocean so as to prevent the transportation of foreign troops to So now I believe that our traditional military our shores. policy, so much praised by the gentleman from Tennessee [Mr. McKellar] the other day, our traditional military policy which heretofore has been successful, of no large standing army and of reliance solely upon a civilian population formerly somewhat trained in the use of firearms, should now be improved and brought up to date in a most radical manner. The experience of England in this war has demonstrated that a civilian without previous military training is absolutely worthless for immediate use as a soldier. I believe that we should now adopt the policy of universal military training for all young men in the Regular Army of the United States, enlistments to be lim-ited to one year, denying to privates and perhaps to corporals the privilege of reenlistment. In this way there will be a chance for all, and yet there will be no large permanent standing army. The youth of our country are compelled to go to school for years without pay for their own good and for the good of society. Therefore, I hold that they should be compelled to serve with merely nominal pay, certainly not higher pay, for another year in the military service of their country. I believe that this policy could be adopted without any real economic loss to the Nation at large. I believe that this one year of training in the Regular Army will never be forgotten and that the lessons of loyalty, of patriotism, of obedience to constituted authority will turn them out better men, better civilians, better equipped in every way to perform the duties of civic life, and will make them more ready, more willing to respond to their country's call in their country's hour of need. Experience has shown that a man without previous military

training, a man over the age of 21 years, is apt to weigh alto-gether too nicely the discomforts and perils of war.

I have been informed that in our Civil War in the Union Army there were more enlistments of boys under the age of 16 than there were of men under the age of 22, that there were more enlistments of boys under 19 than there were over 19, and that there were enlistment of 2,150,000 boys under the age of 21. I am in favor of universal military training in the Regular Army, playing no favorites, granting no certificates of exemption to those who are serving in the National Guard, nor to those who are attending military and naval academies, to anyone else for any cause whatsoever save physical disability. I believe in one year enlistments in the Regular Army, of all young men at some time, between the ages of 17 and 22 I believe that in such an army there will be no great hardship, in that kind of an army there will be no snowbirds, men who enlist in November and desert in May. In that army there will be no industrial failures, men anxious only for their \$15 per month and their keep. Men in that army under the uniform of the United States when off duty will be welcomed everywhere, in theaters and places of amusement. Young ladies may walk down the streets with perfect propriety with privates of the United States and rest under no suspicion.

The uniform of the United States would cover alike the son of a millionaire and the son of a day laborer, the son of a Such an minister of the gospel and the son of a gambolier. army a real democracy should have. Such an army this great

Government of the people ought to have. [Applause.]

Mr. ANTHONY. Mr. Chairman, if I believed that the only reason why we have failed to secure as many recruits for the Army as we should was due to the fact that the pay was not sufficient, I might agree with the proposal of the gentleman from Massachusetts [Mr. Gardner], but I make the assertion that if this country has to compete with the wages being paid in civil life, the big scale of wages now in vogue at the munition plants supplying the warring nations of Europe, in order to secure recruits for the Army, it will bankrupt this country even though it is the richest Nation on the face of the earth. fore, it is impossible to attempt competition of that kind. Aside from that, the figures in this bill have been framed upon the assertion from The Adjutant General of the Army that in his opinion we will make the second increment authorized under the reorganization bill by July 1. I saw Gen. McCain yesterday, and he told me that the figures of recruiting for the last month were so far in excess of what he thought they would be that he fully believed, had no reason to doubt, that he would obtain the necessary recruits to bring the Army up to its authorized strength by July 1.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARDNER. Is it not a fact that the reason the recruiting figures are showing so favorably is that they are holding on to the time-expired men instead of letting them go to the

Mr. ANTHONY. I can not say as to that.

Mr. CALDWELL. Mr. Chairman, if the gentleman will permit me to answer, I will state that I asked Gen. McCain that identical question in the hearings, and the gentleman from Massachusetts will find his statement there to the effect that in making his calculation he did not calculate upon those.

Yes; but he has in these 3,000 in that Mr. GARDNER.

Mr. Chairman, I will say that twice in my service upon the Military Affairs Committee I have assisted in increasing the pay of the enlisted men-not only of the enlisted men, but of the noncommissioned officers of the Army. of all, we should see to it that the noncommissioned officer is well paid. He is the man that we want to retain in the service, and first of all he should receive our consideration. I can not agree again with the gentleman from Massachusetts [Mr. Gard-NER] that it is clearly a matter of pay that stands in the way of obtaining an army of the size we need. If we go to the extreme of the policy advocated by the gentleman from Massachusetts, we might as well hire an army of Hessians and mercenaries, because that is finally what it will come to. I believe there are other things to be considered in this matter of making the service attractive so that we can obtain recruits. is becoming more and more an acceptable place for service for the American boy, and we can make it even more so with the reforms that can be brought about; so that, as friendly as I am to the enlisted man of the Army, I do not believe we would be proceeding along a proper course by merely raising the pay at this time.

Mr. McKELLAR. Will the gentleman yield? Mr. ANTHONY. I will.

Mr. McKELLAR. Is it not a fact that these figures that are in the bill are figures of the committee after a most careful investigation and examination of the expert testimony of the Army officers who came before us?

I will say they are. Will the gentleman yield? Mr. GARDNER.

Mr. ANTHONY. I will.

Mr. GARDNER. Is it not also a fact they are calculated based on the present rate of pay?

Mr. ANTHONY. They are.

Mr. GARDNER. Then what is the point of the question of the gentleman from Tennessee?

Mr. ANTHONY. Let me say this

Mr. GARDNER. I propose to raise them; that is the whole

Mr. ANTHONY. It is very easy to speak of the enlisted men of the Army receiving \$15 a month as their pay. As a matter of fact, the House should remember that a large percentage of the enlisted strength of the Army are noncommissioned officers, and when you speak of the average pay of the enlisted men of the Army the average pay, instead of being \$180 a year, will run up to about \$266.50 on the average. That is the pay in dollars and cents.

Mr. GARDNER. Will the gentleman yield?
Mr. ANTHONY. Let me complete this. On top of that, if you add the board and lodging of the men, it is worth at least \$20 a month. If you add to that clothing and shoes, it is worth at least \$10 a month, and if you add to that the medical service and hospital service, it will reach \$5 a month, and the pay of the average enlisted man in the Army to-day is nearer \$48 a month than the contemptuous "\$15 per month" generally mentioned by critics of Army pay.

Mr. GARDNER. Now, the gentleman knows, I suppose, that the bulk of the noncommissioned officers are corporals?

Mr. ANTHONY. Yes.

Mr. GARDNER. How much more does a corporal get than an enlisted man?

Mr. ANTHONY. Only a few dollars more; but I will say to the gentleman when he figures the noncommissioned enlisted staff along with the others it will run to a high figure. I yield the balance of my time to the gentleman from Massachusetts.

Mr. GARDNER. Mr. Chairman, in reply to the gentleman from Illinois [Mr. McKenzie], the way I arrived at my figure of \$40,000,000 is this: I prepared a complete scale of pay for the enlisted men and noncommissioned officers of the Army and submitted it some months ago to Gen. Sharpe, Quartermaster General, and asked him to calculate out its expense. He calculated it out, I suppose, on the basis of the entire second increment next year, which is not the basis on which the committee has calculated its figures of \$27,000,000. After Gen. Sharpe informed me that my scale would call for \$30,000,000 more, I reduced the scale somewhat. I have offered an amendment providing \$13,000,000 more. I wanted to be perfectly sure that there should not be more money to pay enlisted men than the number of enlistments would warrant. I prefer that the War Department should be obliged to come back for a deficiency appropriation. I can not tell how far short my amendment will fall of the amount required to meet the wage scale which I shall offer. It is, of course, impossible to predict to what extent the increased pay will or will not result in increased enlistments.

Mr. DOWELL. Will the gentleman yield?

Mr. GARDNER. I will.

Mr. DOWELL. On the basis that the gentleman has figured

what would be the pay of the enlisted man?

Mr. GARDNER. The base pay of a private of the second class is now \$15 a month, and I raise it to \$25 a month. I have raised corporals and sergeants more than privates, because I believe that one of the greatest inducements to enlistment is for a recruit to realize that it is possible for him to rise to a highly paid place, even if his education prevents him from becoming a commissioned officer.

The CHAIRMAN. The time of the gentleman has expired.
Mr. DENT. Mr. Chairman, I yield two minutes of my time
to the gentleman from Connecticut [Mr. Tilson].

Mr. TILSON. Mr. Chairman, this is clearly and purely a matter of mathematics. If the amendment to be offered later by the gentleman from Massachusetts [Mr. GAEDNER] shall prevail it will be necessary that we put in the figures he proposes here. If that amendment does not prevail, there is no good reason for putting in the figures he proposes.

Mr. GARDNER. Is it not possible an amendment which is in order in the Senate to increase the scale of pay might be adopted? If it saw the House wished to increase the pay but were merely prevented by their own rules, the Senate might act

and make their own increase.

Mr. TILSON. If we assume that the amendment of the gentleman is going to be adopted in the Senate, I take it we should also assume that the Senate will increase the appropriation to fit. It seems to me that we might well pass this paragraph with a unanimous-consent agreement that in case the amendment to be proposed by the gentleman from Massachusetts be agreed to that we will return to this item. I assure him I shall then vote for his amendment. It seems to me that is all there is to it. There is no use voting an increased appropriation here when under the law, as it now stands, we can not spend it.

Mr. GARDNER. Will the gentleman yield?

Mr. TILSON. I will yield.

Mr. GARDNER. Does not the gentleman see that my scale of pay is bound to go out on the point of order and we have no way to test the sense of the House except on the amendment which I have offered?

We can not get a vote in this House except on my amend-

ment, because the increased scale of pay is out of the bill.

Mr. TILSON. Suppose we should pass the amendment proposed by the gentleman to increase this item to \$40,000,000?

By adopting it we should be increasing the item \$13,000,000 more than we could expend under the law.

Mr. GARDNER. If that is an unexpended balance, it returns

to the Treasury, does it not?
Mr. TILSON. Oh, yes.
Mr. GARDNER. What possible harm could it do, then?

Mr. TILSON. By the same reasoning we might increase all these items a hundred millions, for that matter, because they are all authorized by law. But we are not going to do it.

Mr. DENT. Mr. Chairman, the whole proposition now before the committee is whether or not the Committee on Military Affairs of the House has submitted a sufficient appropriation for the Army under the law as it now exists. I undertook to say in my statement the other day when presenting this bill that we had made these figures based upon the probable strength in the Army in accordance with past and present conditions, and that under no circumstances could the Army next year be hoped to be greater than 115,000 men of the line. This being the case, and basing the figures upon the figures of the Quartermaster's Department, at \$237 a year, which includes extra pay for superior marksmanship, and so forth, it was a little more than \$26,000,000. In order to amply provide for the support of the enlisted men of the line, we made the figures \$27,000,000. I understand the gentleman from Massachusetts is offering an amendment that is to increase it to \$40,000,000, upon the theory that he is going to offer a subsequent amendment to increase the pay of privates from \$15 to \$25 a month. Of course, that would be subject to a point of order, and I expect to make the point of order

Mr. GARDNER. I am not so sure it is going to be subject to

a point of order.

Mr. DENT. Well, I think it is subject to a point of order, and I understood the gentleman a few moments ago, in reply to the gentleman from Connecticut [Mr. Tilson], to admit that it was subject to a point of order.

Mr. GARDNER. I will take back the admission if I made

any such mistake.

Mr. DILL. Will the gentleman from Alabama yield for a question?

Mr. DENT. Yes. Mr. DILL. Has the committee made any provision for increased pay of the private soldier in this bill?

Mr. DENT. It has not. Mr. DILL. Did the committee consider the fact that all ex-

penses have greatly increased?

Mr. DENT. The committee considered that, but the committee also considered the fact that the Government supplies the enlisted man with his subsistence, and so forth, and he does not have to pay for it.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. DENT. Yes, sir.

Mr. DOWELL. Has the committee recommended any other provision for the stimulation of recruiting to the Regular Army?

Mr. DENT. Not in this bill; no. I stated the other day when this bill was presented to the House that during this short session of Congress the Committee on Military Affairs came to the conclusion early in the hearings that it would be impossible to make any radical or material changes in the legislation providing for the Military Establishment of the country. This is an appropriation bill to carry on the establishment as created by this Congress at the last session.

Mr. DOWELL. Does not the gentleman believe that something should be done in this bill to increase the recruits up

to the authorization?

Mr. DENT. Well, the gentleman would like to have something done in order to accomplish that, but I confess so far as I am concerned no tangible suggestion upon that subject has been made to the committee.

Mr. DOWELL. Does the gentleman believe that if the pay is increased it will have the tendency to stimulate recruits and

fill up the ranks?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. DENT. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Gardner: Page 11, line 12, strike out "\$27,000,000" and insert "\$40,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GARDNER. Mr. Chairman, I ask for a division.
The committee divided; and there were—ayes 24, noes 55.

So the amendment was rejected. The Clerk read as follows:

The Clerk read as 10110ws:

That the act of May 11, 1908 (35 Stat. L., 110), is amended to read as follows:

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive \$2 per month; as sharpshooters, \$3 per month; as expert rifiemen, \$5 per month; as second-class gunners, \$2 per month; as first-class gunners, \$3 per month; as expert first-class gunners, Field Artillery, \$5 per month; as gun pointers, gun commanders, observers second-class, chief planters, and chief loaders, \$7 per month; as plotters, observers first-class, casemate electriclans, and coxswains, \$9 per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no man shall receive at the same time additional pay for more than one of the classifications named in this section."

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. GARDNER. Mr. Chairman, I see the gentleman from

Kentucky has done what I was going to do.

Mr. SHERLEY. I would like to ask why the proposed increase touching the Field Artillery, \$5 a month, is limited to Field Artillery?

Mr. DENT. I will state to the gentleman from Kentucky that is the only provision, as I recall the hearings in this amendment, which is new matter. The Ordnance Department suggested that expert first-class gunners of the Field Artillery should have the benefit of this, as the others named in the act. That is the only reason that is given for it, and I confess it is subject to a point of order. It is new legislation.

Mr. SHERLEY. The gentleman says the Ordnance Depart-

ment indicated that?

Mr. DENT. The Chief of Ordnance.

Mr. SHERLEY. I do not see why it comes under him to indicate an increased pay for men in the mobile army under the Field Artillery.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. That was put in there because the expert rifle-

man with the small arms gets that additional pay.

Mr. SHERLEY. Why should it not apply, then, to the coast artillery man, who is an expert with coast artillery as well as field artillery?

Mr. KAHN. Because the department said and the committee felt that a man who would become expert with a big gun ought to get the increased pay as well as the man who had become expert with the small arms.

Mr. SHERLEY. I understand; but there are some big guns

in connection with the Coast Artillery.

Mr. ANTHONY. Does not that paragraph cover the Coast Artillery as well as the Field Artillery, the gun pointers, and the chief commanders, and the chief planters and chief loaders connected with the Coast Artillery?

Mr. SHERLEY. Yes; but this is raising the Field Artillery. Mr. ANTHONY. We are even going so far as to pay the Coast

Artillery a higher bonus than the Field Artillery.

Mr. SHERLEY. Gun pointers are limited to Coast Artillery? Mr. STAFFORD. That provides only for the increase of the salary of expert class gunners in the Field Artillery, \$5 a month. That is the only change of the existing statute.

Mr. SHERLEY. I understand that. That is not the point I was trying to arrive at. I am free to confess that I am not familiar with the regulations touching the pay and the classifications made here, but I understand from the gentleman from California [Mr. Kahn] that the classifications that follow this new matter are those that relate to the Coast Artillery and do not relate to the Field Artillery.

Mr. KAHN. Some of them; yes.

Mr. SHERLEY. What ones?

Mr. KAHN. I think all of them relate to the Coast Artillery. They all refer to the Coast Artillery.

Mr. SHERLEY. The Coast Artillery only?

Mr. KAHN. Yes. We have no first-class observers, no gun pointers, no observers of the second class, no chief planters and chief loaders in the Field Artillery. They are all Coast Artillery.

Mr. SHERLEY. The gentleman from Alabama [Mr. Dent] realizes that this makes the paragraph open to other amendments that would otherwise be subject to a point of order.

just tell the gentleman that for what it may be worth.

Mr. KAHN. All the other raises in the paragraph are pro-

vided for by existing law.

Mr. SHERLEY. Mr. Chairman, I withdraw the point of

The CHAIRMAN. The gentleman from Kentucky withdraws the point of order.

Mr. STAFFORD. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Wisconsin offers an

amendment which the Clerk will report.

Mr. STAFFORD. It is merely a formal amendment. I think in amending a paragraph of a prior Army appropriation act the paragraph should be described sufficiently; and the purpose of my amendment is to make more exact the description of the paragraph about to be amended by the action of the com-

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 11, line 13, after the word "That," insert "that paragraph of," and insert after the word "ten," in line 15, the following: "which provides for additional pay of marks-

Mr. STAFFORD. So as to read-

Mr. FESS. Let it be read in the way it will read as amended. Mr. SHALLENBERGER. Mr. Chairman, a parliamentary in-

The CHAIRMAN. The gentleman will state it.

Mr. SHALLENBERGER. Is it too late to make a point of

order against the paragraph as to the expert first-class gunner?
The CHAIRMAN. The Chair thinks so. The reservation was withdrawn some time ago, and we proceeded to take up the matter, and the gentleman from Wisconsin [Mr. Stafford] offered an amendment. The Chair would not be hasty in holding that, but under the circumstances the proceedings have Has the gentleman from Wisconsin completed what he had to say? The Chair understood he had the floor.

Mr. DOWELL. Mr. Chairman, I move to strike out the last

Mr. STAFFORD. If the gentleman from Alabama has followed the amendment-

I have not.

Mr. STAFFORD. Mr. Chairman, will the Clerk read the amendment as it is amended?

The CHAIRMAN. The Clerk will read the paragraph as it will appear when amended.

The Clerk read as follows:

Amendment offered by Mr. Stafford: On page 11, line 13, after the word "That," insert the words "that paragraph of," and insert after the word "ten," in line 15, the following: "which provides for additional pay of marksmen, etc.," so that the paragraph as amended will read, beginning on line 13, "That that paragraph of the act of May 11, 1908 (35 Stat. L., 110), which provides for additional pay of marksmen, etc., is amended so as to read as follows."

Mr. GARDNER. Mr. Chairman, would it not be better to have the exact paragraph stated?

Mr. DOWELL. Mr. Chairman, I desire to ask a question, if I can get the floor.

Mr. STAFFORD. I yield to the gentleman.

Mr. DOWELL. As I understand the gentleman's amendment, by adding the words "That that paragraph," it does not sufficiently describe or specifically describe the paragraph of the act of May 11.
Mr. STAFFORD. Oh, yes, it does.

Mr. DOWELL. My view is that the wording as it is now is more definite and certain than with the amendment of the gentleman.

Mr. STAFFORD. The gentleman is only observing part of the amendment. If he will observe the second part of the amendment, which provides for additional pay of marksmen,

and so forth, he will find that it describes it absolutely.

Mr. DOWELL. But "That that," as I suggested, is not definitely describing what is contained in this paragraph.

The CHAIRMAN. The time of the gentleman from Wiscon-

sin has expired.

Mr. SHALLENBERGER. Mr. Chairman, I make the point of order to that part of the paragraph referring to expert gunners and field artillery, that it is new legislation.

The CHAIRMAN. We have already passed on that.

Mr. KAHN. Mr. Chairman, I make the point of order that

the point of order of the gentleman comes too late.

The CHAIRMAN. The Chair has already ruled on that, to

the effect that while he would not be hasty, yet we had proceeded too far to take that up.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend the remarks I made a few moments ago on Gen.

Funston

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. KAHN. Mr. Chairman, I make the same request. Mr. FESS. And I make the same.

The CHAIRMAN. The gentleman from California [Mr. Kahn] and the gentleman from Ohio [Mr. Fess] make the same request. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Stafford].

The amendment was agreed to.
Mr. GARDNER. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Amendment offered by Mr. Gardner: Page 12, line 2, after the word "section," strike out the quotation marks and insert:

"Provided, That hereafter the monthly pay of enlisted men of the Army shall be increased as follows: Master electricians and all others receiving \$75, to \$85; master engineer, junior grade, Corps of Engineers, from \$65 to \$75; sergeant, first class, Medical Department, from \$50 to \$60; first sergeants, from \$45 to \$65; sergeant, first class, Corps of Engineers, and all others receiving \$45, to \$55; battalion sergeants major of Infantry, and all others receiving \$40, to \$50; sergeants of Engineers, and all others receiving \$30, to \$40; cuartermaster sergeants of Cavalry, and Artillery, from \$30 to \$40; quartermaster sergeants of Cavalry, and all others receiving \$30, to \$40; cuporals of Engineers, Ordnance, Signal Corps, Cavalry, Artillery, and Infantry, from \$24 and \$21 to \$38; chief mechanics, and all others receiving \$24, to \$34; saddlers, and all others receiving \$21, to \$31; privates, first class, and all others receiving \$18, to \$28; privates, second class, and all others receiving \$15, to \$25."

Mr. DENT. Mr. Chairman, I make a point of order. Mr. GARDNER. Mr. Chairman, I should like to know what the point of order is.

Mr. DENT. The point of order is that it is new legislation and an attempt to change the law with reference to the pay of privates in the Army.

Mr. STAFFORD. I make the further point of order that it is not germane.

Mr. GARDNER. I wish to be heard on the point of order. I read from section 824 of the rules:

A paragraph which proposes legislation being permitted to remain, may be perfected by a germane amendment.

The paragraph which I seek to amend was permitted to re-That seems to dispose of one of the points of order. Yesterday I furnished the Chair with the references on that They are to be found in volume 4 of Hinds' Precedents.

Mr. STAFFORD. Will the gentleman kindly cite the precedents which he called to the attention of the Chair?

Mr. GARDNER. I will ask the gentleman to refer to the rules of the House of Representatives, page 367, ending with the second paragraph. Yesterday, I brought the precedents to the attention of the Chair. Now, this question which the gentleman from Wisconsin [Mr. Stafford] has raised may, or may not, be a good point of order. I have sent for the national-defense act, but I can not find in it the paragraph which provides for marksmanship pay.

Mr. TILSON. It is not in the national-defense act. It is in

the act of May 11, 1908. That is where the marksmanship pay

Mr. GARDNER. Has the gentleman got that paragraph? Mr. TILSON. No; it is in 35 Statutes at Large, page 110. Mr. GARDNER. If the same paragraph which provides for marksmanship pay also provides for the pay of the Army, under the wording of the amendment of the gentleman from Wisconsin, it is germane, because his amendment provided that the paragraph of the act of May 11, and so forth, which provides pay for marksmanship shall be amended, and so on. Now, if that same paragraph also provides for the general pay of enlisted men, then my amendment is germane.

Mr. STAFFORD. The gentleman is in error in that par-

ticular.

Mr. KAHN. It does not provide for the pay of enlisted men. I have the statute here.

Mr. GARDNER. Then the gentleman's point of order is well

Mr. STAFFORD. The gentleman virtually concedes that the point of order is well taken, because I have examined the paragraph referred to in the bill which is sought to be amended, and have it before me. It is the Army appropriation bill of 1909. The paragraph under consideration is limited exclusively to the pay for marksmanship of gunners and the like. There is but one class of enlisted men to which it applies. The gentleman by his amendment seeks to include a different class and many other We had that same question before the House, but if the

gentleman concedes the point of order—
Mr. GARDNER. I do not. I find in the statute that marksmanship pay is included under the general heading of "Pay of enlisted men." I have it here.

Mr. STAFFORD. I do not wish to cut short the argument of the gentleman from Massachusetts. When he has concluded, I shall be glad to take the floor, with the indulgence of the com-

Mr. GARDNER. The amendment adopted on the motion of the gentleman from Wisconsin-and I fancy that he was in-telligent enough to offer that amendment with a view to shutting out my subsequent amendment-

Mr. STAFFORD. I had no such idea in mind. I wanted to

perfect the bill.

Mr. GARDNER. All right. I gave the gentleman credit

Mr. STAFFORD. Oh, no. If I had wanted to shut out the gentleman's amendment, I would have made a point of order on the original paragraph. I was well aware of the procedure to take if I wanted really to bar the gentleman from the consideration of his amendment.

Mr. GARDNER. Very well. Now, Mr. Chairman, the gentleman from Wisconsin [Mr. Stafford] did, as a matter of fact, offer an amendment, which as adopted, makes the paragraph which we are discussing relate in terms to a certain paragraph in the act of May 11, 1908, Thirty-fifth Statutes at Large, page 110. By the gentleman's amendment a certain paragraph in that act is described as the paragraph which provides for marksmanship pay for enlisted men. Now, the gentleman raises the point of order that my amendment is not germane to that particular paragraph. I admit at once that it is not germane to the marksmanship pay of enlisted men. I contend, however, that it is germane to the paragraph, because the paragraph re-lates to pay of all sorts. It begins—

For pay of enlisted men of all grades, including recruits, \$10,000,000and so forth. Later the same paragraph provides for marksmanship pay, all under the subheading of "pay of enlisted men." Now, I do not know the definition of the word "paragraph," when it refers to a statute. But this provision cites a It cites a particular paragraph of that law and describes it as the paragraph which contains the provision for marksmanship pay. I submit that the very same paragraph which contains the provision for marksmanship pay also contains the provision for the monthly pay of the enlisted men of the Army. For that reason I dispute the point of order which the gentleman makes to the effect that my amendment is not germane to the paragraph of the law which I seek to amend.

The CHAIRMAN. Let the Chair ask the gentleman a question. A point of order was reserved by the gentleman from Kentucky to some portion of the present paragraph as found in the reported bill. I presume that was directed to some content of that paragraph out of order. What particular part of

that paragraph was the reservation to?

Mr. GARDNER. The whole paragraph, beginning at line 13, page 11, to line 2, page 12, at the end of the quotation marks.

The CHAIRMAN. Some portion of the paragraph, I sup-

pose, is undoubtedly in order.

Mr. GARDNER. I know of nothing. It is an entire change

from existing law.

Mr. TILSON. Mr. Chairman, that is not the fact. is that the entire paragraph is now the law except that part in lines 20 and 21, "as expert first-class gunners, Field Artillery, \$5 a month." That is all the additional matter that is not in the original law of May 11, 1908. There is also the word \$5 a month." "coxswain" which was not in the original law of May 11, 1908, but was made law by the national-defense act. Therefore, the only part that is new legislation are the lines 20 and 21, reading "and expert first-class gunners, Field Artillery, \$5 a month."

Mr. GARDNER. May I ask the Chair a question?
The CHAIRMAN. Certainly.
Mr. GARDNER. Suppose it is true that the point of order

those particular words, would the Chair in sustaining that point of order have ruled out the whole paragraph or broken the sentence in the middle and ruled out the offending words?

The CHAIRMAN. The point of order may be directed against the paragraph as a whole containing offending matter, or directed only against the offending matter.

Mr. GARDNER. Then it is for the RECORD to show what

the reservation in the point of order was?

The CHAIRMAN. Yes. The Chair was trying to seek what the gentleman in making the point of order had in mindwhether the whole paragraph was the offending matter.

Mr. GARDNER. Mr. Chairman, I was mistaken in supposing that the entire scale was new, and the RECORD will show whether the gentleman from Kentucky [Mr. Sherley] made his point of order against the whole paragraph or to some particular part. It seems to me the whole contention should rest on that

Mr. KAHN. Mr. Chairman, this question of what constitutes a paragraph was decided by the Chair on last Saturday.

Mr. GARDNER. Only so far as bills are concerned, not the statute law

Mr. KAHN. What constitutes a paragraph in a bill consti-

tutes a paragraph after the bill has become a law.

Mr. GARDNER. No; what constitutes a paragraph in a bill the House of Representatives will determine, but what constitutes a paragraph in a law is what the court decides after the

Senate and the House have both acted.

Mr. KAHN. I rather think the court would look at the debates in the House in trying to construe whether it was a paragraph in the bill or not. Debate on this very bill points out very clearly what constitutes a paragraph and what Congress intended. The Chair ruled on Saturday, if you remember, that certain provisions of the section, each separate provision, notwithstanding they were separated from each other by a semicolon, constituted a paragraph. The Chairman will find the debate on the matter on page 3534 of the Congressional Record. The matter in the bill was on page 6, lines 1, 2, and 3. Chair held that the separate provision was a separate paragraph.

Mr. STAFFORD. Mr. Chairman, the paragraph under consideration merely changes existing law by including in the enumerated classes to receive higher pay "expert first-class gunners, Field Artillery, \$5 a month," and "coxswain."

Also in the further particular that the proviso carried in the

original paragraph limiting the number that may be appointed is

eliminated.

I wish to direct the Chair's attention to the phraseology of the paragraph sought to be amended. It is a paragraph that seeks to increase the pay of the enlisted men when performing a certain function, that of gunnery; in fact, the annotator of the Statutes at Large, page 110, recognizes that by saying, "Additional pay, marksmen and gunners." I direct special attention to the wording of the paragraph itself because it must all turn on that pivotal point. The first sentence of the paragraph is as follows: "That hereafter enlisted men now qualified or hereafter qualified"—as what? Qualified "as marksmen, shall receive \$2 a month; qualified as sharpshooters, \$3 a month; qualified as expert riflemen, \$5 a month; qualified as second-class gunners, \$2 a month," and going right down the line increasing salaries to those qualified in respective grades of gunnery work to which they may be assigned.

The question before the Chair is whether the amendment offered by the gentleman from Massachusetts, which seeks to increase the salary of the whole Army, is germane to this paragraph.

Mr. GARDNER. Will the gentleman yield?
Mr. STAFFORD. Yes.
Mr. GARDNER. My argument was that it was germane to

the paragraph.

Mr. STAFFORD. And I am saying that it is not germane to the paragraph. This is not, as I was about to say when interrupted by the gentleman, a new proposition for decision by the It is the very same question that was raised here when the Post Office appropriation bill was under consideration in the House, when the gentleman from California [Mr. RANDALL] attempted to offer to sections 3 and 5 of the Post Office appropriation bill, which carried an amendment to the criminal code, an amendment providing for the exclusion from the mails of newspapers containing liquor advertisements. What did the Speaker hold on that occasion? I raised the point of order that it was not germane to the paragraph under consideration. And the Chair must take notice that while there has been in this paragraph new legislation incorporated and that waives the right to object to kindred legislation, it does not waive the right was not reserved against the whole paragraph but only against to raise the point of order as to that legislation which is not

germane. The Speaker of the House, after an extended argument and good consideration by the Speaker, the gentleman from Kentucky [Mr. Sherley], the gentleman from New York [Mr. FITZGERALD], the gentleman from Georgia [Mr. CRISP], and myself participating in the debate, held and followed the principle that if these paragraphs were submitted as a separate item in a bill it would not be in order to offer the amendment that the gentleman from California [Mr. RANDALL] sought to

The only question before the Chair is, supposing there was brought in the House a separate bill, the paragraph contained on page 11, between line 13 and line 2 on page 12, whether an amendment limited exclusively to providing pay to enlisted men who were qualified as marksmen would be permitted to be a handle upon which to hang other amendments to incorporate something entirely different, to provide an increase in pay for the entire enlisted force whether they performed the service as marksmen or not. The Chair will have to hold under the wellrecognized rule that because a bill provides one character of proposal is no warrant for opening it to include additional characters of proposals or different characters of amendments. The amendment of the gentleman which purposed to increase the salary of other enlisted men hinges on the words in line 17, "That hereafter enlisted men now qualified or hereafter qualifying as marksmen," and so forth. This was an increase of salary of enlisted men qualified as marksmen. It had but one central idea, and that idea was connected with gunnery; but the amendment of the gentleman from Massachusetts [Mr. Gardner] has nothing to do with gunnery or marksmanship. It is extraneous, and because it is extraneous on the subject of marksmanship he can not, because the paragraph has been amended in a proper way so far as germaneness is concerned, use it to carry another proposal for increasing the salary of the enlisted force. I shall not stop to cite the numerous decisions pertaining to germaneness where the Chair on prior occasions has ruled such amendments out of order.

The CHAIRMAN. The gentleman from Massachusetts, [Mr. GARDNER], a day or two ago called the attention of the Chair to certain precedents, in this connection. These precedents have been duly examined, and found to be difficult of reconciliation. The general proposition with which the Members are all familiar, is that a paragraph in a bill which contains matter not in order, is subject to a point of order even though the offending and illegal matter may constitute but a relatively small proportion of the entire paragraph. This point of order is good either against the entire paragraph, or the offending matter. But if the point of order is not made to the paragraph, or offending matter, then the entire paragraph becomes in order. been held in the latter case that such a paragraph may be perfected by a germane amendment. (Hinds, Vol. IV, secs. 3823-Hence the question has often arisen whether these perfecting amendments should be germane to the paragraph as a whole, thereby adding a new and greater proposition of illegality than that contained in the original offending matter, or germane only to this matter which has become in order by reason of the failure to raise the question of illegality. The precedents It has been held that the right to perfect a are conflicting. paragraph which would have been out of order if the question had been raised, by a germane amendment, does not permit an amendment which adds an additional proposition of illegality (Hinds, Vol. IV, secs. 3836, 3837, 3862).

In other words, the latter precedents require the perfecting amendment to be germane to the original offending language in the paragraph. If the amendments carrying additional legislation are germane to the offending language, they are in order, but not so, if they relate rather to the body of the paragraph. This proposition is clearly stated in the following decision:

If a paragraph has been included in a bill which has in it a taint of illegality, that paragraph can be corrected or perfected by an amendment, but if the paragraph which is proposed as an amendment, carries a further degree of illegality, affecting the whole paragraph as amended, then it is not in order.

The offending matter in the paragraph under consideration is contained in these words:

As expert first-class gunners, Field Artillery, \$5 per month.

It can hardly be said that the amendment offered by the gentleman from Massachusetts, is germane to this language, and designed to perfect it. This being so, the Chair holds that a new and comprehensive proposition of illegality is sought to be added to the paragraph by the proposed amendment. For this reason, and in conformity with the precedent last cited, the Chair sustains the point of order.

Mr. GARDNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 12, line 2, after the word

The Clerk read as follows:

Amendment offered by Mr. Gardner: Page 12, line 2, after the word "section," insert:

"Section 27 of the national-defense act, approved June 3, 1916, is hereby amended so as to read as follows:

"Sec. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1917, all enlistments in the Regular Army shall be for a term of three years, the first year to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last two years in the Regular Army Reserve hereinafter provided for: Provided, That at the explication of one year's service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of three years, as above provided for, in which even he shall receive his final discharge from his prior enlistment: Provided further, That in all enlistments hereafter accomplished under the provisions of this act one year shall be counted as an enlistment period in computing continuous-service pay: Provided further, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of one year in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: Provided further, That no person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control: And provided further, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment in the Army, the postmaster procuring his enlistment shall receive the sum of \$5.

"In addition to military training, soldiers while in the active serv

Mr. DENT. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. GARDNER. Mr. Chairman, will the gentleman reserve the point of order for two minutes? It is clearly subject to the point of order.

Mr. DENT. Yes. Mr. GARDNER. That amendment seeks to substitute an enlistment period of one year with the colors and two years with the reserve in lieu of three years with the colors and four

years with the reserve. I merely wished to explain that.
Mr. DENT. Mr. Chairman, I make the point of order.
The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Pay of enlisted men of the Enlisted Reserve Corps, \$100,000.

Mr. SANFORD. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. To which paragraph does the gentleman refer?

Mr. SANFORD. The one just read, providing for the pay of enlisted men of the National Guard, \$10,000,000.

Mr. KAHN. That has not been read.

Mr. SANFORD. I think the Clerk just read it. The CHAIRMAN. The Clerk informs the Chair that he has

The Clerk read as follows:

Pay of enlisted men, National Guard, \$10,000,000.

Mr. SANFORD. Mr. Chairman, I make the point of order. The CHAIRMAN. To what does the gentleman direct his point of order?

To pay of enlisted men of the National I make the point of order on that item Mr. SANFORD. Guard, \$10,000,000. for the reason I would now like to indicate to the Chair. The Constitution itself clearly provides in express terms what jurisdiction Congress has in reference to pay for the national defense. The Constitution expressly provides that Congress may provide for the raising and "support" or armies. In relation to the militia it provides that we may provide for the "organiz-ing," "disciplining," and "arming" of the militia, and the National Guard is clearly a portion of the militia. The national-defense act, section 67, provides:

A sum of money shall hereafter be appropriated annually to be paid out of any money in the Treasury for the support of the National

Guard.

Now, while the bill was pending the gentleman from Virginia, the chairman of the committee, introduced several amendments providing for striking out the word "provide" wherever it was used in connection with the National Guard and inserting the word "support" in its place, showing explicitly that it was

the purpose of the committee intentionally to use the word in reference to the National Guard. In another "support" portion of the same act, section 57, it provides that the National Guard is "militia." Well, it is not militia, of course, in the same sense in which the word "militia" has been used in this country nor in the sense in which the word "militia" was used at the time that word was used in the Constitution. The defense of the country by citizen soldiers was of universal application. It was the duty of every citizen to train himself and to be organized and to be disciplined in the defense of his country. That was an obligation which every American under the law between the ages of 18 and 45 recognized. By this act for the first time in the history of this country Congress has attempted to pay an American for training himself in time of peace in the State at a time when he is not in any way in the service of the Federal Government and to pay him for keeping ready to de-fend his country in case of need. The national-defense act, in so far as it provides for the payment of some citizens who are a branch of the militia, is clearly contrary to the Constitution and, so far as I can see, is a direct violation of the express provisions of the Constitution.

Mr. McKELLAR. Will the gentleman yield?
Mr. SANFORD. I will.
Mr. McKELLAR. Then is it the gentleman's purpose to have us as Congress declare that the national-defense act of 1916, so far as it referred to the National Guard, is unconstitutional?

that the gentleman's idea?

Mr. SANFORD. I have two purposes. One is to raise the question and show to the Congress that it is absolutely providing unconstitutionally for the National Guard and also to emphasize the fact that some men seem to have overlooked that the Congress has taken the position that the only way to raise an army is to pay the citizens for training in the States in time of peace. would like to emphasize it because I think it is ridiculous. think the National Guard think it is ridiculous. I think they feel insulted by it; I know many of them do.

Mr. McKELLAR. But the effect of the gentleman's argument is that he is calling upon the chairman of this committee to hold

that this act is unconstitutional?

Mr. SANFORD. It is so clearly unconstitutional when you look at the manner in which this bill is drawn that I think that if the Chair thinks it is unconstitutional, and if the Chair feels that he must be bound by the Constitution, he will be bound to hold it is unconstitutional.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SANFORD. I will. Mr. GREENE of Vermont. The gentleman's second proposition simply runs to the merits of the proposition and not to the parliamentary status?

Mr. SANFORD. That is probably so. My purpose in making the point of order is to show that the item is unconstitutional.

Mr. GREENE of Vermont. I mean the second part of the

gentleman's argument—that is, to say it is a reflection on the National Guard to pay its members for their services?

Mr. SANFORD. That is merely argumentative.

Mr. SANFORD. That is merely argumentative.
Mr. GREENE of Vermont. It has no relation to the parlia-

mentary status?

Mr. SANFORD. Not at all. I would like to ask the gentleman if he considers the National Guard is now American militia?

Mr. GREENE of Vermont. I have not undertaken to get at any definition beyond that contained in the national-defense act, and I was nearly out of breath when we arrived at that.

Mr. SANFORD. It is very clear that the word "militia," as used in the national-defense act, is not at all the militia as

provided for in the Constitution.

The CHAIRMAN. Is it the contention that the gentleman from New York puts up to the Chair for decision that this payment is in conformity with an existing statute of the Congress of the United States, but that that statute is not constitutional?

Mr. SANFORD. That is my point of order.

The CHAIRMAN. The Chair overrules the point of order.
Mr. SANFORD. I supposed the Chair would do so, but I
wanted to emphasize the point just the same.
Mr. DENT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 9, page 12, insert:
"Provided, That the provisions in the act of August 29, 1916, as amended by the act of September 8, 1916, providing support for the dependents of enlisted men in the Regular Army and National Guard shall not apply to applications for such support which are not received in the office of the depot quartermaster at Washington, D. C., on or before the 1st day of April, 1917."

Mr. MANN. Mr. Chairman, I reserve a point of order on that

Mr. DENT. Mr. Chairman, of course that provision is subject to a point of order. I intended to offer it under the "pay of line of the Army." It is subject to a point of order anywhere. It is new legislation, but it is recommended emphatically by the Secretary of War and has been adopted by the committee as a committee amendment. This is what the Secretary says:

WAR DEPARTMENT, Washington, February 17, 1917.

The Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. CHAIRMAN:

My Dear Mr. Chairman:

1. The act approved August 29, 1916 (39 Stat., 649), and amended by act of September 8, 1916 (39 Stat., 801), made provision for dependent families of enlisted men of the National Guard and Regular Army, and under these acts there has been appropriated to this time \$6.250,000.

2. The number of applications for aid to this date is 20,027, and the amount paid is \$3,663,696.75. The average amount paid on each application is \$183.

The number of men in service in the Regular Army and National Guard during the mobilization was, in round numbers, 240,000. A conservative number of those eligible to designate beneficiaries is 120,000, or 50 per cent of the strength mobilized. If this number actually make application, and the average of \$183 is maintained, there would eventually be obligations amounting to \$21,960,000.

3. Applications for aid are coming in at the rate of 120 a day. Without some restrictive legislation, such as a time limit after which applications are barred, this law promises to require continuing appropriations for years to come, whereas it may be presumed to have been the intent of Congress to extend the aid only because the wage earner was absent in the Federal service. All but about 44,000 of the men of the National Guard have been mustered out or are at home for muster out, or under orders to proceed home for that purpose, and hence are present with their families again, or soon will be.

4. It is therefore recommended that a time limit be provided sufficiently far in the future to allow of the presentation of all just claims, and for this purpose the following proviso is suggested for insertion in the Army appropriation bill now under consideration in the House of Representatives:

Now, the Secretary of War did suggest that that time limit

Now, the Secretary of War did suggest that that time limit be extended until the 30fh day of next June, but the committee thought that as long as an order had been issued for all the National Guard to be returned from the border right away, the 1st day of April would give everybody ample time within which to make claims.

Mr. MANN. These claims that are now being filed, under the gentleman's statement, are for back pay, as it were?

Mr. DENT. Yes, sir; for back pay, as I understand. Mr. MANN. Of course, the gentleman knows, to begin with, and every other Member of the House knows, that there never has been an instance where Congress has provided a limitation of time in which to file claims of that sort, that it has not been extended repeatedly, and then again, and then again, and then again, when there was any necessity for it. But what will happen if the National Guard is called out in the present emergency? Will this existing law apply to that?

Mr. DENT. Would the present law apply if there was another

call?

Mr. MANN. Yes.
Mr. DENT. I really could not answer that positively, but my recollection of the law is that it was intended for that particular emergency

Mr. MANN. I know what it was intended for, but I do not know how it reads.

Mr. DENT. I do not find it here. That was a separate resolution

Mr. MANN. The gentleman from California [Mr. Kahn] has furnished me the appropriation act. That, however, does not cover the case. But if it did cover the case, it would apply between now and the 30th of next June to National Guardsmen who were called out hereafter. The gentleman would repeal by implication the provision in the Army act in reference to the appropriation of \$2,000,000. Of course, we passed an act by itself, but the provision in the Army act is:

That the sum of \$2,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so nuch of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such a service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family.

Now, it is not improbable that Congress within the next week or 10 days may authorize the President to call the National Guard into service again. And if we do, and he calls the National Guard into service again, and they admit married men into the service, or men supporting families, why should they not have the same benefit of a provision like this as the men who went to

the Mexican border?

Mr. DENT. I think they ought. But I will call the attention of the gentleman from Illinois to this fact: I confess I do not remember whether that resolution, which was an independent resolution, was permanent law or whether it was intended to limit it to the Mexican situation. But I wanted to say this: It has been construed by the War Department to have been limited to the situation down on the Mexican border, as there were no estimates submitted to the Committee on Military Affairs for the continuation of this appropriation.

Mr. McKELLAR. If the gentleman will yield, I have the law

here, and will read it, if you would like.

Mr. MANN. I have just read that. That is a mere appro-

Mr. McKELLAR. That is the condition.

Mr. MANN. We passed a separate act, first carrying a certain appropriation, but not sufficient. Then this was included afterwards in the appropriation act, appropriating \$2,000,000. Everybody was in favor of it at the time.

Mr. DENT. I believe everybody voted for it, but whether

they were in favor of it I do not know.

Mr. MANN. Nobody expressed his dissent. Mr. QUIN. But the Senate put on the provision making it apply to the Regular Army men. Not everybody in the House approved of it.

Mr. MANN. That is not in the law, so that that has nothing

to do with the case.

Mr. McKELLAR. Yes; that is in the law—in the statute.

Mr. MANN. Then we must have approved of it.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Yes. Mr. MANN.

Mr. McKENZIE. Do you not think it safe to assume that if the National Guard would be called into the service again they would not be called in prior to the calling of Congress in extra session?

Oh no. I think it is safe to assume in every probability-I do not know whether it will be done or not-that we will be asked to give the President certain power, and Congress is likely to give the President certain power without the President's calling Congress into extra sesssion, and that may

include the calling out of the National Guard.

Mr. GORDON. Mr. Chairman, will the gentleman yield? Is
it the understanding of the gentleman from Illinois that Congress must confer authority on the President to call out the National

Guard before he can call them out?

Mr. MANN. That depends upon what the President does.

In case of war I believe he can call them out.

Mr. GORDON. He called them before without any action of Mr. MANN. The gentleman is mistaken. We passed a resolu-

tion before

Mr. GORDON. That was after they were called out.

Mr. MANN. No; that was before. Mr. DENT. Mr. Chairman, this amendment is subject to a point of order. The question is whether we should put a time limit on the existing situation, so that the War Department will know exactly when claims of this kind are going to end.
Mr. KAHN. Mr. Chairman, I have the provision here under
the act of September 8, 1916, which reads:

The sum of \$2,000,000, therein appropriated to be expended under the direction of the Secretary of War for the support of the family of each enlisted man of the Organized Militia or National Guard or of the Regular Army, as therein provided, shall be available to be paid on the basis of and for time subsequent to June 18, 1916, the date of the call by the President, and the time for which such payment shall be made shall correspond with the time of service of the enlisted man, and payment shall be made without reference to the enlisted man having enlisted before or after the call by the President.

Mr. GREENE of Vermont. If the gentleman will permit, that is the act of September 8, amending the act of August 29.

Mr. KAHN. Yes.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. JAMES. Would not the effect of the gentleman's amendment be to place a time limit on the National Guard but not on the Regular Army?
Mr. DENT. It would place a time limit on both. I under-

stand the point of order has not been made.

Mr. MANN. I make the point of order, Mr. Chairman,

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Pay of enlisted men, \$383,760.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Vermont moves to

strike out the last word.

Mr. GREENE of Vermont. I do so, Mr. Chairman, if the House will indulge me for a moment, just to call attention to a situation which has been presented in the discussion of the amendment proposed by the chairman and just ruled out of order. If time at this short session of Congress had permitted, I would have been glad to propose to the House some plan for a revision of the Army pay table, something along the line that is now employed in Great Britain and in Canada, where what is called "a separation allowance" in case of war is a part of the contractural basic pay of the soldier.

It seems to me it is time for us, in the consideration of our Army pay table and the propositions that are made to raise it, at least to take into consideration the wisdom of preparing in time of peace, when there is no stress, no sentimentalism, and no emotionalism in the air more or less to influence men's feelings in the consideration of such a matter, an allowance to go to the dependent families, under certain restrictions, of soldiers enlisting whenever they are brought into active service in time of war. This would be an automatic provision, and would be scaled according to certain details which have been well worked out in the British system, and would then meet just exactly the

situation that now confronts this Congress.

When the soldier signs his enlistment contract he would do so with the understanding that as a part of the contract and as a part of the emoluments was the expectation that if he was called into service under certain conditions this settlement of allowance for the support of his family would automatically take effect, and that under all other conditions it would be of no effect whatever. That would do away with a great deal of the investigation and the inquiry that are being held now to adjudicate each separate case, and it would put out of expectancy the situation that we now find ourselves confronted with, because the rights of those entitled to this allowance would all be set out in the original contract and would be of no avail unless that contract were made and fulfilled.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

Five charwomen, at \$240 each per annum, \$1,200; in all, \$114,590.

Mr. DENT. Mr. Chairman, it is not very important, but there is a mistake there. I move to strike out "\$114,590," on line 17, and insert "\$104,590." There is a mistake of \$10,000 on page 13, line 17.

The CHAIRMAN. The Clerk will report the amendment of-

fered by the gentleman from Alabama.

The Clerk read as follows:

Committee amendment: Page 13, line 17, strike out "\$114,590" and insert "\$104,590."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Connecticut moves to

strike out the last word.

Mr. TILSON. I do so for the purpose of asking the chairman whether it was intentional or a mistake in printing the bill that we say "one laborer, at \$720 per annum, \$720," and then repeat, "one laborer, at \$720 per annum, \$720." Was it not the intention to have two laborers at \$720 each per annum? In other words, we take two items to cover the same classification.

Mr. DENT. It really should have been prepared in the way

the gentleman suggests, but it means the same thing

Mr. TILSON. It means the same thing; but in this way, if we had a dozen laborers, it would require a dozen lines, each line appropriating for one laborer.

Mr. DENT. I have no objection to an amendment to consoli-

date the two.

Mr. STAFFORD. It is clearly an oversight. The fact is that last year one of these laborers received \$660 and you increased his pay to \$720.

Mr. TILSON. We siming two in the same class We simply raised the \$660 man to \$720, mak-

Mr. MANN. You raised the \$600 man to \$720 as well as the \$660 man.

Mr. TILSON. We raised the pay of both. That is correct. Mr. Chairman, I move to strike out the words "one laborer, at \$720 per annum" and to amend the next line by making it "two laborers, at \$720 each per annum, \$1,440."

The CHAIRMAN. The gentleman from Connecticut moves

that line 13, page 13, be stricken from the bill.

The amendment was agreed to.

## MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903;

H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at

or near Parkin, Ark.; H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of

Minnesota: and

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 5716. An act to establish the Mount McKinley National

Park in the Territory of Alaska;

S. 7644. An act to create a new division of the northern judicial district of Texas and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 5450. An act to provide for an additional judge in the State of Texas; and

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the

former Fort Peck Indian Reservation.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT as the conferees on the part of the Senate.

## ARMY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend line 14, page 13, by striking out the words "1 laborer, at \$720 per annum, \$720," and inserting in lieu thereof "2 laborers, at \$720 per annum each, \$1,440."

The amendment was agreed to.

The Clerk rend as follows:

Fifty-nine clerks, at \$1,000 each per annum, \$49,000.

Mr. DENT. Mr. Chairman, I move to amend, in line 2, page 14, by striking out "59" and inserting "49." That is a mistake in the number

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 2, strike out the word "fifty-nine" and insert in lieu thereof "49."

The amendment was agreed to.

The Clerk read as follows:

Thirty-nine messengers, at \$720 each per annum, \$28,080.

Mr. SWIFT. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Imendment offered by Mr. Swift:

1 age 14, line 4, after the figures "\$28,080," insert:

"That hereafter all classified civil-service clerks now of the Quartermaster Corps shall be know as field clerks, Quartermaster Corps; and field clerks, Quartermaster Corps, shall receive the same pay and allow-

ances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps.
"That field clerks, Quartermaster Corps, shall be subject to the Rules and Articles of War."

Mr. DENT. I make a point of order against that amendment.

Mr. SWIFT. Will the gentleman reserve his point of order?
Mr. DENT. I reserve the point of order.
Mr. SWIFT. Mr. Chairman, this amendment is proposed in behalf of the classified civil-service clerks in the Quartermaster Corps. There has been no beneficial legislation enacted by Congress for these men since the close of the Civil War, although they are performing in many instances the same duties that socalled quartermaster pay clerks render who are detached from departmental bureaus for field service. The Chief of Staff of the Army, Maj. Gen. Scott, in a memorandum to the Secretary of War, stated as follows:

These clerks are subject to call for duty in the field, such as in second division, at camps and maneuvers during the continuance of outdoor work for troops in the summer. Some must be sent to the Philippines, Hawaii, and Panama. When absent from permanent station these men must make provision at permanent station for those dependent upon them for support. This adds a burden to these clerks which does not fall upon clerks permanently stationed in Washington. This additional burden is uncertain as to amount and as to when it will be placed upon these clerks, so that they can retain their homes for their families at their permanent station, no matter how long their duties require their absence from their permanent station.

The attention of the committee is invited to the following excerpt from General Orders No. 68, War Department, 1904:

The Secretary of War considers that the interests of the service require that employees at large in the War Department must be subject to orders in regard to transfer of station, and a refusal to obey such orders will be deemed a proper and sufficient reason for discharge from the service.

In many instances these classified civil-service clerks, particularly during the last year, have been detached for field service at Plattsburg, N. Y.; on the Mexican border; and with the punitive expedition that went into Mexico. The pay clerks in the Quartermaster Corps, although they entered the department without any examination, are receiving \$250 per annum more than the classified civil-service clerks performing the same service. Moreover, the civil-service clerks are subject to all the rigors and privations of camp life, laboring every day in the year without extra compensation for overtime, or reimbursement for extra expenditures, such as car fare and other incidental expenses. I believe it is only an act of human justice that they should receive the same compensation as men who are performing similar services in offices equipped with modern improve-ments, whereas the clerks to whom I refer are subjected in many instances to all the conditions of camp life. The matter was presented to the committee, but did not receive favorable consideration. I am convinced that these men should receive this additional rating and increased compensation, and I hope the gentleman from Alabama will withdraw his point of order.
Mr. DENT. Mr. Chairman, the committee have considered

this matter, and I will have to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

For pay of officers of the General Staff Corps, \$132,600.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word, for the purpose of inserting in the RECORD a statement from the office of the Chief of Staff showing the number of staff officers who composed the General Staff of the Army under date of February 15, 1917. I do this because Congress and the Military Committee have been charged with dereliction of duty by the Chicago Tribune and other newspapers, charged with withholding from the War Department authority to constitute such a General Staff as it ought to have. The statement which I ask to print in the Record shows that the number of officers of the General Staff at present consists of 43 members, while the national-defense act, in section 47, authorizes the appointment of 55 members of the General Staff; so after eight months of authority under this act they are yet 12 officers short of the number authorized, showing that there is no foundation whatever for the charge that Congress and the Military Affairs Committee have been derelict in their duty in conferring sufficient authority upon the Secretary of War. If the General Staff is not as large as it ought to be, it is the fault of some one else than the Committee on Military Affairs or the Congress itself.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to print in the Record the statement to which he refers. Is there objection?

There was no objection.

The statement is as follows:

List of officers of the General Staff Corps.

	On duty in Washington.					Manchu or
Names,	Room.	Phone.	Residence.	Residence phone.	On duty elsewhere— Station.	date of expiration of detail.
Maj. Gen. Hugh L. Scott, Chief of Staff	224 War Depart-	77	Fort Myer, Va	W. 948		Sept. 22, 1917
Maj. Gen. Tasker H. Bliss, Assistant to the Chief of Staff. Brig. Gen. Joseph E. Kuhn, president Army	ment. 220 War Department. War College	71	1715 I Street	М. 6917		Dec. 31, 1917
War College.  Maj. Gen. Erasmus M. Weaver, Chief of Coast Artillery, additional member General Staff	225 War Depart- ment.	88	The Farragut	M. 2651		May 23, 1918
Corps.  Brig. Gen. William A. Mann, Chief of Militia Bureau, ex officio member General Staff Corps.	445 War Depart- ment.	181	1863 Columbia Road			July 31, 1918
COLONELS (5),						
George T. Bartlett, Coast Artillery Corps				•••••	Chief of Staff, Eastern Department.	May 26, 1920
Chase W. Kennedy, Infantry Ernest Hinds, Field Artillery	War College	War College.	1644 Twenty-first Street	N. 7552	Chief of Staff, Philippine Department.	May 5, 1917 Sept. 17, 1917
William H. Johnston, Infantry	War College	War College.	2337 Ashmead Place	N. 7374	Southern Department	July 24, 1918
William F. Martin, Infantry	218 War Depart- ment.	39	1725 H Street	M. 8332		Mar. 10, 1918
Malvern-Hill Barnum, Cavalry					Chief of Staff, Southern Department.	(1)
P. D. Lochridge, Cavalry	War College 218 War Depart- ment.	War College. 189	The Farragut	M. 2651 N. 8218	Department.	Nov. 27, 1917 Aug. 16, 1918
LIEUTENANT COLONELS (7).	Inches.					
Frank W. Coe, Coast Artillery Corps					Chief of Staff, Western Department.	June 13, 1920
James W. McAndrew, Infantry		,			Fort Leavenworth	Aug. 19, 192
William S Graves Infantry (secretary General	222 War Depart- ment.	183	The Westmoreland	N. 4131	Southern Department	Feb. 20, 1917 July 18, 1918
Staff Corps). Robert E. Callan, Coast Artillery Corps Robert L. Howze, Cavalry					Philippine Department Southern Department Chief of Staff, Hawaiian De-	June 20, 1915 Nov. 4, 1915
MAJORS (13).					partment.	
Andrew Moses, Coast Artillery Corps	War College	War College .	The Toronto	N. 106		Aug. 10, 1919
George A. Nugent, Coast Artillery Corps Palmer E. Pierce, Infantry	War College	War College.	4001 Woodley Road	C. 809	Southern Department	June 5, 1919 Apr. 28, 1919
Ralph H. Van Deman, Infantry	do	do	The Beacon	C. 424		Apr. 8, 191 Nov. 4, 191
John McA. Palmer, Infantry Douglas MacArthur, Corps of Engineers	218 War Depart-	30	The Ontario	C. 424 N. 8524 C. 800		Nov. 4, 191
Frank S. Cocheu, Infantry	ment. 222 War Depart-	183	The Woodley	C. 5785		July 4, 191
Oliver Edwards, Infantry	ment.				Southern Department	Aug. 11,1919
Oliver Edwards, Infantry					do	Jan. 21, 192 Dec. 23, 191
Francis Le J. Parker, Cavalry	010 Was Danast	30	The Dupont	N. 2286	Roumania	July 16, 191 Mar. 22, 191
	218 War Depart- ment.	30	тие Бироне			
Charles E. Kilbourne, Coast Artillery Corps					Headquarters Eastern De- partment.	Apr. 11,191
Dan T. Moore, Field Artillery	War Collegedo	War College.	Army and Navy Club Fort Myer, Va	M. 8400 W. 695	Roumania	Oct. 5,1911 Dec. 13,1911 Oct. 31,1911
CAPTAINS (13),		- 175 MILES		1133		
Tenney Ross, Infantry	War College	War College.	The Dresden	N. 3593		Aug. 6,191
William H. Raymond, Coast Artillery Corps Harry N. Cootes, Cavalry	223 War Depart- ment.	77	1226 Seventeenth Street	N. 5975	Southern Department	Mar. 1,191 July 12,191
Henry C. Merriam, Coast Artillery Corps					Assistant Chief of Staff, Hawaiian Department.	Pare
Alexander B. Coxe, Cavalry Daniel F. Craig, Field Artillery					Southern Department	

1Manchu.

Mr. SHALLENBERGER. It will be seen from the above table that 22 officers are serving in Washington and 21 in other departments of the country, making a total of 43 officers, or in all, 12 less than are authorized by the national-defense act. The defense act would allow 6 more staff officers at Washington than were serving at the Capital on February 15. The Military Committee has amended that act in the present bill so as to permit 55 staff officers to be assembled at Washington at any, time the Secretary of War so desires.

Mr. DENT. Mr. Chairman, I move that the committee do now

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Saunders, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Army appropriation bill, H. R. 20783, and had come to no resolution thereon.

## POST OFFICE APPROPRIATIONS.

Mr. MOON. Mr. Speaker, in order to expedite the business of the House I desire to submit a request for unanimous consent that the Post Office appropriation bill, H. R. 19410, be taken from the Speaker's table and that the amendments of the Senate, all except Nos. 15, 19, 30, 32, 33, and 34, be disagreed to.

agreed to.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the Post Office appropriation bill and to disagree to all the Senate amendments except 15, 19, 30, 32, 33, and 34. Is there objection?

There was no objection.

Mr. MANN. May I ask the gentleman from Tennessee, assuming that he is not going ahead just now, when does he expect to call up the rest of the amendments for disposition?

pect to call up the rest of the amendments for disposition?

Mr. MOON. I will give notice now that I will ask the House to take up these amendments for a vote immediately after reading the Journal to-morrow.

The SPEAKER. The gentleman from Tennessee gives notice that to-morrow immediately after reading the Journal and the clearing up of matters on the Speaker's table he will call up this appropriation bill.

#### ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The Clerk read as follows:

For pay of officers of the Ordnance Department, \$289,300.

Mr. DENT. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, on page 15, between lines 10 and 11, by inserting the following: Provided, That section 24 of the national-defense act of June 3, 1916, be so amended as to authorize the President to organize immediately the whole of the increase in the Ordnance Department authorized by section 12 of said act, or such part thereof as he may deem

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

think this needs some explanation.

Mr. DENT. This is requested by the Secretary of War and urgently requested by the Chief of Ordnance, because they say that that particular department is short of men, and the committee thought that so far as the Ordnance Department is concerned it ought to have the benefit of this amendment. They will obtain as I recollect it 108 officers immediately, and they already have 93 officers authorized.

Mr. STAFFORD. Is that the entire additional force that

the amendment will provide?

Mr. DENT. Gen. Sharpe, on page 63 of the hearings, says that that provides for an increase of 23 officers. There were 85 last year and there are 108 this year. He was asked by the gentleman from California if there was a likelihood of their getting all the officers they were entitled to next year, and Gen. Sharpe replied that he should think so if they secured them all for this year.

Mr. STAFFORD. This amendment excepts the Ordnance

Bureau from the proviso that was previously agreed to for the

pay of officers.

Mr. DENT. This amendment excepts that; yes. Mr. KAHN. This proviso allows the Ordnance Department to appoint all the officers that that department is entitled to without regard to the provision in the national-defense act providing for the increment.

Mr. DENT. Yes; and what the gentleman from Wisconsin states is true, that this proviso excepts that department from

the provision that we then adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

For pay of officers of the Medical Department, \$2,225,000.

Mr. SEARS. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

The Clerk read as follows:

Provided, That in increasing the Medical Corps of the Army, as provided in the national-defense act approved June 3, 1916, the officers of the Medical Reserve Corps on active duty, irrespective of age, and subject to the approval of the Surgeon General and the physical examination now required by law, whose services have been satisfactory and who have been in the military service for at least 12 years, including contract service, volunteer service, Medical Reserve Corps service, and enlisted service, shall be, and are hereby, transferred to the Medical Corps of the Army, with the rank of first lieutenant, to take relative rank in accordance with the length of their respective services, next below all first lieutenants, Medical Corps, holding that grade at the time of the passage of this act: And provided further, That any first lieutenant, Medical Reserve Corps, who does not receive the approval of the Surgeon General for transfer to the Medical Corps of the Army or who is found physically unfit as provided by law shall be retired with the rank and allowances of a first lieutenant, Medical Corps, United States Army.

Mr. Chelwing a Lawrey of point of order on the text of the Corps.

Mr. DENT. Mr. Chairman, I reserve a point of order on that. Mr. SEARS. Mr. Chairman, I trust the chairman will not insist on his point of order. This amendment seeks only to provide for the Medical Reserve Corps. As I understand it, these physicians have given, in a great many cases, their services for more than 12 years, as provided for by a former act passed by Congress. Unless in this bill they are taken care of, after giving the best years of their life to the Government, they will go out of existence, as the law above referred to only provides for them until next July. They are only asking the same recognition that Congress has given the dentists and veterinarians. I

have no criticism to make of Congress for their action in relation to those other gentlemen in said mentioned professions who have served the Government, but it does seem to me that when a physician has given to the country 12 years of his life in the medical-reserve department that if the Medical Corps is in-creased it should be increased from the said Medical Reserve Corps. I would like to have the chairman give me his attention. I realize that this is not a \$10,000,000 appropriation, but I realize also that if a man has worked for the Government 12 years in the military service, taking care of the health of the Army, he should be given some recognition.

Mr. McKENZIE. Will the gentleman yield?

Mr. SEARS. Yes.

Mr. McKENZIE. I could not hear the reading of the amendment; but does the gentleman refer to contract surgeons?

Mr. SEARS. I will explain that. If the amendment is adopted it is subject to the approval of the Surgeon General, and unless the Surgeon General approves same not a single one of the men in the Medical Reserve Corps can come into the service. In addition, even though they have given 12 years of their life to the service, they must stand a physical examination before they can be taken into the service. There is no need of my taking up more of your time if the chairman is going to insist on the point of order; but I do say these men should receive some consideration at the hands of this committee.

Mr. DENT. Mr. Chairman, I insist on the point of order. The CHAIRMAN (Mr. CRISP). The Chair sustains the point

The Clerk read as follows:

## RETIRED OFFICERS.

For pay of officers on the retired list, \$2,700,000: Provided, That assignments which have been or may hereafter be made of retired officers of the Army to active duty as acting quartermasters shall be regarded as assignments to staff duties not involving service with troops within the meaning of the act of Congress approved April 23, 1904.

Mr. SEARS. Mr. Speaker, I move to strike out the last word. A few days ago I called the attention of the House to the fact that we were paying 900 retired naval officers the sum of \$2,940,368.72, and in this present bill there is provided for pay of retired Army officers the sum of \$2,700,000. I was struck a few days ago, in listening to an argument of one of my colleagues, I forget whether upon this side of the House or the other, and it is immaterial, with the statement that Army officers sufficient to train enlisted men could not be found. call to the attention of the House and the country the fact that you are paying now \$2,700,000 to 1,017 retired Army officers for which nothing in return is given to the Government, or the people, it seems to me that some change should be made, and also that it will be hard to convince the people that there is a scarcity of officers. It will certainly be a hard job to explain to your constituents why there is any scarcity of officers. There are only about four or five thousand officers in the Army for 98,000 men, and yet we have 1,017 retired Army officers. year there were 36 officers retired from the Regular service. I am not criticizing this committee when I call attention to these facts, because I realize they have worked hard and have attempted to do what they thought was best, and will do what they think is best. My sole desire is that at the next session of Congress they may look into this matter and see if it is fair to pay to 1,017 retired Army officers about one-eighth as much as it takes to pay for the entire standing Army of the United States when it comes to enlisted men.

Mr. KAHN. Mr. Chairman, will the gentleman yield? Mr. SEARS. Yes. Mr. KAHN. Does the gentleman understand that th

Does the gentleman understand that the Military Committee has nothing to do but to appropriate the money, because it is existing law that provides for the appropriation?

Mr. SEARS. My amendment having just been stricken out on a point of order, I realize that to the fullest extent.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SEARS. In just one moment. But the committee might look into the matter and report a clause in the bill would stand if some Member did not object, as some one did would stand if some member did not object, as some one did would stand in the matter and report and the region of order. here a few moments ago when he raised the point of order.

yield to the gentleman from Illinois.

Mr. MANN. In reference to the Military Committee, and without any reflection upon them, does the gentleman not understand that last year, in the current Army appropriation bill, the committee permitted to go into the law four cases where retirement was given purely as a matter of privilegespecial preference outside of the law?

Mr. SEARS. I remember that, and I objected to it then, and

is what I object to now.

Mr. KAHN. It was put on in the Senate. Mr. MANN. And agreed to by the conferees of the House,

Mr. ANTHONY. Why did not the gentleman, with his watchful eye, strike that out?

ful eye, strike that out?

Mr. MANN. I did my best; but I was not upon the Military

Committee, nor was I one of the conferees.

Mr. KAHN. The conferees on the part of the House did

everything they could to prevent it.

Mr. MANN. Oh, everyone knows that when an amendment of that kind is inserted in the Senate all the House has to do Mr. KAHN. The House conferees did say nay, nay.
Mr. SEARS. Mr. Chairman, as I said a few moments ago, I

do not believe the people of the country know that they are paying nearly \$6,000,000 a year to less than 2,000 retired Army and Navy officer

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. ANTHONY. I just want to call the gentleman's attention to the fact that his position is not consistent. Most of the men alluded to upon the retired list are men put there on account of 30 years' service. The gentleman's amendment proposed to put civil employees upon the retired list with 12 years' service.

Mr. SEARS. Provided they could stand the physical examination and give to the Government full service, but I am told—I do not know whether it is true or not—that men under 45 years of age are placed on the retired list because they are temperamen-

tally unfit to serve in the Army.

Besides, Mr. Chairman, the gentleman evidently misunderstood my amendment. It was not intended to place men on the retired list, but was intended to keep them in the service; provided, of course, they could stand the physical examination. By raising the point of order, which I admit was well taken, you have, as I understand it, made it impossible for the Medical Reserve Corps to remain in the service longer than next July, and regardless of the number of years they have served the Government, they must retire. And, Mr. Chairman, they must retire, however meritorious their services may have been, regardless of however anxious they may be to remain in the service, and this without any future consideration from the Government.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word in order to get some information. the reason these retired officers can not be put to drilling the

boys of the country?

Mr. DENT. Under the law as I understand it they can not be required to do anything unless they are willing to do it, but there are a great many of them who are willing to do it, and a great many of them have been used for various purposes con-

nected with the Military Establishment.

Mr. CLARK of Missouri. Everybody wants to see a sufficient number of boys drilled, and 2,000 of these officers ought to be able to drill a great many of them. I inquired into it once as much as I could, and I obtained this strange answer, that the young fellows did not like to have these retired officers made commandants at the various schools because most of them were old and their habits were fixed and they were crabbed with the boys, and so forth. But it looks to me as though the law ought to be changed so that the President of the United States could assign one of these retired officers to any school in the country.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

yield?

Mr. CLARK of Missouri. Yes. Mr. SHALLENBERGER. I have prepared here for the information of the House, and I expect to insert it in the RECORD, a list of 35 retired Army officers who are serving right along as the gentleman from Missouri [Mr. Clark] has indicated they should do. One of them, for instance, named John Quincy Adams, is 73 years old, and he is serving as an instructor at the military school at Culver, Ind., one of the best in the country.

Mr. CLARK of Missouri. He is a good man. Mr. KEATING. Does he receive any extra compensation for

Mr. SHALLENBERGER. Under the national-defense act there is a provision that where these men were serving on active duty they should be allowed credit for that active duty, so that they have received additional compensation and have been promoted, because under that act they receive credit for it the same as if they were actually officers on the active list.

Mr. KEATING. Was this man of 73 years of age receiving

full pay?

Mr. SHALLENBERGER. Full pay, and, added to the service he had in the line of the Army, he has been given credit for the time he has served on active duty under this bill.

Mr. CLARK of Missouri. It seems to me it would be the cheapest and most efficacious way to get a large number of boys

drilled, so they could become lieutenants, captains, majors, colonels, or something of the sort when they were needed.

Mr. McKELLAR. Does the gentleman take into consideration this: These men are old men. It has been a long time since they were drilled in the kind of drill necessary for young students

at college or young men to be trained in the Army.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last three words for the purpose of extending my remarks in the Record by inserting three tables showing the list of retired Army officers that have been returned to the service and have been promoted under the act of June 3, 1916.

Mr. FIELDS. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. FIELDS. I think the law ought to be changed. Many of these men are as useful now as they ever were in their lives. One was in my office yesterday afternoon, and he is strong, active, and vigorous. He has been connected since he retired about 15 months ago with the public-health board of my State, and he has been doing very excellent service there, and the retirement of a man of that class, possessing the ability this man does, is simply extravagance—a waste.

Mr. FESS. Mr. Chairman, I think the Speaker raised a very important question, and I would like to add this testimony. In the Ohio Northern University we had a retired officer, and the commandant's work has been very exceptionally effective and very satisfactory, and I do not see why retired officers could not be made very effective in connection with our various schools. as provided by the act we passed last year or last fall.

Mr. SHALLENBERGER. I will say for the information of the gentleman the committee had that very idea when they added these provisions which have been referred to. Now, all of these 35 men I have referred to as promoted are serving their country voluntarily. There is nothing under the law that compels a retired officer to come back into the service, but they voluntarily did so, and in order to induce men to come back the law provides they should receive the same pay they would receive in active

The present law provides that in the matter of promotion they should receive credit for the time on active duty. The national-defense act provides that a man who has been retired for disability and who has recovered, been examined, and found efficient can be put back upon the active list. We have had several men to come in under that provision. That is a different provision from the one that allows them to come back voluntarily. These men go upon the active list. But the 35 in the list I have inserted have come back voluntarily and are performing the duty which the Speaker thinks these retired officers ought to do.

Mr. FIELDS. Our retired officers can be made very effective. Mr. SHALLENBERGER. Yes; and save the services of younger and more efficient men for active service in the Army Mr. SEARS. I will state the latest list I have got is this,

Are these 35 in addition to the 1,017 to which I referred?

Mr. SHALLENBERGER. Yes; these men are still on the

retired list, except those actually returned to the active list.

Mr. SEARS. One other question. Does this list give the

date of the retirement of each officer?
Mr. SHALLENBERGER. Yes; it does. Mr. GORDON. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GORDON. All this legislation the gentleman referred to fails to reach the real point if there is no authority for the President to detail these men, no matter how much their services may be needed. Is there any authority of law?

Mr. SHALLENBERGER. Yes. Mr. GORDON. On the retired list?

Mr. SHALLENBERGER. To detail them for active service at these institutions where the Secretary of War thinks they can be used, and while they are there serving they are to receive the pay of men upon the active list.

Mr. GORDON. Provided they voluntarily come back into the service? Does not the gentleman think there ought to be some legislation by which the President might order them to duty?

Mr. SHALLENBERGER. There is. We have put legislation in the bill, and now I call attention to the fact that there are men who have come back and have been examined, no man has been compelled to come back, but under the provisions of the defense act in time of war the President has power to bring them in, but not in time of peace.

Mr. GORDON. Does not the gentleman think he ought to have

that power in time of peace?

Mr. SHALLENBERGER. I think so myself; yes.

Mr. GORDON. Will the gentleman offer an amendment? Mr. SHALLENBERGER. That would be new legislation and would go out on a point of order.

Mr. GORDON. It seems to me it would come under the Holman rule.

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The tables referred to are as follows:

List of officers advanced in grade on the retired list under section 24 of the national-defense act approved June 3, 1916.

	From- To-		100 FEB. U.S.	pay	Monthly pay	34.0
Names.			Date.	prior to advance- ment.	after advance- ment.	Age.
James Ronayne John A. Lockwood William E. P. French	do	do	do	\$280.00 280.00 280.00	\$333.33 333.33 333.33	56 61 62
Solomon P. Vestal Hugh La F. Applewhite Edward T. Winston	do	do	do	280.00 260.00 260.00	333.33 325.00 325.00	52-9 42-6 53
Charles D. Clay Edward O. C. Ord	do	do	June 3, 1916	260.00 210.00 210.00	325.09 250.00 250.00	47-7 60- 58-3
Thomas M. Moody Henry W. Stamford Robert L. Hamilton	do	do	Oct. 28, 1916 June 3, 1916	280.00 280.00 280.00	333. 33 333. 33 333. 33	56 54 50
Lewis D. Greene	do	do	do	280.00 210.00 210.00 280.00	333.33 250.00 250.00	69-9 66-5 65-6 66-11
Frederick E. Phelps John Q. Adams George L. Converse	do	do	do dodo	280.00 280.00 280.00	333, 33 333, 33 333, 33	69- 4 73- 9 60- 2
William Roberts Charles H. Cabaniss, ir	First lieu- tenant	do	do	280. 00 233, 33	333. 33 333. 33	52-3 66-7
Frank L. Graham Samuel A. Smoke James O. Green	Captain.	do Cap- tain.	Aug. 24, 1916 Jan. 26, 1917 June 3, 1916	210, 00 195, 00 175, 00	333. 33 325. 00 210. 00	56-10 54 57- 9
Melzar C. Richards John M. Kelso, jr Paul A. Barry Franklin R. Kenney	do do do	do	do do		280, 00 220, 00 220, 00 220, 00	61-5 42-7 40-10 38-8
Charles S. Fowler	do	do	do	175, 00 175, 00 150, 00 175, 00	210.00 210.00 240.00 280.00	64-11 71-2 47-9 66-6
Hugh T. Reed Cyrus R. Street	lieu-	lieu-		770	137.50	37- 4
Frank L. Beals	do	do	do	155, 83 148, 75	183. 33 175. 00	35- 5 57- 2

List of officers reappointed to the Army under section 24 of the national-defense aet approved June 3, 1916.

Names.	Grade to which ap- pointed.	Date of leaving the service.	Date of reappointment.	Prior pay.	Present pay.	Age.
William A. Phil-	Major	July 14, 1915	Dec. 20, 1916	\$4,000	\$4,000	50- 9
Chapman Grant	Second lieu- tenant.	Jan. 20, 1916	July 12,1916	1,700	2,000	29-11
Duncan C. Rich- art.	do	June 15, 1914	Aug. 31, 1916	1,870	2,200	29- 2
Wilmot A. Daniel- son.	First lieu- tenant.	Dec. 29, 1913	June 30, 1916	2,200	2,200	32- 7
Clarence E. Brad- burn.	Second lieu- tenant.	June 14, 1915	Aug. 17, 1916	1,870	2,200	30
Daniel A. Connor	do	May 1,1913	Nov. 2, 1916	1,700	1,700	35- 1

List of retired officers transferred to the active list under the act of Mar. 4, 1915.

Names.	Transfe	Date.		Prior	Present	1/	
vames.	From-	To-	D	ate.	pay.	pay.	Age.
William O. Owen Lorenzo P. Davison. Robert C. Williams.	Major Captain	Coloneldo Lieutenant colonel.	Aug.	27, 1916 31, 1916 3, 1916	\$250.00 250.00 195.00	\$416.67 416.67 375.00	62-7 57-3 53
Harold L. Jackson Ben H. Dorcy Jacob Schick	do First lieu- tenant.	Major Captain	de	17, 1916	210.00 175.00 150.00	375.00 240.00 240.00	54-5 47-3 39-5
Joseph I. McMullen .	Second lieutenant.	First lieu- tenant.	June	3, 1916	127.50	240.00	42-8

Mr. REAVIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 16, line 25, after the word "four," strike out the period, insert Page 10, life 23, after the control of this appropriation shall be used a colon, and add:

"Provided further, That no part of this appropriation shall be used in payment of salary of any retired officer who is in the employ of any business institution having contractual relations with the United

Mr. REAVIS. Mr. Chairman, my purpose in introducing this

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN (Mr. CRISP). The gentleman will state it. Mr. CALDWELL. Is that subject to a point of order?
The CHAIRMAN. The Chair thinks it is too late now, any-

way. The gentleman from Nebraska [Mr. Reavis] had commenced his remarks by addressing the committee on the merits of the proposition. But otherwise the Chair thinks it is a limitation that would not be subject to a point of order.

Mr. CALDWELL. If it is subject to a point of order, I desire to make the point of order.

Mr. REAVIS. Mr. Chairman, I have been recognized? The CHAIRMAN. The gentleman from Nebraska is recog-

Mr. REAVIS. My purpose, Mr. Chairman, in introducing this amendment is because a practice has grown up among many of the Army officers which is so pregnant with evil that I believe Congress should give it some attention. I will not undertake to say how many of the retired officers of the United States are in the employ of business institutions having contractual relations with this Government, but I do know that the officers who are so employed have been educated at the expense of the people of this Nation. They have been in the employ of this Nation during the whole of their service, and because of that education and because of the peculiar character of their service they have come into possession of technical knowledge which, in the employ of these business institutions, they are using against the interests of the very Government which gave them the education and which kept them in the service. I have paid a good deal of attention to the hearings before the Committee on Military Affairs, and I found in reading the testimony of these officers, meaning by that not retired officers but those who are still in the service, that whenever a question was put to them touching the feasibility of the United States manufacturing its own munitions and competing with these private institutions, they either declared it was not feasible or they evaded the question. It has been the policy of these officers to gravitate from their employment with this Government into the employ of these private institutions, as the county treasurer in a rural county gravitates to the bank with which he has kept the money

And I have found this, and you will find it if you look over these hearings, that every one of the officers now in service, or practically all of them, are so hopeful that when the time comes for their retirement they will get employment with these institutions you can get no facts from them with reference to the feasibility of the United States manufacturing munitions in competition with these private institutions.

Now, Mr. Chairman, no man can serve two masters. lieve that so long as these Army officers are holding their office their fealty and their service should be exclusively in the interest of the Government of the United States. I do not believe that we should permit them to hope that, when their term of office expires and they are retired, they can enter the employ of munition works and at the same time draw a large salary from the United States. It is immoral and unwise.

I have heard it stated on this floor that Gen. Humphrey is in the employ of the Du Pont Powder Co. at a time when he is drawing \$6,000 a year from the United States as a retired Army officer, and I have heard read on this floor the contract of the Du Pont Powder Co., whereby they are obligated to advise Germany at all times of the quantity, the quality, and the price of every pound of powder that the Government of the United States purchases of that company, so that Germany is constantly advised as to our powder reserve.

Now, it is scandalous, it is pregnant with evil, that any Army officer, retired though he may be, drawing a large salary from this Government, should be in the employ of such an institution as that. And I believe that this amendment should be adopted as that. And I believe that this amendment should be adopted in order that they may be prohibited from looking forward to the time when, retired as an Army officer, they may receive employment with these private institutions. If you do remove that hope, you will leave them in a position where they will no longer hesitate in giving testimony before the Committee on Military Affairs on the advisability or the feasibility of the United States manufacturng munitions in its own plants.

Mr. PLATT. We could not prevent their resigning and taking

these offices!

Mr. REAVIS. We could not; but I have a picture of an Army officer resigning a \$6,000 job to take employment with these private institutions. If they care to resign and go into the employment of these institutions, I know of no means by which we could prevent it, but I would like to prevent the payment of the salary of retired Army officers amounting to thousands of dollars annually while permitting them to accept employment with an institution that has contractual relations with

this Government. [Applause.]
The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I rise to oppose the amendment of the gentleman from Nebraska.

Mr. CALDWEIJ. Mr. Chairman, I ask that the amend-

ment be again reported. Without objection, the amendment will The CHAIRMAN. be again reported.

The amendment was again read.

Mr. DENT. Mr. Chairman, may I ask unanimous consent that all debate on this amendment offered by the gentleman from Nebraska [Mr. Reavis] and amendments thereto be concluded in 25 minutes?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the pending amendment and amendments thereto be concluded in 25 minutes. Is there objection? [After a pause.] The Chair hears none. The gen-

jection? [After a pause.] The Chair hears none, tleman from Kentucky [Mr. Fields] is recognized.

Mr. FIELDS. Mr. Chairman, as I said a moment ago, many of the retired Army officers are as active on retirement and after retirement as at any previous period of their lives. the gentleman referred to the fact that these men might be serving concerns that would give information to Germany. That might be true so long as relations were not broken between this country and Germany. But every man knows that if we should become involved in war with some foreign power that had been buying our information, that information would then and there cease. The business transactions between this Government and that government would then and there cease. Now, what condition have we here?

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

yield?

The CHAIRMAN. Does the gentleman from Kentucky yield

to the gentleman from Nebraska?

Not now. Here are men who possess tech-Mr. FIELDS. nical knowledge that is valuable in the manufacture of powder, or valuable along certain other lines in which they have been engaged. If this country becomes involved in war with any country it will immediately take over all the private industries of the United States that can be used in the manufacture of ammunition or munitions of war of any kind. Therefore, the excluding of these men from that class of service, causing them to go and engage in other business, in different pursuits, would deprive the private manufacturer of the knowledge which they have acquired and would indirectly deprive the Government of that knowledge in the event that the Government should need to take over the private manufactories in the future.

I see no objection to these men being employed after they have gone on the retired list. First, I believe they are retired too soon. I believe that a man who has been educated by the Government should be maintained by the Government so long as he is useful, but if the Government places him on the retired list when he is still useful, is it right and proper that he should be forced into idleness? And if you are not going to force him into idleness, why force him into some new field with which he is not acquainted, or some new line of business with which he

is unfamiliar?

I believe it is a bad business proposition. If war should ever come, this country is interested in the private manufacture of munitions, for without munitions the Army would be in a helpless condition. Therefore if war should come the country is as much interested in the private manufactories as it is in the Government manufactories, and I for one am in favor of lending such encouragement to the private manufacturers of munitions in this country as will keep them going upon a reasonable basis of operation. I am not in favor of driving them out of existence

Mr. HOWARD. Mr. Chairman, will the gentleman yield for

one question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Georgia?

Mr. HOWARD. Does not the gentleman think that the mere fact that these Army officers and naval officers, so far as that is concerned, can go into private employment at fabulous salaries | peared before the committee.

and still retain three-quarters of their pay from the United States is in itself a great incentive to them for their retirement?

Mr. FIELDS. That may be. I am in favor of limiting re-

tirement.

Mr. GREENE of Vermont. How many officers on the retired list of the United States Army to-day are having such employment as the gentleman mentioned?

Mr. HOWARD. I do not know; but we have as many in such employment probably as in any other employment.

Mr. SHALLENBERGER. Has the gentleman forgotten that we just recently voted into the service of the United States a man who had service with an ammunition factory and has now come back to the service of the Government after that private service had ended? The Congress is now legislating against similar cases in the future.

The CHAIRMAN. The time of the gentleman from Kentucky

has expired.

Mr. CALDWELL. Mr. Chairman, one thing was said with reference to this amendment which I think was not entirely accurate. The statement was made by the gentleman from Nebraska [Mr. Reavis] that the Dupont Powder Co. was under contract to give the secrets of America to the German Government, or something to that effect, if I understood it correctly. If I have not quoted the gentleman correctly, I would like to be set right.

Mr. REAVIS. I said that I had heard it stated on the floor

of this House that such a contract was in existence.

Mr. CALDWELL. I want to say that in a trial in the United States Circuit Court in the city of New York that thing was thrashed out, and the evidence showed that instead of the Dupont Powder Works telling the secrets of the United States, or agreeing to tell the secrets of the manufacture of powder in the United States to Germany, as a matter of fact the Dupont Powder Works acquired the secrets of the manufacture of German powder, and in that way brought our art into a higher state of

perfection than it ever was. [Applause.]

Now, there is one other thing that I want to say in opposition to this amendment and that is this: That this amendment proposes to take from the retired officer his pay until he quits this employment, which we, by passing statutes in the past, invited Why? Because it was thought that if our Army officers, in whom we had great confidence and for whom we have great respect and who were educated at our expense, would go into this line of employment, as pointed out by the gentleman from Kentucky [Mr. Fields], we would thereby enable them to learn something more than we would be able to teach them, and in the days of stress we could call on these men whose patriotism was not such as could be questioned and use them, as we are about to use of the greatest ordnance officers that this country has ever had. I refer to Col. Dickson.

Mr. DALE of New York. Mr. Chairman, will the gentleman

yield?

Mr. DALE of New York. Is it not a fact that representatives of private military academies all over the United States have offered the services of officers of those academies who have had three or four years' experience, boys ranking in age from 18 to 21 years, to do the work that is suggested here in reference to this bill?

Mr. CALDWELL. I do not know anything about that. I could not answer the gentleman's question because I am not familiar with it. But I will take the gentleman's statement that it is so.

Mr. DALE of New York. Will the gentleman yield for another question?

Mr. CALDWELL. Yes. Mr. DALE of New York. Do I understand that the gentleman from New York is a member of the Military Affairs Committee?

Mr. CALDWELL. Yes.

Mr. DALE of New York. Do I understand that so far as the gentleman knows, no such representative appeared before the Military Affairs Committee, representing the military academies all over the United States, and offering the services of such boys?

Mr. CALDWELL. I think perhaps the gentleman does not apprehend just what is before the committee.

Mr. DALE of New York. Oh, yes; I do.

Mr. CALDWELL. The proposition is to put a provision in

this bill to cut off the pay of retired Army officers who seek employment elsewhere. If there has been any such person before our committee, I was not present when he came, and the other members of the committee tell me that no such person apMr. DALE of New York. I wish to state that I am fully familiar with what is before the House at the present time relative to this amendment. For my own personal information I was desirous of receiving from the committee a statement as to whether it was not a fact that representatives of private military academies all over the United States had appeared and offered the services of experienced boys, who were members of these academies, to do the work that is provided for in some part of this bill.

Mr. CALDWELL. I think not. If so, I have not seen any

such person.

Mr. TOWNER. Mr. Chairman, I do not think that even long usage can sanction or warrant the continuance of a thing that is inherently wrong. I believe that the statements made in defense of the present practice by members of the committee ignore the fundamental objection, which is this: It is an old principle of the common law that one who is the authorized agent of his principal can not enter into contractual relations with another to his personal advantage in a transaction between the third party and his principal; that such a transaction is a fraud and absolutely void, if challenged by the principal. That doctrine is based upon the idea that no man can serve two masters. A man can not act as the officer or agent of the United States and at the same time act with fidelity to that principal when it engages in transactions with another in whose business the officer is financially interested. That is the difficulty in this case. Although these men are retired officers, they are still serving the Government of the United States. They may under certain circumstances be called into active service. receiving pay for such service. They are still the agents of the United States. It can not be said that they are mere pensioners of the Government. It can not be said that because they are not in the field they are not still representatives of the Government. Presumably they are influential in the councils of the Nation. Presumably they are influential in the adminis-tration of the Government when it comes to the consideration of military affairs. It is inherently wrong that they should have any financial interest in any concern, in any business, that has an opposite interest from that of the Government. It seems to me this is so plain that this amendment ought not to be opposed by any member of the committee.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes. Mr. FIELDS. I can not see where there is any conflicting interests between the Government and the manufacturer, so long as the law provides that a certain amount of the supply shall be purchased from private manufacturers. Of course it is optional with the War Department whether it pays the price. In other words, the War Department does not have to pay the price that the private manufacturer makes.

That can make no difference in the prin-Mr. TOWNER.

ciple involved.

Mr. SHALLENBERGER. Will the gentleman from Iowa yield?

Mr. SHALLENBERGER. I would like to have the gentleman from Kentucky call our attention to that part of the law where the Government is required to buy of the private manufacturer. Mr. FIELDS. It is provided in the law that not more than a

certain proportion shall be purchased by the Government. Mr. TOWNER. No agent of the United States ought to be

allowed to maintain his place as an officer or agent and be financially interested in any business or concern which has contractual relations with the Government. He still owes a supreme, an undivided allegiance to his country

Mr. McKELLAR. I agree with the gentleman entirely, and is it not unfair to those private manufacturers who do not employ these retired Army officers? Because, as soon as one factory has a retired Army officer working for it, it gives that manufacturer an advantage in dealing with the Government.

Mr. TOWNER. The gentleman is certainly correct. Mr. FIELDS. If the country becomes involved, we have got to call upon these private manufacturers for their product; then the Government is directly interested in the amount that they produce, is it not?

The CHAIRMAN. The time of the gentleman has expired. Mr. TOWNER. I am sorry I have not time to answer the gen-

tleman's question.

Mr. GORDON. Mr. Chairman, the gentlemen who have preceded me have convinced me that this amendment ought to be adopted. Some of the gentlemen who have discussed this amendment do not seem to comprehend the scope and meaning of it. It simply prohibits retired Army officers from continuing to draw the three-fourths pay and allowances to which they are entitled under the retirement law after they have engaged them-

selves in the employment of business firms having contractual relations with the Government. The mere statement of the thing ought to show that the amendment ought to be adopted. Now, my observation has not been entirely that of the gentleman from Iowa [Mr. Towner], who just spoke of these retired Army officers as being still in the employ and service of the Government. I have never known any of them to give any service to the Government after they retire, unless they were put back at full pay and allowances. That simply calls attention to another error in our legislation here. These gentlemen, many of them, are very strong for compulsory military service. I think we should provide by law that whenever the Government of the United States needs the services of these retired Army officers the President should be authorized, in peace as well as in war, to order them back into the service of the United States at once, regardless of their wishes in the matter, or stop their retired pay and allowances, and not wait until they find they can not make more money elsewhere. The Government educates them, pays them big salaries until they get to be 64, and then they are retired on three-quarters pay and allowances for life. I heartily agree with the gentleman from Nebraska, and believe that the amendment should be adopted.

Mr. PLATT. How large a proportion of the Army officers are West Point graduates? The gentleman says the Government

educates these officers.

Mr. GORDON. I understand only about one-half are West Point graduates—that is, of the active officers; I am not advised as to those on the retired list.

Mr. KAHN. About one-fourth. Mr. PLATT. The Government educates less than half of them. Mr. GORDON. Does the gentleman think it would be an injustice to have a man who is on the retired list ordered back into the employment of the Government on full pay?

Mr. PLATT. No; I think that might be a good thing, but while the man on the retired list is a pensioner you can not say that the pensioner shall not take any job he can get.

Mr. GORDON. No; but you can say you will cut off his pen-

Mr. SHALLENBERGER. Mr. Chairman, the appropriation bill passed last year contains the following provision:

That the Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from disabilities or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve.

So I think we have the power under the law now.

Mr. FIELDS. But that does not apply to those officers on the retired list who were retired for age.

Mr. SHALLENBERGER. No; it does not apply to them.

Mr. GORDON. It is not broad enough,

Mr. MANN. Mr. Chairman, it does not seem to me that this amendment would be a very wise provision to put into the law. Whatever the reasons may be for the retired list—and there are as weighty reasons in favor of the proposition as there may be against it-the retired list is the product of a law which has stood for many, many years without an attempt on anybody's part, so far as I know, to repeal it.

When men go on the retired list they are not any more in the employ of the Government. They are no longer even in the sense used in the Constitution officers of the Government. They are on the retired list. It is called a retired list, and you might nearly as well say that no one who draws a pension from the Government shall seek employment with anybody who may ever seek to sell anything to the Government. That is what this proposition amounts to. I do not think that anyone will seriously contend that men in the active service of the Army deliberately betrayed the trust placed upon them because they have in view the possibility when they retire of seeking employment with some private concern. If that were true, the same implication might be made against every Member of Congress—that when he retires he retires in the hope that his services in Congress have been such that some private corporation will give him employement.

Mr. REAVIS. Will the gentleman yield?
Mr. MANN. No; I have not the time. That would not be true as to Members of Congress and it is not true as to Army officers. If it be true as to Army officers, they all ought to be re-We have men leaving the Government service every day because somebody in private life pays them higher salaries than does the Government. I rather welcome that because I think then the Government has educated some man, educated him well, who knows something about the Government, who goes into private life, and if the Government ever has to deal with him or with some concern that he is employed by, the point

of view of the Government will be better understood.

Take the case of Gen. Goethals. He is on the retired list. Do we propose to say that no one can employ him and then offer to do anything for the Government of the United States? [Ap plause.] Why, I would welcome the Government dealing with Gen. Goethals representing the other side, and there are many other cases like it. Take the young lieutenant who loses a leg in battle, which may soon occur. He retires on a salary of \$1,800. Is it to be said that during all his life he may not seek employment with anyone unless that person or that corporation deliberately determines that it never will seek a contract or offer to make or sell anything to the Government of the United States? I do not think I want to take that position yet. [Applause.]

Mr. TAVENNER. On the subject of retired naval officers taking employment with concerns having dealings with the Government, and the principle is the same whether we refer to Army or Navy officers, the Senate Committee on Naval Affairs of the Fifty-fourth Congress, following its discovery of a great deal of this practice in 1896-97, had the following to say in its report made to the Senate on February 11, 1897 (S. Rept. 1453, 54th

Cong., 2d sess.):

No man can well serve two masters; and if contractors having large dealings with a department of the Government can take into their employment, with no limit as to compensation, officials of that department, and through them learn the secrets and the purposes of the department, and morever insidiously influence its action, great injury may result to the public service. The fundamental principle upon which all legitimate business is transacted—that each side shall be represented solely by persons wholly devoted to its own interests—is viciously violated by a custom which allows one side to take into its pecuniary employment a representative of the other side.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. I ask unanimous consent to extend my re-

marks in the Record.
The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none,

Mr. TAVENNER. In extending my remarks for the RECORD I wish to conclude the findings of the Senate Naval Affairs Committee on the question as to whether retired Army and Navy officers should be permitted to take employment with concerns having dealings with the Government. The report continued as

follows:

An effort was made in the debate to draw a distinction between officers on the active list and officers on the retired list. The committee deny that any well-founded distinction exists which ought to influence the decision of the question. Retired officers of the Navy remain officers to all intents and purposes, with an important exception. Section 1462 of the Revised Statutes provides that "no officer on the retired list of the Navy shall be employed on active duty except in time of war."

But notwithstanding this statute exempts retired officers from all obligation to render any service for the liberal retired pay which they receive for life, amounting usually to three-fourths of their active duty pay, yet they remain a part of the Navy of the United States, available in any emergency of war. They are entitled to wear their uniforms on public occasions and are allowed free access to every bureau of the Navy Department, on the theory that they are still ready to serve the interests of the Government by fidelity, sound advice, and an earnest spirit of devotion to public duty. It is quite enough to allow such officers to enter into ordinary private employment for compensation. To permit them to take sides against the Government and to enter into the employ of contractors having dealings with the Government reaching to millions of dollars will certainly, if the custom continues, become most pernicious and injurious to the public interests. Proclaim that such officers may be so employed by repealing the clause which has now become a law, and a boil and wealthy contractor, willing to spend enough money to take into his employ a sufficient number of naval officers on the active and retired lists, would be able thoroughly to weaken the department in its dealings with such contractor and to put the Government at his mercy in making bargains, which would be substantially entered into with the representatives of one side alone conducting all the negotiations.

Whenever there has been an investigation by Congress of the Navy Department-and there has not been one for a good many -the investigators incidentally turned up information showing that Navy officers were secretly connected with the armor-making concerns.

The Senate Committee on Naval Affairs of the Fifty-fourth Congress in 1897 was doing a little investigating into the reasonableness of the cost of armor and discovered that 8 or 10 naval officers were on the pay rolls of armor and steel companies and at

the same time on the pay roll of the Government.

When an officer received an offer to go into the employment of a private firm having dealings with the Navy Department, it was the custom to obtain leave of absence with what was known as waiting-orders pay, which amounted to \$2,300 a year, the officer at the same time receiving a salary usually of \$5,000 or \$6,000 a year in addition from the war-trading firm with which he had taken employment. Lieut. C. A. Stone, even after having retired from the Navy and taken employment with the Carnegie Steel Co., for a time kept his desk in the Bureau of Ordnance at

the Navy Department. Lieut. J. F. Meigs resigned from the Navy and went into the employment of the Bethlehem Iron Co.

The most deeply involved of all was Commander William M. Folger, former Chief of the Bureau of Ordnance. He was many times in the employment of the armor and projectile concerns, receiving both salary and blocks of stock. He was employed by the Gatling Gun Co. as their European agent for two years on a salary; by the Simonds Rolling Machine Co. for about six months, in London, his expenses being paid and an interest in the business given him in the shape of stock in the company, which was profitable and paid good dividends. He was also mechanical adviser, on a salary, for the American Projectile Co.

Commander Folger's connection with the Harvey Steel Co. was severely criticized. After assisting and advising the Harvey Steel Co. in many ways while Chief of Ordnance and negotiating contracts as Chief of the Bureau of Ordnance with the Harvey Co., Commander Folger resigned as Chief of Ordnance and became an employee of the Harvey Steel Co., meanwhile, however, also receiving a salary of \$2,300 from the Government. Folger's salary from the Harvey Co. was to be \$5,000 a year, and he was given \$20,000 worth of stock in the Harvey Co., which stock paid 20 per cent dividends from its receipts from the United States Government alone.

Commander Folger testified that while he was Chief of Ordnance he had many offers to go into the employment of the steel and armor companies, including offers from the Carnegie Steel Co. and the Bethlehem Iron Co., the only two firms manu-

facturing armor at that time.

In accepting the following offer from the Harvey Steel Co. Commander Folger accepted the offer of the firm to which he had given the most valuable service while Chief of the Bureau of Ordnance.

No. 52 Wall Street, New York, December 28, 1892.

Commander WM. M. FOLGER.

My Dear Sir: I am instructed by the board of directors of this company to invite you to accept the office of consulting engineer to our company on ordnance and armor plate and such other matters as may come under our patents whenever you are at liberty to so act.

We shall be happy to meet you then and arrange the terms with you.
Yours, very truly,

H. A. Harvey.

H. A. HARVEY, President of the Harvey Steel Co.

When Hilary A. Herbert became Secretary of the Navy and heard of Folger's connection with the Harvey Co. he recalled him to active service. Commander Folger was retired as rear admiral June 30, 1905, and therefore is now, and has been for the last 10 years, receiving \$6,000 a year from the Government as a retired rear admiral.

Relative to the custom of Army and Navy officials to take employment with private firms Commander Folger testified as

follows (54th Cong., S. Rept. 1453, p. 338, hearings):

Senator McMillan. Was it not and is it not customary in the Navy for officers to obtain leave of absence and to take employment from companies outside?

Mr. FOLGER. Very generally so.
Senator McMillan. And so it is in the Army?

Mr. FOLGER. So it has been in the Army.
Senator McMillan. I have known several cases of that kind.

Mr. FOLGER. They are so employed very often.

These same hearings (pp. 155 and 353) brought out the fact that former Secretary of the Navy B. F. Tracy, after having made a large contract as Secretary of the Navy with the Carnegie Co., without advertisement or any attempt to obtain competitive bidding, entered the employ of both the Carnegie Co. and the Harvey Co. as counsel.

I do not pretend to know the number of ex Army and Navy officers now connected with munitions manufacturers. There are more of such instances to-day, I believe, than at any time in the history of the Government. A very considerable amount of the munitions that are going to the allies from the United States is being made under the supervision of ex-officers of the American Army and Navy, who have resigned their official positions to take employment at two, three, four, or more times their former salaries.

This exodus from the ranks of the best-trained officers of the Army was permitted by the War Department, the officials of which take the ground that it is to the interest of the Government to have highly trained men in the plants of the private manufacturers which may be called upon in the emergency of war, but which, however, also have dealings with the Government in time of peace.

Personally I do not believe that either the War or Navy Departments should accept the resignations of officers who desire to enter employment with concerns having dealings with the Government. Army and Navy officers are but human, and if they know that by winning the favor of private war trafficking firms they may be taken into their employment at two, three,

or four times their present salaries they are not likely to be as insistent upon holding out for all that the public is entitled to as they would otherwise be. In a few words, this policy places a premium upon serving the interest of the war trading firms instead of serving the interest of their employers, the American taxpayers, who have paid for their special training and are entitled to the full benefit therefrom.

Furthermore, the basis of the policy of accepting resigna-tions under the conditions noted is the assumption that the Government is going to continue to give the maximum amount of contracts for war materials to private plants and manufacture the minimum amount in Government arsenals, navy yards,

and shipbuilding plants.

I believe this assumption is entirely erroneous. Although I realize full well that the great majority of the Army and Navy officials view the proposition of complete Government manufacture of war materials with derision and contempt and that this view is fully shared by those Army and Navy journals that rely upon the advertising of the great war trafficking firms for their principal revenue. But unless I mistake the temper of the American people, the days of the war traffickers are numbered. That great giant, public sentiment, is slow to act, but if I read the signs aright, the giant has already begun to stir. Once aroused, the sentiment of the American people is bigger and stronger even than the forces of the war traffickers, and these forces are strong, for they have behind them every last ounce of the strength of big business and special privilege. In fact, the war traffickers are big business and special privilege combined, supported by the sentiment of the naval and military

Government manufacture of war munitions is coming-coming with a seven-league-boot stride, and gaining impetus every This movement was slow in starting, but it will bowl over all the obstructions and obstructionists that are in its path at the end. The masses are long suffering. Already they have suffered too long, and their temper now will not permit of long delay. Unless this Nation should be plunged in war and attention diverted, the policy of Government manufacture is not far away, so let us retain our Army and Navy officers who have been specially trained in the manufacture of munitions of

war to take charge of Government plants.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr.

REAVIS) there were 41 ayes and 40 noes.

Tellers were demanded and ordered; and the Chair appointed as tellers the gentleman from Nebraska [Mr. Reavis] and the gentleman from New York [Mr. CALDWELL].

The committee again divided; and the tellers reported that

the ayes were 54 and the noes were 59.

Mr. REAVIS. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The vote just taken discloses a quorum, but the Chair will count. [After counting.] One hundred and seventeen Members present, a quorum.

So the amendment was rejected.

Mr. CALDWELL, Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CALDWELL: Page 16, line 25, after the word

Amendment by air. Cabrilla of four insert:

"Provided further, That any officer on the retired list found physically fit may be from time to time assigned to such military duty and for such period as the President may designate."

Mr. DENT. Mr. Chairman, on that I reserve the point of

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDWELL, Yes.

Mr. MANN. If under the gentleman's amendment the President orders a retired officer to do something, what pay would that retired officer get?

Mr. CALDWELL. The pay prescribed by law, which I under-

stand is not over that of a major.

Mr. MANN. There might be no pay prescribed by law. Mr. CALDWELL. But there is.

Mr. MANN. Would he get the retired pay or the full pay of

Mr. CALDWELL. As I understand it, the statute prescribes that when he goes back into the service he shall be paid according to the service he performs up to the pay of major; but he can not get more than a major's pay.

Mr. MANN. So that if the President should order a brigadier

general back into the service he would have to accept three-

quarters pay?

Mr. CALDWELL. He would take three-quarters pay for his active service.

Mr. MANN. Is that fair?

Mr. GORDON. Of course it is not.

Mr. MANN. Oh, I suppose if the gentleman from Ohio were ordered back into private life, to get three-quarters pay of a Congressman, he would get paid too much, then.

Mr. GORDON. But I was not advocating this amendment. Mr. MANN. The gentleman sat in his seat and interrupted

me with a statement to that effect.

Mr. GORDON. I did not. The gentleman misunderstood me. Of course, it would not be right to order him back on anything but full pay; but the President ought to have the right to order any of these retired officers back into the service.

Mr. MANN. I agree with the gentleman; and I agree that he is worth a great deal more than a Congressman's salary.

Mr. DENT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Additional pay for length of service, \$467,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I voted against the amendment offered by the gentleman from Nebraska [Mr. Reavis], but there is a sort of penumbra to that subject that does raise an idea of unfairness, as one might say, and I think if the gentleman would analyze the situation he probably would reach what he wants by an amendment to existing law increasing the age limit for retirement. learning every day from what is happening across the water, and it can not have escaped the attention of any of us that the men who are doing the planning, and that is what superior officers ought to do, are in every instance, I think-and the gentleman from California [Mr. KAHN] will correct me if I am wrongin practically every instance, at least, over 62 years of age

Mr. KAHN. The age for retirement in the Army of the United

States is 64 years.

Mr. BENNET. Over 64 years.
Mr. KAHN. But most of the officers—that is, the general officers—in command of troops are nearer 70 than 64 years of age,
Mr. REAVIS. Mr. Chairman, will the gentleman yield?
Mr. BENNET. Yes.
Mr. REAVIS. Does the gentleman know of a single army

officer upon either side in the European war who has attained distinction in the war who would not have been retired under the American system?

Mr. BENNET. I certainly do not, and therefore I rose to sug-

gest to the gentleman the amendment I have proposed.

Mr. BRITTEN. Was not Von Hindenberg retired and after-

wards recalled to the service?

Mr. BENNET. That is not the question, and I am not familiar with the exact facts, but I did desire to call to the attention of the committee the fact that men who are planning the successful movements on all sides in Europe are men who are over the age at which our officers are retired.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes. Mr. SHALLENBERGER. Mr. Chairman, we have a provision in the law that takes care of just such cases as Von Hinden-In the national-defense act there is a provision that in time of war retired officers of the Army may be assigned to active duty in the discretion of the President, and when so employed shall receive full pay and the allowance of their grade. In other words, in time of war you may call anybody on the retired list, and he shall receive the pay of his grade.

Mr. BENNET. Of course, then, that raises this interesting

inquiry: If those men are fit to be called back as that statute contemplates, why do we not utilize three or four more years

of their active life right in the active service?

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. KAHN. Does the gentleman realize that the one trouble in the Army seems to be the difficulty of promotion. The age of 64 years for retirement is fixed so that men in the lower grades can be promoted as the other men retire. That is the sole purpose of it.

Mr. BENNET. I think if that is the sole purpose of it, that Mr. BENNET. I think it that is the sole purpose of it, that
the loss to the Army by putting out capable men in their prime
is not compensated for by the rapidity of promotion.
Mr. FIELDS. Mr. Chairman, will the gentleman yield?
Mr. BENNET. Yes.
Mr. FIELDS. Is it not only fair to assume that if a man is
fit to be called back and serve the country in time of wir, he

certainly must be fit to serve the country in time of peaci? Mr. BENNET. Yes.

Mr. FIELDS. And his services should be retained by the

Mr. BENNET.

Mr. BENNET. Yes.
The CHAIRMAN. The time of the gentleman from New

Mr. SEARS. Mr. Chairman, I move to strike out the last two words. I agree with the gentleman from New York, and I believe the age requirement should be increased. I have no fight to make against retired officers because the Congress makes it possible for them to retire, but I believe the law should be changed. There is something radically wrong with it. I dislike to disagree with my colleague from Illinois, but it is certainly not a fair comparison when he compares a Congressman to retired Army officers. When my constituency retires me, which perhaps they will do in the near future—I hope not—I will not get three-fourths of my salary, but will go back and undertake to earn my living like I did before I came to Con-But, Mr. Chairman, it may also strike this House forcibly when I state to them there are only about 5,000 enlisted men on the retired list to-day out of the entire Army, and last year from the report only 310 enlisted men were placed on the retired list out of approximately 98,000 of enlisted men. And yet 36 men, drawing large salaries, were retired out of less than 5,000 Army officers.

Mr. GREENE of Vermont. Will the gentleman yield?
Mr. SEARS. I have not the time. Of course, this less than 5,000 men who get the munificent salaries of three-fourths of \$16 a month, having served the number of years required, should not be placed upon the same basis that the Army officers who are getting \$4,000, \$5,000, or \$6,000 a year are placed. I want to say to the Members of the House, in reply to one of my colleagues, if you are going to pay a retired Army officer \$6,000 a year for 10, 15, or 20 years to retain his patriotism in time of distress and in time of war, I fear we had better lose his

patriotism at the present time.

Mr. ANTHONY. Will the gentleman yield?

M. SEARS. I will.

Mr. ANTHONY. I simply wanted to call the gentleman's attention to the statement that these enlisted men retire on the basis of three-fourths of \$15.

Mr. SEARS. Sixteen dollars.

Mr. ANTHONY. Sixteen dollars a month. The gentleman is

A member of the committee so stated to me.

Mr. ANTHONY. Let me say to the gentleman probably 80 per cent of the enlisted men on the retired list are retired with the highest noncommissioned rank they can get, and the average pay of the entire enlisted men is nearer \$35 a month than it is three-fourths of \$16 a month.

Mr. SEARS. Do any get \$3,000 a year? Mr. ANTHONY. No; but their pay averages nearly \$35. Mr. KAHN. Will the gentleman yield?

Mr. SEARS. I will.

They generally get in the neighborhood of \$65. Mr. KAHN. That is what they get on the retired list-most of them-because they have served 30 years before they are put on the retired list, and nearly every one of them is a noncommissioned

Mr. SEARS. Then practically no privates are retired; and, on the other hand, the proportion is about 25 to 1 of Army officers retired to 1 enlisted man.
Mr. FIELDS. That is explained by the fact-

Mr. FIELDS. That is explained by the fact— Mr. SEARS. These officers have had to live a hard life and

had to go through West Point—
Mr. FIELDS. They are not retired from the Army until they have served out their time.

Mr. SEARS. In other words the private who fires the shot to protect your home has to serve out the entire time until he

is retired and the Army officer does not.

Mr. FIELDS. If all privates who enlist serve 30 years,

there would be a great many more privates on the retired list.

Mr. SEARS. I know it is hard to save a few million dollars for the people. As I said in the beginning, I have no fight to make against the Army officers. My sole object was that the committee would take the matter under consideration and next year see if they could not make a more equitable basis of distribution between Army officers and the private soldiers serving

Mr. TALBOTT. Will the gentleman show this House how he can save money by retiring them at a greater age?

Mr. SEARS. I would not retire them as long as they were

Mr. TALBOTT. Then, there is no economy in it. If they are kept on the active list they still belong to the Government

Mr. SEARS. Take your own time. I can not yield to the gentleman further. If they are retired on a graduated scale—
The CHAIRMAN. The time of the gentleman has expired.
Mr. SEARS. Mr. Chairman, I ask unanimous consent to ex-

tend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. SEARS. If officers were retired on a graduated scale of salary instead of a three-fourths scale regardless of length of service or efficiency and the age of retirement was increased. I dare say no one will deny it would be more equitable and would

save to the people thousands of dollars.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, I think the situations of the enlisted man and the commissioned officer of the Army with reference to the retired list are not similar, by any means, and no such comparison as the gentleman from Florida has undertaken to institute between them is fair to the commissioned officer. In the first place, the commissioned officer, as a general rule, goes into the service when he is 21 years of age, surrenders all other opportunity to follow any kind of pursuit in civil life that may be more remunerative, and it is part of his contract and commission at the time he enters the mili-tary service that from that time until he is retired for disaibility or for cause he shall refrain from any gainful occupation.

Therefore the Government promised him that if he refrained from gainful occupation during that period of service, which in normal conditions might extend over 40 years, he should be retired on an annuity, which in some degree, it may be thought, would compensate him for losing his opportunity all the way along up the line to profit by any other form of occupation.

Now, the enlisted man, as a general proposition, does not go into the Regular Army with the idea of making it a life occupation. The greater number of men who enlist in the Regular Army have no idea of making it a regular occupation. Most of them go in through some chance experience, adventure, or the impulse of the moment, and only a few of them go in with a settled determination to stay in until they can retire. So that there are very few men who ever stay in the Regular Army in the enlisted rank long enough to retire, or who have gone into the service in the first place with the idea of staying long enough to retire. Those men who have stayed in 30 years and can, therefore, retire have reached those advanced ranks of the noncommissioned officers where they retire from the Army on an equivalent footing, relatively, with the commissioned officer.

Mr. SEARS. Having been a soldier for two years, I admit there is no fair comparison between the private soldier and the commissioned officer.

Mr. GREENE of Vermont. The law has stood the test for nearly 60 years, and practically no one up to this time has made an attempt to change it, because everybody thought it was fair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that at the expiration of seven minutes the debate on this paragraph and amendments thereto be closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the expiration of seven minutes the debate on this paragraph and amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of North Dakota. Mr. Chairman, if we have war, or if we do not, one of the greatest problems of this year will be the securing of an adequate food supply. The lack of good seed wheat in the Northwestern States furnishes a serious problem, owing to the rust conditions prevailing through the hardwheat States during 1916. Almost no wheat was raised in that area suitable for seed.

Mr. Steenerson has introduced a bill to permit wheat to be imported without duty when used for seed. This is a most important bill, which ought to be passed without fail before we adjourn.

All authorities agree that wheat plants grown from the rusted wheat of 1916, according to germination tests recently made, are away below the standard of former years. The factors which determine whether seed is good or not are shown by the portion of the kernels which will grow, the vigor of the growth, the freedom from weed seeds, and freedom from disease. The thing of greatest importance is the vigor of the growth. In a backward The thing season this is of fundamental importance. Some of the injured seed will grow, but it is likely to die if untoward conditions. such as a cold, backward spring, or late frosts or high winds prevail. Under such unfavorable conditions the reliance of the farmer should be placed in seed wheat with a plump berry. The supply of this kind of heavy, plump wheat is located for the most part in the Canadian Northwest. The farmers of our country should be encouraged to import it. The removal of the duty from wheat to be used only for seed will not only be a saving to those who import it but it will encourage many farmers to buy such seed who would not otherwise do so. The more good seed planted the greater chance there will be for an adequate wheat supply in this country during the season of 1917. It will also insure a large supply of wheat grown this year suitable for seed in the

Mr. MOORE of Pennsylvania. Do I understand the gentleman to say that there is no seed wheat in the Northwest?

Mr. YOUNG of North Dakota. There may be some held over from the 1915 crop, but there was no wheat grown last year that was suitable for seed. While it makes good flour, it lacks in germination quality. The tests show that only a portion of the kernals will germinate, and that those that do lack vigor and strength and will not produce a good, healthy plant likely to withstand an unfavorable season.

Mr. MOORE of Pennsylvania. I would like to say this to the gentleman, in view of the fact that we are discussing the war, that the cost of living has risen in the East because of the alleged lack of wheat, and we are informed through the announcement of the railroad embargoes on trains from the West that wheat intended for export is being held up, and that there is plenty of it.

Mr. YOUNG of North Dakota. The wheat supply in the United States now is not as great as it was a year ago, and the wheat supply is likely to be very much less if this war goes on, even if we are not in it, and if our seed for the next spring is not of the proper quality we are going to have a great shortage in the quantity of wheat next fall.

Mr. MOORE of Pennsylvania. That is, there is going to be a greater shortage in the United States?

Mr. YOUNG of North Dakota. If the war continues.

Mr. MOORE of Pennsylvania. Can the gentleman tell us how much wheat is coming out of the West now for eastern consumption? We would all like to know.

Mr. YOUNG of North Dakota. I have only five minutes, and I want to talk about the bill that has been offered by the gentleman from Minnesota [Mr. STEENERSON] before the Ways and Means Committee, providing that wheat shall be admitted. and Means Committee, providing that wheat shall be admitted free of duty when used for seed only.

Mr. MOORE of Pennsylvania. There is difficulty in getting

cars for carrying wheat to the East.

Mr. YOUNG of North Dakota. I can not yield for that purpose, much as I would like to. I have only five minutes.

Mr. GREEN of Iowa. I will say as to the bill of the gentle-man from Minnesota [Mr. Steenerson], that it was before the subcommittee of the Ways and Means Committee and the subcommittee agreed to report it to the main committee, and I have no doubt, although it has not been considered by the main committee, that it will report it and bring it before the House at this session.

Mr. YOUNG of North Dakota. I am glad to hear the statement of the gentleman. If the main committee does report this bill favorably, I hope this House will see to it that it receives consideration at this session. I do not think there is any bill before Congress of greater importance. It will have the effect of saving a lot of money to those who will buy this seed, and what is still more important, it will encourage many people to buy good seed who otherwise would be using inferior seed. It will have a psychological effect. It will give a great deal of advertising to the fact that the grain grown last year was not suitable for seed, and they can get good, sound, plump wheat, weighing something like 60 pounds to the bushel, in the Cana-

dian Northwest, that will give promise of good crops.

Mr. GORDON. What is the bill you are advocating?

Mr. YOUNG of North Dakota. I am advocating the passage of the bill introduced by the gentleman from Minnesota [Mr. STEENERSON] to permit wheat to come in for seed without duty.

I am in favor of it. Mr. GORDON.

Mr. SMITH of Michigan. Can they not do that now under the tariff act?

Mr. YOUNG of North Dakota. No. The present law will not permit it.

Mr. SMITH of Michigan. It is not too late now to bring such

Mr. YOUNG of North Dakota. No; I do not think so. The crop will not be seeded for two or three months in the hard-

Dakota Farmer, which is well worth reading and study. I ask permission to have this article printed in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection. The matter is as follows:

SEED VALUE OF RUSTED WHEAT.

[By John Bracken, professor of field husbandry, University of Sas-katchewan.]

Twelve million acres of land will be sown to wheat in Western Canada in 1917. In about one-sixth of this area the seed is perhaps as good as in the average year. In over one-half of it the crop from which seed would ordinarily be taken has been more or less seriously damaged by rust. In a portion of the balance the grain has been injured by frost; and weathering, snow, and heating have lowered the value of the grain for seed here and there throughout considerable areas.

areas.

The question in the minds of thousands of crop growers is: "Shall I use my own seed or purchase better?"

This is a question that is important under some conditions in different communities every year, but in certain districts this year the answer that will be given it is likely to result in serious consequences. The purpose of this discussion is to present some data and observations that will aid the crop grower in arriving at a safe decision regarding the value of his grain for seed.

#### WHAT IS GOOD SEED?

WHAT IS GOOD SEED?

The factors that determine the value of wheat for seed are:

1. The proportion of it that will grow.

2. The vigor of the growth.

3. Its freedom from weed seeds.

4. Its freedom from disease.

5. Its freedom from other grain, other varieties, and foreign matter.

6. Its suitability to the district.

Those factors that are of particular importance at this time are the first and second, the proportion that will grow and the vigor of growth. It is an easy matter to get a suitable variety, and it is not very difficult to see that the seed is clean and free from disease, although many are careless about these simple matters. All these requirements are important, but the vigor of growth is much more important as compared with the others than in any season since the frosted crop of 1911.

The photographs and germination records illustrate the vigor of growth and give the percentage germination, the number of germinable seeds per acre, and the weight of 1,000 kernels from a sample of No. 1 hard, samples of No. 4 special, No. 6 special, and feed, and three miscellaneous samples. In each of No. 4 special, No. 6 special, and feed, this information is given for the original, the cleaned portion, and the screenings.

In addition to a photograph of the seed itself, the vigor of growth

screenings.

In addition to a photograph of the seed itself, the vigor of growth 9 days after planting is shown immediately above it, and the vigor of growth 16 days after planting is shown at the top.

SOME OBSERVATIONS ON THESE TESTS.

SOME OBSERVATIONS ON THESE TESTS.

A proportion of the rusted and frosted kernels, varying with the seriousness of the injury, will grow, but the percentage of germination, though relatively high in the rusted grain, is not a safe guide to their value for seed. The reasons for this are twofold:

1. It is not fair to the normally developed grain, because it gives no indication of the vigor of the germination or subsequent growth and in a backward season this is of fundamental importance.

2. It is not fair to the injured grain, because the latter contains more seeds per bushel than the uninjured. Every sample of rusted seed shown here, with the exception of the badly frozen sample, contains more germinable seeds per bushel than the sample of university grown No. 1 hard. In fact the least valuable rusted sample reported upon (Marquis B), which germinated only 72 per cent, contains nearly three times as many germinable seeds per 60 pounds as the plumpest sample of No. 1 hard, which germinated 100 per cent.

But if there were ten times as many there would be no justification for using it for and because of its low vigor, and the danger of the vitality being destroyed by untoward conditions either before or after coming up.

vitality being destroyed by untoward conditions either before or after coming up.

The weight of the germinable seeds seems to be the safest guide to the vigor of growth. In other words, the safest guide to the value of clean, rusted grain for seed is the percentage germination and the vigor of growth as expressed in a germination test. The weight per bushel, the size and plumpness of the berry, its relative freedom from injury, and, better still, the weight of single kernels are generally safe guides to the vigor of growth, but the vigor of growth in a germination test is a measure of all these.

If we were sure there would be warm weather, plenty of moisture, and no killing frosts or soil drifting between the 15th of April and the middle of June, much of the rusted seed might be used with considerable hope of success, but this "if" is beyond the expectation of the most optimistic. The facts are:

1. That some of this injured seed will grow;

2. That it may not be killed if ideal conditions after planting obtain; and

and
3. It is likely to either fail to germinate or to die if untoward conditions such as a cold, backward spring, late frosts, and high winds prevail.

The thinner and lighter the seed the less the chance of success. The plants from plump, heavy seed will recover after any of these conditions. The man who would lessen his chances for failure, the one who would not gamble with his crop—and in 1917 it will be a valuable stake—should plan now to test his own seed, and, if necessary, to get from some source a supply of vigorous, germinable seed for the coming year.

Much of the best seed is moving out of the country. It may be too late next March to get a good supply. The experiences of the past and the need of the present both demand quick action now.

DOES RUSTED SEED CARRY THE DISEASE?

In the oninion of most investigators rusted seed is valuable in propor-

crop will not be seeded for two or three months in the hard-wheat States.

Our North Dakota Agricultural College put out an excellent bulletin upon this subject which I regret to say has been mislaid, but I have a brief article by John Bracken, professor of field husbandry, University of Saskatchewan, printed in the

#### THREE KINDS OF SEED.

Three are three different kinds of clean seed this year:

1. The kind that will not grow.

2. The kind that will grow but will produce only feeble plants.

3. The kind that will grow and produce vigorous plants.

The first is obviously unfit for seed if it is known it will not grow.

The germination test will tell whether it will or not.

The second is unfit for seed in proportion to its thinness. The more lean it is and the lighter it is per bushel the greater the risk in using it.

The third is the only kind that should be used, for the reason that it is the only kind that carries with it the least risk. Large, plump, and sound kernels are the only insurance we have against backward spring conditions and killing frosts after the plants are up.

	No. 1 hard, univ., cleaned.	Feed.	Feed, cleaned.	Feed, screen- ings.
Weight per bushel	641	46		
sandsPer cent germination	782	2,031	1,610	2,568
	100	(68) 68	(92) 96	(64) 64
Number of germinable seeds per bushel	782	1,381	1,546	1,643
Weight of 1,000 kernels, in grams	34.8		16.9	10.6

A very poor sample for seed, yet it contains twice as many germinable seeds per bushel as the No. I hard. Notice the vigor as compared with the good sample on the left.

	No. 1 hard, univ., cleaned.	No. 6 special.	No. 6 special, cleaned.	No. 6 special, screen- ings.
Weight per bushel. Number of seeds per bushel, in thousands. Fer cent germination. Number of germinable seeds per bushel. Weight of 1,000 kerneis, in grams.	641 782 100 782 34.8	48 1,779 (56) 60 1,067 15,3	1,328 (72) 72 956 20,5	2,110 (52) 60 1,266 12.9

Too low in vigor to be risked for seed. Cleaning made a great improvement, but not enough to make safe to sow.

	No. 1 hard, univ., cleaned.	No. 4 special.	No. 4 special, cleaned.	No. 4 special, screen- ings.
Weight per bushel. Number of seeds per bushel, in thousands. Fer cent germination. Number of germinable seeds per bushel. Weight of 1,000 kernels in grams.	641 782 100 782 34.8	55 1,509 (84) 92 1,386 18.04	1, 334 (88) 96 1, 281 20. 4	2, 143 (32) 52 1, 114 12. 7

The cleaned sample is a fair one for seed, carrying 60 per cent more germinable seeds per bushel than the No. I hard, but showing perhaps 60 per cent less vigor. Cleaning improved this sample very much.

	No. 1 hard, univ., cleaned.	Marquis B, badly rusted.	Rusted Marquis W.	Frosted Marquis A.
Weight per bushel. Number of seeds per bushel, in thousands. Per cent germination. Number of germinable seeds per bushel. Weight of 1,000 kernels in grams	64½ 782 100 782 34.8	3,058 (60) 72 2,202 8.9	1,573 (56) 56 881 17.3	1,076 (28) 48 516 25.3

Marquis B is the least vigorous sample tested, yet it contains three times as many germinable seeds per bushel as the No. 1 hard. This crop was not considered worth cutting, and the grain is certainly unfit

for seed.

Marquis W is a very poor one for seed, yet some of the plumpest kernels produce fairly strong plants.

Frosted Marquis A. Not "frosted" but badly frozen. The photograph flatters the seed. At twice the ordinary rate it might give a full stand, but it would likely rot in the ground if the spring were backward. As a matter of fact it heated after this test was made, and now none of it will germinate.

Mr. TAVENNER. Mr. Chairman—
The CHAIRMAN. The gentleman from Illinois is recognized for two minutes

Mr. TAVENNER. Mr. Chairman, the amendment which was offered by the gentleman from Nebraska [Mr. Reavis] was a very excellent one. It should be adopted before the bill is finally The same provision the House has just rejected is law now, so far as it relates to naval officers.

The naval bill which became a law June 10, 1896, prohibited any naval officer on the active or retired list from taking employment with concerns having dealings with the Government. The provision reads as follows:

And provided further, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps, on the active or retired list, while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

There is, however, no similar legislation with reference to Army officers, the absence of which makes possible instances like that of Gen. Humphrey, who is on the pay roll of both the Du Pont Powder Co. and the Government.

W. H. Brownson, retired rear admiral, now drawing \$6,000 a year from the Government, is a director of the International

Nickel Co.

Charles F. Humphrey, who receives \$6,000 a year from the Government as retired major general, is an employee of the Du Pont Powder Co. E. G. Buckner, vice president of the Du Pont Co., testified before a committee of Congress that he employed Gen. Humphrey at Washington to "look after such little details as getting information from all of the departments.

I believe that perhaps as much as 90 per cent of the munitions going to the allies is being made under the supervision of ex-United States Army and Navy officers, some of whom are retired and some of whom resigned to take employment with private munitions firms. Some of the resignations were accepted more than a year ago, when Mr. Garrison was Secretary of War. I do not believe the War Department should have accepted the resignations at that time, knowing unofficially that the very next day these officers, educated at the expense of the American people, were to start making munitions for the allies. The Government was endeavoring to be neutral in every way, and I believe it would have been better for the Secretary of War to have refused to accept the resignations just at that time, with the explanation that under the circumstances some might misunderstand the acceptances. Of course, if we had been at war with Germany, or even if we had broken off diplomatic relations, the situation would have been different.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

The Clerk read as follows:

Additional pay for length of service, \$46,225.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to

strike out the last word.

Mr. MILLER of Minnesota. I do this for the purpose of bringing to the attention of the House an item that more properly should have been presented when we were considering the subject of aviation in this bill.

When the fortification appropriation bill was before the House some weeks ago, among other gentlemen who took occasion to make some remarks I uttered the following, and I quote this extract from an article in the Army and Navy Journal; and I have a reason for doing it. I would not take the time of the House now otherwise. I read:

We all know, who have taken occasion to make inquiry, that when Gen. Pershing's expedition went into Mexico it was not without the airplane. They had eight. Did the eight fly? Good God, no! They were naturally not built for the air; they were built to go near the ground; they were built to rest in the sand; they were built to move only through the sagebrush. They had not the ability to fly. No one there could instill into them the blood or the microbe of flying. After a while two were able to fly by jerks, and after a further time some were able to fly spasmodically and intermittently, and some of the time I suppose have been flying regularly. We appropriated \$13,000,000, as I remember distinctly, a year ago, and we have not had much better results yet. I have been told that the Aviation Corps of our Army has not been properly organized. I do not know whether it has or not; I do not know what a proper organization ought to be. I have heard it stated that there was difficulty in connection with the high officers. I know there has been a shaking up and a reorganization, and I hope it will be for the lasting good of the Aviation Corps. While we sit here with patriotism and vote the money in large sums, it ought to be possible to put that money so as to produce efficient results.

The Army and Navy Journal then goes on to say, after quoting the above:

Before Mr. Miller and his colleagues "sat there with patriotism, and voted the money," an Army officer and a civilian aeronautical expert of the highest standing in his profession, appeared before the Military Committees of Congress and described the work of the aviation section of the Army for his benefit and for that of his colleagues, Their statements are to be found in the printed hearings of the committees which are available for everyone in the United States who cares to inform himself as to these matters.

Then follows a further discussion, citing the statement made by the gentleman from Kentucky [Mr. Sherley], and then it continues with this:

"During the expedition into Mexico the first areo squadron at Columbus were continually being used as dispatch bearers and mail carriers. About September 15 a daily airplane mail service was established between Columbus, N. Mex., and Colonia Dublan, Mexico. In addition to the above cross-country flying there have been numerous flights made from San Diego, Cal., to Los Angeles, Cal., a distance of 120 miles, by pupils of the San Diego school. Similar flights have also been made by pupils and pilots at the Mineola school."

There is also somewhere a statement, that I can not at this moment flud, showing the total distance that has been flown during the past year and which is so considerable as to occasion surprise upon learning it.

Mr. Henry Souther, the War Department's civilian expert on flying machines, testified before the House Committee on Naval Affairs on December 7, 1916, as to the marked progress of the Army aviators attached to the Southern Department were making not only in the duration of flights, but in the mechanical improvements on their machines. It is a part of patriotism for a Congressman to acquire information on any subject he discusses.

Then, in another place this is said, and I do not care to take the time of the House to read it all. I will try to pick out this particular feature in just a moment:

Mr. Sherley, chairman of the Committee on Fortifications, edeavored to throw a little light into the darkness that "obfuscates Mr. Miller's mental perceptions.

Now, I have wendered for a long time what is the matter with me. [Laughter.] It remained for this article from the Army and Navy Journal to enlighten me. I have been "obfuscated." I have looked into the dictionary to find out the exact nature of my ailment. I have consulted medical books, and I have talked with some of my distinguished friends who are occupied with physician's duties. Nobody seems able quite to give me the accurate definition of what "obfuscation" means, how it begins, what are its symptoms, how long it lasts, what its effects are. I would like to make some observations on that, or invite my friend from Illinois, Dr. Foster, to give me some dissertation on it. [Laughter.] It appears that the Army and Navy Journal thought it proper to tell that one Congressman was talking about something that he knew nothing about, and was criticizing an important corps of the Army.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, may I have five minutes more?

Mr. DENT. Then, Mr. Chairman, I ask unanimous consent that at the conclusion of the gentleman's remarks, five minutes, all debate on the paragraph be closed.

Mr. GREEN of Iowa. Will the gentleman let me get in for five minutes on that particular point? I think I have some information that I can give to the committee.

Mr. DENT. Ten minutes, then.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the end of 10 minutes debate on this para-

graph be closed. Is there objection?

Mr. FOSTER. Reserving the right to object, I should like to ask if we are to continue this sort of discussion on this bill all the time? If we are, I am going to object to any more, I will not object at this time; but here we have spent a whole day on two or three pages of this bill. I am going to object to any more of them, I do not care who they are.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. The intention is to indicate to the world that the Aviation Corps of the Army was unjustly eriticized, and the writer of this article took occasion to jump upon a Member of Congress for having the temerity to criticize the Aviation Corps. You will note that in this article, while there may not be a plain attempt to misrepresent, there nevertheless is an intention to convey an impression that is not borne out by the facts. In the first place, it is assumed that the criticism was improper. It is intended by the article to furnish evidence that the criticism was improper. But a careful inspection of the article will disclose that every fact therein stated tending to show efficiency in the Aviation Corps has nothing whatever to do with the criticism I made. My criticism was directed at the flying corps as it started with Pershing in Mexico, not in September, October, or November, but in March and April, 1916, when the clarion call sounded and our President said to Pershing and his men, "Cross the line and get Villa, dead or alive." To get him we needed the aid of aeroplanes. Aeroplanes were sent down to aid in the work. I was not discussing whether pupils have learned to fly from San Diego to Los Angeles, or what is the total number of miles flown by all the men wearing the uniform of Uncle Sam and flying in recent months. I tried to direct the attention of the House, and I am frank to say I hope the attention of the Army, to the fact that we were observing them. I tried to call the attention of the House to the fact that our Aviation Corps up until recently was a shame and a disgrace to our Army, and I do not take back one jot or tittle of that. Now let us see if I am fortified in what I have to say. The Chief of the Aviation Corps to-day is Col. Squier. The Chief of the Signal Corps of the Army, as everybody knows, is Gen. Scriven, a very distinguished man. Both these gentlemen appeared before the committee having charge of this bill. Now I want to read from the testimony on page 200 this bill. Now I want to read from the testimony on page 993

of the hearings the following. Gen. Scriven, who has charge of the Signal Corps, was testifying. He said:

the Signal Corps, was testifying. He said:

Take, for instance, the conditions as they exist on the border. An aeroplane goes up, meets with some unfavorable conditions, and comes down perhaps 30 or 40 miles away from any place where it can get any assistance. That is the end of the machine. On the contrary, if the machine came down at a place where repairs could be made, the broken parts may be replaced without difficulty.

Mr. Kahn. What do you mean when you say that is the end of the machine? Do you have to abandon it?

Gen. Scriven. We may have to abandon it if you can not get any of the parts you need. That would be especially true in case the machine came down in an enemy's country.

Mr. Kahn. How many of our machines have met with such a fate recently?

Gen. Scriven. There have been a good many of them which met such a fate down in Mexico. All of the first lot we sent down there suffered that fate.

that fate. All! Not one, or two, or three, but all.

Mr. Kahn. There was some question about those machines being fitted for the work you expected them to do, was there not?

Gen. Scriven. They were picked up and taken down there because they were all we had. They were taken down from Fort Sill and San Diego, where the conditions were different; but it was absolutely necessary to send them out, as the days were those of war. They were low-power machines—90-horsepower Curtiss machines.

Mr. SMITH of Michigan. How many of those machines were there with the Pershing expedition at first-only nine, were there not?

Mr. MILLER of Minnesota. My recollection is there were eight. There may have been nine. A little further on Col. Squier, who is the very efficient head of the Aviation Corps, was testifying, at page 1018:

Mr. McKellar. As I understand it, when you went down on the border, all the machines that you had failed to come up to what was required of them; in other words, you could not fly over mountains?

Col. Squier. Yes, sir; that is correct.

Mr. McKellar. These new machines that you say you are now equipped with, have you had a practical demonstration that they can fly above the highest mountains down there?

Col. Squier. Perhaps not the highest ones, but they fly readily over mountains.

Mr. McKellar. Do they cross mountains in going down to Gen. Pershing?
Col. Squier. Yes, sir,
Mr. McKellar. And those are the same mountains that those previous machines could not cross?
Col. Squier. I think so; these 160-horsepower machines—
Mr. McKellar. (interposing). What was the difficulty with the other machines—that they had too small a horsepower?
Col. Squier. Yes, sir,
Mr. McKellar. And you got rid of all of those?
Col. Squier. Yes, sir.

I do not ask for any other testimony. None is needed. The flying detachment that first went to aid Pershing in his expedition into Mexico was a flat, complete failure, and it will not help the Aviation Corps of the Army one bit at this moment or at any future time to try to cast slurs upon any Member of Congress who knew the facts and who desires to call the attention of his colleagues to them. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, the writer of the article which the gentleman from Minnesota has just read says that our machines in Mexico did not fly. "Good God, no!" says this writer. Did the writer of that article know anything about what he was writing about? Good God, no! He had not investigated it. He says it was the duty of Congressmen and the part of patriotism for them to investigate into such I agree with him, and I did investigate into them. I found out some things in addition to what the gentleman from Minnesota had stated why the machines were a failure. It was not the fault of Congress and in some respects not the fault of the Signal Corps that they were failures, but the writer seems to intimate, as we have heard and seen in the papers all over the country, that everything that fails in the hands of the Army or the Navy is the fault of Congress. Whatever befell these machines in that respect was not the fault of Congress. The machines that went to Mexico did not fly, as the writer of the article says—or some of them did not fly any distance to speak of, as I was informed by a member of the Signal Corps, who claimed to know all about it-failed to fly because of the rarity of the air and the dryness, which caused the propeller to disintegrate and fly to pieces.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SHALLENBERGER. Then the opinion of the gentleman is that the aviation system fell down in Mexico because they were trying to fly with conditions under which they had not tried to use the machines before; that they were successful at the sea level, but failed under the high atmospheric conditions that existed down there?

Mr. GREEN of Iowa. That is the information I have and which I received from a member of the Signal Corps. It was

not all the reasons, as stated by the gentleman from Minnesota. The principal reason was that the propeller wheels went to pieces and they had to experiment a long time to find a place where they could have them manufactured so they would stand the climate. They did find a manufacturer in Chicago who was able to make propellers of a proper kind.

Mr. KEATING. Is the gentleman familiar with the testimony given by a dozen experts before the Naval Affairs Committee in which they testified that we had never manufactured an aeroplane in this country which could fly under war condi-

tions?

Mr. GREEN of Iowa. I am not.

Mr. KEATING. Certain experts came before the Naval Committee and testified to that effect.

Mr. GREEN of Iowa. That is not entirely correct, because we have built some aeroplanes that have flown under war conditions.

Mr. GARDNER. Does the gentleman remember that since 1910 Mr. Edison has been trying to adapt a battery to submarines and has not been yet successful?

Mr. GREEN of Iowa. I remember that he has been claiming that he had the best battery in the world.

Mr. GARDNER. He had the best explosive that could be

Mr. GREEN of Iowa. He succeeded admirably in creating an explosion. But the point I want to make is that the newspaper attack on Congress for not making proper supplies for the Mexican expedition had no foundation whatever.

Mr. KAHN. If the gentleman will allow me, it has been the policy of the Military Committee of the House to say that it will

not advise the executive branch of the War Department as to what kind of machines or instruments they should use. That is left entirely to the War Department. We furnish the money and they must take the responsibility of acquiring the proper materials

Mr. GREEN of Iowa. The gentleman is correct; I was coming to that point. We have acted upon the advice of the experts, but for some reason or other the public think that Congress is acting on its own information in these matters, while exactly the contrary is true. [Applause.]

# MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Durké having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments, had insisted upon its amendments to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. Shafroth, Mr. Kern, and Mr. Poindex-ter as the conferees on the part of the Senate.

# ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, and expenses of taking depositions and securing other evidence for use before the same, \$60,000.

Mr. MOORE of Pennsylvania. I move to strike out the last word. The gentleman from Illinois [Mr. FOSTER], who is sort of an official timekeeper of the House, has indicated that he proposes to prevent any further extension of time on this bill. I want to join him, with this statement: That I will do everything I can to help him expedite this bill, except this, that I have asked the gentleman from Texas [Mr. Callaway] to be here to-morrow morning, when I wish to make a motion for the passage of the resolution investigating the charges the gentleman from Texas put in the RECORD affecting some of the great newspapers of the country, that are alleged to have been coloring war news with a view to embroiling the United States in the war in Europe.

While I have not spoken on this bill to-day, hoping to advance the passage of it, I want to congratulate the committee and the country upon the more pacific tone of the great editorial writers this morning. They seem less bellicose than they were last week, when they were declaring this country in a state of war. If during the last three or four days some of us have made it possible for the masses of the people of the country to understand the frightful consequences of being thrown into a European conflict it may have been a very fortunate thing. It has at least given them a chance to breathe.

The President, according to some of the publications, was to have addressed us yesterday upon the question of the war; some of the great editors had been urging that he should appear

did not find the "overt act" for which they were searching, nor have they yet found the "insult" they were ready to substitute for the "overt act," so that for a moment the people have been able to think and this body has been able to deliberate and go on with two important bills, the Post Office bill and the Army bill, as a representative body should without pressure from the outside and without being stampeded. This is as it should be before the country is plunged into war, with all its entangling alliances and subsequent burdens. The President has at least been given liberty for a brief time to deal with this great problem seriously and to come to Congress in the constitutional way. I am glad to have this opportunity to say to the chairman of the committee that I shall speak no more to-day and will do all I can to hasten the passage of this Army preparedness bill. [Applause.] The Clerk read as follows:

For amount required to make monthly payments to Jennie Carroll, widow of James Carroll, late major, United States Army, \$1,500: Provided, That the Secretary of the Treasury be, and he is hereby, suthorized and directed to pay to Harriet C. Carroll, mother of the late Maj. James Carroll, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$600 per annum, payable monthly.

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. KEATING. Mr. Chairman, I desire to strike out the last word. I want to get some information from the chairman of the committee. Mrs. Carroll is the widow of the major who

died as the result of the yellow-fever experiment?

Mr. DENT. Yes. Mrs. Jennie Carroll is the widow of the officer who gave up his life in experiments in yellow fever in Cuba. Harriet C. Carroll, the other named in this paragraph, is the mother. That portion of the paragraph is new. It is intended to take care of his old mother, who is now living in Washington. I understand she is about 83 or 84 years of age and is living in some home for old women. She is being supported largely by the charity of the friends of Maj. Carroll.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation

of the point of order. Mr. KEATING. Mr. Chairman, has Mrs. Jennie Carroll remarried?

Mr. DENT. Mr. Chairman, I could not answer that question positively, but I should say not, because her name is being carried, and has been carried for years, in this appropriation bill in that way.

Mr. KEATING. Is there any other member of the committee

who can give a positive answer to that?
Mr. FIELDS. I have no information about it.

Mr. DENT. We are still carrying her under the same name. We have no information that she has been remarried. She has several children, I understand, and this is about all she has to support herself.

Mr. CARTER of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have

The Clerk read as follows:

On page 20, line 3, after the figures "\$75,000," insert the following: "Provided, That Mary Elizabeth Graham, mother of Leo J. Graham, late of Company C, Thirty-first Regiment Michigan Volunteer Infantry, National Guard, shall be regarded as the duly designated beneficiary of the late Leo J. Graham, under the act approved May 11, 1908, as amended by the act approved March 3, 1909."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point

On the amendment I reserve the point of order. Mr. FIELDS. Mr. Chairman, can the gentleman give us some information about this?

Mr. CARTER of Massachusetts. Mr. Chairman, this is the case of a boy who was shot while on the border, near the Mexican line, through an accident at target practice. He failed to name a beneficiary. This amendment simply calls for \$60 pay that his beneficiary would have received providing he had named a beneficiary.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Massachusetts. Yes

Mr. DENT. Has the gentleman introduced a bill of this

Mr. CARTER of Massachusetts. I introduced a bill and was informed that it would not get through in this session. Therefore I have offered this amendment at this session.

Mr. DENT. Has it gone to the Committee on Military Affairs

Mr. CARTER of Massachusetts. I think so; but I was in-

formed that it would not get through at this session.

Mr. DENT. Mr. Chairman, I want to state to the gentleman that the Committee on Military Affairs has a number of these before this body and demand a declaration of war. But they | bills of this general nature where a soldier on the border has been killed without naming a beneficiary. The committee in several instances, where the proof was that the soldier had no wife and no children that the person designated was the mother, father, or some one dependent upon him, has invariably reported the bill favorably.

But I really think it ought not to be incorporated in the Army appropriation bill unless these facts should have investigation at the hands of the committee. I will state to the gentleman that if the facts warrant it the committee will undoubtedly and gladly report out a bill allowing the beneficiary suggested in

Mr. CARTER of Massachusetts. If the gentleman thinks it can go through this session.

Mr. DENT. Well, of course, it would have to go through on the Private Calendar.

Mr. CARTER of Massachusetts. As long as it goes through this session. I have no objection.

Mr. DENT. I have no objection personally to the bill. have supported these measures in the committee. I think it is perfectly right, and the only question is whether or not we should not have an investigation to know whether or not we are naming the proper beneficiary, and there ought to be some investigation in order to determine that fact. If we open the doors to one bill, then these others would be naturally offered to this bill also. That is the only objection to the gentleman's bill. I will state, as far as I am concerned, the Military Committee stands ready to report the bill, if the gentleman puts it before the committee, and do what we can to have it passed this session, but under the circumstances I shall have to insist upon the point of order.

The CHAIRMAN. Without objection, the gentleman asks leave to withdraw his amendment, if it is agreeable to the gentleman.

There was no objection. The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage to commissioned officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund.

Mr. DENT. Mr. Chairman, I ask unanimous consent to

strike out lines 5 and 6. They are unnecessary.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 21, by striking out lines 5 and 6.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made). Indians employed with the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps, and enlisted men of the Army: Provided, That the sum of \$12,000 is authorized to be expended for supplying mais or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard who may be competitors in the national ritle match: Provided further, That no competitors in the national ritle match: Provided further, That no competitors that be entitled to commutation of rations in excess of \$1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of 40 cents per ration; of the regularion allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places of absence, applicants for enlisted men and female nurses on leaves of absence, appl

Mr. DENT. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 21, line 20, after the word "corps" insert "while on active

Mr. DENT. Mr. Chairman, the object of that amendment is apparent on the face of it. Those words were left out in the print. The purpose is to give the officers of the Reserve Corps while on active duty the right to purchase supplies like the regular officers and enlisted men.

The question was taken and the amendment was agreed to.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. I would like to ask why it is, on page 23, \$4,000 is appropriated for subsistence of West Point cadets while attending the inaugural ceremonies and, on page 32, \$15,000 is also appropriated for their traveling expenses. Why were those two items separated?

Mr. DENT. Mr. DENT. One is, of course, for expenses of the cadets in going to and from West Point and Washington and the other is to take care of them while they are here.

Mr. KAHN. We have done it every four years.

These appropriations are made every four years. Mr. DENT Mr. SEARS. If this is the usual appropriation I will call attention to the fact there are about a couple of hundred more cadets at West Point at this time than four years ago.

Mr. DENT. The department asked us for this amount and

did not ask any more and I suppose if they wanted any more they would have asked for it.

Mr. SEARS. Perhaps the other amount was too large.
Mr. SLOAN. Mr. Chairman, perhaps the most interesting part of the debate on this great military appropriation bill is on the subject of obtaining enlistments and then having the soldiers stay in the Regular Army.

The distance between the Regular officer, with his West Point or other institutional training, creates, perhaps unconsciously, an aristocracy in the Army, both as to culture and remuneration. This, I think, is a large reason why enlistment is repulsive to the better class of young men, and continued service thereunder becomes undesirable and irksome. My criticism, in brief, would be that in the Regular Army

we have a European system rather than an American system. We seek to fit the European system upon an American people. Our young men consider themselves the equal of the other young men of the United States and superior to the young men of any other nation on the earth. Moreover, within bounds and reason the man who marches in the ranks regards himself fundamentally as good as he who carries the sword and issues the orders. So American young men, unless unfortunate in life in some way, are not inclined to enter a service where they take the lower side in a system of more or less caste,

In the National Guard, and therefore in the United States troops coming from the National Guard, there is not the snobbishness of the officers nor the abject subservience of the men. Enlisted men and noncommissioned officers usually know personally the officers, their station, and families at home. To the ordinary young member of the National Guard, officer, neighbor, and friend are synonymous terms. Barriers of rank are only on formal parade, drill, or other important function.

I believe that National Guard officers and men would go to-gether as far or farther into danger as seasoned officers and veteran Regulars. First, they are on an average more intelligent. Second, there is no crushed spirit in their ranks. On the other hand, there is an ambition to advance and excel, which the enlisted Regular does not always have or know

These facts seem to have seized the Regular Army officers from the highest to the lowest. They have, instead of trying to Americanize the Army, or at least improve, when Americanization had been shown, condemned it. Therefore in the past months during the Mexican expedition from every Regular quarter, including those near the head of the service at Washington, emphatic if not always intelligent criticisms have been turned loose at the club, in committee hearing, on the platform, and in the press against the National Guard systemand men as well.

Congressman CRAGO, for 25 years a member of the National Guard of his State, in a speech in Congress made a few very interesting observations, from which I quote:

Interesting observations, from which I quote:

The National Guard was contemplated or was expected to exist under the provisions of the act of June 3, 1916. In other words, the act of June 3 had not gone into effect, so far as the National Guard was concerned. Hence all these criticisms of the National Guard in that call for the border service are based on a wrong conception of what we had to call on when that call of June 18 was made.

The Regular Army could not get recruits. The National Guard did get recruits overnight. They furnished this Government with almost 140,000 enlisted men, with trained officers to handle them. When the Government could not turn in any other direction, and was absolutely helpless for recruits for the Regular Army, the National Guard furnished the men who were needed. We are told that some of the Regular

Army organizations which went to the border and some which went to Vera Cruz had as low as 20 men to the company. I know this is true, that so many officers had been detailed on special duty here in Washington and elsewhere that company after company of the regular units were commanded by second lieutenants, lieutenants of the National Guard, and in some cases noncommissioned officers, not a single commissioned officer being present with his company, because these officers were doing work which could have been done by some clerk at a very small salary. In fact, much clerical work has been done by men holding the rank of captains and majors which should have been done by clerks. Now, I think a great mistake has been made in minimizing the experience of these men on the border. The fact that the newspapers of this country have condemned this service has taken a great deal of the pride out of these men who so willingly and so patriotically offered their services when the President thought they were needed. Only the other night. I am glad to hear Maj. Gen. Scott say, the purpose of mobilizing the guard on the border had been accomplished, that prior to that time they were hearing continually of the invasion of our border by the Mexicans, but that since the guard had gone down there he had never heard anything of that kind. The Mexicans thought the only Army we could possibly muster was our small Regular force, and when within a few days' time these Volunteer organizations were sent down there it put an entirely different aspect on affairs.

From the report of William A. Mann, brigadier general, General Staff, Chief of Militia Bureau, dated December 19, 1916, I take the following: Number of members of National Guard transported to the

Number of members of National Guard transported to the

151,096

Looking back in fair retrospect we can say that the delays and mistakes were largely those of the War Department and not those of the National Guard. If the War Department had furnished uniforms and arms, transportation, and subsistence as promptly as many of the boys of the National Guard furnished from farm, factory, shop, and office good physiques, clean lives, quick brains, and effective activities, then there would have been little ground for the carping criticism that we read and hear.

I know something of the two gallant regiments from Nebraska, the Fourth and Fifth, and also the Hospital and Signal Corps from the same State. They were among the first to muster, the most early to equip, and prompt to start for the border.

If the men knew the worth of these young men "of the border" there would be more springing to their defense. A large number in the organizations named were from the farms, leaving the most valuable harvest our State ever produced. A loss of money and a loss of opportunity in our great harvest year. There were professional men, including physicians, teachers, and lawyers; there were clerks, students, and tradesmen. All left employment to go when called, and at a time when they could have avoided it. Among these were many who left wife and children. Of course, there were similar separations in other States, but separation from such wives and babies as we have in Nebraska is a test of which only a Nebraska thoroughbred is capable.

All of these organizations distinguished and acquitted themselves with distinction among the border organizations for devotion to duty, capacity to learn, and ability to perform duties assigned them. They were sober and law-abiding. There was little demand for court-martial. There was much occasion for official commendation. They were typical Nebraska Americans, and that meant Nebraskans by birth or choice. They were descendants of New England Purltan and southern cavalier, sturdy middle-section stock as well as those coming from the best blood of Europe, many of whose relatives are now yielding their blood and lives in the awful conflict of the Old World. To these of the National Guard the English Jack, French tri-color, or Teutonic eagles had little interest. The Stars and Stripes filled their patriotic sky and satisfied their military vision. [Applause.]

Among all the regiments in the Brownsville district it was a Nebraska regiment that ranked first in inspection, examinations, drills, and in the great maneuver. The soldiers of the monarchies are well described by Shakespeare in Henry V: "Give them great meals of beef, iron, and steel, they will eat like wolves and fight like devils." Give our American National Guards who graduated into the United States service, wholesome food like they might have at home, tents for refreshing sleep, sanitary surroundings, as all men during this age should have, good books to read, humane and intelligent officers to direct; let all those in authority from Commander in Chief down to the humblest noncommissioned officer recognize the soldier to be a

man; give him then a worthy cause in which to either carry or defend the flag, and it will be carried and where carried stay put. [Applause.] And while they might not fight "like devils," they would fight to victory "any devils" who opposed them at or beyond the Rio Grande. [Applause.]

Of such men and of such mettle were the gallant regiments

and corps from Nebraska.

They made good on the border. They would make good elsewhere if properly called. I hope no great international provocation may arise that may call these or any of those now back from the border to active service from their well-earned rest.

Discussion on this floor in recent days has often been ill tempered and ill advised. There have been some special protestations of loyalty and patriotism which no one questioned. There have been strictures upon the conduct and policy of certain Members living in the great heart of the continent. prompted me to make some investigations, first, relative to my own State, and second, those States where the respective majorities of their Congressmen voted to warn Americans from taking passage on endangered ships.

The scope of my inquiry was the record made in the Spanish-

American War and in the recent border expedition.

I found that Nebraska furnished in these two military campaigns 49 soldiers out of every 10,000 population. Compared with certain States it was:

Nebraska	49
Ohio	45
Massachusetts	45
New York	43
Indiana	40
Illinois	40
Missouri	40
Now Toyour	
New Jersey	39
Alabama	35
Virginia	34

As compared with certain geographic sections recognized by

the census.	
Nebraska	4
New England	4
Middle Atlantic	
East North Central	
East South Central	4
West South Central	
South Atlantic	
East South Central	
Mountain	
Pacific	4

The States where majorities in this House voted for warning to reckless sea passengers, speaking collectively, furnished in the two military campaigns for every 10,000 population 43 soldiers; all other States, 38; and for the whole United States, 39.

Nebraska is in good company, and Nebraska helps swell the company's average rather than reduce it.

Nebraska as a Territory did her full share in furnishing soldiers for the Union Army. Nebraska in the only two opportunities it has had since assuming statehood demonstrated two things: First, that she will wait for the action of the constitutional authorities before engaging in battles or winning victories; second, when put to the test does her share in full and rounded measure. The West generally always believes in and hopes for peace with all the world, as long as it can be maintained with honor, as do all the people of the United States, yet when war has been declared and soldiers have been called for, history shows that the West furnishes the highest quota of soldiers to fight the battles, win the victories, and maintain the honor of the United States. [Applause.]

We will tolerate no aspersions of our motives. We move in national matters in harmony with the Constitution. We accept suggestions as to our course from none who seem to have forgotten that between severance of diplomatic relations and a foreign war there is a deliberative branch of the Government known as the Congress of the United States. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection; construction and repair of military reservation fences; stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards,

hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto, and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and offices at such places as the Secretary of War may determine, and for preservation of stores; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; authorized issues of soap; for hire of employees; for the encessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry, and batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cos

Mr. TILSON and Mr. GARDNER rose.

The CHAIRMAN. The gentleman from Connecticut [Mr. Tilson], a member of the committee, is recognized.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

The CHAIRMAN. The gentleman will state it.

Mr. TILSON. Is this the proper place to submit an amendment to this paragraph, or should I wait until after the proviso has been read? I desire to move a slight amendment to the phraseology of the paragraph just read.

Mr. DENT. I will ask the gentleman if it is just a matter of

Mr. TILSON. It is a new item, increasing the scope of the

The CHAIRMAN. Where does the gentleman want to insert the amendment?

Mr. TILSON. On page 24, line 23. I would like to know whether I should offer the amendment now or wait until after the proviso is read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. Tilson: Page 24, line 23, after the word "posts," insert the words "for purchase of relief maps for issue to organizations."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

on the amendment.

Mr. TILSON. Mr. Chairman, I am informed that while National Guard organizations can be and are supplied with relief maps for war-map problems the Regular Army is not authorized to purchase them. I understand that under existing law relief maps may be purchased and issued to the National Guard, and that they have been so issued and are being used in war-map problem work, while the Regular Army can not purchase them under any appropriation made for the Regular Army. A relief map is very helpful, indeed, in the instruction of officers by the war-map problem method. This amendment does not increase the amount appropriated, but simply inserts the new language that was read at the Clerk's desk, authorizing the purchase of relief maps for issue to regular organizations.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of

order.

Mr. DENT. I have no objection to the amendment, Mr. Chair-

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. Tilson].

The question was taken, and the amendment was agreed to.
Mr. GARDNER. Mr. Chairman, I ask unanimous consent to
extend my remarks in the Record.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. there objection?

There was no objection.

The Clerk read as follows:

Incidental expenses, Quartermaster Corps: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster Corps, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than 10 days; as additional school-teachers during the school term at post schools, and as clerks for post quartermasters at military posts, and for overseers of general prisoners at posts designated by the War Department for the confinement of general prisoners,

and for the United States disciplinary barracks guard: Provided, That hereafter the extra-duty pay to the United States disciplinary barracks guard shall be at the following rates per day: Battallon sergeants major, first sergeants, mess sergeants, supply sergeants, and sergeants, 35 cents; cooks and mechanics, 20 cents; corporals, privates first class, privates, and buglers, 30 cents; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks, and instructor cooks at the schools for bakers and cooks; for expenses of expresses to and from frontier posts and armies in the field; of escorts to officers or agents of the Quartermaster Corps to trains where military escorts can not be furnished; authorized office furniture; authorized issue of towels; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, sples, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of Cavalry, the batteries of Field Artillery, and such companies of Infantry and Scouts as may be mounted, the authorized number of officers' horses, and mules, chests and issue outfits; and such additional expenditures as are necessary and authorized by law in the movements and opera

Mr. DENT. Mr. Chairman, I offer the following committee amendments.

The CHAIRMAN. The Clerk will report the amendments. The Clerk read as follows:

On page 27, line 13, between the words "cents" and "cooks," insert "corporals, 30 cents." Also, strike out of said line 13 the words and figures "20 cents; corporals."

The CHAIRMAN. Without objection, the Chair will submit the amendments together. [After a pause.] The Chair hears

The amendments were agreed to.

Mr. DENT. Mr. Chairman, I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, page 27, line 14, by striking out the figures "30" and inserting "20" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. McKELLAR. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Tennessee offers an

amendment, which the Clerk will report.

The Clerk read as follows:

amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the last word on the last line of page 28 the following:

"Provided, That not exceeding \$6,000 of said sum, to be paid in monthly installments, shall be expended in the employ of a congressional accountant, who shall be selected by a joint resolution of the Senate and House of Representatives, and whose duty shall be to examine and audit the sums expended under this item, as well as all the items of expenditure contained in this act, to the end that the expenditures under this item and the expenditures under all items in this act may be conserved and in proper cases lessened; that the said employee shall be learned and trained in the business of accounting; that he must have no official connection with said department; that he shall not be connected by blood or marriage with the head of any department or any assistant therein, or the chief of any bureau in said department. He shall examine and audit not only the items of expenditure contained in this act, but he shall examine and report upon the estimates for the appropriation bills submitted by the said department for the next fiscal year. He shall be prepared at all times to give to the Committees on Military Affairs in each branch of Congress all the information needed about each and every appropriations et forth in such appropriations bills; the advisability of continuing such appropriations or items of appropriations; whether said appropriations may be reduced, whether said appropriations shave been judiciously and economically expended, and every detail in connection with each item of expenditure of said appropriation shave been judiciously and economically expended, and every detail in connection with each item of expenditure of said appropriation shall at all times be given him by the officials of said department and those acting under them, and every facility furnished so that said accountant may be able to have the most accurate information concerning the wor

Mr. DENT. Mr. Chairman, I reserve a point of order on the amendment.

Mr. McKELLAR. Mr. Chairman, I do not think it is subject to a point of order.

Mr. STAFFORD. If the gentleman has any doubts about it, let us have the question decided forthwith in order to save the time of the committee, unless the gentleman really wants to

Mr. McKELLAR. I will be glad to discuss the point of order, if the gentleman desires it.

Mr. STAFFORD. I will make the point of order, if the

gentleman desires it.

Mr. McKELLAR. Mr. Chairman, I think this is not subject to a point of order for this reason: Taking it in connection with the section just preceding, to which it refers specifically, it is certainly germane, and in addition to that the effect of this amendment is to lessen the expenditures in this bill, and it must necessarily have that effect. It does not do so in terms, but it must necessarily have that effect.

Now, for the many years that I have been connected with this committee I have noticed these very large items, amounting to many million dollars, one of them in the section just preceding this amounting to \$11,000,000, and in this section amounting to \$1,800,000 for various expenses; and in examining the witnesses who appear before our committee it is very difficult to tell how these moneys are expended. It is absolutely necessary to an economical running of this department of the Government that we should have an accountant of this kind in order that the expenditures of Congress for the military department of our Government shall be lessened.

Now, if the Chair please, I find that this case falls almost directly within a ruling made by the present occupant of the chair several years ago. In 1912 the present chairman [Mr. Saunders] ruled, and I call the attention of the gentleman to his

ruling, on page 508 of the Rules and Practice:

ruling, on page 508 of the Rules and Practice:

In this connection the Chair will state that it is not necessary for an amendment to be in order that it should be specifically directed to a reduction in terms of an amount in a bill. Of course, if it is addressed to such an amount, and reduces the same in terms, it will be in order. As, for instance, if the sum of \$1,000,000 is appropriated for a designated purpose pursuant to the requirements of existing law and an amendment is submitted reducing this amount to \$995,000, such an amendment will be in order. But the Holman rule admits of other amendments in order. The language of the rule is to the effect that germane amendments changing existing law are in order provided they retrench expenditures by the reduction of amounts of money covered by the bill.

The words "amounts of money covered by the bill" refer not only to the amounts specifically appropriated by the bill, but to the amounts required under the different heads or items of expense to which the bill relates.

I submit, Mr. Chairman, that that amendment comes almost directly within this provision of the Holman rule. I read further:

And if the necessary effect of an amendment is to reduce in the operation of the departments or bureaus for which appropriations are made the amount otherwise required for any one or more heads or items of expense, then a retrenchment has been effected by a reduction of the amounts of money covered by the bill.

The precedents say, in this connection, that the amendment, being in itself a complete piece of legislation, must operate ex proprio vigore to effect a reduction of expenditures. The reduction must appear as a necessary result; that is, it must be appearent to the Chair that the amendment will operate of its own force to effect a reduction.

Now, I submit that this amendment on its face, by a necessary intendment, shows to anyone who is familiar, as I believe, with our method of appropriating money, that the necessary effect of the amendment, if adopted, would be to reduce expenditures. I believe it will reduce expenditures in this department of the Government by many millions of dollars every year. We appropriate items of money here in bulk for a vast number of purposes that are covered in general terms. No man in this House, no man on this committee, can tell where all of that money goes. We ought to have some knowledge of it. Why, as a business Government, spending this large amount of money, it seems to me beyond the shadow of cavil that it is absolutely necessary for us to have this system, unless we are just going to appropriate all the money there is in the world in these various bills.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman

yield?

Mr. McKELLAR. I will with pleasure.
Mr. GREENE of Vermont. Does not the institution of a department for Congress to examine these accounts simply duplicate a service that is now performed by the Auditor for the War Department?

Mr. McKELLAR. Oh, no. It has nothing to do with that. It is a different method entirely. The accountant examines into the items of this very bill and reports to the House as to what is done with these items.

Mr. GREENE of Vermont. Before the money is expended? Mr. McKELLAR. No.

Mr. CRAGO. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. CRAGO. Does not the gentleman know that the reports of the different heads of the Army give all these expenditures

Mr. McKELLAR. No, indeed; that is exactly what I am seeking to get at. The reports of the department do not give any real facts. I have tried in the committee time and time again by cross-examination, as gimletlike as I could make it, to bring from these officers a statement as to how the money is expended, and you can not get it, and we all know we can not get it except in general terms. The only way it can be done effectually is by having an agent of this Congress, our agent, do it. They appeal to us for money. We ought to know for what purpose all of this money is expended and in what way it is expended; and whenever we do that we will save this Govern-ment countless millions of dollars, if this is adopted in every department of the Government, as I believe it ought to be.

I believe that this amendment is in order. under the decisions under the Holman rule the necessary effect of the adoption of this amendment will be to bring about retrenchment in the expenditures in this department. It will lessen

the expenditures

Mr. GREENE of Vermont. Is not the purpose of an auditor simply to show where the money has been expended and to get

an itemized return of it?

Mr. McKELLAR. That may be the technical definition of what an auditor is, but the specific duties are imposed here in this amendment to show just exactly what becomes of the money.

Mr. GREENE of Vermont. That is just exactly what an auditor does in his report. He states what has become of the money, does he not? Mr. McKELLAR.

An auditor shows what has become of money spent after it has been spent. The object of this provision is to show to Congress where the money is to go before it is spent.

Mr. GREENE of Vermont. How can you show where money

is going before you appropriate it?

Mr. McKELLAR. You can not show where money is going before you appropriate it; but any official charged with the expenditure of money will know that he has got to account to this congressional examiner, this agent of ours, who will pass upon this matter and report it to the next Congress, and the very necessary effect of it will be to lessen expenditures.

Mr. GREENE of Vermont. Can they spend a penny now that

is not approved by the Comptroller?

Mr. McKELLAR. Of course not; but if the gentleman from Vermont will indulge me right there, we appropriate for a vast number of purposes, general purposes, for instance, horseshoe-ing, water, food—a thousand different objects of the most general nature, hundreds of items in this very section and the section preceding it of the most general nature, and the expenditure will pass the Comptroller for almost any one of these or similar items. If we have an accountant of our own, not amenable to anyone else except this body and to the Senate, in my judgment it will mean a lessening of the Government expenditures, not only this year but every year in the future, and I hope the gentleman will not make the point of order. If we are going to abdicate our power-

Mr. GREENE of Vermont. To an auditor of this kind? Mr. McKELLAR. No; if we are going to abdicate our power and turn it over to the departments, and just accept whatever the departments send down here to us-if we are just to accept their recommendations, what is the use of our serving at all? Why do we not just accept the recommendations made by the What is the use of our attempting to Secretary and pass them? legislate on them at all?

Mr. GREENE of Vermont. Then the gentleman contends that the moral effect of having a congressional auditor for the benefit of this committee will so terrify the executive branch of the Government that there will be a speculative hope of

saving money

Mr. McKELLAR. Oh, no; not at all.
Mr. GREENE of Vermont. Does the gentleman contend that comes under the provision of the Holman rule?
Mr. McKELLAR. Oh, no; of course no speculation comes

under the Holman rule.

Mr. GREENE of Vermont. Then the point of order lies.

Mr. McKELLAR. Oh, no; quite the contrary. This is not speculative decrease. The decrease comes as a necessary consequence.

Mr. GREENE of Vermont. Because you are depending on the Holman rule.

Mr. McKELLAR. No; quite the contrary. The gentleman wholly misunderstands it. My proposition is that in order that we may intelligently appropriate and expend this money we ought to have some man who is amenable to this Congress and

to no one else to pass upon the expenditures and give us information in reference to them, and furnish us a statement as to how these moneys are spent. Why, you just take the items for rent of various buildings in this town. Is there a man on this floor who can give you a single statement of what is paid and whether we get value received for it? We spend it in lump sums and in sums that are sometimes astonishing to contem-

Mr. KAHN. The gentleman is mistaken in saying that we

pay rentals in the District of Columbia in lump sums.

Mr. McKELLAR. In this way: I recall one particular instance where we pay \$5,000 or \$4,900 in yearly rental for a garage or warehouse in the northeast. I have no doubt the property can be bought around that figure. But how do we know? We have a general statement made by the head of a department or the assistants. They do not know and we do not know from examination how the money is spent. They do not know themselves.

Mr. STAFFORD. Will the gentleman yield?

Mr. McKellar. Yes. Mr. STAFFORD. The gentleman is in error as to the lack of information furnished to the House as to the rentals of buildings. Under the law they must furnish the information in the Book of Estimates as to the rentals, the estimate per square

Mr. McKELLAR. Not in this department.
Mr. STAFFORD. Yes; in all the departments; and if the gentleman will examine the Book of Estimates he will find that he is mistaken.

Mr. KAHN. Will the a Mr. McKELLAR. Yes. Will the gentleman yield?

Mr. KAHN. In these hearings every item is set forth in detail, with every dollar required for every item. For instance, this item, "Regular supplies," covers in the hearings pages 157 to 233, and every particular item of this paragraph is placed in these tables.

Mr. McKELLAR. Will the gentleman read one-pick it out

himself?

Mr. KAHN (reading)-

Care and protection of regular supplies of Quartermaster D ment: United States, \$63,760; Philippine Islands, \$16,300; \$80,073. Appropriated for the fiscal year 1916, \$61,841.67.

Mr. McKELLAR. Does that show this House anything about

where the money is expended?

Mr. KAHN. It shows where it is to be expended. There is also a statement as to the particular items embraced in the

Mr. McKELLAR. In general terms that the War Department spends \$61,000 for the warehousing of the quartermaster stores. These appropriations are mounting up to a stupendous sum. I recall that Mr. Taft said time and again that with a proper accounting system this Government could save \$300,-000,000 a year. I do not believe he was out of whack about it; I believe it would be more. The one thing that we need to do is to take hold with our own authority, have our agents to tell us just exactly what is done with the money, how it is expended, and whether properly expended or not, and whether the figures they give us are correct or not.

Mr. DENT. Mr. Chairman, I want to say to the gentleman from Tennessee that he is pursuing a course which I think in the end may accomplish some good; but I hope the gentleman will not insist on that amendment at this time to this appropriation bill. Unquestionably it makes some material changes in the law. We have been proceeding on the theory that this bill is to carry into effect the legislation already adopted, and we have recommended only such changes in the administration

of the law as the department has found inconvenient.

Mr. McKELLAR. I agree to that, but I think the amendment is in order; and I will ask the Chair for a ruling.

The CHAIRMAN. The gentleman from Tennessee insists that his amendment is in order under the Holman rule, and in that connection cites a ruling heretofore made by the present occupant of the chair. The Chair thinks that the principles announced in that ruling are correct and will follow them, but it hardly thinks that the gentleman from Tennessee has brought his amendment within the benefit of those principles. The main principle announced in that ruling was that in order for an amendment carrying new legislation to be in order on an appropriation bill, it must necessarily effect a reduction in expenditures. It can hardly be said that such will be the effect of the pending amendment. It proposes to create an economy agent, so to say. This functionary may serve a very useful purpose and recommend very wholesome economies, but it does not follow that Congress will act favorably upon these suggestions. It has notably failed to act on many of the recommendations of the \$15,000,000.

Economy Commission. Having in mind, therefore, that it is impossible to predicate the favorable action of Congress upon the recommendations of this functionary, how then can it be confidently claimed, much less considered, as established, that this amendment in its necessary operation will effect retrenchment? And unless it will necessarily operate to effect a retrenchment of expenditures the amendment is not in order under the Holman rule. The Chair sustains the point of order raised by the gentleman from Wisconsin.

Mr. MANN. Mr. Chairman, I move to strike out the last

word. It is almost 6 o'clock.

Mr. DENT. Mr. Chairman, at the suggestion of the gentleman from California, which was that as we were running along harmoniously we might run until 6.30, I had prepared myself to that end.

Mr. MANN. Of course, I am willing to stay here as long as anybody, and do stay here from the time we meet until we adjourn, and I expect to do so to-day. But my understanding is that the gentleman from North Carolina is going to propose an evening session, and if so, and we take any recess at all. I think it ought to be a recess of two hours.

Mr. DENT. May I make a counterproposition, and that is that the next item be read? And then I will move that the

committee rise.

Mr. MANN. Then I withdraw my motion to strike out the last word

The Clerk read as follows:

Mr. MANN. Then I withdraw my motion to strike out the last word.

The Clerk read as follows:

Transportation of the Army and its supplies; For transportation of the Army and its supplies, including transportation of the froops when moving either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations are for puting electric for travel allowance to enlisted men on the control of the cost of the cost of packing and crating; for travel allowance in the cost of the C

Provided further, That \$75.000 of the appropriation hereby made shall be available for additional pay of employees on harbor boats, quartermaster service, in lieu of subsistence.

Provided further, That of the amount herein appropriated not exceeding \$15,000 may be used for extraordinary expenses of transportation of West Point cades to Washington, D. C., to attend inaugural ceremonies, and return, which sum shall be immediately available.

Mr. DENT. Mr. Chairman, I move that the committee do

Mr. GREENE of Vermont. Mr. Chairman, it is understood that when the committee resumes consideration of the bill tomorrow, this paragraph is subject to amendment.

Mr. DENT. Oh, yes, Mr. CALDWELL. Mr. Chairman, before the motion of the gentleman from Alabama is put, I ask unanimous consent to extend my remarks in the RECORD by printing a schedule of general information in respect to the means of defense of the country.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20783, the Army appropriation bill, and had come to no resolution thereon.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20451, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri asks unani-

mous consent to take from the Speaker's table an omnibus pension bill, disagree to the Senate amendments, and agree to the

conference. Is there objection?

There was no objection. The SPEAKER announced the following conferees: Mr. Sher-WOOD, Mr. RUSSELL of Missouri, and Mr. LANGLEY.

## PORTO RICAN BILL.

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9533, to provide a civil government for Porto Rico, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Porto Rican bill, disagree to the Senate amendments, and ask for a confer-

ence. Is there objection?

Mr. LONDON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for an opportunity to move to concur in some of the Senate amendments.

Mr. JONES. Mr. Speaker, I will say to the gentleman that there are some amendments that the House, I am sure, will accept, but we have thought it best to disagree to them all. I will say to the gentleman that if I am one of the conferees I shall be very glad to talk with him about any matter in which he is interested.

Mr. LONDON. I am particularly interested in the amend-

ment relating to the extension of the franchise.

Mr. JONES. There will be some dispute over that, but I know the conferees will be very glad to hear the gentleman.

Mr. LONDON. Will the gentleman kindly renew his request to-morrow?

Mr. JONES. Oh, I hope the gentleman will not object. . We want to get the bill printed to-night.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. Jones, Mr. Garrett, and Mr. Towner.

Mr. JONES. Mr. Speaker, I ask, further, that the bill be printed with the Senate amendments numbered.

The SPEAKER. Is there objection?

There was no objection.

# CLAIMS UNDER BOWMAN AND TUCKER ACTS.

Mr. BYRNES of South Carolina. Mr. Speaker, I present for printing under the rules a conference report upon the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts,

and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The SPEAKER. The gentleman presents a conference report

for printing under the rules.

## EXTENSION OF REMARKS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two editorials from the Morris (Ill.) Herald.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the public-building bill and upon the Sisal Trust.

The SPEAKER. Is there objection?

There was no objection.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2543. An act for the relief of the State of Kentucky;

S. 1068. An act relating to desert-land entries; and S. 1697. An act to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable.

#### CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to present a conference report on the bill H. R. 18453, the Indian appropri-

ation bill, and ask that it be printed under the rules.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The SPEAKER. Ordered printed under the rule.

## EXTENSION OF REMARKS.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 18984.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the migratory-bird law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

## HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

# WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. IGOE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Horace McMellon (H. R. 24039, 62d Cong.), no adverse report having been made thereon.

# ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand at recess until 8 o'clock to-night, the evening session to be only for the consideration of unobjected bills on

the Private Calendar, beginning where we left off the last time.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand at recess until 8 o'clock, to run not later than 10.30, for the consideration of uncontested bills on the Private Calendar

Mr. KITCHIN. I accept the amendment.

Mr. VARE. Mr. Speaker, reserving the right to object, I would like to ask whether a bill would be considered in the event previous objection had been made and was now withdrawn?

Mr. KITCHIN. I was not here the last time and I do not know where they left off on the calendar. The probability is they will get through with the bills not reached and then go

Mr. VARE. Here is an illustration: I was absent the last meeting, and Mr. Cox, of Indiana, objected to a bill which I had and I am hopeful that he will see the merits of the proposition and withdraw his objection.

Mr. KITCHIN. We all hope so.

Mr. VARE. I mean in the event of his doing so will that bill be considered to-night?

Mr. KITCHIN. The calendar will be taken up where we left off and we will go through the calendar and then if there is any

time they will go back.

Mr. Speaker, there are two classes of bills on the private calendar that have had no show at all, a few that were between the place reached the other night and the bills which were reported at the present session of Congress. Then

Mr. MANN. We will reach those to-night if we have the time, Mr. MILLER of Delaware. We start off with No. 422 and that is right before the military bills.

The SPEAKER. Is there objection?
Mr. BOOHER. I object.
Mr. BURNETT. The gentleman objects to what?
Mr. BOOHER. To the request of the gentleman from North

Mr. STAFFORD. Mr. Speaker, I call for the regular order. The SPEAKER. The regular order is to move to adjourn.

## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House, under its previous order, adjourned to meet to-morrow, Wednesday, February 21, 1917, at 11 o'clock

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Kennebec River, Me., Parker Head Harbor and Channel (H. Doc. No. 2071); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting an estimate of appropriation under the title "Fortifications," Panama Canal (H. Doc. No. 2072); to the Committee on Appro-

priations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of State submitting an estimate for inclusion in the general deficiency bill (H. Doc. No. 2073); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Labor submitting estimates of appropriations required for additional expenses in enforcing the laws regulating immigration from May 1, 1917. to June 30, 1918 (H. Doc. No. 2074); to the Committee on Appro-

priations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for printing charts, Coast and Geodetic Survey (H. Doc. No. 2075); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17496) to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the Commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill., reported the same with amendment, accompanied by a report (No. 1511), which said bill and report were referred to the Committee of the Whole House on the state of the Union. Mr. SLAYDEN, from the Committee on the Library, to

which was referred the bill (H. R. 16606) providing for a memorial to Miss Clara Barton in the building being erected for the use of the American National Red Cross, reported the same adversely, accompanied by a report (No. 1512); to which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 8113) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, ac-companied by a report (No. 1510), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 20996) to regulate and control the manufacture, sale, and use of weights and measures and of weighing and measuring devices; to the Committee on Coinage, Weights, and Measures.

By Mr. NELSON: A bill (H. R. 20997) to increase limit of cost for the proposed new Federal building and the site therefor;

to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 20998) to provide for an advisory referendum vote before a declaration of war by Congress; to the Committee on Foreign Affairs.

By Mr. FARR: A bill (H. R. 20999) for the relief of retired

commissioned warrant officers detailed on active duty; to the

Committee on Naval Affairs.

By Mr. CANDLER of Mississippi: A bill (H. R. 21000) for the relief of persons who are blind, exempting them from resi-dence in entering public lands; to the Committee on the Public

By Mr. RAKER: A bill (H. R. 21001) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: A bill (H. R. 21002) to authorize the Director of the Bureau of the Census, under certain conditions, to prepare and distribute blank ballots and to receive and count marked ballots and report to Congress the result of an advisory vote; to the Committee on Foreign Affairs.

By Mr. RICKETTS: A bill (H. R. 21007) providing for pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico; to the Committee on

Invalid Pensions.

By Mr. DENT: Resolution (H. Res. 516) providing for the consideration of an amendment to H. R. 20783; to the Committee on Rules.

By Mr. GLASS: Concurrent resolution (H. Con. Res. 76) authorizing the printing of volume I of the latest annual report of the Comptroller of the Currency; to the Committee on Printing.

By Mr. HULBERT: Memorial of the Legislature of the State of New York, favoring the appropriation of \$1,395,275 for transferring the quarantine establishment from the State of New York to the United States Government; to the Committee on Appropriations.

By Mr. GOULD: Memorial of the State Legislature of New

York favoring the passage of H. R. 20080, migratory-bird treaty

act; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Memorial of the Legislature of the State of Arkansas, favoring the prohibition of liquor advertisements in the mails; to the Committee on the Post Office and Post Roads.

# PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 21003) granting a pension to John W. Owings; to the Committee on Pensions.

Also, a bill (H. R. 21004) granting an increase of pension to

Esau Hartsell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21005) for the relief of James W. Mastin; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 21006) granting an increase of pension to Nancy Ann Wilson; to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of sundry citizens

of St. Louis, Mo., commending the President on the stand he

took relative to the German situation; to the Committee on Foreign Affairs.

Also (by request), petition of socialists of Lockport, N. Y., urging Congress to prohibit Americans and American ships from

the war zone; to the Committee on Foreign Affairs. By Mr. CAREW: Petition of the Equitable Life Assurance Society of the United States, opposing the increase in the present tax on life-insurance funds as proposed in the "excess-profits"

bill now pending; to the Committee on Ways and Means. By Mr. DOOLING: Memorial of the Republican County Committee of the County of New York, approving universal military

training; to the Committee on Military Affairs.

By Mr. DOOLITTLE: Petition of 100 citizens of Climax, Kans., protesting against compulsory military service; to the

Committee on Military Affairs.

By Mr. EAGAN: Petition of New Jersey Agricultural Experiment Stations, New Brunswick, N. J., protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of Farmers National Congress, United States of America, in Madison, Wis., protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee

on Ways and Means

Also, petition of General Manager of the Victor Talking Machine Co., Camden, N. J., favoring the Webb bill; to the Com-

mittee on Foreign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, against bill to exclude liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Cincinnati Branch, American Union, against

militarism; to the Committee on Military Affairs.

By Mr. FESS: Petitions of 293 publications of the State of Ohio, asking for the passage of a bill to bar liquor advertising from the mails; to the Committee on the Post Office and Post

By Mr. FULLER: Petitions of various citizens of Illinois, opposed to war and favoring a referendum before any declara-

tion of war; to the Committee on Foreign Affairs.

Also, petition of the Board of Temperance of the Methodist Episcopal Church, for excluding liquor advertisements from the mails and to prohibit shipment of liquor into dry territory; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petitions of citizens of Boston and Dorchester, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office

and Post Roads.

Also, petition of members of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, petition of F. L. Dunne, Boston, Mass., opposing a referendum vote before a declaration of war; to the Committee on

Foreign Affairs

By Mr. HINDS: Petitions of the Kennebec Journal and 47 other newspapers in the State of Maine, favoring the exclusion of liquor advertising and soliciting from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of James E. Meyers and 244 other citizens of Belmont County, Ohio, opposing compulsory military training in any form; to the Committee on

Military Affairs

By Mr. HULBERT: Memorial of the Republican County Committee of the County of New York, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the Republican County Committee of the County of New York, approving the action taken by the President to uphold our rights as a sovereign nation; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Memorial adopted by Boston Post Office Clerks' Association, relative to House bill 17806; to the Com-

mittee on the Post Office and Post Roads.

Also, memorial of Philadelphia Produce Exchange, opposing House bill 20573; to the Committee on Ways and Means.

By Mr. LINTHICUM; Petition of J. H. Hopkins, Berkeley

Avenue, Baltimore, Md., opposing a referendum before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of Mount Airy and Baltimore, Md., favoring a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of the Baltimore Trust Co., Baltimore, Md., opposing the Kitchin bill; to the Committee on Ways and Means. Also, petition of Independent Citizens' Union, of Baltimore, Md., favoring passage of Poindexter amendment to appropria-

tion bill, relative to office of postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of Swindell Bros., of Baltimore, Md., against bill authorizing banks to charge collection fees; to the Committee on Banking and Currency.

Also, petition of Strouse & Bros., of Baltimore, Md., opposing

repeal of Federal reserve act; to the Committee on Banking and

Currency.

Also, petitions of sundry citizens and societies of the State of Maryland, favoring passage of the migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. MADDEN: Petition of sundry citizens and voters of Chicago, Ill., favoring universal military training; to the Com-

mittee on Military Affairs.

By Mr. MORIN: Memorial of Oakland Board of Trade, D. A. Jones, secretary, urging the necessity of the early designation, construction, and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

By Mr. NELSON: Petitions of 50 people of the Woman's Christian Temperance Union, Platteville, and 200 people of the Woman's Christian Temperance Union, Madison, Wis., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Charles J. Joachine, Brooklyn, N. Y., opposing the law to increase the taxes of life insurance;

to the Committee on Ways and Means.

Also, petition of the National Educators' Conservation Society, opposing the Shields-Adamson and Ferris-Myers waterpower bills as now drawn; to the Committee on Interstate and Foreign Commerce.

Also, petition of John E. Brady, Brooklyn, N. Y., opposing the District prohibition bill without a referendum vote; to the

Committee on the District of Columbia.

Also, petition of B. K. Dietrich, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Af-

Also, petition of Dr. James Cole Hancock, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs

By Mr. SCHALL: Memorial of Operative Plasterers' International Association, of Minneapolis, No. 65, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Brotherhood of Railway Postal Clerks, Local No. 5, of Minneapolis, Minn., in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Northwestern Lodge, No. 82, B. of L. F. and E., in re House bill 19730; to the Committee on Interstate and Foreign Commerce

By Mr. TIMBERLAKE: Petitions of 100 people of the Baptist Church, Fort Morgan, Colo., and 38 people of the Hanover Union Sabbath School, Hanover, Colo., favoring a national constitutional prohibition amendment; to the Committee on

the Judiciary.

By Mr. TINKHAM: Memorial of members of the convention of New England Electrical, Civil, and Mechanical Engineers, Boston, Mass., supporting the President in the hope that our rights may be obtained by peaceful means; to the Committee

on Foreign Affairs.

Also, memorial of board of directors of the Springfield Board of Trade, urging the introduction of legislation which will enable the Interstate Commerce Commission of the United States to legally grant permission for the continued operation of the Sound steamship lines by the New York, New Haven & Hartford Railroad system; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Pennsylvania: Petition of the Haws Avenue Men's Bible Class, of Norristown, Pa., favoring passage of prohibition legislation; to the Committee on the Judiciary.

Also, petition of George W. Shade and 87 other citizens of Telford, Pa., announcing their opposition to the United States entering into a state of war and demanding that a declaration of war be referred to a referendum of the citizens; to the Com-

mittee on Foreign Affairs.

Also, petition of Mrs. J. Benninghoff, F. W. Zandel, jr., and 55 other citizens of McKinley, Montgomery County, Pa., praying for the passage of Senate joint resolution 55; to the Commit-

tee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of Jacob Kren and 101 citizens of Wishek; P. J. Moen and others, of Flora; Christ Roth and 31 others, of Danzig; P. Goldade and 45 others, of Berwick; and Shell Butte Voters' League, all of North Dakota, asking for referendum on question of war; to the Committee on Foreign Affairs.

## SENATE.

# WEDNESDAY, February 21, 1917.

(Legislative day of Tuesday, February 20, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expira-

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Oliver Overman Page Penrose Pittman Ransdell Reed Robinson Shennard Bryan Catron Chamberlain Clapp Colt Culberson Hollis Husting James Johnson, S. Dak. Jones Smoot Sterling Swanson Thomas Thompson Townsend Wadsworth Walsh Weeks Kenyon
La Foliette
Lane
Lea, Tenn.
Martine, N. J.
Myers
Norris Culberson Cummins Curtis Dillingham Fernald Fletcher Gronna Sheppard Sherman Simmons Smith, Ga. Weeks Williams Works

Mr. HOLLIS. I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is confined to his home by

The VICE PRESIDENT. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. Brady, Mr. Owen, and Mr. Smith of South Carolina answered to their names when called.

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from Oklahoma [Mr. Gore] through

illness. I ask that this announcement may stand for the day.

Mr. SMOOT. I wish to announce the absence of the Senator from Ohio [Mr. Harding] on account of illness. He has a general pair with the junior Senator from Alabama [Mr. Under-WOOD ]

I also desire to announce that the senior Senator from New Hampshire [Mr. Gallinger] is unavoidably absent and is paired with the senior Senator from New York [Mr. O'GORMAN].

I will also state that my colleague [Mr. SUTHERLAND] is un-

avoidably absent.

Mr. VARDAMAN. I have been requested to announce that the Senator from Tennessee [Mr. SHIELDS] is detained from the Senate on account of illness.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

# UNNEUTRAL ATTITUDE OF THE PRESS.

Mr. TOWNSEND. Mr. President, I desire to call attention to the fact that there has been much discussion, especially of late, relative to the alleged unneutral attitude of the press of the country in its publication of various editorial comments concerning the international situation, especially between the United States and Germany. I have had many letters of pro-test from American citizens of German birth and descent protesting against what they assert is a distortion of the truth. I have this morning received a letter from one of the leading Germans of the United States, Mr. Carl E. Schmidt, of Detroit, Mich., a high-grade, greatly influential, and intelligent man and a patriotic American citizen. He sets forth the case so clearly that I ask permission to have his letter printed in the RECORD in full.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

CARL E. SCHMIDT & Co. (INC.), Detroit, Mich., February 18, 1917.

Hon. CHARLES ELROY TOWNSEND, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

MY DEAR SENATOR TOWNSEND: On behalf of the German-Americans of the State of Michigan and of the Nation at large I am taking the liberty of filing for them a protest against existing conditions which, they have become convinced, are rapidly and without reason drawing this country closer to the great war.

I refer to the continual flood of false statement and the misrepresentation of news which is being sent broadcast about the country. The printing now and then of some false report might be passed over unnoticed, but I must call your attention to the fact that neither mistake nor accident can be blamed for the present campaign of newspaper misrepresentation. As you are well aware of the conditions, I, of course, assume you know this without my calling your attention to it. Should you have by any chance in the press of your work there in Washington overlooked or remained unaware of this dangerous condition, I take the liberty of calling your attention to the Congressional Record, pages 2947 and 2948, recording the remarks of Mr. Callaway calling attention to the "newspaper conspiracy," as it has been termed by some papers, and reciting the activities of the J. P. Morgan interests, the steel, shipbuilding, and powder interests and others in planning a control of the policy of the daily press of the United States.

I believe that you are aware of the Nation, and I wish to inform

you that I am receiving each day a constantly growing flow of letters from German-Americans throughout the country, in which these writers express their grave concern and indicate a rising wrath at the present condition of publicity affairs being allowed to continue without any apparent effort on the part of any in authority to correct affairs.

I am writing to Senator Smith and to other members of the Michigan delegation, and am saying to them, as I say to you, that I will not further humiliate honest and earnest German-American citizens by making any declaration of their loyalty. They have been insulted when their loyalty has been questioned. But I will say that, like all other real and unbiased Americans, the German-American object to seeing this country drawn into, or even closer to, the war, through some dishonest and dastardly inspiration, and that they feel it their right and their duty to protest and to criticize.

Were we confronted by but isolated instances of misrepresentation in the news columns, we would make no protest; but there is something sinister in the methodical and efficient manner in which the present news campaign of the Nation is being conducted. And the brains behind this propaganda are not content with seizing upon all news items furnished by leading men of blased attitude, but go further and distort and misrepresent every move or comment made by the President, by his official family, and by the remainder of official Washington.

I believe that you fully realize this, and that you can bring it to the attention of the Government, the fact that all of this is intensely irritating to the German-American people.

I point out to you that it is extremely difficult to attempt to make the German-Americans and all other loyal citizens see that the administration would suffer any loss of dignity were some official action to be taken to put an end to this apparent scheme to arouse the country against Germany.

In a row you have the Gerard incident, the Whitlock incident, the incident of the Amer

against Germany.

In a row you have the Gerard incident, the Whitlock incident, the incident of the American sallors held prisoners in Germany, and the holding up of American consuls in Germany. All of this, day by day, has been sent in full throughout the country and published in all parts of the land. In each case the explanation has shown that Germany has continued to act in a friendly manner, but in each case the explanation has been dismissed with a scant few lines being sent over the news wires, and the provoked feeling aroused by the long first reports of affronts and insults have not been soothed by the explanations.

has continued to act in a friendly manner, but in each case the expanation has been dismissed with a scant few lines being sent over the news wires, and the provoked feeling aroused by the long first reports of affronts and insuits have not been soothed by the explanation of the control of

the country united in the face of war. The officeholder must do as much to prevent war as the private citizen is expected to do. It must not be expected that the private citizen is to sit silent and inactive while he sees the men he has chosen to represent him ignoring means that could and should be taken to bring about a better and a safer condition.

Like all other good and loyal citizens my people, the German-Americans, will ever be prompt and keen to resent insult to this Nation, but like the others of the really patriotic type they object to seeing this Nation become influenced and unconsciously steered toward war through the machinations of some group of men who are neither Americans at heart nor honestly interested in the future welfare of this country.

Country.

Thanking you for giving this communication your serious consideration, and trusting that you will be able to call these facts to the attention of those in power, I beg to remain,

Very truly, yours,

CARL E. SCHMIDT.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the concurrent resolution (S. Con. Res. 32) to pay the expenses incurred by the committee attending and arranging for the funeral of the late Admiral George Dewey.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. Sherwood, Mr. Russell of Missouri, and Mr. Langley managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. Flood, Mr. Cline, and Mr. Cooper of Wisconsin managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. Jones, Mr. GARRETT, and Mr. Towner managers at the conference on the part of the House.

# ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 1068. An act relating to desert-land entries;

S. 1697. An act to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable;

2543. An act for the relief of the State of Kentucky

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes;

S. 8079. An act to amend the first and seventh paragraphs of

section 4414 of the Revised Statutes of the United States as amended by the act of April 9, 1906; S. J. Res. 157. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regula-tions for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment; and

S. J. Res. 205. Joint resolution authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof.

## AGRICULTURAL APPROPRIATIONS-CONFERENCE REPORT.

Mr. SMITH of South Carolina. Mr. President, I move that the Senator from South Carolina to have the conference report on the agricultural appropriation bill.

Mr. SIMMONS. Mr. President, for the purpose of allowing the Senator from South Carolina to have the conference report named by him considered, I ask unanimous consent that the un-

finished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and he lays the conference report referred to before

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the

conference report.

Mr. OVERMAN. Mr. President, I should like to ask the Senator in charge of the bill what has been done with regard to the

increase of clerks' salaries?

Mr. SMITH of South Carolina. Mr. President, the Senator will recall that the Senate agreed to incorporate in the bill, while it was pending in the Senate, what was known as the Smoot amendment. When the bill went to conference, the House conferees, of course, insisted on the original House text in reference to a horizontal raise of pay. When the conferees had the bill under consideration, it was agreed that the conferees on the part of the House should have an opportunity to secure further instructions in regard to this matter. We were informed subsequently that the question came up on a vote in the House as between the Smoot amendment and the original House provision, and that, on a roll call, a majority of 85 voted for the original House provision. We then undertook to ascertain as near as might be what compromise could be reached. After investigation by the House conferees and after consultation with various Members of the House, they thought they could put through such a provision as has been incorporated in the conference report, providing an increase of 10 per cent for those receiving salaries of \$1,000 and less, and an increase of 5 per cent to those receiving above \$1,000, but not including those receiving more than \$1,500. The original House provision granted a 10 per cent increase of pay to those receiving up to \$1,200 and 5 per cent increase of pay to those receiving from \$1,200 up to and including \$1,800. I have had a table made in order to present as clearly as might be to Senators just what would be the relative cost of the various proposals.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I desire to make a brief statement. I know the Senator has the figures, and I want the Senate to understand the matter. As I said here upon the floor when the legislative, executive, and judicial appropriation bill was under consideration, the increase in the amount appropriated because of this provision would be

in the neighborhood of \$30,000,000.

Mr. President, the action of the Senate on this matter in this conference report will be a test. Of course, if the Senate is in favor of the provision adopted by the conferees in the report on the Agricultural appropriation bill, as it is now here, a similar provision will have to go into every appropriation bill, including the legislative, executive, and judicial appropriation bill; and we desire to know the will of the Senate.

The legislative, executive, and judicial appropriation bill is now in conference. The sundry civil bill, appropriating in the neighborhood of \$156,000,000, will be here next week, and another deficiency bill amounting to \$50,000,000 will also be here next week, making \$200,000,000, approximately, in those two bills. In addition to that, the naval appropriation bill will aggregate in the neighborhood of \$500,000,000; and then we will have to consider the Army appropriation bill, carrying I do not know how much.

The question for the Senate to determine is whether it wants to stand by its action on the legislative, executive, and judicial appropriation bill, and also on the Agricultural appropriation bill, or whether it will recede from its action and agree to the provision as contained in the pending conference report. If the Senate agrees to the present provision the conferees on the legislative, executive, and judicial appropriation bill will feel compelled, following the expression of the will of the Senate, to compromise on such a provision as is contained in the pending conference report. I will ask the Senator from South Carolina how much such a provision, if put on all the appropriation bills, would increase the appropriations? I understand he has the figures

Mr. SMOOT. I can tell the Senator.

Mr. SMITH of South Carolina. I had the department work out the figures as to the relative cost of the three propositions the original House bill, the so-called Smoot amendment, and the conference report

Mr. SMOOT. That is, if put on all appropriation bills?

Mr. SMITH of South Carolina. Yes; if put on all appropriation bills. It covers all the Government employees. Under the House provision, approximately-because it is a mere approximation, but as nearly accurate as they can get it-under the original House provision \$25,600,000 increase in the pay of clerks will be imposed on the Government; under the so-called Smoot amendment, \$13,193,000; under the conferees' agreement on the Agricultural bill, \$22,999,000, or, in round numbers, \$23,000,000.

Mr. OVERMAN. So that there is about \$10,000,000 difference between the Smoot amendment as adopted by the Senate and the conferees' report?

Mr. SMITH of South Carolina. And the conferees' report;

Mr. OVERMAN. The question, then, is whether the Senate is willing to increase our appropriation \$23,000,000, or \$13,000,000 by the adoption of the Smoot amendment? Mr. SMITH of South Carolina. Yes.

Mr. KENYON. Mr. President, what was the aggregate of the House bill?

Mr. SMITH of South Carolina. Twenty-five million six hundred thousand dollars.

Mr. KENYON. And the Smoot amendment is about \$13,000,000? Mr. SMOOT. Thirteen million one hundred and ninety-three thousand dollars, and the conference report \$22,990,000, as I

Mr. SMITH of South Carolina. Twenty-two million nine hundred and ninety-nine thousand dollars, the statistician

Mr. ROBINSON. Mr. President, what is the difference between the House item—that is, the item inserted by the House in the legislative bill—and that agreed on in conference touching the Agricultural bill?

Mr. SMITH of South Carolina. The increase in the House

bill was twenty-five million-

Mr. ROBINSON. I understand the aggregate difference, but how is that difference arrived at? What is the difference

between the provisions?

Mr. SMITH of South Carolina. The provision of the original House bill was 10 per cent up to and including \$1,000; then 5 per cent for the entire balance up to and including \$1,800. The conferees' report on the Agricultural bill was 10 per cent from \$1,000 down, including \$1,000, and 5 per cent up to fifteen hundred dollars.

Mr. ROBINSON. Up to \$1,500? Mr. SMITH of South Carolina. Yes.

Mr. SMITH of Georgia. And the Smoot amendment is what? The Smoot amendment is 15 per cent up to and including \$480, 10 per cent above \$480 up to and including

\$1,000, and that is all.

Mr. ROBINSON. Mr. President, if the Senator will yield to me for a brief statement, I think the Senator from North Carolina has stated that whatever conclusion is reached touching the Agricultural bill ought to be effectuated in the other appropriation bills. The Senate inserted in the District of Columbia appropriation bill the so-called Smoot amendment; the legislative bill carries the Smoot amendment; the Agricultural bill carried it when it left the Senate; and if this conference report on the Agricultural bill is ratified by the Senate and by the House, that ought to be understood as concluding the whole matter.

Mr. OVERMAN. I think it would be an instruction on the part of the Senate to the conferees on each appropriation bill that the sentiment of the Senate is for the conferees' report here, instead of the Smoot amendment. The conferees on the legislative appropriation bill, the District of Columbia appropriation bill, and others, feel that the Senate has instructed them on the Smoot amendment, and they propose to stand by the action of the Senate unless the Senate should change its mind and agree to a further increase of \$10,000,000, as this conference report provides. It is a question whether we will make the increase \$13,000,000, as the Smoot amendment provides, or \$23,000,000, as the conferees provide, or the House amendment, which is \$25,000,000 and something. I speak in round numbers. There is the difference-\$13,000,000, \$23,000,000, and \$25,000,000.

Mr. SMITH of South Carolina. Mr. President, I want to state, in justification of the action of the Agricultural Committee, that we recognized the saving in the so-called Smoot amend-ment. We on this side were practically committed to no increase at all; that was my understanding—that as nearly as possible we would not make any increase in pay at all.

Mr. OVERMAN. Mr. President, will the Senator let me ask him a question right there? I want to know from the Senator who has charge of this bill and who is chairman of the con-ference committee on the part of the Senate whether, when you agreed to this amendment, you took into consideration the fact that if this amendment should be agreed to it would be incorporated in every other appropriation bill that is to come before the Senate?

Mr. SMITH of South Carolina. No; we were simply legislating for this bill. It was brought to the attention of the conferees, however, that it was absolutely useless to stand for the brought clearly to a roll call, the House provision and the Smoot amendment, and upon a roll call the previous action of the House was sustained by 85 majority. Then the conferees asked the Members of the House to ascertain just what could be done. We had to get these conference reports out. We had to do the best we could. They went back and informed us of the agreement here

I want to state that there was no question as to this action on the part of the conferees of the Agricultural Committee affecting and being the standard by which all of the other appropriation committees would be governed. As I say, we had the question under advisement here as to the House provision, and the result was the adoption of the Smoot amendment. It is my opinion that some compromise between the two, perhaps, will have to be reached. As chairman of the conference committee on the part of the Senate on the Agricultural bill I do not know, I am not in a position to say, whether or not, if this matter be sent back to the conferees, any better terms can be made so far as the Treasury is concerned. It seems to me, however, that if we are to make this action the standard by which all the other appropriation bills will be governed in conference, perhaps it would be wisdom on the part of the Senate to let us take another

trial at it. I think perhaps that would be the proper thing to do.

Mr. SMITH of Georgia. Mr. President, I signed this conference report, but am opposed to its adoption and shall vote against it. I did not understand what would be its effect. The increased pay to Government employees was figured out for us, and it was claimed that the change would be a reduction

of the amount provided by the Smoot amendment.

Mr. SMOOT. And it was so stated on the floor of the House. Mr. SMITH of Georgia. The reduction to 10 per cent increase from \$500 down it was claimed would save more than the 5 per cent increase from \$1,000 up to \$1,500 would add. I agreed to it solely upon the ground that the change from the Senate action did not increase the total amount,

Mr. SMITH of South Carolina. Under which amendment, the Smoot amendment or the original House provision?

Mr. SMITH of Georgia. From the Smoot amendment. My understanding was that by cutting down to 10 per cent the increase on \$500 or less more would be saved than would be paid out by a 5 per cent increase from \$1,000 to \$1,500.

Mr. SMITH of South Carolina. You mean from \$1,000 down? Mr. SMITH of Georgia. No; I mean just what I said; to bring the increase on salaries below \$500 down to 10 per cent instead of 15 per cent would save more than the increase of 5 per cent from \$1,000 to \$1,500 would cost. My understanding was that the total result of our change from the Smoot amendment on the Agricultural appropriation bill would be a decrease of the appropriation, and upon that ground alone I signed the conference report, having in view the effect of the change on this bill alone and not the effect on any other bill.

Now, I am opposed to any increase beyond the Smoot amendment. I am opposed to the Smoot increase, but I suppose it is useless to hope that a less increase will be made. I am under no circumstances willing to vote for this additional increase of \$10,000,000. The Smoot amendment meets the House halfway. If an agreement can not be reached without further increase, I hope the bill will fail of passage. That is my view

on it.

I am opposed to the Smoot increase and utterly opposed to any increase beyond the Smoot amendment. We have not the money. We are here now with a revenue bill, trying to raise money. Any of us who look at the expenses ahead of us must realize that we have just begun to raise the additional money we will require, and adding \$23,000,000 to these ordinary salaries, now higher than similar work pays the citizen out of office, I regard under the present circumstances as utterly inexcusable.

Mr. OVERMAN. May I interrupt the Senator?
Mr. SMITH of Georgia. Yes.
Mr. OVERMAN. With our present revenue bill and appropriations, as I said a while ago, to the amount of \$156,000,000 coming over in the sundry civil appropriation bill and \$50,-000,000 in the deficiency appropriation bill, will we not have to have another revenue bill to cover the expenses?

Mr. STONE. And \$150,000,000 of emergency appropriations?
Mr. OVERMAN. And \$150,000,000, I am told, of emergency funds besides. Where are we going to get the money? The present revenue bill now before us will not raise enough money to pay all these expenditures. We proposed to give \$10,000,000, and it seems to me the House ought to be willing to accept it.

Mr. SMITH of Georgia. I think the Senate ought to stop at the Smoot amendment and not go up a single dollar. If we stop at it and the House does not yield, no increase will be given Smoot amendment; that the House had voted on the two issues to any Government employees. I can not vote to yield to save the bill. I am not at all sure that an extra session is objec-

Mr. WORKS. Mr. President, the inconsistency of the United States Senate in dealing with some of these money questions is to me perfectly amazing; and the attitude of the Senator from Georgia is about the most amazing of all of them. It has only been a few days since, through the continued efforts of the Senator from Georgia, we passed a bill providing for vocational education in the States, which means an expenditure, in the beginning, of millions and millions of dollars. At the last session of Congress we passed a law involving the initial expenditure of \$85,000,000 to build reads in the States. ture of \$85,000,000 to build roads in the States. We are expending hundreds of millions of dollars for preparedness for war; and in the meantime there are bread riots in the city of New York. We are proposing to spend probably half a million of dollars to inaugurate the President of the United States, \$35,000 of that amount to be appropriated out of the Public Treasury; and here we are to-day higgling over the expenditure of some \$10,000,000, or it may be \$20,000,000, to pay some of the employees of the Government reasonable and living

Mr. President, there is not a Senator here who does not know that a very large number of the employees of the Government are not receiving salaries enough to supply them with the ordi-nary necessaries of life. I think while we are throwing away money for improper and illegitimate purposes we might at least be just—not generous but just—to the employees who are receiving these smaller salaries for serving the Government.

I voted for the Smoot amendment. It did not go as far as I

thought it should go. I think the amounts of the employees who are receiving the smaller salaries should be increased more than 5 or 10 per cent, because that amounts to a very small sum with the small salaries that they are receiving.

For myself I have grown exceedingly tired of these efforts to economize along lines of this kind where the Congress of the United States is extravagant to the furtherest extreme in the expenditure of money-I think for improper and illegitimate pur-

Mr. THOMAS. Mr. President, there is a great deal in the position just outlined by the Senator from California. I voted against all of the measures which he specified and presume I shall continue to add to my unpopularity in this body by voting against similar ones in the future. I voted against the Smoot amendment. I did not believe, in the first place, that increases of salaries constitute the method of meeting the situation confronting the civil employees, for those who control supplies of food can raise their prices and will raise their prices much more rapidly than the Government can raise the salaries of employees. The proper method of dealing with that question is to take those who are engrossing the food of the Nation by the throat and compel them to disgorge and to dissolve their nefarious conspiracies, if they exist. I do not like to see rioting in cities, food riots in free America least of all, but I can perceive in the disturbances of the metropolitan city of the country the first movement toward a relief to which all people are entitled, rich or poor, with regard to the necessities of life.

Mr. President, we are expending and we have expended money in the most riotous and extravagant manner, for which Republicans as well as Democrats are and have been responsible. Members upon the other side have had as much to do with this evil as the Members upon this side; and they have followed their proposals for appropriations and accompanied them as well by denunciations of the Democratic Party for its extravagance without offering to join in any movement whatever looking to a decrease of expenditures.

Mr. WORKS. Mr. President—

Mr. THOMAS. I yield to the Senator.
Mr. WORKS. I want the Senator to understand that I was not making this a political issue at all. I was not charging it up against the Democratic Party.

Mr. THOMAS. I hope the Senator will understand I had

no reference to him whatever in my last statement. The Senators to whom I have referred of course understand what I mean. and it is they and the attitude which they have occupied on the subject to which my criticism is directed.

Mr. President, last year we voted nearly three-quarters of a billion dollars for preparedness, fully half a billion dollars more than in my judgment was necessary or justified under the circumstances. We also passed a revenue bill. then that that revenue bill was the precursor of a series of similar bills increasing the taxes of the American people for these extraordinary expenditures and that those who believed in their necessity and advocated their enactment should be among the first to economize in every other direction.

The appropriation bills for Army and Navy purposes for this fiscal period will make those of last year look like a mere bagatelle. I understand that the Senate Committee on Naval Affairs will to-day report a bill making appropriations of \$531,000,000 for naval purposes. There are 531 Members of the two Houses. That is a million apiece for each of us. Next year it will be a thousand millions, even assuming that our relations with foreign countries are no more serious then than they are now. It is as true now as ever that he who dances must pay the piper. I think it was Sidney Smith who said more than a century ago that "high taxes were the inevitable consequences of too great

a love of glory," a remark just as true now as it was then.

The report of the chairman of the Committee on Finance yesterday called attention to the fact that we have sufficient revenues for what are termed the ordinary expenses of the Government. I should call many of them extraordinary, but of course they are permanent and must be so considered until legislation to remove them shall have been enacted. I think it is necessary, under the circumstances, that we should save wherever it is possible. If anything is needed to emphasize to the wage earner in the employ of the Government the necessity of economy, it is the fact that his legitimate demands can not be now met because we are too busily engaged in making huge appropriations which will result in equally large expenditures by the Government for the benefit of those who are purveyors to its Army and Navy needs.

I should like to see some evidence of a desire to economize in those directions. I do not believe that because we are excited or because conditions which are confronting us may be serious, because it is the part of wisdom to prepare for a possible, to say nothing of a probable, great national emergency, we should at once begin by the inauguration of such a scheme of reckless appropriations as will in all probability be enacted

by this Congress.

With no desire to reflect upon anyone, I have not a particle of doubt a majority of the Senators on both sides of the Chamber, who probably, together with myself, will instruct the conferees who propany, together with myself, whi instruct the conferes to "stand pat" on the Smoot amendment, bill or no bill, will nevertheless vote \$531,000,000 for naval purposes, and God knows how many hundreds of millions for Army purposes, and upon the whip and stress and spur of a supposed necessity that if the Union is to be saved and this Republic shall endure these moneys shall be expended and expended immediately.

The raising of taxes, Mr. President, is not very pleasant. Men do not like to pay them and legislatures do not like to levy them upon too many people who can vote, because the political consequences might prove to be subsequently embarrassing.

We have a revenue bill which will be considered by the Sen-

ate to-day. Those whom it affects do not like it. The consolation I get out of it is that most of those concerned have been most clamorous for extreme preparedness. Of course, that does not justify the application of an inequitable and an improper method of raising revenue to them.

I wish that every dollar expended by the Government could be raised by some form of direct taxation. I should like to see some kind of direct tax for national purposes imposed upon every man in this country who earns a dollar. I should like to see the infamous system of indirect taxation swept from existence, because the scheme hypnotizes and chloroforms those who pay it into an indifference of the manner of its expenditure. I should like to see every appropriation made for a congressional district or for something in that district or State paid from the revenues of the Government raised from the people of that State or district, because I know of no other way in which or by which the mind of the average individual will be aroused to the extravagance of the Nation or to the necessity of organizing the taxpayers. Everything else is organized. Every tax eater in the country is organized, particularly where pensions and appropriations for public buildings and rivers and harbors that are not needed and similar extravagances are to disfigure our legislation. I propose at some time to offer a bill for the pensioning of taxpayers with the hope that perhaps some such inducement will result in their organizing and looking after their own interests. I despair of any other expedient for the Consequently, Mr. President, this report may in some of the views which it has aroused be productive of economic benefit.

I am glad to hear from the Senator from Georgia that he prefers no bill at all to an Agricultural bill carrying this added expenditure, and I say so with no feeling of hostility to those who are to be the beneficiaries either of the Smoot amendment or the House requirement. Of course, it looks prima facie ridiculous that we should be spending time here in an effort to save \$10,000,000 when next week we are going to vote \$531,000,000 for a particular purpose and some \$300,000,000 for

another purpose, all said to be absolutely necessary because of the critical condition of our international affairs, and \$200,-000,000 for still another purpose, as the Senator from North Carolina suggests. Mr. President, unless we save in small things we shall not save at all, and because we are extravagant in large things is no reason why we should not be frugal in small things, in \$10,000,000 lumps, as the Senator suggests to me. Of course, millions to an American Congress in these days are as pennies to the average individual. A million dollars is so insignificant in a congressional appropriation that it is scarcely entitled to consideration even as an item of economy.

Mr. SMITH of South Carolina. Mr. President, in behalf of myself as a member of the conference committee I wish to say that when the compromise proposed was agreed to I had not up to that time had the comparative amount under the three propositions put in such form as to be thoroughly intelligible. By adopting the provision for an increase of 10 per cent on salaries from \$1,000 down, in place of 10 per cent on salaries below \$1,200, and for a 5 per cent increase on salaries from \$1,000 up to \$1,500, instead of 5 per cent up to \$1,800, I was under the impression that it would be a very radical and material reduction, approximating the total of the Smoot amendment; but when these figures were submitted to me as coming from the statistician of the department I was amazed. In justification of the committee, however, I repeat that the conferees on the part of the House stated emphatically that so far as the Smoot amendment was concerned it would not be adopted by the House, and the House ratified its previous action by a vote of 85 majority on a roll call, as expressive of the sentiment of the House in reference to the proposed House increase.

If the Senate sees fit to send this report back to conference, I should like to have an expression of the sentiment of the Senate reached in some way here, as to whether or not it is the sense of this body that the conferees on the part of the Senate shall stand for the Smoot amendment or for something lower, but nothing above it.

Mr. BRYAN. Mr. President-

Mr. SMITH of South Carolina. I yield to the Senator from Florida.

Mr. BRYAN. On what bill was it that the other House showed by a majority of 85 that it insisted upon the House provision?

Mr. SMITH of South Carolina. I do not know under just what conditions the vote was taken.

Mr. BRYAN. My information is that there never was a yeaand-nay vote on the proposition.

Mr. SMITH of South Carolina. The statement was made to the conferees on the part of the Senate that such a vote had been taken.

Mr. OVERMAN. If the Senator from South Carolina will allow me, I will state that the vote referred to was not on the Agricultural appropriation bill, but was on the Indian appropriation bill.

Mr. SMITH of South Carolina. I did not say the vote was on this bill.

Mr. OVERMAN. No; the Senator did not so state; but I was trying to inform the Senator from Florida [Mr. BRYAN] that the vote as to which the Senator from South Carolina referred, as I understand, was taken on another appropriation bill, to

wit, the Indian appropriation bill.

Mr. BRYAN. Was that a yea-and-nay vote?

Mr. OVERMAN. That is what I understood.

Mr. SMITH of South Carolina. It was a yea-and-nay vote, and disclosed 85 majority confirming the previous action of the other House

Mr. OVERMAN. But we are not governed by what the other House does

Mr. SMITH of South Carolina. But we are face to face with the fact that the House is now standing for the extreme measure, as we consider it, of the original House provision, and a compromise between the two was what we agreed to. It was a saving of approximately \$3,000,000 from the original House proposition, and a loss of \$10,000,000 as compared with the Smoot amendment.

I want in this connection to say—
Mr. SMITH of Georgia. The Senator from South Carolina
does not understand that there would be that loss? We did

or understand it in that way at all.

Mr. SMITH of South Carolina. I said a moment ago that I thought it was practically a division, a half-and-half proposition. An understanding was had on the part of the majority in the Senate-I so understood it-that we were to have at this time no increases, unless the increases were worked out along the line of necessity, equity, and justice, and were made scientifically. It was not so done; it was merely a horizontal increase on the part of the other House. As we did not have

the time nor the means at command to work out what was righteous, it was understood here that we were not going to stand for any increase at all; but when the test came Senators voted for an increase in these salaries. The majority was so overwhelming that I, as acting chairman of the committee on the part of the Senate, agreed to this proposal.

Now, I wish to say, in conclusion, that if the Senate instructs us to take this matter back to conference, and if it is the will of the majority of the Senate that we stand by the Smoot amendment, as a matter of course we will accept no compromise, and will stand by the Smoot amendment. I am pleading for is that we have a distinct understanding as to what we are going to stand for. If it is the sense of this body that this is to be the standard by which all the other appropriation bills are to be governed in reference to the salaries of employees, let us understand it; and, so far as I am concerned, as one of the conferees, I will stay by that action.

Mr. WORKS. Mr. President-

Mr. SMITH of South Carolina. I yield to the Senator.

Mr. WORKS. Will the Senator be good enough to state just what sort of increases would result from the proposed compromise as compared with the Smoot amendment?

Mr. SMITH of South Carolina. The increase would be about \$10,000,000 over the Smoot amendment and about \$3,000,000 decrease from the proposed House provision.

Mr. TOWNSEND. Do I understand that that statement applies to this one bill alone?

Mr. SMITH of South Carolina. No; to the whole Government service

Mr. TOWNSEND. To all of the appropriation bills?

Mr. SMITH of South Carolina. As to all the Government employees. Under the proposition of the House it is \$25,-000,000-for convenience I will use round numbers; under the Smoot amendment \$13,000,000 will be required for all the Government employees, and under the proposed conference agreement it will be \$23,000,000. The odd numbers would make about \$3,000,000 saving over the original House proposition.

I hope now that the action of the Senate will be so definite and clear cut that the conferees on the part of the Senate can give their ultimatum in the next conference, if one is ordered.

Mr. SMITH of Georgia. Mr. President, I move that the

Senate disagree to the conference report and ask for a further

Mr. SMOOT and Mr. NORRIS addressed the Chair. The VICE PRESIDENT. The Senator from Utah,

Mr. SMOOT. Mr. President, just a word of explanation.

Mr. SMITH of Georgia. I desire to say just a word or two in support of my motion, as I had the floor.

The VICE PRESIDENT. The Chair does not think the Senator's motion is in order.

Mr. OVERMAN. The question is on agreeing to the confer-

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SMITH of Georgia. There is no motion pending.

Mr. SMITH of South Carolina. The question is on agreeing to the conference report

The VICE PRESIDENT. That is the pending question.

Mr. NORRIS. Mr. President—
The VICE PRESIDENT. The Chair has recognized the Senator from Utah.

Mr. NORRIS. I thought the Senator from Utah took his

Mr. SMOOT. I took my seat, I will say to the Senator from Nebraska, only because I thought the Senator from Georgia [Mr. SMITH] wanted to make a statement.

Mr. President, I wish to say that the legislative, executive, and judicial appropriation bill as it passed the Senate carried the so-called Smoot amendment in place of the House provision. That bill is now in conference, and the conferees on that bill thought that it would be very much better from a parliamentary standpoint to allow the Senate to pass first upon the conference report on the Agricultural appropriation bill, as that contained a compromise between the so-called Smoot amendment and the House provision.

The conferees of the House on the legislative, executive, and judicial appropriation bill take the position that they have been instructed by the House to stand by the House provision and no other, and the only way that the Senate can express itself as to which amendment it desires to support, or whether the Senate is willing to support the compromise provided in the conference report on the Agricultural appropriation bill, is for it to act upon the pending conference report first, and whatever position the Senate takes to-day upon this report I assume the conferees on the part of the Senate on the legislative bill, and also on

855, 499

the other regular appropriation bills, will consider it as an instruction from the Senate.

Mr. WORKS. Mr. President—
The VICE PRESIDENT. Does the Senator from Utah yield

to the Senator from California?

Mr. SMOOT. I yield.

Mr. WORKS. I should like to ask the Senator from Utah what effect this compromise has upon the increase for the

lower-grade employees?

Mr. SMOOT. The compromise, as provided in the conference report on the Agricultural appropriation bill, has the effect of decreasing by 5 per cent the increase proposed to be allowed under the so-called Smoot amendment to those receiving salaries of \$480 or less. The 5 per cent increase upon such salaries amounts to \$533,000. The increase allowed the very employees of the Government that we undertook to assist, and who need the greatest assistance, as, no doubt, every Senator will admit, has been cut from 15 per cent to 10 per cent, and the proposed compromise increases by 5 per cent the salaries of those receiving from \$1,000 up to \$1,500. I will say to the Senator from California that that increase of 5 per cent in the salaries of those receiving \$1,000 to \$1,500, as provided in the compromise, amounts to \$9,263,313.

Mr. STERLING. May I ask the Senator from Utah if that amount covers the increase to the employees in all the several

departments?

Mr. SMOOT. Yes; in all the departments of the Government. It includes not only the employees paid under lumpsum appropriations but those who are provided for specifically by their salaries being named in the bill.

Mr. KENYON. Mr. President—
Mr. SMOOT. I yield to the Senator.
Mr. KENYON. I should like to ask the Senator as to the situation arising out of this condition of affairs: A good many messengers and clerks of committees are paid now, I think, \$1,200 a year, and the provision would result in its final operation in an increase in the salaries of those employees of \$60 per year.

Mr. SMOOT. Yes; \$60 to those receiving \$1,200 and \$75 to

those receiving \$1,500.

Mr. KENYON. So that we would really be voting an increase

to our own employees.

Mr. SMOOT. If the compromise is agreed to, we will be voting a 5 per cent increase to all of our messengers and all of our clerks who receive \$1,500 and under.

Mr. KENYON. The 5 per cent would apply to those receiving

\$1,000 up to \$1,500?

Mr. SMOOT. Yes; and for those receiving less than \$1,000 the increase will be 10 per cent.

Mr. CLARK. What is the whole schedule?

The Senator from Wyoming asks me what the whole schedule is. I presume he means the amount that will be involved in each of the propositions?

Mr. CLARK. I mean each of the propositions.

The schedules run in this way: Under the so-Mr. SMOOT. called Smoot amendment all employees receiving \$480 or less are increased 15 per cent.

Mr. CLARK. I understand about the Smoot amendment. refer especially to the compromise suggested by the conference

Mr. SMOOT. The compromise amendment proposes a 10 per cent increase to all Government employees receiving a thousand dollars and under and 5 per cent increase to all those receiving more than a thousand and up to and including fifteen hundred dollars. The original House provision increased 10 per cent those receiving up to and including \$1,200 and 5 per cent those receiving above \$1,200 and not more than \$1,800.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Utah will allow me, I overlooked a moment ago a very instructive table that was sent down by the Agricultural Department which will enable Senators to see just how this proposed compromise will operate; and, if the Senator will allow me, I will read some of the figures as to the number of employees and amounts they would receive under the compromise as applied to the Agricultural Department.

Mr. SMOOT. Under the Agricultural appropriation bill only? Mr. SMITH of South Carolina. Yes; under the Agricultural

appropriation bill only.

There are 4,856 employees receiving over \$1,000 and up to and including \$1,500 per annum. The total aggregate of pay they receive, without any increase, is \$5,950,652. Under the 5 per cent increase their pay would require an additional appropriation of \$297,528.

Now, there are 4,498 employees receiving \$1,000 or less, their present pay aggregating \$3,454,290; and the total additional ment by a large vote as a finality, in what shape would they

amount required, if a 10 per cent increase is allowed to them, would be \$345,429. For these two classes of employees the total increase in the department would be \$642,957.

I should like to have this table incorporated in the RECORD. The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Information requested by conferees. \$297, 528 345, 429 642, 957 Total amount required \_\_\_ SMOOT AMENDMENT, 3,772 employees receiving over \$480 and up to and including \$1,000 per annum, aggregating... \$3,171,480 Total additional required if 10 per cent increase is allowed...... \$317, 148 allowed

726 employees receiving \$480 per annum or less, aggregating

Total additional required if 15 per cent increase is allowed 282, 810 42, 421 359, 569 Total amount required\_\_\_\_\_ ORIGINAL HOUSE PROVISION. 5,362 employees receiving \$1,200 to \$1,800 per annum, inclusive, aggregating\_\_\_\_\_\_ \$7,630,483 Total additional required if 5 per cent increase is \$381, 524 4, 739, 752 473, 975

Total amount required \_\_

Mr. CLARK. Mr. President— Mr. SMOOT. I desire to say a word in answer to the Senator from South Carolina, and then I will yield to the Senator.

Mr. CLARK. Very well.
Mr. SMOOT. I presume, Mr. President, the figures that have been given by the Senator are correct; but I want to call the Senator's attention to the fact that the Agricultural Department has the lowest percentage of employees receiving salaries of \$1,200 and above of any department of the Government. have a table here showing exactly the percentages in the various departments of salaries paid, beginning with a thousand dollars up

Mr. SMITH of South Carolina. Therefore a less total aggregate would be required in the Agricultural Department than

perhaps in any other department of the Government.

Mr. SMOOT. Than in any of the other appropriation bills. Mr. CLARK. I desire to ask the Senator from Utah, a member of the conference committee, a question that is somewhat practical in its effect, I think. I do not know whether it is a proper question to ask or to be answered, but we have been informed by the chairman of the conference committee that the House conferees virtually think they have received instructions from the House upon this particular amendment, running through all the appropriation bills?

Mr. SMITH of South Carolina. No; what they did was to go back to the House and confer with various Members, and then during that time a vote was taken on this item in con-

nection with the Indian appropriation bill.

Mr. CLARK. That is what I referred to. There was an expression of the House by a vote on this very proposition, although given on a different bill?

Mr. SMITH of South Carolina. Yes; they were of the opinion that the Smoot amendment was practically hopeless.

Mr. OVERMAN. I think I ought to make a correction there. The vote taken on the Indian appropriation bill was as to the original House amendment, and the House stood by that. There has been no compromise made on any bill, except the Agricultural appropriation bill.

Mr. SMITH of South Carolina. But the question came before the House.

Mr. CLARK. It all goes to the same end.

Mr. SMITH of South Carolina. It is the same thing.

Mr. CLARK. That was an expression of the House, as I understand, upon this proposition of salary increases

Mr. SMOOT. And that is the only expression the other House has given.

Mr. CLARK. That is the only expression they have given. Mr. SMITH of South Carolina. That is right. Mr. CLARK. And that comes pretty near being final, it Mr. CLARK. And that comes pretty near being final, it seems to me. I want to ask the members of the conference committee, if the Senate should insist upon the Smoot amend-

be, not only as to this bill, but as to all the other great appropriation bills?

Mr. SMITH of South Carolina. It would simply mean—Mr. CLARK. Just a moment. The Senator from Georgia says he would rather this bill would fail than that it should carry this compromise. I assume, therefore, he would rather all bills would fail than to carry the compromise, because certainly he would not want an unjust raising of salaries. It seems to me that it is a pretty serious proposition.

Mr. SMITH of Georgia. I will answer the Senator. the Smoot amendment was a compromise. I think that was a substantial compromise between those who were opposed to paying anything and those who yielded to that extent; and I have not any question but that if we will stand firm it will be adopted.

Mr. CLARK. My question was not directed to whether or not it was a compromise, or the justice or injustice of it, but to the legislative situation that we might be up against if we gave a vote against this conference report. For one I would rather yield than to have these great appropriation bills fail. The Senator from Georgia, on the other hand, says he would rather have them fail than to yield. I think there is more at stake than \$10,000,000.

Mr. SMITH of Georgia. Of course, Mr. President, if the Senate should finally reach that conclusion, the Senator from Georgia would be overruled. I was only expressing an indi-I do not think we have gotten to the place where we ought to yield, and we did not mean to yield on this appropriation bill. It so happened that the number of emappropriation bill. It so happened that the number of em-ployees between \$1,000 and \$1,500 in the Agricultural Depart-ment was very small, and the argument made to us which induced me to sign this report was that by giving up the Smoot amendment and making it 10 per cent up to \$1,000 and 5 per cent from \$1,000 to \$1,500 we would reduce the amount. I signed it upon that agreement alone. Now, I believe that if you would send us back on this conference, the chances are that we will bring you something nearer the Smoot amendment.

Mr. CLARK. Do I understand that the Senator, as a member of the conference committee, wants the report which they have made disagreed to?

Mr. SMITH of Georgia. I do. I am going to vote to disagree to it, and I offered a motion to disagree to it, and the Chair held that it was out of order-I do not know why. There has been no motion to agree to the conference report. Senator from South Carolina called attention to it and moved

Mr. CLARK. Well, I have nothing more to say. I supposed that the conferees came in with a report that they wanted agreed to. It is a novel thing to have conferees ask for the rejection of a report which they have made.

Mr. SMITH of Georgia. The Senator from South Carolina. as I understand, joins me in desiring to have this conference report disagreed to, because it has an effect upon other conferences that we did not understand and did not contemplate; and we want to be sent back to conference in order that we may not be an embarrassment to the other committees. We must adopt the same rule as to all. It would not be fair to accept one plan of increase in the Agricultural Department and not adopt the same plan in other departments. It should be the same every-

Mr. SMOOT. Mr. President, I will say to the Senator that of course that is what the conferees on the part of the appropriation bills that are acted upon by the Appropriation Committee are waiting for, and they agreed to follow that plan.

Now, Mr. President, I want to say to the Senator from Wyo-

Mr. WORKS. Mr. President-

Mr. SMOOT. Just a moment, and then I will yield. I want to say to the Senator from Wyoming that I have every reason to believe that if the Smoot amendment is agreed to in the Senate the House will agree to that amendment; and it is betraying no confidence when I say that two of the conferees on the part of the House voted for the Smoot amendment. When a compromise was under consideration in the House it was stated on the floor of the House that the compromise amendment in the Agricultural appropriation bill would not cost the Government as much as the Smoot amendment.

Mr. SMITH of Georgia. Precisely. Mr. SMOOT. When I was asked the question by one of the House Members I said: "I do not know; but," I said, "I will

House Members 1 said: "I do not know, but, I said, I win spend this evening in finding out."

Mr. SMITH of Georgia. If the Senator from Utah will yield to me, the conferees on the part of the House are of the same opinion. They were not seeking to raise it. We simply hap-pened to have a schedule where it worked out as a decrease, and amendment.

we did not have the other schedules; and we did not mean to put up a standard that was to cause an increase beyond the Smoot amendment.

Mr. WORKS. Mr. President, my chief concern in this matter is for the little fellow who is trying to live and to support his family on starvation wages. Therefore the objection I have to the compromise is that it increases the salaries of the higher-up employees at the expense of the lower ones, to which I seriously object. I am not so much concerned about the increase in the amount to be appropriated if the wages attempted to be fixed are reasonable and just. I do not think that ought to count for very much, but I do feel that if anything at all is done, it should be done in the case of these people who are receiving the very small salaries.

Mr. SMOOT. I fully agree with the Senator from California, and I was going to close my remarks by calling the attention of the conferees to this fact: If we reject this report now, and it goes back to conference, I hope that any agreement reached will provide that all salaries of \$480 and under shall be increased 15 per cent, as provided by the Smoot amendment. I do hope our conferees will not allow that increase to be reduced. I want to say to the Senator from South Carolina, having the bill in charge, that the statement has been made that nearly all of the employees who receive \$480 per annum and less were boys and girls. Such is not the case, as I can show by

Mr. KENYON. Mr. President, may I ask the Senator one question? I should like to know if this compromise, or the amendment of the Senator from Utah, covered such cases as the waiters in the Senate restaurant, who receive the large salary of \$1 a day?

Mr. SMOOT. It will cover them to the extent of the percentage

Mr. KENYON. Will it increase their compensation?

Mr. SMOOT. My amendment would increase their compensation 15 per cent.

Mr. KENYON. It Mr. SMOOT. Yes. It would increase it 15 cents a day?

As I was saying, Mr. President, all that is saved in cutting the 5 per cent off of the salaries of the employees receiving \$480 and under amounts to only \$533,000. I hope that the conferees will insist upon those low salaries at least receiving the increase of 15 per cent. If the Senate now votes to reject the report, I think the conferees ought to take it for granted that the Senate insists upon the Smoot amendment as far as the increase in salaries of the lower grades is concerned-

Mr. SMITH of South Carolina. Mr. President, as chairman of the conferees on the part of the Senate, I wish to say that if this report is disagreed to I think the members of the conference committee on the part of the Senate will understand that it is tantamount to an instruction to stand for the Smoot amendment. I shall so interpret it. In this connection, I want to say that the Senator from Georgia has made a motion to disagree to the report. I called for the consideration of the conference report. I do not feel it to be my duty to try to influence the Senate one way or another. I have simply stated the facts; and if the Senate see fit to reject it, I shall consider it an instruction to stand by the previous action of the Senate in the adoption of the Smoot amendment. It is up to them now, with the facts before them, to vote as they see fit, and determine whether they will vote down the conference report or agree to it.

Mr. JONES. Mr. President, I am not going to discuss this proposition. The Senator from California [Mr. Works] has largely expressed my views with reference to that. I would vote for a larger increase than that provided in either the House or Senate bill, but if I can not get that I want to see the lowerpaid employees given at least 15 per cent increase. But I wanted to ask the chairman of the committee with reference to one or two other amendments and find out what the conference has done.

Amendment 79 is a very important amendment, to my notion. It was presented by the Senator from Florida [Mr. BRYAN], and has reference to this shipping condition. Does the Senator remember what action the conferees took with reference to that?

Mr. SMITH of South Carolina. Yes. The conferees struck out the amendment proposed by the Senator from Florida, and reinstated the so-called Mann amendment; and then, as supple-mentary to it, the conferees agreed on the proposition that the Senate had put in with reference to giving the Agricultural Department the power to subpœna witnesses and call for books and papers, on the statement of the Agricultural Department that the very matter that the Senator from Florida had incorporated was now within their powers and emphasized under the Manu

Mr. JONES. I do not know what the Mann amendment is. Mr. SMITH of South Carolina. I can turn to it in just a

Mr. JONES. The amendment to which I am referring is on

page 79 of the bill.

Mr. SMITH of South Carolina. I recall the amendment. It is with regard to having certificates issued by the duly authorized Federal officers as to the condition of vegetables and other stuff when received at markets. The so-called Mann amendment which we agreed to, on page 79-and it happens to be amendment No. 79-is as follows:

To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products or any of them by any individuals, groups, associations, combinations, or corporations, \$50,000.

Mr. JONES. That is what is known as the Mann amendment? Mr. SMITH of South Carolina. That is the Mann amendment.

Mr. JONES. Of course, that was a part of the original bill.

Mr. SMITH of South Carolina. Yes.

Mr. JONES. I just want to say this, Mr. President: I doubt if we can accomplish, under that, what we want to accomplish under the amendment put in by the Senate; and I think that if this report goes back to the conferees that matter should be looked over very carefully, and something to make certain the authority of the department to do what is sought to be done by the Senate amendment should be incorporated in whatever is reported. The whole matter is in conference. The Senate struck out that provision in the original bill and inserted this other one, and they did it for the purpose of getting the whole matter in conference. It is a matter of such very great importance that I trust the bill will go back to conference, and that the conferees of the Senate will insist upon having some provision put in here so as to make certain the authority of the Secretary of Agriculture to do what little ought to be done there, and that will be of more substantial benefit to the shippers than almost all these other provisions that you have in here. The shippers to the leading markets of the country need some assistance along the line of the Bryan amendment, and they need it now. It will work harm to no one, but it will bring protection to those who need it and can not get it in any other

Mr. SMITH of South Carolina. I think the conferees on the part of the Senate were thoroughly in sympathy with this amendment; but the condition arose that the Agricultural Department had made a proposition, and that the conferees on the part of the Senate were insisting that we clothe the Agricultural Department with court powers to subpœna witnesses, call for the production of books and papers, and, in other words, invest them with the same power that the Federal Trade Commission has, and the Tariff Commission; and we absolutely refused. Then they insisted on the \$50,000 carried by the Mann amendment; and the compromise was to strike out the Bryan amendment with the \$25,000 appropriation and agree to the Mann amendment, with the other modifying amendment farther on in the bill giving them the power to call for books and papers. But I think the conferees can work out and reframe in the bill the very feature that is incorporated here, perhaps not with the specific provision, but providing that this specific work shall be done out of the appropriations already made,

Mr. JONES. I hope, at any rate, that that much will be done. If we can not get the specific appropriation of \$25,000 I hope that the substance of this language will be put under the \$50,000 item that was in the House bill. I hope that will be done.

Mr. SMITH of South Carolina. I think that can be accom-

plished, because the conferees on the part of the Senate were thoroughly impressed with the idea that this is the most important thing in reference to handling that character of foodstuffs that has been incorporated in the bill at all.

Mr. JONES. I think so, too. Now, just a word about one or two other amendments about which, perhaps, the Senator

On page 26, amendments 25 and 26 increase the appropriation for the purchase of seeds by \$4,000, with a view to having this \$4,000 used in forage demonstrations in the State of Washington.

Mr. SMITH of South Carolina. Yes. Mr. JONES. Can the Senator tell me what was done with

reference to that?

Mr. SMITH of South Carolina. The Agricultural Department informed us that the language was a little prejudicial, but that, if we would leave the \$4,000 in, they would see that it was expended in the State of Washington.

Mr. JONES. And that was agreed to?

Mr. SMITH of South Carolina. That was agreed to:

Mr. JONES. That is very good. Now, on page 25, amendment 24 increased the amount for horticultural investigations from sixty-two thousand and odd dollars to \$65,240. with a view to taking care of the necessities of the bulb farm at Bellingham, Wash. Can the Senator tell me what the conferees did with reference to that?

Mr. SMITH of South Carolina. I do not recall. Let me

read the item:

For horticultural investigations, including the study of producing, handling, and shipping truck and related crops, including potatoes, and the study of landscape and vegetable gardening, floriculture, and related subjects, \$65,240.

I do not recall just what was done with reference to that.

Mr. JONES. I will examine the conference report and find out what was done. I hope that was agreed to, but if it was not, I feel the conferees did the best they could.

can not hold all the Senate put on.

Mr. President, as far as the so-called Smoot Mr. BRYAN. amendment is concerned and the demand of the employees in the Government service, I think we ought to send it back to conference, and we ought to do it by a yea-and-nay vote, because think the House believes the Senate has been playing with this question; that we have not taken any positive action upon which we propose to stand. They have a right to feel that way about it, because, when the matter first came to the Senate, having considered it in the committee, the Democrats agreed to strike it out and not to have any increase, under the belief that these employees are already being paid more in proportion than anybody else earned in like work.

Then, in the Senate, after three or four roll calls, the Smoot amendment was adopted and adhered to, and it was followed on several other bills. But when this bill went into conference the Senate conferees agreed to a change, under the idea that it was a decrease in the amount involved, and entered into a different plan. The impression created upon my mind by the House conferees is that the House does not know what the Senate will do, and they do not think that the Senate has any set policy which

it proposes to follow out.

On the legislative appropriation bill two of the conferees voted in the House for the Smoot amendment. The RECORD shows that, so I am informed It ought to be an easy matter on the legislative bill to come back into the Senate with a recommendation that the House shall recede and allow the Smoot amendment to stand. Of course, it will not be right to do that if on this bill the Senate is going to set up a different policy and a different method of payment, paying different amounts.

I think on the whole we ought to express ourselves and say we propose to stand by our amendment, and I believe the House

will yield.

The Senator from Washington [Mr. Jones] referred to an amendment which was adopted in the Senate, on page 391. which I offered, "for the purpose of enabling the Secretary of Agriculture to investigate and certify to shippers conditions as to the soundness in which fruits and vegetables arrive in great markets of this country." There is a provision in the bill as passed by the House, stricken out, which is amendment No. 79. It has, if at all, a very remote relation to the amendment adopted in the Senate. It provides for an investigation; it does not provide for any action to be taken. The amendment I offered looks not to an investigation but it looks toward action-it looks toward relief to the shippers throughout this country.

As I understand it, in all the great cities there is an agent of the Department of Agriculture. If the shipper could know that there was somebody to whom he could appeal when a commission merchant claims his carload of fruit or vegetables arrived at that market in bad condition, he could protect himself against any unjust treatment by a commission merchant. It would not be necessary to call upon any representative of the Department of Agriculture in any except very exceptional cases, because the minute it is understood that there is a representative of the Agricultural Department who can contradict the false report of the consignee of the fruit, the consignee is not going to take the position that the fruit or vegetables arrived in a bad condition.

I deliberately put in the amendment that the investigation should be made under such rules and regulations as the Secretary of Agriculture might prescribe. He can make the shipper pay the whole of the costs, and it is perfectly proper that he should do so. Nobody would complain about that. No investigation that any Secretary or that anybody can make will take the place of the provision that the certificate issued by the department shall be received in court as prima facie evidence of the truth contained in the statement. It is the most valuable thing to my mind in the whole bill. It means something. They have been trying to work out a plan for years as to how this thing can be done, and I am rather surprised that the conference

committee think it is connected in any substantial way with the so-called Mann amendment, which merely provides for an investigation as to monopolies. This is not concerned with mo-The Mann amendment provides for an investigation to see if anybody is trying to control the prices of agricultural products. The amendment which I offered has nothing to do The purpose it has in view is to find out whether fruits and vegetables arrive in a sound condition, and that one of the gentlemen paid by this Government in these great markets shall issue a certificate upon the mere request of the shipper. How any head of a department can object to that I can not see; and whether he objects to it or not, I think Congress ought to do that act of justice to the shippers of fruits and vegetables all over the country.

I hope when the matter goes back to conference it will be given more extended consideration, so that the conferees will understand that is not in any degree tied up with, and that its fate ought not to depend upon, the decision as to a mere provision to investigate the storage conditions relating to the distribution of agricultural products. These people can distribute their own products; they have no trouble about that; but they sometimes do have very serious trouble which means the loss of a year's work, because somebody claims that their fruits or vegetables arrived in bad condition when they arrived in good condition. The chances are that it will be some real benefit to shippers and it will not be dependent upon an investigation. Investigations are not going to do much good. That is a matter which affects the consumer more than the producer. It seems to me, since this matter is in conference, this very department of all the departments ought to welcome the opportunity to do this service. I do hope when it goes back into conference the Senate conferees will insist on the amendment or upon one that means the same thing. If this language is not sufficient to suit the Secretary of Agriculture or any member of the conference, change it; I have no pride of opinion about the language; but I have a very deep concern in seeing

something done along this line.

Mr. KENYON. I should like to ask the acting chairman of the committee having the bill in charge a question. I understand that the amendment with relation to the employees of stand that the amendment with relation to the malls of the Agrithe General Education Board being on the rolls of the Agri-

the General Education Board being on the rolls of the Agricultural Department was stricken from the bill.

Mr. SMITH of South Carolina. It was.

Mr. KENYON. On what ground?

Mr. SMITH of South Carolina. Upon the absolute, positive statement on the part of the Department of Agriculture that the matter complained of in the amendment has been abrogated

since 1914.
Mr. GRONNA. Mr. President, I agree with the Senator from Florida that the amendment proposed by him is a very important one, and I do not think it has been taken care of as suggested by some of the members of the committee. Those of us who live several hundred miles away from market realize the importance of the amendment offered by the Senator from Florida. In a part of the country like mine, where we have to take vegetables to the terminal markets, a distance of several hundred miles, we very often find that we get very small prices for our products; we do not get the market prices at all; and I was in hope, as I said before the bill passed this body, that the committee of conference would see fit to keep that amendment in the bill.

However, I rose to ask the acting chairman of the committee about another amendment, if I may have his attention; or perhaps the Senator from Georgia can give me the information.

Mr. SMITH of South Carolina. I beg pardon. Mr. GRONNA. I wish to ask the acting chairman of the committee what became of amendment No. 48. Did the Senate conferees recede or did the House conferees recede? found on page 59 of the bill.

Mr. SMITH of South Carolina. Will the Senator read the

amendment'

Mr. GRONNA. It is the item for investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations. Amendment No. 48 is the insertion after the word "demonstrations" of the words "upon the lands of the United States." Was that language inserted by the Senate stricken out?

Mr. SMITH of South Carolina. That language was stricken

out in conference.

Mr. GRONNA. I am very glad to hear that, because I have a letter from Mr. T. C. Cooper, who is director of our agricultural experiment station, and he expresses a wish that it should be stricken out; and there is a good deal of good and efficient work being done under this provision.

May I ask the Senator another question? What became of amendment No. 82, found on page 80 of the bill? It provides for an appropriation of \$25,000 to install a small experimental flour mill and other apparatus and chemical and baking laboratories in the city of Washington for the purpose of aiding the Secretary of Agriculture in establishing standards of quality

and condition of wheat and other grains.

Mr. SMITH of South Carolina. That amendment was stricken out. We were largely influenced by the statement of the Secretary of Agriculture that the language of the bill in reference to grain grading, establishing standards looking to its real market value, was sufficient to enable him to do this work, without any specific legislation defining the method by which he should do it; that under the bill without this amendment he could make these tests wherever he saw fit; and that the very point raised here would be ascertained through methods that appealed to the Secretary of Agriculture.

Mr. GRONNA. I am very much surprised to hear the Senator make that statement, because I have talked with the Secretary of Agriculture. I talked with him over the telephone, and I asked him if, in his opinion, he thought the department had the authority to install this machinery if necessary. understanding is correct, he was of the opinion that he did not have such authority. In other words, he stated that he recognized that this amendment has real merit, but the only trouble was that the appropriation of \$106,000 was too small, and by taking the \$25,000 out of the \$106,000 appropriation there would be a shortage of funds for other work which had already been mapped out. May I ask the Senator if the Secretary of Agriculture appeared before the committee of conference?

Mr. SMITH of South Carolina. He did not; and I think it nothing but justice to the conference committee at this point to say that there will be inserted in the RECORD the information from the department in reference to this amendment, so that there can be no question as to the facts the conferees had to go upon in striking out the amendment. I will not undertake to say whether the statement was signed by the Secretary of Agriculture or whether it came down in the list of things that the department approved and disapproved of and the reasons there-I will have the clerk of the committee look it up as to this particular item and insert the statement in the Record, so that the action of the committee may be justified, in so far as the department is concerned.

Mr. GRONNA. May I ask the Senator another question? Does he refer to the unsigned memorandum which was handed me a few days ago? Is that the information which the Senator wishes to print?

Mr. SMITH of South Carolina. I suspect that is the information.

Mr. GRONNA. I will say to the Senator that is simply a memorandum not signed by anybody. Does the Senator know that it came from the Agricultural Department at all?

Mr. SMITH of South Carolina. I would be obliged to investigate the records so as to get the matter entirely straight. I wish to say that the Senate conferees were rather in sympathy, and of course were bound to sustain the action of the Senate in incorporating it unless subsequent facts were brought to their attention that justified any adverse action. My memory now is that the Secretary of Agriculture or the department claimed that the text of the bill other than this specific language is amply large to take care of this specific matter. The Senator from Georgia prompts me to say that it was claimed it was already being done in conjunction with certain flouring mills.

Mr. GRONNA. If the Senator will pardon me, I will give him some information. I want to say to him and to the committee that the Secretary of Agriculture has said to me that the only way he can do this work now will be to cooperate with the agricultural college of my State. That does not go to show that he has ample authority to do this work and to buy the material provided for in my amendment.

Mr. SMITH of Georgia. Will the Senator yield to me?
Mr. GRONNA. Certainly.
Mr. SMITH of Georgia. I am satisfied the conference report is going to be sent back, and if the Senator will get that information definitely put in writing and let me have it on the conference committee it will give me a great deal of pleasure to bring it up and see what can be done.

Mr. GRONNA. I shall be very glad to do that. I am very glad to have the Senator say that. I will say further—
Mr. SMITH of Georgia. I was very much impressed with the

Senator's view on this subject, and only finally yielded when it was insisted by those who seemed to know that there is ample opportunity for it already. If the Senator will give me the details in writing on the subject, I will be glad to have them.

Mr. SMITH of South Carolina. I think it is only sufficient for the Senator from North Dakota to get the statement he makes as coming from the Secretary of Agriculture. Just let the Secretary of Agriculture inform the conferees that he is in sympathy with this amendment, and I am sure the conferees

on the part of the Senate will insist upon it.

Mr. GRONNA. I will be very glad to furnish that information, I will say to the Senator, and with that understanding I do not care to delay the Senate much longer. details to show you people from the South that in the North while we do not have the boll weevil we have what we call the bold evil, which forms itself into associations and operates in that way very effectively. If any of you know anything about wheat you know that a kernel of wheat has on the outside first what we call the epidermal cells. The bold evil does not care for that epidermal cell because that is the bran, but the cells next to that-which is the glutinous or aleurone cellsthat is the portion of the grain that this bold evil desires, and that is where it gets its food and its sustenance. There are still other cells in the wheat. There are the endosperm or albumen cells, commonly known as the starch cells. This bold evil does not seem to care so much for the starch cells, because when we have a poor crop, a crop like we had last year, the wheat does not have so much starch in the grain, but it has the same amount of gluten.

I explained on the floor of the Senate a few days ago that wheat weighing 37 pounds to the measured bushel contains very frequently as much gluten to the bushel by weight as does heavy-weight grain. I do not want you people in the South to forget these facts. We do not have the little pest which you have in the South, and which we in the North have been willing to contribute for its eradication-and I always vote for it, as you know, in committee; I do not think you are getting any too much—but when we are asking for \$25,000 to make a test that will save millions of dollars to our farmers in a single year I hope that you will at least consider our proposition.

Mr. President, I want to say in conclusion that the Secretary of Agriculture said to me he is entirely in sympathy with my proposition. A man who knows anything about wheat and about flour and how it is made knows that you can not by a physical test ascertain the real value of wheat. You can only do it in a scientific way when you have a milling laboratory, a baking laboratory, and a chemical laboratory. In that way only can the percentages of the different qualities of grain ascertained. It means a great deal to us, and I had intended to take up some time of the Senate this afternoon to go into the matter fully, so that Senators who do not raise wheat might have the information which I have; but seeing that the members of the committee are kind enough to me, and not only to me but to the farmers, to let this matter go back to conference for consideration, I shall not now take any more of the time of the Senate. The number of the amendment is 82, and it is found on page 80 of the bill. I ask that this amendment go back with the remainder of the contested items, and that the Senate conferees insist on the amendment.

Mr. NORRIS. Mr. President, I had not intended to take up any time on this question until it appeared that the Senator from South Carolina [Mr. SMITH] was not defending this conference report with his usual vigor; and since he has several times made the statement that he wanted to get the sentiment of the Senate, it seemed to me that I ought not to permit my silence to be construed as opposition to the conference report. I realize, I think, that the conference report is going to be rejected, and yet I had hoped that it would not be.

The principal contention is in reference to the difference as to salaries, and I favor the conference compromise, because it will do more good to more people than will the so-called Smoot amendment that we put into the bill in the Senate.

I agree in the main with what the Senator from Colorado [Mr. Thomas] and the Senator from California [Mr. Works] have said. I believe as it can be said of the Senator from Colorado so it can be said of me that, as a rule, I have been opposed to increases of salaries and to other large appropriations; but, Mr. President, I can not quite realize how some of these people under present conditions can possibly live and support their wives and children, if they have wives and children, and afford them the ordinary comforts of life. The cost of living has been going up at such a tremendous rate that all those who are dependent upon salaries, unless they are very large salaries, are face to face with want and suffering. I know that the appropriations of this Congress and of the last Congress have been great; and, like the Senator from Colorado, I have been opposed to most of the great appropriations; but I have been amazed and dumfounded to see the Senate, without the blinking of an eye, pass an appropriation of hundreds of millions of dollars

and then stagger and stumble when it comes to appropriating the money that will pay the people who are doing the work and who are receiving salaries which every man knows from his own experience, particularly in this Capital City, are inade-quate and insufficient to pay the usual running expenses of an ordinary-sized family.

Mr. President, I have before me here a copy of a newspaper of last evening, and I find on the first page, in the first column, an account of a bread riot. In great headlines it reads:

WOMEN STORM NEW YORK CITY HALL IN BREAD RIOT—THREE HUNDRED CRY FOR FOOD BEFORE OFFICE OF MAYOR MITCHEL—POLICE RESERVES CALLED—TROUBLE THREATENED WHEN "SWEET MARIE" GANG IS TAKEN INTO CUSTODY.

NEW YORK, February 20.

Crying "We want bread!" "We want bread!" more than 300 women, bareheaded, scantily clad—their warmest garments being shawls thrown about their shoulders—stormed up the steps of the city hall here to-day demanding relief from Mayor Mitchel for the high cost of food.

Some declared their families were starving.

Most of the women carried babies in their arms, their faces showing the pinch of hunger.

The women were headed by Mrs. Ida Harris, president of the Mothers' Vigilance League, and Marie Ganz, known as "Sweet Marie." They came from the tenement district, where push-cart peddlers have been steadily raising prices until the women declared they are now utterly unable to feed their families.

"WAYE BERAD!" TURKE GRY

" WANT BREAD!" THEIR CRY.

"We are starving?" "We want bread!" was the constant cry raised by the women as they surged about the entrance to city hall.

At noon a delegation of women had gathered in front of police head-quarters demanding to see Police Commissioner Woods.

At the same time the police received word that 2,000 additional women were forming in Rutgers Square to march to city hall.

Walking quietly across City Hall Park the women were at the very steps of the building before they were noticed. They swept up the steps en masse. The doors were banged shut in their faces, and wild cries and imprecations followed.

RESERVES CALLED OUT.

A swarm of police reserves and plain-clothes men appeared. They drove the women down from the steps. Marie Ganz then mounted the steps and addressed the women.

She urged the women to remain in the street, and especially to do nothing that would give the police an excuse to arrest them. With this the crowd quieted and "Sweet Marie" and Mrs. Harris were admitted to the building as representatives of the protesting women.

A serious outbreak was threatened when Marie Ganz was arrested after the main body of women had been dispersed. The crowd in City Hall Park by this time numbered thousands—

Mr. President, I have read only a portion of the article. These women, moved by hunger and the love of their children their babies-were crying for bread in the great city of New York, the great metropolis of the country, at a time when we are told we are enjoying the greatest prosperity in the history of the Nation.

Mr. President, in that connection, I wish to state that a Member of this body told me yesterday that just a few days ago a friend of his in the city of New York, who has just come from there to this city, told him that in the great hotels—the high-priced hotels—of New York City it was impossible to get a room; that they had waiting lists, and that the prices were away up. That only illustrates that there are two classes—one away down and the other away up. The Senator said that his friend told him that he was visited by two friends, and he invited them to have a drink. He had to pay \$5 for a table-merely for a table at which to sit down-and that then, when he ordered three cocktails for himself and his two friends, he had to pay 50 cents a cocktail—\$6.50 for three cocktails! And, Mr. President, that does not take into consideration the tip that I presume was necessary for the waiter, for I assume that it was necessary to pay 50 cents, or perhaps a

dollar, to keep the waiter from spitting in the cocktails.

Mr. SHEPPARD. Mr. President—
The PRESIDING OFFICER (Mr. HARDWICK in the chair). Does the Senator from Nebraska yield to the Senator from Texas?

Mr. NORRIS. I yield to the Senator. Mr. SHEPPARD. I wish to ask the Senator, in this connection, if it is not a humiliating fact that, while women and children are crying for bread in the city of New York, an immense amount of grain, to the value of more than \$100,000,000 annually, is being worse than wasted by being converted into intoxicating liquor? Instead of being converted into the staff of life, this grain is being made into the staff of death.

Mr. NORRIS. I agree with the Senator. I wanted to use this illustration, Mr. President, for the purpose of conveying an idea which I wish to get before the Senate: The men who frequent the high-priced hotels and pay for high-priced drinks do not mind the cost; the men who are paying 50 cents for a cocktail and \$5 for a table at which to drink it do not feel the price, although they probably feel the cocktail. That only illustrates that we have a class of people whom the high cost of living does not affect.

The same newspaper—and one can take any other newspaper and get the same kind of information-from which I read a while ago about the riot for bread, and about women carrying babies, scantily clad, shivering with cold, crying from hunger, demanding food, devotes a whole page to accounts of great society events in this Capital City.

Mr. MARTINE of New Jersey. Mr. President, will the Sena-

tor allow me to interrupt him?

Mr. NORRIS. I do not care to yield just now. I will yield

a little later The PRESIDING OFFICER. The Senator from Nebraska

declines to vield. Mr. NORRIS. I desire to quote something additional from this newspaper. I am not finding fault, Mr. President, with these society events; I am not complaining about them, and I am not going to read the names; but I desire to illustrate the point that there is a large class of people who are suffering for the necessaries of life, while there is another class of people who are not affected by the high cost of living; but we must in some way, at some time, somewhere take care of the people

who are suffering for the want of food and shelter. In this paper there are noted in flaming headlines dinners given in honor of high officials of the Government, accounts of large numbers of society people assembled at various dinners. There are four or five columns of such matter. Here is an account of a dinner given just in advance of a great ball, and

The hunt ball will open at 10 o'clock, when there will be general dancing in the main ballroom until 11. At that hour the guests will be requested, at the sound of the bugle, to clear the center of the room for the pageant. Immediately following the pageant will be a grand march, when the costumes will be judged and prizes awarded. The jury on costumes will include \* \* \* During the grand march there will be general singing of the old English hunting song "Drink, Puppy, Drink."

This is high society—high life—while thousands of God's poor women, scantily clad—in that respect they are similar to their sisters in polite society-with hungry babies at their breasts, are storming the city hall in our great metropolis demanding bread.

The remnants that are carried out in the garbage buckets from these dinners and from the tables of the overrich would feed the hungry, starving millions who in the midst of luxury are crying for food.

Mr. President, so every day I might go on through columns and pages of every newspaper. I have no objection to that. I do not cite these instances as showing anything particularly evil, but to show that we are in this country confronted with a condition which, in my judgment, must be remedied.

The high cost of living first affects those who are the poorest. As the cost of living increases it enlarges the class affected. It As the cost of high energiases it charges the class affected. The keeps on going up and up and increasing the numbers who are affected by it. The man who has a salary now of from five hundred to fifteen hundred or two thousand dollars a year begins to feel the effects of the high cost of living. The high cost of living goes a little higher, and it takes in the man in the \$3,000 class, then the man in the \$5,000 class, and so on. The man who has an income of \$100,000 does not know that the cost of living has increased. He has not the right viewpoint. I am not complaining that he is not patriotic, for he may be a philanthropist; but he has not felt the want of sufficient clothing or of food, and he has not noticed it in those who are dependent upon him for support. He has not shivered from cold or felt the pinch of hunger. As I have said, he may be patriotic and just as good as the man who is poorer; but there must be some time a realization that this increase in the cost of living can not continue without in the end bringing ruin, even to those who are the most prosperous and not directly affected by it. But we have been making more millionaires during the last 3 years than during any 50 years of our history. This operation has induring any 50 years of our history. This operation has in-creased the cost of living manyfold, and thereby made many people destitute who were prosperous before. Those who have vast fortunes must be taxed to pay the increased salaries of those who do the work.

Mr. President, I picked up a Baltimore paper of this morning, which has whole pages showing enormous prosperity in some lines, and yet on the front page it says in flaming headlines:

Housewives in revolt-Soaring prices for food cause riot in New York. And then there is an item in this Baltimore paper, under a Chicago date line, stating it was announced to-day that there was going to be an investigation by the Federal Government in regard to the high prices of food. The people who are moder-ately poor are all suffering to-day. Yet take that same paper and turn to the society columns and you will find that in Baltimore the same thing is going on that is going on here and every-

where else. There are glowing accounts of luxurious dinners in high society. The same is true every day in every city.

Mr. President, this particular conference report has to do

with those who are affected by the high cost of living. Many of the people affected, perhaps the largest number—at least the largest in any one city-live in the city of Washington. No matter how much we may desire to economize, it seems to me that here is a place where we can not economize. We must meet the condition as it exists. I concede, Mr. President, that it is not a settlement of the difficulty. It is only temporary; it is just an excuse at relief; it applies only to one fiscal year. I suppose that is done on the theory that we may get back to earth by the time the year expires, and that we may be again upon a reasonable basis of living; but in the midst of great crops, I understand—I have seen it so stated several times in the newspapers, although I can not corroborate it, of coursewe are paying more for potatoes in the city of Washington than is being paid for them in Berlin.

Why, Mr. President, to the people who are affected by this

increase it is almost essential to them to have it in order to be able to live. It will not give relief to many of them. I would rather issue bonds to help the suffering poor who are toiling and working than I would issue bonds to build a great battleship or to equip a great army. Everybody wants to be economical. I take it that we would all like to get through with nomical. I take it that we would all like to get through with as little public expenditure as possible, but there are some things we can not evade, and this is one of them.

Why, Mr. President, if we are to go on in the way we are going, ultimately we will come to revolution. Those who are

hungry and can not make a living are increasing in numbers by thousands as the cost of living ascends the scale.

Cold and hunger know no reason. Such conditions brought on the French Revolution. Taxes are always burdensome, and I would be glad if I could relieve everybody from taxes, but closely connected with the high cost of living is the question of Those who are barely able to make enough to live and keep their families, if their taxes are increased, are put from one side of this line to the other. So, whether we will it or not, Mr. President, taxes of all kinds must be paid by those who can pay them. When you tax a man up to such a height that the taxes are greater than his property, you have made it a physical impossibility for him to pay, and the same thing is true of a nation.

It seems to me we ought to adopt this conference report as far as the salary dispute is concerned at least, because, while it does not give full relief, it does give some. It is only temporary.

Mr. KENYON. Mr. President—
Mr. NORRIS. I yield to the Senator from Iowa.
Mr. KENYON. The conference report, however, will not give relief to any material extent to those drawing very small salaries. The Smoot amendment gives more relief to those drawing the four and five and six hundred dollar salaries than the conference report. Does not the Senator believe that if we are compelled to choose, it is better to increase by a greater proportion the salaries of those who receive the small sums I have mentioned than those who receive the \$1,200 salaries?

Now, a person receiving a \$1,200 salary can get along. He is not going to suffer, but these employees of the Government receiving \$480 and \$500 and \$600 a year simply can not live. That seems to be the difference between the conference report and the Smoot amendment. That is the way it strikes me.

Mr. NORRIS. Mr. President, I heard the Senator from Iowa ask the chairman of the conference committee, for instance, about the waiters down here getting \$30 a month, but they get their board.

Mr. KENYON. They only get one meal a day.
Mr. NORRIS. Well, that is about all I get.
Mr. KENYON. I think they get what the Senator leaves on the plate.

Mr. NORRIS. Well, they get more than I do, even then.

Mr. KENYON. The Senator must have a good deal of hash in his house, then.

Mr. NORRIS. Mr. President, I think there is something in what the Senator from Iowa says; the one amendment does not increase those low salaries as much as the other, but in the aggregate it helps a great many more people than the Smoot amendment.

Mr. SHERMAN. Mr. President-

The PRESIDING OFFICER. Does t braska yield to the Senator from Illinois? Does the Senator from Ne-

Mr. NORRIS. In just a moment. Let me finish replying to the inquiry of the Senator from Iowa. The Senator refers to some one getting \$1,200 a year as being in better condition than the man who gets \$480; but you will find, as a rule, that those who are getting \$480 a year are able, on account of the peculiar nature of the work they do, to do something else. It does not

take all their time.

Take the janitors, for instance, in the Senate Office Building. They can work there only at certain hours, and only a short number of hours, and they have most of the time to do some-thing else. The waiters in these restaurants get their board, and that is a very big item; but the man with five children and a wife on \$1,200 in the city of Washington, we all know, must They can not in this city at the present time get the necessaries of life. It is an impossibility to do it. It can not be done.

Now, I think their salaries ought to be increased. I know it is not striking at the fundamental cause of the difficulty; but we are not going to be able to strike at the fundamental cause of the difficulty, at least during this session, and probably not during the next, so that we ought to give them some immediate relief. That is what this amendment does. It distributes among the people who are working for the Government \$10,000,-000 more than the other amendment, all going to low-salaried people when you take into consideration the places where they have to live and the high cost of living.

Under ordinary circumstances \$1,200 in some places might be a good salary, but it is not in Washington, and I do not suppose it is in New York City. The man on such a salary who has a family is driven into bankruptcy if he has sickness in his family. From his meager income under present conditions he can not have the necessaries of life. You can not buy in this city the food, you can not have meat, you can not have potatoes, you can not get bread, you can not clothe the family at the prices you have to pay and keep them in school on that salary.

I now yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I wish to ask what the Senator thinks of the Government employee who is now receiving \$5,000 per annum, like the secretary of the Interstate Commerce Commission, and whom by a pending bill that was taken up yesterday it is proposed to increase 50 per cent and give him \$7,500, while persons in the condition that the Senator is describing, with small salaries, go unrelieved?

Mr. NORRIS. I will say to the Senator that I do not agree with that kind of legislation; and I do not mean to claim, now, that the particular official whom the Senator mentions is not earning and would not earn the increased salary. But under present conditions, with the country practically bankrupt, it seems to me we ought not to increase salaries of any kind, except where the salaries are so small that men can not live and support their families on them.

Mr. SHERMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from Illinois?

Mr. NORRIS. I do.

Mr. SHERMAN. I am in entire accord with the Senator, and under proper conditions would favor increasing the salary of a skilled official; but under the present conditions, is not the Senator simply taking the bread line, the actual support?

Mr. NORRIS. That is the line that I want to help, and that is the reason I believe we ought to adopt the conference report. Senators oppose it on the ground of expense, and I concede that that has a great influence on me. Under ordinary circumstances that argument would be sufficient to control my vote; but it can not control my vote when it seems to me that these people who are doing the work under the present salaries and under the present high cost of living can not possibly make both ends meet. It is one thing, it seems to me, that we ought to do, regardless of the effort that it takes to do it. These people must live. However hard it may be, and however necessary it may be to increase the taxes, unless in some way we remedy or somebody remedies the high cost of living, we must pay these prices in order that the people who do the work of this Government can live and support their families.

Mr. WATSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. I do.

Mr. WATSON. The Senator spoke a while

Mr. WATSON. The Senator spoke a while ago of the fundamental cause of the high cost of living. What is it?

Mr. NORRIS. Well, the Senator has asked me, of course, as everybody knows, a very difficult question to answer. I have my ideas about it. I prefer not to discuss it now, because we know we can not get relief for it, at least in this bill. I think there are a great many things that enter into it. Some of them, in my judgment, are only temporary; others are more permanent. But I do not want to take up the time of the Senate

now in discussing that question when I know we could not reach any conclusion on it.

Mr. WATSON. These people who are working in Government positions are in no worse situation than those who are receiving

Mr. NORRIS. That is right.

Mr. WATSON. And therefore, while we ought to relieve them, we will relieve only a small portion of those who are in need.

Mr. NORRIS. I admit that. The Senator is correct. Even if we do this, we only relieve a very small part, and we only relieve that part in a small degree.

The PRESIDING OFFICER. The question is on the adop-

tion of the conference report.

Mr. GRONNA. Mr. President, I think there ought to be a larger number of Senators here when we vote on the report. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the

roll

The Secretary called the roll, and the following Senators answered to their names:

runnincut.	THECHCOCK	MEISON	Smith, Mitch.
Beckham	Hollis	Norris	Smith, S. C.
Borah -	Husting	Oliver	Smoot
Brandegee	James	Overman	Sterling
Bryan	Johnson, S. Dak.	Page	Swanson
Catron	Jones	Penrose	Thomas
Chamberlain	Kenyon	Pittman	Thompson
Clark	Kern	Poindexter	Tillman
Colt	Kirby	Ransdell	Underwood
Culberson	Lea. Tenn.	Robinson	Vardaman
Curtis	Lee, Md.	Shafroth	Wadsworth
Fall	Lodge	Sheppard	Watson
Fernald	McCumber	Sherman	Williams
Fletcher	McLean	Simmons	Williams
Gronna	Martin, Va.	Smith, Ga.	
Hardwick	Martine, N. J.	Smith, Md.	
THRIUWICK	martine, iv. d.	Emilia, Dia.	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The question is on the adoption of the conference report.

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Those in favor of adopting the conference report will, when their names are called, vote "yea"; those opposed will vote "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

I transfer my pair Mr. COLT (when his name was called). with the junior Senator from Delaware [Mr. SAULSBURY] to the junior Senator from Utah [Mr. SUTHERLAND] and vote

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I do not see that Senator present and I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. Johnson]. As I do not see that Senator in the Chamber I withhold my vote for the present.

Mr. SIMMONS (when his name was called). I ask if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I transfer my pair with that Senator to the

Senator from Illinois [Mr. Lewis] and vote "nay."

Mr. TILLMAN (when his name was called). pair with the Senator from West Virginia [Mr. Goff] to the

Senator from Arizona [Mr. SMITH] and vote "nay." Mr. UNDERWOOD (when his name was called). general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent on account of sickness. I transfer that pair to the Senator from Oklahoma [Mr. Gore] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). that the Senator from Wyoming [Mr. Warren], with whom I have a general pair, is absent. I transfer my pair to the Senator from Tennessee [Mr. Shields] and allow my vote to stand.

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Ohio [Mr. Harding] on account of illness, and also the unavoidable absence of the Senator from New Hampshire [Mr. Gallinger].

Mr. GRONNA. I again announce my pair with the senior Senator from Maine [Mr. Johnson]. Being unable to get a transfer, I withhold my vote. If permitted to vote, I would vote

Mr. ROBINSON. The Senator from Delaware [Mr. Sauls-BURY] is absent on account of illness. I ask that this announce-

ment may stand for the day.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is now absent and has been absent from the

Senate for nearly a month by reason of illness. I will let this announcement stand to cover all roll calls.

Mr. WALSH. I wish to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of illness. He is paired with the Senator from Rhode Island [Mr. Colt].

I also announce the absence of the Senator from West Virginia

[Mr. Chilton] on account of illness in his family.

The result was announced-yeas 4, nays 72, as follows:

	YEA	18-4.	
Catron	Norris	Poindexter	Sherman
	NAY	S-72.	
Ashurs: Rankhead Beckham Borah Brady Brandegee Bryan Chamberlain Clark Colt Culberson Cummins Curtis Dillingham du Pont Fernald Fletcher Hardwick	Hollis Hughes Hughes Husting James Johnson, S. Dak. Jones Kenyon Kern Kirby La Follette Lane Lea. Tenn. Lee. Md. Lippitt Lodge McLean Martin, Va. Martine, N. J.	Myers Nelson O'Gorman Oliver Overman Owen Page Penrose Pittman Pomerene Ransdell Reed Robinson Shafroth Sheppard Simmons Smith, Ga. Smith, Md.	f mith, Mich. Smith, S. C. Smoot Sterling Stone Swanson Thomas Thompson Tillman Townsend Underwood Vardaman Wadsworth Walsh Watson Weeks Williams Works
	NOT VO	TING-20.	HOR.
Broussard Chilton Clapp Fall Gallinger	Goff Gore Gronna Harding Hitchcock	Johnson, Me. Lewis McCumber Newlands Phelan	Saulsbury Shields Smith, Ariz. Sutherland Warren

So the conference report was rejected.

Mr. SMITH of South Carolina. I move that the Senate further insist upon its amendments, and ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH of South Carolina, Mr. SMITH of Georgia, and Mr. WARREN conferees on the part of the Senate.

## AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, I ask unanimous consent that on Friday evening at 8 o'clock the Senate may take up Senate bill 8259, making certain amendments to the Federal reserve act, which are of particular importance at this time, in view of possible complications of the Government.

Mr. SIMMONS. I feel constrained at this time to object. After I confer with the Senator from Oklahoma it may be that we may make some adjustment later on.

Mr. OWEN. I withdraw the request.

## MEMORIAL ADDRESSES ON DECEASED REPRESENTATIVES.

Mr. KERN. The Senator from West Virginia [Mr. CHILTON] gave notice that on Saturday, the 24th instant, he would ask the Senate to take action touching the life, character, and public services of the late Representative WILLIAM G. BROWN and the late Representative H. H. Moss, of West Virginia. Later the Senator from South Carolina [Mr. TILLMAN] gave notice that he would ask the Senate on the same day to take action regarding the death of the late Representative FINLEY.

The PRESIDING OFFICER. If the Senator will pardon the Chair, it is desired that he shall ask that the service also include memorial addresses upon the late Representative TRIBBLE, of Georgia.

Mr. KERN. I will also include memorial addresses on the late Representative TRIBBLE, of Georgia. The Senators I named asked me to request unanimous consent that the Senate meet on Sunday, the 25th instant, at 2 o'clock in the afternoon, to consider resolutions on the death of these deceased Representa-

The PRESIDING OFFICER. Is there objection?

Mr. JONES. What was the request?

The PRESIDING OFFICER. The request was that the Senate hold memorial services for certain deceased Members of the House of Representatives on Sunday, the 25th, at 2 o'clock p. m. Without objection, it is so ordered.

## THE REVENUE.

Mr. SIMMONS. I ask that the unfinished business be laid

before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenues to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. SIMMONS. I am under the impression that the Senator from Illinois [Mr. Sherman] had not completed his remarks when we took a recess last evening.

Mr. PENROSE. Will the Senator from Illinois yield to me?

Mr. SHERMAN. Yes, sir. Mr. PENROSE. I desire to submit a report from the minority of the Finance Committee on the pending bill, which I have not been able to put in more promptly on account of the absence from the Senate of some of the members of the minority. As the report is not very long I ask to have it read.

The PRESIDING OFFICER. Does the Senator from Illinois

yield for that purpose?

Mr. SHERMAN. Yes, sir.

The PRESIDING OFFICER. Without objection, the Secre-

Mr. SIMMONS. Mr. President—
Mr. PENROSE. I ask to have it read. I know the Senator wants to object, but I prefer to have it read.

Mr. SIMMONS. I was going to ask the Senator if he would not be content to have it printed in the RECORD.

Mr. PENROSE. No; I would rather have it rend. It is a

valuable document. The PRESIDING OFFICER. The Secretary will read it. The Secretary read as follows:

[S. Rept. 1039, pt. 2, 64th Cong., 2d sess.]

The Secretary read as follows:

[S. Rept. 1039, pt. 2, 64th Cong., 2d sess.]

Mr. Pennosa, from the Committee on Finance, submitted the following views of the minority:

The undersigned minority members of the Committee in the preparation and consideration of this bill and were only given opportunity at a perfunctory session of the committee to record their disapproval of it. Hearings, so called, were held, to which the minority members of the committee were not invited officially; and persons whose interests the bill affects vitally were not called to testify. These "hearings" are valueless to the committee and to the country.

The minority members profest against those methods as well as against the bill itself.

That additional revenue is necessary can not be gainsaid; that it would be necessary, notwithstanding three previous attempts of the Democratic Party to bolster the Underwood tariff law by direct taxation, was foretold by Republicans only last summer. The wild, reckless extravagance of the Democratic Party was then brought to the attention of the country, and the inadequacy of relief measures pointed out. Military and naval preparedness is not alone responsible for this present emergency. Appropriations exceeding the actual necessary domestic needs and demands of the Government, if economically administered, are largely responsible for it. There has been no fiscal situation, not created by the short-sighted policies of the Democratic Party, that could not have been met adequately by the imposition of duties upon the flood of foreign-made goods imported into this country since the enactment of the Underwood tariff law. But the Democratic Party, in the light of recent experience and in the face of an empty Treasury, persists in ignoring the indirect, historic, and easy method of collecting revenue at the customhouses and continues to saddle direct taxes upon an already burdened people.

That these additional tremendous taxes are largely responsible for the high cost of living we have no doubt. The aver

The responsibility for present consists.

The minority members of the Finance Committee have repeatedly called attention to the unscientific methods of the majority party in their mismanagement of the country's finances. Trusting doggedly to their tariff policy, refusing blindly to admit the failure of the Underwood law to produce revenue in the face of unprecedented imports, the majority through pride of opinion continues to draw upon the substance of our own people rather than recede from its erroneous position and resort to the Republican method of raising revenue indirectly upon imports.

and resort to the Republican method of raising revenue indirectly uponimports.

Estimates of receipts and expenditures and statements of the present
and prospective condition of the Treasury, as given in the report of
the majority are confusing and misleading. This, however, is to be
expected when the daily Treasury statement continues to show a net
balance in the general fund, when in fact there is a deficit of approximately \$50,000,000. There is no balance in the general fund; what
purports to be a balance consists of liabilities.

There are no reliable estimates. We know in a general way only
that the Treasury is in dire straits. Since the Book of Estimates was
submitted in December supplemental estimates keep coming in. Congress
must guess at the Treasury's true condition to-day and next year. No
figures upon which it is asked to formulate revenue legislation intelligently are even fairly within many millions of remaining authoritative
reasonably long.

The estimates of the amounts to be raised by the additional taxation
in this bill are guesswork. They are arbitrary. No basis is given for
the estimated reveneu from the profits tax, because there is none to
give.

The pending bill not only disregards the opportunity for raising revenue from imports, which aggregated \$2,391,716,335 in value during the last calendar year, but it takes no account of the future industrial preparedness of the United States against the invasion of European-made goods which is bound to come after the war. In this, as in its predecessors, this bill fails to safeguard the industries of the United States

European-made goods which is bound to come after the war. In this, as in its predecessors, this bill falls to safeguard the industries of the United States.

Of this bill we will say as we have said of other like revenue bills which have ignored sound economic principles and the "American system" of protection, that it will be inadequate to meet the demands upon the Treasury by reason of wasteful appropriations; and not until the Democratic Party makes a serious attempt instead of pretense at economy and recognizes its utter inability adequately to finance the Government without adopting the natural and economically sound method of raising revenue by protective-tariff duties will that party be able to escape the just condemnation of an overtaxed but long suffering people.

able to escape the just condemnation of an overtaxed but long suffering people.

We believe the estimates of revenue under existing law will be less by \$100,000,000; that the disbursements this fiscal year and for 1918 will exceed the estimates; that the dencits both years will aggregate in excess of \$500,000,000; that this bill, together with existing direct-taxation laws, will be fastened upon the people permanently unless relief be had by restoration of import duties that will yield \$200,000,000 more revenue annually and at the same time conserve our productive energies, both of capital and labor.

Boies Penrose. H. C. Lodge. Porter J. McCumber. Reed Smoot. Jacob H. Gallinger. Clarence D. Clark.

Mr. UNDERWOOD obtained the floor.

Mr. SIMMONS. Mr. President—
The PRESIDING OFFICER (Mr. VARDAMAN in the chair).
Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I do. Mr. SIMMONS. Mr. President, I desire to give notice that instead of asking for a night session I shall ask that the Senate continue in session until 8 o'clock, with the understandingwhich I have reason to believe has the approval of the other side of the Chamber-that between the hours of 6 and 8 o'clock a point of no quorum will not be made unless it is proposed to vote either upon the bill or upon some amendment thereto.

Mr. SMOOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I do.

Mr. SMOOT. Does not the Senator understand also that between the hours of 6 and 8 o'clock there shall be no vote

Mr. SIMMONS. Well, we might find ourselves in the position of no business being before the Senate, and then we would have to adjourn, unless it was proposed to take a vote. In that case the point of no quorum could be made, under the understanding, and we could not vote unless we had a quorum.

Mr. SMOOT. Just so the Senator understands, then, that if such a condition arises there will be no violation of the under-

standing by calling for a quorum.

Mr. SIMMONS. Yes.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. UNDERWOOD. I do.

Mr. CUMMINS. I do not know whether the Senator from Utah has mentioned this phase of the matter or not; but I suggest to the Senator from North Carolina that the understanding, I assume, includes the idea that this bill will not be laid aside between those hours so that other measures can come up for consideration.

Mr. SIMMONS. That would necessarily be a part of the

understanding.

Mr. PENROSE. Mr. President, one more question.
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Pennsylvania?
Mr. UNDERWOOD. I do.

Mr. PENROSE. I understand that at the hour of 8 o'clock the Senate will take a recess until 10.30 o'clock to-morrow morning. Is that the purpose of the chairman?

Mr. SIMMONS. That is my purpose—to ask for a recess at

that time until 10.30 to-morrow.

The PRESIDING OFFICER. Does the Senate understand the proposition made by the Senator from North Carolina? If it does, the Chair will not put it to the Senate.

Mr. BRANDEGEE, Does there have to be unanimous consent? The PRESIDING OFFICER. The Chair understands that the Senator from North Carolina asks unanimous consent that that be the order of the Senate.

Mr. SIMMONS. I am not asking unanimous consent. I hardly think it would be proper to do that. I am just stating it as an understanding that I assume will be regarded as binding upon

Mr. PENROSE. As I understand, Mr. President, the chairman of the Finance Committee has the leadership of the majority in the conduct of the business of the Senate, and he has announced his purpose to ask the Senate to remain in session until 8 o'clock

Mr. SIMMONS. That is all.

Mr. PENROSE. And then that he will ask to take a recess until half past 10 o'clock to-morrow morning.

Mr. SIMMONS. That is all I meant to say.

The PRESIDING OFFICER. And the Senate consents to

that, or understands that.

Mr. SIMMONS. I meant to say, if the Senator will pardon me, that I had decided to pursue this course, with the assurance that the point of no quorum would not be made between 6 and 8 o'clock, unless it was proposed to take up some new business, or proposed to vote upon this bill or some amendment to this bill.

Mr. BRANDEGEE. Of course, unless it is agreed to as a matter of unanimous consent, that is simply a declaration of inten-

tion on the part of the Senator.

Mr. SIMMONS. That is all that I meant that it should be. Mr. BRANDEGEE. Anybody who wants to raise the point of no quorum this evening can do it.

Mr. SIMMONS. Undoubtedly that is true.

The PRESIDING OFFICER. If the Senate agrees to that, or rather understands the matter, the Senator from Alabama will proceed.

Mr. KENYON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. UNDERWOOD. I do. Mr. KENYON. The Senator from Alabama is about to address the Senate upon a very important part of this bill, and I

suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators an-

swered to their names:

Ashurst	Fernald	McCumber	Smith, Ga.
Bankhead	Fletcher	McLean	Smith, Md.
Beckham	Gronna.	Martin, Va.	Smith, S. C.
Borah	Hollis	Martine, N. J.	Smoot
Brady	Husting	Newlands	Sterling
Brandegee	James	Norris	Stone
Chamberlain	Johnson, Me.	O'Gorman	Thomas
Clapp	Johnson, S. Dak.	Oliver	Thompson
Clark	Kenvon	Overman	Tillman
Colt	Kirby	Owen	Underwood
Culberson	La Follette	Page	Vardaman
Cummins	Lane	Penrose	Wadsworth
Curtis	Lea, Tenn.	Shafroth	Walsh
Dillingham	Lee, Md.	Sheppard	Warren
du Pont	Lewis	Sherman	Watson
Fall	Linnitt	Simmone	

Mr. VARDAMAN. I desire to announce the absence of the junior Senator from Tennessee [Mr. Shields] on account of sickness

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Sixty-three Senators have responded to their

mames. A quorum is present.

Mr. UNDERWOOD. Mr. President, I desire to address my remarks to one portion of this bill at this time. The Senate Committee on Finance has adopted an amendment to the House bill to change the law relating to the tax on oleomargarine and provide a new system of taxation. I shall not take up the time of the Senate to have that portion of the bill read at this time; but in order that it may show as a part of my remarks I ask unanimous consent that it may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, that course

will be pursued.

The matter referred to is as follows:

TITLE V .- MARGARINE TAX.

TITLE V.—MARGARINE TAX.

Sec. 500. That in lieu of the taxes now imposed by law upon the substances, mixtures, or compounds heretofore known as oleomargarine, and which shall hereafter be known and designated as margarine, or its equivalent descriptive word, when manufactured for export to a foreign country, there shall be levied, collected, and pald a tax at the rate of 2 cents per pound, to be paid by the manufacturer thereof, which tax shall be represented by internal-revenue stamp or stamps so affixed to the respective "manufacturers' original packages," hereinafter provided for, as to seal them securely, so that said packages may not be opened without destroying the stamp or stamps affixed thereto; and it shall be unlawful for any dealer, knowingly and willfully, to break said stamps, or to knowingly have in his possession such packages upon which said stamps have been broken or otherwise defaced: Provided, That margarine may be packed in any form required and removed from the place of manufacture under such regulations as are now or may hereafter be prescribed for export to foreign countries, or for consumption upon vessels plying between ports of the United States and those of foreign countries, or for the use of the United States Government, without the payment of tax thereon or affixing stamps thereto.

Sec. 501. All margarine shall be packed by the manufacturers thereof in separate sanitary "manufacturers' original packages" of one-fourth, one-half, 1, 2, 3, 5, or 10 pounds each, except as provided in section 400

of this act; and said "manufacturers' original packages" shall be packed in "shipping packages" containing not less than 10 pounds each, upon each of which shall be plainly branded, stamped, or printed the word "margarine" and a label as follows: "Notice.—The manufacturer of the margarine herein contained has complied with all the requirements of the law. Every dealer is cautioned not to break or deface the 'manufacturers' original packages' herein contained or the revenue stamp or stamps thereon." Upon each of "manufacturers' original packages" shall be plainly branded, stamped, or printed the word "margarine," together with a caution notice as follows: "Notice.—Every person is cautioned not to use either this package or the stamp or stamps thereon again, or to remove the contents of this package without destroying the stamp, under the penalty of the law in such cases."

without destroying the stamp, under the penalty of the law in such cases."

Sec. 502. That in lieu of the special taxes or licenses now imposed by law upon manufacturers of, and dealers in, oleomargarine, there shall be, and are hereby, imposed annually special taxes as follows: Manufacturers of margarine shall each pay \$600; wholesale dealers in margarine shall pay \$60; retail dealers in margarine shall each pay \$6.

Sec. 503. Margarine is here declared to be a food product; and, except as modified or repealed by this act, all the provisions of the existing laws relating to this product heretofore designated as oleomargarine shall continue in full force and effect, and all the general provisions of the internal-revenue statutes for the assessment and collection of taxes and licenses, and for seizures, forfeitures, and punishments for violations thereof, are hereby extended and made to apply to this food product, the taxes imposed by this act, and the persons upon whom imposed. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and required to make all needful rules and regulations to carry this act into effect. Nothing herein contained shall be construed to after, amend, or repeal the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended known as the meat food and true act.

Mr. UNDERWOOD. To state briefly what will be accomplished by the amendment proposed by the Senate committee to the House bill, I wish to state that in 1902 a law was passed taxing oleomargarine. Under that law oleomargarine that is colored artificially is taxed 10 cents a pound. Oleomargarine that is not colored, but is sold without the artificial color, is taxed one-fourth of I cent a pound. The law requires that it shall be packed in certain packages, but not identified as oleomargarine particularly in those packages, except in so far as the package denotes that there is colored oleomargarine or white oleomargarine in the package.

The proposal in this bill is to adopt a uniform tax. In lieu of the taxes now imposed by law it proposes to levy a tax of 2 cents a pound on oleomargarine, whether it is colored or un-colored. This change in taxation, so far as my investigation shows, will lead to a reduction in the cost of oleomargarine to the consumer and at the same time increase the revenue derived from the tax.

At the present time the revenue derived from oleomargarine, colored and uncolored, and also the special tax levied on manufacturers of oleomargarine and dealers in oleomargarine, amounts to a little less than \$1,500,000 under the present law; but if the law is changed and a uniform tax is levied it is estimated by the Treasury Department that in the next year the revenues will increase to \$5,000,000; in other words, that there will be a net increase for the next year of something like three and a half million dollars by reason of this change. That three and a half million dollars by reason of this change. is as far as the Treasury estimate goes; but, in my judgment, the tax will gradually increase until I believe that ultimately the Government can expect a revenue of from seven to ten million dollars growing out of this tax.

Mr. CUMMINS. Mr. President-The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Alabama yield to the Senator from Iowa?

Mr. UNDERWOOD. I do. Mr. CUMMINS. Is the estimate just given based upon a production for the next year of the same number of pounds as

rere produced in the last year?
Mr. UNDERWOOD. It is based upon the production and withdrawals of oleomargarine tax paid at the two rates during the first six months of the current fiscal year.

That is one purpose of this amendment. Another purpose of the amendment is to eliminate fraud. Probably there never has been on the statute books an internal-revenue law that has been productive of more fraud against the Government than the oleomargarine tax.

The Commissioner of Internal Revenue in his 1911 report says:

It is confidently believed that the eleomargarine law is at this time corrupting and debauching more taxpayers and affords the opportunity for greater fraud upon the public than any other statute with which the internal-Revenue Bureau has to deal.

Again, in his report for 1913, he says:

Considerable comment has, in the past, been made in the matter of the production of illicit spirits and the consequent loss to the Government of taxes on that product, and while it is true that the Government sustains quite a loss on this account, it is not to be compared with the loss that may be and has been sustained in the illicit traffic in oleomargarine. In any of the three or four large cities of the country the Government, unless the illicit traffic in the manufacture and sale of

eleomargarine is controlled, will lose more taxes from this source than would be lost in the way of taxes on distilled spirits illicitly produced in all the Southern States.

The frauds in the main were not committed by men who were legitimately engaged in the production of eleomargarine, but by men who bought uncolored oleomargarine and colored it and then sold that colored oleomargarine as butter, or by butter manufacturers who purchased oleomargarine, mixed it with their butter, and sold it to the public as butter.

The amendment that the Senate committee presents seeks to eliminate the fraud by having one uniform tax and license rate for the manufacture and the sale of oleomargarine. But more than that, it seeks to eliminate the question of selling oleomargarine as butter as a fraud on the consumer by providing that oleomargarine shall be sold in packages not exceeding 10 pounds in weight and not less than one-quarter of a pound in weight, ranging between those two extremes, in sanitary wrappers, with the Government revenue stamp fastening the wrappers, with the dovernment revenue stamp is accuming the wrapper together, so that to open the wrapper you have to break the stamp, and providing that the package can not be sold after the stamp is broken. In other words, if this amendment is adopted you must hereafter sell oleomargarine in a sealed package with the revenue stamp on it, and if you dare sell it after that stamp is broken you lay yourself liable to the pains and penalties of the law.

More than that, each package must have printed in large letters the fact that it is margarine or oleomargarine. The amendment changes the name. In this country to-day the product is known as oleomargarine. In most foreign countries it is known as margarine. This amendment seeks to change the name to margarine to facilitate our foreign trade in the product and make the name conform to that used in foreign countries. That is only a change of name. These original packages must be marked distinctively as margarine.

You may say that a package may be broken and that after it is broken the oleomargarine may be taken out and sold to the consumer as butter. That is true; a man may violate the law in that respect; but that is also true in reference to a box of cigars, a package of cigarettes, or practically any other commodity on which is placed an internal-revenue stamp. You can open your box of cigars, take out the tax-paid cigars, put in place of them cigars that are not tax paid, and violate the law if you want to; but this law will protect the purchaser from frauds to an extent so much greater than the present law that the two cases are not comparable.

Most of the frauds that have grown under the present law come up in a manner I will describe, and some of them have gone to the extent of millions of dollars. In one case a butter or creamery company was penalized by the Government of the United States to the extent of a million and a half dollars for the fraud it committed in coloring eleomargarine to sell as

Now, how did they do it? Under the law they can manufacture white oleomargarine for a quarter of a cent a pound and colored oleomargarine for 10 cents a pound. There is a license that must be taken out by a wholesale dealer in colored oleo-margarine and a different license by one who sells white or uncolored oleomargarine. The dealer takes out both licenses and then buys a tub of colored oleomargarine and, it may be, and then buys a the of colored colored again. He uses the elec-margarine out of the colored tub and sells it to his customers either as colored eleomargarine or as butter. When it gives out, coming to the bottom of the tub, he carries it to the back part of the store where his tubs of white oleomargarine are and transfers the oleomargarine from the tub of white oleomargarine into the tub that is labeled colored oleomargarine, and then he mixes about 10 or 15 cents' worth of coloring matter in the tub, takes a paddle, stirs it around a while, and he has colored oleomargarine. He takes it back and puts it on his counter and continues to sell it. The Treasury Department has found that it has been almost impossible to catch up with this class of fraud.

Now, as to the coloring matter: There is nothing deleterious in the coloring matter. The same coloring matter is used to color eleomargarine that is used to color butter. body knows, creamery butter in June ought to be a bright yellow color, because the cows are out on pasture eating green grass, which produces that color. When the cows are stabled in the wintertime butter is white or nearly white, and as public tastes or public desires require a colored butter the dairyman mixes a vegetable coloring matter which costs a few cents with his tub of butter and hands on to the consumer the same colored butter in December that he had in June.

The Department of Agriculture have investigated the matter. They have stated that the coloring matter that is used is a

vegetable coloring matter, not deleterious to health and not harmful. Now, the same coloring matter that they color oleomargarine with is the coloring matter that they color butter with. So there is nothing deleterious to health in the proposition.

But there is another way that they commit these frauds, or have committed them in the past; that is, by some of the great creameries of the country, men who are engaged in the business of selling creamery or dairy butter, buying white oleomargarine and coloring it, sometimes mixing it with their butter and sometimes not, and passing it on to the public as butter, defrauding the public and defrauding the Government of its tax. That

has been going on for many years.

The Senate committee in reporting this amendment is attempting to do two very meritorious things. One is to treble the amount of revenue that will be raised from this source and at the same time cheapen the cost of colored oleomargarine to the consumer, because when the consumer buys honest colored oleomargarine he pays the tax to the Government; when he buys dishonest colored oleomargarine he pays the tax to the thief; the consumer does not get the benefit of it in any direction, but this amendment decreases the tax on colored from 10 to 2 cents, effecting that much saving to the consumer. The committee proposes to eliminate that fraud and to increase over threefold the amount of revenue that the Government of the United States will derive from this article, and at the same time to a very large extent prevent men who are selling oleomargarine from committing a fraud on the public by selling it That is the purpose of this amendment.

There is nothing new in this suggestion. I introduced the amendment, and the committee adopted it; but I do not claim credit for working out the amendment. The amendment has been suggested by the Treasury Department, by every Commissioner of Internal Revenue, for the last decade without exception, and it has been recommended by every Secretary of the Treasury in his annual report for the last decade. It is true the present Secretary of the Treasury has recently changed his mind about it, but his commissioner has not. I will read and comment on his letter in reference to this bill in a few moments. This amendment has been prepared along the line that has been recommended by Republican Commissioners of Internal Revenue and by Democratic Commissioners of Internal Revenue for more than 10 years for the purpose of eliminating fraud and increasing the revenue.

I wish to call attention to some of the recommendations on this question by the Secretary of the Treasury. I send to the desk and ask the Secretary to read from the report of the Secretary of the Treasury for 1916 on this subject.

The PRESIDING OFFICER. The Secretary will read as

requested.

The Secretary read as follows:

REPORT OF THE SECRETARY OF THE TREASURY, 1916.

(Page 107.)

Oleomargarine: A majority of the cases reported during 1916 involved illicit manufacturers, who purchased the white product, added artificial coloration thereto, and afterwards disposed of it in many instances as creamery butter, in evasion of the stamp tax of 10 cents per penud.

\* \* It is evident that as long as the double rate of taxation remains in force frauds upon the revenues and the public will continue, despite the efforts made to suppress them. A thorough and careful revision of this law to make it in fact a revenue measure and at the same time provide the strongest possible remedies for protection against fraud is again recommended for your consideration.

Mr. UNDERWOOD. I ask the Secretary to read the report of the Secretary of the Treasury for 1915 on this subject.

The PRESIDING OFFICER. The Secretary will read as

The Secretary read as follows:

REPORT OF THE SECRETARY OF THE TREASURY, 1915.

REPORT OF THE SECRETARY OF THE TREASURY, 1915.

(Page 139.)

Oleomargarine: One case was discovered during the current year where the amount out of which the Government had been defrauded reached a total of \$1,503,203.30, which sum represented the tax on the product manufactured for a period of six years that these frauds had continued undetected, all of the product in this case having been placed on the market as butter without payment of any tax. \* \* \* Notwithstanding these results, growing out of the thorough and sweeping investigations and vigorous efforts to enforce the law, it only emphasizes the incentive to fraud under the present cleomargarine statutes and the need of amendatory legislation to correct these faults, and at the same time afford adequate protection to the revenues and to the public. It is again recommended that the present law be amended by repealing those provisions imposing a double rate of tax on the product and special taxes on dealers, and substituting therefor a flat rate per pound and single rates of special taxes upon wholesale and retail dealers, with provision for individual or original packages of certain sizes fixed by the law, each of which shall bear the tax-paid stamps, marks, and brands so as to clearly identify the character of the product to the purchaser.

Mr. UNDERWOOD. It will appear from the reading of the report of the Secretary of the Treasury last year that the

amendment that is reported by the committee conforms in every detail to the suggestions made by the Secretary of the Treasury and his recommendations in reference to the matter.

I also have here excerpts from the report of the Commissioners of Internal Revenue for 1909, 1912, and 1913, and of the Secretary of the Treasury for 1911, in accord with what has already been read from the desk. I will not take up the time of the Senate in asking that they be read, but will send them to the desk and ask unanimous consent that they may be inserted at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be

so ordered.

The matter referred to is as follows:

REPORT OF THE SECRETARY OF THE TREASURY, 1911.

(Page 453.)

REPORT OF THE SECRETARY OF THE TREASURY, 1911.

(Page 453.)

Oleomargarine: Continued efforts, to enforce this law serve but to disclose the situation more clearly. The present law imposes two rates of taxation—one forty times as great as the other, " " the rate being determined by whether or not the product is artificially colored. " " Under the law the oleomargarine is permitted to be packed by the manufacturers and sold in large firkins or tubs containing about 60 pounds, with a stamp on the outside showing proper tax payment. The retail dealer would buy a small number of tubs of artificially colored oleomargarine, tax paid, at 10 cents a pound. He would then proceed to buy large numbers of tubs tax paid at one-fourth cent a pound. He would pay the special tax as a dealer in colored oleomargarine. The stamp on the tub does not have to be destroyed until the tub is empty, and the courts have held that tub is not empty as long as any merchantable oleomargarine remains therein. The retail dealer, therefore, would sell from his tubs of the colored product, and in general the product would be sold as butter, and when a certain number of tubs would be nearly empty the dealer would remove them, together with a corresponding number of tubs tax paid at the lower rate, to some place in his private residence or other place securely guarded, and there simply mix a little coloring (p. 454) matter in the white goods, refull the tubs in which had been colored oleomargarine, destroy the stamps on the tubs emptied of their white contents, take the refilled tubs back to his place of business, and continue selling therefrom. " " Great difficulty has been experienced in securing convictions even where the facts of manipulation have been undisputed. " " By the simple process above enumerated the retail dealer with equipment of the very simplest kind and with the minimum of labor and trifling expense and practical immunity from detection " " can add 93 cents to every pound thus manipulated, and by furnishing this to his customers

REPORT OF THE COMMISSIONER OF INTERNAL REVENUE, 1909.

(Page 85.)

(Page 85.)

Oleomargarine: There was actually found on the market approximately 1,250,000 pounds of eleomargarine withdrawn from manufactories and tax paid at one-fourth cent per pound, which was discovered to have been illicitly artificially colored and therefore taxable at 10 cents per pound \* \* \* (p. 86). All available members of the field force especially qualified for the work were detailed for duty in connection with the detection and punishment of violations of the eleomargarine law. \* \* \* Notwithstanding this activity it has been found that the number of violations is steadily increasing. Several material defects in the law have been brought out by various court decisions. These defects, together with the incentive to fraud on account of the difference in the rates of stamp and special taxes imposed for the manufacture and sale of the colored and uncolored product and the ease with which illicitly colored goods can be produced and disposed of, render remedial legislation imperative.

REPORT OF THE COMMISSIONER OF INTERNAL REVENUE, 1912.

REPORT OF THE COMMISSIONER OF INTERNAL REVENUE, 1912.

(Page 18.)

Oleomargarine: Attention has been called heretofore to the necessity of remedial legislation to strengthen the administrative features of this law; \* \* and it is hoped that at this session Congress will make the necessary revision of these laws.

REPORT OF THE COMMISSIONER OF INTERNAL REVENUE, 1913.

(Page 15.)

(Page 15.)

Oleomargarine: The present oleomargarine law is not satisfactory, either from an administrative or revenue standpoint, and should be so amended as to remedy it in both respects (p. 16). A law imposing a flat tax of a nominal rate without any differentiation based upon coloration, with provision for individual stamped or original packages of certain sizes adequately marked and branded, and safeguarded by the proper penalties, would, in my opinion, be easier of enforcement and yield greater revenues than the present law and with less expense to the Government.

Mr. UNDERWOOD. Now, Mr. President, we come down to the present Secretary of the Treasury and the recommenda-tions of the Commissioner of Internal Revenue. As I stated awhile ago, the uniform recommendation of the Secretary of the Treasury and the Commissioner of Internal Revenue for more than a decade has been in favor of this law down to February 8, 1917. When this amendment was introduced it was referred by the committee to the Secretary of the Treasury for a statement. He changed his mind on this subject, and I would not be candid with the Senate after reading the statement the Secretary of the Treasury has made heretofore in reference to this matter if I did not present to the Senate at this time his last letter on the subject. I leave it to the judgment of those who hear the letters read to determine whether the long line of recommendation that has been made in the past was correct or the reversal of the last two or three days is correct. Here is his last letter:

FEBRUARY 8, 1917.

It is addressed to Hon. F. M. SIMMONS, United States Senate-

My Dear Senator: I have your request of the 3d instant for a report on the amendment to H. R. 20573—

The pending bill-

changing the rate of tax on oleomargarine. I send you herewith a memorandum from the Commissioner of Internal Revenue, who for several years has recommended the amendment of the oleomargarine law along these lines. In transmitting this report, however, I wish to point out very clearly that I am not in accord with the views of the commissioner on this subject.

While the proposed amendment probably would be easier of administration than the present act, I feel quite confident that a material reduction of this character in the tax on artificially colored oleomargarine may offer an opportunity for and be an incentive to large frauds on the part of unscrupulous dealers, who could remove the article from the original packages and sell it as butter.

Of course, in last year's report the Secretary advised the Congress that the only way to prevent these frauds was to seal up the original packages with a Government stamp on them.

In addition to this, the lower tax would make it very easy for hotel ad boarding-house keepers to serve artificially colored oleomargarine

There is nothing to keep them from doing it now. They can go out in a dark room, take a paddle and 10 cents worth of coloring material and mix it in, as many of them do.

Consequently, it seems certain to me that the consuming public will be more likely to be imposed upon with artificially colored oleomargarine as genuine butter, under this proposed new form of taxation, than under the present law. There can be no objection to the sale of oleomargarine as such, but I think that every possible precaution should be taken to prevent the defrauding of the public through its sale, or use, under the guise of butter. I am of the opinion that the present law, imposing a high tax on artificially colored oleomargarine, thereby discouraging the coloration of the product as far as possible, is preferable to the suggested amendment.

Faithfully, yours,

Mr. Preseident, I held in my head a letter which I will ask to.

Mr. President, I hold in my hand a letter which I will ask to

have printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so

The letter referred to is as follows:

TREASURY DEPARTMENT, Washington, February 4, 1916.

Hon. CLAUDE KITCHIN,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

Chairman Committee on Ways and Means,

House of Representatives, Washington, D. C.

My Dear Mr. Kitchin: I beg to acknowledge receipt of your letter of the 28th ultimo requesting certain further information concerning the operations of the present oleomargarine law and the frauds referred to in my annual report and that of the Commissioner of Internal Revenue for the fiscal year 1915, and additional data relative to ingredients used in the manufacture of this product.

Your questions are answered seriatum, as follows:

1. All the product of the butter manufacturer referred to on page 139 of my report for 1915, who was discovered to have defrauded the Government out of \$1,503,203,30 in taxes, was placed on the market as butter without the payment of any tax, except that portion of the product seized by the Government upon the discovery of these frauds. This quantity amounted to approximately 250,000 pounds, which was subsequently tax paid at 10 cents per pound as colored oleomargarine, branded, etc., before being allowed to be placed on the market. It is such frauds as these, and those consisting of the incorporation of abnormal quantities of water or foreign substances like potato starch, flour, etc., which I had in mind as the basis for the opinion that Federal inspection of butter factories would prevent frauds and adulteration of this food product.

2. The illicit coloration of white oleomargarine and sale of the product in fraud of the revenues and as butter is principally engaged in by pretended dealers in butter who have qualified by payment of special tax as dealers in oleomargarine. It has been found that usually these persons do handle butter as well as oleomargarine, and frequently they are engaged in a general butter and poultry business.

A large number of these moonshiners use as a part of their rade name terms calculated to induce the belief that they are butter dealers, the words "Eigin," "Creamery," "Butter," and "Dairy" being most frequently used for this purpose.

There is no method of approxi

3. It is the opinion of those charged with the enforcement of the oleomargarine law that any law which establishes a color standard or prohibits the manufacture of this product of any shade of yellow would be difficult of enforcement, and instead of lessening the frauds would tend to increase them.

This opinion is substantially corroborated by the fact that in practically all cases of illicit coloration or moonshining, it has been found that the pure-white product of certain manufacturers is that principally used in such traffic.

4. In the enforcement of the adulterated-butter law it has been disclosed that the principal forms of adulteration consist of the incorporation of abnormal moisture, ranging anywhere from 15 to 45 per cent, the addition of foreign substances, such as potato starch, and of foreign fats. Where foreign fats are added to butter the product is removed from the classification of adulterated butter to that of oleomargarine.

5. The total number of pounds of milk and cream used in oleomargarine, as shown in my letter of January 25, represents the entire quantity of these two materials used in churning the oleomargarine and only a small percentage of each is actually incorporated in the product.

6. The total number of pounds of salt included in these tables represents the quantity used in the manufacture of oleomargarine, and not that actually incorporated in the product, there being a considerable loss of materials, including salt, in the process of manufacture, as will be observed by noting the difference between the totals of all ingredients used and the amount of finished oleomargarine of the difference.

The percentages of salt and moisture in eleomargarine of the different grades of the several manufacturers as determined by the official chemist of the Internal-Revenue Bureau vary according to grade and manufacturer, and upon test of samples was found as follows:

Oleomargarine.

Per cent	Per cent	Per cent	Per cent
moisture.	salt.	moisture.	salt.
12. 20	2.60	10. 22	4. 07
11. 86	2.34	9. 32	4. 07
11. 14	2.89	9. 37	1. 93
9. 01	2.59	9. 71	3. 03
9. 15	1.99	11. 04	3. 92
8. 86	2.08	11. 52	3. 24
8. 65	1.47	8. 50	2. 78
10. 47	3.75	14. 88	2. 23

Average per cent moisture, 10.36; average per cent salt, 2.81

These constituents also vary in butter according to the manufacturer, the grade, the time of year when produced. Tests of samples by the Bureau of Animal Industry, Department of Agriculture, during 1911 showed an average of 13.90 per cent moisture, 2.51 per cent sait, which figures were practically corroborated by analyses of the internal-revenue chemist of 261 samples from different States.

Analyses of samples of butter suspected of containing 16 per cent or more of moisture sent in by field officers showed the following results:

Butter.

Per cent	Per cent	Per cent	
moisture.	salt.	moisture.	
17.91	5. 59	17.02	3.41
17.42	4. 50	14.79	2.01
18.96	8. 48	13.85	0.78
18.31	6. 25	13.51	1.13
19.93	6. 33	14.95	0.00
16.72	3. 48	13.23	1.50

Average per cent moisture, 16.32; average per cent salt, 3.62,

Average per cent moisture, 16.32; average per cent salt, 3.62.

7. I can not state definitely the countries from which we import the sesame, soya bean, and coconut oils used in oleomargarine, but it is undoubtedly true that none of these are produced in this country, except possibly a very small quantity which is expressed from imported materials.

Sesame seed, from which the oil of this name is derived, are grown in East India, Java, Slam, Tonkin China, Japan, and countries bordering on the Mediterranean. The cultivation of sesame has been introduced in the Southern States of this country and this industry is reported to be on the increase.

You may possibly obtain some information concerning this industry from the Department of Agriculture.

8. Soya bean is the seed of a plant similar to the pea, extensively grown in China, Korea, Japan, Formosa, and Indo China, and the oil used in oleomargarine is either obtained from these countries or expressed from the imported seeds. I understand that soya bean is grown to some extent in the United States, but principally as a forage crop.

crop.

Coconut oil is obtained from copra, the dry white meat of the coconut, grown in the tropical coast lines of all countries, but the principal sources of this product for commercial purposes is the southern Pacific islands, South America, and Africa.

There are two kinds of mustard-seed oil, one from black mustard and the other from the white mustard. The edible mustard-seed oil is obtained from the black mustard and is a by-product, the principal oil from these seeds being the volatile oil of mustard used for pharmaccutical purposes. The oil from white mustard is not used for edible purposes, but only for lubricating and illuminating purposes. The black mustard is grown in middle and southern Europe, and so far as I am aware is not raised in the United States to any extent for commercial uses.

The imported peanut oil used by oleomargarine manufacturers comes from Holland, France, and Germany.

I am inclosing herewith for your further information tabulated statements of ingredients used in each class of oleomargarine and the percentages thereof, with the combined totals and percentages of the two classes referred to in my letter of January 25.

Respectfully,

W. G. McAddoo, Secretary.

W. G. McAdoo, Secretary,

Statement showing the quantity of the various materials entering into the manufacture of olcomargarine free from artificial coloration, taxed at the rate of one-quarter cent per pound, and artificially colored olcomargarine, taxed at 10 cents per pound, also total of both classes, during the fiscal year 1915, together with the percentages of the various materials used.

Material.	Free from artificial coloration, taxed at 1 cent per pound.		Artificially colored, taxed at 10 cents per pound.		Total of both classes.	
	Pounds.	Per cent.	Pounds.	Per cent.	Pounds.	Per cent
Oleo oil. Neutral lard. Cottonseed oil. Salt. Milk. Peannt oil. Butter. Cream. Sesame oil. Soya-bean oil. Mustard-seed oil. Oleo stearine. Coconut oil. Edible tallow. Glucose. Sirup. Powdered milk. Color. Mutton oil. Vanilla. Beef stock. Marrow oil.	53, 265, 875 23, 497, 351 24, 473, 742 10, 911, 920 38, 759, 147 2, 781, 010 4, 692, 519 2, 728, 349 64, 697, 368, 269 519, 943 1, 643, 049 292, 564 279, 830 13, 231 2, 770 2, 780 2, 780 11, 863	32.48 14.3 14.68 6.64 24.8 1.63 2.8 1.7 04 22 31 1 1.18 .17 .08 .0001 .0001 .0001 .0001 .0002	2,348,299 1,407,026 2,082,348 637,600 1,806,089 69,360 1,883 73,531 295 121,645 7,673 35,420 33,265 39,090 16,960	27. 29 16. 1 24. 3 7. 33 20. 7 .79 .21 .84 .0033 1. 4 .088 .4 .4006 .19	55, 615, 174 24, 904, 377 26, 556, 909 11, 549, 520 11, 549, 520 40, 565, 236 2, 820, 370 4, 694, 402 2, 801, 889 64, 697 368, 564 519, 943 31, 764, 694 300, 237 315, 250 33, 285 52, 321 16, 960 2, 770 2, 770 2, 770 2, 770 5, 900 11, 863	32 14.3 15.3 6.67 23.4 1.6 2.71 1.62 .04 .21 .31 1.01 .17 .17 .17 .013 .000 .001 .0001 .0001 .002
Total	164, 311, 728	100.9684	8,681,563	100. 2731	172, 993, 291	99. 5712

Statement showing the quantity of the various materials entering into the manufacture of olcomargarine free from artificial coloration, taxed at the rate of one-fourth cent per pound, and artificially colored cloomargarine, taxed at 10 cents per pound, also total of both classes, during the fiscal year 1914, together with the percentages of the various materials used.

Materia_:	Free from coloration 2 cent per	n, taxed at		ly colored, at 10 cents and.	Total of both classes.	
	Pounds.	Per cent.	Pounds.	Per cent.	Pounds.	Per cent.
Oleo oil.  Neutral lard. Cottonseed oil. Salt. Milk. Pennut oil. Butter. Cream. Sesame oil. Soya-bean oil. Mustard-seed oil. Oleo stearine Coconut oil. Edible tallow. Glucose. Sugar. Sirup. Corn oil. Powdered milk. Color	5,815	34. 234 13. 37 13. 25 6. 72 22. 02 2. 4 3. 7 1. 8 45 43 28 9 16 .16 .003 .0004 .0004	2, 151, 577 1, 253, 291 1, 362, 495 567, 389 1, 495, 784 106, 581 4, 198 85, 489 243 166, 777 15, 329 5, 270 119, 620	29, 29 17.1 18.59 7.7 20, 4 1.4 .05 1.1 .003 .002 1.4 2.7 .07 1.6	57, 549, 130 23, 287, 935 23, 206, 341 11, 652, 950 37, 779, 378 4, 214, 149 6, 122, 932 3, 339, 227 746, 303 715, 318 493, 312 1, 667, 544 322, 138 271, 545 119, 620 79, 800 5, 815 1, 940 70 13, 444	. 22
Total	164, 348, 454	99, 91744	7,287,797	99. 090	171, 636, 251	99. 2726

TREASURY DEPARTMENT, Washington, January 26, 1916.

Washington, January 25, 1916.

Hon. CLAUDE KITCHIN,
Chalman Committee on Ways and Means,
House of Representatives, Washington, D. C.

My Dear Mr. Kitchin: I have received your letter of the 18th instant requesting statistics concerning the production and withdrawal of elemargarine during the fiscal years 1914-15 and of the ingredients used in the manufacture of this product, and if proper an expression of my views on the question as to whether reasonable Federal inspection of butter factories would lessen the frauds upon the revenues referred to in my report and that of the Commissioner of Internal Revenue for the fiscal year ended June 30, 1915.

Complying with your request, there is embodied herein a table giving the figures desired by you:

	Pounds, 1914.	Pounds, 1915.
Artifically colored product Notartifically colored product Tax paid, at 10 cents, domestic use Tax paid, at 10 cents, for domestic use Colored product exported free of tax. Uncolored product exported free of tax, use United States. Uncolored product withdrawn free of tax, use United States States	6, 384, 222 137, 637, 057, 3, 831, 706 137, 747, 982 2, 121, 162 22, 540 469, 340 110, 020	7,595,141 138,214,907 3,753,012 187,693,610 3,081,356 31,172 734,030

Tax manufication	mand .	200	olcomargarine.
Indreaments	ALSSEDEL Y	tot.	owennaraavane.

	The second second second second	The second second second
Oleo oll	57, 549, 130	55, 615, 174
Neutraliard		
Neutraliaru	23, 287, 035	24,904,377
Cottonseed oil	23, 206, 341	26, 556, 090
Salt	11, 652, 050	11,549,520
Arm.		
Milk	37, 779, 378	40, 585, 236
Peanut oil	4, 214, 149	2,850,370
Butter	6, 122, 932	4,694,402
2		
Cream	3,359,227	2,801,880
Sesame oil	746, 303	64,697
Soya-bean oil	715,318	368, 564
Doya-Dean Oliver	110,010	
Mustard-seed oil	493, 312	519,943
Oleo stearine	1,697,544	1,764,694
Coconut oil.	322,138	300, 237
Coconia on		
Edible tallow	271,545	315, 250
Glucose	119,620	33, 265
Sugar	79,860	00,000
		*********
Sirup	5,815	52,321
Corn oil	1,040	
		30 000
	13, 444	16,960
Powdered milk	70	327
Mutton oil.		2,707
Vanilla		
Beefstock		5,090
Marrowoil	NAME OF TAXABLE PARTY.	11,863
		11,000
	THE RESERVE OF THE PARTY OF THE	A STATE OF THE PARTY OF THE PAR

Note.—The above table represents the total of all ingredients used in the production of both the colored and the uncolored oleomargarine, but every manufacturer did not use each ingredient specified, as the formulas of ingredients and the percentages thereof vary with each particular manufacturer and are changed by them from time to time.

Manufacturers do not differentiate in their monthly reports between imported and domestic peanut oil and it is impossible to state what percentage of this oil was of domestic production, but it may be stated that all of the sesame, soya bean, and coconut oils reported used are of imported material.

There is no method of ascertaining the amount of the respective ingredients enumerated used in moonshine oleomargarine, for the reason that this illicit traffic consists principally in the addition of artificial coloration to the white or uncolored oleomargarine produced and tax paid at one-fourth cent by duly qualified manufacturers after receipt of the goods by the dealers and others engaged in such practice.

It would be impossible without great labor to give any figures showing shipments of oleomargarine of the two classes into the various States, and even should such figures be compiled they would not be accurate for the reason that goods shipped by manufacturers to wholesale dealers in one State may be subsequently reshipped by such dealers to other jobbers and retail dealers in other States, who in turn redistribute same over several States.

There was no oleomargarine imported into this country during the past two years.

It is my opinion that effective Federal inspection of butter factories

There was no elemargarine imported into this country during the past two years.

It is my opinion that effective Federal inspection of butter factories would prevent the incorporation of abnormal moisture, foreign substances, and foreign fats it this food product, and would to this extent prevent frauds upon the revenues, which the investigations and discoveries of the past three years have shown to exist to a certain extent in this country, and such inspection would also afford a protection to the public against any adulterated, impure, or unwholescme

tion to the public against any additional to the product.

It would be well for Congress to establish a standard for butter based upon the fat content for the various classes of butter commercially known in this country.

I am having prepared a detailed tabulated statement showing the totals of the respective ingredients used in each of the two classes of oleomargarine and the percentages of such ingredients to the whole quantity of materials utilized in this industry, and will furnish this as soon as completed, if you so desire.

Sincerely,

WM. G. McAdoo, Secretary.

Senate in reading the entire letter at this time; it will appear in the RECORD. The letter is dated February 4, 1916, addressed to the Hon. CLAUDE KITCHIN, chairman of the Committee on Ways and Means, House of Representatives, Washington, D. C., and it is written by Hon. W. G. McAdoo, Secretary of the Treasury. In this letter to Mr. Kitchin on this question, acknowledging the receipt of the letter from him in reference to this oleomargarine question and answering it, makes this statement, among other things:

The illicit coloration of white oleomargarine and also of the product in fraud of the revenues and as butter is principally engaged in by pretended dealers in butter who have qualified by payment of special tax as dealers in oleomargarine. It has been found that usually these persons do handle butter as well as oleomargarine, and frequently they are engaged in a general butter and poultry business.

Sustaining what I said awhile ago, that the frauds which have been committed in this respect have been largely committed by the so-called butter men and not by men legitimately engaged in the manufacture of oleomargarine. But the Secretary of the Treasury a little farther down in the letter goes on

It is the opinion of those charged with the enforcement of the elec-margarine laws that any law which establishes a color standard or prohibits the manufacture of this product of any shade of yellow would be difficult of enforcement, and instead of lessening the frauds would tend to increase them.

This opinion is substantially corroborated by the fact that in prac-tically all cases of illicit coloration or moonshining it has been found that the pure white product of certain manufacturers is that principally used in such traffic.

In other words, in his letter to Mr. KITCHIN, the Secretary of the Treasury states the way to eliminate these frauds is to have a single standard of color for taxation, not a double standard of taxation based upon color.

Mr. VARDAMAN. What is the date of that letter?

Mr. UNDERWOOD. This letter is dated February 4, 1916. I will have the entire letter printed in the RECORD.

Mr. VARDAMAN. What is the date of the other letter? Mr. UNDERWOOD. February 8, 1917. Mr. President, in submitting the letter of February 8, 1917, the Secretary transmitted the report of the Commissioner of Internal Revenue on this subject, which I desire to have read at the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, February 7, 1917.

(Memorandum on amendment proposed by Mr. Underwood to the bill H. R. 20573.)

MY DEAR MR. SECRETARY: In compliance with your request I have the honor to submit herewith report upon an "amendment intended to be proposed by Mr. Undrewood to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," which was referred to you by the Committee on Finance, United States Senate, for your recommendation thereon.

This is intended to amend the present statutes relating to oleomargarine by changing the name to "margarine" and to impose a flat rate of tax of 2 cents per pound upon all of this product in lieu of the taxes at the rate of 10 cents per pound on oleomargarine having artificial coloration that causes it to look like butter of a shade of yellow, and one-fourth of 1 cent per pound on the product free from artificial coloration, and special taxes at the rate of \$60 and \$6 per annum upon wholesale and retail dealers, respectively, instead of special taxes at the rate of \$480 and \$200 per annum, and \$48 and \$6 per annum upon wholesale and retail dealers in the artificially colored and the uncolored product, respectively, now imposed by the law, and providing for the packing of margarine in separate sanitary packages of the sizes specified therein, properly marked and branded, and with the tax-paid stamps so affixed as to seal the packages to identify the product to the purchaser, such packages to be packed in shipping packages which are also marked and branded with the true name of the product therein contained.

Should this amendment be enacted into law, it would remove the

tax-paid stamps so affixed as to seal the packages to identify the product to the purchaser, such packages to be packed in shipping packages which are also marked and branded with the true name of the product therein contained.

Should this amendment be enacted into law, it would remove the greatest incentives to fraud and violations of the present law and the obstacles to its effective enforcement, and would also increase the revenues and afford greater protection to the public against deception and fraud, with a decrease in the cost of administration.

It is my opinion and that of all officers of this bureau having experience in the enforcement of the present law that the greatest incentive to fraud lies in the dual rate of fax imposed upon oleomargarine on the basis of a color distinction; that of 10 cents per pound on the colored being forty times greater than the tax of one-fourth cent per pound on the uncolored product.

A large portion of the violations of this law which have been discovered in the past four years referred to in my annual reports consisted of the illicit coloration of white oleomargarine, taxed at one-fourth cent, by dealers who desired to get a yellow-colored product without the payment of the additional cost of 93 cents per pound, which would have been required had the goods been colored by the original manufacturer and tax paid at the rate of 10 cents.

With practically no expense and by the simple process of adding artificial coloring matter to a 60-pound tub of uncolored oleomargarine, the total tax on which amounts to only 15 cents, the dealers converted into a product in greater demand and at the same time saved \$5.85 on each tub, even where it was sold at retail as oleomargarine at the price which would have been charged by the manufacturer for the colored goods tax paid at 10 cents per pound.

In a large number of cases of dealers discovered to have illicitly colored the white oleomargarine, the goods were afterwards sold as colored oleomargarine, which would indicate that the p

to the public.

Based upon the production and withdrawals of oleomargarine tax paid at the two rates during the first six months of the current fiscal year, it is estimated that under this amendment the collections, including special taxes of manufacturers and dealers, would amount to approximately \$5,000,000 for the fiscal year ending June 30, 1917, as against \$1,500,000 which it is estimated will be collected under the present law, or an increase of \$3,500,000 in the total collections from this source.

This amendment embodies the essentials of the made by me and remodies the essentials of the collections from the production of the collection of the collections from the production of the collection of the collectio

this source.

This amendment embodies the essentials of the recommendations made by me and my predecessors for changes in the present elemangarine law in respect to a flat rate of tax and the manner of packing, marking, branding, and stamping the product.

In view of these facts and after careful consideration of the language of the proposed amendment, it is my opinion that its adoption and passage would bring about the most important changes needed in the present law, and I would therefore recommend such action.

Respectfully,

W. A. OSBORN.

W. A. OSBORN, Commissioner Internal Revenue.

Hon. WILLIAM G. McADOO, Secretary of the Treasury.

Mr. UNDERWOOD. Mr. President, this letter of Commissioner Osborn makes the case clear and complete. Although every Commissioner of Internal Revenue for a number of years has made this recommendation, no commissioner since this law was first placed on the statute books has been so successful in running down fraud and in penalizing the fraudulent dealer in oleomargarine as has the present commissioner who signs that letter. Knowing the facts, knowing the frauds that have been committed on the Government and the frauds that have been committed on the people, he recommends to his chief what his chief always recommended up to a few hours ago.

Strange to say, we find this anomaly: The men who are actually engaged in manufacturing oleomargarine, who are in the business, are not objecting to paying this honest tax of 2 cents on what oleomargarine they make; they are not objecting to putting it into a package and stamping it "margarine," so that the public may know what it is; they are not objecting that it must be sold in the original package, so that the consumer of oleomargarine may know what he is buying as an honest product. No. Then where does the opposition to this provision come from? It is pretended that it comes from the dairy interests, but it does not. It comes from a Creamery Trust, who keeps its paid agents around the halls of this Capitol to secure

legislation in their interest.

Where did the majority of the frauds come from which were perpetrated under this double system of taxation? A large portion of them came from men who are in the creamery busi-The men who committed the frauds under the old law want the old law maintained on the statute books. They say they do not want a fraud committed on the American people by having oleomargarine sold to them as butter, and yet they are willing to keep a law on the statute books that allows the sale of oleomargarine with a tax of a quarter of a cent a pound, if it is white, knowing that any man can take it into his back office and with 10 or 15 cents' worth of vegetable coloring matter make a great quantity of it colored oleomargarine, and palm it off on the public for either colored oleomargarine or for butter.

They say that they are trying to protect the honest dairy interests by the maintenance of this law. No honest man can look the proposition in the face without questioning the honesty of those who make it. Men who have already perpetrated these frauds under this law are begging to keep the law on the statute books under which they have been able to perpetrate

frauds in the past.

Mr. President-Mr. LANE.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. UNDERWOOD, I do.

Mr. LANE. If the Senator will permit me, I wish to say that I think there is a third class that have no interest in the dairy business, nor yet in the manufacture of oleomargarine, who object to the use of oleomargarine as an equivalent to The Senator no doubt has studied that very carefully. Mr. UNDERWOOD. I am not objecting to that class. That

is the class that I want to speak for.

Mr. LANE. Then I would ask the Senator— Mr. UNDERWOOD. But I want to lay this predicate first.

Mr. LANE. But the predicate is based on a false foundation, Mr. President, if the Senator will permit me, and it will lead him nowhere, unless he does get on a firm foundation and founds his predicate upon it.

Mr. UNDERWOOD. Well, as to the predicate I am laying. the Senator from Oregon may not be far-sighted enough or have his eyes open enough, or he may not have been in the Hall long enough to have heard the papers that I have had read from the desk; but Secretary of the Treasury after Secretary has proclaimed that these frauds have been committed against the Government, and they have named the perpetrators of the

frauds in the documents I have had read.

Mr. LANE. That was not the point that I was making or that I was trying to make. I do not wish to interrupt the Senator, but I merely wish to briefly say for his information-and he can check it up, if he will-that butter and oleomargarine are two entirely different substances. Some of the ingredients in oleomargarine you can use to grease your boots with, but it is not so digestible nor has it the nutritive value that butter The one is an oily substance and the other is largely an acid substance, which makes the finest boot grease in the world and is about the poorest food. That is the point I am trying to make, and I shall elaborate it when I get a chance.

Mr. UNDERWOOD. I am sure that my friend from Oregon

is basing his opposition to this bill-

Mr. LANE. I do not know as yet whether or not I am opposed to it. I may vote for it.

Mr. UNDERWOOD. But the statement he makes is the basis of the opposition of the men who have opposed this legislation for last 15 years in ignorance of the facts in the case.

Mr. LANE. I will take that up with the Senator later.
Mr. UNDERWOOD. Let me send some documents on that proposition to the desk. I should like to enlighten the Senator from Oregon on this subject. I suppose that we can in the main rely on the statement of the Secretary of Agriculture in reference to pure-food products and their use. I send to the desk Agriculture for 1912 on this question, and ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

[From the annual report of the Department of Agriculture, 1912.]

[From the annual report of the Department of Agriculture, 1912.] Even without inspection many creameries maintain a good standard of sanitation and produce high-grade, wholesome butter, but this can not be said of creameries in general. Cream is frequently shipped great distances to creameries to be made into butter and is often received in such a flithy and putrid state as to be thoroughly unfit to enter into the composition of a food product. Investigations have shown that 61 per cent out of 1.554 lots of cream received at creameries and buying stations was of third grade—that is, dirty, decomposed, or very sour. \* \* \* As disease-producing germs are known to survive for long periods in butter, and as butter is eaten in the raw state, this product when made under such conditions as prevail in the majority of creameries can not be said to be wholesome and free from danger to human health. \* \* \*

Mr. LANE. In respect to that statement, I quite agree with it. I do not think either one of them are proper food for that matter.

Mr. UNDERWOOD. I am leading up to what I desire to say. I am not through yet, if the Senator will allow me, and I am sure I can enlighten him greatly on the food value of these products. I will ask the Secretary to finish the reading.

The Secretary read as follows:

The Secretary read as follows:

In other words, millions of gallons of cream that has been allowed to stand in the barn, in the cellar, or in the woodshed until it is sour or decomposed is sent to the creamery and without even being pasteurized is made into butter. \* \* \* Aside from the danger of pathogenic infection, consumers should not be expected to eat products from an insanitary place and made from material that is unclean and decomposed (p. 314).

It seems an anomaly that oleomargarine should be prepared under Government inspection, thus protecting the consumer against unwholesomeness \* \* while no such benefits are afforded in the case of butter. From the standpoint of the consumer there is just as much need for inspection of one as of the other. \* \* \* Each is a wholesome and legitimate article of food when properly prepared and sold for exactly what it is (p. 316).

Mr. UNDERWOOD. I wish also to call the attention of the

Mr. UNDERWOOD. I wish also to call the attention of the Senate to the following statement in reference to the methods of Government inspection of oleomargarine to protect the consumer, which is taken from the publication entitled "Committee on Agriculture, United States House of Representatives, 1912, Information Regarding Oleomargarine, Showing Activities of the Bureau of Animal Industry of the Department of Agriculture," etc.

Oleomargarine is a meat food product and is therefore subject to the provisions of the meat-inspection amendment. Under this statute all meats and meat food products prepared for sale in interstate and foreign commerce are inspected by inspectors of the Bureau of Animal Industry. This inspection begins with live cattle, sheep, swine, and goats, and is followed by post-mortem inspection at the time of slaughter, and by inspection of the ingredients of meat food products derived from carcasses of the four animals in every stage of preparation of the finished products for shipment. Whenever oleomargarine or animal fats intended for use in its manufacture are found on inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food they are condemned and destroyed. When oleomargarine is found on inspection, "U. S. inspected and passed," is placed thereon. The shipment of oleomargarine in interstate and fit for food the mark of inspection, "U. S. inspected and passed," is placed thereon. The shipment of oleomargarine in interstate and foreign commerce which has not been marked "Inspected and passed" is prohibited. \* The entry into an establishment where inspection is maintained is forbidden of any oleomargarine and other meat food preducts which have been processed except under Government supervision. \* The Bureau of Animal Industry decides what coloring matters may be used in coloring oleomargarine and also examines trade labels used in connection therewith. No harmful colors are allowed in oleomargarine, and no trade labels are permitted which contain statements conveying false indications of origin or quality (p. 5).

And to the following which is taken from the "Hearings on

And to the following which is taken from the "Hearings on bills relating to oleomargarine, 1910":

Dr. Charles A. Crampton, of the Bureau of Internal Revenue, testifies that oleomargarine is a wholesome food product, and is on a par with butter in point of healthfulness (p. 67).

He says that of all the samples that have been subjected to an investigation by his bureau they have never at any time found any unhealthy or unwholesome or unnutritious substance in oleomargarine (p. 65).

Now, Mr. President, along this same line I wish to call to the attention of the Senate the fact that the creamery butter which is sold to the people of this country is not inspected by the Government and is not manufactured under the pure-food laws of this country. As the Secretary of Agriculture says in

his report, it is sometimes allowed to remain on the back steps or in a stable for a week, with the can open possibly, with flies and filth and dirt germs coming into contact with it, and then it is hauled to a dairy or a creamery, mixed in with other milk, and brought out as butter, and distributed through the country.

I do not mean to say that that applies to all creameries. No. Undoubtedly there are some excellent creameries in this country that are properly conducted, where the sanitation is good, but when the laws of health—I do not mean the laws on the statute books, but the health laws of nature—are so frequently violated that it is necessary for the Secretary of Agriculture to call attention to the fact in his report, it can not be contended that all creamery butter is a pure and undefiled food product.

Mr. McCUMBER. Mr. President—
The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. UNDERWOOD, I yield.

Mr. McCUMBER. If there is so much of the creamery butter that is vile and unfit for consumption, and if, as a matter of fact, oleomargarine is always so well inspected and pure and wholesome, why is it that the manufacturers of oleomargarine hold with such persistency to their right to color their product in imitation of butter? Why do they not leave it in its natural color, so that those who wish to get the pure product oleomargarine will not be fooled into getting some of this creamery

Mr. UNDERWOOD. I will come to that in a moment. But will the Senator inform me why the butter people themselves insist on coloring butter six months of the year instead of leaving it in its natural color, which is white?

Mr. McCUMBER. The difference is this: One of them colors butter to be butter, while the other colors oleomargarine so that it may be passed off upon the market as butter. I would not care a continental for the colored butter, as a matter of fact, I think the light winter butter, as a rule, is better than June butter flavored with garlic, and so forth; but, in any event, one coloring is for the purpose of producing what they desire to produce, something that appears like June butter. It is not colored to imitate oleomargarine, while the other is colored, and colored only to deceive. If the natural color of butter were blue instead of yellow, you would find the manufacturers of oleomargarine just as persistent in their idea to color their oleomargarine blue.

Mr. UNDERWOOD. Mr. President, I am surprised at the statement that my good friend has just made, because every one who is conversant with the facts in reference to butter raised in the Northern States knows that butter is more nearly white a greater part of the time than it is yellow. It would be going a long way to say that the natural color of butter is yellow instead of white. But, more than that, oleomargarine is not always white. One of the very complaints of the creamery people against oleomargarine is that it is sometimes yellow, without being artificially colored yellow, and they do not want the oleomargarine manufacturers to make it yellow, even if it is not colored artificially; in other words, when they use a certain degree of vegetable oil, cottonseed oil, or peanut oil in the manufacture of oleomargarine, the color is naturally yellow, not artificially yellow, and the butter people want to prevent oleomargarine from having its natural color of yellow. A bill has been introduced to that effect and is pending in one of the Houses of Congress to-day. No, Mr. President; butter is not uniformly white, nor is it yellow. Its color depends upon the season. Oleomargarine is not uniformly white, nor is it yellow; its color depends on the materials used in its manufacture; but the reason that the butter man wants to color his butter yellow is because the public taste desires a table fat colored yellow. The majority of men, when they sit at their breakfast table, want to see a yellow-colored product on their table, and naturally that is the market that the oleomargarine man wants to sell his product in and for the same purposes.

There is not any contest about this. Oleomargarine, if I prefer it, has just as much right to come to my breakfast table colored, if it comes there honestly as oleomargarine and is sold to me for the purposes that I use butter for, as butter is entitled to be there colored. Nobody has a right to penalize one good food product as against another; but I say the clean food product is the oleomargarine, because it is inspected by the Government, The beef is inspected before it is slaughtered; the fats are inspected when they come to the manufacturer; and the oleomargarine is inspected when it leaves the manufacturer; and when it has the Government label of inspection on it the public are assured of an honest, clean food product on their table that does not come from the creameries of this country.

Mr. PAGE. Mr. President—

Mr. UNDERWOOD. Just a moment. I have a document here on my table-I can not put my hand on it at this moment, but I will refer to it in the RECORD-in which it has been stated by eminent authority in this country that 10 per cent, I believe, of the fatal tuberculosis among children 16 years of age and under comes from dairy products carried into the homes of this country, to the tables of this country, to the children of this country, without inspection by the Government; and yet the Butter Trust, the men who would put a price on food, insist that under the law we shall give them the sole right of way to invade the homes of this country with what is sometimes an impure and oftentimes a dangerous food product, to infect the children of this country and endanger their lives; and they stand here before the Congress to-day, with their paid representatives in the Halls of Congress, to prevent an honest food law from being written on the statute books of the country by the Congress of the United States.

Mr. PAGE. Mr. President-

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Vermont?

Mr. UNDERWOOD. I yield.

Mr. PAGE. The Senator has remarked at least twice that the opposition to this measure comes from a Butter Trust. Now, he could not live, as I do, in a State that makes butter without knowing that that statement is largely incorrect. could not live in a State like Vermont and receive, as I have received, protest after protest, and protest after protest, against this effort to allow the Beef Trust to impose upon the public by selling oleomargarine as butter, without knowing that it is not correct to say that the dairy industry generally is not bitterly

opposed to this measure.

Mr. UNDERWOOD. Well, in spite of the opinion of my good friend from Vermont-and he is my good friend, and I have great respect for his opinion-I maintain what I have said. I do not come from Vermont and do not know the conditions that surround the Senator from Vermont, but I maintain what I have said. I am not contending that the dairy interests of the Senator's State are not protesting to him against the passage of this proposed law, but I do say that the dairy interests of his State are not the ones that are benefited by it. The creameries are the ones that are benefited by it. It is the creamery organization that really fights the production of oleomargarine; it is not the dairy farmer. I will come to that in a moment. Who has made the profit under the present law-the dairy farmer by the increased cost of his product, or the creamery that has fixed the prices for the American public? Of course, I know how easy it is to send in petitions and telegrams. Naturally enough, the dairy farmer who sells his milk to the creamery has not studied this question. He does not know the analysis of oleomargarine. He does not know the effect on his market. He does not know that he is paying the price at home himself, and he has sent the Senator these telegrams; I have no doubt about that; but they have been machine-made telegrams.

Mr. THOMAS. Mr. President, will the Senator allow me to

interrupt him?

Mr. UNDERWOOD. Certainly.

Mr. THOMAS. I have been doing little else in the last three or four days but receive telegrams and letters upon this subject; and they are all, with a few exceptions, expressed in identical language.

Mr. UNDERWOOD. Undoubtedly.
Mr. BRANDEGEE. Mr. President-

Mr. UNDERWOOD. I have no doubt that the telegrams to my good friend from Vermont all come practically in the same

Mr. BRANDEGEE and Mr. PAGE addressed the Chair. The VICE PRESIDENT. Does the Senator from Alabama

yield to the Senator from Connecticut?

Mr. PAGE. Mr. President, may I be allowed to say that when we want some one to protect our dairy interests—
The VICE PRESIDENT. The Chair inquired whether the

Senator from Alabama yielded to the Senator from Connecticut. Mr. UNDERWOOD. As I addressed my remarks to the

Senator from Vermont, I yield to him first. I will yield to

the Senator from Connecticut in a moment.

Mr. PAGE. I hardly think it fair, Mr. President, that the Senator from Alabama—representing, as I suppose he does, interests that are very important to his people—should ask to be counted as the attorney and spokesman of the dairy interests of Vermont. We have an idea that we have an industry there the dairy industry-that is valuable to us. We do not believe that the makers of an imitation of butter should be permitted to come into the market and fraudulently sell it as butter, as I believe will be done if this measure passes.

It is not in the interest of the poor man that you are passing this bill. If you pass it, oleomargarine is likely to go from 20 cents, where it is to-day, up to 25 or 30, while butter will probably go from 40 cents, where it is to-day, down to 35 or 30. The prices will approach each other very closely. It certainly is not in the dairying interests that this bill is being pushed, and my good friend the Senator from Alabama is not being fair to the dairying interests of the country in making his statements.

Mr. UNDERWOOD. No; I disclaim any effort on my part, Mr. President, to hold a commission from the constituents of my good friend, and I am not speaking in behalf of the dairy interests. I hope that when I get through my constituency and my friends in the Senate will realize that I am not speaking in behalf of any special interest. When I get through with this speech I hope it will be understood that I am speaking for the rights of the American people who are being penalized by the legislation that is on the statute books to-day, who are being defrauded of the right to buy an honest food product by the legislation that is on the statute books to-day. I am not at-tempting, so far as I am concerned in advocating this legislation, to have oleomargarine sold as butter-no! The very purpose of this amendment-and the purpose is sustained by every Commissioner of Internal Revenue who has spoken on the subject, Democratic and Republican alike-is to eliminate frauds and make them sell oleomargarine as oleomargarine and butter as That is the purpose of this legislation. butter.

Mr. PAGE and Mr. STONE addressed the Chair. Mr. UNDERWOOD. I yield.

Mr. PAGE. I should like to ask the Senator if he has received any telegrams or letters from any dairy State, or from anyone representing the dairy interests, in favor of his amendment?

Mr. SMITH of Michigan. Or the general agricultural interests?

Mr. UNDERWOOD. I do not think I have from any dairy interests, but I have letters from such States as Minnesota, Indiana, Ohio, and Michigan favoring this amendment. I disclaim any desire or intention of trying to represent the dairy interests. I am merely stating here that this amendment is not against the dairy interests and is not intended to be against the dairy interests. It is not against their interest to have honest competition. They are having competition behind closed doors to-day. The dairy interests of your State are having fraudulent competition, pulling down the value of their product because an insidious fraud is growing up against them through the sale of oleomargarine as butter. What I am seeking to do is to require that all oleomargarine be sold as oleomargarine and not as butter; and I say that is to their interest.

Mr. LIPPITT. Mr. President, will the Senator from Ala-

bama yield to me?

Mr. UNDERWOOD. I yield.

Mr. LIPPITT. In answer to the question of the Senator from Vermont, I should like to say that I have on my desk a telegram from the Housewives' League, urging the passage of this amendment, showing that there are some consumers, anyway, who are in favor of it.

Mr. UNDERWOOD. Undoubtedly.

I yield now to the Senator from Connecticut, if he desires to ask me a question, and apologize for not yielding a minute ago.

Mr. BRANDEGEE. Mr. President, referring to the Senator's statement that whoever profited by the present tax it was not the dairy farmer, but the Senator thought it was the creamery,

is it not a fact that very largely over the country the creameries are owned by the dairy farmers themselves?

Mr. UNDERWOOD. I do not know how largely that is so, but I do recognize the fact that in some cases that is true. In other cases it is not true, but I have not statistics to enable me to state to what extent the creameries are owned by farmers and to what extent they are not.

Mr. BRANDEGEE. Neither have I, but I am told by Senators who come from agricultural States that it is very largely and almost exclusively so in the case of their States.

Mr. McCUMBER. Probably five-sixths of them are coopera-

tive creameries, owned by the farmers themselves.

Mr. UNDERWOOD. I am not able to speak on that subject; but the Senator from Oregon had invited me into the controversy as to whether oleomargarine was fit to eat or fit to polish boots with, and I am just discussing the question as to whether butter is fit to eat; and I will come to oleomargarine a little

Mr. STONE. Mr. President— Mr. UNDERWOOD. I yield to the Senator from Missouri.

Mr. STONE. If the Senator will permit me, he stated that oleomargarine was, generally speaking, a purer and more wholesome food than butter

Mr. UNDERWOOD. I did.

Mr. STONE. Due to the fact that oleomargarine was subject to a very complete inspection. Then he stated that a very large extent of the creamery butter-I think he said something over 60 per cent

Mr. UNDERWOOD. Oh, no; the Senator is mistaken. I gave no percentage. The percentage was stated by the Secretary of

Mr. STONE. Well, the Senator had it read, and I assume he

indorsed it.

Mr. UNDERWOOD. I do; I indorsed it. The statement was that investigations have shown that 61 per cent out of 1,554 lots of cream received at creameries was dirty, decomposed, or

Mr. O'GORMAN. Sixty-one per cent of what-the samples of

Mr. UNDERWOOD. No; cream.

Mr. STONE. It is to be presumed that they were selected as average samples

Mr. UNDERWOOD.

Mr. STONE. Now, I should like to know the opinion of the Senator as to whether the sale of foul and diseased butter would be prevented and lessened by opening up this new field of competition—that is to say, placing oleomargarine in the field as a competitor for butter? That is one question. The other is, if it be true that a large part of the creamery butter sold to the consumers of the country is diseased, and therefore dangerous to the health of the people, ought it not also to be subject to inspection? There is an evil, if it exists—as the Senator says it does-that could be prevented by subjecting the product of the creameries to the same inspection as that to which the product of the manufacturer of oleomargarine is

Mr. UNDERWOOD. The Senator is eminently correct. I was in the House of Representatives when this law was enacted. I did not vote for it. I voted against it. I voted for what was then known as the Wadsworth substitute, and the Wadsworth substitute, except as to the amount of taxation, is substantially the proposition that is being offered to the Senate by the Finance Committee to-day. But at that time a proposition was made in the House of Representatives to inspect fraudulent butter, and it was defeated by the same dairy interests that succeeded in passing this bill. The same interests that have steed to defeat and destroy cleaner graving have steed in have stood to defeat and destroy oleomargarine have stood in the Halls of the Congress of the United States fighting an inspection of their own product.

Mr. PAGE. Mr. President—
The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Vermont?

Mr. UNDERWOOD. I yield.

Mr. PAGE. I do not think, Mr. President, that I ought to sit here and have the general cleanliness of butter, as it is made in my State, called in question as the Senator from Alabama is doing. He says it is vile stuff. I want to say to him that in the State of Vermont we are every year improving the quality of our butter and we are fast eliminating tuberculosis from our cattle. The State subjects itself every year to an immense tax in order that all cows afflicted with tuberculosis may be promptly slaughtered. When the Senator says that butter generally is vile stuff, he insults the intelligence of the American people who

eat butter. It is not true.

Mr. UNDERWOOD, Mr. President, I am sure the Secretary of Agriculture did not mean any offense against my good friend from Vermont or against his constituents. In the first place, he did not say anything about Vermont. Knowing my friend, I am sure that the butter interests of Vermont stand far above the general butter interests of this country; but I have not made this charge. The Secretary of a great department of this Government has stated that in the selection of 1,500 samples to test, 61 per cent of them were vile stuff and unfit for food. Now, that statement did not come from me. I am not making the charge. I am laying before the Senate of the United States

an official statement of this Government.

Mr. PAGE. But is not that statement several years old? Mr. UNDERWOOD. I will ask the Secretary to read the date of that statement.

Mr. PAGE. It was 1912, as I remember. The VICE PRESIDENT. The statement has gone to the Reporters' office.

Mr. UNDERWOOD. I can not recall the date of it.
Mr. PAGE. If the Senator will allow me, I do not want to interrupt him, but I suppose we are seeking for light here.

Mr. UNDERWOOD. Yes.

Mr. PAGE. If the Senator will permit me, I desire to make one more statement. I come from a State where its largest interest is agriculture, and especially dairying. We have long since ceased to produce wool to any great extent. We do not produce cattle for beef to any considerable extent. We are emphatically a dairying State. Every morning after the cows are milked the milk is put in a clean, close container, and be-fore noon, as a rule, the teams come around and take that milk to the creamery. Our creameries are models of cleanliness; and Vermont butter—and I believe the same statement is true of butter from Michigan and other dairying States-is just as clean and sweet and wholesome as it can be made. Year by year we are striving, in butter as we are in sugar, to make it more pure, to make it more wholesome.

Mr. UNDERWOOD. Of course, what the Secretary of Agriculture said will apply to the whole United States, and I have no doubt that his statement is true; but I have no doubt also that so far as Vermont is concerned, with the efforts that are being made there now to have a good, clean food product in the butter that is being produced in Vermont for the consumption of the American people, in a few years they will produce a butter product that in its purity and health-giving qualities and freedom from germs will be equal to good oleomargarine.

Mr. SMITH of Michigan and Mr. LEE of Maryland addressed

the Chair.

The VICE PRESIDENT. Does the Senator from Alabama

yield, and to whom?

Mr. UNDERWOOD. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. The Senator from Alabama has given to Vermont a clean bill of health, and I should like to know if there is any reason why he can not extend that courtesy to

Mr. UNDERWOOD. Knowing the distinguished Senator from Michigan, I say without hesitation that I am satisfied that if not to-day, surely by to-morrow, the butter of that State will equal the oleomargarine of the State.

Mr. SMITH of Michigan. Now, one question more, if I may be permitted. The Senator from Colorado [Mr. THOMAS] has called attention to the fact that these protests against the so-called Underwood amendment, numerous as they were, have

come to him in practically the same language.

I want to say to the Senator from Alabama that I have received two protests against the Underwood amendment. One came from the president of the Michigan State Grange, an organization representing practically every farmer in the State of Michigan; and the other came from the president of the National Dairy Association, who was formerly president of the National Grange, and who is intimately related to the agricul-tural interests of my State; and both with the same vigor and earnestness protest against this amendment. I voice their sentiments and believe that they have a right to be heard.

Mr. UNDERWOOD. Oh, undoubtedly.

Mr. SMITH of Michigan. The proposition now advocated by the Senator from Alabama is not new to either him or me. I think we were both in the House of Representatives when this law was passed. I regarded it then as a wholesome and helpful law, and I do now, and I am sorry to see that my honored friend from Alabama still retains his ancient prejudice against this proposition.

The VICE PRESIDENT. Does the Senator from Alabama

now yield to the Senator from Maryland?

Mr. UNDERWOOD. I do. Mr. LEE of Maryland. Mr. President, I will state that I have understood that a few years ago there was quite a con-troversy between schools of authority as to whether bovine tuberculosis was communicable to the human race. That question was under discussion a very few years ago, the German school that discovered the tubercular bacillus taking the position that it was not communicable if of bovine origin. Now, I do not know how that controversy has been settled, but I am interested in this butter question, because I use a good deal of it, as everybody does; and I should like to ask the Senator if he has any information, scientific or otherwise, to show that bovine tuberculosis is communicable through butter to the human family?

Mr. UNDERWOOD. I have some authority in my hand which comes from eminent physicians, and I shall be glad to read it to the Senator.

In the hearings before the House Committee on Rules on House resolution 137, on April 11, 1916, Dr. Edward C. Schroeder, on page 23, testified:

The New York health office estimates that 9 to 10 per cent of the fatal tuberculosis among children 16 years of age and under is due to bovine tubercular bacilli.

On page 26 he says:

The importance of bovine tuberculosis to the human family does not rest on what happens to adults, but it does rest on the frequency with which children are attacked; and the data, as I showed a few minutes ago, justifies us in assuming or estimating that the number of children who die in the United States because of bovine tuberculosis is large, and the fatal cases do not include all the suffering that comes from bovine tuberculosis, because the majority of children who contract the disease recover after much suffering and after having caused those interested in them a great deal of anxiety.

In the same hearing Dr. Mohler, on page 32, testified:

The figures for tuberculosis in beef breeds would be around 1 per cent, while about 9 or 10 per cent would be the amount of the dairy breeds, estimated for the entire country.

In other words, of the tubercular disease only about 1 per cent, this doctor testified, is found in beef cattle, and 9 or 10 per cent in dairy cattle.

In the same hearing Dr. Melvin, Chief of the Bureau of Animal Industry, testified, on page 13, that he had made a considerable study of the dairy conditions in the United States, and in his opinion it was very desirable that there should be a Government inspection of dairies, because a large percentage of the dairy products that are consumed by the American people are unfit for food.

Now, this does not come from me. It comes from the Chief of the Bureau of Animal Industry, and I think that chief was appointed under a Republican administration. I do not know what his personal politics are, but he was not appointed under my party, and my party is not responsible for him; and yet he says in a public hearing that a large percentage of the dairy products that are consumed by the American people are unfit for food. And so I might go on indefinitely, showing the dangers that confront the American people every day because they are forced to consume a dairy product that is uninspected; and the Congress of the United States would endeavor to prevent them from having a cheaper food product that is clean and pure and free from disease and inspected by the Government of the United States.

In view of that, Mr. President, I desire to send to the desk a statement from Bulletin No. 469 of the Department of Agriculture on the subject of oleomargarine, and have it read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[From United States Department of Agriculture Bulletin No. 469: Fats and their economical use in the home.]

Fats and their economical use in the home.]

Oleomargarine: (p. 12) The principal fats used in its manufacture in the United States are oleo oil, neutral lard \* \* \*, and cottonseed and other oils \* \* \*. These are mixed in such proportions as will give the final product a melting point very near that of butter \* \* \* In the preparation of high-grade oleomargarine varying quantities of butter are also added \* \* \* It has an energy value of about 3,500 calories per pound. (p. 8) The food value of butter is due largely to the energy it furnishes, which is about 3,500 calories per pound.

\* \* It is a common practice to add vegetable coloring matter, especially during the winter months, to intensify the natural color.

\* \* \* (p. 16) The price of table fats depends largely upon their flavor and to a less extent on color \* \* \*. Prejudice often exerts an influence on the selection of fats as well as other food materials, and these prejudices are often curious.

Prof. L. V. Allyn, of Westfield, Mass., says:

Prof. L. V. Allyn, of Westfield, Mass., says:

Cottonseed oil is an excellent food product and has practically the same food value as olive oil.

Dr. William Brady says:

Peanut oil is as nourishing as olive oil. Food value for food value, peanuts are cheaper than bread.

Mr. McCUMBER. Mr. President—
The VICE PRESIDENT. Does the Senator from Alabama

yield to the Senator from North Dakota?
Mr. UNDERWOOD. I do.
Mr. McCUMBER. As the Senator has just presented this, and one of the ingredients of oleomargarine is stated to be neutral lard, I think probably it would be well for him to explain what neutral lard is. Wherein does it differ from any other kind of lard?

Mr. UNDERWOOD. I understand that neutral lard is oil pressed from the leaf fat of the pig and is odorless and taste-Oleo oil is the oil pressed from the leaf fat of beef.

I also send to the desk a document that I desire to have read that has the approval of the Senate on this subject. It is Senate Document No. 141, Fifty-sixth Congress, second session, in reference to the adulteration of food products, which gives the statements of eminent witnesses as to the food value and the purity of oleomargarine.

The Secretary read as follows:

[From Senate Document No. 141, Fifty-sixth Congress, second session, Adulteration of food products.]

Oleomargarine: Dr. Wiley testifies that from a nutritive point of view all the fats and oils used as food have nearly the same value as heat producers. \* \* The beef fat of oleomargarine has a slightly higher heat value; but the butter fat is a little more easy of digestion, so that

there is practically no difference in the value of the two fats in the human economy. Cottonseed oil has practically the same heat value as eleomargarine, and is probably a little easier of digestion.

there is practically no difference in the value of the two fats in the human economy. Cottonseed oil has practically the same heat value as eleomargarine, and is probably a little easier of digestion. \* \* \* \* (p. 46).

Mr. Marc Delafontaine regards oleomargarine as substantially similar to butter in its chemical constituents, but not identical with butter. He thinks it equally wholesome. The manufacturers are bound to use the very best grades of fats or else the article will not sell. Anything inferior would be either rancid or bad to the taste. \* \* \* (p. 47).

Extract from the Scientific American: "In everyday life butter is very essential. Its free use by sufferers from wasting diseases is to be encouraged to the utmost, in so far as it can be borne. All this seems very simple; but, unfortunately, an excess of butter diet, even in a healthy organism, is likely to give rise to butyric dyspepsia, and butyric fermentation is set up largely through the presence of a ferment, a residum left by the buttermilk. Considering the foregoing, it seems strange that oleomargarine has not been thought of as a palatable and suitable article of diet for those suffering from wasting diseases. It is free from all objections, despite the idle and malicious tales spread by parties interested in securing higher prices for inferior and unwholesome products. Were the truth fully realized by all classes, bad butter would find no market; but, unfortunately, the majority of the people have no comprehensive idea as to what oleomargarine practically is. The resulting product, as a matter of fact, is a better and purer butter than nine-tenths of the dairy product that is marketed, and one that is far more easily preserved. There are a large number also who imagine that oleomargarine is made from any old scraps of grease, regardless of age or cleanliness, which is quite the reverse of the fact; indeed, a good 'oleo' can only be had by employing the very best and freshest of fat. This 'artificial butter' is as purely wholesome and has a hig

Mr. McCUMBER. I will say to the Senator that on page 173 of the hearing there is a full description of what is meant by neutral lard. In other words, it is the lard from the leaf of the hog as distinguished from that portion which is taken from the outer portion of the intestines, which goes under the name of lard also

Mr. UNDERWOOD. That is the statement I have just covered.

Mr. LEE of Maryland. Mr. President-

Mr. UNDERWOOD. I yield to the Senator. Mr. LEE of Maryland. With reference to the report cited from the Agricultural Department, that refers apparently to a rather old specimen of butter—1912, five years ago. We can not raise peanuts and cotton seed in Maryland by reason of climatic conditions, and we must stick to dairy products or import the equivalent. I would be interested in knowing whether the Agricultural Department has pursued further this very interesting line of suggestion, apparently so vital to human life, and would inquire of the Senator from Alabama whether or not he has anything of a more recent character? extended and almost universal application of the tuberculin test to dairy cattle, the application of interstate rules with reference to the transportation of tubercular cattle in interstate commerce, and other improvements in sanitation greatly improved conditions since 1912?

Mr. UNDERWOOD. I have already called the attention of the Senate to the statements of those in charge of the Government bureaus in touch with the conditions in the dairy industry, made before the Committee on Rules of the House of Representatives during their investigation of the sanitary condition of dairies, on April 11, 1916, and to the statements of these same officials made before the Committee on Agriculture on December 6 and 7, 1916, in which they stated that the conditions com-plained of previously by the Department of Agriculture were practically unimproved. And if the Senator wishes the very latest information I will call his attention to the statement released for publication in the papers February 12, 1917, by the Office of Information of the United States Department of Agriculture on the control of hog tuberculosis, in which it is said, speaking of tuberculosis in hogs, that:

In the case of hogs from certain localities, especially some of the dairying sections, over 25 per cent, or one out of four hogs slaughtered, had the disease. \* \* \* The two principal ways of preventing hogs from becoming tubercular are by keeping them away from tubercular cattle, and by cooking or pasteurizing all skim milk and cooking all garbage before it is fed to the hogs. \* \* \* Raw milk of any kind from a creamery is particularly dangerous for hogs, because if there is but one tubercular herd on the creamery route the milk from this herd may affect all the skim milk collected at the factory. This explains why tuberculosis is most common in hogs in dairy regions where milk is taken to a central creamery and raw skim milk brought back to the farm from the general stock.

If the conditions in the dairy industry to-day are such that the Department of Agriculture issues a bulletin stating that the use of product from the creameries is dangerous to hogs, it hardly appears possible that the conditions should have greatly improved over those described in the report of the Secretary of Agriculture in 1912, and emphasizes the need of the people for a wholesome, well-inspected substitute. That there is greater danger to human beings in the butter than to hogs in the skim milk is shown by a statement made by Prof. H. A. Harding, of the University of Illinois, speaking at the Minneapolis Convention of Butter Makers, as reported in the Chicago Dairy Produce of November 28, 1916, which says (p. 20):

The germ life in the butter is simply the result of the germ life in the cream. \* \* \* It has been demonstrated beyond any room for doubt that the action of the centrifugal separator tends to concentrate the germs of bovine tuberculests in the cream so that they pass over into the butter. Careful studies have shown that they will remain alive in butter for three months or more under storage conditions. Butter made from raw cream is open to a very serious indictment from the standpoint of the public health.

Mr. President, there can not be any question, if you will look the fact fairly in the face, that not by reason of my opinion or your opinion but from the findings of the governmental departments themselves, from the statements of the most emi-nent scientists who are in this country, we can come to but one conclusion, and that is that butter is often bad, unhealthful, filled with death-dealing germs, and sold to the American public without pure-food inspection; that eleomargarine by the same authorities is shown to be clean, pure, and without germs, inspected by the Government, and the public health protected when the public consumes oleomargarine. Now, there is the difference. There is where they stand. The heat units of one are equal to the heat units of the other. The benefit of health of the one upbuilding the system is equal to the benefits of the other.

But where do we find ourselves? We find that through a systematic lobby that was begun more than a decade ago certain interests in this country have insisted that they had the right to use the taxing power to tax one industry out of existence for the benefit of another.

Mr. THOMAS. Both legitimate.

Mr. UNDERWOOD. Both legitimate industries, both entitled to furnish the American people with a food product of this country. I can not see, Mr. President, how a man who holds allegiance to the faith and principles of the Democratic Party for one moment can bring himself to the position of voting to use the taxing power of this great Government for the purpose of destroying one food product in order to make a more extended market and a higher price for another food product.

That is what this law is intended for that is on the statute

books. That was the purpose of the law proclaimed by the men who originally enacted it. That is the reason why men stand on the floor of the Senate and say that it is a fraud to color another food product yellow because they want to color butter yellow. It is not that they are satisfied that men shall only buy butter as butter and oleomargarine as oleomargarine, but that they want to make oleomargarine distasteful to the human eye and distasteful to the human stomach so that the American public will not consume it. In other words, you want to proclaim to the American people that you stand for the doctrine that the rich man may have his artificially colored Elgin butter on his breakfast table a bright yellow because the color suits his eye and his digestion. The poor man who is struggling for his daily bread must eat white butter or white oleomargarine, and you want to make it as distasteful to him as you can by calling it lard and drive him either to deprive himself and his family of an honest, clean food product or to pay the exorbitant prices, which you are trying to fix by law, by driving competition out of the market.

Mr. President-Mr. THOMAS.

Mr. UNDERWOOD. I yield to the Senator from Colorado. Mr. THOMAS. May I ask the Senator if it is not true that the price of butter is fixed for the entire country by two or three men in the city of Elgin, Ill.?

Mr. UNDERWOOD. I have heard that statement often made and I believe it is true. I am not sufficiently informed as to the butter industry myself to state it as an absolute fact, but my understanding is that in Elgin they fix the market price, and that the price of butter throughout the country is reflected from the Elgin market; and it is probably fixed by a few men.

Mr. THOMAS. If the Senator will allow me, such was the statement in the New York World last December or early in January and I have not seen it disputed.

Mr. UNDERWOOD. Now, that is all there is in this proposition. There is an earnest effort in this amendment to protect the honest dairyman against dishonest competition. There is

an earnest effort in this amendment to prevent frauds on the honest dairyman by having oleomargarine sold as butter, because it proposes that every package that is seld to the ultimate consumer must be marked "Margarine," with a revenue stamp on it that can not be broken until it goes into the hands of the ultimate consumer. Your department, your Bureau of Internal Revenue, has stated that that is the best way to protect the butter against fraud. Both Democratic and Republican Commissioners of Internal Revenue have stated that to protect this law against fraud, to make men sell oleomargarine as oleomargarine, the best way is to make them wrap it in original packages with a revenue stamp on it. But that is not what you want. That is not what the Creamery Trust wants. No; they are not trying to make oleomargarine to be sold as oleomargarine and butter as butter. They are trying to drive oleomargarine out of the market so that they can get more exorbitant prices for their butter.

My information is when this law was enacted good butter was selling in this country between 18 and 24 cents a pound, and to-day the average price of good butter in this country is 45 cents a pound. Of course, those are wholesale prices

Mr. SMITH of Michigan. You do not attribute it all to the

Mr. UNDERWOOD. I do not attribute it all to the law, but the law is helpful. The advocates of butter would not keep the law on the statute books if they did not think it was helpful. But I find this: Butter coming from the creamery increased nearly double. In 1906, shortly after the law was passed, there were 572 creameries in this country, and the price per pound for butter fat was 23.35 cents. In 1915 there were 920 creameries, and the price per pound for butter fat was 29.61 cents. In other words, butter fat increased from 23.35 cents to 29.61 cents, or a little over 6 cents per pound, and butter increased from 24 cents to 45 cents wholesale, or an increase of 21 cents a pound. I just say that by way of illustration, to show that our dairy interests the farmers back at home-are not the men who are getting the benefit of this increase, but it is the creameries, where, as it has been suggested this evening, a few men fix the price of butter to the American public, and then turn around and fix the price of butter fat that they buy from the American farmer.

This is not a farmers' fight. The American farmer is as much interested in cattle as he is in dairy products. There are not more than 7 per cent of the farmers of the United States who are interested in dairy products as a business of selling them, and 93 per cent of them are not interested in making their living out of dairy products, but they are interested in beef on the out of dairy products, but they are interested in beef on the hoof, they are interested in vegetable oils that are produced in this country. So this is not a farmers' fight. The farmers in your State, in my State, and in the average State are more largely interested in the products that go into oleomargarine than they are in the products that go into butter. But that is not the question.

If I stood here only to advocate the rights of some particular interest, I would surrender the floor; I would not contend for one minute for this amendment. I am contending for this amendment because it is an honest expression of law to protect the American people against fraud; it is an honest law to protect the Government against fraud. More than that, it is an honest effort to reduce the high price of living.

I have heard but little else in the last few months in the Senate and in the press but the high cost of living to the American people, the high prices of food products. We find to-day in the Washington market that butter is selling for something like 50 cents a pound, and oleomargarine is selling for but 28 cents a

Mr. WADSWORTH. Is that colored oleomargarine?

Mr. UNDERWOOD. It is the naturally colored oleomargarine. It is the best oleomargarine. By that I do not mean that one is impure and that the other is not, but the best and the worst is dependent on the proportions of the different in-gredients that go into the oleomargarine. To illustrate, vegetable ofls (peanut and cottonseed) are just as wholesome and nutritious as butter, but the market prices of these refined oils is only about one-third the price of butter, therefore if the oleomargarine contains a high percentage of the vegetable oils it can be sold much cheaper than when it contains a higher percentage of butter. It is all pure, but the lower grade of elecmargarine can be bought in Washington to-day for 20 cents pound.

What I am contending for is that the great masses of the American people, if they so desire, may have an honest right to buy oleomargarine instead of butter, and have it on their tables instead of butter, because it is cheaper. If they want to do it you should not prevent them from doing it by law and you should not carry on the statute books of this country a double tax that holds out an inducement for the dishonest grocery man and dishonest dealer to take white oleomargarine into their back rooms, there to color it, and to pass it off on the public as butter and at butter prices as they are doing throughout the country

You know that frauds exist, and I know they exist. One single concern is penalized, as shown by the report of the Commissioner of Internal Revenue, to the extent of nearly a million and a half dollars for the frauds committed in this way. Do you not know that they are broadcast throughout this land? Do you not know that these same dishonest dealers are reaching into the pockets of your own constituencies and selling them oleomargarine for butter, thus not only defrauding the Government of its tax but defrauding your constituency of the difference in price between oleomargarine and butter? If you adopt

this amendment they can not do that.

The Government itself says that this is the best way to protect the American people against these frauds; and simply because you have a petition from the dairy interests, who do not want the law changed or who think they do not want the law changed, must you turn your backs on thousands of your constituents who constitute the consuming masses of the American people? Half the people of the United States to-day practically live in the towns and in the cities. They are not engaged in agriculture; they are not engaged in raising food products. Every day the pyramid of prices is rising higher and higher; every day the man who is working on a small salary sees want coming closer and closer to his front door because of the pyramiding prices of agricultural products; and yet your Government tells you that dishonest dealers in the United States are defrauding that same constituency by selling them oleomargarine for butter; and because you have got a petition from the so-called dairy interests of this country you turn your back on your constituency; you say, "Yes, we will vote to give you higher salaries, but we will not protect your pockets from being picked by thieves." That is what this question resolves itself into. It is a question of the honest administration of the law.

I respect the dairy interests and the farming interests. They are in my State as they are in yours. Thousands upon thouand of honest, good men are engaged in the business; but, though they are engaged in the business, all they have a right to demand of the Government of the United States is an honest protection of their business. The Government of the United States says that this is the best way to give them that honest protection. They have no right to come into the Halls of the Congress of the United States and say that they can use the Congress of the United States and say that they can use the taxing power of the Government not for the purpose of replenishing the Treasury but for the purpose of trying to drive an honest food product out of the market, in order that they may make the product of their own farms and their own labor

pyramid the higher.

Oh, I do not believe in the Senate of the United States vot-

of the local feature in the Schate of the Chitech States voting under compulsion; voting because some special interest stands at the door and holds us up and demands our vote.

There is a right and a wrong to every question; there is a right and a wrong side to this question. If the statements of the Government officials that this amendment is the best way to protect the American public against fraud be true, then it is right to vote for it. If the American people are suffering from high prices, then it is wrong to penalize them further by putting a 10 per cent tax on an honest food product.

If, however, you want to summon before the United States Senate the American voter and count the numbers so as to determine on which side it is safer for you to vote, let me read

something on this question:

[Extracts from report of proceedings of the thirtieth annual convention of the American Federation of Labor, held at St. Louis, Mo., Nov. 14 to 26, inclusive, 1910.]

Resolution 71.

Resolution 71.

Whereas oleomargarine is conceded by chemists and food experts to be a wholesome food product; and Whereas existing laws discriminate against this wholesome food product through a tax of 10 cents a pound when artificially colored, the only purpose of which is to make it appear palatable; and Whereas artificial coloring matter is permitted in butter and other dairy products, which clearly establishes a discrimination; and Whereas the discriminatory tax placed upon oleomargarine must be paid in the main by the poorer classes of people, and has a tendency to increase the price of butter; and Whereas the placing of a tax of 10 cents per pound on colored oleomargarine has rather increased than decreased violations of law: Therefore be it

Resolved, by the American Federation of Labor in convention assembled, That Congress be petitioned to so amend the oleomargarine law that a tax not exceeding 2 cents per pound be placed upon the product, whether colored or uncolored, and that a license fee not exceeding \$6 per year be placed upon the retailer for the privilege of vending oleomargarine, and that the product be packed in \$1, 1, 2, and 3 pound packages only, and that the product be sold only in original tax-paid packages.

The committee recommended concurrence in the resolution.

The motion to concur in the report of the committee was carried.

Mr. President, the substance of that resolution has not only been agreed to by the Federation of Labor, which holds within its membership a larger number of voters in this country than are engaged in the business of dairying, but it is indorsed by a large number of associations throughout the United States, and I ask that those indorsements may be printed in the RECORD at this point without taking the time of the Senate to read them.

The VICE PRESIDENT. Without objection, it is so ordered. The indorsements referred to are as follows:

ALABAMA.

Alabama Cottonseed Crushers' Association, Commercial Club of Florence, Commercial Club of Montgomery, Commercial and Industrial Association of Selma, International Association of Machinists of Birmingham, Civic Improvement Club of Troy, and Council of Jewish Women, Selma.

ARKANSAS.

Business Men's Club, and others, of Augusta; Ashdown Commercial Club, of Ashdown; Cotton Plant commercial Club, Cotton Plant; citizens of Altheimer, Arkansas City, Bearden, Crossett, Des Arc, Dumas, Dermott, De Witt, England, Eudora, Fordyee, Hamburg, Lake Village, Mulberry, McGhee, Newport, Portland, Rison, Searcy, Star City, Sherrill, Stephens, Waldo, and Walnut Ridge; citizens and business men of Forest City; Fort Smith Commercial League, Hope Progressive League, Business Men's League of Arkansas, Helena Chamber of Commerce, Helena Board of Trade, Retail Merchants' Association of Jonesboro, Little Rock Board of Trade, Txapayers and citizens of Mississippi County, Ark., Marianna Commercial Club, Merchants' Association of Magnolia, Morrillton Board of Trade, Pine Bluff Board of Trade, citizens of Paris and vicinity, Woman's Study Club of Bentonville, Ouakesup Club of Hot Springs, Retail Merchants' Association of Brinkley, and Brotherhood of Railway Carmen of America, Cotton Belt Lodge 7, Pine Bluff.

CALIFORNIA.

Operative Plasterers' International Association of the United States and Canada, Pasadena; San Francisco Woman's Cluo; Reading Club of Pacific Beach; San Diego Society for the Prevention and Study of Tuberculosis; California Federation of Women's Clubs, Pacific Beach; Retail Grocers and Merchants' Association of San Francisco; and La Jolla Woman's Club, of La Jolla.

COLORADO.

Colorado Springs and Pueblo Stereotypers' Union, No. 67; International Association of Steam and Hot-Water Fitters and Helpers of America, of Denver; Journeymen Stonecutters' Association of North America, of Denver: United Association of Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of Pueblo; Cigar Makers' Union 129, of Denver; Retail Grocers' Association of Denver; Denver Photo-Engravers' Union, 18; Lithographers' Association of Denver; Woman's Club of Carpenteria; Woman's Club of Colorado Springs; and Order of Railway Conductors of Denver.

CONNECTICUT.

United Hatters of North America, of South Norwalk, Local No. 15; International Association of Machinists of Ansonia; Baltic Mule Spinners' Association of Baltic; New Haven Trades Council; Willimantic Woman's Club; Pattern Makers' Association of Bridgeport; and Brotherhood of Railway Workers Lodge, 186, Hartford.

DISTRICT OF COLUMBIA.

International Steel and Copper Plate Printers' Union of North America; International Association of Machinists; Washington Photo-Engravers' Union; Amalgamated Society of Carpenters and Joiners; Journeymen Stonecutters' Association of North America; Allied Printing Trades Council; International Brotherhood of Bookbinders; Printing Pressmen's Union, No. 1; Emerson Five-Foot Study of Club of Brookland; Journeymen Barbers' International Union of America, 239; Fattern Makers' Association of Washington, D. C.; District of Columbia Federation of Women's Clubs; Building Trades Department, American Federation of Labor; Musicians' Protective Association, 161; Association for the Prevention of Tuberculosis; and Barbers' Local, 305.

FLORIDA.

Cumberland Sound Lodge, No. 303, B. P. C. of A., Jacksonville; Woman's Club of Jacksonville; and Friday Literary Club of Braden-

GEORGIA.

GEORGIA.

Savannah Chamber of Commerce, Chamber of Commerce of McRae, Atlanta Chamber of Commerce, Chamber of Commerce of Augusta, Cotton Seed Crushers' Association of Georgia, Trades and Labor Assembly of Waycross, International Brotherhood of Boiler Makers of Forest City, Pattern Makers' Association of Savannah, Typographical Union of Atlanta, Trades and Labor Assembly of Columbus, International Brotherhood of Boiler Makers of Savannah, Trades and Labor Assembly of Savannah, Federation of Women's Clubs of Atlanta, and Woman's Club of Woodbury.

ILLINOIS.

ILLINOIS.

Rockford Merchants and Business Men's Association; United Trades and Labor Council of Streator; Progressive Lodge, No. 440, International Association of Machinists, Rockford; United Brotherhood of Leather Workers on Horse Goods, Brotherhood No. 55; Local No. 82, Machine Operators, Rock Island Arsenal; Amalgamated Woodworkers' International Union, No. 4, of Chicago; Chicago Brotherhood of Freight Handlers; International Association of Machinists of Bloomington; Rockford Grocers' Association of Rockford; Harmony Lodge, No. 584, International Association of Machinists, Moline; Local No. 401, International Union of Steam Engineers; Musicians' Protective Union of Eighr; Trades and Labor Assembly of Bloomington; Wabash Lodge of International Association of Machinists of Mount Carmel; Metal Polishers, Buffers, Platers, Brass Molders, Brass and Silver Workers' Union of Rock Island; International Association of Steam Engineers of Chicago; Federal Labor Union of Kewanee, No. 6925; Coopers' International Union of North America, of Alton, No. 41; International Brotherhood of Roofers, Comp., Damp and Waterproof Workers of the United States and Canada, Chicago; Typographical Union of

Waukegan; International Brotherhood of Locomotive Engineers of Charleston; Portland Commercial Association, of Oglesby; Quincy. Typographical Union, No. 59; National Association of Retail Grocers of Springfield; International Brotherhood of Blacksmiths and Helpers of Chicago, No. 122, Energy Union; United Mine Workers of America of Girard, No. 694; Study Club of Forrest; Painters, Decorators, and Paperhangers of America, of Evanston; Switchmen's Union of Chicago, No. 58; International Brotherhood of Teamsters of Aurora; Nineteenth Century Club, of Oak Park; Shakespeare Club, of Fairbury; Lake Vlew Woman's Club, of Chicago; Woman's Club of Kankakee; International Molders' Conference Board of Chicago; Merchants' Association of Peoria; Merchants' Protective Association of Litchfield; Retail Association of Peoria; United Grocers and Butchers' Association of Chicago; citizens of South Chicago; Business Men's Association of Lacksonville; Retail Grocers' Association of Joilet; International Brotherhood of Blacksmiths and Helpers, Chicago, No. 50; Tri-City Central Trades Council, Granite City; Cement Workers and Helpers' Union, No. 8, of Springfield; Bartenders' Protective and Benevolent Association, No. 5, of Springfield; Bartenders' Protective and Benevolent Association, No. 117, of Belleville; International Molders' Union of Harvey, No. 153; Stove Mounters and Steel Range Workers' International Union of Quincy; International Association of Car Workers of Chicago, No. 50, Burnside Lodge; National Association of Machinists, No. 237, of Mount Carmel; Woman Teachers' Club, Peoria; United Association of Journeymen Plumbers, Gas Fitters, etc., No. 161, of Quincy; South Chicago Business Men's Association of East St. Louis; Retail Grocers' Association of Springfield; Central Labor Council of Bloomington; Domestic Art Club of Benton; Brotherhood of Painters, Decorators, and Paperhangers, No. 194, of Chicago; Tuesday Club of Chicago; Bolt and Nut Workers' Union, No. 306, of Chicago; and Stove Mounters and Steel Range Workers' IDAHO.

Century Club of Nampa.

INDIANA.

INDIANA.

Federation of Labor, No. 12868, of Bedford; Enterprise Lodge, Local No. 1, of Elwood; Retail Grocers' Association of Indianapolis; Brotherhood of Boiler Makers and Iron Shipbuilders of America of Peru; Central Labor Union of Boonville; International Association of Steam, Hot Water, and Power Pipe Fitters and Helpers of Fort Wayne; International Union of Steam Engineers of Fort Wayne; International Union of Steam Engineers of Fort Wayne; International Union of Molders of Muncie; Metal Polishers and Brass Workers of Elkhart, Local No. 335; Trades and Labor Assembly of Logansport; International Union of Brewery Workmen of Ievansville; Central Labor Union of Elkhart; Cigar Makers' Union, No. 379, of Rochester; Goshen Union of Elkhart; Cigar Makers' Union, No. 379, of Rochester; Goshen Union of Anderson; Crescendo Club, of Alexandria; Argonaut Club, of Bloomfeld; Brewery Workers' Union, No. 78, of Logansport; Clio Literary Club, of Warsaw; Machinists' Local Union, No. 181, of La Fayette; Glass Bottle Blowers' Association, No. 133, of Indianapolis; Brotherhood of Locomotive Engineers of Elkhart; Woman's Club of Elkhart; Cary Club, of Milton; Pattern Makers' Association of Indianapolis; and Federation of Musicians of Hammond.

United Association of Journeymen Plumbers and Gas Fitters, etc., No. 66, of Dubuque; Live Stock Exchange of Sioux City; Hand-In-Hand Lodge, No. 183, Brotherhood of Rallway Trainmen, of Clinton; Burlington Retail Grocers' Association; International Brotherhood of Locomotive Engineers of Fort Dodge; Columbian Club, of Cherokee; Pierian Club, of Logan; Lake Park Woman's Club, of Lake Park; Woman's Club of Emmettsburg; Brotherhood of Rallway Carmen of Valley Junction, No. 301 Lodge; Bakers and Confectionery Union, No. 226, of Keokuk; Sheet Metal Workers' International Alliance, No. 263, of Cedar Rapids; Twentieth Century Club of Livermore; Twentieth Century Club of Gliman; Woman's Club of Guthrie Center; Retail Grocers' Association of Clinton; Marle Mitchell Club, of Mason City; Nineteenth Century Club of Bedford; Child Study Club of Mason City; Brotherhood of Locomotive Firemen and Enginemen, Lodge No. 547, of Des Moines; Retail Grocers' Association of Cedar Rapids; and Mutual Improvement Club of Hawarden.

KANSAS.

KANSAS.

Blue Rapids Local Union No. 12825; International Association of Machinists of Topeka; United Association of Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of Topeka; Bakery and Confectionery Workers of Topeka; Woman's Quotation and Book Club of Almena; Pleasant Hour Club of Paola; Brotherhood of Railway Carmen of Pittsburg; Kansas Equal Suffrage Association, of Enterprise; Retail Grocers' Association of Topeka; and Philamathean Club of Leavenworth.

Louisville Commercial Club; Louisville Board of Trade; United Brotherhood of Leather Workers on Horse Goods, Louisville; Coopers International Union, of Owensboro; Pride Lodge, No. 502. Brotherhood of Locomotive Fireman and Enginemen of Louisville; United Trades and Labor Assembly of Louisville; Cigar Makers' Union of America of Louisville; citizens of Paducah; Woman's Club of Owensboro; International Molders' Union, No. 16, of Louisville; Brotherhood of Railway Mail Clerks of Covington; and Trades and Labor Assembly of Newport.

LOUISIANA. New Orleans Board of Trade (Ltd.): New Orleans Progressive Union; New Orleans Cotton Exchange; and International Association of Ma-chinists of New Orleans. MAINE.

Woman's Literary Union of Auburn; Weavers' Union 703, of Brunswick; and Art and Literature Club of Auburn. MARYLAND.

Musical Union of Baltimore, No. 40, and International Brotherhood of Bookbinders of Baltimore.

of Bookbinders of Baltimore.

MASSACHUSETTS.

International Union of Steam Engineers of Boston; Central Labor Union of Chicopee; Central Trades Council of Chicopee; Musicians' Association of Lynn; Massachusetts Branch, Federation of Labor, of Boston; Revere Woman's Club; History Club of Springfield; Popular Authors' Literary Club of Winthrop; Journeymen Barbers' Union 518, of Leominster; Cooper International Union of Boston; Pants Makers' Union, No. 173, of Boston; Trades and Labor Council of Lowell; Granite Cutters' International Association of America, Cape Ann Branch,

Gloucester and Rockport, and Pigeon Cove; Retail Grocers' and Provision Dealers' Association of Boston; Boston Retail Grocers' Association; and Lawrence Woman's Club, of Lawrence.

MICHIGAN.

International Longshoremen's Association of Bay City: Marine Engineers' Beneficial Association of Detroit; International Longshoremen's Association of Manistee; Metal Trades Council of Detroit; Metal Polishers, Buffers, and Platers' Union, No. 1, of Detroit; Journeymen Tailors' Union of America, No. 210, Ann Arbor; Cigar Makers' Union, Battle Creek, No. 205; Federation of Labor of Detroit; Brotherhood of Railroad Trainmen of Traverse City; Muskegon Woman's Club: Lansing Typographical Union; J. M. Mott, South Haven; Cigar Makers' Local Union of Three Rivers; Brotherhood of Railway Trainmen of Marquette; citizens of Saginaw, Traverse City, Battle Creek, Ann Arbor, Kalamazoo, Lansing, and Detroit; Woman's Club of Menominee; Retail Grocers' Association of Jackson; Edelweis Club, of Saginaw; Woman's League, Battle Creek; Detroit Ciothing Cutters' Union, No. 60, Detroit; Cigar Makers' Union 314, of Jackson; Woman's Club of Charlotte; Cigar Makers' International Union of America, No. 457, Joseph; and Grand International Auxiliary, No. 13, Brotherhood of Lecomotive Engineers, Saginaw.

MINNESOTA.

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Local No. 20, Operative Plasters' International Association, of St. Paul; Journeymen Plumbers and Gas Fitters of Minneapolis; Iron Molders' Union No. 226, of Brainerd; Painters, Decorators, and Paperhangers Union No. 61, of St. Paul; Trades and Labor Council of St. Cloud; Monday Club of Le Sueur; Brotherhood of Locomotive Engineers and Firemen of Two Harbors, No. 401; Saturday Club of Duluth; Retail Grocers' Association of Duluth; St. Paul Colony of New England Women; Paving Cutters' International Union, No. 15, of Sandstone; Brotherhood of Locomotive Firemen and Enginemen, Lodge No. 483, Crookston; Travel Class of Albert Lea; Retail Grocers' Association of Minneapolis; Brotherhood of Raliway Trainmen, No. 510, Winona; and Ceramic, Mosalc, and Encaustic Tile Layers and Helpers' International Union, No. 19, St. Paul and Minneapolis.

MISSISSIPPI.

West Point Board of Trade; Vicksburg Cotton Exchange; Vicksburg Board of Trade; Natchez Chamber of Commerce; Meridian Board of Trade; Jackson Board of Trade; Hazelhurst Board of Trade; Greenville Cotton Exchange; Business Men of Como, Panola County; and Clarksdale Business League.

MISSOURI.

Cement Workers' Union, Local 36, Kansas City; Joplin Trades Assembly; Kansas City International Association of Machinists; Coopers' International Union of St. Louis, No. 3; Brotherhood of Painters, Decorators, and Paperhangers of America, of Springfield; American Federation of Labor, of St. Louis; Journeyemen Stonecutters of St. Louis; Cigar Makers' Union 102, of Kansas City; United States History Class, of St. Louis; Culture Club of Edina; Retail Grocers' Association of St. Louis; Brotherhood of Locomotive Engineers, No. 17, of Stanley; Journeymen Tailors' Local Union No. 16, of Sedalia; United Garment Workers of America, of St. Louis; Tuesday Literary Club, of St. Louis; International Brotherhood of Blacksmiths and Helpers' Union 433, Springfield; Painters, Decorators, and Paperhangers of America, Union 126, Joplin; Musicians' Mutual Benefit Association of St. Louis; and Beer Bottlers' Local Union 187, St. Louis.

MONTANA.

MONTANA.

Roundup Central Trades and Labor Council; Great Falls Typographical Union, No. 256; Anaconda Typographical Union; and Brotherhood of Railway Trainmen, No. 111, Billings.

NEBRASKA.

National Live Stock Exchange, of Omaha; Omaha Retail Butchers' Protective Association; Local Union No. 109, Brotherhood of Painters, Decorators, and Paperhangers, of Omaha; Order of Railway Conductors, of Grand Island; Nebraska Retailers' Association, of Tilden; and International Union of Steam Engineers, Local 38, of Omaha.

Washoe Building Trades Council, Reno.

NEVADA. NEW HAMPSHIRE.

Central Labor Union of Portsmouth; Paving Cutters' Union of the United States and Canada, No. 3, Milford; International Union of Steam Engineers, No. 150, of Portsmouth; North Conway Weman's Club; and Fortnightly Club, of Keene.

NEW JERSEY.

Folders' Protective Association, of Passaic; Silk Weavers' Protective and Benevolent Association, of Paterson; Hudson County (N. J.) Butchers' Association; Sylvanua Apgar, of Milford; Glass Bottle Blowers' Association, Branch 14, of Woodbury; Local Union No. 1532, Brotherhood of Carpenters and Joiners, of Camden; Woman's Club of Cliffside Park, Grantwood; International Association of Machinists, of Trenton; Painters' Decorators, and Paperhangers of America, Local Union No. 20, Westfield; Village Improvement Association, of Cranford; and Wednesday Morning Club, of Cranford.

NEW YORK.

NEW YORK.

Central Labor Union of Batavia; residents of Utica; International Wood Carvers' Association of Buffalo; Business League of New York City; New York Produce Exchange, of New York City; Federal Labor Union No. 11200, Canastota; Federal Labor Union No. 7479, of Niagara Falls; Buffalo International Longshoremen's Association; Central Labor Union of Lancaster and Depew; Central Labor Council of Jamestown; Local No. 105, United Association of Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada, of Schenectady; Central Trades and Labor Assembly, of Watertown; International Union of the United Brewerymen, of Rochester; Journeymen Horseshoers' Union, of Buffalo; Musicians' Protective Association, No. 317, Hoosick Falls; Local No. 317, American Federation of Musicians, Hoosick Falls; Trades and Labor Assembly of Onelda; Order of Raliway Conductors, No. 117, of Mechanicsville; Stove Mounters and Steel Range Workers' International Union, No. 39, of Rochester; Order of Raliway Conductors, No. 154, of Binghamton; Cigar Makers' Local, No. 483, of Gloversville; Coal Teamsters and Handlers' Local Union, No. 352, of Albany; Painters, Decorators, and Paperhangers, Local Union, No. 1006, of New York City; Knit Goods Cutters, No. 499, of Cohoes; Ice Wagon Drivers and Helpers' Union, of Rochester; Troy Typographical Union, No. 52; International Associa-

tion of Machinists, No. 556, of Brooklyn; Troy Musical Association, No. 13; Retail Grocers' Association of Rensselaer; Central Labor Union of Hudson; Brotherhood of Painters, Decorators, and Paperhangers of Binghamton; Brotherhood of Painters, Decorators, and Paperhangers of Auburn; Central Trades and Labor Council of Olean; Albany Mothers' Club; Nurses' Association, of Buffalo; Carriage, Wagon, and Automobile Workers Union, No. 169, of Utica; Twentieth Century Club, of Richmond Hill; International Molders' Union, of Watertown; Allied Printing Trades Council of Greater New York; International Union of Steam Engineers, No. 56, of Brooklyn; United Brotherhood of Carpenters and Joiners, of Corinth; Painters, Decorators, and Paperhangers of America, No. 718, of Port Jervis; Brotherhood of Locomotive Engineers, No. 421, of Buffalo; Business Men's Association, of Cohoes; Typographical Union No. 282, of 3inghamton; Peeksill Trades and Labor Council; Orders of Railway Conductors, No. 176, of Corning; and Plumbers and Steam Fitters' Local No. 18, of Rochester.

NORTH CAROLINA. Chamber of Commerce of Newbern; North Carolina Cotton Seed Crushers' Association; Central Labor Union of Raleigh; Merchants' Association of Raleigh; International Brotherhood of Boiler Makers and Iron Ship Builders of America, 329, Rocky Mount; and Woman's Club of Kinston.

NORTH DAKOTA.

Current Events Club, of Bismarck; Book and Thimble Club, Williston; and Woman's Club of Sykeston.

Current Events Club of Sykeston.

OH10.

Chamber of Commerce of Dayton; Central Labor Union of Akron; National Brotherhood of Operative Potters, of Salem; International Association of Machinists, of Piqua; Trades and Labor Assembly of Piqua; Cleveland Wood, Wire, and Metal Lathers International Union; East Liverpool Trades and Labor Council; Sandusky Trades and Labor Assembly; Cleveland Painters, Decorators, and Paperhangers of America; International Association of Machinists, of Springfield; Trades Council of Coshocton; Iron Molders Union, No. 205, Newark; National Brotherhood of Operative Potters, of Steubenville; Jefferson County Trades and Labor Association, of Steubenville; Jefferson County Trades and Labor Association, of Steubenville; Jefferson County Trades and Labor Morkers on Horse Goods, Marietta; Central Trades and Labor Coopers' International Union of North America, of Sandusky; United Brotherhood of Leather Workers on Horse Goods, Marietta; Central Trades and Labor Association of Coshocton; United Association of Journeymen Plumbers, Columbus; International Union of Steam Engineers, of Lorain; Penick & Son and nine other grocers, of Wooster; Trades and Labor Assembly of Springfield; Electrotypers' Union, No. 31, Cincinnati; German-American Typographia Union of Clacinnati; Iron Moulders' Union of Cloumbus, 145; International Moulders' Union, of Hamilton; Brotherhood of Railway Trainmen, of Toledo; Rrotherhood of Painters and Decorators, of Columbus; Trades and Labor Assembly of Cleveland; Brotherhood of Railway Trainmen of America, of Valley Junction; Lima Trades and Labor Assembly, Lima; International Moulders' Union, 30, of North America, of Cleveland; Protherhood of Railway Carmen of America, of Valley Junction; Lima Trades and Labor Assembly, Lima; International Moulders' Union, of Cleveland; Protherhood of Painters, of Wellsville; 170; Pattern Makers' Association of Bookbinders, of Columbus; International Moulders' Union, No. 283, of Hamilton; Carpenters and Joiners' Union of Hamilton; Shakespe OHIO.

OKLAHOMA.

Commercial Club of Wynnewood; Purcell Commercial Club; Purcell Cotton Seed Oil Mill; Citizens of Lincoln County; Chamber of Commerce of Lawton, Comanche County; Elk City Commercial Club; American Federation of Musicians, of Ardmore; Carpenters and Joiners of America, No. 1028, Ardmore; and Retailers' Association of Chickasha. OREGON.

Portland Musicians' Mutual Class; Multnomah Typographical Union, No. 58, Portland; and Brotherhood of Locomotive Firemen and Enginemen, Roseburg Lodge 542, Roseburg.

PENNSYLVANIA.

Retail Butchers Melting Co., Allegheny County; Retail Butchers and Meat Dealers' Protective Association of Allegheny County; Operative Plasterers' International Association of Wilkinsburg; Royersford and Spring City Trades Council of Spring City; International Association of Machinists of Washington, 555; Journeymen Tailors' Union of America, 130. New Castle; Order of Railway Telegraphers of Emporium; International Printing Pressmen's Union of Scranton, 119; Trades Union Assembly of Wilkinsburg; Glass Bottle Blowers' Association of Royersford; United Association of Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters Helpers of Bradford, No. 207; Glass Bottle Blowers' Association of Butler, Branch 83; American Federation of Musicians, Erie; International Union of Slate Workers of Bangor, 106; Glass Bottle Blowers' Association of Sheffield, 47; Iron City Lodge No. 179, Brotherhood of Railroad Trainmen; Ormsby Lodge 465, Brotherhood of Locomotive Enginemen and Trainmen, Pittsburgh; Cigar Makers' Union No. 242, York: Local No. 95, International Union of Steam Engineers: Brotherhood of Locomotive Engineers of Medaylle; United Labor League of Sharon; Brotherhood of Painters, Decorators, and Paperhangers of Erie; Trades and Labor Council of Oil City; International Association of Carworkers, Lodge No. 50; of Clearfield;

Typographical Union No. 2 of Philadelphia; Glass Bottle Blowers' Association of Jeanette; International Molders' Union. 34, of Scranton; Journeymen Painters' Union No. 530, of New Brighton; Sewing Club of Punxsutawney; Pleasant Hour Club of Waynesburg; International Union of Steam Engineers of Pittsburgh; Journeymen Barbers' Union 248 of Dubois; Glass Bottle Blowers' Association of Brackenridge, 95; Musiclans' Protective Association of Chester; Chamber of Commerce of Pittsburgh; Local 120, Glass Bottle Blowers' Association of Clarion; Lithographers International Protective and Benevolent Association, Pittsburgh; Rogersford and Spruce City Trades Council; Operative Plasterers' International Association, 18, Pittsburgh; Pittsburgh Musical Society; Order of Railway Conductors of Pittsburgh; Pittsburgh Musical Electrotypers Union 79, Franklin; Chester Federation of Labor; Order of Railway Conductors of Erie; Hair Spinners Union, Philadelphia; Painters, Decorators, and Paperhangers of Carbondale; Painters, Decorators, and Paperhangers of Scranton; Brotherhood of Locomotive Firemen and Engineen of Pitcairn; Plumbers, Gas and Steam Fitters' Local 403, Chester; International Molders' Union of North America, 270, Pittsburgh; Brotherhood of Locomotive Engineers, 376, Lehighton; Switchmen's Union of North America, 38, Erie; Merchants' Protective Association of Pittston; Retail Grocers' Association of New Castle; Epoch Club of Pittsburgh; Grand International Auxiliary to the Brotherhood of Locomotive Engineers, Altoona; Brotherhood of Slate Workers of Bangor; Amalgamated Association of Iron, Steel, and Tin Workers of North America, Pittsburgh; and Women's Club of Wilkinsburg. RHODE ISLAND.

West Side Republican and Social Club, Central Falls; Pattern Makers' Association of Providence; Thimble Club of Providence; International Association of Machinists of Providence, Lodge 147; Brotherhood of Painters, Decorators, and Paperhangers, No. 15, of Pawtucket; Providence Division 57, Brotherhood of Locomotive Engineers; Woonsocket Central Labor Union of Rhode Island; Retail Grocers and Market Men's Association of Providence; Carpenters' District Council of Providence; and Rhode Island Retail Grocers and Market Men's Association of Providence.

## SOUTH CAROLINA.

Merchants' Association of Greenwood; Strothers & Tiny, of Greenwood; Merchants of Seneca; Greenwood Business League; South Carolina Cotton Seed Crushers' Association; Dillon Chamber of Commerce; and Columbia Chamber of Commerce.

SOUTH DAKOTA.

Progressive Study Club, of Revillo, and Saturday Literary Club, of Brookings.

TENNESSEE.

Business Men of Dyersburg, Dyer County; Business Men's Club of Memphis; Memphis Merchants' Exchange; Workingmen's Civic League of Memphis; Glass Bottle Blowers' Association of Altonpark; Trades and Labor Council of Memphis; Tennessee Federation of Womep's Clubs of Memphis; International Association of Machinists of Memphis; and Glass Bottle Blowers' Association of Chattanooga.

Retail Merchants' Association of Bryan; Texas Corn Growers' Association; Dallas Chamber of Commerce; Farmers' Cotton Oil Co. of Farmersville; Farmersville Commercial Club; Cattle Raisers' Association of Texas; Houston Cotton Exchange Board of Trades McKinney Commercial Club; Faculty of the Agricultural and Mechanical College of Texas; Wills Point Cotton Oil Co.; Texas Cotton Growers' Association; Galveston International Association of Longshoremen; Screw Men's Benevolent Association of Galveston; Dock and Marine Council of Galveston; Trades and Labor Council of Marshall; International Boiler Makers, Iron Ship Builders and Helpers of America, of Fort Worth; American Federation of Musicians of Houston; Federal Labor Union of Houston, No. 12909; Brotherhood of Railway Trainmen of Houston, No. 697; Fort Houston Lodge of International Association of Mechanics, Palestine; Waxahachie Department Club; Texas Federation of Women's Clubs; Cattle Raisers' Association of Fort Worth; San Antonio Typographical Union, No. 172; Brotherhood of Carpenters and Joiners of Palestine; Central Labor Union of El Paso; American History Club of Austin; Galveston Typographical Union; Woman's Club of San Antonio; Boiler Makers and Iron Ship Builders of America, Smithville; Railway Mail Association, Women's Auxiliary, Denison; International Brotherhood of Locomotive Engineers, No. 475, Smithville; National Expeller Cotton Seed Crushers' Association, Fort Worth; Retail Merchants' Protective Association of Denison; International Union of the United Brewery Workmen of America, Local No. 157, Dallas; and Order of Railway Conductors, Division No. 256, Smithville.

Federation of Labor, Salt Lake City; Amalgamated Sheet Metal International Alliance, Salt Lake City; Retail Merchants' Association of Ogden; and Ladies' Literary Club of Ogden.

VERMONT.

Bellows Falls, Local No. 5. United Brotherhood of Paper Makers of America, and Brotherhood of Railroad Trainmen of Bellows Falls. VIRGINIA.

Musicians' Protective Association of Norfolk; Norfolk Typographical Union, No. 32; Virginia Federation of Women's Clubs of Roanoke; Central Labor Union, Newport News; Richmond Typographical Union, No. 90; and Pattern Makers' Association of Newport News. WASHINGTON.

WASHINGTON.

International Union of Steam Engineers of Everett; International Association of Machinists of Port Townsend, No. 151; International Longshoremen's Association of Raymond; Olympia Typographical Union, No. 142; Whatcom Co. Growers' Association, of Bellingham; Bakers and Confectionery Workers International Union of America, Tacoma, No. 126; Woman's Club of Everett; and Grocers' Association of Spokane.

Brotherhood of Railway Carmen of Bluefield. No. 9: Glass Bottle Blowers' Association. No. 77, of Fairmont; Retail Business Men's Association of Wheeling; and Business Men's Association of Charles-town. WEST VIRGINIA.

### WISCONSIN.

WISCONSIN.

Licensed Tugmen's Protective Association, No. 8, Milwaukee; Central Labor Council, Ashland; Racine Trades and Labor Council; Brotherhood of Boiler Makers and Iron Ship Builders of America, Lodge No. 485, of Green Bay; Journeymen Plumbers, Local Union 75, Milwaukee; Kenosha Trades and Labor Council; Chicago, Milwaukee & St. Paul Railroad Co., Milwaukee; Central Labor Union of Wausaw; Shingle Weavers' Union of Marinette; Coopers' International Union of North America, Local 35; Economic Club of Neenah and Menasha; Antigo Division 462, Order of Railway Conductors; Brotherhood of Railway Trainmen, Gateway City Lodge, No. 176, La Crosse; La Crosse Woman's Club; Journeymen Tailors' Union of Ashland; No. 138 Plasterers' Protective and Benevolent Association, Milwaukee; Retail Grocers' Association of Milwaukee; Retail Grocers' Protective Association of Superior; Woman's Club of Kenosha; Brotherhood of Painters, Decorators, and Paperhangers of Superior, No. 557; Cigarmakers' Local Union 186, Madison; International Association of Steam, Hot Water, and Power Pipe Fitters and Repairers of Milwaukee, No. 83; International Longshoremen's Association of Green Bay; Brotherhood of Railroad Trainmen, Chequamegon Bay; Woman's Club of Sheboygan; Monday Night Club, of Waupaca; Retail Merchants' Association of Racine; Fortnightly Club, of Oconomowoc; Woman's Club of Monroe; Retail Merchants' Association of Oshkosh; and Cigarmakers' Union 135, Appleton. WYOMING.

Art Club, of Sheridan.

Mr. UNDERWOOD. So that, if we are to determine this question, Mr. President, on the basis of numbers or on the basis of votes, the dairy interests of the United States must expect to stand up and battle the great consuming masses of the American public.

It is true that for more than a decade they have "got off ith the goods." They threatened the Congress of the United with the goods." States 15 years ago, and the Congress yielded and passed the present law to enable them to exact tribute from the consuming masses of the American public; aye, more, not from the rich man's larder; no, for the rich man eats Eigin butter and pays 45 and 50 and 60 cents a pound for it. It is not a matter of great consequence to him or to his children what the cost may be of the butter that appears on his table. He does not desire to consume oleomargarine; but it is a vital question to the man who is working in the foundry or the furnace or the store, the man in a department who is receiving \$600 or \$1,200 a year, with a family to support and children to raise, whether his table fat shall cost him 24 cents a pound or whether it shall cost him 50 cents a pound; and yet Senators stand here ready, because they have been summoned by a special interest among their constituency, to say that to please that special interest they will penalize the man who earns his bread by the sweat of his brow by levying a tax on an honest food product that he consumes

Mr. DILLINGHAM. Mr. President-

Mr. UNDERWOOD. I yield to the Senator.
Mr. DILLINGHAM. I do not think I quite understand the Senator's argument. I do not see where any difficulty exists at the present time whereby the poor man whom the Senator mentions is unable to secure his oleomargarine. The amendment reported by the committee provides for a 2-cent tax, where now the tax is only one-fourth of 1 cent per pound. I will ask the Senator to make clear his proposition.

Mr. UNDERWOOD. I am trying to explain that; and the Government of the United States, through the department, has been trying to make that plain. Poor people are more sensitive and resentful of the idea of using a white table fat than any other class of people. Therefore, rather than buy white oleo-margarine, they patronize those butter dealers who handle a low-grade artificially colored butter, and who also illicitly color white oleomargarine and sell it for butter. They, therefore, by their prejudice and ignorance of the consequences, supply their families with these contaminated foods because they are made pleasing to the eye. No more cruel fraud than this is practiced upon the American poor. Instead of being permitted to buy a cheap, wholesome, well-inspected food, made pleasing to the eye, they are compelled to buy a low-grade, filthy, disease-infected butter or to buy oleomargarine which, though made in a sanitary manner under Federal inspection, is endangered with contamination by illicit coloration in foul cellars or garrets, and for which they pay butter prices. Of course the poor man does not go to the factory and buy a tub of oleomargarine. He has not the money to do that, and does not know how to do that, but he goes to a corner grocery and he buys a half pound or 2 pounds of butter or oleomargarine, and when he goes to the grocery the Government of the United States has advised the Senate of the United States that many of these men are not selling oleomargarine as oleomargarine, but they are committing a fraud on the people by taking it into their back offices, to do is to make them wrap every package up in a separate piece of paper, with a Government stamp on it, and then they will not be able to sell it as butter. Mr. DILLINGHAM. Will the Senator allow me to make an

Mr. UNDERWOOD. Certainly.
Mr. DILLINGHAM. Why, if the Government has found this condition, have they not prosecuted these people?

Mr. UNDERWOOD. They have.

Mr. DILLINGHAM. To what extent?

Mr. UNDERWOOD. In the year 1915 alone, 2,777 violations of the oleomargarine iaw were detected, practically all of which were by pretended butter makers or dealers who are uninspected.

Mr. DILLINGHAM. Let me put the question in a little different form. If the Senator's argument is to be received as he is stating it, it would convey the impression that it is utterly impossible for the laboring man of this country to enter any store where oleomargarine is sold and purchase it in an uncolored condition.

Oh, no.

Mr. UNDERWOOD. Mr. DILLINGHAM. Now, is that true? Does the Senator make that contention?

Mr. UNDERWOOD. No; I do not make that argument. I do not say it is impossible to go into any store and purchase it, but I say that the workingmen of this country are not informed. The men who commit the fraud on them are informed, and the Treasury Department have told you that they are informed. Treasury Department have told you that they are intorned. They have committed frauds to the extent where one concern was penalized by the Government within this administration to the extent of \$1,500,000 for frauds committed on these people. Then to say that they are not committing frauds is like the man who blinds his eyes and says he can not see. The frauds are here. The Treasury Department says here is the way to the frauds these frauds not by having a different color system. eliminate these frauds—not by having a different color system, but by having a uniform color system and a package container that marks it as oleomargarine.

When you come down to the other question, the poor man who eats oleomargarine is just as much entitled to eat oleomar-garine colored yellow as the rich man is entitled to eat butter colored yellow; and yet, under the law, you would say to the poor man, "You must feed your stomach with a white fat," and to the rich man, who has the money to buy Elgin butter, "You can have it colored to suit the eye and please your digestion."

Now, that is what you are doing.

I do not suppose there is any man who is willing to stand on the floor of this Senate and really come out and justify the proposition of taxing any food product 10 cents per pound in

this country.

Mr. CLAPP. Mr. President, the Senator just used a word. I think, inadvertently, when he said that a man had a right to gratify his tastes as to color and digestion. Does the Senator claim—I assume, of course, that he does not—that the colored oleomargarine is any more digestible than the uncolored?

Mr. UNDERWOOD. Well, I do claim this—that it depends on a man's eye and a man's thoughts. There is no question that your digestion is affected by your eyesight; and I have no doubt that if the Senator will think about it he will agree with me.

Mr. CLAPP. Why, I have seen blind men who ate and got along, and apparently had good, well-ordered digestive apparatus.

Mr. UNDERWOOD. That is true; and sometimes the blind men were very fortunate that they could not see. If they had been able to see, they might have been compelled to starve. But there is no question about it, you can not disguise the fact, that the color of certain food products makes them sell; and one class of men are here before Congress asking you to use the taxing power to give them the right to color their product so that it will sell, and use the taxing power to take away from another honest man the right to color his product so that it will sell.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. Certainly. Mr. FLETCHER. The Senator has explained how the man of modest means does not ordinarily buy in tub quantities; but is there any reason why any man who wants to buy half a pound of margarine or a pound, or 2 pounds, can not buy the white product, and buy a tablet with it that will cost 5 or 10 cents, and color it himself?

Mr. UNDERWOOD. That is true; he can if he knows how, and it can be explained to him; but that does not eliminate the fraud. If he knows it is oleomargarine, and knows that he can get 5 or 10 cents' worth of coloring matter, he can take it and color it; but what we are trying to do is to eliminate fraud. The fraud is committed by the fellow who is trying to palm off oleomargarine as butter; and, strange to say, the very men who do not want competition with oleomargarine are the men

who have committed the frauds, to a large extent; not en-

tirely.

Mr. FLETCHER. If the Senator's amendment is adopted then all margarine that will be offered on the market will undoubtedly be colored. Will not, therefore, the possibilities of palming off margarine for butter, after this law is enacted, be

greater than they are at the present time?

Mr. UNDERWOOD. Not if you believe what the Commissioner of Internal Revenue has said in every report that he has made for years, in which he said that just the opposite is true. The Senator comes from a State that makes tobacco. They require the manufacturer of tobacco in your State to put it in a bex, and to put a stamp around that bex that shall not be broken, and the box shall not be sold after the stamp is broken; and that is the way they protect the tobacco business against frauds. The Secretary of the Treasury in his reports, and the Commissioner of Internal Revenue for years, have recommended that the same thing be done with oleomargarine, and that is what the committee is proposing to do with oleomargarine in this amendment-exactly the same thing-to protect it against

In the hearings on oleomargarine, before the House Committee on Agriculture, in 1910, Mr. George L. Flanders, then assistant commissioner of agriculture of the State of New York, president of the National Dairy Union and also president of the Association of National State Dairy and Food Departments, when asked if the householders—not the boardinghouse keeper or the hotel keeper, but the householders—would be protected by the proposed stamp-sealed package, answered: "Yes; the person who did the purchasing at the store would be protected."

And I may add that while millions and millions of pounds of margarine have been sold for butter, it seems to have been in a certain sense a harmless fraud. The newspapers and magazines have been searched in vain for a single complaint by a consumer on account of this substitution, and no physician seems ever to have charged that disease was transmitted

to any consumer by margarine.

Mr. LODGE, Mr. President—

Mr. UNDERWOOD. I find there is but one European country that does not allow oleomargarine to be colored yellow. All the balance of them do allow it to be colored. There is no separate tax on it because of its color; and Denmark, which is the greatest butter-producing country in the world, or was before this war came on, was also the greatest producer and consumer of oleomargarine.

Another thing that you find is that in the dairy States of the country you find more oleomargarine sold than you do in the nondairy States of the country. You will not find, in proportion to population, nearly as much oleomargarine sold in Florida as you will find in Michigan, and Florida is not a dairy State while Michigan is.

Mr. WADSWORTH. Denmark, per capita, exports more butter than any country in the world; and my recollection is that, per capita, it consumes more oleomargarine than any

Mr. UNDERWOOD. The Senator is correct about that.

Mr. LODGE. Mr. President—
The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. UNDERWOOD. I yield.
Mr. LODGE. The Senator said a few moments ago that one firm had been penalized to the extent of a million and a half dollars for frauds in selling oleomargarine as butter. What was the nature of the business of the firm, or corporation, or whatever it was?

Mr. UNDERWOOD. They were in the creamery business and sold every pound of their product as butter. The statement is contained in the report of the Secretary of the Treasury. It was in the neighborhood of one million five hundred and some odd thousand dollars.

Mr. LODGE. I did not hear it read; but it seemed to me

such an extraordinarily large fine that I was curious to know what the business was that was equal to the fine.

Mr. UNDERWOOD. They were engaged in selling butter to the American people and were mixing foreign fats with their butter and selling it as butter. The American Government dis-

covered it and made them come across and pay the fine.

Mr. SMITH of Michigan. Was it not largely a question of

color?

Mr. UNDERWOOD. Why, of course it was. That is just exactly where they committed the fraud, and no law requiring oleomargarine to be white, as the Secretary of the Treasury has said, would have prevented this fraud.

Mr. SMITH of Michigan. They committed the fraud by coloring the oleomargarine in the similitude of butter.

Mr. UNDERWOOD. They committed the fraud by getting foreign fats into their uninspected butter factory and mixing it with their butter, which technically made it oleomargarine, but it should have been called adulterated butter.

Mr. SMITH of Michigan. And coloring it. Mr. UNDERWOOD. No; but by mixing it up with their butter and selling it to the American people as butter. where they committed the fraud; and that fraud is being committed on the American people every day.

Mr. President, I have here some statements as to the world's sales of oleomargarine and a memorandum as to the foreign oleomargarine laws that I think may be of interest, and I ask to have it printed in the RECORD at this place in connection with my remarks.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

World's sales oleomargarine, January, 1915.

Countries.	Our previous figure.	Production.1
Germany (158 factories)  Annual production estimated by a margarine paper, "Der Landhasthof," May 27, 1914.	Pounds. 500, 000, 000	Pounds. 550, 000, 000
Consumption, 8 pounds per capita.  England (10 to 12 factories).  Annual sales astimated on information of various manufacturers, brokers, etc., that one half of the English consumption was imported and the other half made in England, 80 per cent of it by the Monsted Co., who are said to make 150,000,000 pounds yearly. Consumption, 83	375,000,000	220,000,000
pounds per capita.  Holland (10 factories).  Annual production. Estimate made basis 85 per cent English export, 15 per cent local consumption. Consumption, 20 pounds per capita.	220,000,000	286,000,900
United States (32 manufacturers)	140,000,000	140,000,000
Denmark (16 factories).  Annual production, Danish Government report, 1911. Consumption, 32.6 pounds per capita.	69, 600, 000	110,000,000
France (12 factories)	40,000,000	40,000,000
Belgium (10 factories).  Annual production estimated on Government figures for 4 months of present year.	24,000,000	24,000,000
Newfoundland	3,600,000	3,600,000
Norway.  Production 1912 (lessexport), 25,715 metric tons, as per Bureau of Foreign and Domestic Commerce bulletin, by E. W. Thompson, or 333 pounds per capits. Consumption 332 pounds per capits.	56,500,000	66,000,000
Sweden  Production 1913 estimated 20,000 metric tons, as above, or 7 pounds per capits. Consumption 7 pounds per capits.	41,000,000	44,000,000
Austria-Hungary.  According Vienna reports Sept. 22, 1914, says no Government record of production, but esti- mated consumption yearly.	33,000,000	
	1,505,100,000	

<sup>1</sup>U.S. Department of Commerce Bulletin No. 89, Special Agents Series. No figures for Russia, Italy, Central or South American countries

The table of production and consumption of this article in the various countries shows that the United States, with a population greater than any except Russia, has the lowest per capita consumption, while Denmark, which is primarily a dairy country, whose butter establishes the standard by which the butters of all other countries are graded or compared, has the second largest per capita consumption, with 32-do pounds, of any country in the world. Only Norway, with 33-d pounds per capita, exceeds Denmark.

MEMORANDUM OF FOREIGN OLEOMARGARINE LAWS.

## ENGLAND.

Permits artificial coloration of margarine (oleomargarine). Limits butter fat to 10 per cent. Limits moisture to 16 per cent. Requires retailer to use wrapper marked "Margarine" for re-HOLLAND.

(1) Permits artificial coloration.
(2) Requires word "Margarine" shown on both package displayed for sale and each sale to be wrapped in the wrapper so marked.

## RELGIUM.

(1) Permits artificial coloration.
(2) Levies Government tax of 5 francs per 100 kilos or one-half cent per pound.
(3) Establishes 82 per cent fat standard.

- (4) Requires use of one-half per cent each sesame oil and potato flour. Sesame oil is to make it chemically easy to distinguish margarine from butter.
   (5) Requires retail dealer to properly mark packages.

FRANCE.

(1) Prohibits artificial coloration of oleomargarine.
(2) Does not permit its sale in stores selling butter.
(3) Requires retail dealers to display their signs and properly mark their packages.

GERMANY.

(1) Permits artificial coloration.
(2) Requires use of 10 per cent sesame oil.
(3) Requires manufacturers' packages to have red streak 2 centimeters large on containers with height up to 35 centimeters and at least 5 centimeters on higher containers.
(4) Requires retail dealers to properly mark and label packages as "Margarine."
(5) Mixing butter with margarine is not allowed.
(6) Prohibits handling or manufacturing of margarine in places where butter and cheese are made or handled.
(7) Location of manufacturers must be made known to authorities and information regarding materials, methods, etc., furnished when required.

equired.

(8) Seilers not allowed to put up margarine in butter shapes.

NORWAY AND SWEDEN.

Permits artificial coloration.

Requires use of certain per cent of sesame oil.

Prohibits manufacture in creamery where butter is made.

Margarine manufacturer under government inspection.

Margarine must be packed in containers whose length is twice

(5) Margarine must be purchased their width.

(6) Requires manufacturers and retailers' packages be labeled or marked "Margarine."

(7) Requires dealers to display signs when they sell oleomargarine.

DENMARK.

(1) Permits artificial coloration of margarine up to a certain standard established by the government.
(2) Requires the use of a certain percentage of sesame oil, and stipulates that a red band shall be placed around the outside of each original shipping package and that the package shall be plainly marked "Margarine."

garine."

In all of these countries, with the exception of France, margarine is permitted to be artificially colored and sold in original packages properly branded as "Margarine," but no countries except Belgium and the United States imposes a tax upon this food product.

Mr. UNDERWOOD. My amendment proposed to go further for the protection of the people than any other country in the world, by requiring margarine to be put in small sanitary packages fully labeled and sealed with the Government seal, which it shall be unlawful for any dealer to break. I am sorry to have taken up so much of the time of the Senate; but I feel that one of the most important amendments or clauses of the bill is this amendment. It is true that you may be taxing the American people several hundred million dollars in this bill for the maintenance of the Government. It is true that you may be issuing several hundred million dollars of bonds in this bill to take care of the obligations of the Government, and that the increased taxation growing out of this amendment amounts to

only three and one-half million dollars. It looks infinitesimal, possibly, when you compare it with immense burden of taxes that you are levying in other items in this bill, but it is not. The most important item to the people of this country in the bill now pending before the United States Senate is this amendment to require an honest administration of the food laws of your country, and to enable the great masses of the American people to get an honest food product without being compelled to pay a tax of 10 cents a pound to the Government of the United States in order to boost the business of men who are growing rich out of dairy

products to-day-dairy products that are pyramided until they have doubled in value in the last decade.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit an interruption?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. UNDERWOOD. I do.
Mr. MARTINE of New Jersey. I have a little statement here that it seems to me should be incorporated in the Senator's address at this particular time, giving a statement of what the law permits in England and other countries.

In England the law permits the artificial coloring of marga-

rine.

In Holland, a great dairy country, the law permits the artificial coloring, requiring the word "Margarine" to be shown upon the packages plainly.

In Belgium the law permits artificial coloring and levies a

tax of half a cent a pound.

France prohibits the artificial coloring of margarine. requires retail dealers to display margarine signs, and to mark their packages properly.

In Germany the law permits artificial coloring. In Norway the law permits artificial coloring. In Sweden, the law permits artificial coloring.

In Denmark, the law permits artificial coloring of margarine. So that all those great countries permit the artificial coloring

of margarine.

As to the matter of coloring, we all know, as has been said here to-day—every farmer knows—that in June we can have rich, nice colored butter; but in the wintertime, when the cows are fed largely on hay and silage and straw, more or less, and other foods, the butter is white. I will say, too, that a man's appetite and his digestion are very much regulated by that which is pleasing to the eye. We buy a little annatto, as it is called, which is a vegetable product of the carrot-utterly harmless, the doctors tell us-and it is mingled and mixed with the butter, and makes it look far better, and does not interfere with its digestion or assimilation.

Mr. UNDERWOOD. That is all I desire to say upon the

Mr. McCUMBER. Mr. President, I only want to take a few minutes at this time in the discussion of this subject. right in the very beginning of the discussion we ought to learn, if we can, who are the real parties in interest in support of this amendment, and who are the parties who are opposing it.

After listening to the argument of the Senator from Alabama [Mr. Underwood], one would assume that no one is interested in this matter except the Elgin creameries or some of these larger institutions. I have here a brief entitled "A reply to protests and statements of the National Dairy Union against the Underwood oleomargarine amendment to the revenue bill." Now, this is answered by whom? First, by the Inter-state Cotton-Seed Crushers' Association. This is one of the forces that is behind this movement-a force that desires to

palm off on the American people cottonseed oil for butter fat.

What is the next one? The next one is the American National Livestock Association, dealers in beef cattle, the beef cattle being sold to the great Beef Trust. Now, of course, they may get some slight benefit from this amendment, as it may create a greater demand for tallow to be sold for butter. I agree with the Senator from Alabama that the farmer will not get a great deal of benefit out of the increased price of beef because of the amount of tallow in the beef that could be sold at a better price; but the Beef Trust undoubtedly would secure considerable

advantage.

It might be well, right here, that we should understand the constituents of oleomargarine. I take their brief, and in that they indicate the number of pounds of each article that were used in the United States during the year 1915. There were of oleo oil and stearin-that is made practically from what we on the farm would call beef tallow-57,379,868 pounds. There were used of vegetable oil, and you might just as well have said cottonseed oil, for that is what it means, 30,359,664 pounds. There was used neutral lard, and so far as that is concerned you might just as well have left the word "neutral" out, as it is used only to indicate that they are using only the oil extracted from the crude fat. They also explain that they are taking the leaf lard instead of the intestinal lard-that is, the fat around the intestines, which is stripped off and is also converted into lard. I do not know that one part of the lard is any purer than the other, but it undoubtedly looks a little better, as it comes out in a large flat leaf from the animal; but, after all, it is hog fat; it is hog lard, and nothing else; and there were 24,904,377 pounds of that used.

Then, again, they used 4,694,402 pounds of butter. They are using butter. For what purpose? To color it? To give it flavor? What is the purpose of using the butter? Are they using butter that costs 45 cents a pound to mix with lard that cost 4 cents a pound for the purpose of coloring, or is it for the purpose of giving a butter flavor? If they are using it, are they using the higher priced butter or are they using the lower and cheaper kind of butter, the very butter that the Senator was explaining that was filled with tuberculosis, and so forth? The cheaper butter, the dangerous butter that he was speaking of, I am informed, is the very butter that is used in mixing in the

manufacture of oleomargarine.

Mr. WADSWORTH. Does the Senator state that as a fact? Mr. McCUMBER. I state that as the information I received when I was chairman of the Committee on Manufactures. I when I was charman of the Committee on Mandactures. I have not got it here. I could show that the butter that was used was the cheaper grade of butter.

Mr. WADSWORTH. Does that include rancid or bad butter?

Mr. McCUMBER. Butter may be rancid and it may not be

very fair. We go down here every day to the restaurant and we get butter that is decidedly rancid sometimes, and absolutely unfit to eat; and yet at the same time we are paying good big butter prices for it. The mere fact of its being slightly rancid does not, I understand, make it necessarily unhealthful.

Mr. WADSWORTH. That is a rather surprising statement. I should like to have it enlarged upon.

Mr. McCUMBER. It certainly is not as good. I do not be lieve the Senator would like it as well, whether or not he would agree with this test. I do not think the Senator who has been dining here for some time will have any complaint to make that he has lost his health by using the butter that is furnished in the Senate restaurant, and yet he knows as well as I do that a great quantity of somewhat rancid, old butter, has been used there.

Mr. WADSWORTH. The thing that surprises me is the Senator's statement that rancid butter is not necessarily deleterious to health. I had always thought otherwise.

Mr. McCUMBER. I think if you will make a chemical examination of it you will not find in slightly rancid butter any very deleterious substances. Certainly it is far less deleterious than any kind of hog fat, whether such fat comes from leaf lard or where it comes from. We have heard a great deal to-day about the healthfulness of oleomargarine. Go to any physician who will prescribe a diet for you for a weak stomach and see if he will not exclude from your diet all kinds of rich pastry shortened with lard. I will ask you if he will not eliminate from your diet the fat products of the hog entirely, Will he not ask you to abstain from the use of both lard and tallow? I have never heard yet of any physician designating tallow as being especially healthful.

May I interrupt the Senator? Mr. PAGE.

Mr. McCUMBER. Certainly.

Mr. PAGE. I have before me Food Inspection and Analysis, by Lynch, published by Wiley & Sons, and on page 542 there is given the percentage of neutral lard which enters into the production of oleomargarine, or did at the time of the publication of this book some six or seven years ago. Oleo oil, 20 to 25 per cent. They give the range from the minimum to the

maximum. Neutral lard, 40 to 45 per cent.

Mr. McCUMBER. In other words, we are consuming a product nearly one-half of which is nothing more than lard, using it for butter and claiming that it is just as healthy and just as good as butter.

Mr. PAGE. As answering further what the Senator says in regard to butter, the statement here is that butter enters to the extent of 10 to 25 per cent and milk and cream from 5 to 20 per cent in the better grades of oleomargarine. For no other purpose than to give it the flavor of butter, 25 per cent of butter enters in and 30 per cent of milk.

Mr. CURTIS. Mr. President—
Mr. McCUMBER. I yield to the Senator.
Mr. CURTIS. I wish to know what is the per cent of cotton-

Mr. PAGE. The per cent of cottonseed oil has increased very largely in the last few years. I think it is taking the place now of other materials, because they have found that cottonseed oil in certain conditions gives a little of the yellowish color to oleomargarine.

Mr. McCUMBER. Replying to the Senator from Kansas, I will say that the very first page of this report gives the ingredients used in the year 1915 in oleomargarine, and I assume those figures give the proportionate quantity of each ingredient that is used. In round numbers, we find the use of stearin 57,000,000 pounds to 30,000,000 pounds of cottonseed oil, 24,000,000 pounds of neutral lard, and 4,000,000 pounds of butter. I think that would give about two-fifths made up of

Mr. President, there is not a single dairyman I know of who wishes to prevent the sale of oleomargarine. I have received a great many letters from all over the country, and I have never yet found one where the writer desired to put the manufacturer of eleomargarine out of business. All they are asking for in this case is that oleomargarine shall be sold as such. They are not interested in what form it may be sold by the manufacturer to the commission firm, and then sold to the wholesalers, and then sold to the retailers. What they are interested in is the form in which it is delivered to the man who sits down at his table, and he is the one after all who will determine the number of pounds of oleomargarine that will be used. They want to have the man who sits at the table decide for himself whether he wishes oleomargarine or whether he wishes butter; therefore they want the margarine to have its own distinctive color. Let me say to the Senator from Alabama, who claims that the American people and the Federation of Labor want eleomargarine, that there is a very easy and simple test to determine that fact. Let him go to any boarding house in this city or any other city where laborers board. Let him then set a plate of

let him put on the table another plate and mark that Chicago oleomargarine. He will find out very quickly whether or not the American people want to consume oleomargarine. pound of oleomargarine would remain there for six months, and it would not be touched, but your plate of butter would have to be refilled very many times.

The whole truth of the matter is this: The American people do not want the oleomargarine. They do not want to be deceived into purchasing it. They are willing that you should sell it, if you will sell it for what it actually is—eleomargarine. Now, how can you do that? I know you make a great play here about coloring it, so that it may be made more presentable. The whole truth is that you want to color it because it is easier to defraud the consumer than it otherwise would be. If you wish to avoid all objection from dairymen, all you have to do is this, and I will guarantee that practically all the dairymen will indorse you if you do it: Simply provide that no oleomargarine shall be colored in imitation of butter. Then you can buy it as oleomargarine. You can eliminate your tax entirely and let it be sold in the country upon its own merits. I feel quite certain that we will not buy it if we know what it is. But if you think the people do want it, just unmask it, and then try to sell it.

The American people eat uncolored butter. Most of the butter that you receive in the wintertime is not colored. We are not bothering ourselves whether the butter is white or whether it As a matter of fact, in some of the very best and freshest butter, unsalted butter, that we get in the wintertime there is no coloring matter, and it is always fresh and always good. There may be those who have a particular taste or liking for the golden yellow butter. Then let them color it yellow. No one ever colors it yellow for the purpose of selling it as oleomargarine. Of that you can be absolutely certain. On the other hand, no one ever colored eleomargarine except for the sole and only purpose of foisting it off on somebody else as butter, and therein lies the difference. One coloring is not intended to deceive, the other is so intended.

Mr. MARTINE of New Jersey. That may be all very well. I have never sold 10 pounds of butter in my life, and I have been a farmer all my life. We have eaten up the butter we have made. But almost universally winter butter is white, That would depend on the feed, the straw if you choose, or dry hay, or ensilage, bran, and other foods. The lack of grass takes away the coloring. Yet, as I said before, farmers will color it up; it enriches it and makes it look nicer. There are many people who use it just white and do not care, but it is pleasanter to the eye and hence generally more palatable when yellow. As to the Senator's remark, if he will permit, where he said there was

no harm in eating rancid butter, I do not think—
Mr. McCUMBER. Mr. President, I did not say there was no harm in it.

Mr. MARTINE of New Jersey. What did the Senator say? Mr. McCUMBER. I said we were often using butter in our Senate restaurant that was a little rancid and I did not think was hurting anyone. Of course, butter can be so old and spoiled that it is not fit for food.

Mr. MARTINE of New Jersey. I thought the Senator said that it was not interfering with general health. The fact is I have heard doctors say it contains an acid which produces disorders of the stomach that are alarmingly dangerous. I would advise the Senator to look out for rancid butter.

I feel on this butter question if a man wants to eat butterine, as they call it, or oleomargarine or margarine, let him buy it. I say it would be a crime and a wrong for us to surround the manufacture of margarine with such laws as would make it practically unobtainable to the average man. Butter is 50 cents a pound, and there are thousands of workingmen throughout the land who can not have it. Oleomargarine is not a harmful diet; it is healthful and generally beneficial. I care not what it is marked, if it is not poisonous. A little while ago I read from

an article showing that every country abroad but France permitted coloring it and allowed it to be sold on the market, though always plainly marked as "Margarine."

Mr. McCUMBER. I think the Senator is mistaken there.

Mr. MARTINE of New Jersey. I think this is a wrong time for us to shut out eleomargarine or margarine, as it is called,

by any process of legislation.

Mr. McCUMBER. I think the Senator is mistaken. Here s a report which states that France, Germany, and Denmark, all three of them, prohibit the coloring of oleomargarine.

Mr. MARTINE of New Jersey. That is a very funny thing. read into the RECORD a few moments ago-

Mr. McCUMBER. I heard it. Mr. MARTINE of New Jersey. From a trade magazine giving the features of legislation and stating that the coloring of butter on the dining table and mark it Elgin butter; and then loleomargarine was permitted in every one of those countries except France, and France did not absolutely prevent the use or sale of margarine, but it did prevent the coloring; that it was permitted in England, Germany, Norway, Sweden, Denmark, Belgium, Holland, and all of them. So I can not understand how our authorities are so widely divergent.

Mr. PENROSE. Will the Senator permit me to ask him a question? Do I understand the Senator from New Jersey to

prefer oleomargarine to butter?

Mr. MARTINE of New Jersey. Oh! Like yourself I am fond of good things, none are too good for me. I get the best I can get wherever I get the opportunity; but there are thousands who are not blessed with a liberal purse, thousands who struggle for their daily bread. When we read of the thousands in New York City who can not get even bread without the butter, I am willing to give everybody the privilege to get what he pays for. I do not want him to be defrauded.

Mr. PENROSE. May I ask the Senator one more question? Does the Senator pretend to say that the healthful and invigorating product of the dairy is to be compared with the oleomargarine product which I read here is composed as follows:

Neutral, or No. 1, oleo oil is made from the following:

Gaul fat, ruffle fat, gaul piece of gut end, briskets trimmed from the bed pickings, crotch trimming from the bed pickings, pannch trimmings, pluck trimmings, reed trimmings, heart casing fats.

No. 2 or second-grade oils:

Gut ends—small fat, chipped fat, which is taken off the middle guts, machine fat, which is taken off round gut by the fatting machines, heart trimmings, pluck trimmings, miscellaneous bed pickings of the second grade, kidney fat, clean trimmings from cattle, which are being cut up for canning or sausage, skimmings from scrap vat of No. 1 oil.

No. 3 or third-grade oil:

Head fat, fat trimmed from cattle heads when checking, plucked sweet-bread trimming, liver trimmings, bladder trimmings, fat from chilled beef tongues when they are trimmed, miscellaneous fats from other departments which are kept clean, the first washings from the oleo press cloths before soda has been used, scrap vat skimmings from the second-grade oil.

And so on, giving the component parts of a great number of them. Does the Senator prefer those trimmings to butter?

Mr. MARTINE of New Jersey. I will answer your question. You have emphasized them and picked them out in the most nauseous way. I know of no country—
Mr. PENROSE. I make no comments on them. I am read-

ing from

Mr. MARTINE of New Jersey. I know of no State in the Union in which good living is better maintained and better advanced than up among the Dutch of Pennsylvania. If you want wanced than up among the Dutch of Fennsylvania. If you want me to answer, I will do so. I heard the Senator read about the gut fat, the brisket fat, and a myriad of other things. Very many times I have spent most delightful days and many hours in various places in Pennsylvania. The Pennsylvanians are a most hospitable and liberal people, with all of the goody-goodies and the things that come from animal creation—pork and beef of all kinds; and a predominating food there—in fact, it is sought after; it is put in dainty packages and marked "Philadelphia sausage"—is made of the pickings of gut fat and the fat from the main gut, the brisket fat, and all those horrible things that the Sonaten has beauty

things that the Senator has brought to our attention.

If the Senate wants an evidence of the splendid quality of the gut fat, the brisket fat, and all the other ruffled guts, and evidence of what they will do for mankind, for the building of magnificent men and glorious and beautiful women of the country side. I refer you to the Apollo of Pennsylvania—the Senator try side, I refer you to the Apollo of Pennsylvania-the Senator

from Pennsylvania. [Laughter.] Mr. PENROSE. Mr. President, I do not eat these products.

Mr. MARTINE of New Jersey. I do. Mr. PENROSE. The Senator from New Jersey is a splendid physical specimen, and perhaps he has attained these stalwart proportions by using No. 3 grade fat, fat trimmed from cattle heads when checking, plucked sweetbread trimming, liver trim-mings, bladder trimmings, fat from chilled beef tongues when they are trimmed, miscellaneous fats from other departments which are kept clean, the first washings from the oleo press cloths before soda has been used, scrap vat skimmings from the second-grade oil, and so forth.

Mr. MARTINE of New Jersey. Well, I do not know. I have eaten some of those head things which I hear the Senator talk-I have eaten headcheese and I have eaten liverwurst up there in Pennsylvania. They have a hospitable habit, you know, all around at the little halfway houses on the country roads—you know all about it, for you and I have traveled up through that country and we dropped in for rest and for resuscitation, and both of us are fond on occasions of eating a little liverwurst, a little headcheese, a little bologna, or a little frankfurter. We eat all those things. They require to be well taken care of, and so do butter and milk.

I know of nothing that will take up the odors of a cellar or of a milk room more readily than will milk. The very atmos-

phere, the surroundings, are taken up by milk as a sponge would suck up water. There is no commodity that has to be treated more delicately or more carefully than milk. It is perfectly natural that in a thousand instances it should be subjected to disease germs and to a million other things. It requires care to keep milk pure as well as any other food product. I love good milk; I love good butter; I love good living; and I enjoy, as the Senator does, the best. Let our Bureau of Public Health guard the purity of our food products and our Congress guard against fraud upon the people.

Mr. McCUMBER. Mr. President, after listening to this little side issue for awhile, let us return to the real facts in the case. I am sorry that the Senator from New Jersey [Mr. MARTINE] has left after having made such an eloquent argument, because when he was pleading for the poor people who can not afford to buy butter, and who, therefore, are so desirous of purchasing oleomargarine, it seemed to me he was a bit inconsistent, because we are perfectly willing that they should go on with the present law and purchase oleomargarine with only onequarter of 1 cent per pound tax. The proposed amendment that is before us levies a tax of 2 cents a pound. The whole trouble lies in the fact that you do not want to sell the elec-margarine for eleomargarine, but you wish to sell it for butter. If the American people are so poor that they can not pay the farmer an honest price for his butter; I think it is about time that they laid aside their fastidious—their artistic—taste and bought uncolored oleomargarine instead of paying 10 cents per pound to get it colored a yellow or butter color. Those poor people do not pay 10 cents per pound to color their winter Those poor butter.

Where is the demand for oleomargarine? We are applying our proposed protective legislation at the wrong end. tell you where it is consumed. It is consumed in your thirdclass boarding houses and in your hotels; in your restaurants; it is consumed in your logging camps; it is consumed where men hire other men and furnish them their food; and in ninetynine cases out of one hundred it is consumed by people who do

not know that they are consuming oleomargarine.

It may be just as healthful as is the other product, but it is a fraud upon the people who would prefer butter. I will take butter in preference to oleomargarine, and if my taste for butter is a depraved taste, please allow me the privilege of pandering to that depraved taste of mine and of buying butter, and do not color your oleomargarine so as to get something better off on me when I am willing to go right along in my old way of buying and consuming butter in preference to deodorized lard and beef tallow. I never saw any beef tallow that I liked very well. I do not care how you flavor it or what you mix it with. I do not want to eat it as butter; and I assert right here—and I know I am borne out by every specialist in the country—that neither lard nor beef stearine is as easily assimilated as is butter fat; and I prefer butter fat, whether it is better or worse.

Mr. President, the agriculturists compose one class that always sell their products for just exactly what they are. It may not be the very best product, but it always leaves their hands with the stamp of truth upon it. If the farmer sells rancid butter, he only gets a rancid-butter price for it. If he sells pure and the best butter, he will get a good price for it. If he sells that which is fit only for axle grease, he will only get an axlegrease price for it. But your renovator can afterwards purchase the rancid butter; he can deodorize it. And he can purchase your hog fat; he can deodorize that, and can compel the man who always sells a thing upon its merits and for exactly what it is to come in competition with his spurious product. In the contest for favor truth will always win in a fair field; but

against a masked lie its chances, at the best, are only even.

That is the objection that the farmer or the dairyman has to colored oleomargarine. If they will not put a lying mask upon oleomargarine, if they will provide all the way through, from the time it leaves the Beef Trust in Chicago until it is upon the table, some kind of a stamp that will say to the ultimate consumer, the eater, "This is oleomargarine," we will be perfectly willing to have eliminated every penny of taxation on it. The oleomargarine manufacturers do not want to do that. They would rather pay 2 cents a pound, they would rather pay 5 cents a pound, they would rather pay 7 cents a pound and have the privilege of foisting a lie upon the American people and selling something for butter which is not butter.

This provision will result in no less a fraud than that which

has been perpetrated upon the American public for years. Why, Mr. President, a few years ago if you had gone to one of our great cities you could have seen a great brick building, on the side of which were enormous letters running the full length of the building, and spelling the words "Pure Vermont maple

sirup." Then we passed a pure-food bill, and the moment that that pure-food bill was enacted down came that sign, and in the place of it was another sign, reading, "Karo, the best sirup in the world." I could have taken you to the Northwest and have shown you other very important manufactures of maple sirup. It may be that the sirup which they produced was actually a better product than Vermont maple sirup; perhaps it was more easily assimilated; perhaps its flavor was just as good; but it was a fraud on the consumer; it was a fraud upon every man who produced genuine maple strup in the United States. We eliminated that fraud; and then, on account of the coloring of oleomargarine, we began to eliminate the fraud that was perpetrated against the American public in selling it as butter. But we could find only one method in 1902 which would accomplish that purpose, and that was to so tax the colored product as to make it unprofitable to put it in competition with We allowed the manufacturers of oleomargarine to sell it, under a proper label and with the mask torn off of it, for whatever they could get for it, and allowed the public to con-

Now, Mr. President, by every principle of national justice it seems to me that the farmer who sells a product for what it really is ought to have a field of fair and open competition. If he is compelled to compete with this product, if the product of the hog and of beef is to be placed in competition with pure butter, he ought to know that he is competing with something

that is sailing under its true colors.

It is charged that the present law is deceptive, that while it purports to be a law for the purpose of increasing revenue, as a matter of fact it is a law which has been enacted for the purpose of destroying an industry. I want to deny that right here. It is not for the purpose of destroying the industry of the manufacture and sale of oleomargarine, but it is intended for the sole purpose of protecting the public against a fraud perpetrated upon them by the sale of a product that looks like butter for butter.

The man who practices the fraud, it seems to me, Mr. President, of selling a low grade of hog fat with a little suet for butter can not be heard to complain if the character of the weapon used against him to prevent this fraud is not entirely fair. He can meet it in a fair way, and that is by saying: "I will not color my oleomargarine in imitation of butter; I will not attempt to sell it as butter; I will not allow it to deceive anyone." If he will do that, there will be no legislation, against oleomargarine.

and no necessity for any legislation, against oleomargarine.

If there is any other way than by this method of taxation that we can reach that product upon the table, let the manufacturer of oleomargarine point that way out to us, and we will adopt it and free him entirely from any character of tax. But, I repeat, we do not care so much whether the wholesaler or the retailer or the keeper of the hotel buys the article as oleomargarine, what we want to know is that we, who consume it and are consuming it with the belief that we are consuming butter, shall not be deceived. If you will protect us in that, the manufacturer can take his oleomargarine and sell it in any way he sees fit. It is up to those, Mr. President, who employ coloring matter to deceive the public to show in what other way we can protect the final consumer. It is the coloring matter that enables the manufacturers of oleomargarine to perpetrate and to perpetuate this fraud.

Mr. President, the demand for their goods depends entirely upon the amount consumed in the household and boarding places; and in all of the legislation which they have proposed, they are very careful, indeed, not to propose anything that will protect the householder or boarder, or anything that will protect the final consumer. If they wish to avoid this tax, let them cease counterfeiting butter. That is all we ask. The natural cease counterfeiting butter. color of butter is yellow; and, if you make it more yellow, you do not deceive anyone with the idea that you are selling them anything but butter. The natural color of oleomargarine is white; in other words, it is the color of tallow or the color of lard, and it will be detected upon any table immediately, not only by the color, but by the grain, if in its natural state. All we are asking is, that it be left in that condition so that it will not

deceive anyone.

I have heretofore stated, Mr. President, that if the manufacturers of oleomargarine believed that they could sell their product any better by coloring it blue, they would do so. not coloring it yellow because it is more presentable; it might be just as beautiful if it were a pale sea-shell pink, and would look just as well upon the table. They do not want to color it pink because, then, it would not deceive anyone; it would look just as nice upon the table if it were a baby blue color; but they do not want to color it blue because, as I have said, it

would deceive no one; and therefore they purpose to continue the fraud that they have been attempting upon the public ever

since the manufacture of this product began,

Mr. President, it was stated here a short time ago that all of the European countries, or at least all those named, allowed and permitted oleomargarine to be colored. That is not true, according to the latest statement I have here in a protest. Germany France, and Belgium require oleomargarine to be sold in separate stores. They will not even allow it to be sold in the same store where butter is sold. Germany and France prohibit the coloring of oleomargarine in imitation of butter. It may be colored in any other way. More oleomargarine, it was stated, is sold per capita in Denmark than in any other country, and yet Denmark does prohibit the coloring of oleomargarine in imitation of butter.

Mr. President, I suppose if one should argue here for a month it would make very little change in the action of Senators. Every Senator knows how he intends to vote on this subject. I only ask that they protect the American farmers against fraud; that is all. Conceive of any kind of legislation you see fit to protect them against the sale of oleomargarine for butter, and we will consent to eliminate any character of tax upon oleomargarine; but we know that you and your companies will never consent in the world, of their own volition, to refrain from color-ing their oleomargarine in such a manner that they can perpe-

trate a fraud upon the American people.

Mr. BORAH. Mr. President, may I ask the Senator a ques-

tion?

Mr. McCUMBER. Certainly.

Mr. BORAH. Is the law as it is now on the statute books satisfactory to the Senator?

Mr. McCUMBER. Yes; it certainly is, so far as it goes.
Mr. PENROSE. Does the Senator mean to the farmers? Mr. BORAH. Yes. Mr. PENROSE. The law needs reenforcing.

Mr. McCUMBER. I mean it is satisfactory in this respect: If it were in my power—and I do not know but that we have the power—I should like to go further and say that no oleomargarine could be used upon a table in a public eating house without being marked on the table as such. Then let these people who say that oleomargarine is so much more healthful than butter use it, and they will not be deceived in eating butter when they want to get oleomargarine. I believe that we would like to strengthen the present law to that extent.

Mr. BORAH. In what respect is the man who sits down at

the table at the present time protected?

Mr. McCUMBER. He is not protected.
Mr. BORAH. That is what I understood. Then the law can not be satisfactory

Mr. McCUMBER. No; I say, it is satisfactory so far as it goes. It does not go as far as I should like to have it go.

Mr. SMITH of Michigan. Well, he is protected to this extent—that if this oleomargarine is in the similitude of butter the

person who imposes it upon him of course is liable.

Mr. McCUMBER. Oh, he certainly is protected to a great extent, because the far greater quantity, if the statistics are at all true, is sold and consumed in its uncolored state. If we did not have that law of course it would all be colored; and the moment this law passes every pound of oleomargarine will be colored, and it will be put in competition with the farmers' product

Mr. BORAH. The Senator means, if the amendment offered

by the Senator from Alabama is adopted.

Mr. McCUMBER. Certainly

Mr. SMITH of Michigan. With the exception, of course, that under this amendment the Senator from Alabama proposes to put it in a separate package, which package will be appropriately labeled.

Mr. McCUMBER. Yes; but that can be taken into the hotel, into the boarding house, and with one of those little butter rollers that they use they can cut out a little piece of butter and then roll it in the form of a globe, destroy its label, and serve on the table as butter.

Mr. SMITH of Michigan. I do not think it will protect the

consumer

Mr. McCUMBER. Oh, it protects him only to the extent that it protects them at the source, in a less amount of the colored oleomargarine going onto the market,

Mr. CLAPP. The revenue stamp does not go to the table,

under the Senator's amendment.

Mr. McCUMBER. No; it does not. Mr. PENROSE. Mr. President, I am reasonably familiar with this oleomargarine question, and I have taken quite an active interest in it in this body for over 20 years.

Before proceeding with the few remarks which I intend to make to the Senate, I should like to answer the inquiry of the Senator from Idaho [Mr. Boran] as to whether or not the law as it stands to-day is satisfactory to the dairy interests. I say it is not satisfactory, because it should be strengthened if its original purpose is to be carried out and these interests protected from the only thing they complain about, and that is fraudulent and deceptive competition. The law has become to some extent inadequate because methods have been devised, as I understand, of coloring the component parts which enter into oleomargarine, so that when they get into the final composition the article becomes colored in imitation of butter. So that the effort to confine the sale of oleomargarine to the uncolored article has to some extent failed; and all those who are interested in protecting these vast dairy interests over who are interested in protecting these vast dairy interests over the United States, involving many million dollars and giving employment to thousands of men, women, and children, ought earnestly to cooperate to strengthen the law instead of breaking it down completely, as would be the result if the Underwood amendment should become a law.

When the Grout bill was pending before this body in 1902, Mr. President, I received thousands of resolutions from the granges of Pennsylvania using the passage of that measure

granges of Pennsylvania urging the passage of that measure, which, according to my recollection, passed this body by only one or two majority. It was a hard contest, fought between the same elements that are engaged in the present controversy one advocating the pending amendment, the other opposing it. The elements represented by the aggregation designated as the Interstate Cottonseed Crushers' Association and the American National Live Stock Association were as active then as they are to-day in trying to promote the sale of oleomar-garine without restrictions. Notwithstanding the potent forces which they could summon to their aid, the Senate and the House passed the Grout law, representing an effort from the organized bodies of the agricultural people of the country extending over many years, and culminating in this notable

Then followed, or ran along concurrently, legislation in the different States, all aimed to regulate oleomargarine in its sale in so far as it entered into fraudulent competition with the product of the dairy, until most of the States in the Union have legislative enactments looking toward carrying out the purposes of the Grout bill; and these State enactments will be quite largely interfered with, if not broken down, should the

pending amendment pass the Congress.

I have here a letter from the dairy and food commissioner of Pennsylvania in which he says that the deputy attorney general went over the second section, known as section No. 401, very carefully, and says that it is a dangerous provision to be enacted into a Federal law, as the very clever way in which the separate sanitary manufacturer's original package is woven into separate santary manufacturer's original package is woven into the proposed measure may permit colored oleomargarine to be shipped into a State and sold by a retail dealer under the original package, even though the law of the State in which it is sold specifically prohibits the sale of colored oleomargarine, and would have the effect of destroying the State laws of all such States which prohibit the sale of oleomargarine if it looks like or resembles butter of any shade of yellow.

The argument is made, Mr. President, that this amendment is

desirable for two reasons: First, it will be a revenue producer. That statement I seriously question. If it does not come any nearer to the estimates of revenue than have the other predictions of our Democratic friends in regard to the direct-tax bills which they have advocated in the last few years, I think it quite safe to subtract from the estimate 50 or 60 per cent; and as a revenue producer, how can the gentlemen who are advo-cating it do so with any consistency when they are deliberately and directly taxing consumption? Their whole doctrine, under the present regime, has been to show up the horrible results of a tax on consumption; and yet here is a deliberate and avowed attempt to raise seven or ten million dollars, as it is claimed, by a tax on a necessary article of diet of the vast army of wage earners. It seems to me, Mr. President, that the proposition is absolutely inconsistent with all the tax theories advocated in the Senate and House in the last Congress and in the present one.

If they want to benefit the wage earner, who stands aghast at the rapidly soaring cost of living, why tax oleomargarine at all? Why not get the comparatively small sum of seven or eight million dollars by inventing a new name for some form of tax and putting it on the corporations? Why put it on an essential article in the diet of the wage earner? For no other reason, Mr. President, than to promote the sale of oleomargarine.

No one objects to the sale of oleomargarine, but they do object to the fraudulent sale of it—to the sale of oleomargarine as butter. I know people—we all do—who are in a position to buy either the dairy article or the product of the cotton field and the slaughter house who have told me they preferred oleomargarine; but when it is sold the consumer is entitled to know what he is getting and not have that idealistic appeal made to his eye to which the Senator from Alabama referred by which he gets the impression that he is eating butter when he is eating oleomargarine.
Mr. GRONNA. Mr. President-

The PRESIDING OFFICER (Mr. Thomas in the chair). Does the Senator from Pennsylvania yield to the Senator from North Dakota.

Mr. PENROSE. Yes, sir. Mr. GRONNA. Speaking about the cost of butter and oleomargarine

Mr. PENROSE. I am coming to that point now. Mr. GRONNA. I was going to suggest, could this amendment offered by the Senator from Alabama have any other effect than to increase the price of oleomargarine?

Mr. PENROSE. Mr. President, I was about to reach that The argument in the reply to protests and statements of the National Dairy Union made by the Interstate Cottonseed Crushers' Association and the American National Live Stock Association is not sound. If you are going to permit oleomargarine, by reason of reducing the tax to 2 cents from 10 on the colored article, to be sold for butter, because the average consumer will not know the difference, as the Senator from North Dakota has suggested, the price is bound to go up, because it is in fraudulent competition with butter.

Mr. STERLING. Mr. President, if the Senator from Pennsylvania will permit me, I should just like to show, by referring to some figures here, how much additional it will cost

the consumer.

Mr. PENROSE. I should be glad to have it done. It will cost

him 20 or 80 cents more, I expect.

Mr. STERLING. Out of the total number of pounds of oleomargarine, 152,509,912, made in 1916, the Underwood amendment would increase the tax from one-fourth of a cent to 2 cents on 145,760,978 pounds, as against a reduction from 10 cents to 2 cents on only 3,403,287 pounds of the colored elec-margarine, which paid the 10-cent tax. This is an increase to the consumer on the uncolored product of \$2,550,817 annually in taxes alone, provided the output remains the same.

Mr. GRONNA. Of course, that is small compared with the

increased cost.

Mr. STERLING. Certainly.
Mr. PENROSE. Then, Mr. President—and I thank the Senator for calling my attention to this phase of it—not only does this amendment take, according to the claim of its proponents, from seven to ten million dollars in taxes from the wage earner, but it takes the many millions more represented by the increased cost of the article, which may be twenty or thirty million dollars more. I do not know how it would add up; maybe fifty millions, It is deliberately proposed here to tax an article of diet of the oppressed wage earner, not knowing how he is going to get through the year with the high cost of living, and take out of him in taxes and increased cost of the article fifty or sixty or seventy million dollars annually, for the benefit of the Inter-state Cottonseed Crushers' Association, located in Texas and other Southern States, and the American National Live Stock Association, somewhere in Chicago.

But, Mr. President, it is said that this is in the interest of the oppressed laboring man who is unable or unwilling to pay for the pure and nutritive article of the dairy, and is content to eat these by-products and cottonseed-oil mixtures as a substitute. I have here a statement from the president of the Pennsylvania State Federation of Labor. He is a member of the Pennsylvania Legislature and a Socialist. I have not always agreed with him. I ask the Secretary to read it.

The Secretary read as follows:

# OBJECTION SOLELY ECONOMIC.

For the past six years or the last three legislative sessions of Pennsylvania, I opposed all proposed legislation which aimed to legalize the coloring of imitation butter by manufacturers or dealers. My objections are not based on any thought that the coloring matter is unhealthful or that imitation butter is not fit for human consumption. My objection is solely an economic one. At present imitation butter, in its natural state, sells from 18 to 22 cents a pound in Pennsylvania, while the genuine dairy product costs 36 cents a pound. The purer the imitation is the whiter it is. If the manufacturers and dealers in the imitation article were permitted to color their product, the imitation would be complete, so much so that nothing short of an analysis would reveal its component parts.

PRICE WILL SOAR.

The imitation article, therefore, like any other imitation which closely resembles the genuine, comes in direct competition with it. Once we allow it to be colored, its price will begin to soar dangerously close to the real article, and, as a consequence, the consumer who is now buying oleomargarine, or butterine, for 20 cents a pound will pay the advanced price. I can see but two reasons why some dealers and manufacturers want a law giving them the right to color in imitation of butter their product; one is to charge more for their product and the other is to give them a monopoly of the butter market.

market.

Let oleomargarine and butterine and all other substitutes stand on their own feet and sell for what they are and not for what their manufacturers can make people believe they are.

"I wish I lived in Reading," said one senator after reading this, "so I could buy good country butter for 36 cents a pound."

C. F.

Mr. PENROSE. I think that fairly represents the attitude of organized labor on this question. I have generally found the officials of these organizations pretty quick and alert to grasp the true nature of any question so far, at least, as it bears on their own interests. The president of the State Federation in Pennsylvania is evidently clearly persuaded as to the point raised by the Senator from North Dakota and the Senator from South Dakota that this legislation will not benefit the workingman but will result in his paying the tax and paying a much larger price for the article, because it will rise in price when it comes into competition with butter because it will look like butter. They are not going to be led astray by any specious argument of that kind simply to permit a comparatively small number of producers of articles entering into competition with oleomargarine to extort millions from the consumers as the result of the operation of this amendment.

As I said, Mr. President, I have taken a deep interest in this I was active in the debate here in the matter for 20 years. Senate on the Grout bill, and it is not a new problem with me. I have followed the legislation in Harrisburg, in my own State, to carry out the original purpose and to strengthen it and to protect the great dairy interests of that State from fraudulent competition. I have never found the farmer to object to how much oleomargarine was sold or not to acquiesce cheerfully if anyone, like my friend the Senator from New Jersey, eats all he wants of it, but they do object and have a right to object to having it sold in competition with the product of the dairy and on the pretense that it is the product of the dairy and on the claim that it has a food value equal to the product of the dairy, which every medical man and chemist and expert and analyst knows is another phase of the fraud.

I have followed very closely in my own State the efforts to enforce the State laws and the national laws in connection with the sale of oleomargarine. I know how they have been combated and obstructed at every turn by the oleomargine interests, so that sometimes those interested have given up in despair, thinking that the task of fighting corruption and obstruction in every form was almost too great to be carried on. But success has finally attended their efforts, at least in Pennsylvania, and I believe that now the laws are honestly enforced and are free from the scandals which 20 years ago attached to all phases of the effort to regulate the sale of oleomargarine.

I do not think, Mr. President, we ought to underrate the fact that the dairy interests of the country will be most seriously menaced by any legislation of the kind proposed, and I do not think we ought to fail to have a realization of how vast in a monetary sense are these agricultural interests. In these days of great cities and enormous industrial establishments and the concentration of population we are apt to forget the fact that after all the old and common saying is now as true as ever, that the farming interests are the backbone of the country. If we look at the monetary value of their products they compare favorably with the products from the mine and mills in value. They give employment to a vast army of men, women, and children in healthful occupations, and they live an independent life in the open air and constitute in my opinion the best element of our citizenship. I only refer to my own State by way of illustration, to that great State which I suppose the average Senator supposes is merely a chain of cities and towns filled with industrial plants and wage earners. among the first dozen agricultural States in the Union, and in some agricultural staples it even is among the first two or three.

The county of Lancaster in Pennsylvania, about 100 miles from Philadelphia, which almost every Senator passes through on his way to the West when he goes through Pennsylvania, has been for 50 years in every decennial census the richest agricultural county in the value of its products of any county in the United States, and it holds that supremacy, greatly to the pride of the sturdy Pennsylvania farmers who inhabit the

I have not the figures showing the extent of the dairy in-

one of the speeches I made on the Grout bill 13 years ago, in which the figures are given and of course they have increased very much since then. In 1890, and I am only going back one census, the income to the people of Pennsylvania in a single year from butter alone amounted to between \$16,000,000 and \$18,000,000, and the milk product, estimated at 8 cents per gallon, the then price, represented about \$35,000,000 additional.

I said in the speech I desire to quote from again-

This immense sum of money is a new product each year, adding this much to the actual wealth of the State annually, and has the advantage of being distributed throughout all of the farm homes of the Commonwealth, going to the support of more than 1,000,000 people who are engaged in agriculture, enabling them to maintain themselves in comparative comfort.

I still quote:

If this industry were to be destroyed the loss to the agricultural people of the State would be a calamity, particularly because much of the material that is used in the feeding of these dairy cattle would, if the industry were destroyed, be left on the farmers' hands valueless; and if the butter output were to be supplanted by some other substance, the depreciation in the value of milch cows throughout Pennsylvania would amount to many million dollars, and would involve as well the partial or total loss of the stabling and creamery buildings that are now in use in the prosecution of this industry. A large number of our people also would be thrown out of employment.

I should like to quote further my remarks on the Grout bill. I said:

This occupation is suited to the strength and attainments of men, women, and children-

That is, I was referring to the dairy interests-

and, unlike most of the other departments of farm operations, it is continuous throughout the entire year, glving employment to the occupants of farm homes through the winter months, or at a time when other farm duties are suspended. The cutting off of this industry would leave a large part of our population in comparative idleness during a considerable portion of the year. Every farmer, therefore, or owner of a cow is directly interested in whatever will affect the dairy industry injuriously; or, in other words, that will make the conditions such that the cost of producing a pound of butter will be greater than the article can be sold for in the market.

The inevitable consequence will be to drive out the butter-making industry from the country, because of its unprofitable character, which, as I have shown, would be a great annual loss to the State, and would result in the still further depopulation of the country districts by destroying an industry which is doing more to sustain agriculture in the Eastern States than any other single line of farm production.

I want to quote again from the speech I made on the Grout bill, and I do so not out of any egotism but merely to bring out the fact that for 20 years I have been close to this situation and made a study of it.

and made a study of it.

If the oleomargarine manufacturer gave employment to persons equal in number to those now engaged in the production of butter, and if the profits of the business were distributed among this large number of our population, there would not be the same objections to its unrestrained sale that there is under present conditions, in which a single manufacturing establishment, employing from 15 to 20 persons, is capable of an output greater than that of a hundred thousand farmers, and the profits of their business, instead of being distributed among all of these families, would go into the pockets of one or two already rich individuals or corporations.

A little later on I said, and it is as strong a principle with me to-day as it was 20 years ago:

The protection of American industry is a well-accepted principle, at least by the political organization to which I belong, and I would be doing violence to my political convictions, as well as injury to the great farming constituency which I represent, if I did not use my utmost endeavors to secure the passage of this bill—

That is, the Grout bill-

which protects farming people in their occupation and at the same time does no injustice to any other person or business.

That same remark that I believe in the policy of protection to American industry applies to-day, when I am unwilling to sit here silent or to fail to do all in my power to resist the adoption of the pending amendment to the revenue bill, which, in my opinion would break down completely the restraints and restrictions now surrounding the sale of oleomargarine, made to prevent it from entering into fraudulent competition with butter. Further, I said:

We have been legislating for the protection of manufacturers for many years, and this is right. It is equally proper that the General Government should protect the farming industry upon the same principle and for the same purpose, namely, the benefiting of American labor and the establishment of comfortable homes for all of our people.

Mr. President, the farmer in this matter only asks for what will have to be conceded by any candid man to be entirely equitable, just, and fair. He comes to this body to object to a bill which will permit an article inferior in nutritive value and in every other value to enter into fraudulent competition with his own product. There is not a manufacturer who produces any article of consumption who would not feel equally justified in coming to Congress or to the State legislature to ask for protection against fraudulent competition. Our statute books are filled with laws aimed to prevent just this kind of terests in Pennsylvania in the last census. I hold in my hand | fraudulent competition which the farmer complains of.

Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Pennsylvania yield to the Senator from Connecticut?

Mr. PENROSE. I yield to the Senator from Connecticut. Mr. BRANDEGEE. I wish to ask the Senator from North Carolina if he would have any objection to making a unanimous consent agreement that not later than 8 o'clock this evening the Senate will take a recess until 10.30 to-morrow and that no vote may be taken this evening. There is no quorum here and I do not want to suggest the absence of a quorum. If that agreement could be made we can run along until 8 o'clock.

Mr. PENROSE. That is all understood.

BRANDEGEE. With the understanding that no vote shall be taken; that is all.

Mr. SIMMONS. That in effect would nullify the agreement

and we would have practically no session from now on.

Mr. BRANDEGEE. Does the Senator mean this evening?

Mr. SIMMONS. Yes.

Mr. BRANDEGEE. How much of a session does the Senator think we are having now?

Mr. SIMMONS. We are not having very much now, but this is about the situation, if the Senator will pardon me.

Mr. BRANDEGEE. I will not even ask the Senator to ex-

plain it if he does not agree with me. I do not want to waste

Mr. WARREN. I suppose the Senator from North Carolina does not expect a final vote on any part of the bill to-night.

Mr. SIMMONS. It was simply agreed that we would go on and debate it, and I think if Senators leave we ought to bring them back. This is about the situation, if the Senator will I announced that we would have night sessions in order to expedite the business of the session that is now approaching an end. We tried it last night and there was some protest against it. Senators came to me and said, "Can we not enter into an agreement to adjourn or take a recess at 8 o'clock? Senators will stay here and we will make progress." Now, Senators are not here, thus making agreed to that. the scheme to hold a continuous session until 8 o'clock a failure. I propose if Senators do not come back within a reasonable time to send for them.

Mr. WARREN. Several Senators went home to dinner with

the expectation of coming back.

I think they will come back. Mr. SIMMONS.

Mr. BRANDEGEE, Before 8 o'clock?

Mr. WARREN. Yes. Mr. BRANDEGEE. I could not get home and get my dinner in that time. While the other Senators are getting their dinners a process of legislation is going on here.

Mr. SIMMONS. I made the arrangement, I will say to the Senator, upon suggestions that came from the other side of the Chamber in order to keep a sufficient number of Senators here

to go on with the bill.

Mr. BRANDEGEE. I make no protest at all.

Mr. SIMMONS. I did not expect Senators to go away this evening unless they were forced to leave and I do not wish to

bring them back unless I am forced to do it.

Mr. BRANDEGEE. The Senator does not want to be placed, and I am sure I do not want to place him, in that situation; but it is an imposition to pretend that this is a serious session of the Senate. All I want is that there shall be no vote taken; that the Senate is not going to have a serious session with the idea of taking a vote when anybody stops talking; but the Senator from North Carolina, I understand, is going to demand a quorum. If that is so, I have nothing further to say.

Mr. SIMMONS. If the debate does not go on and the pro-

ceedings go to the extent of breaking the agreement, I shall

have no other recourse.

Mr. PENROSE. I suggest that the Senator from Connecticut listen to the remaining remarks I wish to make, and then it may be the Senator from New York [Mr. WADSWORTH] will illuminate the subject.

Mr. BRANDEGEE. I have been very much entertained by the Senator's remarks. I cordially agree with his attitude. My only complaint is that more Senators are not here to take advantage of the opportunity.

Mr. PENROSE. That is unfortunate.
Mr. BRANDEGEE. I do not want to embarrass Senators
by making the suggestion now of the absence of a quorum, and I do not do so, but I do not think the Senator's declaration of intention which he made this morning has resulted very successfully.

Mr. SIMMONS. If I had persisted in having a night session, with the understanding that Senators would be brought back here as we brought them here last night, I think we would

have had a successful meeting to-night; but I yielded to the suggestion that this was the better course, and thought I would try it out. I do not know how it is going to result; but

I think we ought to go on for the present.

Mr. PENROSE. If the Senator from Connecticut will permit me to follow the current of my argument for a little while,

I will be glad to proceed.

Mr. BRANDEGEE. I will permit it, until it occurs to me to

suggest the absence of a quorum, but not longer.

The PRESIDING OFFICER. The Senator from Pennsyl-

Mr. BRANDEGEE. The Chair understands that I have not yet suggested the absence of a quorum.

The PRESIDING OFFICER. The Chair so understands.

Mr. BRANDEGEE. But I am likely to do so at any minute.
Mr. FLETCHER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Penn-

sylvania yield to the Senator from Florida?

Mr. PENROSE. I do.

Mr. FLETCHER. I simply wish to say that there is a bill on the Calendar which is of immediate interest to the people of my State. It is general legislation, but, at the same time, it is of very great importance right now to the people who are engaged in drainage projects down there. It simply permits a right of way for a canal across a little piece of Government land, and I should like very much to get that bill passed by unanimous consent. It could only be done, of course, by unanimous consent; but, if it is not passed now, it will be too late to get it through during this Congress.

I do not believe there will be any ob-Mr. BRANDEGEE.

jection to that bill.

Mr. FLETCHER. Will the Senator from North Carolina [Mr. Simmons] allow that bill to be taken up now? It will not

occupy, I am sure, five minutes.

The PRESIDING OFFICER. If the Chair may be permitted to make a statement, he thinks he recalls very well that the Senator from North Carolina made the proposition that the session be continued until 8 o'clock to-night instead of having a night session, with the tacit understanding, at least, that there was to be no vote taken or no question of a quorum raised.

Mr. FLETCHER. I do not think my request would inter-

fere with that at all.

Mr. BRANDEGEE. If that was the understanding, it was very "tacit," indeed.
Mr. PENROSE. The understanding was rather informal, but I rather think it should be observed, Mr. President.
The PRESIDING OFFICER. The Chair has stated his important to the chair has stated before the chair and the chair and the chair has stated before the chair and the chair

pression of the matter and agrees with the Senator from Penn-

Mr. SIMMONS. It. was the understanding that the session this afternoon would be devoted to the pending revenue bill.

The PRESIDING OFFICER. That was the Chair's under-

Mr. SIMMONS. Then I can not consent to lay that bill aside

to take up any other measure.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair at the time the suggestion was made, but that is his understanding of the matter.

Mr. PENROSE. Mr. President, I desire to say to the Senator from Florida [Mr. Fletcher] that from my trips to Florida I am quite familiar with the canal proposition to which he has referred. I should like greatly to see the canal built and I will help him in any way to get the bill considered, so far as my limited power goes, to-morrow or at some time when it will be Mr. FLETCHER. I do not think there is any objection to

Mr. PENROSE. I would be perfectly willing now to yield to the Senator, except for the fact that there was an understanding that we would not consider anything this evening but

the revenue bill, as I understand.

Mr. SIMMONS. Mr. President, it will be impossible, in view of the statement I made this morning, for me to consent to any other bill being considered except the pending revenue bill. I would do so if I could. It is not a matter in which I am interested particularly, but it is a question of my keeping faith with the Senate; that is all.

Mr. PENROSE. The Senator from North Carolina will per-

haps yield five minutes to-morrow to have the bill passed.

Mr. SIMMONS. I will yield to the Senator from Florida

just as soon as I can.

Mr. FLETCHER. But the difficulty is that, unless it is passed now, it may not be passed at all.

Mr. LEWIS. Mr. President, if unanimous consent is going to be given for the consideration of any other bill, if we are

going to interfere with the program, then I shall have to ask unanimous consent for the consideration of what is known as the Key bill, providing pensions for widows of Spanish-American War soldiers, and that measure would awaken debate.

Mr. FLETCHER. Mr. President, I withdraw the request I

The PRESIDING OFFICER. The Senator from Pennsylvania will proceed.

Mr. PENROSE. Mr. President, an effort has been made to show that eleomargarine is as good as butter from the point of view of food value, if not of taste. I consider that as absolutely a statement that can not be sustained and as an additional fraudulent element when this article enters into competition with butter.

I had a good-humored colloquy a little while ago with the Senator from New Jersey [Mr. MARTINE], who seemed to have a partiality for the oleomargarine article, or, if not a partiality, an entire willingness to eat it when he could not get anything else. I desire to quote from a statement concerning-

Mr. STONE. Mr. President, I rise to a point of order. The PRESIDING OFFICER. The Senator from Missouri

will state his point of order.

Mr. STONE. I wish to say that the Senator is speaking in such a low tone of voice that we can not hear him.

Mr. PENROSE. I do not hear the Senator from Missouri, [Laughter.]

Mr. STONE. We can not hear the Senator from Pennsylvania over here

Mr. PENROSE. Very well, Mr. President. It is always an inspiration to me when the Senator from Missouri is present and paying me the honor and compliment of listening to my

I read some time ago a list of the articles entering into the three grades of oleomargarine-No. 1, No. 2, and No. 3-and that is followed on the next page of this little pamphlet that I hold in my hand by an analysis in weight and percentages of oleo oil, of neutral oil, of labor, of the salt, the neutral lard, and the different articles entering into these grades; and without consuming the time of the Senate at this hour, I will ask to have that analysis printed in the RECORD.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

Formula for and cost of high-grade oleomergarine

Material and quantities.	Cost per pound.	Total cost.
526 pounds No. 1 oleo oil. 475 pounds No. 1 neutral oil. 50 gallons 30 per cent cream. 300 pounds creamery butter. Labor and package. Salt and color.	\$0.0875 .08125 .42 .28 .01	\$45. 19 38. 57 30. 24 84. 00 15. 00 1. 00
Total		214.00

This formula will yield 1,500 pounds of butterine, therefore cost per pound is \$0.1426. Formula for and cost of medium grade olcomargarine

	Material and quantities.	Cost per pound.	Total cost.
525 pounds No. 1 oleo off. 475 pounds No. 1 neutral lard. 40 gallons 30 per cent cream. Labor and package.		\$0.0875 .08125 .42 .01	\$45. 19 30. 57 40. 32 12. 00 1. 00
Total			137.08

This formula will yield 1,200 pounds of oleomargarine. Therefore the cost is \$0.1142

Formula for and cost of low-grade oleomargarine.

Material and quantities.	Cost per pound.	Total cost.
350 pounds No. 2 oleo oil. 250 pounds cottonseed oil. 450 pounds neutral lard. 60 gallons 2½ per cent milk. Labor and package. Salt and color.	\$0.08 .04 .08125 1.12	\$28.00 10.00 36.54 7.20 12.00 1.00
Total		94.74

1 Per gallon.

This formula will yield 1,200 pounds of oleomargarine. 7 producing and packing for shipment will be \$0.0789 per pound. Therefore, the cost of

Mr. PENROSE. I can not persuade myself, Mr. President, that the product of cottonseed and the paunch trimmings from the slaughterhouse can have a nutritive value equal to that of the pure article of butter; and statistics seem to indicate, beyond any question, that they have not. I have here a statement of the food value of butter, showing some important facts, and proving that butter fat contains the vital elements necessary to life and growth, not found in other animal or vegetable fats and oils. Reference is made particularly to experiments carried on by F. B. Osborne, of the Connecticut Experiment Station, Dr. Mendel, of Yale, and E. B. McCollum, of the Wisconsin Experiment Station, as being peculiarly interesting, and proving beyond a doubt the real value of butter—that is, that butter fat not only yields energy and heat, as do other fats, but that it contains something more vital than other fats, a principle which, like proteids, supplies the elements necessary for growth and life itself.

Then the statement goes on to recite experiments with animals, showing that when they were fed on mixtures composed of chemically pure protein, starch, fat, sugar, and various salts they got along splendidly for the first three months, and then they lost appetite and fell off in growth and finally died. After numerous repetitions of this nature the investigators found that when milk was added to the ration the animals began to regain a normal condition, to thrive, and grow to maturity. Many changes were made in their diet to make it more palatable, changes in salts used, and the kinds and amounts of sugar, but always with the same result-growth ceased at the age of about four months. It was in an attempt to increase the palatability of the diet by substituting pure butter fat for lard, which had been used as the fat in the rations, that the experimenters found these new facts, for the animals immediately began to grow just as when milk was fed. It was evident that butter fat supplies something necessary for growth which lard can not supply.

Other experiments were carried on to determine whether other fats from the animal or vegetable kingdom would produce the same effect as had butter fat. Experiments with tallow, olive oil, corn oil, cottonseed oil, and peanut oil proved futile, while the fat of eggs and fat extracted from the cells of pig's kidneys produced the same effect as did butter fat. Thus it seems evident that the fats obtained from the living protoplasm of the animal have the property of inducing growth after growth has ceased. Thus far no plant fat has been found to possess this power.

In this connection reference is made as follows: I do not quote it literally and so the language can be taken as my own. If records of experiments on man were available it is reasonable to suppose that results fully as striking would be obtained. In this connection the editor of Hoard's Dairyman recalls two instances in which two public institutions had, in the interest of so-called economy, substituted eleomargarine for butter in the diet of the inmates. It was noted that when oleo was used the inmates were not in as good physical condition and that physicians were in greater demand than before. When the oleo was replaced by butter it was reported that the health of the inmates was materially improved.

I will ask, Mr. President, to have printed as part of my remarks a statement by the special emergency committee representing the dairy interests in reply to the statement of the oleo interests to the farmers' protest.

The PRESIDING OFFICER. Without objection it will be printed as requested.

The matter referred to is as follows:

THE UNDERWOOD OLEOMARGARINE AMENDMENT TO THE REVENUE BILL. The alleged "reply" of the oleo interests to the farmers' protest justifies the conclusion that the main arguments of the farmers' protest are unanswerable.

[By the special emergency committee representing the dairy interests.]

Members of the Senate have no doubt received the 36-page "reply" of the Interstate Cottonseed Crushers' Association to the "protest" of the dalry interests against the Underwood oleomargarine amendment to the revenue bill.

The statements made in this alleged "reply" prove the correctness of the position taken in the protest, that "such legislation, if attempted at all, should be considered in a separate bill and fought out on its merits after the most exhaustive hearings and public discussion." cussion

cussion."

In this honorable, democratic manner we are ready to meet the representatives of the cottonseed crushers, and their allies, the Beef Trust, strip the mask from their misleading statements, and expose to the Congress, and the people of the country, the sinister purpose behind this eleventh-hour effort to secure legislation that would not have the ghost of a show if attempted in an open manner, subject to the acid test of pittless publicity.

This alleged "reply" to our protest is an insult to Senators, inasmuch as it assumes that they are either uninformed on the real issues involved in the butter and oleomargarine controversy, or that they lack the intelligence to see through the misstatements and sophistries of this "reply."

The opening statement of this "reply" is an attempt to show, by implication, that the National Dairy Union stands alone in its opposition to the Underwood amendment, and that our protest does not voice the sentiment of farmers generally. Senators are, no doubt, already in receipt of unmistakable evidence of the opposition of the Farmers' National Congress, representing agricultural interests in every State in the Union; the National Grange, covering every State in the North; and we present herewith resolutions adopted by the national executive committee of the Farmers' Educational and Cooperative Union of America, the largest farmers' organization of the South.

In presenting this resolution of the farmers' union, it will be interesting for Senators to know that the day before it was adopted Mr. C. W. Asheroft, chairman of the legislative committee of the Interstate Cottonseed Crushers' Association, appeared before this farmers' union executive committee and labored long and strenuously to get their indorsement of the Underwood amendment. The resolution presented herewith shows that they stand with the dairy interests for a square deal.

Our protest was prepared on less than 24 hours' notice. In pre-

deal.

Our protest was prepared on less than 24 hours' notice. In presenting it we stated that it was hurriedly prepared and not as perfect as we could wish. This "reply," however, in the way it has avoided the real points in issue, and devoted its attention to minor questions and mere implications that our statements are incorrect, justifies the conclusion that our opponents find our main arguments unanswerable.

After carefully reading the alleged "reply," we reaffirm with increased insistence the arguments, as presented in our "protest," why the Underwood amendment should not be made a part of the revenue bill, and in the name of the united farmers of the country we ask Senators to vote it out of the bill.

Mr. PENROSE. There are estimated to be 4,500,000 farmers in this country. The farmers of this country had no intimation that legislation so detrimental to the dairy interests would be attempted at this time. I know from protests from agricultural bodies, from the granges of Pennsylvania, and from telegrams that have been coming to me in the last few days, all to the same effect, that they were not prepared for this assault upon the Grout law, that they were greatly surprised, and were all wanting to know if something could not be done to delay action until the granges or the other organized agricultural bodies in Pennsylvania, and all over the United States, could be put to work passing resolutions and making their protests. Of course, I had to tell them that, as one of the minority here, I had been kept in the dark regarding this bill until the last few days, that I had not been consulted about it in any way, and that, as Congress would adjourn on the 4th of March, it was evidently impossible to delay the measure without defeating it entirely; and if those resolutions and communications from those 4,500,000 dairy farmers of this country, Mr. President, should come to this body, as they will come at another session if a bill similar to this be attempted to be passed, I feel quite confident that there would be very few votes at either end of the Capitol in favor of

legislation of this kind.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Illinois?

Mr. PENROSE. I do.

Mr. LEWIS. Will the Senator allow me to assure him that the provision was not in the bill originally; that the bill did not carry it; that the bill was not permitted to carry it; but that it is an amendment proposed by the Senator from Alabama [Mr. Underwood] as a separate amendment to the bill, and that it does not have the approval of all on this side of the Chamber? For myself, for instance, I represent, I may say to my able friend, probably the largest district in which the packing interest is located in the United States, and I assure my able friend that I can not support this amendment, as I can not see justice in it to the people generally.

I only rose to call the able Senator's attention to the fact that his remarks might leave the inference that this provision was in the bill as presented by the Democratic majority. know he would not purposely misrepresent the facts at all, but want to assure him that it was not in the bill but was only tendered as an amendment by the Senator from Alabama as a

personal and independent amendment of his own.

Mr. PENROSE. Well, I am greatly pleased to hear the words of the Senator from Illinois, that he will be against the amendment. I only meant to say that the amendment was the work of the majority of the Democratic majority, as is quite evident, because otherwise it would not be in the bill. I assume that a large part of the minority of the Democratic majority were opposed to this oleomargarine amendment, and when the yeas and nays shall be called, as they will be, upon it they would be likely to vote against it, giving me good reason to en-tertain the hope that ultimately this amendment can be defeated, as I sincerely hope it may be.

Reference has been made, Mr. President, to the laws of other

countries. Every country where eleomargarine is sold or manufactured has certain restrictive measures controlling its sale and manufacture. Fraud and deception seem to have followed in the wake of this product. France, where the product originated during the France-Prussian War, has had to amend

its laws twice to protect the public against fraud in the sale of oleomargarine. The laws in many of the European countries are different from ours because of the fact that they do not place a direct tax on oleomargarine, but do prohibit it from being colored yellow in imitation of butter. They also require that it be sold in separate stores where butter can not be handled. Heavy penalties are assessed for violation of the law. If such a law were enacted by our Government, a tax on oleomargarine would not be necessary. Germany, France, and Belgium require oleomargarine to be sold in separate stores. Germany and France prohibit the coloring of the product in imitation of butter. More oleomargarine is sold per capita in Denmark than in any other country. Denmark prohibits the coloring in imitation of butter, but permits it to be sold in the regular stores the same as we do in this country. It is sold, however, in a different shaped package, the package being oblong.

Mr. WILLIAMS. Mr. President, may I inquire kindly and

mildly from the Senator from what the Senator is reading?

Mr. PENROSE. I am quoting from the protest of the dairy interests of the United States against the Underwood oleomargarine amendment to the revenue bill, House bill 20573.

Mr. WILLIAMS. What is the name of the dairy association? Mr. PENROSE. This pamphlet appears to contain the views of Dr. H. E. Stockbridge, president of the Farmers' National Congress and editor of the Southern Ruralist, and other individuals whose names are signed to it.

Mr. WILLIAMS. My curlosity is satisfied. Mr. PENROSE. It appears that the Southern Ruralist, I will state for the further information of the Senator from Mississippi, is published at Atlanta, Ga., and I think it would be of interest for me to call the attention of the Senate to a few paragraphs from an editorial appearing in the publication on February 1, in which Dr. Stockbridge says:

We recently mentioned the official recommendation of Secretary McAdoo that Congress prohibit the coloring of oleomargarine in imitation of butter, and levy a tax of one cent per pound on the uncolored product. A single subscriber objects to this course in the supposed interest of the consumer.

This reminds us that it is just six years since the last organized assault of manufacturers was made upon the present law. Had this contributor been a reader of the Ruralist at that time he would realize the inherent weakness of his argument. Every point he raises was fully discussed at that time and every assertion refuted. The course of the Ruralist was one of the recognized important factors in preventing contemplated congressional action at that time.

Then he goes on to say:

Color in oleo is wholly artificial. Its only purpose is to deceive, and the direct object of this deception is to increase sales or raise prices. To-day dairy butter sells at perhaps 40 cents and oleo without color at about 20 cents. Remove the restrictions upon color and the immediate tendency would be for the difference in price between the genuine and the imitation butter to disappear. The much commiserated poor consumer would then pay about double the present price for an article no better, but merely so colored that only the expert chemist can distinguish the real from the spurious.

This gentleman goes on to say:

The cottonseed oil interests of the South have joined hands with the packers' trust for our undoing. Their servility is easily explained. Cottonseed oil is used in several packing-house products—soap and hogless

tonseed oil is used in several packing-house products—soap and hogless lard.

The real interest of these oil-mill men has never been with the farmer. Last spring when the whole real South was striving for diversification and reduction of cotton acreage, the president of the Interstate Seed Crushers' Association delivered public addresses to farmers' organizations against crop reduction. He argued that the larger the cotton crop the greater the export, and that large export would discourage production of foreign cotton to compete with our own product.

Few farmers were misled. They knew that the real object of the oil men was cheap seed.

Mr. President, there are many objections to the pending revenue bill from my point of view, and from the point of view of the economic school in which I have been reared, and in which I still believe; but it seems to me that this amendment, calculated to destroy all the safeguards of the Grout law, permitting the untrammeled sale of oleomargarine in dishonest competition with butter, the product of the great dairy interests of the country, is perhaps the worst feature among many features, all of which are objectionable.

Mr. WADSWORTH. Mr. President, my understanding of this parliamentary situation may not be entirely clear. recollection, however, is that the Senate was to remain in session until 8 o'clock this evening.

The PRESIDING OFFICER. The Chair thinks that was the understanding

Mr. WADSWORTH. And I believe there is an understanding, somewhat in the nature of a gentleman's agreement, that, though it shall remain in session until 8, between the hours of 6 and 8 nothing shall be done except to listen to addresses.

The PRESIDING OFFICER. That was the Chair's under-

standing.

Mr. SIMMONS. Mr. President-

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

WADSWORTH, I do.

Mr. SIMMONS. I do not understand the agreement in that way at all. We expected, of course, to have discussion tonight; but it was a part of the understanding that if a vote was reached the vote could be had. There is nothing to prevent a vote being had; and in that contingency, of course, a quorum can be called for.

Mr. PENROSE. As I understood it-I do not think there is much mystery about it; it was discussed between Senators on both sides—the thought was that most Senators preferred remaining here until 8 o'clock rather than coming back.

Mr. SIMMONS. Yes.

Mr. WILLIAMS. Mr. President— Mr. PENROSE. The impression was-

Mr. WADSWORTH. I yield to the Senator from Pennsyl-

Mr. PENROSE. I beg the Senator's pardon. I thought he had yielded. As I was a party to the understanding, or one of the parties to it, I thought perhaps I could throw a little light on it. The thought was that it would give an opportunity to dispose of some of these speeches. It was distinctly understood that if we came to any question involving a vote, or if the debate ceased, then the chairman of the Finance Committee would suggest the absence of a grown the Finance Committee would suggest the absence of a quorum, and we would have a

full Senate before we voted.

Mr. SIMMONS. Exactly.

Mr. PENROSE. And if we are to vote now he will raise the question of a quorum, and when we get it we will vote.

Mr. SIMMONS. Exactly. Mr. WILLIAMS. Mr. Pr.

Mr. WILLIAMS. Mr. President—
The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?
Mr. WADSWORTH. I do.

Mr. WILLIAMS. I simply desire to express the hope that no one will demand a quorum while the Senator from Pennsylvania is speaking and that we may be permitted to go ahead until 8 o'clock in the amicable, friendly, nice, and cordial way in which we have been proceeding up to date.

Mr. PENROSE. For the information of the Senator from Mississippi, I will state that I am through with my remarks on

the oleomargarine amendment.

The PRESIDING OFFICER. The Senator from Pennsyl-

vania has concluded his remarks. Mr. PENROSE. I have concluded my remarks on the oleo-

margarine question. I appreciate the cordial thoughtfulness

of the Senator, however.

Mr. WILLIAMS. Oh! I thought the Senator from New York was trying to interrupt the Senator from Pennsylvania by calling for a quorum, and I did not intend to stand it if I could help it.

The PRESIDING OFFICER. The Senator from New York

Mr. WADSWORTH. Mr. President, I think I understand the situation now. It is now a quarter of 7, Mr. President, and apparently, if the speaking ceases upon this amendment, or anything to do with the revenue bill, it will then become the duty of some Member of the Senate present to call for a quorum and endeavor to get a quorum of the Senators here before 8 o'clock.

Mr. PENROSE. Will the Senator pardon me on that point? think there are other Senators coming back here who may

I think there are other Senators coming back here who may be willing to speak before 8 o'clock. Other Senators have told me they were going out to get a little dinner and coming back.

Mr. WADSWORTH. I have been wondering where my duty lay—whether to speak briefly, and in the event of nobody else speaking to witness an effort to bring fifty-odd Senators back here before 8 o'clock, or whether I should attempt to discuss this matter oute fully and thereby relieve the large number of this matter quite fully and thereby relieve the large number of absent Senators from the hardship of being dragged from their dinner tables and brought here.

Mr. SIMMONS. Mr. President-

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. WADSWORTH. I do.
Mr. SIMMONS. I will say to the Senator that I had hoped that the discussion would go on and that we would get through with some of the speeches that were to be made upon the bill so that we would have some general discussion before we began I had hoped to utilize these two hours in getting as many of those speeches behind us as possible; but if the Senator from New York does not wish to speak, and nobody else wishes to speak, I suppose the Chair would announce that the question is upon the amendment, and we would have a vote, in which

event, of course, the point of no quorum would be made, and that would bring the Senators back.

Mr. WADSWORTH. I thought that was the situation, Mr.

Mr. BRANDEGEE. Mr. President, I think we ought to adjourn. There are only 10 Senators on the floor, and it is nearly

The PRESIDING OFFICER. The Senator from Connecti-

cut moves that the Senate adjourn.

Mr. SIMMONS. I ask for the yeas and nays. Mr. HUGHES. Mr. President, as I understand, the Senator from Connecticut did not move that the Senate adjourn.
The PRESIDING OFFICER. The Chair understood the

Senator from Connecticut to make a motion of that kind. Mr. HUGHES. The Chair clearly misunderstood the Sen-

we ought to adjourn, but he certainly did not move it.

The PRESIDING OFFICER. Very well. The Senator from New York has the floor. Does the Senator from New York yield to the Senator from Connecticut?

Mr. BRANDEGEE. I did not ask the Senator from New York to yield to me. I merely said I thought we ought to adjourn, and I still think so. I have made no motion.

The PRESIDING OFFICER. The Chair misunderstood the

Mr. PENROSE. I suggest that the Senator from Connecticut refrain from thinking out loud, Mr. President.

Mr. WADSWORTH. Mr. President, in advance of the remarks that I expect to make upon the pending amendment I send to the desk a resolution adopted by the Manufacturers & Business Men's Association of the City of New York, which has to do with the pending revenue measure, and ask that it be read by the Secretary and printed as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read the

resolution.

The Secretary read as follows:

BROOKLYN, N. Y., February 7, 1917.

BROOKLYN, N. Y., February 7, 1917.

Whereas the Congress of the United States is now considering a bill known as House bill 20573, imposing what is known as the tax on so-called excess profits of corporations and copartnerships; and Whereas the Manufacturers & Business Men's Association of New York heartly approves the making of all necessary provisions to adequately meet every emergency, but believes that every scheme of taxation should be so framed that the burden of taxation shall, as far as possible, rest equally upon all of our citizens, and the present tax affects only a very limited number of our people, and is therefore unfair and unjust, and will adversely affect the business prosperity of the country: Now, therefore, be it

perity of the country: Now, therefore, be it

Resolved, That this association strongly oppose the tax proposed in
House bill 20573 and recommends in place of such tax stamp taxes
on checks, stock transfers, bills of lading, and the like, to the end that
the necessary amount of revenue may be raised by a tax broadly and
easily borne by the entire business interests of the country.

Resolved, That the secretary be, and he is hereby, instructed to forward a copy of the preamble and resolutions as above to the United
States Senators from the State of New York and to the House of Representatives, to be made a part of the Congressional Record.

THE MANUFACTURERS & BUSINESS MEN'S

ASSOCIATION OF NEW YORK,

JAMES T. HOLLE, Secretary.

Mr. WADSWORTH Mr. President like soverel other Sone

Mr. WADSWORTH. Mr. President, like several other Senators, I have listened with a good deal of interest to the discussion of this feature of the bill as it came from the Committee on Finance, which has to do with the amendment of the law imposing taxes upon the production of the article known as oleomargarine.

At the outset of my comments, permit me to say that I have not been very seriously frightened by the dragging aside of the curtain by more than one Senator in an effort to display a chamber of horrors. I can not say that I am in entire sympathy with the Senator from Alabama [Mr. Underwood] in the intimations which he made here this afternoon to the effect that a very considerable percentage of butter was unhealthful and dangerous to those who dared consume it. There is a good deal of exaggeration indulged in by so-called "experts" who report to a trembling public that some article of food is so villainously adulterated, so crowded with germs and bacilli, that no one should touch it unless it bears some certificate upon its face to show that that same expert has examined it and certified to its purity.

I am not particularly frightened by the communication or report from the Department of Agriculture to the effect that out of one thousand or more samples of cream something like 61 per cent were found to be unhealthful and dangerous. depends upon where the samples were taken, and the manner of making the test. One can prove almost anything in this world with respect to the unhealthful qualities of certain foods by being perfectly willing that they should be proved un-

I am not very frightened, either, about the dangers to the public health from vast quantities of rancid butter that some people have alleged are flooding the markets and the grocery shops. I suppose that occasionally, but I believe it is on very rare occasions, human beings are made ill by eating impure butter: but my impression is that those occasions are so few as to amount practically to an inconsiderable element of this problem of pure food.

On the other hand, I am not particularly frightened, either, by the chamber of horrors displayed with respect to oleomargarine. We have heard it called hog fat and deodorized lard and axle grease and various other hard names calculated to frighten people to death and give them the impression that they must not eat it under any circumstances whatsoever.

I do not know whether I am any more competent to testify upon these matters than anybody else. I have eaten a good deal of butter in my time, and I have eaten a good deal of oleomargarine.

Mr. WARREN. Mr. President, will the Senator permit an

interruption?

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from New York yield to the Senator from

Mr. WADSWORTH. I yield to the Senator. Mr. WARREN. Speaking of a chamber of horrors, the Senater probably knews of instances, and many of them, al-though he is young in years yet, and certainly those of us who are further advanced in years remember the old way of making butter, and keeping cows in stables, and milking the cows early in the morning by the light of candles, and the same at night in those old-fashioned, impure stables, where even at best the milk, before it was made into butter, had the taste of the stable, which was more easily detected in the butter. I know that in almost any of those old farm buildings, and in some of the later ones, while those immediate impurities may not be poisonous, may not kill, yet conditions remain much the same. I doubt whether one out of twenty of the people who eat butter, if they saw some of the stables and some of the products that probably the Senator himself has seen and that I certainly have seen, would ever eat butter. Nevertheless, it is usually considered not only a good product but a palatable one, and since the introduction of modern methods and modern creamerles we have had clean, pure, good butter.

I think the Senator knows that, as far as butter is con-cerned, it is the most susceptible of taking up odors and tastes of any product we have; and I think it rather out of place to undertake to claim that butter is always immaculate and that that all its surroundings are always immaculate. It may be that lard may be taken from other places than out of the leaf lard of the hog; but, for instance, we eat chickens, and we know what some parts of the food of chickens are. We eat oysters, and the less said about the matter of their food the better. So that I think, while I am glad to have the Senator's viewpoint, the chamber of horrors, if he proposes to indulge it, can be carried to a certain extent in butter making under some con-

ditions.

Mr. WADSWORTH. Mr. President, I suppose that is true. realize, of course, that butter is susceptible to becoming what is known, I believe, as the host of germs and also of odors. I imagine it is well known if butter is put in the ice chest next to onions it comes out smelling of onions. I suppose if all the public were taken by the hand and led to places where some butter is made and the process displayed to them in a dramatic manner some of the public would be shocked. I am not defending all butter, but I simply meant to indicate that I think some of the attacks made here upon the floor this afternoon against that article were uttered in a somewhat exaggerated way. So do I believe that the attacks upon and definitions attached to oleomargarine which have been uttered here this afternoon have been vastly exaggerated and rest upon what I feel justified in describing a complete ignorance of the facts.

Mr. President, the American people, and I think all civilized will always prefer to eat butter. They will always prefer it to oleomargarine, and they will eat it in far greater quantities so long as they have the price to pay for it.

Mr. WARREN. Will the Senator again kindly yield?

Mr. WADSWORTH. Certainly.

Mr. WARREN. The Senator is absolutely right about that in certain conditions.

Mr. WADSWORTH. Yes; I was going to qualify my statement.

Mr. WARREN. I do not know that the Senator has done what I have done. I have always preferred good butter to eat when I could get it. My life has been that of a farmer, and I am interested in making butter and always have been,

and am also interested in the other parts of the animal, that is to say, the beef; but I have been in outside camps away from town where in the particular cabin there was one room where all the food supplies were, and a good many things not food supplies. When butter might be brought in which was at first palatable a short time after it was brought in would not be palatable if left there, while on the other hand oleo-margarine would hold its form and hold its taste and be palatable, although it might be kept for a week or two weeks. In such a case the Senator I think would agree with me that oleomargarine is preferable.

Then, of course, when it comes down to the cost of living, Then, of course, when it comes down to the cost of hving, that is a problem which I think both sides of the Chamber in this crisis—I call it a crisis as to prices of food products—ought to be considered. We ought to give the cheapest possible figure upon good sustaining food to those who are suffering because of the high cost of living, which perhaps has not been kept level even as to the cost of labor. In other words, workingmen may not have been increased in compensation as the food products have day by day been increased at the corporation. food products have day by day been increased at the corner

grocery.

Mr. WADSWORTH. The Senator is precisely right. I say that, other things being equal, the average person will always prefer butter and will always eat butter as long as he has the price to pay for it. Of course, when butter reaches a price of 50 cents a pound a good many people are debarred from eating it. They simply can not afford to buy it and they must go without it; they must go without anything of the kind unless there is

something to take its place.

The Senator from Wyoming has referred to outside camps and the value of oleomargarine in surroundings of that sort. myself have had some experience in that respect. In the State of Florida upon one occasion, having planned a trip away, we will say, from the haunts of civilization, in a climate quite warm and moist and soft, it became necessary to decide how we would do our cooking, and we purchased oleomargarine instead of butter, for the reason that oleomargarine lasts longer in a good condition than butter does in a hot climate, and it is, furthermore, equally palatable. It is therefore of particular value in tropical or subtropical climates. It is of value upon the cattle ranches of the West for the same reason. The outfit wagon goes many miles away from headquarters and may not return for two or three weeks, and it can not afford to take along with it many perishable supplies. Every workingman-and the cowboys are the hardest-worked men on earth, I believe—needs butter fat or animal fat as a part of his diet. So many outfit wagons carry oleomargarine instead of butter, because oleomargarine keeps and is satisfactory to the men who have to consume it. I could cite many cases where eleomargarine is exceedingly valuable.

Mr. PENROSE. Conceding all that, and no one concedes it more cheerfully than I do-I have traveled a good deal in the West-does the Senator from New York think that oleomargarine should be permitted to be sold in imitation of butter, so that the consumer does not know whether he is eating oleo-

margarine or butter?

Mr. WADSWORTH. Most certainly I do not.

Mr. PENROSE. That is the whole contention.
Mr. WADSWORTH. That is why I am supporting this amendment, for to-day oleomargarine is sold as butter in a fraudulent manuer.

Mr. PENROSE. How does this amendment prevent it? Mr. WADSWORTH. Because it limits the size of the pack-

age in which the oleomargarine shall be sold.

Mr. MARTINE of New Jersey. It must be plainly marked.

Mr. PENROSE. I am glad to be enlightened on that point.

It did not seem to me that the package proposition would pre-

Mr. WADSWORTH. I think it well to bear in mind that very little of the fraudulent practice of selling oleomargarine for butter, at butter prices, is perpetrated by the manufacturer. He turns out his product in amounts and quantities and sizes to suit his own convenience and the convenience of the retailers or jobbers whom he supplies. Under the law as it reads to-day there is no limitation whatsoever placed upon the bulk or weight or size of the package of oleomargarine when it leaves the factory door. It can be packed in a tub containing 60 pounds. If it is uncolored it pays but one-quarter of a cent a pound tax to the Federal Government.

The manufacturer of oleomargarine can manufacture it uncolored and pay one-quarter of a cent a pound tax and sell it to the retailer or the jobber at a profit and his connection with the transaction thereupon ends. But the manipulations to which the oleomargarine is thereafter subjected are somewhat interesting, for there being no limitation whatsoever upon the size of the package, it is entirely possible that it will pay the recipient

of that package to color it himself, and that is what is done

upon a more or less large scale to-day.

The 50 or 60 pound tub of oleomargarine finally reaches the grocer, we will say, as an illustration of how this business can be done. He puts it in his cellar or in the back of his shop where no one can see it. He can buy for 10 cents a little bottle of coloring matter that will color the whole mass in imitation of butter. Incidentally I have yet to hear any Senator describe to me the color of butter. However, the grocer can color this oleomargarine and imitate the color of butter as it is known to the particular customer who comes in the next day. customer comes in and asks for a pound of creamery butter and how much it is he is told it is 45 cents a pound. "All right," he says, "I will take a pound of creamery butter." The grocer goes to the back of his shop or down into his cellar and dips out a pound of oleomargarine colored in imitation of butter, brings it up and puts it in a little cardboard box, and sells it to the customer.

That is one example of how the fraud is perpetrated and there is nothing in the present law that is effective to stop it. In fact the present law is an invitation to that practice, for if the oleomargarine was colored before it left the factory it would have to pay the 10 cents a pound tax under the existing law. So therefore the existing law is an invitation to the manufacturer to manufacture it without coloring matter and let the retailer or the jobber handle it as he pleases, he having avoided all responsibility, and between the retailer and the jobber on the one hand and the customer who buys it at retail upon the other

there occurs the fraudulent practice.

One Secretary of the Treasury after another in report after report has told the Congress of the United States that that is the fact, substantially. One Commissioner of Internal Revenue after another has reported that it after another has reported that it is almost impossible to enforce the present law with any degree of uniformity and has described how the failure to limit the package makes it possible and profitable to color oleomargarine fraudulently and

sell it at the butter price.

Mr. President, there has been a sort of experience meeting here this afternoon, and Senators have told what sort of States they live in and represent. Permit me to say, sir, that I in part represent the greatest dairy State in the Union, for the dairy production of the State of New York leads that of all States. Certainly I would be one of the last Members of the Senate to support any bill in this body which would make it easier to violate the law against the fraudulent sale of oleomargarine as butter at a butter price. My own judgment has been for years that the present law is a failure. There were some Members when it originally passed who predicted that it would be. The State of New York has had some little experience in its efforts to prevent the fraudulent sale of this product as butter at the butter price.

Mr. WARREN. If the Senate will allow me, I was a Member of the Senate when the 10 cents a pound tax, or fine, on colored oleomargarine was debated and urged. I was absent when the final vote was taken because a very sad errand took me away from here to Massachusetts and from there home, But I was of the opinion then and so stated, perhaps not on this floor but to those with whom I talked, that the result of it would be a fraud from the first; that it would not help the consumer, and it would not help the butter maker to any ap-

preciable extent.

Dairy and butter making is, in my opinion, the one industry in agriculture that is going forward by leaps and bounds, and I am sincerely glad of it. We have only to look to the number in the census of milch cows. The people are eating more and more the products of the dairy. But, to put it on its legiti-mate standing, there is a market for butter continuous and always, and we could not make oleomargarine enough in the world to take away the butter market nor to seriously injure the butter market.

We have a tremendous market and the prices to-day show that we need butter cows and more of them. On the other hand we color butter the greater part of the year to make it not, perhaps, more palatable to the tongue, but more agreeable to the eye. We take this old lardy-looking winter butter and color it. That is legitimate. It is not only legitimate but necessary to be clean and neat and wholesome about the making of butter. Now, why not with every other product give the same facilities? Those who eat oleomargarine may have as good an eye as those who may eat butter, and they are entitled to have it colored with the same material. If it is deleterious in one it is in both, but in my judgment it is deleterious to

It seems to me that the whole problem comes down to treating each absolutely aright and alike in its manufacture, and then as the Senator has so well said, and I think he is right in saying it, this amendment will protect the butter makers, that is to say, it will be sold in small packages as oleomargarine and eaten as oleomargarine. That is the Senator's contention as I understand it. He thinks that the making of oleomargarine is just exactly as legitimate as the making of butter.

Mr. WADSWORTH. Entirely so.
Mr. WARREN. So do I, but this fraud is brought about by
the over-avarice of some people, by the 10-cent tax which is nothing more nor less than a fine put on in an offensive way, and has an offensive appearance to any one except those who

think they may be benefited financially by it.

Mr. WADSWORTH. The Senator from Wyoming expresses with perfect clearness some of the idens I have had in mind. It must be assumed, I think, by this time that both these articles of food are healthy; that one will always be a little cheaper than the other; and by the same token the other will always be in greater demand amongst the public. The task and function of a legislative body is to so contrive the law as to force the sale of each upon its own merits and under its own name and trade-mark.

I was about to say, Mr. President, that the State of New York has made some experiments in a legislative way in an offert to prevent the fraudulent sale of this article. While I was in the legislature a bill was passed through both houses and received the signature of the governor which provided, and this is to the best of my recollection, that oleomargarine might be sold in the State of New York only in certain sized packages. If I remember it, the largest package was only to be 5 pounds, and no package larger than that would be permitted to be sold. It was provided that they must be original packages when they are sold. The sale of the package in a broken condition was declared illegal. A provision was also made in that statute, as I remember it, that any restaurant or hotel or public place which sold the product upon its tables or served it to its customers must have a sign in a reasonably conspicuous place stating that

That law has been upon the statute books for six years, I think, in practically those terms. I am not absolutely certain of my recollection of the details. There was not the slightest complaint from any of the dairymen of the State, and it is the greatest dairy State in the Union. There was not the slightest complaint from any of the manufacturers of oleomargarine. In fact, they had no objection whatever and never have had to having this article sold upon its own merits and under its own To the best of my recollection and knowledge there has never been a criticism or protest against the operation of that law from that day to this. The result is that in the State the fraudulent sale of oleomargarine for butter at the butter price has been reduced to a minimum. This bill proposes to do somewhat the same thing.

The Senator from Wyoming has remarked very truthfully that coloring matter is introduced into oleomargarine for the same reason that it is introduced into butter; that is, to make the product more pleasing to the eye. A large percentage of the commercial butter sold in the United States is colored with exactly the same coloring matter as is used from time to time in oleomargarine. Of course a much larger percentage of butter is colored in the winter time than in the summer time, for the reason that the average consumer of that product likes to think or believe that the butter he is eating bears the same appearance to his eye in January that it does in June. It is a sort of a tradition, a hobby, a fashion, a habit for the great majority of people to like their butter fairly yellow. It is true that in some communities that fashion varies. It is interesting to note how one big city will differ in its habits in that way from another big city.

The people of Philagelphia like their butter apparently somewhat whiter, and we have often heard—I have no doubt that nearly all the Senators have heard—of "Philadelphia" butter. It is made for the Philadelphia market, because, for some reason or other, many Philadelphians like butter somewhat white.

May I say also, in enlarging upon that, that this peculiarity of taste is not confined to butter. I once visited a very large chicken farm in New Jersey, the proprietor of which sells eggs to the city markets. Of course everyone familiar with the appearance of an egg remembers that some eggs have a brown tinge or shade on the outside of the shell and that some are white. The chicken raiser, whose chickens produced the eggs, sells the brown eggs to Philadelphia and sells all of the white eggs to New York. If he should cross the operation, he would

lose money on every shipment he made. For some reason or other the people of Philadelphia like the brown-colored eggs, or the market there prefers eggs of that shade. New York prefers white eggs

Mr. WARREN. And, as to the white butter, is it not generally unsalted butter which is sold in the white form?

WADSWORTH. The unsalted condition goes along with the lack of color, but it is not due to the lack of color.

Mr. WARREN. I understand that.

Mr. WADSWORTH. Nor is the lack of salt due to the lack of color. The tastes go together. The average man who likes near-white butter also likes it without salt or with very little

Mr. WARREN. Which, of course, implies that the butter is in a condition where it must meet very early consumption. Although the color may not make a difference as to the keeping qualities of butter, the absence of salt has a decided effect on its keeping qualities.

Mr. WADSWORTH. It is a guarantee of its freshness. Mr. WARREN. It would indicate that the butter had been

made within a few days.

Mr. WADSWORTH. The so-called fashionable restaurants and high-priced hotels are apt to put white butter on the table, or near-white butter, with very little salt in it, so as to assure their customers, largely through the absence of salt, that the butter is fresh. That is all.

Mr. WARREN. Along that same line, those who want fresh

butter for their restaurants and hotels are not any more in fear of, and probably not so much in fear of, oleomargarine as they are of renovated butter—that is, remade butter—and of qualities of butter that are other than fresh, and which are

sold at various places, of course, at a reduced price.

Mr. WADSWORTH. That is entirely true. The two substances are so exactly alike that, of course, fraudulent practices are very easy unless the laws are so framed as to make them difficult. Probably we shall never entirely get rid of the fraudulent sale of oleomargarine; but, for one, I have hoped for 10 years that we could reduce it below the present practice, for to-day pleomargarine, under the law, is sold very often and in comparatively large quantities for butter, and at the butter price.

I very well remember the agitation that led to the passage of the Grout bill. I remember very well following the hearings on the bill in the House committee. I remember very well having heard it discussed far and wide over the country and in the part of the country where I live amongst the farmers. There can be no question whatsoever that at that time a tremendous wave of sentiment was aroused all over the country amongst all farmers who had any remote relation to the dairy industry, and the belief instilled in their minds was that if the Grout law did not pass the dairy industry would be ruined; that If the coloring of oleomargarine was not penalized to such an extent as to make it impossible, butter would be driven from the market. That condition was based upon what was going on at that time; and yet, strange to say, Mr. Presiin spite of the alleged threat to the butter industry, which it was said existed at that very time butter was selling at the highest price in the history of the trade, and it has never gone down in price since in relation to the prices of oleomargarine. It has always sold for more than oleomargarine, and it will always sell for more.

In my humble judgment, oleomargarine will never come, and never can come, into direct competition with butter except it be sold fraudulently. If it is sold honestly for what it is, no matter whether it is colored or not, it will never compete with butter in the places where butter brings its high price.

There have been occasions when oleomargarine has been substituted for butter, and the consumers have been informed of it in advance, but they are very few and far between. I have in mind an incident that occurred in one of the great national homes for disabled volunteer soldiers. For many years there had been grave complaint amongst the soldiers living at the home against the quality of the butter served to them, and the management tried and tried again by purchasing its butter from different creameries and making every effort to get the very best to satisfy the old veterans who lived at the home, to the number of something over 2,000 or 2,500. It proved exceedingly difficult to get such a great supply of butter to one institution and to have it of a uniform grade in quality and purity every day in the year; and the complaints, rather than being de-creased, as the result of the efforts of the management, con-tinued as before. Finally, the management announced to the soldiers in the home that for a stated period-we will say for a week or 10 days-oleomargarine would be served upon the tables, and that at the end of that test period a vote would be

taken amongst the soldiers at the home and they would be permitted to decide which they wanted. The test was made, the vote was taken, and, by a large majority, the soldiers voted to eat oleomargarine; and they are eating it yet, eating it for what it is, not being deceived at all, for the whole thing was done in the open light of day.

That is not an indictment against butter. It merely illustrates that under certain circumstances, when the product has to be purchased in very large quantities and with a constant demand for it upon a large scale, as in a great institution of that sort, it is exceedingly difficult to secure butter of uniform grade and quality. In that case, upon the express wishes of the men who were to eat it, resort was finally had to oleomargarine. The one advantage that that product has in the market is that it is uniform in character. You buy it from one factory for a period of six months, and every day in the six months every pound you get is exactly like every other pound. That is the only advantage that oleomargarine has in the trade when it comes into contact with butter; but that, in my judgment, is not sufficient, and never will be sufficient, to crowd butter out of the market or to injure the dairy industry.

The thing that injures the dairy industry is the fraudulent sale of oleomargarine. So bold have those sales become upon some occasions, so skillfully have some of the purveyors of oleomargarine become, and so successful have they been in fooling the people with it and in extracting the butter price for it, that actually I have heard of an occasion where oleomargarine, labeled and colored as butter, has taken the first prize for creamery butter at a county fair. [Laughter.] That is where the dairy industry is injured, and under the existing law that practice is invited, for there is nothing to prevent me or anyone else buying all the uncolored oleomargarine I want, skillfully coloring it behind closed doors, and selling it or exhibiting it for creamery butter at the creamery-butter price.

I verily believe that we will never reduce this fraudulent practice to a minimum until we provide that the product shall not be put into interstate commerce or sold anywhere in packages exceeding a certain weight or size; and, Mr. President, where I to have my way about this matter, I would suggest that the amendment that comes from the Finance Committee of the Senate be altered so that it would not permit a package as large as 10 pounds to be sold. I think that is too large. I think it ought to be limited to 5 pounds. get down to that point in the size of the package at which it will not pay anybody to buy a number of packages and dump the contents together and color them artificially and fraudulently, then you prevent fraud; and it has occurred to me that a 10-pound package is somewhat too large and might still invite and make profitable fraudulent coloring.

Mr. HUGHES. Mr. President-

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. WADSWORTH. I yield to the Senator from New Jersey. Mr. HUGHES. I do not want to be facetious, but I have been wondering which side of this amendment the Senator is on. Mr. WADSWORTH. I am in favor of the amendment.

Mr. HUGHES. The Senator is in favor of the amendment. I thought when the Senator began his address that he was opposed to it, and that is the reason I asked the question. Subsequently I began to suspect that he was in favor of the amendment.

Mr. WADSWORTH. I am sorry it took so long to make my convictions clear.

Mr. HUGHES. It is not the Senator's fault; it is my own. As I have said, I had no intention of trying to be facetious at the Senator's expense.

I agree with the Senator that perhaps it would be better that this amendment limited the size of the package to 1 pound. I think that would make against successful fraud, but the position that the butter men take is that they are not interested in whether we prevent margarine makers from defrauding the cus-They insist practically that margarine must not be There would be just as much objection on the part of colored. the dairy interests to the amendment suggested by the Senator from New York as there would be to the Underwood amendment in its present shape. I even suggested to their representatives that we might provide that no hotel keeper or restaurant keeper should handle both butter and margarine, but that he must display in a prominent place in his dining room or his office the fact that he used margarine, and that under the law he could not use butter, but they said they did not care about that sort of a provision. In other words, they do not want the margarine men to have the privilege of making their product look like Mr. WADSWORTH. Mr. President, the Senator from New Jersey has struck very close to the truth underlying the passage of the Grout bill.

Mr. HUGHES. They are absolutely frank about it, I will say to the Senator.

Mr. WADSWORTH. They are very frank about it. They claim that the insertion of coloring matter in a perfectly healthy article of food such as oleomargarine should be unlawful and a crime, while the insertion of the same coloring matter in another perfectly healthy article of food is an inci-dental virtue. [Laughter.] That is all. We might as well dental virtue. [Laughter.] That is all. Some contend that oleomargarine face things as they are. Some contend that oleoms should never be colored under any circumstances. who so contend know that it can not be sold under such circumstances with freedom or readiness, and that is one of the reasons why they contend for it; for human prejudice and tastes and habits are such that, if there was laid upon this desk some oleomargarine that was white or near white, without any coloring matter in it, and there was placed alongside of it oleomargarine that was colored in imitation of butter, and a man stepped up to the desk and was told that both of those products were oleomargarine, he would choose the yellow oleomargarine. He might, indeed, be willing to pay a little more for it, because, for some reason or other, people like their butter or their oleomargarine, whichever it be, of a yellow color. If that were not the fact there would not be a large percentage of butter colored to-day, nor would oleomargarine have been singled out as the one product that must not be colored with the same matter that colors butter. By prohibiting the coloring, they hoped to prevent or largely restrict the sale of margarine, even on its merits.

Mr. LEWIS. Mr. President—
The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Illinois?

Mr. WADSWORTH. I yield to the Senator from Illinois.
Mr. LEWIS. I recognize the fact that the Senator from
New York has had personal experience in the matter of dairying and farming; but I must confess to him that I have always
labored under the idea that the yellow coloring of butter was
natural to the butter as it came from the churn.

Mr. WADSWORTH. Only for about three or four months of the year is butter naturally yellow. In temperate climes, such as Illinois and New York, that period comprises the months of June, July, and August, or May, June, and July. When you pass the middle of the summer, the butter begins to get paler, until, when December arrives, it is almost white; and so from the middle of August on the butter makers begin putting in a little more coloring, so that the year round it shall assume and have the same color—the June color.

Mr. LEWIS. Do I gather from the Senator that the yellow coloring of butter as we usually see it is generally artificial and not natural?

Mr. WADSWORTH. Fully 80 or 90 per cent of the yellow butter we see the year round has coloring matter in it.

Mr. LEWIS. I remember as a boy in the South, where I was reared, I would go out to what we called the negro quarter, where they would churn, using a little wooden instrument with a top to it through the center of which a pole of some kind ran, and it was my joy to be permitted to jiggle it up and down, and I remember, when the top was lifted off, seeing little lumps or what impressed my mind as a little boy as looking like little yellow worms on the surface of the contents of the churn. That was in the State of Georgia, and I presume that that must have occurred in the summer time, for, as I gather from the Senator's remarks, if it had been in September or November the Senator's idea is that these little particles would not have been yellow.

Mr. WADSWORTH. Mr. President, it depends entirely upon

Mr. WADSWORTH. Mr. President, it depends entirely upon the condition of the pasture. If in Georgia the pastures are green and lush in September, the butter will be yellow. If the grass is ripe and brown, the butter will be paler; and when winter comes on and the cows are fed on grain and hay, the butter will be nearly white.

Mr. LEWIS. I think I now understand what previously I did not understand. The Senator means to imply or have me understand, then, that the yellow color in butter is due to the season of the year in a particular section of the country, whether in Georgia, New York, or Illinois, depending on the condition of the grass and whether it is green?

Mr. WADSWORTH. Exactly so.

Mr. LEWIS. I catch the Senator's meaning that the color of the butter is yellow so long as the grass is naturally green. Is that a safe statement?

Mr. WADSWORTH. It is. So. Mr. President, a discussion of the injection of coloring matter into butter and oleomar-

garine leads to the conclusion that the coloring matter is injected into both articles for the same purpose—to please the eye of the customer.

It has been suggested here, I think, perhaps in conversation if not upon the floor in open debate, that if it is desired that oleomargarine shall have its own color, as it is alleged that butter has its own color—although I do not know what that color is, as it varies from white to orange—that if oleomargarine is to have its own color, provision might be made in the law that it should be colored blue or pink. Of course, everyone knows that no one would buy it if it had the different colors of the rainbow. No more would any Senator in his right mind consent to buy a suit of clothes of red and yellow stripes. If the law provided that every suit of clothes that was half wool and half cotton, called shoddy, must be red and yellow, they simply would not purchase them.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit me? I think in one of the foreign countries—I can not now just give the country—the law demands that oleomargarine shall have a narrow red streak running through the little package or block in order to define definitely that it is oleomargarine.

Mr. WADSWORTH. That would appear to be a very practical method of enforcing the identification of the article.

Mr. MARTINE of New Jersey. Yes. That is all there is of it.

Mr. WADSWORTH. But, Mr. President, the whole problem comes down to the ability of a law to accomplish what is asked of it, or what is expected of it. The present law has failed, and has failed for years. It is not protecting the very men who wanted it enacted in the first place. It is not only the consumer who buys oleomargarine and pays the butter price that suffers, it is the man that produces butter on the farm. When any considerable quantity of oleomargarine is sold for butter, the man on the farm who is producing butter and trying to make a living by doing it is being defrauded and handicapped just that much. That is what this law is doing, and the Commissioner of Internal Revenue and three Secretaries of the Treasury in effect say so.

say so.

I am not at all surprised at the effect of this law, for it was apparent to a good many people when it was placed upon the statute books that that is what would happen, and it has happened; nor am I surprised that Senators are in receipt of telegrams and petitions from dairymen and officials of agricultural societies protesting against the enactment of this amendment. This law, as it stands to-day, was the favorite and the great This law, as it status today, was the laterite and the great object of an enormous organization of dairymen and farmers. They have a pride in it. Many of them would hate to admit that it was a failure, as the officials who try to enforce it have said that it is. Many of them have not heard that it is a failure. Butter has been going up in price ever since this law was placed upon the statute books, and the butter maker upon the farm has not felt himself as yet injured by this fraudulent competition that has been going on. He has been injured, however; and had prices of butter stayed level, or had they sagged down, had we not had prosperous times, particularly since the outbreak of the European war, the average butter maker upon the farms and in the creameries would have been looking around to find out what was competing fraudulently with his product: and he would have found that oleomargarine was competing with it fraudulently under the very law that he asked to be placed upon the statute books 13 years ago.

Mr. WARREN. Mr. President, right in line with that, does not the Senator believe that there has been no time in the history of dairying within the remembrance of Senators here now when there has been such an increase in the number of cows and dairy products as there has been, you may say, since the law was passed putting on this 10-cent tax; not because of it, perhaps, but notwithstanding it?

As the Senator says, we have had great prosperity; but the fact is that the dairying interests, the number of cows, and so forth, have far exceeded the other lines of agriculture. The total number of cattle has hardly increased at all, and yet the number of cows has doubled.

Mr. WADSWORTH. The Senator is exactly right; and as I said before, in my humble judgment, oleomargarine, when sold under its own name and on its own merits, will rever successfully compete with butter. It simply fills in a gap that butter can not fill. It fills in the gap that exists so far as butter supply and the possibilities of using butter are concerned upon the ranch, in the mine, in the camp, and in the congested districts of our great cities, where there dwell hundreds of thousands of people who can not afford to pay 50 cents a pound for butter, or 40 cents a pound for butter, or 35 cents a pound for butter. If they can not get something else, they have got to

go without. That is where oleomargarine comes in; and when it does come in, in an atmosphere and surroundings of that sort, it does not crowd out butter. Butter is not there at all.

Mr. WARREN. Mr. President, will the Senator permit an

interruption?

Mr. WADSWORTH. I will.

Mr. WARREN. As there is not a great deal of time left, and as the Senator has so fully expressed my belief in this matter now before us—the effect for good or evil—I want to say that I indorse his attitude and belief fully, and to say that, so far as I am concerned, if I thought this amendment was to be an injury to the butter and dairying interests, I should be far from supporting it. But I stand for it from the point of view of those who believe in butter, and in greatly increasing the manufacture of butter. One product, however, is not more needed than the other; and hence I agree with the Senator from New York that we want a product that those can reach who can not reach butter at the price it brings now and should bring.

If the Senator will permit me, I want, in his time, to put that

statement in the Record.

Mr. WADSWORTH, Naturally, Mr. President, I am gratified to know that the Senator from Wyoming agrees with my

views upon this subject.

Mr. President, I am of the opinion that there is a vast deal of misinformation abroad in the land upon this subject. It is exceedingly difficult, as it were, to get a hearing, even in the Senate Chamber, and explain to the interested public what underlies the law that is now upon the statute books, and what deriles the law that is now upon the statute books, and what the reasons are for the proposal made by the Senator from Alabama. I fully expect that those who shall vote for the amendment offered by the Senator from Alabama will be severely criticized by men engaged in the dairy industry, be-lieving as they do with utmost sincerity that it constitutes, or may constitute, a breakdown in the law; falling to realize up to this time, and failing to be informed, that the present law has itself broken down so for as fulfilling the expectations of has itself broken down, so far as fulfilling the expectations of its original proponents is concerned.

I would not support the amendment of the Senator from Ala-

bama were I not convinced that it would reduce the amount of fraud, coloring matter or no coloring matter. Were I not conrand, coloring matter or no coloring matter. Were I not convinced that the present law is a failure, and that the dairy interests are indirectly at least suffering from its operations, I would not support this amendment. If it shall be adopted by this Congress—which I very much doubt, so great is the difficulty of persuading people that a law upon the statute books is a failure, particularly when it originally had the support of thousands of people who are interested in it—if this law shall be enacted by the present Congress, I have not the slightest doubt but that it will be infinitely more successful in its operations than the law which is now sought to be amended.

I can not help believing that we should face these things as they are. I know the strength and influence of floods of telegrams, and of the traditions that surrounded the enactment of the law back in 1902. But we have the word of the officials of the Government stretching back 10 years—the men charged with the enforcement of this law—that it is a failure. Just as Just as we have prevented the adulteration or the false branding and the fraudulent sale of other articles by limiting the size of the package in which they are presented over the counter to the customer, so in that way, and in that way only, in my judgment, can we reduce the fraudulent practice of selling oleomargarine over the counter for butter, at the butter price.

Mr. SIMMONS. Mr. President, on behalf of the Committee on Finance I ask that we proceed to the consideration of the amendments to the bill offered by the committee.

Mr. THOMPSON. Mr. President, before doing that, will the Senator permit me to offer some telegrams relative to this amendment, to be printed in the Record? I will not take the time to read them.

Mr. SIMMONS. Certainly. Mr. THOMPSON. I have telegrams from the State dairy commissioner of Kansas, the master of the Kansas State Grange, and some creamery companies that I should like to have printed in the RECORD in connection with this amendment.

The PRESIDING OFFICER. In the absence of objection, it

will be so ordered.

The matter referred to is as follows:

SEDGWICK, KANS., February 16, 1917.

Senator W. H. THOMPSON,

Washington, D. C.:

Passage of Underwood amendment will seriously handicap development of dairy industry in State. Would appreciate anything you can do to defeat measure. Would suggest Haugen bill, now in House Agricul-

ture Committee, as a substitute; it will bring revenue results and protect both producer and consumer.

GEO. S. HINE State Dairy Commissioner.

TOPEKA, KANS., February 6, 1917.

Hon. W. H. Thompson,
Senate Chamber, Washington, D. C.:

We oppose the Underwood amendment to the revenue bill lowering tax on colored oleomargarine or any law that would permit oleomargarine to be sold as butter.

B. NEEDHAM, Master Kansas State Grange.

CONCORDIA, KANS., February 14, 1917.

Senator W. H. THOMPSON, Washington, D. C .:

Would appreciate your opposition to Senator Underwood's amendment to revenue bill taxing oleomargarine 2 cents per pound. Oleo sales heavier than ever. Largest per cent only paid one-fourth-cent tax. Believe passing amendment would be disastrous to dairy interests of your

THE CONCORDIA CREAMERY CO.

ATCHISON, KANS., February 15, 1917.

Hon. W. H. THOMPSON, United States Senator, Washington, D. C.:

Underwood amendment to present oleo law must be defeated to avoid great injury to the dairy business in the State of Kansas. Please op-

Derrick Creamery Co., J. W. Orr, C. J. Conlon, N. D. Bartlett, W. A. Blair, Chas. Linley, Frank S. Altman, Wm. Thistle, L. H. Munson,

ABILENE, KANS., February 14, 1917.

Hon. W. H. THOMPSON, United States Senate, Washington, D. C.:

Note that Underwood amendment revenue bill will be settled on the floor of Senate. Trust you can consistently use your influence to defeat this measure. If necessary support your adverse attitude to this measure can secure flood of telegrams from both business and agricultural interests in this section of Kansas.

E. H. FORNEY, Manager the Bellesprings Creamery Co.

WICHITA, KANS., February 14, 1917.

Senator W. H. Thompson,
Senate, Washington, D. C.:

Our attention has been attracted to Senator Underwood's amendment to the revenue bill taxing elemargarine 2 cents per pound and permitting same to be colored yellow, like butter. If passed, this will be a great detriment to the most valuable dairy industry of Kansas. Fermission to color similar to butter will result in fraud in its sale. I, as president of the Wichita Creamery Co., appeal to you to oppose this bill.

B. F. COPLEY.

TOPEKA, KANS., February 14, 1917. Senator WILLIAM H. THOMPSON, Washington, D. C.:

We appeal to you to oppose Senator Underwood's amendment to revenue bill regarding 2-cent tax on oleomargarine. We oppose the coloring of oleomargarine in imitation of butter, which permits a fraud to be perpetrated on the public.

THE TOPEKA PURE MILK CO.

GREAT BEND, KANS., February 15, 1917.

Hon. W. H. Thompson,
Schator, Washington, D. C.:

If the Underwood amendment to new revenue bill passes permitting the coloring of oleomargarine it will be a deathblow to all dairy interests of the country. Will greatly appreciate you using your efforts against it.

MERRITT SCHWEIR CREAMERY CO.

TOPEKA, KANS., February 14, 1917.

Senator W. H. THOMPSON, Washington, D. C.:

We appeal to you to investigate and to oppose Senator Underwood's amendment to revenue bill to tax oleomargarine 2 cents per pound, and permit coloring same. Please protect valuable dairy industry of Kansas. More oleomargarine manufactured last year than ever before, Permission to color yellow, like butter, will have tendency to fraud in its sale, and will, moreover, increase cost of living.

BEATRICE CREAMERY CO.

OTTAWA, KANS., February 15, 1917.

Senator W. H. THOMPSON, Washington, D. C.:

Senator Underwood's amendment to the revenue bill taxing oleomargarine 2 cents per pound will be a serious setback to the growing dairy industry of the State of Kansas allowing it to be colored in imitation of butter. We ask you to oppose this bill.

OTTAWA CONDENSED CREAMERY CO.

TOPEKA, KANS., February 14, 1917.

Senator W. H. THOMPSON, Washington, D. C .:

Please investigate Senator Underwood's amendment to revenue bill taxing eleomargarine 2 cents per pound. Dairy industry of Kansas valuable. Permission to color eleomargarine yellow like butter will increase cost of living and will result in fraud in its sale.

CAPITAL CITY CREAMERY CO.

BRATTLEBORO, VT., February 16, 1917.

WILLIAM H THOMPSON, United States Senate, Washington, D. C.:

The Holstein Friesian Association of America, representing 100,000 owners and breeders of dairy cattle, protests against the passage of the amendment proposed by Senator Underwood, raising the tax on oleomargarine and removing all other restrictions, as it would work an irreparable infury to the dairy industry, and we deem the same as in the interests of the packers and cotton growers.

F. L. HOUGHTON, Secretary.

Mr. SIMMONS. Mr. President, I move that the committee

amendments be taken up in their order.

Mr. WARREN. Mr. President, if the Senator will permit me, many of us have been exceedingly busy since the amended bill has been brought in; and I should be gratified, and I believe other Senators would also, if the Senator from North Carolina would take up each one of these amendments, and in a brief way-the cogent way the Senator has of putting things-explain them. It is true that he made an interesting and extended speech in the Senate yesterday; but many of us were busy in committees or in conferences, and for that matter have not been able to peruse the RECORD as closely as we should. I dislike very much to proceed to vote on an amendment without all the Senators present and voting understanding fully what it

Mr. SIMMONS. I will say to the Senator that on yesterday I addressed the Senate for several hours, confining myself exclusively to an explanation of the various provisions of the bill and the amendments.

Mr. WARREN. Has that speech been printed in the RECORD?

Mr. SIMMONS. It has not been printed in the Record.
Mr. WARREN. I thought I had not seen it.
Mr. SIMMONS. I will state to the Senator—what he very well knows-that I spoke on yesterday without notes, and that I was here until 11 o'clock. I have been sick. I went home, and I have not had a minute of time to examine the notes since they have been sent to me. They will be in the Record as soon as I can go through them. If the Senator was not here yesterday, I regret that circumstance very much.

Mr. WARREN. I was here, Mr. President.

Mr. PENROSE. Mr. President.—

The PRESIDING OFFICER. Does the Senator from North

Carolina yield, and to whom?

Mr. SIMMONS. I yield to the Senator from Wyoming, if

he desires to interrogate me further.

Mr. WARREN. I wish to say that my request of the Senator was made with perfect confidence on my part that the Senator in charge of the bill had delivered himself fully and effectually here; but I said, not that I was absent, but that I was engaged on other business of the Senate. The Senator knows very well that we all have duties apart from each other, and so have different committees, and that we have to pick up the information as best we can. For instance, I only spoke of the Senator's speech not being in the Record because even if I had had the time to read it, it is not there for me to read; and so I am likely, and I think other Senators will be, to ask the Senator at various time to explain various parts of this bill.

Mr. SIMMONS. Oh, of course, I can not explain the bill That is all the time we have left. I should in five minutes. like to ask the Senator if he would have any objection to an agreement that we will first vote upon the oleomargarine amendment? That is the amendment that the Senate has dis-

cussed all day

Mr. PENROSE. Mr. President, will not the Senator bring

up that matter to-morrow?

Mr. SIMMONS. I do not mean to-night. I am going to move to take a recess. It is too late for us to do anything further to-night. I am just suggesting that to get the views of Senators on the other side.

Mr. PENROSE. I think the Senator had better bring up that suggestion to-morrow. I believe there are several of the minority Senators who desire to speak briefly on the oleomar-

garine amendment.

Mr. SIMMONS. Of course, I wish to pursue the usual course, which is to take the committee amendments in their order; but in view of the fact that this amendment has atfracted special attention, and we have spent the day in dis-cussing it, and probably the discussion upon it will be resumed in the morning, I think it might be just as well that we should disregard the usual rule and have our first vote upon this amendment. I think probably that would facilitate the consideration of the bill.

Mr. WARREN. Mr. President, I think that is a matter that ought to rest largely with the Senator himself, with reference also to the author of that amendment, and his colleague on the committee, who is the ranking minority member.

Mr. SIMMONS. I desire to ask the Senator from Pennsylvania, who is the ranking minority member, whether that would be satisfactory?

Mr. PENROSE. What is the proposition of the Senator? The suggestion that we first vote upon Mr. SIMMONS.

the oleomargarine amendment.

Mr. PENROSE. So far as I am concerned—and I have no reason to doubt that it will be satisfactory to the others of the minority-it will be entirely satisfactory to dispose of the oleomargarine amendment first.

Mr. SIMMONS. Then I move that the Senate take a recess

until 10.30 o'clock to-morrow.

Mr. PENROSE. Before that motion is put, may I ask whether the Senator's very able explanation of this measure will be in the RECORD to-morrow?

Mr. SIMMONS. If I have the time and the strength, after

have finished, to read it over.

Mr. PENROSE. I know how busy the Senator is.
Mr. SIMMONS. I do not desire to print in the Record—no Senator does-a two or three hour speech without reading it over, and I have not read a line of it since I delivered it.

Mr. PENROSE. I know, Mr. President, how busy the Sena-

tor is, and how busy we all are; but—
Mr. SIMMONS. The Senator must realize the fact that I have been quite sick recently.

Mr. PENROSE. I did not know that. Mr. SIMMONS. Well, I have been out of the Senate for a month on account of illness. If I have time to-night I will read it over, and if I can do it in time for the printer I will do so. Otherwise, I shall not.

Mr. PENROSE. I think the minority are entitled to see the explanation in print. Considerable criticism has arisen from the fact that Mr. Kitchin's statement did not appear in the RECORD until after the bill arrived in the Senate, which does not

seem like a very orderly procedure.

Mr. SIMMONS. Mr. President, I do not know whether the action of Mr. Kitchin has been criticized or not, nor am I particularly concerned about it; but I shall publish my remarks just as soon as I have time to read over the manuscript and to make such corrections as Senators ought to make when they deliver extemporaneous speeches.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 20, 1917, approved and signed the following

S. 809. An act authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley;

S. 1361. An act for the relief of Thomas Smart;

S. 1378. An act to amend the military record of John P. Fitzgerald:

S. 2749. An act for the relief of George L. Thomas;

S. 3699. An act to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot:

S. 1061. An act to allow additional entries under the enlargedhomestead act;

S. 5424. An act to construct a bridge in San Juan County, State of New Mexico; and

S. 7486. An act granting pensions and increase of pensions certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

# MESSAGE FROM THE HOUSE,

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Lever, Mr. Lee, and Mr. Haugen managers at the further conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other

purposes, for the fiscal year ending June 30, 1918.

The message further announced that the House insists upon its amendments to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Ferris, Mr. TAYLOR of Colorado, and Mr. Lenroot managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 5450. An act to provide for an additional judge in the State of Texas;

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida, to allow the said State to claim certain other lands, and for other purposes; S. 7644. An act to create a new division of the northern judi-

cial district of Texas, and to provide for terms of court at Wichita Falls, and for a clerk for said court, and for other purposes;

S. 5716. An act to establish the Mount McKinley National

Park, in the Territory of Alaska; and S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act.

## PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted at a mass meeting at Tremont Temple, Boston, Mass., indorsing the President's action in severing diplomatic relations with Germany and pledging their support in the maintenance of American rights. I ask that the resolutions be printed in the Record, together with the names of the committee, and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the Record, together with the signatures, as follows:

BOSTON, MASS., February 19, 1917.

Hon. Henry Cabot Lodge, 1765 Massachusetts Avenue, Washington, D. C.

Hon. Henex Cabot Lodge,

1765 Massachusetts Avenue, Washington, D. C.

Dear Sir: I have the honor to inform you that a mass meeting of some 3,000 people, crowding Tremont Temple Sunday afternoon, February 18, adopted the following resolutions by acclamation and without a dissenting vote:

"Resolved, That we, American citizens, without distinction of race or party, assembled at Boston in mass meeting after the fashion of our foreinthers, unequivocally approve the recent action of the President in severing diplomatic relations between the American Republic and the German Empire.

"Resolved, That we repudiate indignantly the utterances and actions of certain so-called 'pacifists,' who cry 'Peace! peace!' when there is no peace, and who, whether consciously or unconsciously acting in behalf of kaiserism, are seeking by an insidious propaganda to divide American sentiment and to undermine the support which the Executive must have from Congress and the people.

"Resolved, That we brand as treasonable their endeavor to pledge our young men never to enlist in the Army or Navy of the United States.

"Resolved, That we denounce as cowardly and contrary to sound principles of self-defense every endeavor, by embargo or hoarding, to interfere with the free flow of supplies to our friends, the people and forces of Belgium, France, and England, who are fighting against the power which threatens to be our enemy; and we urge, in the name of true preparedness, the organized and intensified production and shipment of raw materials, manufactures, and food for that far-flung western front, which may soon be the advance line of our own defense against the Hohenzollern tyranny.

"Resolved, That we denounce as contrary to the law of nations and seliberately unfriendly to the United States the action of the Imperial German Government in setting aside the principle of visit and search, and in siking merchant vessels, both belligerent and neutral, without warning, thus imperilling and destroying the lives of noncombatants, including citi

Committee: Holker Abbott, William D. Austin, Stephen Chase, Ralph Adams Cram, M. R. Deming, James V. Donnaruma, Paul Revere Frothingham, Russell Gray, J. Pennington Gardner, Henry Copley Greene, Prof. W. E. Hocking, Alexander Sedgwick, W. T. Sedgwick, Dr. Frederick C. Shattuck, John A. Sullivan, William Roscoe Thayer, Joseph Lebowich, F. F. McLeod, Joseph B. Millet, Sara Norton, Herbert Parker, Arthur S. Pier, Edgar Pierce, Prof. Chandler R. Post, Dr. Morton

Prince, Ralph Barton Perry, Prof. Theodore W. Richards, Rev. William Harman van Allen, H. Langford Warren, Prof. Leo Weiner, Barrett Wendell, and F. E. Zerrahn.

Mr. TOWNSEND presented petitions of sundry citizens of Saginaw and Fremont, Mich., praying that the United States remain at peace, and that the question of war be submitted to a referendum, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Pomona Grange, Patrons of Husbandry, of Lapeer County, Mich., remonstrating against the proposed reduction of the tax on oleomargarine, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Solano County Society for the Prevention of Cruelty to Animals and Children of Vallejo, Cal., praying for an investigation into the practice vivisection, which was referred to the Committee on Agriculture and Forestry.

Mr. OWEN. I present a concurrent resolution adopted by the Legislature of the State of Oklahoma, which I ask may be printed in the Record and referred to the Committe on Foreign

There being no objection, the concurrent resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

House of Representatives, State of Oklahoma, February 14, 1917.

Hon. R. L. OWEN, Washington, D. C.

Washington, D. C.

Dear Mr. Owen: Inclosed herewith, copy of house concurrent resolution No. 18, by Hodges, which has been passed by both the lower and upper houses of the Oklahoma Legislature now in session, which clearly indicates that the Oklahoma boys indorse the stand our President takes on the war situation.

The present session is nearing its close, and everything progressing very harmoniously.

Very respectfully,

C. C. CHILDERS,

Chief Clerk, House of Representatives.

House concurrent resolution 18. (By Mr. Hodges).

Whereas for two years the whole world has been shaken with the roar of the cannons of war across the seas, and
Whereas the bloodshed of the human family has been appalling, and Whereas before peace is declared the United States Government should formulate the conditions upon which it would feel justified in asking the American people for their formal and solemn ad-

herence, and hereas a lasting peace in Europe can not be a peace of victory for either side, and

either side, and
Whereas peace must be followed by definite action to assure the world that no horrors of war shall overwhelm it again, and Whereas by such definite action the United States can not withhold its participation to guarantee life, liberty, and the pursuit of happiness throughout the world, and
Whereas our Monroe doctrine has stood the test of time and is proved to have been one of the wisest acts of our former illustrious President Monroe, and
Whereas our President, Woodrow Wilson, in continuance of his policy of equal rights to all and special privileges to none, and his policy for world-wide peace with honor, has addressed the United States Senate, announcing in no uncertain terms his uncompromising stand for world-wide adoption of the Monroe doctrine: Therefore be it

be it

Resolved, by the house of representatives (the senate concurring therein), That we publicly express our confidence in President Woodrow Wilson in the action he has taken for the adoption for a world-wide Monroe doctrine; that we indorse his support of a league of nations to preserve the peace of the world, and urge Congress to unhold his hands seeking the adoption of such a worthy measure; be it further

Resolved, That a copy of this resolution be spread upon the journals of both houses, and that a copy of same be sent to the President of the United States, and each of our Representatives in Congress from Oklahoma.

Adopted by the house of representatives this 29th day of January, 1917.

PAUL NESBITT,

Speaker House of Representatives.

Adopted by the senate this the 2d day of February, 1917.

M. E. Trapp,

President of the Senate.

# REPORTS OF COMMITTEES.

Mr. JAMES, from the Committee on Finance, to which was referred the bill (S. 7039) providing for the free importation of seed grain and flaxseed under certain conditions, reported it with an amendment and submitted a report (No. 1100) thereon.
Mr. SMITH of South Carolina, from the Committee on Agri-

culture and Forestry, to which was referred the bill (S. 7858) to give effect to the convention between the United States and Great Britain for the protection of migratory birds, the ratifications whereof were exchanged on the 7th day of December, 1916, and for other purposes, reported it with amendments and submitted a report (No. 1102) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 3376) for the relief of Capt. Frederick B. Shaw, reported it without amendment and submitted a report (No. 1103) thereon.

NAVAL APPROPRIATIONS.

Mr. SWANSON for Mr. THAMAN. I ask leave, out of order, to report the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, and I submit a report (No. 1101) thereon. I desire to get the bill printed as amended, and as the Senator from Virginia [Mr. Swanson] will have charge of it on the floor on account of my health, I will ask him to make a statement in reference to the

Mr. SWANSON. I give notice that as soon as the revenue bill has been disposed of I shall ask the Senate to proceed to the consideration of the naval appropriation bill.

The VICE PRESIDENT. The bill will be placed on the

calendar.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing to approprinte \$40,000 for a post-office building and site at Park City, Utah, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

RECESS

Mr. SIMMONS. I renew my motion that the Senate take a

recess until 10.30 o'clock to-morrow.

The motion was agreed to; and (at 8 o'clock p. m. Wednesday, February 21, 1917) the Senate took a recess until to-morrow, Thursday, February 22, 1917, at 10.30 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

Wednesday, February 21, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Eternal and most merciful Father, in whom is centered the destiny of men and of nations, illumine our minds, control our spirit, and lead us to a solution of the international entangle-ments in which we are involved. We love peace, abhor war. Spare us, we beseech Thee, from its horrors, and guide those in authority to a peaceful and just disposal of all questions involved; that we may be permitted to enjoy the industries and arts of peace guided by the spirit of truth and righteousness in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. MOON, Mr. PAGE of North Carolina, and Mr. FLOOD

The SPEAKER. For what purpose does the gentleman from North Carolina [Mr. Page] rise?

Mr. PAGE of North Carolina. Mr. Speaker, I desire to present for printing under the rules the conference report on the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 215. Joint resolution to grant citizenship to Henry

S. 8148. An act to define and punish espionage;

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sallors;

S. 8295. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction

of a bridge across the Rock River.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers a minute.

and sailors, had asked a conference with the House of Representatives on the said bill and amendments thereto, and had appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoot as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20755) to provide a temporary government for the West Indian Islands, acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes, had asked a conference with the House of Representatives on the said bill and amendments thereto, and had appointed Mr. Stone, Mr. Hitchcock, and Mr. Lodge as the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message, in writing, from the President of the United States, was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on February 20, 1917, approved and signed bills of the following titles:

H. R. 8492. An act to restore homestead rights in certain

cases; and

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their

appropriate committees, as indicated below:

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 8295. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the

Committee on Invalid Pensions.

S. 8148. An act to punish espionage and acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, and better to enforce the criminal laws of the United States, and for other purposes; to the Committee on the Judiciary.

## ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes;

S. 40. An act to authorize agricultural entries on surplus coal

lands in Indian reservations; and S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906.

## DIPLOMATIC AND CONSULAR SERVICE.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, disagree to the Senate amendments, and ask for a conference.

Mr. BENNET. Reserving the right to object, I would like to ask the gentleman from Virginia if there is ever going to be an opportunity to vote on that amendment which I offered in the House and which has been disagreed to in the Senate?

Mr. FLOOD. I have no objection to a vote being taken on it we have the time.

Mr. BENNET. The only question is it is getting so late in the session I rather hesitate to bring that particular matter up.

Mr. FLOOD. I think the gentleman would be wise not to bring it up.

Mr. GARNER. Better let it go to conference. Mr. BENNET. I know what will happen to it in conference. The SPEAKER. Is there objection?

Mr. BENNET. I will not object.

The SPEAKER. The Chair hears no objection and announces the following conferees: Mr. Flood, Mr. Cline, and Mr. Cooper of Wisconsin.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the

point of no quorum.

The SPEAKER. The gentleman from Pennsylvania [Mr. Moone] makes the point of no quorum.

Mr. MOORE of Pennsylvania. Mr. Speaker, I withhold for

FUNERAL OF LATE ADMIRAL GEORGE DEWEY.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 32, relating to the expenses of the funeral of the late Admiral Dewey here in the Rotunda.

The SPEAKER. The Chair lays before the House Senate concurrent resolution No. 32, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 32.

Senate concurrent resolution 32.

Resolved by the Senate (the House of Representatives concurring), That the expenses incurred by the committee appointed by the Vice President and the committee appointed by the Speaker of the House of Representatives in arranging for and attending the funeral of the late Admiral George Dewey in the Rotunda of the Capitol at Washington, D. C., on January 20, 1917, be paid in equal proportions from the contingent funds of the Senate and House of Representatives, upon vonchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives.

The SPEAKER. Is there objection to the present consid-

eration of the resolution?

Mr. MANN. Mr. Speaker, I have examined this Senate resolution. The House passed a resolution and the Senate passed a similar one to pay out of the contingent fund the expenses of the committees which attended the exercises at Arlington. If I understand, this resolution relates only to the exercises in the Rotunda?

Mr. PADGETT. To the exercises in the Rotunda.

Mr. MANN. They do not cross each other anywhere? Mr. PADGETT. No, sir. The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none, The question is on agreeing to the resolution.

The concurrent resolution was agreed to.

### ORDER OF BUSINESS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for one-half minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I intended to

make the point of no quorum, but I am anxious to have the Army bill passed and do not want to delay this Post Office I am suggesting the point of no quorum because I desire to offer a resolution which I assume will be objected to. If it is objected to, and it will take but a minute to find out, I want to make a parliamentary inquiry. If that inquiry is satisfactorily answered, the House will have no further trouble with me this morning.

The SPEAKER. What is the point of order?
Mr. MOORE of Pennsylvania. I desire to be recognized to offer a resolution. I ask unanimous consent to do so.

The SPEAKER. The Chair is not going to recognize any-

body to offer any resolution until the gentleman from Ten-

nessee [Mr. Moon] gets through with his bill.

Mr. MOORE of Pennsylvania. Will the Speaker recognize me to offer a resolution after that bill is considered?

The SPEAKER. The Chair would have to know what the resolution is. The Chair would have to act in accordance with the ordinary rules of the House.

Mr. MOORE of Pennsylvania. It is a resolution to investigate the charges the gentleman from Texas [Mr. Callaway] inserted in the RECORD as to the activities of certain news-

papers coloring war news.

Mr. GARNER. May I suggest to the gentleman from Pennsylvania [Mr. Moore], if he will permit, that he can introduce the resolution, put it in the basket, and it will go to the proper committee, and then he can demand a hearing from that committee and doubtless get it? That will obviate the inconvenience of having to call for a quorum, with this farcical per-

formance each morning.

Mr. MANN. I think it would expedite business if the gentle-

man from Pennsylvania be recognized.

The SPEAKER. The Chair will state when it is time to pass on the resolution he will pass on it according to the rules of the House, but the Chair thinks it is of the utmost importance to dispose of these great appropriation bills, so that we will not have an extra session.

Mr. MOORE of Pennsylvania. So does "the gentleman from Pennsylvania," Mr. Speaker, but permit me, before the Chair settles this question, to ask the gentleman from Texas [Mr. Garner] if he knows that present consideration of the resolution that I have just indicated will be objected to on request for unanimous consent?

Mr. GARNER. I know I will object if it is the same resolution that the gentleman offered the other day.

Mr. MOORE of Pennsylvania. To unanimous consent?

Mr. GARNER. Oh, certainly; yes.
Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. It being stated by the gentle-man from Texas [Mr. Garner] that he would object to unani-mous consent for the present consideration of the resolution to investigate the charges made by the gentleman from Texas [Mr. Callaway] against certain alleged newspaper interests, where would that resolution go if I should drop it into the basket?

The SPEAKER. To the Committee on Rules.

Mr. MOORE of Pennsylvania. To the Committee on Rules or to the Committee on the Judiciary?

The SPEAKER. To the Committee on Rules. It raises a

committee for purposes of investigation.

Mr. MOORE of Pennsylvania. Mr. Speaker, in view of the opposition that is announced by the gentleman from Texas [Mr. Garner] to the present consideration of the resolution, and because of the fact that but few days remain of this Congress, and this resolution involves an inquiry of supreme importance to the country, and would have wide ramifications, I shall drop it into the basket in order that it may be referred at once, as the Speaker indicates, to the Committee on Rules, so that the responsibility for an investigation may be left with that committee. [Applause.]

### POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I call up for consideration the Post Office appropriation bill, H. R. 19410, and ask that the Clerk report Senate amendment No. 15.

Mr. MANN. Mr. Speaker, I ask that the Speaker recognize the gentleman from Washington [Mr. LA FOLLETTE] to enable

him to make a request.

The SPEAKER. The gentleman will state it.

Mr. LA FOLLETTE. I wish to ask for leave of absence indefinitely for my colleague Mr. Humphrey, who is sick.

The SPEAKER. The gentleman from Washington [Mr. LA FOLLETTE] asks for leave of absence indefinitely for his colleague Mr. Humphrey on account of illness. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, I ask that the Clerk report Senate amendment No. 15.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

The Clerk read as follows:

On page 15, after the word "devices," strike out "\$1,061,000 for continuance of service now existing in New York, Philadelphia, Boston, Chicago. St. Louis, and Brooklyn," and insert: "\$1,001,000: Provided, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube service until June 30, 1918, and the Postmaster General is directed to expend this appropriation for the sole purpose of continuing the existing pneumatic mail-tube service, and no part thereof shall be expended for the transportation of malls in any other manner than herein authorized: Provided further, That a commission consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on the Post Office and Post Roads of the House of Representatives, to be designated by the Speaker of the House, is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government and to ascertain the cost and the terms upon which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such assistance and of the inquiry shall be paid from the appropriation for service by pneumatic tubes, not to exceed \$25,000, and said commission shall make a report, with recommendations to Congress, on or by the 1st day of January, 1918."

Mr. MOON. Mr. Speaker, I move that the House nonconcur in the Senate amendment No. 15.

The SPEAKER. The gentleman from Tennessee moves that the House nonconcur in Senate amendment No. 15.

Mr. TAGUE. Mr. Speaker, I move that the House do con-

cur in the amendment offered by the Senate to this bill. It is preferential motion.

The SPEAKER. The gentleman from Massachusetts moves that the House concur.

Mr. STEENERSON. Mr. Speaker, I offer a motion to con-

cur with an amendment.

The SPEAKER. The gentleman from Minnesota offers a preferential motion, which the Clerk will report.

The Clerk read as follows:

Mr. Steenesson moves to concur in the Senate amendment with an amendment, as follows:

Strike out the colon, in line 5, page 15, and insert a period in lieu thereof, and strike out all the rest of the amendment.

Mr. STEENERSON rose.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. Steenerson].

The SPEAKER. The gentleman from Minnesota is recog-

nized for five minutes.

nized for five minutes.

Mr. STEENERSON. Mr. Speaker, this amendment strikes out the commission provision, and strikes out the direction to extend the contracts for one year, and leaves the appropriation the same as it was when it passed the House substantially.

Mr. LOBECK. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. LOBECK. It reduces it \$60,000, does it not?

Mr. STEENERSON. Yes. It reduces the appropriation \$60,000. It leaves the appropriation at \$1,001,000, which is the amount fixed by the Senate, the House having fixed it at \$1.061,000. It strikes out the other provisions of the amend-\$1,061,000. It strikes out the other provisions of the amendment in regard to the commission and in regard to extending the contract for one year.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentle-

man yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Pennsylvania?

Mr. STEENERSON. In a minute. I want to explain it first. The objection to the Senate amendment in regard to extending the contract is this: That the present contract rate is \$17,000 per mile, and the committee had advices that the extensions could be made on some of these routes, if not all, for very much less, and it seems to me the Postmaster General ought to have the discretion to make the contract at such a price as the owners are willing to make. It is not necessary to throw away this money.

And, in regard to the commission, it does not seem to me there is anything to be gained by having a commission; we have had so many commissions on this subject heretofore. As I stated when this matter was before the House originally, I believe that the appropriation for the full amount required should be made, and the responsibility for stopping this useful service in these cities, if it is to be stopped, should rest on the executive department. I have made that argument before on the floor of the House when the question was first up, and my amendment simply carries out that same proposition. I believe that most of this pneumatic-tube service ought to be continued, and I do not believe, if Congress appropriates the amount that is necessary, that any executive officer will dare to take away the service where it is actually performing a useful function in the expediting of the mails,

Now I yield to the gentleman.

Mr. MOORE of Pennsylvania. If this proviso is stricken out, it also strikes out the direction to the Postmaster General to use this service and make these contracts, does it not?

Mr. STEENERSON. It strikes out the direction. I do not

think it is a proper thing for Congress to direct the extension of a contract when I do not know whether the contract price is correct or not.

Mr. MOORE of Pennsylvania. Where it is common rumor, as it is here, that the Postmaster General is opposed to the pneumatic-tube service, and probably will not enter into contracts unless he is directed by Congress so to do, does not the gentleman think it important to keep that direction in the bill?

Mr. STEENERSON. I think perhaps we might give the di-rection in another form; but this absolutely ties his hands and gives the pneumatic-tube companies \$17,000 a mile when they are willing, as I understand, to do the work for very much less

Mr. MOORE of Pennsylvania. Has the gentleman heard that this matter of rumor has gone so far that it is intimated that this bill may not be approved by the President unless Congress

yields in this matter of the pneumatic tubes?

Mr. STEENERSON. I do not know whether there is such a rumor or not, or if there is such a rumor whether it is well founded; but I will say, however, that if any such threat had been made of vetoing the Post Office appropriation bill for the purpose of intimidating Congress I would resent it at once, and it would be an inducement to me to act according to my best judgment. [Applause.]

Mr. MOORE of Pennsylvania. I am glad to hear the gentle-

man say that.

Mr. STEENERSON. Nobody can intimidate this House, the gentleman from Pennsylvania, or myself.
Mr. MOORE of Pennsylvania. That is correct. Now, one more question, if the gentleman pleases. Does not the gentle-man know that in another body the question was raised, and there was a ruling that there was such a difference between the Post Office Department and Congress that Congress would

have to assert its right or become the creature of the department?

Mr. STEENERSON. I do not know what occurred in the other end of the Capitol during the debate, and there is nothing of that kind of record that I know of. I do know this: That if Congress appropriates the money for this service it is tantamount to a direction to perform the service. Suppose we appropriate the money for the rural-carrier service and the Post Office Department refuses to spend the money. The odium will be on the department, and no department of any common sense would ever undertake to fly in the face of Congress in that way. Appropriating money is a direction to expend it.

Mr. MOORE of Pennsylvania. Does the gentleman know.

that there was such a ruling as this, here or elsewhere:

The Chair believes that the Postmaster General is given the conduct of the affairs of the Post Office Department as a servant of the Congress of the United States, and not as its master, which conduct the Congress may change at will.

And is it not bruited about the Capitol that if this appropriation is made without a direction the Postmaster General will not perform the service for which the appropriation is intended?

Mr. STEENERSON. If that be true, and if that threat is carried out, well and good. The Cabinet officer who would act in that manner and deny the will of the people, through Congress, would go down into history as the most arbitrary official that ever held the office. Nobody dare do a thing of that kind. The SPEAKER. The time of the gentleman has expired. Mr. MOON. I yield to the gentleman from Massachusetts

[Mr. Tague] five minutes.

Mr. TAGUE. Mr. Speaker, I trust the amendment offered by the gentleman from Minnesota [Mr. Steenerson] will not be agreed to. My reason for saying that is this: When this bill was before the House we increased the amount of the appropria-tion. The bill went to the other branch. When that appropriation was made, it should have been notice enough to the Postmaster General that the House of Representatives desired the continuation of the pneumatic-tube service. But not considering that, and considering his own position alone, and that he was supreme in this matter, he arbitrarily notified the committee at the other end of the Capitol that he would not continue to operate the pneumatic-tube service unless the Congress of the United States directed him by a mandatory law to do so. The hearings that were held there will bear out what I have said to this House. Now, all during this discussion we have tried to bring this matter fairly before the Congress. We have presented our case as fairly as we knew how. We have not injected anything of a personal nature into it. We have presented it in behalf of the citizens of the cities we represent, and with that in mind, and knowing the great damage that would be done to the mail service in our districts if the service is discontinued, we appealed to the Members of Congress, and by a substantial vote this House of Representatives indicated its desire to continue the pneumatic-tube service in these cities. Without a special rule we could go no further. As I have said, notwithstanding we voted that appropriation, when the First Assistant Postmaster General, the representative of the Post Office Department before the Senate committee, was asked whether or not this service would be put in operation as a result of the making of the appropriation, he informed the Senate committee that the Postmaster General had declared that unless he was compelled to do so, under no consideration would be continue the service, and that it was his intention on the 4th of March to discontinue it.

Mr. VARE. I should like to ask my colleague whether the adoption of this amendment would not permit the Postmaster General to abandon the service?

Mr. TAGUE. Mr. Speaker, that is just what the adoption of the amendment of the gentleman from Minnesota would do. would put it back just as it was when it left the House. The Senate committee gave full consideration to this bill in every particular. It was the unanimous vote of that committee that this service should be continued. They had heard all the witnesses, they had heard the department and its representatives, and every single claim that the department had made against this service had been contradicted, even by their own witnesses before the committee. The postmasters from the several cities appeared and some of them agreed that this service should be under the control of the United States Government, that it was of such importance to the service that the Government should own and control it, and that it should not

be conducted by private capital or private individuals,
Mr. Speaker, I do not know whether some of the Members
here realize the importance of this service to the large cities,

but I believe if they could have listened to the evidence or have read the evidence presented before both committees, they would join with us to-day in making this vote so substantial that no head of any department would have the temerity to stand arbitrarily before the Congress of the United States and defiantly proclaim himself supreme to the Congress, as does the Postmaster General in this case.

Mr. SMITH of Minnesota. To what extent is this service

used in the gentleman's city?

Mr. TAGUE. Why, we carry 85 per cent of all the firstclass mail in our city through the pneumatic-tube service.

While this bill was before the other body the Postmaster General sent a very lengthy letter and every statement made in a four-page letter addressed to the Senators was presented to the Committee on Post Offices and Post Roads. This committee unanimously reported legislation directing the Postmaster General to continue the pneumatic tubes.

The Senate amended the House provision regarding pneumatic tubes, and made it mandatory because First Assistant Postmaster General Koons told the Post Office Committee of the Senate that Mr. Burleson, under the House provision, did not have to and would not continue the pneumatic tubes.

The Postmaster General states in his letter savings which would result from the entire abandonment of the pneumatic-tube system, and he was quoted in the Senate as saying that he did not now propose to continue even the New York pneumatic tubes.

### IN REFERENCE TO PNEUMATIC-TUBE SERVICE.

1. The letter states that the Post Office appropriation bill contains a provision, on page 15, which practically nullifies the act of Congress of 1902 relating to pneumatic-tube service.

This provision was put into the bill because First Assistant Postmaster General Koons notified the Senate Post Office Committee that the Postmaster General would not carry out the vote of the House of Representatives on this matter unless the Senate mandatorily directed him so to do.

- 2. The act of 1902 was clearly meant by Congress to refer to new installations of pneumatic tubes, and was drawn to prevent the Postmaster General from extending the pneumatic tubes beyond the limits prescribed by Congress. When the tubes are once installed, it is self-evident that no further investigation regarding their "need and practicability" is necessary. This opinion is borne out by the fact that at the time the present contracts were made in 1906 Congress authorized the Postmaster General to enter into contracts, and provided that the service should not be extended in any other cities than those in which the service was then under contract, except in certain specified cities in which the service has never been constructed because the Post Office Department has found it impossible to secure contractors to bid on it.
- 3. The letter states that in accordance with this act a commission composed of the ablest experts was appointed. This commission consisted wholly of subordinates of the Postmaster General, except one member, who probably wrote this letter, and who has since been appointed First Assistant Postmaster General. This is the first unfavorable report since the tubes were established under the law of 1902. Previous commissions have consisted of postmasters and men of business experience. This commission was appointed on July 1, 1915, with orders to report before October 1, 1915. They did not make their report until the day on which the business interests of the country were notified to appear before the House Committee on the Post Office and Post Roads regarding the matter, viz, on December 11, 1916.
- 4. The letter states that the committee recommended the discontinuance of the service in Boston, Brooklyn, Philadelphia, and St. Louis. It does not state that this same committee recommended the continuance of the service in New York City, where approximately one-half of the total mileage of the country is in operation.
- 5. The letter states that the postmasters of the cities involved unanimously approved the recommendation to discontinue the service. The St. Louis postmaster told the Committee on Post Offices and Post Roads that the Government should own and operate the system in St. Louis. The letter makes no mention of the fact that the New York postmaster, a man who has been in the service for 40 years or more, and who has filled every position from letter carrier to postmaster, gives the pneumatic tubes his unqualified indorsement, and says that should they be discontinued there would be overwhelming complaint from the public.
- 6. The letter states that the rental paid for the tubes is exorbitant. The rate paid is that fixed by Congress in 1902, after an investigation and report by a commission composed of

some of the ablest engineers of the country. Surely a rate established in 1902 can not be considered exorbitant in the year 1917.

7. The letter speaks of the inefficiency and limited capacity of the tubes. The hearings before the committee developed the fact that the tubes are claimed to be the most efficient service in Government use; that they have been indorsed by every previous commission, and by all Postmaster Generals and postmasters who have used them; that they were installed to carry first-class mail, and that they have a capacity of 180,000 to 200,000 letters an hour; and that this capacity is far in excess of that required by the Post Office Department.

8. The letter speaks of the inflexibility of the tube service and the resulting congestion, and quotes in particular delays in New York City, which occurred in that section of the tubes which the Postmaster General specifically recommends be continued at the present rate of compensation. The question of congestion is said to be one wholly dependent upon post-office operations. It is understood that the tube company claims that the delays to mail mentioned were due to lack of clerks and lack of equipment. It is further rumored that the delays mentioned are due to economies which have been introduced in the Railway Mail Service, because of which mail is now worked in the city terminals and carried in bulk on the railway trains instead of being sorted on the railway trains as heretofore.

9. The letter states that 87½ per cent of the mail now carried by pneumatic tubes can be handled by the present surface transportation; in other words, with the parcel-post and newspaper mail. The basis for such a statement is inconceivable. The postmaster at New York testified before the House committee that he now has 150 automobiles in use, and that if the tubes were discontinued three times as many would be required and that poorer service would result. He explained that if the tubes were discontinued light and fast automobiles of small capacity would be required, and that these would have to make trips on half-hour relays between post offices, thus greatly congesting the city streets. The inspector of traffic of New York testified that a mail auto truck was as bad as 10 ordinary trucks, since they claimed right of way; and also that mail trucks passed back and forth on the streets much oftener than ordinary trucks and therefore greatly added to city congestion.

The St. Louis postmaster told the committee that he could replace the existing 2 miles of tube service with three Ford cars at a cost of \$4,700 a year. On examination he admitted that operating the automobiles 20 hours a day on the schedule of the tube service, chauffeurs alone would cost \$6,000 to \$9,000 a year, and, moreover, that the automobiles would move on the surface at one-half hour intervals, at a speed of 9 to 10 miles an hour, whereas the tubes go beneath the surface on 10-second intervals at a speed of 30 miles an hour.

The St. Louis postmaster testified that the Government should

own and operate its tube service.

10. The congressional committee, of which Senator Hoke Smith was chairman, and which reported on October 24, 1914, stated that the pneumatic tubes carried 3,089,000 pieces of mail in Boston every day—that is, 76.5 per cent of the first-class mail—at a cost of 100 letters for 1 cent; in Chicago they carried 5,614,000 letters a day, or 75.7 per cent of the first-class mail, at a cost of 125 letters for 1 cent; in New York and Brooklyn they carried 9,332,000 letters a day, or 49.8 per cent of the first-class mail, at a cost of 79 letters for 1 cent; and in St. Louis they carried 308,000 letters a day, or 93.7 per cent of first-class mail, at a cost of 39 letters for 1 cent.

Based on the report of the 1909 investigating committee, some 3,000,000 letters made connections daily by pneumatic-tube service which could be made by no other known means of transportation, and, charging all of the cost of the pneumatic-tube service to the letters thus so materially benefited, the cost

amounted to six-tenths of 1 mill per letter.

11. The Postmaster General's letter states that the department is not under the least moral obligation to continue the service further, and that this is admitted by the representatives of one of the companies. No such admission was made before the Senate committee. The representatives of the tube company stated that all they asked was fair treatment by the Government; that they did not stand upon a moral obligation, however warranted they might be in so doing, but that they stood upon the merit of their enterprise, which has been demonstrated by practical use and by the indorsement of every Postmaster General and every investigating committee.

12. The Postmaster General's letter states that the tubes are obsolete and have little merit, and states that this can not be demonstrated better than by the fact that a large proportion of the system in Boston, which was installed more than 15 years ago for the use of merchants in transporting parcels,

proved a failure and was abandoned and then railroaded on the Postal Service.

This system, which consists of about 4 miles, was built in 1902, was used successfully for one year, but it was found that the parcel post which it carried did not require such fast transportation and that it did not pay to carry it in this way. The system was therefore rebuilt and leased to the Government. 1906 all the pneumatic mail tube contracts expired. At that time there were 27 miles of service in the country. New service was then advertised and later contracted for, and this included the so-called obsolete 10-inch line in Boston. To-day there are 57 miles of pneumatic tubes in use in the country. words, the systems have been doubled in length since 1906.

If the tubes are obsolete and of little or no value, why does the department ask an appropriation of \$449,500 for continuing the service in New York City and at the same time recommend abandonment of the service in Chicago, Philadelphia, St. Louis, Boston, and Brooklyn?

13. The Postmaster General's letter states that if this amendment prevails Congress will direct the extension of contract without competition. It is self-evident that there can be no competition for a service which it has taken many years to install in the streets of the large cities, and which represent an investment of millions of dollars. Moreover, the Postmaster General, in advertising for pneumatic-tube service in New York City, stipulated that the 10-year contracts could be canceled at any time on six months' notice, making them in reality six-month contracts. No bids were received in answer to the first advertisement of the Postmaster General for this service, and he is now asking bids under a second advertisement which are due to be submitted on March 3 next.

All the service now in use was advertised for by the Post Office Department in 1906. Every pneumatic-tube line has been laid out by the Post Office Department, every post office to be connected, all details as to size of tubes, and so forth, has been recommended by the Post Office Department.

14. Pneumatic tubes have been recommended by every Post-master General since John Wanamaker until the present incumbent. They have been indorsed by every investigating committee since their establishment in 1902 until the present committee. The 1902 committee said:

The committee finds the system of immense advantage to the business interests of the country in its facilitation of mail transmission both local and generally throughout the United States.

This committee was composed of seven of the leading engineers and business men of the country, headed by Theodore C. Search, chairman, and their report was unanimous.

The 1905 investigating committee states:

Pneumatic-tube service in the largest cities can not be considered as a local service, since its benefits are directly or indirectly shared by the whole country.

The 1909 investigating committee states:

The pneumatic-tube service is a very important auxiliary for the rapid transportation of first-class mail in the most important cities, and performs a function not at present obtainable by other means.

The 1914 investigating committee stated:

The pneumatic-tube service for the transmission of mails in the cities in which service is now installed is a valuable adjunct to the mail transportation service for handling first-class, registered, and special-delivery mails not furnished by other means of transportation, and is justified by the advantages of availability, expedition, security, and

The present committee, upon which the Postmaster General bases his report, states "that the principal advantages of pneumatic tubes are a high rate of speed between stations for limited quantities of mail and freedom from surface traffic congestion.'

15. The House Committee on the Post Office and Post Roads held hearings on four days, viz, December 11, 12, 13, and 14, 1916, for the business interests of the country, who opposed discontinuance of the service. The Senate Committee on Post Offices and Post Roads held hearings on seven days, January 26, 27, 29, 30, 31, February 1 and 2.

The House of Representatives discussed the matter before the Committee of the Whole House on January 9, 11, 12, 13, 14, and on January 16, by a vote of 123 yeas to 153 nays, increased the pneumatic-tube appropriation from \$449,500 to \$1,061,000, with the words "for continuance of service now existing in New York, Philadelphia, Boston, Chicago, St. Louis, and Brooklyn."

The pneumatic tubes have the indorsement in the cities where they operate of every newspaper, of every civic organization, including such ones of national prominence as the Merchants' Association of New York, the Chambers of Commerce of New York, Boston, Chicago, St. Louis, and Philadelphia, and the Illinois Manufacturers' Association, and many others. These organizations have had special committees make careful investigations and report on the subject. Not one word has been

said against the pneumatic-tube service except by this special committee of subordinates and by certain subserviet post-masters, except the long-experienced postmaster at New York City, who gave the tubes his unqualified indorsement, which practically resulted in the fact that this special committee recommended the continuation of the tubes in New York, and, moreover, the St. Louis postmaster, who is recorded in opposition to the tubes, told the Senate committee that he was in favor of Government ownership and operation.

16. If the Senate does not take the action provided in the amendment unanimously reported by the Senate Committee on Post Offices and Post Roads, the pneumatic tubes will shut down on this coming March 4, and eight to ten million dollars' worth of property will become junk. Some 5,000 people have invested this money for the use of the United States Government. They have received a very small interest return on their investment, and absolutely no return of the money which they have put into the enterprise.

While ruling on the point of order in the Senate as to whether or not the amendment for pneumatic tubes was general legis-lation (see p. 3674 of Congressional Record of Feb. 14), the Vice President said:

The Chair does not think this is general legislation at all. The Chair believes that the Postmaster General is given the conduct of the affairs of the Post Office Department as a servant of the Congress of the United States and not its master, which conduct the Congress may change at will.

I desire to read and insert in the Record a telegram received by me from the Ford Motor Co., of Philadelphia, Pa.:

PHILADELPHIA, PA., February 21, 1917.

PETER F. TAGUE, Washington, D. C.:

Washington, D. C.:

North Philadelphia post office, with pneumatic-tube service, big consideration when we located and erected a million-dollar plant in this locality. Doing away with pneumatic tube would work great hardship.

FORD MOTOR CO.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. TAGUE. I ask unanimous consent to continue-

The SPEAKER. The gentleman from Tennessee [Mr. Moon] has control of the time.

Mr. MOON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] five minutes.

Mr. MANN. Mr. Speaker, the parliamentary situation is not difficult to understand. The House, after quite a contest, passed an item in the bill, making an appropriation large enough to renew the existing contracts for pneumatic-tube service, and thereby the House placed itself on record in favor of that service. The House could not go further than to make the appropriation, because any additional legislation would have been subject to a point of order. The Senate has now added to the appropriation a direction to the Postmaster General to renew the existing contracts. It is well known that the Postmaster General is not favorable to these contracts. If the appropriation should be made without any requirement to the Postmaster General to expend it, I would have no criticism of him if he did not expend it. And that would be more strongly true if the House should now strike out the Senate amendment directing the Postmaster General to expend the money. House by that action would place itself on record practically reversing the position it took on the passage of the bill, and saying to the Postmaster General, "We give you the appropriation, but we leave it to your judgment whether it shall be expended." So that if the House occupies the same position So that if the House occupies the same position now that it did when the bill passed, we would now agree to the Senate amendment and not agree to the proposition offered by the gentleman from Minnesota. If we strike out the direction as proposed by the pending motion, we are saying to the Postmaster General, "We have no judgment on the matter; we leave it to your judgment."

Ordinarily we leave very largely such matters to the discretion of the executive officers, but it is quite within the power and the province of Congress, and especially of the House of Representatives, to indicate by direction whether and how it wants money expended. I have no criticism of the Postmaster General because at one time he declined to spend a large share of the money, or a considerable share of the money, appropriated for the Rural Free Delivery, and at another time declined to expend a considerable amount of money appropriated for city carriers and clerks. That was his province, but it is our prov-ince if we choose to reaffirm the position we took on the passage

of the bill, and say that we appropriate the money and direct how it shall be expended. [Applause.] Mr. MOON. Mr. Speaker, I believe the gentleman from New York [Mr. Benner] desires two minutes.

Mr. BENNET. I do not desire the time; I approve what the gentleman from Massachusetts and the gentleman from Illinois

Mr. MOON. Mr. Speaker, I do not care personally what the House does about this matter, it is a matter of no conse-quence to me, but it is one about which there seems to have been a very large misunderstanding. If I am capable of judging of the testimony at all, the record in this case shows that the tubes are being operated at an expense of \$17,000 per mile per annum when they could be and ought to be operated for about \$8,000 per mile per annum.

The record shows that only 2½ per cent of all the mail of the United States in any one of these cities goes through those tubes. It shows that they are ineffective and often destroy mail matter. It shows further that the mail can be carried, except in the city of New York, by automobile for one-third of the amount that it is carried in these other cities by tubes. It shows that time can be made quicker except in one instance.

Mr. Speaker, the law seems to have been lost sight of in this case. Here is a statute that provides for the protection of the Government against fraud and plunder in these matters, that there shall be an advertisement and submission of blds for this service. Is not that right? If the department can get the service for \$7,000 less, ought it not to get it? Are you going blindly to direct this department to renew contracts for \$17,000 per mile per annum, contracts that are tainted with fraud from the beginning down to this hour? Are you going to direct it and repeal the law that requires advertisement and submission of bids? Are you going to direct it and why? At the behest of corporations that own this ineffective service. I am here to say, sir, that the proof in this case—and I would be willing to submit it to any tribunal of honest men—is that this Government can not afford to operate a single tube out of the city of New York if the tubes were given to them. That is the proof. What does the law require? It requires before these contracts shall be renewed that an investigation shall be made by three or more postal experts appointed by the Postmaster They have made their investigation and have made their report, and in effect say that the pneumatic-tube service is a fraud and it ought not to be continued. The postmaster of Chicago comes before the committee and says it is of no value

Mr. DYER. Will the gentleman yield?

Mr. MOON. Yes. Mr. DYER. Does the gentleman say that the commission states in its report that it is a fraud?

Mr. MOON. I said that the effect of it was a fraud, and I say so now. They say it ought not to be continued, and give reasons for it which amount to a fraud.

Mr. MOORE of Pennsylvania. Will the gentleman yield?
Mr. MOON. No; not now. I want to say to this House that
when you vote to prevent the bids and submission of bids to the lowest contractor for the service and force upon the Government a contract at the rate of \$17,000 per mile per aunum that is worth only \$7,000 per mile per annum, you undertake to do a fraudulent thing that no honest man ought to subscribe That is all there is in this question.

Of course the paid attorneys of these tube companies have been fighting this matter for them all along. Of course gentlemen coming from the cities of some of these companies who own this service feel that they are bound to sustain the people there. Take the tube in Boston, which my friend the gentleman from Massachusetts [Mr. Tague] speaks of, that was an old commercial tube that was abandoned by the owners and turned over finally to a corporation that rented it to the Government. There are four to six stoppages in the tube before the mail can get to its destination. There never was a greater swindle perpetrated on the Government. I tell you, gentlemen of the House, every man of you that subscribes to this proposition when it comes before this country is going to be justly smirched.

Let us see what else they are proposing. Tell me that this proposition shall not go to conference, tell me that the judgment of the conferees on this question ought not to be submitted to the House, and you tell me that the House ought to subscribe to a wrong without knowledge of what it is doing.

Let us see for a moment, Mr. Speaker, what is the proposition of the House. In the motion I make I ask noncurrence with the Senate amendment. I have no objection to the amendment offered by the gentleman from Minnesota, because that amendment will throw this question into conference, but I do have an objection to any proposition that would commit this House to the provisions of the Senate amendment without a considera-tion in conference. Let us see what they have done. They have stricken out the provision as made by which I propose

to stand. They have gone further. They have proposed a committee of the House and Senate for what? To see if they can not secure the purchase by this Government of tubes that are not worth the rent. That is their proposition here, and who do they select? Three Members of the House and three Members of the Senate. There are not three men on the floor of either House that has a scientific, technical, and mechanical knowledge sufficient to make a report on this question that ought to be reported upon. The truth is, if you consider this question, you ought to amend it here or in conference. If you want to consider the question of purchase, it should be by a committee with two scientific engineers and a postal expert to report on the question.

You shall not vote blindly on this matter. I tell you what the proof is, and if you will read it it will demonstrate that this whole business was commenced in fraud and iniquity and has been carried on at the expense of the Government down to this very minute. Why, sir, I would no more touch a commission that would report favorably upon this Senate amendment than I would ask that I be imprisoned for the crime of larceny. Is there anything wrong in sending this to the conference? it not be worked out and settled there? Why are you so anxious to have this House commit itself to a proposition that the postmasters in these cities condemn and that the Government condemns, that the commission that investigated it condemns?

Let any gentleman who proposes to stand by that proposition answer a constituency that will demand of him to know whether he has stood true as a representative of the people or whether he has stood by the local corporation that controls these instrumentalities. The pneumatic tube performs a very insignificant service. These tubes are 8-inch tubes. They are discredited everywhere and in every Government. They ought not to be unloaded upon this Government, This is the first step to perpetrate that fraud, and it ought not to be consummated in this House. Take your choice, gentlemen. There is the printed record, and I defy you to go behind it on the facts. Say whether you will have this Government protect the private interests of these corporations at a loss of \$7,000 per mile per annum on every one of the miles of line or whether you will submit to a conference the consideration of the question of the disagreeing vote of this House. [Applause.] I propose as a conferee to stand as far as possible by the judgment of this House. If you want to consummate this transaction with the light before you, do so, but you can not do it with my vote, and I regret to say you can not do it with my respect.

yield five minutes to the gentleman from Illinois [Mr.

Mr. MADDEN. Mr. Speaker, the amendment of the gentleman from Minnesota [Mr. Steenerson] proposes to appropriate the money to continue the pneumatic-tube service. The amendment of the Senate proposes to appoint a commission to buy the tubes and substantially makes it mandatory upon the commission to consider the question with a view to purchase only. The question for the House to decide is whether without any information it is willing to adopt the Senate amendment which in effect means the purchase of the tubes. I am willing that the tube service shall be continued. I want the appropriation made to continue that service, but I am opposed to the purchase of the tubes by the Government of the United States. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentle-

man yield?

Mr. MADDEN. Not now.

Mr. MOORE of Pennsylvania. Purchase is not contemplated, except that it is to be reported upon.

Mr. MADDEN. The amendment itself practically directs the purchase of the tubes.

Mr. MOORE of Pennsylvania. Oh, I beg the gentleman's pardon.

Mr. MADDEN. The information to be obtained by the commission to be appointed is with a view to the purchase of the tubes and for no other purpose. The question is, Does this House want blindly to decide upon the appointment of a commission to buy property that it ought not to own? If we want anything whatever we want the tubes to be used, and if we appropriate the money the tubes will be used, and I submit that the amendment of the gentleman from Minnesota [Mr. Steen-ERSON] treats the question in the only way in which it ought to be treated, and I ask the House to vote for that amendment and to vote down the motion to concur in the Senate amendment, because I believe that we ought not to commit the Government of the United States to the purchase of property that some private owners are anxious to get rid of. [Applause.] Who knows what the value of this property is? Why should the Government buy it? The amendment offered by the gen-

tleman from Minnesota will enable the Postmaster General to negotiate for better terms. Does anyone deny the wisdom of giving the Postmaster General the right to rent these tubes for \$10,000 per mile per annum instead of \$17,000, if he can get them at the lower rate? Do you want to tie his hands? you want to make the Postmaster General an automaton? Do you want to conduct the Post Office Department on business lines? Do you want to economize in the business of this great service as you would in any private business enterprise?

Mr. BENNET. Mr. Speaker, will the gentleman yield? Mr. MADDEN. If you do you will vote to adopt the amend-

ment offered by the gentleman from Minnesota. I yield to the

Mr. BENNET. Is it not a fact that the First Assistant Postmaster General said frankly before the Senate committee that unless Congress directed the department to continue these tubes they would not use the appropriation for that purpose?

Mr. MADDEN. It does not make any difference what the First Assistant Postmaster General said.

Mr. BENNET. Did he not say that?

If the Congress of the United States-Mr. MADDEN.

He did say it. Mr. BENNET.

Mr. MADDEN. If the Congress of the United States by its vote appropriates the money with the understanding that it must be used for a given purpose, I deny the right of either the Postmaster General or any of his assistants to say that the orders of Congress shall not be obeyed.

Mr. TAGUE. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TAGUE. Is it not a fact that since this money was appropriated by the House the Postmaster General has refused to advertise for bids in any city outside of the city of New York? Mr. MADDEN. How could be advertise for bids?

Mr. TAGUE. Has he not advertised for bids in the city of

New York?

Mr. MADDEN. The appropriation has not yet become a law. Mr. TAGUE. Has he not advertised for bids in the city of New York?

Mr. MADDEN. And the present contract does not expire

until after the 4th of March.

Mr. TAGUE. That is not the question. Has he not advertised in New York?

Mr. MADDEN. I do not know. Mr. BENNET. I say he has. Mr. MOON. Mr. Speaker, will the gentleman yield to me a moment? I think I can settle that.

Mr. MADDEN. I yield. Mr. MOON. The Postmaster General under the law can not advertise for any but New York, because the law provides that he shall not advertise nor renew the contract until a favorable report is made by a committee appointed under and in pursuance of the law, and that report was made, and it was unfavorable to every place except the city of New York.

Mr. TAGUE. Mr. Speaker, if I may be permitted—
Mr. MADDEN. I decline to yield any longer.
The SPEAKER. The gentleman from Illinois has the floor.
Mr. MADDEN. I simply want to reassert that I am in favor of making an appropriation to continue this service, but I am opposed to the appointment of any commission with a view to buying the tubes, and a vote to concur in the motion of the gentleman from Massachusetts [Mr. Tague] will be a vote in favor of the purchase of the pneumatic tubes.

Mr. MOORE of Pennsylvania. Will the gentleman yield-

Mr. DYER. How does the gentleman get that inference? [Cries of "Vote!"]

Mr. MOON. Mr. Speaker, I hope that the House will vote for the amendment offered by the gentleman from Minnesota, because that will put the whole question in conference, and we can determine then whether a commission should be appointed and for what purpose, and report can be made to the two Houses and settle the whole matter. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman moves the previous ques-

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to concur in Senate amendment 15 with

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. Tague) there were-ayes 176, noes 106.

Mr. TAGUE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER (after counting). Forty-three gentlemen have arisen, not a sufficient number, and the yeas and nays are

So the motion to concur with an amendment was agreed to. The SPEAKER. The Clerk will report Senate amendment 19. The Clerk read as follows:

On page 18, strike out the figures "\$28,208,300" and the word "Provided" and insert "Provided, That hereafter any substitute railway postal clerk shall, after having performed service equivalent to 313 days, be appointed railway postal clerk of grade 1, and in computing such service credit shall be allowed for service performed prior to the approval of this act: Provided further, That hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change: Provided further."

Mr. MOON. Mr. Speaker, I move to nonconcur in Senate amendment 19.

Mr. VAN DYKE. Mr. Speaker, I move that the House concur in Senate amendment 19.

The SPEAKER. The gentleman offers a preferential motion to concur. The question is-

Mr. MOON. Mr. Speaker, just one minute. Does the gentleman from Minnesota desire to be heard on his amendment?

Mr. VAN DYKE. I do.

Mr. MOON. I yield five minutes to the gentleman. Mr. VAN DYKE. Mr. Speaker, this is practically the same amendment which was stricken out on a point of order before the House when the Post Office bill was under consideration here. It has to do with the taking care of substitutes in the Railway Mail Service. At present, according to a statement made by four different committees, we find the men in the Railway Mail Service, which is one of the most important, in fact the most important branch of the Post Office Department, acting as substitutes from two to three and three and a half years at a very low salary, making it necessary for them to quit before they have become regularly appointed. We find in the hearings on the bill H. R. 1187 a statement which was made and has been substantiated that in California the average monthly salary of California substitutes on the basis of substitutes available for duty for January of this year-that is, the year in which the hearings were taken-that of 109 available for duty the total days being 1,195, the average salary per month was \$26.14.

Mr. BORLAND. Will the gentleman yield for a question?

Mr. VAN DYKE. Yes. Mr. BORLAND. This proviso says that after 313 days the substitute shall be appointed in grade 1. Is that "shall" or

Mr. VAN DYKE. It means "shall,"
Mr. BORLAND. It means after one year's work he "shall"

he appointed?

Mr. VAN DYKE. If the gentleman will wait just a moment I will come to that point. I want to use my time in discussing We find that the salary of these substitutes in January, February, March, April, May, in fact, every month in the year, averages from \$14 up to as high as \$34.20 a month, meaning only one thing, that the average citizen of this country is unable to live on that salary, and will have to drop out of the service. Now, we find in the hearings before the Senate committee on this bill that the General Superintendent of the Railway Mail Service makes this statement, that the substitutes can be taken care of under this provision without an additional cent of cost to the Government, consequently the department, it would seem, would have no particular objection to this passing, and as a matter of fact the department did suggest amendment 22 because of this section.

Mr. MOON. Will the gentleman from Minnesota let me in-

terrupt him? Mr. VAN DYKE. I will.

Mr. MOON. The first part of that section which provides-That hereafter any substitute railway postal clerk shall, after having performed service equivalent to 313 days, be appointed railway postal clerk of grade 1, and in computing such service credit shall be allowed for service performed prior to the approval of this act is not objected to.

While perhaps this matter should all of it go in conference, want to say to the gentleman from Minnesota I do not think the conferees will have any objection to that part of the amendment, but as to the proviso, that requires clerks to be transferred when changes are made and their salaries shall not be reduced by reason of such change, the department is of the opin-ion that it would materially interfere with the administration of affairs in the department.

I will say to the gentleman that I sympathize with him in this matter, and I would be willing in the conference, or even here, to concur in the first part of that section—to strike ont

the proviso and concur with an amendment. Would the gentleman object to that?

VAN DYKE. Will the gentleman from Tennessee grant me a little more time, another five minutes, in which to go into this in detail?

Mr. MOON.

Mr. VAN DYKE. I have here the hearings before the Senate committee, in which the general superintendent

Mr. MOON. I want to ask you this: With the assurance that the conferees favor that part of the section, would you be willing to have this matter go into conference?

Mr. VAN DYKE. It is the second part of the section I desire to talk on now, and that is when railway postal clerks are transferred from one assignment to another because of changes in the service their salary shall not be reduced by reason of such

Under date of February 9, 1917, the department advises as follows:

When a reorganization of service or a reduction of classification contemplates a reduction in salaries in a railway post office, any clerk whose salary thereby becomes due to be reduced shall be given his choice of remaining on the same line with appropriate reduction in salary or of being transferred to another assignment carrying with it a salary not less than the salary he is then receiving. If he elects to remain on the same line, the required reduction in his salary shall then be made; but if he elects to be transferred, he will continue to receive temporarily the same salary he has been receiving pending an opportunity to give him such other assignment.

Mr. SMITH of Minnesota. Will my colleague yield for a question?

Mr. VAN DYKE. I will.

Mr. SMITH of Minnesota. What will be the effect of the posi-

tion you are taking?

Mr. VAN DYKE. It will mean simply this, that in the event of another reorganization of the railway mail service throughout the country, which is contemplated at the present time by the department, the men on the road can not be transferred off of the regular assignment they have now to the terminals throughout the country and have their salaries reduced because of that.

The SPEAKER. The time of the gentleman has expired.

Mr. VAN DYKE, Mr. Speaker, I ask for more time. I would like another five minutes.

Mr. MOON. I will yield to you three minutes. I want to get

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. VAN DYKE. I want to finish this one statement, and then I will yield. This simply means we will not have a repetition of that which transpired as to rural carriers and city-delivery carriers, when the department reduced their salaries, and later on Congress reconfirmed their attitude and reappropriated and forced the department to pay that which they were asked to pay prior to the time in the previous Congress. We have certain classifications in the railway mail service, and under the reclassification act of 1912 there is one clause which states that no railway postal clerk shall suffer in salary because of the reclassification made. Now, at the present time, with the contemplated change in the railway mail service, we find that men are being taken off the road and being reduced from \$1,500 to \$1,200 a year by this reorganization.

Mr. GREEN of Iowa. As I understand the situation now, the railway mail clerks that are taken off of their regular routes and put in what are called "terminals" have their salaries reduced?

Mr. VAN DYKE. Yes. Mr. GREEN of Iowa. Well, will this help their situation and those who have heretofore been reduced?

Mr. VAN DYKE. It will take care of their situation entirely from now on.

Mr. GREEN of Iowa. It did not seem to me to be worded

quite right for that. I hope that will be the effect.

Mr. MOON. I do not think that will, I will say to the gentleman from Minnesota. I was going to say to him that there is no serious objection to the first part of the section. The proviso, however, would indicate that the department could not well administer this office under such strict rules. There ought to be times when the department would have the right-

Mr. VAN DYKE. I want to ask the gentleman from Ten-

The department ought to have the right to control, if not all the time.

Mr. VAN DYKE. The department has the absolute right under this amendment to reduce any man in the Railway Mail Service for cause, but where a man is transferred from one line to another, taken from one town to another, is taken from the road and put into the terminal against his own wishes, and the salary that he has been drawing for years is reduced, I | Illinois on that.

think it is time that Congress should state specifically that they should not do that.

Mr. MOON. Do you think that a man who has been laboring under heavy burdens on a heavy road all the time, and they take him off and transfer him to terminal work, where his work is very light, he should have the same amount as the other man involved in the transfer?

Mr. VAN DYKE. This does not even include the man who asked for the transfer. It is the man who is arbitrarily transferred.

Mr. MOON. And you want to control the department on that question?

Mr. VAN DYKE. Yes; when arbitrarily transferring a man from one assignment to another and reducing his pay it is no fault of the man who was arbitrarily transferred.

Mr. MOON. You had better let it go to conference, where it can be properly adjusted.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. Cox]

to make a preferential motion.

Mr. COX. Mr. Speaker, I offer a preferential motion, by moving to concur with the following amendment, beginning with the word "Provided," in line 11, strike out all down to and including the word "change," in line 15.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend Senate amendment No. 19, on page 18, by striking out the second proviso, beginning in line 11 and ending with the word "change," in line 15.

Mr. PARKER of New Jersey. Mr. Speaker, I rise to a question of procedure. There are two provisos here, one of which it is suggested be stricken out.

Mr. COX. Beginning with line 11.

Mr. PARKER of New Jersey. I ask that the question of concurrence be divided so that we can vote separately on the two

Mr. COX. The gentleman has the right to ask for a division. Now, just a word, Mr. Speaker. The railway postal clerks need not fear that they are in the hands of enemies. They can have every assurance and every reliance that they are in the hands of their friends, because I think and believe that the legislation passed in the last eight years and brought in here by the Committee on the Post Office and Post Roads bears me out in the assertion that of all the postal employees the railway postal clerks have been the favored class.

Mr. MANN. Mr. Speaker, will the gentleman yield? Mr. COX. Yes. Mr. MANN. We had distributing stations at the va

We had distributing stations at the various railway stations, temporarily. The railway mail clerks were assigned to those. Those distributing stations were afterwards closed up and abandoned. The railway mail clerks were then transferred back to regular duty, and in many cases their salaries were reduced. Does the gentleman think that was fair?

Mr. COX. No.

Mr. MANN. Is not that what this House designed to cover? Mr. COX. I think this whole proposition ought to go to conference. I have full faith in the conferees, and so far as the House conferees are concerned, I believe they will report back something that will meet the gentleman's views. I know that the department is afraid of the language as it is now, for fear of the administration of it. But I do not believe for a moment that the department is antagonistic to any railway postal clerks affected in the way or manner referred to by the gentleman from Illinois

I think the whole matter should go to conference.

Mr. MANN. The gentleman's amendment, however, would express the opinion of the House that this second proviso ought entirely to go out.

Mr. COX. Well, I do not know what the House conferees might do when they got into conference, if the Senate insisted. Mr. MANN. I am not sure that the second proviso should

remain as it is.

Mr. COX. I do not know, either. Mr. MANN. And I do not believe, when the work of a railway mail clerk is changed, without reflecting on him, that he should suffer a reduction of salary.

Mr. COX. I think so, too; but I think the whole matter should go to conference. Let the conferees work it out.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield? Mr. COX.

Mr. GREEN of Iowa. Does the gentleman think it proper when the railway mail clerk is taken off and put to work on one of these terminals that his salary should be reduced?

Mr. CON. I answered the question of the gentleman from

Mr. GREEN of Iowa. Why does the gentleman think this proviso should not be stricken out?

Mr. COX. I think it should be left to the conferees.
Mr. GREEN of Iowa. I think we should have this language. Mr. COX. I think we would get it back here in the proper

Mr. COOPER of Wisconsin. Mr. Speaker, I would like three

or four minutes.

Mr. MOON. I will yield to the gentleman after I have yielded to the gentleman from California [Mr. RANDALL], to whom I promised time. Mr. Speaker, the gentleman from California [Mr. Randall] is given two minutes.

The SPEAKER. The gentleman from California is recognized

for two minutes.

Mr. RANDALL. Mr. Speaker, I hope the amendment offered by the Senate will be adopted by the House.

I spent 12 or 13 years in this service, and I know that the substitute clerk is the poorest paid, hardest worked, and the most shabbily treated clerk in the service. I have talked with the General Superintendent of the Railway Mail Service, and this amendment, if not suggested by him, is approved by him, and I hope the House will concur in the Senate amendment.

Mr. MOON. Now I yield two minutes to the gentleman from Wisconsin [Mr. Cooper].

Mr. COOPER of Wisconsin. Mr. Speaker, I understand that the motion of the gentleman from Indiana [Mr. Cox] is to strike out the proviso beginning on page 18, line 11, which reads as follows:

Provided further, That hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change.

Mr. Speaker, I am opposed to the motion because I do not think that in these times, when potatoes are a dollar a peck, when all the cost of living is higher than ever before in the history of the United States, when the House has voted to the secretaries of Members an increase in salary of 331 per cent, we should compel, or make it possible for, any employee of honorable character, transferred from one assignment to another in this business, to have his salary reduced. This would not be consistent with our professions of interest in the welfare of the persons who work for the Government of the United States. That is one amendment proposed by the Senate which ought to remain in the bill. [Applause and cries of "Vote!"]

Mr. VAN DYKE rose.

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. VAN DYKE. To make a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. VAN DYKE. I want to know what effect the presentation of the amendment of the gentleman from Indiana [Mr. Cox] will have upon the question?

Mr. MOON. It just puts it in conference.
The SPEAKER. It sends it to conference.
Mr. VAN DYKE. It kills one-half of it, as I understand.

The Chair did not understand what the The SPEAKER.

Mr. VAN DYKE. I moved that we concur in Senate amendment numbered 19. The gentleman from Indiana offered a preferential motion. I would like to have that read to ascer-

tain just what effect it will have on my motion.

The SPEAKER. If the motion of the gentleman from Indiana prevails, the motion of the gentleman from Minnesota will be just like the motion of the gentleman from Tennessee. The Clerk will report this amendment again.

The Clerk read as follows:

Mr. Cox's amendment: On page 18 strike out the provise beginning in line 11, down to and including the word "change" on line 15, which reads: "Provided further, That hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change."

The SPEAKER. The question of the gentleman from New

Jersey [Mr. Parker]—
Mr. MOON. Mr. Speaker, the gentleman from Iowa [Mr. Green] wants some time. I yield two minutes to him.
The SPEAKER. The gentleman from Iowa is recognized

for two minutes.

Mr. GREEN of Iowa. Mr. Speaker, I am opposed to the motion of the gentleman from Indiana to strike out the last proviso for the reason stated by the gentleman from Wisconsin [Mr. Cooper], and for other reasons which I regard as even more important.

This proviso as it stands ought to be consistent, otherwise the manner in which the department has been making these removals is very unfair to the men. It is unfair to pick out one man in that way. They will have to pick out somebody

from a lower grade when there is no reason for demoting him, when his services are just as good as those of other clerks in the department. It is unfair to pick him out arbitrarily and reduce his salary in this manner.

If they are taken for another service when their record has been good, when they have been performing properly the work to which they have been assigned, they ought to receive the

same salaries as they received before. [Applause.]
The SPEAKER. The gentleman from New Jersey [Mr. PARKER] demands a severance of this. Consequently the vote is on the Cox amendment first.

The question being taken, the amendment of Mr. Cox was

rejected.

The SPEAKER. The question now is on concurring-

Mr. PARKER of New Jersey. Mr. Speaker, there are two provisos in the Senate amendment, and my request was for a division of the amendment and a vote on the first proviso separately, and then a vote on the second proviso.

The SPEAKER. You can not do that. The question is on

concurring in the Senate amendment.

Mr. MOON. Let us have a division, because I think this matter ought to go to conference.

The SPEAKER. The gentleman from Tennessee [Mr. Moon]

demands a division on the motion to concur.

The affirmative vote was taken.

Mr. MOON. Mr. Speaker, I want to ask the effect of the There seems to be some misunderstanding about it. gentleman from New Jersey [Mr. PARKER] moved a division of the vote, and the Speaker put the question as to whether the House would agree to the first part of the Senate amend-

The SPEAKER. No; the Chair put the question on agreeing to the Cox amendment.

Mr. MOON. That was voted down?
The SPEAKER. That was voted down. The House did not agree to that amendment. Now the question is on concurring in the Senate amendment as a whole.

Mr. MOON. There are two provisos.

The SPEAKER. Yes; but the Chair refused to separate the two provisos.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the

vote be taken over again.

The SPEAKER. The gentleman asks that the vote be taken over again, so everybody will know how he is voting. Now, if you vote "aye" you vote to concur in this Senate amendment.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This is a straight vote to concur in the Senate amendment?

The SPEAKER. A straight vote to concur in the Senate amendment.

MEMBER. In the entire amendment?

The SPEAKER. In the entire amendment. The vote will be taken over again.

The House divided; and there were-ayes 161, noes 43 Accordingly Senate amendment 19 was concurred in.

The SPEAKER. The Clerk will report Senate amendment 30. The Clerk read as follows:

Amendment 30: On page 29, after line 8, insert the following: "That from and after the passage of this act privilege of admission to the mails as second-class matter extended to the bulletins issued by State boards of health under the provisions of the act 'making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes,' shall be extended to the bulletins issued by the boards of health of cities, in the same manner and under the same conditions."

Mr. RAKER. Mr. Speaker, I move to concur in the Senate amendment with an amendment, as follows

Mr. MOON. I move to nonconcur in the amendment.
Mr. RAKER. On line 16, page 29, after the word "cities,"
insert the words "and State boards or commissioners of high-

The SPEAKER. The gentleman from California moves to concur in amendment 30 with an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "cities," in line 16, page 29, insert "and State boards or highway commissioners."

Mr. STAFFORD. I make the point of order that the amendment is not germane to the Senate amendment. It is clear that the Senate amendment merely provides for extending the franking privilege to bulletins issued by boards of health of cities. The gentleman is attempting to extend the franking privilege to State boards or commissioners of highways. It is providing an entirely different class, and the decisions are

too numerous for me to cite them that such a proposition is not

The SPEAKER. The point of order is sustained. gentleman from Tennessee [Mr. Moon] moves that the House nonconcur in Senate amendment 30.

The motion of Mr. Moon to nonconcur in Senate amendment 30 was agreed to.

The SPEAKER. The Clerk will report amendment 32. The Clerk read as follows:

The Clerk read as follows:

Amendment 32: On page 36, insert the following:

"Sec. 3. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein: Provided further, That the increases shall not apply to employees in the classified service now receiving salaries at the rate of \$800 or more per annum."

Mr. MOON. Mr. Speaker, I move to nonconcur in the Senate amendment.

Mr. AYRES. Mr. Speaker, I move to cencur in the Senate

amendment with the following amendment.

The SPEAKER. The gentleman from Kansas moves to concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Ayres, of Kansas, moves to concur in Senate amendment 32, with the following amendment:
"Sec. 3. That to provide during the fiscal year 1918"——

Mr. Speaker, a parliamentary inquiry. ER. The gentleman will state it. Mr. MANN.

The SPEAKER.

Mr. MANN. Without doing it all over again, I am sure the gentleman means to move to concur in the Senate amendment with an amendment striking out all the language of the Senate amendment and inserting in lieu thereof what he has sent up to the desk?

Mr. AYRES.

Mr. AYRES. Yes. The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

The Clerk read as follows:

Mr. Ayres moves to concur in Senate amendment 32 by striking out all of the amendment and inserting in lieu thereof the following:

"Sec. 3. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

The SPEAKER. The question is on the motion of the gentleman from Kansas [Mr. Ayres] to concur with an amendment.

Mr. MANN. Mr. Speaker, will the gentleman from Tennessee yield to me five minutes?

Mr. MOON. I yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, whatever action shall finally be taken in reference to increased compensation ought, in my judg-ment to be uniform in the various appropriation bills. The ment, to be uniform in the various appropriation bills. amendment now proposed is the same amendment that has heretofore been agreed to by the House. But we are in a rather unfortunate predicament in one sense, not about this bill. The conferees on the Agricultural bill have reported back to the House an agreement on that bill changing the House amendment and changing the Senate amendment, and providing for an increase in salary of 10 per cent up to and including \$1,000, and 5 per cent for salaries over \$1,000 and up to \$1,500. The conferees on the Indian appropriation bill reported back to the House agreeing to the House provision, which is offered in this amendment. My recollection is that the conference report on the Agricultural bill will come up in the Senate first for action, and that the conference report on the Indian bill will come up in the House first for action. I do not know whether the Senate will act on the Agricultural bill before we do on the Indian bill, or whether we will act on the Indian bill first. Of course we can not afford, in my judgment, to put one increase in the Indian bill and then a different increase in the Agricultural bill. We can not afford to discriminate between different employees because they happen to be in different services or because different Members happen to be on conference committees. I take it that we will work it out in some way, but I for 8 or 10 days. On the last House omnibus bill the confer-

wanted to call it to the attention of the House before these matters come up so that they will understand that there is a quandary on the part of the conferees on these bills.

Mr. MOON. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Does not the gentleman think it would be bet-Mr. MOON. ter, in view of the situation, in order to obtain a uniform action, for it to go to conference?

Mr. MANN. Certainly I think we ought to agree to the amendment offered by the gentleman from Kansas, and that will send it to conference to determine what the rate of increase Without this amendment the House will be foreclosed. Mr. MOON. Mr. Chairman, I yield five minutes to the gentle-

man from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I agree that this amendment should be agreed to as quickly as possible, and that the two Houses should indicate the character of the amendment upon which they are willing to agree for the proposed increase in salaries to Government employees. The legislative bill is in conference, and most of the differences have been adjusted. The Indian bill, as the gentleman from Illinois [Mr. MANN] has said, carries one adjustment, and the Agricultural bill a different adjustment. Those bills can be finally agreed upon and enrolled and sent to the President for approval this week if the two Houses can determine upon some one of them just what the increase for employees is to be. It would be almost ridiculous for the Congress to enact legislation providing for one rate of increase for the employees in one department, and an entirely different rate of pay for employees in some other department of the Government.

I do not know upon which bill it would be most advisable to thrash out what the House proposes to do. I have heard it intimated that it was the intention to withhold the Agricultural bill from consideration in the Senate until some other bill had been acted upon in the House. It would be better, Mr. Speaker, since the Agricultural bill has been agreed upon, if that bill could be taken up in the Senate and acted upon immediately and then taken up in the House. If the two Houses were to agree what the proposed compromise should be, if any, it would be notice to the managers of all other bills as to what the attitude of the House would be. I hope some attempt will be made quickly to settle that question so that we may not in the last week of the session be so jammed with work that it will be impossible to complete it under any possible conditions.

Mr. MANN. Will the gentleman yield? Mr. FITZGERALD. I will.

Mr. MANN. I know the gentleman, with his great experience, will say that it is quite important that some of these conference reports should be agreed to soon in order that the bills may have time to be enrolled.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois sounded a warning yesterday that should be heeded. It will be physically impossible to enroll all the bills within the last two or three days of the session. It requires men of experience, men of training, who are competent, to enroll bills properly. They can not be taken on at random. It requires time. During the last two or three days of the session the enrolling clerks will be employed continuously without interruption all day and all night, and perhaps on a stretch of 34 to 40 hours under the best conditions. We must try and expedite our work, so that some of the enrollment and comparison work that is imperative can be done early next week. The gentleman from New Jersey [Mr. Browning] knows the difficulty that will exist, and everyone should make a special effort to speed up the agreements on conference reports on appropriation bills so that the work can be done.

The sundry civil bill and the general deficiency bill necessarily will come into the last day or two for enrollment. There should not be six or seven large bills turned over to the emrolling room to be handled in the last 50 or 60 hours of the session. do that, we are bound to have very serious errors, and perhaps

fail to complete what must be done.

Mr. MANN. Mr. Speaker, I would like to get the attention of some of these gentlemen who handle pension bills. I think there are quite a number of pension bills in conference that have been practically, if not entirely, agreed upon. I was told that they were holding back the reports of conferees until the last one was agreed upon. As soon as they can agree on a conference report on a pension bill, some of which are long bills,

the would be very desirable to have the conference report agreed to and in the hands of the enrolling clerk and out of the way.

Mr. RUSSELL of Missouri. Mr. Speaker, I will state to the gentleman from Illinois that there are two of the House omnibus pension bills in which the conferees have been appointed

ees were appointed yesterday afternoon. I have been trying to get the Senate conferees to consent to a conference on the two first for a week or more, but they have insisted that they wanted to get all of the bills in conference at the same time, so as to avoid more than one conference.

Mr. MANN. That is no excuse; they do not have to enroll

the bills

Mr. RUSSELL of Missouri. I called this morning and asked if we could not have a conference to-day, but they said it ought to be put off until Saturday, so that two Senate bills may be passed and considered by the conferees at the same time. The House conferees will get the conference at the earliest time possible.

Mr. MANN. The Senate does not have any trouble about enrolling bills, because they do not originate many. If the gentleman from Missouri does not look out, some of his pension bills will fail, because no enrolling clerk will stop to enroll a pension bill when there is an important public bill waiting for enroll-

Mr. MOON. I yield two minutes to the gentleman from New

Jersey [Mr. Browning]

Mr. BROWNING. Mr. Speaker, I do not wish to be heard upon this amendment. I only desire to confirm what the gentleman from New York [Mr. FITZGEBALD] and the gentleman from Illinois [Mr. Mann] have stated relative to the enrollment of bills at the end of a session of Congress. It has been a physical impossibility for the enrolling clerks to enroll the great volume of bills that have poured in upon them during the last few days of a session, and during the 16 years of my experience in assisting in this work I have known the clerks engaged upon it to remain in their office continuously for three days and three nights, with very few and short snatches of sleep. The quantity of work these men have been called upon to perform in the last days of Congress should not be put upon them in the future, and I hope the warning given by the gentleman from New York and the gentleman from Illinois will be heeded right now.

The SPEAKER. The question is on ordering the previous

question.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Kansas to concur, with an amendment.

The motion was agreed to.
The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Senate amendment 33. Insert as a new section the following:

"SEC. 4. In order to promote economy in the distribution of supplies, and in auditing and accounting, the Postmaster General may hereafter designate district and central offices in such districts through which supplies shall be distributed and accounts rendered, and may for the above purposes establish such branch offices within such districts as he may deem necessary; but in no case shall the postmaster at the central office be given authority to abolish offices, to change officers or employees in offices included in such districts."

Mr. MOON. Mr. Speaker, I move to nonconcur in the Senate amendment

Mr. BLACKMON. Mr. Speaker, I move to concur in the Senate amendment, with an amendment.

Mr. CANNON. Mr. Speaker, I desire to ask the gentleman

from Tennessee a question.

The SPEAKER. The Chair will ask the gentleman from Alabama to withhold his amendment for a moment, so that the gentleman from Illinois may ask the gentleman from Tennessee a question.

Mr. BLACKMON. Very well. Mr. CANNON, I think this amendment ought to go to conference

Mr. MOON. That is all I want to do.

Mr. CANNON. I believe it ought not to be agreed to. There is no economy in it.

Mr. STEENERSON. Mr. Speaker, will the chairman promise the House that it will have a chance to vote upon this before it is agreed to?

Mr. MOON. It is immaterial to me. I just move to non-

concur.

Mr. CANNON. Mr. Speaker, I aim to say, without being offensive to anybody, that this will result, in my judgment, offensive to anybody, that this will result, in my judgment, in creating from time to time, whatever party may be in power, in creating a whole lot of unnecessary places without limit, depending upon discretion. That will not be an economy but an extravagance.

Mr. MOON. Mr. Speaker, I desire only to say that these motions I make, as in this case, are formal motions, in order to get

the matters into conference.

Mr. CANNON. I am not antagonizing the motion. Of course, it must go to conference.

The SPEAKER. The gentleman from Alabama moves to concur in the Senate amendment 33 with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Blackmon moves to concur in Senate amendment 33 with an amendment as follows: Section 4, page 37, strike out, on lines 17, 18, and 19, the following: "and may for the above purposes establish such branch offices within such districts as he may deem necessary."

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Alabama.

Mr. BLACKMON. Mr. Speaker, I have no possible objection to the Postmaster General providing for the distribution of supplies from a central office to be designated by him, but I do object to the Postmaster General being authorized to make substations out of presidential post offices. In other words, under the provisions of this amendment, the Postmaster General might designate the capital of a State as the distributing point, and all the other post offices in that State might be designated substations of the principal office in the State. It strikes me as being a most dangerous proposition to give that power to the Postmaster General. It is said that he may never exercise it. I do not believe that it is proper to give to any department of this Government discretion to do that which we do not believe it ought to do, and therefore I think that this provision unquestionably ought to be stricken from this amendment. I yield back the balance of my time.

Mr. STEENERSON. Mr. Speaker, I will ask the gentleman

from Tennessee to yield me five minutes.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentle-

man from Minnesota.

Mr. STEENERSON. Mr. Speaker, I am in favor of the amendment offered by the gentleman from Alabama [Mr. Black-MON]. This provision is our old friend that we have had here several times, proposing to do away with third-class postmasters and establishing branch offices. We voted it down several times before, and it is very closely related to the Poindexter amendment, which we voted down the other day, except that the Poindexter amendment probably would have gone a little further. This provision authorizes the Postmaster General to designate districts and central offices in such districts from which supplies shall be distributed and accounts rendered, and so forth. We had hearings on a similar provision before the House Committee on the Post Office and Post Roads several times

It was explained that the ideal administration of postal affairs would be to establish one office in every large county and have all of the other offices subordinate to it, or perhaps one office in each State. In Indiana, for instance, they suggested Indianapolis might be made the central office, and then all of the other offices in the State would be branch offices to that. Under this provision you could abolish every other office in Indiana and make Indianapolis the head office, and the others would be branch offices. The postmasters would walk the plank, and you would have a civil-service clerk in their places. At the least calculation, if this is carried into effect it will abolish over 6,000 third-class post offices, and they will be branch offices, because they will not be distributing points. They are presidential offices now, and the postmasters are selected from the residents of the towns or the patrons of the office. If this is carried out the postmasters very largely will be imported individuals under the civil service. Mr. Speaker, it seems to me strange that the administration of this great executive department will insist upon trying to perpetrate these Jokers on this House repeatedly. [Applause.] This House has expressed its condemnation of that and yet every once in a while this same attempt is made, destructive of the rights of the House. It comes up in a different form every time. I support the gentleman from Alabama, and I ask the House to vote in his amendment, which takes the substance out of it.

The SPEAKER. The question is on the motion to concur, with an amendment.

The motion to concur, with an amendment, was agreed to. The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Senate amendment No. 34: On page 37 insert the following:

"Seo. 5. That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

"If the publisher of any newspaper or other publication or the agent of such publisher, or if any dealer in such liquors or his agent, shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned not more than one year. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid: Provided, That nothing herein shall authorize the shipment of liquor into any State contrary to the laws of such State: Provided further, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors."

Mr. MOON. Mr. Speaker, for the purpose of getting this

Mr. MOON. Mr. Speaker, for the purpose of getting this amendment before the House, and not as an expression of my own views, I move to nonconcur in this amendment.

The SPEAKER. The gentleman from Tennessee moves to

Mr. RANDALL. Mr. Speaker, I move to concur in the Senate amendment No. 34.

Mr. ALMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALMON. I wish to know of the Speaker if this amendment is divisible; and if so, I want to demand a division into two parts, of which I think it is susceptible. wish to demand a division of the amendment, beginning

The SPEAKER. Wait a minute. You can not divide to

Mr. MANN. Mr. Speaker, I want to suggest it is in order for the gentleman to ask a division of the question, if he proposes to concur with an amendment. That throws the whole Senate amendment open to amendment.

That is what the Chair was going to state, The SPEAKER.

if he ever got a chance.

Mr. ALMON. Mr. Speaker, I offer a preferential motion— The SPEAKER. No; the gentleman from Virginia offers a

Mr. SAUNDERS. Mr. Speaker, I desire to offer a preferential motion to that of the gentleman from California, and ask that the amendment be reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SAUNDERS: Page 39, after the word "Territory," on line 3, strike out all that follows down to and including the word "purposes," in line 5, and insert the following: "contrary to the laws of such State or Territory," so that the provision as amended will read.

"Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory, contrary to the laws of such State or Territory, shall be punished as aforesald."

Mr. MANN. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman offers an amendment now to the Senate amendment. Does the gentleman move to concur in the Senate amendment with an amendment?
Mr. SAUNDERS. That is the motion.

Mr. MANN. But that is not the way it was stated.
Mr. MOON. Mr. Speaker, I move the previous question on the amendment.

Mr. SHERLEY. Mr. Speaker-

The SPEAKER. Does the gentleman from Kentucky rise for a point of order?

Mr. SHERLEY. Not for a point of order, but I want to make

parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Whether it is in order to offer any motion to concur with an amendment while the motion of the gentle-

man from Virginia is pending?

The SPEAKER. The gentleman can demand a division of this question, which throws the Senate amendment open to amendments.

Mr. ALMON. Mr. Speaker, I demand a division of the amend-

The SPEAKER. Now, the gentleman from Tennessee [Mr. Moon] has moved the previous question on the motion of the gentleman from Virginia. The question is on the previous question on the motion of the gentleman from Virginia.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. If that motion shall prevail and the previous question be ordered on the motion of the gentleman from Virginia and the motion of the gentleman from Virginia be not agreed to, will it then be in order to make a motion to concur with an amendment?

Mr. MANN. Why, certainly.
Mr. SHERLEY. I know that; but I wanted the Chair to

The SPEAKER. Yes. The question is on the previous

The question was taken, and the previous question was or-

The SPEAKER. The question is on the motion of the gentleman from Virginia.

Mr. DYER. Mr. Speaker, can we have that reported again? I ask unanimous consent that we have that motion again reported. The amendment was again reported.

The SPEAKER. Now, the gentleman from Alabama [Mr. Almon] demands a division of the question, and the question is on agreeing to this amendment.

The question was taken; and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. Humphreys of Mississippi) there were—ayes 81, noes 206.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays. [After counting.] Forty-two gentleman

have arisen—not a sufficient number.

Mr. BLACKMON and Mr. NORTON. The other side, Mr.

The SPEAKER. The other side is demanded. [After counting.] Two hundred and forty-six gentlemen. Forty-two is not a sufficient number, and the yeas and nays are refused.

So the amendment was rejected.

Mr. SHERLEY. Mr. Speaker, I move to concur with the following amendment.

The Clerk will report the amendment. The SPEAKER.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 38, line 25, after the word "whoever," insert the words "after one year from the approval of this act."

Mr. MOON. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. CRISP].

The SPEAKER. The gentleman from Georgia is recognized

for 10 minutes.

Mr. CRISP. Mr. Speaker and gentlemen of the House, I have not consumed much of the time of the House since I have been a Member. I have a few things that I desire to say to the House on this occasion, and therefore I ask my colleagues not to interrupt me until I shall have stated what I desire to say, and if I have any time left I will be glad to answer ques-tions to the best of my ability. I have always been a prohibitions to the best of my ability. I have always been a prohibi-tionist. I have voted for prohibition for 25 years—city, county, State, and National-and it is inconceivable to me that any prohibitionist can be opposed to the amendment before this House. [Applause.] I can readily see how gentlemen who do not favor prohibition can oppose it, and I have no fault to find with my colleagues who differ with me; but I desire to address my remarks principally to the prohibitionists of this House, and if they will stand together before this Congress adjourns we will have the best prohibition law on the statute books that has been enacted since this Government was founded. [Applause.] Now, what is the amendment before the House? It is an amendment to prohibit whisky advertisements being transmitted through the mails in any of those States where by law the advertisement of liquor is prohibited; and it also prohibits the interstate shipment of liquors in any quantity into any State where by the law of that State it is prohibited, except for medicinal, scientific, and sacramental purposes

Strange as it may seem, Mr. Speaker, a number of prohibi-tionists are opposed to the amendment, and they place their opposition, so far as I have been able to gather from personal conversation with the Members of this House, on three grounds. In one of them they say that the amendment was proposed by a very distinguished gentleman, a Member of another august body, who is not in sympathy with prohibition. I know the maxim, "Beware of Greeks bearing gifts"; but, Mr. Speaker, when this amendment was offered by the distinguished gentleman it was a very different proposition from the amendment now before the House. The amendment as offered, among other things, made it a crime to take a drink of whisky in a dry State. Possibly it was offered for the purpose of making the legislation obnoxious; but it has been perfected in another body at the other end of this Capitol, and it comes before us now

a splendid prohibition measure [applause], the best one and the most practical one, the most effective one for prohibition that has ever been before this body since I have been a Member

of it. [Applause.]

Mr. Speaker, to oppose this amendment on that ground does not attribute much intelligence to this body, for the Members of this body can read the English language, and we know what the amendment says. It is a good prohibition amendment, and will make dry States bone-dry. Other gentlemen may do as they please, but I shall not desert my flag or vote against a good, practical, workable prohibition measure because it was suggested by an enemy of prohibition.

Now, the second opposition to it is that it interferes with State rights. How often, Mr. Speaker, have gentlemen used the State rights proposition to get behind a thing they do not favor! [Applause.] I do not believe this interferes with State rights. We have a dual form of government, State and National, each being supreme within their respective jurisdiction. When this Government was organized, and the respective States confederated themselves into one Government, certain powers were reserved by the States, and certain other powers were by them delegated to the Federal Government, and among the powers delegated to the Federal Government was the right to regulate

I know some of the States have a law to the effect that you can import certain quantities of whisky, and those who are arguing now that the Reed amendment is an infringement of State rights say it takes away the right of a citizen, in a particular State where the law authorizes him to have a quart, to get it. Good Lord, I can not understand a "quart prohibitionist." [Laughter.]

interstate commerce between the several States.

Mr. Speaker, it does take away that right. Until the Webb-enyon law the States could not prohibit the importation of whisky into it through interstate commerce in any quantity; but the Webb-Kenyon Act outlawed whisky so far as interstate commerce was concerned. I grant you if this amendment passes it will be unlawful to ship whisky in quarts or half gallons or gallons into any State where it is prohibited except for sacramental, medicinal, or scientific purposes; but that is not inter-fering with State rights. The States had no rights in the premises save what the Federal Congress gives them, and the Federal Congress had the right to amend the Webb-Kenyon Act. and that is all the Reed amendment does. It says to the States, "You may be wet or dry; choose for yourselves." If whisky is injurious, and I believe it is, I think whisky shipped into my State from some other State will affect the health, morals, and welfare of the people of my State as much as if it was manufactured in Georgia.

Another thing, Mr. Speaker, some of the friends of prohibition say they favor national prohibition. So do I. But it is a "long, long way to Tipperary" before you get national prohibition. It must pass, or be submitted, by a two-thirds vote of both branches of Congress, and then be ratified by the legislatures of three-fourths of the States in the Union. I voted for national prohibition in the last Congress. I will vote for it again. But I am not fooling myself that it is going to become a law in the near future. But I want some of those friends who favor nation-wide prohibition and oppose this law to differentiate how this law is interfering with State rights and the national constitutional prohibition would not. Say three-fourths of the States want constitutional prohibition and one-fourth of the States do not, do not the three-fourths force prohibition on the one-fourth of the States that do not want it, thus clearly interfering with the

rights of those States?

Then, Mr. Speaker, some friends say they are opposed to it because it is too drastic. Now, I want to say in my experience the greatest argument prohibitionists have always had to combat is composed of two propositions: One of them is that prohibitionists are not sincere. Mr. Speaker, if prohibitionists oppose this Reed amendment it seems to me there is some foundation for that criticism. [Applause.] The other is they say it interferes with quart laws of the respective States. My State has a 2-quart law. But I want to say that when my State enacted that law the proponents of prohibition desired to make It as dry as possible. Our law was enacted before the decision in the West Virginia case, and there was a common idea prevalent that if you prevented the transportation of whisky entirely in interstate commerce from one State to another the courts would hold the whole law unconstitutional; and that alone is the reason that they put the 2-quart proposi-tion in it. I have received this morning a telegram from Georgia which I desire to read:

ATLANTA, GA., February 21, 1917.

Hon. Charles R. Chisp, The Driscoll, Washington, D. C.:

At a meeting of 150 citizens of Atlanta at the Ansley Auditorium, including Anti-Saloon League and Georgia Dry Federation forces, it

was unanimously voted that we stand for drastic legislation and everything else that will make the Nation dry. We are with you and urge all Georgia Representatives to fight to a finish for bone-dry legislation.

CHAS. F. JONES,

Chairman Headquarters Committee

Georgia Anti-Saloon League.

Mr. Speaker, remarkable as it is, some prohibitionists say they are opposed to this Reed amendment because it will make the States too dry, and a number of States now dry in name, if they are made dry in fact, will again vote in favor of liquor. I do not subscribe to this proposition. On the contrary, I telieve a number of citizens in the respective States in past prohibition elections have voted against prohibition because they sincerely believed it would not prohibit. If this amendment is passed, it will prohibit, and it will have back of it, to insure its enforcement, both the laws of the States and United States. This amendment will make dry States "dry," and, in my judgment, the beneficial effects of a "bone-dry" State will be so great that the people will not for one moment consider voting again in favor of barroms, but the neighboring States, seeing the splendid effects of the bone-dry law, will themselves go dry. Mr. Speaker, I am frank to say this is my honest belief; but I am candid enough to say if a majority of the people of a State desire to be "wet," under our form of government they have a right to control. As I have before stated, we have a 2-quart law in Georgia, and I earnestly wish the advocates of "quart prohibition" could visit the different express offices in the various cities and towns of Georgia on any Saturday and see the hundreds of persons, mostly negroes-men and women-lined up to get their monthly installment of liquor. I desire to save them from themselves, and if this law is passed it will do it, and this unseemly sight will be a thing of the past, humanity will be benefited, and an ugly cancer removed from the body politic.

Mr. Speaker, this is a practical age, and a man, to succeed in business, must be practical. In my opinion we must be practical to secure desirable legislation. Now, what is the practical thing for the prohibitionists to do regarding the Reed amendment? A reference to the proceedings had in another distinguished body will show that four of the five honorable gentlemen who might be the conferees on this bill if the Reed amendment is amended in any way and it is sent to conference are antagonistic to the Reed prohibition amendment. I fear if we amend the provision and it goes to conference that the Senate conferees will recede from that part of the amendment prohibiting the shipment of liquor into dry States and we would lose a golden opportunity to make dry States "bone-dry." I earnestly appeal to all prohibitionists to stand together; for "united we stand, divided we fall." I beg that the true friends of prohibitions will recede down any appendment and let us hid or the standard of the standard hibition will vote down any amendment and let us bide our time, and, under the rules of the House, I assure you that in due course we will have an opportunity to vote on the motion offered by the gentleman from California [Mr. RANDALL] to concur, without amendment, in the Senate Reed amendment; and if this prevails, the conferees will have no power to alter or change the amendment in any way and we will then have a prohibition law that prohibits in fact as well as in name, a consummation devoutly to be wished for. [Applause.]

Mr. SMALL. Mr. Speaker, I desire to make a parliamentary

inquiry

The SPEAKER. What is the parliamentary inquiry?
Mr. SMALL. I desire to ask whether it is in order to offer as a substitute for the pending motion a motion to concur with an amendment?

The SPEAKER. That is the kind of motion that is pending here now

Mr. SMALL. I wish to offer a motion as a substitute. motion to concur with an amendment as a substitute for the pending motion.

The SPEAKER. If the gentleman has an amendment that is germane to the amendment of the gentleman from Kentucky [Mr. SHERLEY]-

Mr. SMALL. I would like to have it read. I think it is germane and in order.

The SPEAKER. Send it up to the Clerk.

The Clerk read as follows:

Mr. SMALL moves to concur in amendment 34 with an amendment, as follows: "Page 38, line 25, strike out the remainder of line 25, beginning with the word 'Whoever'; also strike out, on page 39, line 1 and down to and including the word 'State,' in line 8."

Mr. HOWARD. Mr. Speaker, I make the point of order that that amendment is not germane to the amendment of the gentleman from Kentucky [Mr. Sherley], because the amendment of the gentleman from Kentucky applies only to the time that this bill shall go into effect.

Mr. SMALL. Upon which, Mr. Speaker, I would like to be

The SPEAKER. The Chair will hear all of these gentlemen if they will wait until the Chair can find two or three bills here. In the meantime the Clerk will read the Sherley amendment and then read the Small amendment to the Sherley amendment.

The Clerk read as follows:

Amendment offered by Mr. Sherley: "Page 38, line 25, after the word 'Whoever,' insert the words 'after one year from the approval of this act,' so that the line as amended will read: 'Whoever after one year from the approval of this act shall order, purchase, or cause intoxicating liquors,' etc.

Mr. Small moves to concur in amendment 34 with an amendment, as follows: "On page 38, line 25, after the word 'addressed,' strike out the remainder of line 25, beginning with the word 'Whoever'; also strike out, on page 39, line 1 and down to and including the word 'State,' in line 8."

Mr. MANN. Mr. Speaker, I make the point of order, so as to keep the Record straight: You can not offer another motion to concur with an amendment while a motion to concur is pending.

The SPEAKER. The Chair knows. The proper construction to put on the motion of the gentleman from North Carolina [Mr. SMALL] is that it is an amendment to the Sherley amendment.

Mr. MANN. Or a substitute for the Sherley amendment.

The SPEAKER. Yes; one or the other.

On the theory that the motion has been divided? The SPEAKER. On the theory that the motion has been divided. Now the Chair will hear from the gentleman from North Carolina [Mr. SMALL].

Mr. ALLEN rose.

The SPEAKER. For what purpose does the gentleman from

Mr. ALLEN. If it is in order now, I will make the motion for a division of the vote on this amendment.

The SPEAKER. The gentleman demands a separation. The gentleman from North Carolina [Mr. SMALL] is recognized.

Mr. SMALL. Mr. Speaker, the motion of the gentleman from Kentucky [Mr. Sherley] was a motion to concur with an amendment by the insertion of certain words. My motion to concur is with an amendment, by way of a substitute, to strike out the paragraph to which his motion is an amendment. If my motion prevails, it would make the motion of the gentleman from Kentucky unnecessary and out of order. My motion includes a paragraph which his motion is to amend by the addition of certain words and by way of substitute. It would seem to me that the motion I submitted is in order, because it includes and embraces the entire paragraph of which his motion is amendatory.

Mr. MANN. Mr. Speaker, on the gentleman's statement he rules himself out of order. If his motion is to strike out the paragraph to which the gentleman from Kentucky [Mr. Sherley] offers an amendment, it can not be a substitute for the motion of the gentleman from Kentucky, because the question on his amendment to perfect the text would have to be put to the House before any other amendment could be put. It can not be a substitute. Whether it is an amendment, or whether it

is germane or not, that is another question.

The SPEAKER. The point of order made by the gentleman

from Georgia [Mr. Howard] is sustained.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that the motion shall be considered as pending and considered in order if it shall be in order.

Mr. FITZGERALD. I object.

Mr. HOWARD. Mr. Speaker, I object.
The SPEAKER. The Chair will recognize the gentleman to make the motion again in a certain event.

Mr. MOON. Mr. Speaker, I yield to the gentleman from Alabama [Mr. Heflin] five minutes.

The SPEAKER. The gentleman from Alabama [Mr. Heflin] is recognized for five minutes.

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, I am in favor of protecting prohibition States from whisky circulars and advertisements, but I am not in favor of imposing a fine and imprisonment upon a citizen in my State for ordering a bottle of whisky when the law of my State gives him the right to do so. I will vote for a provision that will prevent the shipment of whisky into a prohibition State contrary to the laws of that State, but I will not vote here for a Federal law that will set aside the law passed by my State. Under the decision of the Supreme Court of the United States in the Webb-Kenyon case it is held that the State has the right not only to pass a law preventing the manufacture and sale of whisky but that the legislature can permit or prevent the shipment of whisky into the State. In the State of Alabama a legislature, strong for prohibition, passed a law prohibiting the manufacture and sale of whisky within the State and at the

same time provided in the law that the citizen could order occasionally a bottle of whisky for personal use.

Strange to say, Mr. Speaker, the whisky interests were there opposing the provision which would permit the citizen to order a bottle every now and then, and they were actually advocating a "bone-dry" statute. Why? Because, they said, if you allow the people to order in limited quantity the cause of prohibition will grow stronger and stronger and the quantity ordered will grow smaller and smaller, but if you make it "bone-dry" the people will vote back the saloons. That is why the whisky interest here to-day is favoring the Reed amendment. There are gentlemen here voting for this "bone-dry" amendment who do not believe in prohibition in any form, and some of them are frank enough to say that if this amendment becomes a law dry States will vote wet, and this is their hope. How, then, can the friends of practical prohibition join hands with those who are trying to prevent the States from working out this prohibition question? The Senate has passed a bill preventing the manufacture and sale of whisky in the city of Washington and in the District of Columbia, and the prohibition leaders in the Senate voted for a provision giving the people of the District the right to order whisky in limited quantity for personal use. Why should that same Senate that deemed it wise and best to thus handle the whisky problem in the city of Washington vote to deny to the State the right to do the very same thing? The lawmaking body of the States that have passed prohibition laws had to deal with conditions as it found them, and in my State and in others the legislature decided that it was wise and best to make haste slowly but surely in working out this great question, and it has provided that the citizen should be permitted to order a small amount of whisky within periods prescribed by law.

Mr. Speaker, in Alabama during the campaign for a prohibition amendment to our State constitution the leaders of the opposition said that it was our intention to take away from the citizen the right to order a bottle of whisky for personal use and that he would not be permitted to keep it in his home for medicinal purposes. We denied that that was our intention, and we told the people that we had no desire to take away from them the right to order for the uses that I have mentioned. Since that campaign the Legislature of Alabama has passed a law in keeping with the promises made in that campaign. While the law now prohibits the manufacture and sale of whisky within the State, it permits the citizen to order a bottle of whisky for medicinal purposes and personal use. lature was dealing with conditions-not as it wished them to

be, but conditions as it found them to exist.

Gentlemen of the House, Alabama under the the Supreme Court decision in the Webb-Kenyon case can now permit or prevent shipments of whisky into her borders, and the people of that State feel that they are fully competent to determine this question in the manner that they think wisest and best. A few years ago there were barrooms all over Alabama, and you know that they could not exist unless the people patronized and supported them. The time came when the fight was made against the barroom evil, but a great many people were not ready to give up the use of whisky entirely, so we put out the barrooms and established the dispensary, and through agitation and education and the good work of our Christian temperance forces we reached the time when the people were willing to do away with the dispensary if provision could be made for ordering whisky in limited quantity for medicinal purposes and per-In all questions of genuine reform you have got to sonal use. consider the feelings and the convictions of the people to be affected, and if you want public sentiment to be back of your movement, you must be considerate of that sentiment, appeal to that sentiment, and educate that sentiment to your way of thinking.

So in a question of this kind, gentlemen of the House, you have got to give due regard to the facts of human nature. You must pay proper respect to the appetites of the people and do not forget that you have got to pay proper consideration to the thirst still lingering in prohibition "settlements." [Laughter and applause.] I am reminded of a story about an old fellow who wanted to be rid of the barrooms, but who did not want to sever his connection with the privilege of getting a small smidgen of "spirits" now and then. He was sitting in the amen corner at church on Sunday, and when the preacher said, "I hope to see the day when there will be no whisky sold in this town." The old fellow said "Amen." The preacher continuing, said, "I hope to see the day when there will be none sold in the State." Again the old fellow said, "Amen." And when the preacher said, "I hope to see the time when it will be impossible to get a drop in the whole United States," the old fellow said, "Um, Um, Parson, you are going a leetle too fast for me."

[Laughter and applause.]
Mr. Speaker, Senator Jones, of Washington, the author of the provision to protect prohibition States from whisky circulars and advertisements voted against the Reed amendment which interferes with State laws that permit limited quantities of whisky to be shipped to persons within the State. I had rather trust the local sentiment and the practical judgment of the people of my State in working out this whisky problem than to follow the suggestions of these long-distance fellows who live a thousand miles from Alabama and who do not favor prohibition in any form. The people of my State are more competent to handle this question so far as it affects Alabama than are the Members of this House from other States who do not know local conditions and who are not so vitally interested as are the people of my State. All that has been accomplished in this great work has been accomplished in and through the States. All reforms that are of any value come from within. They proceed from the convictions and desires of the people affected. No law is a success unless it has public sentiment back of it. The people of my State are working out this whisky question in a way that they think best. They are preaching a crusade against the evil and at the same time are paying due regard to the opinions and habits of people who desire to order a limited amount of whisky for medicinal purposes and personal

I will not vote for a Federal statute which disregards the registered will of the people of my State and which interferes with our plan of working out this whisky problem. I will not help here to-day to pass a Federal provision that strikes down and nullifies the statute of my State. I have talked with some of our prohibition leaders on this subject recently and they expressed satisfaction with the Alabama law which permits shipments in limited quantity. The way to uproot the whisky evil is to keep up the work of education. Be patient and be considerate of the fellow who thinks that he must have it. Reach his judgment and his conscience; get him rooted in the right view of the question, and he will help to convert others to the right way. [. Mr. MOON. [Applause.]

I yield to the gentleman from Kentucky [Mr.

SHERLEY] 10 minutes.

Mr. SHERLEY. Mr. Speaker, before we vote on legislation of this kind it is well that we should clearly consider what it does, and then consider whether we desire to do that thing. shall not undertake to discuss the merits of prohibition. would be a useless thing, for men have their convictions, and nothing that I might say would serve to change in the slightest degree those convictions. But I do want to call attention to the effect of this law, both as to the sale of alcoholic liquors and the effect that it will have upon certain property interests in

The effect of this law, as I understand it, is to nullify all State laws that now permit alcoholic liquors to be imported within their respective States in limited quantities. In other words, wherever a State has seen fit to prohibit manufacture and sale, but has not seen fit to prohibit importation, the effect of this law is to nullify that part of the State law which permits importation, and to prevent any importation of alcoholic liquors into the State. I submit that whether it be a desirable thing or not, no man here with intellectual candor can contend that it is in keeping with the idea heretofore urged that the States should be permitted to settle this matter for themselves, because the effect is instantly to prevent those States, until they repeal their laws which prohibit the manufacture and sale, from permitting importation. It is probably true that many States in the Union left in their laws provisions in regard to importation out of some fear as to the constitutionality of the act that they might pass if they prohibited importation for personal use, and it may be that some of them did it for the purpose of getting regulatory and prohibition laws where they might not have succeeded if they had undertaken to make the State absolutely dry. have exercised their sovereign judgment, as they had a right to do, and the amendment that I propose would give them, in view of the new situation that has arisen under the interpretation that is being placed upon the Webb-Kenyon law by the Supreme Court and under the provisions of this proposed amendment, a year in which to determine what course they wanted to take, before the law became effective.

But I want to call attention to another phase of this matter. I know it will not appeal to a great many men here present. I realize that in dealing with this question there are many gentlemen who honestly consider that any question of property rights or investment is, and ought to be, secondary to what they consider the great moral principle involved; but to those of you

who believe that it is proper in a matter of this kind, affecting morals as it does, to give some consideration also to the property interest that is involved and that has not been illegitimate, but has been legitimate under the law, I desire to call your attention to what the effect of this Senate amendment would be.

There are in general and distillery bonded warehouses in America 228,687,000 gallons of distilled spirits, or at least that was the amount on June 30, 1916. There are in the State of Kentucky, in bond, 137,983,000 gallons of distilled spirits. The distiller is required to give a bond to the Federal Government, conditioned to pay \$1.10 tax upon each gallon of whisky made and put into a bonded warehouse. He is permitted to keep that whisky in a bonded warehouse for eight years. He is permitted after four years to withdraw it and have it bottled in bond, but he is not permitted to withdraw it until four years in order to bottle it in bond. Of the whisky that is manufactured in the State of Kentucky and sold by the manufacturers, 40 per cent of it goes into States that now have provisions prohibiting manufacture and sale of alcoholic liquors but permitting importation in limited quantities. The result of this amendment is to say that 40 per cent of the market of these men shall be destroyed. Now, of course, if men believe that it should be destroyed irrespective of any other consideration, what I say will make no appeal to them; but I submit to the fair sense of this House that a business that has been operated under law, that pays to the Government of the United States a tax of a million dollars a day, ought not to be ruthlessly injured unless there is some great, compelling reason for it. submit to the gentlemen who favor prohibition, who have been in the forefront in leading the States to adopt prohibition, that they will do more to help and less to injure their cause if they give to their States, as my amendment would give, a year to adjust their laws according to the sentiment of those States, and give to the great interest that is invested an opportunity legitimately under the law to dispose of property that has been brought into existence under the law, and under which the owners are obligated by tax bonds to the Federal Government in hundreds of millions of dollars. It is not simply a case of property, but it is a case of property with a Federal obligation that amounts to nearly four times the value of that property when it is first made. To make a gallon of alcoholic liquor costs somewhere between 25 and 35 cents. The tax is \$1.10, more than four times the usual cost of making it. These men are under bond to the Federal Government to pay this tax, no matter whether there be a market for their goods or not. They have invested their money under the sanction of the Federal laws, and I submit that it is not asking an unreasonable thing that they be given a year's time in order to adjust their business and their property interests to the view that is now to be the controlling view if this amendment is agreed to. I trust that when men vote on this matter they will bear in mind these conditions which ought to be borne in mind, even on a question about which men are so accustomed to feel rather than think. [Applause.] Mr. MOON. I yield to the gentleman from Indiana [Mr. to think.

Cox | five minutes.

Mr. COX. Mr. Speaker, this item under consideration contains two propositions, one prohibiting the mails from carrying any liquor advertising into States or Territories in which liquor advertising is made unlawful by the laws of the State. second proposition prohibits shipment of intoxicating liquor for beverage purposes into States which prohibit the manufacture and sale of intoxicating liquors. The first part of the bill is in no sense a prohibition measure. It is but an aid to prohibitory laws passed by the States and in support and in aid of the Webb-Kenyon bill.

The latter part of the bill, known as the Reed amendment, is strictly a prohibition measure prohibiting the shipment or importation of intoxicating liquor into States where liquor is prohibited from being manufactured or sold except it be shipped for medical, scientific, or sacramental purposes. The bill provides a penalty against sending through the mails any liquor advertisements. It provides that the violator of the law may be punished at the place where the unlawful liquor advertisement is deposited in the mail or at the place where it is finally delivered to the addressee named on the letter, card, or advertisement. Some may think that the jurisdiction should be confined alone to the place where the law is violated. I do not agree with this. I believe that the man who intentionally and knowingly violates this law should be prosecuted at the option of the Government at the place where the unlawful matter is mailed or at the place where it is finally delivered. If this provision is permitted to remain in the bill, it will never be violated. The catalogue liquor house in Baltimore or New York will not risk being prosecuted in the State of Indiana or Texas when it knows it can be prosecuted at any point or place in the United States where the law is violated.

In my opinion this is one of the most important provisions in the bill. This provision means the ability of the Government to enforce this law, to make it a real measure. No violator of the law will knowingly attempt to violate it knowing that if he does that he may be taken and tried in a jurisdiction many hundreds of miles from his own home.

Mr. Speaker, I want to address myself particularly to what is known as the Reed amendment, which means absolute prohibition in all States where the manufacture and sale of liquor is made unlawful by the laws of the State. The author of this amendment is unquestionably one of the ablest attorneys in the Senate, and I assume, and I have a right to assume, that he studied every word and every line and was fully conversant with its meaning and effect before he offered it in the Senate.

I assume—and I have a right to assume—that he was honest and conscientious and believed in exactly what his amendment proposes to do, although I have heard it said privately on the floor and outside this House that it is a wet amendment. no stretch of imagination, by no conjuring with the English language, by no twisting and distorting of human thought, can the Reed amendment be construed as a wet amendment. It is prohibition pure and simple in the States prohibiting the manufacture and sale of intoxicating liquor-no more, no less—and it is the first time in my 10 years' service in the House that I have seen a real prohibition measure with "teeth" in it come before the House, and on which the House will soon vote. This amendment means something, and it means it now—not to-morrow or 10 years hence, but now—and we will soon see whether or not the House is in favor of prohibition, especially we will see whether or not States which pretend to be in favor of prohibition are truly and sincerely in favor of it. What kind of prohibition are you in favor of? Are you in favor of prohibition in spots? Do you want States as spotted as the leopard's hide? During the past two weeks the House Committee on Post Offices and Post Roads wrestled with the Bankhead bill, the same bill at present under consideration. We were told by numerous doctors, reverends, and divines that the use of intoxicating liquor had an exceedingly deleterious and degrading effect upon the colored race in the Southland. Let us see whether you are in favor of prohibition in the Southland for the colored race and against prohibition for the white man. You say the intoxicating liquors have a woeful and dangerous effect upon the negroes. Grant this to be true, does not the same liquor when drank by a white man have the same woeful and degrading effect upon him? If so, why not? [Applause.] How can intoxicating liquors when drunk by a negro degrade him and when drunk by a white man have an elevating effect upon him? By what law of reason or logic can you arrive at the nim? By what law of reason or logic can you arrive at the conclusion that intoxicating liquors elevate the white man and destroy the negro? [Applause.] If the use of intoxicating liquor destroys the negro and his home, upon the same line of reason does not the use of intoxicating liquor destroy the white man and his home? In this line of reasoning we find ourselves riding a horse going in opposite direction at the same time, and, to pursue this argument very far, we find that the horse is carrying you at breakneck speed to a complete destruction of your own argument. I admire a man of convictions and who has the physical and moral courage to carry his convictions into execution, but I have no use for a man who has no courage of his convictions. Oh, but, you say, my State allows each person to have shipped to him or her, for their own individual and personal use, 1 quart of intoxicating liquor per month, or one-half gallon, or, possibly, a gallon, as the case may be, and for this reason my State is not in favor of bone-dry prohibition. If this be true, the prohibition laws of those States standing on this ground is not worth the paper on which they are written. If this be the philosophy of those States, then, indeed, prohibition, so far as these States are concerned, is a delusion, a snare, a weaver's net designed to catch the few and aid the many; designed to catch the weak and protect the strong.

If public opinion will not back up this kind of prohibition in the various prohibition States, pray God tell me why you asked us three years ago to vote on the Hobson resolution proposing to submit to the States for their ratification an amendment to the Constitution to give us a bone-dry Nation? Why are we to be called upon to vote for the same resolution this time, bearing the name of the illustrious son of North Carolina, Mr. Webb? If public opinion will not back up the present amendment under consideration—the Reed amendment—in States now dry, what assurances have you and what assurances can you give the

House that the same States will ever ratify the proposed Webb constitutional amendment, if Congress should pass it? If your States will not ratify such a constitutional amendment, what are you attempting to do; what are you seeking to accomplish? Are you playing with the desires, the hopes, and aims of millions of men, women, and children who are serious in their beliefs in a dry cause, and who are asking not for prohibition in spots but for bone-dry prohibition applied to both States and Nation? Are you attempting to deceive them on the proposed constitu-tional amendment? Are you talking in the voice of Jacob and holding out the hand of Esau in the Webb resolution and going back to your respective districts and saying to the white man who persists in having his morning toddy and his noonday mint julep, "Do not be scared, do not be frightened, do not get stage struck; we are only fooling with this matter. We know that the Webb amendment will never pass Congress by its constitutional that the webb amendment will never pass Congress by its constitutional transfer and the stage of the sta tional two-thirds majority, and even if it does we know three-fourths of the States will never ratify it, therefore your morning toddy, your noonday mint julep, is not being jeopardized; it is safe and secure."

At last this question has come to a showdown. There is no beating a retreat. It is stand face to face, shoulder to shoulder, and declare by your votes whether you are in favor of prohibition in States which pretend to be in favor of it or against it. No middle course is possible. The issue is plain, the route well blazed. You are either for or against it. I feel too much "pussyfooting" has been going on around this Capitol, both in and outside of it, in the past on this issue.

Mr. Speaker, I hope that the Sherley amendment will be voted down. I hope that every amendment offered by any gentleman proposing to concur with an amendment will be voted down [applause] until we finally reach the motion made by the gentle-man from California [Mr. RANDALL], which is a direct motion to concur in the Senate amendment, and when that motion is reached I hope every Member will vote for it. [Applause.] Let every man that is a friend of this measure be not deceived when he casts his vote. If it becomes necessary in order to save the business of the men in these dry States, as contended by the gentleman from Kentucky, there will be abundance of time for Congress to pass a resolution giving them a year's time to clean up their business. I am not in favor of letting the amendment go to conference if I can avoid it [applause], because I am not willing to trust the conferees other than the House conferees receding from the Senate amendment. There is just one way to shut off that recession, and that is for this House to concur in the Senate amendment word for word and line for line, exactly as written. [Applause.]

For 20 years the liquor interests of this country have hurled defiance full and fair in the faces of the dry people of this country, and challenged them to mortal combat on every field over which the two forces have traveled. Were you insincere in the States where you now have what is supposed prohibition when you passed prohibition laws in those States? I trust the House will vote down every amendment offered by any gentle-man proposing to concur with an amendment, because to agree with an amendment, no matter what it is, would mean the sending the whole proposition to conference, and thereby jeopardize the entire proposition by giving the conferees a chance to decide. The Senate amendment should be concurred in and

keep this proposition out of conference.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. Cannon].

Mr. CANNON. Mr. Speaker, the amendment of the Senate to this bill—that part of it that is now under consideration reads as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid: Provided, That nothing herein shall authorize the shipment of liquor into any State contrary to the laws of such State: Provided further, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors.

The gentleman from Kentucky [Mr. Sherley] offers an amendment to the Senate amendment by inserting, after the word "Whoever" in the Senate amendment, the words "after one year from the approval of this act."

If the gentleman's amendment to the Senate amendment is agreed to, it will postpone the operation of the Senate provision

for one year.

I want now to speak of another thing. We can tear our hair about this and that and the other, but over six thousand million dollars since 1861 has come into the Treasury of the United States by the taxation of alcoholic liquors.

dustry has been built up; great quantities of money have been invested. In a broad equity, when prohibition becomes universal, if it ever does, there might well be compensation from the United States Treasury for the property which is destroyed.

But I am not proposing that. This legislation does not propose it. There are now over 232,000,000 gallons of distilled liquors in bonded warehouses that may be withdrawn and put upon the market. Some of the States could receive them; many of the States could not. Some gentleman here has said that about 40 per cent of the States can not receive them when this law is passed. I have not examined that question carefully. But these liquors, as I am informed and believe, being in the bonded warehouses, and the certificates of ownership being given as security to individuals and corporations, the tax of \$1.10 per gallon has not been paid, and will not be paid until the liquors are taken out of the bonded warehouses. Banks and investors have taken largely these certificates as collateral security. Now, if you shut off that market at once, query: What will become, first, of the \$250,000,000 of revenue; and, second, what will become of this property?

Mr. SIMS. Will the gentleman yield?

Mr. CANNON. No; I have but five minutes.
Mr. Speaker, in the West Virginia case the Supreme Court
of the United States sustained the Webb-Kenyon Act, under which the State of West Virginia prohibited the importation of intoxicating liquors, and so forth, and many other States have enacted similar legislation.

This Senate amendment, in such States as have enacted or may hereafter enact such legislation, makes the use of inter-state commerce a violation of the United States law.

This amendment meets my approval in principle. In other words, a State, to go dry and keep dry, can enforce its own laws and have the help of the United States in protecting it against the importation of intoxicating liquors from other States and foreign countries.

I am informed that the State of Indiana has lately enacted dry legislation, but has postponed its going into effect until the 1st of April, 1918. The amendment of the gentleman from Kentucky [Mr. Sherley] is similar in this respect to the Indiana provision, and I shall vote for it. If it falls, I shall vote for the Senate amendment.

This legislation is demanded to prevent the Federal Government from using a part of its exclusive machinery to break down the local laws of certain States that have prohibited the manufacture and sale of alcoholic liquors. It is local option in its broad sense. The amendment prohibits the use of interstate commerce to break down the prohibition laws of States whose people, by a majority, have voluntarily placed these prohibitions upon themselves.

I believe in local self-government, and that all law must have behind it the support of the majority to give it vitality. So when some States have, by a majority vote, adopted prohibition, this amendment will prohibit the use of interstate commerce, controlled by the Federal Government, from interfering with

that local policy.

In the same way the Federal Government would, in my judgment, make a mistake in attempting to use its power to break down the local governments which have adopted a contrary policy that is in harmony with and has the support of the majority in those States. The principle is the same in both cases. Congress can not adopt this policy of aiding the prohibition States to enforce their local laws, and then turn about and try to force that policy upon people who do not believe in it, but have made their laws to regulate and tax the liquer traffic. We can not make fish of one group of States and fowl of another group of States.

It is because I believe in local self-government that I vote for

this amendment.

Mr. MOON. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. Blackmon].

Mr. BLACKMON. Mr. Speaker, I have always been taught that the Congress of the United States was a body of men that were ready at all times to go on record when a great public question was at stake. In fact, I myself formerly believed this, because they should, but my service here has demonstrated that I was wrong in reaching this conclusion. To my great disappointment this morning gentlemen here who are much delighted, as they say, in having an opportunity to vote for a "bone-dry" law were unwilling to allow the roll to be called in the House, and thereby go on record, in order that future generations might see how they voted on this important question. Important not only from the standpoint of a Prohibitionist, but important as a guide for the people who shall hereafter be called upon to select their Representatives for this body. Again, it is important for the people of this Nation to know the men who

believe, or claim to believe, that the Congress of the United States have a right to nullify the solemn legislative enactments of a sovereign State. Again, it is important for the people to have the benefit of this record vote, for they are entitled to expect from Members who vote for "bone-dry" prohibition that they will teach prohibition, both by precept and example. While I shall not vote for this amendment, I, for one, will practice prohibition both here and elsewhere.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. BLACKMON. I have only a few minutes.

Mr. FIELDS. I just want to say that we are willing to go on record when it comes to the final question. We do not want to take up time calling the roll on these amendments.

Mr. BLACKMON. I did not know how the gentleman stood on that. Mr. Speaker, when I think about it I am not surprised that a great many gentlemen whom I personally know in this body are ashamed to go on record as favoring that which their own States have repeatedly refused to do. I can see why they fear to go on record, when their own States have refused to do that which they are being forced into doing right now by the handclaps and applause from this Hall and the galleries. A great number of our States have refused to go on record as favoring what is called "bone-dry" prohibition. In but few instances has this question been submitted to the people, and where the legislatures of the States, with but one or two exceptions, have acted, they have not pretended to go to the extreme to which we are asked to-day to go.

Let us look for a moment at the history connected with this

important question,

The people were assured by the Anti-Saloon League and other temperance organizations throughout the country that they entertained no desire to prevent law-abiding citizens from obtaining whisky for their personal use. All that was claimed or asked for was that the saloon be put out of business. claimed that if this was done this question would be eliminated from politics and that legislators would be left free to devote their time and their best energies to the enactment of legislation on all subjects that affected the masses of our people. Have these people kept faith with the different State legislatures that have been influenced by these promises? argument has been made that it was not necessary to submit the question to the people of the different States, because they would be satisfied with the elimination of the saloon, and that was all that was desired or expected.

Now, let us see what legislation we have on this subject.

Many years ago, through the activity and leadership of the gentleman from Mississippi [Mr. Humphreys], Congress passed a law requiring that shipments containing whisky should be plainly marked on the outside of the package that it was whisky. Then, as far back as 1904, Congress passed a law forbidding the transportation of whisky through the mails, and when we were considering the parcel-post bill, in 1911, I offered an amendment to this bill which would prevent the transportation of liquor by parcel post. When I found that this had been fully covered by previous legislation I pursued it no further. Then, again, the Congress of the United States passed what is known as the Webb-Kenyon Act. By the provisions of this act each State has full power to determine what its prohibition laws shall be. If the people of the State shall determine that whisky shall not be manufactured, sold, used, kept, or stored in such State, then not one drop of whisky can be shipped into such State through the channels of interstate commerce. The Supreme Court, the highest court in the land, has determined that the act in question is constitutional and that each sovereign State is within its rights when it says that whisky shall not be manufactured, sold, stored, used, or kept within its borders.

Notwithstanding this, we are called upon to nullify the statutes of the States of Alabama, Georgia, Virginia, and many other States, which have by solemn enactments of their legislatures said that it was not a violation of the law for citizens of those States to order whisky for their personal use in quantities

specified by the acts of their legislatures

We are dealing to-day, it is true, with the whisky question; but I want to know what assurance the people of this country have that a Member of Congress who will vote to nullify the solemn enactment of a sovereign State on this question may not do so on many other questions? I warn you that this is the be-ginning of the breaking down of all State lines and a complete surrender of every right which the States have to the Federal Government.

For myself I am not willing, and will never be, to admit that my people are incapable of local self-government. I am not willing to advertise to the world that the people of the State of Alabama are incapable of deciding for themselves what they want to do on this or any other question. Are we not placing

ourselves in a ridiculous position to advertise to the country that the sovereign States of this Union have so retrograded in intelligence and virtue that they must now throw up their hands in holy horror and say that our people are incapable of governing themselves and that we must call on the Federal Govern-

ment to become our guardians?

The people of my State have been denied the right to express their views on this question, but the legislature has spoken for them. I am urged by people outside of my State and some few living within its borders to do that which they are not willing themselves to undertake to do. As a Representative in Congress, I am not willing to say that the legislature of my State, acting within its constitutional limitations, did not know what they were doing when they passed a law dealing with this question, and, further, I have not reached that high and exalted position in my own estimation where I am willing to say my people do not know what they want, that the legislature of my State does not know what the people of the State want, nor have I risen to that lofty self-imagined pinnacle of greatness that I am willing, by my vote, to strike down what they have done. If the proponents of this amendment are correct, what use have we for a State legislature? Why not turn the entire matter of State legislation over to Congress and let the Members of Congress say what laws the people of the different States shall or shall not have.

It is no answer to say that whisky is a great evil and should be put down, even if it takes the nullification of a State statute to accomplish it. Just how it shall be put down, Members of Congress are at great variance. Some think it should be put down one way and some another. For myself, I am willing to leave the method by which this shall be accomplished to the

people of the different States.

A few days ago I voted for the bill to make the Territory of Alaska dry. I did this because the people of Alaska at an election held for this purpose voted dry. Those voting to-day for this amendment by their votes say that the people of Alaska are capable of determining this question, but that the people of some of the States are incapable of doing so. I contend that the principle involved in the case of Alaska is no different to that involved here. How can we say that the people of Alaska, a Territory not yet a State of this Union, are capable of local self-government and that the people of Alabama, Georgia, Virginia, and other States of this Union are not? If justice and fair dealing is to count, if solemn agreements made with the people of a State are to be kept our action in voting for the Reed amendment is absolutely indefensible.

Those of you who believe conscientiously that you are called upon to break every well-settled principle of Government, that you are wiser and greater than the framers of the Federal Constitution and are wiser and greater than the people whom you represent, and that possessing this wisdom are called upon to nullify the action of your sovereign State, all well and good.

Mr. Speaker, I am not different from other people, but if it takes such a performance as this to enable me to hold my seat in Congress I would scorn it. I would not sacrifice the allenable rights of my people and become a party to this fatal step toward the centralization of all power at Washington, even

though it meant a lifetime job for me in this body.

Mr. Speaker, in my judgment the Reed amendment is positively cruel. By its adoption you not only nullify the statutes of a number of the sovereign States of this Union, but you subject law-abiding citizens of this country to heavy pains and penalties for doing that which the legislatures of their States have said they could do. For the life of me I can not see how a Member of Congress could be forced to vote for this amendment when he knows that it subjects a great many well-meaning and law-abiding citizens to the severe penalty of \$1,000 and also imprisonment for merely ordering whisky for his personal use, and in only such quantities as his own State legislature has said that he might lawfully have. In other words, by this legislation you force the citizens of some of the States to legalize the manufacture and sale of whisky or be denied the right in a lawful and orderly way to order a reasonable quantity of whisky for his personal use. Is it not a sad day for a free people to be told that in order to exercise a right which they have always believed they had and a right which their own State legislature by solemn enactment has assured them that they did have, that they are denied this right unless they legalize the manufacture and sale of whisky in their own State, notwithstanding a large majority may object to this method?

The SPEAKER. The time of the gentleman from Alabama

has expired.

Mr. MOON. Mr. Speaker, I yield four minutes to the gentleman from California [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, I am not a quart-bottle prohibitionist [applause] and I do not want to see any quart-bottle amendments adopted upon this bill.

I wonder what has come over the dreams of the distinguished gentleman from Kentucky [Mr. Sherley]? As a lightning change artist he exceeds the speed limit, for upon this floor on the 2d day of February Mr. SHERLEY used these words:

For my part, Mr. Speaker, if we are going to have a prohibition law in Alaska, I want to see it just as stringent as it is possible to make it, because I do not believe in pretending to do a thing and then not doing it. If you are going to have prohibition laws, then I want to have real prohibition laws. Alaska has declared its desire for prohibition and for my part I shall vote for the bill.

What has come over the spirit of the dreams of the gentleman from Kentucky?

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. No; I refuse to yield; if the gentleman has yielded, I never will. Mr. Speaker, "The Tragedy of the Distillery, or the Story of a Fatal Blunder" might well be the headline of a newspaper article which will thrill 100,000,000 people upon the passage of this bill. This story will be the first half of the last chapter of the liquor traffic. With the business outlawed from the United States mails and with booze driven from 27 States and Territories by Federal power, public opin-

ion will rapidly crystallize for the finish.

Down at the New Willard Hotel the register of guests looks like a city directory of Louisville, Ky. Panic and pandemonium reign throughout the lobbies and corridors. "Is there any way on earth to stop the Reed amendment?" is the universal question, and the universal reply is, "Only by an amendment."

From the bottom of our hearts the prohibitionists thank the distinguished Senator from Missouri for the slip of his pen. If he only wanted to be shown, we are ready to show him. [Applause.] We accept his amendment without crossing a "t" or dotting an "i." Delays are dangerous, and at this late day amendments are fatal. I think no friend of prohibition should accept any amendment to this bill. Neither should he accept any amendment to the District prohibition bill which will be

upon this floor in a few days.

Mr. Speaker, I shall take time to give a few illustrations of the value of the provision prohibiting the mailing of liquor advertising. I hold in my hand two copies of the publication known as Life, published in New York, both of the issue of January 11, 1917. There is no apparent difference in these papers on the outside, but as you look through the inside pages you find that on page 45 of one copy there is a full-page adver-tisement of whisky, and if you will look on page 45 of the other copy of the same date, apparently the same publication, you will find a full-page announcement reading like this:

Are you curious to know what is in this space in the regular edition of Life? We can not tell you here; it is against the law in this State. You can find out only by becoming a subscriber, thus receiving a copy of the regular edition through the United States mails. We are still on good terms with Uncle Sam.

If you examine the outside again, you will find this copy labeled "Dry States edition," and the other is the regular edition, containing a great number of liquor advertisements.

Under the law of 13 States, Mr. Speaker, it is unlawful to advertise intoxicating liquors. But these States have no control over the mails, and copies of Life containing liquor advertising may be mailed in clear evasion of the local law direct to subscribers. The Postal Service is in perfuership with the liquor scribers. The Postal Service is in partnership with the liquor traffic to break down State laws and build up the business of the liquor dealers. The bill under consideration will dissolve the partnership.

# ALABAMA WOMAN IS NOT CURIOUS.

The "Are you curious?" announcement in Life produced at least one answer which did not please that paper. Here it is:

BIRMINGHAM, ALA.

When I open the pages of Life the first advertisement my eyes rest upon begins, "Are you curious to know what is in this space in the regular edition of Life? We can not tell you here. It's against the law in this State."

I am not curious; I know.

For 16 drab years I was the wife of a drunkard. We are childless, I gave birth to one living child that died in infancy; then came one stillborn, and after that years of suffering. I have heard my husband rave like a madman, drivel like an idiot. I have known hunger; have felt the blow of a drunkard's fury.

Six years ago a change came; he drinks no longer, and is to-day a sober man.

You offer a prize of \$500 for a criticism of Life. Not for \$5,000 would I forego the satisfaction of telling you how I loathe a magazine that will publish a liquor advertisement. Not for \$5,000 would I go back to the day when your bold headlines, "Are you curious?" would have the power to lure my husband on to drink, drin

AN ALABAMA WOMAN.

NEWSPAPERS OPPOSING LIQUOR TRAFFIC.

Mr. Speaker, the newspapers of the United States are the most powerful factor in the advance of the antidrink movement.

Peculiarly expressive of their attitude in the contest which American industry and the public welfare are waging with the drink institution is the fact that 8,367 of them have just signed a statement that they decline to accept any advertising of alcoholic liquors.

Four years ago only a small number of daily papers and not a very lengthy list of other publications declined to assist the liquor trade in appealing for customers, but a spontaneous move-ment among publishers augmented this list of "abstaining" papers so rapidly that an investigation on January 1, 1915, dis-closed 540 daily papers which had adopted a no-liquor advertis-ing policy. By January 1, 1916, the number had become 850. An inquiry in January of 1917 directed to every publication in the United States, no matter what its character or frequency of issue, reveals that 8,367, or nearly one-third of all the publications in the country, now decline to serve as a medium of drink solicitation. Thirteen States have passed laws prohibiting such advertising.

Some of the powerful newspapers which adhere to this principle in their advertising columns are the New York Tribune, Chicago Herald, Times-Picayune, New Orleans; Express, Los Chicago Herald, Times-Picayune, New Orleans; Express, Los Angeles; Tribune, Los Angeles; Express, Denver; Times, Denver; Times, Indianapolis; News, Indianapolis; News, Des Moines; Register, Des Moines; Capital, Des Moines; Christian Science Monitor, Boston; Journal, Minneapolis; Tribune, Minneapolis; Bulletin, Rochester; Star, Kansas City; Review, Atlantic City; North American, Philadelphia; Banner, Nashville; Tennesseean and American, Nashville; Commercial-Appeal, Memphis; Press, Memphis; Virginian, Richmond; Ledger, Philadelphia; Gazette-Times, Pittsburgh; and Chronicle Telegraph, Pittsburgh. These names are taken at random and do not include many potable publications which are more influence. not include many notable publications which are more influential than some of those named.

In announcing its determination to follow this policy the New York Tribune said:

York Tribune said:

We have discontinued alcoholic liquor advertising purely as a matter of business policy.

We recognize the fact—emphasized more forcibly as each year passes—that indulgence in alcohol is incompatible with efficiency in any field of effort. In industry, trade, and transportation, as well as in artistic and professional pursuits, the man who uses alcohol habitually imposes upon himself a serious disability.

When alcohol is mixed with business, it is alcohol which profits, not business. It is our conviction also that when alcohol is mixed with advertising, it is alcohol which benefits not advertising.

The Tribune wants to eliminate from its advertising columns altraces of evil or even suspicious association. We feel that liquor advertisements will not help to attract to us either the readers or the advertisers whose patronage we especially desire.

The Chicago Tribune expresses the thinking back of its The Chicago Tribune expresses the thinking back of its policy against liquor advertising in the simple sentence, "If harm is done by intoxicants, the Tribune does not care to be a party to it," and Mr. James Keeley, editor of the Chicago Herald, which some time ago expelled liquor advertisements from its columns, states his platform thus:

A newspaper must have a social conscience. There is no better investment than a single standard of honor, honesty, truth, and integrity from the title to the last agate line on the back page. Those who reap the weedless fields of honesty gather golden harvests. Truth, cleanliness, and decency are the greatest dividend payers on earth.

Mr. Keeley pays a tribute to present-day newspaper standards in the following words:

The average newspaper in America to-day is a clean paper and an honest paper. There are not many examples of virtue on the editorial page and vice in the advertising columns.

During eight months succeeding the decision of the Chicago Herald to exclude the advertising of liquor, it refused \$50,000 worth of such advertising, but showed a net gain of 3,000 columns of advertisements and 50,000 in circulation.

The Detroit Times in its announcement declared that it refused-

to identify itself with the sales department of the iniquitous traffic or to classify for a membership in the bartender's union. The advertiser of to-day is beginning to pick his company—

Says Mr. James Keeley, editor of the Chicago Herald-

He doesn't like to sit in the same pew with the quack, the loan shark, the mining swindler, the oil pirate, and the merchandise faker.

The Christian Science Monitor of Boston accounts for the

changing attitude of advertising mediums toward the drink advertiser on the score of the changing attitude of general business toward drink. It says:

More and more the general advertiser discriminates against the newspaper which sells its space to distillers and brewers, just as the average employer more and more discriminates against the worker who impairs his worth by insobriety.

Newspapers the country over are sensing the value of such an advertising appeal as the following, made by the Morning Tribune, of Los Angeles:

The news and advertising columns of the Morning Tribune are kept faultlessly clean. It does not print liquor or other advertising to in-

fluence its readers to indulge in harmful practices. It is a clean, wholesome, home paper which mothers need not fear will contaminate the minds of their children.

Associated Advertising, in noting the remarkably rapid development of sentiment in newspaper circles against selling space to alcoholic drink dealers, declares:

space to alcoholic drink dealers, declares:

On the whole, aside from the loss of revenue which must temporarily result, the net effect will be good for advertising. Parenthetically, it might also be added that eventually other advertisers will take the place of the liquor makers, because the communities that drink less as a result of the lack of advertising will employ their funds in the purchase of other things.

It is obvious that the drinker, temperate or otherwise, will not have less confidence in advertising because liquor is not advertised, and, on the other hand, millions of people who are opposed to the liquor traffic will have an increased confidence in advertising and advertisers as a whole. Call them prudish if you will, yet they do hold such views and they have millions of dollars to spend for advertised goods.

The opposition to liquor sales' publicity is leavely besed upon

The opposition to liquor sales' publicity is largely based upon love for decency and honesty. Liquor advertising is seldom honest. Before its recent exclusion of all liquor advertising the New York Tribune received an offer of a beer ad which claimed food value for that product. The Tribune objected to the claim, as they did not believe it to be based on fact. To ascertain whether or not they were correct in their belief, the Tribune had an expert analyze a bottle of beer. The report stated that it had no appreciable food value.

The United States Supreme Court has declared that when a proposed seller "assigns to the article qualities which it does not possess, invents advantages, and falsely asserts their existence," he commits a criminal offense under the statutes governing the use of the mails.

Other advertising organizations, as, for instance, the Associated Bill Posters and Distributors' Protective Co., are also putting the ban on the advertising of intoxicating liquors.

The purpose of advertising and solicitation is to cause demand The purpose of advertising and solicitation is to cause demand where demand did not previously exist. Whatever may be the opinion as to the propriety of supplying an existent demand for alcoholic beverages through an institution under strict regulation, it will not be disputed that it is not well to create a demand for such a product. The country suffers a distinct loss whenever an American citizen who has habitually abstained is induced to become a consumer of alcohol as a beverage. The Government can not with complacency view a use of its agencies which converts abstainers into drinkers and defeats the resolution of drinkers who may be attempting to conquer the drink habit.

The distribution of liquor advertising, whether in periodical, circular, or letter, has that purpose and effect. The appeal concurred by reveyed in the reading matter, the suggestion conveyed by the illustration, both tend to that end. It is conclusively proven that this liquor advertising, conveyed through the mails, is especially designed to cause drinking by those who, if not prompted, would abstain; to promote drinking among the abstinent classes of our citizens, and to provoke the latent appetite where already existent. The mails are also being used to prompt violation of law in prohibition territory and to defeat the purpose of those laws, which are intended to reduce the consumption of liquor to the minimum unprompted demand.

That such is the purposive character of this advertising and dicitation may be easily established. In a recent issue of solicitation may be easily established. Midas's Criterion of the Wine and Spirit Interests, it is said:

Thousands of dollars are spent each year during the hot months in an effort to get the public to use grape juice, pineapple juice, and other fruit juices in cold punches. Why not advertise wine as a summer drink? Many a family that does not to-day use a drop of wine could be taught by attractive copy, illustrated with tempting colored drawings, to use our light red and white wines in punches and lemonades.

The Brewers' Journal, of September 1, 1914, outlined a course of advertising designed to "mold public sentiment in favor of beer and create home consumption by those who have never before drunk beer."

In another issue of the same journal the following is found: Nearly every adult in your community may be considered as a prospective buyer. Some will respond quickly, others will require time in order to convince them of the desirability of beer.

It is also apparent that advertising and solicitation by mail is being used upon the assumption that women and children as well as men of adult age are prospective buyers of liquors, in spite of the fact that in America both women and children are considered as abstinent classes and in further despite of the fact that the public safety requires that they remain so classed. The Brewers' Journal says:

Newspaper advertising for beer should be designed to attract and appeal to women as well as men, for if beer is to be used in the home the women must be won over to it.

A great many advertisements exhibited to your committee show women and young girls drinking liquors, while others

both by illustration and direct appeal, prompt the use of liquors by children. An advertisement of the Moorhead branch of the Hennepin Brewing Co. bears a picture of a man, his wife, and small son, all drinking liquors, and underneath the illustration it is explained that the beer the boy is drinking is why he is "so spry.

The following is a typical advertisement used to promote the

whisky-drinking habit by women and children:

For all folks who want to stay young. No home should be without this wonderful youth and health preserving stimulant. ——'s Pure Malt Whisky is a wonderful health-preserving stimulant, strengthening the liver, kidneys, and bladder, enriching the blood, toning and upbuilding the entire system, promoting a good appetite, keeping you young and vigorous. Invaluable for overworked men, nervous, run-down women, and delicate, undeveloped children.

Beer is frequently recommended in this advertising for "hardplaying, fast-growing youngsters," and illustrations accompanying advertisements of liquor frequently show children of small size drinking. Letters and circulars of solicitation often present premiums of chinaware and similar articles which naturally appeal to women more than to men. In other ways the mails are being used to promote the use of whisky and beer in the home, especially among those members of the family popularly supposed to be free of the drink appetite.

Mail-order solicitation and published advertising also, in frequent instances, declare that all correspondence is considered confidential, and declaration is made that shipments will be made in deceptive packages, thus encouraging the inclination to order of those members of the family who may fear parental

authority or objection on the part of the husband.

Here is one envelope mailed at Chattanooga, Tenn., addressed to "Occupant" of a certain number in Birmingham, Ala., and here is another envelope taken from a private mail box in Chicago, which does not even bear a stamp, but carries the words "private mail." One advertisement offers a box of cigars, a quart of whisky, and a revolver for \$3.48 if sent to the Eagle Supply Co. (Department 9) of Jacksonville. Another advertisement presents "Madison XXX ale" for the use of mothers, with evident intention of inculcating the alcohol appetite in nursing babies. The professors of therapeutics and practice in a majority of American medical schools emphatically condemn the giving of alcohol to nursing women, and thousands of eminent physicians in all parts of the world consider this superstitious practice a menace to the race. Nevertheless, one advertisement recommending such use of beer says, "Obviously baby participates in the benefits." One beer advertisement shows a picture of an entire family at table and bears the line "A royal treat for the whole family." Beer is shown in the hands of the father and mother, the 15-year-old daughter, and the 10-year-old boy.

Numerous advertisements show minors and other young people, both boys and girls, drinking beer at picnics, on shady porches, on fishing trips, at different kinds of social occasions, and one shows a delivery man bringing in a case of beer and saying to the housewife, "Madam, this is the most wholesome thing that comes into your home." The Glenside Distilling Co., of Kansas City, Mo., is advertising a method by which a quart of whisky will be sent free, while many concerns advertise methods of delivering liquors in packages that look like groceries, shoes, etc. For instance, "Taylor's," 232 Washington Avenue, Albany, N. Y., publishes the following advertisement:

It's nobody's business but yours and ours. Wines and liquors for family and medicinal use sent to your home incognito. Send for free sealed information.

Permitting the use of the mails for the distribution of such advertising contributes the services of the Central Government to the flouting of law, the provocation of ill feeling between States, and the making of antisocial attacks upon politically organized communities.

The Atlanta Constitution, in an editorial which is typical

of hundreds recently appearing in the press, says:

of hundreds recently appearing in the press, says:

Occupant, 50 Blank Street, Atlanta, Ga., is all the address some of more or less enterprising liquor houses on either side of the Georgia line are putting on their liquor literature, with bargain offers and solicitation of orders, sent by the thousand through the United States mall. It is just a case of up one side of the street and down the other. If it is on a rural route, the only address, perhaps, is the box number. Whole streets and entire rural routes are thus canvassed by the liquor interests without so much as a single real address on an envelope, and that, too, in a State that makes penal the publication of a whisky advertisement of any sort.

But the Federal Government, and not the State, controls the malls, and the State can interpose no effective objection to this trampling upon its laws. If a private citizen started about, anywhere in Georgia, to hand out liquor literature, he would be jailed before he had gone half a dozen blocks. But carriers in postal uniform do that which the State specifically forbids, under the direct and fostering protection of the Nation.

The States of Washington, Arkansas, Oklahoma, Oregon, West Virginia, North Dakota, Colorado, Maine, Alabama, Georgia,

South Dakota, Virginia, and Mississippi have done what they may to forbid the advertising of liquors. The present attitude of the Federal Government is directly hostile to them.

During Christmas week, Postmaster Purdy, of Minneapolis,

stated that 2,000,000 such liquor circulars were sent out from his office.

The following is a sample of a particularly obnoxious advertisement:

R. P. Webb Co., Monroe, La., Lock Box 681. \$3.20—Four quarts. Express prepaid. We all have confidence in our great Government. We honor Old Glory, the flag of the country, and when we find Uncle Sam's O. K. and stamp on anything we have confidence in it.

You will find on every bottle of Post Office whisky Uncle Sam's green stamp and O. K. This is your guaranty. Will you accept this and send us a trial order for this fine whisky? Post Office whisky is made right, aged right, and has the Government stamp; and last but not least, the price is right.

You will note the name of this fine bottled-in-bond whisky is Post Office. We have been permitted to use this name "Post Office," and the brand is fully protected by the law.

The circular is illustrated by a big picture of a whisky bottle of the so-called Post Office brand. At the side is a picture of a post office with Uncle Sam smiling and pointing toward the whisky.

The result of this unrestricted promotion of the drink trade by means of the mails is made manifest in long lists of crimes

and disasters in both wet and dry territory.

Men are daily starving, freezing, dying of gunshot wounds and stabs, or kicking their lives away at the ends of ropes because of a system which yields the liquor mail-order houses about \$4 per gallon profit on whisky and which yields the United States, in addition to the revenue, the price of a two-cent postage stamp.

Here is a specific case:

Olaf Jacobson, a tiler working near Guckeen, Minn., was found dead on the farm of John Gerry at 7 o'clock on a morning not 10 days gone by. Jacobson had died from exposure and alcohol. Beside the body was a jug full of "Welcome" booze which had been ordered by express in response to advertisements conveyed to Jacobson by the Federal Government at a fee of two

Some time ago the father of a poor family in the State of Alabama, becoming alarmed at the long absence of his 11-yearold daughter, started out to find her. He found her body in a little wood with blood spots on her clothing and her swollen tongue protruding from between her teeth. A few miles away the guilty man, a mulatto negro who had been known as a reliable and hard-working fellow, was found asleep on the hay in a barn. By his side was an empty whisky bottle. The United States Government, acting as a solicitor for a liquor mail-order house at a fee of 2 cents, had induced this man to buy and consume the stuff which had brought in its train such a series of fatal consequences. The Jacksonville liquor dealer got his few dollars of profit; the little girl got shame and agony and death; her father and mother got humiliation, bitterness, and sorrow unspeakable; the Government got the price of a postage stamp.

Details of crimes of the most revolting character directly traceable to the use of whisky sold through the medium of the

mails are to be had from nearly every State.

During last Christmas week, the board of temperance of the Methodist Episcopal Church, through its 17,000 pastors, kept a record of the crimes and disasters indisputably due to drink. That one week's drink toll showed 110 murders, 24 suicides, 39 dead by accident or exposure, 169 badly hurt, 19 hurt by accident. 3 criminal assaults, including two upon children, 25 children in dangerous condition from drinking alcohol, and 354 miscellaneous crimes, accidents, and other misfortunes. No record was taken except where the event was clearly due to the drinking of liquors.

It may not be said that the United States is simply a mechanical agent of conveyance in these cases. The United States has recognized its responsibility in the matter of lottery tickets, refusing to carry them through the malls or to convey advertisements of them. Alcoholic liquors themselves are excluded from the parcel post, not because they are liquid, for the mails do not exclude many other liquids, but because of their inherent viciousness. The moral responsibility of the United States for the mails and interstate commerce is as complete as its powers. This principle was recently recognized in the passage of a law excluding the products of child labor from interstate com-

The time has come to put the thing to the issue. Is it right for the United States to assist in creating and intensifying an appetite for alcoholic drinks, by inducement and suggestion causing men to consume liquor who would not consume it if they were not induced? If it is right the present practice should continue. If it is wrong the coming session of Congress, without any attempt to shift responsibility upon the States, should recognize the wrong and exclude from the mails liquor advertisements and solicitation.

Will Congress sit still while murder and rape is being pro-

moted for profit by every device of modern trade?
Will Congress sit still while every effort is being made to extend the debauchery of the drink habit to American woman-

Will Congress sit still while liquor dealers offer premiums to rural mail carriers for "lists of boys" who may be induced to begin the drink habit?

Will Congress sit still while liquor dealers are using the mails to place drink invitations into the hands of persons of all ages and both sexes?

Will Congress sit still while drink sellers advertise that they will ship drug poisons in deceptive packages, thus facilitating their reception by small boys and girls and adolescents?

Will Congress sit still while decent citizens are subjected to

the burning annoyance of liquor solicitation?

Beyond any question of a doubt there is a more clamorous demand on the part of the people for this temperance reform than for any other similar law. It is being discussed in hundreds of editorials, in many thousand pulpits, and has been demanded by various church organizations aggregating a constituency of 17,000,000 to 20,000,000 people. If Congress should neglect to pass this law at this session, the growing clamor of the good people of the country would become a cry of indignation, for every home is being assaulted by these liquor circulars, and the abstaining citizen is each morning reminded by his mail that a Federal agency is being used in an attempt to offend his sentiments and demoralize his home. So loud has become the cry against this evil that Barrels and Bottles, a liquor trade paper, has itself said "liquor should be advertised by the manufacturers to the retail liquor merchants, and not otherwise," and gives as its reason that the people are becoming dangerously irritated by the present advertising policy of that trade.

As a matter of decency the United States Government will not transport through the mails alcoholic liquors. This is not because of the perishable nature of these goods, for the mails will transport almost anything from roasted chicken to a box of flowers. Uncle Sam is simply too decent to carry liquors from seller to consumer.

Why is Uncle Sam not too decent to transport the liquor seller's invitation to drink? Why should he aid the liquor wholesaler in propagating a harmful practice, a bad habit, a

drug-using custom?

Mr. Speaker, I call to the attention of these representatives of the people the fact that the list of newspapers which I append herewith, and which refuse liquor advertising and request the passage of this law, contains the names of great dailies, of both Protestant and Catholic church organs, of medical and other professional journals, of trade and business publications, of literary and news magazines, of fraternal and agricultural periodicals, and of publications which appear in various foreign languages.

The list, compiled by the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, is as

follows:

Arkansas	
California	
Colorado	
Connecticut	
Delaware	
District of Columbia	
Kansas	
Kentucky	
Louisiana	
Massachusetts	
Mississippi	
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	
Oklahoma	
Oregon	

Pennsylvania	241
Rhode Island	31
South Carolina	10
South Dakota	8
Tennessee	16
Texas and a company with the company of the company	40
Utah	5
Vermont	3
Virginia	100
Washington	209
West Virginia	104
Wisconsin	308
Wyoming	16
	11
Total	8, 36

STRONG ARGUMENT BEFORE COMMITTEE.

Mr. Speaker, I desire to include in my remarks part of a statement made before our committee by Dr. Clarence True Wilson, representing the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church. He spoke as follows:

representing the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church. He spoke as follows:

1. It should be stated that the people I represent are in favor ultimately of the Randall bill as it is already recommended by this committee, but in view of the fact that we are pressed for time and as the Senate adopted the Jones amendment we shall be satisfied with that.

2. Let me state that the Methodist Church, by official action of its general conference, has asked for this legislation, and by action of 17.000 churches representing 4,000,000 members and 10,000,000 constituents. Every other evangelical church has approved the movement.

3. This approval has not been simply in a general way, but has been a definite request that Congress will enact this law at this session.

4. If Congress should fall to pass this bill before March 4, the abuses it is sought to remedy are of such a flagrant and scandalus nature that before Congress could take the matter up again there would be a Nation-wide outburst of indignation and scandal.

5. This bill is not in any sense a restriction upon the freedom of the press. Newspapers and other publications will still be free to express any opinion as to prohibition, as to the liquor traffic, or as to the advisability of using liquors. They will simply not be free to be a retail selling intermediary, unlicensed and uncontrolled, of the liquor traffic. If there is any necessity for licensing and regulating the traffic, the principle of local license should be made universal except where prohibition has supplanted it.

6. The fact that the mail-order trade in liquors is without the bounds of either the license system or prohibition system destroys the efficacy of the argument that it is a "legitimate" business and therefore should not be restricted in its use of the mails. An unregulated business in liquors is not a legitimate business, and the Federal Government is under no obligation whatever to recognize it as such or to order its relations toward such

The is a mistake to think that that is mail order business is entirely in prohibition States. It obtains just as much in communities dry under local option and in communities where the license system is so strict that a mail-order trade in competition with the local saloon is at a great advantage.

The time has come when the Government must cease to assist in breaking down the antiliquor laws of the various States. The sending of advertisements through the mail, even into States where the whole State has voted dry, is an assault upon the temperance purpose of the majority of the States of the Union.

About 20 years ago the liquor dealers began a propaganda to create an appetite among boys, to induce women to drink, to furnish samples free until the appetite got started. I hold in my hand a statement from T. M. Gilmore, made in June, 1902, to the National Wholesale Liquor Dealers' Convention, saying, "We must create the demand for our brands and not depend upon disinterested parties to do it for us." The United States Brewers' Association convention passed this resolution on June 20, 1902: "It is our duty to rebegin a systematic literary agitation." An experienced advertising man refers to a half dozen whisky dealers who have actually made millions through newspaper advertising. These advertisements are sent into dry territory and wet, to minors of both sexes, to women, with free sample bottles and the promise of finery and brick-a-brac and special inducements for the first order. Frequently they are sent addressed simply to the "Occupants of a liquor advertisement sam has considered that an adequate address for a liquor advertisement sam has considered that an adequate address for a liquor advertisement softer combination lots. Here is one offering a pack of cards, a box of dearettes, a bottle of whisky, and a revolver, all for \$2.48. There is a promise of severy in these ads. Here is one that reads: "It is nobody's business but y variant and conditions and encourage the use of "home" beer. Here is one showing

mother," and it is said that obviously the "baby participates in the benefit." Nothing has been more definitely settled by science than that drinking by mothers predisposes the offspring to the use of habit-forming drinks. Here is a big ad that calls beer drinking "the happy habit," and another that shows the whole family, including a 10-year old boy and a 15-year old girl, drinking. Here is the Hollister Distilling Co. asking the mail carriers for lists of boys to whom they can mail their advertisements. Another recommends mait whisky to all "who want to stay young; to nervous, run-down women; and to delicate, undeveloped children." Here is a picture of a toy nursing bottle, filled with whisky, given to a boy on Fourth Street, Cincinnati, shewing hew the drink trade creates an appetite in children. Here is a picture of 16 hollow toys, filled with whisky, collected from children of Portland, Oreg. Here is a picture of the cigars, bottled whisky, and revolver sent in job lots to all who answer an ad. in a newspaper of Jacksonville, Fla. Here are envelopes actually sent through the mails, "To the occupant of the house." Here is another, unstamped, and marked "private mail." Here are "medicinal" advertisements in direct violation of the recent decision of the Supreme Court.

They say "Disheter may be driven from the system by good whisky."

Court.

They say, "Diabetes may be driven from the system by good whisky" and that 2 ounces of their brand would cure even the severest cases, when the most careful scientists tell us that diabetes is caused by whisky. Here is one that says, "Pure rye whisky has staved off many a cold, many attacks of malaria and grip; no home should be without it." Here's another which claims "there is food value in beer as well as beverage enjoyment," when there is no more food in these intoxicating liquors than in a rotten egg. Here is an advertisement in which beer is advised for athletes, but Willard, the world's champion, was raised in Kansas and never touches a drop of it, and Connle Mack won't allow a man on his team if he uses it at all. Here is a letter extolling a Baltimore brand of whisky. It is signed by W. J. Mackay. It says: "You certainly must be interested in things intended for your personal use and are undoubtedly in need of whisky," etc., but this letter did no harm. It was addressed to Dr. Wilbur F. Crafts.

Here are advertising contracts offered to newspapers providing that

tended for your personal use and are undoubtedly in need of whisky," etc., but this letter did no harm. It was addressed to Dr. Wilbur F. Crafts,

Here are advertising contracts offered to newspapers providing that "this contract shall be void if any legislation detrimental to the said interests of such company shall be passed." But the bait did not get the fish, for 840 daily newspapers have signed the pledge, and their letters are on record in our office, declaring that they will not receive a dollar of liquor money or advertise intoxicating liquors on any terms. The national convention of advertising men in Chicago applauded to the echo prohibition speeches and denounced liquor advertisements as false and ruinous.

Here is an advertisement of free whisky to get you started, and any boy or girl who can write a name can fill in the address and get a bottle free. Here are deceptive packages for "private persons only." with correspondence confidential, so that young people and women may get the dope without the knowledge of fathers or husbands.

All other liquor selling is under some restriction against selling to inebriates, to minors, etc. This mail order business is under no control. For 2 cents the United States becomes the hired agent and solicitor of the liquor trade and runs an unceasing "mail-order rum shop" with no restrictions whatever. This incites the people in dry territory to the violation of law. It feeds the publisher's avarice with "hunger-making gold dust." It feeds the publisher's avarice with "hunger-making gold dust." It feeds the publisher's avarice with "hunger-making gold dust." It feeds the publisher's avarice with "hunger-making gold dust." It feeds the publisher's avarice with "hunger-making gold dust." It feeds the publisher's avarice with "hunger-making gold dust." It feeds the publisher's avarice with smalls all obscene literature, contraceptive devices, lottery tickets, and advertising; makes it a prison offense to put intoxicating liquor in the mails, not because it is a liquid, b

represents ruin to about 800 homes, murders, suicides, wounds, rape, at 2 cents apiece!

Is it right for the United States to assist the liquor traffic in hunting down men, women, and children who would not drink if not induced to do so?

Is it right for the United States to assist the liquor trade in making abstinent classes into drinking classes, especially women and children? The illustrating of liquor advertising with women in a suggestive way shows the trend of this propaganda. Here I have a basketful of such ads to show you.

The liquor interests are using the mails to create an appetite in young boys and girls. The Hollister Distilling Co., of St. Paul, solicited from rural mail carriers lists of names of boys who might be taught to drink, offering premiums for such lists. A typical advertisement of whisky reads as follows:

"——"s pure mait whisky is a wonderful health-preserving stimu-

and is found in mail boxes without so much as an address on it. I have several such here.

What is more, the biggest brewers in the country, including such prominent concerns as the Fred Miller Brewing Co., the Pabst Brewing Co., Schiltz, Schuitz, Jung, and Gutsch companies, are using the mails to instigate and encourage violation of the law. There is conclusive proof of this at our office.

This advertising is frequently fraudulent, claiming food and medicinal value for drinks, in despite of the recent Supreme Court ruling that the manufacturer of a product can not legally attribute to it qualities which it does not possess.

Nearly half of the daily newspapers of the country are refusing to publish liquor advertising, and the States of Washington, Oklahoma, Oregon, West Virginia, North Dakota, Colorado, Maine, Alabama, Georgia, South Dakota, Virginia, and Mississippi forbid liquor advertising in the State. But for 2 cents the United States becomes agent and solicitor for sales.

Annoyance is caused by this mail to people who do not wish to receive it, the publisher's avarice is fed with hunger making gold dust, and the land is flooded with seductive instigation to buy and drink even in violation of law.

Such advertising under the present system can be received by any child who can order and get the goods, free. Saloons sell under restrictions; there is no regulation attempted for mail-order dope incentive under our postal system.

One whisky concern offers as a premium a picture of "the most beautiful woman in the world." Notice the small want ads which advertise secrecy in delivery of goods, etc. This especially appeals to high-school boys and would-be fast girls. "It is nobody's business but yours and ours," it says. One of these actually tried to sell its mail-order list to a Keely cure firm, saying, "Our patrons are your future patients."

Note the constant suggestion as to the home use of beers and their use by women, and one picture showing beer good for the whole family, with a glass in the hands of t

They print in the papers that are read in Christian and temperance homes beautiful pictures enticing to drink and add, "No home should be without it," while we ought to see that every home is without newspapers that spread this sentiment among our children.

Here are a lot of them that tell "how mother and the baby picked up" on grog, and claim poison as "a real benefit to mothers and, of course, the baby shares."

Note the number of ads that appeal to women and the home trade.

The decent cities of the Nation have stopped department stores from selling liquors to women and children and offering it as prizes. It is time for our Government to stop conducting its solicitations to drunkenness and vice into the homes of America. Our malis exclude obscene literature, contraceptive devices, lottery tickets, and should exclude advertisements of whisky and beer. Now, let us stop its advertisement in dry and wet territory alike and be consistent.

Mr. MOON. Mr. Speaker how much time have I remaining?

Mr. Speaker, how much time have I remaining? The SPEAKER. Seventeen minutes.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. Howard].

Mr. HOWARD. Mr. Speaker, this is a day the real friends of prohibition have been praying for. The amendment we are about to vote upon closes interstate commerce to liquor itself consigned to those States where by law the sale and manufac-ture is prohibited, and it denies the use of the mail for the purpose of circularizing such States in the interest of mailorder liquor houses

In a word, it allows the dry States engaged in the great work of raising for the generation to come sober men, happy children, and contented wives and mothers to pursue human

conservation unmolested by those who are willing to damn the universe for gold. [Applause.]

No real friend of prohibition, no matter who he is or what his declarations may be, will vote against this amendment or vote for a single amendment to the amendment. Friends will vote to concur, enemies will attempt to amend it, to throw it in conference. it in conference.

From circulars handed Members, I see the members of the Antisaloon League who hold the salaried jobs in the league are divided. Too drastic, some of them say. They are homeopathic prohibitionists; I am allopathic. [Applause.]

The truth is the real prohibitionist who believes this amendment too drastic would condemn the honey of the bee for its sweetness or the music of the mocking bird for its harmony.

Gentlemen who profess to be prohibitionists and are opposing this amendment remind me of an incident that occurred in my boyhood. One morning, as I was on my way to school, I discovered a poor bug in the dusty road laboring under many I thought at first it was a June bug, but it was difficulties. not; its plight touched my boyish sympathies and I thought I would assist it in its predicament, but upon close inspection I found that this bug was pushing one way and looking another, and in boyish disgust I left it to its task. [Laughter and applause. ]

So gentlemen who are imitating this unfortunate insect, I leave you to your fate, for I believe myself to be a truer and more sincere friend to the cause of temperance than you ever The temperance forces of Georgia have wired me they are

praying for the adoption of this amendment.

The leaders of the Negro race who realize the havoc liquor has wrought in the progress of these people are praying for their friends to support this amendment. Gentlemen, for God's

The riends to support this amendment. Gentlemen, for God's sake help them. [Applause.]

The SPEAKER. The gentleman yields back one minute.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the gentleman from Georgia [Mr. Howard] says that no sincere friend of prohibition will oppose the Reed amendment. If I know my own prohibition will oppose the Reed amendment. If I know my own heart, Mr. Speaker, I am a sincere prohibitionist, but I shall certainly oppose the Reed amendment. I am not willing to match words with the gentleman from Georgia, but I am willing to match deeds with either of them on the question of pro-hibition. [Applause.] The first public speech I ever made was against the saloon. It was in the local-option election in my home county, when that county was full of saloons, too. I have been fighting for Federal aid to the States in the enforcement of their prohibition laws for 14 years in this House. I introduced and secured the passage of the bill which requires the internal-revenue collectors to open their books to inspection of State officials and give certified copies to them and so aid them in the prosecution of violations of State prohibition laws. I introduced a bill requiring packages containing liquor shipped in interstate commerce to be so marked as to indicate accurately the kind and the quantity of the liquor contained therein, to bear the name of the consignee, and to be delivered to no one That became the law. When the Criminal Code was under consideration I offered the amendment which broke up the C. O. D. liquor business in interstate commerce, and I challenge these wordy warriors who question the sincerity of my faith to submit their record of deeds done.

Mr. HOWARD rose.

Mr. HUMPHREYS of Mississippi. I can not yield.

Mr. HOWARD. But the gentleman challenged and I rose in response to the challenge.

Mr. HUMPHREYS of Mississippi. The gentleman will have ample opportunity when he extends his remarks in the RECORD, and he can then make his speech to his stenographer.

Mr. HOWARD. I will reply to the gentleman.

Mr. HUMPHREYS of Mississippi. I am opposed to this amendment. We have in the Webb-Kenyon law at last arrived, under the recent decision of the Supreme Court, at a perfect regulation of interstate commerce in the interests of the State, and as soon as that decision was rendered giving the States full power to regulate the liquor traffic, even interstate traffic, gentlemen rush in immediately, even gentlemen who have here-tofore opposed all Federal aid, and with the enthusiasm characteristic of all new converts, propose this the most radical proposition ever made, and then challenge the good faith of those who oppose it. Mr. Speaker, I was prosecuting attorney for many years before I came to Washington. There was a patent medicine doctor who used to go around with us wherever we held court and he carried three or four negroes along who sang and picked the banjo in open-air entertainments every night to draw the crowd to whom he sold his nostrums between numbers. The doctor acted as middle man. One of his boys said one night, "Doctor, did you hear bout me playing bad." "No; I didn't hear about that." "Oh, I played bad." "When was that?" "Down in Cuba," "I did not know you were ever in Cuba." "Oh, yes; I was there in the Spanish War." "Well, tell us about it." "You heard of San Juan Hill, ain't you?" "Yes; I have heard of San Juan." "Well, that's where I played bad." "How did you do it?" "Well, sir, I got a great long sword about this long and I went up that hill and I cut the feet off of them Spains as I come to them." "Why," said the doctor, enthusiasts. [Applause.] The Webb-Kenyon bill has already accomplished all that the States have asked and all that the States have the right to ask. That law provided:

\* \* That the province.

\* \* That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one State, Territory, or District of the Unit 1 States \* \* into any other State, Territory, or District of the United States, \* \* which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States \* \* \* is hereby prohibited.

And in construing it the Supreme Court of the United States has decided that under its terms a State may forbid the im-

portation of intoxicating liquors in any quantity whatever from any other State. In other words, Congress under this law has wholly withdrawn all Federal protection from liquors shipped in interstate commerce and left the States free and unhampered to act as they may themselves determine, either to forbid wholly or partially the importation of such liquors from abroad. There is but one other further step which Congress can properly and consistently take in this matter. The Webb-Kenyon law simply abandoned intoxicating liquors entering interstate commerce to the tender mercies of the State. It provided no penalty. The amendment proposed by the gentleman from Virginia [Mr. Saunders] takes that further step. It provides:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory contrary to the laws of such State or Territory shall be punished as aforesaid.

The "punishment aforesaid" being \$1,000 fine and six months in jail. After many years, step by step, and each advance being encountered by most stubborn resistance, the protection enjoyed by virtue of their character as articles of interstate commerce has gradually but progressively been withdrawn until at last by the Webb-Kenyon Act Congress said, "We will have no more to do with you," and abandoned the whole subject matter to the States. But now as soon as the Supreme Court declares that act constitutional Congress is asked by this Reed amendment to take still further action; and in what direction, pray Not to broaden the power of the State, because it can not be broadened. Police power the States already have, and by the Webb-Kenyon bill we gave them power to regulate interstate commerce; so the power of the State is complete. The proposition in this Reed amendment is to lessen the power, to take back from the States a part of the power so lately grantedthe power to regulate commerce—unless that regulation is, in fact, an absolute prohibition of all importation. In other words, no State may under its provisions regulate the ship-ment of liquor into its borders in limited quantities—1 quart every two weeks, for instance, as my State does. either forbid all importation or it must open its saloons. never question any man's motives, Mr. Speaker. I know that some of the strongest prohibitionists in this House, as well as out of it, are for the Reed amendment. It is equally true, Mr. Speaker, that some of the strongest antiprohibition influences in the country are actively and aggressively for it also. understand the purpose and the theory of the latter, but I confess that I do not get clearly the viewpoint of the former. Let us consider this Reed amendment and analyze it:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

In other words, if a State merely forbids "the sale" or "the manufacture" of intoxicating liquors, either or both, then Congress will prohibit the shipment of such liquors into that State. It says to the State: "Lay not your profane hands upon the saloon, for if you do we will not permit a drop of intoxicating liquors thereafter to enter your borders, although your legislature may specifically authorize it."

Mr. Speaker, the prohibition ranks, which have swept the country and carried so many States, are composed of two ele-ments: First, the prohibitionists, who believe in forbidding not only the manufacture and sale of intoxicating liquor but even the consumption of it; second, another class, a large class, numbering thousands of men all over this country who have voted dry in county as well as State-wide elections, not because they were opposed to the use of such liquors in the home but because they believed that morally, socially, politically, and economically the influence of the saloon was evil. They joined hands in the fight to abolish the liquor traffic, to overthrow and destroy the saloon, and their success has not only surprised, it has appalled the common enemy.

The SPEAKER. The time of the gentleman has expired. Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the request of the gen-

tleman? [After a pause.] The Chair hears none,
Mr. HUMPHREYS of Mississippi. What will happen, Mr. Speaker, after this Reed amendment is the law? So far as the State of Mississippi is concerned it will make no difference. We are already dry, and have been gradually getting dryer for many years, and when our legislature meets next January we will go "bone dry." But, Mr. Speaker, my interest in the cause of prohibition is not limited by the boundaries of Mississippi. I have a broader purpose, a wider interest in this great movement. I believe there are now some 25 or 26 dry States,

but I hope to see the day when the saloon will be driven a vaga-bond beyond the borders of this Republic. Will this Reed amendment hasten this consummation so devoutly to be wished?

The success of the prohibition movement has not been attained by sudden flight. It is the outcome of many years of persistent and continuous agitation and education. In my own State I know we were some 25 years, possibly, in the campaign before the State went dry, and without intending to be presumptuous, I believe that other States could profit by the experience and example of the State of Mississippi.

When the movement for prohibition was in its incipiency, we were fortunate in having in our State as a champion and adviser one of the greatest men, one of the choice and master spirits of his age—Bishop Charles B. Galloway. Enthusiasts then insisted upon State-wide prohibition by constitutional amendment, but he advised against it. The policy he advised was twofold—first, to proceed against it. The policy he advised was twofold—first, to proceed against the saloon by county option; second, to keep prohibition out of politics. No election on that subject could be held in any county at or near the date of any other election. The result of this wise course was that county after county outlawed the saloon, until in the fullness of time there were less than one-half dozen places in the State where the saloon was legalized, and when the proposition was at last made in the legislature to provide State-wide prohibition there was but one vote against it. Another most happy result of this great man's wise counsel was that never in any general election in any county, district, or in the State, so far as I am advised, was prohibition the issue or the views of any candidate on this subject the test of his qualifications for office

Last fall several States voted dry. I am told by Members here from the State of Nebraska that in their campaign the statement was made from every stump by prohibition orators that the question before the voters was simply and solely: "Shall we outlaw the saloon?" and this was universally coupled with the further declaration that it was not intended to prohibit the personal use of intoxicating liquors or the right to have them in the home. The result was that the State went dry and the legislature which convened, in strict accordance with these promises, has refused to prohibit the importation of liquor into the State. Would Nebraska have gone dry in this election without that assurance? It is the belief and conviction of prohibitionists that where a State outlaws the saloon that in a few years the experience will be so satisfactory and the good effects so manifest to everybody that the further step which will make the State "bone dry," to use the common ex-pression, will be inevitable. Elections are to be held next fall in some of the wet States to determine the question of saloon or no saloon. What effect will the Reed amendment have in those States? As I stated a few moments ago, the strength of the dry movement is dependent upon the votes of two schools of thought-the absolute prohibitionist and that other class who do not believe in prohibition, but who are heartily in favor of abolishing the saloon. That many thousands of this latter class will be driven out of the dry column if they must choose in the first election between absolute prohibition and a Stateregulated liquor traffic, in my opinion there is no doubt; whereas, if left to the States, as it is now, under the Webb-Kenyon law and as it still would be under the Saunders amendment, to determine the single question, "Shall the saloon be outlawed?" both these elements could and would unite in a common fight against the saloon and having won that in a few years the next step in the progressive movement would surely follow. The liquor interests are thoroughly alarmed. They see the steam roller coming toward them and for that reason many of them are advocating the adoption of this Reed amendment, hoping that thereby they may divide the forces behind the dry movement and in that way check temporarily, if not permanently, its progress

Mr. MOON. Mr. Speaker, only a few minutes being left of the hour I have

The SPEAKER. Nine minutes.

Mr. MOON. I want to move the previous question on the motion within that hour, unless there can be some understanding as to this debate. Gentlemen have asked for time that will cover about an hour and a half more. Of course, it is impossible to yield that time. I simply wanted to know the desire of the House on that question [cries of "Vote!" "Vote!"] because I desire to move the previous question—

Mr. SMALL. Mr. Speaker, I would like to ask unanimous consent for five minutes after this hour has expired.

Mr. MOON. Mr. Speaker, I can not yield for that purpose. I am going to move the previous question within my hour.

Mr. SMALL. I think I can ask unanimous consent—
The SPEAKER. What is the request?

Mr. SMALL. That I have five minutes' time after the hour has expired

Mr. MANN. Is not the present hour on the motion of the gentleman from Kentucky to amend?

The SPEAKER. There are nine minutes remaining on the Sherley amendment.

Mr. MANN. The gentleman can move the previous question on that amendment, if he desires, without cutting off oppor-

tunity to offer other amendments.

Mr. MOON. Do I understand the Chair that on the other

part of the amendment there will be another hour?

Mr. MANN. The gentleman would have another hour.
The SPEAKER. If anybody makes the proper motion.
Mr. BURNETT. A parliamentary inquiry, Mr. Speaker.
The SPEAKER. Another hour in the control of the gentleman from Tennessee [Mr. Moon].

Mr. MOON. I think we will try to get the House together. I move the previous question on the amendment of the gentleman from Kentucky [Mr. Sherley].

The SPEAKER. The gentleman from Tennessee moves the

previous question on the Sherley amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Sherley amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SHERLEY. Mr. Speaker, I ask for the yeas and nays. The SPEAKER. The gentleman from Kentucky [Mr. Sher-LEY] demands the yeas and nays. The Chair will count. [After counting.] Forty-two gentleman have risen in the affirmative, On the basis of the last vote that is not a sufficient number. The gentleman can demand the other side, if he chooses. [Cries of "Question!"] The noes seem to have it. [Af pause.] The noes have it, and the amendment is rejected. [After a

Mr. SMALL. Mr. Speaker, is it in order now to offer the

amendment which was sent up to the Clerk's desk?

The SPEAKER. The Clerk will report the motion to concur offered by the gentleman.

Mr. ABERCROMBIE. Mr. Speaker, I have a motion which

wish to have read at this time.
The SPEAKER. Is the gentleman on the committee?

Mr. ABERCROMBIE. I think my motion is to come before

The SPEAKER. I know. But the gentleman from North Carolina [Mr. SMALL] has already made his motion. Does the

gentleman want his amendment read for information? Mr. ABERCROMBIE. I will be glad to have it read for the

information of the House. This amendment will be read for informa-

The SPEAKER.

tion solely. The Clerk read as follows:

Mr. ABERCROMBIE moves to concur with the following amendment: Page 39, line 3, after the word "Territory," strike out all that follows down to and including the word "purposes" in line 5, and insert lieu thereof the following: "Or the District of Columbia."

The SPEAKER. The Clerk will report the motion of the gentleman from North Carolina [Mr. SMALL].

The Clerk read as follows:

Mr. SMALL moves to concur in amendment 34 with an amendment, as follows:

Page 38, line 25, after the word "addressed," strike out the remainder of line 25 beginning with the word "Whoever." Also strike out, on page 39, line 1, down to and including the word "State" in line 8.

Mr. MOON. Mr. Speaker, I move the previous question on these amendments.

Mr. SMALL. Will the gentleman withhold his motion? Mr. MOON. I withhold the previous question for five min-tes. [Cries of "Vote!" "Vote!"]

The SPEAKER. The House will be in order. The gentleman from Tennessee [Mr. Moon] withholds his motion for five minutes, and the gentleman from North Carolina is recognized for five minutes.

Mr. SMALL. Mr. Speaker, I am in favor of the first provision of amendment 34, prohibiting sending through the mails advertisements of liquor. I am opposed to the amendment regarding interstate commerce in liquor, which is known as the Reed amendment and which I have moved to strike out. And I think I can give some good reason in support of the motion.

The Reed amendment is unnecessary and is an invasion of The Reed amendment is dimecessary and is an invasion of the rights of the States which they now possess. Under the Webb-Kenyon law, as construed by the Supreme Court, each State has the right to settle the question of importation of liquor into the States. Every State which has adopted prohibition—that is to say, prohibited the sale and manufacture of liquor—may go further and prohibit the use of liquor as a beverage in

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that State or its importation into the State, and through the force and effect of the Webb-Kenyon law there can be no importation of liquor into the State. This amendment which we are going to vote upon attempts to control this discretion which now

exists with the several States.

Take the State of Georgia, for instance, two of whose Representatives, Messrs. Howard and Crisp, have advocated so zeal-ously this amendment, when at this time its people, speaking through its legislature, permit the importation of liquor into Georgia in limited quantities. And yet the Representatives from Georgia have exhibited a distrust and an unwillingness to abide by the legislative action of their State and wish to nullify the law of the State of Georgia and prohibit the importation of any liquor into that State. That is the position which they have taken, and which they can not deny. They are perfectly willing to come to Congress, the Federal legislative body, and ask this body to pullify to record to cot of the state of the body to nullify, to repeal, to set aside the solemn act of the legislature of their State.

I believe that upon this question of intoxicating liquors each State has the right, and ought to have the right, to settle it for itself. I voted two years ago against a proposition to amend the Consitution of the United States for so-called nation-wide prohibition because I believed it was an invasion of the right of local self-government which existed and ought forever to exist in these States. And I shall vote against it again. I shall vote against it, although I live in a dry State. Why? Because, regardless of the attitude of a man toward prohibition, the question of the right of local self-government, the continuous exercise of the police power by the State, ought to remain and forever abide with the State, and the Federal Constitution ought never to be amended so as to take away in whole or in part that right from the State. [Applause.] So in order to be consistent I am opposed to this Reed amendment.

The gentleman from California [Mr. RANDALL] is in favor of Yet his State, as I understand, upon a referendum on the question of State-wide prohibition voted 100,000 against pro-

We have presented here for consideration by this body a Senate amendment to the Post Office appropriation bill which embraces two distinct propositions. The first excludes from the mails any letter, circular, or any newspaper advertising intoxicating liquors to be delivered in any State which has made unlawful the advertising or soliciting of orders for intoxicating liquors. As before stated, I favor this law because it is intended to make more effective the law of the States which have legislated upon this subject. It is simply invoking the aid of Con-

gress to give full force to a State law.

The other proposition forbids transportation into any State of any intoxicating liquors where by the law of such State the manufacture and sale of intoxicating liquors has been pro-As the several States under the Webb-Kenyon law hibited. already have the power to prevent the shipment of liquors into such States, the exercise of such power should be left to their discretion and wisdom. If any dry State deems it wise to permit the shipment of liquors to its citizens in limited quantities, why should Congress, by the exercise of its jurisdiction over inter-state commerce, seek to nullify the law of the State? Such legislation by Congress is indefensible. It is insincere. It was not conceived in the interest of temperance. Some of its strongest supporters are the uncompromising opponents of prohibition in any form.

Mr. Speaker, we are here witnessing one of the results of in-In this as in all other reforms we should seek to consistency. preserve the balance of power between the Federal and State Governments. Prohibition advocates should make the States the unit for prohibition legislation. It belongs to the States. It is a part of the scheme of local self-government and should be zealously preserved. The heresy of amending the Federal Constitution should be abandoned. If we had been consistent we would not be witnessing to-day this attempt by indirection

to curtail one of the powers of local self-government,

In conclusion, I may make this final statement: If this amendment can not be separated so as to allow a separate vote on each proposition, then I shall feel constrained to vote against the entire amendment.

Mr. MOON. Mr. Speaker, I move the previous question on

the original and the other amendments to final passage.

Mr. MANN. Does the gentleman move the previous question also on the motion to concur?

Mr. MOON. Yes. The SPEAKER. The gentleman from Tennessee moves the previous question on everything.

The previous question was ordered.

The SPEAKER. The question is on the Small motion.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SMALL. I demand a division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were-ayes 23, nees 226. So the motion was rejected.

The SPEAKER. The question is on the Randall motion to concur.

Mr. MANN. On that I demand the yeas and nays. Mr. HOWARD. Mr. Speaker, I ask for the yeas and nays. The SPEAKER. The gentleman from Illinois [Mr. Mann] and the gentleman from Georgia [Mr. Howard] demand the yeas and navs

The yeas and nays were ordered.

The SPEAKER. Those in favor of the motion of the gentle-man from California [Mr. RANDALL] to concur will, when their names are called, answer "yea"; those opposed will answer

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. What became of the amendment of my col-

league from Alabama [Mr. ABERCROMBIE]?

The SPEAKER. The motion of the gentleman from Tennessee [Mr. Moon] cut it out. He moved the previous question on the whole thing. The Clerk will call the roll.

The question was taken; and there were—yeas 319, nays 72, answered "present" 6, not voting 36, as follows:

319.

ALL CONTRACT	YEA	s—
ercrombie	Dillon	H
lair	Dixon	H
lamson ken	Deoling Doolittle	H
exander	Doughton	Ja
mon	Dowell	Ja
nderson	Drukker	Jo
hbrook	Dunn Eagan	Jo
well	Engle	Ke
res	Edmonds	K
illey	Edwards	K
rchfeld irkley	Elisworth Elston	K
rnhart	Emerson	K
all	Esch	Ki
medict	Evans	Ki
nnet aek	Farley Farr	KI
oher	Ferris	K
orland	Fess	K
owers	Fields	La
owne	Fitzgerald	La
owning	Flood Focht	Le
uckner	Foss	Le
umbaugh	Foster	Le
ichanan, Tex.	Frear	Le
irgess	Fuller Gandy	Li
wit Lores	Garland	L
rnes, S. C. rns, Tenn.	Garner	11
rns, Tenn. ildwell	Garrett Gillett	Li
illaway	Glass	L
mpbell	Godwin, N. C.	Lo
impbell indler, Miss.	Good	M
intrill	Goodwin, Ark. Gould	M
raway	Gray, Ind.	M
erlin	Choon Lower	M
rter, Mass.	Greene, Mass. Greene, Vt.	M
rter, Okla.	Greene, Vt.	M
ary nandler, N. Y.	Gregg Griest	M
narles	Grimn	M
ark, Fla.	Guernsey	M
ollier	Hadley Hamill	M
nnelly	Hamilton, Mich.	M
nry	Hamilton, Mich. Hamilton, N. Y.	M
ooper, Ohio	Hamiin	M
ooper, W. Va.	Hardy Harrison, Miss.	Mi
pley	Harrison, Va.	M
ostello	Haskell	M
X	Hastings	M
rago	Haugen Hawley	Mo
amton	Hayden	M
illop	Hayes	Ne
ale, N. Y. ale, Vt.	Helgesen	Ne
allinger	Helm Helvering	Ni
anforth	Hensley	No No Ol
arrow	Hernandez	0,
avenport avis, Tex.	Hicks Hilliard	Pi
ecker	Holland	P
empsey	Hollingsworth	P
enison	Hopwood	Pi
ickinson	Houston	D

ughes ull, Tenn. usted utchinson coway imes hnson, S. Dak. hnson, Wash. nes eating eating eister elley ennedy, Iowa ettner ey, Ohio iess, Pa. incheloe ing inkaid itchin reider afean a Follette angley ee enroot enroot
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loores, Ind. organ, La. organ, Okla. orin orrison eely elson icholls, S. C. orth orton Shaunessy adgett age, N. C. aige, Mass. rker, N. Y.

Peters Phelan

Porter Powers Pratt Price Quin Ragsdale Rainey Raker Ramseyer Randall Rauch Rayburn Reavis Reilly Ricketts Roberts, Mass. Roberts, Nev. Rogers Rowe Rowland Rubey Rucker, Ga. Russell, Mo. Russell, Ohio Saunders Schall Scott, Mich. Scott, Pa. Sears Sells Shackleford Shallenberger Shouse Siegel Sims Sinnett Slayden Slemp Smith, Idaho Smith, Mich, Smith, N. Y. Smith, Tex. Smith, Tex.
Snell
Snyder
Stedman
Steele, Iowa
Steenerson
Stephens, Miss.
Stephens, Nebr.
Stephens, Tex.
Sterling
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Stone
Sulloway
Sumners Sumners Sutherland Sweet Swift
Switzer
Talbott
Tavenner
Taylor, Ark,
Taylor, Colo.
Temple
Thomas
Thompson
Tillman
Timberlake
Towner Towner Treadway Vare

Venable

Vinson Volstead

Walker Walsh Wason Watkins Watson, Pa. Watson, Va.	Webb Whaley Wheeler Williams, T. S. Williams, W. E. Williams, Ohlo	Wilson, Fla. Wilson, Ill. Wilson, La. Wingo Winslow Wise	Wood, Ind. Woods, Iowa Woodyard Young, N. Dak. Young, Tex.
	NAY	S—72.	
Allen Bacharach Blackmon Britten Burke Casey Church Coady Coleman Crosser Curry Davis, Minn. Dent Doremus Driscoll Dupré Dyer Estopinal	Fairchild Freeman Gallagher Gallivan Gard Gardner Glynn Gordon Gray, Ala, Gray, N. J. Heaton Heflin Henry Hood Hull, Iowa Humphreys, Miss. Igoe Kahn	Konop Lazaro Liebel Longworth McAndrews McArthur MeDermott Madden Martin Meeker Mondell Montague Moss Mudd Nichols, Mich. Oakey Overmyer Parker, N. J.	Platt Pou Rodenberg Rouse Sanford Scully Sherley Sherwood Sloan Small Stafford Steagall Steele, Pa. Tague Tilson Tinkham Van Dyke Ward
		PRESENT "-6.	
Hulbert Kent.	London Moore, Pa.	Oliver	Smith, Minn.
Had done	NOT VO	FING-36.	
Austin Beakes Beales Buchanan, III. Capstick Carew Chiperfield Dewalt Flynn	Fordney Graham Hart Hill Hinds Huddleston Humphrey, Wash, Johnson, Ky. Kearns	Kennedy, R. I. Lehlbach Loft Matthews Mooney Mott Murray Nolan Oglesby	Olney Patten Riordan Rucker, Mo. Sabath Sisson Sparkman Stout Taggart

So the motion to concur was agreed to. The Clerk announced the following pairs:

On the vote:

Mr. Sisson (for) with Mr. Hulbert (against).

Mr. CHIPERFIELD (for) with Mr. SMITH of Minnesota (against)

Until further notice:

Mr. STOUT with Mr. HILL. Mr. BEAKES with Mr. MOTT.

Mr. OLNEY with Mr. NOLAN. Mr. PATTEN with Mr. HUMPHREY of Washington.

Mr. Murray with Mr. Kearns. Mr. Oliver with Mr. Austin.

Mr. Buchanan of Illinois with Mr. Beales. Mr. Carew with Mr. Capstick.

Mr. Dewalt with Mr. Fordney. Mr. Taggart with Mr. Graham.

Mr. HART with Mr. HINDS. Mr. HUDDLESTON with Mr. KENNEDY of Rhode Island.

Mr. Sabath with Mr. Lehlbach. Mr. Riordan with Mr. Matthews.

Mr. Rucker of Missouri with Mr. Mooney.
Mr. OLIVER. Mr. Speaker, I voted "nay," but I find I am paired with the gentleman from Tennessee, Mr. Austin, who is absent, and I desire to withdraw my vote, and to answer "present" present.

Mr. HULBERT. Mr. Speaker, I voted "nay." I find I am paired with the gentleman from Mississippi, Mr. Sisson, who, if present, would have voted "yea." Therefore I withdraw my vote and vote "present.

The result of the vote was announced as above recorded.

Mr. MILLER of Pennsylvania. I ask unanimous consent to extend my remarks on Senate amendment No. 34.

Mr. McARTHUR. I make the same request.

The SPEAKER. The gentleman from Pennsylvania and the gentleman from Oregon ask unanimous consent to extend their remarks on Senate amendment 34 to this bill. Is there objection?

There was no objection.

Mr. MOON. I move that the House agree to the conference asked by the Senate; and pending that I ask unanimous consent that all Members of the House have leave, for five days, to print remarks in the RECORD on this bill.

Mr. MANN. I object to the latter request.
Mr. MOON. Does the gentleman object to Members printing their views?

Mr. MANN. I object to filling up the RECORD with a lot of things that did not take place on a very important proposition.

The SPEAKER. The gentleman from Illinois objects.

Mr. MOON. I do not know but what the gentleman from Illinois is right about that, but I ask that gentlemen who spoke may extend their remarks.

The SPEAKER. The gentleman asks unanimous consent that gentlemen who spoke on this subject have leave to extend their remarks in the RECORD.

Mr. MANN. If the gentlemen make the request themseives,

I have no objection.

Mr. MOON. I make it at their request.

The gentleman may make it for himself; I have Mr. MANN.

no objection to that.

The SPEAKER. The gentleman from Tennessee [Mr. Moon] asks leave to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

a pause.] The Chair hears none.

By unanimous consent, leave was given to Mr. Cannon,
Mr. Rubey, Mr. Wm. Elza Williams, Mr. McArthur, Mr.
Fess, Mr. Barkley, Mr. Keating, Mr. Tillman, Mr. Oliver,
Mr. Burnett, Mr. Gray of Indiana, Mr. Abergrombie, Mr.
Ayres, Mr. Byenes of South Carolina, Mr. Bell, Mr. KincheLoe, Mr. Small, Mr. Blackmon, Mr. Hamlin, Mr. Taylor of
Colorado, Mr. Goodwin of Arkansas, Mr. Kettner, Mr. Raker,
Mr. Saunders, Mr. Dull, Mr. Nicholds of South Carolina, Mr.
Mr. Saunders, Mr. Dull, Mr. Nicholds of South Carolina, Mr. Mr. Saunders, Mr. Dill, Mr. Nicholls of South Carolina, Mr. Cary, Mr. Dyer, Mr. Cox, Mr. Smith of Idaho, Mr. Langley, Mr. Siegel, Mr. Mondell, Mr. Hayes, Mr. Fields, Mr. Britt, and Mr. Timberlake to print remarks in the Record on the

Mr. Moon. Mr. Speaker to pint remarks in the Akcord on the Post Office appropriation bill.

Mr. Moon. Mr. Speaker, the Speaker announced that I had made a request to extend my remarks after the objection of the gentleman from Illinois [Mr. Mann]. The gentleman from Illinois and the Speaker misunderstood me, as far as I was concerned, because I did not make any such request for

myself and do not make it now.

The SPEAKER. The gentleman does not have to extend his

remarks unless he wants to.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry. Who else besides the gentleman from Tennessee and myself failed to make the request?

The SPEAKER. The Chair does not recollect. He hardly

had strength enough to count them all.

Mr. MANN. The gentleman from Arkansas gets into the Record anyhow, or into the limelight, and a good many other gentlemen do not.

The SPEAKER. The gentleman from Tennessee [Mr. Moon] moves to agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. Moon, Mr. Bell, Mr. Cox, Mr. Steenerson, and Mr. Madden.

NATIONAL SOCIETY UNITED STATES DAUGHTERS OF 1812-VETO MESSAGE (H. DOC. NO. 2081).

The SPEAKER laid before the House the following veto message on the joint resolution (H. J. Res. 230) authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof:

To the House of Representatives:

I take the liberty of returning this joint resolution (H. J. Ites. 230) without my signature, not because I am not in sympathy with its purpose, namely, to accord a place to the records of a great patriotic society in a national repository, but because I am convinced that it would not be just to accord this privilege to one such society without according it to all that might desire to avail themselves of it, and because it would be impossible to do that with the present space and equipment available at the Smithsonian Institution and the National Museum.

I would be in sympathy with any purpose to supply those institutions with the necessary space and equipment, but unless it is in contemplation to do that, I do not believe that it is wise

to begin the policy represented by this resolution.

WOODROW WILSON.

THE WHITE HOUSE, February 21, 1917.

Mr. SLAYDEN. Mr. Speaker, I move that the President's message be referred to the Committee on the Library. The motion was agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, had further insisted upon its amendments to said bill, and asked a further conference with the House of Representatives, and ordered that Mr. SMITH of South Carolina, Mr. SMITH of Georgia, and Mr. WARREN be the conferees on the part of the Senate.

### AGRICULTURAL APPROPRIATIONS.

Mr. LEVER. Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate to the Agricultural appropriation bill (H. R. 19359) and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreement to the Senate amendments to the Agricultural appropriation bill-

Mr. MANN. And upon its amendment to Senate amendment No. 111.

Mr. LEVER. And upon its amendment to Senate amendment

111, and agree to the conference asked by the Senate.
The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreement to the amendments of the Senate to the Agricultural appropriation bill, and

upon its amendment to Senate amendment 111, and agree to the conference asked by the Senate. The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. Lever, Mr. Lee, and Mr.

# REPUBLIC COAL CQ.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to lease the coal deposits in and under certain public lands to the Republic Coal Co., and agree to the conference asked by the Senate.

Mr. HILLIARD. Will the gentleman yield? I would like to inquire of the gentleman from Oklahoma if all that was said here in debate to the effect that the Senate would reject any leasing proposition and insist upon the sale of the coal land to the Chicago, Milwaukee & St. Paul Railway Co. has not been justified by the action of the Senate in rejecting the House

Mr. FERRIS. Oh, not at all. They merely ask for a con-

ference in the usual way.

Mr. HILLIARD. Do they not object to our amendments and reject them?

Mr. FERRIS. Oh, no; they merely disagree to all our amendments and ask for a conference.

Mr. HILLIARD. Mr. Speaker, if it is in order, I move that the House conferees be instructed to adhere to the leasing amendment which the House put on the joint resolution.

Mr. FERRIS. That is not in order-

The SPEAKER. That motion is not in order until we get the unanimous consent.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. We were unable to hear what the request was which was made by the gentleman from Okla-

The SPEAKER. His request was to take from the Speaker's table the joint resolution (S. J. Res. 50) about the sale or leasing of coal lands to the Republic Coal Co.

Mr. FERRIS. And agree to the conference asked by the

The SPEAKER. The gentleman from Oklahoma asks to take that joint resolution from the Speaker's table, insist on the House amendments, and agree to the conference asked by the Senate.

Mr. COOPER of Wisconsin. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Does the gentleman from Oklahoma report that the Senate has disagreed to this amendment?

Mr. FERRIS. The Senate has disagreed to the amendment.

Mr. COOPER of Wisconsin. Was any vote taken on it in the Senate?

Mr. FERRIS. No; they simply asked to disagree with the House amendments.

Mr. HILLIARD. Mr. Speaker, I reserve the right to object.
Mr. FERRIS. I move to take from the Speaker's table the
Senate joint resolution 50 and agree to the conference asked for.
The SPEAKER. The Chair lays before the House Senate

joint resolution 50. Mr. FERRIS. I move to agree to the conference asked for.
The SPEAKER. The gentleman from Oklahoma moves to agree to the conference asked for by the Senate.

The motion was agreed to.

Mr. HILLIARD. Mr. Speaker, I move that the conferees be

instructed to adhere to the amendments of the House.

The SPEAKER. The gentleman from Colorado moves that the conferees be instructed to adhere to the amendments of the

The question was taken; and on a division (demanded by Mr. HILLIARD) there were 43 ayes and 106 noes.

So the motion was lost.

The following conferees were announced on the part of the House: Mr. Ferris, Mr. Taylor of Colorado, and Mr. Lenroot.

### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the conference report on House bill 18453, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The SPEAKER. The Clerk will read the report.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the state-

ment be read in lieu of the report.

The SPEAKER. The gentleman from Texas asks that the statement be read in lieu of the report. Is there objection? There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

### CONFERENCE REPORT (NO. 1513).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 6, 7, 8, 13, 14, 20, 21, 26, 27, 28, 29, 30, 31, 33, 34, 36, 38, 39, 55, 58, 62, 65, 66, 73, 74, 76, 82, 88, 96, 100, 103, 106, and 112.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 17, 18, 23, 25, 37, 40, 41, 43, 44, 45, 47, 52, 53, 54, 56, 57, 59, 61, 64, 67, 68, 69, 70, 71, 72, 75, 77, 78, 79, 81, 83, 86, 89, 91, 94, 97, 98, 99, 101, 102, 104, 105, 107, 108, and 109, and agree to the same

108, and 109, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided the amendment proposed insert the following: "Provided further, That \$5,000 of the above amount shall be used for an investigation and report on the merits of the claim of the Indians of the Warm Springs Reservation in Oregon to additional land arising from alleged erroneous surveys of the north and west boundaries of their reservation as defined in the treaty concluded June 25, 1855 (12 Stat. L., p. 963), and the Secretary of the Interior is hereby authorized to make such survey or resurveys as may be necessary to complete said investigation and report"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its dis-

agreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided, That automobiles or any other vehicles or conveyances used in introducing, or attempting to introduce, intoxicants into the Indian country, or where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and for-feiture provided in section 2140 of the Revised Statutes of the United States"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,600,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$400,000: Provided, That of this amount \$300 may be expended for the purchase of a perpetual water right and right of way across the lands of private individuals, for the purpose of running a pipe line from a certain spring or springs located near the Sisseton Indian Agency buildings, South Dakota, to said buildings, the purchase of such water right to include sufficient land for the construction of a small cement reservoir near such spring or springs for the purpose of storing the water so acquired: Provided further, That not to exceed \$500 of the amount herein appropriated may be used for

the acquisition on behalf of the United States, by purchase or otherwise, of land for a site for the Mesquakie Day School, Sac and Fox. Iowa: Provided further. That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: And provided further, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further. That where practicable the transportation and expenses so paid shall be refunded and shall be returned to the appropriation from which paid"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its

disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$475,000, of which sum not less than \$75,000 shall be used for the employment of

additional field matrons"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the figures "\$10,000" and insert in lieu thereof "\$8,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$400,000"; and the Senate agree to the

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in line 1 of said amendment insert "\$75,000";

and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment numbered 24 and the following language appearing in lines 10 to 14, inclusive, on page 13 of the bill:

"That from and after the passage of this act the Secretary of the Interior shall have the power to authorize any superin-

tendent, clerk, or other employee in the Indian field service to administer oaths and take acknowledgements in connection with matters pertaining to their official duties.

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: line 4 of the amendment proposed, after the word "Interior," strike out the period, insert a comma, and add the following: "reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid"; and

the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000"; and the Senate agree

to the same

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu

of the amendment proposed insert the following:

"IOWA. SEC. 6. The Secretary of the Interior is hereby authorized, in his discretion, to pay to the enrolled members of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, entitled under existing law to share in the funds of said tribe, or to their lawful heirs, the sum of \$10,334.96, together with the interest which has or may hereafter accrue thereon, remaining in the Treasury of the United States to the credit of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, from the sum of \$42,893.25 transferred to the credit of those Indians under the provisions of the act of June 10, 1896, said sum of \$10,334.96 to be apportioned per capita among the enrolled members of said tribe

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and disagreement to the amendment of the Senate numbered 85:

agree to the same with an amendment as follows: In line 6 of the amendment strike out the following: "for setting out trees, \$500," and in line 7 of the amendment strike out the figures \$75,175" and in lieu thereof insert the figures "\$74,675"; and the Senate agree to the same.

Amendment numbered 48: That the Senate recede from its disagreement to the amendment of the House to the amendment

of the Senate numbered 48, and agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 4 of the amendment strike out the word "on," after the word "bridge," and insert the following: "across the Mississippi River on the"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 5 of the amendment, after the word "been," strike out the words "omitted erroneously from the rolls," and in lieu thereof insert the following: "heretofore erroneously stricken from the rolls and reinstated prior to the passage of this act"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: After the word "Washington," in lines 21 and 22 of the amendment, insert the following: "and other Chippewa Indians visiting said city"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment strike out the following, "for the purchase of additional land, \$41,600; in all, \$129,920," and insert the following: "in all, \$88,320"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its

disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the figures "\$52,100," and in lieu thereof insert the figures "\$50,430"; and in line 4 of the amend-ment strike out the figures "\$99,100," and in lieu thereof insert \$97,430"; and the Senate agree to the same.

Amendment numbered S0: That the House recede from its

disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians, of Oklahoma, entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$100 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: Provided, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: Provided further, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: Provided further, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.

And the Senate agree to the same. Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the

amendment proposed insert the following:
"That the sum of \$5,000, to be immediately available, be, and the same is hereby appropriated, out of any funds of the Chickasaw Nation, not otherwise appropriated, to reimburse Douglas H. Johnston, governor of the Chickasaw Nation, for extra expenses incurred in the performance of his duty as chief executive of the Chickasaw Nation and principal chief of the Chickasaw Tribe of Indians during the period covered between the years 1907 and 1912, and the Secretary of the Interior is hereby authorized and directed to make such payment from the funds of said nation.

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its

and agree to the same with an amendment as follows: In lieu

of the amendment proposed insert the following:

of the amendment proposed insert the following:

"Hereafter no allotments of land shall be made to members of the Creek Nation: Provided, That upon the approval of this act the Secretary of the Interior shall, in lieu of an allotment, pay out of any funds in the Treasury of the United States, to the credit of the Creek Nation, the sum of \$800 each, to Lula Butler, Quenton Garrett, Jack Elton Wilson, and David Bowlegs, who have not received an allotment or money in lieu of an allotment: Provided further, That if it shall be found that any of said parties have received a partial allotment the Secretary of the Interior shall pay to such party or parties a sum sufficient to equalize such partial allotment up to the sum of \$800." ficient to equalize such partial allotment up to the sum of \$800." And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In line 7 of the amendment strike out the following: "\$40,000; in all, \$162,200," and insert "\$30,000; in all, \$152,200"; and the Senate

agree to the same,

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In line 12 of the amendment, after the word "prescribe," strike out the period, insert a colon, and add the following: "Provided, That the application of this provision shall not interfere with any rights guaranteed by treaty to any allotted Umatilla Indian or Indians"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its

disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the

matter proposed insert the following:

"Sec. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for new barn, \$3,000; in all, \$73,955."

And the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the

amendment proposed insert the following: "in all, \$53,750."

On page 40, line 1, of the bill, after the figures "\$43,750," insert the following: "of which amount not exceeding \$900 may be expended for the purchase of two new busses."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

amendment proposed insert the following:

"For acquiring, constructing, or enlargement and equipment of school buildings on the following reservations: Crow Creek, Pine Ridge, Rosebud, Standing Rock, Yankton, Sisseton, Lower Brule and Cheyenne River, \$300,000, of which sum not to exceed \$50,000 shall be used for the construction and equipment of new school buildings at Fort Yates, N. Dak. And it is hereby declared to be the settled policy of the Government to have of the proportion whatever out of the Treasury hereafter make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school."

And the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate No. 110, and agree to the same with an amendment as follows: In lieu of the

amendment proposed insert the following:
"Sec. 26. That until the meeting of the Sixty-fifth Congress, those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress, are authorized to Members elect to the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of the Indian Service, at Washington, District of Columbia, and elsewhere, and the sum of \$15,000 or so much thereof as may be necessary to be immediately available and remain available until expended, is hereby appropriated for expenses incident thereto. The said committee is hereby authorized and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization, and administration to examine all books, documents, and tion and administration, to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpæna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said committee is hereby authorized to employ such clerical and other assistance, l

including stenographers, as said committee may deem necessary in the proper prosecution of its work: Provided. That stenographers so employed shall not receive for their services exceeding \$1 per printed page."

And the Senate agree to the same.

Amendment numbered 111: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate No. 111, and agree to the same.

JNO. H. STEPHENS, C. D. CARTER, P. D. NORTON. Managers on the part of the House. HENRY F. ASHURST, H. L. MYERS, MOSES E. CLAPP, Managers on the part of the Senate.

#### STATEMENT.

The bill as it passed the House carried appfollows:	ropriations as
Gratuity_ Reimbursable	2 697 700 00
Total	10, 695, 956, 67
The bill as it passed the Senate carried appropriate follows:	
Gratulty	
Total	12, 398, 107, 67
The bill as agreed upon in conference carries as follows:	appropriations
Gratuity	\$8, 078, 176, 67 2, 880, 500, 00
Total	

The estimates for the fiscal year ending June 30, 1918, were \$12,230,356.67. The bill as agreed upon in conference is \$426,-320 less than the estimates of the department and \$594,071 less than the bill carried when it passed the Senate.

The Senate conferees have receded on the following amendments: 1, 3, 4, 6, 7, 8, 13, 14, 20, 21, 26, 27, 28, 29, 30, 31, 33, 34, 36, 38, 39, 55, 58, 62, 65, 66, 73, 74, 76, 82, 88, 92, 96, 100, 103,

106, and 112.

The House conferees have receded unqualifiedly on the following amendments: 15, 17, 18, 23, 25, 37, 40, 41, 43, 44, 45, 47, 52, 53, 54, 56, 57, 59, 61, 64, 67, 68, 69, 70, 71, 72, 75, 77, 78, 79, 81, 83, 86, 89, 91, 94, 97, 98, 99, 101, 102, 104, 105, 107, 108, and

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as

On No. 15: Provides for three warehouses in the Indian Service instead of two permanent warehouses in last year's law.

On No. 17: Makes \$5,000 of the \$135,000 appropriation for general expenses of the Indian Service immediately available.
On No. 18: Allows six Indian Service inspectors an increase

of \$1 in per diem expenses when actually employed on duty in the field.

On No. 23: Requires land purchased by the United States for day school or other administrative purposes to be sold to the highest bidder when any sale is made as contemplated by the

On No. 25: Amends the act of March 11, 1904, so as to permit of temporary rights of way for pipe lines across Indian lands for the conveyance of oil and gas. On No. 37: Provides for the erection of a new school at the

Fort Bidwell Indian school, California, and appropriates \$12,000

therefor. Also, corrects the totals. On No. 40: Authorizes an amendment to the act of January

12. 1891, so as to enable the President to extend the trust period on the lands held in trust for the use and benefit of the Mission Bands of Indians in California.

On No. 41: Permits the using of the funds arising from the sale of lands on the Klamath Indian Reservation for the purpose of constructing roads, trails, and other improvements for their benefit in addition to the purposes set forth in the act of June On No. 43: Corrects the section number.

On No. 44: Grants an increase of \$2,000 for general repairs and improvements at the Indian school, Kickapoo Reservation,

On No. 45: Appropriates \$8,000 for the purchase of additional land at the Indian school, Mount Pleasant, Mich.

On No. 47: Directs the Secretary of the Interior to accept the application of Richard Daeley to enter 11 acres of land as assignee of Evaline Gallagher, and to issue patent to Daeley on his complying with the requirements of the law relative to making soldiers' additional homestead entries.

On No. 52: Removes the requirement of the act of June 30, 1914, for showing the quantum of Indian blood in the roll that is being prepared of Chippewa Indians.

On No. 53: Corrects the section number.

On No. 54: Does not increase the appropriation, but provides that \$1,000 may be used for the purchase of two automobiles on the Flathead Indian Reservation, Mont.

On No. 56: Increases the appropriation to the amount estimated by the department for the irrigation systems on the Fort

Belknap Indian Reservation, Mont. On No. 57: Increases the appropriation for the support and civilization of the Rocky Boy Band of Chippewa Indians in

Montana.

On No. 59: Corrects the section number. On No. 61: Corrects the section number. On No. 64: Corrects the section number. On No. 67: Corrects the section number.

On No. 68: Corrects the section number. Also provides for 10 additional pupils, an assembly hall and gymnasium, and additional land for a school farm at the Indian school, Cherokee, N. C., in accordance with the department estimates.

On No. 69: Corrects the section number. On No. 70: Provides for the construction and equipment of a gymnasium building at the Fort Totten Indian School, North

On No. 71: Provides for an assembly hall and employees' cottages at the Wahpeton School, North Dakota, in accordance with the department estimate.

On No. 72: Corrects the section number.

On No. 75: Provides that Osage County, Okla., shall be deemed Indian country within the meaning of acts of Congress making it unlawful to introduce intoxicating liquors into Indian country.

On No. 77: Provides for a reappraisement of Osage County, Okla., and appropriates \$5,000 from tribal funds for such pur-

On No. 78: Corrects the section number.

On No. 79: Provides that the city of Tishomingo, Okla., shall convey sites for the dormitories for the Murray State School of Agriculture by fee-simple title.

On No. 81: Provides for the payment of M. L. Mott, formerly national attorney for the Creek Nation of Indians, for expenses incurred during the period January 15 to February 8, 1914, when his successor was appointed.

On No. 83: Reinstates existing law providing for a national attorney for the Creek Indians, and authorizes the expenditure

of Creek funds to pay for the same. On No. 86: Corrects the section number.

On No. 89: Provides for the purchase of tracts of land on the Columbia River, Oreg., as fishing grounds for the Oregon Indians, and appropriates \$5,000 therefor.

On No. 91: Corrects the section number. On No. 94: Merely corrects the language.

On No. 97: Appropriates \$7,500 for the repair and improvement of the road from Canton, S. Dak., to the insane asylum for Indians at that place.

On No. 98: Corrects the section number. On No. 99: Corrects the section number.

On No. 101: Provides that certain patents issued to certain Indians as fee-simple patents under the homestead act of May 20, 1862, be ratified and confirmed as of the dates of their

On No. 102: Corrects the section number.

On No. 104: Appropriates \$1,500 for the purchase of a storage battery at the Indian school, Tomah, Wis.

On No. 105: Corrects the totals to correspond with amendment

On No. 107: Amends the House provision authorizing the Secretary of the Interior to withdraw \$300,000 of the tribal funds of the Menominee Indians of Wisconsin, and to spend the same in clearing the land, building of homes, purchase of seeds, ma-chinery, tools, etc., so as to protect the timberlands of the In-dians where they seek to farm their allotments by requiring first a survey and certification of the Forest Service, of the Indian Bureau, that the lands are more valuable for agricultural purposes than for the preservation of the timber growing on the land. Also, the amendment provides for a per capita payment, in the discretion of the Secretary of the Interior, of \$50 to each member of the Menominee Tribe.

On No. 108: Corrects the section number. On No. 109: Increases the appropriation for the irrigation system within the diminished Shoshone or Wind River Indian Reservation, Wyo., and indicates two partly completed ditches or canals on the reservation where the work shall be completed. The amendment also appropriates \$5,000 additional for the purpose of making further surveys and examinations relative to the irrigation of the conditionally ceded lands on the reservation.

On the following amendments the House conferees receded, with modifying or substitute amendments: 2, 5, 9, 10, 11, 12, 16, 19, 22, 24, 32, 35, 42, 46, 48, 49, 50, 51, 60, 63, 80, 84, 85, 87, 90, 92, 93, 95, 110, and 111.

The effect of the recession of the House conferees on the amendments on which they have receded, with modifying or substitute amendments, is as follows:

On No. 2: Strikes out the \$5,000 appropriated for the investigation provided for and authorizes and directs the expenditure from the lump-sum appropriation for the survey, resurvey, classification, and allotment of lands to Indians.
On No. 5: Provides that automobiles used in introducing or

attempting to introduce intoxicating liquor into Indian country in violation of law shall be subject to seizure, libel, and forfeiture, as provided in section 2140 of the Revised Statutes of the United States.

On No. 9: Decreases the amount allowed by the Senate for the support of Indian day and industrial schools from \$1,650,000 to \$1.600,000.

On No. 10: Decreases the amount allowed by the Senate for the construction, lease, and repair of school and agency buildings from \$625,000 to \$400,000 and restores two provisos as estimated for by the department.

On No. 11: Provides that when expenses for transportation and collection of pupils have been refunded, that they shall be

returned to the appropriation from which paid.

On No. 12: Decreases the appropriation for industrial work among the Indians from \$500,000, as it passed the Senate, to \$475,000, and provides that \$75,000 of this amount shall be used in the employment of additional field matrons.

On No. 16: Decrease the appropriation for pay of judges of Indian courts from \$10,000 to \$8,000, and provides that no part of this money shall be expended for any judge for the Pueblo Indians in New Mexico.

On No. 19: Decreases the appropriation for industry and selfsupport among the Indians from \$450,000, as it passed the Senate, to \$400,000.

On No. 22: Decreases the appropriation for reimbursing In-dians for loss of stock infected with dourine and other contagious diseases from \$100,000, as it passed the Senate, to \$75,000, and provides that the same shall be immediately available and remain available until expended.

On No. 24: Strikes out both the Senate and House provision authorizing the Secretary of the Interior to empower any employee in the Indian Service to administer oaths and take acknowledgments in connection with matters pertaining to their

official duties.

On No. 32: Provides that the appropriation for the construction of two bridges near the Leupp Indian Agency, Ariz., shall be reimbursable from any funds now or hereafter placed to the credit of the Navajo Tribe of Indians in the Treasury of the United States.

On No. 35: Decreases the appropriation for the purchase of lands for homeless Indians in California from \$25,000, as it passed the Senate, to \$20,000.

On No. 42: Directs the Secretary of the Interior, in his discretion, to make a per capita payment to the enrolled members of the Sac and Fox of the Mississippi Tribe of Indians in Iowa.

On No. 46: Authorizes certain expenditures for the support and education of 225 Indians at the Indian school, Pipestone, Minn., including a domestic-science cottage, an addition to the hospital, a central heating plant, and for road and drainage, and decreases the total appropriation for this school from \$75,175, as t passed the Senate, to \$74,675.

On No. 48: Provides for drainage assessments of tribal and allotted lands in Minnesota and makes the charges reimbursable from the funds of the Indians whose lands are benefited.

On No. 49: Authorizes the expenditure of \$5,000 of the funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River, Cass Lake Reservation, Minn., upon condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service, and that the State of Minnesota, or the local Minnesota authorities, shall also

contribute \$10,000 for the construction of such bridge.
On No. 50: Authorizes the payment from Chippewa Indian funds to persons whose names had been erroneously stricken

from the rolls of the Chippewa Indians and had been reinstated

prior to the passage of this act.

On No. 51: Appropriates \$6,000 of the funds of the Chippewa Indians for the expenses of the general council of such tribe to be held at Bemidji, Minn., and also the necessary expenses of delegations of Chippewa Indians when attending to the business of the tribe in Washington, D. C.; also, authorizes a special agent of the Interior Department to attend future meetings

On No. 60: Authorizes the erection of a steel water tank and employees' quarters at the Indian school at Genoa, Nebr., and decreases the appropriation for the school from \$129,920, as it

passed the Senate, to \$88,320.

On No. 63: Decreases the appropriation for the Indian school at Carson City, Nev., from \$99,100, as it passed the Senate, to \$97,430, this decrease being necessary by the action of the Senate conferees in receding from Senate amendment No. 62.

On No. 80: Restores the House provision and language, but provides for a \$100 per capita payment to the Choctaw Indians,

instead of \$200.

On No. 84: Changes the wording of the amendment appropriating \$5,000 from the funds of the Chickasaw Nation of Indians for the purpose of reimbursing Douglas H. Johnston, governor and principal chief of the Chickasaw Indians, for extra expenses incurred in the performance of his duties as such governor and principal chief between the years 1907 and 1912.

On No. 85: Provides that hereafter no allotments shall be made to members of the Creek Nation of Indians without specific authority of Congress, and authorizes the Secretary to pay to the enrolled members of the Creek Nation who have not as yet received an allotment of lands \$1,040 each in lieu of an allotment, said payments to be made from the funds of the Muskogee Creek Nation of Indians.

On No. 87: Reduces the appropriation for the construction of buildings at the Indian school, Salem, Oreg., from \$40,000, as it passed the Senate, to \$30,000, and corrects the total to cor-

respond.

On No. 90: Authorizes an allotment of not exceeding 80 acres to each Umatilla Indian residing on the Umatilla Reservation, Oreg., who has not been allotted but who has allotment rights on the reservation, so long as the lands remain available for such purpose, and authorizes the issuance of trust patents for the selections so made. Also provides that the application of this provision shall not interfere with rights of the Umatilla Indians as guaranteed by treaty.

On No. 92: Corrects the section number and reinstates the

House provision.

On No. 93: Strikes out the specific appropriation of \$900 for two busses at the Indian school, Pierre, S. Dak., and provides that such busses may be purchased from the appropriation for the support and education of the Indians at this school. Also decreases the appropriation for this school from \$54,650, as it passed the Senate, to \$53,750.

On No. 95: Provides for constructing and equipping school buildings on certain specified reservations in North and South Dakota, appropriates \$300,000 therefor, and declares the policy of the Government to be that no money shall be expended from the Treasury of the United States for education of Indian chil-

dren in sectarian schools.

On No. 110: Restores the House language providing for an investigation by the members elect of the Committee on Indian Affairs of the House of Representatives of the Sixty-fifth Congress; makes the appropriation immediately available and to remain available until expended; also gives the committee authority to examine all books, documents, and papers of the Indian Service, to subpœna and compel the attendance and administer oaths to witnesses, and to employ such clerks and other assistance, including stenographers, as may be necessary for the proper prosecution of its work.
On No. 111: Adopts the House provision for an increase in

salaries to the field employees in the Indian Service, appropriates so much as may be necessary therefor, and requires a report on the first day of the next session from the Secretary of the

Interior with respect thereto.

JNO. H. STEPHENS, C. D. CARTER, P. D. NORTON, Managers on the part of the House.

The SPEAKER. The question is on agreeing to the confer-

The question was taken, and the conference report was agreed to.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. MANN. I want to ask the gentleman from North Caroline [Mr. Kitchin] if it is the intention to have the House remain in session after 6 o'clock this evening?

Mr. KITCHIN. Yes; I think the House should have a continuous session and go on with the military bill until 10 o'clock

to-night.

Mr. MANN. Without any recess?

Mr. KITCHIN. Without any recess.
Mr. CANNON. Will a vote be taken on the bill to-night?
Mr. KITCHIN. I do not think there will be any vote on it to-night.

# EXTENSION OF REMARKS.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Senate amendment to the Post Office bill.

The SPEAKER. Is there objection to the request of the

gentleman from North Carolina?

There was no objection.

Mr. DAVENPORT. Mr. Speaker, I ask unanimous consent to extend my remarks on the conference report on the Indian appropriation bill.

The SPEAKER. Is there objection to the request of the gen-

tleman from Oklahoma?

There was no objection. Mr. NORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a concurrent resolution adopted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, sitting in general assembly at Harrisburg, conveying to the President and Federal Government assurances of loyal support in the present national crisis, which was offered by Hon. William C. Sproul, a member of the senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOSS. Mr. Speaker, I ask unanimous consent to extend my remarks on the Senate amendment to the Post Office appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriation for the supplies of the Army.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

Mr. GREENE of Vermont. Mr. Chairman, when the committee rose yesterday we had finished the title "Transportation of the Army and its supplies." I move to strike out the last word. the Army and its supplies. I move to strike out the last word. I do this for the purpose of calling attention to the hearings on this bill, page 1083, the testimony of Brig. Gen. William M. Black, Chief of Engineers of the Army, and to invite the committee's attention to the remarks that Gen. Black made in connections. tion with the operation of the public act 156, Sixty-fourth Congress, which provides that the United States shall aid the States

In the construction of rural post roads.

I will not take the time of the committee to go over the testimony of Gen. Black in detail, but I will improve this opportunity to ask the committee to notice the fact that there is no provision in that act providing for Federal aid to the good-roads movement in the several States that will give the War Department any opportunity to supervise the construction of those roads along lines designed for their possible use for military

purposes

It is obvious when one stops to think of it, that if the con-struction of the roads under Federal aid continues, without some eye to the possible use of those roads for military purposes, they will not be constructed in such a manner as to permit the transportation of the Army and its supplies in time of great necessity. The details of this matter are more fully set forth in

the testimony, and I will ask unanimous consent to extend my remarks in the RECORD by including pages of that testimony.

The CHAIRMAN. The gentleman from Vermont asks unani-

mous consent to extend his remarks in the RECORD. Is there objection.

There was no objection.

The matter referred to is as follows:

The matter referred to is as follows:

Mr. Greene. In that connection, General, let me ask you this question: Since the Federal good-roads act has gone into effect, is there some cooperation between your department and the Department of Agriculture in the matter of specifications for bridges which will withstand the travel of transportation wagons or guns of the Army?

Gen. Black. When the good-roads act was passed by Congress, the Secretary of Agriculture wrote to the Secretary of War and asked for the detail of an officer to consult with the officials of the Department of Agriculture as to the Federal military necessities, so far as their relation to roads was concerned. An officer was so detailed, but we found that he could do nothing.

The Department of Agriculture considers that under the law it has no right to make any demands whatever on any State. When a State desires some of this Federal cooperation, its representatives come to the Department of Agriculture. They show, first of all, that there is a State commission or State official who has charge of the State organization. Then they say they want to build certain roads, some of which are to be dirt roads, some macadam roads, etc. They name the kind of roads they want to build. They say the specifications for each class of road are so-and-so. Then the Department of Agriculture gives its approval and extends the aid. But the Department of Agriculture does not attempt to exercise any control whatever over the question as to what roads are most needed, or over the question whether a certain road shall be a dirt road, or an asphalt road, or a macadam road.

I think the Secretary of War has taken this matter up with the Secretary of Agriculture, and the Secretary of War is convinced that if the United States is giving this large amount of money to aid the States, that the Federal Government should have some say as to which of the roads are most necessary for Federal use.

Mr. McKellar. I am telling you what the circumstances are.

Mr. McKellar. I know that

Gen. BLACK. I am telling you what the circumstances are.

Mr. McKellar. I know that the act gives the Secretary of Agriculture full authority.

Mr. Greene. It would seem that in a country like ours, where military problems are very complex, the problem of transportation is the foremost of those problems.

Gen. BLACK. There is no doubt about that.

Mr. Greene. And, with our roads in such an immature condition, that will be one of the most serious questions in time of war.

Gen. BLACK. There is no question about that.

Mr. Anytiony. Is it not true that that problem is working itself out pretty well over the country at this time? In the West the old wooden bridges are being replaced with concrete and cement structures.

Gen. BLACK. The question of the strength of bridges is working itself out by the advent of automobile busses and trucks, and if they get bridges strong enough for the busses and trucks they will be strong enough for all ordinary military purposes.

Mr. Anthony. The average cement bridge is strong enough for military purposes, is it not?

Gen. BLACK. Yes. The part that is not working itself out is the

Strong enough for all ordinary military purposes.

Mr. Anthony. The average cement bridge is strong enough for military purposes, is it not?

Gen. Black. Yes. The part that is not working itself out is the coordination of the roads of the various States so that we will have through highways. The General Government has to look beyond State limits. It has to get through routes, and it should be able to require that an improved highway system of one State connect with the highway system of another State. In the administration of State road funds localities sometimes get the preference over through routes.

When I was in Cuba during the second intervention I submitted to the provisional governor of Cuba a scheme for a system of strategic roads in Cuba, intended to aid the Government of Cuba in putting down the rebellions that used to be constant in the outlying parts of the island. To my intense gratification, in working out that scheme I found that the system of strategic roads was the very best system of commercial roads, because they connected central points everywhere, I do not think there was a single measure submitted in the government of intervention which met with more popular approval than that scheme of roads, or with greater clamor for its being carried out. I have not any doubt that would also be the case in the United States.

As a rule, the highways most needed for Federal purposes will be those that will also be most used for commercial purposes, and it is simply a question of having such Federal supervision as will see to it that the most needed roads are built first.

Mr. Anthony, In the State of Kansas they are considering expending that State's allotment of Government money for road purposes in the construction of a highway between Fort Riley and Fort Leavenworth, along the line of your suggestion.

Gen. Black, Before this appropriation was made by the Federal Government for roads the State authorities of the State of New York and they said, "How shall these roads be best extended to meet the Fed

Gen. BLACK. That is quite true.

Mr. Kahn. In your opinion, there ought to be absolute cooperation between the Department of Agriculture and the War Department in the building of these new roads?

Gen. Black. More than that, Mr. Kahn. I think there is no lack of cooperation, or desire to cooperate, but the Department of Agriculture deems that it has no authority to call on the States for anything.

Mr. Gordon. Permit me to suggest that you recommend to the War Department that it, in connection with the Agricultural Department,

take up this matter with the Committee on Roads of the House of Representatives. It seems to me, in view of your statement—in which I heartily concur—that if any amendment to this legislation is necessary to carry out the idea you have expressed—and that seems to be the case—it ought to be initiated by the War Department and the Department of Agriculture.

Gen. BLACK, I may say I made this recommendation to the Secretary of War probably a month or six weeks ago. He at once wrote to the Secretary of Agriculture about the matter, and just what status the question is in now I do not know. But I do know that the Secretary of War is quite in accord with that idea. I understand the Postmaster General has also taken the matter up and has proposed something along this line in connection with the Rural Free Delivery Service. I do not know just what his proposition is. There has been no conflict at all between the Agricultural Department and the War Department. It is simply that the Department of Agriculture has deemed that it has not the authority.

Mr. GREENE of Vermont. Mr. Chairman, I will add simply

Mr. GREENE of Vermont. Mr. Chairman, I will add simply that the whole matter is summed up perhaps in saying that if highways under this act are constructed for mere purposes of transportation for commercial uses, and no contemplation is had of the possibility of military uses, it is very possible that we shall have highways that in time of war will give out under the heavy transportation of baggage wagons, artillery, and similar paraphernalia of the Army and become absolutely useless for this purpose. It is very plain to see that unless culverts, bridges, and similar parts of the highway are made under the supervision of at least some plan proposed by the Army engineers, we may have the most important part of the paraphernalia of the Army brought up perhaps within a mile and a half of where it is to be used in some great emergency, only to find the highway impassable because of culverts or bridges were not made sufficiently strong to carry this heavy transportation.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?
Mr. GREENE of Vermont. Yes.
Mr. STAFFORD. Do the hearings disclose any estimate of the cost that will be required on the part of the national and State authorities to build these roads to bear the strain of heavy artillery going over them, as contemplated by the gentleman?

Mr. GREENE of Vermont. Oh, no. My only purpose in citing the committee to this testimony is that perhaps when this good-roads act, so called, may be further considered, at some time, that very important matter perhaps can be taken into consideration and some provision made whereby the War Department may have an opportunity to consult with the Department of Agriculture in carrying on some practical plan for the construction of those roads so far as the military neces-

it is may be involved.

Mr. STAFFORD. The gentleman realizes that an entirely different character, of road will be needed for military operations to that which is desired for ordinary purposes of travel

throughout the country?

Mr. GREENE of Vermont. I do, precisely; and I am speak-

ing more particularly with regard to bridges and culverts.

Mr. STAFFORD. It may cost fourfold or tenfold as much as a road that would be suitable for purposes other than military

Mr. GREENE of Vermont. I understand that.

Mr. LONDON. Mr. Chairman, I move to strike out the last two words. I make this formal motion for the purpose of attracting the attention of Congress to a matter entirely outside of this bill. It is my imperative duty to bring it to your attention. The metropolitan newspapers report yesterday and to-day, under headlines showing various degrees of alarm, bread riots in the city of New York. The expression "bread riots" is hardly applicable to the situation. When women and children cry for bread you can not designate it as a riot. It is an outcry to heaven for relief. I doubt whether Congress will find time to investigate this most serious leak-the leak of prosperity. Prosperity seems to have leaked out, to have disappeared. The strange thing about the city of New York is this: The three principal items of expense of the poor man's family are food, clothing, and rent. New York City is the greatest manufacturer of clothing in the country. The clothing industry is the largest industry in the State of New York and the largest industry in the city of New York. There is no truer barometer of prosperity than the condition of the clothing industry. The clothing industry in New York, which employs about 300,000 people, is not enjoying any perceptible degree of prosperity for the simple reason that whatever increase of wages the workers throughout the country might have received during this extraordinary pros perity due to European conditions has been eaten up by the increased prices for food

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

yield?

Mr. LONDON.

Mr. SHALLENBERGER. The gentleman has observed in the public press to-day that the President is insisting upon an appropriation of \$400,000 to investigate this food proposition?

Mr. LONDON. I have; and of course the President's proposition for an investigation should be indorsed by every Member of Congress; but we are dealing here now with an immediate situation requiring immediate action. The people are now literally facing starvation, and do not forget that it is the men and women who, if they have any fault, have the fault of working too hard, of working beyond human endurance, that are in distress. These are not the wives of idlers who are now complaining of the lack of bread. I am wondering whether Congress will take the time now, when it is throwing away or giving away hundreds of millions of dollars, billions of dollars, for fortifications and navies, dreadnaughts and armies, to devote a couple of hours to the consideration of the national control of food. We have bread riots, not in Vienna, not in Berlin, not in Petrograd, but in New York, the richest city of the richest country in the most prosperous period in the history of the country. I call the attention of Congress to the bill which I introduced on the 21st of December, 1916, which deals with this problem. I know that the proposition I submit is extremely radical. The bill provides that the commission which is to be appointed shall prepare or recommend legislation to enable the Government of the United States or some governmental agency to be created by law to regulate the transportation, marketing, preservation, and distribution of food, and to acquire and maintain, build and construct, equip, manage, own, and control all such buildings, plants, structures, warehouses, granaries, abattoirs, and each and every thing incidental to, connected with, or necessary to the exercise by the Government of complete control of the supply and the dis-

The CHAIRMAN. The time of the gentleman from New York

Mr. LONDON. I ask unanimous consent to proceed for two

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. I know that the idea of national control of food does not appeal to the average American mind, but the question is this, Shall we by clinging to prevailing theories permit the food of the country, the social needs of the people, to be controlled by private capital, merciless, unscrupulous, lacking conscience, or shall the question of food and food prices be taken up by the people as a national problem?

For all practical purposes, so far as the great common masses of the people are concerned, they are now in the same condi-tion as if we were at war. While we are at peace we are suf-fering from war prices. I do not know how the poor man lives now; I do not know how the men earning on an average of \$15 to \$20 a week can keep body and soul together with the present inflated prices of the necessities of life.
Mr. FESS. Will the gentleman yield?

Mr. LONDON. I will.
Mr. FESS. Is the gentleman's measure a temporary measure

or is it to be a permanent one?

Mr. LONDON. Well, all measures that take a radical step forward are originally temporary; they become permanent in I suggest this measure as a measure which the hour is calling for. Whether it shall become permanent depends upon the question of whether it shall have furnished the relief.

Mr. FESS. I think I am in sympathy with what the gentleman wants to do if it means to meet a temporary situation that ought to be cured, but I have some doubt as to whether I would want to go into the permanent fixing and controlling the

prices of food.

It is not a theory that we are dealing with-Mr. LONDON. I am willing at the present moment to get all the aid I can to relieve the situation right now, and I ask for the aid of every Member of Congress. Gentlemen, I thank you. [Applause.]
I submit a copy of the bill I refer to.

bill (H. R. 19295) to create a commission which is to recommend legislation for the taking over by the Federal Government of the control of food, and to authorize the President to prohibit under certain conditions the exportation of food.

certain conditions the exportation of food.

Be it enacted, etc., That a commission is hereby created, to be known as the Federal Food Commission, to consist of the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

SEC. 2. That the said commission shall proceed immediately to ascertain all facts relating to the supply of food and food products in the United States. Should it appear that the supply of food is insufficient for the needs of the country it shall be the duty of the commission to so certify to the President, who shall thereupon, by proclamation, prohibit the export from the United States of any farm products and of any article of food. Upon the issuance of the said proclamation, and until the order prohibiting exportation shall be revoked, it shall be unlawful to export any article of food or any farm products from any part of the United States.

SEC. 3. That it shall be the duty of the commission to recommend such additional and further legislation as may be necessary to make the embargo effective.

SEC. 4. That the prohibition shall remain in effect until the commission shall certify that the supply of food and food products permits of the resumption of the export of food and food products, and thereupon the President shall suspend the embargo.

Sec. 5. That the commission shall prepare and recommend legislation to enable the Government of the United States, or some governmental agency to be created by law, to regulate the transportation, marketing, preservation, and distribution of food, and to acquire and maintain, build and construct, equip, manage, ewn, and control all such buildings plants, structures, warehouses, granaries, abattoirs, and each and every thing or things incidental to, connected with, or necessary to the exercise by the Government of complete control over the supply and distribution of food.

Sec. 6. That the commission shall prepare and recommend plans for cooperation with States, municipalities, and with cooperative societies and with now existing governmental agencies. It shall be the duty of the commission to report its recommendation to Congress through the President on or before the 1st of February, 1917.

Sec. 7. That the commission is authorized, as a whole or by subcommittees of the commission duly appointed, to hold sittings and public hearings anywhere in the United States; to send for persons and papers; to administer oaths; to summon and compet the attendance of witnesses and to compet testimony; to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which said commission is created; and to rent such offices, to purchase such stationery and other supplies, and to have such printing and binding done as may be necessary to carry out the purposes for which the commission is created.

Sec. 8. That the sum of \$50,000 is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission.

Sec. 9. That this act is to take effect

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn. There was no objection.

The Clerk read as follows:

Provided, That \$20,100, or so much thereof as may be necessary, is hereby appropriated, in addition to the above sum, for the purchase of the necessary machinery for the manufacture of clothing at the Jeffersonville depot of the Quartermaster Corps.

Mr. DENT. Mr. Chairman, I offer committee amendments. The CHAIRMAN. The Clerk will report them.

The Clerk read as follows:

On page 34, line 6, strike out the words "hereby appropriated in addition to" and insert in lieu thereof the word "of"; page 34, line 7, strike out the comma after the word "sum" and insert after said word the following: "may be expended."

Mr. KAHN. Is not the first amendment "out of"? Mr. DENT. So that it would read——

Mr. McKELLAR. Mr. Chairman, will the Clerk read it as it will appear as amended?

Mr. DENT. The way it would read is this:

That \$20,100, or so much thereof as may be necessary of the above sum, may be expended for the purchase of the necessary machinery— And so forth.

In other words, the \$20,100 as it reads would be an addition and it should be out of that appropriation. That is the way the committee intended.

The question was taken, and the amendments were agreed to. The Clerk read as follows:

The Clerk read as follows:

Horses for Cavalry, Artillery, and Engineers: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts, for officers entitled to public mounts for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Mülitary Academy, service schools, and staff coileges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: Provided, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: Provided further, That no part of this appropriation shall be expended for the purchase of any horse below the standard set by Army regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy; And provided further, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy; and such ponies shall not be used at any other place, \$100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last

Mr. MANN. Mr. Chairman, I move to strike out the last

Mr. DENT. Mr. Chairman, I desire to offer an amendment. wish to amend, page 35, line 21, by striking out the figures \$100,000" and inserting in lieu thereof "\$400,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 35, line 21, by striking out "\$100,000" and insert-g "\$400,000." ing

Mr. MANN. Mr. Chairman, I think it is rather due to us, if the gentleman would state why this great reduction is made from the amount appropriated last year and why the great increase from the amount recommended by the committee in the first instance. It seems to be like those three shells under which you can not spot the little ball.

Mr. DENT. The reason is given by the War Department in the hearings before the committee, which briefly are that the Government has a surplus of something over 8,000 horses and something over 3,000 mules now which were purchased on account of the border situation.

Mr. MANN. I read only a few days ago, within a week, where the Government had seized a train of mules in Illinois

consigned to other people. Why is that?

Mr. DENT. I do not know, all I know is that in the hearings before the Committee on Military Affairs the statement was emphatically made that this item was reduced because of the fact that they had a surplus of some 8,000 horses and over 3,000 mules now that they could not use, which were purchased for use on the border, but which were now unnecessary, because the troops of the National Guard were being mustered out. The gentleman notices the proviso authorizes the Secretary to sell the surplus horses and mules which we have on hand and utilize this appropriation for the purpose of purchasing horses

Mr. MANN. I noticed the proviso. Does not the Secretary

have that authority now without the proviso?

Mr. DENT. I take it he has not, because he asked for authority in this bill.

Mr. McKENZIE. Will the gentleman yield?

Mr. DENT. I will.

Mr. McKENZIE. Will the gentleman please explain why he now offers the amendment raising this appropriation from \$100,000 to \$400,000 when we had agreed upon \$100,000?

Mr. DENT. The reason for that, I will state to my colleague on the committee, is that the Secretary of War, in a letter in which he called attention to certain appropriations made in this bill, criticizing some of them as not being sufficient, has convinced me, and I have spoken to several members of the committee, that we made that too low.

He stated emphatically that if we leave it at \$100,000 the

three remount stations that the Government now has will have to be abolished; that he needs at least that amount of money to

keep up the remount stations now provided for by law.

Mr. STAFFORD. Mr. Chairman, it may be pertinent in this connection to make an inquiry that is covered in the proviso. I had intended to reserve a point of order on the following proviso, with the idea of inquiring of the chairman of the committee whether he did not think it good legislative practice in authorizing the Secretary of War to sell the surplus horses and mules, to have those funds turned into the Treasury rather than to have them utilized for purchase of other horses and mules, so that the committee or Congress can not have any control over the appropriation of that item?

Mr. DENT. Yes. It is provided it shall be used simply for

that purpose, and it may be that they will need it.

Mr. STAFFORD. Yes; but the committee will never know how much money is being used for that purpose if you allow the department to have the privilege of selling horses and mules and using the funds resulting from that sale in the purchase of other horses and mules. It will be far better in the matter of its control by Congress to have the committee know each year how much is being utilized in the purchase of horses and mules.

Mr. DENT. I do not know why Congress could not ascertain that if we leave the language as it is.

Mr. STAFFORD. Of course Congress can ascertain, but if we leave the language as it is we know that Congress can not do so unless there has been a specific estimate made by the

department asking for a certain amount.

Mr. DENT. The gentleman will understand that these surplus horses and mules that the War Department now has were acquired under authority for purchase of horses and mules for the Cavalry and for the Field Artillery, and unless the funds that arise from the sale of these horses and mules shall be available for that purpose it may be necessary to increase the appropriation to the amount of this item.

Mr. STAFFORD. Naturally. And yet the committee would know how much money was being spent each year for the purchase of horses and mules, whereas otherwise they would not. am only suggesting a conformance with the usages in keeping

with the usual practice.

Mr. McKELLAR. The committee will have a detailed state-

ment of this matter before it next year.

Mr. STAFFORD. But they will never go to that trouble unless the amount is asked for.

Mr. McKELLAR. The gentleman is wrong about that. The

committee goes into these matters most minutely.

Mr. STAFFORD. I will give credit to this committee for being energetic, but I do not give it credit for being so exemplary that they do something that no other committee does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. DENT].

The question was taken and the amendment was agreed to.

The Clerk read as follows:

Provided, however, That the Secretary of War is hereby authorized to sell for cash at either public or private sale such horses and mules as are not needed for either the Regular Army or the National Guard: Provided further, That the proceeds arising from such sale may be used for the purpose of carrying out the provision of the foregoing item: And provided further, That no part of this appropriation shall be used until the funds arising from the sale of such animals shall have been first exhausted.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

on the paragraph just read.

Mr. Chairman, unless the gentleman can advance some good reason why this authorization should be granted, I will feel called upon to make the point or order. I have no objection to authorizing the Secretary of War to sell these surplus horses and mules for cash, but I think the proceeds should be turned into the Treasury under miscellaneous receipts. Neither will I raise any objection to increasing the amount that may be needed for the service, but I do maintain that Congress should have control over the expenditures of these various items and not allow funds to be used interchangeably and without control.

Mr. KAHN. Mr. Chairman, if the chairman of the committee will remember, I believe that language was inserted simply because we cut the amount of the appropriation to \$100,000. The committee felt that the department ought to be allowed to use a part of the money for the purposes contained in the preceding paragraph. Now that the committee has raised the amount of that appropriation to \$400,000 I do not think the provision

is at all necessary.

Mr. DENT. The gentleman does not mean to state that there

ought to be authority to sell these?

Mr. KAHN. Yes; I want the authority to sell.

Mr. DENT. I have no objection to the amendment.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and move to strike out, with the permission of the chairman. sion of the chairman, the second and third provisos and insert after the word "Guard," in line 25, page 35, the words:

And the proceeds shall be turned into the Treasury of the United States as miscellaneous receipts.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. STAFFORD. Strike out the second and third provisos and insert, after the word "Guard," in line 25, page 35, what I

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 35, line 25, by striking out all after the word "Guard" down to and including line 5, page 36, the two provisos, and insert "and the proceeds shall be turned into the Treasury of the United States as miscellaneous receipts."

Mr. DENT. I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was agreed to.

Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 35, line 23, after the word "authorized" insert "upon the approval of this act."

Mr. DENT. The object of that, Mr. Chairman, is to enable the Secretary to sell these surplus horses now and not wait until the 1st day of next July. They are eating their heads off down there now because the department is without this authority

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That not to exceed the sum of \$18,000 of the above amount may be used for the construction, including plumbing, heating, lighting, etc., of a chapel at the Presidio of San Francisco, Cal.

Mr. McKENZIE. Mr. Chairman, I move to amend the

Mr. STAFFORD. Mr. Chairman, I reserve a point of order against the proviso.

Mr. McKENZIE. By inserting the word "and" after the word "heating" in line 7, page 37, and by striking out in the same line the words "and so forth."

The CHAIRMAN. The Clerk will report the amendment pro-

posed by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. McKenzie: Amend, by inserting the word "and" after the word "heating," on line 7, page 37, and in the same line by striking out the words "and so forth."

Mr. STAFFORD. Mr. Chairman, I would like to make an inquiry under the reservation of the point of order as to whether it is intended to expend a greater amount than the \$18,000 herein authorized?

Mr. KAHN. It is not. It was estimated for by the department, but it would have to come out of this appropriation, and therefore the department advised this special proviso.

Mr. STAFFORD. Is there any chapel of any kind whatsoever

on the Presidio at the present time?

Mr. KAHN. There is a building there, but it is a wooden shack. The Presidio will be occupied by about 4,000 men, and Fort Winfield Scott, adjoining, by a thousand men when the troops are all at those posts. The present chapel is situated in the officers' section of the Presidio. It is a rough plank shack, partly overgrown with ivy, and it is altogether unworthy the Government. The Presidio is visited annually by thousands of people from all over the country. I take it that in a large post like that the Government of the United States ought to have a chapel that is worthy the dignity of the country.

Mr. STAFFORD. What has been the policy as to erecting

chapels at other posts of the pretentious character that is pro-

posed here?

Mr. KAHN. This is not going to be a pretentious one. It is going to be merely a substantial one.

Mr. STAFFORD. The Government has erected chapels at

other posts?

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.
Mr. MONDELL. The Government erected a chapel at a cost of upward of \$20,000 at Fort Yellowstone, that I recall. I think others have been erected.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Let the amendment be reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided further, That \$9,500, or so much thereof as may be necessary, is hereby appropriated, in addition to the above sum, for the necessary alterations and additions to buildings at Jeffersonville depot of the Quartermaster Corps, for the installation of machinery for the manufacture of clothing.

Mr. DENT. Mr. Chairman, I offer the following amendment, The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Committee amendment: On page 37, line 18, strike out the words "is hereby appropriated, in addition to" and insert in lieu thereof the word "of." In line 19, strike out the comma after the word "sum" and insert the words "may be expended."

Mr. DENT. That is for the same purpose as the other.

The CHAIRMAN. The question is on agreeing to the amendment of forced by the gentlement from Alphana.

ment offered by the gentleman from Alabama.

The amendment was agreed to.
Mr. SLAYDEN. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SLAYDEN: On page 37, after the word "clothing." in line 22, insert:
"Provided further, That the limit of cost of the nurses' dormitory at Fort Sam Houston, Tex., be increased to not more than \$30,000, including the heating and lighting fixtures, which sum shall be paid from the appropriation for 'Barracks and quarters,' in the bill for the support of the Army for the fiscal year ending June 30, 1917."

Mr. DENT. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Alabama reserves a

point of order on the amendment.

Mr. SLAYDEN. Mr. Chairman, in November, I think it was-either in November or about the 1st of December-the Quartermaster Corps determined to construct, in connection with the hospital and medical service at Fort Sam Houston, a dormitory for the nurses; barracks for the nurses, in other words. Bids were invited on a design which, I am assured by the medical officers of the War Department and the officers of the Quartermaster Corps, is economical and reasonable and intended solely to accommodate these employees of the hospital service.

Under the law no building can be constructed under such circumstances that costs more than \$20,000. It is an old statute, section 1136 of the Revised Statutes, dating from ante-Civil War days. The bids that were submitted exceeded that amount by so much that new bids were invited. A few days ago these new bids were opened. The lowest bid for the building that is required is \$29,983, thus exceeding by the sum of \$9,983 the amount for which the Quartermaster Corps, without coming to Congress for relief, would be authorized to spend in the construction of the dormitory,

I have here a memorandum, dated February 20, 1917, from Gen. Sharpe, Quartermaster General, in which he says:

Bids have just been received from San Antonio for the construction of the nurses' dormitory in connection with the hospital at Fort Sam Houston, Tex. The lowest bid received was \$29,983. Inasmuch as it is impossible to reduce the cost of construction below this figure, the building can not be built except by authority of Congress, in relew of Revised Statutes 1136, which limits the cost of buildings which can be constructed without the authority of Congress to \$20,000.

If this building is to be constructed it will therefore be necessary to obtain the authority of Congress to increase the limit to \$30,000 in order that award may be made to the lowest bidder.

Sufficient funds are already available and no additional appropriation need be asked for.

Mr. KAHN. Mr. Chairman, will the gentleman yield?
Mr. SLAYDEN. In a moment. Now, Mr. Chairman, I have asked, in the amendment which the Clerk read, that this sum be authorized to be expended out of the appropriation for the current fiscal year; that is, the appropriation bill which will expire by limitation on the last day of June, 1917.

Now I yield to the gentleman from California. Mr. KAHN. I take it from the gentleman's statement that it was intended to build these quarters out of the current appro-

priation?

Mr. SLAYDEN. It is; and that is what I ask.

Mr. KAHN. You are simply asking-

Mr. SLAYDEN. For authority to increase the limit, as provided in the amendment, because it is impossible to get a building that will accommodate the nurses without it. Gen. Gorgas called me up this morning and assured me that this was a very necessary appropriation, and that they were needing the building now.

Mr. ANTHONY. Can the gentleman state how many nurses

it is proposed to accommodate?

Mr. SLAYDEN. I am sorry to say that I can not.
Mr. ANTHONY. I feared that this was another evidence of
the industry of my friend from Texas in raiding the United
States Treasury for Fort Sam Houston. I want to give him credit for having been very successful in the past along those lines

Mr. SLAYDEN. Mr. Chairman, I thank the gentleman for his very flattering observation about my industry in connection with Fort Sam Houston. I have had an excellent example to follow. The gentleman's success on behalf of Fort Leavenworth is one of the marvels of the country.

Mr. ANTHONY. But forced into insignificance in comparison to the gentleman's efforts on behalf of Fort Sam Houston.

Mr. SLAYDEN. I am pleased to hear the gentleman's testimony, but am compelled to ask for further evidence.

Mr. DENT. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The reservation of the point of order against the amendment is withdrawn. The question is on the amendment offered by the gentleman from Texas [Mr. Slayden].

The amendment was agreed to.

The Clerk read as follows:

Construction, repair, and maintenance, military and post roads, bridges, and trails, Alaska: For the construction, repair, and maintenance of military and post roads, bridges, and trails, Territory of Alaska, \$500,000.

Mr. GORDON. Mr. Chairman, I make a point of order against that item, upon the ground that it is not authorized by law.

Mr. CALDWELL. I will have the statute here in a moment. Mr. GORDON. Mr. Chairman, I have examined the statute to which the gentleman refers, and the only provision made for expenditures by these road commissioners created under that act is the fund diverted from the collection of taxes in Alaska. As I read the act there is no authority for the appropriation of money out of the Public Treasury.

Mr. CALDWELL. Mr. Chairman, in opposition to the point of order I call attention to the fact that volume 33, Statutes at Large, page 616, and volume 34, Statutes at Large, page 192, provide specifically for this work to be done under the United States Army officers. It establishes the commission that is to do the work and lays out the kind of work that is to be done in the development of Alaska.

Mr. GORDON. How does it provide that the funds shall be

Mr. CALDWELL. The act provides that-

The cost and expenses of laying out, constructing, and repairing such roads and trails shall be paid by the Secretary of the Treasury through the authorized disbursing officer of the board designated by the Secretary of War quit of the road and trail portion of said Alaska fund upon vouchers approved and certified by said board.

Mr. GORDON. Exactly. The Alaska fund is raised by a tax upon certain industries in Alaska.

Mr. STAFFORD. Mr. Chairman, I believe there can be no

question that the gentleman from Ohio is correct in his exposition of the law, so far as this item is concerned. I took occasion to examine the statute myself before the gentleman raised the point of order, and under that statute the revenues for the work on these Alaskan roads under the board of road commissioners shall be derived from the Alaska fund which is raised by taxation in Alaska. There is no authorization what-

soever for this appropriation. Further, Mr. Chairman, the Committee on Military Affairs have no jurisdiction over appropriations pertaining to the roads of the country, especially since we provided a Committee on Roads, which has jurisdiction of all matters relating to the construction and maintenance of roads but not the appropriations Of course, this provides an appropriation, not only for a military road but for post roads and trails. The Chair may not be able to take judicial cognizance of the fact that this is not a military road, but merely a commercial highway connecting the little by-towns scattered here and there throughout the Territory of Alaska. The testimony before the committee shows that the main road has been completed and that they are planning to build a bridge and to connect some little towns up there in the wilderness, 150 miles west of the proposed railway. For those two reasons I think the point of order should be maintained.

The CHAIRMAN. Does the gentleman from New York de-

sire to say anything further?

Mr. CALDWELL. This appropriation has been carried in the Army appropriation bill every year since 1906. We have appropriated money for this purpose every year. The work is going on. We have work partially completed there that must be completed. It is under the general statute appointing a board for the purpose of doing the work, and they are only carrying out the policy of the law.

The CHAIRMAN. The fact that appropriations have been made from year to year in an appropriation bill does not make a continuance of such appropriations in order if the appropria-

tion was ever out of order.

Mr. GREENE of Vermont. May I call the attention of the Chair to page 984 of the hearings where there appears a letter from Col. Richardson, colonel of Infantry, who is in charge of the work under the board of road commissioners for Alaska, and he says this:

When this item—present fiscal year appropriation—was reached in the discussion of the Army appropriation bill, the following colloquy, in part, took place on the floor of the House (Congressional Record, June 26, 1916, p. 11508, second column):

"Mr. Stafford. It is not a beginning of a wholesale project for the construction of roads in Alaska where the military necessity is very

far-fetched.

"Mr. Hax. As I understand from the officer who has charge of the road construction, this amount would about complete the roads and military trails."

The gentleman from Wisconsin [Mr. Stafford] being there present, on hearing the thing discussed, apparently yielded to it.

Mr. STAFFORD. Upon the assurance of the then chairman of the committee, Mr. Hay, who perhaps had been misled; and if the gentleman is familiar with the hearings and will read further he will see I am correct in stating that it was understood that that appropriation of \$500,000 was to complete those roads. Now, they come before Congress again for another \$500,000. did not yield. My position was the same a year ago that it is

Mr. GREENE of Vermont. But the gentleman did not make

the point of order then.

Mr. STAFFORD. No; on the assurance then that that appropriation would complete all the roads necessary. Now, they come and ask for another appropriation.

Mr. KAHN. Mr. Chairman—
The CHAIRMAN. Does the gentleman from California desire to contend that this appropriation is in order? If he does, the

Chair will hear him.

Mr. KAHN. I hope the point of order will not be insisted on. The situation in Alaska is very peculiar. There are no private property owners there to speak of. The Government owns nearly all the land. These roads are built from one mining camp to When a discovery of gold is made in any new camp another. a force of soldiers is sent to that camp. The soldiers are scat-tered throughout Alaska. They are stationed at practically every mining camp, and the supplies for these soldiers have to

be carried to them over the roads which really are a military necessity.

In view of that fact I hope that this appropriation will be continued. Gen. Richardson, in that letter that was referred to by my colleague, the gentleman from Vermont [Mr. Greene], speaking of the testimony taken last year, says on page 984 of the

A wrong impression had inadvertently been given, I regret to say, to the chairman of the committee, as indicated by his remarks above quoted, due, I think, to the fact that I had stated that the present appropriation would virtually complete the Valdez-Fairbanks Military and Post Road upon which the board has been engaged for several years past. The Ruby-Long-Coast Road, referred to in the hearing, lying to the westward of the Government railroad line, and constituting with the railroad and the Valdez-Fairbanks Road the three great trunk lines through central Alaska, is just begun. A third trunk-line wagon road is needed across the Seward Peninsula from Nome northward.

The CHAIRMAN. There is but one question here, and that is the point of order.

Mr. FIELDS. We are hoping that the gentleman from Ohio will not press his point of order.

The CHAIRMAN. The point of order is made. There is no

reservation of the point.

Mr. FIELDS. Did not the gentleman from Ohio reserve the point of order?

Mr. GORDON. No.
The CHAIRMAN. This question does not present any difficulty from a parliamentary point of view. No one has pointed out any authority of law under which this appropriation is to be The statute cited segregates a fund from which payments on road account are to be made, thereby making it sufficiently clear that the Committee on Military Affairs has no jurisdiction to make the proposed appropriation. The fundamental law for Alaska provides a fund for the construction and repair of roads in that Territory. The Chair sustains the point

Mr. KAHN. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Line 21, page 38, insert the following:
"Protection, repair, and maintenance of military post roads, bridges, trails, Alaska: For the completion, repair, and maintenance of military post roads, bridges, and trails, Territory of Alaska, \$500,000."

Mr. GORDON. Mr. Chairman, I make the point of order that that is not authorized by law.

Mr. KAHN. It was authorized by the law of last year, and therefore my amendment refers to the completion of the work

already inaugurated.

Mr. GORDON. Mr. Chairman, there is nothing that prevents them from going ahead and completing it out of the fund provided by law for the completion of these roads. They have already expended over \$2,000,000 of money collected from the industries of Alaska. There is no possible objection, without any legislation by Congress, to the road commissioners going ahead and completing any work that has been started out of the funds provided by law. The United States Treasury is not a source to which they may resort to complete it.

Mr. CALDWELL. We passed a dry law a few days ago that

takes all that fund away.

Mr. GORDON. No; this money comes from fisheries and other sources besides that.

Mr. STAFFORD. Mr. Chairman, I am surprised that a member of the Committee on Military Affairs should undertake to do by indirection what he can not do by direction, and certainly when it is stated in the hearings that this work is not in continuance of any work in progress, but is for the construction of a new road.

Mr. MONDELL. The gentleman from Wisconsin is not discussing the point of order.

Mr. STAFFORD. I am discussing the point of order, and I direct the attention of the Chair to page 982 of the hearings, so that the Chair may be enlightened as the members of the committee were enlightened by the hearings, showing that this appropriation is for a trunk-line wagon road across the Seward

Peninsula. Mr. MONDELL. Mr. Chairman, it is well settled in the practice of the House that work undertaken by the Government may be completed, and that appropriations for the completion of a work in progress are in order. This is a work in progress, a work undertaken by the Federal Government. The provision in the bill was for additional construction, and therefore was subject to a point of order. The amendment as presented by the gentleman from California provides simply for the completion of a work already undertaken. The gentleman from Wisconsin [Mr. Stafford] suggests that other work may be con-templated. Undoubtedly other work was contemplated under the provision in the bill; but no new construction can be undertaken under the language of the amendment offered by the gen-

The work already undertaken and tleman from California. now in progress, partly completed, can be completed; and an

amendment for that purpose is clearly in order.

Mr. KAHN. Mr. Chairman, the gentleman from Wisconsin fails to gather from the hearings, page 890, that they are still working on the uncompleted road.

Mr. STAFFORD. For which they have an appropriation

for the present fiscal year.

Mr. KAHN. No. Col. Richardson, in a statement in regard to this, says it is not embraced in this year's report, which was for 1916. He says it was spent very largely on the Valdez to Fairbanks main wagon road and beginning a new road, or, rather, extending the road already begun from the town of

uby. So they are working on additional roads. Mr. STAFFORD. I call the attention of the Chair to the fact that you can not bring this amendment within that rule of continuing a work in progress, and I call the attention of the Chair to the decision cited in the Manual. An appropriation in violation of existing law or to extend service beyond a fixed limit is not in order as a continuation of public work, and it cites two authorities in the precedents.

Mr. MONDELL. I call the Chair's attention to the fact that

this is not an appropriation in violation of any law.

Mr. GORDON. The Chair has already ruled upon that, if I understood the ruling of the Chair. The act which has been cited as authority for this appropriation specifically provides that the funds to be used under the direction of these road commissioners shall be collected in Alaska.

Mr. MONDELL. The gentleman realizes there is a very great deal of difference between a lack of authorization and a pro-vision of law prohibiting a thing being done in violation of law.

Mr. GORDON. I understand in this country that we have undertaken to subordinate the military to the civil authority, and among other things it is provided that you can not appropriate money unless it is authorized by law. I think this is a good place to apply that doctrine, and the Chair seems to under-

stand it very clearly.

Mr. MONDELL. The expenditure is authorized by law when a work is undertaken. This is simply an appropriation to com-

plete it.

Mr. GORDON. Where is there any authority of law to undertake any work?

Mr. MONDELL. It has been under way for a number of

Mr. GORDON. Oh, no; they have just been building roads

and trails up there wherever convenient.

The CHAIRMAN. Before ruling the Chair desires to ask a question. Is this appropriation intended to complete a scheme of roads which the engineers have in mind?

Mr. KAHN. I understand it is.

The CHAIRMAN. Or is it to complete one or more roads, on which work has been begun? Have the engineers undertaken to outline a system, or scheme of roads for construction in

Mr. KAHN. There has been a scheme or system, but they have been working on various branches of those roads.

The CHAIRMAN. On parts of the system?

Mr. KAHN. Yes, but they have not completed the roads. Mr. STAFFORD. Mr. Chairman, I shall have to challenge Mr. STAFFORD. Mr. Chairman, I shall have to challenge that statement of the gentleman. Either he was not present when these hearings took place or else he has forgotten the hearings. The testimony of Col. Richardson which I have read shows conclusively that there is no system of roads involved,

that it is just money to be used for patchwork here and there connecting the little villages.

The CHAIRMAN. The Chair for the purpose of ruling will accept the statement made by the gentleman from California. This of course is an attempt to apply the principle of a work in progress, to this scheme of proposed roads.

Mr. KAHN. Yes.

The CHAIRMAN. In the first place, the Chair will say that there has been a tendency to narrow the application of that principle. But entirely apart from that tendency, the committee which proposes to appropriate for a work in progress should have some original authority in that connection. This authority is entirely lacking in this committee in the present connection. If there is any authority anywhere to appropriate for these roads, as a work in progress, that authority is not found in this committee. Under the act which the Chair has read this committee is not authorized to make appropriations for the Alaskan roads. A special fund for the construction of these roads is provided in the Alaskan act. That provision does not give the right to this committee, either by virtue of the principle of a work in progress, or on any other ground, to appropriate for the roads in question.

Mr. MONDELL. Mr. Chairman, will the Chair yield to me there?

The CHAIRMAN. Certainly.

Mr. MONDELL. There is a certain law referred to under which roads may be built in Alaska out of the Alaskan fund, but the existence of that statute does not prevent the Government from entering upon the work of building some roads in Alaska, contemplated under that act, by direct appropriation. Congress begun this two or three years ago.

Mr. KAHN. Ten or twelve years ago.

Mr. MONDELL. I am not informed when the appropriations were first made, but Congress can complete the construction of certain of these roads by direct appropriations. Those appropriations have been running along, certain roads have been undertaken and they are in an uncompleted state. It does not involve the completion or building of all of the roads in Alaska It does not that might be built in Alaska, but the completion of certain roads that have been undertaken under these appropriations, and in the absence of any objection being made at the time, Congress on this bill could take these provisions for the beginning of those roads, and after those roads were undertaken and underway it is in order to offer an appropriation to complete that work in progress.

Mr. TILSON. Mr. Chairman, I desire to ask the Chair if he has referred to the act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of

Alaska, and for other purposes, approved January 27, 1905?

The CHAIRMAN. The Chair a moment ago referred to the tendency being to limit the application of the principle of making appropriations for work already in progress. In that connection I desire to read a citation which has just been handed to me:

But later decisions, in view of the indefinite extent of the practice made possible by the early decisions, have ruled out propositions to appropriate for new buildings in navy yards.

What could be a larger application of this principle than to hold that if this board has outlined a large scheme of road construction in Alaska, and done some work here and there in connection with the same, this committee, or any committee, thereby authorized to appropriate the funds necessary to complete every road contemplated by that scheme or project?

In the act which the Chair has cited, section 29, there is an elaborate provision for road construction in Alaska by a board to be composed of an engineer officer of the United States, two other officers, and so on. At the close of that section it is specifically stated that the cost and expense of laying out, constructing, and repairing these roads and trails in the Territory shall be paid by the disbursing officer out of the "roads and trails" portion of the Alaskan fund. The Chair thinks that the point of order directed to this paragraph is well taken, and it is therefore sustained.

Mr. HELVERING. Mr. Chairman, I ask unanimous consent to recur to the previous item. I was called to the telephone when this paragraph was read, and I would like to offer an amendment.

The CHAIRMAN. The gentleman asks unanimous consent to recur, for the purpose of offering an amendment, to the

previous paragraph. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, at the end of line 12, insert "Provided, That not exceeding \$20,000 of said sum shall be used for the construction of macadam roads at Fort Riley, Kans."

Mr. DENT. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved to the return and a point of order also is reserved to the amendment read.

Mr. HELVERING. Was the point of order reserved?

Mr. DENT. I reserved the point of order.

Mr. HELVERING. If the gentleman is going to insist on it,

Mr. STAFFORD. Of course, it would be subject to the point of order, the gentleman realizes

Mr. HELVERING. Oh, certainly.

Mr. STAFFORD. And the chairman of the committee reserves the right to make a point of order. I have no objection to the gentleman going ahead and discussing the item.

Mr. HELVERING. Mr. Chairman, this provision, if adopted,

would provide for the construction of a macadam road on what is the east side of Fort Riley proper. Up to this time it has not been in an exact sense a military necessity, but we have pro-vided that there is to be held at Fort Riley, Kans., this year a series of military training camps, and these camps will be held

on the east side of this reservation and this road will have to be used to get supplies to them. This road is part of the great golden-belt highway, and the civil authorities can not go on the reservation to make repairs, and the road has become washed out to such an extent that it is almost impassable. The topography of the country is such, the river on one side and the hills on the other, that no general transcontinental road could go any place through this part of the country except across the reservation, and inasmuch as the civil authorities can not go on this reservation to make these repairs, I think it but right and just that this road be kept in repair under this appropriation.

Mr. STAFFORD. Will the gentleman yield? Mr. HELVERING. Yes.

Mr. STAFFORD. As I understand the gentleman, the War Department has full authority to expend a portion of this fund on the road to which the gentleman refers explicitly in his proposed amendment.

Mr. HELVERING. Yes; they have that authority, but they have never seen fit to exercise it, and I want to make it so that

they will

Mr. STAFFORD. The gentleman will be establishing a bad precedent if he did that.

Mr. SHACKLEFORD. Mr. Chairman, if I may be indulged to reserve a point of order, I would like to make a remark or two about the amendment offered by the gentleman from Kan-That is, that there has spread over the land a great yearning for improved roads. Every section is trying to get all it can out of the Federal Government. Whatever is given to any particular locality there is just that much less left for other parts of the country. The gentleman from Kansas is no more interested in military establishments than are gentlemen from Maine or from Massachusetts, but gentlemen from Maine or Massachusetts do not ask for the improvement of this particular military road; that is urged only by the gentleman from Kansas. The reason is that his constituents do travel that way. We have entered upon a scheme of aiding the States in building public roads. If that policy is to be pursued, then the equitable, fair, and just method is to do it by a general ap-propriation fairly distributed among the States. There is a bill now pending to build a road from Washington to Annapolis, under the guise of a military road. A moment ago we disposed of amendments proposing so-called military roads in Alaska. I heard nobody say a word in favor of these schemes except gentlemen on the Pacific coast. They want to get some money out of the Public Treasury to build roads—branch roads that develop the country tributary to their own States. Now, Mr. Chairman, I do not want to be unjust to any scheme that may be presented; I should love to see these roads checker Kansas over-call them military roads, or post roads, produce roads, or whatever you choose-but if we permit these detailed appropriations to be made it results in a general unfairness to the rest of the country.

If the Federal Government is going to build roads or going to assist in building roads, let it be done by a general scheme, where every State and every community shall have its fair share. For that reason I think the point of order should be

Mr. HELVERING. Of course the gentleman understands that this particular road comes within the appropriation which will be made for this purpose. The State authorities could not go upon this reservation nor are the civil authorities allowed to go on and repair the road. We would be glad if the civil au-

thorities were allowed to do so.

Mr. SHACKLEFORD. I will say in response to that that I should be glad to see the gentleman have that road. I assume the travel over it would be more of a civilian than of a military character, and I can see where it would be of benefit to the constituents of the gentleman.

Mr. GORDON. I will ask the gentleman if it is not true that under the bill introduced by himself and enacted by Congress recently, if the different States in which the Federal Government appropriates money and exercises supervisory power in the construction of highways, does not require as a condition precedent that those localities themselves shall contribute a substantial amount?

Mr. SHACKLEFORD. In reply to the gentleman's interrogation I will say that the purpose of these gentlemen is to get for the districts they have in mind something in addition to what the rest of us get under that general appropriation to which the gentleman from Ohio alludes. These gentlemen do which the gentleman from Onlo anddes. These gentlemen do not regard these special roads as military necessities. The gentleman from Kansas [Mr. Helvering], who asks that his road be improved, is not expecting that any great military emergency will call for the use of that road, but he wants the well-to-do Kansas people to drive their autos over it and the

farmers to haul their produce over it. I do not blame these gentlemen, Mr. Chairman. I am not criticizing them. Roads are the foundations of civilization, and if by any hook or crook they can resort to they can get an additional road put in their districts, or their States, or in some territory tributary to their business, I see no particular reason to criticize them; but I think we would be subject to criticism if we permitted them to put across their schemes for special road favors not shown to the rest of the country. These gentlemen should remember that some of the rest of us are in the wilderness of bad roads. good roads are good things, then let us pass them around in the interest of equity and fair dealing.

Mr. DENT. Mr. Chairman, I shall object to this.

Mr. STAFFORD. Mr. Chairman, I insist on the point of

The CHAIRMAN. It is clearly subject to the point of order, and the Clerk will read.

The Clerk read as follows:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, and for shelter and repair thereof, and rentals for the United States troops in China, \$500,000.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing a letter from the Secretary of War to the chairman of the Committee on Military Affairs, dated February 10, 1917.

The CHAIRMAN. The gentleman from Massachusetts [Mr.

GARDNER] asks unanimous consent to extend his remarks in the

RECORD by inserting the document indicated.

Mr. ANTHONY. On what subject?
Mr. GARDNER. On the report of your committee.
The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

WAR DEPARTMENT, Washington, February 10, 1917.

Washington, February 16, 1917.

Sir: 1. The report of our committee, which accompanied Union Calendar No. 452, H. R. 20783, Sixty-fourth Congress, second session (Rept. 1432) stated that the total estimates, including supplemental estimates for the Military Establishment for the fiscal year ending June 30, 1918, were over \$320,000,000. The amount appropriated for the last fiscal year was \$267,596,530.10. The bill for 1918 carries an appropriation of \$247,061,108.50. Attention is invited to certain legislation incorporated in the bill, and the committee ends its statement as follows:

"The committee has amply provided for reserve supplies of all kinds and, in its judgment, has sufficiently provided for the various features of the legislation adopted at the last session of Congress in behalf of national defense."

2. The estimates for the Military Establishment for the fiscal year 1918 were based upon the following:

(a) The support of the Regular Army, including the second increment authorized by the national-defense act June 3, 1916, of 8,147 officers and 160,852 enlisted men with the colors, and 25,000 enlisted men in the Regular Army Reserve.

(b) The support of the National Guard at an assumed strength of 10,307 officers and 230,253 enlisted men. These figures are based on the assumption that all organizations of the National Guard will be maintained at the minimum authorized strength fixed by the national-defense act,

(c) The assumptions that during the fiscal year 1918 the Officers'

the assumption that all organizations of the National Guard will be maintained at the minimum authorized strength fixed by the national-defense act.

(c) The assumptions that during the fiscal year 1918 the Officers' Reserve Corps will have a strength of 11,599; the Enlisted Reserve Corps 17,439; and the Reserve Officers' Training Corps, 50,000; and that the attendance at training camps will aggregate 50,000.

(d) The construction of the additional accommodations required to house the Regular Army to include the first and second increments authorized by the national-defense act.

(e) The provision of one-fifth of the reserve stock of clothing required for a suitable reserve for 21 divisions of the Regular Army and National Guard.

(f) The accumulation of one-seventh of the amount of field-artillery material, including ammunition, to be procured under the project of the Treat Board.

(g) The accumulation of one-third of the automatic rifles remaining to be procured to complete the total of 12,000 required under the approved project.

(h) The accumulation of one-third of the small arms, small-arm ammunition, and other ordnance stores, remaining to be procured to complete the required supply for an army of 1,000,000 men.

(i) The accumulation of the aeronautical material remaining to be procured to equip the Regular Army, including all increments, and the National Guard.

(j) To provide for the expenses of the Council of National Defense.

3. The original estimates of the supply departments were carefully considered by a committee of the General Staff, and reductions made in the cash estimates of the Spansal amounts may result in defeat of the full development of the features of legislation enacted in the last session of Congress of the estimates above noted, it is seen that any further reductions in the original amounts may result in defeat of the full development of the features of legislation enacted in the last session of Congress in behalf of national defense. The purpose of Congress as set forth in the defen

4. The following table shows the amounts estimated for by the Quartermaster Corps to supply the actual needs of the Army as authorized by the act of June 3, 1916:

Appropriation.	Estimate.	H. R. 20783.	Difference.
Pay of the Army	\$97, 794, 995. 63 19, 293, 394. 00	\$81, 860, 533. 40 16, 500, 000. 00	\$15, 934, 462. 26 2, 793, 394. 00
Regular supplies, Quartermaster Corps	13, 453, 995, 19	11,000,000.00	2, 453, 995, 19
Incidental expenses, Quartermaster Corps	2, 199, 419. 96	1, 800, 000, 00	399, 419, 98
Transportation of the Army and its support	16, 373, 780, 00	15, 000, 000, 00	1,373,780.00
Water and sewers at military posts. Clothing and equipage	3, 027, 964. 00 17, 393, 233. 00	2,000,000.00 15,000,000.00	1,027,964.00 2,393,233.00
Horses for Cavalry, Artillery, and Engineers.	433, 400. 00	100,000.00	333, 400. 00
Barracks and quarters	7, 416, 767. 57 75, 445. 00	3, 000, 000. 00 50, 000. 00	4, 416, 767. 57 25, 445. 00
Roads, walks, wharves, and drain Barracks and quarters, Philippine	748, 331. 75	600,000.00	148, 331. 75
Islands Construction and repair of hospitals. Quarters for hospital stewards	730, 000. 00 1, 250, 767. 00 70, 560. 00	500, 000. 00 750, 000. 00 25, 000. 00	230, 000. 00 500, 767. 00 45, 560. 00
Shooting galleries and ranges	45, 000. 00 10, 700. 00	45, 000. 00 10, 700. 00	40,000.00
Rent of buildings	42, 225. 10 5, 000. 00	41, 225. 00 5, 000. 00	1,000.00
Vocational training	200, 000. 00 45, 000. 00	75, 000. 00 45, 000. 00	125, 000. 00
Rifle ranges	20,000.00 3,281,000.00	20, 000, 00 2, 250, 000, 00	1,031,000.00
Council of national defense Reserve Officers' Training Corps	200, 000. 00 4, 385, 000. 00	4, 385, 000. 00	200,000.00
Enlisted Reserve Corps	267, 650. 00 80, 000. 00	250, 000. 00 80, 000. 00	17, 650. 00
Total	188, 843, 628, 23	155, 392, 458. 40	33, 451, 169. 73

It will be noted that the estimates for the Quartermaster Corps have been cut as shown above in the sum of \$33,451,169.73. It will be impossible to properly provide for the Regular Army with the second increment added with the funds carried in the bill.

5. With respect to the appropriation of \$100,000 for horses for Cavalry, Artillery, and Engineers, and the proviso reading:

"That the Secretary of War is hereby authorized to sell for cash at either public or private sale such horses and mules as are not needed for either the Regular Army or the National Guard: Provided further, That the proceeds arising from such sale may be used for the purpose of carrying out the provision of the foregoing item: And provided further, That no part of this appropriation shall be used until the funds arising from the sale of such animals shall have been first exhausted."

Attention is invited to the fact that unless sufficient funds are obtained from the sale of animals to provide pay for a large number of employees now in the service at remount depots commencing July 1, 1917, it will be necessary to discharge them and therefore to close the remount stations at Front Royal, Va., Fort Keogh, Mont., and Fort Reno, Okla.

1917, it will be necessary to discharge them and therefore to close the remount stations at Front Royal, Va., Fort Keogh, Mont., and Fort Reno, Okla.

6. With respect to the proviso in the appropriation "Transportation of the Army and its supplies":

"That of the amount herein appropriated not exceeding \$15,000 may be used for extraordinary expenses of transportation of West Point cadets to Washington, D. C., to attend inaugural ceremonies, and return, which sum shall be immediately available."

Attention is invited to the fact that the letter of the Quartermaster General to the chairman Committee on Military Affairs, House of Representatives, dated December 30, 1916, stated that \$20,000 would be required for this purpose.

7. The estimates of the Chief of Engineers were reduced as follows: Engineer operations in the field (pages 47-48): The amount of the estimate was \$300,000. The bill carries \$150,000; \$150,000 will cover the expenses incident to normal peace-time engineer training of the Regular Army and Reserve Corps, and will leave a small amount for the purchase of reserve material for engineer operations in the field. The cut of \$150,000 in this appropriation means a reduction by that amount in the stock of tools and materials which can be obtained and held immediately available for construction of field fortifications and similar engineer work. Investigation just completed shows conclusively that the materials, barbed wire, etc., can not be obtained promptly enough in the quantities required. It is, therefore, considered of the first importance to begin at once the accumulation of stock of these materials, as the total will be many times the amount of this estimate, and the beginning should be made as promptly as possible.

8. National Guard: The following reductions have been made in the estimates submitted for the support of the National Guard:

A provision for the expenditure of \$20,000 to construct a machine-gun target range for the National Guard at Tobyhanna, Pa., was omitted

entirely

The only item increased by the committee was that providing for attendance of officers and enlisted men of the National Guard at service schools. The sum of \$150,000 is provided for this purpose, the estimate being only \$100,000.

The estimate for the pay of the National Guard is included in the pay of the Army. The original estimate for this was \$97,794,995.66; the bill as introduced carries \$51,860,533.40, the difference being \$15,934.402.96. \$15,934,462,26.

Allowing for the necessary replacement of wastage by July 1, 1917, the Regular service will be at practically authorized strength, i. e., the first increment will have been provided.

Thus it is seen that if the large cut in pay is on the assumption that the Regular Army can not be increased in accordance with the provisions of the defense act, the assumption is incorrect. It seems that the large reduction is due to a belief that the personnel of the National Guard will be much below authorized strength during 1918. Undoubtedly this would be a fact, arguing from conditions as they existed a month ago. However, the present emergency has introduced new factors into the situation that may result in the National Guard being increased to authorized strength without trouble.

In view of the above it seems inadvisable to reduce the original estimates for the National Guard.

9. The following reductions have been made in the estimates of the Ordnance Department:

Appropriation.	Estimate.	H.R.20783.	Difference,
Ordnance service.	\$425,000	\$350,000	\$75,000
Ordnance stores—ammunition	14,978,000	12,000,000	2,978,000
Small-arms target practice	2, 850, 200	2,000,000	850, 200
Manufacture of arms	7, 350, 000	6,000,000	1, 350, 000
Ordnance stores and supplies	16, 515, 000	10,000,000	6, 515, 000
Automatic rifles	7, 350, 000	3,000,000	4, 350, 000
Automatic rifles for National Guard	11,789,000	2,500,000	9, 289, 000
Armored motor cars	1,508,000	600,000	908,000
Antiaircraft guns	1,000,000	250,000	750,000
Ammunition for antiaircraft guns	1,200,000	200,000	1,000,000
National trophy and medals for rifle contests	10,000	10,000	
Field artillery for the National Guard Ammunition for field artillery for the Na-	14,000,000	10,000,000	4,000,000
tional Guard	12, 200, 000	10,000,000	2, 200, 000
Rifle ranges for civilian instruction	500,000	300,000	200,000
Civilian military training Ordnance stores and equipment for Reserve	465, 000	250,000	215,000
Officers' Training Corps	1,504,000	1,000,000	504,000
tary equipment of schools and colleges	718,000	500,000	218,000
Total.	94, 362, 200	58, 960, 000	35, 402, 200

Particular attention is called to the reduction in the estimate of \$425,000 for Ordnance service to \$350,000. The full amount estimated for should be appropriated. The following reasons will make this apparent:

apparent:
The appropriation under Ordnance service, 1916, was \$325,000 for an Army of a total authorized strength of 104,100 officers and enlisted men. Since the 1916 appropriation was passed, labor and material have advanced as follows:
Labor, 10 per cent: material, 25 per cent.
Based on the assumption that 75 per cent of this appropriation is expended for labor and 25 per cent for material, for an Army of 104,100 men, the following amounts would be required at the present time:

Labor: 75 per cent of \$325,000Add 10 per cent for increase	\$243, 750. 00 24, 375. 00	
Material:	81, 250. 00	\$268, 125. 00
25 per cent of \$325,000Add 25 per cent for increase	20, 312. 50	101. 562. 56

Total for Army of 104,100 at present\_\_

inadequate to carry out the plans already made for experimental work and investigations. It is believed that in addition to the amount provided in the bill the original estimate should be added, namely, \$200,000.

12. The amendment to the national-defense act proposed in lines 22-25, page 72, and lines 1-14, page 73, is not favored. Under its provisions officers of the National Guard might belong to the Officers' Reserve Corps and to the National Guard Reserve. Sections 77, 78, and 79 of the national-defense act of June 3, 1916, make wise provisions for a reserve of the National Guard. The intent of Congress was clearly indicated as follows:

"Commissions of officers of the National Guard may be vacated upon resignation, \* \* Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve."

the disbandment of their organization. Guard Reserve. Officers may, upon their own application, be placed in the said reserve."

The purpose of the Officers' Reserve Corps is stated to be to secure "a reserve of officers available for service as temporary officers in the Regular Army, \* \* as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of volunteers." The President was authorized to prescribe rules and regulations for an Officers' Reserve Corps of the Regular Army. These are embodied in General Orders No. 32, War Department, 1916. Among other things these regulations prescribe—

and depots, and as officers of volunteers." The President was authorized to prescribe rules and regulations for an Officers' Reserve Corps of the Regular Army. These are embodied in General Orders No. 32. War Department, 1916. Among other things these regulations prescribes.

No. 32. War Department, 1916. Among other things these regulations prescribes.

Army on the active list or of the National Guard or who is not a citizen of the United States."

The regulations prescribed by the President were intended to carry out what was considered the intent of the law, namely, that National Guard officers were not eligible under its provisions for commissions in the Officers' Reserve Corps.

The enactment into law of the provision above quoted would probably result in a large number of colonels and lieutenant colonels who have had National Guard service receiving commissions in the Officers' Reserve Corps. This would result disastrously both to said corps and to the compact of the colonels of the co

"Provided, That in the appointment of chaplains in the Regular Army preference and priority shall be given to applicant veterans, if otherwise duly qualified and shall not have passed the age of 41 years at the time of application, who have rendered honorable war service in the Army of the United States or who have been honorably discharged from such Army."

Section 12, act of February 2, 1901, provides that—

"No person shall be appointed a chaplain in the Regular Army who shall have passed the age of 40 years, nor until he shall have established his fitness as required by existing law."

The purpose of the proviso in the defense act is apparent. Since opportunity has been given for the appointment of chaplains under it there seems no serious objection to the amendment as proposed.

16. Of the remaining legislation the following deserves serious consideration. Under "Pay of the Army," pages 9 and 10 of the bill, is the following proviso:

"Provided, That no part of this appropriation shall be paid to any officer of the line of the Army who shall be appointed or promoted in violation of any of the terms next hereinafter specified: That of the whole number of officers of Cavalry, Field Artillery, Coast Artillery

Corps, Infantry, and of engineers serving with the enlisted force of the Corps of Engineers necessary to fill vacancies created or caused in said arms of the service by reason of the second increment, authorized by said arms by act of Congress approved June 3, 1916, not more than one-fourth shall be appointed or promoted until, exclusive of enlisted men belonging to said arms on June 30, 1916, at least one-fourth of the second increment of enlisted men authorized for said arms by said act shail have been enlisted; not more than one-half of said whole number of officers shall be appointed or promoted until at least one-half of said increment of enlisted men shall have been enlisted; and not more than three-fourths of said whole number of officers shall be appointed or promoted until at least three-fourths of said increment of enlisted men shall have been enlisted. And all officers promoted in accurdance with the terms of this proviso shall take rank, respectively, from the dates on which their promotions shall have become lawful under the terms of this proviso."

The effect of this proviso."

The effect of this proviso if enacted into law will be to increase the authorized commissioned personnel in proportion to the increase in the enlisted personnel.

The first increment will be practically complete at the close of the current fiscal year, a marked improvement when compared with the vacancies at the close of the last fiscal year, when there were nearly 26,000 vacancies in the enlisted strength. If the proposed proviso is enacted into law but one-fourth of the officers provided for the line as the second increment by the national-defense act can be appointed at the beginning of the year. The second fourth would probably be available about September 30, 1917, the third fourth about December 31, 1917, and the last quarter about March 31, 1918.

Assuming that 25 per cent of the commissioned second increment under the provisions of the bill will be added July 1, 1917, and 25 per cent each quarter thereafter, the dif

the last session of Congress in behalf of the national defense. The War Department would be handicapped by the enactment of the proposed amendment.

The necessity of trained officers in any efficient military force has been accentuated by the developments of the present European war. Applications for commissions should be encouraged and the large number of young officers necessary should be secured as soon as possible after July-1 in order that they may receive the training required to fit them for their duties. The experience of the past year shows that these new officers can not all be obtained at any one time. The effect of the amendment, therefore, would be largely confined to a retardation of the new units required would be largely confined to a retardation of the new units required would be adversely affected. The orderly procedure by which the framework of new organizations of the first increment was constructed from the Regular officers and enlisted men already in service and sending to these organizations recruits as received might have to be departed from if the amendment is enacted into law. The development of the first increment was not seriously interfered with by the lack of new men at first. A certain amount of time was found necessary to perfect the organization and to get ready for the training of the new material. It would be a serious blow to the Military Establishment to have to depart from the methods perfected by the experience of last year.

17. Attention is called to the fact that certain remedial legislation considered necessary to supplant the defense act of June 3, 1916, has not been included in H. R. 20783.

18. It is recommended that appropriation be made for the Military Establishment under the various headings of H. R. 20783, Sixtyfourth Congress, second session, to the amount of the original estimates except in the case of the Office of the Chief Signal Officer. The amount appropriated in the bill, namely, \$9,000,000, is considered sufficient, since a large part of the original e

That on page 72, lines 18 to 25, and page 73, lines 1 to 14.

That there be substituted for the proviso, page 72, lines 1 to 11, the following:

"Provided further, That the provisions of section 5 of the act of Congress approved June 3, 1916, relative to restrictions of the employment of General Staff officers in and in the vicinity of the District of Columbia and the assignment of officers to duty in the Office of the Chief of Staff are hereby repealed."

That in case it is impossible to secure the omission of the proviso, page 9, lines 24 and 25, and page 10, lines 1 to 23, it should be amended to read as follows:

"Provided, That no part of this appropriation shall be paid to any officer of the line of the Army who shall be appointed or promoted in violation of any of the terms next hereinafter specified; that of the whole number of such officers necessary to fill vacancies created or caused by reason of the second increment and authorized by the act of Congress approved June 3, 1916, not more than one-fourth shall be appointed or promoted until, exclusive of enlisted men belonging to the line on June 30, 1916, at least one-fourth of the said increment of enlisted men authorized for the line by said act shall have been enlisted; not more than one-half of said whole number of officers shall be appointed or promoted until at least one-half of said increment of enlisted men shall have been enlisted; and not more than three-fourths of said whole number of officers shall be appointed or promoted until at least three-fourths of said increment of enlisted men shall have been enlisted; not more than one-half of said increment shall be made in each grade of each branch in the manner prescribed by existing law for the entire increment, and all officers promoted in accordance with the terms of this proviso shall take rank respectively from the dates on which their promotion shall have become lawful under the terms hereof."

The purpose of this amendment is to prevent promotion in each arm under the enactment from being

Difficulties would attend the execution of the law as now given in H. R. 20783, and confusion would result. Further inequalities in relative rank between the line and Staff Corps would result and be objectionable even under the amended proviso. Therefore it is strongly urged that the original proviso be omitted and not amended.

19. Herewith are data concerning estimates, fiscal year 1918, and the state of our military supplies.

Respectfully,

Newton D. Baker,
Secretary of War.

NEWTON D. BAKER, Secretary of War.

CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,

House of Representatives.

The Clerk read as follows:

Maintenance, Army War College: For supplying the necessary fuel for heating the Army War College building at Washington Barracks and for lighting the building and grounds; also for pay of a chief engineer, at \$1.400 per annum; and assistant engineer, at \$900; four firemen, at \$720 each; one elevator conductor, at \$720, \$10,700.

Mr. CALDWELL. Mr. Chairman, I offer an amendment. line 14, page 40, insert after the figures "\$720" the words "in all," after the comma.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 40, by inserting after the figures "\$720," in line 14, the words "in all."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Office of Aviation Section, Signal Corps, \$5,000; in all, \$-

Mr. DENT. Mr. Chairman, I ask unanimous consent to strike out, in line 3, the words "in all," and the dollar mark in line 4. The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 41, by striking out, in line 3, the words "in all," and the dollar sign in line 4.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

The Clerk read as follows:

Vocational training: For the employment of the necessary civilian instructors in the most important trades, for the purchase of carpenter's, machinist's, plumber's, mason's, electrician's, and such other tools and equipment as may be required, including machines used in connection with the trades, for the purchase of material and other supplies necessary for instruction and training purposes and the construction of such-buildings for shops, storage, and shelter of machinery as may be necessary to carry out the provisions of section 27 of the act approved June 3, 1916, authorizing, in addition to the military training of solders while in the active service, means for securing an opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations, part of this instruction to consist of vocational education either in agriculture or the mechanic arts, \$75,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. I question whether it is subject to a point of order, but it is a new authorization carrying out certain provisions, I believe, of the national-defense act.

Mr. DENT. It is expressly provided for in the national-

defense act.

Mr. STAFFORD. I rise for the purpose of inquiring what is purposed by the department in carrying out that general authorization of the national-defense act? You may be launching into a very broad field by this initial appropriation of \$75,000 providing for vocational education. I wish to inquire whether this was the estimate of the department?

Mr. DENT. No; it was not. I will state to the gentleman that the department asked for \$200,000, and the committee gave tem \$75,000. We thought that was enough to begin with.

Mr. STAFFORD. This appropriation provides for inaugurathem \$75,000.

tion of this work in an experimental way?

Mr. FIELDS. The work is inaugurated in one branch. the Coast Artillery the work was inaugurated last year, and they have 21 different lines of training, in which 1,919 men participated.

Mr. STAFFORD. Now, it is proposed to extend the work into some of the other branches of the service?

Mr. FIELDS. Yes; along 21 different lines of study.

This is merely an experimental appropriation, to Mr. DENT.

see how it will work out. This is entirely new.

Mr. STAFFORD. It is merely probationary for the benefit of the service and of the committee, to see whether it will develop along the lines expected for the improvement of the enlisted men?

Mr. DENT. Yes. Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. FIELDS. It is authorized in section 27 of the national-

Mr. STAFFORD. I had already read that section.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Filing equipment for the Army: For the purchase and supply of filing cases and other filing equipment for the installation in the Military Establishment of an improved system of recording and filing correspondence, to be immediately available, \$45,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph, from lines 11 to 15, page 45. quire of the chairman, Where are those filing devices to be used?

Mr. DENT. They are to be used in connection with the field army, and most of them, as I understand, with the army in the Philippines. It is claimed by the department that if they can adopt this filing system it will save a great deal of clerical expense. That is merely a contention they make. It is entirely a new item

Mr. STAFFORD. Are any of them to be utilized here in the department in Washington? Mr. DENT. Not at all.

Mr. STAFFORD. The reason I make that inquiry is that the Army officials came before the Committee on Appropriations for a like appropriation, and the committee rejected it in part.

Mr. DENT. Here is what Gen. Sharpe says:

It is contemplated to install at posts in the United States and its island possessions a system of filing correspondence under a subjective classification in lieu of the present system of recording correspondence on cards, commonly known as the card system.

"The equipment required for the installation and maintenance of a correspondence file under the subjective classification system is as follows:

correspondence the under the stage of the constraint of the constr

It is to be used at posts and in our island possessions. It is a

Mr. STAFFORD. I wanted to know if it was to be installed in the department or out in the field?

Mr. DENT. In the field.

Mr. ANTHONY. It is already established in the department, and it is found to be a labor-saving device.

Mr. STAFFORD. I so understood. Mr. Chairman, I withdraw my reservation of the point of order.

Mr. TILSON. If I may add a word, Mr. Chairman, it is hoped that the committee will encourage the War Department, so far as it is possible, to take steps to obviate some of the needless red tape and complicated paper work of the Army in the field. Mr. DENT. That was the idea.

The CHAIRMAN. The point of order is withdrawn. The

Clerk will read.

The Clerk read as follows:

## MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including motor ambulances and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the purchase and exchange of typewriting machines for military posts, camps, hospitals, hospital ships and transports, and supplies required for mosquito destruction in and about the military posts in the Canal Zone: Provided, That the Secretary of War may, in his discretion, select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and material for the Army; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: Provided. That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of other employees of the Medical Department; for the transportation of medical and hospital supplies for use in teaching the

Mr. PRICE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of compulsory military training.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks on the subject indicated. Is there objection?

There was no objection?
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Engineer equipment of troops: For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase and preparation of engineer manuals and procurement of special paper for same, and for a reserve supply of above equipment, \$1,174,000.

Mr. DENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Amend, on page 47, line 9, after the word equipment," by inserting "to be immediately available."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. GALLIVAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves

to strike out the last word.

Mr. GALLIVAN. I wanted to call the attention of the House to the need of legislation, in my judgment, whereby commissions to West Point cadets may be dated from the date of their entering the academy instead of, as at present, upon graduation. I ask unanimous consent to extend my remarks in the RECORD on that subject.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record on the

subject indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Engineer operations in the field: For expenses incident to military engineer operations in the field, including the purchase of material and a reserve of material for such operations, the construction or rental of storehouses within and outside the District of Columbia, the purchase, operation, maintenance, and repair of horse-drawn and motor-propelled passenger-carrying vehicles, and such expenses as are ordinarily provided for under appropriations for "Engineer depots," "Civilian assistants to engineer officers," and "Maps, War Department," \$150,000.

Mr. LONGWORTH. Mr. Chairman, I offer the following

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Longworth: On page 48, line 2, strike out "\$150,000" and insert in lieu thereof the following: "\$140,000, and that section 124 of an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, is hereby repealed."

Mr. DENT. Mr. Chairman, I reserve a point of order on that. The CHAIRMAN. The gentleman from Alabama reserves a

point of order on the amendment.

Mr. LONGWORTH. Mr. Chairman, the effect of this amendment, if adopted, will be to repeal section 124 of the nationaldefense act, the act which authorizes the expenditure of \$20,-000,000 for the acquisition of a nitrate plant.

Gentlemen will observe that up to now none of that money has been expended, and that no site has been chosen, and no recommendation made. Therefore the effect of my amendment, if adopted, will be to save to the Government of the United States \$20,000,000 that I regard as a useless expenditure of the public

I have not changed my opinion, gentlemen, expressed re-peatedly on the floor of this House, that this legislation pro-vided in section 124 of the national-defense act is bad legislation. Further developments have even strengthened my belief that of all the extravagances perpetrated by this, the most extravagant Congress, I fear, in history, this nitrate plant is the most wanton and unjustifiable.

My opinion is confirmed rather than shaken by the receipt of a pamphlet which I hold in my hand, which I assume most Members have received, entitled "America's Gibraltar, Muscle Shoals." I find on the title page of this pamphlet my name engrossed in letters of gold. I do not know, gentlemen, whether to feel flattered or mortified by having my name thus inscribed. I do not know whether it is put there in a spirit of Christian forgiveness or in ironical acknowledgment of the futility of my opposition, continued opposition, to this proposition, or whether it is put there in ignorance of the fact that I ever opposed it at all. I fear that the latter is the more probable, because I have observed that, outside, possibly, of the Bible alone, the CONGRESSIONAL RECORD is the book least read by many of our

successful business men, or some of them at least. [Laughter.]

Mr. SLOAN. Will the gentleman yield?
Mr. LONGWORTH. I yield to the gentleman from Nebraska. Mr. SLOAN. The gentleman says it may be submitted in an ironical way. Does not the gentleman mistake the metal? Is it not submitted in a golden way?

Mr. McKELLAR. Will the gentleman yield?

Mr. LONGWORTH. I have only a few minutes. I do not want to delay the committee. I want to make a few remarks about this publication. It is prepared and sent out by what is known as the Muscle Shoals Association, and represents one of the activities of as tireless and efficient a lobby as I have ever seen since I have been in Congress. Strenuous efforts were evidently made to enlist all possible support, because I find on page 8 of this pamphlet that even my State has been invaded. I find that Galion and Lancaster, Ohio, through their chambers of commerce, have indersed this proposition. I remember that they tried to raid the Chamber of Commerce of Cincinnati, but I am glad to say that that body withstood the blandishments of the Muscle Shoals Association.

Now, the principal argument that is made in this magnificent brochure, at least the surface argument, is that the Muscle Shoals from a preparedness point of view is the best fitted locality for this nitrate plant, but after you read below the surface you see something else than the question of preparedness. In the beginning, in their foreword, this sentence occurs:

We are confident that we can demonstrate that the South offers an exceptionally suitable site on the Tennessee River for the proposed plant.

And in the very next sentence they let the cat out of the bag

In addition the establishment of the nitrate plant at Muscle Shoals will remove the last obstacle to the unimpeded navigation of the Tennessee River, and will provide water transportation to a great section of country, thus completing a necessary and long-delayed water improvement.

The CHAIRMAN. The time of the gentleman from Ohio has

Mr. LONGWORTH. May I have five minutes more? This is an important question, and I have not occupied any time at all on this bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended five minutes. Is there ob-

There was no objection.

Mr. LONGWORTH. How could there be a more complete acknowledgment of the truth of what some of us have been saying all along, that the preparedness plea used in this nitrate scheme has been a fake from the outset, and that the object of it has been simply to accomplish by indirection what they failed to accomplish by direction? For a number of years this Muscle Shoals water proposition has been before Congress. It tried to get in through the front door of Congress on its own merits with an appropriation of \$60,000,000, but it has failed to do that, and now comes in through the back door for a \$20,000,000 proposition to erect a nitrate plant. I have not time to recite in detail some of the ridiculous propositions in this publication, except to say generally that their arguments in favor of developing this water power and establishing this nitrate plant at Muscle Shoals in the interest of preparedness for the national defense of the United States are entirely conclusive arguments why this water power ought not to be developed and a nitrate plant established there.

For instance, after laying stress on the need for producing nitrogen in this country-with which proposition I entirely agree—they make this statement. Now note, my friends:

Germany, Italy, France, Norway, Sweden, Austria, Canada, and Japan have established large factories for taking their nitrogen from the atmosphere, and have devoted a million continuous horsepower solely to this industry.

Now, I ask any gentleman in this House if, outside of Norway and possibly Canada, he can name one place where one ounce of nitrogen is made by the use of water power? I challenge any gentleman to point out one.

Mr. MADDEN. Will the gentleman yield?

Mr. LONGWORTH. I yield for a brief question. Mr. MADDEN. Would it not be possible to manufacture all the nitrogen that we need without the investment of a dollar

of the public money? Mr. LONGWORTH. Absolutely; and I will go on and prove it.

Mr. QUIN. Will the gentleman yield right there?
Mr. LONGWORTH. If I have a little time to do so, I will.
Mr. QUIN. I do not want to disconcert the gentleman.

Mr. LONGWORTH. I will yield to the gentleman a little later, after I have developed this thought. Almost in the next

sentence they say, apparently by way of hitting the nail on the head:

Germany alone since the beginning of the war has developed an air-nitrogen industry requiring 300,000 continuous horsepower at a cost of more than \$100,000,000. As a result of this notable enterprise she is independent to-day of all outside sources of nitrogen and will apparently continue so throughout all time.

Now, what can be said, gentlemen, of an argument in favor of establishing a water-power site for the manufacture of nitrogen which uses as an illustration the immense success of a nation which manufactures unlimited nitrogen without the use of one ounce of water power? Such an argument is based either on abysmal ignorance or bad faith, and whichever horn of the dilemma you take it defeats itself. Further on, in advocating that there should be but one nitrate plant in the country, and that that should be built at Muscle Shoals, forsooth, we find this statement:

Andrew Carnegie says, "Put all your eggs in one basket and watch that basket,"

In other words, they advise us to wager our national existence, accordance to their argument, on one dam. Constantly using Germany as an argument, they either do not know or hope we do not know that Germany had at the beginning of the war at least six large nitrate plants, and probably to-day has infinitely more.

A little later, in summing up the requirements for a site to produce nitrogen they say that one requisite is

Two hundred thousand horsepower, which must be available 90 per cent of the time throughout each year, to cost not more than \$5 to \$10 per horsepower, if we are to produce at home in successful competition with Norway where water power is available at \$3 to \$5 per horse-

Again, they do not know, or they hope Congress does not know, that Germany formerly controlled the entire water-power site at Norway and sold their interests there for the avowed reason that other and cheaper methods had been discovered of producing nitrogen out of the air. But here, for sooth, they ask us to appropriate \$20,000,000, and we have done it, and now is your opportunity to rectify it, to develop a water-power site that on their own statement is 100 per cent more expensive than the water power that has been put out of business so far as manufacturing nitrogen by Germany is concerned.

Indefensible, as I always believed the nitrogen-plant scheme to be from any point of view, it is made all the more indefensible by the argument of these men who expect to profit by it in a personal way. It is not too late to rectify the mistake we made last summer; it is not too late to save our bankrupt Treasury from further needless drawings on its resources,

Mr. SHACKLEFORD. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. SHACKLEFORD. If it is a good power to develop the nitrate plant, would it be any objection to it that it incidentally improved the navigation of the river as the rivers of the gentleman from Ohio have been improved?

Mr. LONGWORTH. I am not opposing the scheme because it is a water-power development on the Tennessee River. If it was proposed here on its own merits, and was not a proposition to get money under false pretenses, I do not say that I would

Mr. SHACKLEFORD. There are no false pretenses about it. Mr. LONGWORTH. Absolutely; they say it is necessary for preparedness. Will the gentleman tell me how Germany makes

nitrogen without using water power?

Mr. SHACKLEFORD. If I knew, I would.

Mr. LONGWORTH. They do; and they make unlimited quantities.

Mr. SHACKLEFORD. We do not make it.

Mr. LONGWORTH. Yes.
Mr. SHACKLEFORD. Where and how?
Mr. LONGWORTH. From Chile saltpeter and by several other methods. The gentleman better look up his facts a little What I am advocating is that we shall not expend \$20,-000,000 for one water-power plant, when I have conclusively shown that every other nation in the world, except possibly Norway, is making their nitrogen by other means better and

Mr. McKELLAR. Is it not true that other nations are making it at a greater cost than they could with water power?

Mr. LONGWORTH. Then why did Germany abandon the

water-power site in Norway, the cheapest place in the world?

Mr. McKELLAR. It is perfectly apparent she did not want her nitrate to come from Norway any more than we want to have ours come from Chile.

Mr. LONGWORTH. Why did she sell her interest in the syndicate before the war? Because they had discovered cheaper i

and better methods. The gentleman does not know about the situation

Mr. McKELLAR. Mr. Chairman, I have not read the paper to which the gentleman from Ohio refers

Mr. LONGWORTH. I will present the gentleman with my

Mr. McKELLAR. I thank the gentleman, and I have no doubt that it is a good document. However, I want to say that this nitrate plant has been ordered to be established for the purpose of giving this country a supply of nitrogen to make explosives for our necessary protection in time of war. Our supply now comes from another country. At present we have to go to Chile to get the saltpeter with which to make the explosives Manifestly, if our country ever gets into trouble, we must have some method of making nitrogen within our own borders. What is the best method? The gentleman says that we could follow Germany's example and have it done by steam power. I differ frankly with the gentleman.

Mr. LONGWORTH. If the gentleman will pardon me, I never

said anything about steam power. There are four or five dif-

ferent methods of manufacturing nitrate.

Mr. McKELLAR. I am afraid the gentleman has not read up on it. The experts have told us, the experts who came before our committee, engineers from the Army, have said that it could be manufactured more cheaply by water power than any other way

Mr. GREENE of Vermont. We had but one before us.

Mr. McKELLAR. And he was a most accomplished man, the leading expert in the whole country on that subject. want to say the nitrate plant has not yet been established on the Tennessee River. I sincerely hope it will be, because I believe it is the best place in this country for this plant, and it will furnish more power than any other place. It might be established in the State of the gentleman from Ohio, if he had the necessary power, and if it was there he probably would not oppose it.

Mr. LONGWORTH. I would oppose it very much, because I do not believe in that kind of legislation under any circum-

stances.

Mr. McKELLAR. Well, I have looked up the legislation and I have found that the gentleman never opposed any improvement on his rivers. He has been in favor of all Ohio River appropriations. I think the record will bear me out that he has uniformly voted for improvements on all the rivers in his own State. The mere fact that incidentally if this nitrate plant is established on the Tennessee River it will open up that entire river to navigation is no objection to it. It is absolutely apparent that the Government needs nitrate and needs to manufacture it in our own country. It needs to be done in the cheapest manner possible. It is believed from expert testimony that it can be done by water power cheaper than by any other method, provided we can get water power in sufficient quantity. It is understood that on the Tennessee River at Muscle Shoals you can get more water power than anywhere else in the country, unless it be at some place in Oregon very near the coast and outside of the safety zone. There is no doubt whatever about the Muscle Shoals being the ideal place in all the United States for the location of this plant. That is why these gentlestates for the location of this plant. That is why these gentlemen down there on the Tennessee River have believed that this was the proper place for it. Now, I say this because I do not believe that the plan to establish this nitrate plant upon the Tennessee River is subject to the criticism that the gentleman from Ohio [Mr. Longworth] has seen fit to visit upon it, and if the point of order has not been made, I make the point of order

against the amendment, because it is not a germane amendment, Mr. LONGWORTH. Mr. Chairman, I desire to discuss the point of order. I maintain that my amendment is entirely in order under the Holman rule. I call the attention of the Chair to the fact-and I am glad to call the attention of this particular Chairman to this question, because he has ruled recently in a very able ruling upon this precise point-that the Holman rule makes legislation on an appropriation bill in order, provided it fulfills two requisites: First, that it is germane, and, second, that it reduces expenditures. This item to which I have offered this amendment is the item which provides for the payment of Army engineers to build such dams, and so forth, as are required under section 124 or may be required under section 124 of the national-defense act.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH, Yes.

Mr. GORDON. You could repeal the whole Army reorganiza-tion act of 1916 under that same rule. Mr. LONGWORTH. I am not asking to do that,

Mr. GORDON. But you could do it.

Mr. LONGWORTH. I am not asking to do it and I do not want to do it, but I do want to repeal this section of it. There is no question that it is germane to this paragraph providing the expenses of the Army engineers. I call the attention of the Chair to section 124 of that act which authorizes the President to make such investigations as he may deem necessary to determine a proper method of manufacturing nitrogen, to investigate all methods of manufacture or method of producing it by water power contained in this country, and the act provides that he is further authorized to construct, maintain, and operate at any site or sites so designated docks, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is best and cheapest. Suppose the President chooses water power as the best method of producing nitrogen and determines on one location? It is out of this particular item that expenses to Army engineers will be paid. It is out of this particular item they have been paid hitherto in making their investigations as to water-power sites, and in making this particular investigation at Muscle Shoals. Further on the law provides that the products of such plant shall be used by the President for military and naval purposes, thus bringing it clearly under the purview of the military defense of the Nation. The law also provides that the President is authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions of the act. The fact is that Army engineers are to-day—and I have this from the Chief of Engineers—investigating water-power sites in this country under this section 124 of the

national-defense act.
Mr. DENT. Mr. Chairman, will the gentleman yield?
Mr. LONGWORTH. Yes.
Mr. DENT. The gentleman does not contend that the Army appropriation bill takes care of the appropriations for the engi-

meer work done on rivers and harbors?

Mr. LONGWORTH. Why, certainly.

Mr. DENT. I think the gentleman is mistaken about that.

That is taken care of in the rivers and harbors bill.

Mr. LONGWORTH. But it is taken care of in this bill also. Mr. DENT. This particular item refers to engineering opera-

tions in the field.

Mr. LONGWORTH. It is broader than that—such expenses as are ordinarily provided for depots, "civilian assistants to Engineer officers," and "maps, War Department." Under this item are paid some of the expenses incident to the examination of these water-power sites. There is no question in the world

Mr. Chairman, under the ruling of the present occupant of the Chair this precise question was determined. I shall read one or two extracts from that. The gentleman now presiding said, as reported on page 500 of the Manual:

The purpose of the Holman rule is most beneficent and proper, and it should have a liberal construction in the interest of retrenchment.

In other words, the Chairman thinks, and properly so, that amendments offered under the Holman rule should be construed broadly if they are in the interest of retrenchment. Further on the Chair states:

In this connection the Chair will state that it is not necessary for an amendment to be in order that it should be specifically directed to a reduction in terms of an amount carried in the bill. Of course, if it is addressed to such an amendment and reduces the same in terms, it will be in order, as, for instance, if the sum of \$1,000,000 is appropriated for a designated purpose pursuant to the requirements of existing law, and an amendment is submitted limiting this amount to \$995,000, such an amendment will be in order.

That is precisely what I have done in this case. I have reduced the amount in this bill by \$10,000. That will save to the Treasury, if my amendment is adopted, directly \$10,000, and furthermore will save to the Government \$20,000,000 the amount authorized to be provided for in the issuance of bonds to build this nitrate plant. I maintain, Mr. Chairman, that both the essentials as laid down by the Chair in his decision are met, and that my amendment is in order because it is germane on its face, and as a necessary consequence it reduces not only the expenses provided in the bill, but generally the expenses of the Government.

Mr. McKELLAR. Mr. Chairman, on page 1085 of the hearings Capt. Barber gave a specific statement. If the chairman has the hearings before him, he will find on that page a statement as to what this item is for. They ask \$300,000, and had a very much larger amount last year for operations in the field because of the border trouble. This does not carry any appro-

the bottom of that page. It does not carry an appropriation at all for this purpose, and of course the amendment is not germane

to it because it has nothing to do with it, according to the testimony of Capt. Barber, who testified in the hearings.

Mr. DENT. Mr. Chairman, is the Chair ready to rule? I reserved the point of order, and I believe it has been made; but I make the point of order that it is new legislation and not germane to this paragraph or any other section in the bill.

The CHAIRMAN. The amendment submitted by the gentleman from Ohio [Mr. Longworth] contains two parts, one a proposition to reduce the amount appropriated in the bill from \$150,000 to \$140,000, the other a proposition for the repeal of a section of existing law. It is insisted that this amendment is in order under the Holman rule. The Chair has had occasion heretofore to construe this rule on various occasions, and in these rulings has been disposed to give the rule a liberal interpretation. But this latitude of interpretation has never been stretched to mean that a motion to reduce an appropriation, makes in order an unrelated and ungermane proposition of accompanying legislation. The principles announced in the decisions cited do not support the contention that the amendment of the gentleman from Ohio, is in order. The motion to reduce the gentleman from Ohio, is in order. The motion to reduce the amount appropriated, is in order without regard to the accompanying repealing legislation. It is plain that the proposed reduction does not flow from the proposed legislation. It is not in any wise related to it, much less a necessary product of it. It is in order as a separate proposition on its own merits, and the fact that it is coupled with unrelated legislation, does not operate to make that legislation in order.

Mr. LONGWORTH. May I interrupt the Chair at that point?

The CHAIRMAN. Certainly.

Mr. LONGWORTH. What would be the necessary result if this nitrate scheme be repealed? Would it not be that the Government would be under less expense investigating this whole proposition and spending money to pay Army engineers' expenses therefor.

The CHAIRMAN. The Chair will proceed to answer the query

of the gentleman.

Mr. FIELDS. The engineers doing river and harbor work are not appropriated for in this bill. They are 21 in number, and they are appropriated for under the river and harbor till, as

is stated in the hearings.

The CHAIRMAN. What would be the effect of the legislative part of the amendment of the gentleman from Ohio, if adopted? The answer is that this repealing amendment, if adopted, would effect a great reduction of general expenditures, but it does not follow therefrom that this legislation is therefore in order, as an amendment. What is the connection between the two propositions embraced in the amendment? As pointed out heretofore, they are unrelated, while the precedents require that there must be some necessary relationship between the legislation proposed and the reduction to be effected in the expenditures comprehended in the bill under consideration. The amount carried in the bill can be reduced by a motion to that effect, which as an independent proposition will be in order. This reduction relates to the expenditures in the bill. But the reduction intended to be effected by the repealing legislation is outside of the bill. The Holman rule requires that amendatory legislation on an appropriation bill must not only effect a retrenchment in the expenditures carried in the bill but must be germane to the bill. To what language in the paragraph under consideration is the proposed legislation germane? In this connection the Chair will call attention to the language of the paragraph-

For expenses incident to military engineer operations in the field, including the purchase of material, etc., and such expenses as are ordinarily provided for under appropriations for engineer depots, civilian assistants to engineer officers, and "maps, War Department."

How can it be argued that a proposition of legislation which proposes to repeal the nitrate plant section of the act of 1916 is germane to the language cited? It has already been pointed out that an independent proposition of legislation can not by mere association with an unrelated proposition to reduce an item in a bill be thereby rendered in order. If this proposition of legislation effected the reduction proposed and was germane to the bill under consideration, it would fall within the principle of the Holman rule, and be in order. Plainly, however, this legislation is neither germane to the paragraph nor related to the motion to reduce the appropriation in the bill from \$150,000 to \$140,000. The point of order is sustained.

The Clerk read as follows:

very much larger amount last year for operations in the field because of the border trouble. This does not carry any appropriation at all, according to Capt. Barber, whose testimony is at

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I take it under existing law the proceeds from any public utility now goes into the Treasury as a miscellaneous fund?

That is the way I understand it.

Mr. STAFFORD. What special reason is there for these funds that accrue from the operation of public utilities to be used for the purpose of appropriations so that Congress will have no control over their expenditure? This is along the line of objection I raised some time ago to a similar provision.

Mr. MANN. The gentleman understands what this provision

Mr. STAFFORD. I am seeking information.

Mr. MANN. We have in various places—it was an old controversy and finally settled against my judgment possibly—where we are really creating a public utility for the benefit of the Army, and furnished service, light, for instance, washing, or something of that kind—washing might not possibly be the case-but providing for those things, and this merely allows them to use the money that comes in from private concerns to help pay the expenses of this utility.

Mr. STAFFORD. If that is the purpose, and that is the spe-

Mr. MANN. That is what it is.

Mr. STAFFORD. My objection would not apply to it.

Mr. MANN. That is the purpose of it.

Mr. McKELLAR. If the gentleman will look at page 1091 of the hearings, he will find the whole thing set out there by

Mr. STAFFORD. Along the line suggested by the gentleman

from Illinois?

Mr. McKELLAR. Exactly.

Mr. STAFFORD. I withdraw the reservation of the point of

The Clerk read as follows:

Military surveys and maps: For the execution of topographic or other surveys, the securing of such extra topographic data as may be required, and the preparation and printing of maps required for military purposes, to be immediately available and remain available until December 31, 1918: Provided, That the Secretary of War is authorized to secure the assistance, wherever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government in this work, and to allot funds therefor to them from this appropriation, \$200,000.

Mr. MANN. Mr. Chairman, I make a point of order on the paragraph. What is the necessity of letting the War Department go into the business of making topographical surveys? Why can not the Geological Survey make them?

Mr. McKELLAR. I will say to the gentleman this is what Gen. Black says about it—

Mr. MANN. I have no doubt that they made a statement before the committee, but I want to know the reason why the Geological Survey can not furnish this information. We make an appropriation of several hundred thousand dollars for the

Geological Survey

Mr. McKELLAR. They furnish information as to the maps, but those maps do not carry the military information that is desired, and in order to complete them it is required that the Engineer Department of the Military Establishment shall take the maps made by the Geological Survey and complete them,

the maps made by the Geological Survey and complete them, showing all the military features of the ground. That is the way that Gen. Black explained it to the committee.

Mr. MANN. The fact is the Geological Survey gets an appropriation in the sundry civil bill of several hundred thousand dollars—I do not recall the amount—and the Army intends to do the same work in some places where the Geological Survey to the control of the Geological Survey to has not done it, when it is the duty of the Geological Survey to give preference to the Government needs in those places. This is merely an effort to get \$200,000 more for the Geological Survey, which it can not get through the Committee on Appropriations.

Mr. FIELDS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FIELDS. The testimony was this, that the Geological Survey does not complete the military maps, but that the military forces take up the work where the Geological Survey leaves off and bases its work on what the Geological Survey has already done and completes from that the military maps.

Mr. MANN. Suppose the Geological Survey has not made a survey where the Army wants to make it, then who is going to

Mr. FIELDS. I suppose in that case the Army would make it. Mr. MANN. That is the principal purpose of it. The Army want surveys all over the country. If there is any place where the Geological Survey has not made a survey, instead of asking the department to make the survey they propose that the de-partment shall go ahead and make surveys where the Government does not want it and have the Army make it where the

Government does want it. It is an effort to get \$200,000 appro-

priated for the purpose.

Mr. McKELLAR. I will say to the gentleman that that is the position I took before the committee, and I am not going to

complain if he makes the point of order.

Mr. CRAGO. If the gentleman will permit an interruption, I want to say this, that this department takes the survey maps made by the Geological Survey and puts on those maps additional information, which is confidential. Now, that is what was represented to us.

Mr. FIELDS. Strictly military.
Mr. CRAGO. Strictly military information, which is not to go out to the public, but which is kept by the War Department. And they work in connection with the Geological Survey

Mr. FIELDS. And they save the expense of doing all the

work that the Geological Survey does that is not needed.

Mr. MANN. If the Geological Survey has made the survey, there actually is not much more information to acquire. They even furnish the cow paths, the huts, and everything on the What more is there to learn?

Mr. SHALLENBERGER. If the gentleman will yield, I will say that it is the testimony of the Engineer Department that the particular military information they desire is not on the map.

What information could they want?

Mr. SHALLENBERGER. As to whether the bridges and culverts will carry artillery; whether it is a suitable place for a camp; or whether it has all those requirements for commanders handling troops in the field.

Mr. MANN. They show whether it is forest or swamp land, whether it is uphill or not, how high it is, and whether it is rocky, and everything else. They furnish that information on these maps of the Geological Survey. Has the gentleman ever taken the trouble to travel around the country with one of those Geological Survey maps in his pocket?

Mr. SHALLENBERGER. No. But I take the testimony of the Chief of Engineers, who says that information is not on the map and that he has to put additional information on those maps; and he wants money voted to make those maps so that they can be available. And I will say further—

Mr. GARDNER. Will the gentleman yield? Mr. SHALLENBERGER. Certainly.

Mr. GARDNER. I have seen this work being done. They have been doing that work in my neighborhood; that is, year before last. Now, the old Geological Survey maps were not upto-date. They had to have parties from the Army Engineers going around all through Cape Ann in Massachusetts in order to find where the new roads were, to find all the changes that have taken place since 1884, which was the last date of the Geological Survey maps

Mr. SHALLENBERGER. I just wanted to read here one

part of the testimony of Gen. Black. I read:

There was this difference, Mr. Kahn: Our maps were evidently so confidential and the information contained in them was so confidential that we proposed to print these ourselves on the press you gave us last

In other words, they consider the information they had so confidential that they proposed to print it themselves, and inasmuch as the maps were of that character we felt warranted in giving them the money that they ought to have in order to carry out the plan to secure the information they said they ought to

Mr. MANN. I have been appealed to very strongly by some of the civil engineers of the country to be in favor of this proposition, because it simply added \$200,000 more for the making of topographical maps, just as the Geographical Survey is now doing. I think they know about it.

Mr. CRAGO. The new information contained on these war maps is more valuable than the information that was on the

original maps.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation

of a point of order.

Mr. KAHN. Mr. Chairman, if the gentleman will allow me, the committee went to the engineer station at Washington Barracks here and saw what the Engineer Department was doing in connection with these maps. They get the maps originally from the Geological Survey and the Coast and Geodetic Survey. the Geological Survey and the Coast and Geodetic Survey. They buy them originally from those surveys, and then they have their engineers out in various parts of the country surveying the roads that might be used for military purposes and taking cognizance of every condition that might be useful in case of military operations. The map looks entirely different when the engineers have finished it. There is twice as much information on the map as there was when they first got it from the surveys,
Mr. STAFFORD. May I ask the gentleman a question?

Mr. KAHN. Yes.

Mr. STAFFORD. Do I understand that these maps are to be for the exclusive use of the Army?

Mr. KAHN. Absolutely.

Mr. SHALLENBERGER. I say they are to be for the confidential use of the Army.

Mr. STAFFORD. They are to be for the confidential use of the Army, and not to be distributed to the public generally?

Mr. KAHN. Absolutely. Mr. STAFFORD. Is it the plan of the Committee on Military Affairs that the country should be placed on a war footing, so that the War Department should know every nook and corner of the country in case of invasion from this or that imaginary foe?

Mr. SHALLENBERGER. It is the purpose of the War Department to prepare these military maps as rapidly as they can be made. It was stated before our committee that if we were engaged in war now we would find that other nations have better military maps of our own country than we have. That has been the case with respect to other countries, so that we have recommended this appropriation so as to start a proper system of military maps for our country.

Mr. KAHN. I have not relinquished the floor yet.
Mr. SHALLENBERGER. The gentleman will excuse me.

Mr. KAHN. The portion of the country that has been surveyed for this purpose is exceedingly small. They have just made a beginning along some of our coasts.

Mr. STAFFORD. Do they plan surveying the interior of the country-Illinois and Indiana?

Mr. KAHN. Oh, no.
Mr. STAFFORD. I have no fear of a military invasion of
my State or the interior of the country. I am not afflicted with hysteria about any contemplated invasion of this country. I would like to inquire whether the War Department has made any estimate as to the total expense that would be involved when this work is completed?

Mr. DENT. It was not brought out before the committee in

these hearings

Mr. SHALLENBERGER. This will be a continuing appropriation.

Mr. STAFFORD. It will be an enlarging and a continuing

appropriation?

Mr. DENT. It will be a continuing appropriation, and per-haps larger. As I recall it, outside of the Texas border and a few points on the Atlantic seaboard, practically no map work has been done at all, so that if we begin this work it will be very expensive, I will state in fairness to the gentleman from Wisconsin

Mr. STAFFORD. Does not the gentleman think we should have some estimate of the complete cost before launching on it

in this way?

Mr. DENT. I think that would be necessary before we com-

pleted the scheme; yes.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Connecticut?

Mr. STAFFORD. Yes; I yield to the gentleman. Mr. TILSON. I wish to make a statement, Mr. Chairman. It has been my lot and duty as an officer to use these very maps that we are speaking of here. They are founded upon the Geological Survey maps, or the Coast Survey maps, or the Lake Survey maps, as the case may be, and upon these maps is placed the military information that is considered to the contract of the contr the military information that is considered to be necessary for military operations. The maps that I used on the Mexican border, or the part of the United States adjacent to the Mexican border-

Mr. STAFFORD. What is the character of the information that is added to these topographical maps of the Geological

Survey?

Mr. TILSON. Well, I was going on to tell the gentleman. One thing is cleared or cultivated ground, fields that could be used for landing places for aircraft. Another thing is the character of the water supply. Another thing is the character of the roads with reference to military uses. Another is the nature of the fences. A number of other things are put on. In fact, the character of the terrain generally that is not shown by the topographical lines or otherwise on the ordinary Geological or Coast Survey maps.

Mr. BENNET. Mr. Chairman, will the gentleman yield?
Mr. TILSON. Yes.
Mr. BENNET. The gentleman has had military experience in the last year?

Mr. TILSON. Yes; I have.
Mr. BENNET. Is it the gentleman's experience from practical use that these maps do contain information that the ordinary United States Geological Survey maps do not contain?

Mr. TILSON. Yes; and when prepared these maps are given out with the legend "Confidential" marked on them. Each commanding officer has to take account of the maps confided to him and be responsible for the return of them. I know, because I happened to be one of the commanding officers who had to be responsible. Personally I had to gather up those maps and return them to the Engineer Office. They are entirely confidential.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MANN. Did the department have these maps with the territory along the border marked when the gentleman went down there?

Mr. TILSON. We had to wait several weeks before we could get them.

Mr. MANN. Did the gentleman use them?
Mr. TILSON. I did.
Mr. MANN. For what?
Mr. TILSON. For maneuver purposes.
Mr. MANN. I do not see what information there would be on them for maneuver purposes more than would be on a topographical map.

Mr. TILSON. Oh, yes; we were in a country with which we were not acquainted. It was important to know such things,

even for camping purposes.

Mr. MANN. I have traveled through mountainous and wooded country many times with one of these topographical maps on my person.

Mr. GREENE of Vermont. The gentleman did not have to

select military sites for defensive purposes

Mr. MANN. I do not think they had to down on the border,

Mr. GREENE of Vermont. I think it is important to know how to do it.

Mr. MANN.

They did not select them.

ORD. This seems to be putting the country on the Mr. STAFFORD. basis of an armed encampment. The chairman of the committee says he has no information as to the total amount that may be involved in the work that is proposed under this item. It seems that the War Department has had no difficulty in getting this information and placing it on topographical maps so far as the border is concerned. I am informed that other appropria-tions are available for this work and that provision will be carried in another bill. I think until we have further information the matter should go over.

Mr. TILSON. Will the gentleman withhold his point of order for a moment? I wish to state that while we are lacking in many things to put us in a state of preparation, we are lacking more in these maps than in any other one thing that I know of. There are only a few parts of the country of which these mili-

tary maps have been made.

Mr. STEPHENS of Texas. If the gentleman will yield on that point, is it not a fact that there is but one map, covering one county near Laredo, and that a topographical and geological map of the country from the Gulf of Mexico to the Great Bend, above the mouth of the Pecos River along the Mexican

Mr. TILSON. I can not answer that. I only know that on the particular part of the border where I served we had these

progressive military confidential maps.

Mr. STEPHENS of Texas. These folios cover only a very few, possibly not more than 20, counties in the whole State of

Mr. TILSON. I was informed by military men that there were very few of them comparatively, and that we were very much behind in the preparation of military maps of the country.

Mr. GREENE of Vermont. Let me read from Gen. Black's own statement made to the committee a year ago:

The maps are pretty fair in the States where there are Geological Survey maps. When you get south of the Potomac you find almost none along the coast. Down at Charleston when we tried to get up a map of the territory back of the coast the latest we could get was a map prepared in 1863 by the Confederate engineers engaged in the defense of Charleston.

In the South, where we have been making maps lately, we wrote to the governor of South Carolina and to the governor of Georgia and to the governor of Florida, saying: "Please send us all the maps you have." They said they were sorry to say they had none of any kind. They said, "We would be glad to cooperate, but we have nothing." There are almost no Geological Survey maps for that section. So it has gone.

Mr. STAFFORD. Under what appropriation are they mak-

ing these maps to-day?

Mr. GREENE of Vermont. Under such appropriations as have been carried in the bill for military map-making purposes.

Mr. STAFFORD. This is a new item. The gentleman from Connecticut [Mr. Tilson] states that the War Department has

had these maps-

Mr. TILSON. Let me tell the gentleman how they made them on the border. They had a small force of engineer officers. The officer in charge sent through all the National Guard regiments and asked for the detail of every officer and man who was capable of making maps, drafting, or anything of that kind. They took officers and enlisted men from the National Guard organizations in order to assist the small engineering force to make these maps. Probably there was no expense, so far as the making of the maps was concerned, other than the regular pay of the Army officers.

Mr. STAFFORD. I make the point of order, Mr. Chairman. The CHAIRMAN. The gentleman insists on the point of or-The point of order is sustained.

The Clerk read as follows:

#### ORDNANCE DEPARTMENT.

ORDNANCE DEPARTMENT.

Ordnance service: For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the Ordnance Service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals, which may be paid for in advance; and payment for mechanical labor in the office of the Chief of Ordnance, and for purchase, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, \$350,000.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 50, line 2, after the figures "\$550,000," insert the following: "Provided, That hereafter mileage to officers of the Ordnance Department traveling on duty in connection with that department shall be paid from the appropriation for the work in connection with which the travel is performed."

Mr. DENT. I reserve a point of order. I did not catch the

wording of the amendment.

Mr. HULL of Iowa. Mr. Chairman, I hope the chairman of the committee will not press the point of order. would simplify the bookkeeping in the Ordnance Department. We have had a great many complaints in our committee and on the floor of the House that you do not know how much some things cost. Whether that is true or not, I am not here to argue that point, but unless the expense that is incurred is carried to the proper account you do not know. This proviso simply places where it should be placed the expense that is incurred in the Ordnance Department,

The Secretary of War sent to our committee the following statement in regard to this provision. It was asked for by the Ordnance Department, and, in a letter published as House Document No. 1950, was transmitted to our committee with the recommendation of the Secretary of War that it be put in the

bill. This is what he says:

recommendation of the Secretary of War that it be put in the bill. This is what he says:

The act approved April 23, 1904 (33 Stat., 267), states:
"Provided, That hereafter \* \* all allowances for mileage shall be made solely from the sums herein appropriated for such purposes."

This has been decided by the Comptroller of the Treasury to apply to all acts making mileage appropriations. So far as pertains to the Ordnance Department, this provision results necessarily in difficulty concerning the procurement of material, its inspection, and its development. It quite generally happens that after the first half of the fiscal year the total appropriation for mileage of officers is considerably reduced and that thereafter the relative needs of the entire service must be considered in issuing travel orders. It thus occurs that inspection trips and work in connection with development and procurement of war supplies are curtailed in the Ordnance Department, or altogether omitted, to the disadvantage of the Government, because of other needs which are more pressing but entirely unrelated to the duties of that department. A more businesslike method would be in accordance with the commercial practice which would authorize the payment of actual traveling expenses or of mileage to ordnance officers from the appropriations in connection with which the travel is incurred. This would result in charging against each class of war material the proper expenses in connection with its procurement, which is not now done. It would also considerably facilitate promptness, since the Chief of Ordnance or an arsenal commander could direct the necessary travel to be performed, as should be done. At present if an arsenal commander finds travel of an officer necessary he must submit a request to the Chief of Ordnance, which must be forwarded to The Adjutant General of the Army, pursuant to which, if approved, a travel order must be issued and sent to the officer through the Chief of Ordnance, in the usual routine, which, as a rule, takes from

That is the provision I have submitted.

Mr. DENT. What is the gentleman reading from—a letter of the Secretary of War?

Mr. HULL of Iowa. Yes.

I reserved the point of order really because my attention was distracted at the moment and I did not catch the reading of the amendment. I will ask that the gentleman's amendment be read again.

The CHAIRMAN. Without objection, the Clerk will again port the amendment.

The amendment was again read.

Mr. STAFFORD. May I inquire from what item these officers are now paid?

Mr. HULL of Iowa. They are paid out of the general fund, but they have to get it from the Auditor General's Department. It is not charged against the Ordnance Department at all.

Mr. STAFFORD. Is the fund from which it is taken a specific fund or transportation?

Mr. MANN. It includes mileage.

Mr. HULL of Iowa. It includes mileage; in this case if they were to travel to inspect field artillery it would be charged to Field Artillery, and then you would know how much it cost. The way you are doing business now you do not know. It is simply to cut a little red tape out of the machine.

Mr. DENT. If I understand the amendment, it means that the mileage expense is to be taken out of each appropriation instead of the general mileage appropriation. For the officers

of the Army

Mr. HULL of Iowa. That is right. If they are going to buy machine guns and they travel to inspect them, they pay for it out of the appropriation, so that we will know what it costs.

Mr. STAFFORD. Would the committee know how much was being spent for transportation? Would not the committee be confused as to how much was to be expended for the total transportation?

Mr. HULL of Iowa. No; not necessarily; because we could

always trace it back.

Mr. DENT. Mr. Chairman, I will have to make the point of order that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Ordnance stores, ammunition: Manufacture and purchase of ammunition for small arms and for hand use for reserve supply, ammunition for burials at the National Soldiers' Home in Washington, D. C., ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sallors' State homes, \$12,000,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 50, line 13, strike out the figures "\$12,000,000" and insert in lieu thereof "\$14,978,000."

Mr. HULL of Iowa. Mr. Chairman, this amendment brings us to the very brass tacks of preparedness. You have heard a great deal in the last year or so about preparedness. Ninetenths of what we have heard concerns the enlistment of the personnel of the Army. As a matter of fact, if we would pay nine-tenths of our attention to ordnance we would come nearer

being ready when called upon for defense.

The lesson we learn from history and the lesson we learn from the European war is that ordnance is the very foundation of all preparedness. You have in this country an opportunity to prepare your ordnance for defense. You have five great working pare your ordnance for derense. Low have going to, and I arsenals that are to-day unmanned. I am not going to, and I arsenals that are to-day unmanned. Everybody is to blame that has had anything to do with this. If war comes to this country within the next one or two years, the first thing that will develop will be a shortage of munitions, and I call your attention to it now. When you come to go back and find out who is to blame you will find that it is the men who have not given this department the money and authority that they asked for. They are the ones to blame, and unless they vote for this amendment it will be easy to place the blame in the future

Now, the time to correct that is to-day. You have an oppor-

tunity now.

The amount that I have proposed here is the exact amount that the War Department, the Ordnance Department, the General Staff, and the Secretary of War have asked for. Mr. TILSON. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. TILSON. For what purpose does the gentleman under-

stand the appropriation is to be expended?

Mr. HULL of Iowa. Manufacture and purchase of ammunition for small arms is the main thing, and the rest concerns some things for reserve supplies. The most of it is ammunition Without ammunition you can not defend the for your rifles. country.

Mr. DENT. Will the gentleman yield? Mr. HULL of Iowa. Yes.

Mr. DENT. As I understand the gentleman, his amendment provides the total amount suggested by the Ordnance Department, and that includes authorization contracts, does it not?

Mr. HULL of Iowa. Yes.

Mr. DENT. The Ordnance Department asked the Congress

to give it authority to make purchases, so that Congress would be bound in the next appropriation bill to carry it out. The Military Committee turned down all those requests for authoriza-

Mr. KAHN. The amount estimated for this particular item was \$12,930,000, and the committee decided to give them \$12,000,000.

Yes; we reduced it just that amount and cut Mr. DENT. out the authorization.

Mr. GARDNER. Was not there a supplemental estimate? I call attention to page 5 of the letter of the Secretary of War,

which states that the estimate was \$14,978,000, and the House allows \$12,000,000, a difference of \$2,978,000.

The CHAIRMAN. The time of the gentleman from Iowa has

expired.

Mr. GARDNER. Mr. Chairman, I move to strike out the last I ask unanimous consent to proceed for 10 minutes. In this bill the Committee on Military Affairs has made drastic reductions in all the ordnance items far below the estimates made by the Secretary of War. It will be just as well to discuss all these reductions together instead of taking them up one by one.

The CHAIRMAN. Is there objection to the request of the

gentleman from Massachusetts?

There was no objection.

Mr. GARDNER. While Secretary Garrison was still in the War Department he instituted what was known as the Treat Board. The Treat Board consisted of a number of officers who were charged with the duty of reporting on the amount of field artillery and field-artillery ammunition which we ought to accumulate against the possible outbreak of war. The Treat Board submitted its report last year, but subsequently its figures were a good deal cut down before they were finally approved by the Secretary of War. The board recommended us to accumulate field artillery to the amount of \$154,057,310 worth and fieldartillery ammunition to the amount of \$170,000,000 worth, in order to give us a sufficient supply till we could manufacture more in case war should break out. [Exhibit A.] Under the plan adopted by the Secretary of War these reserves of artillery and ammunition were to be accumulated in the next seven years, and it was proposed that each year we should appropriate enough money to pay for one-seventh of the amount needed.

Accordingly, last fall the Secretary in his estimates asked

Congress this year to appropriate in this bill \$14,000,000 for field artillery and \$12,200,000 for field-artillery ammunition. Instead of acceding to this very reasonable request the committee proposes in this bill that we shall appropriate only \$10,000,000 for field artillery and \$10,000,000 for field-artillery ammunition. A glance at the Secretary's letter of February 10, which I shall print with these repurely shows conclusively the which I shall print with these remarks, shows conclusively the folly of this and similar parsimony in the matter of machine guns, and so forth. [Exhibit D.] The War Department also decided that we ought to accumulate 12,000 machine guns in the next three years. The Secretary divided the total necessary appropriation by three and recommended us to appropriate \$19,139,000 for machine guns in this year's bill. The committee unluckily felt otherwise about the matter and has cut this sum down to \$7,350,000. A similar criticism applies although by no means to an equal degree to the committee's action with regard to small arms and small-arms ammunition; that is to say, to rifles and to machine-gun and rifle ammunition. According to the plan of the War Department the necessary small-arms reserve for an Army of 1,000,000 men was to be accumulated within three years.

These estimates which the Secretary of War submitted to Congress as imperatively necessary to supply us with ordnance of all sorts, antiaircraft guns, rifles, cannon, ammunition, and so forth, amounted to \$94,362,200 for this year. In lieu of that amount the bill which we are considering provides only \$58, 960,000. In other words, the amount is a little over \$35,000,000 by which the Military Committee has cut down the Secretary of War's estimate of our necessities in the matter of ordnance. When this bill was reported by the committee the Secretary of War wrote a letter of protest to the chairman. I shall print it in connection with these remarks.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. FARR. Have we any antiaircraft guns?
Mr. GARDNER. We have a few in the Navy, but none, I think, in the Army. This bill carries a provision for \$250,000

for antiaircraft guns, but according to the estimate of the Secretary, \$1,000,000 is needed.

Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.
Mr. KAHN. The Chief of Ordnance stated to the committee that he had not yet developed a proper antiaircraft gun, and that is why the committee cut down the amount.

Mr. GARDNER. Be that as it may, on February 10, after you reported your bill, the Secretary of War wrote you a strong protest against the committee's parsimony. He says, among

The original estimates of the supply departments were carefully considered by a committee of the General Staff and reductions made in the cash estimates of \$33,537,311.98. From an examination of the bases of the estimates above noted it is seen that any further reductions in the original amounts may result in the defeat of the full development of the features of legislation enacted in the last session of Congress in behalf of national defense. The increases in the military forces now provided require additional expenditures. In addition it is known that there is a great deficiency in reserve supplies required for national defense. These deficiencies can only be made good by the abundant use of national funds. (Exhibit D.)

Mr. Chairman, there is a very serious reason and a fairly good answer which Gen. Crozier, Chief of Ordnance, would undoubtedly give if you were to ask him why it is that we are so slow in accumulating even that small amount of artillery and ammunition for which we have already appropriated the money. Unquestionably he would point out that the law forbids him to purchase any considerable part of the needed supplies. Most of the ordnance he must manufacture. In the very next paragraph of this bill, for instance, you will notice that not more than one-third of the sum appropriated for small arms and ammunition shall be expended in the purchase of those articles. Whenever in this bill such a restriction appears I propose to offer an amendment leaving the questions of purchase or manufacture to be determined "in the discretion of the Secretary of War." There you have one of the lesser reasons why we can not go ahead and accumulate our ammunition and our artillery, although, of course, the chief reason is that we never have been willing to spend the money. I hold in my hand a series of let-ters from the Secretary of War or from Gen. Crozier, written within the last few months in response to questions which I submitted. Among other questions, I asked how many 6-inch fieldpieces we have. On October 5, 1916, the Acting Chief of Ordnance replied that we have only forty-two 6-inch fieldpieces, all howitzers. [Exhibit B.]

I asked Gen. Crozier how many field guns we own bigger than 6 inches in diameter. On November 25, 1916, he replied that we have just one gun larger than 6 inches in diameter—a 7.6-inch howitzer. [Exhibit C.] He said that a 9½-inch howitzer and a 12-inch howitzer are under design. [Exhibit B.] By the way, that same 91-inch howitzer was under design over two years ago, according to the general's testimony on December 8, 1914, before the Committee on Military Affairs. The general's letter of November 25, 1916, tells us that we have, not counting mountain guns, actually completed only 742 field guns. Seven hundred and forty-two field guns are considerably less than Russia had a dozen years ago in the Battle of Mukden, and everyone knows that, compared to the European warfare, the Russo-Japanese War was almost a pacifist conferwarfare, the Russo-Japanese value of the Russo-Japanese value of the Russo-Japanese value of the Russo-Japanese value value value of the Russo-Japanese value valu ammunition actually completed. That amount is less than three-quarters of the amount of artillery ammunition which, according to the press, was expended in a single day by Great Britain in her advance on the Somme last July. In other words, on a small section of a single front in Europe our entire stock of ammunition would have kept the artillery of the attacking forces supplied for three-quarters of a day.

EXHIBIT A.

WAR DEPARTMENT, WASHINGTON, January 23, 1917.

Washington, January 23, 1917.

Hon. A. P. Gardner,

House of Representatives.

Dear Sir: Replying to your letter of January 15, 1917, requesting certain data with regard to the contents of the Treat Board report, the following information is furnished, the questions asked in your letter being repeated for convenience:

First. What is the total amount and total value of Field Artillery which ought to be accumulated in anticipation of the possible breaking out of war?

Nine hundred and seventy-eight firing batteries.
One hundred and seventy-six ammunition batteries; value, including harness, \$154,057,310.

Second. How much of this requisite has actually been completed according to your latest available figures?

One hundred and eighty-three and one-half firing batteries completed; value, including harness, \$18,025,902.

Third. How much of this requisite has been authorized and appropriated for over and above the amount completed?

One hundred and forty and one-half firing batteries and 17 ammunition batteries authorized and appropriated for; value, including harness, \$19,188,670.

Fourth. What is the total amount and total value of Field Artillery ammunition which ought to be accumulated in anticipation of the possible breaking out of war?

Seven million four hundred and fifteen thousand rounds; value, \$170,000,000.

Fifth. How much of this requisite has actually been completed according to your latest available figures?

Seven hundred and seventeen thousand five hundred rounds completed; value, \$10,289,300.

Sixth How much of this requisite has been authorized and appropriated for over and above the amount completed?

One million five hundred and nine thousand five hundred rounds authorized and appropriated for over and above amount completed; value, \$22,860,700.

Seventh. What is the total amount and total value of machine guns which ought to be accumulated in anticipation of the possible breaking out of war?

Seventeen thousand two hundred and eighty-three machine guns required, per recommendations of the machine-gun board, 1916; value, \$49,694,450.

Eighth. How much of this requisite has actually been completed according to your latest available figures?

One thousand three hundred and twenty-five machine guns on hand, serviceable, although not of the adopted type. These will be replaced by adopted type as soon as available; value, at price of adopted model, \$3,771,000.

Ninth. How much of this requisite has been authorized and appropriated for over and above the amount completed?

Four thousand seven hundred and twenty-five guns complete, with the exception of certain articles which can be obtained more quickly than the guns, can be procured from funds available; value, \$10,221,000.

The Treat Board report did not consider the number of rifles to be accumulated in anticipation of the possible breaking out of war. The answer to question No. 10 is based on the number of rifles which out to be accumulated by the act of Congress approve

Twelfth. How much of this requisite has been authorized and appropriated for over and above the amount completed?

One hundred and ten thousand rifles authorized and appropriated for over and above the amount completed; value, \$3,200,000.

Respectfully,

NEWTON D. BAKER, Secretary of War.

EXHIBIT B.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, October 5, 1916.

Washington, October 5, 1916.

Hon, A. P. Gardner,

Representative in Congress,

Hamilton, Mass.

Dear Sir: 1. I have your letter of October 2, 1916 (O. 0, 000.71/692),
addressed to Gen. Crozier, and in his absence I am furnishing you with the information requested therein. The number of 6-inch fieldpieces completed to date is 42. These are all howitzers. One 7.6-inch howitzer, with its carriage, has been completed and has been undergoing test for several months.

2. A 91-inch howitzer and a 12-inch howitzer are under design, but none of either has been completed.

E. B. Babbitt,

E. B. Babbitt, Colonel Ordnance Department, Acting Chief of Ordnance.

EXHIBIT C.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, November 25, 1916.

Hon. A. P. Gardner,

House of Representatives.

Dear Sir: 1. I have your letter of November 21, 1916 (O. O. file 000.71/751), and the following is the information requested therein:

I. One 7.6-inch howitzer, with its carriage, has been completed and is undergoing test. This is the only mobile artillery cannon larger than 6 inches in caliber actually completed.

II. There are actually completed and in the possession of the United States, exclusive of the 7.6-inch howitzer referred to above, 742 field guns and carriages of modern types and 609,000 rounds of ammunition therefor. This does not include the 2.95-inch mountain guns with which part of the service is equipped and for which there is a reasonable supply of ammunition on hand.

Very respectfully,

WILLIAM CROZIER,

Brigadier General, Chief of Ordnance.

WILLIAM CROZIER, Brigadier General, Chief of Ordnance.

EXHIBIT D.

WAR DEPARTMENT, Washington, February 10, 1917.

Washington, February 10, 1917.

Sir: 1. The report of our committee, which accompanied Union Calendar No. 452. H. R. 20783, Sixty-fourth Congress, second session (Rept. 1432) stated that the total estimates, including supplemental estimates for the Military Establishment for the fiscal year ending June 30, 1918, were over \$320,000,000. The amount appropriated for the last fiscal year was \$267,596,530,10. The bill for 1918 carries an appropriation of \$247,061,108.50. Attention is invited to certain legislation incorporated in the bill, and the committee ends its statement as follows:

"The committee has amply provided for reserve supplies of all kinds, and, in its judgment, has sufficiently provided for the various features of the legislation adopted at the last session of Congress in behalf of national defense,"

2. The estimates for the Military Establishment for the fiscal year 1918 were based upon the following:

(a) The support of the Regular Army, including the second increment authorized by the national-defense act June 3, 1916, of 8,147 officers and 160,852 enlisted men with the colors and 25,000 enlisted men in the Regular Army Reserve,

(b) The support of the National Guard, at an assumed strength of 10,307 officers and 230,253 enlisted men. These figures are based on the assumption that all organizations of the National Guard will be maintained at the minimum authorized strength fixed by the national defense act.

(c) The assumptions that during the fiscal year 1918 the Officers Reserve Corps will have a strength of 11,599; the Enlisted Reserve Corps, 17,439; and the Reserve Officers' Training Corps, 50,000; and that the attendance at training camps will aggregate 50,000.

(d) The construction of the additional accommodations required to house the Regular Army to include the first and second increments authorized by the national-defense act.

(e) The provision of one-fifth of the reserve stock of clothing required for a suitable reserve for 21 divisions of the Regular Army and National Guard.

(f) The accumulation of one-seventh of the amount of field-artillery material, including ammunition, to be procured under the project of the Treat Board.

(g) The accumulation of one-third of the small arms, small-arm ammunition, and other ordnance stores, remaining to be procured to complete the required supply for an army of 1,000,000 men.

(f) The accumulation of the aeronautical material remaining to be procured to equip the Regular Army, including all increments, and the National Guard.

(g) The accumulation of the aeronautical material remaining to be procured to complete the required supply for an army of 1,000,000 men.

(g) The accumulation of one-third of the small arms, small-arm ammunition, and other ordnance stores, remaining to be procured to complete the required supply for an army of 1,000,000 men.

(g) The ordinal estimates of the supply departments were carefully considered by a committee of the General Sta

Appropriation.	Estimate.	H. R. 20783.	Difference.
Pay of the Army.	897, 794, 995, 66	\$81, 860, 533. 40	\$15, 934, 462, 28
Subsistence of the Army	19, 293, 394. 00	16,500,000.00	2, 793, 394. 00
Corps. Incidental expenses, Quartermaster	13, 453, 995, 19	11,000,000.00	2, 453, 995. 19
Corps. Transportation of the Army and its	2, 199, 419. 96	1,800,000.00	399, 419. 93
support	16, 373, 780.00	15,000,000.00	1,373,780.00
Water and sewers at military posts	3,027,964.00	2,000,000.00	1,027,984.00
Clothing and equipage	17, 393, 233. 00	15,000,000.00	2, 393, 233. 00
Engineers	433, 400. 00	109,000.00	333, 400. 00
Barracks and quarters	7, 416, 767. 57	3,000,000.00	4,416,767.57
Military post exchanges	75, 445. 00	50,000.00	25, 445. 90
Roads, walks, wharves, and drain Barracks and quarters, Philippine	748, 331. 75	600,000.00	148, 331. 75
Islands	730, 000, 00	500,000.00	230, 000.00
Construction and repair of hospitals.	1, 250, 767. 00	750,000.00	500, 767. 00
Quarters for hospital stewards	70, 560, 00	25,000.00	45, 560. 00
Shooting galleries and ranges	45,000.00	45,000.00	
Maintenance, Army War College	10,700.00	10,700.00	
Rent of buildings	42, 225. 10	41, 225.00	1,000.00
Vocational training	5,000.00	5,000.00	
Films on in mont	200,000.00	75,000.00	125, 000. 00
Filing equipment	45, 000. 00 20, 000. 00	45,000.00	
Rifle ranges	3, 281, 000, 00	20,000.00	1 001 000 00
Council of national defense	200,000,00	2, 200, 000.00	1,031,000.00
Reserve Officers' Training Corps	4,385,000.00	4, 385, 000, 00	200, 000.00
Enlisted Reserve Corps	267, 650, 00	250,000.00	17, 650, 00
Schools and colleges	80,000.00	80,000.00	17,030.00
Total	188, 843, 628. 23	155, 3 92, 458. 40	33, 451, 169. 73

It will be noted that the estimates for the Quartermaster Corps have been cut as shown above in the sum of \$33,451,169.73. It will be impossible to properly provide for the Regular Army with the second increment added with the funds carried in the bill.

5. With respect to the appropriation of \$100,000 for horses for Cavalry, Artillery, and Engineers, and the proviso reading:

"That the Secretary of War is hereby authorized to sell for cash at either public or private sale such horses and mules as are not needed for either the Regular Army or the National Guard: Provided further, That the proceeds arising from such sale may be used for the purpose of carrying out the provision of the foregoing item: And provided further, That no part of this appropriation shall be used until the funds arising from the sale of such animals shall have been first exhausted."

Attention is invited to the fact that unless sufficient funds are obtained from the sale of animals to provide pay for a large number of employees now in the service at remount depots commencing July 1, 1917, it will be necessary to discharge them and therefore to close the remount stations at Front Royal, Va., Fort Keogh, Mont., and Fort Reno, Okla.

6. With respect to the proviso in the appropriation "Transportation of the Army and its supplies":

"That of the amount herein apprepriated not exceeding \$15,000 may be used for extraordinary expenses of transportation of West Point cadets to Washington, D. C., to attend inaugural ceremonies, and return, which sum small be immediately available."

 estimates submitted for the support of the

Total reduction

Appropriation.	Estimate.	H. R. 20783.	Difference.
Ordnance service.	\$425,000	\$350,000	\$75,000
Ordnance stores—ammunition	14,978,000	12,000,000	2,978,000
Small-arms target practice	2,850,200	2,000,000	850, 200
Manufacture of arms	7,350,000	6,000,000	1,350,000
Ordnance stores and supplies	16,515,000	10,000,000	6,515,000
Automatic rifles	7,350,000	3,000,000	4,350,000
Automatic rifles for National Guard	11,789,000	2,500,000	9,289,000
Armored motor cars	1,508,000	600,000	908,000
Antiaircraft guns	1,000,000	250,000	750,000
	1,200,000		1,000,000
National trophy and medals for rifle contests Field artillery for the National Guard	10,000	10,000	4 000 000
Ammunition for field artillery for the National	14,000,000	10,000,000	4,000,000
Guard	12,200,000	10,000,000	2,200,000
Rifle ranges for civilian instruction	500,000	300,000	200,000
Civilian military training	465,000	250,000	215,000
Ordnance stores and equipment for Reserve		200,000	220,000
Officers' Training Corps	1,504,000	1,000,000	204,000
Ordnance supplies and equipment for military			1
equipment of schools and colleges	718,000	500,000	218,000
Total	94, 362, 200	58,960,000	35, 402, 200

Particular attention is called to the reduction in the estimate of \$425,000 for Ordnance service to \$350,000. The full amount estimated for should be appropriated. The following reasons will make this

for should be appropriated. The following reasons will make this apparent:

The appropriation under Ordnance service, 1916, was \$325,000 for an Army of a total authorized strength of 104,100 officers and enlisted men. Since the 1916 appropriation was passed, labor and material have advanced as follows:

Labor, 10 per cent; material, 25 per cent.

Based on the assumption that 75 per cent of this appropriation is expended for labor and 25 per cent for material, for an Army of 104,100 men, the following amounts would be required at the present time:

Labor:

75 per cent of \$325,000Add 10 per cent for increase	\$243, 750. 00 24, 375. 00	
Material: 25 per cent of \$325,000 Add 25 per cent for increase	81, 250, 00 20, 312, 50	101, 562, 50
		101, 502, 50

Total for Army of 104,100 at present \_\_\_\_\_ 369,687,50

In other words, the sum of \$369,687.50 would be required under the appropriation Ordnance service, 1918, if the Regular Army had remained at the strength at which it was before the increase authorized by the act of June 3, 1916.

The estimate of \$425,000 is based on providing the funds required for the maintenance of the Regular Army, including the first and second increments, or a total of 167,035 officers and enlisted men—an increase of 62,935, or approximately 60 per cent. If the appropriation be passed at \$425,000, it would mean a net increase of 30 per cent above the amount appropriated for the Regular Army before the addition of the two increments—this 30 per cent to offset an increase of 60 per cent in the strength of the Army.

An examination of the above table will show that if the amounts of the original estimates are not restored the military resources of the country, in so far as munitions, stores, and supplies are concerned, will not be satisfactorily developed during 1918 on account of lack of funds.

the original estimates are not restored the military resources of the country, in so far as munitions, stores, and supplies are concerned, will not be satisfactorily developed during 1918 on account of lack of funds.

The bases for the estimates of the Ordnance Department are given in paragraph 3 above. To make the reductions indicated will result in increasing the time necessary for the accumulation of the supplies listed. Since these supplies can be procured under the best of circumstances only after considerable interval (in some cases amounting to a year or more), it is apparent that the amounts of the original estimates should be restored in the bill.

10. Office of the Chief Signal Officer: The original estimate under this heading was \$16,600,000, and the amount appropriated for the fiscal year 1917 was \$14,281,766. The amount carried in the bill is \$9,000,000. Of the original estimates \$1,000,000 was for the Signal Corps proper and \$15,600,000 for the aviation section. In the bill \$1,000,000 was allowed the Signal Corps proper and \$8,000,000 the aviation section. Of the amount estimated for the aviation section, \$4,800,000 was carried to and appropriated for in the fortifications bill, so that the reduction really amounts to \$2,800,000.

On consultation with the aviation section it is learned that the development of this important branch of our military service will not be seriously affected by the cut.

11. Council of National Defense: The estimate for the expenses of the Council of National Defense is \$200,000. In the bill this is cut out and it is provided that the unexpended balance remaining on hand June 30, 1917, of the appropriation of \$200,000 appropriated by the cat approved August 29, 1916, shall be available and that of this appropriation \$5,000 or so much thereof as may be necessary, may be used for the rent of officers in the District of Columbia.

On consultation with the office of the Council of National Defense, it is learned that the amount provided for 1918 is considered entirely imadeq

resignation, \* \* . Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve."

The purpose of the Officers' Reserve Corps is stated to be to secure "a reserve of officers available for service as temporary officers in the Regular Army, \* \* \* as officers of the Quartermaster Corps and other staff corps and depots, and as officers of volunteers." The President was authorized to prescribe rules and regulations for an Officers' Reserve Corps of the Regular Army. These are embodied in General Orders No. 32, War Department, 1916. Among other things these regulations prescribe—"No applicant will be examined who is an officer of the Regular Army on the active list or of the National Guard or who is not a citizen of the United States."

The regulations prescribed by the President were intended to carry out what was considered the intent of the law, namely, that National Guard officers were not eligible under its provisions for commissions in the Officers' Reserve Corps.

The enactment into law of the proviso above quoted would probably result in a large number of colonels and lieutenant colonels who have had National Guard service receiving commissions in the Officers' Reserve Corps. This would result disastrously both to said corps and to the National Guard Reserve.

In addition to the above objections it may be noted that the highest rank provided for the Officers' Reserve Corps in the act of June 3, 1916, is major, except of those officers who were listed as colonels or lieutenant colonels under the provisions of section 23 of the act of January 21, 1903. The number of these transferred to the Officers' Reserve Corps is as follows: Three colonels, Infantry; I colonel, adjuant general; 2; lieutenant colonels, Infantry; I colonel, adjuant general; 2; lieutenant colonels, Infantry; I colonel, adjuant general; 2; lieutenant colonels, Infantry; Undoubtedly Congress considered this

14. The proviso on page 72, lines 1 to 11, which provides that "not more than one-half of all of the officers detailed in said corps (General

Staff) shall at any time be stationed or assigned to or employed upon any duty in or near the District of Columbia," etc., amends section 5 of the act of June 3, 1916, so as to authorize the President to suspend the operation of the same in the event of actual or threatened war or similar emergency in which the public safety demands it. This amendment is considered satisfactory in so far as it goes, but to limit its operation to the event of actual or threatened war or similar emergency in which the public safety demands it is very inadvisable. The evil effects of the restrictions on the power of the President as Commander in Chief of the Army, to use the personnel of the General Staff for the best interests of the country is very apparent at the present time. Due to a shortage of General Staff officers it has been impossible to carry on a'l necessary General Staff officers on duty in Washington by ordering others there when the emergency has arisen. A great deal of detailed work is normally required that must be done in anticipation of emergencies. Under present conditions it is not possible to meet the requirements. It is very desirable that all restrictions on the authority of the President as to the use of the commissioned personnel of the Army be removed.

15. The provise on page 70, lines 23 to 25, and page 71, lines 1 to 9, amends section 15 of the national-defense act by omitting from it the following:

"Provided, That in the appointment of chaplains in the Regular

of the President as to the use of the commissioned personnel of the Army be removed.

15. The proviso on page 70, lines 23 to 25, and page 71, lines 1 to 9, amends section 15 of the national-defense act by omitting from it the following:

"Provided, That in the appointment of chaplains in the Regular Army preference and priority shall be given to applicant veterans, if otherwise duly qualified and shall not have passed the age of 41 years at the time of application, who have rendered honorable war service in the Army of the United States or who have been honorably discharged from such Army."

Section 12, act of February 2, 1901, provides that—

"No person shall be appointed a chaplain in the Regular Army who shall have passed the age of 40 years, nor until he shall have established his fitness as required by existing law."

The purpose of the proviso in the defense act is apparent. Since opportunity has been given for the appointment of chaplains under it there seems no serious objection to the amendment as proposed.

16. Of the remaining legislation the following deserves serious consideration. Under "Pay of the Army," pages 9 and 10 of the bill, is the following proviso:

"Provided, That no part of this appropriation shall be paid to any officer of the line of the Army who shall be appointed or promoted in violation of any of the terms next hereinafter specified: That of the whole number of officers of Cavalry, Field Artillery, Coast Artillery Corps, Infantry, and of engineers serving with the enlisted force of the Corps of Engineers necessary to fill vacancies created or caused in said arms of the service by reason of the second increment, authorized by said arms by act of Congress approved June 3, 1916, not more than one-fourth shall be appointed or promoted until, exclusive of enlisted men belonging to said arms on June 30, 1916, at least one-fourth of the second increment of enlisted men shall have been enlisted, and not more than three-fourths of said whole number of officers shall be appointed or promot

under the terms of this proviso if enacted into law will be to increase the authorized commissioned personnel in proportion to the increase in the enlisted personnel.

The first increment will be practically complete at the close of the current fiscal year, a marked improvement when compared with the vacancies at the close of the last fiscal year, when there were nearly 26,000 vacancies in the enlisted strength. If the proposed proviso is enacted into law but one-fourth of the officers provided for the line as the second increment by the national-defense act can be appointed at the beginning of the year. The second fourth would probably be available about September 30, 1917, and the third fourth about December 31, 1917, and the last quarter about March 31, 1918.

Assuming that 25 per cent of the commissioned second increment under the provisions of the bill will be added July 1, 1917, and 25 per cent each quarter thereafter, the difference in pay due to this method of promotion and that contemplated in the national-defense act of June 3, 1916, would amount to \$240,462. This difference is not considered sufficiently important of itself to warrant departure from the provisions of the original act of June 3, 1916. The terms of the defense act are definite and permit plans for organization and equipment of the increment to be made up in advance. The amendment proposed would greatly inspite of the fact that adverse conditions existed along our southern border. It was found that a serious shortage existed in the number of young officers necessary should be enactment of the proposed amendment.

The necessity of trained officers in any efficient military force has been accentuated by the developments of the present European war. Applications for commissions should be encouraged, and the large number of young officers necessary should be adversely affected. The organization of the amendment, therefore, would be largely confined to a retardation of the amendment. The organization of the promotion of the Regular officers

of last year.

17. Attention is called to the fact that certain remedial legislation considered necessary to supplant the defense act of June 3, 1916, has not been included in H. R. 20783.

18. It is recommended that appropriation be made for the Military Establishment under the various headings of H. R. 20783, Sixty-

fourth Congress, second session, to the amount of the original estimate: except in the case of the Office of the Chief Signal Officer. The amount appropriated in the bill, namely, \$9,000,000, is considered sufficient, since a large part of the original estimate, \$4,800,000, was provided for in the fortifications bill.

At the request of the Chief Signal Officer that the proviso, page 8, lines 13 to 17, be changed by substituting for \$1,000,000, \$4,500,000. Unless this is done the development of the Aviation Section will be seriously interfered with.

(b) That the following provisos be stricken from the bill:
That on page 9, lines 24 and 25, and page 10, lines 1 to 23.
That on page 72, lines 18 to 25, and page 73, lines 1 to 14.
That there be substituted for the proviso, page 72, lines 1 to 11, the following:

That on page 9, lines 24 and 25, and page 10, lines 1 to 23.
That on page 72, lines 18 to 25, and page 73, lines 1 to 14.
That there be substituted for the proviso, page 72, lines 1 to 11, the following:

"Provided further, That the provisions of section 5 of the act of Congress approved June 3, 1916, relative to restrictions of the employment of General Staff officers in and in the vicinity of the District of Columbia and the assignment of officers to duty in the Office of the Chief of Staff are hereby repealed."

That in case it is impossible to secure the omission of the proviso, page 9, lines 24 and 25, and page 10, lines 1 to 23, it should be amended to read as follows:

"Provided, That no part of this appropriation shall be paid to any officer of the line of the Army who shall be appointed or promoted in violation of any of the terms next hereinafter specified; that of the whole number of such officers necessary to fill vacancies created or caused by reason of the second increment and authorized by the act of Congress approved June 3, 1916, not more than one-fourth shall be appointed or promoted until, exclusive of enlisted men belonging to the line on June 30, 1916, at least one-fourth of the said increment of enlisted men authorized for the line by said act shall have been enlisted; not more than one-half of said whole number of officers shall be appointed or promoted until at least one-half of said increment of enlisted men shall have been enlisted; and not more than three-fourths of said increment shall be made in each grade of each branch in the manner prescribed by existing law for the entire increment, and all officers promoted in accordance with the terms of this proviso shall take rank respectively from the dates on which their promotion shall have become lawful under the terms hereof."

The purpose of this amendment is to prevent promotion in each arm under the enactment from being dependent on enlistments for that arm. Difficulties would attend the execution of the law as now given in H. R. 207

NEWTON D. BAKER, Secretary of War. CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Mr. FARR. Mr. Chairman, I would like to ask the chair-

man of the committee how many antiaircraft guns we have?

Mr. DENT. The Army has none. This is the first time an appropriation for this purpose has been made in an Army appropriation bill.

Mr. FARR. Well, have we anything approaching that in-strument of defense that would protect us in case a machine hovered above the Capitol to-night or to-morrow and dropped explosives on us?

Mr. DENT. Nothing I know of, I will say to the gentleman. Mr. CALDWELL. The only thing we have are the small rapid-fire guns that can be used somewhat for that purpose.

Mr. FARR. What is the range?
Mr. CALDWELL. But it is not of sufficient power, nor is it designed, to take care of the ordinary—

Mr. GARDNER. The gentleman means the Bennet-Mercier? Mr. CALDWELL. No; the Lewis gun, of which we have

Mr. FARR. I wanted to ask seriously at this time, in case we should have trouble within a year, would we have any antiaircraft guns ready and how long would it take to construct them?

Mr. DENT. I told the gentleman a moment ago this is the first time this bill carries appropriation for the antiaircraft guns, and this is the first time that any suggestion has been made to the committee that we should have them.

Mr. FARR. Notwithstanding they have had three years' experience across the ocean?

Mr. DENT. I do not know about the "notwithstanding," but it is a fact this is the first time it has been made.

Mr. KAHN. Will the gentleman yield?
Mr. FARR. I will.
Mr. KAHN. I want to say to the gentleman there probably would have been no suggestion made to the committee this year if the committee itself had not brought out the fact that we had none when some of these matters were up before the com-

Mr. DENT. And I may add that was brought out by the gentleman from California, and it was upon his suggestion

this was put in.
Mr. FARR. Are there any statements as to how long it will take to manufacture these guns?

Mr. KAHN. I do not recall that there are.

Mr. MANN. The gentleman from Pennsylvania knows that was gone into very carefully before his committee, and now he has the information, why not give it to us?

Mr. FARR. I have not, as to the length of time, I will be

frank to say to the gentleman.

Mr. MANN. It was stated when the naval bill was up

under consideration.

Mr. FARR. We have antiaircraft guns now mounted on some of our ships and have appropriated \$629,000 in this session's naval bill for antiaircraft guns for all ships already in commission. As new ships are authorized antiaircraft guns will be provided under armor and armament appropriations. Additionally the pending naval measure appropriates \$3,800,000 to provide antiaircraft guns and ammunition at naval stations and maga-This discussion shows that while substantial progress has been made in the Navy to supply this important weapon for protection against enemy aircraft, nothing has been thus far done in the Army, except what is provided in the measure now under consideration, to protect us against aerial attacks. That is the reason I wanted to know how long a time is required to

make these guns.

Mr. KAHN. If the gentleman will permit me, Gen. Crozier stated to our committee that he had not as yet developed a

single antiaircraft gun.

Mr. FARR. And no suggestion as to how long it will take to make one?

Mr. KAHN. None whatever.

FARR. In case trouble should arise a very serious

question would arise there?

Mr. SHALLENBERGER. Mr. Chairman, I want to say in reply to the criticisms of the gentleman from Massachusetts that I have been an advocate of the increase of the amount of rifles and rifle ammunition, because I think that is the most important arm with which soldiers fight, and therefore I have advocated liberal appropriations in this respect. The bill reported by this committee a year ago carried \$10,000,000 for this particular item. Now, I questioned the Chief of Ordnance as to what disposition he had made of that money, and the record shows that he admitted that he had manufactured about 27,000,000 rounds only in the arsenals; that the amount they had contracted for from private parties was, to be accurate, \$2,810,-000 in the purchase of ammunition. In other words, about \$6,000,000 of that money had been used, and he told us they contemplated securing something like 200,000,000 more rounds of ammunition out of that money. Now, we grant \$12,000,000

Mr. MANN. Is that the current appropriation to which the gentleman is referring?

Mr. SHALLENBERGER. I am referring to the money of a year ago.

Mr. MANN. The money we appropriated a year ago?

Mr. SHALLENBERGER. Yes.

Mr. MANN. That does not run out until the 30th of June. Why should they use

Mr. SHALLENBERGER. I am explaining why we did not

grant any more money for this purpose in this bill.

Mr. MANN. But the gentleman has stated that only \$2,800,-000 had been used up to a month ago, in about seven months of the year, and that there is only \$6,000,000 left to be used in the last five months, and that shows that they did not need the If they spent \$2,800,000 in seven months and only had \$6,000,000 to spend in the remaining five months, would it not show they needed more money?

Mr. SHALLENBERGER. If the gentleman will permit, and I can have his attention, the answer is that Gen. Crozier, Chief of Ordnance, could not give the committee any assurance that they could use any more money than we have furnished them for manufacturing ammunition. In other words, either in manufacture or in purchase, they could not satisfy the committee that they could find a place to use this money, and we granted him all the money that we thought he would use for

Mr. GARDNER. If the gentleman modified this provision which he has carried in every bill, providing for the purchase of more than a certain amount, it would relieve the situation a good deal, would it not?

Mr. SHALLENBERGER. The testimony of the Chief of Ordnance on that was that he could not purchase this ammunition at anything like a price at present that he thought was an economical or fair price to pay; that where the ammunition before cost about \$27 he is being asked to pay \$40 or more a thousand for this ammunition, and only one company has so far taken a large order for that, and that is at Alton, Ill., for 2,887,000 rounds, at \$45.45.

Mr. GARDNER. The gentleman is familiar with the provisions of the fortification bill relative to the purchase of powder and ammunition. They fix a maximum price for powder, and also they had a provision in the bill that if the private dealer wishes to charge more than 25 per cent in excess of Government manufacture the appropriation is not available. Has the gentleman given any thought of substituting those limitations which exist in the fortification bill for the limitations as they have

been carrying them for a number of years past in the Army bill?

Mr. SHALLENBERGER. I will say to the gentleman in general that I think it has been the policy of the Ordnance Department, since I have had any information about it, to purchase ordnance supplies on the outside at a higher price than they could manufacture it at the arsenals, and therefore I have advocated that we should operate our arsenals at greater capacity rather than to buy it on the outside.

Mr. GARDNER. I will say to the gentleman that I have discussed this matter a good deal with the gentleman from Kentucky [Mr. Sherley], who has given it a great deal of thought and study, and has come to somewhat different conclusions from the gentleman from Virginia, Mr. Hay, and I think his predecessor, for that matter. I think the gentleman from Iowa, John A. T. Hull, was also of the opinion-

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment offered—
Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. I wish to interrogate the gentleman from Massachusetts [Mr. Gardner], or anybody else who will answer. Now, Congress appropriated a large amount of money for this very purpose in the last bill.

Mr. GARDNER. Yes.

Mr. CLARK of Missouri. What is the reason they do not go on and make this ammunition when they have the money?

Mr. GARDNER. Of course, there is a qualification only allowing a certain amount of these various provisions for ammunition and artillery to be purchased. In other words, it is required to make a certain amount in Government factories. I can not tell the gentleman, but I have no doubt any member of the committee can tell him.

Mr. CLARK of Missouri. But year after year we have been appropriating large sums of money, and in the last two years larger sums than ever appropriated by any nation in time of peace, and yet every time we have these bills up there is complaint that we have not the guns or the ammunition, and that we have not anything. Now, what goes with the money, and why do they not go on and do what Congress tells them to do?

Mr. KAHN. Mr. Chairman, if the gentleman will permit, want to say to the gentleman from Missouri [Mr. Clark] that the last appropriation bill was not passed until the 29th of August, 1916, two months after the fiscal year began. hearings were held before the committee in December, three months thereafter. So that the committee does not know how much the Ordnance Department will be able to use this year. Gen. Crozier says he is operating his arsenals to the full extent at the present time. He could run them in two or three shifts.

Mr. CLARK of Missouri. Why does he not do it? Mr. KAHN. He is not able to do so because he says it is difficult to get the right workmen. He says he has had a great deal of difficulty in getting workmen. Personally, I feel that he is desirous of buying a great deal of this ammunition from private manufacturers. I think that it is good policy to buy some of it from private manufacturers

Mr. CLARK of Missouri. The gentleman does not think it is good policy to buy the major part of it, if we can make it

ourselves?

Mr. KAHN. Well, I do not think it is good policy to buy the major part of it, but there is not a country in the world that makes all of its own ammunition.

Mr. CLARK of Missouri. I know; but the cry goes up all the time that we have got no money; that we have got no ammunition; that we have no guns; and we have got nothing; and the newspapers hammer Congress when it is not the fault of

Mr. KAHN. It is not the fault of Congress. We are liberal with our appropriations, and the fault lies in the departments.

Mr. GARDNER. If I recollect rightly, altogether we appropriated in both committees last year something like \$35,000,000 for field artillery and field-artillery ammunition. It may have been \$45,000,000; but I think it was \$35,000,000. At that time was only one-tenth of the original estimate of the Treat Board. I complained bitterly at the time that 10 years was entirely too long to postpone our safety. It was the fault of Congress. It is true that the money was spent, but Gen. Crozier goes ahead with a very limited degree of rapidity. I do not

wish to criticize him. We disagree on most of these questions. But on the 1st of July next we will not have, in my opinion, over 1,100,000 rounds of field-artillery ammunition after we have spent every cent that Congress has appropriated up to the present time

Mr. CLARK of Missouri. I know; but \$5,000,000 of this last appropriation is left, is it not?

Mr. GARDNER. Very likely.

Mr. CLARK of Missouri. Then, why do they not get that \$5,000,000 worth of ammunition if they need ammunition?

Mr. GARDNER. They probably will by June 30 have a very

large part of it expended; but if they spend every cent that was appropriated for them, even then we will have got only as much ammunition as Great Britain expended in a single day on the Somme front.

Mr. CLARK of Missouri. What I am complaining about is that after we have appropriated the money we have the very

same thing to go over again; we have got nothing.

Mr. SHALLENBERGER. I will say that the appropriation a year ago carried \$10,000,000, with an authorization for spending \$5,000,000 of it in the purchase of ammunition from private parties. Now, we have not expended that \$5,000,000, nor have we manufactured anything like the amount we ought to have manufactured under the law at the arsenals. The reason we are not recommending here in this appropriation, I say, as much as the War Department asked of us is because they have not been able to show that they could in any way furnish or be prepared to furnish \$12,000,000 worth of small arms' ammuni-

tion. The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Chairman, I would like to have five minutes more

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CLARK of Missouri. What is the reason why we can not get ammunition made in the United States as easily as Great Britain gets it made here?

Mr. SHALLENBERGER. The only reason that I can give as an answer to that question is that the Ordnance Department does not use the full capacity of our arsenals to manufacture

ammunition as it should have done.

Mr. CLARK of Missouri. That is exactly it. Now, I will ask another question. Does Gen. Crozier think he can not get competent men to run three shifts of men at Rock Island and these other arsenals?

Mr. SHALLENBERGER. I understand he contends it is

not practicable to do that and get the best results.

Mr. CALDWELL. Gen. Crozier was examined very carefully respecting the three-shifts proposition, and he said it would increase the unit of cost if he put on three shifts over the unit of cost required with two shifts.

Mr. CLARK of Missouri. For what reason?

Mr. CALDWELL. He said he would have to double his

supervisory force and increase his overhead charges.

Mr. McKELLAR. Oh, he has not even kept the two shifts He is opposed to our system. He thinks a certain amount of ammunition ought to be manufactured, and he opposes these limitations that we have put on him, saying how it shall be manufactured. The Government manufactures from 20 to 25 per cent cheaper than they can possibly do under the best circumstances

Mr. CLARK of Missouri. When I was a boy, one of the sports we had in the woods was to catch these dry-land terrapins. They would draw in their heads and would not move until we put a fire on their backs. Now, I am in favor of putting a fire on the backs of these Government officials and make them do

what we give them money to do. [Applause.]
Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. GARDNER. Is the gentleman aware of the fact that we have not given them the money they needed? That is the

Mr. CLARK of Missouri. Why have they not done what they could with the money that we did give them?

Mr. McKELLAR. They hold it.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes. Mr. MANN. Mr. Chairman

Mr. MANN.

The CHAIRMAN. Does the gentleman yield, and to whom? Mr. MANN. I do not think it is a very difficult thing to understand what the Speaker was seeking information about. In the first place, if you buy any ammunition at this time you have to pay a much higher price for it than it would cost the

Government to manufacture it in its own arsenals, and if we buy any-I suppose we have bought some-I have been waiting to hear, and I know I will hear if I stay here very long as a Member of Congress, severe criticism, condemnation, accusation of crookedness against some Army officers because they have paid for ammunition manufactured by an outsider more than it would cost to manufacture an equal quantity of ammunition in an arsenal. Army officers are just as thin skinned as Members of Congress are, outside of a few of us, and the rest of the Members of Congress are exceedingly thin skinned when it comes to any kind of charges against them.

I have heard these charges made against all of the officials of the Government who did anything of this sort many times, and I have heard them made against Gen. Crozier on many occasions in this House, or similar charges. wondered at that he hesitates to expend even the limited amount we permit him to spend in the purchase of ammunition in time of peace, when he will have to pay 25 per cent, or even a greater per cent, more for it than an equal amount of ammunition costs when manufactured in the Government arsenals.

Now, the Speaker asks, Why don't they run more shifts? Well, they can not get the men. Why can they not get the men? Because the Government will not pay the same amount for good men that the private manufacturers do who are making ammunition for England and Russia.

Mr. GORDON. Mr. Chairman, will the gentlemen yield?
Mr. MANN. No; I do not yield yet. That is a fact. Everybody knows it is a fact.

Mr. SHALLENBERGER. The Chief of Ordnance said it was not the fact.

Mr. MANN. I do not know whether he said it or not. If he did, he made a mistake. I doubt whether he said it in that way, but I do not doubt the gentleman's statement. We all know-those of us who know anything about the business going on in the country-that men have been taken out of many factories throughout the country where they do not make ammunition and induced by much higher wages to go into manufacturing establishments where they do make ammunition on foreign contracts. I have had that matter stated to me scores of times by men who bitterly complained that their men were taken away from their factories by inducements to go at higher wages into other factories. We do not pay the wages. I do not say we should pay the wages. I do not undertake to determine that thing. I am sure that if we get out of what we consider peace we will be willing to pay any sum to get these men; but as long as we think we are at peace, and as long as a large share of this House believe we ought to make no provision for the possibility of war, they will be very much afraid to pay much higher wages, either in the Army or Navy, than they do now.

Mr. CLARK of Missouri. Mr. Chairman, I would like five

minutes. I do not think I will use all of that time.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CLARK of Missouri. The whole thing seems to me this I do not believe the gentleman from Illinois is correct when he says that the House has not any disposition to prepare. I think they have demonstrated over and over again that they have.

Mr. MANN. Oh, I beg the Speaker's pardon. I did not say

Mr. CLARK of Missouri. What was it you did say?

Mr. MANN. I said a large portion of the House did not be-lieve we ought to prepare, and the record of the votes will show

Mr. CLARK of Missouri. I do not believe the later votes do show that. I am this way about it: If we need this ammunition we need it when we need it and not some two or three months afterwards. According to the newspapers-I do not know whether there is any truth in it or not-we need it now, and if we need it now we need it like the fellow down in Mississippi wanted a pistol, like the very Old Harry. I am perfectly willing to undertake to defend Gen. Crozier, at least during the next Congress if he will go to work and get men enough to make three shifts in these arsenals, even if it does cost a little more than it would to run two shifts or one shift, because we have appropriated vast sums of money here and from the talk of the gentleman from Massachusetts [Mr. GARDNER] and some of these other men, it seems that we are just about as much unprepared now as we were 12 months or 2 years ago, and I can not understand it to save my life.

Mr. QUIN. The trouble is that the Ordnance Department

will not manufacture them. We put up the money.

Mr. CLARK of Missouri Why will they not do it? Mr. QUIN. They know there is no danger of war, and they

Mr. CLARK of Missouri. It is none of their business whether there is any danger of a war or not. If we appropriate the money to have a thing done, then the thing ought to be done.

Mr. KAHN. I would like to read what Gen. Crozier said about the three-shift proposition.

Mr. CLARK of Missouri. All right.

Mr. KAHN. I read from page 867 of the hearings:

MIT. KAHN. I read from page 807 of the hearings:

Gen. Crozera. It is very difficult to run a manufacturing establishment efficiently 24 hours a day. The quality of the labor and the quality of the superintendence, particularly, falls off very badly when we pass from two shifts to three shifts. We can run fairly efficiently at two shifts, but it would require a sudden increase of skilled superintendence and an amount of it which would be uneconomical to put in the third shift. The third shift would require us to work at hours of the day when no-body likes to work and when it is practically impossible to get men to turn out a good night's work—because that is what it would be—because they will not conserve their energy for the purpose. It is so out of accord with the ordinary habits of society that you can not get good efforts.

Mr. CLARK of Missouri. Well, I would change the habits of society, then. I think a good deal of Gen. Crozier. I think he is a very efficient officer. But the largest cement plant in the world is in my district. They run three shifts there all the

Mr. FITZGERALD. They do not employ the same kind of

labor that an ammunition plant does.

Mr. CLARK of Missouri. I do not say that the men who work in a cement plant are exactly the same kind of men that work in a munitions factory. This thing about staying up the last end of the night is all a matter of habit.

Mr. KAHN. If the Speaker will allow me-

Mr. CLARK of Missouri. Yes.

Mr. KAHN. There is a certain amount of danger in an ammunition factory. The greatest amount of care has to be exercised by everybody, or you are apt to have an explosion and

blow the whole thing into kingdom come.

Mr. CLARK of Missouri. A large percentage of the American people stay up and work the last end of the night-railroad men, printers, and people like that. Why can not these munition factory men learn to stay up the last eight hours of the night instead of the first eight hours, or the middle eight hours of the

Mr. KAHN. That is a much more precarious employment

than those that the speaker mentions.

Mr. GREENE of Vermont. May I suggest to the Speaker one reason given by Gen. -Crozier why there has not been so much progress made? He calls attention to the fact that the bill making the appropriations did not become a law until about the 1st of September. They have had only a very few months in which to make any showing of manufacture since the last appropriations were made.

Mr. CLARK of Missouri. It looks to me like we are in a

hole and can not get out of it.

Mr. FIELDS. Gen. Crozier had had only three months when

the hearings were held.

Mr. Chairman, I do not believe that Mr. FITZGERALD. Gen. Crozier can justly be criticized under existing conditions. Anyone who is familiar with his views knows that he has always frankly expressed the opinion that we should encourage private manufacturers in time of peace in order that there may be a very large reserve capacity in time of war. Recognizing the sentiment that exists in Congress in favor of Government manufacture he recommended this year and the sundry civil appropriation bill carries an item of almost \$3,000,000 to establish a new plant for field artillery ammunition at the Rock Island arsenal. Some of the work in connection with ammunition is such that it requires very high skill and very great accuracy. A thousandth part of an inch will make a shell unusable. If it is too large, it will not fit the chamber A thousandth part of an inch will make of the gun. In working men in such plants more than two shifts it is necessary to duplicate the supervisory force. supervisory force can not work more than the time required for two shifts.

In order to work three shifts the supervisory board must be duplicated, because they must be there all of the time. There were not in the United States enough skilled men to do the work suddenly thrown on the various plants of the country. eign Governments have placed very large orders for munitions at various times. Plants that have never manufactured munitions were converted into munition plants. The Stevens-Duryea Co., for instance, stopped manufacturing automobiles and took up the manufacture of arms. And so there was an extraordinary demand for skilled men, for competent men. The extent to which the private plants have gone to obtain

competent men is extraordinary. I have been told that an officer of the Ordnance Department was paid \$100,000 in cash and given a 6 per cent interest in the profits on contracts amounting to \$15,000,000, and in addition to a large annual compensation, in order that his services might be secured for a private establishment.

The reason that the inducement was so large was that he had a certain vested right to a permanent position with a retirement in the future. The Ordnance Department is the only place a skilled man competent to conduct such an establishment could be found. A great many ordnance officers have had offers of

this character.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SHALLENBERGER. How is it that a man in the Ordnance Department of the United States can take a position of that kind? The gentleman means a retired officer?

Mr. FITZGERALD. No; he resigned from the Army.

Mr. SHALLENBERGER. Resigned and went into this pri-

vate establishment?

Mr. FITZGERALD. Yes. The Army bill became a law some time in September. It became necessary to advertise and get Efforts were made to ascertain whether some plants could undertake these contracts, and be converted into munition plants. It has been ascertained that some were willing to do so, but they could not afford to submit bids unless they could get some assurance that they would get the contracts, because they could not abandon one class of work and prepare for another without getting assurance of a sufficiently large contract to justify such action.

The talk about the country being unprepared is very greatly exaggerated. The Treat Board report calls for an amount of ammunition to cost \$450,000,000 and is based on the theory that ammunition to cost \$450,000,000 and is based on the theory that we would have in the field 2,000,000 men. Long before we had occasion for 2,000,000 men in the field, long before we could place 2,000,000 men in the field by the mobilization of the industrial resources of the United States, ammunition will be provided far ahead of our ability to use it.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CLARK of Missouri. I started out to get some informa-on. I got a little, but not very much. I will ask the gentleman this: What is the reason the United States Government can not buy ammunition from these ammunition factories as well as can the British and the other countries?

Mr. FITZGERALD. They can, but there is no place in the

United States where you can go and buy ammunition like you

can potatoes.

Mr. CLARK of Missouri. I understand that.

Mr. FITZGERALD. It takes a considerable period of time to turn it out and the capacity of the plants is limited. Many of them are all tied up with contracts; and none of them are

equipped to turn out the particular things we need.

Attempts are being made to induce concerns to convert their plants into munition factories. The Army bill and the fortification bill carry appropriations of more than \$1,000,000 to enable the Ordnance Department to furnish to plants dies and tools and appliances so that they may, under limited orders, begin to manufacture various kinds of munitions, so that they may train their men, and if necessity arose, their plants may be rapidly converted. The criticisms that have been indulged in as to why we have not accumulated large quantities of ammunition are due to exaggeration. In the first place, we are not nearly as badly off as a great many men would have the country believe as to the provisions that have been made, and we have appropriated all the money that probably can be utilized within the time for which it is available.

Mr. TILSON. Mr. Chairman, I think in a few words I can give the Speaker some light on this question.

Mr. DENT. Will the gentleman allow me to make a suggestion? I ask unanimous consent that all debate on this paragraph and amendments thereto close in 17 minutes.

The CHAIRMAN. The gentleman from Alabama asks unani-mous consent that all debate on the paragraph and amendments The gentleman from Alabama asks unanithereto be closed in 17 minutes. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, the gentleman from New York barely touched on a subject that goes to the very vitals of this question of producing arms and ammunition. You will realize question of producing arms and ammunition. You will realize that all of these things must work with the highest degree of that all of these things must work a standard the accuracy. In order to produce work of this character in quantities a considerable number of inspection devices, gauges, jigs, special tools, and other appliances are necessary. These things are made of the finest tool steel, and require the skill of the finest mechanics and a long time to produce them. In order to

increase the output every Government factory, or any other factory, must have these special appliances in sufficient numbers. When European belligerents, especially the allies, came to this country seeking rifles and ammunition, the manufacturers of the country took the orders and set to work to prepare themselves to begin to manufacture. What did they find? They found that it took them from a year to two years to prepare the necessary inspection devices and other special appliances. After getting these ready it is possible, you will understand, to turn out work rapidly by what is called the repetitive process for mass production.

Until they get these special tools ready, they can not produce the work. The reason why we can not go to these manufacturers and get arms or ammunition is because they are equipped with the devices for the calibers and sizes of arms and ammunition used by the foreign belligerents. None of their arms or ammunition is interchangeable with our own. Therefore it is unfortunately true that manufacturers who are producing large quantities for foreign belligerents could not turn out a single rifle or shrapnel shell for us. Before beginning they would have to go through the same painfully slow process of procuring these gauges, dies, and other special tools and fixtures that are absolutely necessary to produce these things by the repetitive process. This accomplished, they can produce the goods just as the Ingersoll watch or anything else that is made in mass quantities and assembled afterwards is produced. I assure the Speaker that what I have explained to him is largely responsible for the difficulty concerning which he inquires.

A year ago in the national defense act I secured the adoption of an amendment which authorized our Ordnance Department to procure for us the appliances necessary for the manufacture of such war materials as we must use in large quantities. We appropriated in the fortifications bill \$1,000,000 to start procuring these appliances for the manufacture of artillery ammunition, and \$450,000 in the Army appropriation bill to secure them for the rifle and rifle ammunition.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Certainly.
Mr. CLARK of Missouri. Does not a 16-inch gun and a 14-inch gun, or any other inch gun use the same size shell, whether it is used in Europe or America?

Mr. TILSON. It does not. It is probably not exactly a It may be in the metric system, for example, and we call it a 16-inch gun for convenience. None of our ammunition for small arms or artillery is interchangeable, and none of our rifles are interchangeable with the ammunition and rifles of any other nation. To-day, if Germany cap-tures French rifles she can not use them with German ammunition. I have heard it suggested that Germany was forehanded enough to start a special manufactory to manufacture French cartridges, so that in case they captured the machine guns of France they might manufacture French ammunition for them. As a rule, however, the arms and ammunition of the different nations are not interchangeable, and in order to change from the manufacture of one to that of the other it requires a long time.

A board consisting of Army officers and two civilians, recently appointed by the President to investigate these things, found that it would take 18 months to convert the factories that are to-day manufacturing rifles for foreign belligerents into factories capable of producing in large quantities our rifle. Mr. CLARK of Missouri. One more question and then I am

Mr. TILSON. I shall be glad to answer any number of questions the Speaker may ask.

Mr. CLARK of Missouri. Has the Ordnance Department of the United States taken any steps toward getting these dies,

jigs, and the rest of these things?

Mr. TILSON. They are beginning, but they are having the very difficulties that I spoke of when I first introduced this proposition. Unfortunately the difficulties would be far greater and our situation would be worse in case of war. They are finding great difficulty in the first place in finding the necessary highly skilled workmen. These men have been tied up by contracts for foreign work. Even Canada came over here and made contracts for the output of every gauge maker in the country that she could get hold of to make gauges for time fuses and shells to be made for that country.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.
Mr. McKELLAR. I will ask the gentleman if he is not mistaken about that? Upon examination of the officers of the Ordnance Department, I do not remember which one, it was admitted that they had not done one thing, or virtually nothing, rifles, and those rifles can be made at \$16 apiece. Now, Gen.

with the \$200,000 that we appropriated for these jigs, dies, and

so forth, last year.

Mr. CALDWELL. He said that they had started in a small

Mr. McKELLAR. Those are the very words that he used. He could not show anything they had done yet.

Mr. CLARK of Missouri. What became of the \$200,000?

Mr. McKELLAR. We do not know.

Mr. TILSON. They have it yet, and they say they are making progress, designs are being drawn, studies are being made, and so forth; but it is my aim to keep urging that these things shall be procured and owned by the Government. If we had an ample supply of them we could then in case of war immediately go to private manufacturers and within a few days start them to manufacturing our arms and ammunition in large quantities.

Mr. FIELDS. Mr. Chairman, I would like to ask the gentle-

mous consent.

man a question right there.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. FIELDS. I ask unanimous consent that his time be extended for two minutes in order that I may ask him a question. The CHAIRMAN. The time has already been fixed by unani-

Mr. SHALLENBERGER. Mr. Chairman, in reply to the statement of the gentleman from Illinois regarding the cost of workmen in the arsenals, I will say that it is a matter of testimony by Gen. Crozier himself, on page 871, in response to questions by myself and others, that the wages in the arsenals have been increased at least 20 per cent because of the increase of wages to men in the same line of employment upon the outside.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield? Mr. SHALLENBERGER. I can not yield because I have only five minutes. In response to questions on the part of the committee whether or not he thought he could get these workmen, if we increased the wages, he answered that he believed because of the other advantages the Government grants and the wage advance, there was nothing to be gained by increasing the wages, and I will say further that not a single instance has been brought to the attention of the board or attention of this committee where a single man has left the employment of the United States in any of these arsenals. I refer to these skilled workmen. There are plenty of these high-salaried officers who have been educated at the expense of the Government who have resigned and deserted their country when it needed them, and they have gone out to work for these men at high wages, but there is no record that any of the men employed on daily wages have gone out on account of higher wages on the outside.

Mr. MAHER. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. No; I can not.

They are leaving the navy yards in droves. Mr. MAHER. Mr. SHALLENBERGER. As far as the rifle is concerned, the gentleman from New York said that we were very well prepared, as far as that matter goes.

I will say it is a matter of record that we have about 700,000 rifles. Now, when the war started in Europe we heard a great deal about the preparation of the Germans. Gen. Crozier is on record before our committee as saying that we were reliably record before our commutee as saying that we were reliably informed that there were 2½ rifles in reserve in Germany for each soldier, or that, with 8,000,000 soldiers, they had about 20,000,000 rifles on hand. England had plenty of men, but she had no rifles. It is a matter now of general knowledge that Russia had plenty of men-more men than any other nation on earth-but no rifles, and there was only one nation who was able to put up a fight with Germany, and that was France. You talk about arms and armament over in Europe. Now, there are 1,600 miles of lines of battle, and on each side the men are in the ground. They have dug a trench and have gotten out of sight. Those men have rifles in their hands, and the only reason that the war can not be finished is because they can not drive those men out of the ditches with these rifles in their hands. You talk about your big cannon and your engines of war. If to-morrow you could take away from one side all the cannon, all their aeroplanes, all their engines of war, and give to one side the rifles only, the men with the rifles in their hands would win the battle in a single day. The only way men can be driven from their positions is by other men with rifles in their hands. Of these rifles we have on hand 700,000.

Mr. KAHN. Mr. Chairman— Mr. SHALLENBERGER. I can not yield. We have the best rifle in the world in America; Col. Tilson admits that. That rifle is the most effective weapon for men to fight with. Here in three years, with this danger around us, according to the testimony of Gen. Crozier himself, we have manufactured 66,000

Crozier tells us that they have gone up a hundred per cent if we buy them outside. Instead of trying to make those rifles we

have been making ammunition.

I want to charge right here and now if it is a fact we have been very derelict in our duty of preparing for the possibility of war as far as the general manufacture of arms and ammunition is concerned, I want to bring further testimony. It is admitted by the Ordnance Department and Gen. Crozier himself that they intend to expend in three years \$50,000,000 for machine guns, just half the money we expended in support of the Army in 1916, and you will find from the testimony he does not propose to manufacture a single gun. You voted money last year and the year before for these machine guns, and when I asked him before the committee why they were not making the machine guns he said that he would tell them in confidence why they did not make them. I asked him whether it was because he expected to buy those machine guns, and he made no answer.

The CHAIRMAN. The time of the gentleman has expired. Mr. SHALLENBERGER. May I have my time extended

five minutes?

The CHAIRMAN. The time has been fixed by the committee

and has been allotted.

Mr. SHALLENBERGER. I want to say something in regard to the matter of these machine guns.

Mr. IGOE. Mr. Chairman, I ask that the gentleman may

have five minutes.

Mr. KAHN. I thought the time had all been provided for, but the gentleman could ask unanimous consent to extend the

Mr. DENT. Mr. Chairman, I ask unanimous consent to ex-

tend the time five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time be extended from 17 to 22 minutes, the gentleman from Nebraska to be recognized for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, I would like to ask the gentleman

a question,
Mr. SHALLENBERGER. I will yield for one question.

Mr. KAHN. The gentleman made the statement if we would

get rid of the artillery and fight with the rifle—
Mr. SHALLENBERGER. I said if one side had only artillery and the other side had only rifles, the men with the rifles would drive the men with the artillery from the field.

Mr. KAHN. Is it not a fact that in Europe, before any attack with the rifle is made, the artillery has to do deadly

execution?

Mr. SHALLENBERGER. Yes; and the only reason the artillery can stay upon the field is because supporting infantrymen with rifles in their hands hold the trenches in advance of the artillery and prevent the attack of the artillery by opposing infantry. In other words, the artillery is, after all, primarily an assistant to the riflemen in the trenches.

Mr. MAHER. Will the gentleman yield? Mr. SHALLENBERGER. Yes.

Mr. MAHER. The question I want to ask is this: The gentleman stated that skilled mechanics were not leaving the

Mr. SHALLENBERGER. We had no testimony before our committee that they were, nor was that offered to us as a rea-

son for not operating the arsenals.

Mr. MAHER. That is not the fact in connection with the navy yards, because in my congressional district, when I went down there last Tuesday morning to find out what the conditions were relating to skilled mechanics, they told me private em-ployers were bidding for them and offering more wages and they can not hold them, and the list of the skilled mechanics at the New York Navy Yard has been exhausted in the last year

Mr. SHALLENBERGER. That only confirms me in my opinion that the War Department has not tried to operate these arsenals to capacity. The committee asked representatives of the Ordnance Department whether or not increase in wages would be a help to get these men. I want to say about working two or three shifts, that if we can save 100 per cent as compared with what we pay now, then the Government can well afford to pay the wages of the men to run the arsenals two or three shifts,

as the Speaker has indicated.

Now about these machine guns, for which it is proposed to expend \$50,000,000. We were first told they were to cost \$3,000 apiece; that price was later reduced to \$2,700 apiece. The rifle is to cost \$750. The cost of the tripod gun mount is about \$250. The accessories enumerated run the price up to \$2,700. It is like one of these picture agents that goes about the country.

He sells you the frame and gives you the picture. You buy the gun for \$750, but the accessories cost \$2,000 per gun. Part of the accessories that go with these guns consist of packsaddles that go upon the mules. They propose to buy over 85,000 packsaddles at \$150 apiece. Five mules to the gun, or for 17,000 guns 85,000 mules, for which 85,000 packsaddles are to be purposed. chased. These five packsaddles for each gun cost \$750 or \$150 per pack. I guarantee to say that no human being in America ever saw a pile of 85,000 packsaddles at one time. But that is only a sample of the way the money of the people is to be expended. All of this apparatus, together with accessories, is proposed to be bought, together with these machine guns.

Mr. QUIN. Tell us about the tripods.
Mr. SHALLENBERGER. The Colt people make the tripods just as good as the one that goes with this gun you buy, and they throw it in. They have contracted to pay \$250,000 for 5,000

they throw it in. They have contracted to pay \$220,000 for 5,000 of them. And so it goes through all the whole proposition of spending the people's money.

Now, I want to say something about equipping an army. If this Nation of ours had 5,000,000 rifles—and 5,000,000 Springfield rifles at \$16 each would cost \$80,000,000—5,000,000 American men could hold this country against any other country on earth. The United States makes the best rifles in the world, we have got the bravest and best men in the world to use those have got the bravest and best men in the world to use those rifles, and if we arm them as they should be armed with our service rifle, we will have the best Army in the world.

Mr. FARR. How many could you arm now?

Mr. SHALLENBERGER. About 700,000.

Mr. FARR. The gentleman does not mean to say 700,000 rifles would be enough for 700,000 men?

Mr. SHALLENBERGER. In other words, they would arm about 500,000 men for a few months of warfare.

Mr. FARR. For 2,000,000 men how long would it take to

make these rifles?

Mr. SHALLENBERGER. Two or three years. And I will say further as to why we have not been able to secure this ammunition. It is because there are no manufacturers equipped to make our ammunition for our rifles in large quantities, and they are not equipped to make our rifles. Our arsenals have been equipped and the arms are wanted now. They have been equipped to make these rifles. We spend the money to make them, and I hope they will make them.

Mr. FARR. Suppose we had 2,000,000 men; have we the governmental facilities with which to provide them with rifles

and other things?

Mr. SHALLENBERGER. It would take about two years to make them. Judging by the way we have been making them recently, it would take about 100 years.

Mr. GARDNER. The gentleman has mentioned an army of 2,000,000 men. The projects are all for an army of 1,000,000 men.

Mr. SHALLENBERGER. And the General Staff comes up and says it is absolutely inadequate, and they ask 3,000,000.
Mr. GARDNER. The Army of 1,000,000 men requires 3,100,000

rifles?

Mr. SHALLENBERGER. Yes, sir.
Mr. McKELLAR. Mr. Chairman, I ask unanimous consent to put in the Record a short excerpt, on page 862 of the hearings, from Gen. Crozier's testimony, which explains this matter we are discussing.

The CHAIRMAN. The gentleman from Tennessee [Mr. Mc-Kellar] asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The following is the matter referred to:

The following is the matter referred to:

Mr. McKellar. What is the condition of our supply of ammunition for small arms? How much have we on hand?

Gen. Crozier. Between 200,000,000 and 300,000,000 rounds of the most important class, which is the rifle ammunition. I can give it to you a little bit more accurately than that.

Mr. McKellar. Are we progressing satisfactorily along that line? I mean, are we in a safe condition so far as having a proper amount of ammunition on hand for our small arms, in your judgment?

Gen. Crozier. We have not as much as we ought to have. Mr. McKellar, but we are not as much behind as we are on other things. The scheme of the estimate which I am placing before you now is that we shall have what is considered to be a proper supply of small-arms ammunition for the force that is provided for in the national-defense act, in three more annual appropriations. This estimate which I have before you now will provide one-third of the amount necessary to give us all the small-arms ammunition which we need for the force contemplated by the national-defense act, leaving the remaining two-thirds to be provided for in two more annual appropriations.

Mr. McKellar, In other words, you think the writh two more annual appropriations.

remaining two-thirds to be provided for in two more annual appropriations.

Mr. McKellar. In other words, you think that with two more appropriations besides this one, of like amount, you will have enough reserve of small-arms ammunition for the Army provided for in the national-defense act?

Gen. Crozier. Yes, sir.

Mr. McKellar. Both for the Regular Army and for the militia?

Gen. Crozier. All of them.

. Mr. Shallenberger. You stated a year ago that you had on hand 250,000,000 rounds?

Gen. Crozier. Yes; and I have added to that in the meantime.

Mr. McKellar. About how much have you added, if you have the

Gen. Crozier. Yes; and I have added to that in the meantime.

Mr. McKellar. About how much have you added, if you have the figures?

Gen. Crozier. There were on hand on the 30th of last June about 227.000,000 rounds of rific ammunition. That means at all places where this ammunition was subect to use by troops of the United States. Some of it was in the hands of troops who are required to keep a certain reserve on hand and some in the arsenals. Now, I expect to manufacture during the fiscal year which we ard in now 280,000,000 rounds more.

Mr. Stallenberger. You said you had 200,000,000 rounds and how did it come about that you only added 27,000,000 rounds during the past year, whereas now you are going to add 230,000,000 rounds?

Gen. Crozier. Because I could not expend that appropriation as soon as it was made. I am engaged in expending it now, and it will be from that expenditure that I expect to get the 230,000,000 rounds I am now talking about as intended to be manufactured during the fiscal year we are now in.

Mr. McKellar. In other words, this year will increase our supply of small-arms ammunition over 100 per cent; is that correct?

Gen. Crozier. That would be the case if during the year we did not have to use any, but I contemplate that we will use and issue and transfer to the Navy—and get the money back for it to make more—etc. about 76,000,000 rounds, so that my estimated amount on hand on the 30th of near American Liew many of the contemplate for the Navy—and get the money back for it to make more—etc. about 76,000,000 rounds, so that my estimated amount on hand on the 30th of near American Liew many men does that supply?

Gen. Crozier. It is something over 2,000,000,000 rounds.

Mr. McKellar. How much are you manufactured uring the current year out of this appropriation some 97,000,000 rounds.

Mr. McKellar. How much are you manufactured uring the current year out of this appropriation some 97,000,000 rounds.

Mr. McKellar. How much do you expect to purchase?

Gen. Crozier. Yes, sir.

Mr. McKell

Gen. Crozier. Yes, sir.
The CHAIRMAN. What is the difference?
Mr. OLNEY. Tell us something about the bonus system; whether the taking away of the bonus system from the arsenals has resulted in any increased cost or lessening of efficiency.
Gen. Crozier. The price has gone up very considerably since last

increased cost or lessening of efficiency.

Gen. Crozier. The price has gone up very considerably since last year.

Mr. McKellar. The cost of manufacture, too?

Gen. Crozier. The cost of manufacture and the cost of purchase of the ammunition has gone up very considerably. The cost of manufacture has gone up from about \$25 per 1,000 rounds to about \$36 per 1,000 rounds, which is an increase of nearly 45 per cent. The increase has come very largely in the increased cost of material—lead brass, etc. In regard to the purchase price, that has gone up to the following: I have placed orders for this rifle ammunition with two different private manufacturers during the current fiscal year. One price is \$40.33 per 1,000 rounds and another price is \$45.75 per 1,000 rounds. I received bids from a third manufacturer and the price was \$55 per 1,000 rounds but I did not make any award.

The Chairman. Last year it was \$34 per 1,000 rounds?

Gen. Crozier. About that, yes; the last price was in the neighborhood of \$34 or \$35.

Mr. Caldwell. There has been a considerable saving, then, in our own manufactured product?

Gen. Crozier. Yes, sir.

Mr. Caldwell. Then, why would it not be a good scheme to enlarge our plants?

Gen. Crozier. Because, Mr. Caldwell, I do not think there is any chance of Congress making those plants as large as would be necessary to provide for our war-time needs, and I do not know of any other way of providing for our war-time needs than to give some encouragement to private manufacturers, to keep them in business and in a position to supply us.

Mr. McKellar. Have not the private manufacturers had a great

to private manufacturers, to keep them in business and in a position to supply us.

Mr. McKellar. Have not the private manufacturers had a great deal of encouragement during the past few years outside of our own Government?

Gen. Crozier. They have had enormous encouragement; yes.

Mr. McKellar. Do you think it is necessary for our Government to keep on encouraging them under the present circumstances?

Gen. Crozier. Well, Mr. McKellar, the only extent to which it would be necessary for our Government to keep on encouraging them in the present circumstances would be to keep them in the position of having the special things necessary to make our patticular ammunition; but they would not need any very considerable orders. But looking toward the future, and considering what would be necessary to keep them in a position to manufacture any considerable quantities, or, at least, to expand to manufacture any considerable quantities, in ordinary times, I

do not see how that is to be done unless the Government does give them some encouragement.

Mr. McKellar. They seem to be manufacturing for these European Governments without difficulty.

Gen. CROZIER. I think that the words "without difficulty," Mr. McKellar, would need a liftle modification: they have had enormous difficulty.

MCKELLAR, would need a little modification: they have had enormous difficulty.

Mr. Caldwell. In the last bill we appropriated a large sum of money for the purchase of jigs, dies, and all those things, and I would like to ask whether you have gone about making any of those purchases?

Gen. Crozler. To a limited extent, Mr. Caldwell.

Mr. Caldwell. Have they used up all of the money that was appropriated?

Gen. Crozuer. To a limited extent, Mr. Caldwell.

Mr. Caldwell. Have they used up all of the money that was appropriated?

Gen. Crozuer. We have used but very little of it.

Mr. McKellar, Why is that? Why not carry out the views of Congress as expressed in this national-defense act in regard to the manufacture of powder and other materials?

Gen. Crozuer, I intend to do so, Mr. McKellar; but in explanation of why we have not made any greater progress—although we have made some progress—up to the present time I will first remind you that the Army bill, which contained a good deal of this enough you that the Army bill, which contained a good deal of this enough you that the Army bill, which contained a good deal of this enough and we have not had much time.

Mr. Kahn. The appropriation bill, you mean?

Gen. Crozuer, Yes, sir. The national-defense act, which contained legislation looking toward the same objects, did not make any appropriation, as you will remember; it simply made an appropriation in order. Now, the appropriation was simply made an appropriation in order. Now, the appropriation was simply made an appropriation in order. Now, the appropriation was simply occupied up to the present time in providing for the judicious expenditure of the appropriations that were made. However, we have not neglected this subject altogether. I have recently given an order, or stated that an order might be expected, for providing certain of these articles, such as gauges, and so on, which will prepare us to get this amount of the appropriation bout five different manufacturers; the particular manufacturers have not been picked on the proper was a five may be. That is under way. However, the expended for that purpose will not come anywhere near using up the funds that have been authorized to be expended for that particular purpose; but I do not intend to stop just at that point. Since we are on that subject, and if you are interested, I will say a word or two with reference to some other manufactures than those we have men

Mr. KAHN. So you have nothing with which to compare what they pay—that is, the foreign Governments—and what we pay?

Gen. CROZIER. No. str; I have not. I will say this, however: That I very much doubt whether any of them are paying \$55 per 1.000 pounds, which was the bid of one concern, and which I have already referred to. That was a bid from an establishment which was probably filled up with orders and which did not like to simply refuse to respond, but which did not expect to get at order at any such price as that.

as that.

Mr. Kahn. How about the \$44 price? Is the company that is turning out ammunition for us at that price getting anything like that from the foreign Governments?

Gen. Crozura. I have not any way of checking precisely, Mr. Kahn, but I should suspect that unless they are manufacturing under orders that were given a year or two ago they are getting something like that price now. As you all know, the cost of material and labor has gone to tramendously.

that were given a year or two ago they are getting something like that price now. As you all know, the cost of material and labor has gone up tremendously.

Mr. McKellar. In other words, for the ammunition that we are buying and laying up as a reserve we are paying factories in this country about the prices that are being paid by foreign Governments using ammunition in the present war? You will notice I say about the same. Gen. Crozier. I have not any precise information on that point.

Mr. McKellar. I understood, in answer to Mr. Kahn's question, that you said you assumed the figures were somewhat about the same. Gen. Crozier. I assume that; yes, sir.

Mr. McKellar. At what capacity are our own factories being run? Are they being run on a one-shift basis regularly, on a two-shift basis, or on more than a two-shift basis.

Gen. Crozier. The orders which are given contemplate their running at full capacity on a two-shift basis.

Mr. Caldwell. That is, I6 hours a day?

Gen. Crozier. Yes, sir.

Mr. Caldwell. Why not run 24 hours a day? That would add one-third more, would it not?

Mr. McKellar. If we are saving a great deal of money here, why would it not be better in these times, when we are having to pay saich an enormous amount for reserve ammunition, to run on ... three-shift basis and make more of our ammunition?

Gen. Crozier. It is very difficult to run a manufacturing establishment efficiently 24 hours a day. The quality of the labor and the quality of the superintendence, particularly, falls off very badly wher we pass from two shifts to three shifts. We can run fairly efficiently

at two shifts, but it would require a sudden increase of skilled superintendence and an amount of it which would be uneconomical to put
in the third shift. The third shift would require us to work at hours
of the day when nobody likes to work and when it is practically impossible to get men to turn out a good night's work—because that is
what it would be—because they will not conserve their energy for the
purpose. It is so out of accord with the ordinary habits of society
that you can not get good efforts.

Mr. McKellar. Under the bill of last year you were authorized to
expend through purchase \$5,000,000 of this appropriation. Will that
amount be spent? In other words, do you contemplate manufacturing
only to the extent of \$5,000,000 and purchasing with the other \$5,000,000, or how do you propose dividing it in these times of big prices?

Mr. LONDON Mr. Chairman I ask unanimous consent to

Mr. LONDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TAVENNER. Mr. Chairman, about the time I was first elected to Congress, four years ago, I happened to drop into a committee room here in the Capitol and heard Gen. Crozier testify that he was paying private munitions makers 54 per cent more for caissons for gun carriages than the arsenal cost at the Rock Island Arsenal. It occurred to me that if the price of the private munitions makers was so much greater than the arsenal cost, it would be economy for Uncle Sam to manufacture a larger proportion of his Army and Navy supplies in Government establishments.

I began to inquire into the subject and learned that at the Rock Island Arsenal the capacity could be greatly extended at a comparatively small cost. I found that at that time there were two large stone buildings, originally built for manufacturing purposes at a cost of some \$400,000 each, standing practically idle at the Rock Island Arsenal. They were being used merely for storage purposes. The Government owns its own water-power plant in the Mississippi River at Rock Island, and I learned that enough power was going to waste to run the machinery in these two buildings, provided I could get the two buildings equipped with machinery

So when the proper bill was before the House I offered an amendment providing for the equipment of these two buildings with the necessary machinery to manufacture articles being purchased in large quantities from private manufacturers at what I considered were excessive prices.

But it developed the Ordnance Department had sent up officers to testify in committee against my amendment and it was beaten by a close vote.

I also introduced many other bills for the increase of the capacity at the Rock Island Arsenal, and the conviction gradually dawned on me that the Ordnance Department was opposed to Government manufacture, or at least any substantial increase in the Government arsenals. They were in favor of giving the bulk of the contracts to private munitions concerns. refer to the time I started to make a fight for Government manufacture four years ago. The situation is now somewhat improved.

The reasons or excuses given by the Ordnance Department officials four years ago will not stand close investigation.

Mr. FARR. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. TAVENNER. I can not yield just now, as my time is

The CHAIRMAN. The gentleman declines to yield.

Mr. TAVENNER. The first argument I was confronted with was that these private manufacturers were very patriotic, and we should do everything possible to build them up in time of peace, so that we could rely upon their patriotic cooperation in time of war. They outrageously overcharged the Government in time of war, even more than in time of peace.

The next argument I was confronted with was that foreign Governments would give them some contracts that would keep their machinery going with Government help, and we could ntilize that machinery in time of war. But it turns out that the big shells used by foreign Governments, according to the gentleman from Connecticut [Mr. Tilson], are of a different size than those used by our guns.

The last thing they say is that if we give these private munition firms larger contracts we can have the use of their plants in time of war, and that their increased capacity will be a safeguard to the Government-plants on which we may depend in

time of emergency. Now, do you know that every one of the plants that gets these contracts is in a territory that the Army War College says is absolutely unsafe? The Army War College practically says that if we should rely upon those plants in time of war the Nation would be in peril, because they are in a territory that is

absolutely unsafe. And yet these ordnance officials are telling us that we should rely upon those plants, while at the same time another division of the War Department says they ought to be removed to the interior of the country.

That is the kind of arguments they indulge in. pillar to post, and there is nothing in them in the end. In the meantime three firms in this country have drawn down \$200,000,000 worth of contracts from the Army and Navy Departments, and we have paid them from 20 to 50 per cent more for these supplies than we could have manufactured them for in Government plants. [Applause.]

My purpose in asking permission to revise and extend my remarks is to place in the RECORD the principle laid down by the War College in Document No. 532, as follows:

STRATEGIC LOCATION OF MILITARY DEPOTS, ARSENALS, AND MANUFACTURING PLANTS IN THE UNITED STATES.

TURING PLANTS IN THE UNITED STATES.

1. Paragraph 60 of the statement of a proper military policy for the United States, prepared by the War College division, General Staff Corps, in compliance with instructions of the Secretary of War and submitted September 11, 1915, is as follows:

"60. As a general military principle, no supply depot, arsenal, nor manufacturing plant of any considerable size, supported by War Department appropriations for military purposes, should be established or maintained east of the Appalachian Mountains, west of the Cascade or Sierra Nevada Mountains, nor within 200 miles of our Canadian or Mexican borders, and steps should be taken gradually to cause to be moved depots and manufacturing plants already established in violation of this military principle."

I shall not place in the RECORD, for obvious reasons, the locations of the various private munitions plants that the Ordanace Department officers have been counseling Congress to build up year after year by the awarding of contracts at excessive prices, nor will I state the strong language used in describing the existing situation. But I desire to assert that these ordnance offi-cers, in their eagerness to have the fat Government contracts given to private munitions concerns instead of Government arsenals, have grossly neglected the welfare and safety of the Nation. Every one of the 18 plants about which the Army officers have been so solicitous are located in violation of the principle set forth by the Army War College. I am calling attention to this statement because I believe I am serving my country in doing so. Let us quit giving contracts to the private munition firms located in the danger zone and build up our

own plants in the interior of the country.

Secretary of the Navy Daniels in his annual report for 1914 called attention to the economy of Government manufacture by saying that, "contrary to popular idea, the Navy Department in what it manufactures does so, from a superdreadnaught to a gallon of paint or a pound of powder, cheaper than the same can be purchased. This is particularly true of the most expensive instruments of war, but it is equally true of gasoline engines, electrical supplies, engines for dreadnaughts, shrapnel, clothing for marines and sailors, accouterments, and a multi-

tude of other articles required for the fleet and shore stations."

Government manufacture will mean that the workmen who perform the labor of actually making the munitions will receive higher wages and better working conditions than if the contracts for war materials are awarded the private munition firms, among which are numbered the most bitter enemies of

organized labor in the United States.

Nationalization of the manufacture of war paraphernalia. offers a program on which all save those directly or indirectly interested in private war-trafficking concerns may unite. Whether in favor of disarmament, vastly increased armament, or maintaining the present armament, all can meet on a common ground. Those who desire a greater armament can obtain it through Goverament manufacture without placing increased burdens upon the taxpayers.

If those who demand such a large Army and Navy are wholly sincere, and if their only desire is that we shall have the strongest possible Army and Navy, why should they not want us to obtain the maximum defensive power or the maximum striking power for every dollar we appropriate, instead of only about 65 cents worth of fighting strength for every dollar appropriated?

By manufacturing armor, munitions, submarines, aeroplanes, and so forth, in its own plants the Government will be able to keep for its own use any improvements in such vehicles of war. Under the present policy of giving the major part of military contracts to private concerns it has been impossible to do this. "Even now," says Secretary of the Navy Daniels, "the improvements in armor and the designs worked out by the Navy have been embodied in the warship of another nation recently finished by the Bethlehem Steel Co. and put into commission. This is not an argument lightly to be disregarded in favor of a Government armor plant, nor has it been overlooked, for instance, by Japan, which has erected its own armor-making

plant and surrounded it with such secrecy that none of the other nations is able to tell whether or not at this minute the Japanese armor may not be superior to any other in existence."

Under the present system the Government is at the mercy of a few concerns having a monopoly of the manufacture of the materials of war, who appear to have a gentlemen's agreement to divide the Government contracts between themselves and between whom there is no competition worthy of the name. "I do not see how it is possible for Congress to justify to the people a refusal to erect a Government plant," said Secretary Daniels to Congress, "nor how it can answer the charge that will invariably be brought up-that the same mysterious providence which saved this profitable business to the steel companies three times in the past, even after money for a Government plant had actually been appropriated, is not still at work exercising its beneficent protection over these lusty specimens of infant industries, who are even now under Government investigation as violators of the antitrust law."

The present European war has demonstrated that private plants not in the business of manufacturing war materials can make the necessary alterations to manufacture such supplies in a remarkably short space of time. By enlarging the Government plants and operating them in time of peace the Government could have on hand sufficient ammunition, guns, and so forth, to equip the most powerful army ever organized and keep it in the field a long time after private plants not engaged in the manufacture of war materials would have been able to reorganize their shops and be turning out ammunition and other supplies. In the event that private manufacturers should not respond to the necessity of the occasion, the Government could itself take over such industrial plants as it might need, just as England has done.

It is to the interest of only the few to leave profit in war and preparation for war, while it is to the interest of the entire earth's population to take it out.

I wish also to insert in the Record the following from the Rock Island (Ill.) Argus of February 16, 1917, relative to Rock Island Arsenal:

ARSENAL SITE IS GIVEN BOOST BY EASTERNER HERE—H. S. PUTNAM, NEW YORK ENGINEER, MAKES PUBLIC MEMORANDA HE SUBMITTED TO WASHINGTON—TELLS ADVANTAGES OF ISLAND—WILL BE SPEAKER AT MEETING TO-MORROW NIGHT TO LAUNCH CAMPAIGN TO SECURE NI-TRATE FACTORY.

H. S. Putnam, New York hydraulic and electric engineer, to-day made public the memoranda he presented to the War Department in Washington Wednesday, in which the advantages of Rock Island Arsenal for the location of the \$20,000,000 nitrate plant were made plain.

Mr. Putnam arrived at the home of his brother, E. K. Putnam, in Davenport, last night. He made public the information he filed with Washington authorities in order to enlighten the business and industrial interests of the three cities as to the importance of the fight for the nitrate plant.

Washington authorities in order to enignten the business and interests of the three cities as to the importance of the fight for the intrate plant.

Mr. Putnam will address the commercial organizations of Rock Island, Davenport, and Moline at the Davenport Commercial Club to-morrow night. There will be a dinner at 6.30, followed by the talk of Mr. Putnam. Appended is the information he gave to Gen. Crozier:

(1) The largest and best-located arsenal in the United States is at Rock Island.

(2) The location is far removed from the north, south, east, and west boundaries of the country.

(3) The Mississippi River, the Hennepin and Illinois Canals furnish water transportation to the Great Lakes and all portions of the Mississippi River Valley and the Gulf States.

(4) Rallroad facilities are unequaled, and direct connection exists over several lines to all points east, west, north, and south.

(5) Rock Island is situated in the midst of the towns of Rock Island, Moline, Davenport, Bettendorf, East Moline, and Silvis—all of them manufacturing centers and with a combined population of over 125,000, and furnishes an excellent skilled and unskilled labor market.

(6) The United States Government contemplates making the Rock Island Arsenal one of the principal, if not the principal, arsenal in the country.

Island Arsenal one of the principal, it not be principal, it not be principal, it not be principal.

(7) An excellent water power exists at Rock Island, capable of being economically developed to 150,000 horsepower.

(8) The development of the water power at Rock Island will solve the problem of navigation on the Mississippi River, now handicapped by the limitations imposed by the Rock Island Rapids.

(9) Rock Island is situated on the edge of the Illinois coal fields, and an abundant supply of coal is found within a radius of from 60 to 100 miles.

(10) The Illinois coal contains from 1.3 to 1.5 per cent nitrogen content, and is a noncoking coal and is entirely suitable for the manufacture of nitrogenous products from the gasification of coal.

(11) The near-by coal fields furnish an excellent location for the construction of a steam plant to insure the absolute continuity, throughout the 24 hours of every day, of the 150,000 horsepower developed on the

the 24 hours of every day, of the 150,000 horsepower developed on the Mississippi River.

(12) The water-power plant with its steam auxiliary is the most economical method of producing power. The power is produced at a total estimated cost, includes capital costs, or 0.125 cent per kilowatt hour. This does not include credits for by-products.

(13) The fact that a combination of both water and steam power is used absolutely insures the supply of power at all times, even in case one plant or the other is totally destroyed.

(14) A 200,000-horsepower combined water-power and steam auxiliary plant and a by-product plant can be constructed at an estimated cost of \$19,478,000. The combined plant will furnish electric power for the manufacture of nitrates at an estimated net cost to the Government of \$2.16 per horsepower year.

(15) As an initial installation, a 100,000-horsepower combined development can be made for an estimated cost of \$11,670,000. Such a lant will produce electric power at an estimated net cost of \$4.90 per

plant will produce electric power at an estimated net cost of \$4.90 per horsepower year.

(16) As already stated, the towns of Moline, Rock Island, Davenport, and Bettendorf are manufacturing centers, and any surplus power in excess of the requirements of the United States Government could be readily sold.

(17) By extending the steam plant in the coal fields the amount of power developed can be increased without material increase in cost to four hundred or five hundred thousand kilowatts, or to any amount desired.

(18) Provision must be made at once to take care of the increasing demands for power for the use of the Government at the Rock Island Arsenal. This can best be done in the permanent manner herein contemplated.

#### AUTHORIZATION OF PLANT.

AUTHORIZATION OF PLANT.

In "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, Congress appropriated \$20,000,000 for the purpose of constructing a plant "for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products." Under authority of the act, the President, by Executive order dated January 15, 1917, appointed an interdepartmental board, consisting of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, for the purpose of making the necessary investigations and submitting recommendations relative to the selection of water-power sites suitable for the purposes prescribed by the statute.

consisting of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, for the purpose of making the necessary investigations and submitting recommendations relative to the selection of water-power sites suitable for the purposes prescribed by the statute.

In accordance with the above act of Congress and the Executive order creating the interdepartmental board, the following reasons for the selection of the site at Rock Island Arsenal for the proposed nitrate plant are submitted:

It is proposed to develop the large amount of water power now available in the Mississippi River at Rock Island and insure the continuous supply of such power by the construction of an auxiliary steam plant at the mines in the coal fields of Illinols. In connection with the destructive gasification of coal, for the recovery of such fixed nitrogen and other by-products as exist in coal, and the production of a fuel gas to be used under the bollers in the auxiliary steam-power plant. The combined plant will recover the fixed nitrogen from the coal before it is used for power purposes in the steam-power plant, will furnish an almost unlimited amount of cheap power for the recovery of nitrogen from the atmosphere by any process which the Government may select. The location at Rock Island is proposed because of its central position, the water power which can be developed, the nearness of a suitable coal supply, the shundant labor available, the unexcelled water and rail transportation in all directions, the safety of the location, and, finally, the fact that the most important arsenal in the country is located on Rock Island.

The Rock Island Arsenal is located on an island in the Mississippl, at the foot of the Rock Island Rapids. The water power at this point is now used by the United States Government, and is but partially developed. It is practicable to develop the water power in the Mississippl, at the foot of the Rock Island Rapids. The water power in the Mississippl River at Rock Island Arsenal is loca

to 500,000 kilowatts, should that amount of power be required.

BY-PRODUCT GAS-PRODUCER COAL PLANT.

A by-product gas-producer plant should be constructed in connection with the auxiliary steam-power plant.

Plants of the gas-producer type have been developed and perfected which extract the nitrogen from the coal in the form of ammonium sulphate, a common form of fertilizer, and produce an abundant supply of gas which is available for use under the boilers in the steam-power plant. The market value of the ammonium sulphate produced will much more than balance the entire annual cost of the by-product plant, including interest, depreciation, coal, supplies, maintenance, and operating expenses. The gas produced, therefore, can be regarded as a waste product utilized in the steam-power plant. The power so produced, combined with the hydroelectric power developed on the Mississippi River, utilizing the water power now going to waste, will produce power at a minimum of cost and will represent the highest type of true conservatism, making use, as it does, of our natural resources in the best, most economical, and most efficient manner, and for the most part utilizing the natural resources which are now being wasted. Such by-product coal plants can make use of coals of low grade, and unmarketable coals, and consequently the cost of fuel is reduced to a minimum. At the same time, mining waste will be reduced to a minimum. While a gas-producer plant of special type is referred to above, any other suitable process which accomplishes the purposes suggested can be used. It is believed, however, that the process which secures the maximum amount of fixed nitrogen from the coal and produces the maximum amount of feel gas will best serve the combination of plants here proposed.

The plans propose a high-tension transmission line connecting the hydroelectric plant with the steam auxiliary plant. The transmission line should be constructed with ample factors of safety and adequate reserve, and the highest type of construction sho

### LOCATION OF NITRATE PLANTS

LOCATION OF NITRATE PLANTS.

The plants for the manufacture of nitrates used in the production of ammunition and fertilizers can be placed at any point within reasonable distance of Rock Island that may be thought desirable. The valley of the Hilmois River and the valley of the Rock River, which will be crossed by the transmission line, offer excellent locations for such plants. The plans here proposed permit of wide latitude in the selection of actual sites for these nitrate plants, in case it should be thought best not to locate them on the arsenal reservation and to still have them directly under the management and control of the arsenal authorities. The actual sites selected will, of course, depend upon the method or processe, or combination of processes, of manufacture finally decided upon by the United States Government and the general policy of administration determined upon.

Many processes have been developed for the manufacture of nitrates by artificial means. There is some uncertainty as to the best method to employ. This is due mostly to uncertainty as to the cost of the several methods, and exists mostly as to details of the several processes proposed. Practically all methods which have been used involve either the recovery of nitrogen from the coal deposits by the gasification or distillation of coal, or the recovery of nitrogen from the atmosphere by some one of several electric-power processes.

The nitrogen supply in the atmosphere is unlimited in amount and the product so obtained is unexcelled in purity. The supply of coal in this country, while enormous in extent, is limited, and once burned can never be restored. The fixed nitrogen obtained from coal in the form of ammonia is entirely suitable for fertilizers, without any special treatment. This source of supply will be used for ammunition only in case of emergency. Commercially the recovery of nitrogen from the atmosphere in the form of nitric acid suitable for the manufacture of ammunition or fertilizers, as desired, requires cheap power.

reduced by the development of water power now being wasted. Before the heat value of the coal is used in the steam-power plant its many valuable by-products, and especially its nitrogen content, will be extracted.

In the manner here proposed the truest and highest grade of conservation of natural resources is accomplished and at the same time a cheap and economical supply of nitrates is provided for use in the domestic industries or for the manufacture of ammunition.

The Rock Island Arsenal is located at the foot of the Rock Island Rapids of the Mississippi River and has an area of approximately 990 acres (see fig. I, map of Rock Island Arsenal). The Rock Island Rapids of the Mississippi River extend from the pool at Le Claire to slack water at Davenport, a distance of 14.8 miles.

At low water the difference in level between the Le Claire pool and the river at the Rock Island bridge is 20.73 feet. During the maximum recorded flood of 1880. with an estimated discharge of 251,348 cubic feet per second, the above-mentioned difference in levels was reduced to 16.13 feet. It is proposed to construct a dam above the railroad bridge between Davenport and the island of Rock Island, with a crest elevation of 21.63 feet above low water. This elevation will be increased to 27.63 feet by the use of automatic steel flash boards, which lower automatically to allow floods to pass by. In addition to the automatic flash boards, discharge gates will be placed in the dam to relieve flood conditions.

Careful gauge readings have been kept under the supervision of the United States Government, and from these records a discharge curve has been produced for the discharge of the Mississippi River at Rock Island. This curve is based upon the daily gauge readings taken at Rock Island. This curve is based upon the daily gauge readings taken at Rock Island for the 15 years extending from 1901 to 1915, inclusive.

The plan of development proposed contemplates the construction of adm and spillway between the island of Rock Island and the

## ANNUAL COST OF OPERATION,

The estimated cost of construction is based upon the present high cost of materials and apparatus, due to the war conditions in Europe. It is assumed that money is worth 3 per cent to the United States Government. Depreciation charges are based upon the economical life of the apparatus employed. The cost of coal has been taken at \$1 per ton at the mine. It is believed that this price can be realized, as low-grade and waste coal can be utilized.

and waste coal can be utilized.

It has been found that under the above conditions the most economical development of the water power at Rock Island will be approximately 100,000 kllowatts (135,000 horsepower). The estimated cost of constructing a 100,000-kllowatt power plant in accordance with the plans suggested will be \$19,417,000, and the cost of power \$8.26 per horsepower year. However, if a gas-producer plant is installed and the by-product sold, the cost of power will be reduced \$2.16 per horsepower year.

the by-product sold, the cost of power will be reduced \$2.16 per horse-power year.

From the above the great advantage of using a by-product gas-producer plant is self-evident. In the latter case both the water-power plant and the steam plant are run continuously, the reserves being placed in operation. The average load is thus increased from 100,000 kilowatts to 173,000 kilowatts. Under these conditions the load will be 200,000 kilowatts for a period of about two months, and will gradually fall off to approximately 130,000 kilowatts for a period of a few days.

A 30,000-kilowatt water-power development can be made at an estimated construction cost, including damages, of \$7,955,550. The estimated annual costs will amount to \$10.57 per kilowatt year, or \$7.89 per horsepower year.

per horsepower year.

A 40,000-kilowatt water-power development with an auxiliary steam plant of corresponding size and a gas-producer plant can be constructed at an estimated cost of \$11,663,090. In a plant of this size, operated at its full capacity, developing an average of \$0,000 kilowatts throughout the year, the water-power deficiency being negligible, after due credit is made for the sale of by-products, power will be produced at an estimated cost of \$6,54 per kilowatt, or \$4.88 per horsepower.

#### CONCERTSION.

In the project here suggested for the development of the water power at Rock Island it is believed that approximately 200,000 horsepower for the nitrate plant to be constructed by the Government can be obtained under the conditions set forth, at a net cost to the Government of not in excess of \$2.25 per horsepower year. The development of power can be extended to any amount desired.

On account of its central location, the fine labor market available, the unexcelled transportation facilities in all directions, both by rail and water, the safety of the location, and the fact that at Rock Island the Government has its finest and best located arsenal and largest arsenal reservation, it is urged that the location at Rock Island be given careful consideration in the selection of the location of the nitrate plant authorized to be constructed by Congress.

Mr. DALLINGER. Mr. Chairman, the gentleman from Iowa [Mr. Hull] has offered an amendment which is now pending before the House. Later on, he is going to offer other amend-ments. In every case he is simply asking us to put in this bill the appropriations that the Chief of Ordnance and the War De-

partment have asked for.

Now, the Speaker of the House has asked what are we going to do? We ought to have these Government plants working three shifts, as he suggests. We ought to give the War Department in this crisis everything it asks for, and then if it does not give us the guns and ammunition required, we can hold it responsible. But if these amendments are voted down in this committee, then the Committee on Military Affairs and this House will be responsible. I hope that every one of these amendments will be adopted. [Applause.]

The CHAIRMAN. The Clerk will report the amendment of

the gentleman from Iowa [Mr. HULL].

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 50, line 13, strike out "\$12,000,000" and insert "\$14,978,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HULL of Iowa. A division, Mr. Chairman, Mr. DALLINGER. I ask for a division, Mr. Chairman, The CHAIRMAN. A division is called for.

The committee divided; and there were-ayes 23, noes 34, So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided. That not more than one-third of this sum shall be expended in the purchase of the articles provided in this appropriation.

Mr. GARDNER. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 50, line 14, after the word "that," insert the words "in the discretion of the Secretary of War."

Mr. GARDNER. Mr. Chairman, that amendment puts the burden where it belongs, of deciding how much of this ammunition ought to be bought and how much ought to be manufactured. It puts it exactly and squarely where it belongs-Secretary of War, not on the Chief of Ordnance.

As has been very well said by the gentleman from Illinois [Mr. Mann] a little while ago, the officers in the Army, men of the most honorable training and traditions, as fine men as I ever knew, find, whenever they pay a high price for ammunition, as they are obliged to do to-day, that they are sandbagged by somebody who says that they are "crooks." Frequently therefore they do not do their duty, and buy the ammunition in spite of criticism.

If the ordnance officers work two shifts in the arsenals, they know that the product is not going to be so good and that it is going to be more expensive, and that they are going to be criti-cized by the War Department and by Congress. They know that they are going to get it in the neck from everybody who is opposed to the Army. Anyone who has read the testimony knows that in the committee those who are opposed to the Army cross-question these officers, almost insult them, and treat them in a way that we would not treat each other. Of course, the result is that the officers find themselves in wrong whatever they do.

Now, my amendment puts the responsibility as to the extent of ammunition purchases exactly where it belongs-

Secretary of War.

Mr. GREENE of Vermont. I am quite in sympathy with the gentleman's attitude toward the responsibility of the Army officer himself in this business; but is it not a fact that now under the operation of the War Department the Secretary of War is the legally responsible man for the placing of these matters?

Mr. GARDNER. He is legally responsible, and he is the man who ought to have the praise or the blame. We tie his hands with these limitations. Now, I say let us until his hands, because what we need is not argument, is not talk, is not excuses. What we need is ammunition and ordnance, and the only way to get it is to put in the hands of the Secretary of War the power to buy ammunition and ordnance in his discretion.

Mr. DENT. Mr. Chairman, as I understand the amendment

offered by the gentleman from Massachusetts, it provides in line 14 that in the discretion of the Secretary of War not more than one-third-that is the way I understand it to read.

Mr. GARDNER. At the discretion or in the discretion of

the Secretary of War, not more than one-third.

Mr. DENT. Mr. Chairman, the effect of that is practically to destroy this proviso. The proviso states that not more than one-third, absolutely as a matter of law, shall be expended in the purchase of the articles provided for in the appropriation. To put in this amendment would simply mean that that proviso had no force or effect whatever. Now, we discussed this ques-tion in the committee, up one side and down another, and I confess that I have not any extreme views on this subject, have not the extreme views of some of the members of the committee that we ought to manufacture more than we do, but the committee reached the conclusion that we ought at least to limit this to one-third; and if you say that it shall be done in the discretion of the Secretary of War, you might as well strike out the proviso. That is exactly what it means. I hope

the amendment will not be agreed to.

Mr. GARLAND. Mr. Chairman, I have heard it stated here that the using of three shifts in the making of ammunition or of guns is not practicable. I want to say as a practical man in that kind of work that it is. Every rolling mill of any consequence, every steel mill, every glass works, every munitions works in this country of any consequence, so far as I know, is working three shifts, where private manufacturers are operating. If the Government is not doing it, it shows that the Government is not capable of managing a factory in competition with outside work. It is stated here that the cost of making ammunition is 54 per cent less in Government factories than it can be purchased for from private manufacturers. I do not believe that. I do not believe the Government knows what it costs it in any instance to make articles in these Government factories, and I challenge the figures given. There is just about as much truth in that statement as there was in the statement made that armor plate could be manufactured by the Government at a certain figure. I proved by those figures that it would cost double the amount, and I challenged their method of getting their figures as to cost in Government manufacturing. The only way to prove such statements of cost is to have an outside auditing committee audit these costs and check them up, and that is never done.

Mr. CLARK of Missouri. As I understand it, the gentleman

is a practical manufacturer.

Mr. GARLAND. Yes; a practical workman in such work. Mr. CLARK of Missouri. I want to know if it is not as easy for the United States Government to run three shifts as it is

for private manufacturers to run three shifts?

Mr. GARLAND. It certainly is; and, moreover, there is no difference in the men who work the shifts. All of these plants that work three shifts change the shifts every week, and every that work three shifts change the shifts every week, and every third week each shift works at night, and then, in turn, works in the daytime, each shift getting its turn. They are the same kind of men, living in the same way, acting in the same way, and there is no difference in their work. So far as the light is concerned, you have that difficulty to contend with on the two shifts, so there is not a thing in that. But the great trouble with your getting men is this, that you do not permit a system whereby men can be paid a premium for working. I live within two squares of one of the biggest shell-making factories in this country, and that is the Westinghouse Switch & Signal Works. They are working night and day, all the time, in the making of shells. Men who got \$2.50 and \$3 and \$4 and \$5 a day two years ago are now making shells and working the same hours that they worked there before, and are now making \$10 to \$15 a day for their work. It is true that their wages have been raised some, I think about 32 per cent, or perhaps three 10 per cent raises; but over and above that they are working on the premium system and have the right to work. They are not held back, and so they are enabled to make these large wages. If the Government expects to use the people's money properly, and expects to prepare for war, it should learn some of the plan of manufacture from the private manufacturers. It can be done. It is not hard to find out, if you go about it in the right way. [Applause.]

Mr. TAVENNER. Mr. Speaker, I hope that the amendment of the gentleman from Massachusetts [Mr. Gardner] will not be adopted, because I believe it will mean that a larger proportion of these contracts will go to private manufacturers and a smaller proportion to the Government arsenals. If these contracts go to the Government arsenals the people will get a dollar's worth of preparedness for every dollar expended. If we are not prepared to-day as we should be, it is not because the American people have not been taxed the price of adequate preparedness, but because too many million dollars appropriated for preparedness have gone into the pockets of Mr. Morgan and Mr. Schwab and other munition makers in the form of excessive profits. I believe to leave it to the Secretary of War is to leave it to the heads of the Ordnance Department.

I know in some cases when you write a letter to the Secretary of War about these propositions, the letter that is signed by him in reply is dictated by the Chief of Ordnance. Therefore I hope that we will not leave this matter to the officers of the Ordnance Department, who are well known to be opposed to the Government manufacture and will not allow the Government arsenals to do any more work than they are actually compelled to and will give as large a proportion to the private munition makers as they can. I hope the amendment

will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected. The Clerk read as follows:

Small-arms target practice: For manufacture and purchase of ammunition, targets, and other accessories for small-arms, hand, and machine-gun target practice and instructions; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target materials, and other accessories which may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sallors' orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, \$2,000,000.

Mr. KAHN. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 50, line 23, after the word "instruction," insert the words "of able-bodied men capable of bearing arms."

The CHAIRMAN. The question is on the amendment. The question was taken, and the amendment was agreed to.

The Clerk read as follows: Manufacture of arms: For manufacturing, repairing, procuring, and issuing arms at the national armories, \$6,000,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 51, line 3, strike out the sum "\$6,000,000" and insert in lieu thereof "\$7,350,000."

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the committee, these figures that I have asked you to insert are, as I said before, the figures that are furnished by the War Department. Now, my object in asking you to put these figures here is that when the shortage comes, as it surely will come, if anything happens to this country within the next two years, we will know where to place the responsibility. We have heard a great deal of discussion on an amendment in regard to who is responsible for our arsenals not being run at their full capacity.

I want to say a few words on that.

The arsenals are not run at their full capacity because herehave been extremely stingy in dealing with the Ordnance Department. A year ago we asked you to give the Ordnance Department more officers. They were underofficered at that time, In the national-defense act you gave them practically twice as many officers as they had before. In this very bill you are now going to adopt you have placed at their disposal all these officers. It is the only department in the Army that has the privilege of calling all of the increments at the present time to their service.

Now, I believe we have dealt liberally with the Ordnance Department in the way of officers, and you ought to deal with them liberally in the way of money, and then hold them responsible for the result.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HULL of Iowa. Yes. Mr. SHALLENBERGER. Is it not a fact that they are not

working the arsenal at Rock Island to its full capacity?

Mr. HULL of Iowa. That is true. There is no question about it. But, as I say, you can not create the machinery to start an arsenal in six months. They immediately started a small-arms factory that was standing idle in Rock Island when they got the appropriation, but they have not yet turned out one gun. Mr. BORLAND. Will the gentleman yield?

Mr. HULL of Iown. Yes.

Mr. BORLAND. Does not the gentleman understand that in the sundry civil appropriation bill there is nearly \$4,000,000 to modernize the Rock Island Arsenal?

Mr. HULL of Iowa. I understand that they have allowed the appropriation there for building field-artillery carriages, but that has nothing to do with the small-arms factory

Mr. SHALLENBERGER. I think perhaps the gentleman is not aware of the statement that I put in the RECORD that they have made 13,000 and odd rifles within the last eight months. They have the capacity to make 250,000, but they have not exer-

Mr. HULL of Iowa. That is the reason we want to give them the money and put instructions in the bill. I have an amendment drawn that will instruct them to run the arsenal at full speed, but you can not do it if you do not give them the

Mr. McKELLAR. Is it not a fact that they have not used the money that we appropriated last year, and that they still

have a large unused balance?

Mr. HULL of Iowa. Because they could not call in men to operate the arsenal at once. You can not start the machinery It has taken the private manufacturers over two years to produce rifles for foreign countries.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. CLARK of Missouri. The gentleman said that as quick as they gave them the money the last time they started up the arsenal, and yet they have not made a gun yet? Mr. HULL of Iowa. Yes.

Mr. CLARK of Missouri. What in Heaven's name have they been doing?

Mr. HULL of Iowa. Well, it takes a long time to get things to working

Mr. CLARK of Missouri. I should say that it did. [Laugh-

Mr. HULL of Iowa. I will say in reply to that, as I said to the gentleman over there, that the private contractors have been trying to produce rifles for foreign countries, and they were equipped over two years ago, and they have not, up to a short time ago, turned out any rifles.

Mr. GREEN of Iowa. If I understood the gentleman from Connecticut [Mr. Tilson] correctly—I understand that he is an expert in this line-it takes about a year to prepare the

jigs and dies.

Mr. CALDWELL. Mr. Chairman, it seems to me the way to force the War Department to use our plants to full capacity is to appropriate all the money they could use if they were running at full capacity and then limit them in the use of that money on

the outside, so that they could not spend a great lot of it outside.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman vield?

Mr. CALDWELL, Yes.

Mr. CALDWELL. Yes.

Mr. CLARK of Missouri. If they will not use the money they have got, what is the sense in giving them more?

Mr. CALDWELL. I understand that they have used it.

Mr. CLARK of Missouri. No; it has been testified here tonight that they have \$5,000,000 of that money on hand now.

Mr. CALDWELL. That money was appropriated two months

after the fiscal year started, and the fiscal year is not over and will not be until July.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. DENT. I want to state right here, in order to correct what seems to be an impression that has been made, it is true that the Army appropriation bill of last year was not approved until August 29; but it is also a fact that the money that was expended for the support of the Army between the 1st day of July and the date of the approval of the act came out of the appropriation that was approved on August 29.

Mr. McKELLAR. Certainly.

Mr. DENT. So that the money that was used for two months has come out of that appropriation. I think there has been a

misconception of that, perhaps.

Mr. CALDWELL. Perhaps the chairman is right about that, but the fact still remains that the year is not up yet and that they still have some time in which to spend that money.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.
Mr. McKELLAR. Is it not a fact that the testimony in the hearings showed that they would not use up all of this appropriation by July 1?
Mr. CALDWELL. I do not so understand it. If the gentle-

man can point it out, I will be glad to have him do so.

Mr. McKELLAR. I will get it and show it to the gentleman. Mr. CALDWELL. My recollection is otherwise. It seems to me that if we are going to prepare this country we must prepare it by making a supply of arms and ammunition, so that when our men respond to the country's call they will have some thing to fight with, and they can not fight unless they have the

Mr. GORDON. Is it not a fact that this bill carries more money than these arsenals can actually use?

Mr. CALDWELL. I do not think so.

Mr. GORDON. How much would it cost to run them?

Mr. CALDWELL. It does not make any difference how much it would cost to run them. If it costs ten times as much as this bill carries, if we need them we ought to have it.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman

yield?

Mr. CALDWELL. Yes. Mr. GREENE of Vermont. Was not it understood that the policy of this bill is to take care of the normal military establishment in normal times?

Mr. CALDWELL. Absolutely. Mr. GREENE of Vermont. And if any demand was made on us for any increase in the Army that increase would be taken care of by extra legislation?

Mr. CALDWELL. I so understand it, and these appropria-

Mr. CALDWELL. I so understand it, and these appropriations are upon a peace basis.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KEATING. How many rifles have we on hand?

Mr. CALDWELL. Something over 700,000 rifles.

Mr. GORDON. And in addition to that we have 300,000 Krags.

Mr. CALDWELL. But they do not shoot the same ammunition. The gentleman must understand that 700,000 rifles would not equip 700,000 men, because you must have a reserve supply to take care of the breakage, the loss, and so forth, so that when you start out with 700,000 pieces of small arms you must figure that you are only ready to equip, say, half a million men.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.
Mr. SLAYDEN. Is not the gentleman mistaken in saying that we have only 700,000 rifles? It seems to me that those are the figures given out two years ago, and that with the Springfields and the Krag-Jörgensens we have more than a million.

Mr. CALDWELL. We have more than a million, with those old rifles.

Mr. McKELLAR. We have in the neighborhood of 900,000 Springfields and those others besides.
Mr. SLAYDEN. I wondered if they

Mr. SLAYDEN. I wondered if they had gone back.
Mr. SHALLENBERGER. Mr. Chairman, I have the exact figures for the increase in rifles. In three years it has been sixty-six thousand and some odd rifles that we have added— Springfield rifles.

Mr. SLAYDEN. What have they been doing all of that time? Mr. SHALLENBERGER. They have been spending it for pistols or something else besides the manufacture of rifles.

Mr. SLAYDEN. We sold 10,000 the other day to Cuba, did

we not?

Mr. SHALLENBERGER. I do not think they were service rifles. But there is a certain wastage all of the time in these rifles, and in my judgment we have not as many as we figure we have. We are not taking into account the wastage and destruction of these rifles in the hands of the soldiers.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. ANTHONY. Mr. Chairman, I would like to be recognized.

Mr. CLARK of Missouri. Mr. Chairman, before the gentleman from Nebraska takes his seat I would like to ask him a question. We have seven hundred thousand and odd rifles.

Mr. SHALLENBERGER. We have about 300 rounds of

ammunition for each rifle.

Mr. ANTHONY. Mr. Chairman, I would like to make a statement that perhaps will throw a little light on the subject mentioned by the Speaker. Gen. Crozier says that July 1 we will have on hand 850,000 modern Springfield rifles with which to equip an army. The \$6,000,000 appropriated in this bill for the manufacture of small arms will manufacture 200,000 more in the next year. That will make 1,000,000 modern Springfield rifles we will have on hand at the end of next year. We have 800,000 practically now. We will have 850,000 by July 1. In addition we have 350,000 serviceable Krag-Jörgensen rifles, which brings up a total of 1,200,000 rifles now on hand and 1,400,000 next year, so that, in my opinion, we have all this country will ever need in event of an emergency or if confronted by a foreign foe.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. HULL of Iowa. I want to call the gentleman's attention to this, and I think I am right, that the statement he makes of 200,000 in the next year is erroneous; it is 400,000.

Mr. ANTHONY. Well, Gen. Crozier said he intended to man-

ufacture 200,000 within the next year, and I take his figure

Mr. CALDWELL. Is it not a fact the Krags of which the gentleman speaks use a different ammunition from the present service rifle

Mr. ANTHONY. Yes; but we have got a considerable supply of Krag ammunition now on hand to supply those rifles.

Mr. CALDWELL. I will ask the gentleman if Gen. Crozier himself also testified that on the 30th day of next June he would have on hand 381,000,000 rounds of small-arms ammuni-

Mr. ANTHONY. I believe he did, and he said if he could get the appropriation he asks for small-arms ammunition, and they were given practically the amount asked for, he intended to have over a billion rounds of small-arms ammunition on hand.

Mr. SHALLENBERGER. Is it not also true we increased the amount of rifle ammunition only 27,000,000 in an entire

year? Is not that the testimony?

Mr. ANTHONY. That is due to sluggishness on the part of the department, undoubtedly; but Gen. Crozier told us, and I believe it is true, that with the tremendous capacity in this country to-day with the private manufacturers we could turn out unlimited quantities of either small arms or small-arms ammunition, and there was not the slightest danger in any emergency that this country might be confronted with in which we could not provide ourselves almost instantly with an abundant supply of small arms and ammunition, and I do not think the House ought to consume time in worrying about that proposition.

Mr. SLAYDEN. Will the gentleman yield for a question?
Mr. ANTHONY. I yield.
Mr. SLAYDEN. I would like to ask the gentleman what is the Springfield Armory turning out now?

Mr. ANTHONY. I could not tell at the moment without

Mr. KAHN. They expect to manufacture 700 a day with the

appropriation of this year.

Mr. SLAYDEN. If I did not mistake the gentleman, his first statement was that by the 1st of July of this year there would be 200,000 more

Mr. ANTHONY. No; there would be 850,000 altogether by the 1st of July, and they can manufacture at the Government arsenals, I understand, a thousand a day if pushed to their full

Mr. SHALLENBERGER. Does the gentleman think we can

fight this war with rifles that are made next year?

Mr. ANTHONY. They are turning out thousands now; there are half a dozen private manufacturers in the country

Mr. SHALLENBERGER. Our rifle, the service rifle?

Mr. ANTHONY. No; but they can do it.
Mr. SHALLENBERGER. If the gentleman will permit, the figures given me by the War Department show in seven days the operation of the arsenals. The gentleman from California said they can make all the rifles in a year. What assurance do we have that they will make them any faster next year than last year?

Mr. ANTHONY. I suppose the War Department appreciates the present conditions and their responsibilities, and that the arsenals will henceforth be used to their utmost capacity.

Mr. SLAYDEN. Under the spur of necessity they could make them faster

Mr. ANTHONY. I think they are now better equipped, with the abundance of money which Congress has provided last year

and will again provide this year.

Mr. GARDNER. Will the gentleman yield as to the abundance of money? The fact is last year they only provided

Mr. ANTHONY. Let me say the testimony before the committee shows that this committee and Congress has been liberal, and it is a fact that in many instances the War Department has not yet been able to expend or contract for all the money we furnished them with in last year's appropriations.

Mr. GARDNER. That is true; but here is a letter from the Secretary of War to me on the 22d of January, in which he

says he is only getting 736,000 rifles-

Mr. ANTHONY. What kind—small arms? Mr. GARDNER. Rifles, of course; small arms, not field artillery. And 110,000 more authorized, at an expense of \$3,700,000

Mr. KAHN.

Mr. KAHN. Mr. Chairman— The CHAIRMAN. The time of the gentleman from Kansas

[Mr. Anthony] has expired.
Mr. KAHN. Mr. Chairman, Gen. Crozier testified before the committee, and his testimony is found on page 888 of the hearings, as follows:

At the end of this fiscal year, by the 30th of June, I shall expect to have on hand between \$25,000 and \$50,000.

Mr. KAHN. Does that include the Krags?

Gen. CROZIER. No. sir.

Then Mr. McKellar asks:

Then Mr. McKellar asks:

What is the capacity of our plants per year, running two shifts? How many could we manufacture?

Gen. Crozier. That depends a little on how we use them. I have stated before this committee several times that with a single shift the capacity of our two plants was 750 rifles per day. I think right here I ought to explain that that capacity never has been realized, and I think never will be realized, for the following reasons: It contemplates that the plant at those two factories shall not be used for the manufacture of spare parts or for repairs, or for any other purpose than the manufacture of rifles.

Mr. McKellar. With two shifts a day, how many rifles could we manufacture, together with the spare parts?

Gen. Crozier. At the Springfield Armory we could manufacture running two shifts, about 700 rifles a day, and at the Rock Island Arsenal we could manufacture about one-half that number.

Mr. SHALLENBERGER. Will the gentleman permit an in-

Mr. SHALLENBERGER. Will the gentleman permit an interruption?

Mr. KAHN.

Mr. SHALLENBERGER. I want to show the inaccuracy of the War Department. In the first one you read, he said the capacity of two arsenals running at two shifts was 700.

Mr. KAHN. Running at two shifts it was about 1,000 per

Then, on page 893, Gen. Crozier says:

I expect to manufacture with this appropriation something over 200,000 rifles, and I expect to purchase about 5,000.

So the gentleman from Kansas [Mr. Anthony] was exactly right when he gave his figures to the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HULL].

The question was taken, and the amendment was rejected. The CHAIRMAN. The Clerk will read.

The Clerk read as follows: .

Provided, That not more than 20 per cent of this sum shall be expended in the purchase of arms.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word, simply for the purpose of saying that in each one of these limitations I should have offered an amendment putting the limitation in the discretion of the Secretary of War, but inasmuch as the House does not want that limitation I

shall not offer it.

Mr. KAHN. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. KAHN. Gen. Crozier stated before the committee that all he intends to purchase out of the appropriation is 5,000, which is infinitely less than 20 per cent.

Mr. GARDNER. Mr. Chairman, I withdraw the pro forma

amendment.

The CHAIRMAN. The gentleman from Massachusetts withdraws the pro forma amendment; and the Clerk will

The Clerk read as follows:

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infantry, Cavalry, and Artillery equipments, including horse equipments for Cavalry and Artillery, \$10,000,000.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment: On page 51, line 22, strike out "\$10,000,000" and insert "\$16,515,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HULL).

The question was taken, and the amendment was rejected. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

National trophy and medals for rifle contests: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and of the District of Columbia, members of rifle clubs, and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, \$10,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a somewhat lengthy question. Last week, as I recall it, in the Navy bill there was a provision inserted which, in effect, permitted the Secretary of the Navy to commandeer all factories in the United States or any sort of an establishment that made anything that could go into Navy appliances, and it was the general understanding we would have some sort of the same legislation relating to the Army.

Mr. KAHN. That is in the national-defense act.

Mr. BENNET. There is a provision in the national-defense act, but I am not sure it goes as far as the Navy bill. If it does it points what I am about to say. As I remember, the naval bill—and the only time I saw it was when it came before the Committee on Rules—the limitation on that right to commandeer was that the President could not do it except as money was appropriated beforehand by Congress. If these limitations remain in this bill in another place, then all this talk that has gone out to the country about everything we are going to do about seizing private establishments for preparation is simply "thundering in the index," because if you have limited the amount that can be spent to one-third, or 20 per cent, of the appropriation, the President can not commandeer anything, and we have been misleading the people of the United States.

Mr. KAHN. It is section 120 of the national-defense act.

Mr. BENNET. Yes. I want to ask the chairman of the com-

mittee if we ought not to correct that information that has gone out to the people, that in a broad-minded, patriotic, self-sacrificing way we have laid open all the manufacturing establishments of the United States to the commandeering power of the President of the United States, when, as a matter of fact, we have only opened them to the extent of one-third, or 20 per cent, of the amount we have appropriated in the various bills?

Mr. KAHN. Mr. Chairman, will the gentleman yield?
Mr. BENNET. Certainly.
Mr. KAHN. Of course, in this bill immediate war is not contemplated. It is a bill to take care of the Army in peace times. I take it that the moment war should be declared-

Mr. BENNET. If it should—
Mr. KAHN. If it should be declared, necessary legislation would be immediately enacted by Congress, giving a great deal of money for the manufacture and purchase of the necessary

machinery to carry on the war.

Mr. BENNET. But am I not correct in the belief that despite the words of the statute, which the gentleman from Massachusetts has placed in my hand, the limitations that have been placed on these various appropriations do, without further legislation, limit the commandeering power of the President to

Mr. BENNET. Of course, we never appropriate for more than one year, and under the Constitution we could not appropriate for the Army for more than two years.

Mr. GREENE of Vermont. May I make a suggestion?

Mr. BENNET. Yes.

Mr. GREENE of Vermont. The commandeering paragraph, so called, in the national-defense act specifically states that it applies only in time of war or in imminence of war; so that it

has no relation to this bill, and-

Mr. BENNET. So that the idea that has gone abroad, that we have in a sweeping way placed in the power of the President the right to commandeer in time of emergency, is subject to two limitations, if the gentleman is correct—that it only operates in time of war; and, second, that it applies only to these things that we are passing to-night, or only to the extent of one-third and, in some instances, 20 per cent of the appropriation?

Mr. SHALLENBERGER. Mr. Chairman, if the gentleman will permit me, in section 120 of the national-defense act the gentleman will see that the President is empowered to do certain things in time of war or in imminence of war; and down in the latter part of this provision the President is-

Hereby authorized to take immediate possession of any such plant or plants and, through the Ordnance Department of the United States Army, to manufacture therein in time of war or when war shall be imminent such products or material as may be required; and any individual, firm, company, association, or corporation, or organized manufacturing industry, or responsible head or heads thereof failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$50,000.

Mr. BENNET. But the President can not do that without a prior appropriation. I am not saying that dogmatically, but am stating it with a view to securing information. Mr. GREENE of Vermont. It applies only to a situation in

time of war or in imminence of war. It was the policy in fram-

ing this bill to provide only for the normal peace establishment. That provision in the national-defense act has nothing to do with peace conditions. In that contingency—in time of war or in imminence of war—we would take the restrictions off this bill and open up as much money as the Nation might

Mr. BENNET. So that if war should take place between now and the next regular session of Congress you would have to have a special session of Congress to make appropriations before section 120 of the national-defense act would be practicable?

Mr. SHALLENBERGER. It would be a deficiency, of course. Mr. GARDNER. As a matter of fact, in the fortifications law we had a proviso to the effect that " whenever in the opinion of the President an emergency exists affecting the welfare of the United States he may waive the limitations contained in

Mr. BENNET. I think the gentleman from Massachusetts ought to offer that as an amendment to this bill.

Mr. GARDNER. I will offer it in the proper place or let the gentleman offer it.

Mr. BENNET. The gentleman from Massachusetts discovered I will offer it if it has nothing to do with immigration,

Mr. KAHN. It is not in order at this place in the bill, I will

say to the gentleman.

Mr. BENNET. The gentleman from California says it is not in order at this point in the bill, and he is correct. I will not offer it now, as it is not pertinent to this part of the bill.

The CHAIRMAN. The Clerk will report the proposed amend-

ment for information.

The Clerk read as follows:

Whenever in the opinion of the President an emergency exists affecting the general welfare of the United States, he may waive the limitations contained in this act.

Mr. BENNET. It is a perfectly good amendment, I see, as it is read. I had not read it before I offered it. I give notice that

at the proper time I will offer it.

TAVENNER. Mr. Chairman, a few moments ago stated that I had heard Gen. Crozier testify that he was paying private manufacturers 54 per cent more for caissons than the cost of manufacturing them at the Rock Island Arsenal. gentleman from Pennsylvania [Mr. Garland] stated that he did not believe it had been done. I have looked up the testimony of Gen. Crozier, which I had in mind when I spoke, and desire to call it to the attention of the House at this time, when we are in the mood to consider this question. On January 13, 1912, Gen. Crozier, testifying before a special committee of the House of Representatives appointed to investigate the Taylor system, page 1118 of the hearings, said:

page 1118 of the hearings, said:

We have recently manufactured gun carriages, and are doing it still, for 3-inch rifles—that is, field guns—at \$2,510.60, the exact cost. We purchased those rifle carriages from experienced manufacturers, who had had preceding orders for the same thing, for \$3,398.82, an increase of 35.4 per cent over our own price. Our carriages were made at the Rock Island Arsenal.

We have manufactured there, at the same arsenal, caissons for \$1,128.67, and we have purchased the same caissons from private manufacturers who had had previous orders for them, so that they had experience in the manufacture, for \$1,744.10, which is 54.6 per cent greater than our own price.

On page 1117 of the same hearings Gen. Crozier stated as follows:

At the Springfield Armory the principal manufacture is small-arms rifles. We make a few other things, but the manufacture is almost entirely of the small-arms rifle. We manufacture that rifle for about \$15, and in doing so I take into account what I think should properly be taken into account in the cost; but the Springfield Armory, like the other arsenals, is maintained as an arsenal of storage and issue, as well as a manufacturing place; and, therefore, in computing these costs. I have subtracted from the total expense of the Springfield Armory those portions which I consider result from its character as an arsenal of issue and storage. Unless somebody goes into the details quite closely, there may be a question as to whether I subtract quite as much as I ought to.

I am reading this to make it plain that when we state on the floor that we are manufacturing things at arsenals at a certain figure that the given arsenal cost includes overhead charges of every description. Of course we do not charge taxes, because the Government does not pay any.

Mr. FARR. For information, how much money has the Government invested in the works to which the gentleman is now referring?

Mr. TAVENNER. Some \$14,000,000, offhand.

Mr. FARR. Do you count 6 per cent on that \$14,000,000?
Mr. TAVENNER. No. We count 3 per cent interest, because that is all the Government has to pay; but I have never been able to understand why we should charge any interest. We are not paying any.

Mr. FARR. The people have to pay it.

Mr. TAVENNER. Who do they pay it to? The sums appropriated for the arsenals from year to year are taken out of the money that we are collecting from year to year from tariff taxes and other Government revenues. Anyway, 3 per cent is charged as interest on the total investment.

Mr. FARR. On the \$14,000,000?

Mr. TAVENNER. Yes; and distributed over the various articles manufactured there. Three per cent interest is charged. Mr. FARR. Does this gentleman whom you are quoting now mention the interest charges as part of the overhead charges?

Mr. TAVENNER. Yes; he says 3 per cent is charged on the total investment, also on all material that is being used in the manufacture of these munitions. For instance, suppose there should be a million dollars' worth of copper or other material on hand, he charges against the arsenal the interest on the value of that material in the course of manufacture. In fact, they charge every possible thing as overhead, because they do not want to make it appear that we are manufacturing these things too cheaply, because they apparently do not want to give any more contracts than absolutely necessary to the Government arsenals.

Mr. FARR. The gentleman will concede, then, that the private manufacturer pays at least 3 per cent more than is allowed in the charge for interest against Government plants?

Mr. TAVENNER. Yes. I do not say that the private manufacturer does not have to pay more interest than the Government; he does; but the issue is this: Why should we pay from 15 to 50 per cent more to private manufacturers for \$20,000,000 or \$30,000,000 worth of munitions than we can manufacture them for in Government arsenals? Why not do it in the Government plants, so that we will get as much preparedness as possible for the money we spend? You will find that if you will take the private profit out of this thing, so that we can get a dollar's worth of preparedness for every dollar appropriated, there will not be so much deserved opposition to preparedness.

Mr. FARR. I am not in disagreement with the gentleman on that. I am simply trying to find out what the overhead

Mr. TAVENNER. I will read further from Gen. Crozier's

statement:

Therefore, I, last year, for the purpose of satisfying some persons who might have some doubt, made up what I might call an exaggerated cost of the rifles at the Springfield Armory—that is, I took every cent of money that was sent up to the Springfield Armory and charged it to the rifle. Whether it was for the payment of the clerks that were used in the issue of stores, the payment of the storehouse force, whether it was for the payment of the watchmen—they are the guards and custodians of the valuable property we have up there—I charged all the pay of officers and all the pay of everybody concerned to the rifle, and by that means I arrived at a cost of the rifle of \$17.64 instead of \$15—that is, I found I had to add to the cost as I had reported it about 17 per cent. Now, that then became a statement of an exaggerated cost which, whatever the rifle might cost properly, it could not possibly reach. It must have been below \$17.65; and if it were possible to obtain the opinion of an expert, I would be glad to ask him if he thought the Springfield rifle could be produced by anybody else anywhere and purchased for \$25. My own opinion is that you could not get it as low as \$25 from any manufacturer.

On April 2, 1912, Gen. Crozier stated as follows before a subcommittee of the Appropriations Committee of the House of Representatives relative to the cost of manufacture at the Rock Island Arsenal—see pages 637-638 of hearings:

Island Arsenal—see pages 637-638 of hearings:

The Chairman. Do your figures show the comparative cost of manufacture and purchase?

Gen. Crozier. Yes.

The Chairman. Put them in the record, please.
Gen. Crozier. I will mention a few of them for the record. I think I can mention them more summarily, so they can be better comprehended in the record, than if I put in all of these details. I will take the limbers for the 3-inch rifles. The average of three contracts gave a price of \$1,518 aplece for those limbers.

Mr. Cannon. What is a limber?

Gen. Crozier. A limber is the forward portion of the wagon which transports the gun, the forward portion of the gun carriage; and the average of five orders for manufacture at the Rock Island Arsenal was \$684 apiece. The arsenal cost was less than half the purchase price.

Gen. Crozier. Now, for the 3-inch caisson, the average of five contracts shows a price of \$1,708, and the average of six manufacturing orders given to the Rock Island Arsenal is \$1,081. The 3-inch gun carriage proper—that is, the vehicle on which the gun rests and from which it is fired—gives as the average price three contracts, \$3,208, and the average cost under five manufacturing orders at the arsenal was \$2,241.

Mr. CANNON. Does that include overhead charges? Gen. CROZIER. Yes, sir.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Provided, That the Secretary of War, in his discretion, and under such regulations as he may prescribe, may authorize the detail of enlisted men of the Army as temporary instructors in rifle practice to organized rifle clubs requesting such instruction.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that. I wish to inquire what is meant by authorizing the detail of enlisted men of the Army as temporary instructors in rifle practice to organized rifle clubs requesting such instruction? How generally is it proposed to have enlisted men in the Army traveling about the country visiting these camps, and for how long are they supposed to be detailed at these various rifle clubs?

Mr. DENT. Of course there is nothing in this proposition as it appears in the bill which answers the question of the gentleman from Wisconsin. That amendment was offered at the suggestion of a member of the committee, because it was thought that the Secretary of War in his discretion could take an enlisted man from the Army who happened to be at a post near where some rifle club was organized and send him over there to give temporary instruction. It confers the discretion on the Secrefary of War, and it is absolutely within his power and authority to determine when he will exercise this right. and when he will detail a man for that purpose. Of course it will all depend on how close the enlisted man is to the rifle club, and on various other circumstances. I yield to the gentleman from Vermont [Mr. GREENE], who is the author of the

Mr. STAFFORD. If the gentleman from Vermont [Mr. GREENE] is the author of it, that gives it more dignity and

standing than perhaps it otherwise might have.

Mr. GREENE of Vermont. In the five minutes allotted to me I can not hope to reply to such flattery as that. The fact is that an instance was brought to my attention only a little while ago where a civilian rifle club was organized near an Army post. This club was composed, I think, of about a thousand splendid young men, physically capable of bearing arms, and having a great deal of military enthusiasm. They wanted to have an opportunity to take advantage of instruction by one or two veteran soldiers, expert marksmen. They applied for the detail of one or two of these marksmen, and while the department was perfectly willing it was found that technically there was no authority under which a soldier could be detailed for that purpose. So it was thought that such a provision as this, carefully safeguarded, by putting it in the discretion of the Secretary of War under such rules and regulations as he might prescribe would give them an opportunity to have what appears to a reasonable man to be merely an accommodation in the public interest, and particularly in the general scheme of educating civilians for national defense.

Mr. DENT. In other words, the committee decided that certainly no harm could grow out of it and possibly some good.

Mr. STAFFORD. Does not the gentleman think that there should be some further limitation so that the enlisted men can only be detailed to a near-by rifle club and so that the Secretary of War, even in peace times, could not send enlisted men all over the country to rifle clubs for the purpose of instruction. I will inquire of the gentleman from Vermont what is necessary, as far as rifle instruction is concerned: I used a rifle in my early days and I didn't need instruction. I was able to hit a small bull's-eye after a little practice.

Mr. GREENE of Vermont. All one has to do is to stand up with a sporting rifle and aim at a sporting target and then take a military rifle and take the ranges necessary for that practice with a military rifle to learn that there is a practical difference which in most instances can only be overcome by

instructions from experts.

Mr. CALDWELL. Experience shows that the average man that enlists, who has the interest to enlist, can not use a military rifle any better than a man who never had a gun in his hand before.

Mr. STAFFORD. I have no objection to deputing a man to a near-by rifle range, but I do not think we ought to send enlisted men all around the country on, perhaps, junkets for the purpose of being attached to some rifle range that may be in practice only one day in the month.

Mr. BUTLER. Mr. Chairman, I suggested to the Committee on Military Affairs about two weeks ago the wisdom of inserting in this bill a provision of this character. At the time I called upon the Military Affairs Committee I had with me Capt. Cassatt, of my congressional district.

Mr. STAFFORD. Is he the son of the late A. J. Cassatt,

former president of the Pennsylvania Railroad?

Mr. BUTLER. Yes; and permit me to say that he was my adversary in the late disturbance I had in my congressional district. [Laughter.] He and a number of other gentlemen living in and about my home, feeling greatly interested in making some preparation for the future military service at their own expense established two rifle ranges and gun clubs. Within six or eight months they had a membership of seven or eight hundred. Each member paid \$1 for the privilege of belonging to the club and at the same time being taught to shoot. They have provided themselves with guns and ammunition, and to the best of their ability they have turned out within six months nearly 700 marksmen. They are not at all sure that the work they have done has been well done and according to the requirements which the Army might impose They expect within the next three or four months to increase the membership to 1,200 or 1,500. They are young men from all around the neighborhood who come in to learn to shoot. I have said that they established two ranges. They ask nothing for the ranges, but they want some one, some noncommissioned officer or private soldier, to come to the range and give the men further instructions and to instruct others.

Mr. STAFFORD. Mr. Chairman, upon the statement made

by the military expert on the Republican side, supplemented by the naval expert on the Republican side, I withdraw the

reservation of the point of order. [Laughter.]
Mr. SEARS. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

Page 52 after line 24, insert:

"For the payment of transportation of teams authorized by the Secretary of War to participate in the national matches, \$60,000: Provided, That this amount shall be proportioned among the several States, Territories, and the District of Columbia, according to the distance from the seat of government to the place where the national matches are to be held: And provided further, That the governors of the States or Territories or the Board of Commissioners of the District of Columbia may designate which team or teams shall attend from their respective States, Territories, or District of Columbia."

Mr. DENT. Mr. Chairman, I reserve a point of order.

Mr. KAHN. I make the point of order.

Mr. SEARS. This amendment was contained in the bill of last year and year before last. It is not new legislation. I clipped the amendment out of the bill of last year for fear some Member might say it was new legislation.

Mr. KAHN. There is a provision that takes care of the national trophies and medals for rifle contests, and I do not see why we should duplicate that work. I therefore make the point

The CHAIRMAN. Has the gentleman from Florida any au-

Mr. SEARS. I have not looked up any authorities, Mr. Chairman, as I presumed, this being a preparedness proposition, there would be no point of order raised.

The CHAIRMAN. If the point of order is raised the burden

is on the gentleman.

Mr. SEARS. It seems unless a preparedness proposition involves \$10,000,000 it is impossible to get an amendment

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be immediately available and remain available until the close of the fiscal year ending June 30, 1919, \$3,000,000.

Mr. HULL of Iowa. Mr. Chairman, on page 53, line 5, I move to strike out "\$3,000,000" and insert "\$7,350,000." The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 5, strike out "\$3,000,000" and insert "\$7,350,000,"

Mr. HULL of Iowa. Mr. Chairman, I do not care to debate the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The Clerk read as follows:

Automatic machine rifles for National Guard: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, for the National Guard, to be immediately available and to remain available until the close of the fiscal year ending June 30, 1919, \$2,500,000.

Mr. HULL of Iowa. Mr. Chairman, on page 53, line 18, I move to amend by striking out the figures "\$2,500,000" and inserting "\$11,789,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 18, strike out "\$2,500,000" and insert "\$11,789.000." The CHAIRMAN. The question is on agreeing to the amend-

The amendment was rejected.

The Clerk read as follows:

Antiaircraft guns: For the procurement and test of antiaircraft guns, including their carriages, sights, implements, and equipments, to be immediately available and to remain available until the close of the fiscal year ending June 30, 1919, \$250,000.

Mr. CALDWELL. Mr. Chairman, I move to amend by inserting in line 20, page 53, after the word "sights" the word searchlights."

The CHAIRMAN. The Clerk will report the amendment,

The Clerk read as follows:

Page 53, line 20, after the word "sights" insert the word "search-lights."

Mr. CALDWELL. Mr. Chairman, the reason I propose this amendment, and I hope the committee will accept it, is that an antiaircraft gun is absolutely useless unless you have it equipped with the necessary searchlights to locate the aircraft, because the aircraft operates most extensively in the nighttime, and under the circumstances, in view of the fact that in the places where these guns will be located they have no searchlights, we ought to provide them with the necessary searchlights out of this appropriation.

Mr. GREENE of Vermont. Is the searchlight made necessary for use with the antiaircraft gun not provided for in some other

appropriation in the bill?

Mr. CALDWELL. Not that I know of. I want to have the necessary words in there so that if they find it necessary they can buy them.

Mr. GREENE of Vermont. The gentleman does not understand there is any peculiar searchlight that goes as a fixture of

Mr. CALDWELL. No; but it must be one of extremely high

power.

Mr. GREENE of Vermont. Those searchlights are provided in other appropriations for any use the Army may have to make of them.

Mr. Chairman, will the gentleman yield. Mr. KAHN.

Mr. CALDWELL. Yes. Mr. KAHN. The Engineer's Department furnishes searchlights, and they have searchlights now that throw the rays 13,000 yards.

Mr. CALDWELL. This can do no harm. They are not

spending it unless they want to.

Mr. DENT. I will state to the gentleman that the language of this paragraph is exactly the language recommended by Gen. Crozier, Chief of Ordnance.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield? Mr. CALDWELL. Yes.

Mr. CALDWELL. 1es.
Mr. STAFFORD. The gentleman suggests that it will do no harm. It does harm to this extent, that if you authorize it here you merely reduce the amount that may be available for the purchase of the various items included in the paragraph.

Mr. CALDWELL. I think the amount is too small, and I

expect to offer another amendment.

Mr. STAFFORD. What is the use of providing in two items

of a bill for the same objects?

Mr. CALDWELL. I do not know of any place in the bill where provision is made for purchasing the necessary searchlights for defense guns against aerial machines. Therefore I insist upon the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I move to strike out, in line 23, page 53, the sum of "\$250,000" and insert in lieu thereof, "\$1,250,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 23, page 53, strike out "\$250,000" and insert in lieu thereof "\$1,250,000."

Mr. CALDWELL. Mr. Chairman, the reason I do that is this: On January 3, 1917, Gen. Crozier appeared before our committee, and it was then for the first time, so far as I know, that the question of defense guns against aircraft was brought up by any committee or by any department of the War Department or of the Navy. While it was stated here a few moments ago that Mr. Kahn was the person who first suggested it, Mr. KAHN was the person who suggested this

Mr. DENT. Mr. Chairman, I made the statement that the gentleman from California [Mr. KAHN] did make this suggestion. I was not entirely accurate about that, and I desire to correct it. The gentleman from New York [Mr. Caldwell] brought the subject out at the hearings, and the gentleman from California [Mr. Kahn], when we were preparing the bill and were about to overlook this proposition, suggested that we were about to omit it and brought it in.

Correct statement.
Mr. CALDWELL. Mr. Chairman, I asked Gen. Crozier at that time if it was not desirable that we protect our arsenals and supply stations, and he said that it was. I asked him

if he would not prepare a clause to go into the bill and make a statement showing how many of these guns we ought to have, and what they cost, and Gen. Crozier was kind enough to do that, and the clause that he prepared is the clause that is in the bill.

The statement that he made was as follows. I read from page 886:

For the procurement and test of antiaircraft guns, including their carriages, sights, implements, and equipments, to be immediately available and to remain available until the close of the fiscal year ending June 30, 1919, \$1,275,000.

At the present prices it is estimated that antiaircraft guns and mounts of 3-inch caliber, which would be proper for defense of ordnance stations, would cost \$12,500 each. The more important ordnance stations should each have eight or more of these guns and the smaller from four to six. The total required on this basis would be:

Eight each for the Frankford, Watertown, and Watervilet Arsenals, 10 for Picatinny, 10 for Springfield Armory, or a total for the more important stations of 44.

Two for Augusta Arsenal and 4 for the Sandy Hook Proving Ground, a total of 6.

Six each for the Benicia Arsenal and the New York Arsenal, a total

Six each for the Benicia Arsenal and the New York Arsenal, a total

Six each for the Manila Ordnance Depot, the Panama Ordnance Depot, and the Hawaiian Ordnance Depot, a total of 18.

This makes a total of 80, which, at \$12,500 each, would make the total estimate \$1,000,000.

And, with the necessary supplies, \$1,200,000; and I hope this

amendment will be agreed to.

Mr. ANTHONY. Mr. Chairman, I think my colleague from New York [Mr. Caldwell] is in error when he makes the statement that provision is not made for the development of antiaircraft guns. Such provision has been made in other appropriation bills, and for the last two years the Navy Department and the Ordnance Department of the Army have been developing such a gun for the purposes of defense against aircraft for the use of the Coast Artillery and for the use of the Navy. Now, this appropriation the committee has made of \$250,000 in this bill for antiaircraft guns, in my opinion, is the only place where the committee has slopped over in the preparation of its bill. It is the intention of the War Department to place these antiaircraft guns even at such ridiculous places as Rock Island Arsenal, 1,500 miles inland from the seacoast, for the purpose of protecting that arsenal from the raid of aircraft of a foreign enemy. Now, it would be perfectly proper, in my opinion, to plant such guns along the seacoast, but the idea of equipping the interior arsenals and posts with antiaircraft guns is carrying the proposition to the extreme. Yet I am willing that they should have \$250,000 for the development of such guns, but I am utterly opposed to making such increase as the gentleman from New York suggests, because it is unnecessary.

Mr. BUTLER. How far from the Canadian border is the

arsenal of which the gentleman speaks?

Mr. ANTHONY. About 1,000 or 800 miles.

Mr. KAHN. The gentleman is mistaken in suggesting it is

the intention to put guns at Rock Island.

Mr. ANTHONY. To put some guns at Rock Island.

Mr. KAHN. If the gentleman will allow me, Gen. Crozier said that there is estimated 8 each for the Frankford, Watertown, and Watervliet Arsenals; 10 for Picatinny; 10 for Springfield Armory, or a total for the more important stations of 44. Two for Augusta Arsenal and 4 for the Sandy Hook Proving Grounds, a total of 6. Six each for the Benicia Arsenal and the New York Arsenal, a total of 12. Six each for the Manila Ordnance Depot, the Panama Ordnance Depot, and the Hawaiian Ordnance Depot, a total of 18. It does not mention Rock Island at all.

Mr. ANTHONY. Some of the testimony that I read bearing on the subject it occured to me there was a provision made for Rock Island, and I am glad to hear the gentleman say there is no such provision. I think \$250,000 in the bill amply sufficient to develop that type of gun for the purpose of the Army.

Mr. FARR. How long does it take to make one of these

guns?

Mr. ANTHONY. The Army has not made any of those guns yet. I understand they are simply in the process of development yet; but other branches-

Mr. FARR. We have some.
Mr. ANTHONY (continuing). Have developed them—the Navy and the Coast Artillery.

Mr. FARR. Are those 1 or 3 inch guns? Mr. ANTHONY. I do not know. Mr. FARR. Nothing definite?

Mr. ANTHONY. No.

Mr. FARR. Does the gentleman think we ought to have

Mr. ANTHONY. No; I do not believe so. I do not believe it is necessary. I do not believe we will ever be threatened by an aerial attack from a foreign enemy.

Mr. FARR. Has the gentleman been reading any of Admiral Peary's statements?

Mr. ANTHONY. I think Admiral Peary's statement ridiculous, and it belittled Admiral Peary in my estimation.

Mr. FARR. The gentleman does not think a ship can come within 300 miles of the coast and turn off several aeroplanes? Mr. ANTHONY. Not as long as the American Navy is Those ships carrying foreign aeroplanes will never

come within 300 miles of the American coast.

Mr. FARR. How near the American coast have these socalled raiders come which have destroyed so many ships?

Mr. ANTHONY. Nobody knows. No raider of a foreign country would have ever ventured into those seas when the American Navy was on the lookout.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. ANTHONY. I will be glad to yield.

Mr. GREENE of Vermont. The gentleman is very opti-

Mr. ANTHONY. Not optimistic, but trying to exercise a little practical sense.

Mr. GREENE of Vermont. I think for the most part the gentleman does.

Mr. ANTHONY. I am glad to hear it.

Mr. GREENE of Vermont. I just wanted to suggest, a little while ago we might have refused to make an appropriation for a net to stretch across the mouth of some harbor, claiming that no submarine would ever cross the ocean; but now we take it as a matter of fact.

Now, the same possibilities exactly lie in the use of flying

craft by the invasion of a foreign enemy.

Mr. ANTHONY. A year ago we were scared to death about the Zeppelin airship. To-day all military authorities agree that as a vehicle of offense it is absolutely useless.

Mr. GREENE of Vermont. We are not talking about Zep-

pelins now.

Mr. ANTHONY. We are talking about antiaircraft guns. Mr. FARR. The antiaircraft gun is what made the Zep-

pelin ineffective.

Mr. KAHN. That is it exactly.

Mr. GREENE of Vermont. That is a good answer for the

gentleman.

Mr. DENT. Mr. Chairman, I hope the amendment that increases this appropriation \$1,000,000 will not be adopted. This is the first time a provision of this kind has appeared in the Army appropriation bill. This matter is in the experimental stage. I agree with the gentleman from Kansas [Mr. Anthony] that we have amply provided for the experiment in the appropriation provided by the committee.

Mr. FARR. For how much does the amendment call?

Mr. DENT. One million dollars,

Mr. FARR. It ought to be \$1,000,000 or, at least, \$500,000.

The gentleman from Kansas intimated that the Zeppelin became ineffective after the development of the antiaircraft gun. My information is that we have not any conception of the damage which was done in London and in other towns in England by the Zeppelins until the antiaircraft gun was developed, and as the result of the utilization of that gun, which could shoot 3 or 4 miles in the air, the Zeppelins have proven useless.
Mr. GORDON. Will the gentleman yield?

Mr. FARR. Yes.

Mr. GORDON. Where is the Zeppelin going to come from? Mr. FARR. I am talking about the Zeppelins across the ocean.

Mr. GORDON. I am talking about the United States.

Mr. FARR. If we should have war with one of these splendidly developed countries we would see something of the Zeppelin or other aircraft.

Mr. GORDON. We would not see the Zeppelin on this side

of the Atlantic, though. Mr. FARR. We might.

Mr. GORDON. How could it get here? Mr. FARR. It could come from Canada, and I do not think it would be so difficult for airships to cross the ocean. After this war is over we will see airships in abundance coming

across the ocean and going from here across the Atlantic.

Mr. GREEN of Iowa. Will the gentleman yield? With all deference to the experience and knowledge of my friend from Kansas [Mr. Anthony] I think he made an inadvertent admission there when he said that the reason that the Zeppelins could do no harm was by reason of the development of an antiaircraft gun. It was not that, as reported by the technical journals, but because of the swift, high-power aeroplanes that had been developed, which could quickly rise and get above the Zeppelins and destroy them,

Mr. CALDWELL. The gentleman from Alabama [Mr. Dent] just stated that the antiaircraft gun was an experiment. It has not been an experiment in Europe.

Mr. DENT. I was speaking of the fact that it was an experiment in this country.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

The question was taken, and the amendment was rejected.
Mr. BENNET. Mr. Chairman, I move to amend by adding after the word "guns," in line 20, page 53, the words "and de-

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 53, line 20, after the word "guns" insert the words " and devices."

Mr. DENT. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Bennet].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Ammunition for antialreraft guns: For the procurement and test of animunition for antialreraft guns, including the necessary experiments in connection therewith, to be immediately available and to remain available until the close of the fiscal year ending June 30, 1919, \$200,000.

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, does he not think that the words "and devices" ought to go in after the word "guns" in line 25, page 53? It will not do any harm and would do some

I do not see any objection to it.

Mr. BENNET. I offer the amendment, then, to insert after the word "guns" in line 25, page 53, the words "and devices."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 53, line 25, after the word "guns" insert the words "and de-

Mr. STAFFORD. Will the gentleman yield?

Mr. BENNET. Certainly

Mr. STAFFORD. Does the gentleman think that ammunition will also be necessary in connection with the operation of these

Mr. BENNET. I do not know. It is purely experimental; and if they do have ammunition, it would not do any harm to

Mr. STAFFORD. Is it not more than experimental? Is it not ephemeral?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. Benner].

The question was taken and the amendment was agreed to.
Mr. SIEGEL. Mr. Chairman, I desire to offer an amendment on page 54, line 4, by striking out the figures "\$200,000" and inserting "\$1,200,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 54, line 4, strike out "\$200,000" and insert "\$1,200,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SIEGEL].

The question was taken, and the amendment was rejected, The Clerk read as follows:

The Clerk read as follows:

Field artillery for National Guard: For the purpose of manufacturing and procuring field artillery material for the National Guard of the several States, Territories, and the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, to issue said artillery material to the National Guard; and the sum of \$10,000,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year 1919, for the manufacture, procurement, and issue of the articles constituting the same, \$10,000,000.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment. Mr. BORLAND. Mr. Chairman, I desire to reserve a point

of order on that paragraph.

The CHAIRMAN. The gentleman from Missouri reserves a point of order on the paragraph.

Mr. HULL of Iowa. On line 19, page 54, strike out the figures "\$10.000,000" and insert the figures "\$14,000,000."

The CHAIRMAN. The Clerk will report the amendment

offered by the gentleman from Iowa.

The Clerk read as follows:

Page 54, line 19, strike out the figures "\$10,000,000" and insert "\$14,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend by striking out, on page 54, line 19, the figures "\$10,000,000."

The CHAIRMAN. The Clerk will report the amendment

offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. Mann: On page 54, line 19, strike out the figures "\$10,000,000."

Mr. MANN. I do not know why that has been inserted here. It is not necessary to repeat the amount of an appropriation and insert it twice in a paragraph. While it is very common to put the amounts in the various provisions in a paragraph and put the total amount at the end of the paragraph, it is not customary, where you make a specific appropriation in a paragraph of \$10,000,000, to add "\$10,000,000" at the end of the paragraph.

Mr. DENT. I agree with the gentleman. I had not noticed

it before. I do not think it is necessary.

Mr. McKELLAR. Would it not be better to strike out the figures "\$10,000,000" in line 15 rather than at the end of

Mr. MANN. No. That would require a redrafting of the provision.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.
Mr. BORLAND. Mr. Chairman, I reserved a point of order on that, and since then the Chair has accepted two amendments. do not know whether my point of order is in order now or not. The CHAIRMAN. The point of order is still pending. The

Chair said that the point of order had been reserved.

Mr. BORLAND. The point of order is that the appropriation extends over a longer period than two years. The Constitution says that an appropriation for the Army shall not extend longer

than two years.

Mr. MANN. It does not extend beyond two years.

Mr. BORLAND. Yes; it does. It says it is immediately available and will remain available until the end of the fiscal

Now, it seems to me that the Committee on Military Affairs do not want to violate the Constitution, or to violate even the spirit of that provision of the Constitution. It is a very insignificant infraction of the constitutional provision, but it seems to me that the committee ought to keep within the provisions of the Constitution. There is no reason for making it immediately available.

Mr. GARDNER. Why does not the gentleman offer an amendment?

Is this an appropriation for the Army?

Mr. BORLAND. The mere fact that it is made immediately available makes it unconstitutional.

Mr. FITZGERALD. It is for the support of the Army., Mr. MANN. I doubt that. I asked the gentleman's opinion on it, on the constitutional question only. Of course the item is subject to a point of order.

Mr. BORLAND. It would seem to me, without looking at the precedents, that the support of the National Guard is a part of

the Army.

Mr. McKELLAR. Mr. Chairman, I move to strike out, in line 17, the word "nineteen" and insert in lieu thereof the word "eighteen."

Mr. DENT. I move to strike out the words, in lines 15 and 16, "made immediately available and to remain available."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Dent: Page 54, beginning with line 15, strike out the words "made immediately available and to remain available until the end of the fiscal year 1919."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DENT. Mr. Chairman, I will ask leave to change that amendment so as to strike out of the paragraph the words "to remain available until the end of the fiscal year 1919."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 16, strike out the words "to remain available until the end of the fiscal year 1919."

Mr. BORLAND. I withdraw the point of order. The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.
Mr. MANN. Mr. Chairman, what became of my amendment?
The CHAIRMAN. The amendment of the gentleman from Illinois was agreed to. The gentleman from Tennessee [Mr. McKellar] offered an amendment.

Mr. McKELLAR. That was covered by the amendment of the gentleman from Alabama.

The Clerk read as follows:

The Clerk read as follows:

Ammunition for field artillery for the National Guard: For the purpose of manufacturing and procuring reserve ammunition for field artillery for the National Guard of the several States, Territories, and the District of Columbia, the funds to be immediately available, and to remain available until the end of the fiscal year ending June 30, 1919, \$10,000,000: Provided, That not more than \$200,000 of this appropriation may be used to procure gauges, dies, figs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by private manufactures of field artillery ammunition necessary for the use of the land forces of the United States in time of war, and in the purchase of lots of ammunition to complete the object of this proviso the existing laws prescribing competition in the procurement of supplies by purchase shall not govern in orders not to exceed \$50,000 in any one case \$10,000,000.

Mr. DENT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 54, line 24, after the word "available" strike out the following: "and to remain available until the end of the fiscal year ending June 30, 1919."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, I offer the following

The Clerk read as follows:

Page 55, line 11, strike out "\$10,000,000" and insert "\$12,200,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.
Mr. MANN. Mr. Chairman, I move to strike out in line 11,
page 55, the figures "\$10,000,000."
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 11, page 55, strike out the figures "\$10,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

Provided, That hereafter any civilian employee of the Ordnance Department who is a citizen of the United States and employed at any station outside the continental limits of the United States may, in the discretion of the Secretary of War, after at least two years' continuous, faithful, and satisfactory service abroad, and subject to the interests of the public service, be granted accrued leave of absence, with pay, for each year of service, and if an employee should elect to postpone the taking of any or all of the leave to which he may be entitled in pursuance hereof such leave may be allowed to accumulate for a period of not exceeding four years, the rate of pay for accrued leave to be the rate obtaining at the time the leave is granted.

Mr. BORLAND. I reserve a point of order, Mr. Chairman. Mr. KAHN. That is a new provision and is subject to a point of order.

Mr. BORLAND. I will reserve it, but I wanted to ask the

purpose of it.

Mr. KAHN. The purpose is this: In the Philippine Islands the men want to accumulate their leaves for a number of years so that they will be able to make a trip to their homes in the United States. At the present time if they take leave every year they have to go to some place in or near the Philippines for their vacation. That is as far as they can go in the 30 days' leave allowed them.

Mr. BORLAND. How many men will be affected by this? Mr. KAHN. I imagine the civilian employees of the Govern-

ment will be affected. It takes 30 days for the transport to bring them to the United States. These men are only civilian em-ployees of the Ordnance Department. I do not think there are a great many of them, but it seems to me that they should have the right to accumulate their leave so that every three or four years they will be able to have about three months to come to their homes in this country.

Mr. MANN. How much is their annual leave? Mr. KAHN. Thirty days.

Mr. MANN. So that in four years they could come to the

United States and go back again?

Mr. DENT. I think it is immaterial how many employees are affected by it. They ought to have this right.

Mr. BUTLER. The same provision was put into the naval

bill last year.

Mr. BORLAND. I will withdraw the point of order.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 55, line 24, after the word "granted," insert the following: "Provided, That no part of the money herein appropriated shall be used by the Ordnance Department for the purchase of any article from private manufacturers until the Government arsenal or arsenals manu-

facturing the article it is intended to secure shall be operated at the fullest possible capacity with economy to the Government."

Mr. DENT. Mr. Chairman, I reserve the point of order. Mr. HULL of Iowa. Mr. Chairman, this amendment speaks for itself. There has been some question here as to why our arsenals are not run at their capacity and are not fully manned. We have five great working arsenals in this country, only two of which are fully manned to-day. The other three are short some 1,000 men. The adoption of this amendment is intended to be only a direction to the Ordnance Department to speed up. I do not think there is anything in it that will handicap them in any way. I drew it very carefully. It may be said that they could not go out and buy material, or that they could not secure men at the arsenals. I do not think that is true. The words "if possible" are in there, and if it is not possible to secure labor and materials, then, they can purchase what they need.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. MANN. Suppose we really do get into war this summer.

Does the gentleman think then we ought to be in a position where we can not purchase supplies because for some reason we have not get our example rupping at the fullest capacity.

where we can not purchase supplies because for some reason we have not got our arsenals running at the fullest capacity possible, with an Army in the field wanting supplies?

Mr. HULL of Iowa. I presume that if we get into war Congress will be in session. Am I not right?

Mr. MANN. Well, no. We may get into war without Congress being in session, though, of course, we can not declare war without Congress being in session.

Mr. CRAGO. If the gentleman's amendment should be adopted, would it not be necessary for any man dealing with the Government to have an inspector at each Government arsenal to determine whether it was running to its full capacity before he would dare contract with the Government?

Mr. HULL of Iowa. Certainly not.

Mr. HULL of Iowa. Certainly not.
Mr. CRAGO. Why not?
Mr. HULL of Iowa. If the Ordnance Department make a contract, they are responsible.

Mr. CRAGO. But if there is no law back of the contract by which the contractors could get their pay, where would they be?
Mr. STAFFORD. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. STAFFORD. As I understand the gentleman's amendment, it provides for running Government arsenals three shifts.

Mr. HULL of Iowa. Oh, no.
Mr. STAFFORD. I assume the gentleman believes in an 8-hour day and not a 12-hour day.
Mr. HULL of Iowa. I believe in going one step at a time.
Mr. STAFFORD. The gentleman's amendment says that there shall be no contract let to private individuals unless the Government arsenals are running to their fullest capacity, and fullest capacity means three shifts.

Mr. HULL of Iowa. Working on a double-shift capacity.
Mr. STAFFORD. It does not say anything about that.
There is no limit relating to double-shift capacity.
Mr. HULL of Iowa. I think there is.
Mr. STAFFORD. I ask unanimous consent that the amend-

ment may be reported again, to see how broad it is.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Iowa will be reported again.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 55, line 24, after the word "granted," insert:
"Provided, That no part of the money herein appropriated shall be used by the Ordnance Department for the purchase of any article from private manufacturers until the Government arsenal or arsenals manufacturing the article it is intended to secure shall be operated at the fullest possible capacity with economy to the Government."

Mr. STAFFORD. There is no question that the gentleman would want the men working day and night, all the time, Sundays included, according to the wording of the amendment. The gentleman has no regard whatsoever for Government

employees.

Mr. HULL of Iowa. That amendment is practically what is

in the naval bill now.

Mr. STAFFORD. Oh, practically nothing! It goes far be-

yond anything in the naval bill.

Mr. DENT. Mr. Chairman, I hope this amendment will be voted down. It certainly is too indefinite and would leave the Government seriously handicapped.

Mr. DOWELL. May I inquire of the chairman of the committee if any provision has been made for the manufacture of these small arms at the arsenals? From statements made upon the floor a short time ago it appeared that we are not manufacturing small arms at Rock Island. Is that true?

Mr. DENT. Mr. Chairman, I really do not recall about that,
Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. KAHN. They are manufacturing small arms at the Rock

Mr. DOWELL. Then the statements made here are incor-

Mr. TAVENNER. I can state to the gentleman that, according to the last information I received, the small-arms plant had been closed down, but that they are just starting in to again manufacture small arms there.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. The information given on the floor a short time ago was that no small arms had been manufactured at the Rock Island Arsenal; that the appropriations made a year ago had not been used in the Rock Island Arsenal for the purpose of manufacturing small arms.

Mr. TAVENNER. That is true, but they are again start-They had closed down the small-arms plant for a

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Certainly. Mr. HULL of Iowa. I think the gentleman is in error. made the statement that they had not turned out any completed rifles. They are at work and have been at work getting the factories started up. It takes time to do these things.

Mr. DOWELL. This appropriation was made at least last

year, and nothing yet has been done, so far as the testimony shows, toward the completion of any small arms. All we have is the promise that something is to be done at the Rock Island Arsenal. It seems to me this committee ought to make some provision for the manufacture of these small arms at Rock Island, and it occurs to me that the Government ought to manufacture these small arms, if they can do it at a less price than they can be manufactured by private companies.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield? Mr. DOWELL. Yes.

Mr. ANTHONY. How many small arms does the gentleman want manufactured?

Mr. DOWELL. I do not know how many are being manufactured except from the statement here, but, as I understand it,

they are not being manufactured by the Government plants. Mr. ANTHONY. They are being manufactured by Government plants. Let me say that it takes considerable time to equip a factory to turn out a gun. It will probably take six months or more after the Government starts to equip a factory, and the Rock Island Arsenal has been in process of equipment,

for that purpose. Mr. TILSON. And the gentleman realizes there is not a factory in the country that can make the Springfield rifle except the Government arsenal?

as I understand it, since the last bill appropriating the money

Mr. BUTLER. There is a concern in the district which I rep-

resent that can turn out 6,000 rifles every day.

Mr. CRAGO. But not of that type.

There are a number of plants all over the coun-Mr. TILSON. try that could turn out an indefinite number if they were equipped with the tools necessary, but none except the Government arsenal is equipped for the manufacture of the Springfield

Mr. BUTLER. This concern is equipped to make 6,000 rifles

a day for foreigners at this time.

Mr. TILSON. That may be true; but it will take a year to get that plant ready to make one rifle for the United States.

Mr. DOWELL. My only purpose in asking this question was to ascertain if it was the policy of the committee to have the Government factories manufacture these small arms in preference to the private concerns?

Mr. DENT. That is shown by the appropriation bill itself.
Mr. KAHN. Mr. Chairman, I stated earlier in the evening
that Gen. Crozier testified before our committee that he intended out of this money to manufacture at Rock Island Arsenal 350 rifles a day, and that he intended to manufacture 700

at Springfield, and intended to manufacture 200,000 this year.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Ammunition for field artillery for the National Guard: For the purpose of manufacturing and procuring reserve ammunition for field artillery for the National Guard of the several States, Territories, and the District of Columbia, the funds to be immediately available, and to remain available until the end of the fiscal year ending June 30, 1919, \$10,000,000: Provided, That not more than \$200,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by private manufacturers of field artillery ammunition necessary for the use of the land forces of the United States in time of war, and in the purchase of lots of ammunition to complete the object of this proviso the existing laws prescribing

competition in the procurement of supplies by purchase shall not govern in orders not to exceed \$50,000 in any one case, \$10,000,000.

Provided, That hereafter any civilian employee of the Ordnance Department who is a citizen of the United States and employed at any station outside the continental limits of the United States may, in the discretion of the Secretary of War, after at least two years' continuous, faithful, and satisfactory service abroad, and subject to the inferests of the public service, be granted accrued leave of absence, with pay, for each year of service, and if an employee should elect to postpone the taking of any or all of the leave to which he may be entitled in pursuance hereof, such leave may be allowed to accumulate for a period of not exceeding four years, the rate of pay for accrued leave to be the rate obtaining at the time the leave is granted.

Mr. BENNET, Mr. Chairman, Loffer, the following around

Mr. BENNET. Mr. Chairman, I offer the following amend-

ment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of page 55, insert the following as a new paragraph: That if during the fiscal year 1918, in the opinion of the President, an emergency exists affecting the general welfare of the United States, he may waive the limitations contained in the paragraphs relating respectively to ordinance stores, ammunition, manufacture of arms, ordinance stores and supplies, and ammunition for Field Artillery for the National Guard.

Mr. MANN and Mr. DENT. Mr. Chairman, I reserve a

point of order on the paragraph.

Mr. BENNET. Of course, the amendment is subject to the point of order, and it is very little to me personally whether we have an extra session of the Sixty-fifth Congress, but, as was brought out here earlier in the evening, under section 120 of the national-defense act and the limitations that are in the bill, if there should be such an emergency occurring during the summer, nothing would be available under these three particular appropriations in this bill except the per-

centages permitted in the bill. Now, I agree

Mr. STAFFORD. How does the gentleman arrive at that
conclusion? On reading section 120, there does not seem to be any limitation whatsoever as to the authority of the President, except he is limited in time of war or when war is imminent. There is no limitation of the amount of appropriimminent.

ations carried in the appropriation bill.

Mr. BENNET. Because that is merely an authorization, and money could not be used without express authority of Congress, and the only appropriation there will be at that time will be this bill, and this bill limits these particular paragraphs in the percentages named. Now I agree with the gentleman from Illinois [Mr. Mann] in what he said a few moments ago that we ought not in time of "imminence," to use the language of the national-defense act, or war rigidly to tie the hands of the President or of the Secretary of War. I call the attention of the committee, and the chairman of the Committee on Military Affairs especially, to the fact that in the fortifications bill of this year, which became a law on the 14th of February, 1917, in section 5, which is a limiting section, it carries this proviso:

Provided, That whenever, in the opinion of the President, the situation is such as to justify such action he may waive the limitations contained in this section.

With the necessary changes, the amendment I have offered is precisely the same amendment there is in the fortifications bill. It has a dual purpose. It enables the President to act quickly, if he has to act quickly, which I hope he will not have to do, and in the second place, it enables him to act after the 1st of July without calling a special session of Congress. That is the whole intent of the amendment.

Mr. MANN. Will the gentleman yield? Mr. BENNET. Certainly. Mr. MANN. I will confess I do not understand the proposi-I understand what the gentleman is proposing-to take off these limitations-but I do not understand what the limitations are that he wishes to remove.

Mr. BENNET. I will tell the gentleman what they are, and I might say this amendment really was proposed by the gentleman from Massachusetts [Mr. GARDNER] during some remarks I made. Here are the provisos. On page 50, under the heading Ordnance stores, ammunition":

Provided, That not more than one-third of this sum shall be expended in the purchase of the articles provided in this appropriation.

Now, on page 51, line 4-

Mr. MANN. I understand the gentleman's proposition was limited to the National Guard?

Mr. BENNET. Oh, no; there are three things, "ordnance stores, ammunition," "manufacture of arms," "ordnance stores and supplies.'

Mr. MANN. Let us have the amendment again reported.

The CHAIRMAN. The Clerk will report the amendment

without objection.

Mr. MANN. If it is in the gentleman's own handwriting I do not suppose it was reported before.

The amendment was again reported.

Mr. MANN. Well, that is for the National Guard.
Mr. BENNET. There are three different headings.
Mr. MANN. That is the way it reads, so-and-so and so-andso "for the National Guard."

Mr. BENNET. No; what misleads the gentleman is this, if he will give me his attention.

Mr. MANN. I am listening to the gentleman; I do not have to look at the gentleman to listen.

Mr. BENNET. The last heading of the paragraph that is quoted there is, "Ammunition for field artillery for the National Guard."

There are these headings: "Ordnance stores, ammunition," that is one; "Manufacture of arms," that is the second one; "Ordnance stores and supplies," that is the third one; "Ammunition for Field Artillery for the National Guard," that is the fourth one. I only put "National Guard" in the last clause. That is where it belongs.

Mr. GALLIVAN. That is clear enough.

Mr. MANN. If the gentleman says that is what it is.

Mr. GARDNER. I suggest that the gentleman put quotation marks around each of those subheads.

Mr. BENNET. Mr. Chairman, I ask that the amendment be so amended that if it be adopted quotation marks may inclose each of the subheads.

Mr. MANN. So far as I am concerned, I withdraw the point of order.

Mr. DENT. My objection to that is, Mr. Chairman, the President might do that anyway.

Mr. BENNET. I take the language of the national-defense

act, section 120.

Mr. DENT. I thought the national-defense act read "that the President in time of war or imminence of war." The language used in the national-defense act refers to when we are confronted with war or similar emergency, in which the public safety is threatened.

Mr. GREENE of Vermont. If the gentleman will permit me, we have the text at hand. Section 120 is the one the gentleman from New York [Mr. BENNET] refers to, and it reads:

The President in time of war or when war is imminent.

Mr. BENNET. I am very frank to say that the authorship is partly mine and partly that of the gentleman from Massachusetts [Mr. Gardner], but most largely his.

Mr. DENT. I have no objection to it if it follows the lan-

guage of the national-defense act.

Mr. GORDON. If it does, it is unnecessary.

The CHAIRMAN. Does the gentleman from Alabama [Mr. Dent] withdrew his reservation or make the point of order?

Mr. BENNET. Mr. Chairman, I have no objection to any

portion of it being stricken out and the language of the nationaldefense act inserted literally.

Mr. MANN. Let me call the attention of the gentleman from Alabama [Mr. Dent] to this situation. I do not remember what the national-defense act says, but I was under the impression that it said in case of war or imminence of war.

Mr. DENT. When war is imminent.
Mr. MANN. That is the same thing. We waived that by passage of a resolution in reference to the Mexican situation, because we did not want to say that war was imminent. We may have the same situation this summer where an emergency exists, but we do not want to declare that war is imminent; though I think it is a wise proposition.

Mr. DENT. As it reads now—
Mr. MANN. In case of national emergency, I think that is the way it reads.

Mr. BENNET. Yes; in case of national emergency.

Mr. MANN. And the President, unless the situation might arise, could not afford very well to declare that war was immi-

Mr. BENNET. Come to think about it, that is the language used in the naval bill.

Mr. MANN. I am with him to keep out of the war if possible. This is the thing we did on the border when Mr. Hay put his resolution through.

Mr. DENT. If we use the word "emergency" simply for him to determine when the emergency arises, then we might as well have the provision.

Mr. MANN. I think the President will be careful about it. Mr. DENT. The word "emergency" is such a broad word it might cover any situation.

Mr. MANN. Of course, it leaves it absolutely with the President to determine.

Mr. FIELDS. With this provision in here I think it is all

Mr. DENT. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. Bennet].

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Arming, equipping, and training the National Guard: To provide for the procurement of forage, bedding, shoeing, veterinary service and supplies for horses and pack mules that may be owned, acquired by, or issued to organizations of the National Guard, \$750,000.

Provided, That the Secretary of War is hereby authorized to transfer to those organizations of the National Guard entitled thereto under the provisions of this act such number of horses and pack mules purchased by the Quartermaster Corps of the Army under the provisions of the act of July 1, 1916, not required for the proper equipment of organizations of the Regular Army, that can be issued to National Guard organizations under the regulations prescribed by the Secretary of War as set forth herein, all expenses incident to such transfer to be met from appropriations made for and on behalf of the National Guard; pack mules so transferred may be issued not to exceed six to any one machinegun troop or company, or four to any one ambulance company, under such regulations as the Secretary of War may prescribe.

Mr. GREEN of Lowe. Mr. Choirmen, I. move to strike out.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. I do that for the purpose of enlivening the proceedings of the evening by having read an editorial from the Des Moines Register and Leader, which I send to the

Clerk's desk and ask to have read in my time. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

## AN ENGINEER HIKE.

While the high officers of the Regular Army are scouting about for material to discredit the National Guard they might seize upon a little incident which occurred while the Iowa engineers were taking a six-day hike from Brownville with a company from the Engineering Corps of the Regular Army.

The guardsmen set the pace. It was recognized that they could not stand such a daily jaunt as the regular engineers would undergo, so the day's march was adjusted to the limitations of the boys from Iowa City.

At the end of the second day the Regulars were footsore and fagged while the guardsmen were playing leapfrog. On the third day the seasoned veterans of the Regular Army got up early, emptied their service rolls and each one put about 50 pounds of his marching load into a wagon, then stuffed his roll with straw and was ready for the march.

The veterans stood the third day magnificently, but when camp was

The veterans stood the third day magnificently, but when camp was pitched in the evening the officers discovered the trick and the Regulars were sent back to the starting place of the day's march and compelled to hoof it again over every mile of ground on the following day, fully

Indened.

This information could be placed before Congress with telling effect. In the eyes of Gen. Scott it would prove the following facts:

The Regular Army is more resourceful than the National Guard.
The officers of the Regular Army are very keen eyed.

Splendid discipline exists in the Regular Army, as evidenced by the willingness of the Regulars to beat twice over the same path.

The Regulars are highly intelligent, as demonstrated by their comparative study of the specific gravity of straw and tent stakes.

This matter is hereby respectfully referred to Gen. Scott. We believe he will recognize in it a stronger argument against the guard than any he has yet presented to Congress.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Iowa withdraws his pro forma amendment.

Mr. CRAGO. Mr. Chairman, on line 6, of page 56, I move to strike out the figures "\$750,000" and insert in lieu thereof the figures "\$1,000,000."

Now, the fact has developed that the animals already issued to the National Guard organizations will require this amount of forage to keep them. That is an exact calculation made by the Bureau of Militia Affairs. We have to provide forage for these animals anyhow, whether they are in the hands of the organizations or they go back to the Regular Army, so that, in view of that fact, I have taken the liberty to offer this amendment.

Mr. DENT. As I recall the testimony taken before the committee, the Militia Bureau did not know at that time how many

animals the guard did actually have.

Mr. CRAGO. That is correct.

Mr. DENT. Since that time they have ascertained that they have that number. Therefore I accept the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report the amendment

offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. Crago: Page 56, line 6, strike out the figures "\$750,000" and insert in lieu thereof the figures "\$1,000,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. Crago].

The amendment was agreed to. The CHAIRMAN. The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

To provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice and field and coast defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds apportioned for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of said State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice and field and coast defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled to by law. To provide for camps of instruction for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for the purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men aftending such camps shall be entitled to pay and transportation and enlisted men to subsistence in addition at the same rates as for encampments or maneuvers for field and coast defense instruction, \$1,000,000.

Mr. DENT. Mr. Chairman, I offer the following proviso, after

Mr. DENT. Mr. Chairman, I offer the following proviso, after

the figures "\$1,000,000," in line 9, on page 58.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

The Clerk read as follows:

Page 58, at the end of line 9, insert:
"Provided, That the sum appropriated by section 1661. Revised Statutes, for arming and equipping the whole body of the militia, the sum of \$14,409,98, proportioned to the State of Georgia for the years 1915 and 1916, be, and the same is hereby, made immediately available for the purpose of paying the expenses incurred by said State over and above the allotments made by the Secretary of War to the State of Georgia from all appropriations therefor in connection with the general encampment held at Augusta, Ga., July 22 to 31, 1914; and the Secretary of the Treasury is hereby authorized and instructed to pay over said amount to the governor of said State of Georgia for said purpose."

Mr. MANN. Mr. Chairman, if the gentleman will permit, I know what this is, and I have no objection whatever to it. It is the same as the bill that was passed at the last session by both bodies, but which did not get to the President.

Mr. DENT. That is a fact.

Mr. MANN. But the Senate passed a bill the other day in relation to the same situation in Oklahoma-a bill just reported, and on the Private Calendar. I will ask the gentleman if he will not let this go over so that in the morning he can look at this other proposition and see if it ought not to be added.

Mr. DENT. I have no objection. Mr. MANN. It was a simple proposition in behalf of some one who did something in connection with the encampment in Oklahoma, some contractor, and they think it ought to be paid, but the appropriation for that year is exhausted.

Mr. DENT. I will ask, Mr. Chariman, that that amendment

be passed over, Mr. MANN. Temporarily passed over without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment: Page 58, line 9, strike out the figures "\$1,000,000" and insert the figures "\$6,200,000."

Mr. CRAGO. Mr. Chairman, I want to move an amendment to that amendment by inserting in lieu of the "\$6,200,000" the

" \$4,000,000." figures

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 58, line 9, strike out "\$1,000,000" and insert "\$6,200,000." The CHAIRMAN. To this amendment the gentleman from Pennsylvania [Mr. Crago] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Crago: Amend the amendment by striking out "\$6,200,000" and inserting "\$4,000,000."

The CHAIRMAN. The gentleman from Iowa [Mr. Hull] has the floor.

Mr. CRAGO. Mr. Chairman-

Mr. MANN. I suggest to the gentleman from Alabama [Mr. DENT] that these amendments had better go over until morning. Mr. DENT. I would like to reach an agreement as to the time for debate.

Mr. MANN. I do not think the gentleman can do that to-night.

We agreed to quit at 10 o'clock.

Mr. DENT. That is right. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Army appropriation bill (H. R. 20783) and had come to no resolution thereon.

## RELIEF OF THE RUTHENIANS.

Mr. HAMILL. Mr. Speaker, I ask unanimus consent for the present consideration of House joint resolution 350, requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians)

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a Senate resolution, which the

Clerk will report.

Mr. MANN. Mr. Speaker, we agreed that there should be no other business transacted to-night except the Army bill. I told many Members that.

The SPEAKER. The gentleman objects.

Mr. MANN. I have no objection at all to the resolution-The SPEAKER. Certainly, the gentleman has objection to the present consideration of it.

Mr. MANN. When we make an agreement we ought to keep it. The SPEAKER. Of course.
Mr. HAMILL. Will the gentleman from Illinois withhold his

objection

Mr. MANN. I have no objection whatever to the resolu-tion when it comes up, but many Members asked me to-day if the House would do any other business to-night except to proceed with the consideration of the Army bill, and I told everybody that It would not.

Mr. HAMILL. Then I withdraw the resolution.

### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 5450. An act to provide for an additional judge in the State of Texas;

S. 5716. An act to establish the Mount McKinley National Park in the Territory of Alaska;

S. 7644. An act to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the

former Fort Peck Indian Reservation, Mont.; S. 6654. An act to validate a patent to certain lands hereto-

fore issued to the State of Florida, to allow the said State to claim certain other lands, and for other purposes; and S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the

Carey Act.

## LEAVE TO EXTEND REMARKS.

Mr. WALSH. Mr. Speaker, I ask unanimous consent to extend by remarks in the RECORD on the subject of pensions for members of the Coast Guard.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. there objection?

Mr. GARDNER. I ask unanimous consent to extend my remarks in the RECORD.

Mr. TAVENNER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Illinois [Mr. Tavenner] ask unanimous consent to extend their remarks in the Record. Is there objection?

There was no objection.

## HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow morning. Is there objection?

There was no objection.

# ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p. m.) the House, under its previous order, adjourned until to-morrow Thursday, February 22, 1917, at 10.30 o'clock a. m.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting

copy of a communication from the Secretary of the Navy, sub-mitting an additional estimate of deficiency in the appropriation for maintenance, Quartermaster Department, Marine Corps, for clothing, for the fiscal year ending June 30, 1917 (H. Doc. No. 2076); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmit-ting copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation to continue the classification of lands involved in the Oregon & California Railroad forfeiture suit, as authorized and directed by the act of June 9, 1916 (H. Doc. No. 2077); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the acting president of the Board of Commissioners of the District of Columbia, submitting an estimate of appropriation in the sum of \$4,000 to cover the expenses of the removal of the municipal court to new quarters (H. Doc. No. 2078); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for four additional law clerks in the office of the Comptroller of the Treasury from March 1, 1917, to June 30, 1918 (H. Doc. No. 2079): to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War, submitting an estimate of deficiency in the appropriation for maintenance, etc., of the Washington Aqueduct, District of Columbia (H. Doc. No. 2080); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of War, transmitting an estimate of appropriation for extinguishing adverse private claims of title in and to squares 612 and 613, so-called, in the city of Washington, D. C. (H. Doc. No. 2082); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting estimate for the establishment of a coal yard in the District of Columbia (H. Doc. No. 2083); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WALKER, from the Committee on the Judiciary, to which was referred the bill (S. 7561) to amend an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to fix the terms of office of the superintendent of prisons, the wardens, and the deputy wardens, to provide for their appointment, and for other purposes, reported the same without amendment, accompanied by a report (No. 1518), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 457) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes, reported the same without amendment, accompanied by a report (No. 1519), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 19540) authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes, reported the same with an amendment, accompanied by a report (No. 1520), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McKINLEY, from the Committee on the Library, to which was referred the bill (H. R. 10839) to acquire the manuscript of Charles Chaille-Long containing an account of the

unveiling of the McClellan statue, reported the same with amendment, accompanied by a report (No. 1521), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the committee on the Public Lands to which was referred the bill (S. 6692) to amend section 6 of an act to expedite the settlement of title to lands in the State of California, reported the same without amendment, accompanied by a report (No. 1525), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 18566) for the relief of Mrs. Nancy E. Mullins, reported the same without amendment, accompanied by a report (No. 1516), which said bill and report were referred to the Private Calendar.

Mr. REAVIS, from the Committee on War Claims, to which was referred the bill (H. R. 12617) for the relief of the legal representatives of Samuel Schiffer, deceased, reported the same without amendment, accompanied by a report (No. 1517), which said bill and report were referred to the Private Calendar.

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. reported the same with amendment, accompanied by a report (No. 1522), which said bill and report were referred to the

Private Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 20612) for the relief of Harriet Fisher, reported the same without amendment, accompanied by a report (No. 1523), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 20859) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States in and to certain lands in the State of Mississippi, reported the same with amendment, accompanied by a report (No. 1524), which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CAPSTICK: A bill (H. R. 21008) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Summit, N. J.; to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 21009) to amend an act entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes," approved September 7, 1916; to the Committee on the Merchant

Marine and Fisheries.

By Mr. DALE of Vermont: A bill (H. R. 21010) for the retirement of employees in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. LEVER: A bill (H. R. 21011) to amend Part C, known as the United States warehouse act, of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes," approved August 11, 1916; to the Committee on Agriculture.

By Mr. AIKEN: A bill (H. R. 21012) authorizing and directing the Secretary of War to purchase cotton for the purpose of manufacturing munitions of war; to the Committee on Appropriations.

By Mr. WICKERSHAM: A bill (H. R. 21017) to authorize the Legislature of Alaska to establish and maintain schools; to the Committee on the Territories.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 517) directing the appointment of a special committee to inquire into charges contained in a statement made by the Hon. OSCAR CALLAWAY, Member of Congress from Texas, and for other

purposes; to the Committee on Rules.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 518) to continue the investigation authorized by House resolution No. 229; to the Committee on Rules.

By Mr. BARKLEY: Resolution (H. Res. 519) for the con-

sideration of Senate bill 1082; to the Committee on Rules. By Mr. LONDON: Resolution (H. Res. 520) providing for the consideration of House joint resolution 250; to the Committee on Rules.

By Mr. DAVIS of Texas; Joint resolution (H. J. Res. 375) inviting veterans of the Blue and Gray to meet in national union in the city of Washington, D. C., as the guests of the Nation, and providing a fund and regulations therefor; to the Committee on Appropriations.

By Mr. NEELY: Joint resolution (H. J. Res. 376) to provide for the holding of a conference by representatives of all the American Republics for the purpose of devising methods and agreeing upon concerted action for the preservation and protection of the rights of neutral American nations against the aggressions of any and all of the nations engaged in the European war; to the Committee on Foreign Affairs.

By Mr. HAMILL: Joint resolution (H. J. Res. 377) providing for the appointment of a joint committee to investigate

and report on the subject of the involuntary retirement of super-annuated civil-service employees; to the Committee on Rules. By Mr. GOULD: Memorial of the State Legislature of New

York, favoring the appropriation of \$1,395,275 for transferring the quarantine establishment from the State of New York to the United States Government; to the Committee on Appropriations.

By Mr. ROBERTS of Massachusetts: Memorial of the Legislature of the State of Massachusetts, indorsing the President of the United States in the present international crisis; to the Committee on Foreign Affairs.

By Mr. SIEGEL: Memorial of the Legislature of the State of New York, favoring the passage of a bill transferring the quarantine establishment to the Federal Government; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Minnesota: A bill (H. R. 21013) granting

a pension to Herman W. Thurnan, Faribault, Minn.; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 21014) authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Milltary Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed; to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 21015) granting an increase of pension to William Toot; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 21016) granting a pension to

Augusta A. Richard; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 21018) granting an increase of pension to William V. Farris; to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of board of temperance of the Methodist Episcopal Church, Washington, D. C., favoring the exclusion of liquor advertising from the mails when addressed to States which prohibit such advertising; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Petition of sundry citizens of Kansas, favoring the exclusion of liquor advertising from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Petition of 175 people of the Fourth Methodist Episcopal Church, Millville; 500 people of Trinity Methodist Episcopal Church, Millville; and 156 people of the Woman's Christian Temperance Union, Moorestown, all in the State of New Jersey, favoring a national constitutional pro-hibition amendment; to the Committee on the Judiciary. By Mr. BAILEY: Petition of Cross Roads Grange, No. 1124,

opposing the Underwood amendment to the revenue bill relative

to oleomargarine; to the Committee on Ways and Means.

Also, petition of members of Branch 159, United National Association of Post Office Clerks, favoring House bill 17806, pro
Of Francis G. Babcock; to the Committee on Pensions.

viding for the reclassification of salaries of post-office employees; to the Committee on the Post Office and Post Roads.

By Mr. BENNET: Petitions of Methodists of New York State, favoring national prohibition; to the Committee on the Judi-

By Mr. CAREW: Memorial of mass meeting of Socialists of New York, in re foreign relations; to the Committee on Foreign Affairs

By Mr. CARY: Telegram of sundry firms of Milwaukee, Wis., in re legislation carried in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, memorial of Wisconsin State legislative board, Brotherhood of Locomotive Firemen and Enginemen, opposing law favoring compulsory arbitration of labor disputes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES: Petition of various residents of St. Johnsville, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Department of Health of the City of New York, relative to withdrawing the secondclass mailing privilege; to the Committee on the Post Office and Post Roads

Also, petition of the Polish National Defense Committee, of Chicago, Ill., relative to the United States as a champion of liberty of all nations; to the Committee on Foreign Affairs.

By Mr. EAGAN: Memorial of Association of Masters, Mates, and Pilots, indorsing the action of the President in severing

diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. ESCH: Papers in support of House bill 20979, granting an increase of pension to Henry D. Potter; to the Committee

Also, petition of sundry voters of La Crosse County, Wis., protesting against a declaration of war without referring the question to the vote of the people; to the Committee on Foreign

By Mr. FESS: Evidence in support of House bill 20550, granting a pension to David H. Earl; to the Committee on Pensions.

By Mr. FULLER: Petition of the Rockford (III.) Branch of the International Wood Carvers' Association, protesting against becoming involved in the European war and opposing universal military training; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of several citizens of Boston and Dorchester, Mass., asking a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of C. J. O'Hara, South Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Clarence J. Blake, Boston, Mass., member of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Boston, Mass., opposing mail-exclusion bills and prohibition legislation; to the Committee

on the Post Office and Post Roads.

By Mr. GREENE of Vermont: Petition of certain publishers of Vermont newspapers and other periodicals, favoring the exclusion of liquor advertising and solicitation from the United States mails except under certain conditions; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial adopted by the Philadelphia (Pa.) Produce Exchange, in opposition to a change in the Federal oleomargarine law as proposed by House bill 20573; to the Committee on Ways and Means.

Also, petition of Joseph S. Cutler, master, Fulton Grange, No. 66, Drumore, Pa., protesting against legislation proposed in the so-called Underwood amendment to the revenue bill relating to oleomargarine; to the Committee on Ways and Means.

By Mr. GRIFFIN: Petition of Charles K. Gleason, of New York City, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Polish National Defense Committee, Chicago, Ill., relative to the United States as a champion of liberty of all nations; to the Committee on Foreign Affairs.

Also, petition of members' council of the Merchants' Association of New York, indorsing President Wilson's foreign policy; to the Committee on Foreign Affairs.

By Mr. KELLEY: Petition of sundry church organizations in Michigan, for national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 19470, for the relief of George H. Bostwick; to the

Also, evidence in support of House bill 19472, for the relief

By Mr. KING: Petition of George P. Wilson and 400 citizens of the fifteenth congressional district of Illinois, praying for neutrality and peace with the world during the present crisis; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Memorial of Federation of Societies of Philadelphia and Vicinity, opposing war; to the Committee on

Foreign Affairs.

Also, resolutions of Board of Temperance of the Methodist Episcopal Church, favoring exclusion of liquor advertising from the mails; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Memorial of Baltimore (Md.) Chamber of Commerce, indorsing the act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. MAGEE (by request): Petition of residents of Syracuse, N. Y., in re prohibition; to the Committee on the Judi-

ciary.

By Mr. MAPES: Petition of the Zeeland Record and 204 other newspapers of the State of Michigan, favoring the exclusion of liquor advertising and solicitation from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of the Welsh Presbyterian Church, of Pittsburgh, Pa., Rev. E. L. Hughes, pastor, in favor of prohibition for the District of Columbia, national prohibition, and also the prohibition of liquor advertisements through the mails;

also the prohibition of liquor advertisements through the mails; to the Committee on the Judiciary.

By Mr. NEELY: Petition of sundry citizens of West Virginia, favoring the exclusion of liquor advertising and solicitation from the United States mails; to the Committee on the Post Office and Post Roads.

By Mr. NORTH: Petition of citizens of Sykesville, Pa., favoring antipolygamy amendment to the United States Constitu-

tion; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Memorial adopted by the city government of Somerville, Mass., pledging the full support and loyalty of said municipality to the President; to the Committee on Foreign Affairs.

By Mr. ROWE: Petition of Mutual Life Insurance Co., Brooklyn, N. Y., opposing the proposed tax on life insurance; to the

Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of New York State, favoring any taxation necessary to provide for the protection of American lives and American vessels and other American property; to the Committee on Ways and Means.

Also, petition of the New York Society for the Suppression of Vice, New York City, favoring the Sims-Kenyon bill to suppress

turf gambling; to the Committee on the Judiciary.

Also, petition of Mrs. Mary C. Hally and Simeon B. Chittenden, both of New York City, and Walter S. Harley, of Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of D. E. Sicher & Co., New York City, opposing House bill 20573, to provide increased revenue, etc.; to the Com-

mittee on Ways and Means.

By Mr. SMITH of Minnesota: Petition of Butler Manufacturing Co., Minneapolis, Minn., protesting against the Kitchin bill; to the Committee on Banking and Currency.

Also, petition of the Operative Plasterers' Association of Minneapolis, Minn., protesting against war; to the Committee on Foreign Affairs.

Also, petition of Minneapolis Iron Stove Co., protesting against Kitchin bill; to the Committee on Banking and Currency.

Also, memorial adopted at a mass meeting at Minneapolis, Minn., protesting against war; to the Committee on Foreign

Also, petition of the Minneapolis Lodge, No. 270, Brotherhood of Locomotive Firemen and Enginemen, against the enforcement of an eight-hour day; to the Committee on Railways and Canals.

By Mr. STEENERSON: Petitions of 212 publishers of newspapers in the State of Minnesota, relative to excluding liquor advertising from the mails; to the Committee on the Post Office and Post Roads.

By Mr. SWIFT: Memorials of Richmond Hill (N. Y.) Republican Club, Woodhaven (N. Y.) Republican Association, and Kings County Republican Club, of Brooklyn, N. Y., indorsing President Wilson's foreign policy; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial of 3,000 people at a mass meeting at Tremont Temple, Boston, Mass., approving the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of certain citizens of Delta, Colo., protesting against the United States being involved in any foreign war; to the Committee on Foreign Affairs.

## SENATE.

## THURSDAY, February 22, 1917.

(Legislative day of Tuesday, February 20, 1917.)

The Senate reassembled at 10.30 o'clock a. m. on the expiration of the recess.

Mr. TOWNSEND. Mr. President, I understand that this morning there is to be read the Farewell Address of Washington. It seems to me that on such an occasion Senators could afford to be in their seats, and I suggest the absence of a quorum. The VICE PRESIDENT. The Secretary will call the roll.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bankhead Hollis Simmons Nelson Norris Page Penrose Pittman Poindexter Ransdell Robinson Shafroth Shennard Brady Brandegee Jones Smith, Ga. Smith, Mich. Kenvon Brandegee Bryan Chamberlain Chilton Clapp Curtis Kenyon Kirby La Follette Lane Lea, Tenn. Lippitt McCumber Martin Va Smoot Stone Thomas Townsend Vardaman Dillingham Fernald Martin, Va. Martine, N. J. Sheppard Sherman Works Fletcher

Mr. LEA of Tennessee. I wish to announce that the senior Senator from Kentucky [Mr. James] is absent on official business.

Mr. CHILTON. I wish to announce the absence on official business, upon committees of the Senate, of the Senator from Texas [Mr. Culberson], the Senator from North Carolina [Mr. Overman], the Senator from New York [Mr. O'Gorman], the Senator from Montana [Mr. Walsh], the Senator from Wyoming [Mr. Clark], and the Senator from Iowa [Mr. Cummins].

Mr. CURTIS. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. Gallinger]. He is paired with the senior Senator from New York [Mr.

O'GORMAN].

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. Johnson of South Dakota, Mr. Myers, Mr. Watson, and Mr. Williams answered to their names when called.

Mr. Lodge, Mr. Gronna, and Mr. Sterling entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to

the roll call. There is a quorum present.

Under the standing order of the Senate to the effect that after the reading of the Journal on the 22d day of February the Farewell Address of George Washington shall be read, the Chair construes that, in view of the recess, now is the time for the reading of the address.

Mr. PENROSE. Then, there is no morning business. Is that

the understanding?

The VICE PRESIDENT. There is no morning business, because the Senate took a recess.

Mr. PENROSE. I have an amendment to the oleomargarine amendment that I should like to present in order that it may be printed. I ask that it may lie on the table.

printed. I ask that it may lie on the table.

The VICE PRESIDENT. It will be received, printed, and

lie on the table.

#### READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. The Farewell Address of George Washington will now be read by the Senator from California, Mr. Works.

Mr. WORKS read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you, but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that while choice and prudence invite me to quit the political scene patriotism does not forbid it.

ism does not forbid it. In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging-in situations in which not unfrequently want of success has countenanced the spirit of criticism-the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States under the auspices of liberty may be made complete by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and

from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every

which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfortand what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indisoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater se curity from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the

auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations-northern and southern-Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculeted than your former, for an intimate union, and for the efficacious management of your common concerns. This gov-crnment, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government. All obstructions to the execution of the laws, all combina-

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the

pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as curs, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind—which nevertheless ought not to be entirely out of sight—the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded fealousies and false alarms, kindles the animosity of one part against another, foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by ex-

periments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar struc-ture, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary

spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be

enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements, to prepare for danger, frequently prevent much greater disburse-ments to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object-which is always a choice of difficulties-ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. peace often, sometimes perhaps the liberty, of nations has been the victim

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the

satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect

good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation: when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim not less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture we may safely trust

to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things, diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended partiotism, this hope will be a full recompense for the solicitude for your wel-

fare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my procla-mation of the 22d of April, 1793, is the index to my plan. Sactioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts

to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers,

has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and hu-manity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity

toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, hu-manly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be acts:

consigned to oblivion, as myself must soon be to the mansions of

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and

Go: WASHINGTON.

UNITED STATES, 17th September, 1796.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 7601. An act for the relief of Caleb T. Holland; and

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians).

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 20755) to provide a temporary government for the West India Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Flood, Mr. HARRI-SON of Mississippi, and Mr. Cooper of Wisconsin managers at the conference on the part of the House.

The message further announced that the House concurs in the amendments of the Senate numbered 19 and 34 to the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, concurs in the amendments of the Senate numbered 15, 32, and 33, each with an amendment, in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the Senate to the bill; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. Moon, Mr. Bell, Mr. Cox, Mr. Steenerson, and Mr. Madden managers at the conference on the part of the House.

## POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. I move that two additional conferees on the part of the Senate be added to the conference committee on the Post Office appropriation bill (H. R. 19410) and that the Chair appoint them.

The motion was agreed to; and the Vice President appointed Mr. BRYAN and Mr. WEEKS additional conferees on the part of

the Senate.

THE MILITARY ACADEMY (S. DOC. NO. 715).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Superintendent of the United States Military Academy relative to additions to the Military Academy to accommodate the increased number of cadets, which was referred to the Committee on Military Affairs and ordered to be printed.

#### BUREAU OF INSULAR AFFAIRS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, requesting that a compila-tion by the Bureau of Insular Affairs of the legislation affecting insular and other noncontiguous territory of the United States enacted since March 4, 1897, be printed as a document, which was referred to the Committee on Printing.

THE COAST GUARD (S. DOC. NO. 716).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, calling attention to the recommendation of the Secretary of the Treasury for an appropriation of \$250,000 to enable the Coast Guard to develop its telephone system of coastal communications, which was referred to the Committee on Appropriations and ordered to be printed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 21, 1917, approved and signed the following S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawall, and for other purposes: and

S. \$105. An act granting the consent of Congress to the Conway County Bridge District to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas.

#### ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1792. An act for the relief of settlers on unsurveyed rail-

road lands;

S. 5450. An act to provide for an additional judge in the State

of Texas;

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida, to allow the said State to

claim certain other lands, and for other purposes;

S. 7644. An act to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other

S. 5716. An act to establish the Mount McKinley National

Park, in the Territory of Alaska; and

S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram transmitting a joint resolution adopted by the Legislature of the State of Wisconsin, pledging support to the Government. The telegram will be printed in the RECORD and referred to the Committee on Foreign Relations.

The telegram is as follows:

[Telegram.]

Madison, Wis., February 20, 1917.

Hon. Thomas Marshall,
President United States Senate, Washington, D. C.:

By joint resolution adopted by the Wisconsin Legislature we are instructed to wire you that the people of Wisconsin have faith that the Government will do all things possible and consistent with the dignity of our Nation to prevent war and that the people of Wisconsin have implicit confidence in our Government and will loyally support the Government in whatever action it may ultimately be necessary to take in the present international crisis.

LAWRENCE C. WHITTET.

LAWRENCE C. WHITTET, Speaker Wisconsin Assembly. EDWARD D. DITTHMAE, President Wisconsin Senate.

The VICE PRESIDENT presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Worcester, Milford, Rockland, Cambridge, and Mendon, all in the State of Massachusetts, praying for national prohibition, which were

ordered to lie on the table.

Mr. PHELAN presented a petition of the Farmers' Club, of Ukiah, Cal., praying for the enactment of legislation to provide for the development and improvement of the national parks, which was referred to the Committee on Public Lands.

#### UNLAWFUL RESTRAINTS AND MONOPOLIES.

Mr. OVERMAN. I desire to report from the Committee on the Judiciary a joint resolution, and I ask unanimous consent for its present consideration.

Mr. PENROSE. Let it be read for information, Mr. President. The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution (S. J. Res. 206) as follows:

Resolved, etc., That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 8, 1918.

Mr. OVERMAN. Mr. President, this joint resolution extends until January 8, 1918, the time when this law shall take effect, in order that the Newlands Commission, which has been appointed by a joint resolution of Congress to consider this question, may consider it. The Judiciary Committee feel that this law ought to be amended in some respects, but they can not consider it now, so they propose to extend this date until the 8th of January, 1918, in order that Congress may consider it. In

the meantime the Newlands Commission will consider this very question, as to what amendments may be necessary,

Mr. SMOOT. Does the joint resolution carry any appropriation?

Mr. OVERMAN. None at all.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered

as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 8297) for the relief of Alfred B. Andrews; to the Committee on Claims,

By Mr. DU PONT:

A bill (S. 8298) to provide that noncommissioned officers and enlisted men of the United States Army on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 8299) for a public building at Mission, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. HARDING:

A bill (S. 8300) to authorize the change of the name of the

steamer Fred G. Hartwell to Harry W. Croft; and A bill (S. 8301) to authorize the change of the name of the steamer Harry A. Berwind to Harvey H. Brown; to the Committee on Commerce.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to increase the appropriation for educational purposes in Alaska from \$200,000 to \$215.000, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$300,000 for the purchase of land adjoining the military reservation at Fort Sam Houston, Tex., for the use of an Army post, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee

on Military Affairs and ordered to be printed.

Mr. JONES submitted an amendment proposing to increase the limit of cost of the public building heretofore provided for at Juneau, Alaska, to \$500,000, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

## THE REVENUE.

Mr. LA FOLLETTE submitted nine amendments intended to be proposed by him to the bill (H. R. 20573) to provide revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes, which were ordered to lie on the table and be

#### NAVY YEARBOOK.

Mr. SWANSON (for Mr. TILLMAN) submitted the following resolution (S. Res. 370), which was referred to the Committee

Resolved, That there be printed 200 additional copies of Senate Document No. 555, Sixty-fourth Congress, first session, entitled "Navy Yearbook," for the use of the Committee on Naval Affairs.

#### DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the

PENSIONS AND INCREASE OF PENSIONS.
Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18181) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 33, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 40, 42, 43, 44, 45, 46, 47, 48, and 49, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Restore the matter stricken out, and in lieu of the sum proposed insert "\$24"; and the Senate agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
JOE J. RUSSELL,
JOHN W. LANGLEY,
Managers on the part of the House.

Mr. HUGHES. I ask that the conference report lie on the table until to-morrow.

The VICE PRESIDENT. The report will lie on the table for

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19937) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 27, 36, 43, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 28, 29, 30, 32, 33, 34, 37, 38, 40, 41, 42, 44, 46, 47, 48, 50, 52, and 53, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Restore the matter stricken out and in lieu of the sum proposed insert "\$24"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: Insert the matter inserted by said amendment after the word "Regiment" where it first occurs; and the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with

an amendment as follows: Restore the matter stricken out, and in lieu of the sum proposed insert "\$24"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: On page 62, line 5, of the bill, strike out "\$20" and insert "\$24"; and the Senate agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.
ISAAC K. SHERWOOD,
JOE J. RUSSELL,
JOHN W. LANGLEY,
Managers on the part of the House.

Mr. HUGHES. I ask that the conference report lie over until to-morrow.

The VICE PRESIDENT. Without objection, that action will be taken.

### THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. WEEKS. Mr. President, under ordinary circumstances I should not take the time of the Senate to discuss this bill, for I presume that the action taken by the majority in their caucus is to be carried out on the floor, and that, in a sense, it may be a waste of effort; but I have proposed a substitute for the bill, which I think is so preferable from the standpoint of the taxpayer that I do not only want to explain why I am opposed to the pending legislation, but I wish also to state my reasons for suggesting what I consider to be a better method of procedure.

of procedure.

Mr. President, this is a period of preparedness—military preparedness. We have appropriated, are appropriating this year, and will continue to appropriate large sums of money for this purpose. In order to raise the necessary revenue to pay for these unusual expenditures, unusual methods must be adopted; and the majority party, very largely at least, must be responsible for those methods. In the pending bill we find the possibility of raising revenue, but it is done at the expense of efficiency, of fairness, and is almost entirely a sectional measure.

This is the last period in any bisteries in the last period in any bisteries.

This is the last period in our history when we should undertake any course which is going to penalize efficiency. The reports from Europe are unanimous that there has been an enormous increase in the industrial efficiency of those countries. Of course, it is impossible to determine this accurately, but we have evidence as to what is being done in Great Britain and in some other sections of Europe. The substance of this evidence is that the increase in efficiency in Great Britain, for instance, has been 60 per cent since the beginning of the war, notwithstanding the fact that men have practically been eliminated from manufacturing establishments and their places taken by old men, boys, and women.

If an examination of the industrial conditions of Europe had not been made, we might have reached the conclusion-due partially to the fact that our exports are tremendous-that the manufacturing industries of Europe were much more seriously crippled than they are. As a matter of fact, there has not been any invasion of Great Britain. Her industries are intact; in fact, have greatly increased in volume of production since the beginning of the war. There has been no enemy on German soil. Therefore, the same thing is undoubtedly true of Germany. Practically speaking, this is the situation in every manufacturing European country, with the exception of northern France, Belgium, and a very small area in Italy and Austria, and even in these invaded countries the greater part of their manufacturing interests are intact and have increased in efficiency and capacity. Although these nations are our important customers, they have always been our rivals and are going to be far more serious rivals in the future than they have been in the past.

In order to demonstrate the correctness of the statement I have made as to the increased manufacturing capacity of other countries, I want to bring these facts to the attention of the Senate:

England has produced and sold to the world during the 12 months of 1916 goods to the value of \$2,465,107,140 as compared with \$2,096,100,617 in 1914, a gain of \$369,000,000. Of this enormous production and shipment, manufactured articles comprise practically two-thirds of the total.

I ask unanimous consent, Mr. President, to insert herewith a table showing the export from Great Britain in 1914 and in 1916 of articles wholly or partly manufactured.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Front of articles wholly or mainly manufactured.

	1914	1916
Iron and steel, and manufacturers thereof Other metals, and manufactures thereof	\$202,776,494 50,043,596	3 275, 841, 833 61, 905, 072
Cutlery, hardware, implements (except machine tools)	00,010,000	01,000,012
and instruments	31,691,708	31, 298, 504
Electrical goods and apparatus	14,690,016	19, 987, 844
Machinery.	152, 628, 492	98, 455, 981
Ships (new)	33, 737, 274	6, 289, 583
Manufactures of wood and timber  Yarns and textile fabrics:	7,613,094	6, 222, 769
Cotton	502, 546, 607	576, 401, 594
Wool	153, 294, 189	228, 243, 355
Silk	9,078,810	11, 106, 769
Other materials.	63, 178, 173	76, 973, 433
Apparel	70,718,391	81,440,510
Chemicals, drugs, dyes, and colors	94, 935, 978	134, 689, 283
but not boots and shoes	22, 799, 624	23, 820, 081
Earthenware and glass	20, 184, 489	19,063,603
Paper. Railway carriages and trucks (not of iron), motor cars,	15, 504, 371	25, 300, 651
eycles, etc	54, 648, 643	39, 128, 056
Miscellaneous	147, 890, 277	198, 035, 560
Total export of articles	1,647,960,238	1,915,795,570

Wholly or mainly manufactured-Gain in 1916 over 1914, \$267,835,332.

Mr. WEEKS. Mr. President, it will be seen that the gain in 1916 over 1914 in these manufactured products is nearly \$268,000,000 and includes most of the staple products, especially many of those articles in which Great Britain is in active competition with this country. For example, it shows an increase of \$74,000,000 in cotton fabrics, \$75,000,000 in woolen fabrics, \$11,000,000 in wearing apparel, \$40,000,000 in chemicals, and \$73,000,000 in iron and steel and manufactures thereof.

Of course, it is fair to state that the difference in the prices of these goods at the manufacturer's door partially makes up for the increase; and comparing the British foreign trade of 1916 with 1915, which shows a gain of £218,000,000, and reducing the cost to the 1915 price shows that in many articles the volume of production has not materially increased. Substantially speaking, however, production in England is now at its highest level, notwithstanding the handicap under which that country has been laboring in fitting itself for its military

To illustrate the kind of competition we are likely to meet in the future, let us take another country. During the first 11 months of 1916 Japan exported \$500,000,000 of her products and imported \$350,000,000, showing a trade balance of practically \$150,000,000. During this period exports of cotton yarns and fabrics showed an increase from \$50,000,000 in 1915 to \$71,000,000 in 1916. Matches increased two and a half million dollars; copper, eight millions; and there were very large increases in the Japanese exports of hosiery, much of it finding a place in the American market. In 1916, during these 11 months, Japan sent to the United States goods to the value of \$164,822,000 as compared with \$97,080,000 the year before, an increase of \$67,000,000, or something like 70 per cent.

That, Mr. President, it seems to me, is a fair indication of the kind of competition we will receive from a nation which is expanding tremendously, which is producing at very much less

cost than we can produce, and which is going to be an important rival of our industries in the future.

Since the beginning of the European war we have demonstrated how easy it is to transfer American industrial establishments intended for manufacturing commercial products into plants for the manufacture of war munitions. The same development has taken place in all European countries and at the termination of hostilities these war industries will be transferred to peace purposes with equal facility. This, in fact, is the great question which Congress should be considering at this time, and it is especially important that Congress give serious consideration to this question when passing legislation to raise revenue. Instead of wasting time and energy in enacting makeshift legislation of a most haphazard character intended to tide the Government over until another year, it should be working out a definite financial scheme to fit this country to cope with the commercial activities which will occur immediately hostilities cease.

Protectionists—and protectionists include a great majority of the people of this country, I believe-would prepare through the adoption of a protective tariff to meet this emergency. Even if

it were not paramount for us to follow such a course, what folly it is for us to adopt such an untried policy and one which is going to be a tax on efficiency and necessitate enormous proportional expenditures in collecting the revenue required. What we should be doing is studying every phase of the European situation and determining the character of the protective policy we should adopt. There must be a restoration of many of the tariff rates which obtained in the past if we are going to have reasonable protection. Those rates must be determined somewhat by the conditions developing as a result of the European conflict and by the character of the commercial conflict which is to follow. No time should be lost in beginning a study of these problems.

We need not only to develop our efficiency and provide reasonable protection to enable us to meet the competition of our foreign commercial rivals at the end of the war, but we must prepare ourselves to face new conditions when this great European struggle is over. For example, we have several millions of men in the United States engaged in the manufacture of munitions. The minute the war is over their employment will cease and they will come into competition with the other workmen in the United States. It is probable that more than 30,000,000-possibly 40,000,000-of men are in the armies of the European countries at wer or engaged in the manufacture of munitions of war. They have been taken from their normal pursuits. As soon as the war is over they will return to their employments; they will find their places occupied to some degree by a new element in industrial life, and this element will materially increase the competition for employment which will exist in those countries. As a result of this competition during the readjustment period, it is almost certain that the average wage paid in European countries will be even lower than before the war.

Exactly the opposite condition obtains in the United States. Wages are abnormally high. A reduction in wage and adjustment to new conditions always means that some interest is pinched and that many difficulties must be met during the readjustment period. Moreover, European countries are going to be poor. Poverty does not promote the purchase of products. You can only sell to those who have money to buy; and we should not for a moment be deceived by the specious story that European nations are going to need many of our products to rehabilitate themselves because of the destruction which has taken place. As I have suggested, this destruction has been confined to a very limited area. It will take a long time to replace it, but the replacement is going to be carried on by the people at home. In any event, they will not have the rendy money to rehabilitate themselves immediately, and I predict that the purchasing power of Europe will be found to be materially lower than it was before the war.

We are going to find ourselves the great rich Nation of the world. We are going to be able to buy the products of others; they can not buy ours, and unless we erect an artificial barrier to protect our interests we are going to face enormous importations of goods.

Then there is another phase of this question which we must not overlook. Whatever the final action taken may be, it is beyond question that the countries of Europe are seriously considering trade alliances which will make scraps of paper of our commercial treaties and will place a further handicap on our export trade to them. Last year there was held in Paris what was known as the Paris Economic Conference. At this conference a scheme was proposed, seriously discussed, and reported to the allied nations which, in effect, substantially meant free trade between the allied countries, a rate of duty of considerable magnitude between the allies and countries which are now neutral, and a higher rate of duty imposed against the central powers. It has been reported that a similar arrangement was being considered by the central powers.

Moreover, the Scandinavian countries, including Holland and Denmark, have recently had a conference to consider this general question, and especially a proposal to protect the interests of the neutral powers after the war. It is worth noting that the United States was not invited to take part in the Paris Economic Conference. It was, however, invited to join the conference of the neutral powers. Whatever may be the final outcome of these proposed trade alliances, trade conditions after

the war are going to differ from those of the past.

Our greatest export market has been in Great Britain. has substantially been a free-trade market. There is no doubt about the adoption of a protective policy by Great Britain, to some degree at least, and this fact is demonstrated by instances rather than settled action. Not long ago the trade-unions of Great Britain in an annual convention or conference of first importance voted practically unanimously in favor of the adoption of a protective policy, and that represents the sentiment of

substantially two and a half millions trade-union laborers. There is also a very large element in Parliament favorable to

The point I wish to particularly emphasize is that we are going to face unusual conditions after the war; the solution of the problems arising at that time will require the wisest statesmanship, and we should now be preparing ourselves to meet them. Notwithstanding these probabilities—almost certainties— no action has been taken by the Democratic Party to indicate that it has given the subject the slightest consideration. No tax levied or law proposed since the beginning of the European war would lead to the conclusion that those who compose the major-

ity have any thought for this phase of the future.

On the other hand, just before the war a law was enacted lowering the tariff to one-half the average rate imposed under the lowest tariff law we have ever had on our statute books, and under which nearly 70 per cent of our imports come in free. Few people stop to consider that we are enjoying at this time in the war the benefits of a protection as important in its operation as any law we have ever passed. We are unable to obtain any importations from the central powers, or material importations from many other countries, and yet we are importing a larger volume of goods than ever before. People should not be deceived in the slightest degree by our large foreign trade, for the most cursory investigation shows that this trade is incident to the war and originates in those sections producing war mate-Of course these exports are not entirely confined to war materials; they include very many fabrics and articles used during war and for which there will be no demand when the war is over. Without going into detail, it is difficult to comprehend the enormous supplies of such articles as woolen blankets, material for uniforms, shoes, cotton fabrics, and incidentally almost every kind of manufacture in which our people are engaged which go to make up the immense volume of exports we are now shipping abroad and which will cease when the war

On September 4, 1914, the President called the attention of Congress to the fact that the customs receipts for the month of August were ten millions less than the month of August, 1913, saying that the loss was almost entirely due to the war in Europe and not to a change in our tariff law. Customs receipts for August, 1914, were about \$19,000,000. In August, 1913, under Republican tariff law they had exceeded \$30,000,000. falling off in revenues commenced earlier in the year of 1914. In February, for example, the customs receipts were about \$17,000,000, or \$2,000,000 less than the month of August. For the eight months prior to the war customs receipts averaged \$22,200,000 a month, while for the corresponding months in 1913 they averaged \$30,934,000, or a difference of \$8,700,000 a month. It is not denied that this falling off in customs receipts was due to the decrease in rates of duty and not to a lessening in the importations.

During the calendar year ending December 31, 1916, our imports aggregated \$2,391,716,000. If the rates of duty which obtained under the Payne-Aldrich law had been in operation in 1916—during the life of that law the average ad valorem duty was 19½ per cent—there would have been added to the Treasury through customs receipts \$467,940,000 since the Underwood-Simmons law took effect, which would have practically paid for the extraordinary expenditures which have been made up to

this time.

At this time if we would enact a reasonable protective-tariff law and issue bonds to provide for our military preparations we could repeal the war-revenue tax, the income tax, the corpora-tion tax, the inheritance tax, and not pass this proposed excess profits tax, and still have sufficient revenue to meet the actual needs of Government, imposing such taxes as those to which I have just referred in time of unusual need and reserve them for that purpose. In the meantime we should leave to the States these means untrammeled in providing for their own revenue; in other words, if you ask how the Republican Party would provide for this situation we would reply, We would impose a suitably protective tariff law and provide for unusual demands on the Government through a bond issue, with stringent provisions for its elimination within a reasonable period of time.

This brief summary I have given of the probable situation which will confront us at the end of the war, it seems to me, is sufficient to show the desirability and necessity of adopting a permanent and systematic policy of taxation rather than levy-

ing special direct taxes.

There can be no difference of opinion as to the necessity of additional legislation to finance the Government. Notwithstanding the imposition of corporation taxes, income taxes, inheritance taxes, and war-revenue taxes, we find the ready resources of the Government at a lower ebb than they have ever been since the

Civil War; in fact, if the condition of the Treasury were fully appreciated and we were not in the midst of a period of business activity in many lines which has been reflected in most directions, it would produce a financial panic. This is due to ineffective tariff legislation, unusual appropriations for military purposes, and an accumulation of harebrained schemes which the majority party have foisted on the country.

Recent discussions in the Senate, even those of yesterday, illustrate the condition in which we find ourselves. It is regrettable to have to say that there seems to be no concerted action to promote reasonable economy or conserve the best interests of our people, and I want to demonstrate to the Senate the deplorable condition of the Treasury.

The daily Treasury statement of Saturday, February 17, 1917, shows a working balance in the general fund of \$70,736,613.82. There has been deposited to that date in this fund the sum of \$48,128,727 for the retirement of outstanding national bank and Federal reserve bank notes that have been assumed by the United States. If that sum be deducted the amount remaining is \$22,607,886.58. The sum of \$66,485,461.85 has been placed to the credit of disbursing officers and was subject to their checks to the full amount, so that instead of a general fund in the Treasury of \$70,736,613.82 on February 17, 1917, there was in reality a deficit of \$43,877,575.27.

It is hard to take the view of the Secretary of the Treasury that this forty-odd millions paid in by banks to take care of retiring circulation, constituting a demand obligation on the general fund, is not a liability but considered as available funds to meet any other general expense. It is especially difficult to become reconciled to this position of the Secretary in this matter, when in his annual report for the year ending June 30, 1916, in his statement of the condition of the general fund, the item of money deposited by banks to retire circulation-aside from the 5 per cent-is neither carried as a liability nor is there anything to show it as being included in the balance of the general fund; but, on the other hand, it is found as an item in the statement of "Public debt."

The Secretary, in referring to the deposits to the credit of disbursing officers, states:

These disbursing officers' balances consist of amounts placed by the Secretary of the Treasury to the credit of disbursing officers, against which they are authorized to draw checks in payment of public obligations. \* \* \* As a matter of fact, money in many instances is not spent for months, and sometimes not at all, being returned to the Secretary's account. \* \* \* Funds are placed to the credit of disbursing officers practically as a bookkeeping arrangement.

The "public obligations" referred to by the Secretary are, of course, already incurred and due, or are maturing, and it would seem unreasonable to take for granted that deposits would be made with disbursing agents without immediate or near demand for such funds to cover these obligations. Should the Secretary for any reason after making these deposits conclude to order balances with disbursing officers remitted to the Treasurybalances with disbursing officers remitted to the Treasury—say, 30, 60, or 90 days after the date of such deposits—the probabilities are strong that such order would be complied with by disbursing officers by filing statements, accompanied with vouchers and other evidence of payments, instead of transferring actual money. It would be true also that the longer disbursing officers withhold statements covering expenditures, the greater would be the fictitious portion of the balance represented by these credits in the general funds apparently available, as shown by published statement.

The condition of the Treasury and the expenditures of the Government are more clearly demonstrated, perhaps, by making comparisons with the past than in any other way. We look comparisons with the past than in any other way. We look back to the Civil War period with the feeling that at the time our armies were the largest in our history, when probably we had a million men in the field, this country had to face enormous expenditures. That is true; and yet, compared with the expenditures of to-day, with the exception of one year, they were almost trivial. I think it fair to say that the appropriations for this year will aggregate as much as \$1,750,000,000. I have not the exact figures before me.

I wish to direct your attention to the expenditures during the Civil War period. Exclusive of postal deficiencies, as there were in those years, the total expenditures of the Government in 1861 were \$61,000,000; in 1862, \$466,000,000; in 1863, \$717,000-000; in 1864, \$863,000,000; in 1865, \$1,294,000,000; and in 1866, \$519,000,000. Even in the year 1865, when the expenditures were 50 per cent more than in any other year of the Civil War and provision was being made for at least a million men in the field, we were not spending very much more than two-thirds of the expenditures for the fiscal year.

Mr. THOMAS. May I ask the Senator if that statement in-

cludes the bond issues?

Mr. WEEKS. It includes all expenditures made. Of course, it does not mean that money was raised and expended during that time by the selling of securities. At the end of the war we had in the neighborhood of two and a half billion dollars of public debt, which, of course, included more than 50 per cent of the total expenditures during the war.

The highest expenditures made for our Navy, when we were blockading the whole coast of the Confederacy, during any one year was \$122,000,000, and yet the naval appropriation bill which is about to be taken up will appropriate in the aggregate \$531,000,000-more than four times as much as we spent for naval purposes in any year during the Civil War.

No annual expenditure of the Government before 1890, exclusive of expenditures for postal purposes, exceeded \$400,000,000. At that time, you will remember, there was a great cry against the large expenditures of the Government, and Mr. Speaker Reed, when criticized for his leadership of a Congress which had appropriated a billion dollars, or \$500,000,000 a year, replied that it was a billion-dollar country. Yet we are appropriating very nearly four times as much as we did 26 years ago.

The expenditures during the Spanish War, when we had a considerable Army in the field and bought a great amount of new material, did not aggregate in any one year one-half the amount we are appropriating this year for general expenses.

EXCESS PROFITS TAX.

The excess profits tax proposed in this bill is unique in the history of taxation. I can not find any record of the imposition of such a tax in time of peace or war. It is a tax upon business; and yet, it does not tax all business, only that conducted by corporations and partnerships. It is not a tax upon the magnitude but essentially upon the economy of operation. It is not a tax on large capital; it may apply with equal force to men of small capital. As its provisions would tax the corporation and partnership differently, it will tend to drive the partnerships into a corporation. As it taxes partnerships or corporations and does not tax the individual conducting the same kind of business, it will have a tendency to prevent the successful individual giving those who have been his employees an opportunity to become interested in the direct profits of the business which their industry and capacity have helped to de-

This provision of the bill seems to imply that the Democratic Party believes 8 per cent is a sufficient profit and that anyone receiving more than 8 per cent should be taxed-no, not exactly taxed, but should have some part of his profit confiscated for the purposes of government. Perhaps if we were entering upon a policy of controlling industrial action, including the rates of returns paid to those furnishing the capital, we might conclude that 8 per cent would be a sufficient average return; but anyone who knows anything about business will testify to the great irregularity resulting in every industry. There are years of plenty and years of almost complete failure. In the years of plenty, the frugal and prudent producer lays aside a part of his earnings for the development of his plant, the improvement of his machinery, or any other purpose which will promote the efficiency of his undertaking, in order to enable him to maintain some payment on the capital invested in years when a return is not earned. It is of vital importance to an industry to be able to pay regular dividends. There to an industry to be able to pay regular dividends. have become a great number of investors in this country who have become a great number of investors in this country who depend partially or wholly on the income they receive. will not put their money into an industry which pays large dividends one year and does not pay any for three or four years, as would be the result if the manager, lacking in prudence, were to pay out all of his earnings one year; but if he does provide for the condition I have described the Government comes along and seizes a part of the money which really belongs to the investors in the enterprise in bad years and applies it to governmental purposes. It is a short-sighted and unfair method of procedure.

If you can take 8 per cent, why not take 10 per cent, or 20 or 30? Is that going to be the policy of the Democratic Party? Are we going to have continued the extravagance of the past three or four years-appropriations for purposes like the Shipping Board, the nitrate plant, the armor-making plant, and other similar schemes which every trained and prudent business man knows should not be made, and then seize by actual confiscation the property of our citizens to supply such facilities and go into competition with them? Is that going to be the policy of the Democratic Party? If so, as soon as it penetrates the public understanding there will be a revulsion of feeling which will destroy the ascendancy of a party inaugurating it.

You have already established an income tax, so unfairly ·levied that it imposes a very large burden on a comparatively in competition with our own States, which have depended on both of these forms of taxation to obtain necessary revenue. In this bill you propose to increase the inheritance tax. are now establishing this excess profits tax. Are you going to increase it if you need more revenue? That is a question of vital importance to the American business man and will determine the kind of business he does and the manner of conducting it. If you are going to establish an 8 per cent limit as a fair profit resulting from the conduct of business, why not insist that any concern earning more than 8 per cent shall contribute to the losses of some other industry not making 8 per cent? Why not provide that no man shall, through his energy and brains, develop a better business than a less efficient competitor? There can be no other result if such a policy as is contained in this bill is adopted. The whole course of this legislation is going to adversely affect American progress, discourage efficiency, and in the long run reduce American wages.

I am going to give a few illustrations of the effect of the application of this proposed law, and I think they will fairly demonstrate the contention I make that the bill is unfair; that it is sectional; that it does not apply with the same force to the wealth of the country as it does to the efficiency of the country; and that from every standpoint it will be vicious in its results.

(1) The bill is objectionable because it is class legislation. The incomes derived from agriculture and from personal service are to be exempt. Thus, a wealthy farmer or a professional man who may be a lawyer receiving large fees escapes altogether.

(2) Although there is a flat exemption of \$5,000, there would still be many partnerships or close corporations upon which this tax would be a burden, for in many cases the capital invested may be small, the business having been built up entirely by personal effort.

(3) Capital investment is defined as actual money paid in and actual property owned, together with undivided surplus. To ascertain this would involve great difficulty in some cases and would probably necessitate governmental inspection. The latter be another step toward centralization. In short, the doctrine of "the less government the better" under Democratic rule is being thrown to the winds.

(4) The legislation is punitive in effect. It is leveled at the

profits of business, at the effective results of capital and sur-

plus. It is a tax upon the efficiency of the Nation.

(5) In theory an income tax is an ideal one, because the fundamental idea upon which it is founded is that taxation should be imposed according to ability to pay. But there should be as nearly as practicable equality of sacrifice among the taxpayers, and a tax levied at a uniform rate can not produce equality of sacrifice.

The proposed law is in effect an income tax possessing some of the vices and few of the merits which that form of direct tax contains. The only sound income tax is one which reaches

everyone in a proportionate degree.

The basis upon which the 8 per cent of excess profits is proposed to be allowed is unfair. That basis is not the present value of the property of a partnership or a corporation, but the value of the property at the time it was transferred to the partpartners 20 years ago and contributed to the partnership \$10,000 each, making a total original contribution of \$20,000, by the ability and industry of those two partners that business might to-day be worth \$1,000,000. They would not be allowed 8 per cent upon the present value of their business or plant of \$1,000,000, but only 8 per cent upon the money originally contributed, or on the property at its value when originally transferred to the partnership; in the case I have supposed that would be 8 per cent upon \$20,000.

In a word, the excess profits feature of this bill is unfair for

the following reasons:

1. It is discriminatory. It is unfair.

3. It will discourage initiative; it will prevent development of resources and industries.

4. It will favor certain classes or groups.

It will cause great confusion in its interpretation.

6. It fixes an arbitrary cash basis of value which, under the capital-stock tax rulings, is unsound and unreasonable.

NATIONAL INDUSTRIAL CONFERENCE.

A conference of industrial managers of some of the largest and most important enterprises in the United States has recently been established. This conference was originated and meetings held for the purpose of discussing trade relationships and the best and most effective means of developing our efficiency and capacity to successfully compete with the industries few citizens. You have increased the income tax once since the of the world. A short time ago this industrial conference board original law was passed. You have imposed an inheritance tax wrote to the Finance Committee of the Senate making some comments on the bill under consideration, and I wish to put this communication in the Record in its entirety, because it is a

calm, dispassionate discussion of this question.

The PRESIDING OFFICER (Mr. Hughes in the chair).

Without objection it is so ordered.

The matter referred to is as follows:

FEBRUARY 10, 1917.

To the honorable the Finance Committee of the United States Senate, Washington, D. C.

To the honorable the Finance Committee of the United States Senate, Washington, D. C.

GENTLEMEN: The National Industrial Conference Board, composed of 14 national associations of industrial employers who are jointly studying and investigating important questions which have a bearing on industrial development and the conduct of business, to wit: American Cotton Manufacturers' Association, American Paper and Pulp Association, Electrical Manufacturers (Lub, National Paper and Pulp Association of Wood Manufacturers, National Association of Wood Manufacturers, National Boat and Shoe Manufacturers' Association, National Founders' Association, National Metal Errectors' Association, National Founders' Association, National Metal Errectors' Association, National Founders' Association, National Metal Trades Association, National Founders' Association, National Metal Trades Association, National Founders' Association, National Metal Trades Association, Rubber Club of America. Slik Association of America, and United Typothetis and Franklin Clubs of America, begs leave to submit herewith the following observations and criticisms in regard to the excess-profit tax feature of the pending revenue bill, H. R. 20573. The proposed material processity of largely increased national revenues if the Nation is to be placed in condition for national defense. It believes that representatives of national business interests should not and will not object to any fair tax, however heavy, which is necessary for national defense, but it believes it to be a duty not less than a right to object to the impractical, arbitrary, and discriminating form in which the proposed measure is cast. The pending proposal represents a growing tendency to exempt a great mass of citizens who are well able to contribute, from the pecuniary burden of government. When the nations of the world are demanding universal service, our own country ought not to inaugurate a system in which nich represents a growing tendency to the second proposed measure is cast. The pen

ing friction.

5. It will constitute a direct and discriminatory tax upon our most valuable national assets—invention, initiative, and energy. The inventor properly looks to a high rate of profit during the life of his patent for his incentive and reward. The pioneer in shipping or foreign trade enterprise or new and untried fields of industry likewise looks to a high return during the period while high risk obtains for his inducement to risk his capital and effort. Unusual energy and ability with a small capital may produce much larger returns than moderate energy and ability with a much larger capital, and so may perform valuable public service. All these valuable public assets—invention, initiative, energy, and ability—are penalized by the proposed tax.

invention, initiative, energy, and ability—are penalized by the proposed tax.

6. It constitutes an unwise and unfair discrimination against good will, which is not included in the bill under the heading of actual capital. Good will is property. It can be bought and sold. A corporation which has built up a valuable good will has added to its surplus property, its invested capital, just as truly as has a corporation with undivided profits employed in the business. To count the undivided profits, but not the good will, as capital, lays an unfair burden upon the good will and also penalizes the elements which enter into and promote good will, such as honesty, integrity, special ability, or service, which public interest requires should be encouraged.

7. Its collection will involve many serious practical difficulties, necessitating extensive and inquisitorial machinery, and lay an unduly large charge upon all corporate enterprises, successful or unsuccessful, in the shape of extra reporting and accounting. The widest variance exists in State corporation laws regarding the different elements involved by the proposed tax. The Federal Trade Commission has said that the great bulk of business in this country is conducted without a proper cost-accounting system, and without proper cost accounting profits can not be ascertained. Multiplicity of reports, increased and probably extensive revision of bookkeeping, complicated and extensive inquisitorial machinery, and wide latitude for inequity, fraud, and evasion are all necessary parts of the actual collection of the proposed tax.

All of which is respectfully submitted.

NATIONAL INDUSTRIAL CONFERENCE BOARD, FREDERICK P. FISH, Chairman. MAGNUS W. ALEXANDER, Executive Secretary.

Mr. WEEKS. Now, Mr. President, I am going to state a few examples which I think will demonstrate some of the criticisms I have made against this legislation. Corporations have been I have made against this legislation. Collection of taxes. Who singled out as a fair prey for the imposition of taxes. Who compose the corporations? Under the present system very largely they are the people themselves. There are more than 100,000 stockholders, for example, in the Pennsylvania Railroad Co., and more than 100,000 stockholders in the United States Steel Co. You can no longer say because a corporation is large or important it only represents one or two or a half-dozen interests. It is a means, when large and important enough, through which prudent people trying to save something for their old age may safely invest their savings. It should be our purpose to encourage such organizations if they furnish safe investment facilities for those who generally have not had experience in investing their money with safety, and who are frequently led to put their savings in wild-cat enterprises and lose them.

Combination of the capital of small stockholders is necessary for the promotion and continuance of business on a large and economical scale for the production of the necessaries of life.

In order to make great business enterprises attractive for in-

vestors they must be stable and profitable.

The greater the risk, the larger the profit ought to be. The continued addition of new taxes to the burden of corporations is bound and has begun to lessen the value of the investment in industrial enterprises

Twenty years ago investment in railroad stocks was considered most conservative. To-day such investments are invest-ments to be avoided. The trend of legislation, if followed, will

bring the same results to industrial corporations.

Incomes of partnerships derived from agriculture or personal services are exempt hereunder. This certainly is not for the protection of the small farmer. It rather encourages combinations of investors to control large agricultural interests.

If such an excess profits tax is to be imposed, why should it not fall upon partnerships controlling large areas and making profits in excess of 8 per cent? There are many such examples.

Mr. SMITH of Georgia. Would it interrupt the Senator if I would call his attention to the fact that we have amended the bill so as to include corporations and copartnerships engaged in agriculture?

Mr. WEEKS. No. I regret that I had not noticed that fact, It is very frequently the practice for corporations located in other New England States to maintain offices in Boston. It is almost essential for them to do so in order to maintain their own selling departments. Such a corporation located in Maine would be taxed the local city taxes and the Maine franchise tax, the Massachusetts franchise tax, the city of Boston tax, the Federal income tax, and the Federal capital-stock tax.

Almost exactly that same condition would obtain in other States. Senators forget that we raise a very much greater amount of revenue in all States for local purposes than the proportion of the contribution which those States make for the support of the General Government. We go on levying taxes in Washington as if they were the only taxes imposed against our citizens, when as a matter of fact we are frequently taking from the States the only sources of revenue, or at least the main sources, they have, and are piling up taxation and indebtedness in a way which is going to bring us serious trouble unless we face the situation and stop some of the extravagance. We should adopt the budget system of government.

We can not avoid enormous expenditures in any other way, and it is up to Congress to consider that question without destop this trend of unparalleled expenditures and the imposition of taxes not justified and in competition with the taxes imposed by our own States.

In some of the State franchise taxes and in the case of the Federal taxes the Government exercises supervision of the method of accounting and fixing the values for the purpose of determining the tax to be assessed. This has resulted in great

confusion and uncertainty.

The excess profits tax does not fall fairly or equally.

PARTNERSHIPS.

Take two cases: A and B have \$50,000 each which they invest in manufacturing raincoats-capital, \$100,000. They make \$20,000. Under this bill their exemptions would be \$5,000 plus 8 per cent of \$100,000, or \$8,000, a total of \$13,000. They would pay a tax of 8 per cent upon the excess \$7,000, or \$560.

C having \$100,000 establishes the same kind of a business

next door, makes \$20,000, and is not taxed under this bill because he is operating as an individual. The smaller investors, who are obliged to join forces in order to do business, are taxed while the wealthier man pays nothing upon excess profits.

A brokerage concern having a large capital and making large profits would be exempt under the "personal-service" clause,

The success of corporations depends to a great degree upon the personal services of their managers, and there are many instances where a small capital plus valuable personal services yields large returns on the capital invested. These concerns would be unfairly and excessively taxed under this bill. Personal services in a partnership are free from tax. Personal services in a corporation with perhaps less capital involved are

For the purpose of fixing the income tax of corporations certain returns of financial condition are demanded by the Government.

Also under the new capital-stock tax other returns are required.

From these the Government determines the value of the

capital stock of corporations. Section 202 of this bill fixes another standard of value upon

which excess profits may be determined.

If the Government determines the value under the capitalstock tax for purposes of taxation—and it is presumed that value thus determined is fair—it should accept its own valuation for the purpose of determining what constitutes excess

Government appraisals of value fixed for determining one tax should be accepted as decisive and should not vary in the

same year.

Business concerns to-day are hampered by the numerous requirements for returns and by the arbitrary demand of Government officials demanding changes in accounting and differing methods of fixing valuations. Uniformity would tend to economy both in the private and the public service.

Following the same methods of determining value in the capital-stock and excess profits taxes would remedy the discrepancy and discrimination which this bill raises and would allow a consideration of good will-the most valuable asset of

many partnerships and corporations.

Take the case of a newspaper with \$200,000 originally invested. For 10 years dividends are not paid. As a part of expenses large sums are paid out of earnings in advertising, in increasing circulation, in paying special writers. A strong personality controls the editorial policy. The paper gains a reputation, a circulation, and at the end of 10 years is worth \$400,000, a value built on personal service and the foregoing of dividends. Its presses and physical assets for which cash was paid may be worth not more than \$150,000, though the total value of the business may be worth two or three times that sum. The money earned and spent for circulation, advertising, special writers, and so forth, has built up a value which the Government taxes under the capital-stock tax, but would decline to consider under this act.

It will thus be seen that the bill operates to exempt personal services i: one case, but refuses to make allowance for them

To show the difference, take the case of a corporation, a partnership, and an individual, each having a capital of \$100,000, which makes an annual net profit of \$50,000:

Actual capital invested	\$100,000
Net profit	50, 000
Additional exemption 5,000	13, 000
Sum on which "excess profits" tax will be levied	37, 000
"Excess-profits" tax of 8 per cent In the case of a corporation there would be an additional tax	2, 960
of 2 per cent on net profits in excess of \$5,000, amounting in the above case to	900
Total tay	3, 860

In addition each partner in a partnership or each stockholder in a corporation must pay an income tax on all income in excess of \$4,000. This income tax was greatly increased last October, and yet an individual conducting that business would only have to pay the income tax which is now a part of the law.

Take the case of a partnership or corporation in which the principal owner has secured a patent on an invention and has from time to time made improvements upon it. In the course of many years it has acquired great value through his personal Comparatively little cash has been paid in. This value is taxed under the income tax and capital-stock tax laws, but no credit is given to it under the proposed bill, because the greater part of its value does not rest upon paragraphs (1), (2), or (3) of the proposed section 202. No allowance for losses in years immediately preceding is made. If it is impracticable to go back beyond one year, why not accept, for the purpose of determining the exemption, the fair average value of capital assets for the preceding year?

Mr. President; there was called to my attention the other day case of a corporation which has not earned and has not paid dividends for seven years, and yet during the past year, having developed a quality and class of goods for which there was great demand, it made 40 per cent on its capital. That is only an average for the eight years of 5 per cent. Five per cent is certainly not an excessive profit for stockholders going into a manufacturing concern; and yet under this bill that corporation and its stockholders are going to be taxed on their proportion of the 40 per cent, which really belongs to them, and which should and would be reserved by any prudent concern to try to continue dividends during a term of years.

The States have depended upon direct corporation taxes for

their revenue.

The United States Government is steadily encroaching upon this field with its income, inheritance, and capital-stock taxes.

The logical result of this Government exaction of taxes and control of accounting and valuations will be national incorporaion laws, to which so many States object.

Let me take other examples showing the unfairness and inadequacy of this law.

The Massachusetts franchise tax is about 1.94 per cent of the value of the capital stock less real estate and taxable property, both within and without the State, and the minimum of one-

tenth of 1 per cent less local tax.

Now, take the three cases of corporations having, respectively, a capital of \$500,000, \$1,000,000, and \$2,000,000.

Cases.	Capital,	Capital,	Capital,	
	\$500,000;	\$1,000,000;	\$2,000,000;	
	property	property	property	
	valued at	valued at	valued at	
	\$300,000.	\$300,000.	\$300,000.	
Property tax (local), about \$18 per thousand	\$5,400 3,880 2,000 4,800	\$5,400 13,510 2,000 1,600	\$5,400 32,910 2,000	
Tax to profits, per cent. Earnings to capital, per cent.	16,080	22, 510	40, 310	
	16.08	22, 51	40, 31	
	20	10	5	

The above is based on the assumption that the capital stock is worth par. Of course, in the first case with 20 per cent earnings it would be worth more, just as in the third case with 5 per cent earnings it would be worth less.

Now, there are three concerns earning exactly the same amount of money, operating in the same kind of business, having different amounts of capital, and yet all will be taxed differently under this proposed law. That condition applies to New Jersey as well as to Massachusetts.

Taking a New York corporation, making net profits of \$100,000, the New York franchise tax is based on the capital stock employed within the State. If dividends of 6 per cent or over are paid, the tax is one-fourth of a mill for each 1 per cent of dividends levied on each dollar of stock. If dividends are less than 6 per cent, or assets do not exceed liabilities, or stock averages to sell below par, then three-fourths of a mill for each dollar of capital. With dividends less than 6 per cent and assets exceed liabilities, or stock averages above par, then 11 mills is the tax.

Taking the corporations to which I have referred in the case of Massachusetts, one having \$500,000 capital, another \$1,000,000, and the third \$2,000,000 capital, and earning profits of \$100,000, the results are indicated in the following table:

	Capital \$500,000, dividend 7 per cent.	Capital \$1,000,000, dividend 5 per cent.	Capital \$2,000,000, dividend 2 per cent.	
New York State franchise tax Local tax about \$17 (property \$300,000) Federal income tax Excess profits tax	\$2,625 5,100 2,000 4,800	\$3,750 5,100 2,000 1,600	\$3,000 5,100 2,000	
Total	14,525	12,450	10,103	

In other words, under this excess profits tax the smaller concern would pay three times as much as the one twice as large, and the concern four times as large would pay no tax at all. You are not getting at the kind of people you think you are going to reach by enacting this legislation. To a great extent the very rich man is going to escape this taxation, but you are taxing the small stockholder in all of these corporations.

One of the features about this that will cause a great deal of difficulty and cause a great deal of unfairness, and has caused a great deal of difficulty and is not remedied in the old income tax, is the question of the valuation of the depreciation that may be allowed.

In the cotton industry in Massachusetts there has been much difficulty in this respect relating to determining valuation. Many corporations, such as cotton mills, some of which have been in operation for nearly a hundred years, under the old method of bookkeeping would carry perhaps a building worth \$200,000 or \$300,000 on their books at \$100,000. Then the question came up as to how, when the income tax came along, they could determine their valuation for the purpose of making their depreciation, and an inspector from the Treasury Department would come along and say they must change their bookkeeping methods.

Another year another inspector would come along and find something wrong in their bookkeeping methods. Several of the New Bedford cotton mills, for example, are now endeavoring to work out with the Treasury Department certain defi-nite forms of valuation; but the difficulty resulting from this question of what is a fair valuation of property can easily be seen. A mill which is in successful operation is worth a great deal of money; but, if it is not profitable or if it is closed down, its real estate is worth substantially nothing. In New England, one of the favorite loans is on real estate; in fact, a considerable portion of savings banks' deposits is loaned on real estate in Massachusetts; but loans are seldom made on manufacturing plants, because their success depends so largely upon the intelligence and ability of the management; and yet in this bill we are giving no credit at all to such intelligence and ability.

Incidentally, to show the scope of this proposed law and the army of people that will be required to enforce it, producing, in my judgment, a cost of collection out of all proportion to the amount of money collected, there are 366,443 corporations making returns to the Internal Revenue Bureau now, of which 190,911 were found to be subject to the income tax. Quite likely they will also be subject to the excess profits tax. Finance Committee of the Senate estimates, I understand, that there will be 50,000 partnerships that will come within the scope of this law. I should think, if the committee's estimate had been 500,000 partnerships they would have been a great deal nearer right. I doubt if even that will represent the number; but if any one can imagine the expense, the time, and the difficulty of examining all these concerns, he will readily understand that the cost of carrying into effect this law is going to be unreasonably large.

Here are more examples to show the unfairness and the un-

evenness of the application of the law.

Another instance which will show the unfairness of this excess profits tax is that of John Wanamaker, who is conducting an enormous business in Philadelphia and New York as a private individual. He will not be taxed under the provisions of this bill, and yet it is probable that he has one of the most profitable businesses in the United States.

In immediate competition with him are many concerns in every city in the country, the names of which will come readily to the minds of any Senator, and they are partnerships or stock companies, and they will be taxed either as partnerships

or as corporations.

Take another more extreme example: A New York broker reported to be close to the administration stated recently to the "leak" committee that he made \$476,000 because an English statesman used the word "but" in a recent statement. cent of that \$476,000 will be taxed under this proposed law. If the man who profited by his own cleverness in taking advantage of the situation which he foresaw had had a partner, he would have been taxed. No broker operating as an individual will be taxed under this law.

If legislation must be passed along the proposed lines, then I submit that the tax of 8 per cent should be based on net sales and not on capital, as this latter method would be inequitable. Owing to the varying nature of business the capital requisite for a stated volume of sales varies widely. For example, it might require a capital of \$100,000 to produce sales of \$100,000 in one line, and in another line the same capital might be sufficient to produce a very much larger volume of sales, say, for instance,

\$800,000.

With a tax of 8 per cent on capital as proposed the first-named company would be allowed 8 per cent profit on sales before the tax would apply, whereas the latter company would be allowed only 1 per cent profit on sales. Is this fair? This is no fanciful illustration, and I submit that it clearly shows that net sales and not capital is the only fair basis.

The bill bears with particular severity upon partnerships, because the net income of such is arrived at before distributing any remuneration to the partners for their services, whereas corporations are entitled to charge as expense the salaries paid to the general officers. Moreover, the fact that a tax is laid upon an income over 8 per cent on actual cash investment bears heavily upon a partnership as compared with a corporation, because the corporation may have issued stock against intangible assets, such as good will, patents, and so forth, and the age of the corporation may be such that it will not be practicable to determine the actual cash invested in the business except to take book values. In the case of a partnership not having issued stock, no value has been given to the good will or payable assets which they have declared as a result of the growth of its business. Their capital invested will, therefore, stand at the actual amount invested in the business or at the current cash value of tangible assets.

Take, for example, two corporations engaged in cotton and woolen manufacturing. A corporation owns its real estate and machinery and is capitalized at \$80,000. B corporation rents its real estate and machinery and is valued at only \$50,000, and yet it may be a third or a half larger in its manufacturing capacity. Suppose their profits are equal and that they make \$20,000, of which \$5,000 is exempt; omitting the corporation tax,

their taxes would be as follows:

A corporation, having a taxable profit of \$15,000—\$6,400, being 8 per cent of capital or actual cash and assets paid in, would have left a taxable amount of \$8,600, which, at 8 per cent, would be \$688.

B corporation, having a taxable profit of \$15,000—\$1,200, being 8 per cent of its capital or actual cash and assets paid in, would have left \$13,800, which, at 8 per cent, would require \$1,104 for taxes.

One of the unfortunate developments connected with this legislation, it seems to me, has been the palpable sectional emphasis given it by those responsible for its promotion. The leader of the majority party in the House of Representatives, who is an old friend, and whom I should hesitate to criticize even if the rules and propriety did not forbid it, in discussing the bill called to the attention of the country a rather unfortunate expression, which emphasizes quite forcibly the attitude of the Democratic Party. He is said to have made this statement:

I think most or the greater part will be levied north of Mason and Dixon's line. All these fellows who live in States that will pay a large part of this tax can get rid of the location argument by removing down to my town of Scotland Neck and pay the tax from there.

I do not know that he made that remark, but such statements, coming from a responsible source, create a feeling which, I contend, is bad for the country.

During the debate in the House it was suggested by those responsible for the legislation in defending the unfair distribution of the taxation imposed that certain of the Northern States should be willing to pay a majority part of the tax because a large portion of the money thus collected would be expended in those States, and Mr. KITCHIN used this language:

Take the Fore River Co. in the city of Boston

Meaning, I suppose, the Fore River Co. located in Quincy, Mass.

that will get more of these appropriations than the entire South and 15 Western States.

That seems on its face a reasonable statement, and yet let us examine it from another viewpoint. The last first-class battle-ship constructed by the Fore River plant was the Nevada. This vessel cost approximately \$11,000,000, and required three years and four months to construct. Under the existing corporationtax law the industries of Massachusetts paid an income tax of \$2,858,713 during the fiscal year 1916. In three years and four months, the time required to build the Nevada, those industries under the present law will have paid approximately \$10.000,000 in income taxes, an amount practically equivalent to the total cost of the Nevada. In other words, the industries of Massachusetts-and if the personal income tax of that State were included the figures would be very much larger-will have paid the National Government in one form of taxes nearly enough to pay the cost of a battleship for the privilege of having it constructed in a Massachusetts shipyard. I think it entirely possible that the State of Massachusetts, if it could be relieved of this tax, would be willing to have the next battleship constructed in Mr. Kirchin's State or any other State which is not bearing a fair share of the burdens of government.

Indeed it is not unreasonable to call to the attention of the Senate the fact that there is no hesitation on the part of States in other sections of the country, and especially in the South, in which section the dominant party now obtains its political power, to spend money collected in the northern part of the country. The slightest investigation—and I will not go into it because I do not believe in making sectional arguments—will demonstrate the fact that the North is paying on every dollar of its wealth five or six times as much as our Southern States and that a much larger percentage of the appropriations made by the Government in proportion to the wealth of the States goes to the

sections paying the lesser tax.

As I have stated, the State of Massachusetts paid \$2,858,713 in corporation taxes during the fiscal year 1916, an amount which exceeds by a considerable figure the entire tax paid by the nine Southern States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. It is estimated by the Democratic leaders that 90 to 95 per cent of the new excess profits tax will be levied upon the Northern States, so that it is entirely probable that the State of Massachusetts, under the proposed law, will pay more toward the proper protection of the country and general rehabilitation of the Federal Treasury than the entire South. The States of New York and Pennsylvania already pay many times more in Democratic direct taxes than the entire South, and under the new law the proportionate difference will be even more marked.

I would not raise this argument, Mr. President, if it had not been made in another House and in public discussions. I simply

want to point out the facts as they bear on the case.

The Democratic leader in the House contends that the North should be willing to pay this great proportion of the preparedness expenditures because the demand for protection comes from that locality. But he does not suggest that a sufficient tax should be imposed upon the industries of the States of Texas, New Mexico, and Arizona to defray the expenditure of \$162,000,000 in protecting those States from incursion by Villa; nor does he suggest that a tax of \$11,000,000 should be laid upon the industries of the State in which will be located the armor-making plant; nor that \$21,000,000 shall be imposed against the State in which the nitrate plant will be situated. Those expenses are to be met by the issuance of bonds which the administration, no doubt, will expect the North to purchase out of any funds remaining after it has paid all of the other Democratic taxes.

No fair-minded man would contend that it would be fair to impose a tax of \$162,000,000 upon the industries of Texas merely because the United States was threatened with attack at that particular point, and yet we have found a great many prominent Democrats ready to champion the theory that the North should be made to pay practically the entire cost of national preparedness because it is from there that the country would most probably be attacked. No foreign enemy will ever declare war against the State of New York or the State of Pennsylvania or the State of Massachusetts. Such a declaration, if it should ever come, would be against the entire United States, and no section of the country should be exempt from paying its proper share of the cost of preparedness against such

a day.

The four States of New York, Massachusetts, Pennsylvania, and Illinois pay \$30,000,000 of corporation taxes, which is over one-half of the total corporation tax of the country. The same States pay \$45,000,000 of individual income taxes, which is about two-thirds of the total income tax, and it is undoubtedly true that the same States will pay a proportional amount of this proposed tax. The net result of this form of taxation is extremely harmful. Only 330,000 people directly pay an income tax, which is less than one-third of 1 per cent of our population, and a comparatively small proportion of the people pay the corporation tax and will pay this excess profits tax directly. As long as one-third of 1 per cent of our population are paying this tax there is nothing to prevent the other 99\(^2\) per cent clamoring for additional appropriations, and the average politician is going to listen with approval to that clamor. If those who insist on following such a course were honest enough to explain to the people that they are not standing their share of this taxation, quite likely this clamor would cease.

In the section of the country which I in part represent there has developed a frugality in saving money, and this has been promoted by the mutual savings bank system, which is one of the prides of Massachusetts and contiguous States. In Massachusetts there are \$928,000,000 deposited in savings banks, which represents deposits made by 2,349,207 depositors; in other words, substantially two-thirds as many depositors as there are people in the State. Necessarily there are some duplications among these depositors; that is, a depositor may have accounts in more than one bank—sometimes in several banks—but I think it is fair to assume that from one-third to one-half the people of Massachusetts have deposits in the savings banks. Those banks invest in real estate mortgages and in certain classes of securities, like railroad bonds and other profit-making corporations. In many States the laws surrounding the investment of savings funds are not as stringent as in Massachusetts. The money of some of these banks may be invested in securities directly af-

fected by this 8 per cent excess profits tax. Does anyone think that if these frugal people, who have saved between three and four hundred dollars each, were told they were to be taxed in this imprudent and unfair way in order to maintain the Government, that they would not make a protest? The trouble is that the tax does not fall directly on them, and they do not understand it. Instead of the clamor being against the so-called rich corporation it would be to protect the investments of those who, to a large extent, are the wage earners and savers of money and who by their own efficiency are demonstrating the course the Government should follow.

I ought to add, in the case of the Massachusetts savings banks, that deposits are not taken in amounts larger than \$1,000; and when the deposits with accrued interest amount to \$1,600 the interest stops, which indicates the comparatively small

amounts that can be deposited by any one person.

Mr. President, it should be a fundamental rule in governmental financial operations that all current expenses be paid from the proceeds of the annual tax levy, and that if loans are issued their duration should be within the life of the object for which the appropriation is expended. The expenditures provided for in this bill are very largely of a contrary character to ordinary expenses of government, and it is unfair to the taxpayer of to-day to require him to provide for improvements which are going to be equally beneficial to the taxpayers of future years. Therefore I have provided in the proposed bond issue I have introduced that it shall extend over a period of 20 years, which is quite within the life of most of the objects for which the expenditures are made. wish it to be understood, Mr. President, that I at all approve all of these expenditures. I voted against most of them-the bill to establish a nitrate plant, the shipping bill, and othersbut I assume that money is going to be appropriated to provide for the purposes for which legislation has been adopted, and therefore, if that is to be done, I want it done in this way

The Alaskan Railway, with ordinary annual appropriations for maintenance of way, will be in quite as good condition 20 years from now as to-day. The life of any ship which may be purchased under the existing law will easily be from 20 to 30 years, and ships are now performing good service which are much older than the maximum limit I have suggested. Even battleships are kept on the rolls as first-class ships for a period of about 20 years. Therefore substantially all of the purposes for which we are making provision will be equally material to the people for at least 20 years, which is the life of the bonds I

propose.

Having reached that conclusion, another important question is to determine the character of bond. The United States Government has never issued a serial bond. Its bonds issued after the Civil War were intended to be retired by sinking-fund provisions. For many years this policy was carried out by using surplus revenues for that purpose, and as early as 1890 the debt had been reduced from about two and a half billions to substantially a billion dollars. No appropriations for the sinking fund, however, have been made in recent years. I presume one reason for this has been that the estimated revenues were not sufficient to provide for these appropriations. Then another problem has entered into the question in recent years of enough importance to prevent the operations of the sinking fund. I refer to the necessity for bond-secured circulation issued by the national banks.

As time has gone on practically all of our national debt has been used as a basis for circulation and is being used for that purpose to-day. The passage of the Federal Reserve act has removed the necessity for the continuance of issuing that kind of circulation. There is no reason, therefore, in times of ample revenues, provided reasonable economy is used, why the entire national debt should not be paid, and I hope when the present difficulties have been passed that such a course will be consistently followed. It is not an element of strength to a country to have a considerable outstanding indebtedness; it is an element of financial and physical weakness. A country without debt is in much better position to defend itself or wage active hostilities than a country which will be embarrassed by outstanding indebtedness, and in this respect alone the United States will be in a position of great strength as compared with other first-class nations at the end of the present war.

The finances of a municipality, a State, or a nation do not materially differ from those of the private citizen. No private citizen could acquire a good financial reputation if he constantly renewed his indebtedness when it matured. In other words, if the individual or copartnership repeatedly renews indebtedness, it is taken as an indication that they have not sufficient capital to conduct their business operations and their credit is greatly impaired. The sound business concern is the

one which borrows temporarily and goes out of debt at some time during its annual operations. The only indebtedness of a relatively permanent character which is justifiable is that required in the large extension of a plant, which might be covered by a mortgage, but that mortgage should be gradually liquidated. Even that kind of indebtedness is an embarrassment to corporations if they wish to go into the market to borrow for temporary purposes. This argument is equally applicable to municipalities, States, or nations, and most local communities in recent years have recognized the necessity of extinguishing indebtedness by establishing sinking-fund provisions, which have generally operated to carry out this purpose; but, as in the case of our National Government, there have been frequent deliberate violations of sinking-fund requirements.

A few instances will illustrate how possible it is to operate sinking funds honestly and yet not obtain the statistical results which seem probable. As late as 1869, in England, a committee of Parliament made an investigation of sinking funds and made a report to this effect; Between 1785 and 1829 England borrowed £330,000,000 at about 5 per cent interest in order to pay the same magnitude of indebtedness at 4½ per cent interest. This policy by which a debt of 4½ per cent was converted into one of 5 per cent meant an annual loss of interest of £1,627,765, extending over a period of 43 years, or a total of nearly \$340,-

000.000

During our Civil War, the issue of legal-tender notes made under the act of Congress of 1862 was fortified with a sinking fund of 1 per cent. During the war no attempt was made to fulfill this pledge, as the Government was continually borrowing

and adding to its total indebtedness.

For many years the State of Massachusetts outranked every State in the Union in the magnitude of its State debt. September 30, 1913, its funded debt was \$117,838,412, and its sinking funds at that time were \$34,674,498. Incidentally, the very statement of the magnitude of that sinking fund shows the importance of its being well handled and the difficulty of its being entirely invested all of the time. At this time the gross debt of the State, counties, municipalities, and metropolitan district is practically \$400,000,000. This debt became so startling that among other phases of it carefully investigated and studied the question of the operation of sinking funds was taken up.
Although it has been optional in Massachusetts since 1882 to issue serial bonds, this study of sinking funds and their operation was sufficient to bring about the passage of an act in 1913 prohibiting sinking funds for municipal loans, making the serial bond compulsory for all such loans and requiring all such indebtedness to be issued on the same basis as had been adopted by the Commonwealth in an act passed in 1906.

In this respect, as in most others, Massachusetts has demonstrated that it is one of the most progressive States. The sinking-fund provision, as far as Massachusetts is concerned, has

become a dead letter.

At the constitutional convention in New York year before last this question of a scrial bond issue was given consideration. At that time there was an indebtedness, State and municipal, in New York of something like \$2,000,000,000 gross. The constitutional convention unanimously adopted the proposed change in the matter of issuing serial for sinking-fund bonds, and it would have become the basis of procedure in that State if the constitution had not been defeated. I think I should say, however, that during the consideration of this constitution and the arguments relating to it no objection was made to this provision.

Mr. NORRIS. Mr. President-

I yield to the Senator. Mr. WEEKS.

I am exceedingly interested in what the Sen-Mr. NORRIS. ator is now stating in regard to the issue of bonds. It may be that in some part of his address he is going to answer the ques-tion I wish to ask. If he is, I hope he will not be diverted by answering it now, but I should like to ask him to give us this information. In a comparison between serial bonds and the other kind, what has been the result in the way they have been sold on the market? I mean, has there been any loss in the sale of serial bonds as compared to other long-time bonds?

Mr. WEEKS. I think I refer to that briefly later on; but I will say now that when serial bonds were first issued there was some prejudice against them because they matured at different periods, and some of them were too short to be considered a good permanent investment. In these days, however, when bonds are required to be deposited for the protection of postal savings banks deposits, when so many banks invest money in short-term bonds and short-time notes, when the Federal re-serve banks could and would buy them, I am told by very many bond men whom I have consulted that a serial bond sells as readily as a sinking-fund bond.

Mr. NORRIS. That is in the case of bonds issued in a series, coming due, let us say, all the way from 1 to 20 years, the shortest-term bond would sell at the same price as the long-term

Mr. WEEKS. The issue would sell as well as if they all atured at 25 years. That is almost the universal expression matured at 25 years.

of opinion I have obtained.

Recently the Hon. Charles F. Gettemy, director of the bureau of statistics in Massachusetts, made an investigation involving calculations of some twelve hundred municipal sinking funds. This investigation revealed net apparent deficiencies in 40 cities and towns aggregating \$1,794,391.58, and net apparent surpluses in 47 cities and towns aggregating \$2,855,192.47. This was fol-

lowed by the legislation to which I have referred.

Within a year an investigation in New York has demonstrated the fact that the citizens of that Sate have been taxed for sinking funds nearly \$19,000,000 in excess of the amount required under a scientific bond-amortization plan. This situation is not due to any one administration, but is the result of the operations of four recent State governments. It was estimated that this accumulation of unnecessary money would have amounted before the maturity of the bond issues outstanding to \$234,-000,000.

Last year the city of New York made a sale of \$40,000,000 50-year 41 per cent sinking-fund bonds and \$15,000,000 1 to 15 year 41 per cent serial bonds. Mr. Alfred D. Chandler, of Brookline, Mass., to whom I am indebted for much of my information relating to this particular subject and who has given it more complete consideration than any person in this country, makes this comment on this sale of bonds. illustration of the difference in the results obtained from sinking-fund and serial bonds, he said:

Such an issue of sinking-fund bonds will ultimately cost New York City \$16,726,320 more than if issued in serial form, assuming that the sinking-fund earnings would for half a century average 3½ per cent, or \$19,182,200 more if the sinking-fund earnings averaged 3 per cent, which is the basis of computation adopted by the State of New York. If the \$40,000,000 4½ per cent sinking-fund bonds were exchanged into serial bonds at an increase of ½ per cent, or ½ per cent, or ÿ per cent, or even ½ per cent, the difference in favor of the serials would be for the 50 years as follows:

	Sinking fund, 3 per cent basis.	Sinking fund, 34 per cent basis.	
As serials at 4½ per cent.	\$19, 182, 200 18, 067, 200 16, 632, 200 15, 357, 200 14, 082, 200	\$16, 726, 320 15, 451, 320 14, 176, 320 12, 901, 320 11, 626, 328	

Mr. WADSWORTH. Will the Senator yield merely for me to make a comment? In the discussion of the proposed amendment of the New York constitution having relation to serial bonds taking the place of long-time sinking-fund bonds, it was estimated that were the long-term sinking-fund bonds now issued or having already been issued by the State of New York changed into serial bonds, short-time bonds, by the time of the maturity of those bonds, bonds issued it will be remembered to the amount of \$100,000,000 for the building of highways and many million dollars worth of canals, the State of New York would thereby save \$40,000,000 in taxes.

Mr. WEEKS. I think I have some figures here which I will give and which will confirm the statement just made by the

Senator from New York.

If the State of New York had issued its 50-year sinking-fund bonds, which now equal, principal and accrued interest, \$601,071,144, in serial form, the total difference in their cost in favor of the latter method, adopting the New York State basis of 3 per cent for its sinking-fund earnings, would have been \$89,977,262. If the respective outstanding bond rates, which are 3 per cent, 4 per cent, 41 per cent, and 41 per cent, had all been increased one-eighth of 1 per cent and the bonds issued in serial form, the difference in favor of the serial method would be \$83,339,730. If the rates had been increased one-fourth of 1 per cent, the difference in favor of the serial method would be \$76,525,535. If increased three-eighths of 1 per cent, the difference in favor of the serial bond would be \$69,799,970. If increased one-half of 1 per cent, the difference would be \$63,074,855, and even if the sinking fund could earn 4 per cent, the difference in favor of the serial method would range from forty to sixty-five millions of dollars.

If any other arguments were necessary to determine the desirability of a serial over a sinking-fund bond we could find impressive examples enough to justify the statement that there has been and is the greatest recklessness in the management of

sinking funds. This is not alone due to the fact that they are not as economical as the serial method, but that they frequently are not used at all. This contention is verified in the case of our own Government.

The sinking-fund provisions applying to our outstanding bonds date back as far as 1862. The law reads as follows:

points date pack as far as 1802. The law reads as follows:
Revised Statutes, section 3688. There is appropriated annually, out of
the receipts for duties on imported merchandise, a sum for the payment
of the public debt equal to the interest on all bonds belonging to the
sinking fund.
Revised Statutes, section 3689. There is appropriated, out of any
moneys in the Treasury not otherwise appropriated, for the purposes
hereinafter specified such sums as may be necessary for the same, respectively, and such appropriations shall be deemed permanent annual
appropriations.

nereinarter specified such sums as may be necessary for the same, respectively, and such appropriations shall be deemed permanent annual appropriations.

Sinking fund. Of 1 per cent of the entire debt of the United States, to be set apart as a sinking fund for the purchase or payment of the public debt, in such manner as the Secretary of the Treasury shall from time to time direct.

That law is now on the statute book, and yet no attention whatever is or ever has been paid to it, except to apply to the payment of our indebtedness the surplus revenues the Government might have from year to year. This surplus was very large during the period immediately after the Civil War and for 25 years thereafter, and it was in that way that the indebt-edness accruing during the Civil War was met.

Public sinking funds, as I have stated, have proved to be too precarious for sound finances, notwithstanding the establishment of such funds in connection with our municipal, county, and State indebtedness in the United States. Scalings down and interest defaults are reported to have exceeded a billion dollars, and to-day eight States of the Union are in default, principal and interest, to the extent of more than seventy millions of dollars. Legislators have been dilatory and irresponsive to this subject, as is witnessed by the failure to take action by Congress itself. Thirty-one years elapsed in Massachusetts between the permissive and obligatory legislation relating to serial bonds, and only recently has the second State taken any action on this subject.

The sinking funds of New York State amount to more than \$40,000,000; those of New York City to more than \$370,000,000. Theoretically such funds are promptly and continuously invested to yield a rate of interest above the usual bank-deposit rates, but actually millions of dollars of New York City's sinking funds are uninvested, amounting recently to \$25,969,761. The average uninvested amount of New York City sinking funds during a year's time has been more than ten millions of dollars, which means a material loss of interest, and which, of course,

subverts the sinking-fund principle.

One of the first recognitions of the desirability of serial payments is found in the famous codicil to Benjamin Franklin's will, in which he left to the cities of Boston and Philadelphia \$5,000 each, contemplating the investment thereof for two centuries, the income in part to be loaned to young married artificers, who were to repay "with yearly interest one-tenth part of the principal," which is exactly the serial-bond method.

Speaking of the New York City debt, the comptroller of that city recently stated that a 50-year \$50,000,000 sinking-fund

loan would show a difference between the serial and sinkingfund basis of \$73,663,750 in favor of the serial system. It has been carefully estimated that if \$1,000,000,000 of the New York City debt had been issued in serial instead of sinking-fund form, assuming the term to be 50 years at 4 per cent, the difference in the interest account between the two forms would amount

to the amazing sum of \$980,000,000.

So definitely has the correctness of this great difference been worked out that the mayor of Boston has recently petitioned the legislature to authorize the city of Boston to exchange serial bonds for the outstanding bonds of the city against which there is a sinking fund, and there is a bill pending before the Legislature of Massachusetts authorizing the Commonwealth and all municipalities in the State to exchange serial bonds for outstanding sinking-fund bonds.

In a statement before a committee having this matter in

charge, Mr. Chandler recently said:
"Of the outstanding \$200,000,000 or more of sinking-fund bonds maturing between 1935 and 1958, about \$100,000,000 have an average duration of about 30 years. Assuming that only one-half of this \$100,000,000 or \$50,000,000, are exchanged into 30-year serials, the difference in the interest account in favor of taxpayers would be—assuming the same rates per cent of interest—about \$27,000,000 and crediting the sinking funds with the safe estimate on such long time as earning  $3\frac{1}{2}$  per cent, the difference in the actual cost to the taxpayers in favor of the serials would be about \$5,250,000."

Therefore, if the Massachusetts indebtedness had an average maturity of 30 years from date and it could be refunded into new city government had recently made a levy which should serials bearing the same rate of interest, there would be a have been 5.9 mills for this purpose but was only 2.6 mills.

saving to the taxpayers of the State on this \$200,000,000 of indebtedness between now and the final liquidation of the debt of about \$21,000,000. It is significant that no opposition whatever appeared against this legislation at the hearing given on this subject by the committee of the Massachusetts Legislature

I have not had the time to figure the saving which might be made on the present outstanding Government indebtedness, if it were refunded into serial bonds. Indeed, I am not quite sure I could do this with accuracy, but I intend to have it done by experts so that there can be on record a complete demonstration of the desirability of changing our present indebtedness into serial form and gradually liquidating it. There is no reason why this should not be done, and from the standpoint of business prudence there is every reason why such action should be taken.

If that is true, what a piece of folly it would be to issue Panama Canal bonds or any other bonds on any other basis than as serials. As far as I know, this subject has not heretofore been given any consideration by Congress, but it will continue to appear from time to time until we have taken some At some later date I shall hope to submit to Congress a complete demonstration of what may be done with the

national debt if such a policy is followed.

A somewhat careful investigation indicates that nearly every authority on the issuing of bonds prefers the serial to the sinking-fund method. M. Trinquat, a noted French writer on this subject, stated in 1899 the manifestly sane proposition that the only way of extinguishing debt, for a State as for an individual, is to use the revenue above the expenses, and that when the public frees itself from its obligation to pay its debts at maturity it encourages the incurring of new debts.

That is exactly what we are doing. We are not paying We issue bonds from time to time under any of our debts. different forms, and when those bonds mature we refund them by issuing others. The debt will keep on accumulating, and if we do not take some steps to liquidate it as it matures, at least paying it by annual installments, as I think should be done, we are going to have piled up a great volume of indebted-

ness without any prospect of its payment.

The French writer to whom I have referred quotes Ricardo as saying that "sinking funds rather tend to encourage expenditure than to diminish debt." Another writer, speaking of indebtedness, says that a sinking fund "acts on the public as a narcotic," and "the confidence placed in the efficacy of such methods has contributed to ease the alarm which the magnitude of the public debt would otherwise produce.

Mr. MacPherson, a leading member of the Institute of Chartered Accountants of Ontario, Canada, recently in a statement pronounced "the day of the sinking fund has passed," and that in his judgment it was a curse to the average municipality, insisting that debentures should be issued on the serial basis.

Mr. J. Hampden Dougherty, a member of the charter commission for a new charter for New York City, recently wrote:

The theory of sinking funds as security for the payment of public bts has become obsolete \* \* \*. The commission of 1908 favors debts has become obsolete \* \* the abolition of all sinking funds.

And goes on to argue that the city debt of New York should be refunded.

While the provisions of the sinking fund have been considered an abundant safeguard, experience has shown that there have been many exceptions to the rule. This is particularly true in the case of railroad indebtedness, and there have been numerous instances of either dishonesty or ignorance in the application of the sinking-fund provisions. For example, I have referred to the fact that New York City within a few years had been taxed for sinking-fund provisions \$19,000,000 more than the sinking fund required. In 1880 the Boston sinking funds were despoiled of \$82,000. In 1904 a commission reported that \$292,000 had been taken from the Boston sinking funds to pay current expenses. In 1909 the sinking fund of the city of Lynn, Mass., was reported to be \$400,000 short. does not mean peculation, but that there was not enough in the sinking fund to pay the indebtedness by that amount when it matured. The funds in that case, I understand, were used for current expenses.

In the city of Chicago there has been a very general practice of using sinking funds for current expenses. One of the results of commission administration in Des Moines, Iowa, has been supposed to be its good financial record, and yet an expert analysis of Des Moines's finances recently made demonstrated shortage in its interest and sinking-fund appropriations of \$438,827.77, and the investigators affirmed at that time that the

126, 718, 979

It can be seen very easily why that would be done. It reduces taxes and gives that additional amount of credit to those responsible for levying the necessary taxation to carry on the government. It is charged that the city administration has systematically evaded its obligation, and in order to keep down its tax rate an insufficient amount has been levied for sinking-

One of the few so-called authorities who has doubted the advisability of giving up the sinking funds is a Mr. Turner, a lecturer at the municipal school of finance in Manchester, Eng-In Mr. Turner's own illustration of the application of different methods of paying indebtedness he uses an example of a million pounds borrowed for 10 years and shows the following results:

Total cost. (1) Installment method \_\_\_\_\_\_\_(2) Annuity method \_\_\_\_\_\_(3) Sinking-fund method (5 per cent basis)\_\_\_\_\_(4) Sinking-fund method (3½ per cent basis)\_\_\_\_\_ £1, 275, 000 1, 295, 100 1, 295, 100 1, 352, 000

In other words, the serial method produced the best result. The annuity method, which means paying off not only one-tenth of the total indebtedness but one-tenth of the total interest, costs £20,110 more than the serial method. The sinking-fund method, figuring the sinking fund at 5 per cent, costs exactly the same amount; but figuring the sinking fund at 3½ per cent, the cost is £77,000 more than the serial method.

I wish to submit a table showing the results of the serial and sinking fund methods in the case of a million dollars borrowed at 3 per cent and 4 per cent, and ranging from 20 to 50 years. It is a complete demonstration of the value of the serial method. I ask unanimous consent to insert herewith the statement to which I have referred.

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Serial-bond and sinking-fund methods contrasted.

\$1,000,000 at 3 per cent. Diff vor of serial		\$1,000,000 at 4 per cent. Dif- ference in interest in favor of serial bonds.						
20 years.	40 ye	40 yearss. 50 y		20	years.	10 years.	50 years. \$980,000	
\$285,000	\$585	,000 \$3	\$380,000		80,000	\$780,000		
	Difference in cost in fav of serial bonds.			vor Difference in cost in favo of serial bonds.				
Sinking fund.	20 years.1	40 years.		50 years.3		40 years.	50 years.1	
On 3 per cent basis On 3½ per cent basis On 4 per cent basis	\$19,426	\$109, 199 51, 791		908	\$114, 426 76, 483 40, 231	246, 791	356,908	

Decimal for 19 years, and 19 payments.
 Decimal for 39 years, and 39 payments.
 Decimal for 49 years, and 49 payments.

If the number of payments were to equal the full number of years, there would be an increase over the above in the saving in favor of serial bonds, the ratio of such increase being larger with the bonds of

a shorter term.

If both the decimal taken and the number of payments made each equal the full number of years, there will still be a large gain in favor of the serial bonds.

Mr. WEEKS. The committee proposes to issue Panama Canal bonds without sinking-fund or serial provisions. Assuming that the only method the Government has ever used in issuing securities-namely, the sinking-fund method-were followed and the bonds were issued for a term of 50 years, as provided for in the act authorizing their issue, the cost to the taxpayers of the United States on \$1,000,000 of bonds would be \$173,305 more than it would cost if serial bonds were issued. It is proposed in this bill to issue the remaining \$222,000,000 of Panama Canal bonds. If the sinking-fund method is applied to the payment of this indebtedness—and of course some method must be provided for liquidating it at maturity or sometime during the life of the loan—the cost to the taxpayers of this country will be \$38,473,710, an amount which justifies some hesitation in passing this legislation without giving serious attention to the form of bond to be issued and the manner of its payment at maturity.

It has been charged that the serial bond is unpopular and that it requires a higher rate of interest than an issue of bonds which mature at one time, but if that condition existed heretofore, I believe it has entirely disappeared. There is now a great demand for Government bonds to use as a basis for postal interest basis on tax-exempt municipals. In the case of other

savings deposits and for short-time loans to be held by the banks, Federal reserve as well as others. An issue of Government bonds having one-twentieth of its total amount maturing within a year would be eagerly picked up by a great many interests that have in the immediate future a disposal of some of their funds for a specific purpose, but want to keep them employed until that purpose has fully developed. In fact, there is no latitude to the method of liquidating an indebtedness issued under the serial plan. It is safe for the creditor and the debtor, and an immediate public exposure must be made if the debtor fails to make provision for its maturing obligations. Incidentally an indebtedness issued in this way becomes safer as it grows older, because each year a portion of it is liquidated.

In the hearing to which I have referred, which recently took place in Massachusetts, three main items of indebtedness were taken up-that is, the State's contingent obligation in the metropolitan parks, sewerage, and water loans—and it was demonstrated that the difference in favor of issuing serial bonds for this indebtedness, amounting to some fifty-six millions of dol-lars and having 40 years to run, would be something like \$26,000,000, even if the bond had been issued in serial form at a one-half per cent higher rate than under the sinking-fund method. The difference in the actual cost to the taxpayers between the two methods was shown to be about \$8,360,000 on a

3½ per cent basis.

I insert herewith a summary showing the indebtedness to which I have just made reference, and the possibilities if issued on a 3 or a 3½ per cent basis:

Pre-3 per cent. 31 per cent. Total. Interest. miums. \$7,989,912 2,680,000 10,900,000 \$2,980,000 8,350,000 23,600,000 \$10,969,912 11,030,000 34,500,000 \$13, 270, 652 14, 826, 000 45, 532, 875 \$370, 813 739, 160 2, 300, 487 Sewerage..... Parks......Water..... 21,569,912 34, 930, 000 56, 499, 912 3, 410, 460 70, 219, 067 56, 499, 912 Total, principal and interest...

I can not emphasize too strongly the fact that the maintenance of a sinking fund is a source of a great deal of trouble, expense, and hazard. The volume of sinking funds now held by the sinking-fund commissions of the city of New York aggregate several hundred millions of dollars. Necessarily, as there must be some considerable parts of these funds uninvested, the possibility of errors and even of dishonest handling would be entirely removed if a serial form of bond were issued instead. Our Government should go out of debt, and provision should be made to refund all Government bonds on a serial basis, or, at least, reestablish a sinking fund, so that our bonds could be paid. As a financial action this should appeal to every Senator. There is no argument against it, and, from the standpoint of good finances as well as good preparedness, there is no reason why we should not pay our indebtedness promptly and systematically. If that were done, there would be no trouble about our financing ourselves in times of greatest

Finally, it is, perhaps, sufficient to say that sinking funds do not in theory amortize a debt; they simply offset it. The only true amortization is extinction. The only sensible method of extinguishing a debt is to pay it in approximately equal installments, which is exactly what the serial bond does. As I have tried to point out-very inadequately, however-sinking funds are liable to misappropriation, unwise investment, and to suspension. Their average earnings are small, and, therefore, the net expense to the taxpayer is much greater than when a serial bond has been issued.

It is now generally conceded that a serial bond is much more economical to the issuing party than a bond having a sinking-fund provision. There used to be a strong prejudice on the part of bond buyers against a serial bond, because it gave a shorter average and, therefore, less spread between one basis and another; but of late years there has been such a demand for short bonds for deposit security and similar purposes that a serial bond is practically as popular with buyers as a longer bond with a sinking-fund provision. The bond should carry a higher than 3 per cent rate.

Since the diplomatic break tax-exempt municipals have risen from one-fifth to one-fourth of 1 per cent in price-I mean the municipals the rates have increased in the same proportion. Good municipal bonds in such places as Chicago and St. Louis are selling on a 4 per cent basis. Recently the State of Massachusetts sold \$4,000,000 of 4 per cent serial bonds, running an average of about 9 years, on about a 3\{\frac{3}{4}}\) per cent basis, and they were retailed on a 3.60 to 3.75 per cent basis.

It is doubtful if patriotic reasons will induce people to largely subscribe for a 3 per cent bond unless we are actually engaged in war.

in war.

Mr. WEEKS subsequently said: Mr. President, I ask unanimous consent to have printed, in connection with my remarks recently delivered, a comparison between serial-bond and sinking-fund methods, \$65,000,000 at 4 per cent for 50 years, as printed in the Financial Chronicle, of New York, of the date of August 1, 1914.

The PRESIDING OFFICER. Without objection, it is so ordered.

ordered.

The matter referred to is as follows:

Comparison between serial-bond and sinking-fund methods—\$65,900,000, at 1 per cent, for 50 years.

Serial-bo \$1,300,000	nd method ), payable	l—1-50, or each year.	Sinking-	Difference of-	in favor	Interest on dif-		
at 4 per	Interest at 4 per cent per year.	at 4 per and in-		Serial method.	Sinking- fund method.	ference, at 3½ per cent com- pounded.		
O LA	2-31/15	A DESCRIPTION	MANUE DINGS	manual i	IN COL	Years.		
\$65,000,000 1,300,000	\$2,600,000	\$3,900,000	\$3,099,980		\$800,020		\$3,516,936	
53,700,000 1,300,000	2,548,000	3,848,000	3,099,980		748, 020	48	3, 151, 850	
62,400,000 1,300,000	2,496,000	3,796,000	3,099,980		696, 020	47	2,810,02	
51,100,000 1,300,000	2,444,000	3,744,000	3,099,980		644, 020	46	2,490,38	
59,800,000 1,300,000	2,392,000	3,692,000	3,099,980		592,020	45	2, 191, 87	
58,500,000 1,300,000	2,340,000	3,640,000	3,099,980		540,020	44	1,913,47	
57, 200, 000 1, 300, 000	2, 288, 000	3,588,000	3,099,980		488,020	43	1,654,24	
55,900,000 1,300,000	2, 236, 000	3,536,000	3,099,980		436,020	42	1,413,25	
54,600,000 1,300,000	2,184,000	3, 484, 000	3,099,980		384,020	41	1,189,62	
3,300,000 1,300,000	2,132,000	3, 432, 000	3,099,980		332,020	40	982,53	
52,000,000 1,300,000	2,080,000	3,380,000	3,099,980		280,020	39	791,16	
50,700,000 1,300,000	2,028,000	* 3,328,000	3,099,980		228, 020	38	614,74	
19, 400, 000 1, 300, 000	1,976,000	3, 276, 000	3,099,980		176,020	37	452, 55	
19, 100, 000 1, 300, 000	1,924,000	3, 224, 000	3,099,980		124,020	36	303,88	
1,300,000 1,300,000	1,872,000	3, 172, 000	3,099,980		72,020	35	168,06	
1,300,000 1,300,000	1,820,000	3, 120, 000	3,099,980		20,020	34	44,46	
14, 200, 000	1,768,000		2 000 000	egt 000			123,689,06	
1,300,000 1,300,000 1,300,000				11 17 17 18		33		
1,300,000 1,600,000 1,300,000	TANK DE	3,016,000				32		
1,300,000 1,300,000 1,300,000		2,964,000				31		
1,300,000 39,000,000 1,300,000		2,912,000				30		
37, 700, 000	1,508,000	2,860,000				29		
1,300,000		2,808,000				28		
36, 400, 000 1, 300, 000 35, 100, 000		2,756,000		343, 980		27		
1,300,000	)	2,704,000	3,099,980	395, 980		26	572,5	
	With the San Wall Control	TATALOG PARKET						

<sup>&</sup>lt;sup>1</sup> Robinsonian bond and investment tables-Table No. 1, page 10.

	Serial-bond method—1-50, or \$1,300,000, payable each year.		Sinking- Difference			Interest on 411		
Principal. Interest at 4 per cent per year.		Principal and in- terest.	fund method, 3½ per cent basis.	Serial method.	Sinking- fund method.	Interest on dif- ference, at 3½ per cent com- pounded.		
33, 800, 000 1, 300, 000	\$1,352,000	\$2,652,000	\$3,099,980	\$447,980		Years.	\$610,70	
32,500,000 1,300,000	1,300,000	2,600,000	3,099,980	499, 980		24	641,63	
31, 200, 000 1, 300, 000	1, 248, 000	2,548,000	3,099,980	551,980		23	665, 74	
29, 900, 000 1, 300, 000	1, 196, 000	2,496,000	3,099,980	603, 980		22	683, 40	
28,600,000 1,300,000	1,144,000	2, 444, 000	3,099,980	655,980		21	694, 96	
27, 300, 000 1, 300, 000	1,092,000	2,392,000	3,099,980	707, 980		20	700, 75	
26, 000, 000 1, 300, 000	1,040,000	2,340,000	3,099,980	759, 980		19	701, 08	
24, 700, 000 1, 300, 000	988,000	2, 288, 000	3,099,980	811,980		iŝ	693, 26	
23, 400, 000 1, 300, 000	936,000	2, 236, 000	3,099,980	863, 980		17	685, 58	
22, 100, 000 1, 300, 000	884,000	2, 184, 000	3,099,980	915, 980		16	673, 32	
20, 800, 000 1, 300, 000	832,000	2, 132, 000	3,099,980	967, 980		15	653, 72	
9,500,000 1,300,000	780,000	2,080,000	3,099,980	1,019,980		14	632, 15	
8, 200, 000 1, 300, 000	728,000	2, 028, 000	3,099,980	1,071,980		13	601, 55	
6, 900, 000 1, 300, 000	676,000	1,976,000	3,099,980	1,123,980		12	574.43	
15, 600, 000 1, 300, 000	624,000	1,924,000	3,099,980	1, 175, 980		····ii	540, 91	
4, 300, 000 1, 300, 000	572,000	1,872,000	3,099,980	1, 227, 980		10	501, 20	
13,000,000 1,300,000	520, 000	1,820,000	3,099,980	1, 279, 980		9	461,50	
1,700,000 1,300,000		1,768,000	3, 099, 980	1,331,980		8	421.98	
10,400,000 1,300,000	416,000	1,716,000	3,099,980	1, 383, 980		7	376, 83	
9, 100, 000 1, 300, 000	364,000	1,664,000	3,099,980	1, 435, 980		6	329, 21	
7,800,000 1,300,000		1,612,000	3,099,980	1,487,980		5	279, 27	
6,500,000 1,300,000		1,560,000	3,099,980	1,539,980		4	227, 17	
5, 200, 000 1, 300, 000		1,508,000	3,099,980	1,591,980		3	173, 08	
3,900,000 1,300,000		1, 456, 000	3,099,980	1,643,980		2	117, 30	
2,600,000 1,300,000		1,404,000	3,099,980	1,695,980		i	59, 3	
1,300,000 1,300,000		1,352,000	2,600,000	1,248,000				
Interest Principal.	66, 300, 000 65, 000, 000	131, 300, 000	154, 499, 020	29, 759, 340	\$6,560,320		115, 531, 01	
Saving by Deduct in of sinking Final sav	terest savi	d method . ng in favor or of serial-	23,199,020		ing-fund ences Interest rial-bon ferences Interest in favor	on se- d dif- saving	. 123, 68), 0 . 115, 531, 0	

<sup>·</sup>Robinsonian bond and investment tables—Table No. 1, p. 10. 'Robinsonian bond and investment tables—Table No. 3, p. 43.

Mr. THOMAS obtained the floor.

Mr. PENROSE. I suggest the absence of a quorum. The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll,

The Secretary called the roll and the following Senators answered to their names:

McLean Martin, Va. Martine, N. J. Myers Nelson Norris Page Penrose Reed Sheppard Simmons Hardwick Hollis Hughes Husting James Johnson, S. Dak, Ashurst Bankhead Sterling Swanson Thomas Thompson Tillman Beckham Brady Brandegee Chamberlain Underwood Chilton Clapp Curtis Dillingham Jones Kenyon La Follette Lane Lea, Tenn. Lee, Md. Lewis Warren Watson Weeks Williams Works du Pont Fernald Simmons Smith, Ga. Smith, Md. Smoot Gronna Harding

Mr. CHAMBERLAIN. I have been requested to announce that the Senator from Mississippi [Mr. Vardaman] is detained on official business

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

DISTRICT OF COLUMBIA APPROPRIATIONS-CONFERENCE REPORT.

Mr. SMITH of Maryland. Mr. President, I submit the conference report on the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, and that it be considered.

The PRESIDING OFFICER. The conference report will be

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19119) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 30,

32, 43, 44, 46, 51, 54, 55, 62, 71, 85, 89, and 96,

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 35, 36, 37, 39, 40, 41, 42, 45, 47, 48, 52, 53, 56, 57, 58, 59, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 90, 92, and 95, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 13,

and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by

said amendment insert the following:

"In connection with the item contained in the District of Columbia appropriation act for the fiscal year 1917 providing for repaying with asphalt the roadway of Fourteenth Street NW. from Pennsylvania Avenue to F Street, 70 feet wide, the owners of the abutting property are hereby required to modify the roofs of the vaults now under the sidewalk on said street between the limits named, at their own expense, so as to permit the widening of the roadway of said street to 70 feet."

And the Senate agree to the same. That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$30,000"; and the Senate agree to the

That the House recede from its disagreement to the amend-ment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$82,415"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For matrons in the normal and high schools, including the following: Wilson Normal, Miner Normal, New Central High, Purples High, Western High, Eastern High,

Dunbar High, Business High, Western High, Eastern High, McKinley Manual Training, and Armstrong Manual Training, 9 in all, at \$500 each, \$4,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said

amendment insert the following: "90 additional privates of class 1, at \$900 each, to be employed on, or after March 1, 1917, \$108,000, \$27,000 of which sum to be immediately available, and the provision in the District of Columbia appropria tion act for the fiscal year 1913 which provides 'After June 30, 1912, there shall be no appointments, except by promotion, to fill vacancies occurring in classes 1, 2, and 3 of privates in the Metropolitan police until the whole number of privates in all of said classes shall have been reduced to 640, is hereby repealed"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

\$1,073,618.66"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "serologist, \$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

\$76,540"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow the words "water service," on page 88 of the bill, in line 14; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment strike out the word "continuously" and insert in lieu thereof the word "regularly," and in the same line strike out the word "thirty" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "Congress," insert the following: "Potomac Park"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 8, 16, 76, 87, 88, 97, and 98.

JOHN WALTER SMITH, JOE T. ROBINSON, Managers on the part of the Senate. ROBERT N. PAGE, JAMES MCANDREWS, C. R. DAVIS, Managers on the part of the House.

Mr. NORRIS. May I ask the Senator from Maryland whether or not this is a final agreement?

Mr. SMITH of Maryland. No; it is a disagreement. We further insist upon the disagreement and ask for a further conference

Mr. NORRIS. I wish the Senator from Maryland would inform us what particular amendments are still in disagreement.

Mr. SMITH of Maryland. The matters in disagreement, I will say to the Senator from Nebraska, are relative to the enforcement of the child-labor law, which involves the appointment of two extra persons to enforce it, instead of two policemen who are now performing that duty; another is the payment of the claim of Thomas W. and Alice N. Keller; another is in reference to the Gallinger Municipal Hospital; another is in reference to the Klingle Valley Park; another is in reference to the intangible tax, and still another is in reference to the matter of increased compensation.

The PRESIDING OFFICER. The question is on agreeing to

the conference report.

Mr. SMITH of Georgia. One moment, Mr. President, before the report is agreed to. It was impossible for us to understand what the Senator from Maryland [Mr. Smith] was saying. The aisle was filled with Senators standing and talking. I wish to ask if the matter in reference to increased compensation is still in dispute?

Mr. SMITH of Maryland. That amendment is still in disagreement. Is there any further question which the Senator

desires to ask in reference to the report?

Mr. SMITH of Georgia. No.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments, request a further conference with

the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the

The motion was agreed to; and the Presiding Officer appointed Mr. Smith of Maryland, Mr. Robinson, and Mr. Gallinger conferees on the part of the Senate.

#### THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenues to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I desire to submit some amendments, which I intend to propose to the pending bill. I ask that they may be printed.

The PRESIDING OFFICER. It will be so ordered.

Mr. THOMAS. Mr. President, I intended discussing some of the features of the pending bill upon the close of the argument of the Senator from Massachusetts [Mr. Weeks], but my friend the Senator from Oregon [Mr. Lane] has prepared himself upon one subject of the bill, and now desires to proceed. So I

cheerfully yield the floor to him.

Mr LANE. Mr. President, I dislike very much to take precedence of the Senator from Colorado, but I hope to be able to say something on the question of the provision of the bill relating to oleomargarine and its tax which may be of some interest to Senators—not a great deal, perhaps, and yet it is a matter, it seems to me, upon which the people should be in-It might make some difference in the choice of their foods to ignorant people who have not carefully investigated the matter, and really it ought to be our duty to let them know what they are eating; they are entitled to that information.

I have no prejudice against butter nor none against oleomargarine; but they have been confused in the presentation of the subject, as it appeared to me, and it seemed to be so confusing to others that I thought the Senate ought to know what it was voting for or against.

As for butter, it is a pure product if it is in a pure condition. The same applies to oleomargarine. Butter is an 80 to 85 per cent animal food fat made by the churning of cream. It may have tubercular germs in it or it may not have; it may or it may not have in it certain ingredients which are not cleanly. The same condition applies to both substances.

There is, however, one thing about butter. If it is a spoiled article, it is honest enough to let you know it, for, if it is rancid, you do not like its taste and you will not eat it; if it is spoiled, it does not smell good, and both your sense of taste and your sense of smell warn you against the use of it.

Oleomargarine is a mixed compound, if you please, not only of animal fats but also of vegetable oils. It is a composite mixture, which is made by chemical and other means. It is used as a substitute for butter, and it is here claimed that practically, and to all intents and purposes, it is the same as butter. It is not the same, it never was, and it can not be.

I want to show some of the reasons why oleomargarine is not the same as butter, and I want to be backed in what I state by the authorities, authorities which are unquestioned. I am going to read, first, a short note from the United States Dispensatory, nineteenth edition, published by Lippincott and edited by Wood, Remington, and Sadtler, three of the greatest chemists in the United States, and a work which is recognized all over the world. They analyze and define the constituents not only of butter but of oleomargarine. Butter is 821 per cent pure butter fat. It is defined here on page 125 as follows:

Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 82.5 per cent of milk fat. By acts of Congress approved August 2, 1886, and May 9, 1902, butter may also contain added coloring matter.

Butter may also contain added coloring matter. So, by the way and by the same token, does the other article, or at least they are asking for permission to color it now.

Oleomargarine is composed of a compound series of animal fats and animal acids, if you please, combined with vegetable oil, which is also a fat, but of vegetable origin.

The definition of oleomargarine given by the Century Dictionary is as follows:

Oleomargarin, oleomargarine \* \* \* a granular solid fat of a slightly yellowish color, obtained from the leaf-fat or caul-fat of cattle; so named by the inventor of the process of its preparation. The fat is first carefully cleaned from adhering impurities, as bits of flesh, etc., and then thoroughly washed in cold water. It is next rendered at a temperature of 130 to 175° F., and the mixture of olly products thus obtained is slowly and partially cooled till a part of the stearin and palmatin has crystallized out. Under great hydraulic pressure the

parts which still remain fluid are pressed out; after a time these solidify and are ready for market. This substance has been largely used as an adulterant of butter. When oleomargarin is churned in a liquid state with a certain proportion of fresh milk a butter is produced which mixes with it, while the buttermilk imparts a flavor of fresh butter to the mass, making so perfect an imitation that it can scarcely be distinguished by taste from fresh butter. A refined fat strongly resembling that obtained from beef-fat is got from lard by similar treatment. Also, in commerce, called simply oleo.

Now, they use lard and what we commonly call tallow, and,

as I will show you further, by a certain chemical process—
Mr. BRADY. Mr. President, I will inquire of the Senator

whose definition it was he read?

Mr. LANE. The definition was from the Century Dictionary, They secure a compound of a certain consistency by diluting it with cottonseed oil and butter, probably processed so that it has the appearance of butter. Then by churning it in butter-milk they get the flavor of butter, and, by adding certain coloring matter, they get the color of butter; and the unsophisticated palate can not tell it from butter, as I am told, although it seems to me that I can always detect it. It has a certain consistency owing to the fact that the fat cells in tallow are composed of three different elements. They are surrounded, in the first place, with a very strong cell membrane, which butter cells do not have. The membrane of a cell of butter fat is very fragile, as is that of whale blubber and blubber from the walrus, an easily broken-down cell, one which, if you put it in your stomach, is easily turned into a form in which it is readily digested.

If you will put upon your plate a tablespoonful of lard, a tablespoonful of tallow, and then another tablespoonful of cottonseed oil, and spread each separately upon three pieces of bread and try to eat them you will find that you can swallow the bread with the cottonseed oil upon it with a good deal of facility, for the reason that it is oily, but it will not taste good. Then if you will turn to the larded bread you can get that down by hard work, but it is sickening. If one should spread a piece of bread for you with a tablespoonful of tallow upon it and present it to you for lunch you could not swallow it, you would resent it, and if he insisted on your eating it you would have a fight with him if you had any manipus have to It would glue up the top of your mouth, and you would have to take a spoon and dig it out.

In the case of butter, if we will assume that it is all fresh and pure, you would find it palatable. You would not eat tallow if you could get anything else to eat. You might eat it if you were starving, but the tallow would not taste good to you, although it might nourish you. So would a boot or an old shoe, if it were boiled long enough and were taken out once in a while and a sledge hammer were used on it to break its fibers and it were finally worked down to a proper consistency and a little flavoring matter were put into it, say, garlic and tomato sauce, and a fricassee were made of it. Under those circumstances you could eat it; but it would not be beefsteak. It might look like beef fricasseed, but it would be fricasseed boot just the same, and it would have a certain small amount of nourishment in it, but I should not like to have it presented to you, and more particularly would I resent having it worked off on me with the straight statement that it was just as good as beefsteak. It is not beefsteak.

As I have heretofore said, all butter is not good; some of it is

unfit for food; and there is no doubt that some of the cattle from which the cream is derived are tubercular. It is the duty of the Government to see-and perhaps right here in this bill would be a good place to provide a remedy for it; but, at any rate, in some bill it should be so provided—that butter be not tubercular and that the cattle from whose milk the cream is derived are free from tuberculosis, and then we will have an assurance of a product which is healthful, is one of the most palatable articles of diet which has strong nutritive value.

On the other hand, my friend from Alabama [Mr. UNDERwood]-and I am sorry he is not here-did not tell you, nor has anybody else or any authority quoted, from which he, so far as I know, stated that the fattest cattle, the fattest, barren cow, or milch cow which they turn into beef, for the reason that she is fat and does not give much milk, is likely to be a tuberculous cow. The tubercular animal, the one whose lungs and liver are loaded with tuberculosis, seething and teeming with it, for some unknown reason is butchered, and from the tallow of that animal, perhaps, oleomargarine is made. I will concede that before it becomes oleomargarine it is put through a process by chemical and other treatment by which the tubercular germ

The lard in oleomargarine may come from a hog, an animal which is even more susceptible than the cow to tuberculosis, and yet it goes into the pot in which they render the lard from

which oleomargarine is made. It has not been far in the past when if a hog out of a carload of hogs died on a train from overheat or from being tramped to death it went bodily, hide and all, into a lard vat, and the lard was taken from its carcass and sold for food. That was despite Government regulations, for at that time Government inspectors received their salaries from the butchering establishments, the large institutions which constitute the Beef Trust. If an inspector made much complaint or if he got "real gay" about it and real indignant, he lost his job. I have seen them go out. I saw the best inspector we ever had lose his place.

So far as the source of these products-beef tallow or lardis concerned they stand upon the same basis. In either case the germs have been killed either by chemical or mechanical processes of treatment. On the other hand, it is our duty here, first of all, to render immune or to eradicate the cattle which pass along the tubercular germ which may go into butter; and by the way, I might say, for the information of Senators, that no microscopist, so far as I know, if you please, has been able to detect to any extent tubercular germs in butter. That is for the reason, perhaps, that the substance is of such consistency that he can not find them, or it may be that they do not exist I think the germs do exist there, to a certain extent, and the fault is largely with the methods of detecting them in butter

These are some of the reasons why I object to a gentleman who confessed here that he did not know what lard was made of setting himself up as an authority, and delivering a dissertation on the valuable food qualities of an artificial compound. Butter and oleomargarine are not the same. Each is entitled to consideration; each has its food value; and each is entitled to that credit, but to no more. That is why I have gone to work here to check this out.

Now, we will take an animal fat. Take beef tallow. It is made up of three component parts. I made the remark yesterday that one of these ingredients made the best boot grease in the world, and Senators will acknowledge that that remark was sensible when I explain to them what those ingredients are. There is, first, in animal fat, olein, stearin, and margarin. The olein was formerly supposed, although I think they have changed their opinion lately as to that, to be the only oily part, and the margarin was that part from which they claimed this valuable food compound was made, and the stearin-you all know what stearin is. If you think back, you gentlemen who are old enough to remember, will recall that in the old days your father and mother with your help made dip candles, and molded tallow candles. After they melted the tallow, they poured it into the molds, hung them up, and set them aside to cool, and you will remember that the old tallow candle melted down quickly, and when it was set to burning if a moth or a fly got into that candle it would burn up in a few moments and would almost smoke you out the house if you did not get the insect out in a hurry.

A little later on came a man with a brain under his hat who took cognizance of that, and separated it into its component parts. He took the stearin out of tallow fat and made a candle which would burn evenly and slowly and give a fixed and perfect light to the extent of its illuminating capacity. That was the stearin candle. You may remember 50 years ago that the old Harkness candle was the best candle, purer and far better than the old candle made from beef tallow. Any article which, unlike butter, will hold up against heat, stand heat, and a lot of it before it will melt—suggest it to yourself and you do not need to have any chemist answer the question for youis not an easily digestible fat. You may be able to get away with it, if you have a strong stomach, but it is not what you might call an ideal food.

Now, those are the component parts of the beef tallow and lard which is made into this vaunted article of food which is claimed to be an equivalent of butter as an article of diet. know better. You can go home to-night with a piece of tallow and a half pound of butter, and if you will set the butter and the tallow up alongside the stove the butter will melt away and it will become rancid in a day or two while the tallow will stand up with a smiling countenance for a week and never bat an eye. [Laughter.]

It is up to you. Anybody ought to know better than that; and yet there are arguments presented here endeavoring to prove the contrary. I have no objection to anybody eating oleomargarine if they care to do so, and I concede that as a waterproof lining to your alimentary canal or as a substitute for butter in case of starvation it may be of some use to you. Eat all you can get away with for it will help you out in a degree, but it is not butter. It looks like butter; it tastes like butter, for the reason that they have churned it in buttermilk,

but it is not butter. There is an old story amongst the Irish to the effect that an Irishman met a priest one day and asked, "Who is this man who looks like a priest and dresses like a priest? Is he a good man?" The old priest replied, "I do not know him, but beware of the man who dresses like the priest and acts like the priest but is not the priest." So I say, beware of an article with which great pains have been taken to make it look like butter and taste like butter and smell like butter, and which by the use of coloring matter has the color of butter, but is not butter. It is an artificially prepared article of diet made by sophisticated gentlemen to sell to unsophisticated people for profit.

If you want any proof as to what olein is, if you should like to hear what margarine is, if you should like to hear what stearin is, I have the definitions for all of them here in the Century Dictionary; and I can read them to you or you can hunt them up for yourselves.

Mr. LA FOLLETTE. Read them.

Mr. MARTINE of New Jersey. Mr. President, I should like to inquire whether the Senator brought any samples with him of these various products?

Mr. LANE. No; but I could very easily procure them; it would not be hard to procure them. Some kindly gentleman has removed my markings and put in his own, to mislead and beguile me I fear.

There are subjects discussed here by the hour which are of less vital importance to the people of this country and of less value to the bill than this question which I am discussing with you at this time. It may sound trivial to you, and yet it leads deep into the nutritive values, if you please, of the food products of the people of this country, those who will have later along to stand by this country and pull it out of stress when the impending storm breaks. I am going to make no apology to you or anyone else for discussing it. These are matters which interest us all, and to a far greater degree, perhaps, than they interest me; and yet I think that, in a way, it is a sacred subject—the matter of the food that you put into your child's stomach and feed to your wife and nourish yourself on, or try to. It deserves attention and should not be misrepresented, ignorantly, perhaps. It is said by some Senators that any talk on behalf of butter is in the interest of some great butter trust, while the talk on the other side is represented as being in the interest of the beef and oil trusts. I have no interest in either. I merely want to get the facts before you, and without prejudice, if I can do so, and I am going to try to do it for a little while, at any rate.

Now, here is the definition of "stearin." I have it marked

in the dictionary.

Mr. THOMAS. It is not the steering committee, is it? Mr. LANE. Not the steering committee. Stearin is one of the component parts of oleomargarine:

An ester or glyceride-

All fats have more or less of glycerin in them-

formed by the combination of stearic acid and glycerin. When crystalized it forms white, pearly scales, soft to the touch, but not greasy.

Not greasy; not much oil in it. That is the tallow from beef from which they make semiwax candles.

It is insoluble in water-

I will say also in the stomach [laughter]but soluble in het alcohol and ether.

And the country has gone dry! [Laughter.] When treated with superheated steam-

And you can not take that into your stomachit is separated into stearic acid and glycerin.

Glycerin is an irritant. Some women use it, misguidedly, thinking that it softens their skin. It does not. It dries the water out of it and is used for that identical purpose by surgeons and physicians-successfully, too, if you please.

When boiled with alkalies, is saponified.

That is, it makes soap.

That is, the stearic acid combines with the nikali, forming soap, and glycerin is separated. When melted it resembles wax.

And it does. That is why I said yesterday that your father used it, and your grandfather did, too. When there was a melting snow, he heated his boots or shoes to a state short of burning them, and then took some of this stearic acid, tallow, and beeswax and rubbed it in and cooled them, and they were watertight. That is why I said it made the best boot grease and the poorest food that one could put in his stomach. You can not protect your feet with butter, nor with any pure, straight oil, if you rub it on your boots and shoes; but you can do it if you can get enough of this oleomargarine together and separate it with a little heat. [Laughter.] This is a scientific discussion, gentlemen. I hope you will not laugh.

It is the chief ingredient in suet, tallow, and the harder fats.

Now, Senators, what makes one fat harder than another? It is the outside coating, the cellular wall. The cell wall in animal fat, such as beef tallow, is hard. It will stand an acid; and the fact is, they have to use strong acid or its equivalent to break it down in order to make oleomargarine. Nobody told you

that yesterday or last night.

There was one Senator here who stated, during my absence-I have been reading it in the RECORD—that he preferred oleomargarine when he went out camping or into the mountains, for the reason that it would not melt nor spoil so quickly as He said that if he took butter into a dirty cabin it would spoil on his hands; and it will. It will not stand for it. He said also if he took it out into the hot country, while traveling, the butter would melt and become rancid. It gave up the ghost, and you could not eat it. It spoiled. Of course it would; and any other honest article of food will do the same. Go into a dirty cabin and hang up a beefsteak, and try to eat it a couple of days afterwards, and you can not do it. It will decay, and so will butter; but butter and beefsteak are honest enough to tell you that they are spoiled. He said you could take this oleomargarine and store it into this dirty cabin, or out on the plains, and it would last two weeks; and it will. You could not break its health down with anything but a club. [Laughter.] It will last you a month. I do not know but that it will last you a year. So will soap. [Laughter.] So will a brickbat, as far as that is concerned; but who wants to eat it? But that is no proof that it is food. It is no proof that it is an honest or complete substitute for food, but rather proof that it Yet that argument has been urged here with such facility and ease and assumption of a superior knowledge of the subject that it made me tired. [Laughter.] But I want to analyze it, because I studied this subject along the line of chemistry and physiology to a slight degree when I was a young man, and I was anxious to know whether or not the old principles of chemistry had been entirely changed, and I found that they had not. You want to look out when you eat it. I want to give you warning.

I find I have lost my glasses.

Mr. BRANDEGEE. Are they gold?

Mr. LANE. No, sir; they are not gold. They are filled-gold glasses, and the lenses are made out of the bottom of a bottle, I have no doubt. I think the Senator from Alabama [Mr. Underwood] has them.

Mr. LA FOLLETTE. He needs them.

Mr. IANE. Now, ladies and gentlemen of the Senate [laughter], I want to dilate a little on oleomargarine, and I want you to watch it in your diet in the future. This is good medical advice which does not cost you anything [laughter], but it will be of use to you. Do not eat or feed your children any article of diet which will not spoil. It has something in it of a chemical nature, or has been put through some process or treatment which, if it renders it immune from spoiling also renders it indigestible. The Creator never intended you to eat anything which would not spoil. He laid fresh food before you, and He expected you, and it is your duty, to eat that kind and that only. Beware, as I said before, of any kind of food that will not spoil.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator whether he would give that advice with reference to alcohol—to take fresh alcohol—or would he rather have it aged?

Mr. IANE. Well, I will tell you, Senator—there is no good in either of them. [Laughter.] To raise my voice at this time against the talented gentlemen, masters of the English language, seems like an assumption on my part, but I will risk it.

Now, as to the coloring of oleomargarine, which the Agricultural Department, it is said, claims to be a food product which is as digestible and nutritious as butter, and always I refer to pure, clean butter. Nor can it be handled in a more filthy manner—a whole carcass of a hog thrown into the vat without even being cleaned, for its fat elements only, and beef which is seething, as I said before, with tubercular germs, afterwards purified by being submitted to chemical processes. Now, if this is so good a food, if it is in the majority of cases even better and more wholesome than butter, why try to make it smell and taste like butter by churning it in buttermilk? And why add butter to it? That is a fraud. Why color it so that it will look like good spring butter?

Of course, I will allow that the fall butter or the butter from cattle in the winter in many instances is a light-colored article. But not, as a rule, from well-fed cows of good parentage nor

from a cow that is a cross between a shorthorn and a Jersey, with plenty of outdoor exercise and good food in a decent climate, does it get white. It is always yellow. In reply to the statement that such coloring is merely an appeal to the senses, I would state that it is an appeal to the common sense of the man who was raised on the farm, who saw his mother churn butter that was yellow, the cow's milk and cream being yellowish in color; and he learned when he was a baby in his mother's arms that butter tasted good, that it was good, and that he liked it. Now we are making an imitation of it out of the fat that surrounds the intestinal canal of steers and hogs. Suppose the butcher knife slips? You will have to put it through a chemical process then to fix it so that anybody would eat it if they saw it; and I have seen the knife slip.

they saw it; and I have seen the knife slip.

Then, why add cottonseed oil? Why put cottonseed oil in it?

Did you ever think why cottonseed oil goes into this very nice, tasty, and well-smelling butterine, this bogus butter? It is so that you can swallow it. You could not get it down otherwise. It does not furnish enough grease or oil to allow itself to slip into your stomach unless you give it a boost [laughter] or assistance from something which is of a more fluid consistence. Now, cottonseed oil, bar its taste, is pure, and I think it a good food, which will be more and more used as a food, and in the future it may become a substitute, or one of the substitutes, for butter; but it will be done without the addition of something which is better used and more useful to the people of this country when it is made into soap. Tallow will go further and do more good to the country as soap than it will as a substitute for butter.

As I said, our friend from New York stated here that he could go out into the mountains camping, put up in dirty cabins, and his butter would spoil, but when he went in there provisioned with this other article, oleomargarine, it would last him a month, and he ate it with a great deal of pleasure. I would not have it on my table just for that identical reason. He ought to have added just one instruction, a necessary one, that in the case of butter, when it becomes rancid you could throw it out; but if he was going to use oleomargarine, first, for his stomach's sake and for his general health's sake, he should pare or peel the outside of it off to a depth sufficient to remove the dirt as well as the germs, which could not bore a hole into its tough insides.

There is a certain kind of decay, and I want to call your attention to it. Many of you have suffered from the effects of it—not the good, old, honest, spoiled carcass, like the dead steer on the plains or out on the farm, which gives notification of its presence so that you may go and bury it, but that other insidious germ which produces a deadly decay without odor, which does not manifest itself, which goes along with certain types of cold-storage beef and fish, which does not show itself by taste nor by smell, and gives you ptomaine poisoning. That is the one to watch. The buzzard will find the other for you. You do not have to bother it or eat it, and you will not; but you do eat this other, and many men get sick and others die from it, and there is a certain kind of preservative which so preserves food that it is indigestible and unhealthful to eat.

I want to call your attention to margarine, and some more information in relation to it from this same encyclopedia or dispensatory. It is said to be in part composed of stearin. Let us see how they manufacture it into oleomargarine, and how they break down these cells so that they can make this pasty mass and this intimate mixture which you can pass over your palate without getting it glued to the roof of your mouth:

Stearin: This exists abundantly in tallow and other animal fats. It may be obtained by treating the concrete matter of lard, free from olein, by cold ether so long as anything is dissolved. The palmatin is thus taken up, and stearin remains. A better method is to dissolve suct in heated oil of turpentine—

Of course you have used turpentine to clean the paint spots off your coat or your pantaloons, and it will do it. [Laughter.] It is a strong solvent of oil and paint and other articles of that sort—

allow the solution to cool, submit the solid matter to expression in unsized paper, repeat the tréatment several times, and finally dissolve in hot ether, which deposits the stearin on cooling.

They do that to express it out. There is a little difference of opinion here, a little different way of stating it, which may apply more or less to this. I have not yet had time to work it out, but that is one way in which they can procure their stearin.

This is concrete, white, opaque in mass, but of a pearly appearance as crystallized from ether, pulverizable, fusible at 66.5° C. (152° F), soluble in boiling alcohol and ether, but nearly insoluble in those liquids cold, and quite insoluble in water.

Now, there is one. Here is margarin:

Margarin: What was long known under this name was stated by Heintz in 1852 to be a mixture of stearin—

You see, stearin-this is the stuff that you have to use turpentine to extract-

and palmatin, and this view is now universally accepted by all authorities.

The fixed oils are liable to certain spontaneous changes, which have been investigated by Pelouze and Boudet. It appears from their researches that the oils are accompanied—

I do not ask nor suggest that any fine be placed upon the man who produces the inferior article; but it should go on its merits, and it should say, "This is a composition made of beef suct and lard, subjected to certain chemical processes"—a full statement of that-and then say, "It is colored to make it look like butter, with a certain coloring matter, the same as is used in butter; and it is made to taste like butter by rubbing it up and down or churning it in buttermilk from which true butter has been taken"; and it should be stated on the package that "No pretense is made that this is the equivalent of butter. It is an entirely different composition or compound."

Mr. THOMAS obtained the floor.

Mr. PAGE. Mr. President, may I interrupt the Senator from Oregon with a question for just a moment before he sits down? Mr. LANE. Certainly.

Mr. THOMAS. I yield.

Mr. PAGE. I was very much interested in what the Senator said in regard to the healthfulness of butter; and I was reminded that when I last went to my home I sat beside my little grandson, 2 years old, and he was being fed with some bread with butter spread upon it. He would take up the bread and eat the butter, leaving the bread. I called the attention of the mother to the fact and asked if that was good for the boy, and she said: "The doctor says, yes; let him eat all the fresh butter he will; it is good for him." I should like to ask the Senator if that would be true with regard to the oleomargarine that he is speaking of?

Mr. LANE. Mr. President, it has been asserted here that it is wholesome by eminent Senators who have placed in evidence pamphlets emanating from the Department of Agriculture. So far as I am concerned, I always fed my babies upon butter and advised my patients to get pure, fresh butter in a State which regulates the inspection of cattle for tuberculosis. That is my answer. All small children eat the butter first. Mine did, and yours and everybody else's will eat pure, sweet butter and leave the bread to the last, or, maybe, leave it altogether. I think they would not pay such devoted attention to oleo-margarine. More particularly, I know they would not if they

knew what it was composed of.

Mr. THOMAS addressed the Senate. After having spoken for

some time

Mr. SIMMONS. I will ask the Senator from Colorado, before he enters upon another part of his speech, if he will allow me to make an announcement, which I think ought to be made

Mr. THOMAS. Certainly.

Mr. SIMMONS. I wish to announce that at 6 o'clock I shall ask for a recess until 8 o'clock to-night, and if we do not have a quorum we will try to get it.

Mr. THOMAS resumed his speech. After having spoken for some time

Mr. OWEN. Mr. President, will the Senator permit an interruption for just a moment? Mr. THOMAS. Yes.

Mr. OWEN. I wanted to ask consent of the Senate to take up the amendments to the bank bill at some hour to-morrow for disposition. The time is getting very, very short; the matter is quite important; and there is no objection to it in any quarter that I know of. I do not think it would take over three-quarters of an hour or half an hour, perhaps, to pass it.

Mr. SMOOT. Mr. President, the Senator having the bill in charge is not in the Chamber just at this moment.

Mr. THOMAS. Yes; I was going to say that in the absence of the Senator from North Carolina [Mr. Simmons] I should be compelled to object; not that I want to interfere with the Senator's purpose, but because

Mr. OWEN. I merely wished to discharge my duty by the United States. I have done that. I will continue to try to

do it.

Mr. THOMAS. I shall endeavor to be equally zealous in

that regard from my own standpoint.

Mr. President, the Senator from Oregon [Mr. Lane] is always entertaining, frequently instructive, and generally well informed. He has given some attention to one of the subjects of this revenue bill; but I gather from his argument either that he has not read the amendment of the Senator from Alabama [Mr. Underwood], or that he has not comprehended its terms, because, if I understand it aright—and I have read it a number of times—its chief purpose is to prevent

the occurrence of the very frauds and wrongs of which the Senator complains, and of which this article of merchandise seems to be susceptible.

No doubt any practice which assumes to deal in an article under false pretenses, to the injury of the public or any part of them, should be prohibited under severe penalties; and if it be true that oleomargarine is an unhealthy and unnutritious product, then, independently of any other question connected with it, its use as an article of food should be suppressed. It should not be regulated; it should not even be permitted to be sold under labels which can not be mistaken and which convey to the purchaser full information of its character.

The pure-food law was designed for that identical purpose and while its provisions have been in many instances perverted or disregarded successfully, the useful and essential object of the law was to come between the purveyor of unnutritious and

unhealthful and poisonous foods and the public.

I shall assume, Mr. President, because it has not yet been seriously questioned, that oleomargarine is a healthful and nutritious food, whatever some of its constituents may be. nutritious food, whatever some of its constituents may be. Such is the verdict of the leading chemists, not only of this but of all countries. Such is the assurance of the pure-food bureau of the Agricultural Department. The Senator from New York [Mr. Wadsworth], whose argument has been the subject of some criticism by the Senator from Oregon, in a speech of two hours last evening to an audience of from six to eight Senators, covered this subject so fully and so clearly, and displayed such breadth of information derived not only from study but from actual experience, that I regret the great majority of the Members of this body were not present. To my mind, he exhausted the subject, leaving but little to be added to it. Therefore, Mr. President, I shall not attempt in the time I shall devote to this branch of the bill to do more than seek to fill in, as it were, a few suggestions, by way of supplement to the Senator's discussion.

Let me refer, then, to a summary of the laws of other countries upon the subject, particularly as there seems to be some misapprehension or misunderstanding as to what these It may be that the summary which I hold in my laws are. hand is not correct, but I read from the American Food Journal, and from its February number, on page 82, which prints a digest of the laws of the leading countries outside of our own:

#### ENGLAND.

The British law permits the artificial coloration of margarine, limits its content of butter fat to 10 per cent, limits the moisture content to 16 per cent, and requires dealers to use a wrapper marked "Margarine" for all retail sales.

#### HOLLAND.

The Dutch law permits artificial coloration, requires the word "Margarine" to be shown on packages displayed for sale, and also requires all goods sold to be inclosed in a wrapper similarly marked.

#### BELGIUM.

The Belgian law permits artificial coloration, levies a Government tax of one-half cent per pound, establishes a fat standard of 82 per cent, requires the use of 0.5 per cent each of sesame oil and potato flour (for the purpose, of making it chemically easy to distinguish margarine from butter), and requires the retail dealer to mark packages properly.

I think it is generally conceded that the German regulation of all social and industrial activities, including pure-food supply, is a model of management and regulation. Their chemists are easily the best in the world, and their autocratic system of government and the care and caution and precision which mark all their methods in the matter of social and industrial efficiency are such that if there were impurities in this foodstuff, if its effects upon the human system were as deleterious as we must conclude from the assurances of the Senator from Oregon, if it were of that pernicious character which it must be if because of the constituents which compose it the composite product is what he claims it to be, the German chemists would have long since ascertained the fact and, of course, the regulation of the country with due regard to the well-being of the people would have prohibited its use or have confined it to those which were innocous.

## FRANCE.

The French law prohibits the artificial coloration of margarine and does not permit its sale in stores where butter is sold. It requires retail dealers to display "Margarine" signs and to mark their packages

#### GERMANY.

The German law permits the artificial coloration of margarine, requires the use of 10 per cent of sesame oil, and stipulates that manufacturers' packages shall be marked with a red streak 2 centimeters large on containers with height up to 35 centimeters, and at least 5 centimeters on higher containers, and that retailers' packages shall be properly marked and labeled as "Margarine." It does not allow the mixing of butter with margarine and probibits the handling or manufacture of margarine in places where butter and cheese are made or handled. It does not allow margarine to be put up in "butter shapes" and specifies that manufacturers must make their location

known to the authorities and furnish information regarding materials, methods, etc., when required.

It will be noticed, Mr. President, that the German regulations are more specific and are given more in detail than those of the other countries.

NORWAY AND SWEDEN.

In Norway and Sweden the law permits artificial coloration and requires the use of a certain percentage of sesame oil. It prohibits the manufacture of margarine in creameries where butter is made and places the margarine manufacturer under Government inspection. It requires dealers to display a sign when selling margarine and manufacturers' and retailers' packages to be labeled or marked "Margarine." It also requires that margarine must be packed in containers whose length is twice their width.

DENMARK.

The Danish law permits artificial coloration of margarine up to a certain standard established by the Government, requires the use of a certain percentage of sesame oil, and stipulates that a red band shall be placed around the outside of each original or shipping package, and that each package shall be plainly marked "Margarine."

It is observable, Mr. President, that in all the leading European countries this article is regarded as a pure-food product and is subject to regulation not to exclude it from the market but to enable people to get it for what it is, not for what it might pretend to be.

In this connection it may be interesting to refer to the proportionate quantities of oleomargarine that are consumed in

these countries. I read from the same magazine:

these countries. I read from the same magazine:

At the time of the last census (1909) there was manufactured in this country a total of approximately one and one-half billion pounds of butter, of which very nearly 1,000,000,000, or 60 per cent, was manufactured on the farms, some 6,361,502 in number, the balance of 624,764,653 pounds being a product of the factories. The same year, 1909, there were manufactured some 92,000,000 pounds of margarine, which figure has in the interval between 1909 and 1916 increased to 152,183,085 pounds. At the time of taking the last census the population of this country was about 90,000,000. Thus it will be seen that our annual per capita consumption of table fats is in the neighborhood of 19½ pounds, the eleomargarine consumption per capita being 1½ pounds, and the balance consisting of butter.

That would be 18 to 14 as the proportion in this country of

That would be 18 to 11 as the proportion in this country of the relative consumption of butter and of oleomargarine.

It is interesting to compare these figures with the annual per capita consumption in Great Britain, which was before the war 17 pounds of butter and 8½ pounds of margarine, a total of 25½ pounds.

Just here let me digress, Mr. President, to say that if any object lesson were necessary to support the proposition that competition between butter and oleomargarine properly placed upon the market does not, indeed, can not, interfere with or reduce the amount of butter produced or affect the business injuriously, it is given by these statistics from Denmark, which is not only the greatest butter country in the world but it produces the best, and consequently commands the market without regard to competition.

In Denmark the annual per capita consumption of margarine is 43 pounds, more than twice the total consumption of table fats in this country. In Norway the annual per capita consumption of margarine is 33½ pounds, and in Holland, 20 pounds, the consumption of butter not being a matter of record.

So that in other countries, concerned as we are with the distribution of pure-food products, concerned as we are with the protection of the people against impure or pretended ones, this has become a staple article of diet, nutritious, desirable, and, as the Senator from New York said last night, filling a space in the demands of the people in which butter does not enter at all.

Now, what is the situation in this country? We have a law, placed upon the statute books in 1902, which was designed, whatever may be said about it, to crush one American industry for the benefit of another, which invoked the taxing power of the Nation—and that is the power to destroy—for the protection of one legitimate industry against another, both of them being American. I can understand how an extreme advocate of protection, how a man who believes in that principle, might square his conscience with the application of the principle to two American industries, both entitled to the protection of the law; but I am unable to understand how any Democrat who must believe that taxes should be placed upon wealth instead of consumption, and that the taxing power should not be used for any other purpose than the raising of money for public expenditures and public needs—how such a man can for a moment hesitate to vote for this amendment is beyond my comprehension.

A government, Mr. President, ceases to be a government of the people when its power and authority are used to benefit one part of the people by destroying another part of the people. A government is not fit to be called republican which utilizes its taxing power to make one business prosperous at the expense of another, each of them domestic enterprises and each contributing to the support of the Government and entitled to the protection of its laws. This law runs absolutely counter to that theory and practically operates in favor of, for the benefit and protection of, a great American industry by shielding it I

from possible competition in the use of an article whose competition it fears.

Mr. President, the Senator from North Dakota [Mr. Mc-CUMBER] said yesterday that there was no objection upon the part of anyone-certainly not of the butter makers of the country-to the sale of margarine as margarine; that the objection was to the sale of margarine as butter; and that any law which enforced the sale of margarine as such was not open to serious objection. Of course, I do not pretend to give the Senator's exact language. The pending bill is designed to do that.

Mr. McCUMBER. Mr. President-

Mr. THOMAS. I yield. Mr. McCUMBER. If the Senator will allow me, I think I went a little further than that and said anything that would force its use as margarine and not as butter would be entirely satisfactory to us.

Mr. THOMAS. I thank the Senator for the addition he has

made to my understanding of his position.

Mr. McCUMBER. That means the use to the man sitting at

the table, that he may know what it is.

Mr. THOMAS. The existing law does not do that. The existing law from the very sense of injustice and wrong which it inspires prompts a disregard of its requirements. Not only so, but under it the butter dealer and the butter maker, as was demonstrated last night by the Senator from New York, utilize its prohibition to fraudulently and wrongfully color oleo-margarine and sell it as butter to their own customers. Hence every Commissioner of Internal Revenue from 1902 down to this day, a majority of the collectors all the country over, have recommended consecutively and consistently the repeal of this statute.

It is not a revenue producer; it can not be. It levies one-quarter of a cent a pound upon oleomargarine. That produces practically all the revenue that is paid into the Treasury from this tax except that which is collected from licenses and through the detection of violations and punishment by way of fine. cents on the colored article is intended to be prohibitive.

Mr. President, as the law now stands no man is prevented from selling oleomargarine as butter provided he is willing to pay the 10 cents a pound upon it. Of course he can not do it, because the existing competition will not permit it. But more oleomargarine is sold every day under that law as butter through the ease with which the law can be taken advantage of, through the temptation of the great profits that follow in its wake, than perhaps any other revenue law, proportionately speaking, of course, that we have upon the statute books, and the Government does not get the benefit of it. Neither is the public protected against this food product, which, according to the Senator from Oregon [Mr. LANE], is so pernicious in its origin.

It was said yesterday by the Senator from Pennsylvania [Mr. Penrose], and I concede without reservation the justice of his position, that if oleomargarine is as we declare a nutritious product, and if it is entitled to its place in the trade of the country, we ought not to tax it at all any more than we would tax butter. That is true. This tax, Mr. President, is an imposition, or would be if it were not for the fact that it is one of the conditions essential to compel those who produce it to sell it as oleomargarine and not as butter and pay the resulting tax.

The Senator from North Dakota looks at this amendment from a different viewpoint than I do. He opposes it because he does not think it will protect the butter maker, while I advocate it, first, because it is absolutely opposed to my notions of what the taxing power should be used for, and, second, because it will produce that very condition which will

be satisfactory to him and to those who are engaged in the butter industry.

I can not conceive, Mr. President, how this material can be labeled differently or better than is provided in this bill in order to protect the public. I know it is said that these original packages may be purchased by the grocer or by the hotel or restaurant proprietor and then served to the customers as butter; consequently, it does not go far enough. But that, Mr. President, is true of every food product a label upon which is required under the food law. We may not be able to guard against it. Time may disclose a remedy for it. But, Mr. President, certainly when we make the same re-quirements or similar requirements to those made with regard to other food products under the pure-food law, and make it an offense to dispose of these packages except to the ultimate purchaser or consumer or to sell them after the package itself is broken, then surely no man can complain that the law is at all incomplete or inoperative with regard to the thing required to be done for the protection of the public.

Mr. President, it may be wrong to change the natural appearance to the eye of a product for the purpose of getting a better price, but if so, then the wrong is the subject of a general practice, not alone in the matter of oleomargarine but a great many other things as well.

It was said yesterday by the Senator from New York [Mr. Wadsworth] that 90 per cent of all the butter produced in this country is colored and about 10 per cent of it is sold without coloring-in other words, it is a natural yellow. Why should the creamery man insert a vegetable coloring matter into his product in order to make it yellow if he does not contemplate a fraud upon the purchaser? I know it is said that he colors butter and he sells butter. I concede that; but he gets a better price for his butter than he otherwise would, and the purchaser exchanges his money for it under the impression that he is buying something which possesses its natural color. If he were undeceived he would demand it at an inferior price. It is the element of gain in each instance which controls the use of this foreign matter, and if the oleomargarine man should be penalized for coloring his product then also should the dairyman be penalized for doing the same thing.

I do not care, Mr. President, to go into the question of purity, either relative or absolute, of these different and contending products. Nevertheless, in view of what has been said and reiterated so many times upon the subject, let me call attention to an article in the American Food Journal by its editor, Mr. Rebert Gordon Gould, regarding it. He says:

All the butter made in creameries

I read from page 84 of the American Food Journal for Febru-

Of the butter made in creameries there is a certain part which is an absolutely safe, high-grade product—the pasteurized whole-milk creamery butter. Nonpasteurized whole-milk creamery butter might be described as a high-grade product which may or may not be safe. The third general division of creamery butter is that made by the so-called centralizing plants, where cream is received from the farmers located far and near. This butter is not generally considered as of as high a quality as that coming from the whole-milk creameries; but, on the other hand, it is handled, for the most part, in a way which renders it quite safe for human consumption. The centralizing plants which pasteurize all cream received must be given the credit for turning out a product which is extraordinarily good, in view of the poor raw material with which they are obliged to work. In 1912 the Bureau of Animal Industry reported that a recent investigation had shown that 61 per cent of the cream received at creameries and buying stations was of third grade—that is, "dirty, decomposed, and sour." The same report showed that pasteurization was practiced in but 27 per cent of the creameries and that 94.5 per cent of the creameries were insanitary to a greater or less degree. Since that time there has been considerable improvement in the commercial butter business, but there is undeniably room for more. Dairymen and creamery men have no hesitancy in going on record at conventions and elsewhere as to the wisdom of pasteurization, sanitary methods of manufacture, and other laudable improvements in their business; but when it comes to putting their professions of faith into good works they display a strange hesitancy.

Now, let me turn to page 83 for a moment and read from an

Now, let me turn to page 83 for a moment and read from an extract from McKay and Larsen in their Principles and Practice of Butter Making. They say:

of Butter Making. They say:

As to the quality of American butter, McKay and Larsen in their Principles and Practice of Butter Making state that "The observations of the authors have been that the reputation of the American butter is not all that is desirable on the English market. Some American butter is good enough to sell on an equality with Danish butter, and in some instances it is palmed off for such. Much poor butter, however, has been allowed to go on the English market, and this has in some measure ruined the reputation of our butter. \* \* \* The standing of the different kinds of butter, as observed on the English market, ever as follows: (1) Fresh French rolls; (2) Danish creamery; (3) Irish creamery; (4) New Zealand; (5) Canadian, Australian, Argentine, United States, and Siberia. For storage purposes: (1) Danish, (2) New Zealand, (3) Siberia. Thus it will be seen that in the eyes of Great Britain there is but one worse butter than ours, and that comes from Siberia. Furthermore, for the purpose of storage—the crucial test of any butter—our butter is not even considered, although that of Siberia is so used.

I might read other extracts from this article, which is a very illuminating one, but I do not think it is necessary. I might, however, refer briefly to what is called "ladle butter." Perhaps the term "rendered butter" might be as expressive, and which, by a system of working over, butter which has soured from exposure to the atmosphere or has absorbed extraneous and undesirable matter, is presented by the creameries to their customers as fresh butter. I read from page 89:

In the early eighties there was worked out a very clever scheme for the renovation of bad butter. Realizing that the fermentation respon-sible for the spoilage of butter was confined to the nonfat elements of the butter—the casein, milk-sugar, and other compounds—a process was devised which consisted in melting the butter and holding it at about 120° F. for several hours, or until the curd settled out. The clear butter oil is then run into a second tank, maintained at about the same tem-

A process somewhat similar to the rudimentary processes in the manufacture of oleomargarine

Through this tank is forced from the bottom upward air, the aeration removing practically all undesirable odor and flavor and resulting in a product which is almost tasteless and which is quite free from objec-

tionable features. The purified oil is then emulsified with sour milk. This, of course, is necessary in order to bring back the natural butter flavor and the components of normal butter. The emulsification takes place in a cylindrical tank supplied with a rapidly revolving dasher. When fully emulsified the product is run into a vat of cold water, which sudden change in temperature brings about crystallization in the butter. The butter crystals are removed from the surface of the vat, allowed to drain and ripen for a few hours, then they are salted and worked as is normal butter.

And that is placed upon the market and sold to unsuspecting customers as the genuine article.

It is a nutritious food, Mr. President. The great heat to which it has been subjected destroys all impurities and germs possibly lurking within, and the resulting product is wholesome. It is called "process butter." But how much of it is worked off on the public as genuine butter, fresh from the cow?

I mention this, Mr. President, to emphasize the fact that there are tricks in other trades than ours, and that in this matter of supplying the public with a nutritious and wholesome product called butter there is resort to as many schemes and strategems for spoils as are charged against the oleomargarine people and against both the oleomargarine producers and the vendors of butter, taking shelter behind the provisions of this law and palming off on the public a product from which they realize an enormous profit as butter.

It is true, I have no doubt, that some great combinations are interested in the passage of this bill. The answer to the protest of the butter makers is made in behalf of the cottonseedoil companies and the Western Live Stock Association. I am not pretending, Mr. President, that this law if passed will not benefit those institutions. I presume it will benefit every man who raises animals for the market, and there are as many of them as there are men who sell milk to the creameries.

Certainly, Mr. President, because one combination or two combinations or half a dozen, if you like, make a perfectly proper use of their rights and privileges in the presentation of arguments in behalf of a given piece of legislation, we should not object to it, provided their argument is cogent and their purpose and operation public. Both sides to this controversy, so far as I know, have discussed it before the committees and

elsewhere in a perfectly proper and legitimate manner.

But, Mr. President, there is also such a thing as a butter trust, largely, perhaps, the offspring of this oleomargarine legislation, having its headquarters in the city of Elgin, Ill., which sets the price of every pound of butter consumed in the country, which is a hard-and-fast organization, quite as powerful, so far as public consumption is concerned, as any combination which is or can be interested in this question. On the 5th of last December the New York World published an article upon the subject, which I shall not read in full, but insert in my remarks. The headlines inform us that:

Three Illinois men every week set price of butter for the United

Carefully protected by legal safeguards, on one sale of 25 tubs of 60 pounds each weekly, they establish the average annual cost of 60,000,000 pounds of the product valued at \$18,000,000, approximately—Premium paid by a few Chicago dealers, based on the Elgin standard, to a few creameries the bane of the trade, says reform member of the Elgin

These gentlemen, as usual with all such combinations, fix the price to the consumer on the one hand and to the producer upon the other, just as the old darky set his 'coon trap " to ketch 'em a-comin' an' a-gwine." It always works in both directions.

CHICAGO, December 4

Three men travel every Saturday morning from Chicago to Elgin, Ill., 39 miles on the Chicago, Milwaukee & St. Paul Railway. There at noon in the assembly room of the Elgin Board of Trade they fix the weekly quotation for Elgin creamery butter. The telegraph and cable carry their decree to every merchandising center in the country and to every market in the civilized world to which the export trade of the country extends, and it forms the basic prices for all grades of table butter until these food arbiters meet again.

A necessity of life, required upon the table of every man in this country, is dominated by three men in the comparatively small city of Elgin, and the millions of farmers who produce the milk and cream from which this product is realized must sell their butter fat at the price also fixed by these dictators. This article goes on to say that on the 28th day of April, 1914, the United States Court for the Northern District of Illinois abolished, or thought it had abolished, this iniquitous combination; but, Mr. President, some one once defined "chancery" as "a race between the rogue and the judge," and I do not know of any better illustration of the truth of the definition or its aptness than the manner in which this decision was avoided, while the evil sought to be crushed survived it.

CAREFULLY HEDGED ABOUT TO AVOID COLLISION WITH LAW.

So carefully have these men hedged themselves about with legal safe-guards that investigators of the Department of Justice and representa-tives of the United States district attorney at Chicago, who have for weeks maintained a close espionage upon their deliberations and the sys-

tem by which they arrive at their valuations, have been unable so far to find any evidence that there has been any violation of the Sherman antitrust law.

antitrust law.

The investigation, moreover, has revealed no legal proof, apparently, that there has not been observed to the letter the permanent injunction handed down April 28, 1914, by United States District Judge K. M. Landis in the suit of the Government against the Elgin Board of Trade, prohibiting that institution—

"From appointing or authorizing the appointment of any officer, agent, or committee of said Elgin Board of Trade, whether of one or more persons, to fix or suggest the price of butter;

"From maintaining a quotation committee or any other committee or agency of said Elgin Board of Trade or its membership which shall fix a price or prices of butter;

"From quoting or publishing any price or prices of butter purporting to be market prices," Elgin prices, or the prices obtaining upon the board of said defendant corporation, unless and except such prices be those which have actually obtained upon said board in bona fide sales of butter;

buster;
"From fixing or determining by contract, combination, or agreement the bids or offers which members of said Elgin Board of Trade shall make with respect to purchases or sales of butter in advance of the making of said bids or offers;

#### OTHER PROHIBITIONS.

or of the productions of others;

"From requiring, compelling, or demanding by board rule, by-law, or otherwise that the members of said Elgin Board of Trade use the quotations or prices of butter which are made by means of transactions upon said Elgin Board of Trade as a basic price in contracts for the purchase or sale of butter in interstate commerce;

"From making fictitious or washed or pretended sales or purchases of butter for the purpose of misleading any person or persons as to the actual price at which butter is being sold upon said Elgin Board of Trade, or which are intended to be used in any way as a basis for the making of quotations of prices on said Elgin Board of Trade;

"From making or participating in or knowingly permitting on said Elgin Board of Trade at any time any sale or purchase of butter that is not a bona fide transaction in which the seller in good faith intends to deliver the commodity and the purchaser in good faith intends to accept and pay therefor;

"From making or participating in or knowingly permitting to be made any sale or purchase of butter on said Elgin Board of Trade in pursuance of any combination or conspiracy by or between any two or more persons or corporations to raise or lower or affect the price of butter on said Elgin Board of Trade, and thereby to raise or lower or affect the price of butter in interstate commerce;

"From making or causing to be made any offer to buy or sell butter on said Elgin Board of Trade at a price which has been agreed upon by any two or more of the members of said board or by any one or more of said members and any other person or persons prior to the making of said offer."

It is difficult to conceive of a more sweeping order than

It is difficult to conceive of a more sweeping order than this. It would seem to cover every possible emergency and to forestall the genius of man in devising a means of escaping from it.

## BOARD REORGANIZED.

After the issuance of this decree the entire official personnel of the board was changed at the succeeding annual election, Charles H. Potter, of the reform element, replacing as president, John Newman, who had held that position for nearly a quarter of a century; Frederick Grell supplanting G. H. Gurler as vice president, and W. W. Sherwin and L. L. Taylor succeeding as treasurer and secretary J. P. Mason and Colwin W. Brown, respectively. These men, with the addition of E. C. Hawley and Frederick R. Moles, have since formed the board of directors.

Singularly enough it was almost wholly through the efforts of and information furnished by Frederick R. Moles, the last mentioned of these men, with whom an interview is given below, that the Government was able to obtain the evidence of collusion in price fixing by which it won its suit.

In obedience to the injunction the Elgin Board of Trade amended its charter and abolished its price committee, substituting therefor the present system, by which an informal committee of members, consisting of three or more—three being necessary for a quorum—meet every week and fix the quotation on an actual sale of butter. These members volunteer for the task. In theory the committee may embrace the entire membership of the board, consisting of 275 membrace the entire membership of the board, consisting of 275 membrace and the informal committee may embrace the entire membership of the board, consisting of 275 membrace and the informal committee it consists generally of the three men—seldom the same—who journey each week from Chicago for their self-appointed task.

Preparatory to their deliberations the secretary of the Elgin Board of Trade posts on the call board the amount of butter offered for sale at a minimum price and the amount for which there is a bid at the maximum price. A transaction is invariably effected at a level between these prices satisfactory to the producer and the bidder, and this sale, apparently bona fide, so far as the observations of the Federal authorit

THE ELGIN BOARD OF TRADE, BUTTER INSPECTOR'S DEPARTMENT, ELGIN, ILL.

I hereby certify that I have inspec	ted	the	followi	ng	lot	of butter
with the following result: Flavor Body Color Salt Package	25 15 10	per per	cent l	less less	2 1 1	43 points 23 points 14 points 9 points 4 points

\_ 10 per cent less 1 \_ 5 per cent less 1 100 per cent 93 points Total\_\_

APPARENTLY MEET REQUIREMENTS.

To the extent as outlined above, the system now in use meets apparently all the requirements of the law and the injunction, but in practice the sale of 25 tubs, each containing a maximum of 60 pounds,

fixes the price week in and week out for the 60,000,000 pounds of so-called Elgin creamery butter, having a wholesale valuation of \$18,000,000, annually produced, according to the records of the Elgin Board of Trade—and all other grades as well

That this investigation may be eminently fair, the representative of the World obtained the records of the weekly sales on the board during the season of the maximum butter production in the Elgin district—June and July. During these two months of last summer the greatest number of sales made at the weekly price-fixing session were as follows:
Saturday, June 17, 175 tubs; Saturday, July 1, 250 tubs; Saturday, July 8, 275 tubs; Saturday, July 15, 175 tubs.

So, taking this total, reached in a season when the creamery men of the Elgin district send their maximum output to the market, only 875 tubs passed through the price-fixing medium of the board of trade, while the minimum total of receipts in Chicago is about 124,000 tubs a month.

month.

month.

During October last the maximum weekly sales on the Elgin Board of Trade exceeded 25 tubs only once, when on Saturday, October 28, the aggregate amount contracted for on the call board was 50 tubs.

Here we have the main objection to the system in practice at Elgin, assuming that there is no collusion whatever between any of the parties in interest in these small weekly sales. It will be seen that, taking them at their maximum, they constitute an infinitesimal unit upon which to fix the price of millions of pounds of butter that go into annual consumption.

#### THE ORIGINAL BOARD.

The Elgin Board of Trade was originally formed in 1872 to protect to butter and cheese producers of the Fox River Valley district of

the butter and cheese producers of the Fox River Valley district of Illinois.

Through the operations of the board a producers' market was established, by means of which the manufacturers and the buyers were brought together once a week. At first the buyer and seller would meet in the exchange room, and after completing their deal would report their trade to the secretary, which was known as a regular sale, and which fixed the weekly quotations for Elgin butter and cheese at Chicago and other adjacent cities.

But the offerings and transactions soon became so large that a regular call board was established, where the name and factory could be written down on a large board, giving the number of tubs of butter or boxes of cheese offered, usually at a minimum price. The buyer could then take the price offered or make his bid, and thereby the quotation for Elgin products was established.

In this way everything went smoothly until 1896, when butter sold on the call board in April at 13 cents a pound, and in September at 14 cents a pound. The offerings of that season were so large and the bids and sales often varied so much that it was seldom that a uniform quotation could be established, and as the contract system had become somewhat common, the dealer contracting for the make of a certain factory at the established weekly price, the condition of the trade became so chaotic that it was decided to create a quotation committee of five members to report a quotation governing contracts.

HOW THE METHOD CHANGED.

members to report a quotation governing contracts.

How the method of fixing the quotations until the Government found by its investigation that these prices were being arbitrarily arranged and that they bore only a remote relation to the operations of the law of supply and demand. Then came the injunction. With the price of Eigin creamery as a standard the Chicago butter dealers grade their bid prices downward, paying only the premium price to certain creameries located on the lines of the various railroads entering Chicago, where the best classes of facilities for refrigerating the product and shipping it expeditiously in refrigerating cars to the Chicago market can be provided.

This system of premium paying is one of the greatest abuses that has crept into the butter trade, according to F. R. Moles, the reform member of the Elgin Board of Trade, above referred to, who is still fighting for equitable practices in the industry.

"The greatest detriment to the butter trade in general and the bane of all honest dealers," said Mr. Moles yesterday to the World representative, "is the practice of a few Chicago dealers of paying premiums to a few creameries which have exceptional facilities for manufacturing butter and shipping it to market. This premium, based on the Elgin standard, really fixes the basis for the general buying of cream and butter fat throughout the United States.

"The reason why this premium paying should be prohibited is that it is misleading to the butter consumer in general and unfair to 95 per cent of the butter producers. The quotations thus fixed are too high for the quality produced in general.

"As a matter of fact, the whole system is wrong. To fairly establish a market value all of the butter actually coming into the market daily should be reported in pounds or tubs at prices it is actually sold for.

"For instance, the quotation at the week's close for creamer extra 18 422 cents, and the daily receipts in Chicago were approximately 6,000 tubs. A very small percentage of this grades as

HIGH PRICES PAID FOR MILK.

To what extent the weather conditions of the last season, the increased consumption due to prosperous times, and to the extraordinary demand from Europe enter into the present high cost of butter is a question upon which there is a wide difference of opinion, but undoubtedly they are, to a degree at least, exercising a legitimate influence upon prices.

edly they are, to a degree at least, exercising a legitimate prices.

It is a fact established by the World's investigation that the purchasing agents of the milk condensers have been offering unprecedentedly high prices for milk in competition with the creameries throughout the butter and cheese manufacturing districts of the West. Indeed, they have been offering a higher price than the creameries could pay in many instances.

For instance, in one district in Wisconsin they freely offered \$2 a hundred pounds for milk, which, translated into butter, means a wholesale price of 50 cents a pound for the butter itself, and yet it is said that they can only fill 50 per cent of the orders from the allies.

Mr. President, we hear much in these days of the lack of respect for and the weakening of the public confidence in our

courts. A very prominent leader of the labor unions the other day was said to have asserted before a committee of the other House that if certain legislation were enacted he and his organization would not regard it. The papers commented, and very justly, upon this bold and defiant statement of a citizen, bound to observe our laws and to respect them, as are others, but these circumventions of the decrees of the courts, these methods and tricks through which their purposes are avoided and their effect neutralized, are apt to be regarded as evidences of sound business genius; but those who have to foot the bills for necessities, especially those who are informed of these court proceedings and their barrenness, can not well be censured if they conclude that the processes of the American Government are not sufficiently powerful to meet and discharge the tasks and responsibilities which modern monopolies put upon them.

Here is a solemn decision of a court of the United States after full hearing decreeing the existence of a monopoly, judicially recognizing a practice to be pernicious and tending to rob the people of their substance, yet within the short space of two or three months it has been rendered absolutely innocuous, and the evil goes on, the decree to the contrary notwith-

The other day a citizen cf Chicago was discovered to have on storage I do not know how many millions of eggs—sixty or seventy-five millions, I believe—who openly declared his purpose to hold them until the needs of the public forced the price up to a point where he could clear the profits that he demanded. Investigation was had, and it was discovered that he was violating no written law of the country, and was therefore within his rights. A few days afterwards he unloaded, and his profits were reflected in the needs and the sufferings of hundreds of thousands of people in this country. If there is no law, Mr. President, to reach that sort of thing, there ought to be.

When I read of the riots in the cities of New York and Philadelphia on yesterday and the day before—food riots—at a time when we are boasting of a prosperity without parallel in the history of civilization, when it is said that every man who desires it can obtain employment at good wages, I felt that there was some justification in the action of those starving people in this Elgin creamery combination, the Chicago egg combination, and in the impression that the Government of the United States was powerless to control them and similar combinations.

Mr. President, it would seem that the people of the country are actually governed not by their elected officials, not by their constitutions, but by combinations in business, whose edicts are absolutely final, which are based upon greed and upon avarice and which are sucking the financial life blood from the veins of the people.

I believe that this amendment will tend to relieve that situation and at the same time safeguard every purchaser of oleomargarine. Like the Senator from Oregon [Mr. Lane], I think I prefer butter. I have eaten both products freely many times, and perhaps I have eaten oleomargarine as butter more times than I am aware of. I have never yet heard that it was unnutritious, and therefore, Mr. President, there can be no substantial, material reason why provision should not be made whereby the one can enter the market, properly labeled, of course as well as the other.

course, as well as the other.

There is said to be a shortage of butter in the country. That is one excuse given for its high price. Be it so. Then, there is the greater need for the use of something which will help to supply the demand that the amount of butter in the country can not entirely fill, and I should think, Mr. President, that the farmers of the country engaged in producing milk and cream and patronizing their local creameries would be interested in whatever would relieve them of their thralldom to a combine represented by three men in the United States, and always at a point where the margin of profit to the immediate combination will not only be certain but enormous.

I presume my experience is that of other Members of this body, Mr. President. For the last 10 or 15 days I have received—I do not know how many—telegrams from acquaintances and friends, from chambers of commerce and creameries, from farmers and others, all of them of like import, inveighing against the Underwood amendment to this bill and declaring that it will be the ruin of the butter industry of the country.

But, Mr. President, it is our experience, and has been ever since revenue legislation was necessary, that the interests affected are apt to protest and declare that if the threat of legislation is carried into execution their business will be ruined. I do not recall any exception to that rule. We ruined more industries a few years ago through our change of the tariff law than there were industries in the country; yet they seem to be doing pretty well. We took the tariff off a great many articles, but, strange to say, a great many of them immediately rose in

price, if not in quantity produced, and I think they rose in both. I recall wool particularly. The fact is that it is an apprehension, and an apprehension only, entertained with perfect honesty by most of those who express themselves, but an apprehension nevertheless.

Mr. SMITH of South Carolina. How about shoes and leather?
Mr. THOMAS. Shoe and leather were among the products which not only would suffer but would, through our tariff legislation, go out of business and become a charge upon the public. It is the natural fear born of the interests to be affected; and, after all, we are governed in all we do by our fears and our prejudices, rather than by our judgment; but, Mr. President, the impulse of this vast mass of protests coming by telegraph to Members of this body centers directly in Elgin, where the business is controlled and where the prices are fixed that must be observed if we are going to have any butter at all. I am satisfied that 95 per cent of the signers of these telegrams have not studied the question, and simply take their conclusions at second hand, and, adopting them, rush to the telegraph office and send their dispatches to influence us in our legislation.

I did not intend, Mr. President, to speak upon this subject so long as I have, because it has been so fully covered by others; but, before I leave it, I desire to refer to the revenue side of it.

This Government must have additional revenue. The Democratic Party may be to blame for this necessity; but that is beside the question. We must have revenue. Preparedness has much to do with it; the increase of governmental activities has very much to do with it; the painful absence of economy in our financial administration has everything to do with it; but the fact is we need money and we must have it. Now, Mr. President, I must ask the Senator from Alabama just what the estimate of the revenue under this amendment is? I do not know that I have the figures exactly.

Mr. UNDERWOOD. I have not the letter in my desk; I sent it over to my office last night; but the estimate made by the Treasury Department was that under the present law there was raised from the oleomargarine tax on colored and uncolored combined a little less than \$1,000,000.

Mr. THOMAS. That is the present revenue?

Mr. UNDERWOOD. That is the present revenue. The tax on dealers brings that amount up to nearly a million and a half dollars. It is estimated that under this proposed tax on oleomargarine of 2 cents and the dealers' tax combined the revenue will amount to \$5,000,000, which would make an increase of three and a half million dollars by this change. My own judgment about it is that it would be in excess of that amount. I think that the estimate of the Treasury Department is extremely conservative.

Mr. THOMAS. Mr. President, it is true that three and a half million dollars is hardly small change for the Government of the United States nowadays; but every little helps, and if by the raising of this revenue we can give a legitimate American industry an equal chance under the laws of the country, prevent the sale of the product under false pretenses, but always for what it is, to those who want it, it is and will be, both as a revenue getter and as an act of justice, a piece of beneficent legislation.

Why, Mr. President, if this method of procedure—and I am speaking now of the present law—is American, if it is just, if it is equitable, if it has a single practical principle to support it, then there is no reason in the world why the Congress can not penalize peanut oil for the protection of cottonseed oil, lard for the protection of tallow, lead for the protection of copper, or any other industry for the protection of something with which it is or might come in competition. The principle is so monstrous to my mind that the mere statement of it carries with it its own refutation. The only possible justification for such legislation is that the product which is penalized is impure and therefore dangerous to the public.

Mr. O'GORMAN. And in that case it should not be allowed at all.

Mr. THOMAS. And, as the Senator from New York suggests, in that case it should not be allowed at all; but when it is admitted that that is not true, that the industry is legitimate, that the article produced and dealt in is wholesome and nutritious and entitled to make its way upon its own merits in the markets of the country, in free America certainly, it should not be subjected to suppression by hostile legislation in the interest of something that fears injury from it.

of something that fears injury from it.
Mr. McCUMBER. Mr. President—
Mr. THOMAS. I yield to the Senator.

Mr. McCUMBER. I wish the Senator would explain to me how we penalize uncolored oleomargarine in the present law? I am referring now only to uncolored oleomargarine.

Mr. THOMAS. I do not think the law, if we are to regard it merely as applicable to uncolored oleomargarine, penalizes that product by the imposition of a tax of one quarter of a cent.

Mr. McCUMBER. Then, is it not true, if I may say a word further, that the only thing we penalize is the coloring of white oleomargarine yellow in order to perpetrate a fraud upon the We do penalize the fraudulent part of it; we do penalize the coloring of it in imitation of butter, because we know that it is only in that form that it is able to perpetrate a fraud

Mr. President, when we penalize the oleomargarine producer for giving an artificial color to his product and allow his competitor to give that same artificial color to his product, which he does as to 90 per cent of it, the former is penalized. I know it is said that the color that is applied to butter is applied to the genuine article, and consequently the man who colors it does not sell colored oleomargarine, but he sells colored butter. Yet he colors it, Mr. President, to get a better price for it, for the customer believes when he buys it that it is naturally yellow butter. The difference is not in kind but in degree, and not much in degree when you apply it to process butter, which has its impurities worked out and colored and sold to the public as fresh butter.

If it were necessary, if the butter was yellow, for example, and it was necessary to prevent a fraud, to prevent, under heavy penalties, the use of artificial coloration, the proposition would be a different one, but that is not the situation. from New York [Mr. Wadsworth] said last night, 90 per cent of all butter is white, and there is a very considerable per cent of natural oleomargarine that is yellow. So I can not escape the conclusion that the act of 1902 was designed to, and did, penalize a legitimate industry under the pretense that it was necessary to protect some other industry against fraud, and the melancholy part of it is that the protected ones are those who largely use the situation to defraud the public and palm oleomargarine off upon them as butter.

Now, Mr. President, I shall not occupy the time of the Senate

longer upon this part of the bill.

Mr. CUMMINS. Mr. President—
Mr. THOMAS. Just a moment. Suffice it to say that I had occasion in 1913 to investigate this subject, and again during the fall of 1914, when the so-called war-revenue bill was under consideration, and also last year, on each of which occasions the Commissioner of Internal Revenue called attention to this act, to the manner of its operation, and suggested that these changes be made in it.

I yield to the Senator from Iowa.

Mr. CUMMINS. I have listened to the greater part of the argument of the Senator from Colorado upon this subject; and if his argument is sound, I think he will agree with me that it leads to the conclusion that there ought not to be any tax put upon oleomargarine.

Mr. THOMAS. I so said.
Mr. CUMMINS. Why tax oleomargarine and not tax butter?
Mr. THOMAS. I so said in referring to the contention of the Senator from Pennsylvania, made yesterday afternoon-that it was perfectly logical. I do not believe that we should put a tax, unless absolutely necessary, upon any food product; but unless we do this we must leave the present law where it is, with all of its infirmities and all of its injustices.

Mr. CUMMINS. This could be amended so as to put a tax of 2 cents a pound on butter, and thus raise still more money

than this amendment will raise.

Mr. THOMAS. The Senator says we could do it. I suppose that is potentially true, but actually he knows it is impossible, even were it just.

Mr. CUMMINS. I wonder that the Senator from Alabama

did not include that in his amendment.

Mr. THOMAS. Mr. President, the fact that there should be no tax at all upon this or any other product may be a good reason for opposing it; but if existing legislation regarding a subject is of such a character that some compromise is necessary in order to remedy existing evils, I am inclined to take what I can get, and await some more propitious season for going a little further.

Mr. CLAPP. Mr. President—
The PRESIDING OFFICER (Mr. Reed in the chair). Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I do.
Mr. CLAPP. I have been very much interested, not only
in the Senator's argument, but in the others that have been made here, and I should like to ask the Senator what justification there is for taking an article of food that is claimed to be wholesome, not deleterious—namely, uncolored oleomargarine, said to be the poor man's food—and increasing the tax on that not.

product from one-fourth of a cent to 2 cents a pound? That is what puzzles me. I can understand why it might be desired to reduce the tax on the colored oleomargarine; but why increase it on the uncolored oleomargarine?

Mr. THOMAS. Mr. President, I think I will answer that question by asking another. Would the Senator vote for this bill if the tax on uncolored oleomargarine were removed en-

Mr. CLAPP. Absolutely; and I propose to offer an amendment to take the tax off of uncolored oleomargarine.

Mr. THOMAS. Mr. President, if the Senator does, I am inclined to think, speaking offhand and impulsively, that I will There is no justification for it, Mr. President. vote for it also. There is an explanation for it, and that I have attempted to What we want is to put some kind of a statute upon the books that will do reasonable justice to a legitimate industry instead of penalizing it for the benefit of another legitimate

Mr. McCUMBER and Mr. CLAPP addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield; and, if so, to whom?

Mr. CLAPP. Just a moment. Of course the Senator did not understand that I would vote to reduce the tax on colored oleo-

Mr. THOMAS. I did so understand.

Mr. CLAPP. I am in favor of taking the tax off of uncolored oleomargarine; and I can not for the life of me see any justification at this time for increasing the tax on uncolored oleomargarine from one-fourth of a cent a pound to 2 cents

Mr. THOMAS. I do not believe that the Senator can justify the removal of the tax in the one instance and vote for it in the other; I mean, from my standpoint. Of course I do not reflect upon the Senator's judgment, upon which he must rely.

Mr. McCUMBER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I do.

Mr. McCUMBER. May I ask the Senator a question as to what his good purposes would be? Would the Senator be willing to take off the tax altogether and then make a provision that no oleomargarine should be colored in imitation of butter?

Mr. THOMAS. No; I would not.
Mr. McCUMBER. And then put a penalty on the counter-

Mr. THOMAS. I would do that provided the Senator would go a step further and prohibit the coloring of white butter as

Mr. McCUMBER. Well, would he do that?

Mr. THOMAS. I would do that.

Mr. McCUMBER. I have not the slightest objection to a prohibition against the coloring of white butter.

Mr. THOMAS. I would do that. Mr. McCUMBER. But there is one difference: When you color your white butter you do not color it and then sell it for oleomargarine. When you color your oleomargarine you color it for the very purpose of imposing it upon the public as butter; quite a little difference.

Mr. THOMAS. When you color your white butter yellow and sell it as yellow butter you get a better price for it, however,

and to that extent you defraud the buyer.

Mr. McCUMBER. Where does the Senator get that informa-

Mr. THOMAS. Why, it is obvious. Why color it if that is not the purpose?

Mr. McCUMBER. Tell me just one place where the Senator gets the information that white butter, if it is pure butter, will not sell for just exactly the same as yellow butter.

Mr. THOMAS. Oh, I know that now it is a fad in the fash-

ionable hotels and restaurants of the country to eat white butter. Mr. McCUMBER. Why, in the summer time you do not have any white butter.

Mr. THOMAS. I have gotten it in the summer time. Perhaps the hotels have palmed off white oleomargarine upon me. I do not know; but I do not find any difficulty in getting white butter, without salt-I have to salt it myself-in any of the hotels that I am accustomed to patronize. It is forced on me.

Mr. McCUMBER. Let me get a complete answer from the Senator, if I can. To-day the butter that is manufactured is white butter. Does not that butter sell for just exactly as much as it would sell for if it were colored yellow to-day?

Mr. THOMAS. It may. Mr. McCUMBER. If it does not, show me wherein it does

Mr. THOMAS. It may, for the reason that 90 per cent of the butter is colored yellow. If, instead of coloring it, the 90 per cent that is colored were sold as white, it would not bring as large a price, and that is why it is colored.

Mr. McCUMBER. Mr. President, I am surprised, and I should like to get the source of the information of the Senator when he says that 90 per cent of the butter that is sold to-day

From whence does he get it?

Mr. THOMAS. My authority for that is the statement of the Senator from New York [Mr. Wadsworth] last night, after the Senator from North Dakota had left the Chamber and before our adjournment.

Mr. McCUMBER. Do I understand that the Senator from New York stated that 90 per cent of the butter that we are

using now is colored?

The Senator from New York is here to Mr. THOMAS. Yes. defend his statement, and I yield the floor to him for that purpose, if he desires it.

Why, the best Elgin butter you get to-day Mr. McCUMBER. is uncolored. The best butter of all of your creameries to-day is uncolored butter.

Mr. WADSWORTH. Mr. President, will the Senator permit an interruption?

Why certainly I will yield to the Senator Mr. THOMAS.

from New York.

Mr. WADSWORTH. The statement of the Senator from North Dakota just at that point is rather surprising. sure that he knows, on reflection, that all through the wintertime cows that are fed on grain and hay and dry feed produce white butter, and nothing but white butter; and every piece of butter you buy in wintertime that is yellow has been colored, with the exception of butter made from the milk of cows that are fed on certain feeds which are calculated to produce color. Every piece of such butter is colored; it must be in order to have the yellow color.

Mr. McCUMBER. Well, Mr. President, if that is the way the

Senator gets his information, I can meet him immediately on

the same ground. When you go into any good hotel in this city to-day, you will find white butter, and not colored.

Mr. WADSWORTH. Absolutely. That butter has not the color introduced into it, however, because the patrons of the so-called high-class and fashionable hotels prefer white butter because they believe its whiteness guarantees in some way its freshness, though it really has nothing to do with it.

Mr. McCUMBER. Then that would naturally induce all of them to sell white butter, would it not? The Senator's own

reasons destroy his argument.

Mr. WADSWORTH. Mr. President, the average person does not care to buy white butter. The commercial butter of the country is ordinarily yellow, and the average purchaser demands it the year round.

Mr. McCUMBER. I think the Senator is a little bit mis-

taken.

Mr. WADSWORTH. If the Senator will go into the grocery business and attempt to sell nothing but white butter, he will give it up within one month.

Mr. McCUMBER. If he offers white butter, he can get a

better price for it.

The PRESIDING OFFICER. The Chair will inquire whether

the Senator from Colorado is still holding the floor?

Mr. THOMAS. The Senator from Colorado is holding the floor, but is always willing to yield it for a time to his friends upon the other side.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Colorado allow me to ask the Senator from New York a question?

Mr. THOMAS. Certainly.

Mr. SMITH of South Carolina. I should like to ask the Senator from New York, who is very familiar with this subject, if there is an artificial process for bleaching butter, making it white, to meet the demands of the fashionable trade?

Mr. WADSWORTH. I never have heard of it. Mr. SMITH of South Carolina. I thought perhaps the Senator might have some knowledge on that subject. I do not know whether that is so or not; but I presume that if the trade demanded bleached butter they would get it, because I remember that the late Senator from Mississippi, Mr. Money, put in his testimony the statement-and it is in some of the hearings on this oleomargarine question—that the Elgin people shipped a carload of crimson butter to South America.

Mr. THOMAS. I know nothing about that, Mr. President.

Mr. SMITH of South Carolina. It is in the RECORD.

Mr. THOMAS. I know personally that the ultrafashionable people of the country now want their butter white and without salt; but they form a very small part of the American people,

Mr. President, I have occupied more time than I should with regard to a subject which, as I stated at the outset, has been exhaustively presented by the Senator from Alabama [Mr. UNDERWOOD] and the Senator from New York [Mr. Wabsworth]. Before I take my seat, however, I want to refer to one aspect or item of this bill about which I am not in accord with my associates upon the committee. I refer to the proposed taxation of mutual insurance companies.

I listened the other night with much interest to the remarks of the Senator from Illinois [Mr. Sherman] on that subject; I am in full accord with his criticisms of the inclusion in this bill of mutual insurance companies among those which are to be subjected to the so-called excess profits tax. In the incometax law of 1913, exemption is made of fraternal and charitable mutual organizations, mutual savings banks, and building and loan associations. The large life and fire insurance companies were included, for reasons to which I will advert hereafter. These exemptions have been recognized, and properly so, in all succeeding revenue legislation enacted by the last two Congresses. The reasons which justify these, in my judgment, apply as fully and as forcefully to mutual insurance companies of all kinds as they do to the classes embraced in the exemption. The principle of mutual insurance companies is well stated in a decision by one of the judges of the English House of Lords in a case (L. R. 14, appeal cases, 381), where he says:

in a case (L. R. 14, appeal cases, 381), where he says:

Certain persons agree to insure their lives among themselves on the principle of mutual insurance. They take care to admit none but healthy lives. They contribute according to rates fixed by the approved tables, and they invite other persons to come and join them by insuring their lives on similar terms. The rates fixed by the tables are taken as being sufficient to provide for expenses, to meet liabilities, and to leave a margin for contingencies. What is to become of the surplus if everything goes right? The practice is to take an account every year of assets and liabilities and to give the insured the benefit of the surplus, either by way of reduction of premium or by way of addition to the sum insured. It can make no difference in principle whether the surplus is so applied or paid back in hard cash. In either case it is nothing but the return of so much of the amount contributed as may be in excess of the amount really required. I do not understand how this excess can be regarded from any point of view, or for any purpose, as gain or profit earned by the contributors. I do not understand how persons contributing to a common fund in pursuance of a scheme for their mutual benefit—having no dealings or relations with any outside body—can be said to have made a profit when they find that they have overcharged themselves, and that some portions of their contributions may be safely refunded. If a profit can be made in that way, there is a field for profitable enterprise, capable, I suppose, of indefinite expansion. indefinite expansion.

Mr. President, there is no capital invested in mutual insurance companies except the contributions of the members of the company to its common fund for the common purpose. It has no capital stock, although some companies which do have capital stock carry on, and very largely so, the system of participating insurance, as it is technically called. The principle upon which the mutual company operates is the annual assessment of its members of certain amounts of money designed to meet expenses, contingent and actual liabilities, and such incidental requirements and cost of operation as may be necessary. order to safeguard the business there is always an overcharge, which is repaid, generally at regular periods. There is no difference between the Woodmen of the World, a fraternal insurance organization, and the New York Life Insurance Co., except that one is a colossal aggregation of money and of liability incorporated under the laws of the State of New York and the other is a fraternal organization, with its signs and manuals, incorporated, possibly, but not for profit, and carrying on an identical business.

The insurance companies keep a large reserve fund, which is essential to enable them to continue solvent and meet their This requirement is a legal one; but the same requirement, legal or otherwise, is as imperative with the fraternal organization as it is with the incorporated insurance company. There is a contingent fund, however, which some of the large insurance companies keep on hand, and which is designed, as I am told, to meet possible extraordinary demands and requirements, sometimes due to a decrease in the value of their securities, sometimes to other causes. This fund is not required by law, and, I am sorry to say, has been at times improperly utilized, as was disclosed by the insurance investigation in New York of 1905.

Now, moneys earned upon that contingent fund constitute the basis of the income tax which these companies are required under the existing law to pay, but the profit which is sought to be taxed by this bill is not a profit which inheres in the mutual insurance business under any circumstances, Consequently I regard the imposition of this tax upon mutual insurance companies as a discriminating tax, since only the incorporated mutual companies are included, and also a tax levied upon their universal membership, thus decreasing the amount of money which would be returned to them for excess payments.

and which therefore can not be considered as profits, because the companies do not operate for profit.

Mr. President, it was a surprise to me at the hearings, as it may be to some Senators upon the floor, to learn of the enormous volume of the business of some of the fraternal organizations, which are exempted. The general counsel of the North-western Life Insurance Co., one of the largest insurance companies in the United States, or in any country, says that one of the fraternal organizations had \$80,000,000 more insurance in force on the 31st of December, 1915, than did the North-western; and he refers to one or two others which are equally flourishing and whose business exceeds, and largely exceeds, that of the average insurance company. Under these circumstances I am unable to perceive how a mutual concern, consisting of men drawn together to accomplish some specific object, and not engaged in trade or business for profit, can be regarded as a commercial corporation whose capital or whose income is to be subjected to a profit tax.

It may be said, and I think perhaps it is true, that as the bill is drawn these companies, although expressly included within the terms of the measure, will nevertheless fall outside of it, because their incomes will not reach the required 8 per cent. If that be so, of course no particular injury will result from the operation of this statute, if it should be passed as it has been drawn. But it must not be forgotten that the surplus of a mutual insurance company, whether fire, life, or marine, whether a fraternal organization or an incorporated society, is the property of the policyholders, and is held as such for their protection, and their protection only, and can not be considered as a capital invested in the particular business

Mr. CLAPP. Mr. President-

Mr. THOMAS. I yield to the Senator from Minnesota. Mr. CLAPP. I will ask the Senator-I think it is a proper question-if he carries any mutual life insurance?

Mr. THOMAS. I do not believe I carry anything else.

Mr. CLAPP. I carry a lot of mutual life insurance, and I never yet have been able to find an insurance man who could tell me how I had any effective interest in this so-called surplus. The attorney for the Northwestern, if the Senator from North Carolina is correct, stated before the committee that it was not intended to use that surplus for the benefit of the policyholders, but simply to keep securities at an average level. Of course, theoretically, everything in a mutual company does belong to the policyholders; but they keep an item there as to which I, as one of the policyholders, never could yet see when, how, or where my interest in it would materialize.

Mr. THOMAS. Mr. President, I did not so understand the attorney for the company. I have his testimony here, and I either asked him or I asked a gentleman representing some other company, whether the surplus belonged to the company or whether it belonged to the policyholders. While I can not turn to it readily, his reply in substance was that it belonged to the policyholders, each of whom was entitled to his propor-

tion of it on demand.

Mr. CLAPP. Mr. President, I heard the Senator from North Carolina read, and as I recall the language he read: "We keep this surplus for the sole purpose"—I think he used those heard in the possible flucture. words-"of maintaining a certain level in the possible fluctu-

ations of the value of the securities that we put up.'

Mr. THOMAS. Mr. President, if the Senator is an old mutual-insurance policyholder he is, of course, familiar with the fact that at the end of the year, when he receives notice of the maturity of his premiums, he is entitled to a certain amount as dividend, which he can receive in cash, which will be applied in part payment of his next maturing premium, or which will be used for the purpose of increasing the amount of his insurance. He is given the privilege of choosing between three alternatives thus presented, and generally that comes from the surplus.

Mr. CLAPP. I beg the Senator's pardon, the surplus comes after that has been paid over.

Mr. THOMAS. The surplus, of course, is not entirely exhausted when the Senator receives that amount. Enough of it is held back to pay his widow when he shall have died.

Mr. CLAPP. I am not speaking now of the reserve; I am speaking of the surplus referred to by Mr. Barnes.

Mr. THOMAS. Then we are speaking at cross-purposes. I referred to that a few moments ago as a contingent reserve. That is the name given to it by the representative of the Equitable Co., if my memory serves me right. His explanation of that is, as I understand it, that the income tax paid under the existing law perhaps ought to be divided among the shareholders who are the policyholders, but the reason given for its withholding is that the company may at some time face a contingency of a serious character. For example, the Senator is familiar with the fall of the value of the stock of the New York

& New Haven Road a few years ago, in which presumably some of the assets of the insurance companies were invested. The change of the market value of such securities and the threatened continued lowering of their value might justify or require their sale at a loss. In that event, the contingent reserve which is withheld from the shareholders by these companies might become indispensable to the continued solvency of the company. I do not say that is so, but that is the statement or argument made to me as to why this contingent reserve or surplus was

Mr. CLAPP. If the Senator will pardon an interruption, of course, I think that anything in the company to which a policyholder in a mutual company is entitled, either now or in the future, ought not to be taxed. Mr. Barnes was the gentleman

who made the statement. I have not found it yet.

Mr. THOMAS. Well, we do not disagree as to what the
Senator refers to. I misunderstood him. I thought he was referring to the reserve.

Mr. CLAPP. Would the Senator say that the policyholders in that company could bring a suit to recover their share of what is distinctly called a surplus?

Mr. THOMAS. If the Senator wants my individual opinion about it, I would say yes, offhand. I may be mistaken.

Mr. CLAPP. Then that ends my objection to it.
Mr. THOMAS. The Senator will remember that at one time the New York Legislature, at the instance of the great insurance companies, enacted a law prohibiting policyholders from instituting suits of that kind. That was one of the features of the Hughes investigation, so called, which attracted general attention.

The sins of corporations, like those of individuals, are apt to react upon them at times; and one of the reasons, in my judgment, why there is a popular demand for the inclusion of the great mutual insurance companies within the purview of this bill is because the public remembers the mismanagement of funds of these great companies during the early part of the century, and the additional fact that their officials are supposed to draw enormous salaries, as was disclosed by that investiga-tion, coming from moneys belonging to policyholders.

The fact is that these companies are large institutions existing for the purpose of carrying on business and, in the belief of many throughout the country, are making enormous profits inuring to the directors and not to the shareholders. This is probably one reason why they have been included in the incometax law and subjected very generally to State taxation. But because a company may go wrong, because its officers are guilty of malversation of duty, does not alter the general principle that the mutual benefit and liability on which these concerns are based is irreconcilable with the idea of a business prose-cuted for profit, and consequently I can not reconcile the theory of this bill with its inclusion of these concerns, especially when the charitable organizations, the fraternal organizations, the mutual savings banks, the building and loan associations, and other kindred associations, all of them designed for the same purpose, to wit, the mutual benefit of those who compose them, should be exempted. Let me add that for 10 years and more these companies have been well managed and properly conducted.

Mr. CLAPP. Mr. President—
The PRESIDING OFFICER (Mr. Sheppard in the chair). Does the Senator from Colorado yield further to the Senator from Minnesota?

Mr. THOMAS. Certainly.

Mr. CLAPP. If the Senator will pardon me, it is not the sins of the past but the condition of to-day. These companies have these large funds, which they call surplus as distinguished from reserve. I do not exactly justify taxation to correct evils; I think, strictly speaking, taxation should be only for revenue; but there is to my mind a good deal of force in the position taken by the Senator from North Carolina that they can avoid this by doing what the Senator says they ought to do with this fund.

Mr. THOMAS. That is true; and if this fund were utilized for the purpose of making enormous profits, say, in excess of 8 per cent of the amount, then there would be no valid reason for excluding them from the operation of the law. I do not know that they do it. I do not know but they do it. Their insistence before the committee, however, was that these investments were regulated by statute and had to be made in certain securities of unquestioned value, the interest upon which was far less than the 8 per cent which this law requires. Of course, if that is so, they do not have to pay any tax at all. But I quite agree with the Senator that the whole question could be obviated by a distribution of the surplus among the shareholders.

Mr. CUMMINS. Mr. President—
Mr. THOMAS. I yield to the Senator from Iowa,
Mr. CUMMINS. Mr. President, I think there is some confusion, possibly, at least in my mind, because we have not distinguished between two different classes of mutual insurance companies. There are two classes. The one agrees with its policyholder that he will pay a certain sum every year until the time comes for the execution of the contract, whether it be death or sooner, and that stipulation has in it a margin of safety; that is to say, it is a little more than would enable the company to accumulate at the time of the payment as estimated the amount which the company is required to pay. It is believed that there ought to be that margin of safety, not only to take care of se-curities that may diminish in value but to take care of a possible diminution in the rate of interest so that the securities will not accumulate the amount the company will be required to pay. Now, that is one kind of company. The New York Life Insurance Co. is an example of that kind of company.

There is another class of company which does a very large business, namely, the companies in which there is no contract for a stipulated sum every year until the payment is made, but in which the company collects an assessment when it has ascertained how much is required to maintain itself, the cost of operation, and the mortality loss, whatever it may be. They are ordinarily called assessment companies. There are a great

many of them, and some good ones.

The latter company in order to facilitate its business accumulates the assessments, at least possibly one or two in advance, so that when death occurs it is not necessary to await the necessity of a collection of an assessment in order to make the payment, but can immediately make it out of an assessment previously made. To me it is perfectly clear that the latter companies ought not to be required to pay either an income tax, although they are under the ruling of the department, nor should they be compelled to pay this additional 8 per cent tax. So far as the former tax is concerned, I do not believe that they ought to be required to pay on that which is reasonably required in order to make them solvent, in order to surely enable them to carry out the agreements which they have made with their policyholders.

I would not have said this much except that I wanted it to be a premise to a question that I am utterly unable to answer

Mr. THOMAS. Then, I am sure I can not answer it. Mr. CUMMINS. I know the Senator from Colorado can help me in that regard. When these companies come to compute the tax the income, of course, is fixed by the law of last year. That remains in force. They therefore have their net income. They are entitled to take \$5,000, I believe. Then they are entitled to take out 8 per cent upon the actual investment.

Mr. THOMAS. That is the proposed law.
Mr. CUMMINS. That is the proposed law. How, under the bill, are you going to ascertain what the actual investment is?

Mr. THOMAS. The Senator has anticipated the very thing

that I was about to discuss.

Mr. CUMMINS. Then I beg pardon. I do not want the Senator to answer it before he reaches it in the regular order of his speech.

Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I yield. Mr. BRANDEGEE. I do not want to interrupt the Senator, if he does not want to be interrupted at this point, but I am interested particularly in his discussion of the taxation of mutual insurance companies, and upon the very point of the colloquy which the Senator has been having with the Senator from Iowa and the Senator from Minnesota there is some information here comprised in a few pages which gives the view of one of the leading insurance lawyers in my State on this very subject in criticism of the bill. I should like to have it read by the Secretary, if the Senator does not object, but if he

Mr. THOMAS. If the Senator will pardon me, I will be through in a few moments.

Mr. BRANDEGEE. Then I will wait.

Mr. THOMAS. The Senator will then have an opportunity. The PRESIDING OFFICER. The Senator from Colorado will proceed.

Mr. THOMAS. The Senator from Iowa of course is familiar with the provisions of section 202, which recites:

That for the purpose of this title, actual capital invested means (1) actual cash paid in, (2) the actual cash value of assets other than cash at the time such assets were transferred to the corporation or partnership.

My construction of the application of this bill to mutual insurance companies is that neither of those subdivisions affects

And (3) paid-in or earned surplus and undivided profits used or employed in the business.

The only thing, which, to my mind, would fall under the provisions of this law would be the word "surplus," to which the Senator from Minnesota referred a few moments ago. If it is not that, it can not be anything. There is no paid-in surplus in any other sense than that it is the surplus caused by accretions from premiums received and possibly from interest derived from their investments in securities or other property.

If it is held as a surplus for business purposes, it would, in my judgment, be subject, if it earned more than \$5,000 plus the 8 per cent upon the amount, to be covered by item 3 to subdivision 3 of the section. My opinion is given with some misgiving. I have some question whether the money of a mutual insurance company, from whatever source received, so long as it is devoted to the mutual business, could be included in either

of the three classifications.

Mr. President, the basis of this excess profits tax is that in these time of undue prosperity, when enormous business enter-prises are being conducted, when time is of the essence of things, and prices are secondary to the need of huge supplies, and where in consequence enormous profits are being exacted, it is no more than just that they who are receiving these large profits should contribute a very reasonable part thereof to the support of the Government. But that does not apply to the mutual insurance companies, whose rates are now what they were 10 years ago, 20 years ago, 5 years ago. These companies can not elevate their rate for risks because of the general rise in prices in everything else. They must proceed along the lines upon which the business is based; that is to say, upon the cost of insurance to those who are mutually engaged for their mutual benefit in conducting it. So there is no war profit, no unusual profit, no exorbitant or transient profit growing out of the business of mutual insurance companies. Whatever may be said of these great companies, their excess of 8 per cent, if they earn it at all, is presumably earned upon a business which has been subjected to no change, certainly not to any enhancement of prices or cost of operation.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield. Mr. CUMMINS. I am not sure that I am right, but my theory is that under the bill as it is now framed, a mutual insurance company, especially of the second class which I mentioned, would be compelled to pay 8 per cent upon its net in-come without any deduction for a dividend on account of capital invested, and if that shall be the construction of the law it is very unjust.

Mr. THOMAS. I am inclined to disagree with the Senator in that construction. If he is right, then the law as applicable to insurance companies would be invalid, because there would be a clear distinction, a clear discrimination to their injury, between other corporations and insurance companies in the basis of the levy of the tax. If the Senator is right, there is another reason why, in my judgment, they should be exempted from the

operation of this law. But there is still another.

We are upon the threshold of a possible, some think a probable, conflict with one of the great military nations of the earth. In the event our severance of diplomatic relations should ripen into hostilities, and hostilities be succeeded by conflict, there is at once a risk, an extraordinary risk, imposed upon these mutual insurance companies which they can not escape. If we are to have war our boys must bear the brunt if it. Many of them insured in these companies will leave their homes never to return. War has its victims always. The man who is insured, while in a better position than is the man who may not be, goes to the front only by increasing the risk to the company which holds his policy.

The agent of the New York Life Insurance Co. appearing before our committee stated that his company had risks in every army of every country, including Japan, engaged in the present conflict, and were, of course, required to pay their losses notwithstanding the extraordinary hazard which these men incurred, and which inevitably means a vast increase in the payments which must be met from the reserve fund of the

When we consider the inevitable consequences to these concerns, which must respond whenever one of the insured gives up his life for his country—and which I am told they are accustomed to do promptly upon proof of the absolute fact of death-it seems to me that this is no time to impose upon them

the added burden of an enormous war tax; for upon their solvency, their ability to meet these obligations, depends the welfare, possibly the existence, of the prospective widow and

orphan of an impending war.

So I think, Mr. President, so far as that feature of the bill goes, that all mutual concerns, whether large or small, whether they have sinned or are sinning, which are not engaged in any traffic consequent upon the war, whose methods of doing business have not been changed or modified or enlarged, whose rates for insurance are precisely what they were before, and whose contingent liabilities in the event of actual war are appalling, should be safeguarded, so far as national legislation can do it, and their funds protected and preserved to meet the liabilities with which they now seem certain to be confronted. Hence the doubt, if doubt there be, of our right to subject them to this tax should be resolved in their favor.

Mr. BRANDEGEE, Mr. UNDERWOOD, and Mr. WILLIAMS

addressed the Chair.

The PRESIDING OFFICER. The Senator from Connec-

Mr. WILLIAMS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Mississippi?

Mr. WILLIAMS. I do not claim recognition. I did not know the Senator from Connecticut had the floor.

Mr. THOMAS. I will say to the Senator from Mississippi that I will yield the floor as soon as I yield to the Senator from Connecticut. I promised him before the Senator from Mississippi came in that I would yield to him. I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. I asked the Senator from Colorado to yield during his remarks, but the Senator did not then want to be disturbed. I wanted to have a short document read. I do not, however, want to interfere with the Senator from Mississippi, if he desires the floor now to ask the Senator from Colo-

rado a question.

Mr. DILLINGHAM. Mr. President, representing, as I do, a State that is largely engaged in dairying, and which would be materially and injuriously affected if the amendment offered by the Senator from Alabama [Mr. Underwood] should be adopted, I feel compelled, although it is late in the session, and I know that business is pressing, to call attention to the glaring misapprehension of facts under which he labored when addressing the Senate yesterday in support of such amendment.

He stated that he was a Member of the House of Representatives when the present law relating to the taxation of oleomargarine was adopted, and professed to speak from personal knowledge of conditions as they existed at that time. was a Member of this body at that time, and my recollection of the conditions as they then existed embraces many things

that seem to have escaped the attention of my friend.

It seems necessary, in order that the questions involved in this discussion be made clear, to refer briefly to the history of oleomargarine legislation. The Senator from Alabama asserted with great positiveness that the real opposition to his amendment comes from what he terms the Creamery Trust in the United States. If I understood him correctly, he asserted that the people of the United States demand the adoption of this amendment, and that it was in the interest of the people as a whole that he sought to have the present law, which imposes a tax of 10 cents per pound upon colored and one-fourth of 1 cent per pound upon the uncolored product, repealed and a straight tax of 2 cents a pound imposed upon all oleomargarine, regardless of its color.

I think the Senator from Alabama must have forgotten that from 1880 to 1886, and from that time down to 1890 and 1892, a sense of danger prevailed among the people of the country, and a strong opposition to the uncontrolled sale of oleomargarine found expression in a thousand ways. It found expression through the legislatures of no less than 32 of the States, the citizens of which represented 80 per cent of the entire population of

Oleomargarine had been introduced as a new food product. It came mostly from the packing houses of Chicago. It was represented as being a valuable addition to the food products for the table—one that should be welcomed. But from the beginning it had the color and appearance of butter, the flavor of butter, and it was admitted by its producers that without such qualities it could not be sold. It was a dangerous counterfeit of the real article.

The people awoke to the fact that oleomargarine was everywhere sold not only in competition with genuine butter but as butter, and that the inhabitants of every State were being deceived and defrauded.

The manufacturers of eleomargarine were compelled to admit it the hearings of 1902 that it was wholly useless to place it upon the market unless it could be given the color and appearance of butter. I have in my hand the hearings held in 1902, when Mr. W. E. Miller, who represented the Armour Packing Co., of Kansas City, Mo., stated:

We desire to impress upon this committee that manufacturers can not exist under the Grout bill. In the first place, uncolored butterine is practically unsalable. It is unsightly and does not appeal to the eye of even the poor man.

That was substantially the position of all the manufacturers, and every effort made by them to place the article upon the market was backed by a determination to have it resemble butter in every respect and to have it sold as butter wherever

that could be accomplished.

I have no quarrel with the manufacturers of oleo if they are willing to put it upon the market as oleo. No voice would be raised against such sales, provided they are made without deceit and the people are not misled; but when it is sold as and for butter it is not only a fraud upon the great dairying interests of the United States but it is also a fraud upon the great American people, and it is a fraud which they have resented. They resented it so vigorously that in 1886 they came to Congress and demanded legislation that would protect them from the imposition. When the bill of 1886 was presented in the other House, it provided for a tax of 10 cents per pound upon all classes of eleomargarine. The House reduced the rate to 5 cents per pound, but in the Senate the tax was fixed at 2 cents a pound, and in that form the bill became a law.

The law of 1886 imposed a tax and regulated the manufacture and sale of oleomargarine. It required packages to be marked and branded; it prohibited the sale of packages that were not so marked and branded; and it prescribed the punishment for sales in violation of its provision. It authorized the Commissioner of Internal Revenue to make regulations prescribing marks upon the packages, which might contain different amounts of eleomargarine up to 60 pounds each. But this law failed to stop the sales of colored oleomargarine as

butter in the United States.

Mr. CLAPP. Mr. President— Mr. DILLINGHAM. I yield to the Senator from Minnesota. Mr. CLAPP. Was not that law as drastic and far-reaching, and did it not safeguard as much against the improper or illegal sale of oleomargarine that was not branded as does the proposed amendment?

Mr. DILLINGHAM. It was substantially the same, except that it permitted packages of 60 pounds in weight, whereas the Underwood amendment limits the size of packages to 10 pounds.

Yes. Mr. CLAPP.

Mr. DILLINGHAM. And if fraud could be committed by removing eleomargarine from a package 60 pounds in weight, the same fraud can be committed under this amendment by taking oleomargarine from boxes containing 10 pounds and afterwards selling it as butter. The pending amendment only differs from the law of 1886 in the provision as to the size of the packages

in which eleomargarine may be sold.

Mr. CLAPP. Would not the smaller package rather tend to fraud in making it more convenient for keepers of small hotels and restaurants to buy it in the small package and take it out

than in the larger package?

Mr. DILLINGHAM. I am inclined to think so; and I was very much gratified last night when the Senator from New York [Mr. Wadsworth], who was advocating this amendment, stated that it should be so amended that no package of colored oleomargarine over 1 pound in weight should be permitted.

On the question of whether the Creamery Trust is opposing

this amendment or whether it is the American people who are opposing it, let me call attention to the fact that as far back as 1895 legislation was adopted absolutely prohibiting the sale of oleomargarine in New York, Massachusetts, and Pennsylvania. Of course, those acts were held to be unconstitutional. other legislative methods were adopted by the States intended to prevent the sale of oleomargarine within their borders. Hampshire was the first, I think, to adopt the pink test; that is to say, to require the substance to be colored pink. But in 1891, five years after Congress had acted, the danger to the States became so great that Massachusetts adopted a statute prohibiting within that State the sale of oleomargarine made in imitation of yellow butter. The constitutionality of that act was affirmed by the Supreme Court of the United States. They upheld the constitutionality of that act upon the very principle upon which the present law is based. In its opinion the court said:

Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus

induce unwary purchasers, who do not closely scrutinize the label upon the package in which it is contained, to buy it as and for butter produced from unadulterated milk, or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter. If any one thinks that oleomargarine not artificially colored so as to cause it to look like butter is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statute of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice in such matters a fraud upon the general public. The statutes seek to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is, by preventing its sale for what it is not.

What was the power that demanded the adoption of the legis-

lation of 1902, which is the law now sought to be repealed?

Other States had followed the example of Massachusetts, and when the law of 1902 was adopted 32 States of this Union had adopted that class of legislation, and they represented 60,000,000 people, and that 60,000,000 represented 80 per cent of all the inhabitants of the United States. This vast majority of the people had given expression to their thought, their convictions, and their desire through State legislation. It was that force that came before Congress and demanded the legislation of 1902. It is that same force which now opposes the adoption of this amendment, and it is a force that must be reckoned with.

This, it seems to me, sir, is a complete reply to the position taken by the Senator from Alabama, when he insisted that the only opposition to this proposition of his and the only support that is given to the existing law came from the creamery trust,

and that the great American people want the change.

In support of my contention I now call attention to the astounding fact that in 1899 out of a total of 104,000,000 pounds of oleo that were sold in that year 80 per cent of it was disposed of in the 32 States to which I have referred. I repeat that statement, that 80 per cent of all the oleo sold in the year 1899 was sold in the States which had adopted legislation providing that oleomargarine should not be sold in those States if it was made in imitation of butter; and from 75 to 100 per cent of it was sold as butter, according to the evidence taken by the committee in 1902. It was sold fraudulently by the retail dealers, impelled by the action of the manufacturers from whom they purchased it. They did not attempt very much to sell it in its natural color. Why? Its wholesomeness had been attacked throughout the country, just as it has been attacked in the Senate to-day by the Senator from Oregon [Mr. Lane]. There existed a strong prejudice against it. They knew that they could only sell it by deception. By reason of the quick and the large profits thus secured, a system of fraud was fostered and imposed upon the people in this country. The book that I hold in my hand contains 800 pages of evidence taken by the Senate Committee on Agriculture in 1902. It teems with illustrations of the facts which I have stated. Education was too slow a process through which to induce the American public to buy oleomargarine. Counsel for the Armour Co., whom I have already quoted, was right when he said that they could not sell white oleomargarine, because nobody wanted it. But the deceit brought quick and very large returns, as I will show.

This record discloses the fact that the States were practically

helpless. Although they had adopted prohibitive legislation, they were unable to protect themselves. They received little aid from the revenue officers of the Government. Driven to action, the States, through their dairy commissioners and other State officers, entered upon a campaign against the frauds which were being practiced upon their people. In New York Mr. Flanders, who was the assistant commissioner of agriculture, testified, and among other things said:

In our State it has never been sold, taking it generally—there may be isolated cases—cheaper than butter. For the last 15 years, as far as I know—and I have been looking after it—I myself bought it for butter in the city of Troy and paid 22 cents a pound. It is sold to consumers for butter and at butter prices. There is no exception to it in the State of New York.

Proceeding, he says:

Our men went into the city of New York, and if they went into a store where they were known and called for butter they got butter; but just as soon as they put on the garments of longshoremen, which they did in a great many instances, to see what the facts were, and took a basket upon their arms and bought a quarter of a pound of tea and a loaf of bread, they got oleomargarine. This is no fanciful dream; it is a fact.

That is a picture of the situation as it existed. If a man who was well dressed, who apparently knew his business, in-quired for butter, he got it; but when the masses, wage earners, came in and made small purchases, in every instance they got oleomargarine.

Mr. Blackburn, who was the dairy and food commissioner for the State of Ohio, said:

I desire to say that I have been dairy and food commissioner of the State of Ohio for about four years. In that time I have spent nearly \$200,000 of the State money, and of that amount I presume 60 per cent has been spent in oleomargarine prosecutions.

Mr. Adams broke in to say:

I would like to ask you what percentage of oleomargarine, in your judgment, in the State of Ohio is sold for butter at retail stores, or finally sold upon the tables of hotels, restaurants, and boarding houses, as well as to the ordinary consumers?

Mr. Blackburn replied:

My judgment would be 75 per cent of it-

For four years he had been devoting his time to the work of investigation-

I might state the three leading hotels in the city of Columbus—the Chittenden, the Neal House, and the Southern Hotel—are now and have been for months back using oleomargarine on their tables in defiance of law.

Mr. Luther S. Kauffman, of Philadelphia, who was attorney for the Pure Food Butter Protective Association of Pennsylvania. told of his failure to induce the revenue officers of the Government to prosecute violations of the law; that he was compelled to come to Washington and appeal to the Secretary of the Treasury, who directed the revenue officers to take action. He says:

In 1890, when I was retained by the butter men of Philadelphia, I found just this: That the whole city was filled with oleomargarine. We organized a detective force and sent them out, and we found that there was not a pound of oleomargarine, as far as the experience of the detectives was concerned, which was sold as oleomargarine. Everything was sold as and for pure butter, at pure-butter prices, in unmarked packages.

Mr. CLAPP. Mr. President—
The PRESIDING OFFICER (Mr. Sheppard in the chair). Does the Senator from Vermont yield to the Senator from Minnesota?

Mr. DILLINGHAM. I do.
Mr. CLAPP. All that was under the flat 2-cent tax on colored and uncolored oleomargarine alike?

Mr. DILLINGHAM. Every instance of it; and that is just the condition, in my judgment, that we shall have if the Underwood amendment is adopted.

Mr. Kauffman further says:

Mr. Kauffman further says:

I went to the revenue authorities in 1891 and I called their attention to section 6 of that law. There never had been in the eastern district of Pennsylvania any prosecution by the revenue authorities for violation of that act, although it had been in existence for four years. We presented a lot of evidence of violations of that United States law to the revenue officers, and they absolutely refused to swear out the warrants. I was compelled to come over to the Secretary of the Treasury, at that time the Hon. Charles Foster, of Ohio; we had to summon the Commissioner of Internal Revenue before us; and we compelled the Commissioner of Internal Revenue of issue orders to the revenue agents in Philadelphia that evidence should be received and the warrants sworn out. They did not do it until we did that very thing. Then, when the evidence was submitted, the officers performed their duty, and we convicted and sent to jail the men against whom we brought the evidence; and that stopped the illegal traffic in the city of Philadelphia. We drove the retailers out of the business. We created the office of dairy and food commissioner of the State of Pennsylvania in 1893, and then that association, at that day, went out of business, because this department had been created to accomplish the same end.

He says, again:

He says, again:

We found again, in February of 1899, with this same United States law still in force, not a dealer in oleomargarine in the city of Philadelphia but who was selling oleomargarine as and for butter; and the detectives went out and paid butter prices for it, paying as high as 40 cents a pound for oleomargarine bought as butter. I have the cases

At that point he brought in a tabulated statement, and said:

At that point he brought in a tabulated statement, and said:

There is the list of cases, with the date of purchase and the name and address of the party. These are purchases made during that time by this association. There they are, right straight along, page after page—more than 500 cases of purchases of oleomargarine in the city of Philadelphia. I am going to give you a summary of them. There are in this list more than 500 cases of purchases of oleomargarine in the city of Philadelphia. The detectives in every single case, without exception, asked for butter, and they got oleomargarine at butter prices without any indication from the seller that it was oleomargarine. There you have a fraud directly upon the purchaser.

Now, let me give you a summary of these cases. How many were marked? There are 508 cases here. I have the details there. I am not talking about supposititious cases. Every case is there, with the name and date and the result. These detectives went into these places, places kept by men who were supposed to be selling oleomargarine and who had paid revenue taxes. They asked for butter.

Now, mark the result. The witness says:

Now, mark the result. The witness says: Of those 508 purchases, 49 were butter and 459 were oleomarkarine. And yet he says that in every case butter was asked for when the agent made the purchase.

I might go on indefinitely reading extracts of that kind, but time forbids.

John Hamilton, who was secretary of agriculture for Pennsylvania-he was not representing any creamery association-

We have had a great deal of experience in Pennsylvania with this article and a large amount of it is not branded, although it may be sold for butter. We have examined more than 1,000 samples this year, and a large percentage of it is not branded so as to distinguish it from butter, and is sold as butter.

Right here in the city of Washington Mr. Knight testified as to the conditions. He said:

Mr. Knight. Formerly they had the words "Swift's Jersey," and such words as that; but when the ruling was made that they should put the word 'oleomargarine' on if they had any printing, immediately everything dropped off. I made a search of this town, in company with a Representative from Nebraska, Representative Haugen, of lowa; and Representative Dahle, of Wisconsin, and we searched every place to find a package of oleomargarine in parchment paper that had any printing on it at all, and we falled to find one in the city. Senator Heiffeld, of course, if anyone were looking out for it he could find it very nicely in this sign above the stand.

Mr. Knight. That may be—in the Center Market.

Senator Heiffeld, If anybody desired to avoid buying it he could see that sign; or if anybody wanted it very bad he could see it.

Mr. Knight. It is just as likely to be butterine on the butter side, though. I want to tell you an experience I had in the house of this man who is promoting this National or Standard Butterine Co. here. We called in there and asked him if he had any of Swift's Jersey Butterine. He said he had. I said, "Let me see a package, please." He brought out a package which was absolutely plain. I said, "Is this Swift's Jersey Butterine?" He said, "It is." I said, "But I am accustomed to seeing it. I am quite familiar with the brand." He took me for a dealer, from the knowledge I displayed of the different brands of oleomargarine, and he said, "Well, I will tell you; according to a new rule that has been issued by the Internal-Revenue Department, if they put anything on they must put on the word 'oleomargarine,' don't you see, so you would have the word 'oleomargarine' on it if there was anything printed on it at all:" and he is now promoting a million-dollar plant for manufacturing butterine in the District of Columbia.

Mr. President, I have read these extracts showing how it was in Washington, how it was in Philadelphia, how it was in New York, and in one or two of our other large cities, but I have omitted a great mass of evidence that showed that the conditions existing in these cities existed everywhere in the United The law of 1886, as the Senator from Minnesota has said, is almost precisely the same as the Underwood amendment, simply allowing larger packages to be issued than the Underwood amendment does. It was under that law that these frauds were committed, and it was under that law that frauds were committed to such an extent that 32 States of the Union, representing 80 per cent of the population of this country, protested against it and demanded the color test which adopted in 1902 and which this amendment seeks to repeal.

I recall in my own personal experience incidents which fur-ther emphasize what I have said. For a great many years I have represented this body as a visitor to the National Reform School just outside this city. In 1902 I visited the school in company with Col. Cecil Clay, of the Department of Justice, who was very much interested in the institution, and we were discussing this question. Incidentally the superintendent told us he had made two purchases the day before, one of oleomargarine and the other of butter; that for the oleomargarine he had paid 14 cents a pound, and for the butter he had paid 23 cents a pound. We caused both purchases to be sent out for analysis, and both proved to be oleomargarine. Even the United States was being defrauded by these rascals whose successors now want to repeal the existing law, a law which satisfies the

I have wondered why no petitions have been presented on the part of the people, if as alleged they want a repeal of this I challenge any man in this body to produce a petition from any of the States that suffered in the way I have indicated asking for a repeal of this law, or indicating that there is any desire on the part of the masses of the people for a repeal of the There is, in fact, no demand for it.

Where does the demand come from? It comes from just the same sources that opposition to honest dealing has always come from—first, from the great corporations that are producing this substance and want to make exorbitant profit from it, backed, as appears by the brief that has been presented by the Senator from Alabama in support of his proposition, by the Interstate Cottonseed Crushers' Association and the American National Live Stock Association. I may say that in 1902, when attorneys appeared here professing to represent the cattlemen's association, the then Senator from Kansas, who was engaged in cattle raising, stood in his place and said that he did not demand it and did not want it.

It has been alleged in this debate, however—I understood my friend from Alabama [Mr. Underwood] yesterday to assert—that these frauds to which I have referred were not committed by the manufacturers, but that it was only when this product got into the hands of the retailers and they saw the opportunity to make a great profit that fraud was practiced by purchasing

the uncolored product, coloring it, and selling it as butter. This was claimed 15 years ago just as it is claimed to-day. The manufacturers stood back and said: "We are not in it. If there has been any fraud it has been committed by others. that is so, I want to know why it was that they were all sailing under false colors.

I found in existence at that time the "Vermont Manufacturing Co.," making oleomargarine. I made inquiries and found that they were located in the State of Rhode Island. Why did they put on their product the name "Vermont"? Why, sir, Vermont at that time stood preeminent as a dairying State; not so preeminent as she does to-day, because the last census shows that during the last 10 census years Vermont was making more butter per capita than any other State in the Union; she was making more butter per farm than any other State in the Union; and, what is more significant, she was making more butter per cow than any other State in the Union, showing that we have the finest herds, that we are treating them in a scientific, intelligent manner, and that we are bringing the art of butter making to a high standard, just as they are in Wisconsin and other dairying States. So these manufacturers of this spurious article adopted, when they began making oleomargarine in the State of Rhode Island, the name of the Vermont Manufacturing Co. Then we had the Capital City Dairy Co., with its manufactory in the State of Ohio; we had the Union Dairy Co.; the Lake-side Creamery; the Cold Spring Creamery; and the Swift's Jersey. I pick out these names at random from the corporations that were selling this stuff to the people of the United States as butter. The fraud began at the head of the business, but the manufacturer, the producer, and the wholesaler joined in masquerading. It also appears in the hearings that the representative of one of the great packing houses in Chicago went so far as to assert that oleo is butter. Mr. LANE. Mr. President-

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Vermont yield to the Senator from Oregon?

Mr. DILLINGHAM, I do.

Mr. LANE. I call the attention of the Senator to the fact that there is published a pamphlet called "The Butter Industry in the United States," by Edward Wheaton, Ph. D., under date of 1916, in which he says that in high-class oleomargarine out of 3571 pounds they had 95 pounds of butter, process butter, in my opinion, I think without question, and giving some of the other formula of a cheaper grade, they used of milk 280 pounds out of 1,496½ pounds to give it a flavor, and a better view, if you please.

Mr. DILLINGHAM. Exactly.

Mr. LANE. And his criticism of butter is for the reason that it contains tubercular germs. They are using, I assume, not the best quality of butter, but the cheapest quality of process butter and milk, which contain the most tubercular germs.

Mr. DILLINGHAM. I am much obliged to the Senator from Oregon for the information he has communicated to the Senate. It simply goes to show that the product of these manufacturers, unless it has butter in it or cream added to it, never could be placed on the market. They have to add to it that which gives it the flavor, which brings into it an element of butter, and it then goes out to the country under the law or against the law as a counterfeit of butter. It is utterly impossible when you have counterfeits upon the market to avoid frauds upon the public.

Mr. STERLING. Mr. President—
The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from South Dakota?

Mr. DILLINGHAM. I do.

Mr. STERLING. I suggest to the Senator that even when the manufacturer did not commit a fraud there might be a fraud on the part of the retailer.

Mr. DILLINGHAM. There was, undoubtedly; and they were encouraged to it, as I shall show the Senator before I conclude,

by the manufacturer.

I find that in 1890 the manufactories had increased to 30. There were 186 wholesale dealers and 2,500 retailers in the city of Chicago, 10,000 retailers in the United States, and 80 per cent of all that was sold in the States that had legislated against it, and sold to the American people, who had spoken against such frauds through their legislatures. At that time the record shows that William J. Moxley, I think of Chicago, produced 121 per cent of all the oleo produced in the United States. Under date of Chicago, April 5, 1899, he sent out a notice to the trade which read as follows:

CHICAGO, April 5, 1899.

NOTICE TO THE TRADE.

Inclosed find a color card, which is as near the color of our butterine as the printer's art can represent. Our aim in sending you this card

is to aid you in selecting the proper color suitable to your trade. Mistakes are easily made, but hard to remedy.

Now, mark what more he says:

Now, mark what more he says:

In nearly every section of the country there is a difference in the color of butter, and even in certain seasons of the year there is a change, as you will have noticed. In winter butter is of a lighter color than in summer. In many sections this is the result of the difference in feed or pasture.

We can give you just what you want at all seasons if we know your requirements. As an example, No. 1 has no coloring matter, No. 2 a little coloring, and so on to No. 8, which is the highest-colored goods we turn out. Preserve this card, order the color you want by number, and we will send you just what you want.

Yours, truly,

What we will send you go in 1800, 19 on 12 years effect the set

That, mark you, was in 1899, 12 or 13 years after the act of 1886 was passed, but immediately preceding the legislation of 1902. So much of that work was done that the dairy union of Illinois sent out notices to the retail trade that they would be prosecuted and, they hoped, convicted. In reply to that the same Mr. Moxley, the manufacturer, sent out a letter which told the retail dealers that he would stand back of them, and

in many instances he did so, at large expense.

Let us again return to Washington. Mr. Walter E. Wilkins in 1902 was president of the Standard Butterine Co. of this city; Joseph Wilkins and Howard Butler were, as I now remember, his clerks. They were detected by the Government officers, according to the testimony of the Internal-Revenue Department, in removing marks of identification and revenue stamps from a carload of oleo in the station at Philadelphia. It was shipped in 60-pound packages. It can be done with a 10-pound package just as well, and in many instances probably better, as has been suggested by the Senator from Minnesota [Mr. Clapp]. But they were detected. Mr. Joseph Wilkins was convicted and sentenced. A pardon was sought of President McKinley, and the opinion of the Attorney General, Mr. Griggs, is given in this volume, where he recommends that the pardon be not granted because of the man's guilt. I will not stop to read it. his indictment by the Federal grand jury, and after the business was thus broken up, he was employed by Braun & Fitts, to whom I have before referred as large manufacturers of oleo in Chicago, as a director of salesmen of oleomargarine.

Are there not some manufacturers back of this movement? Do they not entertain the thought that has been in the minds of their predecessors ever since they put this article upon the Is it not the thought which has actuated all of them in all their actions in every contest in every State of the Union and in every contest that has been had in the Congress of the United States over this question? Why should they not be interested when the profits involved are considered? When oleomargarine is counterfeited in imitation of butter the profits are immense.

I hold in my hand a copy of a prospectus of the Standard Butterine Co., incorporated under the laws of the State of West Virginia, United States of America, capital stock \$1,000,000. Standard Butterine Co., W. P. Wilkins, president; offices, 208 Ninth Street NW., Washington, D. C., United States of America, September 1, 1900. That was issued within two years of the time when the existing law was passed. In this prospectus Mr. Wilkins is asking for subscriptions to stock. I will read the ingredients. He says:

TABLE OF COST AND PROFITS.

It is perhaps best to add to this prospectus a statement of the exact cost of and profits in the manufacture of butterine, compiled from manufacturing statistics and recent market quotations.

Cost, showing proportions used for each 100 pounds.

Oleo oil, 32 pounds, at 9½ cents per pound
Neutral lard, 17 pounds, at 8½ cents per pound
Cotton oil, 17 pounds, at 5 cents per pound
Milk, 17 pounds, at 1 cent per pound
Salt, 7 pounds, at one-half cent per pound . 17

That made a cost for a hundred pounds of oleo \$8.92. In this prospectus he further sets out that the difference between the manufacture and the selling price of that brand of oleo was \$4.08 a hundred.

Mr. LA FOLLETTE. It was pretty cheap milk.
Mr. DILLINGHAM. It was pretty cheap milk and a pretty cheap compound; but he was asking subscription for stock to a company that was doing business under the name of a butterine factory, and sending out a prospectus showing that they made a profit of \$4.08 on every hundred pounds that they produced.

Mr. STERLING. The butterine was actually oleomargarine?
Mr. DILLINGHAM. I do not know because his company
was called the Butterine Co., but I have given the ingredients.
Mr. STERLING. I judge from the ingredients that it might

well be called oleomargarine.

Mr. DILLINGHAM. I thought so. He says, further:

The preferred stock is guaranteed to pay 8 per cent per annum, and the common stock ought, by conservative estimate, to pay at least 15 per cent after the first year of business.

Mr. SMITH of Michigan. When did this occur?

Mr. DILLINGHAM. In 1900, two years before the passage of the present law. This same Mr. Wilkins, as late as 1901, writes from this city to a gentleman in Iowa, saying:

WILKINS & Co., INCORPORATED, 208 Ninth Street NW., Washington, D. C., November 8, 1901.

PRESIDENT IOWA AGRICULTURAL COLLEGE, Ames, Iowa.

Dear Sin: Good butter is getting scarce and the demand for our butterine is increasing. Why? Simply because we are handling the very best goods to be found on the market—a substitute for butter that can not be detected.

That was the condition which existed when the present law was passed. The public was the subject of fraud and deceit on the part of every producer who saw fit to establish himself in this unholy business.

Mr. STERLING. I should like to ask the Senator from Vermont why it is that of all the frauds practiced under the law of 1886, substantially the same as the law proposed to be enacted here, the Treasury Department of the United States, including the Commissioner of Internal Revenue, are favoring the present law?

Mr. DILLINGHAM. I have only my own private opinion upon that subject. It makes an enormous amount of work to ferret out these individual frauds and follow the practices of the retailers and ascertain what they are doing. I have already called attention, if the Senator pleases, to the testimony of one who came to Washington to induce the department to take action. He could not induce the revenue officers in the city of his residence to act and he came here and applied to Secretary Foster for assistance. They called in the commissioner and went over the matter, and orders were issued and the desired help was secured. I think the inaction was induced by the difficulties in the way, and that inefficiency resulted. I am sorry to say that, but I can not reach any other conclusion.

I can not too often repeat that the law under which these frauds were committed was substantially the same as the Underwood amendment, and if these frauds were successful under that law they certainly can be committed under the proposed amendment.

The law of 1902 has been upon the statute books for 15 years. Outside the circle of manufacturers of oleomargarine, who has demanded the proposed changes? Has any State legislature repealed the statute forbidding the sale of oleomargarine when colored in imitation of butter? Has any dairymen's association or any organization of farmers or any grange, State or National, demanded the change? Have the purchasing classes in our great cities demanded any change in the Government If so, it has escaped my attention; I very frankly assert that if this great organization of manufacturers desires a change it should be sought through an independent bill; it should be referred to the appropriate committee, that hearings can be had, that we may be able to determine precisely what conditions prevail in the cities of the United States at the present time. I should like to have the fact appear that the people of the United States are so well satisfied with the present law that they rested quietly and contentedly until they heard of this movement, and that they then rose up en masse and demanded that it be defeated.

Mr. CLAPP. Mr. President—
The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Minnesota?

Mr. DILLINGHAM. I yield.

Mr. CLAPP. The Senator was asking if anybody outside of certain group had found fault with the law. I wish to say to the Senator that four or five years ago a man who employs a great many men did make complaint to me in regard to the law. I asked him what was his objection to it. I said you do not have to pay the tax, you can buy the uncolored product. He said, "Our men would know the difference."

Mr. DILLINGHAM. So it is. We are facing a strange situation, Mr. President. This law has been upon our statute

books for 15 years, the whole country has seemed to be perfectly contented with it. The dairymen are not complaining of it, the creameries are not complaining about it, the consumers are not complaining of it. The masses are satisfied with it. In 1902 the manufacturers were here demanding the Wadsworth substitute, and this amendment is substantially the Wadsworth bill, except that it limits the size of the packages to 10 pounds of oleomargarine.

What the manufacturers were demanding 15 years ago, against the voice of the people, they are here to-day demanding against the voice of the people. Now, as then, they are employing the same agencies, the producers of cotton-seed oil and the cattle growers' association, which at that time was represented by Judge Springer, and very ably too. So to-day we have the same influences operating in favor of the proposed amendment that were active 15 years ago in demanding the substitute bill and opposing the legislation now on the statute

Mr. President, I have desired to recall the history of oleomargarine legislation and to disclose, as far as I have been able to do, the fact that the country is satisfied with the existing law, and that this is a selfish interest backing the proposed amendment. It is the interest that originated with the production of oleomargarine, that forced it upon the objecting States under the law of 1886, and that wants again to have unlimited power to impose it upon the country under the guise of butter, with a tax of only 2 cents per pound upon it.

Upon us rests the responsibility of representing the people of 48 States. It is our duty to deal fairly with every interest, the manufacturers of oleomargarine as well as the great public. I am perfectly willing that, having made it wholesome, they have accorded them a full opportunity to sell it for what it is. Let every man in the country have the opportunity to buy it for what it is and to pay precisely what it is worth, and no more. On the other hand, we must consider the great dairy interests of the country, the importance of which can hardly be measured. Doubtless I feel more interested in the proposed change than I should otherwise do, because in the great revolution in industrial conditions which followed the Citi Wen. lution in industrial conditions which followed the Civil War the agriculture of the East suffered enormously from the opening up of the broad and teeming acres of the West. The people of the East were slow to recognize the changed conditions, and in Vermont, which is essentially an agricultural State, with good pastures and rich meadows, the values of farm lands gradually decreased as a result of competition until in 1900 they were 20 per cent less in value than in 1870.

Mr. PAGE. Mr. President—

The PRESIDING OFFICER. Does the senior Senator from

Vermont yield to his colleague?

Mr. DILLINGHAM. I do.

Mr. PAGE. I should like to ask my colleague if it is not true that the general condition of Vermont farming has been materially improved by the vast increase made in the dairying

Mr. DILLINGHAM. I was coming to that. that the values of farm lands had decreased in Vermont; and here in this Chamber I heard it charged in debate that the farms in Vermont were being deserted, though that was not true. But since the close of the Civil War New England has had a remarkable growth in her manufacturing industries, and our farmers at last woke up to the fact that they could no longer compete with the West in the cereals or in the production of beef cattle, and, perhaps, in some other products, but they also realized that they had at their command a largely increased and nearby market, and that, if they would profitably conduct their farms, they must specialize; that they must produce the goods demanded by such market. As a result, they gradually changed their methods and entered extensively into the production of fruits and vegetables, poultry and eggs; but their crowning achievement was in the development of dairy interests. In the last 15 years there has been a real revolution in the agricultural and dairy industries in that State.

You may ride the length and breadth of Vermont to-day and you will hardly find a set of farm buildings that are not trim and clean, with surroundings which indicate a high degree of prosperity. New stables abound everywhere, with cement cellars and silos, every shred of fertilizing material is saved and goes back to the land, and the value of crops has multiplied. The finest herds of cattle have been introduced—some of them Jerseys, some Ayrshires, some Guernseys, and some Holsteins. On every farm in Vermont to-day you will find high-bred stock, and on many of them thoroughbreds. Associations of farmers and dairymen are found in almost every town, as well as in the counties and in the State. Milking contests are common in every community, and every herdsman is proud when he can come into the record with a cow that is giving a larger proportion of butter fat within a given time than those of his neigh-

These classes have studied all the systems of cattle feeding, and have tested all classes of rations; they have studied the best systems of manufacturing and of marketing their products. The result of this revolution has been that in the 10 census years between 1900 and 1910 the farm values in Vermont increased

Mr. SMITH of Michigan. And they have also invited careful

inspection.

Mr. DILLINGHAM. The owners have invited inspection of their cattle. A man who has in his herd a tuberculous cow is

in disgrace until it has been eliminated. If he has any reason to suspect that an infected cow is in his herd, the State commissioner is summoned, the test is made, and if the cow is found to be tuberculous, she is at once killed, and the State comes to his aid in meeting the loss. The State has adopted the most vigorous measures to stamp out disease, in all of which the

owners are in sympathy.

But my friend from Alabama spoke about the "Creamery Trust," and asserted that the opposition to the adoption of the amendment was confined to that alleged combination. Are not the individual dairymen interested? From the Statistical Abstract I find that in 1909, when the last census was taken, there were manufactured upon the farms of the United States 994,000,000 pounds of butter and in the creameries of the United States there were manufactured only 624,000,000 pounds, a third more on the farms than in the creameries; and it appears also that in all of the great West most of the creameries are conducted upon the cooperative plan, while in the East the same is true to a greater or less degree. I have before me a full list of the States, with the amount of the butter pro-duced upon the farm and in the creameries of each, but it is too long to reproduce at this time.

Mr. President, I have little to add to what I have already said. I believe not only that the State which I in part represent is unanimously opposed to this legislation, but I believe that 75 per cent or more of the people of the United States are opposed to it. This must be so, if we are to measure our judgment by the action of the individual States in their legislation upon the

subject.

Mr. STERLING. Mr. President-

The PRESIDING OFFICER, Does the Senator from Vermont yield to the Senator from South Dakota?

Mr. DILLINGHAM. I do.
Mr. STERLING. There is one question which I think the Senator from Vermont has not discussed and which I should like to ask his views upon. It has been urged here that the cost of living will be reduced under the operation of the Underwood amendment, and that thereby a large class of people in the United States will be benefited. I should like to have the Sena-

tor's views on that proposition.

Mr. DILLINGHAM. Mr. President, I have examined the record under the law of 1886, and I could find no cases where oleo was sold in the colored state at a price lower than that of butter. I looked through the reported testimony carefully-there may have been instances which escaped my eye-but in every instance I discovered it was found that the oleo which was colored was sold as butter and sold at butter prices.

Mr. SMITH of Michigan. Mr. President-

The PRESIDING OFFICER. Does the mont yield to the Senator from Michigan? Does the Senator from Ver-

Mr. DILLINGHAM. I do.

Mr. SMITH of Michigan. I wish to ask a question of the Senator before he sits down, on the point raised by the Senator from South Dakota [Mr. Sterling], and that is, if oleomargarine is sold for what it is, it must of necessity be at a much less price to the consumer than it would be sold in imitation of butter, and if there is any question of economy in the cost of living, the person who desires to use a harmless and acceptable food, such as oleomargarine is admitted to be, would be able to

buy it at much less than he could otherwise buy it.
Mr. DILLINGHAM. That was perfectly evident. existing law, which imposes a tax of only one-fourth of 1 cent a pound on the uncolored oleo, the article can be placed on the market for just what it is. It can be advertised, as Ivory soap is advertised, as being 100 per cent pure. If the people want it, they can get it at the price which it ought to bear. The present law is all in the interest of the people. If they want oleo, they can get it. That, however, is not what these manufacturers want. They want the privilege of putting it on the market colored as butter, simply to have it sold as butter and to secure the immense profits which they enjoyed prior to 1902, when the present law was enacted.

For the reasons stated, Mr. President, I am opposed to the

adoption of the amendment.

Mr. LEE of Maryland obtained the floor.

Mr. PAGE. Mr. President, before my colleague sits down I desire to ask him a question.

The PRESIDING OFFICER. The Senator from Maryland

has been recognized.

Mr. LEE of Maryland. I yield to the Senator. Mr. PAGE. The question I desire to ask has been suggested the remark of the Senator from Michigan [Mr. SMITH]. What will be the effect of this proposed law upon the price of oleomargarine? To-day, in round numbers, the price, as I understand, is 20 cents a pound approximately for oleomargarine and 40 cents for butter. If oleomargarine can be made and sold as butter, is it not probably true that instead of bringing 20 cents a pound its quality will be improved until the price of eleomargarine will go up to 25 cents, and the more they improve it the higher its cost will be, of course, and the higher its price will be. It seems to me that if butter is sold at 40 cents, and the natural market for butter is interfered with by improving oleomargarine, the natural consequence will be the reduction in the price of butter, and the two articles will come nearer and nearer together in price, although not quite reaching the same level, of course. But it will stimulate the manufac-ture of oleomargarine and will materially interfere with the manufacture of butter and the price of butter.

It seems to me that it is an attack upon the butter industry that can hardly be overestimated, and I was very sorry to hear the Senator from Wyoming [Mr. WARREN] say that if he thought the change of the law would interfere with the dairy industry he would not favor it. When he said that I thought he must be mistaken, or had not given consideration to the facts that I have mentioned in regard to the influence of oleomargarine upon the price of butter and the price of butter upon oleomargarine. It seems to me that there can be but one answer to the question propounded to my colleague by the Senator from Michigan.

Mr. LEE of Maryland. Mr. President, this morning, according to its custom, the Senate listened to the reading of the Farewell Address of Gen. Washington to the people of the United States, dated the 17th of September, 1796. Now, for a brief moment, I wish to call the attention of the Senate to what might be properly called the farewell address of Gen. Washington to the Senate and House of Representatives in joint session, dated nearly three months later than the farewell address to the people of the United States, and which farewell address to the Senate and House of Representatives is particularly apposite at the present time, because it deals exclusively with the question of the national defense.

For another reason, Mr. President, this farewell address, dated December 7, 1796, is appropriate to be read here to-day, in the closing days of the first and only Congress, I may say, that has made any reasonable effort to place the militia of the United States on an efficient basis, or, as the Father of his Country expressed it, "on an efficient establishment."

This Congress passed a law on the 3d of June, 1916, correcting omissions and defects in the previous militia law of 1903 and increasing the appropriation for the militia establishment from an average annual appropriation of \$6,000,000 to the present annual appropriation of over \$50,000,000. These farewell words of Gen. Washington to the Members of the Senate and House of Representatives are the concluding part of his speech to both Houses on December 7, 1796, and are as follows:

Gentlemen of the Senate and House of Representatives, my solicitude to see the militia of the United States placed on an efficient establishment has been so often and so ardently expressed that I shall but barely recall the subject to your view on the present occasion, at the same time that I shall submit to your inquiry whether our harbors

the same time that I shall submit to your inquiry waters are yet sufficiently secured.

The situation in which I now stand, for the last time, in the midst of the Representatives of the people of the United States naturally recalls the period when the administration of the present form of government commenced; and I can not omit the occasion to congratulate you and my country on the success of the experiment nor to repeat my fervent supplications to the Supreme Ruler of the Universe and Sovereign Arbiter of Nations that His providential care may still be extended to the United States; that the virtue and happiness of the people may be preserved; and that the Government which they have instituted for the protection of their liberties may be perpetual.

George Washington.

Returning now, Mr. President, to the bill before the Senate more especially, I want to call attention to that portion of the remarks of the Senator from Alabama [Mr. Underwood] with reference to a report from the Department of Agriculture in 1912, which he cited as showing the dangerous qualities of 61 per cent of the creamery products of the country. heard the Senator refer to the report of 1912, without knowing anything about it, it struck me that he was producing rather an old sample of butter—5 years old, to say the least—and I questioned the application of his figures, especially in view of the fact that it is well known that in the last five years enormous improvements have been made with reference to the health conditions of dairy cattle, the elimination of tuberculosis, and the handling of dairy products. While the debate was going on I communicated with the Department of Agriculture and secured a letter on this subject, which is a circular letter written by Assistant Secretary Carl Vrooman, and bearing date July 27, 1916, which seems to show very conclusively that the figures adduced by the Senator from Alabama can hardly be considered by the Senate as conclusive on this subject. Briefly speaking, Mr. President, the report to which the Senator referred was

based on an investigation of but 144 creameries and cream-buying establishments out of a total of 46,000 creameries and cream-buying establishments. This very small percentage of these establishments—144 out of 46,000—was relied upon here to give us a percentage condemning 61 per cent of the dairy products of the country; and almost certainly, Mr. President, the parties making those investigations selected the most objectionable establishments.

I am going to ask that this whole letter of Assistant Secretary

Vrooman be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, that will be

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE ASSISTANT SECRETARY, Washington, July 27, 1916.

Mx Dear Sir: Your letter of June 14, with reference to House resolution 137, popularly known as the Linthicum resolution, is at hand. I agree with you that it is decidedly unfortunate that the report referred to in this resolution is being made use of without more

resolution 137, popularly known as the Linthicum resolution, is at hand. I agree with you that it is decidedly unfortunate that the report referred to in this resolution is being made use of without more adequate explantions.

To begin with, this report was based upon an investigation made by the Bureau of Animal Industry over four years ago; the investigation having been begun on April 10 and having ended June 30, 1912, before either Secretary Houston or I became connected with the Department of Agriculture. Furthermore, the report itself was based on an investigation of but 144 creameries and cream-buying stations out of a total of 6,000 creameries and some 40,000 cream-buying stations.

The Federal Department of Agriculture is completely out of sympathy with current misunderstandings and misinterpretations of the 1912 report. That report does not mean to say or to infer that the dairy industry is on a lower level or has lower standards of purity and cleanliness than the other industries of the country. If the department were to make out a score card for the different foods and drinks that are being produced and consumed throughout this country to-day, and especially for the vegetables, fruits, and other foods exposed for sale at the average market and grocery store, it would find that in a majority of cases similar conditions exist to those disclosed in the dairy industry. In other words, it would be shown: First, that ideal conditions do not exist; secondly, that existing conditions can be greatly improved; and, thirdly, that the improvements recommended are commercially feasible. These are the three points that the Department of Agriculture attempted to bring out in its 1912 creamery report, and any attempt to rend other meanings into that report, any attempt to discredit the dairy industry, is an attempt that the Federal Department of Agriculture does not sympathize with and will have no part in.

Moreover, a lot of work has been done by the Federal Department of Agriculture does not sympathize with and w

CARL VROOMAN, Assistant Secretary.

Mr. LEE of Maryland. In conclusion, Mr. President, I do not regard this as the proper time to take up the question of improving the dairy products or of regulating the color of margarin on an urgent revenue measure, and thus possibly endangering the passage of this great revenue law by introducing a controversy between the peanut and the cow, or, if it is more serious than that, between the products of different sections of a great country. There is, in fact, no proposition before the Senate to improve the purity of dairy products, nor is there remaining time in this session for so large a question.

It is difficult to avoid the conclusion, Mr. President, that this amendment, if it has any effect, by permitting the coloring of this product, margarin, to make it look more and more like butter, permitting it to be sold as such by permitting the coloring, will simply add to the price of this food product to the average man throughout the country, who otherwise might get and use the uncolored margarin at a cheaper rate. This is ertainly not the time, Mr. President, to pass legislation here that increases the price to the consumer of food of any kind.

Mr. SMITH of Michigan. Mr. President, the Senator from Maryland [Mr. Lee] has referred to Washington's Farewell Address; and it has been read in the Senate to-day, as has been the custom for many years. Senators have been favored with a single copy of this address. It must be in type, and it must be available. At a time like this, when we are confronted with serious international complications, and when the advice of the Father of his Country is needed more than at any other time in its history, I think it would be appropriate to print some extra copies of this farewell address.

I therefore ask unanimous consent for the consideration of a resolution which I will prepare that a million copies of this address may be printed and that they be assigned to the Members and Members elect of the House and Senate for distribu-

Mr. LEE of Maryland. Mr. President, I will ask the Senator if he will accept an amendment to his proposition, including the short farewell address to the Senate and House?

Mr. SMITH of Michigan. Yes; I will accept the amendment. Mr. PENROSE. Mr. President, this is a very patriotic request, but there is a sort of an understanding here in the Senate-there has been all through the session-that requests of this kind should be referred to the Committee on Printing. I do not think the Senator from Michigan can fairly object to having the request referred to the Committee on Printing, and I move its reference to that committee.

Mr. SMITH of Michigan. Mr. President, I simply desire to insure a renewed circulation of this marvelous address, which is so timely. I am quite content to let the committee pass upon

it, but I hope there will be a prompt and favorable report.

The PRESIDING OFFICER. Without objection, the motion of the Senator from Michigan will be referred to the Committee on Printing.

The motion was reduced to writing and referred to the Committee on Printing, as follows:

Senate resolution 371.

Ordered, That 1,000,000 copies of Washington's Farewell Address to the people of the United States and his farewell address to the two Houses of Congress be printed in one document, for distribution by Senators.

Mr. PENROSE. Mr. President, I do not intend to detain the Senate. So much reference has been made to the sanitary conditions of dairies that I am going to ask unanimous consent to have printed in the RECORD, in connection with this discussion, some copies of letters from colleges of agriculture and other special institutions setting forth the sanitary conditions of dairies in the United States as presented by men having charge of the business in the leading dairy States. I will ask

to have them printed.

The PRESIDING OFFICER. Without objection, that course

will be pursued.

The matter referred to is as follows:

SANITARY CONDITIONS OF DAIRIES OF THE UNITED STATES AS PRESENTED BY MEN HAVING CHARGE OF THE BUSINESS IN THE LEADING DAIRY STATES.

[Presented at hearings before the Committee on Rules on Linthicum resolution (H. Res. 137), Apr. 11, 1916.]

COLLEGE OF AGRICULTURE AND AGRICULTURAL EXPERIMENT STATION, THE UNIVERSITY OF WISCONSIN, Madison, March 22, 1916.

Prof. G. L. McKay, Chicago, III.

Prof. G. L. McKay,

Chicago, III.

Dear Prof. McKay: I have your letter with one inclosed from E. B. Higley & Co., of Mason City, Iowa. We have a good man to recommend, and I will write at once to that effect.

In reply to your comments in regard to Chief Rawl's report on the conditions of creamerles in this country, I wish he or anyone else who is inclined to judge the entire business by the condition of a few factories could see the 125 letters I have received during the past two weeks from butter makers operating creameries in this State. These, I think, would convince anyone that the creamery business, as a rule, is one in which the factory operators take a great deal of pride and are enthusiastic in keeping themselves informed of all the latest suggestions concerning the improvement of the butter made in the establishment where they are working.

These letters, of course, represent only about 15 per cent of the creameries in this State, but they are well written, and the writers make intelligent answers to some questions I asked them about their practice and experience with pasteurizing cream for butter making. The replies are certainly an interesting collection of evidence on this subject and show conclusively that the men working in creameries are not simply mechanics but do some thinking of their own and have a high ambition to learn more and make better butter each year they work in the creamery.

You, of course, know as well as I that it is very easy for anyone to make startling statements about anything, and if it would do any good to condemn the creamery business in a wholesale way, I should be in favor of it, but it is my opinion that this is one of the worst things that can be done if anyone has a desire to help along the good cause. It is a good deal like saying that because we have a certain number of criminals in our State's prison, the entire population of the United States is of the same type.

The name of our dairy and food commissioner is Mr. George J. Weigle, but I presume Mr. Meyer can gi

PORTLAND, OREG., March 23, 1916.

PORTLAND, OREG., March 23, 1916.

Mr. WM. T. CREASY,

Secretary National Dairy Union, Catawissa, Pa.

DEAR SIR: This is to acknowledge receipt of your favor of March 18, inclosing a copy of House resolution No. 137, introduced into the House of Representatives February 11, 1916.

This resolution grossly misrepresents the actual condition existing at this time in the State of Oregon. I do not know of a single creamery in this State at this time that can be declared to be in an insanitary condition. I also deny the statement that 61.5 per cent of the

cream used in the State of Oregon is unclean or decomposed, or both, unless that cream which has begun to sour, or is sour, might be deemed to be decomposed.

We have no accurate data as to the amount of cream that is pasteurized in this State at the present time. However, I am of the opinion that some 50 per cent of our creameries are pasteurizing.

The statement that a large percentage of the dairy cattle are affected with tuberculosis is not true with reference to the dairy cows of Oregon. In one district of the State 600 head were tested and less than 3 per cent of tubercular cows were found. Through the year 1915 some 1,200 head were tested in various districts of the State with less than 4 per cent of reactions found, and in several counties of the State of Oregon there has been no tuberculosis found to exist.

I regret that any person should so grossly misrepresent conditions relative to the conduct and conditions of one of the greatest industries of the State, and I esteem it a privilege as Dairy and Food Commissioner of the State of Oregon to refute the statements made in House resolution No. 137, in so far as they reflect upon the dairy industry of the State of Oregon.

Yours, very truly,

J. D. Mickle,

Dairy and Food Commissioner.

J. D. MICKLE, Dairy and Food Commissioner.

STATE UNIVERSITY OF KENTUCKY, Lexington, March 20, 1916.

Mr. WM. T. CREASY,

Secretary National Dairy Union, Catawissa, Pa.

My Dear Sir: Your favor of the 18th instant has been received and I note the Linthieum resolution which was introduced in Congress recently. As I understand it the data was based on figures presented in a report by the Bureau of Animal Industry that was compiled some five or more years ago. For Kentucky, I can say that the dairles are unusually clean and the cows are healthy. The dairles that sell milk and cream to city patrons are, as a rule, cleaner here than elsewhere in this country, thanks to a rigid system of inspection enforced by the health officers of the State.

The dealers in the cities are pasteurizing the milk and cream, and I do not believe that there is any great danger of a spread of tuberculosis through the dairy products.

I believe that the figures are very largely exaggerated, and that Representative Linthicum need not worry himself or Congress unduly about the matter, because the health officers in the respective States are enforcing restrictions and the dairymen themselves are trying to clean up the dairies.

A few years ago I made a trip through Europe and I was impressed by the fact that they did not take the presentations even these in the

up the dairies.

A few years ago I made a trip through Europe and I was impressed by the fact that they did not take the precautions over there in the production of milk that we do here. A lady on the steamer had a case of milk that she bought from one of the big eastern dairies and which kept sweet during the trip across the ocean. She had made the trip several times and she commented on the fact that it was almost impossible to secure such high-grade milk in Europe to be used during the return trip. They apparently depend upon pasteurization to help an inefficient system of dairy inspection, and yet they are not afraid to consume dairy products over there.

Very truly, yours,

J. J. Hooper,

Head of Department.

J. J. HOOPER, Head of Department.

THE STATE OF MONTANA,
OFFICE OF STATE DAIRY COMMISSION,
Helena, Mont., March 23, 1916.

Mr. WILLIAM T. CREASY, Secretary National Dairy Union, Catawissa, Pa.

Secretary National Dairy Union, Catawissa, Pa.

Dear Sir: I have your letter of March 18, also House resolution No. 137. For the State of Montana I can say that 90 per cent of our creameries are in good sanitary condition; in fact, almost as much so as they could possibly be. Although now and then we find cream that is unfit for use and destroyed, as a rule cream arrives in a clean and good condition.

Will say that during the winter months pasteurizing is not carried on very extensively; but practically all creameries are pasteurizing during the summer months.

As the inspection of dairy cattle for tuberculosis is carried on almost continually, very few dairy cattle are found to be infected. Last year in several cases of whole counties inspected only one or two diseased animals were found.

I see no reason why the inspection of dairies, creameries, and products could not be carried on successfully without the assistance of Federal supervision.

Yours, truly,

A. G. Scholes,

Dairy Commissioner.

A. G. Scholes, Dairy Commissioner.

STATE OF MINNESOTA,
DAIRY AND FOOD DEPARTMENT,
St. Paul, May 18, 1916.

Mr. WILLIAM T. CREASY,
St. Paul, May 18, 1916.

Mr. WILLIAM T. CREASY,
36-37 Bliss Building, Washington, D. C.

Dear Mr. Creasy: Your letter of the 15th instant received with your inquiry as to the questions that were asked by Mr. Rawl's department relating to cream.
It is true that when cream contained 0.02 per cent of acid it was regarded second-grade cream, and all of that class of cream went into the class that made up the 61.05 per cent that was "unwholesome, insanitary, and unfit for food." It is almost useless to comment upon this, as cream with an acid test of 0.02 per cent would be practically sweet cream, and could be used for coffee. It is also a fact that nearly all the milk delivered to cheese factories that goes into our best cheese contains 0.02 per cent of acid.

Of course, this question was just as technical as all the other questions. All sweet cream is ripened to make butter out of to an acidity of 4.05 per cent. Therefore it is, as I said above, useless to comment upon it.

upon it. Respectfully, yours,

J. J. FARRELL, Commissioner.

COMMONWEALTH OF VIRGINIA,
DAIRY AND FOOD DIVISION,
Richmond, March 28, 1916.

Mr. WM. T. CREASY,

Care of the National Dairy Union, Catawissa, Pa.

DEAR SIR: Your favor of the 18th instant duly received, inclosing copy of the Linthicum resolution introduced in the House of Representatives in connection with the creameries and creamery products of this country. Speaking for the creameries of Virginia, I am of the opinion that the conditions described by Mr. Linthicum do not prevail

in the creameries of this State. I am not in favor of Federal inspection of creameries, and I believe that creamery inspection will be much better handled by the local State authorities than under the supervision of the Federal Government. I may add that there are few, if any, creameries in Virginia that are not pasteurizing their product.

Yours, very truly,

BENJ. L. PURCELL. Commissioner.

University of Maine, Orono, Me., March 20, 1916.

WILLIAM T. CREASY, Secretary National Dairy Union, Catawissa, Pa.

Bear Sir: Your letter of March 18 is received. I have read the resolutions introduced in Congress with surprise. It is true that I do not have at hand definite data concerning the situation in Maine, especially in comparison with the figures given in this resolution, which I assume were supposed to represent average conditions.

I am fairly positive that practically all cream sold by creameries in Maine has been pasteurized. We make very little butter, and it is probable that the statement would not be expected to apply to Maine conditions. Engaged in the sweet-cream business, as we are, it could not be true that approximately 60 per cent of cream used was unclean or decomposed. It certainly is not true, so far as Maine is concerned, that 94 per cent of the creameries in the State are insanitary. It is true that conditions are not all that any one would like to see in some plants, but in most of the creamery plants of the State managers seem to take real interest and pride in keeping their plants in the best possible condition.

The condition with respect to tuberculosis among cattle is fairly well covered by reports of State officials, copies of which can be secured by addressing the commissioner of agriculture, Augusta, Me. I think he might also be able to give you a very clear statement with respect to the conditions of the dairies in the State, since he is in charge of such inspection as is being done by State control.

Very truly, yours,

LEON S. MERRILL.

COCONINO AND TUSAYAN NATIONAL FORESTS.

Mr. MYERS. I ask unanimous consent, out of order, to report back favorably with amendments from the Committee on Public Lands, the bill (S. 8126) to extend the time for the cut-ting of timber on the Coconino and Tusayan National Forests

in Arizona, and I submit a report (No. 1104) thereon.

Mr. ASHURST. Mr. President, I am going to ask the Senate to indulge me, and I especially request the distinguished chairman of the Finance Committee [Mr. Simmons], who has the pending bill under his charge, to suspend long enough to let me ask unanimous consent for the consideration of the bill at this time. It is a bill which proposes to extend for 35 years more the period of time within which the Saginaw and Manistee Lumber Co. in Arizona may cut certain timber which this company owns. I should like to have the report of the Department of Agriculture read. It is very short, and will consume only three or four minutes

The PRESIDING OFFICER. Is there objection?

Is this a House bill?
No; it is a Senate bill. Mr. PENROSE. Mr. ASHURST.

Mr. SIMMONS. Mr. President, it is now so near the time for the taking of the recess that there is hardly opportunity for anybody to make a speech. That is the reason why I am going to consent. In view of that fact, if it will not lead to any

discussion, I shall not interpose an objection.

Mr. ASHURST. I should like to have the report of the Department of Agriculture read before Senators give their consent.

Mr. SIMMONS. I do not object.

The PRESIDING OFFICER. Without objection, the Secretary will read the report.

The Secretary read the letter, as follows:

DEPARTMENT OF AGRICULTURE, Washington, February 20, 1917.

Hon. Henry L. Myers,
Chairman Committee on Public Lands,
United States Senate.

Chairman Committee on Public Lands,
United States Senate.

Dear Senator Myers: Receipt is acknowledged of your request of February 6 for a report upon the bill (8. 8126) to extend the time for cutting of timber on the Coconino and Tursayan National Forests in Arizona, with the request that your committee be sent such suggestions as this department may desire to make.

The Saginaw & Manistee Lumber Co. now holds the right to cut the timber on about 75,000 acres of land within the Tusayan and Coconino National Forests, Ariz. The lands covered by these timber rights lie wholly in odd-numbered sections which were originally part of the land grant to the Atlantic & Pacific Railroad. This right was obtained under an agreement with the Secretary of the Interior, made prior to the passage of the act of February 1, 1995, which transferred the administration of the national forest to this department. On about 45,000 acres of this land the right of the company to cut timber will expire on January 12, 1926, but there is no definite date for the expiration of their rights on the remainder of the area. The company operates a sawmill, which is the chief industry in the town of Williams, Ariz, and now supplying this mill with logs from its timber-right holdings which are not subject to expiration in 1926.

In the past this company has purchased considerable amounts of national-forest timber from the even-numbered sections intermingled with the odd-numbered sections on which it holds timber rights. It now states, however, that it is unable to continue to buy national-forest timber from the even-numbered sections intermingled with the odd-numbered sections on which it holds timber rights it company any other that it is obliged to cut, prior to 1926, the timber to which it rights of the company its right will expire in that year. It is probable that by logging exclusively in its own timber the company can complete the cutting of

these holdings prior to the date of the expiration of its rights. Logging odd-numbered sections exclusively, however, would increase the cost to the company and would leave the national-forest timber on the adjoining even-numbered sections somewhat less valuable than if it were sold for logging at the time the odd-numbered sections were cut. If the Government timber and the company's timber are logged at the same time the same logging railroads could be used and the expense of their construction per thousand feet logged would be reduced. This has been the result of the sales of national-forest timber which have previously been made to this company.

The timber-right holdings of the company are now subject to local taxation. The early completion of cutting by the company would remove this source of revenue to the county and State. If the company is in a position to purchase the national-forest stumpage intermingled with its own, the State and county will also benefit as a result of the higher stumpage prices which will be received than if the Government timber is sold by itself, since the State receives 25 per cent of the receipts on account of the retention by the Government of title to school sections within the national forests for the benefit of the schools and roads, and in addition Arizona receives approximately 11 per cent of the receipts on account of the retention by the Government of title to school sections within the national forests. It is also probable that the cutting of the timber on both even-numbered sections and odd-numbered sections together would result in a longer life of the local lumber manufacturing industry than would otherwise be the case.

Title to the land on which the company now holds its timber rights is vested in the United States. These lands when cleared of the right of the company to cut the present crop of timber thereon constitute a part of the timber-growing area of the national forests. The terms under which the company now holds its timber rights result in the leaving of

partment has no objection the action which it contemplates would be of advantage to the United States.

As the bill is now written it might possibly be contended that the failure to execute an agreement would still have the effect of extending the time within which the company may continue cutting under its present contract with the Interior Department. In order, therefore, to clear away any possible ambiguity it is believed that the last proviso should be amended by striking out of line 4, page 2, the colon and what follows, and substituting in lieu thereof a semicolon and the following "but this act shall not be construed to confer upon said company any other rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement this act shall neither extend nor restrict the present rights of the company."

The word "hundred," which begins line 12, page 1, should be stricken out since it duplicates the same word at the end of line 11. As thus amended this department would have no objection to the passage of the bill.

Very truly, yours,

D. F. HOUSTON,

Secretary.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 12, after the date "nineteen hundred," to strike out the second word "hundred," and on page 2, to strike out the proviso beginning on line 2, as follows: "And provided further, That in the absence of the execution of such an agreement all existing rights of the company to cut and remove the timber from such lands shall continue in effect unchanged by this act; but this act shall not be construed to confer upon said company any other rights in addition to those held by the company at the time of said reconveyance," and to insert "; but this act shall not be construed to confer upon said company any other rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement this act shall neither extend nor restrict the present rights of the company," so as to make the bill read:

Be it enacted, etc., That the rights of the Saginaw and Manistee Lumber Co. and its successors in interest to cut and remove the timber from such of the lands within the Coconino and Tusayan National Forests as were reconveyed to the United States, subject to outstanding timber-right contracts held by said company, under the rules, regulations, and conditions imposed by the Secretary of the Interior at the time of said reconveyance, are hereby extended to and until the 31st day of December, A. D. 1950: Provided, That said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration; but this act shall not be construed to confer upon said company any other rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement this act shall neither extend nor restrict the present rights of the company.

The PRESIDING OFFICER. The question is on agreeing to

Mr. SMOOT. Mr. President, is this a Senate bill?

Mr. ASHURST. Yes; it is a Senate bill.

Mr. SMOOT. This is the first time I have heard of the bill, Mr. President, and I really do not know what it contains. I suppose, however, it will be considered carefully in the House; and as it is now time to take a recess, I am not going to object to its consideration if the Senator from Arizona says it is all

Mr. ASHURST. I wish to assure the Senator that in my opinion the bill is a just and proper bill. I wish to say for the RECORD that it was drawn in the Forestry Bureau and introduced by me somewhat at their request. The attorneys and the general manager for the company came on here, and hearings were held before the bureau, and the letter just read is signed by the Secretary of Agriculture. It is a bill, in my judgment, that the Senate ought to pass. I could say a vast deal about the bill, but I do not suppose it is necessary.

The PRESIDING OFFICER. The question is on the amend-

ments.

The amendments were agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF WAY FOR DRAINAGE OPERATIONS.

Mr. FLETCHER. Mr. President, I ask unanimous consent for the present consideration of Senate bill 7710, which I have been trying to get disposed of two or three times, and to which there is no objection. I want to have it passed here in order that it may go to the House. It appertains to a drainage proposition in Florida, and unless it passes at this time it will result in great loss to the State.

Mr. SMOOT. The bill has already been read, and I have no

objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stats., p. 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., p. 404).

The bill had been reported from the Committee on Irrigation and Reclamation of Arid Lands, with an amendment to strike out all after the enacting clause and to insert:

That section 18 of what is generally known as the irrigation act of arch 3, 1891 (26 Stat., p. 1095), be, and is hereby, amended so as

That section 18 of what is generally known as the irrigation act of March 3, 1891 (26 Stat., p. 1095), be, and is hereby, amended so as to read as follows:

"SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation or drainage and duly organized under the laws of any State or Territory, and which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: Provided, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories."

SEC. 2. That section 2 of the act of May 11, 1898 (30 Stat., p. 404), be, and is hereby, amended so as to read as follows:

"Sec. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage."

Mr. FLETCHER. Mr. President, I desire to amend the constant of the committee on line 17, after the word "com-

Mr. FLETCHER. Mr. President, I desire to amend the amendment of the committee, on line 17, after the word "company," by adding the words "or drainage district."

The PRESIDING OFFICER. The amendment to the amend-

ment will be stated.

The Secretary. After the word "company," on line 17, page 2, it is proposed to insert "or drainage district."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# RECESS.

Mr. SIMMONS. I move that the Senate now take a recess until 8 o'clock to-night.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

# EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess

Mr. SMOOT. Mr. President, I suggest the absence of a

quorum.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Brady Bryan Chamberlain Chilton Hollis
Hughes
Husting
James
Johnson, S. Dak.
Jones
Kenyon Lewis McCumber Martin, Va, Martine, N. J. Myers Norris Overman Penrose Sherman Simmons Smith, Ga. Smith, Ga. Smoot Thomas Thompson Underwood Vardaman Walsh Works Chiton Clapp Cummins Dillingham Fernald Fletcher Gronna Kern Kirby Reed Robinson Sheppard Lane Lee, Md.

Mr. MARTIN of Virginia. My colleague [Mr. Swanson] is just out after a serious spell of sickness, and on the advice of his physician he does not feel that it is safe for him to come

out at night.

Mr. SMOOT. Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Ohio [Mr. Harding], and also the unavoidable absence of the Senator from New Hampshire [Mr. Gal-LINGER

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Delaware [Mr. Saulsbury] through illness

Mr. SMITH of Michigan. I wish to announce that my colleague [Mr. Townsend] has been called away by the illness of his wife

The PRESIDING OFFICER. Forty-three Senators have

answered to their names. A quorum is not present.

Mr. LEWIS. May I ask that the roll of absentees be now called?

The PRESIDING OFFICER. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. POMERENE and Mr. SMITH of South Carolina answered to their names when called.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present.

Mr. SIMMONS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. McLean and Mr. Curtis entered the Chamber and answered to their names.

Mr. LEWIS. May I ask if the direction has been conveyed to the Sergeant at Arms to request the attendance of absent Senators?

The PRESIDING OFFICER. The Sergeant at Arms has been notified of the order of the Senate.

Mr. LEWIS. I suggest that he telephone to the Willard Hotel. I think a notification there will bring some Senators

Mr. MARTIN of Virginia. I wish to announce that the Senator from Maryland [Mr. SMITH] is absent because of serious illness in his family.

Mr. OLIVER entered the Chamber and answered to his name.

Mr. SMITH of Georgia. I wish the Record to show that the Senator from Arizona [Mr. SMITH] is necessarily absent from the city on account of sickness

Mr. ROBINSON. The Senator from Delaware [Mr. Sauls-BURY] is absent on account of illness. I ask that he be excused from attending the session to-night.

The PRESIDING OFFICER. The Senator from Arkansas asks that the Senator from Delaware [Mr. Saulsbury] be excused from attendance. Is there objection? The Chair hears none, and the Senator from Delaware is excused from attendance at the session.

Mr. Brandegee and Mr. Lea of Tennessee entered the Chamber and answered to their names

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum of the Senate present.

# THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. McCUMBER. Mr. President, what is the question now before the Senate?

The PRESIDING OFFICER. The unfinished business is before the Senate.

Mr. McCUMBER. Mr. President, there is no particular amendment which is the subject of discussion at this time, but I wish to answer very briefly the argument of the Senator from Colorado [Mr. Thomas], and I assure the Senate that I shall be very brief indeed.

After listening to the very lucid argument of Dr. Lane upon the characteristics of this hyphenated butter, I am not surprised, Mr. President, that about one-half of the Senate have been sent to their beds with disordered stomachs and are unable to be present to listen to the closing discussion upon the subject.

The Senator from Colorado, in his argument, stated that under all the regulations by the several countries of the world regarding the manufacture and sale of oleomargarine, the people were able to purchase it for what it is. That false statementthat worse than false statement-is the very basis of all of the trouble in respect to the whole subject of oleomargarine. The regulations that are put in force by the several countries of the world are never for the purpose of allowing the purchaser to buy oleomargarine for what it is, but for the single and only purpose of preventing the seller from selling it for what it is not. There are no regulations in those countries upon the matter of the sale of butter. You do not have to sell it in certain kinds of stores; you do not have to put it up in certain kinds of packages; you do not have to place any particular or characteristic mark upon it. It may be sold in any grocery store throughout any of those countries. But you have to throw these restrictions around the sale of oleomargarine, because in every country it is known that the attempt to sell it is never for the purpose of selling it upon its merits, but that it may be palmed off, with a counterfeit coloring, for butter.

The Senator from Colorado spoke for some time, and he eulogized the German law. Very well. Then let me ask the Senator from Colorado why are you not willing to follow the German law? I will agree with you that the German law and the French law are possibly as nearly perfect as you can get in the matter of any law for the manufacture and sale of oleomargarine; but what is the particular characteristic of those laws that gives them their special value and benefit? It is this: They entirely prohibit the coloring of oleomargarine. They do not permit it to be colored in imitation of butter; they do not permit it to be stamped with a counterfeit stamp, whereby it can come into the home as butter. No one is ever going to take a cake of tallow, if it is on the table and be misled into thinking that it is butter. He can tell it is not butter by its color; he can tell by its granular substance that it is tallow and is not butter. No one will ever mistake a pail of 4 cents a pound lard for butter. He will know it is lard the moment he looks at it. But if you will mix the lard and the tallow and then add enough of oil to grease it down the throat of the consumer, so that he will not need a scraper for the roof of his mouth after he has taken a taste of the tallow, you may be able to deceive the consumer of that particular article.

To prevent that deception certain European countries—the greatest and the most scientific countries in the world, as stated by the Senator from Colorado—forbid the coloring of oleomargarine altogether, so that it must be sold upon its merits. That is all that the dairymen are asking to have done here.

You talk to us about our desiring to destroy the product. The law as it now stands does not destroy the manufacture and sale of oleomargarine. The law as it now stands taxes oleomargarine only one-quarter of 1 cent per pound, while you propose to tax it at 2 cents per pound. Then, if there is any legislation which will destroy or tend to destroy the manufacture of oleomargarine, it is that portion of your proposed law which raises the tax from one-quarter of a cent a pound to 2 cents a pound.

What is it that we attempt to destroy by the proposed legislation? We attempt, Mr. President, to destroy the ability to counterfeit. We penalize the counterfeiting. At what time in his life has the Senator from Colorado arrived at the conclusion that it is un-American to pass a law that will condemn counterfeiting, because that is all the law of 1902 does? It places a penalty upon counterfeiting, by coloring oleomargarine in imitation of butter; and as it is colored in imitation of butter, the only and the sole purpose being to sell it for butter, the penalizing of that counterfeiting is just and proper in every case.

Mr. President, as I have stated, we penalize nothing but counterfeiting; and if you want to avoid that penalty you can do it very easily. All in the world you have to do is to say

that it shall not be counterfeited by giving it a butter color. That will not harm the article any.

I do not think there is very much argument in the proposition that the oleo is colored in order that it may be more presentable. White butter, as has been stated by one of the Senators here to-day, sells for a higher price than the golden-colored butter, and you do not have to color it white in order to get a good market price for it. Butter is tested, not by its color, but by its quality.

That is not all. Under the law of every State if butter contains more than a certain percentage of water it is tabooed as being against the pure-food law of the State. I know of no law against there being as much moisture or water as may be desired in a pound of oleomargarine. I think that most pure-food men would believe that the more water it contains and the less lard that enters into its constituency, the more healthful it would be, and therefore there would be no objection against any quantity of water being made a part of oleomargarine on the ground of its being antagonistic to the pure-food law.

Mr. President, we have heard much about the renovating of butter, and Senators have asked why can not oleomargarine be renovated. What is done by the process of renovating? When butter is renovated, the butter is not destroyed; no butter is taken out of it. Some ingredient, such as an acid which it has acquired through age, may be taken out, but the butter is not injured; the butter fat is not changed; in fact, it may be a purer article after it has gone through the renovating process than when it went into the renovating machine, but it goes in as butter and it comes out as butter. When a pail of lard is changed in color and stearin and oleo oil and cottonseed oil are added, you still have have nothing but beef fat and hog fat and oil. It is not butter and its character is not changed.

Mr. President, let any Senator use his own good sense. Does anyone believe for a single moment that a pail of lard costing 4 cents a pound can be taken and by any chemical legerdemain be changed into something that is not lard? Can Senators make themselves believe that if they should spread lard upon a slice of bread and eat it, they would have eaten something else? Can any of you deceive yourselves with the idea that when you have consumed a pound of beef tallow you have not consumed tallow, but that you have consumed some other article that is just as good as butter? Every chemist will tell you that tallow is not assimilated as easily as is butter; every physician will tell you that butter fat is taken up more easily by the human stomach than is lard fat. It may be that a person who is in a good, healthy condition might be able to eat a reasonable quantity of lard on his bread or a reasonable quantity of tallow on his bread, but he could not use as much of either of those articles without injury as he could of good

We are only making one little request, and that is that the Congress of the United States shall so legislate that the man who sits down at the table, at a boarding house, for instance, will know that he is getting oleomargarine when he asks for it, and will know that he is getting butter when he wants it. am not trying to protect the manufacturer or the retail dealer or the wholesale dealer; they will take care of themselves; they do not eat it. I am trying to protect the man who works in the woods, who works out in the logging camp, the man who boards at the second class or the third class hotel, the man who gets a 25-cent dinner at a restaurant and prefers to eat butter. want a law that will protect him; and I believe that the law would be far beter than it is to-day if we would take away entirely the 10-cent tax and then enact a most rigid provision against the deceptive coloring that is put into this product, and follow it right down to the very table itself. I presume that it would be rather difficult to draft a law that would impose a punishment for the use of oleomargarine on the table, unless the law were enacted with some purpose of regulation in view, and, therefore, we would need to impose some slight tax: I do not care whether it is one mill to the pound or one-quarter of a cent to the pound, so long as the Government can keep its hands upon the article and prevent its being used to counterfeit another article from the time it comes out of the hog in the packing house or from the time it comes out of the beef in the packing house, until it is dished up upon the American table. I do think that we are asking anything too much.

Mr. President, the manufacturers of oleomargarine are not complaining against the tax. You can not find one of them who would be willing to-day to surrender the tax of 10 cents a pound upon condition that he should not color his oleomargarine to deceive. They prefer the deception because they know that it is through the deception that they will be able to foist it upon the American public.

We can very easily settle the matter as to whether there is a desire to tax this product out of existence by modifying the amendment and providing that there shall be no coloring of oleomargarine in imitation of butter. If the amendment could be so modified, then you could tax it half a cent a pound or any other amount desired, and there would be no complaint on the part of the farmer who produces butter or on the part of the

I do not think, Mr. President, if one would spend hours in the discussion of this subject that he could change the opinion of those who stick with tenacity to the idea of coloring oleo-They will not surrender that point. When they do, they have surrendered the market for oleomargarine. If it is good for consumption by the American public, it is just as good when it is the color of lard as it is when of a golden yellow, and is just as healthful. If it is desired to make it cheap to the laborer, who seems to excite so much interest on the part of some in connection with this matter, just cut off the tax and let him buy it. No laborer is going to pay the 10 cents a pound difference between an uncolored pound of oleomargarine and a colored pound of it. He will buy the uncolored and save the 10 cents, if he wants it at all; but the whole truth of the matter is that he will not buy it. The real consumers of oleomargarine, as I have already stated, are the hotel keepers, the restaurant keepers, and those in logging camps.

I agree with the Senator from New York [Mr. WADSWORTH] that it is a substance that will not spoil as quickly as butter. Therefore, it can be carried across the plains through the heat of summer and the cold of winter, and it will not change a great deal. It does not need to change, because it could not be changed and be made much worse unless there were some system of rotting it; and the stuff will not rot very easily owing to the way it is made, any more than olive oil or lard or tallow will rot. Butter will spoil. Why? Because butter is a substance that is easily assimilable; and that which can be easily assimilated, any kind of food, always spoils very easily. It is only that which the stomach can not even spoil and change its nature very much that will not spoil in taking it across the continent and through the heat of summer.

Mr. President, we are asking simply this on behalf of the butter makers—that you give them an open and a fair field. They are perfectly willing to sell their butter side by side with oleomargarine. All that they are asking is that you take your mask off of oleomargarine in order that the consumer may make his choice as between the two. You insist that the mask shall be kept on; and as long as you do, this fight will go on.

Mr. CLAPP obtained the floor.

Mr. LEWIS. Mr. President, will the Senator yield to me?

Mr. CLAPP. Yes.

With the consent of the accommodating Sen-Mr. LEWIS. ator from Minnesota, I merely wish to say that since there was a request that the Sergeant at Arms bring in the absent Senators, and since it is apparent that we have a quorum and are proceeding with business, I desire to ask unanimous consent that the Sergeant at Arms be relieved from making a report at this particular time.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the Sergeant at Arms be relieved from the duty of making a report with reference to absent Senators.

Is there objection?

Mr. HUGHES. Mr. President, I think the proper course is to move that further proceedings under the call be dispensed

with.

Mr. LEWIS. I accept the suggestion of the Senator. I desire to relieve the Sergeant at Arms from the necessity of interrupting the Senator from Minnesota by making a report at this time. I accept the suggestion of the Senator.

The PRESIDING OFFICER. The Senator from Illinois

moves that the Sergeant at Arms be relieved of making a report

as to absent Senators.

Mr. LEWIS. And I accept the amendment of the Senator from New Jersey, that further proceedings under the call be dispensed with.

Mr. VARDAMAN. I would suggest that if the Sergeant at Arms has any Senators in reserve he had better hold them, as we may need them a little later.

Mr. LEWIS. That can be considered later.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois. [Putting the question.] By the sound the noes appear to have it. The noes have it, and the motion is lost.

Mr. LEWIS. Does the Chair say the motion is lost?

The PRESIDING OFFICER. It appeared to be. The Chair will again submit the motion to the Senate. [Putting the ques-The noes have it, and the motion is lost.

Mr. LEWIS. It is apparent that the motion is lost.

SUNDRY CIVIL APPROPRIATIONS.

Mr. KENYON. Mr. President, I introduce an amendment to the sundry civil bill (H. R. 20967), which I ask to have read and referred to the Committee on Appropriations. The PRESIDING OFFICER. The Secretary will read the

amendment.

The Secretary. The Senator from Iowa proposes to insert the following proviso:

Provided, That in order to further facilitate the elimination of waste and duplication in the public service and in order that responsibility may be centered and expenditures standardized and made uniform hereafter a single committee chosen from the membership of the House of Representatives shall institute and prepare all appropriation bills in harmony with a scientific and modern budget system.

The PRESIDING OFFICER. The amendment will be printed and referred to the Committee on Appropriations.

### THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenues to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes

Mr. CLAPP. Mr. President, the alleged excuse or justifica-tion for the pending tax bill is the necessity for additional expenditures along the line of the Army and Navy. I think it is not unfair to say that that excuse is related to the war that is now going on in Europe, and therefore I feel it fairly within the limits and courtesy of the occasion to refer for a

moment to that great struggle.

There has been in this country, sir, a great deal of what has seemed to me unfair and unjust criticism because a portion of our population have seen fit, in connection with their citizen-ship, to refer to their blood. There is a difference between blood and citizenship. A man may be of one race, that race being dominant in the country in which he lives; he may be a citizen of that nation. During this controversy of the last few years a great deal of criticism has been indulged in because a portion of our people felt that their sympathy and their hope was with one side of the great struggle in Europe. We who trace our ancestry through two and some of us three centuries upon this continent have not hesitated to indulge in the right of expressing our sympathy, our hope, and our prejudice for whichever side in the European controversy that sympathy, that hope, or that prejudice might lie on; but a certain portion of our people, because they have expressed a sympathy, have been the subject of what I consider unfair and unjust criticism.

Mr. President, I have before me an interview given by the president of the German-American Alliance of the State of Minnesota, together with a letter. Both in interview and in letter he points out not only the right but the natural tendency of the man in this country who was born abroad, or whose immediate ancestry was from another country, to sympathize with that country in a struggle with another foreign country. But he also points out, with a clearness and a patriotism that should awaken a response in all of us, that while that right exists, while that tendency exists, while perhaps that duty exists, at the same time if there comes an hour when this country and that country should come into armed clash, it is then his duty and his privilege to cast his fortunes with this, the country of his adoption; and upon those of his own race he enjoins this I am going to ask that the Secretary may read the interview.

The PRESIDING OFFICER. The Senator from Minnesota presents a clipping and a letter which he asks that the Secretary may read. Is there objection? There being none, the Secretary will read as requested.

The Secretary read as follows:

[From the St. Paul Dispatch of Feb. 9, 1917.]

STAND BY UNITED STATES, TEUTONS TOLD BY MOERSCH—PRESIDENT OF GERMAN-AMERICAN NATIONAL ALLIANCE IN STATE SENDS ADMONITION TO ALL THE MINNESOTA BRANCHES—UNWAVERING LOYALTY PLEDGED TO AMERICA—PRESERVE PLACIDITY AND DIGNITY IN HOUR OF CRISIS THOUGH HEARTS BLEED AND BREAK, IS CALL SENT OUT BY MOERSCH.

Julius Moersch, president of the Minnesota union of the German-American National Alliance has sent letters to all branch unions in the State outlining what he believes should be the proper attitude of the German-Americans in Minnesota in the present national crisis. The letter is written in an official capacity as president of the State

"I hardly need point out to you that during this crisis no word should be said or deed done by German-American unions or by German-American individuals that might give food for the reproach that we German-Americans are more German than American.

# PRESERVE DIGNITY.

"In this solemn critical time it is especially necessary to keep our wits about us and to preserve our placidity and dignity. No right-minded man will think less of the German-American because he has warm sympathies for the land of his fathers and busies himself in works of love and help in time of need on its behalf.

"If the Government of the United States has declared war against another nation, whether rightly or wrongly, then it is the duty of every American citizen to give his support to the measure adopted by the Government. About the justice or the injustice of the declaration of war, a higher power and the later history of the world will give

TRY TO AVOID WAR.

"On the other hand it is also the holy duty of each man to employ every righteous means at his command to the end that our land should not become involved in a war, and that the present differences between our nation and that of another nation may be smoothed out in a peaceful way.

"I am firmly convinced that Germany never sought war with America and does not now seek it, and that Germany never would attack our country. This knowledge must be a source of great comfort to all German-Americans in this anxious hour.

"If America should declare war on Germany there is only one duty for German-Americans, and that is 'stand by the flag of your country.' Our hearts may bleed and break, but that does not relieve us from the necessity of fulfilling our duty to the land of our adoption. It is the duty that we have taught our children, and is great and holy.

HOPES FOR PEACE.

"I still hope that it will not come to a declaration of war with Germany, but if this should happen there remains for us German-Americans only the course that I have indicated. We will never be ashamed of our German origin, but will be proud of it; never denying it in cowardly fashion. But to the land that now we call home, the birthplace of our children, we will ever remain un-waveringly loyal, though we do not boast of our loyalty in the hour of danger nor cringe to anyone."

STAATSVERBAND VON MINNESOTA, St. Paul, Minn., February 19, 1917.

Hon. Moses E. Clapp, United States Senator, Washington, D. C.

United States Senator, Washington, D. C.

Dear Sir: Ours being an organization largely composed of alien citizens of Teutonic descent we have refrained as such from volcing our sentiments in regard to the present difficulties between our Government and that of the German Empire, because we do not wish to be regarded in any other light than that of loyal Americans.

It seems to us that in the present controversy between these two Governments neither the honor nor safety of our country is at stake, and we therefore would respectfully petition you and earnestly beg you to use your high office and best efforts to keep our country out of war, as long as such will be compatible with the honor, dignity, and safety of our country.

We thus speak for 23,000 loyal citizens of Minnesota, who wish to see the peace and happiness of our country preserved.

Very respectfully, yours,

Julius Moersch.

Mr. CLAPP. Mr. President, I have incorporated these communications in my remarks with the greater pleasure, because, first, they voice, to my mind, a high ideal of grateful remembrance of the country from which these people and their direct ancestors came, and at the same time they voice an unwavering loyalty to the land of their adoption. Knowing these men and these people as I do, I believe in the absolute genuineness and

sincerity of the declaration.

While I am on the subject of the alleged relation between the pending tax bill and the European war I regard it as fairly within the purview of this discussion to refer to another

About a year and a half ago the senior Senator from Oklahoma [Mr. Gore] brought in a resolution warning our people from going into the danger zone of the European war. On the floor of this body he substituted for that another resolution, which, so far as its relation to the right was concerned, was a complete reversal of the resolution he had offered. The Senate, without stopping to understand the substitute, and to the great surprise of many Senators after they had done it, proceeded to table the substitute resolution; but in order that there might be a protection to some, or for some other reason, it was given out to the public that the Senate had tabled the Gore warning resolution and that certain Senators who had voted against tabling it were in favor of warning our people. Consequently by some they were characterized as cowards, by some they were charac-terized as disloyal, and all sorts of criticisms were placed upon them because it was supposed that they were in favor of warn-

ing our people against needlessly going into danger.

As bearing upon this subject, I noticed day before yesterday in the Washington Star a bit of information. I ask that there may be read from the desk the item which I now send to the

desk

The PRESIDING OFFICER. The Senator from Minnesota presents a clipping which he asks may be read. Is there objection? There being none, the Secretary will read as requested.

The Secretary read as follows:

[From the Washington Evening Star of Feb. 20, 1917.]

KEEPS WOMEN AT HOME—AUSTRALIAN GOVERNMENT ALSO FORBIDS DEPARTURE OF CHILDREN FOR EUROPE.

LONDON, February 20.

A iaw has been passed by the Australian Government, according to a Reuter dispatch from Melbourne, forbidding the departure of women or children for Europe under any circumstances.

The Indian Government recently adopted, among its new war measures, a law forbidding women and children to sail for England except for the most urgent reasons.

Mr. CLAPP. So it would appear, Mr. President, that there are lands and countries where it is not considered either treason or cowardice to warn noncombatants, especially women and children, from going into the danger zone declared in war.

Now, Mr. President, in regard to the pending amendment of the Senator from Alabama, there are three classes of people who are affected by the amendment. Two of those groups are abundantly able to voice their own sentiments. One is the allied group of those who produce cottonseed oil and live stock for beef, the Beef Trust. They are able to put out their information, their circulars, their telegrams. There is another group, composed of those who are engaged directly in the making of butter, and they too are able to have their organization put out their literature and send their petitions and telegrams. But there is one group of people interested in this subject who have no organization. They are unable to put their plea before Congress either through the instrumentality of petitions, literature, or telegrams. I refer to the man who is living on the border line of want, to whom every cent of the added cost of living to-day towers almost mountain high, the man who ultimately must bear the burden of this tax.

It has been my privilege to occupy a seat in this Chamber for 16 years, and aside from the proposition that was once made and carried here to tax corporations and except the holding companies, to tax the going corporation that brought into being the products for the people and except the holding company that stifles competition and sometimes stifles production, I do not think there has been a measure brought here of a tax-bill nature that is so remarkable as the amendment of the Senator

from Alabama.

Here I want to say I have got to reconcile a difference. notice my friend from Alabama speaks of oleomargarine. am a good deal inclined to accept him as authority, but my scholarly friend, the Senator from Massachusetts [Mr. Weeks], whom I must also accept as authority, refers to oleomargarine. In this dilemma I think it would be a fair compromise just to

refer to this product as oleo.

The present tax upon oleo uncolored is one-fourth of a cent a It is claimed that this material is wholesome; that it is not injurious to health; that it is a fair food product; and it is urged by its friends that it is the poor man's food. be true, I should like to have some Senator explain to me why it is that it is proposed to add 11 cents a pound to the product that we declare wholesome food and that is essentially the poor man's food? We have sought in legislation in the past, as far as possible, to relieve the man who is unfortunate and to place the burden of taxation upon those who are best able to bear that burden, but here is a proposition to start in now and increase the tax upon one article of food alone, and that article alleged to be a wholesome article and especially the poor man's food. How it can be justified I do not know and I can not suggest, because I have not yet heard on this floor a suggestion of a justification for starting in now and selecting a wholesome food product and putting a tax on that when it is alleged that it is not the rich man's food but it is essentially the poor man's food. This is inexplicable. But this is not by any means the worst phase of this question.

When it comes to imitations of a product there are two reasons why no product should be permitted to be imitated. the first place, it is immoral to practice deception, and that ought in itself to be a sufficient reason why we should never permit the imitation of a product. But there is another reason why it is wrong to permit an imitation. There is only one reason why a man seeks to imitate a product, and that is that he may get more nearly approximately the price of the product that is imitated. There is no other inducement for imitating butter in the making of oleomargarine excpt the fact that the more perfect the imitation the more easy it is for the man who makes the imitation to get for the imitation approximately the price of the genuine article. Strip it of that spirit and incentive of gain and there would be no reason on earth for Strip it of that spirit and

imitating it.

So, not only is there the moral wrong but it makes it possible to take this cheap product which it is declared is for the benefit of the poor man and not only add a direct tax of 2 cents a pound on the poor man's food, but by allowing it to be colored in imitation of genuine butter to add to that tax of 2 cents a part of the difference between the cost of the oleomargarine and the genuine butter. Yet we are told that this is done here in the interest of the laboring thousands of America. It may be, Mr. President, that some of the laboring people in this country can be influenced by that argument. It may be that some of them can be deceived, but I believe that if we would talk less here about the Beef Trust and the dairy interests and go to this arugument directly to the consumer we would clear the atmposphere, the clouds of deception and confusion would roll by, and the man who toils for a living would realize that he has got to pay a tax to begin with of 2 cents a pound on every pound of eleomargarine which he eats, and so far as the deception can be practiced he has got to pay a part of the difference between the cost of manufacturing this imitation and the genuine product.

When the consumer of this country, facing to-day, as he does and as she does, the high cost of living, will realize that in the last analysis it is the consumer not only who is deceived, but that he is directly taxed 2 cents a pound, and then as much of the difference as it is possible to load upon him in the imitation of the genuine butter by the imitation article, there will be a response throughout this country, and the question will have to be answered why it is that in raising taxes here we let all food products of the land go untaxed especially, except one particular article, and that the poor man's food, and place first a direct tax of 2 cents upon that, and then the additional tax which he is obliged to pay so far as he is deceived in this imitation, and so far as in that deception it is possible to make up the difference between the cost of these two articles. The Senator from North Dakota says "a man has a right to eat butter if he prefers and to eat oleomargarine if he prefers, and to know it is oleomargarine and to buy oleomargarine at oleomargarine price instead of paying a butter price for it.

No, Mr. President, unwarranted as it seems to me much of this tax is, it does appear to me when you brush away these clouds and get down to the solid fact we are adding first a tax of 2 cents a pound to the poor man's food, declared to be the poor man's food by the champions of this measure, and then adding as much more to that tax as the maker of oleo-margarine distributing it sells it at, and finally to the man who sells last to the consumers of this article so much of the difference in the cost as it may be possible to obtain by reason

of this imitation.

Mr. UNDERWOOD. Mr. President, I should like to ask if we could reach some agreement to vote on the pending amendment on the oleomargarine question to-morrow. If no one wishes to debate it at length, I would like to suggest and would be glad to vote to-morrow at 12 o'clock.

Mr. PENROSE. If the Senator wants to submit that question to the Senate, I think we ought to have a call of the Senate

and have more Senators present than are here now.

Mr. UNDERWOOD. To agree to vote on the amendment

does not require a call of the Senate.

Mr. PENROSE. I know that, but it means unanimous consent, I understand, to vote on this particular amendment, and I do not think any Senators here in the minority would want to consent to that without a call of the Senate, so that Senators who are absent may be here.

Mr. UNDERWOOD. I will state to the Senator that I do not desire to interrupt the proceedings at this time by having a call of the Senate. I merely wanted to give notice that, so far as I am concerned, I am willing to agree to an hour for a vote on this subject. Of course, if the gentlemen on the other side of the Chamber are not prepared to make the agreement at this

time, we can let it go over until to-morrow.

Mr. PENROSE. The minority certainly are not prepared, because there is not a quorum in the Senate at the present time.

suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylrania suggests the absence of a quorum. The Secretary will call

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Beckham Brady Brandegee Broussard Bryan Chilton Clapp Cummins Fernald Fletcher Gronna Hollis	Hughes Husting James Johnson, S. Dak. Jones Kenyon Kern La Follette Lane Lea, Tenn. Lee, Md. Lewis McCumber McLean	Martin, Va. Martine, N. J. Norris Oliver Overman Owen Penrose Pittman Pomerene Reed Robinson Shafroth Sheppard Sherman	Simmons Smith, Ga. Smith, Mich., Smith, S. C. Smoot Sterling Thomas Thompson Underwood Vardaman Walsh Watson	
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Mr. SMITH of Michigan. I desire to announce that my colleague [Mr. Townsend] has been called away by the illness of

Mr. VARDAMAN. I desire to announce the absence of the Senator from Tennessee [Mr. Shields] on account of illness.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum of the Senate

Mr. McCUMBER. Mr. President, I wish to say to the Senator from Alabama that I do not think there will be much trouble in arriving at an agreement as to a very early vote upon his amendment. We simply desire that there be coupled with the request for a vote the length of time any Senator shall be allowed to talk upon the subject, so that the whole time may not be taken up by one or two Senators, and that there may be a vote, not at an evening session, but some time in the daytime, when practically all Senators will be present.

Mr. UNDERWOODD. I agree with the Senator about his suggestion; but what suggestion has the Senator to make as to

what time is to be taken?

Mr. McCUMBER. I think that can be better made in the morning, when more Senators are present. I know we all want to get through with the bill. None of us are hankering after an extra session.

Mr. UNDERWOOD. That is satisfactory to me.
Mr. SIMMONS. Mr. President, if we wait until the meeting of the Senate to-morrow to fix a time to vote on one amendment, and if then the idea of the Senator from North Dakota is carried out, fixing a time when we shall close general debate on the amendment, and then a time for debate under the five or ten minute rule, it would probably take the whole of to-morrow—Friday—to dispose of this amendment.

Mr. McCUMBER. Not necessarily. I do not think so. I think we could get through some time in the afternoon.

Mr. CUMMINS. I was not here when the Senator from North Carolina made his proposal. What is the object of asking unanimous consent to fix a time to vote on an amendment to the bill?

Mr. SIMMONS. I did not myself ask the unanimous con-The Senator from Alabama [Mr. Underwood] made the

suggestion.

Mr. THOMAS. I should like to state to the Senator from Iowa that yesterday, just before the Senate took a recess, it was agreed that this amendment should be disposed of in advance of the bill, the first thing in the morning.

Mr. CUMMINS. I assume, in the very nature of things, the

amendment will be disposed of in advance of the bill.

Mr. LA FOLLETTE. Was there a unanimous-consent agreement of that sort reached?

Mr. THOMAS. I was in the chair when it was made, and

the RECORD shows it.

Mr. CUMMINS. I only desire to say that I should prefer that the matter should go along in the regular way, and, when the time comes to vote on the amendment, to vote on it; whether at night or day, it does not make any difference to me.

Mr. SMITH of Michigan. Mr. President-The PRESIDING OFFICER. Does the Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I yield the floor.
Mr. SMITH of Michigan. I thought the Senator had yielded the floor.

The PRESIDING OFFICER. The Senator from Michigan

is recognized.

Mr. SMITH of Michigan. The Senator from Colorado [Mr. Тномаs] just remarked that it was his understanding that there had been practically an agreement reached that we should vote on the pending amendment to the bill in advance. I did not so understand.

Mr. SMITH of Georgia. There has not been any such

agreement made.

Mr. SMITH of Michigan. I never heard of any such agreement. Is there a request for unanimous consent now pending?
The PRESIDING OFFICER. There has been no request

submitted for unanimous consent. The Secretary will proceed with the reading of the bill for amendments.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was, under the head "Title II, Excess profits tax," on page 2, line 24, after the word "includes," to insert the word "also," so as to read:

The term "corporation" includes also joint-stock companies or associations and insurance companies.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. SMOOT. Mr. President, before the amendment is agreed to I should like to refer to the Record to see just what it shows in relation to the pending amendment. On page 4241 of the RECORD it is shown that this is what took place last night:

Mr. Simmons. Of course, I wish to pursue the usual course, which is to take the committee amendments in their order; but in view of the

fact that this amendment has attracted special attention, and we have spent the day in discussing it, and probably the discussion upon it will be resumed in the morning, I think it might be just as well that we should disregard the usual rule and have our first vote upon this amendment. I think probably that would facilitate the consideration of the bill.

Mr. Warren. Mr. President, I think that is a matter that ought to rest largely with the Senator himself, with reference also to the author of that amendment, and his colleague on the committee, who is the ranking minority member.

Mr. Simmons. I desire to ask the Senator from Pennsylvania, who is the ranking minority member, whether that would be satisfactory?

Mr. Pennose. What is the proposition of the Senator?

Mr. Simmons. The suggestion that we first vote upon the oleomargarine amendment.

garine amendment.

Mr. Penrose. So far as I am concerned—and I have no reason to doubt that it will be satisfactory to the others of the minority—it will be entirely satisfactory to dispose of the oleomargarine amendment first.

Mr. Simmons. Then I move that the Senate take a recess until 10.30

e'clock to morrow.

Mr. Penrose. Before that motion is put, may I ask whether the Senator's very able explanation of this measure will be in the Record to-morrow?

There was no action by the Senate as recorded in the RECORD. It was suggested by the Senator from North Carolina [Mr. Simmons], who has the bill in charge, that that was the program, and the Senator from Pennsylvania [Mr. Penbose], the ranking minority member of the committee, said that he had no objection to it; but there was no vote taken on the part of the Senate.

Mr. THOMAS. Did not the Senator from Pennsylvania say

that there would be no objection to it?

Mr. SMOOT. He said there would be no objection to it. Mr. SIMMONS. I wish to be entirely frank with the Sen-

Mr. THOMAS. The Senator's exact language was that it would be entirely satisfactory.

Mr. SIMMONS. It is my understanding that we did not reach an agreement.

Mr. THOMAS. He was speaking for the minority.

Mr. SMOOT. As the Senator from Colorado was in the chair at the time, I will ask him, does he understand that the Senate agreed that the vote should be taken upon the so-called Underwood amendment?

Mr. THOMAS. Such was my understanding. There were

five Senators present at the time.

Mr. SMOOT. The Record does not show that the Chair said "Without objection, it is agreed to." It only shows that there was an agreement between the Senator from North Carolina [Mr. Simmons] and the Senator from Pennsylvania [Mr. Pen-

Mr. THOMAS. I concede that technically there was no decision upon the matter in a formal way by the Senate; but upon the announcement of the Senator from Pennsylvania that there would be no objection to it, the Chair assumed that the matter was so understood.

Mr. PENROSE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I do.

Mr. PENROSE. I certainly did not mean to assume any authority or responsibility to speak for my colleagues of the minority; neither did I imagine that there was any suggestion that a time certain should be fixed for a vote on the oleomargarine amendment. The casual suggestion was made whether there would be any objection to voting on that amendment first, it being a very important amendment, before other amendments were taken up, and I said good-naturedly that, so far as I knew, I did not know of any objection; but investigation may disclose the fact that there is objection. If so, I certainly have no power to prevent it or no desire to do so.

Mr. CUMMINS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I have said all I desire to say, and I yield the

Mr. CUMMINS. I have no desire to escape from any honorable obligation that has been entered into; I do not care in what order these amendments are voted upon; I had just as soon vote on the oleomargarine amendment as on any other amendment; but I do not want any time fixed for voting upon that amend-

ment, and that was not included within the arrangement.

Mr. PENROSE. There was no suggestion last evening of the time when the vote would be taken.

Mr. SIMMONS. None at all.

Mr. CUMMINS. No one can tell when a vote may be reached. The debate has substantially closed, but we have all had enough experience in the fixing of a time for voting on amendments to know that after the time is fixed the debate is practically over, for the only thing that keeps in the Chamber the few Senators who do stay here, is the fear that some amendment in which

they may be interested may be voted upon in their absence.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment which has been stated.

The amendment was agreed to.

Mr. SMITH of Georgia. I do not understand that the chairman of the committee or the ranking minority member of the committee claimed any right to fix a time for a vote. It was a mere negotiation in open session, in the nature of a conference. Neither undertook to bind anybody at that time by their action. I would really object very much to the assumption of authority by them to have bound those who were absent. They did not do so. I am myself very much opposed to singling out one amendment and voting on it, as I think we ought to vote on the amendments in the usual way, as we come to them.

The PRESIDING OFFICER. The Secretary will resume the

reading of the bill for committee amendments.

Mr. SMOOT. Mr. President, I understand the Secretary is reading the bill for committee amendments.

Mr. SIMMONS. He is.

The PRESIDING OFFICER. The bill is being read for committee amendments. It has been heretofore read in full.

Mr. SMOOT. I know it has been read in full. But taking it up as it has been taken up now, and stating the amendments without reading the paragraphs in which the amendments occur makes it difficult to follow. I ask that the context be read together with the amendments, so that we can understand what they are.

The PRESIDING OFFICER. The Secretary will read the

paragraphs in which the amendments occur.

The Secretary resumed the reading of the bill for amendments.

The next amendment of the Committee on Finance was, in section 201, on page 3, line 15, after the word "organized," to strike out "excepting income derived from the business of life, health, and accident insurance combined in one policy issued on the weekly premium payment plan"; and in line 20, after "\$5,000," to strike out "and" and insert "plus," so as to make the clause read:

Sec. 201. That, in addition to the taxes under existing law, there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 plus (b) 8 per cent of the actual capital invested.

The amendment was agreed to.

The next amendment was, on page 4, line 2, after the name "United States," to strike out "and" and insert "plus"; and in line 11, after the word "income," to strike out "and" and insert "plus," so as to make the clause read:

Every foreign corporation and partnership, including corporations and partnerships of the Philippine Islands and Porto Rico, shall pay for each taxable year a like tax upon the amount by which its net income received from all sources within the United States exceeds the sum of (a) 8 per cent of the actual capital invested and used or employed in the business in the United States, plus (b) that proportion of \$5,000 which the entire actual capital invested and used or employed in the business in the United States bears to the entire actual capital invested; and in case no such capital is used or employed in the business in the United States bears to the entire actual capital invested; and in case no such capital is used or employed in the business in the United States the tax shall be imposed upon that portion of such net income which is in excess of the sum of (a) 8 per cent of that proportion of the entire actual capital invested and used or employed in the business which the net income from sources within the United States bears to the entire net income, plus (b) that proportion of \$5,000 which the net income from sources within the United States bears to the entire net income.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, in section 202, page 4, line 17, after the word "value," to strike out "at the time of payment"; in the same line, after the word "cash," where it occurs the second time, to strike out "paid in" and insert "at the time such assets were transferred to the corporation or partner-ship"; and in line 22, after the word "partnership," to insert "whether evidenced by bonds or otherwise," so as to make the section read:

SEC. 202. That for the purpose of this title, actual capital invested means (1) actual cash paid in, (2) the actual cash value of assets other than cash at the time such assets were transferred to the corporation or partnership, and (3) paid in or earned surplus and undivided profits used or employed in the business; but does not include money or other property borrowed by the corporation or partnership, whether evidenced by bonds or otherwise.

The amendment was agreed to.

The Secretary proceeded to read section 203.

Mr. SIMMONS. Mr. President, there is no amendment to that section, and I do not see any reason why the Secretary should read that section when we are considering only committee amendments.

The PRESIDING OFFICER. The Secretary will simply read those paragraphs in which committee amendments appear.

The next amendment of the Committee on Finance was, in section 204, page 5, line 22, before the word "act," to strike out "the" and insert "such"; in line 26, after the word "partnerships," to insert "or corporations"; on page 6, line 1, after the word "derived," to insert "exclusively"; and in the same line, after the word "from," to strike out "agriculture or from," so get to make the scatter word. from," so as to make the section read:

SEC. 204. That corporations exempt from tax under the provisions of section 11 of Title I of such act approved September 8, 1916, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title, and the tax imposed by this title shall not attach to incomes of partnerships or corporations derived exclusively from personal services.

Mr. OLIVER. Mr. President, I desire to make a parliamentary inquiry. I have an amendment to propose to this amendment of the committee, and I ask that this section be passed over that I may have an opportunity to prepare the amendment.

Mr. SIMMONS. Do I understand the Senator from Pennsylvania to say that he desires to offer an amendment to the committee amendment?

Mr. OLIVER. I have not the amendment in precise shape now. This provision reads:

And the tax imposed by this title shall not attach to income of partnerships or corporations derived exclusively from agriculture or from personal services.

I want to provide that it shall not apply to such part of the income of any partnership or corporation as is derived from

Mr. SIMMONS. The Senator wants to add the word "part." Mr. OLIVER. I desire to offer an amendment, inserting the words "such part of the income of any partnership or corpora-tion as is derived from agriculture or from personal services." Mr. WATSON. Where does the amendment come in? Mr. OLIVER. Directly after the word "to," in line 26, in

lieu of the amendment suggested by the committee. Mr. SIMMONS. Does the Senator offer that amendment

Mr. OLIVER. I will offer that as an amendment to the

committee amendment.
Mr. SIMMONS. If the Senator desires time to prepare the amendment, I will ask that the committee amendment be passed over for the present.

Mr. OLIVER. I will offer the amendment to the committee

amendment now

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment to the committee amendment.

Mr. SIMMONS. I ask that the Secretary state the amend-

The PRESIDING OFFICER. The Chair will ask the Senator from Pennsylvania to restate the amendment.

Mr. OLIVER. After the word "to," in line 26, page 5, insert

"such part of the income of any partnership or corporation as is derived from agriculture or from personal or professional services," and strike out the remainder of the paragraph.

Mr. SIMMONS. I can not accept that amendment. The PRESIDING OFFICER. The Secretary will state the amendment to the committee amendment.

The Secretary. On page 5, line 26, after the word "to," it is proposed to strike out the committee amendment and the remainder of the paragraph, and to insert "such part of the income of any partnership or corporation as is derived from

agriculture or from personal or professional services."

Mr. OLIVER. I think that the intent is exactly the same as the intent of the committee; but it is more clearly expressed,

and I think it is free from objection.

Mr. SIMMONS. No; I think this amendment of the committee and the amendment of the Senator are in direct conflict.
What the Senate committee amendment contemplates is not to exempt from the income tax any income not exclusively derived from personal services; that is, the corporation or the copartnership to entitle it to the exemption must be a corporation or a copartnership deriving its income exclusively from personal

Mr. OLIVER. It is incomes from agriculture that I have in mind.

Mr. SIMMONS. I am not speaking now about the agricultural feature. Under the proposed amendment of the Senator all income of any corporation derived exclusively from personal services, although it might have income derived from other sources, would be entitled to this exemption.

Mr. OLIVER. Oh, no; Mr. President. If the Senator will read my amendment, he will see that it only exempts such part I

of the income as is derived from agriculture or from personal services

Mr. SIMMONS. The Senator is taking a corporation and segregating a part of the income that is derived from personal services from the income derived from other sources, and exempting that part of the income which is derived from personal services from the operation of this tax.

Mr. BRYAN. And that part derived from agriculture.

Mr. SIMMONS. Yes; and that part derived from agriculture. The committee made this exemption and put it in such language, or attempted to put it in such language, as to make it certain that it would inure only to the benefit of a copartnership or a corporation that had no income that was not derived from personal services

Mr. OLIVER. Mr. President, it seems to me that a corporation may have income from one source which would be taxed under this bill and also have a large income from agriculture. A firm of merchants, for example, in a country town may have some farms out in the country; and what I aim at is to except from the operation of this tax that portion of their income which is derived from the farms, not excepting that derived from other business

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, we have stricken out that provision entirely from the bill as it came to us from the House. Our plan is to leave the profits from partnerships engaged in agriculture and corporations engaged in agriculture subject to the tax. The Senator will see, on page 6, that the words "agriculture or from" have been stricken out, so that the excess profits of corporations or partnerships even from agriculture would be subject to the tax.

Mr. OLIVER. Not as the bill is printed.

Mr. SMITH of Georgia. Yes.

Mr. OLIVER. Certainly not, in my copy of the bill.

Mr. SMITH of Georgia. On page 6, line 1, the Senator will see that the words "agriculture or from," contained in the House bill, have been stricken out, or our amendment proposes to strike

Mr. OLIVER. The copy that I have must be an earlier copy,

because it does not appear in that copy.

Mr. SIMMONS. The Senator has the wrong copy.

Mr. SMOOT. The bill as it passed the House has the words agriculture or from " in it.

Mr. SMITH of South Carolina. Mr. President-

Mr. SIMMONS. Mr. President, if the Senator will pardon me, we have amended that provision as it came to us from the House so as not to give corporations or copartnerships engaged in agriculture the benefit of the exemption. Under the committee's amendments, these corporations and copartnerships engaged in agriculture are as much subject to the tax as those engaged in any other line of business.

Mr. SMITH of South Carolina. Mr. President—
The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. SIMMONS. I do. Mr. SMITH of South Carolina. If the Senator yields the floor, I should like to take this occasion, in my own time, to call attention to the amendment proposed by the committee in line 1, page 6, where they involve agricultural copartnerships in this tax.

Mr. President, I think the House did wisely to exempt agricultural copartnerships from this tax. We are now in the throes of what we call the high cost of living. Every Member of this body knows that the remedy must come from an adequate supply of the necessities of life that come from the agricultural interests of this country. We have just finished passing a law providing for rural credits in order to enable men to get the funds to invest in land and in the improvement of land, to increase the supply of foodstuffs in this country. Every man knows that the law of business is the law of the aggregation of capital. The momentum of finance is no less true and un-changeable than the momentum of a man in the material world.

We have passed this law. We are attempting to encourage agriculture and the "back-to-the-farm" movement. Every man knows that real estate, both within a municipality and in the agricultural districts, can not avoid taxation. It pays the county tax; it pays the road tax; it pays the State tax; it pays the municipal tax; it pays the school tax. In the final and last

analysis, in fact, every tax rests upon the ground.

Now, let us compare artificial production with natural production. The miner can determine his crop because he is the master of the season of mining. He can increase his force and increase the product of his mine. He can lessen the supply or increase the supply at his own free will. The same is true of the manufacturer in every department. It is wholly within his hands according to his needs, because it is artificial. But the

man who farms has to wait upon a natural law, which is as capricious as the seasons, because it is dependent upon the seasons. He has lean years, disastrous years, like the year 1916 just past, when the accumulation of profits of from 10 to 15 years is wiped out, not because of bad business management, not from lack of foresight, not for speculative reasons, but because the windows of heaven have been shut, or storm and disaster has been turned loose from a providential source. Now you step in and say that he shall not have the profits of the full years and the flush years to recoup the losses of the years preceding, and you are discouraging with one hand the identical thing that you tried to encourage and are encouraging in the passage of your rural-credits bill.

I suspect that the reason why agricultural corporations were stricken out by the members of the Finance Committee was to avoid what they thought perhaps would subject them to the criticism that they were not treating all alike. They would have been subjected to that criticism had the nature of the businesses been alike. The farmer, however, is a man who has to depend upon a higher source than the mere rules and regulations of an artificial corporation. He has to depend entirely upon the caprice of the seasons, and it is notorious that for that reason he is a disorganized and a helpless man. Could he organize his business as other men organize theirs, capitalize it, and be sure of the return, the cost of living would already have been settled in relation to other affairs. But he is helpless, and the very drudgery and uncertainty that attend this avocation constitute the reason why those who follow it are notoriously poor. The only hope that we have for the adequate development of our agricultural resources is to take advantage of the laws you have passed extending him credit, and allowing him to form business combinations to reduce the cost of production, and in that way lessen the cost to the consumer.

It is true that you say there are very few such corporations. Why? For the very reason I have stated—on account of the uncertainty that always attends the production of a crop. It is the most uncalled-for, the most unwarranted provision in this bill, that you, right at the outset, begin to discourage anything like the formation of corporations in this notoriously poorly paid division of our great industries in this country.

I ask this body of Senators that this be stricken from this bill. If there is anything that needs the encouragement and help of this country it is the agricultural interests of this country.

It was said here to-day, even in the argument about the oleo-margarine tax, that the man who produces the cream and sends it to the market does not participate in the high price that is obtained for the butter. That is notoriously true of all the raw materials that come from the farm, for the reason that the farmers as a mass can not organize themselves and demand their share of the wealth they produce. Now, right at the very threshold of an era that looked like promising something of organization at least along the line of obtaining financial aid for the development of the farmer's vocation you step in here and discourage organization and say that if he or they earn above a certain amount you will put them in the same category with artificial corporations—those that artificially produce and those who can control their own laws of production and the seasons and times of their marketing. You propose that the farmer shall be put in the same category with them.

I appeal to this body of Senators, standing face to face as we do with the high cost of living, which primarily is based on the fact that the farms are being decimated, and that the production is not keeping pari passu with the consumption because of the unattractiveness of agriculture, to strike from this bill the inclusion of agricultural organizations for the promotion of that for which we all stand here to-night and plead from every direction that there shall be some relief.

Therefore I move now, Mr. President, as an amendment, that

the words "agriculture or from" shall be added to the bill.

Mr. OLIVER. Mr. President, I suggest to the Senator from South Carolina that he will accomplish his purpose by voting for the amendment which I have already offered.

Mr. SMITH of South Carolina. I simply move that we disagree to the Senate amendment, then.

The PRESIDING OFFICER. There is an amendment pending-the amendment of the Senator from Pennsylvania.

Mr. NORRIS. Mr. President, let me suggest to the Senator from South Carolina that he does not even have to do that. We will vote on the committee amendment. If he wants to leave it as it passed the House, he can accomplish that result by voting down the committee amendment.

Mr. SMITH of South Carolina. Well, that is what I shall be very glad to do.

Mr. NORRIS. It does not need any motion at all by the Senator.

Mr. HUGHES. Mr. President, as far as I understand the parliamentary situation, the question is about to come on the motion of the committee to amend the bill in this particular, striking out the words "agriculture or from," the object being to exempt copartnerships?

Mr. OLIVER. I have offered an amendment to the com-

mittee amendment.

The PRESIDING OFFICER. The Chair will say that the Senator from Pennsylvania has tendered an amendment to the committee amendment.

Mr. HUGHES. Then, as I understand, the vote first comes upon the attempt of the Senator from Pennsylvania to perfect the committee amendment?

The PRESIDING OFFICER. The Senator from New Jersey correct.

Mr. SMITH of South Carolina. Mr. President, I was under the impression that the Senator from Pennsylvania withdrew his amendment.

Mr. OLIVER. Not if I know myself.

Mr. SMITH of South Carolina. The idea was that you were attempting to do what the committee has already done and what I am now trying to undo.

Mr. OLIVER. But, Mr. President, I was not attempting to do anything of the kind. I was attempting to accomplish just what the Senator from South Carolina is.

Mr. SMITH of South Carolina. I am very glad to know that. Mr. NORRIS. Mr. President-

The PRESIDING OFFICER. The Senator from New Jersey has the floor. Does he yield, and, if so, to whom?

Mr. HUGHES. I yield to the Senator from Nebraska. Mr. NORRIS. I want to submit this proposition—that we ought first to vote on the committee amendments before we vote on the amendment of the Senator from Pennsylvania, because the Senator from Pennsylvania undertakes to strike out the line or part of the line beginning on page 5 and all of lines 1 and 2 on page 6 and insert something else. There are two or three of the committee amendments—three of them, at least—which seek to perfect the text that the Senator from Pennsylvania moved to strike out by his amendment. Therefore, we ought to vote on the Senate committee amendments first and see whether that text shall be perfected as the committee has suggested, and then vote on the amendment of the Senator from Pennsylvania to strike that out and insert something else.

Mr. HUGHES. Mr. President, I agree with the Senator from Nebraska that it is in order now to vote upon the language suggested by the committee. If that language is adopted or disagreed to, in either event, the amendment of the Senator from Pennsylvania will be in order.

Mr. OLIVER. Mr. President, I am not very much of a par-liamentarian, but it seems to me that the proposition before the Senate originally was the amendment proposed by the committee. If that shall be adopted, then the only way that you can get my language into the bill is by reconsidering it.

Mr. NORRIS. Oh, no. Mr. HUGHES. No; I call the Senator's attention to the fact that we have perfected, or attempted to perfect, the text of the House amendment in one or two particulars in which the Senate, perhaps, is not particularly interested. One of them is a verbal amendment, the word "the" appearing in line 22, page 5. Now, the committee has a right to perfect the amendment. Then, after the text is perfected, and before the vote came upon the amendment as perfected, the Senator will have a right to further amend it.

The Senator from New Jersey is wrong.

Mr. HUGHES. Well, we certainly have a right to perfect the text before the Senator from Pennsylvania has a right to move to strike out anything.

Mr. BRADY and Mr. SMITH of Georgia addressed the Chair. The PRESIDING OFFICER. Does the Senator from New Jersey yield, and, if so, to whom?

Mr. HUGHES. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Is not this the real status: The Senator from Pennsylvania moves to strike out certain lines in paragraph 204, and substitute—
Mr. OLIVER. In lieu of the committee amendment.

Mr. SMITH of Georgia. But the committee amendment is not there yet. The Senator from Pennsylvania moves to strike out certain lines, and substitute. Now, the committee undertakes to perfect those lines by certain changes in them-two different changes; not just one. The nature of the motion of the Senator from Pennsylvania is to substitute for lines 1, 2, and 3 at the close of that paragraph certain other distinct language. Would we not, therefore, vote upon the committee amendments to perfect the original language, and then, after we have perfected

that original language, vote upon the motion to strike out and substitute, offered by the Senator from Pennsylvania?

Mr. SMOOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. HUGHES. I do.

Mr. SMOOT. The statement made by the Senator from Georgia would be absolutely correct if we were going to offer a substitute for section 204; but that is not what the Senator desires. All he wants to do is to amend section 204. Now, if the Senate amendments are agreed to, the only way in which he could offer an amendment to the section, after amending it. would be by a reconsideration of the vote by which the Senate agreed to the amendment.

Mr. SMITH of Georgia. But he is amending it by striking out

and substituting.

Mr. NORRIS. Mr. President-

Mr. SMITH of Georgia. It is a motion to strike out and substitute; and, as it is a motion to strike out and substitute, you can perfect the matter to be stricken out before you vote on the motion to substitute.

Mr. NORRIS. Why, of course.
Mr. SMOOT. The Senator is perfectly correct if there is a substitute for section 204. Then the proper way to proceed would be, as the Senator says, to perfect section 204, and then to offer a substitute for section 204 if the Senator from Pennsylvania so desires

Mr. NORRIS. Mr. President, I should like to ask the Sen-

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. HUGHES. I yield. Mr. NORRIS. The amendment of the Senator from Penn sylvania is to strike out, on line 26, page 5, all after the word "attach."

Mr. SMOOT. All after the word "to."

Mr. SMITH of South Carolina. All after the word "to"? Mr. NORRIS. Well, that is the next word to "attach";

all the balance of the paragraph?

Mr. SMOOT. Yes. Mr. NORRIS. No.

Now, that includes not only three committee amendments, but it includes some other language outside of the committee amendments.

Mr. SMOOT. Yes.

Mr. NORRIS. If the Senator's position is right and we should vote on the amendment of the Senator from Pennsylvania first, then what becomes of the committee amendment? We never would vote on it.

Mr. SMOOT. Certainly.

Mr. NORRIS. We strike out the words that the committee amendment undertakes to amend. It is the same principle that we apply when an amendment is pending. We have a right to perfect the amendment itself before the question comes on striking it out and putting something in its place.

Mr. SMOOT. The way to vote upon the amendment is to Those who are in favor of the committee amendments will vote against the amendment offered by the Senator from

Pennsylvania.

Mr. SMITH of Georgia. Not necessarily.

Not necessarily. A Senator might be in Mr. NORRIS. favor of the amendment of the Senator from Pennsylvania if certain parts or all the amendments of the committee were agreed to, and some other Senator might be in favor of the amendment if the committee amendments were rejected, while others might be opposed to it if the committee amendments were adopted. So we ought first to perfect th Senator from Pennsylvania seeks to strike out. Mr. SMITH of Georgia. Undoubtedly, So we ought first to perfect the language the

Mr. NORRIS. We do that by voting on the committee amend-

Mr. SMOOT. Let me call the attention of the Senator to the position, if adopted by the Senate as he suggests. If we are going to do that, then we first vote upon the amendment inserting after the word "partnerships" the words "or corporations.

Mr. NORRIS. Yes, sir.
Mr. SMOOT. Now, suppose that be agreed to.
Mr. NORRIS. All right.

Mr. SMOOT. Then the next amendment would be inserting the word "exclusively" after the word "derived." Suppose

the Senate agreed to that.

Mr. NORRIS. All right.

Mr. SMOOT. Then the next amendment would be to strike out the words "agriculture or from," and suppose the Senate agreed to that.

Mr. NORRIS. All right; suppose it did. Mr. SMOOT. Does the Senator mean to say that the amendment could be moved without a reconsideration of the votes by which these amendments were agreed to?

Mr. NORRIS. Certainly.
Mr. SMITH of Georgia. Absolutely.
Mr. NORRIS. The motion is to strike out the language we put in. If we strike out that language, the whole question is

Mr. FLETCHER. The amendment then of the Senator from Pennsylvania would be to strike out all the language agreed

upon after the words "attached to."

Mr. NORRIS. But the Senator from Pennsylvania does not make that motion. He moves to strike out, at line 26, page 5, commencing with the words "incomes of partnerships or corpo-

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield; and if so, to whom?

Mr. BRADY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho will

state his parliamentary inquiry.

Mr. BRADY. Is the amendment offered by the Senator from

Pennsylvania to the amendment in order at this time?

The PRESIDING OFFICER. The Chair holds, of course, that an amendment to the committee amendment is in order; but owing to the peculiar phraseology, since it comprehends certain language of the House text, the Chair holds that at this particular time it is not in order.

Mr. OLIVER. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator from Pennsyl-

vania will state it.

Mr. OLIVER. Is it understood that if the Senate votes upon the various amendments proposed by the committee, all of which constitute one amendment, my amendment will be in order upon the adoption of that amendment?

The PRESIDING OFFICER. The present occupant of the

chair thinks so.

Mr. FLETCHER. The Senator's motion, then, would be to

strike out all that had been agreed to.

Mr. HUGHES. Mr. President, in order to bring this matter to an issue, I ask uranimous consent that the committee amendment be considered as adopted, giving the right to the Senator from Pennsylvania to offer his amendment.

Mr. CUMMINS. Considered as adopted? Mr. HUGHES. With the right of the Senator from Pennsylvania to offer his amendment.

Mr. CUMMINS. I have an inquiry to make in regard to the committee amendment before it is adopted. I do not wish to

do it in the time of the Senator from New Jersey. Mr. HUGHES. To bring this matter to a consummation, I ask to have the committee amendment to amend the text adopted, subject to the right of the Senator from Pennsylvania, or any other Senator, to offer such amendment as he chooses in the way of amendment to the committee amendment after the

text is perfected. The PRESIDING OFFICER. Will the Senator from New Jersey kindly restate his request?

Mr. HUGHES. I ask unanimous consent that the amendment suggested by the committee be considered as adopted, with the right of the Senator from Pennsylvania, or any other Senator, then to move to amend it in any particular he sees fit.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. OLIVER. I have no objection.
Mr. McCUMBER. I object.
The PRESIDING OFFICER. The Senator from North Dakota objects.

Mr. SMITH of South Carolina. Mr. President, a parliamentary inquiry. I want to know now if the Chair holds it is in order to vote on each separate amendment proposed, beginning in line 26, voting first on the insertion of the words "or corporations"? That is one of the committee amendments.

The PRESIDING OFFICER. That the Chair understands

has been agreed to.

Mr. CUMMINS. It has not. I have been standing on my feet for 10 minutes trying to get a word in edgewise in order to address the Chair on that very amendment.

Mr. SMITH of South Carolina. I wanted to get that clear, because when we get to the next amendment, then I hope the Senate will vote to disagree to it.

Mr. NORRIS. The Senator means the second amendment? Mr. SMITH of South Carolina. The third amendment. I hope the Senate will vote to disagree to it.

Mr. NORRIS. The Senator has reference to the committee amendment in line 1, page 6?

Mr. SMITH of South Carolina. Yes; striking out the words "agriculture or from."

Mr. NORRIS. There are two amendments ahead of that.

Mr. CUMMINS. Mr. President, I do not attempt to settle this parliamentary tangle; it seems to me to be utterly immaterial; but I have an inquiry to make with regard to the committee amendment

Mr. VARDAMAN. I should like to ask the Chair if the request of the Senator from New Jersey [Mr. Hughes] was granted?

The PRESIDING OFFICER. It was objected to by the Senator from North Dakota [Mr. McCumber].

Mr. VARDAMAN. I merely wished to have that understood.
Mr. SIMMONS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield to the Senator from North Carolina. Mr. SIMMONS. What I desire to suggest is that the amendment of the Senator from Pennsylvania deals with three separate and distinct amendments proposed by the committee.

The PRESIDING OFFICER. The Chair held that the

amendment of the Senator from Pennsylvania is not in order at this time.

Mr. SIMMONS. I was going to make that point.
Mr. CUMMINS. This is the question I desire to ask the chairman of the committee—on the amendment which consists in the interpolation of the words "or corporations," occurring in line 26, on page 5, and in line 1, page 6: How can a corporation render a personal service? Undoubtedly there must have been in the minds of the members of the committee some instances in which corporations, which are artificial beings or entities, can render personal service, but those instances do not occur to me. I should like to know what has been or is in the minds of the members of the committee with regard to that matter.

Mr. SIMMONS. Mr. President, I will state frankly to the Senator from Iowa what I understood to be in the minds of the committee at the time the amendment was adopted.

Mr. ROBINSON. Mr. President, I rise to a question of The Senate is not in order, and we can not hear anything that is going on.

Mr. STERLING. We can not hear on this side. The PRESIDING OFFICER. The point of or The point of order is well

taken. The Senate will be in order.

Mr. SIMMONS. The Senator will observe the language is "the tax imposed by this title shall not attach to incomes of partnerships or corporations derived exclusively from personal The committee conceived a possible case where a corporation will have no income except such as is derived from personal services of the members of the corporation. I think for a concrete example it was suggested to the committee that there is now in this country a very large corporation composed exclusively of civil engineers. The sole income of that corporation is from the professional services of the engineers who are members of the corporation. It does no business outside of obtaining contracts to do engineering work, and that work is performed by members of the corporation. The result is that the total income of the corporation is derived from personal services.

Another illustration which was in the mind of the committee and discussed was that of a law firm. Of course law firms are generally partnerships, but they are sometimes corporations. A number of lawyers can associate themselves together in a corporation, issuing, if you please, no stock, the total income of the corporation of lawyers being the fees that are earned by them, and they are divided under some rule agreed upon among

Another illustration was that of physicians. To state that would be a mere repetition of what I said about lawyers. The idea of the committee was that if there was such a corporation to do the work and they had no other income except that derived from the personal services of the members or experts in the line of the work of the corporation whom they employed, their income would be an instance where the corporation

derived its sole income from personal services.

Mr. CUMMINS. Mr. President, my first observation is that if it was intended by the committee to reach any such cases as have been suggested by the Senator from North Carolina, this language would not do it. If three lawyers were to incorporate it would not be the corporation that rendered the service, for no corporation has the right to practice law. It can perform no act in a professional capacity. If three physicians were to incorwas intended, as I suspect it was, to release all corporations or some corporations rather without capital, then I insist it should be made so general that either the presence of capital or the absence of capital should be the test and not the rendition of a service by the corporation.

I do not believe in the distinction at all based upon any such discrimination or division as has been stated by the Senator from North Carolina. Evidently the House did not believe in any such thing, because the House very properly limited the exception to personal service rendered by a partnership, which is simply a collection of individuals without the legal characteristic which follows a corporation.

I think we ought to pause a moment before we make any such distinction as is here suggested. I am sure that the three cases cited by the Senator from North Carolina are not provided for in the act under this language, for these personal services would be rendered by individuals and not by a corporation. I think the very character of the service is such that it can not be rendered by a corporation.

I am afraid that there are other instances which I am not able myself to mention or to describe through which some very large incomes would entirely escape taxation. There is no such discrimination in the income-tax law as I remember. This is based on the same general idea. If a corporation such as is here mentioned can be required to pay an income tax, why should not the corporation be required to pay the additional tax that is here imposed?

If I knew just who would be caught or just who would be exempted by this language I would have a more intelligent judgment, but I confess I do not know. However, I will put to the Senator from North Carolina an illustration. I do it because I have received some communications upon that subject. Suppose two or three gentlemen who are engaged in promoting Chautauqua lectures incorporate, as they have done. They have no capital substantially. They employ eminent personages to go about the country and deliver lectures and from that business acquire a considerable income. I think they ought to be excepted from the operation of this additional tax, but does the Senator from North Carolina think that these words will embrace such an instance as I have just given?
Mr. SIMMONS. Mr. President, I will say to the Senator

that I am inclined to think they would. I do not myself see the distinction which the Senator makes. I understand the Senator contends that a corporation which is an artificial entity can not render any personal service, and that therefore that corporation can not derive any income from the personal service of those who may render service in behalf of the corporation.

Mr. CUMMINS. In the case cited by the Senator from North Carolina I thought that was true.

Mr. SIMMONS. In the case the Senator put you have a number of gentlemen who are associated together as a corporation to deliver lectures. I am not quite clear as to whether that might be personal service.

Mr. CUMMINS. The corporation does not deliver the lectures, Mr. SIMMONS. They are associated together in a corporation. That is what I said. They are associated together in a corporation, and the purpose of the association is that the members of the corporation shall do a certain line of professional work.

Mr. SMOOT. They may employ others.

Mr. SIMMONS. They may employ others, but, as a rule, they do the personal work themselves. They are to do a cer-tain line of personal work. In doing that personal work they receive a certain compensation. That compensation, according to the terms of the incorporation, is to be turned into the treasury of the corporation and divided between the members of the corporation according to some rule they fix among themselves. Now, that is not the corporation rendering the service, but it is an income which comes to the corporation through personal service rendered, and it only comes through

the personal service.

Mr. CUMMINS. Will the Senator be willing to amend this paragraph so that it will read-I will not attempt to quote it literally—but so that it will except the income of corporations derived from the personal labor or service of the members of

the corporation? Mr. HUGHES. That is exactly what was intended, I will say to the Senator.

Mr. CUMMINS. But that is just what it would not do, in my opinion.

Mr. HUGHES. In my opinion, it would do it; but I have no objection to the amendment suggested by the Senator from Iowa, so far as I am concerned.

Mr. SIMMONS. I have no objection at all, if the Senator porate the reasoning would be exactly the same. If, however, it from New Jersey will pardon me, to accepting any amendment the Senator from Iowa may offer which will make clearer and more certain the purpose the committee had, which, I think, I

have accurately stated.

Mr. SMOOT. Mr. President, will the Senator from Iowa yield to me a moment?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SMOOT. I will say to the Senator that if the language suggested by the Senator from Iowa is adopted there will be many corporations in this country that will never have to pay a tax under this bill.

Mr. SIMMONS. I did not say that I was willing to accept that particular language, which the Senator from Iowa proposed a little while ago.

If SMOOT, I so understood the Senator.

Mr. SIMMONS. I said I would accept any language that would clarify it; that if there were any ambiguity or uncertainty about it I would accept any language which would carry out the purpose. I have stated what was in the mind of the committee.

Mr. SMOOT. I know of corporations in which there is not a single, solitary person employed except those who are members of the corporation. I know of large corporations that will not allow an employee to work for them unless they become members of the corporation and render personal service.

Mr. HUGHES. The Senator will remember, however, that I insisted upon the retention of the word "exclusively."

Mr. SIMMONS. Of course.

Mr. SMOOT. They do not employ a single person who is not a

member of the corporation.

Mr. HUGHES. I do not think the Senator from Utah has in mind the case of a corporation where they derive their incomes from nothing but the personal services of their employees. If they are manufacturing corporations, they sell goods.

Mr. SMOOT. But I am speaking of merchants—

Mr. HUGHES. Merchants, of course, would not fall within at class. They derive an income from the sale of goods.

that class. Mr. SMOOT. But the sale of goods comes through their personal services.

Mr. HUGHES. They are not within this language.

Mr. CUMMINS. I think the Senator from New Jersey is right about that and I will point it out in a moment to the Senator from Utah.

Mr. OLIVER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. In just a moment, when I shall have an-

swered the Senator from Utah.

In the case of a merchant, his profits, or, if it is a corporation, their profits are partly derived from the capital invested, and therefore they would not come within the meaning of this

Mr. SIMMONS. We intended to exclude them by the use of the word "exclusively."

Mr. SMOOT. That would be, of course, where they had capi-

tal stock, but they do have capital stock in such cases.

Mr. BRANDEGEE. What corporation does not have capital

Mr. SMOOT. Let me ask the Senator having the bill in charge if this was not the way this matter came about: The House provision only referred to incomes of partnerships, and, of course, that could apply to personal services; and the Senate committee put in the words "or corporations," and made no change whatever in the words "personal services"?

Mr. HUGHES. I will say to the Senator that there is a

species of corporations in this country which are practically partnerships; two or three civil engineers, for instance, form a corporation, and operate as a corporation. They render their a corporation, and operate as a corporation. They render their services to various individuals, and the corporation sends those individuals the bills. The money goes into the treasury of the corporation and the profits are divided. They are practically a partnership.

The question with the committee was whether or not we wanted to lay an excess profits tax upon the earnings of men who had a very small capitalization, just sufficient to come

within the laws of the State. Mr. SMOOT. They have incorporated for the reason that they think there is an advantage in being incorporated.

Mr. HUGHES. Yes.

Mr. SMOOT. And therefore they should pay the tax.

Mr. HUGHES. I will say to the Senator that we discussed that phase of the matter. I have personal knowledge of a number of such cases. We went into the proposition rather fully, and considered it from every viewpoint. I have no quarrel with the Senator if he does not take the view that the committee took of the subject. But we came to the conclusion

that such a corporation would not be properly subject to this excess profits tax as would be a corporation with a tremendous capitalization which would be permitted to earn a rate of profit upon its great capitalization before the excess profits tax would apply.

Mr. SMOOT. Such individuals take contracts in the name

Mr. SMOOT. Such individuals take contracts in the hand of the corporation, do they not?

Mr. HUGHES. I am not speaking of their taking contracts.

Mr. SMOOT. They do work in the name of the corporation?

Mr. HUGHES. They do work in the name of the corporation.

Mr. SMOOT. Just the same practically as any other corporation. poration does work for the corporation and in the name of the corporation?

Mr. HUGHES. Exactly; yes.
Mr. SMOOT. Then I do not see why they should not be taxed.

Mr. HUGHES. There are a number of doctors and surgeons throughout the country who have formed partnerships and formed corporations, who run hospitals and sanitariums in connection with their practice.

Mr. SMOOT. If they run hospitals they have money invested.

Mr. HUGHES. Then they would pay this tax, but if their income is derived exclusively from their professional practice they would not. Take the Mayo Bros., merely for illustration. If they have a great hospital for operating and practicing medicine, and so on, in the city of Washington, and there should be three partners who decide, for the purpose of convenience, that they will incorporate themselves, which is frequently done, and they derive no income except from the surgical operations which they perform, they would not properly come within the provisions of this proposed law; at least we thought they would not, and our language is intended to exclude them.

Mr. SMOOT. I think, perhaps, as a hospital is equipped with surgical instruments and apparatus of every description necessary to carve people up-

Mr. HUGHES. Or to cut them down.

Mr. SMOOT. And to make them whole if they are broken in two, and so forth, many times they have just as much capital invested in their business as have other corporations in their business, and it seems to me they should pay the tax.

Mr. HUGHES. The Senator has the right to vote that way. Mr. CUMMINS. There is a very great hospital at Rochester, Minn.-the greatest, I suppose, in the world. I do not know whether the Mayo Bros. are incorporated or not. They have a very large income, and they deserve it. Does the committee intend that if they incorporate their hospital, to relieve their income of this tax?

Mr. SMITH of Georgia. Mr. President, answering and giving my own opinion to the Senator from Iowa, I will say that their income must be derived exclusively from personal services or they would not be relieved. I do not know a corporation anywhere that has not any money invested and which derives its income exclusively from personal services. If there are any such, I do not object to it, but I myself do not know any that it would relieve.

Mr. CUMMINS. There are many corporations, of course,

which have no capital stock at all; but I do not believe that those corporations were intended to be relieved, for few of them could be said to derive their income exclusively from personal services. Take the case of an insurance company without capital stock. It does not derive its income exclusively from personal services, I presume, although it always begins in that

Mr. SMITH of Georgia. No, Mr. President, it does not begin in that way.

Mr. CUMMINS. The Senator from North Carolina has just suggested an amendment.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. Yes.

Mr. SMITH of Georgia. It does not begin in that way, because the promoters had to put up money to start it; it could not start just by personal services. It takes some money to start with.

Mr. CUMMINS. So it does with a corporation of lawyers or of physicians. They must have enough money, at least, to pay the fees of incorporation and whatever costs are incidental to organization. I am very anxious that the whole of the class that was intended to be covered by this exemption shall be clearly embraced in it. If corporations of lawyers and doctors are to be exempted from the tax, then I want other corporations, altruistic in their character, also to be exempted.

Mr. SIMMONS. Will the Senator from Iowa let me inquire of him whether his view about this matter would be met if, after the words "personal services," the words "rendered by the members of the corporation," were added, so that it would read "to incomes of partnerships or corporations derived exclusively from the personal services rendered by the members of the corporation."

Mr. CUMMINS. I think that would be entirely satisfactory, if there was provision for a small maximum of capital; that is, the capital that is required to incorporate. It would not be substantially an earning capital, but every such corporation must, as the Senator from Georgia has said, spend a little money in

preparing for its work.

Mr. SMITH of Georgia. I meant to go further than that. The insurance company promoters, for instance, are compelled to put up some money to meet losses for a while until they build up a reserve. They can not start the company without having some capital, whether it is called a subscription to stock or voluntary contribution by promoters. It requires money to promote and start the company and to take care of the losses for a while.

Mr. CUMMINS. But, nevertheless, Mr. President, the income at any given time might be derived entirely from personal services, even though they had invested some capital in the begin-

Mr. President, I feel this way about it: I could not clearly see the cases that were intended to be exempted, and so I asked the question of the Senator from North Carolina, and this debate has opened up rather a pretty wide inquiry, and I hope that the amendment will not be finally disposed of to-night. It is growing late.

Mr. SIMMONS and Mr. SMITH of Georgia addressed the

Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SIMMONS. If the Senator from Iowa desires that this amendment shall go over until the morning, I am perfectly willing that that shall be done.

Mr. CUMMINS. I should be very glad to have this particular

amendment go over until to-morrow.

Mr. SMITH of Georgia. I doubt if we will have as many Senators who understand it present at any one time to-morrow as we have to-night.

Mr. SMITH of South Carolina and Mr. McCUMBER ad-

dressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor. To whom does he yield, if to anyone?

Mr. SIMMONS. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. It has been suggested to me that there are one or two Senators here who would like to say something on the portion of the amendment concerning which I raised a question.

Mr. SIMMONS. We have not reached that point yet.

Mr. SMITH of South Carolina. I understand that; but that

is right along in the same line.

Mr. SIMMONS. That is the next amendment in order. Mr. SMITH of South Carolina. I am going to ask this question while this matter is up, because I may not get an opportunity in the morning. The Senator from Iowa raised a question that caused me immediately to recall a like condition in my State. There is a sanitarium there that was organized with \$100,000 capital. The income derived is from the personal services of the physicians and those who are employed to render service to those who are afflicted and brought there for treatment. Under the terms of this bill are they exempt from the operation of this tax? As I have said, their income is derived from their personal services; but suppose a dividend were to be paid to certain stockholders, would the infirmary corporation be subject to this tax?

Mr. SMITH of Georgia. If the dividend was over 8 per cent

it would be subject to an 8 per cent tax on all in excess of 8

per cent.

Mr. HUGHES. I will say to the Senator that my recollection is that this language follows the language of the English act, and the word "exclusively" there would prevent the corporation named by the Senator from South Carolina being exempted.

Mr. SMITH of South Carolina. My interpretation of that language was, that so long as their earnings were from personal services and not from the barter and sale or exchange of goods, they would be exempt, no matter what their earnings That was my understanding of it.

Mr. McCUMBER obtained the floor.

Mr. VARDAMAN. I desire to inquire of the chairman of the committee-

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. VARDAMAN. I beg the Senator's pardon. I thought

the chairman of the committee had the floor.

Mr. McCUMBER. I merely desire to ask a question of the Chair to find out what was done with the amendment on page 3, lines 15 to 18, the portion proposed to be stricken out by the committee?

Mr. HUGHES. That was agreed to.

Mr. McCUMBER. Has that been passed upon?
The PRESIDING OFFICER. That amendment has been agreed to.

Mr. McCUMBER. Mr. President, I think that amendment was read so hurriedly that a number of us did not know that it had been agreed to; and I ask that the vote by which the amendment was agreed to may be reconsidered, so that we may have a vote upon it some time to-morrow. I think it is very important.

The PRESIDING OFFICER. The Senator from North Da-

kota moves that the vote whereby the amendment referred to by

him was agreed to be reconsidered.

Mr. HUGHES. Mr. President, the Senator can make his motion when the bill reaches the Senate.

Mr. McCUMBER. Not after it has been adopted here. There was no reservation made at the time.

Mr. HUGHES. The Senator can reserve it whether there was a reservation made at the time or not. He can move to

disagree to the committee amendment in the Senate. Mr. McCUMBER. I do not think that I can, Mr. President. I think the amendment was adopted without a majority of the

Senators being aware of what was going on. It was read so rapidly and passed upon so rapidly, that it fairly took the breath away from some of us when we ascertained that it had been adopted.

Mr. HUGHES. There is absolutely no question about the Senator having an opportunity to get a vote on that amend-

ment in the Senate.

Mr. McCUMBER. I think there is. Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I yield. Mr. BRANDEGEE. I myself did not know that that amendment had been reached. Evidently there was no debate upon it, because I came in from the cloakroom as soon as I was told that the bill was being considered for committee amend-

Mr. HUGHES. There was no debate on the amendment. Mr. BRANDEGEE. I am told that the section was not even

read.

Mr. STERLING. I will say to the Senator from Connecticut that the section was not read. Immediately after passing that paragraph it was suggested by the Senator from Utah [Mr. Smoot] that the paragraphs in which amendments occur be read, and after that time they were read.

Mr. BRANDEGEE. The paragraph in which this amendment appeared was not read, but the reading of the paragraphs commenced after that. I hope the Senator from North Dakota [Mr. McCumber] will insist on a reconsideration of the vote by

which that amendment was agreed to.

Mr. CURTIS. Mr. President, I desire to ask the chairman of the committee to consent to a reconsideration of that amendment. Several of us desire to discuss it briefly, but we do not care to take up the time of the Senate now at this late hour in doing so.

Mr. SIMMONS. I have no sort of objection to the Senator from North Dakota entering a motion to reconsider.

Mr. McCUMBER.

Suppose I make it now and have it disposed of right now?

Mr. SIMMONS. I have no objection to the Senator making the motion now, if he so desires.

Mr. McCUMBER. I move that the vote whereby the amendment on page 3, striking out portions of lines 15, 16, 17, and 18, was agreed to be reconsidered.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment inserting the word "exclusively" on page 6,

Mr. McCUMBER. Mr. President, I will ask the Senator from North Carolina if he will not allow us to pass over the amendment just reconsidered until to-morrow, so that we may have a full Senate here to vote upon it?

Mr. BRADY. My understanding, Mr. President, is that we have already agreed that that shall go over.

The PRESIDING OFFICER. It has been reconsidered; that

Mr. CUMMINS. Mr. President, I desire to make an inquiry about the amendment I was discussing. I understood it was to go over until to-morrow.

Mr. SIMMONS. That is the amendment as to the word "corporations "?

Mr. CUMMINS. Yes.

Mr. SIMMONS. The whole amendment may just as well go

Mr. McCUMBER. I refer to the amendment on page 3.
Mr. CUMMINS. I understand that, but as I was returning to my seat I was informed that the Chair was just putting the question on the adoption of the amendment inserting the word corporations.'

Mr. SIMMONS. I understand the Senator from North Dakota desires the amendment which has just been reconsidered to go over until to-morrow?

Mr. McCUMBER. Yes.
The PRESIDING OFFICER. Is there objection to that request?

Mr. SIMMONS. I have no objection to it.

The PRESIDING OFFICER. The Chair hears no objection, and that particular amendment goes over until to-morrow.

Mr. BRADY. Mr. President, my understanding is that it has been agreed that the entire section 204 shall go over until to-Am I correct?

The PRESIDING OFFICER. The Chair is not aware of any

agreement of that sort.

Mr. SIMMONS. Yes; if the Chair please, those three amendments are very intimately connected, and if we are going to put one of them over we had better put all three of them over.

The PRESIDING OFFICER. Very well. It is the understanding the state of th

standing, then, that all of section 204 shall be postponed until to-morrow.

Mr. BRADY.

Mr. BRADY. That is very satisfactory.
The PRESIDING OFFICER. Is there any objection? The Chair hears none, and the section will be passed over until to-The Secretary will continue the reading.

The reading of the bill was resumed. The Secretary. On page 7, after line 14, it is proposed to

insert the following:

Sec. 208. Titles I and II of this act shall cease to be of effect on and after July 1, 1921.

Mr. WATSON. Mr. President, I desire to offer an amendment to the committee amendment, which is to strike out "twenty-one" and insert "nineteen," so that it shall read:

Titles I and II of this act shall cease to be of effect on and after July 1, 1919.

Mr. SIMMONS. That is next year. The PRESIDING OFFICER. The Senator from Indiana proposes an amendment, which will be stated.

The Secretary. On page 7, line 17, it is proposed to strike out "twenty-one" and to insert "nineteen."

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana

yield to the Senator from Utah?

Mr. WATSON. I yield. Mr. SMOOT. It seems to me that if you are going to make an amendment to it, you ought to make it terminate at the end of the calendar year, because the taxes will be imposed for the calendar year, and even the amendment suggested here by the committee runs it into the middle of the year. It seems to me that it would be very much better if the Senator would make it the 31st day of December, 1918.

Mr. WATSON. I thought it was to conform to the regular

governmental fiscal year.

Mr. SMOOT. We will have to pay the taxes under this for this calendar year, and then, under that amendment, we would have to pay them for the calendar year 1919, or, in other words, the imposition of the tax with that amendment would be for two years

Mr. SIMMONS. The amendment proposed by the Senator, I

understand, would be for one year.

No.

Mr. SIMMONS. He proposes that the tax shall end in 1919.

Mr. SMOOT. Two years. Mr. WATSON. Nineteen hundred and nineteen—two years instead of four.

Mr. SMOOT. It would be two years and a half.

Mr. SIMMONS. No.

Mr. SMOOT. Oh, yes.

Mr. SIMMONS. The tax would be given in for the calendar

Mr. SMOOT. Yes. Mr. SIMMONS. But the tax would not be due until just before the expiration of the fiscal year.

Mr. SMOOT. But the Senator does not mean to say that when we pay taxes next year we only pay them from July 1 of this year.

Mr. SIMMONS. I mean to say that the taxable year begins

on the 1st of January or the last of December.

Mr. SMOOT. That is just what I said. So I say, whatever you do, make it the calendar year, so that we will not be forced to make a report here for six months of any year. It is almost impossible for a corporation to do it. They close their books at the close of the year, and they take stock at the close of the year.

Mr. BRADY. Mr. President, I think it would help very much if the Senator from Indiana would make it terminate at

the end of the year.

Mr. WATSON. Then, in accordance with the suggestions brought forward, I withdraw the amendment I have already offered and move that the language be changed to read:

Titles I and II of this act shall cease to be of effect on and after December 31, 1919.

Mr. President, the title of this bill recites that it is a special preparedness measure, and my understanding is that the sole object of the collection of this huge sum of revenue is for special preparedness. How long is this special preparedness to continue? If I am correctly informed as to the amount of revenue that will be derived from the operations of this act, it will amount to \$401,000,000.

Mr. SMITH of Georgia. Annually?

Annually-\$226,000,000 so long as it shall Mr. WATSON. last of the special tax, and \$175,000,000 to be derived from the act of September 8, 1916; because Title II is the excess profits tax, from which is to be derived \$170,000,000 from corporations and \$56,000,000 from partnerships, the two combined making \$226,000,000, and \$170,000,000 from the operation of the act of

September 8, 1916, a total of \$401,000,000.

Mr. SMOOT. And the \$22,000,000 inheritance tax.

Mr. WATSON. No; the \$22,000,000 inheritance tax is not included in this, because it is in Title III.

Mr. SIMMONS. One-third of it is included in that.

Mr. WATSON. One-third-well, that only makes it that much worse

Mr. SIMMONS. The other two-thirds are included in the \$175,000,000.

Mr. WATSON. My point is simply this: Under the idea of preparedness it certainly is not essential, and we ought not to be asked, to appropriate for four years.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana

yield to the Senator from Colorado?

Mr. WATSON. I do.
Mr. THOMAS. I suppose the Senator is aware of the fact that we have what is called a naval program of five years.

Mr. WATSON. I understand that very well.
Mr. THOMAS. My impression is that th

Mr. THOMAS. My impression is that this so-called pre-paredness will continue just as long as Congress will listen Mr. WATSON. To which I am objecting.
Mr. THOMAS. To which I am objecting also, but with no

success.

Mr. WATSON. Mr. President, if war shall come-if we shall unfortunately become involved in the great catastrophe that is being enacted across the ocean—future Congresses can meet the emergency as it occurs. It is the part of wisdom for Congress to answer questions as questions arise, to solve problems as problems are presented for solution. If we are here for the purpose of providing for preparedness, my judgment is that two years of appropriations are amply sufficient to determine this question of preparedness; and if war shall come, even in the meantime, future Congresses may well provide for the contingency that confronts the Republic, just as they have in the last two years.

In other words, the President has come before us and said that in his judgment it was the duty of the Nation to participate in a world-wide league for peace. If any such proposition as that is possible in the future, it is absolute folly, in my judgment, for us at this time to be appropriating these huge sums of money for military preparedness, especially in view of the fact that we may be asked to become participants in a league of that character.

Two years is ample for us to prepare in view of the present emergency that confronts us; for manifestly if this European war shall not continue longer than two years, or if it shall

continue longer than two years, any Congress that convenes here will be able to take care of the situation that confronts us when that Congress convenes.

I am opposed, in the name of preparedness, to continuing for four years the appropriation of this vast and almost unparalled sum for like purposes of \$401,000,000 each year.

Mr. SMOOT. The Senator's amendment provides for three

Mr. WATSON. The amendment provides for three years;

Mr. SMOOT. 1917, 1918, and 1919. Mr. WATSON. Yes. Now, I think it would have been much better and much more satisfactory and much more in conformity with public opinion and the present demands of public sentiment if it were confined to two years instead of three; but I offer this amendment because I do not think there is any good judgment in appropriating for four years under the

plea and the guise of preparedness.

Mr. SIMMONS. Mr. President, this money that we are raising now is for the year 1918 and not for the year 1917. fund that we are proposing to raise, according to the terms of the bill, is to be set aside and segregated from every other fund in the Treasury and to be spent by the Secretary of the Treas-

ury for no other purpose than that of preparedness

Your committee selected four years as the period when this part of the bill was to expire, because the Congress has already solemnly provided, with the approval of the American people and with but little dissent in either Chamber, a naval program which, it is provided as a part of the program, shall extend through a period of five years, one of which years has already expired. The theory upon which Congress acted was that a certain number of war vessels, warcraft of different kinds and characters, would have to be constructed and put afloat in order to place the Navy of this Nation upon a footing upon which the Congress thought it ought to be placed in the interest of the safety of the country.

The proposition is now made, before practically any of the

ships authorized have been built, to cut short this naval program, to curtail this great scheme of preparedness; and instead of a scheme of naval expansion which, it was estimated, could not be completed under five years, we are to restrict it to a period of three years, thereby cutting off two-fifths of the program upon which Congress has agreed.

Mr. VARDAMAN. Mr. President—

Mr. SMOOT. Mr. President, may I ask the Senator a ques-

tion?

The PRESIDING OFFICER. The Senator from Mississippi

first addressed the Chair.

Mr. VARDAMAN. I will ask the Senator from North Carolina to permit me to ask him a question. I am compelled to leave the Chamber. Is the Senator going to move to adjourn pretty soon?

Mr. SIMMONS. At 11 o'clock.

Mr. VARDAMAN. Very well. Mr. SMOOT. Mr. President, in that connection I wish to ask the Senator if the naval bill, as reported to the Senate and now on the calendar, has not been immensely increased over the 5-year program that was mapped out; and does not the bill provide more than was originally intended for the first year?

Mr. SIMMONS. If the naval bill that has been agreed upon, as I understand, by the committee becomes a law, there will be a larger fund provided this year than was anticipated

by the House bill.

Mr. SMOOT. By about \$175,000,000? Mr. SIMMONS. By about \$150,000,000. Mr. President, if this money were authorized to-day the ships could not be built any faster by reason of the fact that we have increased the appropriation than they could with the smaller appropriation provided in the House bill. We understand that at this time there is very great congestion in all the shipyards of the country—the shipyards owned by private individuals as well as those owned by the Government. Only so many ships can be built in one year. The amount of money appropriated, in my judgment, is not likely very greatly to increase the number that can be built within the period of five years. I think the amount that we have provided in the naval bill that has passed the House will probably be sufficient to pay for all the ships that it will be possible to build within the next year. But however that may be, Mr. President, it is clear that it was the purpose of Congress, if the provision that is reported by the committee is put in here, that the fund raised in this way shall be a special fund for a special purpose, not to be spent for any other purpose. If we should finish the program in two years, or in three years, as the Senator has said, then, of course, there would be no necesssity for further continuing this act in force,

because there would be no use to which the money could be devoted without further legislation, and in that condition, of course, Congress would repeal the act.

Mr. BRANDEGEE. Mr. President—
The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I yield. Mr. BRANDEGEE. In view of the fact the Senator says this special fund must be used for this purpose and nothing else, let me say that on page 2 there is this proviso:

That the Secretary of the Treasury may use such fund for other

Mr. SIMMONS. But it also provides that he shall reimburse it.

Mr. BRANDEGEE (reading)-

but such funds shall be reimbursed for any portion thereof so used.

But how? By another appropriation by Congress?

Mr. SIMMONS. No; reimbursed out of the appropriation for some other purpose.

Mr. BRANDEGEE. Suppose the department does not have any money in the Trensury; Congress will have to lay taxes to reimburse it or issue bonds, will it not?

Mr. SIMMONS. It is not unusual in the departments, where there are certain funds specifically set apart, to use one of them for another purpose, and then reimburse it. The money will go into the Treasury and will be kept intact.

Mr. WATSON. Is the Senator willing now to take a recess? Mr. SIMMONS. Yes; I am going now to move a recess. Mr. WATSON. Very well.

#### RECESS.

Mr. SIMMONS. I move that the Senate take a recess until 11 o'clock to-morrow. I make it 11 o'clock instead of half-past 10 because I understand that the minority desire to have a conference in the morning at 10 o'clock; and we think it but proper to give them at least an hour in which to hold the conference.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate take a recess until 11 o'clock to-

morrow morning.

The motion was agreed to; and (at 11 o'clock p. m. Thursday, February 22, 1917) the Senate took a recess until to-morrow, Friday, February 23, 1917, at 11 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

THURSDAY, February 22, 1917.

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

We bless Thee, our Father in Heaven, that though more than a century has passed into history since the spirit of Washington, "the Father of his Country," took its flight from earth to the realms of the blest, his fame has not diminished nor the luster of his glory grown dim. Enshrined in the hearts of his countrymen, he lives and has become the patron saint of all true lovers of liberty, a man of great parts, a superb and gallant soldier, a statesman wise and strong, a Christian ever loyal to the Master. We see him leading the Continental Army, poorly clad, fed, and equipped, to victory, which gave to the world a We see him presiding with dignity over nation of freemen. that great body of statesmen who framed the Constitution of We see him the first President of the United our Republic. States laying its foundations firm and strong, first in war when peace was intolerable, first in peace when war had done its work, first in the hearts of a grateful people. We thank Thee that his spirit lives in our hearts, and we trust it will continue to live in the hearts of coming generations; that our Nation may live and continue to grow in all that makes a nation great. We thank Thee that his life, character, and splendid achievements will be told to-day in song and story round the fireside, in our public schools, from pulpit, platform, and press; that patriotism may not perish. Blessed be the memory of Washington and his compatriots.

Our fathers' God! to Thee, Author of liberty, To Thee we sing. Long may our land be bright With freedom's holy light; Protect us by Thy might, Great God, our King.

The Journal of the proceedings of yesterday was read and approved.

# DIGEST AND MANUAL.

Mr. FOSTER. Mr. Speaker, I offer the following resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois offers the following resolution and asks unanimous consent for its present consideration. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That there be printed 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Sixty-fourth Congress, the same to be bound and distributed under the direction of the Clerk and Doorkeeper of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

### THE RUTHENIANS.

Mr. HAMILL. Mr. Speaker, I ask unanimous consent for the

present consideration of Senate joint resolution 201.

The Speaker laid before the House Senate joint resolution 201, which the Clerk read, as follows:

Joint resolution (S. J. Res. 201) requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians).

Nor the relief of the Ruthenians (Ukrainians).

Whereas in the countries situated in the eastern part of Europe, the theater of devastating war, there are at least 1,000,000 of Ruthenians (Ukrainians) in dire need of food, clothing, and shelter; and Whereas hundreds of thousands of these people have been forced to abandon their homes and their property, and being deprived of all opportunity to provide even for their most elementary wants have undergone disease, starvation, and indescribable suffering; and Whereas the people of the United States of America have learned with sorrow of this terrible plight of great numbers of their fellow beings and have most generously responded to the appeal of humanity for assistance whenever such appeal has reached them: Therefore be if

Resolved, etc., That in view of the wretchedness, misery, and privation which these people are enduring, the President of the United States be respectfully requested to designate and appoint a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Ruthenians (Ukrainians) in the belligerent countries.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate joint resolution was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. Hamill, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

Mr. HAMILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record. The SPEAKER. The gentleman from New Jersey asks unani-

mous consent to extend his remarks in the Record. Is there objection?

There was no objection.

# CALEB T. HOLLAND.

Mr. DENISON. Mr. Speaker, I ask that the bill (S. 7601) for the relief of Caleb T. Holland be laid before the House, The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Caleb T. Holland, who was a private of Company E, Sixtieth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of April, 1864: Provided, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, my understanding is that the House passed a similar bill (H. R. 7045), and the Senate through a mistake of some one laid the House bill on the table and passed the Senate bill.

Mr. GARNER. I was about to ask if a similar bill had been reported by the House committee.

Mr. MANN. The same identical bill was reported by a House

committee and passed by the House.

The SPEAKER. Is there objection? The Chair hears none. The bill was ordered to be read a third time, was read the third time, and passed.

RESIGNATION FROM AND ELECTION TO A COMMITTEE.

The SPEAKER laid before the House the following communication:

FEBRUARY 22, 1917. Hon. CHAMP CLARK, Speaker:

I hereby resign my membership on the Committee on Indian Affairs, to be effective at once.

WILLIAM H. MURRAY, M. C., Fourth District Oklahoma.

The resignation was accepted. Mr. KINCHIN. Mr. Speaker, I nominate to fill the vacancy the Hon. WELIAM W. HASTINGS, of Oklahoma. The SPEAKER. The gentleman from North Carolina nominates the Hon. WILLIAM W. HASTINGS, of Oklahoma, to fill the vacancy

The question was taken, and Mr. Hastings was elected.

#### GOVERNMENT FOR WEST INDIAN ISLANDS

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 20755) providing for a temporary government for the Danish West Indian Islands, disagree to the Senate amendments, and agree to the conference asked for.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20755) to provide a temporary government for the West Indian Islands, acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the bill referred to, disagree to the Senate amendments, and agree to the conference asked for

by the Senate.

Mr. MANN. Reserving the right to object, and I do not intend to object, I want to ask the gentleman from Virginia a question. The House having passed one bill and the Senate having stricken out all after the enacting clause and inserted a substitutewere both the bill and the substitute practically prepared by the State Department?

Mr. FLOOD. I think not. I think the Senate bill was pre-pared by a subcommittee of the Senate Committee on Foreign Relations, consisting of Senator Stone, Senator Hitchcock, and

Senator Lodge.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. Flood, Mr. Harrison of Mississippi, and Mr. Cooper of Wisconsin.

EXCLUSION OF INTOXICATING LIQUORS FROM NATIONAL PARKS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the Speaker lay before the House the bill (S. 4862) to exclude intoxicating liquors from national parks and national forest re-serves, a corresponding House bill being on the calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the approval of this act the issuance by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever, of any permit or authority for the sale or dispensing of intoxicating liquors of any kind (including beer, ale, and wine) in any national park or national forest reserve is hereby prohibited, and the Secretary of the Interior and the Secretary of Agriculture are hereby directed to take all necessary measures to carry this act into full force and effect.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, there is a regular order this morning providing for the reading of Washington's Farewell Address, and I do not wish to delay the' regular order of the day by entering into any prolonged discussion upon this bill. I hope the gentleman will withdraw his request

Mr. FERRIS. It only affects two parks. All the rest are dry. Mr. STAFFORD. I visited the Yosemite Park and spent three weeks there, and I did not see any violation of the law that would offend the most strict prohibitionist. I think this is carrying prohibition with a vengance. Will not the gentleman

withdraw his request for the present?

Mr. FERRIS. I would like to have the status settled. The bill was inadvertently put on the Union Calendar. I think the Speaker should rule that it belongs on the House Calendar. I would like to have that changed, so that we will not have to proceed by unanimous consent in the matter.

The SPEAKER. The Senate bill is not on any calendar.

Mr. FERRIS. The corresponding House bill is upon the

Union Calendar.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

The SPEAKER. That bill ought to be upon the House Calen-

Ar, and the Chair orders it to be placed there.

Mr. FERRIS. Why not let us dispose of that?

Mr. STAFFORD. For the reason that I wish to enter into a discussion of it. If the gentleman desires to have me make the point of no quorum and delay proceedings, very well.

Mr. FERRIS. I do not desire to do that. I withdraw the

WASHINGTON'S FAREWELL ADDRESS.

The SPEAKER. The gentleman from West Virginia [Mr. NEELY] is recognized to read Washington's Farewell Address.

Mr. NEELY read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not

disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any cir-cumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism

does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my-zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify

or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and inter-st. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of

common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of your country finds the most commanding motives for care-

fully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefit-ing by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own chan-nels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advan-tage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts

greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations-northern and southern, Atlantic and westernwhence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and hearthurnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain— which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the ndeption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This government, the offspring of eur own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular de-liberation and action of the constituted authorities, are de-

structive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cuming, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distribtued and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind—which nevertheless ought not to be entirely out of sight—the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be

enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

ence both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of

time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the Government contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the eumities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference of public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorites are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artifical ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmittees.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time

resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by inter-weaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition,

rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust

to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good-that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmnes

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers. has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, with-out anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With

me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government-the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and

Go: WASHINGTON.

UNITED STATES, 17th September, 1796.

WASHINGTON AND AMERICAN NEUTRALITY.

The SPEAKER. The gentleman from Iowa [Mr. Towner], under the special order, is recognized for 30 minutes. [Applause.]

Mr. TOWNER. Mr. Speaker, George Washington was in-augurated as the first President of the United States April 30, 1789. In his first inaugural he said that the destiny of the republican model of government was justly considered as "deeply, as finally, staked on the experiment entrusted to the American people."

How true that was is now fully understood by all thoughtful students of history. The close of the Revolution had left the Colonies still jealous of each other, discordant, almost antagonistic. The great mass of the people did not understand what a National Government meant. They were much more interested in local concerns than they were in the making of a nation. If we had not been given the little group of great men who gave us the best brain and the most disinterested service that ever made and saved a nation we should have been still struggling, broken and clashing fragments, clinging to the fortunes of European powers. Washington, Hamilton, Jefferson, Madison, Franklin—these and a few others were the makers and saviors of America. Praise is not enough for them. We owe them gratitude, love, almost adoration.

SUCCESS OF THE NEW GOVERNMENT.

Considering the gigantic nature of the undertaking, the success of the new Government under the Constitution was remarkable. Congress was fully organized. The work of legislation was put under way. The widespread apprehension as to the encroachments that might be made on the reserved rights of the States and the people was shown to be unfounded. The national courts were established and their orderly procedure was easily secured and their decisions respected. The President had made appointments, selected a Cabinet, sent ambassadors to foreign courts, commanded the Army and Navy, recommended legislation, and vetoed bills; and yet there was no apprehension of a monarchy.

The burdens of government rested lightly on the people. Import duties were almost the sole form of securing revenue and their burden was not felt. Trade between the States developed rapidly. The country was prosperous as it had never been

Mr. Jefferson, then in Paris, reported that the credit of the United States at Amsterdam, then the money center of the world, had become the first on that exchange. Foreign commerce rapidly increased; our exports were gaining every year and largely exceeded our imports. Shipbuilding rapidly developed. Not only were American vessels seen in every port of Europe, but a profitable trade was opened with India, China, and the isles of the Southern Pacific. A historian of the period wrote, "Already on almost every sea the Stars and Stripes began to wave."

But while domestic conditions were satisfactory and our trade and commerce developed rapidly, our foreign relations were strained and unsettled. England refused to carry out her treaty engagements. She stubbornly refused to vacate our western ports. She flouted our ministers, refused to send a representative to this country, and endeavored in every way to impede and injure our commerce. No express recognition of our maritime rights could be secured from her.

With France conditions were hardly more favorable. ferson had ably but vainly striven to secure better treatment than was accorded us by England. France seemed to have adopted the belief that our obligation to her for the aid which she had rendered us during the Revolution entitled her to claim all and yield nothing.

Washington, whose first task had been the organization of a new nation on a new model, found himself confronted with diplomatic tasks as difficult and exacting as had been his domestic problems. To his more than to any other single influence was due the success of our domestic policies. We shall see also that to him was due the fortunate settlement of our then pending foreign complications, and the determination of that wise and. may we hope, permanent policy that has safely guided us thus far in our foreign relations and should now and hereafter guide us in honor and safety throughout the years to come. plause.1

#### NEUTRALITY.

In the very year our Government was organized under the Constitution-1789-the French Revolution occurred, in its farreaching consequences one of the most tremendous events of all history. The monarchy was overthrown and the French Republic was established. The rivalries and hatreds that had long existed between France and England culminated in a war, which was formally declared in 1793.

The sympathy of the United States was naturally with France. She had been our friend and ally in the hour of our trial. had made with her our first treaty, and the only treaty of alliance we have ever negotiated. It was thought then, and is believed now by many, that without French aid the independence of the United States could not have been achieved. Arms and supplies from the royal arsenals were early sent to America. Millions of francs were loaned to us. Ships and soldiers were supplied. Washington secured the final surrender of Cornwallis at Yorktown by the aid and effective cooperation of the French fleet. These things were yet fresh in the memory of American

On the other hand, it was remembered that it was the French King, whom the mob had beheaded, who had aided America. The anarchistic, atheistic, and licentious professions of the revolutionists and their bloody excesses had in large measure alienated the sympathy for the Republic that would otherwise have been universal. Still the demand for active participation in the war against England was strong and pronounced. The country was divided between war and neutrality, with a strong margin in favor of the former.

Washington's attachment to the French nation was deep. His sense of obligation was great. He sincerely desired the success of the Republic. But he early came to the conclusion that the best interests of the United States demanded a position of absolute and good-faith neutrality. A meeting of the Cabinet was called, and it was after conference unanimously agreed that a proclamation of neutrality ought to issue. It is certain that

unanimity was secured only by the influence of Washington.

Accordingly, April 22, 1793, President Washington issued the following proclamation:

Whereas it appears that a state of war exists between Austria, Prussia. Sardinia, Great Britain, and the United Netherlands on the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do also hereby make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the United States, violate the law of nations with respect to the powers at war, or any of them.

By the President:

GEORGE WASHINGTON. By the President:

THOMAS JEFFERSON

This was a distinct announcement to the world that the United States would not take part in the war on either side, and that it distinctly placed itself outside the European system. It has been said by publicists and jurists that this proclamation has had greater influence in molding international law than any other single document of the century. Certain it is that its

place is fixed as one of the great landmarks of international law. Not only in itself was it a great achievement, but Washington enforced it so impartially and Congress buttressed it with such wise and just legislation that the whole transaction reflects the greatest credit and honor on Washington and all who aided in its success. Canning, the British statesman, years later said in Parliament:

If I wished for a guide in a system of neutrality, I would take for a guide that laid down by America in the days of Washington and the Secretaryship of Jefferson.

Hall, one of the highest authorities on international law, says: The policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality. It represented by far the most advanced existing opinions as to what the obligations of neutrality were. In the main it is identical with the standard of conduct which is now adopted by the community of nations.

It has been said that the proclamation was the foundation of the Monroe doctrine, in that it marked out the true foreign policy of the United States to be that the Republic of the New World would hold itself forever aloof from the struggles of Europe. If it was not the foundation of the Monroe doctrine, it Europe. was at least in entire harmony with it. It is not too much to say that by this act Washington laid down one of the great corner stones upon which the fabric of our national greatness is founded.

But while the proclamation is now universally approved, it met with strenuous opposition at the time. Jefferson considered it as a bitter pill needful to keep the United States out of the war. He therefore supported the President and advised his party associates to do likewise. His advice was not heeded, however. Madison declared:

The proclamation was in truth a most unfortunate error.

Indeed, it became the signal for the outbreak of a party war. The opposition declared that it put us in the position of cold indifference between the parties to the war in Europe, when by every claim of gratitude our obligation was to be hostile to England and friendly to France. A most bitter personal warfare was instituted. Even Washington did not escape. For the first time he was to suffer abuse and calumny. It was charged that the President was fast debauching the country. He was seeking a crown. He was passing himself off as an honest man. These were among the comments of the partisan press. greatly pained and angered Washington. He declared-

He had rather be in his grave than in his present condition; that he would rather be on his farm than emperor of the world; and yet they were charging him with wanting to be a king!

But, though indignant and hurt, he was not swerved from his course. He stood firmly for the proclamation and its strict enforcement.

This great act, which did so much to strengthen the Nation in the days when it needed strength, and which has done so much to wisely mold our foreign policy through all the years that have followed, was Washington's own. It was he who origi-nated it; it was he who formulated it; who pressed it; who induced a reluctant Cabinet to agree to it; who stood like a rock in its defense against the waves of clamor and abuse that beat against him. Time has silenced criticism, but it should not silence the voice of appreciation for an act now especially worthy of consideration and regard. [Applause.]

GENET.

While these events were in progress an incident occurred which added greatly to the President's embarrassments and It had been decided, after some hesitancy, to receive a minister from the newly proclaimed French Republic. Edmond Charles Genet, "Citizen Genet," as he was called, was accordingly accredited, and landed at Charleston a short time before the neutrality proclamation was issued. He was young, enthusiastic, and sadly lacking in tact and discretion. Hardly had he landed before he began to issue army and navy commissions to whoever would promise to fight for France. He issued letters of marque. He fitted out two privateers, which, under the French flag, and manned by American seamen, cruised in American waters and captured British merchantmen within sight of our shores. He treated the United States as a dependency of France.

It can be imagined how he received the news of the proclama-He denounced it as a violation of our treaty with France. He abused Washington and threatened to appeal to the people against him. He denounced Jefferson as an ingrate, and charged he had violated his promises. But such was his engaging personality and such was the sympathy for France among the people that everywhere he went Genet was received with enthusiasm. His progress through the country was a continual ovation. He was received at Philadelphia, the seat of government, in a perfect frenzy of applause. He was dined and wined and lavishly lauded and praised.

It was considered necessary by the administration to procure Genet's recall. This was Washington's decision, and in that decision all the members of the Cabinet concurred. Meanwhile the enthusiasm waned. Genet's abuse of Washington was re-sented. During it all Washington stood firm. He informed the French Government of the indiscretions of their minister and France recalled him, with expressions of strong disapproval of his behavior.

To us now the event seems comparatively unimportant. But it was not so regarded at the time, and careful students of history see that but for the undeviating course pursued by Washington, the Republic might have been led to a repudiation of their proclamation of neutrality and to an alliance with France which would have been disastrous for the future of the

#### TROUBLES WITH ENGLAND.

Added to our difficulties with France came new complications with England. That country seemed determined to drive the United States to resentment and war. She refused to surrender the western ports she had by treaty engagement promised to evacuate. She compelled American vessels entering her ports te pay unreasonable charges and placed excessive duties on imports coming from the United States. She still refused us the

right to trade with her West India possessions.

The war between France and the allies increased in intensity. The belligerent powers, in their endeavor to injure each other, violated almost all the accepted rules of international law. Especially were the rights of neutrals disregarded. The allies formed the plan of starving France into submission. In execution of this plan British cruisers were instructed to stop all vessels loaded with food supplies bound to any port in France and to send them "to such ports as shall be most convenient," in order that such food supplied "may be purchased on behalf of his majesty's Government." Against this unwarrantable invasion of our rights the American Government seriously and earnestly protested. We contended that foodstuffs were not "contraband of war." We claimed that a blockade could not be enforced unless there was an actual blockading force out-

On these and other grounds, Jefferson, our Secretary of State, with the entire approval of Washington, vigorously protested against these flagrant violations of American rights. cessions being obtained, he strongly recommended a policy of retaliation. This policy Washington did not approve.

To the already large sum of British violations of our rights was added a new grievance. The British vessels of war were authorized to stop and search all American merchant vessels anywhere on the high seas and "impress" as seamen those whom they claimed were British subjects. The country was outraged at the numerous instances of native Americans being thus virtually made prisoners of war on the pretext that they were English born. Public feeling rose, until March 26, 1794, a temporary embargo was laid forbidding all vessels to depart from American ports.
In the meantime Washington, sadly pained at the evident

drift into war, resolved to make another attempt to compose our differences with Great Britain. He determined to send an envoy to Great Britain on a special mission to negotiate a treaty which should secure concessions and thus avert war. In an-

nouncing his determination to the Senate he said:

The communication which I have made to you contains a serious aspect of our affairs with Great Britain. But as peace ought to be pursued with unremitted zeal before the last resource, which has too often been the scourge of nations and can not fail to check the advanced prosperity of the United States, is contemplated, I have thought proper to nominate, and do hereby nominate, John Jay as envoy extraordinary of the United States to His Britannic Majesty.

Scarcely any act of the President drew upon his administra-tion a greater degree of censure than this. The feeling of outrage was so great and of resentment so strong that it required all Washington's influence to secure from Senate and House approval even by a narrow margin of his act. Although the President evidently intended to prevent further legislation that might lead to war, nevertheless the nonintercourse act was passed by the House and was only defeated by the casting vote of the Vice President in the Senate. The President was authorized to borrow \$2,000,000 on the credit of the United States. Provision was made for increasing the Army and strengthening the Navy

At last even the British ministry seemed to understand that it would not be good policy to drive the United States to become the ally of France and modified some of their offensive orders. Even slight concessions strengthened Washington's The country reluctantly waited the result of Jay's misplan.

There are few acts in our history which show greater force and courage than was displayed by Washington in this crisis. Again he resisted popular opinion. Again he stood against the passionate demand for war which would have resulted fatally for the Republic. All his great influence, all his popularity he jeopardized unhesitatingly in the cause which his judgment dictated and his conscience approved.

After great difficulty Jay at last succeeded in negotiating a treaty with Great Britain. It was far from satisfactory. Hardly contended for were secured. When it any of the concessions contended for were secured. When it reached the United States it proved a disappointment to everybody. The question of its ratification brought about another great crisis in our history. Of this crisis John Quincy Adams said:

It brought on the severest trial which the character of Washington and the fortunes of our country has ever passed through.

A ratification was secured in the Senate by the exact twothirds vote required. When the terms of the treaty became public the whole country was thrown into a ferment of intense excitement. The partisans of France and the enemics of England awoke an overwhelming sentiment against the treaty. Jay was burned in effigy. Hamilton was stoned in his home city when he attempted to defend the treaty and was driven from the stand with blood streaming from his face.

Again nothing but the imperturbable temper of Washington and the hold he had upon the affections and confidence of the people saved the Nation from a repudiation of the treaty and

war with Great Britain.

The event justified Washington's position. The treaty had at least the merit which Jay claimed for it, that it was the best that could then be obtained. The embargo proved a failure. Nonintercourse would have been worse and war would have been national suicide. While the treaty failed to secure most of the objects for which the negotiations were instituted it proved of immense benefit to the country. It contained some very valuable provisions. It established a measure of reciprocal trade. It contained our first treaty provision for the extradition of criminals. It sought to ameliorate the harshness of war and make more clear neutral rights. It provided for the settlement of certain differences by arbitration.

# WASHINGTON'S FAREWELL ADDRESS.

In this brief sketch of the foreign policy of Washington during the first administration of the Government under Constitution I hope I have made plain that its great and underlying feature was the establishment of an American policy of neutrality. That was Washington's steadfast purpose throughout all those troublous years. He became so impressed with the unwisdom of our becoming a party to European politics or engaging in European wars that he was willing to make any personal sacrifice to avoid such supreme danger. In his farewell address that is its central thought. He did not expect we should always be fortunate enough to avoid foreign wars; but if these shall come they should be our wars, not some other nation's wars. [Applause.] To become a party to European struggles would be to mix our interests with theirs, to link our fortunes with theirs, to risk our destiny on the hazard of another's cause. It was against entangling alliances that he warned. It was against any act that might lead this country to become a party to the combinations and struggles for supremacy of the European powers that he admonished.

In his farewell address Washington said:

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Again, he says, referring to our detached and distant situation:

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign grounds? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the tolls of European ambition, rivalship, interest, humor, or caprice?

It is urged by influential journals, it is advocated by able men, that it is the duty of the United States to enter the European alliance, and thus become a participant in the present European war. On what grounds can this be urged? To do so would be a violation of our own proclamation of neutrality. President Wilson, following the illustrious example of Washington, at the beginning of the war proclaimed to the world that the United States throughout the struggle will adopt a policy and pursue a conduct friendly and impartial to both the belligerent

To do so would violate Washington's injunction. It would embroil us in the combinations and collisions of the European powers. It would be interweaving our destiny with that of the nations of Europe. It would entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, and caprice. [Applause.]

It should be thoroughly understood just what the proposition is. It is to join the war of the allies, not to make one of our own. Because we have a grievance against one of the powers at war, it is urged we should join in an alliance to make war not only on the offending power but upon all other powers joined Because we may wish to redress our grievance, we should also aid in redressing the grievances of several other nations

To become an ally is not merely to announce that fact. We would be expected to bear our part. We would be expected to make such contribution in men and ships and money as would be commensurate with a rich and powerful nation of 100,000,000 people. Not to do so would excite the enmity of our allies and the contempt of our enemies.

Not only in the field would we be expected to bear our part but, as a consequence, we must become a party to the terms of settlement when the war shall end. That would mean the determination of the dynastic status of every nation of Europe. It would mean the fixing of boundaries. It would mean not only to fix their present status and territorial extent but it would mean an obligation to maintain them inviolate throughout the years to come. The Republic would enter upon the pleasing task of supporting king and czar and emperor against either foreign or supporting king and caar and emperor against either foreign aggression or domestic insurrection. We would thus guarantee the perpetuity of tyranny forever. To enter this alliance and forsake our traditional policy, the policy of Washington, would mean an engagement to keep in order the Balkan States; that we keep Serbia and Roumania and Bulgaria from each other's throats. It would mean that we should become the guardian of the "unspeakable Turk."

Washingtor's inquiry is unanswerable, "Why by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?"

But it is asked. How can we maintain our neutrality and at the same time protect our rights? The answer is clear. If our rights are invaded, we will redress them ourselves. We do not need to call on others to help. Neither are we under any obligation to help others redress their grievances. It is perfectly legitimate for us to consider our relations with any nation apart entirely from the fact that that nation is engaged in war with other powers. If we shall determine that any nation has given us cause for war, we may so declare. And if we do so declare, we may carry on the war as we shall determine best, regardless of the action of other nations also at war.

If we shall determine that it is not necessary or wise to declare war, but that it is necessary to take active measures to protect the lives and property of our citizens upon the seas, we may arm our merchant ships to defend themselves; we may convoy our merchantmen with vessels of war; we may send fleets of destroyers to clear the seas of piratical submarines.

In either case we would be acting in entire consonance with Washington's and Wilson's proclamations of neutrality. lause.] We would be following the wise counsels of the well Address. Washington was the last man to counsel Farewell Address. supine submission to aggression or imposition. He was careful not to enter either an unjust or a needless war. He declared that "peace ought to be pursued with unremitted zeal." But if there was no other way to maintain the honor or secure the rights and privileges to which his country was entitled, then Washington was for war. [Applause.] Let it not be understood that I am counseling war or acts that may lead to war.

That is to be hereafter determined.

Now, as in Washington's day, "peace ought to be pursued with unremitted zeal." If our difficulties with any nation can be composed honorably by peaceful means, such should be our course. There never has been a war in history in which the rights of neutrals have not been violated. There never will be. The extent to which those violations shall be suffered without resort to war is always a question which should be most carefully considered. That question is the most momentous which a nation is ever called upon to consider. It should not be hastly decided, nor in a spirit of resentment, nor in anger.

The people of the United States do not want war. are not for peace at any price. They are not for peace by the sacrifice of honor; they are not for peace by the surrender of our place among the nations of the world to which we are entitled; they are not for peace that may be secured by a surrender of our indisputable rights. Let not the delusion be in-

dulged that because we deliberate before we act, that because we differ as to when and how we should act, that these are indications either of division or of cowardice. If the supreme call shall come, there will be no hesitation. A united nation will vindicate its rights, and to the uttermost maintain its honor and

integrity. [Applause.]
Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for five minutes in harmony with the ad-

dresses which have just been made.

The SPEAKER. Is there objection?

Mr. GORDON. Mr. Speaker, I object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that there is no quorum present. I have asked for five minutes to speak on a patriotic subject in harmony with

the spirit of the day.

The SPEAKER. The gentleman from Ohio objected, and the Chair can not control Members in their conduct. The gentleman from Pennsylvania makes the point of order that there is no quorum present, and the Chair will count.

Mr. GORDON (interrupting the count). Mr. Speaker, I withdraw my objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I withdraw the

point of order that there is no quorum present.

The SPEAKER. Is there objection to the gentleman from Pennsylvania proceeding for five minutes?

There was no objection.

# PRESIDENT WILSON'S PATRIOTIC ADDRESS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to place alongside the Farewell Address of George patriotic address of Woodrow Wilson, President of the United States, at the unveiling of the monument to Commodore John Barry in the city of Washington, May 16, 1914. President Wilson at that time, and it was before the European war broke out,

"Mr. Secretary, ladies, and gentlemen, I esteem it a privilege to be present on this interesting occasion, and I am very much tempted to anticipate some part of what the orators of the day will say about the character of the great man whose memory we celebrate. If I were to attempt an historical address, I might, however, be led too far afield. I am going to take the liberty, therefore, of drawing a few inferences from the significance of this occasion.

"I think that we can never be present at a ceremony of this kind, which carries our thought back to the great Revolution, by means of which our Government was set up, without feeling that it is an occasion of reminder, of renewal, of refreshment, when we turn our thoughts again to the great issues which were presented to the little Nation which then asserted its independence to the world; to which it spoke both in eloquent representation of its cause and in the sound of arms, and ask ourselves what it was that these men fought for. No one can turn to the career of Commodore Barry without feeling a touch of the enthusiasm with which he devoted an originating mind to the great cause which he intended to serve, and it behooves us, living in this age when no man can question the power of the Nation, when no man would dare to doubt its right and its determination to act for itself, to ask what it was that filled the hearts of these men when they set the Nation up.

"For patriotism, ladies and gentlemen, is in my mind not merely a sentiment. There is a certain effervescence, I suppose, which ought to be permitted to those who allow their hearts to speak in the celebration of the glory and majesty of their country, but the country can have no glory and no majesty unless there be a deep principle and conviction back of the enthusiasm. Patriotism is a principle, not a mere sentiment. No man can be a true patriot who does not feel himself shot through and through with a deep ardor for what his country stands for, what its existence means, what its purpose is declared to be in its history and in its policy. I recall those solemn lines of the poet Tennyson in which he tries to give voice to his conception of what it is that stirs within a nation: 'Some sense of duty, something of a faith, some reverence for the laws ourselves have made, some patient force to change them when we will, some civic manhood firm against the crowd;' steadfastness, clearness of purpose, courage, per-sistency, and that uprightness which comes from the clear thinking of men who wish to serve not themselves, but their fellow men.

"What does the United States stand for, then, that our hearts should be stirred by the memory of the men who set her Constitution up? John Barry fought, like every other man in the Revolution, in order that America might be free to make her own life without interruption or disturbance from any other quarter. You can sum the whole thing up in that, that

America had a right to her own self-determined life; and what are our corollaries from that? You do not have to go back to stir your thoughts again with the issues of the Revolution. Some of the issues of the Revolution were not the cause of it, but merely the occasion for it. There are just as vital things stirring now that concern the existence of the Nation as were stirring then, and every man who worthily stands in this presence should examine himself and see whether he has the full conception of what it means that America should live her own life. Washington saw it when he wrote his farewell address. It was not merely because of passing and transient circumstances that Washington said that we must keep free from entangling alliances. It was because he saw that no country had yet set its face in the same direction in which America had set her face. [Applause.] We can not form alliances with those who are not going our way; and in our might and majesty and in the confidence and definiteness of our own purpose we need not and we should not form alliances with any nation in the world. Those who are right, those who study their consciences in determining their policies, those who hold their honor higher than their advantage, do not need alliances. You need alliances when you are not strong, and you are weak only when you are not true to yourself. You are weak only when you are in the wrong; you are weak only when you are afraid to do the right; you are weak only when you doubt your cause and the majesty of a nation's might asserted.
"There is another corollary.

John Barry was an Irishman, but his heart crossed the Atlantic with him. He did not leave it in Ireland. And the test of all of us-for all of us had our origins on the other side of the sea-is whether we will assist in enabling America to live her separate and independent life, retaining our ancient affections, indeed, but determining everything that we do by the interests that exist on this side of Some Americans need hyphens in their names, because only part of them has come over; but when the whole man has come over, heart and thought and all, the hyphen drops of its own weight out of his name. This man was not an Irish-American; he was an Irishman who became an American. [Applause.] I venture to say if he voted he voted with regard to the questions as they looked on this side of the water and not as they affected the other side; and that is my infallible test of a genuine American, that when he votes or when he acts or when he fights his heart and his thought are centered nowhere but in the emotions and the purposes and the policies of

the United States. [Applause.]
"This man illustrates for me all the splendid strength which we brought into this country by the magnet of freedom. Men have been drawn to this country by the same thing that has made us love this country—by the opportunity to live their own lives and to think their own thoughts and to let their whole natures expand with the expansion of a free and mighty Nation. We have brought out of the stocks of all the world all the best impulses, and have appropriated them and Americanized them and translated them into the glory and majesty of a great

country. "So, ladies and gentlemen, when we go out from this presence we ought to take this idea with us that we, too, are devoted to the purpose of enabling America to live her own life, to be the justest, the most progressive, the most honorable, the most enlightened Nation in the world. Any man that touches our honor is our enemy. Any man who stands in the way of the kind of progress which makes for human freedom can not call himself our friend. Any man who does not feel behind him the whole push and rush and compulsion that filled men's hearts in the time of the Revolution is no American. No man who thinks first of himself and afterwards of his country can call himself an American. America must be enriched by us. We must not

live upon her; she must live by means of us.

"I, for one, come to this shrine to renew the impulses of American democracy. I would be ashamed of myself if I went away from this place without realizing again that every bit of self-seeking must be purged from our individual consciences, and that we must be great, if we would be great at all, in the light and illumination of the example of men who gave everything that they were and everything that they had to the glory and honor of America." [Applause.]

# SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their

appropriate committees, as indicated below: S. 7894. An act to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the States of

Montana and Wyoming; to the Committee on the Public Lands. S. 1379. An act for the relief of James Gloster; to the Committee on Military Affairs.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the fol-

lowing titles, when the Speaker signed the same:
H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at

or near Parkin, Ark.;

H. R. 19239. An act granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.;

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved

January 5, 1905;

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903; and

H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota.

# STEAMER "CHARLES L. HUTCHINSON."

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to take up for consideration the bill (S. 8252) to authorize the change of name of the steamer Charles L. Hutchinson to Fayette This bill has passed the Senate and was referred to the Committee on the Merchant Marine and Fisheries and has been

favorably reported.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the bill S. 8252. Is there objection? Mr. MANN. Mr. Speaker, reserving the right to object, has

the mortgagee or the trustee consented?

Mr. ALEXANDER. Yes. The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Brown Transit Co., of Mentor, Lake County, Ohio, to change the name of the steamer Charles L. Hutchinson (official No. 207345) to the Fayette

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

CONFERENCE REPORT, PAYMENT OF FINDINGS, COURT OF CLAIMS.

Mr. BYRNES of South Carolina. Mr. Speaker, I desire to call up the conference report on the bill (S. 1878) making appropriations for the payment of findings of the Court of Claims.

The SPEAKER. The Clerk will read the report.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

Mr. MANN. The report is very short.

Mr. BYRNES of South Carolina. Very well.

The Clerk read the conference report.

Mr. MANN. Mr. Speaker, I do not know what the Clerk is reading from, but it certainly was not the report of the managers on the part of the House. He is reading from some printed paper of some kind, but that was not the report. Now, when they come to enroll this bill the clerk on enrolled bills can not take that paper which the Clerk read in order to enroll the bill, and it is the duty of the reading clerk to protect the House in these matters. If the report of the managers of the conference on the part of the House is not in the Clerk's hands, we ought to know it. If it is, it should have been read.

The SPEAKER. The Chair will ask the gentleman from

South Carolina where is that report?

Mr. BYRNES of South Carolina. I can say it was filed, and, of course, filed before it was printed. I sent to the desk the printed report to save time. The original ought to be on the Speaker's desk. It was certainly filed or else it could not have been printed.

Mr. MANN. Well, I have no doubt it was filed, but they can not take the printed copy, and I want to know where the original copy is.

Mr. BYRNES of South Carolina. It is with those papers there.

The SPEAKER. The Clerk says it is not up here.

Mr. MANN. We can not act on the conference report without having it.

The SPEAKER. Of course that is true. Will the gentleman withdraw his conference report temporarily and hunt up the

Mr. BYRNES of South Carolina. Mr. Speaker, I withdraw the report, but it is impossible for us to hunt it up. There is no question about it having been filed, else it could not have been printed, and it is printed. I will withdraw the request for

consideration at this time and let the Clerk hunt it up.

The SPEAKER. The chances are by some misadventure the Printing Office did not send it back.

EXTENSION OF REMARKS.

Mr. BAILEY. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?
Mr. BAILEY. To ask permission to extend my remarks in

the Record by printing some letters, resolutions, and telegrams which I have received in regard to war.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

# ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783. a bill making appropriations for the support of the Army.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill,

with Mr. Saunders in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918.

Mr. MANN. Mr. Chairman, there are some amendments pending to the last paragraph that were read, I think, but there was one amendment passed over in reference to the Georgia encamp-

The CHAIRMAN. The Clerk will report it.

Mr. MANN. Just a moment. The Clerk read as follows:

Amendment by Mr. Hull of Iowa

Mr. MANN. Let us dispose of the other amendment if we can. The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

The Clerk read as follows:

Page 58, at the end of line 9, insert:

"Provided, That the sum appropriated by section 1661, Revised Statutes, for arming and equipping the whole body of the millita, the sum of \$14,409.98, proportioned to the State of Georgia for the years 1915 and 1916, be, and the same is hereby, made immediately available for the purpose of paying the expenses incurred by said State over and above the allotments made by the Secretary of War to the State of Georgia from all appropriations therefor in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, and the Secretary of the Treasury is hereby authorized and instructed to pay over said amount to the governor of said State of Georgia for said purpose."

Mr. MANN. Mr. Chairman, I would like to make an inquiry about that as to the form. This amendment offered is the bill introduced by the gentleman from Georgia [Mr. Howard].

Mr. DENT. Yes.

Mr. MANN. It says "that the sum appropriated," and so forth, "of \$14,000." I think it should be "from the sum appropriated by section 1661 the sum of \$14,000 is appropriated."

Mr. DENT. I accept that amendment.
Mr. MANN. Now, this is "proportioned to the State of Georgia for the years 1915 and 1916." Of course, that was the fiscal year that ended June 30 last. Whether the money has been used or not, I do not know.

Mr. DENT. The information the committee has is that this money is in the possession of the Militia Bureau now and has been held for this purpose, awaiting the authority of Congress to dispose of it. It is on hand now.

Mr. MANN. If they have retained the money it covers the

Mr. DENT. I asked for that information myself before I agreed to the amendment.

Mr. MANN. This language was inserted in a bill introduced

a year or two years ago.

Mr. DENT. That is the information they furnished the committee

Mr. MANN. Now, if I may get the attention of the gentleman, I wish to say that the Senate passed a bill (S. 5767) entitled "An act for the relief of Frank Carpenter." The House Committee on Claims has reported it favorably to the House. It provided for the payment of \$812.60 as full settle-

ment of the amount due this man for services and team hire in 1910 and 1911 in connection with the construction of the Oklahoma State rifle range, at Chandler, Okla., and the report shows that this work was done by the man, and that his accounts were approved in connection with the construction of the rifle range in Oklahoma, and, I suppose, in connection with the encampment, although I do not know, the cost of which construction was paid out of this fund apportioned under section 1661 of the Revised Statutes; but that when his claim came to be audited, while it was approved, there was not sufficient money in the apportionment to the State of Oklahoma to pay it, though it should have been paid. I do not know anything more about the claim. Now, the Committee on Claims has reported that it should be paid out of the General Treasury. Well, I do not think where a State has money apportioned to it under section 1661, and then incurs obligations, that we should give them an extra sum of money for paying those claims out of the Treasury, but that we should charge it up to them out of funds which are apportioned to them another year. And will not the gentleman agree with me?

Mr. DENT. I agree with the gentleman. I think it ought to be paid out of this fund. Otherwise, Oklahoma would get a

larger sum than any other State.

Mr. MANN. I drafted an amendment, because I would not be willing to let this other bill pass and pay it out of the general fund, providing the \$812.60 may be taken out of the fund apportioned for the years 1916 and 1917, that being this fiscal year, to pay this claim, by turning it over to the governor of Oklahoma for that purpose.

Mr. DENT. I have no objection to that amendment. Will

the gentleman offer it?

Mr. MANN. I will offer it right away after this, if I may. I think the amendment of the gentleman there should read "that from the sum apportioned." Otherwise it does not make

The CHAIRMAN. Without objection, the word indicated will be inserted. [After a pause.] The Chair hears no objection. The question is on the amendment offered by the gentleman from Alabama [Mr. DENT].

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, I ask unanimous consent that I may offer an amendment to follow the amendment offered by the gentleman from Alabama [Mr. DENT].

The CHAIRMAN. Is there objection? [After a pause]. The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. Mann: "That from the sum appropriated by section 1661 of the Revised Statutes for arming and equipping the whole body of the militia the sum of \$812.60 out of the sum proportioned to the State of Oklahoma for the year 1916-17 be, and the same is hereby, made available for the purpose of paying the expenses incurred by said State over and above the allotments made by the Secretary of War to the State of Oklahoma from the appropriation therefor in connection with the construction of the State rifle range at Chandler or the encampment held at Oklahoma in the year 1910-11; and the Secretary of the Treasury is hereby authorized and directed to pay over said amount to the governor of the said State of Oklahoma for said purpose."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Mann].

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will report the next amendment. The Clerk read as follows:

Amendment by Mr. Hull of Iowa: Page 58, line 9, strike out "\$1,000,000" and insert "\$6,200,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HULL of Iowa. Is there not an amendment to the amendment?

The CHAIRMAN. The Clerk will read the amendment to the amendment.

The Clerk read as follows:

Insert in lieu thereof the following: Strike out "\$6,200,000" and insert "\$4,000,000."

Mr. HULL of Iowa. Mr. Chairman, I desire to accept that amendment as mine.

The CHAIRMAN. Without objection, the amending amendment will be accepted, so that the original amendment will read as the Clerk will indicate.

The Clerk read as follows:

Strike out "\$6,200,000" and insert "\$4,000,000."

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be concluded in 25 minutes

The CHAIRMAN. Will the gentleman indicate to whom he wishes that time to be given?

Mr. CALDWELL. Mr. Chairman, reserving the right to ob-

Mr. DENT. Five minutes to the gentleman from Pennsyl-[Mr. Crago], five minutes to the gentleman from New York [Mr. CALDWELL], five minutes to the gentleman from Missouri [Mr. Borland], and five minutes to the gentleman from Iowa [Mr. Hull].

The CHAIRMAN. That makes 20 minutes.

Mr. DENT. Twenty-five minutes. I ask for five minutes for

myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the debate on this paragraph and all amendments thereto shall terminate at the expiration of 25 minutes, the time to be divided as has been formally agreed upon and indicated to the Chair. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAGO Mr. Chairman, under the provisions of the national-defense act of June 3, 1916, we federalized, as we said, the National Guard, and we provided in that act that the National Guard must have each year 15 days at least of field

training.

Now, the first year after we pass that act we come back here and fail to appropriate sufficient funds to provide that training for the National Guard. In other words, the National Government took upon itself the matter of the maneuver camps for the National Guard, and now we refuse to appropriate the money. The testimony before the committee, as will be found on page 1120, is to the effect that while the appropriation last year was only \$500,000, none of it was used, owing to the fact that the National Guard troops were on the border. This year it is estimated that at least 75 per cent of those troops will have come back from the border in plenty of time to take part in these maneuver camps.

Now, in estimating for this, \$600,000 was provided for the transportation of the Army participating in these maneuvers. I take it that the greater part of that sum can be deducted from the estimate furnished by the department; also, I would and I have fixed upon the amount appropriated here in the light of that suggestion-that the camps of instruction for the officers of the National Guard, which are held in every State where they are asked for, be combined with the camps for maneuvers; in other words, that during these 15 days' time the schooling for the officers of the National Guard be combined

with the maneuver movements.

This would do away with the necessity of that expense, and I believe that it would lessen the amount necessary by at least \$1,000,000. So I have provided, by taking from the amount the travel pay and expenses of the Army and the expenses of the instruction camps for the officers, for \$4,000,000 to be expended in these maneuver camps.

Now, there is nothing more necessary than this field instruction, and whether we regard the National Guard as the real second line of defense or not, it is all we have in the second line. Therefore let us not make a mockery out of this so-called fed-

Therefore let us not make a mockery out of this so-called federalization of the guard by withholding from them the funds necessary to properly train them. [Applause.]

Now, it is said these men have been on the border for three or four or five months. That is just the reason why we need these maneuver camps this year. This is providing for the maneuver camps for this summer. These men, many of them, have had their fill of military experience, but when it is announced that they will have these maneuver camps, you will find their that they will have these maneuver camps, you will find their interest revived. They will want to go back to these maneuver camps and meet the boys they served with on the border, and you can do nothing better for the benefit of the National Guard than to provide lavishly for these camps during the coming year. [Applause.]
Mr. TILSON. Mr. Chairman, will the gentleman yield?
Mr. CRAGO. Yes.

Mr. TILSON. My colleague will recall that we have appropriated as much as \$2,500,000 in alternate years for this very purpose?

Mr. CRAGO. Yes. That was supplemented by the appropriations made by the different States for their State encamp-

Now, I fear that some of the States will refuse to make an appropriation this year, and it should be possible for us to make here an appropriation which will enable every organization of the National Guard of any State which wishes to take part in these maneuver encampments to do so for the full 15 days.

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. BORLAND. Mr. Chairman, in connection with this item for the training of the National Guard I want to discuss for a minute or two the question of military training in itself.

I have listened in this debate particularly, and in preceding debates on military bills, to attacks upon the Army of the United States, that it is un-American, that it ought in some way to be reorganized, that there is too great a chasm between the officers and the men, and so on. It has been gradually impressed upon my mind that possibly the whole system of a paid standing Army is un-American. If there is any such thing as a pure American system of defense, it rests upon the constitutional militia, which embraces every able-bodied man between 18 and 45 years of age.

I can not bring myself to believe as a practical propositionand I was born in a town which contains the largest Army post in the United States, and I grew up there from boyhood, at Fort Leavenworth—I can not believe that we can ever in times of peace and prosperity in this country employ enough men to maintain an effective fighting force. If I did believe that it were possible to employ them, I doubt the wisdom of our expending the money necessary, in competition with the attractions of private life, to employ that body of men. If I did not doubt the wisdom of that, I would still doubt the democracy of a system which would employ mercenary soldiers, professional soldiers, to guard the liberties of the people. If I had no other fear of mercenary soldiers, history would teach me that it is the mercenary army upon which despotism always relies.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield? Mr. BORLAND. I do not want to extend my time, and I do not want to extend the discussion.

In my judgment one of the safeguards to liberty in the early days of our country was that practically every man, every householder, was trained to arms in that day and was a defensive force. I remember in our western frontier every householder was called upon to protect the frontier against the then constant enemy-the savage of the plains. When the war with Great Britain in 1812 broke out the last frontier post was in central Missouri. All the Northwest was inflamed by the British agents against American posts, and word was sent to old Col. Cooper to bring his settlers into St. Louis, where they could be protected by mercenary soldiers. He said: "We have enough men and boys here to protect our settlement." Every boy over 17 years of age mounted guard over the little fort that we had there. If there is an American system, that is the American system.

Now, I do not believe we can ever as a practical proposition maintain a mercenary force or standing army which shall be American in every particular. I have heard gentlemen say that there ought to be more democracy in this paid force of ours. I have seen it; I grew up with it. There is no such thing possible. There is no such thing as democracy in a paid army. But if every man had a sufficient military training, not only would be feel that the safeguards and liberties of the country were in his own hands, but there would not be the chasm between the officers and the men that there is now.

I would like to see the son of the millionaire and the son of the plowman serving side by side for the protection of their common country. [Applause.] I can not think of any military system being American except that. I am not prepared at this time to discuss the practical details of such a plan, but I clearly see in this debate a tendency toward a plan of that kind. [Applause.]

Mr. CALDWELL. Mr. Chairman, I am in favor of this amendment, and I am in favor of it because I fear that the committee have gone too far on the back swing of the pendu-Last year we came here with the preparedness bill, which provided for certain organizations, and we appropriated money to maintain and support those organizations. we are in effect tearing up the legislation that we put on the it is a shame, that this Congress, composed of the same men, should go before the people of this country and say, "We have statute books in the last session of this Congress. It is pitiful, passed an Army bill that prepares this country," and then, after the election, come back to the Halls of this Congress and cut off the supplies that would support the organization that we have provided. If you are going to depend upon the National Guard, the National Guard must be supported. The National Guard must be trained, and the greatest training that they can have is in these annual training encampments.

Now, what does this appropriation as the committee has reported it carry? It carries \$1,000,000, which will not even pay the cost of the food that these men will consume in such an encampment. The men who are now enlisted, who are now under arms, under a law that we have passed, should be supported. They must be paid, or else you must tear up the national-defense act. They must be transported, or else you must tear up the national-defense act. If you do not take care of the National Guard, there is only one thing left for you to do, and that is to adopt the universal-training proposition and send them all, whether they are National Guardsmen or not, somewhere in this country to be trained, or else you have got to say to the people of this country, "We do not propose that we shall have an armed land force to protect the country." So I say, therefore, gentlemen, that it is necessary that this increase be granted, and I hope that the \$4,000,000 will be authorized.

I yield back the remainder of my time.

Mr. DENT. I will ask the gentleman from Iowa [Mr. Hull]

to use his time, if he wishes to do so.

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the committee, this amendment is simply to provide the money for the summer maneuvers of the National Guard. As has been called to your attention by the gentleman from New York, the amount that the committee have recommended would not pay for the food that the National Guard as it is enlisted to-day would consume if it goes into a summer camp.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. GORDON. Does not the gentleman think this little trip from which the National Guard are just returning, down on the border, lasting eight months, is pretty nearly enough maneuvering for one year?

Mr. HULL of Iowa. No; it is not enough. That was hard work, and it was not the proper training. The National Guard from Iowa were not properly trained. They were not properly provided with equipment to train.

Mr. ANDERSON. Will the gentleman yield?

Mr. HULL of Iowa. Yes.
Mr. ANDERSON. I just want to suggest to the gentleman that next year the National Guard will be an entirely different organization from the National Guard that went to Mexico last

Mr. GORDON. It will be the same men, though,

Mr. GORDON. It will be the same men, though.
Mr. ANDERSON. No.
Mr. HULL of Iowa. The gentleman from Minnesota [Mr. ANDERSON] is absolutely right. If you are going to have a National Guard a year from now, you must provide the money for the summer maneuvers this summer.

Mr. GREENE of Vermont. Will the gentleman yield? Mr. HULL of Iowa. Yes.

Mr. GREENE of Vermont. Is it not very likely that, judging by past experience, the next coming maneuvers would show a greater improvement, by reason of the experience on the border that the National Guard have had, than any preceding maneuvers could have shown?

Mr. HULL of Iowa. The gentleman is right; and the guard coming back at this time need this encouragement in order to enlist their full strength. There will be some who will not re-

enlist as they come back.

Now, the committee have been criticized a great deal for not taking up with some other plan in regard to your Army. I call the attention of the House to this, that in case we fail to make this appropriation we will not have any army for a year or so. The National Guard is the line of defense upon which we have got to depend for the next year. There is no other line of defense. Under the committee plan the National Guard would disintegrate. There has been a great deal of complaint against the Regular Army for the way they have treated the National I hope this House will not take such action that it will lay itself liable to the same criticism that is being leveled against the Regular Army, that it is unfriendly to the National Guard. We ourselves created the National Guard a year ago, and it is our duty to support it. [Applause.]

Mr. DENT. Mr. Chairman, how much time is left? The CHAIRMAN. With the time that has been returned the gentleman has eight minutes.

Mr. MILLER of Minnesota. I should like two or three minutes, if I can have it.

Mr. HULL of Iowa. I yield back any time that I may have. The CHAIRMAN. The gentleman yields back one minute.

Mr. HULL of Iowa. The gentleman can have that. Mr. DENT. I had promised to give to the gentleman from

Kentucky [Mr. Fields] the time yielded back to me. Mr. MILLER of Minnesota. If some member of the com-

mittee is asking for time, I certainly will not.

Mr. DENT. How much time does the gentleman want?

Mr. MILLER of Minnesota. Two or three minutes.

Mr. FIELDS. Perhaps I can get through in three minutes. will try to do so.

Mr. DENT. I yield three minutes to the gentleman from Kentucky.

Mr. FIELDS. Mr. Chairman, I did not agree with the committee, in the framing of the national-defense act, that the National Guard, composed of the State militia, should be the second line of defense of this country; but the committee adopted that plan, and the Congress ratified the action of the committee. Therefore, at this time the National Guard, based upon our State militia, is our second line of defense, and I believe it is unwise to handicap that organization in any way that will make it inefficient. While I am not in sympathy with the ideas of those who believe it is the proper second line of defense, I want to be fair with it, I propose to be fair with it, and I want to give it every advantage that can be had. It has been well said that there will be many changes in the personnel of the National Guard within the next year, and the new recruits should be trained.

Mr. GORDON. Will the gentleman yield?
Mr. FIELDS. I can not yield, in three minutes. The CHAIRMAN. The gentleman declines to yield.

Mr. FIELDS. It may be well to keep alive the training that these men have received on the border. If it goes over until another year, much of the interest will be lost, and I think it is only the part of good business to keep alive the instructions that these men have received on the border and to keep alive the enthusiasm they have. For that reason I shall support the amendment offered by the gentleman from Pennsylvania [Mr.

I yield back the remainder of my time.

Mr. DENT. Mr. Chairman, how much time have I remaining? The CHAIRMAN. The gentleman has nine and a half

Mr. DENT. Will the gentleman from Minnesota be willing to accept two minutes?

Mr. MILLER of Minnesota. I shall have to. Mr. DENT. I yield the gentleman two minutes.

Mr. MILLER of Minnesota. Mr. Chairman, I desire an opportunity to state that I am heartily in favor of the amendment that has been proposed, largely for the reasons that have already been advanced. I say that, as one heartily in favor of universal military training, I am willing to support that kind of a proposition anywhere; but I know that universal military training will never come to the relief of this country for several years, however much I would like to have it now. The time of the emergency is now and not 5 or 10 or 15 years hence.

The National Guard of the respective States, on the whole, is a splendid organization. I wish to God it was ten times as numerous, and then we would not need such a thing as universal military training. I think it is safe to say that the field maneuvers with the Regular Army each year have been of more value to them in the matter of training than all of the rest of the training in their respective armories. I do not know what actuated the committee in cutting down the appropriation to \$1,000,000. I know that a million dollars will not permit the National Guard of the States to take part in the maneuvers for the ensuing year. I think it is of the highest importance that they be given a sufficient appropriation to do that all over the country. I think it is generally agreed that \$4,000,000 is no more than sufficient to accomplish that purpose. So, Mr. Chairman, speaking as one who believes in universal training, who does not believe in a great standing Army, I strongly and firmly believe that we are serving our country wisely if we increase this appropriation to the extent asked for.

The National Guard of the respective States we have found much criticized for their inefficiency during the recent months. However true that may be in some organizations, I do not believe that criticism is good when applied to the majority of them. As near as I can determine by such investigation as I have been able to make, the National Guard of many States ranks very high when brought to the test in the field. I have heard many Army officers who went at my request to the Texas border in their respective vicinities to look over the National Guardsmen

The CHAIRMAN. The time of the gentleman has expired. Mr. MILLER of Minnesota, I ask a minute to complete

this sentence The CHAIRMAN. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. These Regular Army officers, to a man, said that they had never seen a finer personnel than they found in many of the National Guard organizations; that the personnel of our National Guard of enlisted men is higher and better than in the Regular Army. That, naturally, would be true. Usually they are the best blood in their respective communities. They have ideals back of them, and they are there for a patriotic purpose; and I believe that every consideration and every assistance this Government can extend to them in their self-sacrifice and endeavors to be the guardians of our liberty and the guardians of the country should be given them, and that means an increase in this appropriation.

[Applause,]

Mr. DENT. Mr. Chairman, ever since I have been a member of the Military Committee of the House, and my service began in the Sixty-first Congress, it has been the policy of the Military Committee to give an appropriation for joint maneuvers of the National Guard and the Regular Army every alternate year. The largest appropriation that we have ever made for that purpose as asked for by the department was \$1,250,000. It may cost a little more under the national-defense act to have these joint maneuvers now. The department comes to the committee at this time and asks for the enormous increase of over \$6,000,000 for the purpose of having joint maneuvers the coming summer. The committee, or a majority of the committee, reached the conclusion—and there was no minority report filed that practically all of the Organized Militia and National Guard of the United States has had something like six months' service on the border in connection with the Regular troops, and that that six months' service down there was a great deal better and of more assistance and education to them than the joint maneuvers with the Regular Army. The committee therefore deemed it unwise to ask the National Guard when it returns from the Mexican border to go into joint maneuvers with the Regular Army. We made an allowance of \$1,000,000 on the theory that perhaps the Regular Army would be engaged in maneuvers at some post and that near that post there would be certain organizations of the National Guard or an organization of militia that could reach this place easily and without any great expense participate in maneuvers with the Regular Army, and for that reason we made the appropriation of \$1,000,000.

As I said, the policy of the committee has been to have the general maneuvers only every other year, one year for the National Guard and the other for the Coast Artillery. We ap-propriated \$350,000 for the joint maneuvers of the Coast Artillery. I think the committee has been perfectly fair and very liberal with the National Guard in making the appropriation this year of \$1,000,000, and I hope the amendment will be re-

jected.

Mr. CALDWELL. Let me ask the gentleman, was it not agreed among the members of the committee that while there was no minority report each member should feel at liberty to offer an amendment up to the amount requested by the War Department?

Mr. DENT. I do not recollect any such agreement. I know the gentleman from New York is not bound, because he was not

there when it was agreed to.

Mr. STAFFORD. I would like to ask the chairman of the committee if a new rule has been adopted by the members of the Military Affairs Committee under which they do not intend to stand by the report of the committee on the bill brought into the House, but that each member is privileged to attack it and offer amendments as he sees fit?

Mr. DENT. I do not know of any such rule. Some members have the right to offer an amendment on some items, and the gentleman from Pennsylvania [Mr. Crago] was one of them.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. CALDWELL and Mr. HULL of Iowa) there were—ayes 41, noes 42.

Mr. CALDWELL. I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Alabama [Mr. DENT] and the gentleman from Iowa [Mr. HULL].

The committee again divided; and the tellers reported that the ayes were 54 and the nays were 56.

Mr. CALDWELL. I make the point of no quorum. The CHAIRMAN. The vote shows that 110 Members are present, and the Chair noticed other Members in the House who did not vote. A quorum is present.

So the amendment was rejected. The Clerk read as follows:

Provided, That of this sum so much thereof as may be necessary is authorized to be expended for the payment of transportation of troops of the Regular Army in connection with joint camps of instruction of the National Guard: Provided, That of this sum as much thereof as may be necessary is authorized to be expended for the pay, transportation, and subsistence of officers and enlisted men of the National Guard Reserve as may be authorized by the Secretary of War under the law to attend encampments, maneuvers, or other exercises of the National Guard.

Mr. HILLIARD. Mr. Chairman, I move to strike out the last word. In discussing this bill the other day, page 3940 of the Record, the distinguished gentleman from Wisconsin [Mr. Len-ROOT] used this language:

Mr. Chalrman, in the present crisis with Germany I have felt that the best service a Member of Congress could render his country was to refrain from discussing the matter on the floor until we were called upon to take some action. Unfortunately that has not been done, and extremists on both sides have been freely expressing their opinions, until there is a very general belief throughout the country that if Congress is called upon to act at all it will choose between a general declaration of war against Germany, intervening in the European war, and a position that, whatever the provocation may be, we will under no circumstances defend our rights with force.

The fact is that many gentlemen had not spoken, but the form employed is the usual one of the gentleman from Wisconsin, especially whenever he speaks from a carefully prepared manuscript in answer to an adversary who has suddenly

driven him to speech.

On March 7, 1916, page 3699 of the RECORD, the distinguished minority leader, Mr. MANN, submitted what would constitute an amendment to be offered to the then pending McLemore resolution whenever the parliamentary situation admitted, the matter having to do with warning American citizens from taking passage on certain vessels. From such amendment so to be offered I quote:

That in the opinion of the House of Representatives citizens of the United States, under existing conditions and irrespective of their legal rights, ought to refrain from taking (such) passage.

On the same day, March 7, 1916, page 3709 of the Record, Mr. Lenboot, speaking to the House, indulged the hope that the amendment suggested by Mr. Mann would be in order, thereby, as the gentleman from Wisconsin said, to give "the House opportunity to vote for a simple resolution of warning." The gentleman from Massachusetts [Mr. Gardner,], then as always manifesting his displeasure with any effort calculated to pour oil on the troubled waters, provoked Mr. Lenroot to the following language:

The gentleman from Massachusetts usually is one of the bravest and most courageous men in this House, but in the attitude that he takes to-day upon this resolution the gentleman subjects himself to the charge of cowardice.

On Sunday, December 24, 1916, in an interview given by Mr. Gardner to the press associations of the country, he used the following language:

I have read the indorsement which the leader of my party in Congress gave yesterday to President Wilson's offer of interference in European affairs. This is the fourth or fifth time that Leader Mann has given encouragement to the Kaiser's wicked cause. As far as I am concerned, I will tolerate such leadership no longer. I believe that the happiness of the world requires the destruction of the dynasties of the Hapsburgs and Hohenzollerns. For that reason I shall support Representative Lenroot, of Wisconsin, for Speaker when the next Congress convenes.

Then, again, in Mr. Lenroot's speech the other day, and subsequent to Mr. Gardner's Speakership declaration, he used this language:

Mr. Chairman, when the contest upon the McLemore resolution arose last year I was against the President, because I believed he was wrong, because I was unwilling to commit myself to the use of force to maintain what the President had himself denominated a doubtful legal right. I never will vote to use force to maintain a doubtful legal right; but there is no doubt about the question involved in this crists

What I desire to call the attention of the committee to is that when the McLemore resolution was pending Mr. Lenroot, in the interest of the general peace vote of his country, urged that American citizens should forego some privileges, spective of their legal rights." His present attitude provokes Mr. GARDNER to no criticism.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. HILLIARD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILLIARD. Mr. Chairman, the gentleman then was willing to vote for a resolution to warn men to keep off vessels because there was in such conduct danger to the peace of the country. To-day he says quite to the contrary. the friend of the gentleman from Massachusetts to-day. To-day the gentleman from Massachusetts [Mr. GARDNER] is his friend. I know not what has taken place, but I do know that there has been an evolution in the thoughts of the gentleman from Wisconsin [Mr. Lenroot], and he has changed from the peace advocate and the champion of the people and has become now what Mr. GARDNER is, and we all know where Mr. GARDNER stands on the principal question before the country.

The gentleman from Wisconsin [Mr. Lenroot] further observed in his speech that he is against the referendum, asserting that "the proposition for a war referendum is a great peril." Mr. Lenroot came to Congress as one of the great reformers in this country, as one of the great Wisconsin reformers, where the referendum and the initiative and all things that are good in this country had their origin. He would allow men to vote on whether they should have prohibition, he would allow men to vote on whether they should take a certain medicine, he would allow the referendum upon everything that would affect men in peaceful pursuits; but when the waging of war is on trial, when we are to determine whether Americans shall go into a foreign war, then he wraps his cloak of wisdom about him and says that he alone of all the people who live in his district in Wisconsin possesses the necessary courage and discernment to determine whether men shall shed their blood in a foreign war. I submit that in the evolution of the gentleman he has gone over to where Mr. Gardner stands, and in the name of the American people I resent his present attitude and deny that he has the right longer to speak for the plain American man in the Congress or anywhere else. There will be a referendum in the gentleman's district all too soon for his political comfort, and he will not find it so easy to explain to the peace-loving folks at home as it has been for him to go over to the standard of his new friend, the gentleman from Massachusetts.

In closing I desire to say this: The American people are not for war, and there is not going to be any war; it does not matter who may be for war. Mr. Gardner may have always been for war, and I do not say that he has been or is, and the gentleman from Wisconsin [Mr. Lenroot] may have joined him, and that admits of no doubt, still I say that Mr. Gardner's steadfastness and Mr. Lenroot's present devotion will make no difference. It does not matter what they say nor what they do, nor how they stand, the American people are not going to tolerate a declaration of war. [Applause.]

The Clerk read as follows:

The Clerk read as follows:

To provide for the attendance of selected officers or enlisted men of the National Guard who pursue a regular course of study at any military service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officers or enlisted men shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officers or enlisted men shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters or commutation of quarters, and the same pay, allowance, and subsistence to which officers or enlisted men of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority while in actual attendance at such school, college, or practical course of instruction. Provided, That in no case shall the pay and allowances authorized herein exceed those of a captain, \$150,000.

Mr. Chairman, a bill for compulsory military training will be offered to this House to-day, but it can receive no serious consideration until Congress reconvenes.

desire to express certain views on this subject.

Military discipline does not consist in learning to maintain a straight line in marching, nor in thumping the armory floor with your rifle butt in unison with your neighbors. All that sort of thing is military drill, not military discipline. seen a company of young women on the stage who could maintain a perfect alignment and give an exhibtion drill which would make you marvel, but I have a good deal of doubt whether their minds had been trained to that obedience which prevents the disintegration of armies exposed to hunger and thirst and cold and heat, and holds human nature in check during the awful ordeal of battle.

Military experts tell us that in every regiment there is a percentage of cowards and a percentage of men for whom danger has no terrors; but that the mass is neither cowardly nor heroic. If well led and thoroughly disciplined, it will perform prodigies of valor. If badly led or undisciplined, it will shame itself. The strongest instinct known to man is the instinct of self-preservation. The bulwark of discipline, the fear of officer or comrade is needed for the restraint of that instinct.

If plenty of skillful officers and noncommissioned officers are available, unquestionably the average American boy can be rapidly taught to shoot, to drill, to look after his health, and to take care of his rifle. The throwing of bombs, the handling of machine guns, the use of the bayonet, and the taking of trenches must also be taught if the soldier is to be fitted to compete in modern warfare. All these things take time; but the learning of the lesson of obedience and subordination takes more time than all the rest.

Most of us hate to obey even more than we hate to work and yet I believe that every one of us ought to be given a good, stiff dose of obedience for a full year of our lives. I do not mean that the obedience of the factory or the obedience of the school or even of the home. I mean real subordination for 24 hours a day, such as the West Point cadet is subjected to. course, I am quite aware that many good people believe that to require implicit unreasoning obedience breaks a boy's will. Well, if any fond mother dreads the effect of military discipline on her boy's will, let her take comfort in the thought that Ulysses S. Grant and William T. Sherman and Robert E. Lee and Stonewall Jackson were taught subordination at West Point and yet their will power seemed to survive.

For a good while past we have been going on the theory that three years' service in the National Guard in time of peace qualifies a young man to be rated as a trained soldier. Last year, by the terms of the national-defense act, we incorporated the National Guard into our first line of defense, and we provided for raising 440,000 guardsmen in the succeeding We are not getting along very fast. We had about 120,000 National Guardsmen on paper when the national-defense act was passed. We have about 150,000 to-day. If it had not been for the call for border service, I doubt whether we should

have even the 120,000 men with which we started.

Under the terms of the national-defense act a National Guardsman must serve three years with the colors and then, for three years more, he must be ready, as a reservist, to serve in the first line in case of war. During the three years of a guardsman's active service the amount of training prescribed for him by law is only 192 hours per year, or 576 hours during the entire period. When the three years have expired the guardsman is supposed to be a trained soldier. Contrast this view of the case with the view held by other nations. Instead of only 576 hours of training, the Japanese or the German or the French boy before he is considered qualified as a soldier must in time of peace receive approximately 4,000 hours of intensive military training spread over a period of two years. (See p. 8, Report of Chief of Staff, U. S. A., Sept. 30, 1916.)

My figure as to the training required of our National Guard is taken from the testimony of Maj. Gen. Hugh L. Scott, Chief

of Staff, before the Senate Committee on Military Affairs, December 18, 1916. Military men who have recently been in Europe tell me that the period of training for a British recruit is now six months in England before he is sent to the Continent. Then follows a period of training behind the lines. The length of this period varies according to the military necessities. Unless circumstances make it absolutely impossible, the British aim to give each recruit a full year's training before sending

him into the first-line trenches.

I know, of course, that Gen. Wood is of the opinion that American boys after six months of intensive training can be depended on as qualified infantrymen. Unless I am very much mistaken, Army opinion in general seriously disputes this view of the general's. No one denies the wonderful results accomplished at Plattsburg by Gen. Wood's system of intensive military training. It would be a mistake, however, to forget that the Plattsburg recruits were serious-minded, mature men, who attended the camp of instruction for the purpose of absorbing as much military training as could possibly be given them in the limited period at their disposal. Under a compulsory system, on the other hand, our young men, just like all other young men who ever were born, would look upon their military training as a rather irksome necessity which was to be performed with reasonable fidelity and something a little better than the minimum of effort.

I remember very well when I was at college that there were certain astute students and graduates who made a business of tutoring us idlers in preparation for the examinations. I myself was guilty of neglecting one of my courses in political economy throughout a large part of the year. In the last week before the annual examinations, along with a drove of other young reprobates, I was so admirably coached by an expert that I had no difficulty in passing my examination with a reasonably satisfactory mark. A fortnight later all the knowledge which had been crowded into me with so much rapidity had

taken to itself wings and flown away.

It seems to be an undoubted peculiarity of human nature that those things which a man learns rapidly he forgets rapidly, whereas those things which are taught gradually he remembers throughout his life. There is no royal road to knowledge; neither can training be administered in capsule form. Much as I dislike to align myself on the side opposite to Gen. Wood, it seems to me that those officers who believe in an entire year's compulsory military training have the better of the argument.

I understand, of course, that in many a war soldiers have been marched into battle with far less training than is thought

necessary to-day. If we go far enough back in history, we shall probably find that the young cave dweller was fitted for warfare in the length of time which it took him to gather a sufficient supply of stones. When siege artillery consisted of catapults and manganels, an ordnance officer was not obliged to spend long years in studying the chemistry of high explosives, nor was the artilleryman's brain sprained by problems in ballistics. Once upon a time men exercised simultaneously the trade of barber and the trade of surgeon, and in those days it did not take three years in a medical school and several more in a hospital before a young man was thought qualified to perform a major operation.

But surgery and warfare have become complicated and the old simple training will not answer for either any longer. Furthermore, in these days of steam heat and trolley cars and elevators, it may well be doubted whether the American boy who enlisted last summer was physically in such good condition for hard work as was that boy's grandfather when he enlisted in the Civil War over 50 years ago.

A few days after election in November last, I started for the Mexican border with two objects in view: First, to study the relations of the National Guard with the Regular Army; and, second, to endeavor to ascertain the causes of the disinclination of young men to enlist.

I found that on October 7, 1916, an order had been issued from the headquarters of the Department of the South directing all Regular officers serving as inspector-instructors with the National Guard to make a report on the virtues or defects of the National Guard system. I found that the reports made in compliance with this order were almost invariably exceedingly unfavorable to the National Guard system. Of course, I realized that Regular Army officers are human and that we must expect from them a certain amount of impatience at the fulsome laudation which we politicians so freely bestow on the National Guardsman who votes and so churlishly withhold from the Regular Army man who bears the brunt of battle. But no amount of irritation or prejudice or jealousy or intrigue or of all these things combined could account for the unanimity of the replies to Gen. Funston's circular order of October 7. I can not find that these replies have ever been published, but the report on the mobilization of the National Guard, issued by the War Department, tells exactly the same story of the inefficiency of all except a few National Guard organizations.

Realizing as I did that the generalissimos of the National Guard would let loose a storm of criticism of the Regular Army as soon as the mobilization reports were published, I approached Gen. George Bell, commanding the district of El Paso, and discussed with him a plan for ascertaining the views of the National Guard toward the Regular Army. The views of the generalissimos I already knew. What I was seeking was the opinion of the junior officers and enlisted men of the National Guard.

There were at that time 16 National Guard regiments, 4 separate squadrons or battalions, and 296 companies, batteries, and sanitary units under the command of Gen. Bell. The plan was hit upon of sending a list of questions to each of the 20 officers in command of regiments, separate squadrons or battalions, and to each of the 296 captains commanding companies, and so forth. In order to get the point of view of the enlisted men as well as of the commissioned officers, the same list of questions was sent to the 296 first sergeants of the aforementioned companies, and so forth. Ordinarily when subordinates make reports they are required to forward them through "military channels" as it is called. That is to say, a first sergeant makes his report to his captain, who indorses it and forwards it to Thereupon the colonel indorses the report and forwards it to the brigade commander, who in his turn forwards it to the division or district commander. In other words, under ordinary circumstances the report of a first sergeant in the El Paso district would pass under the supervision of three different commissioned officers before it reached Gen. Bell's headquarters. In this particular case, however, Gen. Bell gave orders that all reports were to be made to him direct, and it was tacitly understood that the names of the signers should be confidential. Furthermore, directions were given that each man should make his report without consultation with anyone else.

Here is Gen. Bell's order:

HEADQUARTERS EL PASO DISTRICT,
El Paso, Tex., December 13, 1916.

1. The following questions will be answered by each regimental commander, company commander, and first sergeant of the National Guard.
2. The answers will be written with a typewriter or pencil and the completed paper will then be sealed in an official envelope and mailed without delay direct to the "Commanding General, El Paso District, Mills Building, El Paso, Tex."

3. The district commander desires that each man called upon for port express his opinions without consultation with anyone.

By command of Brig. Gen. Bell:

H. H. WHITNEY, Lieutenant Colonel, Adjutant General, District Adjutant.

Here are the questions and answers:

No. 1. Question. Would the instruction of the National Guard proceed more rapidly if more Regular officers and noncommissioned officers were detailed for service with the National Gnard?

Answer. Yes: Colonels, 18; captains, 190; first sergeants, 180; total yes, 388. No: Colonels, none; captains, 41; first sergeants, 53; total no, 94. Conditional: Colonels, 2; captains, 50; first sergeants, 38; total conditional, 90.

Note.—The noes were qualified in about half of the replies by the statement that there were "already enough," meaning that one regular officer and three regular noncommissioned officers, as at present detailed for the instruction of each regiment, were ample.

No. 2. Question. Are the officers and enlisted men of the National Guard desirous of the instruction from the officers and noncommissioned officers of the Regular Army? If not, what is the reason?

Answer. Yes: Colonels, 16; captains, 217; first sergeants, 205; total yes, 438. No: Colonels, none; captains, 12; first sergeants, 30; total no, 42. Conditional: Colonels, 4; captains, 49; first sergeants, 17; total conditional, 70.

No. 3. Question. Can you suggest any way in which the officers and men of the Regular Army cooperate more fully with the National Guard in the development of a citizen army?

Answer. The answers to this question may be roughly classified as follows: More cooperation by friendly intercourse and a closer relationship, 122; more careful selection of Regular Army instructors, 28; more instruction from Regular Army, particularly at home stations, 83; sundry suggestions, 50.

Note.—Over 70 replies to question No. 3 desired one Regular officer with each regiment or separate battalion and one noncommissioned officer with each company instead of only three for the whole regiment.

No. 4. Question. Have you formed any opinion on the question of universal military training? If so, what are your ideas? Answer. In favor: Colonels, 16; captains, 250; first sergeants, 234; total yes, 500. Against: Colonel, 1; captains, 5; first sergeants, 4; total no, 10.

No. 5. Any additional remarks you may have to make bearing on the above. Many of these remarks are most valuable. They will be made a subject of special study at Gen. Bell's

I have here all the original 572 replies to Gen. Bell's order. They were tabulated by the officers at his headquarters and I have given you the tabulation figures. If any member of the committee wishes to do any tabulation on his own account he is welcome to do so; but I request that the names of the signers may be held confidential.

The Clerk read as follows:

To provide for pay and allowances of officers of the National Guard assigned to duty in the Militia Bureau, \$12,000.

Mr. OVERMYER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, evidences of the patriotic loyalty of the industrial concerns of this country are multiplying daily, and in this connection I desire to have read from the Clerk's desk a resolution adopted by the Manufacturers' Club of Sandusky County, Ohio, and at the close of the reading I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read the resolution referred to.

The Clerk read as follows:

The Clerk read as follows:

Whereas the principal European countries are involved in the greatest war the world has ever known, and said strife is seriously interfering with the rights and liberties of our country and countrymen; and Whereas our President has during the continuance of this war held a neutral position as regards the contestants; has exercised great patience and wisdom in the conduct of the numerous and serious situations that have naturally arisen to keep us from becoming involved in this war; and Whereas late developments have caused him to sever diplomatic relations with one of the contestants, thus bringing us to the point where it seems very questionable if war on our part can be averted if we sustain our rights and liberties as one of the first nations of the world: Therefore be it

\*Resolved by this Manufacturers' Club of Sandusky County, Ohio, That we offer to the President of our United States of America, in case he finds it necessary to declare war on any country to protect our rights and interests, our united and individual support to any plans that he in his wisdom may deem best to pursue.

That we hereby offer to him the use of our factories for our country's welfare, even, if necessary, to the sacrifice of our personal business.

That we hereby pledge him our faith, loyalty, and support to the

ness.

That we hereby pledge him our faith, loyalty, and support to the limit of our ability to render same.

That a copy of these resolutions be sent to President Wilson, Senator HARDING, Senator POMERENE, and Representative OVERMYER.

Carried unanimously.

FREMONT, OHIO, February 13, 1917.

Regular meeting of the Manufacturers' Club of Sandusky County. B. H. SWIFT, President. HARRY ZIMMERMAN, Secretary.

Mr. DILL Will the gentleman yield?

Mr. OVERMYER. I will.

Mr. DILL. Does the gentleman understand this resolution of these manufacturers to be that they will give their plants for use in time of war without profit, the same as Mr. Ford offers?

Mr. OVERMYER. They offer them as they indicate in their resolution, even at a sacrifice of their personal business.

Mr. MANN. I do not think the resolution says that. It says when the President declares war.

Mr. OVERMYER. That is a slip of expression.

Mr. MANN. It is a safe promise. Mr. OVERMYER. Mr. Chairman, I sincerely hope the gentleman does not impugn the motives which influenced this club to make this offer.

Mr. MANN. I do not impugn their motives, but I think they have gotten hysterical, if the gentleman wants to know.

Mr. OVERMYER. I consider it a very generous and patriotic offer on their part.

Mr. MANN. It will never be fulfilled.

The Clerk read as follows:

To provide for pay of property and disbursing officers of the several States, Territories, and District of Columbia, \$50,000.

Mr. COX. Mr. Chairman, I move to strike out the last word and beg pardon of the committee for consuming any time at all. I will not consume much, but I desire to secure some informa-tion. The reorganization of the Army bill of 1916 provides:

Hereafter not to exceed 200 clerks, Quartermaster Corps, shall be known as field clerks, Quartermaster Corps, and shall receive the same

Mr. DENT. What section? Mr. COX. I do not know, but I am reading from a letter given to me-

except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the Rules and Articles of War—

Now, there is a quartermaster depot in my district in which they have four clerks designated as pay clerks and coming

under this provision of the law.

The writer informs me that the Judge Advocate of the War Department construed the Army reorganization act as going into effect on the 29th day of August, 1916. Later on the Comptroller of the Treasury held that it did not go into effect until January 26, 1917. Between the date that the Judge Advocate General construed the law to go into effect and the date the comptroller held it did go into effect a lot of these clerks, however, designated under law, were made this allowance. Now they are called on to pay back about \$125 each which they drew between the date when the Judge Advocate General of the Army construed the law should go into effect and the date the comptroller says it went into effect. I will ask the chairman what there is in that, if he knows?

Mr. DENT. I really did not know anything about it. The

gentleman has called my attention to it for the first time.

Mr. COX. I will just read a little further from the writer of this letter, where he says:

The Quartermaster General requested and received a decision from the Judge Advocate General of the Army, dated November 7, 1916, to the effect that this provision of law took effect August 29, 1916, the date the Army appropriation bill was approved; hence the 200 clerks appointed in the latter part of December under said decision were paid for quarters, heat, and light from August 29, 1916. On February 6, 1917, the Quartermaster General sent out a letter to disbursing officers stating that the Comptroller of the Treasury had decided on January 26, 1917, that this law became effective from the date of acceptance of appointment, and that the amount paid between the date of approval and acceptance would have to be refunded.

Now, the writer of the letter says there are four clerks down there who will be called upon to pay back \$125 of the allowance that has been paid to them under the act of August,

Mr. DENT. That is in the appropriation bill of August 29, 1916.

Mr. COX. This letter just came to me yesterday.
Mr. DENT. It has not been called to the attention of the committee and there is nothing in the bill to correct it.
Mr. COX. I wanted some information if the gentleman

could give it, because as it is I do not know how to answer it.

Mr. SHALLENBERGER. If the gentleman will permit—

Mr. COX. I will; I desire information.
Mr. SHALLENBERGER. The Army field clerks were granted this allowance heretofore denied to them because of the fact they were ordered into the field service with allowance for quarters, heat, light, and so forth, granted under this appropriation, which was an additional consideration for those men. Now, as I understand the gentleman's letter, the Judge Advocate General has rendered an opinion that these men are only entitled to allowance after the date of acceptance of employment. They had evidently been appointed quartermaster clerks prior and now became Army field clerks, and therefore were not entitled to this pay and allowances.

Mr. COX. If it is true, as the writer of this letter says, they have ordered these clerks to pay back the amount they drew out, the Judge Advocate General having decided that the law went into effect from the date the comptroller said it went into effect, it amounts, as the writer says to me, to about \$125 to

Now, I do not know what can be done.

Mr. DENT. I may state to the gentleman from Indiana that this provision in the appropriation act of August 29 of last year gave these clerks an additional advantage, and I do not see any reason why they should complain if the authorities rule they did not get in a little earlier than they might have done. That is the whole proposition.

Mr. COX. I do not know whether the gentleman from Alabama catches my point or not. This allowance was made to them. It has been paid to them. Now, the Quartermaster's Department are asking the clerks that received that to refund it.

Mr. DENT. I do not see how we can take care of that. Mr. COX. Well, I do not, either.

The CHAIRMAN. The time of the gentleman from Indiana has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For providing arms, ordnance stores, quartermaster stores, camp equipage, and all other military supplies for issue to the National Guard; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the lire of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, manenvers, and field instruction as the Secretary of War may deem necessary; and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law, \$2,000,000.

Mr. HULL of Iowa. Mr. Chairman, I desire to offer an amendment. On page 60, line 5, strike out the figures "\$2,000,-000" and insert the figures "\$4,000,000."

Mr. PARKER of New Jersey. Mr. Chairman, I move to amend the amendment by striking out "\$4,000,000" and making it "\$6,000,000."

The CHAIRMAN. The Clerk will report the amendment and the amendment to the amendment.

The Clerk read the amendment, as follows:

Amendment by Mr. Hull of Iowa: Page 60, line 5, strike out \$2,000,000" and insert "\$4,000,000."

Amendment to the amendment, by Mr. PARKER of New Jersey: Strike out "\$4,000,000" and insert "\$6,000,000."

Mr. DENT. Mr. Chairman, I ask at this time unanimous consent that all debate on this paragraph and amendments thereto be concluded in 30 minutes, 20 minutes of the time to be controlled by the gentleman from California [Mr. Kahn] and 10 minutes by myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the expiration of 30 minutes, 20 minutes of which time shall be controlled by the gentleman from California [Mr. Kahn] and 10 minutes by himself, debate on this paragraph and all amendments thereto shall terminate. Is [After a pause.] The Chair hears none. there objection? The Chair recognizes the gentleman from California [Mr. KAHN] to indicate how his time shall be occupied.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gen-

tleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I have made up my mind that this bill should not go through without my calling attention to the inadequacy of the estimates for arms, munitions, and military stores in this great emergency. I confess that I am astounded at the seeming paralysis, the shaking paralysis, of action in this country on this subject. want peace, other nations must know that we have made provision for war. I do not know whether this paragraph or one farther on, relating to "arms, uniforms, equipment, and so forth, for the National Guard," is the most appropriate to my amendment. It looks to me as if the semicolon on the third line of this paragraph ought to be stricken out, as if it was only arms for the promotion of rifle practice. The other paragraph is a general provision. But I shall speak on this one as if

the words mean what they say as now punctuated, namely, "For providing arms, ordnance stores, quartermaster stores, camp equipage, and all other military supplies for issue to the

National Guard."

This is the first paragraph we have read that has no tag to it to the effect that the arms must be made in the United States armories. It is the first that gives discretion to the administration to go and buy arms and guns and munitions if they need them. We are in a special condition now. We have In they need them. We are in a special condition now. We have in this country factories that they say are making 6,000 rifles a day, or have been doing so, and some of these factories have been told they are not needed any more abroad, and their machines will become junk. It is for the benefit of the United States that some contract, at least, should be issued to these factories so that they can be kept going and induced to keep their factories in a condition to make United States arms.

But as to amounts you have been told that the appropriate

But as to amounts, you have been told that the appropriations are not up to the estimates, which were for supplying an army of 1,500,000 men with artillery supplies in seven years, and in three years with one rifle apiece, when two rifles are needed for each man that goes into the field. We know that if military service is adopted there will be 800,000 men a year to be supplied, and in five years that will be 4,000,000. If we unfortunately should be forced into war, we will have to call out millions of men in the beginning. Where are the arms and

I urge upon this committee that they should appropriate largely under some item in this bill that will give full discretion to obtain the arms and munitions which at least will enable us to say that we can fight if we have to do so, but that we want peace and insist upon it. I beg of this committee now on this item to give the sum I have mentioned, and to make it immediately available, so that it can be used in discretion. We are going to borrow money. For what better purpose can it be borrowed than to give arms to the people so that peace shall be preserved?

Now, Mr. Chairman, I have said my say. I have not interrupted this bill. I do not wish to delay it. But as an American I stand aghast at the possibilities; I stand aghast at the fact that we are not asked for these appropriations, but I stand still more aghast at the thought of what will happen to this country unless we make blanket appropriations for arms and munitions which will protect the country in time of need.

[Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentle-

man from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, I desire to bear out in some regard the statements made by the gentleman from New Jersey [Mr. PARKER] with reference to the small-arms factories in this I believe that something should be done, and done at once, to keep in operation those factories that are now going out of business by reason of the contracts with foreign countries having nearly expired. In my own district—and this embar-rasses me somewhat, inasmuch as it may seem that I am interested in some way other than in a Federal way-in my district, in the village of Ilion, we have what is known as the Remington arms plant, and they have a capacity of about 3,000 Lee-Enfield rifles a day. A year ago, before I came down here, I was just as enthusiastic for preparedness as I am to-day, and in order to be advised on the question as to how long it would take to turn over that factory from the Lee-Enfield rifle to the Springfield rifle, such as we use in our Army, I made a tour of that plant and a careful study of the situation, and was advised by its manager, Mr. Houghton, that upon call from this Government they could turn that plant from the Lee-Enfield to the Springfield in 60 days. I heard some gentleman say on the floor that it would take 18 months.

Mr. TILSON. Mr. Chairman, will the gentleman yield? Mr. SNYDER. I am giving this information just as it came

to me. I would be pleased to yield.

Mr. TILSON. Perhaps I was the gentleman to whom he referred. I was quoting from the board of Army officers which visited a number of arms-producing plants in this country and talked with the managers of those concerns, as stated in their That report was to the effect that it would require at least 18 months to convert those factories from the production of foreign arms to the manufacture of ours.

Mr. SNYDER. I am quoting the statements of the manager of a plant whom I know. I have confidence in his judgment. I do not think it would take much longer than he suggests. I have some information here that will give some idea as to when we may expect deliveries on a Vickers gun contract which, I understand, was placed last November. I have a letter here from the assistant general manager of the Marlin Arms Co. to

a friend of mine, Col. John J. Dooley, of the Savage Arms Co., under date of December 20, 1916, in which he says

under date of December 20, 1916, in which he says:

MY DEAR COL. DOOLEY: I see by the papers that our friends the Colt people have gotten the Vickers contract through having the order placed with the Vickers Co. of London and they in turn subletting it to the Colt people.

I do not know that you are aware that they received a contract in September, 1915, for 16,000 Vickers guns. They were to commence deliveries last March, but failed in getting under way to such an extent that the English canceled 6,000 of the guns and turned over to the Russians the balance of 10,000. Up to date they have not shipped any guns, but succeeded in getting 5 made during the month of November. What chance has the United States Government of getting these 4,000 guns delivered when they owe the Russian Government over 9,500?

I thought this bit of detail would be interesting to you, and give it to you as being very accurate.

\* \* \*

Wery truly, yours,

MARLIN ARMS CORPORATION,

MARLIN ARMS CORPORATION, J. E. OWSLEY, Assistant General Manager.

Now, that is a question that I thought well to bring up at this I would like to have some knowledge on it, and I think other Members of this House would like to have some information as to when there is a possibility of deliveries. great need for these guns, possibly coming sooner than any of us expect, and I would like to know, and my constituents would like to know, what the possibilities are of a delivery of a reasonable number of guns on that contract.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentle-

man yield?

Mr. SNYDER. Yes.

Mr. MOORE of Pennsylvania. These contracts are on British and Russian account with United States factories?

Mr. SNYDER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman know of any provision of law now under which we can take over those contracts on the part of the United States?

Mr. SNYDER. I do not.

Mr. MOORE of Pennsylvania. If we had war with any foreign power, could these contracts now existing between the American factories and foreign agents be taken for American

Mr. SNYDER. I believe they ought to be; but even after that I am still concerned as to how long it would take for them to

deliver a reasonable quantity of guns. [Applause.]

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. Green].

The CHAIRMAN. The gentleman from Iowa is recognized for

five minutes

Mr. GREEN of Iowa. Mr. Chairman, if we are to have a National Guard at all, we ought to have an efficient one. If we are not going to supply the National Guard with the means to make it efficient, we ought to abolish it and take up some other system.

The paragraph under consideration in this case provides an appropriation, among other things, for targets, target practice, and the means to properly equip them. I regard it as of the very highest importance that our National Guard should be properly trained in rifle shooting. I showed, in speaking at one time before this House, that the rifle teams of the guard had always beaten the rifle teams of the Regulars and the Marinesthem at long distance, beaten them at short distance, and beaten them at rapid fire; but when they were assembled last fall, by reason of the large increase of the increments of the organization, inevitably a number of new men were taken in who were

not skilled in rifle practice.

When our three Iowa regiments assembled near Des Moines for preliminary training and being mustered in, they were supplied with 52 targets. They were directed, however, by the Regular officers in charge of the particular matter not to use more than 100 rounds per man in rifle shooting. Of course, this was absolutely insufficient to develop any marksmen. The State had to supply the means for further training, and there was practice to a considerable extent training in rifle shooting before they started for Brownsville. When they got to Brownsville they found there were only 14 targets for 10,000 men, and the result was that the Laws recipiests and the result was that the Iowa regiments-and I am inclined to think it was the same thing with other regiments—
practically received no training in rifle shooting during the
entire six months they were down on the border.

Now, my colleague from Iowa [Mr. Hull] has moved to

raise this item from \$2,000,000 to \$4,000,000. I do not know anything as to what the proper amount should be, but I do know that it ought to be enough, so that there should be something that could be called training in rifle shooting. I believe they should not be restricted to 100 rounds per man in training in

the use of the rifle, because that would not give any man the proper skill. Of course, it has been said in reference to the European warfare that the machine gun is going to be the most important factor in future wars. But, notwithstanding that may be so, the rifle is still the weapon of the ordinary soldier, and we have no great number of machine guns.

I repeat, Mr. Chairman, that if we are going to have a National Guard at all, if we are going to continue to use this system, the men ought to be provided with sufficient material to make themselves efficient in the ordinary arm of the private

[Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has

Mr. KAHN. Mr. Chairman, I hope the gentleman from Alabama [Mr. Dent] will use some of his time.

Mr. CALDWELL, Mr. Chairman—
The CHAIRMAN. The Chair recognizes the gentleman from

New York for five minutes.

Mr. CALDWELL. Mr. Chairman, I will not take all the time allotted to me. All I want to say is that if we are going to depend on the National Guard they must be properly trained. You can not train them unless you spend the money necessary to do it. In these appropriations here we have not provided enough money to buy the actual cartridges that will be shot, much less provided for the transportation and the feed of the horses and other incidental expenses necessary in such training.

Now, it is of no use for us to make ourselves ridiculous in the eyes of this country. If we are going to have any kind of pre-paredness, let us go down into our pockets and pay for it. It is of no use for us to say, "Oh, well, the Senate will add some-thing to the bill." The responsibility is ours, and we have no right to say that somebody else on the other side of this Capitol is going to take care of the things that are neglected by this House and this committee. I say with earnestness-I do not want to lose my temper over the thing-that it is near to foolishness for us to attempt to place the reliance of this country upon the National Guard and then not properly take care of it.

Mr. RAGSDALE. Will the gentleman yield?

Mr. CALDWELL. In a moment. A few minutes ago it was pointed out here that it had been the policy of the Military Committee to provide for the encampments of the National Guard once in two years, and that the National Guard had had an encampment on the Mexican border in 1916. But this is the appropriation bill for 1918, two years from the time these men got their training, and we are now asking for an appropriation to train these men in 1918, who will not be the same men that went to the border in 1916. Now, I will yield to the gentleman from South Carolina.

Mr. RAGSDALE. Is the gentleman familiar with the law by which it is required that two militia officers shall be stationed at the War Department here in Washington?

Mr. CALDWELL. Yes; the law is there, but I do not think

the officers have been stationed there.

Mr. RAGSDALE. Can the gentleman, as a member of the Military Affairs Committee, advise me why this provision in the law has been overlooked or disregarded by the War Department?

Mr. CALDWELL, I can not.

Mr. GREENE of Vermont. I merely want to correct the gentleman in the detail that this appropriation will provide for maneuvers to be held this coming summer. The fiscal year begins July 1, 1917, and there will be no other maneuvers except those held during the coming summer, before the expiration of the fiscal year June 30, 1918.

Mr. CALDWELL. If the maneuvers are held after the 1st of

July, but not if they are held before July.

Mr. GREENE of Vermont. The gentleman will consult his own memory and experience, which will tell him that they do not hold these maneuvers in the winter or spring.

Mr. KAHN. The gentleman is in error in supposing that we appropriate for maneuvers only once every two years. propriate for maneuvers every year—one year for the mobile troops of the National Guard and the other year for the Coast Artillery

Mr. DENT. I stated that very distinctly a few minutes ago, I

Mr. KAHN. The gentleman stated that we appropriated for

these maneuvers only once in two years.

Mr. CALDWELL. And now, after the corrections that the gentleman has been kind enough to call to my attention, I say that we have a new scheme as compared with the scheme under which we have been working in past years. We have a scheme by which we have federalized the National Guard and by which we propose really to prepare this country. It was felt that in the past we have not been prepared, and we can not be prepared unless these men are properly trained. I think at least \$4,000,000 ought to be appropriated under this item.

Mr. KAHN. I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the committee, in the last day or so I have taken up the time of the committee a little. I have thought it was my duty to do so. I have not done it in order to embarrass the committee or to delay the action of this House.

I think that all experts agree that the ordnance department, as provided for in the national-defense act, is one of the best pieces of legislation contained in that act. I will admit that when this bill was under consideration I coincided practically with the committee, voting for all the increases that were asked; but when the Secretary of War wrote us a letter and called our attention to the fact that we had not properly provided for the Army, I thought it was the duty of some member of this committee to call the attention of the country to it, and the only way in which attention could be called was in the Committee of the Whole House on the state of the Union, and there let you thrash out for yourselves the question whether the Secretary of War, the General Staff, the War Department, were right in asking for these increases,

These amendments have caused some discussion in regard to some matters, and I want to talk briefly about some things that

have observed in relation to preparedness

I want to take up the question of rifles, and before I go any further I want to call the attention of the gentleman from New York [Mr. SNYDER] to the fact that if he has in his district anyone who can manufacture Springfield rifles and deliver them within 60 days, if they will do it at a reasonable price, he ought to get in touch with the Chief of Ordnance. They have been looking a long time for some one who would manufacture the Springfield rifles.

Mr. SNYDER. I did not say they could deliver in 60 days. I said the plant could be changed in 60 days from Lee-Enfield

to Springfield.

Mr. HULL of Iowa. They will not ask you to deliver in 60 days. They will ask you for a contract, and I would like to know the price they will put upon these rifles.

I have watched with interest our frantic endeavors of the last two weeks to put ourselves in a state of preparedness for any emergency that might arrive, and as the invoice of our military condition has gradually appeared to the public I could not help but apply to the condition that old adage that we, the American people, are prone "to lock the stable door after the horse has been stolen." It is a lamentable fact that the life horse has not prepared in a military way as it should be, to meet the grave emergencies which are now before us. When I speak of being prepared, I do not mean our lack of men and officers. There is a popular conception that preparedness means a large body of trained soldiers and commissioned men. These are essential, but not the most essential. The first principle of preparedness, as I view it, is to secure the necessary arms, ammunition, and other equipment necessary to equip the soldier. Then make the right provisions and we can obtain the culistment.

I have been very much interested in the work of the Ordnance Department during the two years I have served in Congress. My position on the Military Affairs Committee has brought me in very close touch with this portion of our military work, and I am glad to have had even a small part in the reorganization

which is gradually taking place.

In connection with this, I want to call your attention to just one item that comes under the direct jurisdiction of this department, and in my estimation is one of the most important items with which we should be prepared; that is, army rifles. Experience has shown that the army rifle is the most essential war instrument. Without rifles an army is helpless, and the nation is helpless. Let us go back about two years. In March, 1915, the European conflict had been going on for almost a At that time the crisis in Europe should have warned us that the United States was unprepared and that there was an imminent danger that it might become involved in the conflict at any time. Despite this specter of war, the Army appropriation bill for that year provided just \$250,000 for the manufacture of rifles. This sum of money was sufficient to manufacture only 15,000 of the Springfield guns, a number so small that it would hardly equip the National Guard in one of our big States, and would provide for an army so infinitesimal that it could hardly be considered. At the very time this appropriation was made the Springfield Arsenal was capable of manufacturing 150,000 per year and the Rock Island Arsenal of manufacturing 75,000 per year. With all of this Government equipment waiting to be used the authorized department could not proceed to manufacture the thing most necessary for military preparedness, because Congress refused to give it the funds to do so. A year ago I had the pleasure of voting with the committee to provide \$5,000,000 for the manufacture of small arms, a sum which at that time I thought inadequate, and the bill this year, I am glad to say, carries an appropriation of \$7,500,000. I want to call your attention to this fact, however, that it takes weeks or months to get a rifle factory running in good order, and although the plant that was so long idle at the Rock Island Arsenal has again resumed operation, I understand that the first finished rifle has not yet been produced. I simply call attention to this fact to emphasize that it takes months to turn out the finished product, after the appropriation has been made, and we may need these rifles long before we can produce them.

I believe that the Ordnance Department has been provided for in the national-defense act better than ever before, and when these matters were brought to the committee many of the increases that were asked for were granted. When, however, the Secretary of War sent to that committee a letter calling attention to the fact that it had not properly provided for the Army, I took it to be the duty of some member of the com-mittee to call the attention of the whole country to this condition, to bring it before the Committee of the Whole House, and there let this legislative body become cognizant of the present condition. I want to call your attention to one para-

graph in this letter; it is as follows:

An examination of the above table will show that if the amount of the original estimates are not restored, the military resources of the country, in so far as munitions, stores, and supplies are concerned, will not be satisfactorily developed during 1918 on account of lack of

You will notice from this that if we do not vote the sums asked by the Ordnance Department we are striking a blow at the very vitals of military preparedness. What will we gain by enlisting a large body of men; what will we gain by federalizing the National Guard; what will we gain by increasing the enlisted men in the Navy if we have not the necessary arms, ammunition, and other military equipment with which to provide them? It seems to me it is a serious question and one

which deserves your very earnest consideration.

Mr. DENT. I stated at the outset of my remarks that attention has been called to the fact that this paragraph, providing arms, ordnance stores, and so forth, on page 59, might possibly conflict with the paragraph on page 62 providing for arms, uniforms, and so forth. I inquired of the Militia Bureau why those two items were carried as separate para-The reason for it is that the law has gradually Under section 67 of the national-defense act there is a provision for this particular paragraph that we are now considering—that was the earlier law on this subject, adopted by Congress a number of years ago. Subsequently Congress adopted another law for the procuring of various kinds of equipment necessary for the National Guard, which is taken care of in section 83 of the national-defense act.

I think myself that hereafter these two items ought to be combined and carried as one, but this has been the habit of

the committee for years.

Mr. McKENZIE. Will the gentleman yield?

Mr. DENT. Certainly.

Mr. McKENZIE. Does the chairman wish the committee to understand that this section does not provide for the procuring of arms for the National Guard, but that that is taken care of in another section?

Mr. DENT. Yes.

Mr. McKENZIE. What particular branch of the service

is covered by this item more than any other thing?

Mr. DENT. It is defined in section 67 of the nationaldefense act, where it says that a sum of money shall hereafter be appropriated to pay for the support of the National Guard, including the expense of providing arms-and I suppose that is the small arms, as the other provides for artillery and heavy arms-ordnance stores, quartermaster supplies, camp equipage, and other military supplies to be used by the National Guard. That was intended principally, as I understand, for the purpose of all of the maneuvers of the National Guard.

Mr. McKENZIE. One of the principal items asked for under this section is for appropriation of money to buy additional rifle ranges.

Mr. DENT.

Mr. McKENZIE. How many rifle ranges have we now? Mr. DENT. One hundred and thirty-six. I was coming to

that proposition. Last year the committee gave \$1,000,000 under this paragraph. The department came before the committee and asked that that be increased to \$4,000,000. The

committee gave them \$2,000,000. It was distinctly asked the Militia Bureau, What will be done with the additional increase of \$3,000,000 which you are asking for above the appropriation of last year? And the answer was that we propose to use \$1,000,000 to purchase new target ranges, when they already had, as brought out by the gentleman from Kansas [Mr. An-THONY], 136 ranges.

Mr. McKENZIE. Is there anything in the hearings that

discloses where they expect to spend the \$1,000,000?

Mr. DENT. Absolutely nothing; and the committee rejected that request. Then I asked this question: You have under-taken to explain what you expect to do with one increase of \$1,000,000 and that is to provide new target ranges. What are you going to do with the other \$1,000,000? He said that is for incidental expenses, and to this good day there is nothing in the hearings to show what the incidental expenses are to be composed of.

Now, is the Military Committee of the House and the Congress of the United States to give to the War Department \$1,000,000 for incidental expenses without any explanation as

to how the money shall be expended?

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. DENT. Yes.

Mr. PARKER of New Jersey. Does the gentleman remember the consideration that was urged before him of the need of a target range, at least 4 miles long, near the city of New York,

and the acquisition of such a range?

Mr. DENT. I remember, of course, that the gentleman called upon me and presented that proposition, and it struck me as being a fair proposition, but that is new legislation. I understood the gentleman from New Jersey to say that there was only one chance of getting it in, and that was by putting it in in the Senate, because the bill had already been submitted

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment to the amendment. The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment. The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

Provided, That when any land which has been heretofore or may be hereafter acquired by purchase for a target range for the use of the National Guard of any State, Territory, or the District of Columbia shall have become useless or shall be found to be unavailable for such purpose, the Secretary of War may cause the same to be sold either in whole or in two or more parts as he may deem best for the interests of the United States. In the disposal of such property the Secretary of War shall cause the same to be appraised either as a whole or in two or more tracts, having due reference to the requirements of any permanent improvements made thereon; and he shall therefore cause the property to be offered at public or private sale at not less than the appraised value. The expenses for advertising, appraisement, survey, and sale shall be paid from the proceeds of the sale; and the net proceeds thereof shall be placed to the credit of the State, Territory, or District of Columbia, as additional to its allotment under section 67 of the act of June 3, 1916.

Mr. STAFEORD. Mr. Chairman, Lreserve, a point of order.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

Mr. KAHN. I desire to offer an amendment to the section. The CHAIRMAN. The gentleman from Wisconsin reserves

a point of order.

Mr. STAFFORD. Mr. Chairman, I think some explanation should be given as to the need of vesting this authority in the Secretary of War to sell target ranges which he deems no longer

needed for the service.

Mr. DENT. The explanation is simply this: There are a number of these ranges that were purchased many years ago. At the time they were purchased they were some distance from the cities that had a very much smaller population than they now have; for instance, in the city of Detroit, which is one of the cities. The result is that the city has grown up to the range and around the range, so that it can not be utilized without destroying life or property. They are really very much more valuable than when they were purchased, and the Government will gain by selling the property.

Mr. STAFFORD. How many such instances are there?

Mr. DENT. I can not tell the gentleman.

Mr. ANTHONY. For the information of the gentleman I will say that there are three-one in South Dakota, one at Detroit, Mich., and one at Jackson, Mich.

Mr. GORDON. Every year we have to pay claims for windows destroyed and other damage done. We make an appropriation right in this bill to pay damage claims of that kind. That suggests one reason why they ought to be disposed of.

Mr. STAFFORD. Mr. Chairman, the explanation of the gentleman from Ohio, added to that of the chairman of the committee, is so all-sufficing that I am compelled to withdraw the

point of order.

Mr. KAHN. I offer the following amendment.

The Clerk read as follows:

Page 60, line 17, after the word "shall," strike out the word "therefore."

Mr. KAHN. Mr. Chairman, the word "therefore" makes no sense, and it ought to go out.

Mr. DENT. I have no objection to that.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last I have an editorial from yesterday's Lousiville Courier-Journal on the subject of the war referendum which I desire to send to the desk and have read in my time.

The Clerk read as follows:

#### THE WAR REFERENDUM.

Mr. C. P. Simonton, the county court clerk of Tipton County, Tenn., sends to the Courier-Journal a copy of a resolution which he says he has prepared as a substitute for the resolution introduced in Congress by Mr. Callaway, of Texas, providing that any declaration of war by the United States shall be referred to a vote of the people.

One clause of Mr. Simonton's substitute, covering a matter which Mr. Callaway seems to have overlooked, provides:

"Every duly qualified voter shall, in the presence of the election officers, and prior to casting his or her ballot in said election, pledge himself or herself to volunteer as a private in the United States Army or in the naval forces of said United States, and shall thereupon, prior to casting said ballot, sign and execute and acknowledge in the presence of said election officers enlistment papers in said Army or Navy, conditioned that in the event of a declaration of war, in accordance with the expressed will at the polls of a majority of those legally voting in said election, such enlistment in said Army or Navy shall be binding and of full force and effect; otherwise to be null and void."

shall be binding and of full force and effect; otherwise to be null and void."

But by far the most important feature of Mr. Simonton's substitute—a feature, incredible as it may seem, not even touched upon by Mr. Callaway—is thus worded:

"Provided further, That in the event of delay in the official canvass of the official vote of California, Minnesota, New Hampshire, or any other State, the official vote of which would change the result of said election, or if the validity of a sufficient number of votes cast in said election, or if the validity of a sufficient number of votes cast in said election be contested or called in question, that the President of said United States be, and he is hereby, directed to earnestly request said nation, through the ruler thereof, through regular diplomatic channels (or to post in the United States mall a communication to that effect, with special-delivery stamp affixed thereon), that said nation or ruler thereof refrain and desist from mobilizing its troops, seizing strategic points, or taking any military or naval steps to the prejudice of the United States Government during the pendency of such contest or until the official canvass of said votes is completed, the validity of said votes in contest to be finally determined within not exceeding three years of said election by the court of last resort.

"If such request be denied or ignored, said President of the United States shall immediately rent an official residence in Buck Snort, Nebr., or in Rough Edge, Kans., and notify his wife to instruct the servants to immediately begin packing the household and kitchen furniture in the White House, and he and his family, together with said furniture, shall be transported to said official residence in Buck Snort, Nebr., or Rough Edge, Kans., to the end that said President shall not be present in the White House in Washington to formally greet and welcome the victorious troops of said foreign nation when they occupy same, and that no provision whatever be made for their bodily comfo

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Travel of inspector-instructors and sergeant-instructor, in making visits of instruction and inspection to armoriess, \$130,000.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the superfluous "s" in the word "armoriess" may be stricken

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. While we are on these National Guard items I would like to have the attention of the chairman of the committee to a matter that was brought to my attention this morning. In the national-defense act provision was made in section 63 for service by any corps of Artillery, Cavalry, or In-fantry existing in any of the States on the passage of the act of March 8, 1792. These organizations, which must necessarily be of very rare old age, were allowed to retain certain of their "ancient privileges," subject, nevertheless, to all duties required by law of militia, including the office of "cornet," which was once held by a former Speaker of this House, the Hon. was once held by a former Speaker of this House, the Hon. Samuel J. Randall, while a member of the famous City Troop of Philadelphia, which escorted George Washington in his day, and which has escorted every other President of the United States who ever came officially to our city. The national-defense act made special provision, I say, that these ancient privileges of these ancient companies might be preserved. It happened that the "cornet" of the City Troop when it went into the service June 22, 1916, was John Conyngham Stevens, who served from June 22, 1916, to January 22, 1917, a period of about seven months. As it stands now, this "cornet," John

Conyngham Stevens, is left between heaven and earth, because, having served as required by the national-defense act, he is held up on pay account under rulings of the department because it is discovered there is no authority to pay.

Mr. DENT. Mr. Chairman, may I interrupt the gentleman?

Mr. MOORE of Pennsylvania. Yes. Mr. DENT. As I understand the law of the national-defense act, it is provided in section 61 that no State shall maintain any other troops in time of peace except those provided for in this act, and section 63 was intended to make an exception to section 61 of the act so as to authorize these ancient organizations to which the gentleman refers to maintain their organizations without violating the national-defense act; but where do they come in for pay?

Mr. MOORE of Pennsylvania. They were accepted by the

Federal Government. This man was accepted and served.
Mr. KAHN. Mr. Chairman, will the gentleman yield?
Mr. MOORE of Pennsylvania. Yes.
Mr. KAHN. Their organizations were to continue only in time of peace, and when they were called into the national service the services of the cornet were dispensed with and he received a commission similar to the one held by other officers

of the National Guard doing that class of work.

Mr. MOORE of Pennsylvania. Which I understand was equivalent to that of second lieutenant. I want to read this much of the communication handed to me this morning with

reference to this particular and peculiar office:

Our cornet, John Conyngham Stevens, served throughout the tour of duty from June 22, 1916, until we were mustered out on January 22, but never received any pay from the Federal Government during that time, as the paymasters refused to pay him for the reason that they did not have on their pay rolls any rate of pay for the office of cornet, or any official authority under their instructions to pay him. All of this was quite natural, for if they had made a mistake in the absence of any authority they would have been held accountable for that amount.

The City Troop approaches this matter in the proper spirit. It did faithful and efficient service, and in accordance with the national-defense act it used its officer, the cornet, accord-

ing to the privileges granted to it in the act.

Mr. GREENE of Vermont. Will the gentleman permit me to suggest that it did not, however good their faith might have been and doubtless was, because the provision in this same section 63 reads:

Provided, That said organizations may be a part of the National Guard and entitled to all of the privileges of this act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. Has this cornet received any compensation whatever for his services?

Mr. MOORE of Pennsylvania. None whatever. Mr. GREENE of Vermont. He can not as cornet.

Mr. MOORE of Pennsylvania. Mr. Chairman, the matter was first brought to my attention this morning. I would like to return to page 11, line 9, for the purpose of offering this amend-

Provided further, That Cornet John Conyngham Stevens, First Troop, Philadelphia City Cavalry, shall receive pay at the rate allowed a second lieutenant, for service to the Federal Government from June 22, 1916, to January 22, 1917, inclusive.

That is a period of seven months for which this cornet gave up his time and services to the Government of the United States. am quite sure it is not the intention of the department or of Congress to deprive him of compensation for his services.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CALDWELL. Mr. Chairman, section 63 provides that in case of war all of these offices that are surplus offices absolutely It was not the intention of the committee, and I do not believe it was the intention of the House at the time the law was passed, to provide for any of these ancient offices. It was only intended to permit them to continue in time of peace and when they were not in the service of the United

Mr. MOORE of Pennsylvania. Are we to understand that the thought of the committee is that a man is to be drafted into the services of the United States and is to serve for seven

Mr. DENT. Well, he could not be drafted into the service.
Mr. MOORE of Pennsylvania. He certainly was accepted in

The CHAIRMAN. The time of the gentleman has expired. Mr. MOORE of Pennsylvania. Will the committee accept the

I hope the gentleman will not offer the amend-Mr. DENT. ment here. So far as this particular case is concerned, the individual case appeals to me.

Mr. MOORE of Pennsylvania. I assume this is the only case

of its kind in the United States.

Mr. DENT. I would not like to open the bill to a proposition of this kind, and I hope the gentleman will not insist on

Mr. MOORE of Pennsylvania. It would require unanimous consent to go back to page 11.

Mr. DENT. I really would not like to go back now, and I

hope the gentleman will not ask it. Mr. MOORE of Pennsylvania. May I ask the gentleman in his time what remedy he would suggest for this officer who went into the service in good faith, and who served faithfully under the law?

Mr. KAHN. If the gentleman will permit, has the War

Department recommended anything in regard to it?

Mr. MOORE of Pennsylvania. Inquiry has been made at the War Department, I understand, but word comes from El Paso, Tex., where the application for pay has been pending, that nothing has been heard from the Quartermaster General on the subject.

Mr. KAHN. Until the War Department makes some recommendation I do not think the committee ought to go into the

matter.

I do not think myself we ought to do so.

Mr. MOORE of Pennsylvania. The committee declines to go back at this time?

Mr. DENT. At this time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. RAGSDALE. Mr. Chairman, I move to strike out the last word. I would like to get the attention of the chairman of the committee for a moment. In the Army appropriation bill hearings, page 1127, I find an interrogatory propounded by the chairman to one of the officers relating to the assignment of officers of the National Guard. Will the chairman inform me whether or not these militia officers have been assigned to duty in the War Department?
Mr. DENT. To the Militia Bureau?

Mr. RAGSDALE. Yes.
Mr. DENT. They have not.
Mr. RAGSDALE. Will the chairman tell me when he expects they will be assigned there?

Mr. DENT. The chairman has no expectation on the subject whatever himself. The appropriation bill for 1917, carrying out the act of June 3, 1916, provided for two officers of the National Guard to be assigned to the Militia Bureau.

Mr. RAGSDALE. With the ranks of colonel and lieutenant colonel?

Mr. DENT. Yes. And we made an appropriation in order to take care of them. The War Department told the committee that there had been no assignment of officers of the National Guard because they were on duty on the Mexican border. The reason they assigned was that all the National Guard had been carried to the border. I will state to the gentleman that the committee, and I think I can state it fairly and frankly, were unanimously of the opinion that that was not a good excuse or good reason, and the committee therefore in this bill reappropriated the \$12,000 for that purpose to see if the War Department would carry out the intention of Congress.

Mr. RAGSDALE. Would the chairman kindly state to me

further whether or not he thinks they will be assigned there?

Mr. DENT. Well, I can not express an opinion of that kind. I do not know whether they will or not. I will say to the gentleman that so far as the committee is concerned and so far as the present chairman is concerned he shall urge that the law be carried out in accordance with the intention of Con-

Mr. RAGSDALE. Will the chairman inform me further whether he thinks there is any legitimate excuse at this time that justifies their not being on duty there at this time?

Mr. DENT. I may state frankly I do not think the excuse

given is a good one.

Mr. RAGSDALE. Will the gentleman give me in his time what he thinks the object is in not appointing these officers for duty there?

Mr. DENT. Well, I would not like to go into a statement on that subject at this time. It is very important we get for the National Guard. The committee's attention was called

through with this bill, and that would require a rather lengthy discussion

Mr. RAGSDALE. I suppose the gentleman might put his answer, that for the good of the service, on the advice of counsel, he declines to answer. I withdraw the pro forma amend-

The Clerk read as follows:

The Clerk read as follows:

Arms, uniforms, equipment, etc., National Guard: To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms, with all accessories, Field Artillery and Coast Artillery material, engineer, signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: Provided, That of the sum herein appropriated \$76,000, or so much thereof as may be required, may, in the discretion of the Secretary of War, be made available for the purchase and maintenance of material and equipment necessary for the proper instruction in military aviation of such officers and enlisted men of the National Guard as may be authorized by the War Department to attend the United States aviation school, \$4,000,000.

Mr. DENT Mr. Chairman, I offer the following amendment.

Mr. DENT. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend on page 62, line 22, after the word "animals," insert the following: "And a reserve supply of such arms, material, accounterments, field uniforms, clothing, equipage, and military stores of all kinds."

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Amend, on page 63, line 7, by striking out "\$4,000,000" and inserting "\$7,000,000"; also strike out the period and insert a colon and add the following proviso:

"Provided, That the sum of \$3,000,000 out of this appropriation shall be used solely for the purpose of securing the reserve supply herein provided for."

Mr. CRAGO. Mr. Chairman, if the chairman will yield, I have an amendment I wanted to insert in this paragraph which will not increase the sum total as amended by him. It is an application of a part of the total we appropriate. Now, if the chairman will allow me to offer this amendment and have it pending, I would like to discuss my amendment, unless the gen-

tleman wants to discuss the other one.

Mr. DENT. I am perfectly willing.

The CHAIRMAN. The gentleman desires his amendment reported for information. The Clerk will report it.

The Clerk read as follows:

Amendment by Mr. Craco: Page 62, line 25, after the last line on the bottom of page 62, add the following words: "appropriated \$924,000 shall be used for the purchase, manufacture, care, maintenance, operation, and repair of airships and other aerial machines, motor-propelled vehicles, buildings for equipment and personnel, and other accessories necessary in the aero units of the National Guard: Provided further, That of the sum herein."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. MANN. This amendment was not read except for information, was it?

Mr. STAFFORD. Then, there was no occasion for the reservation of the point of order, and I withdraw it.

Mr. DENT. Mr. Chairman, I have no objection to the gentleman offering all the amendments now, but I would ask that the debate on this paragraph be limited if there is going to be any discussion on my amendment. Will the gentleman from Pennsylvania suspend until we can dispose of the committee amend-

Now, Mr. Chairman, I may say that I have offered this amendment increasing this appropriation from \$4,000,000 to \$7,000,000 for the purpose of taking care of a reserve supply, as indicated in the amendment, for the National Guard. I may state to the committee that when the Militia Bureau first came before our committee they asked for an appropriation of \$3,900,000. That was the original request of the bureau. The committee granted \$4,000,000. Subsequently Gen. Sharpe, the Chief of the Quartermaster's Bureau, came before the committee with a supplemental estimate, asking for \$11,700,000 as a reserve stock, and stated to the committee that the reserve supply of the National Guard was practically gone, and that in the event the National Guard was subsequently called out, as it was last year, there would be no reserve stock on hand. The committee did not think, in view of the past experience that the National Guard had had with this reserve supply, that this entire amount should be granted, but the committee did think that something ought to be done at this time, and that at least a start should be made to replenish the stock of reserve supply that ought to be on hand to the fact that at the depot of the Quartermaster's Department in Philadelphia, when the Pennsylvania and the New Jersey troops were called into the service, their reserve supply was absolutely exhausted, and that it had been utilized at the Plattsburg camp. Therefore the committee thought that we ought to go slow on this proposition, but we were willing to at least provide something like one-fourth of the request of the Militia Bureau for the reserve supply in the appropriation bill this year, with the proviso that I have indicated, that it must be used exclusively for this purpose.

Will the gentleman yield? Mr. KAHN.

Mr. DENT. I yield to the gentleman.
Mr. KAHN. The committee also held that the National Guard, having very recently been on the border, were fully

equipped at the present time.

Mr. DENT. That is true, and I thank the gentleman for his

suggestion.

Mr. CANNON. Will the gentleman allow me?

Yes. Mr. DENT.

Mr. CANNON. I will say to the gentleman, touching the National Guard on the border being fully equipped, that there is now pending before the Committee on Appropriations a very considerable estimate for appropriations for equipment of the National Guard, in connection with the deficiency bill, with the statement that the equipment is very largely worn out and useless

Mr. DENT. I will ask the gentleman is not that deficiency called for on account of the fact that the guard has been sup-

plied but they did not have the money to pay for it?

Mr. CANNON. It was not upon that ground. What the action of the committee may be later on I do not know, and I will not say, but I am telling the gentleman what the hearing

Mr. KAHN. Was it not because the department did not have enough supplies and had to go out in the market and purchase

them and obligate themselves?

Mr. CANNON. I was called out before it was finished, but it was put upon the ground that these men must be fully equipped, owing to the service on the border, and, as I gathered it, and I think I am fairly accurate, that the equipment of the National Guard, of the 120,000, I think, that was on the bor-

National Guard, of the 120,000, I think, that was on the bolder, was substantially useless.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama [Mr. Dent].

The question was taken, and the amendment was agreed to. The CHAIRMAN. The gentleman from Pennsylvania [Mr. Craco] offers an amendment, which the Clerk will again report. The Clerk read as follows:

Page 62, line 25, after the last line on the bottom of page 62, add the following words: "appropriated, \$924,000 shall be used for the purchase, manufacture, care, maintenance, operation, and repair of airships and other aerial machines, motor-propelled vehicles, buildings for equipment and personnel, and other accessories necessary in the aero units of the National Guard: Provided further, That of the sum herein."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on

Mr. CRAGO. Mr. Chairman, it will be observed that the figures given here, added to the \$76,000 appropriated in the paragraph, makes \$1,000,000 for the establishment of aero companies in the National Guard of the United States. The only item in the paragraph applying to any part of the National Guard for aviation instruction is the \$76,000. That is purely a matter of instruction. Now, I am thoroughly convinced that this is a step which we should take, and take now. While I ad-mit that the aero service in our Army has been very deficient until within the last few months, since the advent of Gen. Squier in that department we are satisfied, I think, that great strides have been made and great progress has been gained. Not only is this legislation necessary in order to accomplish anything here, but we must authorize the amount of money to be expended.

Aviation companies already organized in the National Guardand this may be new to some people that we have such com-panies—are kept up mainly by the Civilian Aero Club of the United States, and have made wonderful progress. They are They are trying to produce men and officers who are capable of handling this branch of the service. I read from a letter which I have

recently received:

The aviation companies already organized in the National Guard have had a most trying experience during the past six months with the Army aviation people, who apparently are trying to get the officers and men of these companies to give up the fight to attain efficiency and to secure their discharges for the purpose of joining a Federal Reserve. The argument used is that nothing can be accomplished under the "National Guard conditions." Further, it is claimed that a very costly equipment is necessary for an aviation company and that this can not be made available for a National Guard unit, the inference being that what-

ever is required will be made available if the personnel will go into the Federal Reserve. Experience in the National Guard indicates that the more technical and difficult the character of the work the greater is the relative efficiency of the National Guard unit on account of the technical personnel that can be secured. This is borne out by the record made by the National Guard signal companies on the border. I believe there is little doubt that we can develop very efficient aviation units if those charged with the Federal supervision are sincerely interested in aiding the work. The National Guard organizations will furnish the proper personnel and adequate facilities. It is expected that the Federal Government will furnish the materiel and equipment. Trained aviators already exist in the units already organized. Were we confronted with a real war the number of aviators and aviation units required would be so great that the nucleus of the Regular Army aviation personnel would be almost negligible. It would seem to be the part of wisdom to develop a substantial number of aviation units in the National Guard. The qualifications prescribed by the War Department for recognition of an aviation unit are almost prohibitive. The idea does not seem to be to obtain an untrained personnel possessing the fundamental qualities necessary to obtain efficiency and then by training to develop the unit, but rather to insist that the personnel shall be trained at the time the unit is presented for acceptance.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes. Mr. KAHN. How many units are really organized?

Mr. CRAGO. Two in New York are all that I have particular information about. But the fact that I wanted to make plain is this, that the more technical the skill which is required in these different units the easier it is to get the right caliber of men to fill these units in the National Guard. The experience is that this is a branch of the service which we have neglected too long. The experience in Europe has demonstrated the fact that in order to do anything with the armies you must control the In order to move your army you must be in possession of air. the air—the upper berth, the upper deck, so to speak—because the man up there controls the army on the ground and underground, and every movement forward or backward on the part of the army is regulated by these men signaling in the air.

We must not put this off too long. We must place it in the hands of these bright young men of our country who are anxious to qualify themselves for this work. If the National Guard can furnish the men, is it not the duty of the Government to furnish the material and the instruction? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

Mr. McKELLAR. I renew it.

Mr. CRAGO. Mr. Chairman, I would like to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. REAVIS. Does the gentleman know whether the War Department is favoring the organization of these National Guard units or not?

Mr. CRAGO. They have rather insisted that these men go into the reserve, and they have hesitated to put this costly material and equipment in their hands. But the experience of the signal corps organized in the National Guard should prove to them that this material will be properly cared for. It would all be under the supervision of the War Department.

Mr. REAVIS. With our Nebraska Guard we had an aero corps, with a very efficient aviator, Capt. McMillan. I went to the War Department and asked that they be mustered in, and instead of complying with my request the War Department made an effort to get this aviator out of the National Guard and get him to enlist in the Army, thus tending to destroy our corps instead of building it up.

Mr. CRAGO. That has been the experience in New York.

They say we have not the aviators necessary to put in these companies, but the answer to that is: "We have many brainy young men skilled in this line who want to go into this work, and it is up to you to instruct them."

Mr. GREENE of Vermont. Mr. Chairman, will the gentle-

man yield?

Mr. CRAGO.

Mr. CRAGO. Yes. Mr. GREENE of Vermont. Is it not likely that the aviation Mr. GREENE of vermont. Is it not likely that the aviation branch of the National Guard service will attract a grade of highly expert young men who will not go into the ranks and undergo the drudgery, as they think, of drilling with the rifle and marching, but who would like to exercise their brains in the solution of these air problems?

Mr. CRAGO. That is the point I have been endeavoring to make plain to this House. When we are talking of this universal training, here is a chance to get it in an organization that already exists and it does away with the idea that milk-

that already exists, and it does away with the idea that mili-

tary training means simply carrying a gun. It does not mean merely that, by a great deal.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentle-

man yield?

Mr. CRAGO. Yes.

Mr. MOORE of Pennsylvania. Is it not a fact that they have

been using aeroplanes quite extensively in Mexico?

Mr. CRAGO. They have used them successfully in the last four or five months. After Col. Squier took charge of the corps they were able to carry the mail from Columbus to Pershing's front, 110 miles, in 66 minutes, and they have not had a single mishap since they inaugurated the service.

Mr. MOORE of Pennsylvania. Does the gentleman know to what extent aeroplanes are built and used in Canada?

Mr. CRAGO. Î do not.

Mr. MOORE of Pennsylvania. It is possible for airships to come into this country from vessels lying off our coast, is it not? Mr. CRAGO. Yes. I was calling attention to the necessity

of our waking up to the importance of this new means of warfare and giving our young men a chance to prepare themselves. Let us not put ourselves in the position where Kipling placed the English people when he spoke of them as-

Given to strong delusion, Wholly believing a lie, Ye saw that the land lay defenseless, And ye let the months go by.

Let us waken from our delusions of safety in mere numbers; let us train our young men so that, should the test come, they may not say of us:

You pushed them raw to the battle, As you plucked them raw from the street.

[Applause.

Mr. McKellar. Mr. Chairman, I am very much in favor of all proper appropriations for the Aviation Corps. I think that corps ought to be built up and made more efficient. This year we are appropriating in this bill \$9,000,000 for aviation. We have already passed the item in this bill. In the fortifica-tions bill they have an appropriation of \$4,800,000 more for aviation. In the naval bill my good friend, Capt. Butler, tells me they have appropriated \$5,133,000 more, making in all nearly \$19,000,000 for aviation this year at this session of Congress. We appropriated in the Army bill last year \$13,281,666. They have not yet spent nearly all of this stupendous sum. So that Congress has been very generous in the matter of appropriations for aviation.

I want to call your attention to the peculiar situation in which we find ourselves in reference to aviation. Now, we have organized in the Army and in our coast defenses a number of aviation squadrons. An aviation squadron is composed of 12 machines. The machines wear out every three months. that they must have 48 machines for each squadron in order

to run it for a year.

Mr. KAHN. Twelve machines.

McKELLAR. Twelve machines at one time, but they need 48 for a year, because each squadron wears out 4 machines in a year. It costs \$1,400,000 to run one of these squadrons and keep 12 machines in the air for a year. Now, regardless of cost, we ought to have them. We ought to build up this service. It is an instrument of warfare that we must have, and we must never be found without it. But what are the facts about it? The gentleman from Pennsylvania [Mr. Crago] in his zeal tells you that we ought to teach all these boys how to fly. Why, gentlemen of the House, the Army, under the splendid direction of Gen. Squier, one of the ablest and most accomplished men in the Army, in my judgment, and certainly on this subject, is undertaking in every way under heaven to get fliers and to make the best kind of machines and the safest machines in which these fliers may fly, and yet the Army has only about 50 fliers to-day for all this vast aviation organization, costing us \$9,000,000 a year.

Now, this service ought to be centralized. It is only by this method that the best fliers can be obtained, the best machines

secured, and this dangerous business made the least hazardous.

Mr. GORDON. Will the gentleman yield?

Mr. McKELLAR. Yes.
Mr. GORDON. I will ask the gentleman if it is not true that this service is so dangerous that they do not even detail men to it, but depend wholly and entirely upon volunteers?

Mr. McKELLAR. That is absolutely true.

Mr. GORDON. And make a special physical examination?
Mr. McKELLAR. Not only that, gentlemen, but under Gen,
Squier's direction they have the most painstaking examination of every piece of material that goes into every machine before they allow any man to fly in it. If we take this lump-sum appropriation and turn it over to the National Guard, we do away with this system that Gen. Squier says is absolutely necessary; that is, to have the very best possible material to go into these That was proved in the Mexican border situation, when they had a lot of machines down there that they had been using for years, and not one could climb over a mountain, and they had to start anew under Gen. Squier's direction before they could get a machine that would do it. Now they have got a proper system, and we want to build it up and help them, but do not let us start these outside matters until we build up this service in the Regular Army in the way that it ought to be built up.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. McKELLAR. I shall be delighted to yield to the gentle-

Mr. GREENE of Vermont. The gentleman talks about the best kind of material to go into these machines.

Mr. McKELLAR. Yes. Mr. GREENE of Vermont. I suppose the gentleman realizes that the very best material that can be put into the aviation service is brains?

Mr. McKellar. That is true; but here is what we have got to do. We have got to establish special factories. I am talking about the War Department now under Gen. Squier. We will have to establish the factories first to put out the best kind of a machine, because we do not want to put our men in any machines except the very best and safest kind. We are now making infinitely more machines than we can get fliers for, and we have got to educate the fliers, and they ought to be educated in a way that will produce the best results and the least danger, and under one general organization.

Mr. GREENE of Vermont. If we have more machines than we have fliers, and if, as my colleague from Ohio [Mr. Gordon] says through the gentleman who has the floor [Mr. McKellar], the service is so hazardous that men are not detailed for it, is there not all the more reason why we should open up that

service to these volunteers?

Mr. McKELLAR. I understand the gentleman's proposition. It is open now to any man in this country who wants to fly and who will go before the War Department and make application. Anyone who wants the opportunity can get it now in the Regular Establishment. They are dragging this country to get fliers. The present trouble is not want of money, but want of

Mr. GREENE of Vermont. By going into the regular service.

Mr. MANN. Will the gentleman yield?

Mr. McKELLAR. I yield to the gentleman from Illinois. What does the aviation station now located at Mr. MANN. Memphis do?

Mr. McKELLAR. It has just begun.

Mr. MANN. I know it is the Chicago station moved to Memphis for the winter.

Mr. McKELLAR. Yes.

Mr. MANN. But what do they do there? That is what I want to know.

Mr. McKELLAR. They are teaching young men how to fly, these civilian volunteers who come there, as I understand. It has just been started. It is hardly a system yet. They are going to keep in the service the young men who volunteer, if they are found fit to fly; they will be organized into squadrons, as provided by law.

Mr. MANN. Does a man have to enlist first?

Mr. McKELLAR. Yes; after he is accepted as a flier, as I understand.

Mr. MANN. Before he finds out whether he is capable or not? Mr. McKELLAR. No.

Mr. GORDON. He has to pass an examination.
Mr. MANN. I know; but he can not pass an examination for flying before he has instruction.

Mr. McKELLAR. No.

Mr. MANN. Flyers are born, not educated.

Mr. McKELLAR. I do not know that. Mr. MANN. That is right. Mr. GREENE of Vermont. That is the truth.

Mr. McKELLAR. I must admit I am not that well up on the art of flying. I am not one myself and have no purpose to

be in the near future.

Mr. CALDWELL. The gentleman will remember that Gen. Squier so testified before the committee.

Mr. REAVIS. The gentleman from Tennessee stated that the way was open to volunteers to enter this service.

Mr. McKELLAR. Yes.
Mr. REAVIS. Let me tell the gentleman that Capt. McMillan, of the National Guard, who was one of the most accomplished flyers in this country, offered his services to the War Department, and they were declined unless he would leave the National Guard and go into the Regular Army.

Mr. McKELLAR. I can not talk about individuals.

Mr. REAVIS. I know that is true, because I participated

Mr. McKELLAR. It may be that the War Department and the Army officers are not doing what they should do in this matter, but I am sure they will do the right thing if called upon.

The CHAIRMAN. The time of the gentleman has expired. Mr. McKELLAR. I ask for five minutes more.

Mr. DENT. I would like to limit this debate. How much time do gentlemen want?

Mr. KAHN. I would like three minutes to put in the RECORD what Capt. Williams says about this matter.

Mr. McKELLAR. Three minutes will be all I will want.

Mr. DENT. I ask unanimous consent that all debate on this paragraph and amendments thereto conclude in 11 minutes.

The CHAIRMAN. The gentleman from Alahama asks unanimous consent that debate on this paragraph and all amendments thereto be closed at the expiration of 11 minutes. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Chairman, I would like to state that I called upon the War Department and urged that Capt. McMillan be taken into the service, and, to further carry out the statement of the gentleman from Tennessee that great care should be observed in taking these men into the Aviation Service, I was informed by the War Department, notwithstanding that some of these men could fly, they had to take into consideration the danger of men losing their lives. I left the War Department more or less displeased that they had not taken him into the service, but within 30 days thereafter Capt. Mc-Millan fell while flying and lost his life.

So that there is something to be said on the side of the proposition the gentleman from Tennessee advances, that this is a service so dangerous and hazardous that it should be in the hands of a trained, careful, scientific department of the

Regular Army.

Mr. McKELLAR. Mr. Chairman, I am in accord with all the gentleman from Nebraska has said, and I want to say in addition that Gen. Squier, who is the chief of the bureau, told me that Congress had been very liberal with him in appropriating the amount it had this year. They have all the money they need, but they have more need for fliers than anything else. They but they have more need for fliers than anything else. have nearly \$14,000,000 for the paraphernalia for flying, and They are trying everywhere to establish staonly 50 fliers. tions all over the country for the very purpose of getting fliers that can fly, and the whole matter ought to be under the control of the department that gives the service machines in which Under the amendment offered by the gentleman from Pennsylvania, the door would be thrown wide open, and men like Capt. McMillan, from the State of Nebraska, would lose their lives if this loose method is adopted. I hope the amendment will be voted down.

Mr. GREENE of Vermont. The National Guard fliers would get Government machines and be under Government direction. Mr. McKELLAR. There is no provision in this amendment

Mr. GREENE of Vermont. We appropriate the money so that the Government will buy them.

Mr. McKELLAR. As a matter of fact it is only to have a larger aviation organization of the National Guard, and at present we have all the organization that is necessary in the Regular Army. What we need is trained fliers, Mr. GREENE of Vermont. This is one means of getting

them.

Mr. RAGSDALE. Will the gentleman yield?
Mr. McKELLAR. Yes.
Mr. RAGSDALE. The gentleman made the statement that training camps were being established all over the country. Does he know of any that has been established in any State adjoining South Carolina?

Mr. McKELLAR. Yes; one has recently been established in the city of Memphis, where I live.

Mr. RAGSDALE. I said adjoining South Carolina.

Mr. McKELLAR. I will say that Tennessee adjoins South

Mr. RAGSDALE. But not Memphis. Mr. KAHN. Mr. Chairman, this matter is a very important ne. There is no doubt about that. Capt. Williams, testifying before the Committee on Military Affairs, said that there was only one zero unit at present organized. That is in the State of New York. The others are not organized at all, but he thinks that for the purpose of the National Guard there will ultimately have to be organized 12 squadrons for the various States or National Guard divisions of the Union. Whether the men in the National Guard under the existing law can be

made fliers is a problem. It requires three months of intensive training every day in the year, as I understand the situation, for a man to learn how to get into the air. It requires probably six months of intensive training before he becomes what they call an expert flier. I suggest to my friend from Pennsylvania that before we go into this thing so thoroughly some plan should be devised so that so-called filers in the National Guard can really be made fliers.

Mr. BORLAND. Will the gentleman yield?

Mr. KAHN. Certainly. Mr. BORLAND. Possibly the gentleman has been up in the air with the machines at San Diego. He understands that they reject after a week or possibly a month's training nearly 98 per cent of the men they undertake to train.

Mr. KAHN. It is very difficult, as has been suggested, to find a man who is a natural flier. All others must be eliminated, Now, it costs \$20,000 for each flying machine, accessories, and spare parts. The machine itself probably costs \$12,500. Unless an instructor is constantly on hand supervising the work of the flier while he is being taught, there is danger of the machine being destroyed. There is danger of the man losing his life. Unless you are thoroughly prepared to teach these men properly, the experiment proposed by the gentleman from Pennsylvania would be exceedingly hazardous. I would not object to putting into the bill some legislation to provide for the proper training of men in the National Guard, but the men selected would have to be ready to give up practically six months of their time before they could become expert fliers.

Mr. MANN. Mr. Chairman, I doubt the advisability of the proposition of the gentleman from Pennsylvania. In other words, I doubt whether the National Guard as a National Guard can develop flying. The man who enlists in the National Guard does not intend to devote all his time to the National Guard. But it seems to me quite patent that there ought to be some legislation, if the law does not now permit, under which the Aviation Corps of the Army might accept the services for a limited period men who have developed into fliers-not an enlistment

for a year or three years.

If a man has already shown that he is a flier, if he has shown in exhibition that he can do almost anything in a flying machine, then he ought to be permitted to furnish his services to the Government for a very limited period of time. In my judgment, the Aviation Corps should be permitted to take men temporarily to test them—not after they have enlisted in the Army, but from civil life. A flier is born, he is not made. It is true that a man born a flier can not fly without a flying education, but you may educate most of the Members in this Chamber for 40 years and they could not fly, though many of them could get in the air temporarily.

Mr. ALMON. As they frequently do. Mr. MANN. As they frequently do.

Mr. CALDWELL. And they would light just about as they

Mr. MANN. As the gentleman from New York usually does. [Laughter.] There are some people, there are a good many of them, if they were all developed, who can learn to operate a flying machine right side up, wrong side up, sideways, or any other way and feel perfectly at home, and just as much at ease at an altitude of 10,000 feet as we feel with our feet on solid earth. We ought to have a chance to get hold of those men if they are willing to be tested out, and the Aviation Corps ought to have the opportunity, if it does not now have it, of letting these men offer their services to learn and find out whether they can become fliers and then permit them to remain in the service for a limited period.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. BARNHART. I want to inquire of the gentleman from Illinois if the same logic was not presented at the time the automobile was first put out, when we had automobile schools organized all over the country to teach people how to run automobiles?

Mr. MANN. We have them now. Mr. BARNHART. And we said then that the ordinary man could not run an automobile unless he had been thoroughly schooled in it, and yet men and women and children are running automobiles everywhere. They do not all have to be geniuses. Mr. MANN. But they are not flying machines, and a great

many who run automobiles really do not know how to run them. Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARDNER. Can the gentleman say whether at the present moment the Chief Signal Officer has or has not authority to accept unpaid-for services?

Mr. MANN. I can not say; I do not know. I enjoy a very pleasant acquaintance with Gen. Squier and I have frequently talked aviation matters with him, though I have not had the opportunity or the time to do so this winter and I am a little behind the times on the subject.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman

yield?

Mr. MANN. Certainly; if he can answer the gentleman's

Mr. SHALLENBERGER. The department is authorized to hire or engage civilian fliers at \$1,800 a year. Gen. Squier says that he has not availed himself of that. I can not find any authority for taking an aviator without any pay.

Mr. MANN. I think they clearly ought to have authority to

develop flyers.

Mr. McKELLAR. They have that authority, and they can employ as many civilian fliers as they desire.

Mr. MANN. At \$1,800 a year? Mr. McKELLAR. Yes.

Mr. MANN. That is not developing fliers. Here comes along a young man who thinks that he can fly. How will he find out? Enlist in the Army? He does not want to enlist in the Army, he is not willing to do so at this time unless he can fly. do not know whether they have authority, but they ought to have authority to determine whether men can fly and to teach It may be that the gentleman from Indiana [Mr. BARN-HART] believes that every one who can run an automobile can run a flying machine, and I shall believe that one man can do that when I see him transferred from an automobile to a flying

Mr. GORDON. Mr. Chairman, I agree with everything that the gentleman from Illinois [Mr. Mann] has just said, and I will support the legislation which he suggested if it is neces-Attention has been called to the fact that the law now authorizes the employment of civilian fliers at \$1,800 a year. This is one branch of the military service that I believe should be centralized. I think my views upon the subject of the danger of a centralized military force are pretty well known to this House. I have never concealed them. But this is a special branch of the service, specially hazardous. It is so dangerous that no man, even in the Regular Army, will be detailed to it. They depend entirely upon volunteers who are subjected to a most rigid examination. Gen. Squier, in his testimony before the Military Affairs Committee, said that in England, with that immense military establishment which now exists there, they have just one branch of the service for fliers. Fliers are detailed from this one central branch to the different parts of the service when their services are required. The proposition, if I understand it, is to divert a part of this fund to the National Guard with a view of building up separate and distinct aviation divisions in each of the States of the Union. To that I am unalterably opposed, and I am convinced that careful investigation will convince every man that it is unwise, inexpedient, and dangerous.

Mr. MILLER of Minnesota. I do not gather from the reading of the paragraph quite what the gentleman states the

Mr. GORDON. The gentleman should read the amendment. Mr. MILLER of Minnesota. I understand the amendment simply increases the amount.

Mr. KAHN. Oh, no; it is an entirely new amendment.
Mr. GORDON. Mr. Chairman, to undertake to educate fliers and to appropriate money to buy flying machines to be used by citizens in the National Guard is, it seems to me, positively ridiculous. We ought to have one branch of this service and only one. We ought to have the man we now have placed at the head of it. I helican with the formula of the head of it. the head of it, I believe. All the fliers ought to be furnished there. No man who merely wishes to prepare himself to perform his duties in case of invasion of the country as a citizen soldier ought to be permitted even to take part in learning to fly under the direction of the General Government.

The gentleman realizes the fact that in an Mr. CRAGO. aero company only a very few men take up flying, but the great question is the caring for the machines, the caring for the four or five machines necessary to keep one in the air. It is purely a mechanical thing except two, three, or four men out of an entire company who are experts. These other young men will

know how to care for these machines.

Mr. GORDON. I would rather depend on a man who makes a business of it than to attempt to instruct our citizen soldiers. I thought the gentleman wanted a democratic

Mr. GORDON. I do, so far as men in the line are concerned; but I do not want any such civilian branch of the service as this. It ought not to be decentralized but centralized, as it is and its undefined relation to the submarine.

the most highly technical and dangerous branch of the military

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The Chair will call the attention of the committee to the fact that all of this debate has been proceeding under a reservation of the point of order.

Mr. McKELLAR. Mr. Chairman, I make the point of order. The CHAIRMAN. Is there anything to be said by the gen-

tleman who offers the amendment?

Mr. CRAGO. Mr. Chairman, I do not care to discuss the point of order, as far as that is concerned. It simply makes this appropriation of \$1,000,000 here instead of \$76,000, which is already appropriated in this paragraph for the instruction, purchase of material and equipment necessary for the proper furchase of inaterial and equipment necessary for the proper instruction of such officers and enlisted men of the National Guard as may be authorized, increasing that amount by \$924,000, making it \$1,000,000. The object of that is to give them the right to buy aircraft, and so forth, and it seems to me it is entirely germane to the paragraph and subject.

The CHAIRMAN. Does it give authority not now afforded;

in other words, does it change existing law?

Mr. McKELLAR. Mr. Chairman, it is new legislation. The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

The Clerk read as follows:

Supplying and exchanging Infantry equipment, National Guard: For the purpose of manufacturing, procuring, exchanging, and issuing model of 1910 equipment to the Infantry and other dismounted organizations of the National Guard of the several States, Territories, and the District of Columbia: Provided, That whenever in the opinion of the Secretary of War a sufficient number of Infantry equipment, model of 1910, shall have been procured and shall be available for the purpose the Secretary of War is hereby authorized to issue on the requisition of the governors of the several States and Territories or the commanding general of the District of Columbia National Guard, such numbers thereof as are required for equipping the National Guard in said States, Territories, and the District of Columbia, without charging the cost or value thereof or any expenses connected therewith, against any allotments to said States, Territories, or the District of Columbia, provided that the equipment thus issued shall be receipted for and shall remain the property of the United States and be annually accounted for in the manner prescribed by the act of June 3, 1916, and that each State, Territory, and the District of Columbia shall, upon receipt of new equipment, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation of Infantry equipment now in its possession, the property of the United States, and replaced by articles of the model of 1910 equipment, \$800,000.

Mr. SWIET Mr. Chairman, I move to strike out the last

Mr. SWIFT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the critical juncture of our foreign relations unconsciously impels every Representative attached to the legislative branch of the Government to recognize his high sense of responsibility and to consider with sober thought and solemn reflection the accumulation of complications. Although the record of the present Congress shows that it has been imbued with lofty sentiments of the highest patriotism, and has readily and cheerfully responded to all the suggestions and recommendations of the Executive, yet in some quarters the Congress has been sharply criticized for its omission to enact positive legislation embracing vital issues emanating from crises precipitated by the European conflict. During the current month one of the metropolitan dailies openly charged that every Member of the National Legislature has violated his oath to uphold the Constitution of the United States for omission to frame definitions prescribing the lawful maneuvers of submarines on the high seas and interdicting defined unlawful operations as felonies on the high seas and offenses against the law of nations, citing in support of such contention Article I, section 8, paragraph 10, of the Constitution, that: "The Congress shall have power to define and punish piracies and felonies committed on the high seas and offenses against the law of nations." If the judgment of the editorial writer were adopted, the control of the foreign policy of the Nation would be withdrawn from the Executive and thrust upon the legislative branch of the Government, where numerous and contradictory opinions would be encountered and the orderly processes of a single mind succeeded by chaos and Moreover, a casual survey of the acts of our first impotency. Presidents and all our subsequent diplomatic negotiations demonstrate that it was the intention of the framers of the Constitution that the direction of our foreign policies should be construed as the lawful prerogative of the Executive. This has been the practice of our Government from the ratification of the Constitution until this very hour, and a limited examination of the origin and interpretation of the foregoing section relating to piracies and offenses against the law of nations amply justi-fies this conclusion. As my time is necessarily limited it will be impossible to discuss minutely the three classes of high crimes and misdemeanors embodied in this portion of the Constitution, and I will therefore present a summary on the law of nations

As the common law in any particular State is established by well-defined custom and immemorial usage, so the law of nations authoritatively regarded as a part of the common law is founded upon ancient customs and usages prevailing by common consent among nations of independent political sovereignty. It is therefore limited in scope. That it is vague and uncertain is universally acknowledged, as is well evidenced by the attempts of the great powers to adjust a settlement of international differences at The Hague Peace Conferences in 1899 and 1907 and by the Declaration of London in 1909.

Mr. Justice Storey in his opinion rendered in the case of the United States against Smith stated that the-

common law recognizes and punishes piracy as an offense, not against its own municipal code but as an offense against the law of nations (which is part of the common law), as an offense against the universal law of society, a pirate being deemed an enemy of the human race. Indeed, until the statute of Twenty-eighth Henry VIII, ch. 15, piracy was punished in England only as a civil-law offense; and that statute in changing the jurisdiction has been universally admitted not to have

changed the nature of offense.

Offense, too, against the law of nations can not with any accuracy be said to be completely ascertained and defined in any public code recognized by the common consent of nations.

Again, in the cause of the United States against Arjona Mr. Chief Justice Waite, in discussing the crime of the counterfeiting of foreign bank notes and bills as an offense against the law of nations, declared-

There is no more need of declaring in the statute that it is such an offense than there would be in any other criminal statute to declare that it was enacted to carry into execution any other particular power vested by the Constitution in the United States Government. Whether the offense as defined is an offense against the law of nations depends on the thing done, not on any declaration to that effect by Congress.

The effectiveness and utility of the submarine was not apparent at the time of the peace conventions, and although the instructions to the first international conference embraced submarine torpedo boats, yet the subject was not seriously discussed and no agreement was sanctioned.

All the powers, however, by the subsequent construction and use of the submarine, have recognized its importance as a ves-sel of war, and while its employment as such is sanctioned by the law of nations, yet its rank remains undefined.

Therefore, as powers of equal sovereignty disagree concerning its lawful status, the nature and extent of its employment is not regulated by the law of nations, and under such circumstances a declaration by Congress would be contrary to the spirit and doctrine of the law of nations,

It is not the function of Congress to engage in the business of framing definitions, but rather to cooperate with the Executive in the enactment of any legislation deemed necessary to protect

the international relations of the United States.

In the early period of our Government complete unanimity of action between the President and Congress was fostered, and it was the custom of the House and Senate to reply to important messages of the Executive.

As illustrative of the existence of this happy and fortunate relation radiant with the loftiest sentiments of true patriotism, I submit extracts from an interchange of communications during the term of our second President:

SPECIAL SESSION MESSAGE, MAY 16, 1797.

SPECIAL SESSION MESSAGE, MAY 16, 1797.

Gentlemen of the Senate and House of Representatives, the present situation of our country imposes an obligation on all the departments of Government to adopt an explicit and decided conduct. In my situation an exposition of the principles by which my administration will be governed ought not to be omitted.

It is impossible to conceal from ourselves or the world what has been before observed—that endeavors have been employed to foster and establish a division between the Government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary; but to repel, by decided and united councils, insimuations so derogatory to the honor and aggressions so dangerous to the Constitution, union, and even independence of the Nation is an indispensable duty.

It must not be permitted to be doubted whether the people of the United States will support the Government established by their voluntary consent and appointed by their free choice, or whether, by surrendering themselves to the direction of foreign and domestic factions, in opposition to their own Government, they will forfeit the honorable station they have hitherto maintained.

For myself, having never been indifferent to what concerned the interests of my country, devoted the best part of my life to obtain and support its independence, and constantly witnessed the patriotism, fidelity, and perseverance of my fellow citizens on the most trying occasions, it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the Government has been just and impartial to foreign nations, and those internal regulations which have been established by law for the preservation of peace are in their nature proper, and that they have been fairly executed, nothing will ever be done by me to impair the national engagements, to innovate upon principles which have been so deliberately and uprightly established, or to surrender in any manner

JOHN ADAMS.

REPLY OF THE HOUSE OF REPRESENTATIVES.

We have constantly hoped that the nations of Europe, whilst desolated by foreign wars or convulsed by intestine divisions, would have left the United States to enjoy that peace and tranquillity to which the impartial conduct of our Government has entitled us, and it is now with extreme regret we find the measures of the French Republic tending to endanger a situation so desirable and interesting to our country. Upon this occasion we feel it our duty to express in the most explicit manner the sensations which the present crisis has excited and to assure you of our zealous cooperation in those measures which may appear necessary for our country in peace.

Although it is the earnest wish of our hearts that peace may be maintained with the French Republic and with all the world, yet we never will surrender those rights which belong to us as a Nation; and while we view with satisfaction the wisdom, dignity, and moderation which have marked the measures of the Supreme Executive of our country in the full force of that indignity which has been offered our country in the full force of that indignity which tempts to wound our rights as a sovereign Stor of immission. No attempts to wound our rights as a sovereign Stor of immission. No attempts to wound our rights as a sovereign Stor of immission, and degraded people; that we can never submit to the demands of a foreign power without examination and without discussion.

Knowing as we do the confidence reposed by the people of the United States in their Government, we can not hesitate in expressing our indignation at any sentiments tending to derogate from that confidence. Such sentiments, wherever entertained, serve to evince an imperfect knowledge of the opinions of our constituents. An attempt to separate the people of the United States from their Government is an attempt to separate them from ourselves; and although foreigners who know not the genius of our country may have conceived the project, and foreign emissaries may attempt the execution, yet the think with you

I cherish the hope that the observance of this custom, which I am confident will promote national unity, may be revived.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWEIL. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. KEATING. Mr. Chairman, I do not want to object to the extension of time, but I reserve the right to object.

Mr. SWIFT. I ask for only two minutes.

Mr. KEATING. Mr. Chairman, I do not desire to object to the gentleman's request, but I think we ought to get on with this bill. There are Members here who are interested in the bill and interested in the provisions of the bill. Some of us want to reach those provisions as soon as possible. I am deeply interested in what the gentleman is saying and he is presenting it very well, but I would like to see the committee get along if possible. withdraw my objection.

Mr. DENT. I understand the gentleman wishes only two

minutes.

I only request two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SWIFT, Mr. Chairman, in this hour the heart of every American citizen should be filled with loyal attachment to the Constitution of the United States. We laud our rights and privileges as American citizens but forget our obligations. We love to speak of ourselves as the "sovereign" people. Every citizen regards himself as a sovereign, but as such he must discharge all the obligations of sovereignty. I have absolute faith, trust, and confidence in the wisdom of the President of the United States. [Applause.] And whenever, in all the sacred solemnity of his exalted office, he presents to this Congress proposals to maintain the honor, dignity, and independence of the Republic and desires the enactment of specific legislation, I believe he will receive the unqualified support of every Member of the American Congress. [Applause.]
The CHAIRMAN (Mr. Cox). The time of the gentleman has

again expired.

Mr. SWIFT. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

RIFLE RANGES FOR CIVILIAN INSTRUCTION.

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of hearing arms, under reasonable regulations to be prescribed by the National Board for Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, to be expended under the direction of the Secretary of War and to remain available until expended, \$20,000.

For arms, ammunition, targets, and other accessories for target

For arms, ammunition, targets, and other accessories for target practice for issue in connection with the encouragement of rifle practice in pursuarce of the provisions of section 113 of the act approved June 3, 1916, \$300,000.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, after line 7, insert "service badges; for badges for men who took part in the mobilization on the Mexican border, \$5,000."

Mr. DENT. Mr. Chairman, I reserve a point of order. Mr. STAFFORD. I make the point of order unless the gentleman wishes to discuss it for one minute.

Mr. CALDWELL. Let it go, if the gentleman is going to make the point of order.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. CALDWELL. Mr. Chairman, I understand there will be no objection to it if the \$5,000 comes out of the \$300,000 already appropriated.

Mr. STAFFORD. There are several members of the com-

mittee who will make the point of order.

Mr. CALDWELL. Well, then, I withdraw the amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Amendment by Mr. Sears: Page 65, at the end of line 7, strike out the period, insert a colon, and add the following:

"Provided, That out of said sum of \$300,000 there shall be used for the payment of transportation of teams authorized by the Secretary of War to participate in the national matches, not to exceed \$60,000: Provided further, That this amount shall be proportioned among the several States, Territories, and the District of Columbia, according to the distance from the seat of Government to the place where the national matches are to be held: And provided further, That the governors of the States, Territories, or the Board of Commissioners of the District of Columbia may designate which team or teams shall attend from their respective States, Territories, or District of Columbia."

Mr. STAFFORD, Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SEARS. Mr. Chairman, I will simply read for the information of the gentleman from Wisconsin the following:

The interest manifested by the militia in the national team matches is shown by the number of entries each year since the institution of those matches. Eleven State teams were represented in 1903, 19 in 1904, 32 in 1905, 37 in 1906, 43 in 1907, 45 in 1908, 38 in 1910 and in 1911, 41 in 1913, and 40 in 1915. It is observed that the maximum number of State teams represented was reached in 1908. There were no national team matches in 1912 and 1914.

Mr. KAHN. Mr. Chairman, will the gentleman allow me? The CHAIRMAN. Will the gentleman from Florida yield to the gentleman from California?

Mr. SEARS. I will.

Mr. KAHN. As a matter of fact, these matches have been held every year for a great many years prior to the present

Mr. SEARS. They have. Mr. KAHN. And the provision has invariably been put on the Army appropriation bill in the Senate, although it was not carried in the bill when it went through the House?

Mr. SEARS. That is true.

Mr. KAHN. And the conferees on the part of the House have always allowed it to remain?

Mr. SEARS. That is true.

Mr. KAHN. And this is the desire of a Member of the House to put that provision on the bill at this time?

Mr. SEARS. Yes.
Mr. STAFFORD. Is the amount anything different than what was carried in the prior bill?
Mr. SEARS. It is the same amount carried in this bill. Mr. STAFFORD. If the point of order is withdrawn, will that be sufficient without further debating the amendment? Mr. SEARS. It will.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

#### CIVILIAN MILITARY TRAINING.

For the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected under such regulations as may be prescribed by the Secretary of War, and for furnishing said citizens, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within said limits as to territory as may be prescribed; for such expenditures as may be deemed necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to maintaining said camps and the theoretical winter instruction in connection therewith, including textbooks and stationery; for furnishing such equipments, tentage, field equipage, and transportation belonging to the United States as may be deemed necessary as authorized by section 54 of the act of Congress approved June 3, 1916, \$2,250,000.

Mr. FIELDS. Mr. Chairman. I offer an amendment which I

Mr. FIELDS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will read. The Clerk read as follows:

Page 65, line 11, after the word "citizens," insert "physically capable of bearing arms."

Mr. FIELDS. Mr. Chairman— Mr. DENT. I have no objection to that amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to. Mr. FIELDS. Mr. Chairman, I offer a second amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, at the end of line 2, add the following:
"Provided, That all citizens who receive instruction and training at
said military instruction and training camps shall be required to drill
with the National Guard at the National Guard post nearest their respective places of residence not less than 12 days each year for the
two calendar years next succeeding the year in which such instruction
and training was received by said citizens, under such regulations as
the Secretary of War may prescribe."

Mr. DENT. Mr. Chairman, I make a point of order on that. I will reserve it, if the gentleman wishes to discuss it.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. Mr. FIELDS. I just wanted to say for the benefit of the gentleman from Wisconsin that I reserved the right in committee to offer that amendment. I want to say this

Mr. DENT. Mr. Chairman, I make the point of order. The CHAIRMAN. The chair sustains the point of order.

Mr. DENT. I reserve the point of order.

Mr. FIELDS. Mr. Chairman, we are appropriating here \$2,500,000 for the training of citizens in these civilian training We are at the same time attempting to build up the National Guard, and it seems to me that it would be the part of good business to have these men who go to the training camps and receive training under skilled Army officers come back and diffuse their knowledge among the people by drilling with the National Guard.

Mr. GREENE of Vermont. May I ask my colleague a question?

Mr. FIELDS. Yes.

Mr. GREENE of Vermont. Supposing that the nearest National Guard unit to many of these men was something like 150 or 200 miles away, as it is in many instances, some even more.

Mr. FIELDS. Oh, well, that is not so far, in view of the fact that the Government a year before took them all to Plattsburg or some other place.

Mr. KAHN. Does the gentleman recognize that these men at the camps train eight hours a day for 30 days, or a total of 240 hours a year, whereas the National Guardsmen train only 48 hours a year?

Mr. FIELDS. Of course, they would train with the National

Guard as the National Guard trains.

The CHAIRMAN. Does the gentleman from Alabama [Mr. DENT] insist on his point of order?

Mr. DENT. I insist on it.
Mr. FIELDS. If my time has not expired, I want to say
this: I knew this amendment would not be accepted. I offered it for the purpose of calling the hand of some who have contended with me privately that we do not have authority to require the National Guard to drill with these men. I hoped that I might draw from members of the committee here on the floor of the House these same statements that have been made to me privately, that we did not have authority to require the National Guard to drill with these men. I offered the amendment in the hope that I might put those gentlemen on record on that question, but they seem to remain silent. However, if that is true it only strengthens the contention that I have made all the time, that we have not federalized the National Guard in the national-defense act that we passed last year. That was my object in offering this amendment.

Mr. DENT. I insist on the point of order, Mr. Chairman. The CHAIRMAN. The point of order is sustained.

Clerk will read. The Clerk read as follows:

For arms and ordnance equipment, including overhauling and repairing of personal equipments, machine-gun outfits, horse equipment, etc., ammunition, targets, and other accessories for target practice, and for overhauling and repairing arms for issue and use in connection with training camps for civilians in pursuance of the provisions of section 54 of the act approved June 3, 1916, \$250,000.

Mr. McKELLAR. Mr. Chairman, I move to strike out, in line 5, page 66, the words "and so forth."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amend, page 66, in line 5, by striking out the words "and so forth."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I move to strike out in line 10, page 66, the figures "\$250,000" and insert "\$310,000."

CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amend, line 10, page 66, by striking out the figures "\$250,000" and inserting "\$310,000."

Mr. CALDWELL. Mr. Chairman, I will say in support of my amendment that this is the amount of money that was requested by the department and it is in my opinion necessary for the equipment of the National Guard. All of the things that I have said in connection with the other increases that we have offered amendments for apply here. I think it ought to be agreed to, and I hope it will be agreed to.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from New York.

The question was taken, and the amendment was rejected. Mr. DENT. Mr. Chairman, I ask unanimous consent that all the language on page 66, beginning with line 11 and ending with the word "plant," in line 23, be stricken from the bill. I ask that it be considered as no part of the bill, and that it be not read as part of the bill.

In explanation of that request I want to make this statement: This involves what is known as the Taylor system. vision was in the appropriation bill that was considered by the Committee on Military Affairs. A motion was made in the committee to strike this proviso out of the bill. There was a roll call in the committee, and on that roll call a majority of the committee voted to strike it out. In drafting the bill that I, as chairman of the committee, reported to the House, the clerk to the committee failed to run his pen through those lines in the print of the bill as used in the committee. Of course I used the form of the bill we had, tacking on in typewriting such amendments as we agreed to and striking out such items as were rejected. The committee struck this out, although I voted the That was the action of the committee. other way.

I hope there will be no objection to that being taken out of

the bill.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the language indicated be not considered as a part of the bill on the ground that it was erroneously included originally therein on the part of the committee. Is there objection?

Mr. KEATING. Reserving the right to object, Mr. Chairman-I have no desire to object to this request, but I want to know where it will lead us in a parliamentary way. Suppose we grant this request and eliminate this proviso from the bill. Will it then be in order for the gentleman from Illinois [Mr. TAVENNER] to offer the same proviso as an amendment to the bill?

The CHAIRMAN. If the request of the gentleman from Alabama is agreed to in the form in which it has been put by the

Chair, it will.

Mr. KEATING. Another inquiry: In case the amendment of the gentleman from Illinois should be voted down in committee, when the bill comes into the House will the request of the gentleman from Alabama be regarded as an amendment upon which

a separate vote may be secured in the House?

The CHAIRMAN. No; because the Chair carefully stated that it would not be in the form of an amendment.

Mr. KEATING. Then I must object. I have no objection to the gentleman striking out the proviso; I have no objection to granting the unanimous-consent request that will eliminate it from the bill and make it necessary for the gentleman from Illinois to present the amendment. But the point I want to safeguard is that when we come into the House we may have a record vote, because, as the Chairman knows, this matter has been passed upon in the House on quite a number of occasions, Two or three times in the present Congress we have had record votes on the proposition, and before we reject the policy that has been approved by the House I feel we ought to have a record

Mr. DENT. That is all true; but certainly the gentleman will not object to the RECORD stating the true facts. I ask, as chairman of the committee, that the Record should state the true and real facts. I have no objection, and I had supposed that if this request were granted the gentleman from Illinois would immediately offer this as an amendment at this point.

Mr. KEATING. I have no objection to the gentleman striking the amendment from the bill, but I must insist upon its being taken out as an amendment.

Mr. DENT. Then, Mr. Chairman, I move, as a committee amendment, that that language be stricken from the bill.

The CHAIRMAN. The gentleman from Alabama moves that the language indicated be stricken from the bill.

Mr. STAFFORD. It has not yet been reported. The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

The Clerk read as follows:

Amend, on page 66, by striking out the language of the proviso:

"Provided, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

The CHAIRMAN. The gentleman from Alahama [Mr. Dent]

The CHAIRMAN. The gentleman from Alabama [Mr. Dent] moves, as an amendment, to strike out that paragraph. The question is on the motion of the gentleman from Alabama.

Mr. KEATING. Mr. Chairman, I regret very much that the members of the Military Affairs Committee have felt called upon to offer this amendment.

The question presented in the proviso has been thrashed out in this House at various times during the last four years. in this House at various times during the last four years. House has gone on record, not once but some six or eight times, in favor of the adoption of this so-called "antistop-watch proviso. It is now on the naval bill. It is on the fortifications bill, and I understand has been adopted by the Senate. During the last session it was placed upon four appropriation bills and agreed to by the Senate.

It seems to me that the members of the various committees of the House should feel bound to a certain extent by the mandate of the House, and after a subject like this has been thoroughly discussed and the House has gone upon record the committee should not come here and insist upon reopening the entire sub-

ject and wasting the time of the House.

There is absolutely nothing new before the House. The Com-There is absolutely nothing new before the House. The Committee on Military Affairs does not pretend that it has thrown this subject open for full hearings. It is true that Gen. Crozier came before the committee and said, what he has repeatedly said before, that he favored the Taylor system; but, so far as I know, no one has been given an opportunity to refute what Gen. Crozier said, so that the matter is just where it was when the House last voted upon it, and, on a record vote, by a very substantial majority, decided to keep this amendment not only in this bill but in three other bills.

Now, Mr. Chairman, as to the practical operation of this proviso: When we first attached this proviso to the naval bill the Secretary of the Navy immediately issued orders that all his subordinates should in good faith comply with the proviso, and for the last two years all the navy yards and shipyards under the control of the Government have been conducted on this basis. The stop watch, bonus, and premium system have been eliminated from these Government institutions, and, so far as the record shows, the representatives of the Navy Department are not here asking that this system be restored. So far as I know, the only prominent official of the Government who clamors for the establishment of the stop-watch system and the bonus and premium system is Gen. Crozier, the Chief of Ordnance.

Mr. KELLEY. Mr. Chairman, will the gentleman yield? Mr. KEATING. Yes.

Mr. KELLEY. I notice in lines 20 and 21 it also speaks of cash reward in addition to premium and bonus. How does the gentleman interpret that?

Mr. KEATING. I presume that the amendment is the exact

amendment which has been attached to other bills.

Mr. KELLEY. I do not recall that language being in the naval bill.

Mr. KEATING. It is in the naval bill.

Mr. KELLEY. In those words? Mr. TAVENNER. In those exact words.

Mr. KEATING. In those exact words, I am informed, and that has been interpreted in the Navy Department as permitting the piecework system to be adopted, permitting the grading of various employees, so that one employee may secure a higher wage than another employee who is engaged in the same line of work, and has in every way, so far as this House has been informed, proved entirely satisfactory. But the main point is that this Congress is on record as in favor of this proviso; and I submit again that when the House has thrashed out a subject like this and has determined upon a policy it is the duty of the various committees to take cognizance of that fact and to bring into this House a proviso that the House has instructed them to bring in; or, failing that, to proceed to hold such hearings as will permit the supporters as well as the opponents of legislation to be heard. And, so far as this particular legislation is concerned, only Gen. Crozier has been heard by the Military Affairs Committee, and this committee has made no attempt to hear the other side.

Mr. DENT. I ask unanimous consent that all debate on this

amendment close at the expiration of six minutes.

Mr. BROWNE. Reserving the right to object, I should like

to have five minutes upon it.

Mr. DENT. This is simply a motion to carry out the will of the Military Affairs Committee. It is not on the merits of the proposition one way or the other, and I hope the gentleman will not take the time to discuss the merits or demerits of the

Mr. BROWNE. I am in favor of carrying out the request of the Military Affairs Committee; but my friend from Colorado [Mr. Keating] has gone into the matter on the merits, and I think it ought to be discussed at least 5, 10, or 15 minutes.

Mr. McKENZIE. I hope the chairman of the committee will try to hold down the time as much as possible. If there is going to be general debate on this, the members of the Military Affairs Committee will find it necessary to take the floor to explain why they took this action; and, in order to get through with this bill, we prefer not to do it.

Mr. DENT. The gentleman would prefer not to do what? Mr. McKENZIE. Not to take the time of the committee in explaining why the Military Affairs Committee took the action

it did.

Mr. McKELLAR. I think the suggestion of the gentleman from Illinois [Mr. McKenzie] is good. I hope the gentlemen will just vote on it and not make speeches.

Mr. GORDON. I am going to be heard in opposition to what the gentleman from Colorado [Mr. Keating] has said.

Mr. DENT. As I understand the rule, the gentleman from Ohio [Mr. Gordon], who is opposed to the gentleman from Colorado [Mr. Keating], would be entitled to five minutes under the rule anyhow.

I give notice that at the expiration of that five minutes I shall move to close the debate.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Gallivan having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1918, and for other purposes, had further insisted upon its amendments still in disagreement, had agreed to a further conference with the House of Representatives, and had appointed Mr. SMITH of Maryland, Mr. ROBINSON, and Mr. GALLINGER as the conferees on the part of

The message also announced that the Senate had passed the

following resolution:

Resolved, That Mr. Bryan and Mr. Weeks be added to the conferees on the part of the Senate on the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914. The message also announced that the Senate had insisted

upon its amendments to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Overman, Mr. Lea of Tennessee, and Mr. Jones as the conferees on the part of the Senate.

The message also announced that the President had, on February 20, 1917, approved and signed bills of the following titles:

S. 809. An act authorizing the Secretary of the Interior to

accept the application for land entry of Richard Daeley; S. 1361. An act for the relief of Thomas Smart; S. 1378. An act to amend the military record of John P. Fitz-

S. 2749. An act for the relief of George L. Thomas;

S. 3699. An act to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the powder-house

S. 1061. An act to allow additional entries under the enlarged homestead act;

S. 5424. An act to construct a bridge in San Juan County, State of New Mexico; and

S. 7486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

#### ARMY APPROPRIATION RILL.

The committee resumed its session.

Mr. GORDON. Mr. Chairman, the argument of the gentleman from Colorado [Mr. KEATING] is characteristic of the methods of these gentlemen who have been forcing this legislation on this Government. He says that nobody except Gen. Crozier had a hearing on this question. I myself inserted in the RECORD day before yesterday a letter from the gentleman who had this legislation written into our law, the legislative agent here who has promoted this legislation and who is solely entitled to the credit for pulling the strings on these fellows who have been voting it into these appropriation bills. He I had not time to discuss it with him, and I said to him, "Give me your views upon it in writing and I will consider them." I have not only considered them but I inserted them in the RECORD, together with Gen. Crozier's reply to the

Now, is it fair to say to this House that any advantage has been taken of the proponents of this proposition to hamstring the Government? I say it is not. He says there is nothing new in this. Let me call your attention to the undisputed fact that last August this House, at the dictate of these people, inserted a prohibition against the use of the time study and premium payments. What was the result? The result was that at the Watertown Arsenal, where 50 per cent of the work was done under that system, by striking it out you increased the cost to the Government two and two-tenths times. Nobody has dis-

Mr. KEATING. Will the gentleman yield? Mr. GORDON. I will not. Mr. KEATING. I want to say——

Mr. GORDON. I will not.

Mr. KEATING. I want to say that I dispute it.

The gentleman has been on the floor and has Mr. GORDON. read Gen. Crozier's testimony, and he heard the speech that I made the other day in which I charged the same thing, and he does not present any evidence, and there has not a particle of evidence been adduced to refute what Gen. Crozier testified to. As a matter of fact, Gen. Crozier and the man in charge of that work are the only people who actually know, or have the means of knowing, and they have produced the figures proving the increased cost by prohibiting the efficiency system to be 2.2 times. Not only that, the records in the arsenal show that by the introduction of this system they reduced the cost of production 2.7 from what it had been before this system was introduced. You tell me that in the expenditure of millions of dollars of Government funds that you will prohibit the Government from resorting to the only means available to have the arsenals run efficiently. I say it is an outrage and a disgrace to the American Congress. [Applause.] The practical opera-tion of these arsenals under the prohibition of the use of this system ought to be a sufficient argument for every honest man to vote for this amendment. You have no business to take the Government funds and throw them away. This legislation does not affect private firms; it simply affects the manner in which

the Government work is done. I say to you that men in this Congress are here acting as the representatives and trustees for the public, and I undertake to say that they have no right to disregard the testimony of the men who are in charge of this work, who are responsible for the results of that work, who are responsible for the reasonable efficiency of the labor of thousands of men in the employ of the Government in the most critical time of the world's history, when we are seeking by every reasonable means to utilize every energy it has to prepare itself against a possible invasion.

It seems to me that regardless of how you may have voted before, regardless of gentlemen here who assume to take charge of the labor interests of this country, you ought to consider what the result has been and vote on the question with the chairman of the committee to strike out the provision. unfairness of these gentlemen is illustrated by the fact that they refused to consent to strike it out when they were informed that on a roll call in the committee we did strike it out. Our committee took formal action, and on a roll call it did strike it out. It was inserted by inadvertence, and I say that every man in this House as a matter of good faith ought now to vote to strike it out.

Mr. DENT. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

Mr. KEATING. May I ask, Mr. Chairman, that the amendment be again reported?

The Clerk again reported the amendment.

The CHAIRMAN. The motion of the gentleman from Alabama is to close debate on the paragraph and all amendments

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment gentleman from Alabama to strike out the section of the indicated.

The question was taken; and on a division (demanded by Mr. Keating) there were 82 ayes and 33 noes.

So the amendment was agreed to.

The Clerk read as follows:

Provided further, That section 15 of the act of June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," be amended so as to read as follows: "The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, one for each regiment of Cavairy, Infantry, Field Artillery, and Engineers, and one for each 1,200 officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law."

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 70, line 23, after the word "Provided," strike out the word "further."

The amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Provided further, That section 24 of the act of June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," be amended so as to add the following proviso: "That the President be, and he is hereby, authorized to waive the age limit in all cases where the candidate for second lieutenant, who, being within the maximum age limit at the date of examination, has passed or may pass the examination, and who has become, or may become, ineligible on account of age before the date of his appointment, and to appoint such candidate with rank from the same date as other candidates of like class who have been or may be appointed as the result of the same examination: Provided, That such appointment is made within one year from the date of such examination."

Mr. MANN. Mr. Chairman, I reserve a point of order on the

Mr. TAGUE. Mr. Chairman, I have an amendment I would like to offer and have read for information.

The Clerk read as follows:

Page 71, line 24, after the word "examination," insert the fol-

Page 71, line 24, after the word
lowing:
"Provided, That any officer of the Philippine Scouts having reached
the age of 45 years at date of application, and who is a citizen of the
United States of America, may, after such professional examination
as may be prescribed by the Secretary of War, be transferred to any
other arm of the service with the original date of rank held by him
in the Philippine Scouts."

Mr. DENT. To that I reserve a point of order.

Mr. MANN It is not yet offered, but only read for infor-

Mr. MANN. It is not yet offered, but only read for information.

Mr. BORLAND. Mr. Chairman, I have an amendment I would like to have read for information.

The Clerk read as follows:

Beginning on page 71, strike out the proviso beginning after the word That," in line 10, down to the word "proviso," in line 14, and insert

"That," in line 10, down to the word "proviso," in line 14, and insert the following:

"The first part of the second paragraph of section 24 of the act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes, approved June 3, 1916, down

to the first proviso in said paragraph, be, and the same is hereby, amended to read as follows:

"Vacancies in the grade of second lieutenant created or caused by the increases due to this act, in any fiscal year shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law, of enlisted men, including officers of Philippine Scouts, whose fitness for promotion shall have been determined by competitive examination, and of members, including officers, of the Organized Militia, the National Guard, or Naval Militia, between the ages of 21 and 30 years, who have had at least 90 days' actual Federal military service under any call of the President during the calendar year 1916, and whose fitness for promotion shall have been determined by examination; (3) of members of the Officers' Reserve Corps between the ages of 21 and 27 years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (6) of candidates from civil life between the ages of 21 and 27 years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect: Provided."

The CHAIRMAN. These two amendments are now before the

The CHAIRMAN. These two amendments are now before the committee for information, and the paragraph is subject to a reservation of a point of order made by the gentleman from Illinois.

Mr. MANN. Does the gentleman from Missouri desire an opportunity to explain his amendment?

Mr. BORLAND. Yes.
The CHAIRMAN. The gentleman from Massachusetts [Mr. TAGUE], if he desires to explain his, would first be entitled to recognition

Mr. TAGUE. I yielded to the gentleman from Missouri.

Mr. BORLAND. Mr. Chairman, my amendment is the wording of a bill reported in another legislative body by the Military Committee of that body. It reenacts the language of section 24 of the national-defense act prescribing who may be appointed second lieutenant. The only change in the wording is that the age limit of these men who have served 90 days' actual service with the colors shall be raised to 30 years. In other words, a with the colors shall be raised to 30 years. In other words a militia officer under 30 years who has actually had 90 days' service is entitled to take the examination. That is the only change made by this act. Then it proceeds to incorporate the remainder of this paragraph, which provides as the committee has provided, that men who took the examination when they were under age but whose examination was not reported until they have passed the maximum age should, nevertheless, be subject to appointment.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentle-

man yield?

Mr. BORLAND. In a minute. The committee amendment is absolutely fair, and it ought to be adopted. The War Department conducted examinations here of a lot of young men who were under 27 years at the time the examination occurred, but who before the examination was reported had passed the twenty-seventh year and were in their twenty-eighth year. They had been examined and had gone to great expense and trouble and delay and loss of time in doing so, and they had a right to be appointed. The delay was not their fault, but they could not be appointed because the age limit was arbitrary, so that I say the committee amendment ought to be adopted in any case, whether mine is or not. But my amendment has met the judgment of the Committee on Military Affairs of a coordinate branch of the Government. It raises the age limit from 27 years to 30 years of militia officers who have served 90 days with the colors. Everybody who knows the militia knows that any good first or second lieutenant or captain with the militia is a man between the years of 25 and 30. Very few of the men who have had any experience sufficient to qualify them to take examination and pass it with credit, and who serve with ability, are under 27 years of age. That limit is unfortunate and unjust, so far as these men are concerned, and I do not think Congress is going to do any harm, in fact, I think it is going to do a great deal of good, by increasing the age limit to 30 years-that is, of men who have served in the militia.

The law provides 30 years now for men who come up as enlisted men from the ranks, because it is admitted that a man who must get his training in that way will have reached an older stage in life than the man who got his training in some more fortunate way. And so it runs. A man may be appointed second lieutenant who comes up from the ranks at any time before he is 30, and I seek to apply that same rule to a man who comes up from the ranks of the Organized Militia. I now yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. As I understand from the Clerk's reading, the gentleman's amendment provides that officers and enlisted men of the Philippine Scouts

Mr. BORLAND. Oh, I am simply repeating the words of the

defense law. There is no change in that,
Mr. MILLER of Minnesota. There must be, because an enlisted man the Philippine Scouts is a native Filipino.

Mr. BORLAND. I am simply repeating the words of the national-defense law.

Mr. TILSON. Does the gentleman's amendment provide that the men shall have at least three years' service in the National

Mr. BORLAND. No; it provides that he shall have served at least 90 days under the call of the President.

Mr. TILSON. Oh, it simply applies to those who serve 90 days under the President's call?

Mr. BORLAND. Yes.

Mr. GREENE of Vermont. Is the 90 days' service thought to be the equivalent of the three years, so that a man who serves the 90 days, even if he were three years older than the 27 years, would be eligible?

Mr. BORLAND. I take it so. We appoint men from civil life who have had no service anywhere, if they are under 27, who

pass an examination.

Mr. GREENE of Vermont. Of course, the idea is that they do

not want to raise to senior rank men of too advanced age.

Mr. BORLAND. Thirty years is the standard for enlisted men, and it ought to be the standard of men who come up from the National Guard, whereas 27 years ought to be the standard for men who have had no experience in the Regular service or the National Guard.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. FOSS. At the present time if an officer is married— Mr. BORLAND. I understand that is the disqualification.

Would the gentleman object to an amendment to the effect that the fact that such officer was married would not

be a bar to his being examined and commissioned?

Mr. BORLAND. I should not object, of course, but I do hope that there will not be any point of order made against this paragraph. I know personally of the injustice that was caused by the very proper and sensible action of the War Department, but still it caused injustice and it ought to be remedied at this The committee amendment ought to be adopted, but I think mine ought to be adopted also.

The CHAIRMAN. The time of the gentleman from Missouri

has expired.

Mr. TAGUE rose. Mr. DENT. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes, to be used by the gentleman from Massachusetts [Mr. TAGUE], all debate on the paragraph and all amendments thereto shall be closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the expiration of five minutes debate on this paragraph and all amendments thereto shall be closed. Is there objection?

There was no objection.

Mr. TAGUE. Mr. Chairman, the amendment offered by me is one that will give a chance and an opportunity to the men now serving in the Philippine Scouts to get into the Regular Army service as officers. There are at the present time, acting as officers, captains and lieutenants doing duty as scout officers in the Philippines—52 captains, 65 first and 65 second lieutenants. Now, these men are not eligible to go into the service of the Government in the Regular Army because most of them, if not all of them, have reached the age that is prescribed by law wherein they are not allowed to take an examination. All of these men have risen from the ranks. Most of them have served from 12 to 20 years and have worked up during their service until they have attained the highest rank they could reach in the Regular Army service. Then because of their efficiency and because of their qualifications they have been appointed to act in the capacity of training as soldiers the natives of the Philippine Islands and are performing a great work on behalf of this Government.

Mr. MILLER of Minnesota. Why does not the gentleman include the officers of the Philippine Constabulary?

Mr. TAGUE. Mr. Chairman, as I understand, there is quite a distinction between the constabulary and the Philippine Scouts, Mr. MILLER of Minnesota. No; the constabulary

Mr. TAGUE. The constabulary are a police force.

Mr. MILLER of Minnesota. No. Mr. TAGUE. I may be mistaken, but I understand so; but these men are Regular Army men and come within the provisions of this bill. They are in the service, have taken the examination for promotion that is prescribed by law, and every one of them with a few exceptions have served more than four years as officers in Regular Army service of the Government. I believe in justice to them that if we are going to make the Army and Navy of the United States what it ought to be we should give to the men in the ranks an opportunity to advance into the high

offices. Some of the best men who have served as officers in the Army and the Navy of the United States have risen from the ranks, and were chosen because of their fighting qualities. They have been trained the way they ought to have been trained. They have become by their own efforts so efficient that they are able to take the examinations and pass them as required by the They have met all the qualifications that the law Government. demands. They are first-class soldiers and are qualified to fill the place as officers in these different companies. They have trained the men of the Philippines until they have become a valuable part of our Army service, and their work is unlike that of any other service in our Government. They are entitled to some consideration, I submit, Mr. Chairman. They are entitled to an opportunity to go into the Regular Army as officers. And now that they have performed this faithful service, now that they have given the best years of their life to the Government, and are qualified to fill these positions, they should be permitted to go into it, no matter what their age is, so long as they meet the qualifications required by the War Department. It would be a different proposition, Mr. Chairman, if it was that they were to be picked from private life at the age suggested in my amendment; but it is not so. They have been there, most of them, since they were 18 or 19 years of age. They have worked up all the way from one rating to another, and after they have reached the highest rate in the ranks in the Regular Army as private soldiers, because of efficiency, because of qualifications which they possessed, they were advanced to the rank of second and first lieutenants and then to a captaincy. These scout officers in the Philippines are doing an important work, practically the same work as the Regular Army officers, and I submit, Mr. Chairman, that they should be given fair play and justice at the hands of this Congress. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent I may have four minutes on this amendment.

Mr. DENT. Mr. Chairman, I think an order has been made limiting the time.

Mr. MILLER of Minnesota. That can be changed by unani-

How much time does the gentleman want? Mr. DENT.

Mr. MILLER of Minnesota. Four minutes. Mr. DENT. I understand the gentleman from Illinois has

reserved a point of order

Mr. MILLER of Minnesota. Mr. Chairman, I will say I desire this time for the purpose of bringing to the attention of the Committee on Military Affairs a bill which I introduced along the line of the amendment which has just been offered, and I think a little discussion will be a good thing. It is not simply an opportunity to talk, but an opportunity for presenting some facts which I think the committee ought to have.

Mr. DENT. Can not the gentleman wait until they read the

next paragraph?

Mr. MILLER of Minnesota. I will if the gentleman will promise that I shall have the time then.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. DENT. Mr. Chairman, I am bound to state that it is

subject to the point of order.

Mr. BORLAND. If the gentleman will withhold his point of

Mr. MANN. I have made the point of order.

Mr. DENT. This is put in on the recommendation of the Secretary of War, but it is certainly new legislation and subject to the point of order.

Mr. McKELLAR. Mr. Chairman, at present—
The CHAIRMAN. Does the gentleman rise to the point of order?

Mr. McKELLAR. I rise to ask unanimous consent. The CHAIRMAN. The point of order has been made. The

point of order is sustained.

Mr. McKELLAR. Mr. Chairman, now I ask unanimous consent to reinstate the paragraph beginning on line 10, page 71. and ending with line 24 on the same page, it not to be subject to amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to restore the paragraph indicated, the same when thus restored not to be subject to amendment. Is there objection? [After a pause.] The Chair hears none, and that action is taken.

The Clerk read as follows:

Provided further, That the following language of section 5 of the act of June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," to wit: "Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any

duty, in or near the District of Columbia," be amended so as to authorize the President to suspend the operation of the same in the event of actual or threatened war or similar emergency in which the public safety demands it.

Mr. Chairman, I offer an amendment. Mr. MADDEN. The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment, which the Clerk will report:

The CHAIRMAN. The gentleman from Illinois [Mr. Madden] offers an amendment, which the Clerk will report:

The Clerk read as follows:

By Mr. Madden: Amend by adding after the word "it," on line 11, page 72, the following:

"Provided further, That the General Staff Corps shall consist of one Chief of Staff, who shall be a general officer of the line and who shall take rank and precedence over all other officers of the line; 10 colonels; Clief of Staff, who shall be general officer of the line; 10 colonels; Clief of Staff, who shall be general officers of the line; 10 colonels; Ill entocant colonels; Clief and Saff Captains, to be detailed from corresponding gedealed to the General Staff Corps shall be detailed from corresponding gedealed to the General Staff Corps shall be detailed to the General Staff Corps shall be detailed to the General Staff Corps shall be detailed in the General Staff Corps shall return to the branch of the Army; I which they hold permanent commissions, and no officer shall be eligible for a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in time of actual or threatened hostilities. Section 27 of the act of Congress approved February 2, 1901, shall apply to each position vacated by efficers below the grade of a general officer detailed in the General Staff Corps.

"All officers detailed in said corps shall be employed in the study of military problems, the preparation of plans for the national defense, and the utilization of the military forces in the title of preparedness of such forces for sorvice in peace of military and reporting upon the efficiency and state of preparedness of such forces for sorvice in peace of military and reporting upon the efficiency and staff of an administrative and reporting upon the efficiency and staff of preparedness of such forces for sorvice in peace of the Military employed: Produced. That no officer shall be detailed as member of the General Staff Corps of the restab

Mr. DENT. Mr. Chairman, I make the point of order against

Mr. MADDEN. I submit it is not subject to a point of order.

Mr. DENT. I have made the point of order.

Mr. MADDEN. I want to argue the point of order, then, In the first place

Mr. DENT. I make the point of order.

Mr. MADDEN. I want to argue the point of order.

Mr. DENT. I am not cutting the gentleman off. I am taking

the opportunity of making the point of order.

Mr. MADDEN. I submit, Mr. Chairman, that the item to which this is proposed as an amendment is itself subject to a point of order; and the rules of the House provide that where an amendment is offered to an item which is in itself subject to a point of order make the item offered in order, if germane. For, if the House admits the right of consideration of any paragraph or any portion of a paragraph that is not in order it must be conceded that an amendment otherwise subject to a point of order would be in order to that paragraph. There can be no question about that. That is the universal practice. It has been the rule of the House. It has been held by every presiding officer of the House on all occasions. I submit, Mr. Chairman, that this in face of the fact that the provisions in the bill to which it is proposed as an amendment is itself subject to a point of order makes this amendment in order.

Mr. DENT. Mr. Chairman, I insist on the point of order.

Notwithstanding the original proposition is new legislation, this amendment is not germane to the distinct and separate proposition provided for in the bill. The provision is that the President may suspend language in section 5 of the national-

defense act, under certain contingencies.

Mr. MADDEN. I contend, Mr. Chairman, that this is germane in the first instance; that it deals with the General Staff, and the provision to which it is proposed as an amendment is a provision which itself deals exclusively with the General Staff. To-day the General Staff consists of 55 men, only one-half of whom are permitted to serve in Washington, at headquarters. And the proposal of the committee is to change the law so as to permit the whole of the General Staff to serve at headquarters. And my proposition is to so amend the amendment of the committee as to make the General Staff not 55 but 92.

The CHAIRMAN. The Chair will ask 'a question for his information. Then, does the Chair understand that the illegal matter in this paragraph is contained in lines 8, 9, 10, and 11?

Is the Chair correct in that?

Mr. MADDEN. I do not understand the Chair's question. The CHAIRMAN. That portion of the paragraph which is out of order-I will put in in this way-is contained in lines 8, 9, 10, and 11. In other words, if those lines did not appear in this paragraph, would it be contended that the paragraph would otherwise be out of order?

Mr. MADDEN. The paragraph would probably not be out

of order. If the item running from lines 1 to 11, inclusive, did

not propose to amend the law—to change existing law.

The CHAIRMAN. The only offending portion of that paragraph is found in lines 8, 9, 10, and 11, is it not? The Chair

just wants to get at the facts.

Mr. MADDEN. It does not make any difference what lines the change of law is found in. The mere fact that it is a change of law makes it subject to a point of order in an appropriation bill.

The CHAIRMAN. The Chair understands that perfectly well, that if any part of a paragraph has offending matter in it, it makes the whole paragraph out of order, but a paragraph may be composed of matter that is in order and matter which is out of order. Now what portion of this paragraph is out of order, or does the gentleman contend that all of it is out of order?

Mr. MADDEN. My contention is that every line in the paragraph is out of order because of the proposed amendment to the law, and therefore that any other amendment dealing with the same subject is in order if that is held to be in order.

The CHAIRMAN. Now, the proposed amendment is to lines 8, 9, 10, and 11?

Mr. MADDEN. It does not make any difference where it is. The Chair knows where it is as well as I do.

The CHAIRMAN. I will ask the gentleman from Alabama what part of this paragraph contains the proposed amending matter?

Mr. DENT. It proposes simply to amend that portion of section 5 which reads specifically as follows:

Not more than one-half of all of the officers detailed in said corps shall at any time be stationed or assigned to or employed upon any duty in or near the District of Columbia.

The CHAIRMAN. That is the existing law?

Mr. DENT. That is the existing law.

The CHAIRMAN. The amending matter is found in lines 8, 9, 10, and 11. Is that correct? Mr. DENT. That is correct.

The CHAIRMAN. That is what the Chair was trying to ascertain

Mr. DENT. It authorizes the President to suspend the opera-

tion of that language.

Mr. MADDEN. In other words, the amendment proposes to authorize 55 members of the General Staff to be on duty at the War Department instead of one-half that number. That is what it proposes. And I propose to increase the General Staff from 55 to 92 and have them all on duty at the War Depart-

Mr. STAFFORD. Mr. Chairman, will the gentleman permit? Does not the gentleman's amendment go much further than what the gentleman offering the amendment has just stated? I followed his amendment very closely, and while it more or less follows the language in the reorganization act in section 5, it modifies it in many particulars by leaving out many provisos and paragraphs of section 5.

Mr. MADDEN. I wish the gentleman from Alabama would withhold his point of order for five minutes and let me make a statement on the merits of this question. I have not asked for

any time in the consideration of this bill.

Mr. DENT. I shall not object. Mr. MADDEN. I want to make a statement on the merits of the question. The gentleman has decided to reserve the point of order.

The introduction of this amendment by me is due principally to the fact that the Secretary of War believes he ought to have 92 members of the General Staff instead of 55, and it is due to the further fact that the statement was made on the floor of the House several days ago that no communication whatever was received by any member of the Committee on Military Affairs from the Secretary of War with respect to his desire for an increase in the General Staff. It is due also to the further fact that it was charged a member of the press, sitting in the press gallery, made an erroneous statement as to the facts in the case. I want, for the information of the House, now to state what I believe the facts, and to state further that I believe the young man who wrote the story in connection with this proposition when it was before the House before wrote the story based upon the facts in the case.

I have a copy of a letter here from the Secretary of War, said to have been written to the chairman of the Committee on Military Affairs under date of January 9, 1917, in which he

I have the honor to transmit herewith draft of legislation to carry out certain amendments in the national-defense act which were discussed by the Chief of Staff in his hearing before the House Military Committee. I wish to especially call your attention to the increase recommended in the General Staff Corps in the draft of legislation herewith, and to emphasize particularly the great necessity existing for the increase therein recommended. At the time of the creation of the General Staff Corps the number of officers first detailed thereto was fixed at 45 as the proper number to perform this new and somewhat experimental duty. In 1912 the General Staff was reduced by one general officer and eight captains. This reduction so seriously interfered with the work of the General Staff as to cause a special emphasis to be laid by the department in its recommendation to Congress on the subject. The national-defense act increased the total number on the General Staff from 36 to 55, an increase of 10 over the original number provided by the organic act, but it included a restriction that not more than one-half of the General Staff could be maintained on duty on the War Department General Staff. This restriction, as well as other restrictions pointed out by the Chief of Staff in his hearing before your committee, especially hampers the work of the General Staff and should be removed. Actual experience extending over a period of 13 years has shown conclusively that the personnel originally provided in the organic act was not, and the increased personnel provided in the national-defense act will not, be able to properly perform the comprehensive duties assigned by law to the General Staff Corps. In my judgment the number should be fixed at 92, as was recommended by the Chief of Staff and as was given in the national-defense act as passed by the Senate.

I would also invite your attention to the draft of legislation herewith, authorizing the President to restrict the publication of certain information.

And so forth.

Now, I submit, Mr. Chairman, that in view of the fact that this letter was sent to the chairman of the Committee on Military Affairs by the Secretary of War, accompanied by the amendment which I have just proposed, justified the article which was written in connection with the controversy that arose about this matter, and that the young man who wrote the news article for the Chicago Tribune did nothing but his simple duty. And I want to say these words as a matter of justice to him.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Do you think he did his duty when he accused the members of the Committee on Military Affairs of being traitors to the country?

Mr. MADDEN. He did not do that. That was an editorial. I am referring only to the news article written by a member of the press gallery. I do not approve of the editorial. There ought not to be any such charge made; but the statement was made on the floor of the House that the man who wrote the news article did not tell the truth; that he ought to be expelled from the press gallery. But I maintain from the facts of the record that he told the truth, and he ought to be apologized to for what was said against him.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; I yield.

Mr. FIELDS. The statement was made in the news article that the question of raising the staff was before the committee. The question of raising the staff to 52 was not before the committee and was not discussed by the committee, as the gentle-man from California [Mr. Kahn] said, and therefore the statement was incorrect.

Mr. MADDEN. The statement was justified on the face of

the letter sent by the Secretary of War to the committee.

Mr. FIELDS. The Secretary of War did not come before the committee.

Mr. MADDEN. He sent the letter. You admit that? Mr. FIELDS. The gentleman has said it was. We had no knowledge that it had been.

Mr. MADDEN. Will the chairman of the committee admit that the Secretary of War sent a letter to him?

Mr. DENT. Certainly; I admit that the Secretary of War not only wrote me, making a recommendation in accordance with the recommendation of the General Staff that the staff be increased to 92, but in addition to that he asked me when I was in his office, and he came to my office and asked me if I would submit that proposition to the committee. I stated to the Secretary that I would submit the proposition to the committee if he insisted upon it, but I did not think it could pass; that this whole subject had been thrashed out last year when we had the Army bill up, and I did not think there was any possibility of getting it through; and by way of counter-suggestion I said to the Secretary of War that I believed the committee would be perfectly willing to adopt this proposition that we now have in the bill. I made that suggestion, and the Secretary said to me, "That is perfectly satisfactory to me, although it may not be to the General Staff." I said to the Secretary, "If it is satisfactory to you, that is all I want." And I stated that to the committee. I stated to the committee that this proposition was suggested by the Secretary of War at the suggestion of the General Staff, and my suggestion as to the compromise measure was unanimously agreed to and reported by the committee.

Mr. MADDEN. I want the chairman of the Military Affairs Committee to understand distinctly that I am not trying to embarrass anybody. I am simply standing in my place on the floor of the House to defend a young man who, I believe, honestly reported the facts as he understood them, and I am doing it because he has no right to the floor to defend himself.

Mr. DENT. I will state to the gentleman from Illinois that the young man he speaks of called me up after this matter was aired on the floor of the House the other day. If I had had my way it would not have been brought to the attention of the House. He called me up and asked me if the Secretary of War said anything to me in my office on the subject, and I told him that I declined to discuss that question with him because that was a private interview with the Secretary of War that I had in my committee room before the committee met. He said he had gotten the information that the Secretary of War had been to see me and made this request, that he had received the information from very reliable sources. I said to the representative of the Tribune that so far as he was concerned I had no controversy with him on the subject, except that wherever he may have gotten the fact that the Secretary of War talked to me confidentially about it, it did not come from my office, and I did not believe it came from the Secretary of War, but from some other source.

Mr. MADDEN. I think I have said all that ought to be said upon the subject, except that I hope the gentleman from Alabama [Mr. Dent] will withdraw his point of order when the time comes, after this discussion ends.

Mr. DENT. I insist on the point of order, Mr. Chairman.
Mr. SHALLENBERGER. Mr. Chairman, I just want three
minutes upon the merits of this case. I will say at the outset that I was not present at the committee meeting; so I did not know as to all the facts that have been brought out here. But as to the merits of the matter, as to the number of members of the General Staff, I want to submit these facts: The Chief of Staff came before our committee and asked for a General Staff of 92 members, as the gentleman from Chicago [Mr. Madden] has indicated. He gave us figures showing the numbers of the general staff of the Army of France and of Germany. Upon his own statement, France had 132 general-staff officers serving with the war department. We proposed in this bill to allow 55 members of the General Staff with the War Department at Washington, if the Secretary of War desires them. France had 750,000 men in her army when the war started. We have a little over 100,000. In other words, we propose in this bill to allow four times as many General Staff officers in proportion to our number of troops as France allowed. Germany, according to the statement of Gen. Scott, had 113 regular staff officers with the war department when the war started and had over 800,000 troops. In other words, we propose in this bill over five times as many staff officers serving with the War Department in proportion to the number of troops as Germany allowed at the beginning of the European war.

In addition to that I will call the attention of the gentleman to the fact that I published in the RECORD a day or two ago a statement furnished to me by the General Staff themselves, showing that on February 15, after eight months of operation of the present law, they were still short 12 members of the General Staff that they were allowed to appoint under that law, five short in Washington and seven short outside of Washington; so that if they are short of General Staff officers here in Washington it is the War Department that is to blame and not the committee; and in the amendment proposed by the committee

we are granting a great deal larger proportion of General Staff officers serving here in Washington, compared to the number of men in the Army, than any other nation has in its army under similar conditions.

The committee believed that we needed officers out fulfilling their duty with troops in the field rather than filling soft positions, with the accompanying allowances, here at the Capital.

Mr. MADDEN. If they have not been able to keep here all the officers who were authorized-

Mr. DENT. They lack five here in Washington.

Mr. SHALLENBERGER. They lack five here in Washington and seven outside of Washington.

Mr. DENT. Under the present arrangement they lack five, I

believe. I insist on the point of order.

The CHAIRMAN. The chief difficulty that the Chair has had in this matter has been the difficulty in arriving at the facts necessary for a decision. The gentleman from Illinois seeks to bring this amendment within the rule relative to perfecting by amendment a paragraph, originally not in order, but which has become in order by the failure to raise the question of order. The existing law which the paragraph in the bill proposes to suspend is as follows:

Not more than one-half of all of the officers detailed in said corps shall at any time be stationed or assigned to or employed upon any duty in or near the District of Columbia.

The language found in lines 8, 9, 10, and 11 of the amending paragraph is intended to suspend the operation of the above cited law, under certain prescribed conditions. Should the paragraph containing this language remain in the bill, the President in time of actual war, or in an emergency will have authority to call all of the detailed officers to Washington. An amendment germane to this particular proposition would be one providing, for instance, that some number of detailed officers, less than the total might be stationed or employed, in, or near the District of Columbia. Other germane amendments will naturally suggest themselves. But the amendment of the gentleman from Illinois is not limited to affecting or controlling the number of officers that may be assigned to duty in, or near the District of Columbia. It proposes a comprehensive scheme of legislation in the guise of a perfecting amendment, and falls within the following principle:

To a bill amending a general law on a specific point, an amendment relating to the terms of the law, rather than to those of the bill, was offered and ruled not to be germane. (5 Hinds', sec. —.)

It also falls within this principle:

A paragraph which proposes legislation in a general appropriation bill being permitted to remain, may be perfected by a germane amend-ment, but this does not permit an amendment which contains addi-tional legislation. (Rules of House, sec. 824.)

Assuredly the amendment of the gentleman from Illinois contains a large amount of additional legislation.

The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Provided further, That on the sale or other disposal, in accordance with law and regulations, of the United States Army transports Meade and Orook, the Secretary of Commerce is hereby authorized, on request of the Secretary of War to issue to either or both of said vessels a register as a vessel of the United States.

Mr. MANN. Mr. Chairman, I desire to offer an amendment to a paragraph which we have passed, but which I think the gentleman will accept, in reference to the President suspending the operation of a law with respect to the General Staff provision in the event of actual or threatened war "or similar emergency." I suggest to the gentleman that we strike out the word "similar" and insert in lieu thereof the word "other." It seems to me it is rather dangerous at the present time to cause the President to say that an emergency "similar" to threatened war is upon us if he desires to make this change.

Mr. DENT. I should be very glad to accept that.

Mr. MANN. Then, I ask unanimous consent to return to that paragraph to offer an amendment to strike out the word "similar," in line 10, page 72, and insert in lieu thereof the word "other."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to the paragraph to offer an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 72, line 10, strike out the word "similar" and insert in lieu thereof the word "other."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last two words. I do so that I may have a few minutes to speak in reference to the proposition submitted a few

moments ago by the gentleman from Massachusetts [Mr. Tague]. The amendment which he offered to the paragraph which was held to be subject of the point of order provided that the age limit respecting Philippine scout officers should be raised in their behalf. I want to add to that that it would be advisable to increase the age limit in respect to the constabulary officers in the Philippine Islands at the same time, and to urge that the Committee on Military Affairs give consideration to this suggestion, because I believe it is of great importance.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. DENT. Did I understand the gentleman to suggest that the Military Committee give consideration to the Philippine Constabulary officers?
Mr. MILLER of Minnesota. Yes.

Mr. DENT. What jurisdiction has that committee over the

constabulary officers in the Philippine Islands?

Mr. MILLER of Minnesota. That committee has nearly as much jurisdiction over them as it has over the scout officers. They are both citizens of the United States. The gentleman will get my point of view in a minute. A year ago, when the general act was up reorganizing the Army, I proposed an amendment that would increase the age limit in respect to the officers of the Philippine Scouts and the Philippine Constabulary. I think the amendment was thought to be a proper one by several gentlemen on the Military Affairs Committee. They at least so expressed themselves to me, but thought that the time for its consideration was necessarily so short that they could not adopt it at that time. Even the chairman of the committee assured me that later the matter would receive consideration. I refer now to Mr. Hay, formerly chairman of that committee. I had already introduced a bill which provided for this very thing. The Committee on Military Affairs has been one of the hardest worked committees in this House ever since that time, and I am not criticizing them because they have not taken the matter up so far; but they are going to get this bill off their hands in a few days, and I sincerely trust that they will have a bearing or this receiving trust that they will have a hearing on the proposition, or at least give consideration to it.

Mr. KAHN. Mr. Chairman, will the gentleman yield? Mr. MILLER of Minnesota. Yes.

Mr. KAHN. Is the gentleman aware of the fact that there is no provision in any military law for the payment of the Philippine Constabulary and that their pay comes entirely from the Philippine government?

Mr. MILLER of Minnesota. I understand that entirely; but that has nothing to do with my proposition, which is this, that we shall permit officers of the Philippine Scouts and the Philippine Constabulary, both of whom are citizens of the United States, to take examinations testing their proficiency to be appointed second lieutenants, and commissioned for that purappointed second inetraints, and commissioned for the passes of they pass the examination, notwithstanding they may be as old as 30 years.

Mr. DENT. Is 30 years the limit the gentleman stated?

Mr. MILLER of Minnesota. I think in my bill I had it 30

Mr. DENT. I think it is 30 years now as to scouts.

Mr. MILLER of Minnesota. But not as to the constabulary. It may be it would have to be raised more than that. Let me say one thing with respect to the Philippine Constabulary. As the gentleman from Massachusetts [Mr. Tague] has said, officers of the Philippine Scouts all came from the ranks of the Regular Army. That is not true of the officers of the Philippine Constabulary. They are nearly all young men who are graduates of American colleges and universities, who are recommended by the presidents of their respective institutions on account of their high character and general proficiency in military matters. They thereafter went through a system of in-struction and later on an examination, and if found especially proficient were commissioned officers in the Philippine Con-stabulary. The reason why I think both the Philippine Con-stabulary and the Philippine Scout officers should be permitted. to take this examination is this: We are after good men, and you will not find better men anywhere under the stars. These Philippine Scouts and Philippine Constabulary officers have been baptized in the fire of battle. They have had the command of men in the field and they have met the enemy. They have been tested, and those that are there now have not been found wanting

The CHAIRMAN. The time of the gentleman from Minne-

sota has expired.

The Clerk read as follows:

Provided further, That the second proviso of section 37 of the act of June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," be amended as follows: Provided, That any person carried as qualified and regis-

tered in the grade of colonel or lieutenant colonel pursuant to the provisions of said act, on June 3, 1916, or any person holding a commission as a colonel or lieutenant colonel in the National Guard of any State, Territory, or the District of Columbia, on said date, who has served satisfactorily as such in the service of the United States under the call of May 8, 1916, or that of June 18, 1916, may be commissioned or recommissioned in the Officers' Reserve Corps with the rank for which he has been found qualified or registered or which he held in the National Guard on June 3, 1916, or while in the service of the United States, but when such person shall become thereafter separated from the Officers' Reserve Corps for any reason, the vacancy so caused shall not be filled and such office shall cease and terminate.

Mr. MONTAGUE. Mr. Chairman, I offer an amendment as an additional paragraph, which I send to the Clerk's desk and ask to be read.

Mr. TILSON rose.

The CHAIRMAN. Does the gentleman from Connecticut

desire recognition?

Mr. TILSON. Mr. Chairman, there are certain inadvertent errors in regard to dates in this amendment as stated. I have had prepared an amendment which corrects those inadvertent errors in the nature of a substitute for the paragraph as it stands

Mr. DENT. I would suggest the gentleman offer it as a substitute.

Mr. TILSON. There were certain inadvertent errors in dates, and this corrects those errors.

The CHAIRMAN. Is it in lieu of the entire paragraph?
Mr. TILSON. Yes; in lieu of the entire proviso.
The CHAIRMAN. The Clerk will read the language intended to take the place of the proviso.

The Clerk read as follows:

The Clerk read as follows:

Page 72, line 22, after the word "follows," strike out the remainder of the page and all of page 73 down to and including line 14 on that page, and insert in lieu thereof the following:

"Provided, That any person who, on June 3, 1916, was carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of the act of January 21, 1903, or any person holding a commission as colonel or lieutenant colonel in the National Guard of any State, Territory, or the District of Columbia on June 3, 1916, who has served satisfactorily as such in the service of the United States under the call of May 9, 1916, or that of June 18, 1916, may be commissioned or recommissioned in the Officers' Reserve Corps with rank for which he had been found qualified and registered, or which he held in the National Guard on June 3, 1916, or while in the service of the United States; but when such person shall become thereafter separated from the Officers' Reserve Corps for any reason, the vacancy so caused shall not be filled and such office shall cease and determine:

the vacancy so caused shall not be filled and such omce shall cease and determine:

"Provided further, That any officer of the Officers' Reserve Corps called for service with his consent in a lower grade than that held by him in said Reserve Corps shall, subject to such physical examination as may be prescribed, be considered eligible for recommission in such lower grade."

The CHAIRMAN. The motion of the gentleman from Connecticut is to strike out the language of the bill and insert in lieu thereof the matter read at the Clerk's desk

Mr. DENT. Mr. Chairman, so far as the chairman of the committee is able, I accept the substitute offered.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The question was taken, and the amendment was agreed to.
Mr. MONTAGUE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 73, line 14, after the word "terminate," insert: "Provided further, That the President be, and he is hereby, authorized to cause the name of Capt. E. R. Warner McCabe, Eighth Cavairy, United States Army, to appear upon the lineal list of the captains of the Cavairy next below that of W. S. Martin, and upon the corresponding position on the relative list."

Mr. Chairman, I reserve a point of order.

Mr. MONTAGUE. Mr. Chairman, I simply wish to state to the committee that Capt. McCabe was commissioned a second lieutenant in the Infantry on September 1, 1900, and transferred from that branch of the service to the Cavalry with the same rank on June 21, 1901. In addition to that a brother officer with a commission subsequent to his was transferred in a week or two with the same rank, and he antedates Capt. McCabe about 58 numbers. More than that, a number of officers were transferred subsequent to Capt. McCabe, having received no service whatever until after his transfer and who likewise take rank and precedence of Capt. McCabe in the files. I submit to the committee that this is an arbitrary and unjustifiable assignment, and I make this motion here in order to correct this in-

Mr. DENT. Mr. Chairman, I hate to make the point of order, but of course this would open up a great many other injustices, and I will have to insist upon it.

The CHAIRMAN. The gentleman makes the point of order, and the point of order is sustained.

Mr. MONTAGUE. Mr. Chairman, I yield as graciously as

such injustice with admit of.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Minnesota asks unani-

mous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, before entirely leaving the subject of the Officers' Reserve Corps I wish to make a very brief statement. I said a moment ago, inadvertently, that the language I had inserted by way of a substitute was substantially the same as that in the bill, only changing some dates. I should have stated that at the end of the amendment that I offered was this proviso:

Provided further, That any officer of the Officers' Reserve Corps called for service with his consent in a lower grade than that held by him in said Reserve Corps shall, subject to such physical examination as may be prescribed, be considered eligible for recommission in such lower grade.

That was added to the provision already in the bill. I wish to be fair to the committee and not mislead anyone.

Mr. DENT. I am perfectly willing that the gentleman from

Connecticut shall write that provision in the bill.

Mr. TILSON. I was sure that the gentleman would not object. The Clerk read as follows:

Provided further, That the enlisted men who were discharged from the Army to accept a commission in the National Guard, at the call of the President, June 18, 1916, be restored to their original status upon reenlisting in the Regular Army: Provided, That they reenlist within three months from date of muster out of the United States service, and that in computing service for retirement and continuous service pay, service as an officer in the National Guard while in the service of the United States be counted.

Mr. DENT. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Alabama offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 73, line 22, after the word "Guard," insert the words "or in any volunteer force that may be authorized in the future."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. DENT. Mr. Chairman, I offer another amendment to the same effect, on the next page.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 74, line 3, after the word "Guard," sert "or in any volunteer force that may be authorized in the future."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Amendment by Mr. Kahn: Insert, after the word "counted," page 74, line 4, the following:

"Provided further, That hereafter any enlisted man of the Army who shall be discharged to enable him to accept a commission in the Officers' Reserve Corps, or in any National Guard or militia organization, or in any volunteer force that may be authorized in the future, and who shall enlist in the Army within three months after the termination of his connection as an officer with that corps, or with any organization of the National Guard or militia, or a volunteer force, or during the continuation of his connection therewith as an officer, shall, in computing continuous-service pay now authorized by law, be entitled to credit for the period of time actually served by him prior to said discharge; and in computing service for retirement and continuous-service pay service as an officer of the National Guard, while in the service of the United States, service in any volunteer force, and service in the Officers' Reserve\* Corps in active service shall be counted."

Mr. DENT. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California [Mr. Kahn].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Provided further, That the Navasota Transfer Co. be, and is hereby, relieved from further performance of its several contracts with the Government for the supply of hay and bedding at various posts and places in the Southern Department during the fiscal year ending June 30, 1917, in view of the changed conditions resulting from the call into the Federal service of the Organized Militia and the National Guard of the several States, such conditions having resulted in greatly enhancing the price of the supplies and in making the performance of the contract inequitable and a matter of exceptional hardship on the contractor; and said contracts shall be regarded as closed, final settlement being made with the contractor at the contract price for the supplies already delivered under the same.

Mr. MILLER of Delawaya. Mr. Chairman, I. make, a point

Mr. MILLER of Delaware. Mr. Chairman, I make a point of order against that paragraph.

Mr. BORLAND. Mr. Chairman, I reserve a point of order. Mr. FIELDS. Will the gentleman from Delaware reserve the point of order?

Mr. MILLER of Delaware. I reserve it.

Mr. EAGLE. Mr. Chairman, will the gentleman from Dela-

ware reserve the point of order?

Mr. MILLER of Delaware. I will be glad to reserve it.

Mr. EAGLE. Mr. Chairman, I must agree with the gentleman from Delaware [Mr. Miller] and with the gentleman from Missouri [Mr. Borland] that the point of order under the standing rules of the House should lie if pressed against this paragraph. I think, however, that if the gentleman from Missouri and the gentleman from Delaware understand accurately the facts that induced the department to recommend and the committee to insert this provision in the bill, then, being actuated as they are with a due regard to equity and fairness, they will not press the point. It is in the hope, therefore, that they may agree with the generalization I have just uttered, that induces me to tender this explanation of why the committee saw fit to embody this provision in the bill.

It so happens that the Navasota Transfer Co. is located in the congressional district which I have the honor to represent here, which must be my excuse for asking the gentlemen to withhold for a moment their point of order and for expressing the very sincere hope that they may not press the point.

It so happens that in about the month of March or April last year, 1916, the War Department asked for bids for the supplying of hay for feed and bedding for the horses used by the Army then upon the border, which was a portion of the Regular Army stationed at Fort Sam Houston, at San Antonio, and other places along the border, but a relatively small portion even of the standing Army; certainly not one in ten of the There soldiers that since then have been sent to the border. are two young men doing a delivery business in the town of Navasota, one by the name of Evans and another whose name has escaped me. I suppose their total wealth does not exceed \$10,000. They have some horses, and they knew about cutting, baling, and selling hay. They answered that advertisement, and their bid was accepted in May, 1916.

The War Department entered into five several contracts with them, under the terms of which they were to receive \$10.20 per ton for the quantity of hay provided for in the contracts. There were arbitrary provisions in the five contracts for the decrease or increase of the amount contemplated to be supplied under the contracts. It is true. They made those contracts, and they performed the contracts until mobilization.

I might add that there are two other gentlemen residing in Navasota, one named Brosig and the other Templeton. These gentlemen became sureties on these five contracts. know them personally, and I know they tell the truth, and I assure the House that they were not to receive one penny of profit, but purely as an act to help these two young men whom I have mentioned, doing business under the firm name and style of the Navasota Transfer Co., they became sureties on their contracts.

Immediately after those contracts were made, the mobilization of the National Guard upon the border was ordered by the President and 150,000 men, perhaps, with horses to consume prairie hay accordingly, were mobilized upon the border, and an amount of hay was called for immediately which they found it totally impossible to supply, although they exhausted every resource to increase the supply, which under normal conditions was sufficient when the contracts were entered into only two months before.

The CHAIRMAN. The time of the gentleman from Texas

has expired.

Mr. EAGLE. Mr. Chairman, I would like to have five min-

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. EAGLE. I thank you, gentlemen, very sincerely. Immediately thereupon the War Department itself went into the same open market and became a competitive bidder against these young men for the hay standing upon the prairies of Texas which was available to be cut and furnished under those contracts perhaps 50 times as much hay as was contemplated, but which was required for the vastly increased number of horses and stock, as well as for bedding and other purposes, in consequence of this mobilization order. The result was and is that hay costs now \$20 per ton, whereas the contract price of these young gentlemen, agreed upon by the deliberate act of the War Department and themselves, was \$10.20 a ton.

Now, another hardship imposed upon them thereby is that the

sums of money which they fairly earned under the \$10.20 con-

tract are withheld from them in order to pay back the losses they are currently sustaining because the Government is paying \$20 a ton for the deficit which they are unable to supply. Moreover, there is in Texas now a rainy season, and it costs a great deal of money to provide the roofing to keep the hay from spoiling. It was not cut. It must be currently cut under the custom prevailing over that State.

The consequence is that unintentionally you have wrecked the two young men who went into those contracts, and you will wreck and bankrupt two other men who went on the contracts of these young men as sureties without hope of reward; and I submit that a Government representing a hundred millions of people, with property perhaps amounting to \$250,000,000,000 of value ought not to be arbitrarily oppressive upon two young men who sought faithfully to perform their contracts with the Government, which has, by its own act of competitive bidding, doubled the price of the commodity that was agreed to be furnished under the contracts. I hope the gentleman will with-

draw the point of order. [Applause.]
Mr. HARDY, Mr. Chairman, I want to add one word to what has been said by my colleague, Mr. Eagle. I began almost as a boy to practice law at Navasota. I do not know this Mr. Brosig, but I knew his father well, and I know Ward Templeton personally very well. Those men are men of a broad and generous and liberal spirit, just the men to go on the bond of young men struggling to get into some progressive business, without a dollar of reward to themselves.

When these two young men came to Brosig and Ward Templeton they did not come with a hand holding anything in it for Templeton and Brosig. They asked for a kindness and they got it. Now, these two men whose fortunes are at stake under the conditions stated by my colleague were not expecting or desiring one single, solitary dollar. Knowing them as I do, I do not believe that the great Government of the United States, even if they were less worthy, would wish to oppress them, and it is nothing less than oppression under the conditions truly stated by my colleague. I do hope there will be no pressing of the

point of order. [Applause.]
Mr. BORLAND. Mr. Chairman, I do not know whether it is necessary to withhold the point of order longer in this debate. These particular contractors are extremely fortunate in having two very able Members of this House to plead their cause in a very delightful and touching way, but in other respects they are in no different situation from that of scores of other contractors who have agreed to furnish supplies, such as paper and other supplies, to the Government, where the prices of those supplies have gone up.

Mr. EAGLE. Mr. Chairman, will the gentleman permit an interruption?

Mr. BORLAND. Yes.

Mr. EAGLE. I respectfully submit to my friend that the statement he last made is, of course, unintentional, but, nevertheless inaccurate, and that Gen. Crozier and Secretary Baker have each, upon full knowledge and information, communicated in writing to this committee and stated that this was a peculiar and especial exception and that the equities of the situation justified them for the one and only time in asking this committee to do

Mr. BORLAND. The gentleman is entirely wrong about it.

Mr. EAGLE. Am I?

Mr. BORLAND. Yes. A great many of these contractors have peculiar equities in their favor, and if I had the time and the House had the time to devote to that subject I could give you some very strong and appealing cases where contractors have found themselves in great difficulties and want to be relieved of their contracts. But these young men, I say, are fortunate la having their cause pleaded by gentlemen so able. But the question involves the rights of a great many other contractors who are being held literally to their contracts, and we ought not to play any favorites in this particular case.

Mr. GARNER. Will the gentleman yield? I agree with the

gentleman that no favorites ought to be played; but if a case is made out, and if the gentleman is convinced of the equity of it,

does he not think he ought to let it stay in the bill?

Mr. BORLAND. My own opinion of the equity of it is not what will sway my judgment.

Mr. GARNER. It ought to have something to do with the

gentleman's judgment.

Mr. BORLAND. We are here to enforce the law.

Mr. HOWARD. Is it not a fact that the War Department themselves came here and asked for a deficiency appropriation of over a million and a half of dollars, on the ground that the stuff they were buying for the Army had increased so much in price that they could not get along with the appropriation that had been made?

Mr. BORLAND. Yes; that is exactly true, Mr. HOWARD. What is fair for the goose ought to be fair

for the gander, ought it not?

Mr. BORLAND. Not a bit of it. If the price of hay had gone down to \$5 a ton these gentlemen would have cleaned up a fortune. It went up to \$20 a ton and they lost one. It is a plain business proposition and a risk that every Government contractor takes. They would not have given the Government a single, solitary cent if hay had gone down.

Mr. FIELDS. But the War Department itself caused the

price of hay to go up by becoming a competitive bidder against these men. It went into their territory and went to bidding higher prices than they could pay. These men have already wrecked themselves. They do not ask that any money be refunded to them. They are already broke. They do not ask the Government to reimburse them for the money they have They only ask to be relieved from the contract, and I hope in the interest of common justice that the gentleman will not insist on his point of order.

Mr. GARNER. I want to suggest to the gentleman from Missouri that a similar case has been passed on by this Con-That is to say, the Post Office Department have come gress. here asking for an additional appropriation of about half a million dollars in order to release contractors of the Post Office Department on account of increases in price which the Government was not responsible for. In this instance the Government is directly responsible for the increased price.

Mr. MILLER of Delaware. Mr. Chairman, I am going to withdraw the point of order. The reason I made it was that a number of cases exactly similar to this have come up before the Committee on Claims, some have been acted upon, others have not. It is clearly a claims matter. But in view of the explanation made by the several gentlemen from Texas, I see ample reason why we should permit this to go through at this time, and I will not take any more time to discuss it. Therefore I withdraw the point of order. [Applause.]

Mr. MANN. I reserve the point of order.

Mr. BORLAND. Mr. Chairman, I have made the point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. Borland] makes the point of order and the Chair sustains it. The Clerk will read.

The Clerk read as follows:

Provided further, That, during the fiscal year 1918, all civilian clerks employed under the War Department, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, shall receive increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum of less than \$1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than \$1,800 per annum and not less than \$1,200 per annum and not less than \$1,200 per annum and provided further, That so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. DENT. Mr. Chairman, in order to perfect the language of this section I move to amend, on page 74, line 21, by striking out the word "clerks" and insert the word "employees." I also move to strike out the word "under," in line 21, and insert the word "in."

Mr. MANN. You want to strike out the word "employed" in the same line.

Mr. DENT. Yes; and I move to strike out the word "employed" also. Also, in line 22, I move to strike out the words "War Department" and substitute the words "Military Establishment." Then, in line 7, on page 75, after the word "necessary," I move to insert the words "for this purpose."

Mr. MANN. That does not quite complete it.

Mr. KAHN. In line 2, page 75, the word "from" should be changed to the word "in," and the word "department" should be changed to "establishment."

Mr. DENT. I agree to that.
Mr. KAHN. And also in line 5, page 75, the word "from" should be changed to "in," and the word "department" should be changed to "establishment."

Mr. DENT. Yes.

Mr. KAHN. Will the gentleman offer those amendments?

Mr. DENT. I offer those amendments.

The CHAIRMAN. The Clerk will report all the amendments. Mr. MANN. I suggest to the gentleman that he move to strike out the paragraph and insert in lieu thereof this paragraph with the amendments, so that we will have only one amendment.

Mr. DENT. I will do that, Mr. Chairman. I move to strike out the paragraph and insert in lieu thereof the paragraph as amended as suggested.

The CHAIRMAN. The gentleman from Alabama moves to strike out the paragraph and to insert in lieu thereof a new paragraph which the Clerk will report.

The Clerk rend as follows:

The Clerk rend as follows:

Page 74, strike out the paragraph beginning in line 20 and ending with line 9, on page 75, and insert in lieu thereof the following:

"Provided further, That, during the fiscal year 1918, all civilian employees in the Military Establishment, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, shall receive increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages in such establishment at a rate per annum of less than \$1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages in such establishment at a rate of not more than \$1,800 per annum and not less than \$1,200 per annum: And provided further, That so much as may be necessary for this purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as follows:

Amendment offered by Mr. Caldwell: Page 75, line 9, after the word "appropriated," insert:

"Provided further, That hereafter every male person (a) who is a citizen of the United States or (b) who has made a declaration of intention to become a citizen of the United States shall, except as provided herein, undergo military or naval training as prescribed by the President for a period of six months during the calendar year in which he reaches the age of 19 years, or, if not then within the description of either (a) or (b) of this section, in the calendar year in which he first comes within such description or in the year immediately following. No person shall be subject to such training after the year in which he attains the age of 26 years, except as otherwise provided in section 2, nor for more than one period of such training.

"Sec. 2. Continued liability to train: That if any person liable to training does not train in any year in which he is subject thereto, he shall, in addition to the penalties prescribed by law, undergo training in the next succeeding year up to the calendar year in which he reaches the age of 26 years, and avoiding training in any year shall constitute a separate offense.

Mr. DENT. Mr. Chairman, that is the amendment which has already been printed on page 3871 of the RECORD, and I ask unanimous consent that it be considered as offered without being read, and I make the point of order that it is new legislation.

Mr. CALDWELL. Will the gentleman withhold the point of

order?

Mr. DENT. I will reserve it.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the amendment be considered as read, it having been printed in the RECORD. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object,

is this what is known as the compulsory military-training amendment?

Mr. CALDWELL. It is the same amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALDWELL. Mr. Chairman, I understand that there has been quite a little discussion informally upon this amendment. It was read into the RECORD for the consideration of the Members of this House, and those of you who have read it understand that it is practically the Chamberlain universal military training bill. To my mind it is necessary for us at this time to do something radical toward the preparation of this country in the event of trouble. Every newspaper practically in the United States is pointing out to the Members of this Congress that we are rapidly coming to a day when the United States will be forced to take up arms in defense of its rights. In their opinion, war is imminent. In other minds, a different opinion prevails; a great many think war is not imminent. As for myself, I do not believe it is as imminent as the newspapers and some of the calamity howlers seem to think it is, but I do feel that the possibilities of trouble are sufficient to warrant us, at this time, in taking some radical step toward putting this country in a position to defend itself in the event of such a catastrophe.

Mr. KEATING. Will the gentleman yield?
Mr. CALDWELL. Yes.
Mr. KEATING. Has anyone, other than the newspapers, been declaring that the country was on the point of war?
Mr. CALDWELL. Yes; and I have heard many private citi-

zens state so in casual conversation. I frankly say that I do not believe that the country is on the point of war, myself; but I do say that it is wisdom for Congress to put the country in a position where, if trouble does occur, it can not be said that the danger was called to our attention and we sat quietly by and did nothing about it.

Gentlemen, in addition to that I understand that the War College has just about perfected a bill calling for universal training, and I understand also that that bill is about to be sent to this Congress with the request that action be taken on it. If we undertake that, it can not be done between now and the 4th of March, and it will mean a special session of Congress to permit the calling of witnesses and conduct extensive hearings as to the facts. Now, this amendment has been prepared and covers the situation under the present conditions.

Mr. HOWARD. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. HOWARD. Is the gentleman talking about compulsory military service.

Mr. CALDWELL. Yes.

Mr. HOWARD. And he says that the War College has drawn a bill like this which it expects to be passed by this Congress?

Mr. CALDWELL. Yes. Mr. HOWARD. They do?

Mr. CALDWELL. Yes. Mr. HOWARD. Well, the gentlemen in the War College are the most credulous beings that I have heard spoken of on the floor of this House.

[Laughter.]
The War College has been asked to pre-Mr. CALDWELL. pare such a bill upon the assumption that this Congress will pass it and carry out what some of us believe to be the will

of the people.

I do not favor a system of military training or service that would destroy the individuality of the American, nor would I favor fastening upon our institution of government a military establishment that could be used to surpass civil authority. The amendment I offer does neither, nor will it permit the use of the armed force by it created in labor disputes. It provides, on the other hand, the nucleus of a real armed force of ultimately about 3,000,000 men and will educate and develop American youth to the end that they will become physically fit and mentally equipped to make better men. I hope that the point of order will be withdrawn in order that a vote may be had upon the proposition. The country would then know how much support real preparedness has in this Congress

Mr. FIELDS. I insist on the point of order.

The CHAIRMAN. The point of order is sustained. Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 75, line 9, after the word "Appropriate," insert the fol-

Page 75, line 9, after the word "Appropriate," insert the following:

"The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto, and he is further authorized, if in his judgment the price is reasonable and satisfactory, to make a contract for the purchase of the same subject to future ratification and appropriation by the Congress.

In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed through the Attorney General to institute and carry to completion proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to the District Court of the United States for the District of Delaware substantially as provided in "An act to authorize condemnation of land for sites for public buildings and for other purposes," approved August 1, 1888, and the sum of \$5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith."

Mr. DENT. Mr. Chairman, I reserve a point of order on the

Mr. DENT. Mr. Chairman, I reserve a point of order on the amendment

Mr. MOORE of Pennsylvania. Will the gentleman reserve it?

Mr. DENT. I will reserve it for a minute and a half.

Mr. MOORE of Pennsylvania. Mr. Chairman, I realize that the House is tired and I want to expedite the passage of this bill, but I would be unfaithful to the people living along the Atlantic seaboard if I did not attempt to have this matter considered at this time. It will probably be the last opportunity during this session of Congress that the matter can be considered at all. If an emergency should arise following the adjournment of Congress, and the President and the War and Navy Departments should need this passageway for vessels of war, and this old waterway should remain inadequate, a Kiel Canal would be lost to the Government of the United States. That is all I have to say.

Mr. DENT. I make the point of order.
The CHAIRMAN. The Chair sustains the point of order.
Mr. TAGUE. Mr. Chairman, I offer the following amend-

ment as a new paragraph:

That the Secretary of War be, and he is hereby, authorized to accept, as trustee, for the use and benefit of the United States Government, so far as it may desire to utilize the same for its purposes, assignment from the said Garabed T. K. Giragossian of the use of said discovery, except as hereinafter specified: Provided, That the Secretary of War shall also be authorized to accept, as trustee, for the use and benefit of the United States Government, so far as it may desire to utilize the

same for its purposes, the assignment of the use of any device, improve-

same for its purposes, the assignment of the use of any device, improvement, process, equipment, apparatus, or other matter or thing developed or acquired by Garabed T. K. Giragossian, his successors, representatives, or assigns, in the use of said discovered means.

That the Secretary of War is authorized to perform any and all acts and to make such rules and regulations and enter into such contracts as may be necessary to carry this resolution into effect: Provided, however, That the said Garabed T. K. Giragossian shall demonstrate the entire practicability of his discovery before a commission of five eminent scientists to be appointed by the said Garabed T. K. Giragossian, to be approved by the Secretary of War, and if such demonstration shall prove successful in the opinion of said scientists and the said Secretary of War the United States shall recognize the said Garabed T. K. Giragossian as the only original inventor, discoverer, and legal owner of said discovered "Garabed" and any improvements that may be made therein or thereon, and will not issue any patent for any device, improvement, process, equipment, apparatus, or other matter or thing developed in the use of said "Garabed" or based upon the system or correlative principle of said "Garabed" and will protect the said Garabed T. K. Giragossian's rights and interests thereto for a period of 17 years, as well as of his representatives and assigns, in the United States and in foreign countries where such protection is afforded by treaty obligation, international law, and diplomatic representations, and as is further set forth in Senate joint resolution 172, introduced in the Senate by Senator Chamberlain on September 1 (calendar day, Sept. 4), 1916.

That owing to the pressing need for the manufacture of mirrates, which by present processes will involve the expenditure of many millions of dollars, the Secretary of War is hereby authorized to immediately accept the offer of Mr. Garabed T. K. Giragossian to demonstrate his "Garabed," since he claims that

Mr. DENT. Mr. Chairman, I ask unanimous consent that the amendment offered by the gentleman from Massachusetts may be considered as read, and I make the point of order.

Mr. HOWARD. Oh, I hope the gentleman from Alabama [Mr. Dent] will not object. This is very interesting, because it is a proposition that we all desire to know something about. [Laughter and cries of "Regular order!"]

Mr. TAGUE. Mr. Chairman, I realize as much as any Member of the House does that it is going to be considered as a joke [cries of "Regular order!"], but I want to say—

The CHAIRMAN. The regular order is demanded. The gen-

The CHAIRMAN. The regular order is demanded. The gentleman from Alabama asks unanimous consent that the matter indicated shall be considered as read and printed in the RECORD. Is there objection?

There was no objection.
The CHAIRMAN. The gentleman from Alabama makes the

point of order, and the point of order is sustained.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes. Is there objec-

Mr. JOHNSON of Washington. Mr. Chairman, I object.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the title of the bill be amended by striking out the period after the word "eighteen" and inserting the words "and for other purposes."

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the title by striking out the period after "eighteen" and inserting "and for other purposes."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House as amended, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20783, the Army appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. KEATING. Mr. Speaker, I demand a separate vote on the Dent amendment striking out the stop-watch provision in the bill.

The SPEAKER. The gentleman from Colorado demands a separate vote on the Dent amendment respecting the stopwatch provision. Is a separate vote demanded on any other? [After a pause.] If not, the Chair will put the question on the rest of the amendments en grosse. The question is on agreeing to the amendments except the Dent amendment, so called.

The amendments were agreed to.

The SPEAKER. The Clerk will report the Dent amendment. The Clerk read as follows:

The Clerk read as follows:

Amend, on page 66, by striking out the proviso beginning with line
11 and ending with line 23, as follows:

"Provided, That no part of the appropriations made in this act shall
be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with
a stop watch, or other time-measuring device, a time study of any
job of any such employee between the starting and completion thereof,
or of the movements of any such employee while engaged upon such
work; nor shall any part of the appropriations made in this act be
available to pay any premium or bonus or cash reward to any employee
in addition to his regular wages, except for suggestions resulting in
improvements or economy in the operation of any Government plant."

The SPEAKER. The guestion is on the Department

The SPEAKER. The question is on the Dent amendment.

The question was taken and Mr. Gordon demanded a division. The SPEAKER. Those in favor of the Dent amendment will rise and stand until counted.

Mr. CANNON (interrupting the count). Mr. Speaker, a par-

liamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. What vote retains this amendment, the "aye"

or the "no"?

The SPEAKER. The amendment that is being voted on is called the Dent amendment and it is to strike out the Taylor

Mr. KEATING. Oh, no; it is the restriction on the Taylor estem. If the Speaker will bear with me, those who believe in abolishing the stop-watch system in Government workshops will vote "no," and those who are opposed to abolishing the stop-watch system will vote "aye."

Mr. DENT. Mr. Speaker, may I add to that this, that those who are in favor of having the RECORD show that the Committee on Military Affairs struck this thing out will vote "aye," and those who are not in favor of the Record being fairly stated will vote "no."

The SPEAKER. The Chair will state it himself. Those in favor of the Taylor system will vote "no." The vote is on what is called the Dent amendment, and that means to strike out the restriction upon the Taylor system. If you are in favor of striking out the restriction on the Taylor system. If you are in favor of striking out the restriction on the Taylor system vote "aye," and if you are not, vote "no." Those who desire to vote "aye" will stand until counted. [After counting.] One hundred and six have risen in the affirmative. Those opposed will rise and stand until counted. [After counting.] One hundred and fourteen have risen in the negative. On this vote the ayes are 106 and the noes are 114.

Mr. GORDON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Ohio demands the
yeas and nays. Those in favor of ordering the yeas and nays
will rise and stand until counted. [After counting.] Twentyfive Members have risen, not a sufficient number, and the yeas and navs are refused.

So the Dent amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Dent, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I present a conference report upon the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, for printing under the rule.

# EXTENSION OF REMARKS.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEY of Ohio. I ask unanimous consent to take from the Speaker's table House bills 20496 and 20827, to disagree to all the Senate amendments, and ask for a conference,

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bills the titles of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

A bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. Is there objection? Mr. McCLINTIC. Mr. Speaker, I object.

CONFERENCE REPORT ON PENSION BILLS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask to take from the Speaker's table, under the rules, the conference reports on House bills 18181, 19937, and 20451.

The SPEAKER. The gentleman from Missouri asks to take from the Speaker's table, under the rules, the conference reports on the bills, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

A bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

A bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SDEAKER (Delegad resisted wholen the rule)

The SPEAKER. Ordered printed under the rule.

SUNDRY CIVIL BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20967, the sundry civil bill.

Mr. KEY of Ohio. Mr. Speaker, I would like to renew my re-

quest of a moment ago.

Mr. FITZGERALD. I will withhold the motion.

Mr. KEY of Ohio. The gentleman from Oklahoma would like to withdraw his objection.

The SPEAKER. The gentleman from Ohio asks to take from the Speaker's table the bills H. R. 20496 and H. R. 20827, to disagree to all Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the conferees.

The Clerk read as follows:

Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20967, and pending that I would ask the gentleman from Massawe can agreed upon general debate.

Mr. GILLETT. Mr. Speaker, I have had requests for a little over an hour and an hour will satisfy the demand on this side. I have had more requests, but I find at this hour some

of the requests will not be used.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that general debate extend until the committee rises to-night, when it shall be closed.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from New York asks unanimous consent that the general debate run until the committee rises to-night. Is there objection?

Mr. KEATING. Mr. Chairman, reserving the right to object, is it the intention of the gentleman to transact any other business than general debate before adjournment to-night?

Mr. FITZGERALD. I should think that would be sufficiently important to engross the Members for the rest of the evening.

Mr. KITCHIN. There will be no other business. The SPEAKER. Is there objection? Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

# EXTENSION OF REMARKS.

Mr. Almon, Mr. Langley, and Mr. Steele of Iowa were granted leave to extend their remarks in the RECORD.

### LEAVE OF ABSENCE.

Mr. COOPER of Ohio. Mr. Speaker, I would like to ask leave of absence for my colleague Mr. Kearns, who is confined to his room on account of sickness. He asked me to state to the House if he had been-

The SPEAKER. The gentleman from Ohio [Mr. Cooper] asks unanimous consent for indefinite leave of absence for his

colleague Mr. KEARNS.

Mr. COOPER of Ohio. And he also asked me to state to the House that if he had been here yesterday he would have voted for the Reed amendment.

The SPEAKER. The gentleman asks unanimous consent for leave of absence for his colleague from Ohio [Mr. Kearns] on account of sickness. Is there objection? [After a pause.] The Chair hears none.

# SUNDRY CIVIL APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the time for general debate be controlled by the gentleman from Massachusetts [Mr. GILLETT] and myself, to be equally divided.

The SPEAKER. The gentleman from New York asks unanimous consent that he may be permitted to control one half of the time in general debate and the gentleman from Massachusetts [Mr. Gillett] the other half. Is there objection? [After a pause.] The Chair hears none.

#### EXTENSION OF REMARKS.

Mr. WATSON of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Post Office bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, a parliamentary inquiry, Mr. Speaker. Where requests to extend remarks in the Record are granted pending a motion to go into the Committee of the Whole House, where will they appear in the permanent RECORD? Inserted after the motion is made and before it was put, it not being a debatable motion?

Mr. FITZGERALD. Do not look at me.
The SPEAKER. The Chair does not know. The Chair thinks it is bad practice to let it in in that way and will shut it off hereafter.

#### SUNDRY CIVIL APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice if anybody desires to rise in general debate that they kindly do so to-night, as I intend to move to close it before we go into committee to-morrow.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20967, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, with Mr. Ganner in the chair. The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20967) making appropriations for sundry civil expenses the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent

to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I yield 20 minutes to

the gentleman from Missouri [Mr. Borland].
Mr. BORLAND. Mr. Chairman, there is nothing easier, and I suppose there is nothing in a general way that is more popular, than to criticize Government expenditures in the abstract and to level shafts

Mr. MOORE of Pennsylvania. Will the gentleman yield for

a question?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. Is the gentleman proceeding now under general debate?

Mr. BORLAND. I understand so. Mr. MOORE of Pennsylvania. May I ask the gentleman, who is a member of the committee, or, through him, the chairman of the committee, whether it is intended to read the bill to-night?

Mr. BORLAND. No; I understand not.
Mr. MOORE of Pennsylvania. Is it the intention of the gentleman from New York [Mr. FITZGERALD] to proceed to read the bill to-night?

Mr. FITZGERALD. No; it is not.

Mr. MOORE of Pennsylvania. I want to say to the gentleman frankly that if he intends to begin to read the bill I will make the point of no quorum.

Mr. FITZGERALD. We do not intend to. There are some

gentlemen who wish to speak.

leave the Hall.

Mr. KITCHIN. No; the bill will not be read to-night. MOORE of Pennsylvania. Some gentlemen desire to Mr. FITZGERALD. I only expect to read the first para-

Mr. MOORE of Pennsylvania. All right; I have no objection. Mr. BORLAND. Mr. Chairman, there is nothing easier and, possibly, nothing that will gain cheaper applause than a general and sweeping attack upon the expenditures of the Federal Government. The less information the critic has the more enthusiastic it is possible for him to make the attack. No problem is so simple as when one first approaches it. It seems to be extremely easy to denounce expenditures in the abstract, but to point out specific economies and to vote for those specific economies does not always seem to be quite so easy.

We are treated every little while to a general discussion of the increases in the expenses of the Government, and between times we are treated to a general, concerted, collective, and combined attack upon the Federal Treasury to get appropriations, sometimes under one pretext and sometimes under an-Sometimes it is on the question of the high cost of living, and the demand is for some kind of a salary increase; sometimes a Government contractor who figured on making a great deal of money finds he is on the point of losing some money, and, therefore, he or his bondsman ought to be relieved; sometimes some gratuity or some other reward ought to be paid out to some individual or class of individuals. There is always an opportunity to advocate, with a great deal of applause, specific expenditures and at the same time to denounce the gross expenditures of the Government. It is needless for to say that that kind of conduct is inconsistent; that it simply results in demoralizing public opinion and leads no-

The truth about the matter is this: The Federal Government must look for its supplies to the taxation of the American people. It ought to limit its expenses to a sum that can be demonstrated to be absolutely indispensable for the purpose of honest, efficient, and economical government. I am sometimes surprised when I hear gentlemen get up and say, "Oh, well, the great Government of the United States ought not to stick at such a small amount as this." The truth is that whoever undertakes to draw a dollar out of the Federal Treasury ought to have the entire burden of proof on him to prove beyond the shadow of a doubt, beyond a reasonable doubt, that he is entitled to the money. Instead of resolving the doubt in favor of the claimant, every doubt ought to be resolved against the claimant; and yet that is not the custom of this House.

I want to say this in regard to the increase in Government expenditures, that with a growing Nation such as ours, with a constantly increasing population, the Government expenditures are bound to increase from purely natural causes. It costs more to govern 100,000,000 people than it costs to govern 75,000,000 people, and it costs more to govern 75,000,000 people than it does to govern 12,000,000. If there were no other elements involved, there would be a biennial increase in the gross expenditures of the Federal Government.

But there is another element involved which is equally important, and that is our growing idea of the activities that the Government ought to assume. Every time we provide for a particular set of activities, those activities entail not only an initial but a continuing expense on the Federal Treasury. They may be activities that are very useful to the people, perhaps necessary, important, and even indispensable; but they entail a continuing expense to the Federal Government.

Every bill that is reported carries, for instance, provisions for enlargement of or aids to navigation, lighthouses, buoys, and other such things, involves continuous cost to the Federal Government. This is simply a general illustration of a class of expenses that are continually growing.

But there is another reason which adds to the growing weight of general expenditures, and that is the class of new activities of the Federal Government that are devised by the Congress at the behest of the people. Here comes a proposition for the physical valuation of railroads, a very highly desirable thing, and yet it costs a great deal of money. Three and a half million dollars, if I recollect aright, is appropriated by this bill to carry on that work. In all, no doubt, \$15,000,000 will be appropriated for the physical valuation of railroads.

Then we have the creation of these new boards-the Shipping Board, the Farm Loan Board, the Federal Trade Commission, the Commission of Conciliation of Labor Disputes, and so on. Every one of these new activities of the Federal Government must be provided with a force of employees, housing, stationery,

and so on.

We could deny to the people the creation of these activities; but if we create them we have not only added to the necessary expenses occasioned by the growth of the Government that we have had, but we add another element to the growing expenses of the Government. I believe the facts will bear me out when I say that, except for the extraordinary expenses caused by the program of national defense, we will find by this bill that the Federal Government is being conducted more cheaply and better for the money than ever before in the history of the American people.

Instead of this bill being any reflection upon the Democratic majority or the Democratic administration, I think the true facts will show that we are doing more work for less money, and doing it better, than ever before in the history of the

the misleading element in the situation is the large amount for national defense, and yet I can not allow our critics, especially our partisan critics, to add that amount to the burdens of the Democratic administration. Why, when President Cleveland went out of office, if I am not mistaken, we occupied the proud position of having the second Navy in the world. We did not need at that time more than a second navy, because nobody thought of rivaling the policy of Great Britain, which was to double the naval power of any other nation, but we had the second Navy in the world. When President Wilson came into office we were told we had sunk at least to the fourth place, and possibly the fifth, and that we were unable to guard our coast from the Navy of Japan. We had been expending a large amount of money in those intervening years on the Navy. Certainly that should not be charged to the Democratic administration. To whatever else it could be charged, whether it could be charged to the lethargy of the American public or the negligence of the party in power or to the fact that the American people had not awakened to a true realization of its military condition, you surely could not charge it to any negligence upon the part of the Democratic administration.

Mr. COLEMAN, Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Missouri yield

to the gentleman from Pennsylvania?

Mr. BORLAND. Yes.

Mr. COLEMAN. Does the gentleman believe that the Navy was fifth in power when President Wilson came into office?

Mr. BORLAND. I am not enough of an expert on such matters to know, but I do not think that in all lines ours was fifth in rank. That impression is arrived at by assembling the ships of a certific clear William in the state of a certific clear will be a second or the certific clear will be a ships of a certain class. While we were better than fifth, and better than fourth, and, possibly, better than third along some lines, we certainly as a whole were not up to second in fighting strength, as the second navy in the world. That is a matter I am not qualified to pass upon, but we were so told by men who claimed to be naval experts and who assumed to speak from definite knowledge.

The same is true as to our Army. We have had the most expensive Army in the world since the Spanish-American War occurred, but we woke up to find out our Army was not sufficient to police even the Mexican border, the shortest border we

have.

Now, the fact that we find it necessary, under pressure of public opinion, perhaps, if you choose to put it that way, to increase both our military and naval branches of defense shows it to be an extraordinary expense which, in fairness, should have been distributed back over 16 years, but we are massing it in about four or five years. It is necessary for men who criticize public expenditures to be fair. I think in this Congress I have attacked specifically, definitely, and concretely more subjects of governmental expenditure than any other one man on the floor. I have attacked concrete extravagances that I believed could be dispensed with. But I do not believe in making criticisms of expenses which have been too long delayed already.

Now, let us see what can be done about the situation. we to leave out the element of national defense? opinion says no. Are we to stop increasing the activities of the Government along lines in which they might be useful to the people? We are even asked to do more in that direction than we are now doing. What we can do and what we have done in this bill is to do the work more efficiently and more economically for the money extracted from the American people. I think—and, indeed, I believe I know—that we have not reached any real point of efficiency even along that line. realize that there is continual duplication of work in the dif-

ferent departments.

That grows out of the very natural desire on the part of the head of each department, if he be a man of ambition and enterprise, to increase and enlarge the activities of his department. It is almost impossible to keep these departments from absorbing and usurping functions that belong to other departments. They want to do that because they feel that they can extend the

powers of the Government, and possibly increase their own prestige and importance. For instance, here is the Bureau of Education laying out a large plan of general education for the American people, and we find that the Bureau of Naturalization is trying also to install and erect an educational system particularly adapted to immigrants-a pure duplication of powers. No doubt the scientific activities of the Government are greatly duplicated between the Geological Survey and the Coast and Geodetic Survey, the Bureau of Mines and the Bureau of Stand-

There are a great many ways in which the overlapping work should be cut off, and I am not sure but that a distinguished Member of another body was right when he said at least \$30,-000,000 could be saved annually by giving the President authority to combine and consolidate bureaus and departments in the Federal Government and to rearrange the work between them. This much, however, has occurred to me as a practical proposition: I have not been able to formulate definitely my ideas upon the subject of a national budget, but I do believe that if this Government is to live by a direct tax, such as an income tax or a tax upon profits of business, or any other form of direct taxation, it will be necessary for us to adopt some form of a budget system. In other words, it will be necessary for the administration in power to make out a list of the expenditures it expects the people to support, how much is to be devoted to particular purposes, and then balance the sheet by showing on the other side how it expects to raise that money, by what form of taxation, so that the people will have an opportunity in some fair, open way to choose between taxing themselves for an activity or going without the activity itself. Under our present system that clear choice does not exist. The people seem to have an idea that they can get an activity if they can bring a sufficient pressure on Congress to secure it, but when it comes to paying the taxes they do not connect the taxes with the activity which they have demanded at the hands of Congress

Mr. CLARK of Missouri, Mr. Chairman, I should like to ask

the gentleman a question.

Mr. BORLAND, I yield to my colleague.

Mr. CLARK of Missouri. Is it not true that Congress hardly ever appropriates as much money as the various departments recommend and estimate?

Mr. BORLAND. Yes; that is true.

Mr. CLARK of Missouri. How did the impression get abroad, then, which is almost universal, that Congress is the extravagant body of the Government, instead of the administration being the extravagant body?

Mr. BORLAND. That is the falsest impression that ever got into the public mind. [Applause.]

Mr. CLARK of Missouri. Of course it is. Mr. BORLAND. There never has been a time, so far as I know, when Congress has not pared down the estimates of the executive departments, and I think it is the duty of the executive departments to be just as careful and to be just as rigid in their economy and efficiency as it is the duty of Congress. do not think that the whole responsibility ought to rest upon Congress or a few committees of Congress, as it does now.

Mr. MORGAN of Oklahoma. Will the gentleman yield for a

Mr. BORLAND. I yield to the gentleman from Oklahoma. Mr. MORGAN of Oklahoma. Is it a fact that the departments get into the habit of asking for more than they expect to get, simply because it has been the custom of Congress to appropriate less than the departments ask for?

Mr. BORLAND. Some say that is true; but that is not always an explanation of their increased estimates, because many of their increased estimates are for things that nobody

has asked them to undertake.

Mr. CLARK of Missouri. Did not the departments for several years exceed the appropriations of Congress to such an extent that we finally had to pass a law making it a criminal offense for them to do it?

Mr. BORLAND. Yes; that is exactly what occurred. It has not happened under the recent administration, but it has occurred.

Mr. MANN. How much is the general deficiency bill going to amount to this year?

Mr. BORLAND. The deficiency bill this year will be very much expanded by the \$25,000,000 that we are going to pay

for the Danish West Indies.

Mr. MANN. The general deficiency bill will amount to \$100,000,000 or more, the largest we have ever had in the history of the country.

Mr. FITZGERALD. Thirty million dollars of it has been

on account of the Mexican situation.

Mr. BORLAND. The chairman of the Committee on Appropriations suggests that \$30,000,000 of that is accounted for by the Mexican situation.

Mr. MANN. It is always accounted for.

Mr. BORLAND. It is accounted for, in this way, that it is an unforeseen expense, an expense that the executive department could not have estimated for. But I see the point of the gentleman. It does not excuse the executive departments, because in many cases they have conducted activities on a scale entirely out of proportion to the provision that Congress made at the time, when, as a matter of fact, they should have kept their activities within the scope prescribed by the annual appropriation bills of Congress. It is just as much their duty to economize as it is the duty of Congress. But what I wanted to say is this: Since the Civil War this country has been largely under a system of indirect tariff taxation which did not disclose to the people the connection between the taxes they paid and the expenses of the Government. The public got the impression that money could be had out of the Federal Treasury as a Christmas gift, or in some way or other that money flowed into the Federal Treasury from the blue sky, or was paid in by the foreigners or somebody else.

The impression never was quite clear in their minds that the money was paid out of the pockets of the American people, and consequently they were educated by a class of statesmen in this country to the belief that the duty of a statesman was to get money out of the Federal Treasury for his constituents, and that that was the measure of his usefulness and popu-

larity.

Mr. MORGAN of Oklahoma. What does the gentleman think
the system of revenue that we about this: In case we pursue the system of revenue that we have under the present administration, whereby a large part of the revenue comes from a comparatively few individuals, will not that be as bad and perhaps worse than a system of indirect taxation, where the people do not feel it at all? Most people

will not feel it under this system, will they?

Mr. BORLAND. The great difficulty I see is the one we have been pursuing in the past, a system of revenue by which the large mass of the people pay the freight and a few escape. If we succeed in getting it turned around and the few are paying a larger part for the support of the Government and the large mass of the people are escaping there may be some justification for the change. But the gentleman is not quite correct in saying that the virtue of direct taxation will be lost. One of the many vicious things of indirect taxation was that the people got the idea that the Federal Treasury could be drawn upon for all sorts of things without affecting their pocketbooks. One of the virtues of direct taxation is that the people see written in the tax bill what the Government is spending. Every man that studies economics knows that direct taxation is the manhood of the Nation, while indirect taxation is the childhood of the Nation. You can tax a nation indirectly when it is not got to the point of realizing what it is taxed for. In many nations of the world the people are taxed in that way. When I went into the Spanish-American countries I was struck with the fact that there was no taxation on lands. The taxation was on production and exports and a few monopolies. They said you could not tax the land without creating a rebellion. people would not submit to a direct tax on land.

I am not sure, as I am not familiar with the details, that we have yet been able to enforce in the Philippines a direct tax on They do not understand it. They are willing to submit to any kind of taxation, even a lottery scheme if it is an indirect taxation, no matter how much it degrades the people. Every man ought to have his share of interest in the Federal Government, and he ought to know what it costs him and he ought to pay the money with his eyes wide open. When that condition comes about, when the income tax is the rule in this country, as it must be from now on, as it is in many first-class countries of the world, the people will begin to measure the activities of the Government by what they cost, and if they cost too much it will discourage the activities that are not worth the maintenance. I think that the people ought to have all of the activities of the Government that they want, but they ought to pay for

them with their eyes wide open.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. MORGAN of Oklahoma. I am very much interested in what the gentleman is saying. Is it not a fact that in the State governments, where they pay direct taxes on every piece of property, that nevertheless in the last 20 years the expenses of the State government has increased perhaps in a much larger ratio than those of the Federal Government, and that the taxes are directly on the people?

Mr. BORLAND. No; I am not sure that that is the case. I know that usually the high or low taxes is more often made an issue in the State campaign than in the national campaign.

Mr. MORGAN of Oklahoma. Has not the State government

largely increased in expenditures?

Mr. BORLAND. I know the further fact that the State legislators are always very chary about taking on new activities that are going to increase taxation, and that wherever there is an opportunity to shoulder off any State burdens onto the Federal Government they are very apt to do so. I have noticed in the last two years that it is customary in Western States for the candidates for governor to make a campaign on what Congress ought to do for the people. That has happened in several Western States, and I suppose it happens occasionally in Eastern States.

Before the American people can intelligently pass upon questions as to whether the Federal Government is or is not extravagant, they must know what the activities are that the Government is providing for them, and how much relatively these activities cost out of the total amount to be expended. Then these activities can be cut off by a wise administration, and the people will indorse the action, and the other activities can be accompanied by a tax for their support, and the people will indorse that. That is the British system. The British have an advantage in having their minister on the floor of the popular branch of the legislature, where he is subject to criticism and questioned for the information by any member, particularly the opposite party, and where he must explain the budget to the people.

But before the budget system can be fully effective in this country it might be necessary that we should have the same advantage, or the difficulty that the Speaker mentioned a while ago would still be with us, and that is that the estimates by the department largely exceed the possible revenues of the

Government.

Mr. GALLAGHER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GALLAGHER. There appears to be some criticism because the heads of the departments ask for more money than Congress allows. Is it not the fact that the heads of departments of municipal bodies and States do the same thing?

Mr. BORLAND. Yes.

Mr. GALLAGHER. Is it not a fact that the estimates are large because Congress is in the habit of cutting down the esti-

Mr. BORLAND. Yes; the complaint can be made that the Congress cuts down estimates, and accompanying that comes a very inconsistent charge that Congress is the one that is guilty

of extravagance.

Before there will be any correction of the extravagance of the Federal Government there must be, in my judgment, not only an equal responsibility of the executive and legislative department for economy and efficiency but there must be such a clear-cut responsibility of the Members of the legislative body before their constituents that their constituents will realize and appreciate their efforts in obtaining economy and efficiency fully as clearly as their efforts in extravagance of expenditure.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes. Mr. SIEGEL. Is it not a fact that the States are responsible in that they are running to Congress to get relief in all sorts of questions?

Mr. BORLAND. There is no question about that. I have discussed that subject before, not so much here as before lawyers, but that is a natural growth, and it is something that is hard for us to avoid, and something I am not sure we should avoid. There are certain contingencies that the Constitution did not provide for that did not exist at that time and could not be foreseen; but that can be met by uniformity of legislative action throughout the States. Wherever a subject grows to the proportion that it can not be handled separately by State action, the irrepressible demand rises in the country that the Federal Government take charge of it.

Mr. SIEGEL. Can not the same effect be obtained by each State passing uniform laws, as for instance in the negotiable-

instrument law?

Mr. BORLAND. If the gentleman has followed that he will know that that was the only uniform law that was ever passed by all of the States. That was done through the influence of the American Bar Association. The American Bar Association got every State to agree to pass that law as drafted. Then they tried to get a uniform bill-of-lading law, and they fell down upon that.

Mr. SIEGEL. Is not this true, that if that can be done by concentrated action, then the same thing by agitation can be

done in respect to other laws?

Mr. BORLAND. I think the method of securing uniform action in 48 States is clumsy. The method of the governors' conference has not led to any good result and the business people of the country instinctively turn to the power that has complete control, and that is Congress.

Mr. SIEGEL. Is it not a fact that Congress has so much legislation to attend to during the time that it is in session that it can not give attention to the most important questions, and handle them thoroughly and efficiently, on account of the numerous other measures that are constantly brought here by the people running from the States to Congress for relief?

Mr. BORLAND. I do not think under modern conditions a country can ever grow so large or complex that one legislative body can not conduct general legislation for it. I think there are a great many departmental matters that we need not interfere with, but which we do interfere with. For instance, the Post Office appropriation bill came before the House not long since with a great many departmental regulations. It does not seem to me that there was the slightest use of Congress taking up any of its time upon those things. Yet we probably debated them for days and they excited interest, and Members had to take an interest and vote upon them—things in which the Members of this House have no possible concern and should not have been elected for the purpose of coming here to discuss. They were purely departmental matters. If we are going to hold out to our constituents that we can take care of every half dozen men everywhere who happen to be affected by a departmental order, we are going to have more work than we can do. No body of legislators can do that in such a complex Government as this. We must have an executive department that can inforce the regulations fairly, without interference by Congress.

Mr. GILLETT. Mr. Chairman, I am not going now to discuss this bill. I wish to call attention to the recent change that has been made in the daily statement of the United States You all remember that soon after this administration came in a change in the form of the daily Treasury state-The explanation was given out that the change was inaugurated in order that a form might be adopted which should be true and accurate and scientific and intelligible. I think myself it is very unfortunate ever to change the form unless it is absolutely necessary or is an unqualified improvement, because a great portion of the value of a statement is the comparison that you can make of one day and week and year with another. If you keep changing it, you absolutely destroy the possibility of that comparison. It is often said of the law that it does not make much difference what the law is so long as it always remains the same, so that everyone can know his rights, and the same reasoning applies to Treasury statements-they are as valuable for the comparison they allow between different dates as for the intrinsic information they After this first scientific statement had been prepared by the officials of the Treasury and adopted in daily use, you will remember it was not a great while before there was an-The daily receipts kept getting less than the daily expenditures and the Treasury balance kept perpetually dwindling. We went to bed the night of September 30, 1915, with a Treasury balance, which, according to the statement, had shrunk to some forty-odd million dollars, and woke up the next morning with a Treasury balance, according to the new form of statement, of one hundred and twenty-odd million dollars. Meanwhile the Treasury of the United States had been daily depleted by the excessive expenditures of the Democratic administration, and the suspicion, I think, was engendered that that was the main reason for this sudden change in the form of the daily statement.

But the Treasury Department told us that the change was made in order that the statement might be more intelligible and better appreciated by the people, and perhaps it was only partisan and skeptical persons who suspected that the change was made in order to cover up the low ebb to which the Treasury was reduced. That form of statement has been used since October 1, 1915, up until last Friday, February 16. you know, the great increase in the apparent balance over night was accomplished by counting as assets money which had been credited to disbursing officers in order to pay their debts, and also counting money held for the retirement of national bank notes. On February 15 the statement read like this:

Net balance, including \$70,127,345.28 to credit of disbursing officers, \$74,088,817.99.

On February 16 they suddenly took out the phrase "net balance, including the amount to the credit of disbursing officers,"

and simply said "net balance," and in a note at the bottom of the sheet stated what the amount to the credit of the disbursing officers was. I think we can see a reason for that, As the Treasury's balance is growing less and less every day, in a very few days the amount of the net balance will be less than the amount which stands to the credit of the disbursing officers, and it would look very awkward for the Treasury statement to say that the net balance, including, say, \$70,000,000 to the credit of disbursing officers, was \$60,000,000, for that would show upon its face a deficit of \$10,000,000, and although really there is to-day a deficit in the Treasury of over \$40,-000,000, yet under the present form of statement it does not show, and the Treasury saves its face, unless you read the note

Mr. BENNET. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. BENNET. What would happen if the disbursing officers should all at once conclude to draw their balances?

Mr. GILLETT. The Treasury would be bankrupt. Mr. BENNET. In other words, the United States Government is in the shape to-night where it can not pay the disbursing officers' checks if they all happened to be drawn at once?

Mr. GILLETT. It can not pay the disbursing officers' checks, and also the amount which is allowed for the retirement of the national-bank notes, which is really a trust fund.

Mr. BENNET. Surely.

Mr. GILLETT. Of course, it could to-day pay the disbursing officers alone, using the trust funds for that purpose, and have a couple of million dollars to spare; but by the end of next week it probably could not do that.

Mr. WATSON of Pennsylvania. One not a skilled bookkeeper would think that the Treasury had a net balance of \$70,000,000. Mr. GILLETT. Certainly; unless they read this note below, Mr. WATSON of Pennsylvania. They would be obliged to

examine the note below to discover the real balance.

Mr. GILLETT. Exactly.

Mr. WATSON of Pennsylvania. That is not fair to the American people.

Mr. GILLETT. I am not surprised that you think so. Mr. WATSON of Pennsylvania. The Treasurer neglected to deduct about \$4,000,000 which were warrants he had given.

Mr. GILLETT. The gentleman refers to the warrants due

when made?

Mr. WATSON of Pennsylvania. It is not there; when a man gives a check the balance is not there, and that makes 4,000,000 more.

Mr. GILLETT. Exactly. These changes in the form of the Treasury statement, made already three times under Mr. GILLETT. this administration, create an uneasy feeling that the ury of the United States is not being conducted in the high and open plane which we have a right to expect, that the bookkeeping is changed and accounts are juggled in order to hide and cover up facts which would tend to discredit the administration. There is another topic to which I wish to allude. This bill, like all the other appropriation bills, contains provision for an increase of salaries for the clerical force of the Government. I recognize the difficulty which everyone on a salary encounters in continuing their usual scale of living when the scale of prices of all kinds of necessities has so increased; but I regret that the majority of the House, instead of meeting the emergency by a temporary expedient, has not seized the occasion to effect the permanent changes which the departmental service so much needs.

Years ago I had occasion, as chairman of the Committee on Civil Service, to investigate the question, and I came to the conclusion, which I have held ever since, and which I have frequently announced, that one of the greatest needs of the Government service to-day was an entire reclassification of the Government employment, with a new grading of salaries, and in connection with it some kind of a retirement plan. Years ago we worked on the project and went so far as to report a measure to the House, but it is, of course, a difficult problem; one which requires an enormous study of detail, and the House was always too busy to take enough interest in it to seriously consider it.

And yet it is a subject of pressing importance. To-day in all the departments men and women are sitting side by side doing practically the same work and receiving very different compensation. There are cases where those who do the most difficult work and the greatest amount of it, receive less compensation than those with far easier tasks, and yet I fear until there is general legislation covering the whole subject these inequalities will continue.

Then there is the question of superannuation pressing upon us with constantly increasing force. It has stared us in the face for many years and has not been met. As far back as 1890 Congress enacted a provision that the different departments should report annually to Congress what clerks they employed who fell below a fair standard of efficiency, but I suspect the Cabinet officers have been very loath to give a full and accurate report of those cases. I looked over the Book of Estimates this year and found the number so reported was very few, although among them were reported some clerks who were still allowed to receive the highest grade of salary.

The Appropriations Committee found some years ago, by the admission of some of the Cabinet officers, that some of the departments were inaugurating what was practically a system departments were inaugurating what was practically a system of pensions, by keeping men who were practically useless but giving them very small salaries. Congress apparently felt that inasmuch as there was no pension law, the heads of departments had no right to establish one, and so it was enacted that no man should be kept in the service who was incapacitated, except temporarily; but the effect of that was not to discharge the incompetents whose salaries had been reduced, but on the contrary it really resulted in greater expenditure, because the heads of departments avowedly avoided obeying the law by not admitting that any of the men were incapacitated. This prevented their reducing them in pay as they had formerly, be-cause that would be an admission that they should be discharged, and so the real result of that effort to secure economy was, I fear, a still greater extravagance.

The heads of departments can hardly be blamed for reluctance to discharge a clerk who has grown old in the service and has no other means of support. Some system of pension would, I believe, be economical for the Government as well as desirable for the employees. I have always favored a contributory pension law, but I think almost any pension system is better than the present conditions, because now there is a practical pensioning of men who are no longer able to give the Government efficient service but who are kept on from sympathy; and yet, inasmuch as this is not authorized by law, no one can be sure of obtaining it or of its continuance, and so it makes a pension system of favoritism and uncertainty which must be galling to both the employers and the employed and is worse than any pension system we could adopt.

It is hard to arouse the interest of the House to these abuses, which they do not practically feel, but present conditions are expensive for the Government and unsatisfactory to the clerks. The exigency which prevailing high prices has so clearly forced upon the attention of every one offered a splendid opportunity for a thorough, fundamental, and permanent reclassification of salaries, and accompanying it with a retirement law, which would relieve the situation not only for the moment but for years in the future.

I think it is much to be regretted that the Committee on Civil Service, which I do not think has been overworked, should not have tackled this problem at this opportune moment, when the attention of Congress was forced upon it, and brought out some form of settlement. I admit that years ago, when we tried, we were not successful, but the thing has grown ever since, it is much more pressing with each advancing year, and an emergency like the present is, I fear, the only time when the matter can obtain a hearing at the hands of Congress, and I think it is most unfortunate that there has been no attempt to meet the present emergency by some such permanent and valuable solution of the whole problem.

Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, were it not for the fact that coming events cast their shadows before, I would not be tempted to speak upon this occasion.

It has been often repeated upon the floor of this House and elsewhere within the last few days that no one can tell what the morrow may bring forth.

The President of the United States has severed diplomatic relations with Germany. The President, in his address to both Houses of Congress on February 3, 1917, stated in part, after setting forth certain conditions:

I shall take the liberty of coming again before Congress to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas.

Again, in the latter part of the same address, this statement is made:

We seek merely to vindicate our right to liberty and justice and an unmolested life. These are the bases of peace, not war. God grant we may not be challenged to defend them by acts of willful injustice on the part of the Government of Germany.

You will observe that the President has used the words "for

tion of aggression. It is a question of protection and selfdefense.

I trust that if conditions arise which prompt him to again appear before the American Congress, in accordance with the statements made in his former address, he will keep in mind the words "unmolested life," "liberty," "justice," "protection," defend."

I sincerely trust that he will not be influenced by those who, in this hour, are endeavoring to ally the United States Govern-

ment with the entente powers.

I trust that the President of the United States at this critical time will not be influenced by that seer and prophet from New York—the editor of the North American Review—who has had some success as a diagnostician of political situations, and the bringing out of presidential candidates—the old-time friend and the new-time critic of the present President of the United States-the man who in a recent speech made in this city gloried in the thought of beholding the flower of American man-hood mingling in the trenches with the soldiers of England and France, from Flanders to Switzerland, and participating in the death and carnage on the blood-stained battle fields of the eastern world.

In reply I will say, if it becomes necessary to have trouble or war with any European power, let the United States Government settle that trouble or wage that war without the aid or consent of any other nation upon the face of the globe. plause.]

The question naturally arises, why should we as a free people take that position? In a few brief sentences I will endeavor to tell you why.

Because it means that we can all march shoulder to shoulder in a common cause.

Because for over 100 years our Nation has held a supreme position on the Western Continent.

Mr. BENNET. Will the gentleman yield?
Mr. SWEET. I will.
Mr. BENNET. Does the gentleman think there is any doubt at all that in the defense of American rights simply the American

can people would stand as a unit?

Mr. SWEET. They would for American rights.

Mr. BENNET. I think the gentleman is correct.

Mr. SWEET. But they propose to fight that war alone, if we have a war, without the aid or assistance of any other Government on the centle. [Appleuse 1]

we have a war, without the aid or assistance of any other Government on the earth. [Applause.]

Because we, as a free people, can not afford to ally ourselves with Great Britain, France, Italy, Russia, or Japan, and thus make their cause our cause, and their grievances our grievances.

Because we, as a Republic, can not afford to ally ourselves with the monarchies of Europe, whose civilization has been constructed upon a wrong basis, and which has irresistibly led to one of the most terrible conflicts of all the ages.

Because we can not afford to lose our independence of thought and action in order to gain a seat at the council table when peace is finally declared. We can not afford to assume the obligations that may be imposed when the boundary lines of the nations of Europe are marked out and indemnities are awarded. We can not allow the nations of Europe to dictate to us.

Because we can not afford to submit our great resources, illimitable wealth, and the flower of our manhood to the keeping, dictates, and domination of Great Britain, France, Italy, and Russia.

Because we can not afford to form entangling alliances from the standpoint of the present, nor from the viewpoint of the not far distant future. The struggle across the sea is like a mighty whirlpool. It is easier to be drawn in than it is to get out after we are once in.

We can not afford to jeopardize the great principles of civil and religious liberty for which our forefathers fought and died to establish on this continent.

We can not afford to allow Great Britain or any other of the allied powers to do our thinking, conduct our negotiations, officer our armies, and command our forces on any foreign soil.

We can not afford to furnish millions of men and illimitable treasure to Great Britain when we remember that in the hour of dire extremity, when the life of the Nation and perpetuity of free institutions on this continent hung in the balance, she gave

aid and succor to those who sought to destroy it.

We can not allow our military forces—the sons of freemen—to land upon a foreign shore and be subject to the orders and dictates of kings.

Because it may become necessary for us to declare war against Great Britain as well as Germany; for has not Great Britain the protection of our seamen and our people," and in the last repeatedly violated the rules of international law applicable to sentence quoted he used the word "defend." It is not a questine neutral nations, pilfered our mails, intercepted our cargoes bound to neutral ports, destroyed our commerce, and interfered with our freedom of the seas?

Are we to treat these acts of Great Britain as caresses and

those of Germany as murderous?

Are we to take the acts of one nation as grounds for an alliance and friendship, and the acts of the other as a basis for war and hatred, when the acts of both nations have not been done because of any antipathy or sympathy for us, but because they are in the throes of a life-and-death struggle?

I am not justifying the acts of either; but should we, under all the circumstances, palliate the acts of one and condemn the acts of the other, or should we in good conscience protect American rights on land and sea and condemn all their illegal and inhuman acts, both great and small? Should we hold one to "strict accountability" and let the other pursue an uninterupted course? Why should we not hold both nations to a strict accountability "? rupted course?

Do not misunderstand me, gentlemen. I am not warring to-day with what the President has done in severing diplomatic relations with Germany. What I am contending for to-day is that the next step be taken with great care and deliberation.

Time has furnished abundant proof to the world that the United States Government, founded upon equality and the principles of representative government, is able to maintain the rights of its people and make them secure in their property, their happiness, their reputation, and their sacred honor.

America is opposed to militarism and hates war. America

is not for peace at any price. America, in my judgment, when aroused, prepared, united, can maintain itself against all

We can not afford to allow the civilization of Europe to dominate our civilization. Their civilization has ignominously failed. Ours must and shall succeed. In the name of humanity America must forever be a dominant factor in the future history of the world.

Men may cry out, Peace! Peace! Universal peace! there will be no permanent universal peace of the world until the dominant nations of the globe have adopted the principles of free institutions [applause]; until it is impossible for one nation to declare war upon another except by the will of the sovereign people, as expressed through their chosen Representatives in Congress assembled; until the individual is enthroned in all the dominant governments on the earth.

When we are assailed from without we must not have dissensions within, but this does not bar the Representatives of a free people from discussing matters of great moment with can-Each department of government should keep within its

constitutional limitations.

When a majority of the Representatives in Congress as-sembled have honestly determined upon a course against any foreign power, we must keep in mind the fundamental principles upon which our Government is founded-we must be united; we must all march one way, under one flag, and that the flag of our country.

I trust that the President will not form, or even propose, en-

tangling alliances with any foreign power.

I trust that this Nation will not be drawn into the European [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. GILLETT. Mr. Chairman, I yield 10 minutes to the gen-

tleman from Wisconsin [Mr. Browne].

Mr. BROWNE. Mr. Chairman, I wish to address myself for a few moments to the revenue bill which was passed a few days ago by this House and is now in the Senate, and in particular to an amendment which proposes to reduce tax on oleomargarine from 10 cents to 2 cents a pound, raising the tax on uncolored oleomargarine from one-fourth of a cent to the flat rate of 2 cents a pound. It is quite peculiar that this is the only great industry that comes before Congress at this critical time, when we need revenue, and asks to be taxed. Most every institution is trying to escape taxation, but the oleomargarine people come here and ask to be taxed, to pay into the Treasury of the United States about \$10,000,000 a year, which the author of the amendment claims that this tax on oleomargarine will produce.

Now, let us examine the proposition a little. It is a peculiar one. Let us see what effect this tax will have upon the people and upon a great legitimate industry. In the first place, I claim that the raising of this tax from one-fourth of a cent to claim that the raising of this tax from one-router of a con-2 cents a pound, and which will raise probably \$10,000,000, as they claim, will come out of the pockets of the poor man. To-day we manufacture in the United States about 150,000,000 pounds of oleomargarine. Ninety-seven and one-half per cent of this amount is uncolored and is sold to the consumer as un-

colored oleomargarine. Now, the uncolored oleomargarine pays at the present time a tax of one-fourth of a cent a pound. 21 per cent of the amount we manufacture pays a tax of 10 cents a pound. And so if we raise this tax from a quarter of a cent to 2 cents a pound on uncolored oleomargarine it means that the common people, the people that buy uncolored oleomargarine, and know what they are buying, and who want it, want to buy something cheap, will pay this \$10,000,000 that the Senate amendment produces. This money is going to come, therefore, out of the pockets of the poor people of this

Now, another effect it is going to have is this: When you color oleomargarine it immediately stands as a competitor in some degree with butter. That is why it brings a higher price. You go down to the Center Market here in Washington to-day and you find uncolored oleomargarine selling for about 19 to 20 or 21 cents a pound, while the colored oleomargarine, which is no better or no more wholesome, sells at from 32 to 34 or 35 cents a pound. The reason it sells higher is on account of the color. Now, when you take the tax of 10 cents a pound off of colored eleomargarine and allow it all to be colored it is going to bring up the price of oleomargarine, and the poor man is not only going to pay the 13 cents tax-this \$10,000,000-but he is going to pay the increased price the colored oleomargarine will have when you color it. Thus for every dollar that the consumer of oleomargarine pays the Government he pays the large packing houses and oleomargarine factories from eight to ten dollars.

You can readily see, then, why the manufacturers of oleomargarine are asking the Government to tax them. When the cottonseed-oil people and the great packers pose as philanthro-pists beware, for there is usually a "colored man in the woodpile."

Now, what effect is the passage of the Underwood amendment going to have on the dairy interests of this country? It is going to bring down the price of butter. There is no question about it. Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. GALLAGHER. Are you talking in behalf of these poor people you refer to or in behalf of the dairy people?

Mr. BROWNE, I am talking for both. Oleomargarine is perfectly legitimate, but people want to know what it is when they buy it, and I am against having it masquerade under the appearance and as a counterfeit of an article like butter.

Mr. GALLAGHER. Do you not believe it is unfair to tax any one industry at the expense of another industry, as they

have done in the case of oleomargarine?

Mr. BROWNE. I consider that you are not taxing an industry. In answer to the gentleman's question it would be clearly unconstitutional to tax a legitimate industry for the benefit of another. But the Supreme Court of the United States fortu-nately has passed upon the very question that the gentleman from Illinois has asked. The Supreme Court of the United States in Plumley v. Massachusetts (155 U. S., p. 467) says:

States in Plumley v. Massachusetts (155 U. S., p. 467) says:

Now, the real object of coloring eleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers, who do not closely scrutinize the label upon the package in which it is contained, to buy it as and for butter produced from unadulterated milk or cream from such milk. The suggestion that eleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter. If anyone thinks that eleomargarine, not artificially colored so as to cause it to look like butter, is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statute of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice, in such matters, a fraud upon the general public. The statute seeks to suppress faise pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of eleomargarine for what it really is by preventing its sale for what it is not. Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which, in fact, is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any article, even those that may have become the subject of trade in different parts of the country?

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield again?

Mr. BROWNE. Yes.

Mr. GALLAGHER. Is it not a fact that a tax of a quarter of a cent a pound on oleomargarine would be a sufficient regulatory tax, if that were the intention of the tax?

Mr. BROWNE. I do not believe that uncolored oleomargarine

should have any tax more than it now has of one-fourth of a cent per pound. The only principle upon which they tax it is so that it may go through the internal-revenue collectors' hands, and they can prevent it from masquerading as butter. That is the only reason,

Mr. GALLAGHER. Well, a quarter of a cent a pound tax would not mean the taking of \$10,000,000 from the pockets of the people.

Mr. BROWNE. No. A quarter of a cent a pound tax would simply pay the expenses of the Government's revenue collector examining it. I am against coloring it at all.

Mr. BORLAND. Mr. Chairman, will the gentleman yield? Mr. BROWNE. Yes.

Mr. BORLAND. If I understand the gentleman's criticism, he seems to think that if the tax were taken off and oleomargarine were allowed to be colored it would very soon climb up to a price perhaps a little lower than real butter, but it would be in competition with the price of real butter?

Mr. BROWNE. Yes.
Mr. BORLAND. And that the poor people who ought to be permitted to buy it for its true and intrinsic value would not have the opportunity to do it?

Mr. BROWNE. Yes. I made that point.
Mr. BORLAND. Yes. Then, assuming that this tax is not a tax at all, but is intended to kill off the manufacture and sale of oleomargarine, how would the gentleman accomplish the purpose of giving the people more oleomargarine at its own intrinsic value? How would the gentleman accomplish that?

Mr. BROWNE. I would accomplish that by taxing uncolored

oleomargarine one-quarter of a cent a pound-the way 971 per cent of the oleomargarine that is sold to-day is taxed.

The CHAIRMAN. The time of the gentleman from Wis-

consin has expired.

Mr. Chairman, I ask for five minutes more. The CHAIRMAN. The gentleman from Massachusetts has control of the time.

Mr. GILLETT. I yield to the gentleman five minutes more. The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes more.

Mr. BROWNE. I would tax it one-quarter of a cent, so that it would pay the United States Government for handling it and seeing to it that it is pure.

Mr. GALLAGHER. And regulate its sale?

Mr. BROWNE. Yes; and regulate its sale.
Mr. BORLAND. The gentleman recognizes the fact that oleomargarine is really wholesome?

Mr. BROWNE. Yes; I recognize the fact that it is wholesome, and the people who like it ought to have the right to use it. I think it is perfectly wholesome.

Mr. GALLAGHER. The gentleman will admit that butter is

also colored?

Mr. BROWNE. Yes; butter is colored in the natural color of butter. In the wintertime butter is white, and it is colored to satisfy the trade.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield? Mr. BROWNE. Yes.

Mr. COLEMAN. Is it not true that fraud is perpetrated in certain quarters by coloring oleomargarine and selling it at

increased price?

Mr. BROWNE. Yes; I think so.

Mr. GALLAGHER. That is not done by the manufacturers,

Mr. BROWNE. No; I do not think it is done by the manufacturers but by those that handle it.
Mr. COLEMAN. It is done by the retail dealers?

Mr. GALLAGHER. Yes.

Mr. BROWNE. I think so. The articles permitted to enter into the composition of oleomargarine, under section 2 of the present oleomargarine law, are as follows:

All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto, and other coloring matter, intestinal fat, and offal fat.

All of those are allowed by the laws of this country to go into the manufacture of oleomargarine. It is quite a peculiar thing. I have had a great many letters both from farmers and also from others in regard to this proposed law. This same amendment is embodied in a bill before this House known as the Aswell bill. I received a letter the other day from the B. J. Johnson Soap Co., that has its offices in Milwaukee; New York; Chicago; Minneapolis; Detroit; St. Louis; Toronto, Canada; and London, England, with factories in Milwaukee and Toronto (they manufacture Palmolive soap), and this is what they say:

MILWAUKEE, WIS., January 31, 1917.

Hon. E. E. Browne,

Washington, D. C.

Dear Sir: As the Aswell bill is soon to come before Congress, we ask you, as our Representative from Wisconsin, to do what you can to help pass this bill.

We are in favor of having the unjust eleomargarine law changed from a tax of 10 cents a pound on colored eleomargarine to 1 cent a pound on all eleomargarine, of changing the name from eleomargarine to mar-garine, of having all goods labeled "margarine" in large type, and also of having a list of ingredients of the articles printed on wrappers and containers containers.

We can see no more reason for taxing colored oleomargarine 10 cents a pound than for taxing colored butter, as most of the butter is artificially colored. If the tax should be reduced to 1 cent per pound on all oleomargarine, the revenue-office receipts would be increased by several million dollars each year and the consumers would be saving millions also.

ons also.

This would reduce the butter item in our "high cost of living" by 50

per cent.

This will not interfere with the farmer, for his milk will bring a big price for years to come on account of the condensed-milk and cheese

price for years to come on account business.

Trusting you will see that the Aswell bill is for the benefit of the people of Wisconsin and the United States and that you will do what you can to insure the passage of this bill, we are,

Respectfully, yours,

B. J. Johnson Soap Co.,

B. J. JOHNSON SOAP CO., Per ALAN PORTER LEE.

I do not know whether these soap factories manufacture oleomargarine or not, but I imagine they do from their interest in this legislation; but I can see how, from the ingredients used, these two factories could be combined very readily.

Now, I want to say this, that oleomargarine was first invented during the Franco-Prussian War as a necessity as a substitute for butter, but France has had to legislate against it to protect the dairy interests, and Germany has, and every country in the world has had to protect the dairy interests against the oleomargarine interests. In France, Germany, and Belgium they will not allow oleomargarine to be sold in the same establishment or store as butter. It must be sold in a separate store. In Denmark they do not allow it to be colored, and it must also be sold in an oblong shape.

Mr. GALLAGHER. They also have many State laws here that cover sales.

Mr. BROWNE. Most of the States have laws to protect themselves against this, besides the general protection that is given the dairy interests by this 10 per cent tax. Now, the dairy interest in this country is too big and beneficial an interest to have Congress pass such a measure as this at a time like this without considering the measure more than this amendment has been considered, without the matter going before the Agricultural Committee and being discussed thoroughly. There are estimated to be about four and one-half million farmers engaged in the dairy business to-day in the United States, and the output of the dairy farmers in this country amounts to something like a billion dollars a year. My own State of Wisconsin produces annually something like \$100,000,000 of dairy products. Our great dairy industry has grown up in Wisconsin by being protected by the State from frauds and counterfeits. The State has legislation that has gone through the Supreme Court, and the State has been respected in trainer to protect our dairymen from electroscentil. successful in trying to protect our dairymen from oleomargarine. We do not object to oleomargarine, but we want it be sold true to its name. The Senate amendment, when it strikes at the dairy industry, strikes at agriculture in general, because the dairy industry is a basic industry. We keep up the fertility of our lands by it, and its many by-products bring almost as much benefit as the industry itself. [Applause.]

Mr. GILLETT. I yield to the gentleman from New York [Mr. Benner] five minutes. [Applause.]

Mr. BENNET. Mr. Chairman, I do not agree with the position taken the other day by the gentleman from Tennessee [Mr. Garrett] that we ought not to discuss our troubled interna-tional relations. The Congress of the United States is the forum for such discussion. Having been absent for nearly two weeks on the business of the House, in connection with the Wall Street investigation, I have not heard the various speeches. But I have read them all. I wish to congratulate the House on having indulged in real discussion. The speeches have all been genuine arguments, from that of the gentleman from Pennsylvania [Mr. Bailey] at the one extreme, to that of the gentleman from Massachusetts [Mr. GARDNER] at the other.

The views of one who is so soon to leave public life possess trifling importance. But for what they are worth I submit them. What is our status? As President Adams and the House of his

day expressed it, we are not a degraded people.

How to show this? By asserting and maintaining the rights of American citizens to live, possess property, and to use that

property in usual and ordinary ways on land and sea.

We have wholly failed to do this in Mexico. A curious Mexican is said to have asked some Americans: "What will make the American people fight? We have destroyed your property, we have killed your men, we have killed your children, we have outraged and destroyed your women. The American people do not fight. What does make them fight?" How far is this from being an epitaph on our sovereignty?

Great Britain has flagrantly violated our rights on the seas. But she has not killed our people. On paper we have kept the record straight. This Congress, to our everlasting honor, has passed a law giving the President certain powers of reprisal and retaliation, and placed at his disposal for the purposes of that law the full use of our Army and Navy.

Germany has not treated our rights at sea with any more technical disrespect than has Great Britain. But she has killed

our people and warns us that she will kill more.

When she plainly told us that she would disregard international law in a manner which meant the killing of more of our people unlawfully, she left no course open to the President but that which he took.

What ought we to do?

We authorized the President to meet the incursions of Great Britain by means which, if used, we deemed adequate. For the enforcement of that statute we the representatives of all the people gave him the Nation's Army and Navy. But while admitting and asserting the grave invasion of our rights we nevertheless did not declare war. The course of Congress was sober,

sane, and not cowardly.

As to Germany, we should remember, first, that we have a just grievance against her entirely disconnected, so far as we

are concerned, from her contest with the allies.

It is our rights that are being infringed. It is our duty to maintain those rights. In doing so we should use no aid from the allies and place ourselves under no obligations to them. We are big enough to look after ourselves. Germany says that she will sink our vessels on sight in the barred zone. We should meet this by putting proper cannon and skilled men from our Navy on our merchantmen, and, if necessary, by using our naval vessels to convoy our merchant vessels. This is the counterpart of the course which we followed with France during the administration of Presidents Washington and John Adams. That course stopped the aggressions of France, established us as a selfrespecting entity in the family of nations, and kept us out of dangerous alliances.

It is, at any rate, the proper next step.

Most people now see that there is no present necessity for a declaration of war against Germany. If we declare war, the

following serious questions must be considered:

First. No nation has followed our lead and broken off relations with Germany. If, therefore, we declare war we definitely abandon our present position as the most powerful neutral and alone add strength to the allied side. We give up definitely, finally, and forever all right to speak for and with the neutrals after the war.

Second. We enter, as an interested principal, the tangled web of European diplomatic intrigue. We assume a part in the decision of questions in which we can have no possible concern.

Third. We give our European allies the right to be taken into consultation in connection with the affairs of the Western

Fourth. As a practical matter we waive all the claims of our citizens, growing out of this war, amounting to millions upon millions, against Great Britain, France, and Russia.

Others will undoubtedly think of additional reasons of like

weight. But those I have mentioned are serious.

If the President asks me to vote to put men and guns on our threatened merchantmen, I shall so vote.

American rights must not only be asserted but maintained. We may be compelled by events to do more than I have suggested in order to maintain those rights; if we have any hope for our future as a Nation we can not now do less. [Applause.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from

New York [Mr. Siegel] such time as he desires.

Mr. SIEGEL. Mr. Chairman, the question that is agitating the minds of the people of New York City, Philadelphia, and the other large cities of the East is as to when this Congress is going to take action on the question of obtaining for them food at prices that will give a reasonable profit to the men who are selling it to them. They find that both their pockets and stomachs are empty, although we are supposed to have prosperous times. We have witnessed in the city of New York, in my district and in other districts represented by gentlemen on the floor of this House, a series of riots resulting from the fact that noor of this House, a series of riots resulting from the fact that onions have suddenly risen to 18 and 20 cents a pound, when they were only 2 or 3 cents a pound a year ago. Sugar has risen to 13 cents a pound, when it was being sold for 7 cents a pound a year ago. Potatoes have suddenly jumped to \$9 and \$9.50 a barrel, when they were being sold at \$3 a barrel a year ago. And so along the line. And it is not surprising, Mr.

Chairman, that our charitable institutions of the city of New York have had more applications for relief during the past few months than they had in the same period of time last year.

At the same time we all read in the newspapers yesterday, including the Washington newspapers, that twenty-old ships, loaded to the gunwales with food, including canned salmon and other foodstuffs that were canned, were leaving Norfolk for abroad. Simultaneously with that salmon went up 3½ cents a can in the city of New York. In other words, the pound cans that were sold for 14 cents suddenly sold for

yesterday.

I might point out that the relief which the people are asking was promised them several months ago by my distinguished colleague from Brooklyn [Mr. FITZGERALD]. He stated in the newspapers—and I believe he introduced a bill that would temporarily put an embargo on foodstuffs leaving this country while prices continued so extraordinarily high. The people of New York City are commencing to wonder what has become of that measure and whether it is ever going to be discussed here. I introduced to-day a resolution requiring the Interstate Commerce Commission temporarily to place an embargo on all freight coming from Chicago east except food, coal, and the other things that are necessary for the proper maintenance of human and animal life. It reads as follows:

[Sixty-fourth Congress, second session.]

House joint resolution calling upon the the Interstate Commerce Commission to forthwith issue instructions prohibiting the movement of any freight for 60 days on all railroads running east of Chicago except foodstuffs, coal, and other commodities necessary to sustain human and animal life.

human and animal life.

Whereas the prices demanded for foodstuffs in cities east of Chicago are exorbitant in prices, the real cause of which this Congress can not in the short time remaining before it determine; and Whereas an extraordinary condition of affairs exist wherein food and coal are being sold at prices far beyond the financial means of a large number of people of the United States; and Whereas it is claimed by competent authorities that temporary relief can be had by the imposition of a temporary railroad embargo against all commodities carried by railroads running east out of Chicago except foodstuffs, coal, and other commodities necessary to sustain human and animal life; and Whereas it is claimed that the railroads are giving preference to freight carrying other merchandise, paying a greater revenue than is paid for the carrying of foodstuffs: Therefore be it

\*Recolved, etc., That the Interstate Commerce Commission be, and it

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, requested to forthwith issue instructions prohibiting the movement of any freight for 60 days on all railroads running east of and out of the city of Chicago, State of Illinois, eastward bound, except foodstuffs, coal, and other commodities necessary to sustain human and animal life.

I propose to call up that resolution if I possibly can and exert every effort to obtain the same kind of swift action on it that I obtained for the infantile paralysis resolution last year, through the courtesy of the Members of this House.

An editorial appeared in last night's New York Globe that analyzed the situation fully. I ask leave to insert it in my

remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The editorial referred to is as follows:

[From the New York Globe, Feb. 21, 1917.]

THE FOOD SHORTAGE.

If 1916 the country produced 400,000,000 fewer bushels of corn than in 1915; of wheat, 400,000,000 fewer bushels; of oats, 200,000,000 fewer bushels; of barley, 50,000,000 fewer bushels; of potatoes, 100,000,000 fewer bushels; of barley, 50,000,000 fewer bushels; of potatoes, 100,000,000 fewer bushels. In these five crops production was down 1,150,000,000 bushels, or 10 bushels per capita.

A glance at these figures sufficiently indicates one cause of higher prices, and the cause is of such a nature as to suggest that noisy visits to the mayor will not remove it. The area of Greater New York is not largely given to food production. The mayor is not able any more than his visitors to improvise potatoes.

Yet things can be done that are not done. The American system of distribution is wasteful and extravagant. Speculators in supplies are permitted to extort. Retailing has overhead expenses that require too high a profit percentage. Toll takers of all kinds have successfully interposed themselves between producers and consumers. Rents going to landlords are higher in New York than in any other city in the world. We have no market system and attempt to get along with methods which may be appropriate to a village, but not to a concentrated population of 6,000,000.

These things have long been known, yet neither the City Hall nor Albany nor Washington does anything to the purpose. From time to time there are "investigations," but no results. Few are disposed to grapple with the realities of the situation, and when anyone makes any definite practical proposal he is fallen on by all sorts of special interests which have a pecuniary concern in perpetuating bad conditions. The public has no friends. It is a helpless hulk preyed upon by the grabbers and wasters, who fight from behind the intrenchments of an excessive individualism.

It is time to cease paying allegiance to outworn political formulas. The public has the right to protect itself. What we can not do Individually we must do collectively. If it is possible, for

a change. If the community can save a dollar a ton on coal by all buying together, the dollar is worth saving. The welfare of profiteers should not be the dominant thought of our laws.

At the city hall, at Albany, and at Washington the cost-of-living problem should be attacked with a changed spirit. Most of the old assumptions should be scrapped. It is possible to cut in two distributing costs, and the yelping of those who now fatten on the waste should be disregarded.

Mr. SIEGEL. The New York Times printed the following article on February 20, 1917, and the figures emphasize the urgent necessity of Congress acting promptly:

Potatoes are reported from the Riverhead, N. Y., depot to have advanced to \$3.25 a bushel to commission men; and few farmers have sold at that price, as they believed the price will go to \$4 before the week is out. It was reported that 215,000 bushels of potatoes were being so held in and about this city.

City inspectors working in the big wholesale markets and on the plers have compiled a table showing the high and low prices of vegetables and fruits for 1916 and 1917, to date. The figures were arrived at by getting the wholesale prices in the different market places and striking an average. Here is the table, and it will show the housewife at a glance just how the food market has risen:

The price records.

Commodity and quantity or container.	Prices, 1916.		Prices, 1917.	
	Low.	High.	Low	High.
Apples, barrel Apples, box Apples, box Pears, basket Cranberries, barrel Strawberries, quart Kumquats, quart Kumquats, quart Tangerines, one-half box Oranges, box Grapefruit, box Lemons, box Pineapples, box Potatocs, 180 pounds Bernuda potatoes, barrel Sweet potatoes, barrel Sweet potatoes, barrel Brussels sprouts, quart String beans, basket Berts, barrel Beets, 100 bunches Beets, barrel Beets, crates Carrots, 100 bunches Carrots, 100 bunches Carrots, 100 bunches Carrots, 5 arrel Carrots, crate Carrots, crate	\$1.75 1.25 2.00 1.15 0.88 1.00 1.40 2.51 1.75 2.00 3.30 4.00 8.00 8.00 8.00 1.00 1.50 1.00 1.50 1.50 1.50 1.50 1	\$4.50 2.50 .90 9.00 .28 .25 4.00 3.59 3.25 4.50 4.00 7.00 1.10 12.00 2.00 2.00 1.75 2.00 1.75 2.00 1.10 2.00 1.75 2.00	\$3.00 1.30 1.75 2.00 1.15 0.05 1.75 1.50 1.00 2.50 1.02 8.00 1.02 8.00 6.00 2.02 2.25 2.00 2.25 2.25 2.25 2.25 2	\$7.50 2.50 1.755 8.50 .40 2.75 4.50 3.60 9.75 11.00 2.00 12.00 6.00 0.16 12.00 4.00 4.00 2.55 4.00 2.75 5.40 1.00 2.75 5.40 1.00 2.75 5.40 1.00 2.00 2.00 1.00 1.00 1.00 1.00 1.0
Celery crate. Cauliflower, one-half crate. Cucumber, dozen. Chicory salad, basket Escarole salad, basket Eggplant, box Horse-radish, 11 pounds Kale, barrel. Kohl-rabi, 100 bunch. Lima beans, basket or crate Lettuce, basket. Onions, 100-pound bag. Leeks, 100 bunches. Okra, crate. Peas, basket. Peppers, crate Paraley, barrel Parsnips, barrel Parsnips, barrel Radishes, 100 bunches. Romaine salad, basket. Shallots, barrel Spinach, barrel Squash, barrel Turnips, barrel Yellow turnips, barrel Tomatoes, crate. Tomatoes, crate. Tomatoes, barrel Mushrooms, 4-pound basket Mushrooms, 4-pound basket	1.50 .755 1.00 1.00 .555 1.00 2.00 1.00 .75 1.50 1.00 1.00 1.00 1.00 2.00 1.00 1.00 1.0	2.25 2.00 2.00 5.00 5.50 2.50 3.50 2.25 2.25 4.50 2.25 4.50 4.00 4.00 1.00 3.50 2.25 4.50 2.25 4.50 2.25 4.50 2.25 4.00 4.00 1.50 2.50 2.50 4.00 1.50 2.50 4.00 1.50 2.50 4.00 1.50 1.50 1.50 1.50 1.50 1.50 1.50 1	3.00 1.50 1.00 2.00 7.00 2.50 4.00 1.00 11.00 11.00 2.00 2.00 2.00 2.00	5. 00 2. 00 3. 00 3. 00 3. 00 3. 50 8. 00 8. 00 6. 00 15. 00 10. 00 4. 00 4. 00 4. 00 4. 00 4. 00 4. 00 4. 00 4. 00 4. 00 5. 00 5. 00 5. 00 5. 00 5. 00 5. 00 5. 00 5. 00 5. 00 5. 00 5. 00 5. 00 6. 5

### SHORTAGE OF FARM LABOR.

Cannel goods have advanced wholesale since the 1st of the month as follows: Pears, \$1.50 to \$1.70 a dozen; spinach, \$1.50 to \$1.65 a dozen; squash, \$1.30 to \$35; corn, \$1.40 to \$1.50; salmon, \$1.90 to \$2.10.

Four thousand boxes of tomatoes, said to be worth \$1.15 a box, arrived on the Ward liner Monterey (from Progreso, Mexico). The greatest increase in any vegetable reported is in cabbages, which have gone up from \$7 a ton, the lowest 1916 price, to \$160 a ton. A report from Texas states that cabbages grown in that State have gone to \$125 a ton in the home market. This is a record price.

A short crop of all vegetables raised in the Vineland, N. J., district may be looked for this summer. Farmers, it is said, contemplate planting only enough to care for immediate needs. This is because of the high cost of seed and the scarcity of farm labor. Seed potatoes, usually \$3 a bag and now held at \$10, are expected to advance at least \$2 more later in the year.

Farm labor is now engaged in more remunerative work in the industries. Agents of manufacturers have been through New Jersey offering laborers \$3 and \$4 a day and furnishing them free transportation to the scene of their employment. A proposal has been made to call a

convention of farmers in Cumberland and Salem Counties in New Jersey to see if it is not possible to bring in help to till the land. There is talk of utilizing negro or convict labor for this work.

The New York Times discusses to-day the food problem in an editorial, which I read:

[From the New York Times, Feb. 22, 1917.] THE FOOD DEMONSTRATIONS.

These food demonstrations are different. Neither the unemployed nor the unemployable are conspicuous among those clamoring for food. They are not asking for work, nor wages, nor charity, but for food. They are not asking for work, nor wages, nor charity, but for food. The complaint is not of inability to earn, but of inability to buy what the accustomed wage ordinarily supplies. No doubt shortage of supply is a contributory cause to the price movement, but the main cause is the urgency of concentrated demand. The ordinary restrictions upon buying are suspended. What we export is taken with disregard of price proportioned to the conditions which suspend all ordinary considerations of profit or loss, or cost of production, or the means of payment. The need abroad is greater than the need here, and the price paid abroad fixes the price paid here. Wages here have been established upon a scale which enables workers to pay extraordinary prices for whatever they want. Each supplies his need in turn according to his ability, and that is above the average, even among the demonstrators. They have seen times of greater distress than now. Their need is real, but nothing like that which they voluntarily endure during a strike. But under such conditions they suffer for a cause and are not driven to discontent by comparison of their distressful condition with unprecedented prosperity for others. Probably, also, agitators unfriendly to our institutions and labor leaders of various sorts have their share in fomenting the disorders. There are stories, too, of German activities in the promotion of discontent. Nevertheless, the fact remains that there is a demonstration of hunger for the poorest amid plenty for most.

The poor are now praying to be delivered from the reactions of an excessive prosperity as the rich have hitherto prayed. This distinguishes the present conditions from those when there was a deficiency of supply, not an inability to buy from a sufficiency of consumable goods.

Ultimately relief will come as much from

difficult to explain this to the poor, and explanations are a poor remedy for empty stomachs. Nevertheless, other remedies will be incomplete.

Wasters of every degree are the worst enemies of the poor. They buy the goods which the hungry lack, and thoughtlessly pay whatever is asked. It is everyone's duty to buy closely and object to extortion even when it is necessary to submit to it. When farmers are asking \$4 for potatoes and are storing them by the ton for higher prices they may be within their rights, but they do not go beyond the reach of public opinion. The lesson for those who can afford to buy freely is that they should take advantage of the many opportunities to economize. By so doing they would release commodities for the poor and aid directly in doing away with the conditions against which the present demonstrations are directed.

Mr. Chairman, the issue is here. It can not be evaded. Congress should act, and I hope it will do so promptly and relieve the terrible conditions that should not exist in a land

Mr. GILLETT. I yield 10 minutes to the gentleman from

Oregon [Mr. McArthur].

Mr. McArthur. Mr. Chairman, on yesterday when the Reed amendment to the Post Office appropriation bill was under discussion I was unable to secure any time for the presentation of my views, so shall avail myself of this opportunity of entering my protest against what I deem to be an improper piece of legislation. I opposed the amendment for the reason that it imposes harsh and unwarranted restrictions upon the citizens of many States of the Union in denying them the right to settle for themselves the question of whether or not they may import liquor from other States for personal or family use. The amendment, among other things, provides that any person who shall order, purchase, or cause intoxicating liquors to be imported into States where the local manufacture and sale of liquor is forbidden by State law shall be subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both. The amendment does not restrict the shipment of liquor into "bone-dry" States, but into all States where local manufacture and sale is concerned-in other words, where breweries, distilleries, and saloons have been outlawed.

This amendment automatically transfers 14 such States to the "bone-dry" class without giving the people or the legislatures of these States an opportunity to say whether or not they desire such legislation. No more brazen disregard of the rights of our "free and independent States" and their citizens was ever witnessed in these Halls, and it was with deep regret and apprehension that I beheld a majority of the Members of this House vote for the amendment. It was amusing, however, to note that among these are many gentlemen who have been clamoring for a "referendum" on the national prohibition question.

When our Government was founded and our Constitution adopted, certain powers were delegated to the Federal authority, and all others not so delegated were reserved to the States. In the matter of local police power and the conduct of its citizens, each State was assumed to be supreme and enjoy the right to conduct its internal affairs without Federal interference. The State unquestionably has the right to regulate or to abolish the liquor traffic within its own boundaries, and by the terms of the Webb-Kenyon law—recently upheld by the Supreme Court of the United States—it is unlawful to ship liquors into "bonedry" States. In other words, the Webb-Kenyon law upholds and strengthens the rights of States to forbid the importation of liquor where such importation is contrary to State law. any State in the Union can become "bone dry" if it so desires, and the authority of the Federal Government will back up local authority in preventing importations from the outside. comes the Reed amendment, however, and prohibits the shipment of liquors to States that have expressly authorized their citizens to import liquor for their own use. While Congress undoubtedly has the right to prohibit the shipment of liquor in interstate commerce, sound public policy would demand that it refrain from so doing where the State specifically authorizes the importation. By adopting this amendment, Congress invades the province of State authority and strikes at the very root of local self-government-one of our cherished American rights. If this policy continues, our States will soon be reduced to the level of provinces and their citizens subjected to outrages and indignities that will rival the "carpetbag" régime in the South. When local self-government is destroyed the decline of the Republic will speedily follow. This is not idle speculation, but a conclusion inevitably reached by study of the history of ancient and modern times.

Gentlemen tell us that if this amendment works a hardship on the people of any State they can easily exclude themselves from the purview of its authority; that they can restore the brewery, the distillery, and the saloon. Let me call attention of gentlemen to the fact that in many States this question is constitutional, and constitutions are often difficult of amendment. Besides this, it is extremely doubtful whether any State that has outlawed the saloon will ever care to restore it, although many such States are willing to permit their citizens to import

liquor for their own use.

Two elements were at work for the adoption of this amendment: First, the prohibitionists, and second, the breweries. The prohibition element has had much to say about a "referendum" on the national prohibition question, but closes its eyes to the manner in which the Reed amendment has been foisted onto the people of 14 States without any suggestion of a "referendum." The prohibition lobbyists here at the Capitol ought to blush with shame of forcing this issue at a time when the Nation is facing a grave crisis and when the attention of Congress should be centered upon questions of naval and military preparedness and other matters equally important in preparing the American people for any emergency that may arise. If the United States should go to war and prohibition is deemed necessary as a war measure, it should be considered as such, but there was no plea of military necessity urged in support of the amendment of yesterday.

I violate no confidence when I tell you that the brewing interests of the country urged the adoption of the amendment in question. Members of Congress yesterday received hundreds of telegrams, many of which I read, from the brewing interests, asking for an affirmative vote upon the amendment. The brewers undoubtedly believe that this drastic amendment will cause a reaction in many States and will cause them to repudiate prohibition altogether and resume their "wet" status.

Mr. COLEMAN. Will the gentleman yield? Mr. McARTHUR. Yes; certainly.

Mr. McARTHUR. Yes; certainly.
Mr. COLEMAN. Does not the attitude of the brewing interests and the extreme prohibitionists, in their united support of the Reed amendment, indicate a total indifference to the fundamental rights of individuals?

Mr. McARTHUR. Yes. Mr. Chairman, it indicates an unholy alliance between the two extremes on this questionabsolute disregard of the rights of citizens of 14 States of this

This amendment is what is commonly known as a "rider." It has nothing to do with any question pertaining to the Post Office, for it is already unlawful to send liquor through the

I hold no brief for the liquor interests, and the adoption of the amendment is of no consequence to me or my welfare and happiness. I live in a State that recently adopted a "bone-dry" amendment to its constitution, although it is fair to say that my congressional district rejected this amendment by a majority

of 9,799 votes. The people of my State are competent to conduct their own affairs, and I am sure they would resent any action of Congress in foisting upon them legislation of this character. Being "bone dry" they are in no way affected by this amendment, but if the situation were reversed and Congress, relying upon its right to regulate interstate commerce, were to legalize the shipment of liquors into "bone-dry" States, I fancy that my own State and many others would be heard from in no uncertain terms.

I stand unflinchingly for the full and free exercise of all American rights, both at home and abroad. If I were to do otherwise I would deem myself unworthy of being a Member of Congress or even an American citizen. I regard the amendment adopted by this House on yesterday as an abridgment of the rights of American citizens and accordingly voted against it. Such legislation is out of place in our American system of government. [Applause.]

Mr. MANN. Mr. Chairman, on behalf of the gentleman from

Massachusetts I yield five minutes to the gentleman from Penn-

sylvania [Mr. GARLAND].
Mr. GARLAND. Mr. Chairman, I have listened very carefully to the scientific explanation offered by the gentleman from Missouri [Mr. Borland] as to the collection of taxes from the people for the operation of the Government. I note that he said that the plan of direct taxation does not become a burden on the common people; that the common people, in other words, do not pay that tax, but that the taxes collected at the custom-

houses are paid by the common people. Anyone that knows anything about taxation and the operation of any kind of business in this country or in any other country must understand that it does not matter where you collect the tax, it falls eventually upon the common people. If you collect the tax of the man who owns a large property which he leases to others, he simply puts a higher rental onto the common people who lease it. If you collect taxes for the Government off a man who operates a great works, he simply has to sell his goods higher or reduce the wages of his workmen; he does one or the other. The plan offered by the gentleman does not start one mill, factory, or mine when it is idle. It does not start one factory; it does not give any impulse to the sale of farm goods. Its tendency is to pull them back instead of pushing them forward—to create industrial stagnation.

The protective tariff has demonstrated so often that the gentleman is wrong that I want to recall a few instances. In the Democratic administration from 1892 to 1896 soup houses existed in every city in the land. Men were idle month after month—aye, year after year. Mills were idle; factories were idle; and mines were closed. Who, then, paid the tax?

Mr. BORLAND. Will the gentleman yield?

Mr. GARLAND. I am not through with this particular charge yet, and after that I will yield. More than three years ago the Democratic Party again came into power with both Houses and the President, and then they tried the experiment of reducing the tariff. What happened? Over in the city of New York, in February, 1915, it was discovered by a committee appointed by the Democratic mayor of that city that in that month, in that city, at that time, there were somewhere about 380,000 idle workmen. At the same time the mounted police in Chicago had to beat the idle men back from the Chicago River bridges to keep them away from the congested part of There was estimated to be 200,000 men out of work. the town. Out West the governments of cities issued a nonstop order, men were marching from one place to another; they were looking for work and asking for bread, and they issued this nonstop order so that nobody should be permitted to stop, and the police patroled every city and kept them marching onward. Mr. BORLAND. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. BORLAND. Maybe the gentleman can explain what caused the soup houses and the bread lines in 1907 and 1908?

Mr. GARLAND. There were not any, and the gentleman can not prove that there were any.

Mr. BORLAND. What caused the soup houses of 1873, after

17 years of Republican tariff?

Mr. GARLAND. Eighteen hundred and seventy-three is a little mite before my time, but I read from history that that was a financial panic. But I do remember that in 1907 and 1908 there The difference between the stagnation were no soup houses. created by the Democratic Party and then was the difference between a financial and an industrial panic-men could not get employment and manufacturers could not operate, and every thing went to the bowwows. In 1907 and 1908 we did have work. It is true that money was scarce; it is true that we took scrip from our employers for our work instead of money, but we had work, and the scrip was good and accepted every-

where by merchants. It is common talk of gentlemen on the Democratic side of the House to say "Why do they sell articles abroad cheaper than you do at home?" when declaiming against protective tariff. It is evident that they forget that under every Republican tariff there is a drawback system, and any raw materials brought into this country can be made up in whole or in part into an article and the article taken out of this country and sold abroad without having paid any tariff in this country, and yet all the workmen that work on that article get employment by reason of that provision that operates so well in the Republican tariff. Under that provision the Government collects the tariff and on proof of the manufacturer returns it. There is from five to seven million dollars per year paid out by the Government in drawbacks, indicating that that much employment was brought in here for American workmen that we would not have except for a provision of that kind in the protective-tariff law. One per cent only is retained, and that is for the purpose of clerical cost of keeping accounts on the articles coming in for drawback purposes. These articles are sold abroad as American manufacture, and, of course, are sold cheaper than in this country. Just now you see another indication of extreme Democracy in control. You find over in New York City that while it is true that wages have not gone down, the effect seems to be as bad when the wages are high under a Democratic administration as it is in low wages under a Democratic administration. Two hundred thousand housewives, as the papers state, went to the mayor in the city of New York because their children were starving because they were unable to get money enough in the employment of the husband and themselves to buy the articles of food because of the high prices. That did not happen under a Republican administration, but it does under a Democratic administration, and under this system of taxation advised for and applauded by the gentleman from Missouri.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1918, namely.

Mr. SWEET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.
Mr. GARLAND. Mr. Chairman, I make the same request.
The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill, and had come to no resolution thereon.

# HOUR OF MEETING TO-MORROW.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock

to-morrow morning.
The SPEAKER. The gentleman from Texas asks unanimous consent that when th House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection?

There was no objection.

# CHANGE OF REFERENCE.

The SPEAKER. House resolution 518 might be referred to the Committee on Rules or the Committee on Accounts. It was referred to the Committee on Rules, and the gentleman from Kentucky [Mr. Johnson] asked that it be referred to the Committee on Accounts. Without objection, it will be so re-Committee on Accounts. ferred.

Mr. BENNET. Mr. Speaker, reserving the right to object,

what is the resolution?

The SPEAKER. It is a resolution to continue the investiga-tion, under House resolution 229, being made by the District Committee into the financial relations existing between the United States Government and the District of Columbia.

Mr. BENNET. I have no objection.

The SPEAKER. It will be so referred to the Committee on

# ADJOURNMENT.

Mr. BORLAND. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 7 o'clock and 51 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, February 23, 1917, at 11 o'clock a. m.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7894) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the States of Montana and Wyoming, reported the same with amendment, accompanied by a report (No. 1526), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 17812) providing for the free importation of seed wheat under certain conditions, reported the same with amendment, accompanied by a report (No. 1527), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARNER, from the Committee on Ways and Means, to which was referred the bill (H. R. 12892) to provide for the export of foreign merchandise deposited in bonded warehouses to the island of Guam, reported the same with amendment, accompanied by a report (No. 1528), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON, from the Committee on Ways and Means, to which was referred the bill (H. R. 5756) to extend the provisions of the bond and warehouse statement to merchandise free of duty, reported the same with amendment, accompanied by a report (No. 1529), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALLEN, from the Committee on Ways and Means, to which was referred the bill (S. 4764) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914, reported the same with amendment, accompanied by a report (No. 1530), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. AYRES, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 366) authorizing the Postmaster General to provide the postmaster at Wichita, Kans., with a special canceling die for the fall carnival and exposition of that city, reported the same without amendment, accompanied by a report (No. 1531), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALLEN, from the Committee on Ways and Means, to which was referred the bill (H. R. 20251) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages, reported the same without amendment, accompanied by a report (No. 1535), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 21009) to amend an act entitled "An act to establish a United States Shipping Board," etc., approved September 7, 1916, reported the same without amendment, accompanied by a report (No. 1536), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 8252) to authorize the change of name of the steamer Charles L. Hutchinson to Fayette Brown, reported the same without amendment, accompanied by a report (No. 1533), which said bill and report were ordered to be printed.

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors,

reported the same with amendment, accompanied by a report (No. 1532), which said bill and report were referred to the

Private Calendar.

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 8295) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1534), which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. HOPWOOD: A bill (H. R. 21019) authorizing the Secretary of War to donate to the Mount Washington Cemetery, Perryopolis, county of Fayette, State of Pennsylvania, two cannon or fieldpieces and two pyramids of balls; to the Committee on Military Affairs.

By Mr. WICKERSHAM: A bill (H. R. 21020) to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes; to the Committee on the Territories.

By Mr. BARNHART: A bill (H. R. 21021) to amend and revise the laws relating to printing and binding and the distribution of publications for Congress; to the Committee on

By Mr. GALLIVAN: A bill (H. R. 21022) to submit to the people of the District of Columbia the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed therein or prohibited by law; to the Committee on the District of Columbia.

By Mr. LONDON: A bill (H. R. 21023) to create a food emergency commission, which is to purchase food, establish food-distribution centers, and sell food to the people at reason-

able prices; to the Committee on Appropriations,
By Mr. WEBB; A bill (H. R. 21024) to amend the Code of
Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARDNER: A bill (H. R. 21025) to increase the pay of the enlisted men of the United States Army; to the Com-

mittee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 21026) to promote the safety of travelers and live stock upon public highways used in interstate travel by motor-truck vehicles engaged in interstate commerce; to the Committee on Interstate and Foreign Com-

By Mr. BAILEY: Resolution (H. Res. 522) requesting an empargo on the exporation of food products and other necessaries of life: to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: Resolution (H. Res. 523) authorizing the printing as a House document of the report of the Superintendent for the Five Civilized Tribes; to the Committee on Printing. By Mr. RICKETTS: Joint resolution (H. J. Res. 378) propos-

ing an amendment to the Constitution of the United States, providing for the election of President and Vice President without the intervention of the Electoral College; to the Committee on Election of President, Vice President, and Representatives in Congress

By Mr. SIEGEL: Joint resolution (H. J. Res. 379) calling upon the Interstate Commerce Commission to forthwith issue instructions prohibiting the movement of any freight, for 60 days, on all railroads running east of Chicago, except foodstuffs, coal, and other commodities necessary to sustain human and animal life; to the Committee on Interstate and Foreign Com-

By Mr. MOON: Concurrent resolution (H. Con. Res. 77) deferring the operation of section 5 (Senate amendment 34) to Post Office appropriation bill (H. R. 19410) until October 1, 1917; to the Committee on the Post Office and Post Roads.

Mr. CAREW: Memorial from the Legislature of New York, favoring an appropriation of \$1,395,275 for transferring the quarantine establishment from the State of New York to the United States Government; to the Committee on Appropriations.

By Mr. HUMPHREY of Washington: Memorial from the Legislature of the State of Washington, favoring the passage of such legislation as will bring about a survey, and preparation for mobilization in case of war, of all the resources of the United States, and to provide for universal training for our youth in military science or callings necessary for military proficiency; to the Committee on Military Affairs.

By Mr. SIEGEL: Memorial of the General Assembly of the State of New York, favoring the passage of House bill 20080; to the Committee on Foreign Affairs.

By Mr. CARTER of Oklahoma: Memorial of the Legislature of the State of Oklahoma, indorsing the stand taken by the President of the United States in regard to world-wide Monroe doctrine; to the Committee on Foreign Affairs.

By Mr. HADLEY: Memorial of the Legislature of the State of Washington, favoring the mobilization of resources and uni-

versal military training; to the Committee on Military Affairs. By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, favoring the passage of Senate bill 7604 to appoint J. Benjamin Hayes a first lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. YOUNG of North Dakota: Memorial of the Legislature of the State of North Dakota, favoring the construction of a wagon bridge across the Missouri River; to the Committee on

Roads.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 21027) to appoint Henry F. Grimm, jr., an ensign on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. CARTER of Oklahoma: A bill (H. R. 21028) granting an increase of pension to Martin B. Wilson; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 21029) for the relief of Oscar Knight; to the Committee on Military Affairs.

By Mr. KETTNER: A bill (H. R. 21030) granting an increase of pension to Joseph M. Shaw; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 21031) granting a pension to Ida L. Clark; to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of 300 members of St. John's congregation, Beaufort, Mo., protesting against a declaration of war against Germany; to the Committee on Foreign Affairs.

Also (by request), petition of National Grange, Furniss, Pa., protesting against Underwood oleomargarine amendment to the

revenue bill; to the Committee on Ways and Means.

By Mr. ALLEN: Petition of sundry residents of Cincinnati, Ohio, favoring an investigation of the high cost of living; to the

Committee on the Judiciary.

By Mr. ASHBROOK: Evidence to accompany House bill 17511, for special relief of William T. O'Bannon; to the Committee on Pensions.

By Mr. BEALES: Petition of Local York County (Pa.) Socialist Party, protesting against plunging this country into war; to the Committee on Foreign Affairs.

By Mr. BURKE: Petition of Julius C. Schulz and 8 other residents of the town of Herman, Dodge County, Wis., protesting against war, and asking that before Congress declares war against any nation the question be submitted to the people of the Nation by a referendum; to the Committee on Foreign Affairs.

Also, petitions of Theodore Kraemer, of Hartford, Wis., and

33 other farmers of Washington County, Wis., asking for an investigation to determine the reason for the high cost of sisal used in the manufacture of binder twine, and for the passage of the necessary legislation to control and prevent the manipulation of the sisal-fiber market by a Yucatan fiber commission; to the Committee on Agriculture.

By Mr. CHIPERFIELD: Petition of sundry citizens of Illi-nois, favoring exclusion of liquor advertising and solicitation from the United States mails, except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of the University Club of the city of New York, indorsing the recent action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Arthur W. Cole, of New York City, relative to tax on oleomargarine; to the Committee on Ways and Means. By Mr. DALLINGER: Memorial of 3,000 people of Greater Boston in a mass meeting at Tremont Temple, Boston, Mass.; to the Committee on Foreign Affairs.

By Mr. DOOLING: Petitions of American citizens, favoring embargo on foodstuffs; to the Committee on Interstate and

Foreign Commerce.

By Mr. EAGAN: Petition of Buffalo (N. Y.) Chamber of Commerce, favoring passage of the Poindexter amendment relative to the office of postmaster; to the Committee on the Post Office and Post Roads.

Also, memorial of members of the University Club of New York City, indorsing action of the President of the United States in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of National Grange, Patrons of Husbandry, protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of La Crosse County, Wis., favoring embargo on foodstuffs; to the Committee on

Interstate and Foreign Commerce.

Also, petition of Wisconsin State Legislative Board, Brotherhood of Locomotive Firemen and Enginemen, against compulsory arbitration; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry, protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. FERRIS: Petitions of sundry citizens of Oklahoma, relative to liquor advertising through the mails; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petitions of sundry citizens of Illinois, opposing any participation of the United States in the European war; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of Buffalo Chamber of Com-

merce, favoring the passage of the Poindexter amendment to the appropriation bill making the postmaster in each class a nonpolitical office to be filled on the basis of merit; to the Committee on Appropriations.

Also, memorial of the Association to Abolish War, opposing conscription in any form and favoring a referendum vote before

a declaration of war; to the Committee on Foreign Affairs.

Also, memorial of the University Club of New York City, indorsing the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. GRIFFIN: Petition of department of health of New York City, in reference to amendment to Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, memorial of the University Club of the City of New York, indorsing the recent action of the President in severing our diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of A. W. Cole, New York City, relative to tax on oleomargarine; to the Committee on Ways and Means.

Also, petition of National Grange, Furniss, Pa., protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of American citizens, against United States in war with any nation; to the

Committee on Foreign Affairs.

By Mr. HAWLEY: Petitions of some 80 newspapers in Oregon, favoring the exclusion of liquor advertising and solicitation from the United States mails, except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. HERNANDEZ: Petition of sundry publishers in New Mexico, favoring the exclusion of liquor advertising from the mails; to the Committee on the Post Office and Post Roads,

By Mr. HOPWOOD: Petition of sundry church organizations of Pennsylvania, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. KETTNER: Telegram of D. C. Bitler, commercial secretary Chamber of Commerce, El Centro, Cal., opposing reduction of oleomargarine revenue tax; to the Committee on Ways and Means.

Also, petition of Mrs. F. M. Seebye, secretary Local Christian Woman's Board of Missions, Santa Ana, Cal., and 25 others, and Fred A. Binney, San Diego, Cal., protesting against rider in Post Office appropriation bill regarding postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Frederic Wilson, secretary San Diego Hotel Association, San Diego, Cal., favoring passage of Borland day-light saving resolution; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. S. L. W. Emmons, secretary Indian Welfare Association of Southern California, Riverside, Cal., favoring Senate amendment to Indian appropriation act giving power to President to extend the trust-patent period for the California Mission Indians; to the Committee on Indian Affairs.

Also, petition of Laurence C. Phipp, jr., Coronado, Cal., favoring universal compulsory military service, and House bill 18984. the Meeker bill, for protection of migratory game birds; to the Committee on Military Affairs.

Also, petition of C. L. Frazer, secretary of the Highland Chamber of Commerce, Highland, Cal., favoring appropriation of \$300,000 for Yosemite Park, enlargement of Sequoia National Park, and creation of Grand Canyon National Park; to the Committee on Appropriations.

Also, petition of W. B. Clancy, president Citizens' National Bank, Riverside, Cal., favoring reduction of the reserves of country banks in Federal reserve banks to 5 per cent, and favoring passage of Kitchin bill; to the Committee on Banking and Currency.

Also, petition of E. J. Heimerdinger, cashier the Union National Bank; W. S. Dorland, president Security Commercial & Savings Bank; and C. W. Wilson, cashier the San Diego Savings Bank, all of San Diego, Cal., favoring passage of Kitchin bill, House bill 17606; to the Committee on Banking and Cur-

Also, petition of F. M. Lockwood, manager of operation, operating department; C. N. Ersting, the Ersting Co.; and Messrs. Henking & Randolph, all of San Diego, Cal., protesting against proposed increase of tax upon life insurance companies; to the Committee on Ways and Means.

Also, petition of Thomas F. Ysenor, California Audubon Society, San Diego, Cal., and Miss Lillian Zuch, Long Beach, Cal., and two others, favoring passage of House bill 20080, known as the migratory-bird treaty act; to the Committee on Foreign Affairs

By Mr. LINTHICUM: Petition of Curtis F. Burnam, of Baltimore, Md., favoring bill to protect against spies and disloyalists; to the Committee on Foreign Affairs.

Also, petition of B. Benedict, of Baltimore, Md., protesting against passage of the spy bill; to the Committee on Foreign

Also, petition of Mrs. Anna Klein, of Baltimore, Md., urging the passage of the national woman-suffrage amendment, as House joint resolution No. 1; to the Committee on the Judiciary.

Also, petition of A. R. Ransom, of Baltimore, Md., opposing House bill 19730; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. Federleicht & Sons, of Baltimore, Md., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Baltimore, Md., favoring the Reed amendment to the Post Office appropriation bill; to the Committe on the Post Office and Post Roads.

Also, petition of sundry citizens of Baltimore, Md., favoring referendum vote before any declaration of war; to the Committee on Foreign Affairs.

Also, petition of A. B. Gardner, president of the National Association of Ice Cream Manufacturers, favoring House bill 20752; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. A. Lycett, Baltimore, Md., favoring the measure providing for an appropriation of \$200,000 for the enforcement of the Federal child-labor act; to the Committee on Appropriations.

By Mr. MEEKER: Petition of St. James Evangelical Church, of St. Louis, Mo., urging support of President in his efforts to bring about peace among warring nations; to the Committee on Poreign Affairs.

By Mr. NORTON: Petition of the citizens of the village of Golden Valley, N. Dak., asking that Congress submit to a refer-endum any question of war between this country and Germany; to the Committee on Foreign Affairs.

Also, petition of citizens of Hebron, N. Dak., asking that Congress submit to a referendum any quertion of war between this country and Germany; to the Committee on Foreign Affairs.

By Mr. PAIGE of Massachusetts: Memorial of German-American citizens of Fitchburg, Mass., in re foreign relations; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas: Petition of sundry citizens of Midland County, Tex., relative to voting on the question of war; to the Committee on Foreign Affairs,

By Mr. STINESS: Petition of the foreign trade committee, Chamber of Commerce, Providence, R. I., urging the enactment of the Webb bill to extend the export trade; to the Committee on the Judiciary.

Also, memorial adopted by the Traffic Club, Chamber of Commerce, Providence, R. I., favoring the continuation of established water routes and rates under railroad control, subject to authority and direction of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Providence (R. I.) Chamber of Commerce, favoring larger salaries for members of the Tariff Commission; to the Committee on Appropriations.

By Mr. SULLOWAY: Petition of Woman's Club of Exeter,

N. H., favoring the migratory-bird treaty act; to the Committee

on Foreign Affairs.

By Mr. TEMPLE: Petition of citizens of New Castle, Pa. favoring an antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 62 citizens of Beaver County, Pa., favoring Christian amendment to the United States Constitution; to the

Committee on the Judiciary.

By Mr. VARE: Memorial of Philadelphia Produce Exchange, against change in oleomargarine tax; to the Committee on Ways and Means.

By Mr. WARD: Petition of residents of Chatham Center, Columbia County, N. Y., favoring the submission to the States of a national prohibition amendment; to the Committee on the Judiciary.

Also, petitions of residents of Hensonville, Warnersville, and Cobleskill, N. Y., in favor of a national constitutional amend-

ment; to the Committee on the Judiciary.

By Mr. WASON: Memorial of Baker Memorial Methodist Episcopal Church, of Concord, N. H., representing 500 people, favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the New Hampshire Conference of Charities and Corrections, favoring the prohibition of the liquor traffic; to the Committee on the Judiciary.

Also, memorial of the Concord (N. H.) Woman's Christian Temperance Union, representing 100 people, favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. Harriet G. Burlingame and 91 other

members of the Exeter (N. H.) Woman's Club, favoring the bill to carry into effect the terms of the treaty between the United States and Great Britain relating to migratory birds; to the Committee on Foreign Affairs.

# SENATE.

# FRIDAY, February 23, 1917.

(Legislative day of Tuesday, February 20, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration

Mr. SMOOT. Mr. President, there are but few Senators in the Chamber.

e Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Smoot Sterling

Stone Swanson Thomas Thompson

Tillman Vardaman Walsh Williams

Ashurst Bankhead Hughes Husting Overman Page Pittman Poindexter Pomerene Ransdell Bankhead Brandegee Bryan Chamberlain Chilton Clapp Colt Culberson Curfis James Johnson, S. Dak. Jones Kirby Lane
Lea, Tenn.
McLean
Martin, Va.
Martine, N. J.
Myers
Norris Reed Robinson Sheppard Sherman Simmons Curtis Fletcher Hitchcock Hollis Smith, Ga. Smith, S. C.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

## PUBLIC BUILDING AT PITTSTON, PA.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (H. R. 18894) to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there any objection? Mr. SMOOT. I should like to know something about the bill.

Mr. SWANSON. The Secretary of the Treasury has recommended that the right to acquire the building at Pittston, Pa., reserving mineral rights, be granted. Under the general public-buildings act the Government gets title in fee, but in portions of Pennsylvania and even in Pittsburgh where land has been sold they reserve the mineral rights as though there were mineral rights, and it is impossible to get land there with an absolute right to obtain minerals. Consequently, they have been unable to construct a public building at Pittston. The bill simply proposes to waive that right and amend the statute which pro-

hibits the acquisition of any land for public buildings with this reservation.

Mr. SMOOT. Let the bill be read. The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provision of the public-building act approved March 4, 1913 (37 Stats., 876), which authorizes the acquisition of a suitable site, etc., at Pittston, Pa., be, and the same is hereby, amended so as to add the following proviso, namely:
"Provided, That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores or minerals on the lands with the right of mining the same."

Mr. SMOOT. There is no appropriation involved?

Mr. SWANSON. None whatever. We have passed a great many bills of this kind relative to sites in Pennsylvania and other mineral States where it is impossible to get a title, unless the mineral rights are waived by the Government.

Mr. SMOOT. All right.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PENSIONS AND INCREASE OF PENSIONS

Mr. HUGHES. I desire to call up the conference report on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war. The report has heretofore been submitted and appears in to-day's Record.

The conference report was read and agreed to.

Mr. HUGHES. I call up the conference report on the disagreeing votes of the two Houses on the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

There being no objection, the Senate proceeded to consider

the conference report, and it was read.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

# RIVERSIDE MILITARY ACADEMY.

Mr. SMITH of Georgia. There is a little bill on the calendar passed by the House relieving a military institute which was burned down in Georgia from a claim for Government equipment. It is recommended by the department. It has passed the House. They are about to reorganize and recommence work. It is essential that the bill should be passed. It will take but a moment. There is no objection to it. It is unanimously recommended by the Committee on Claims. I ask unanimous consent to call up the bill (H. R. 16855) for the relief of Riverside

Military Academy.

Mr. SMOOT. I do not want to object to the consideration finished business in charge, if he will not agree to unanimous consent to take up the calendar under Rule VIII for an hour and consider only bills to which there is no objection.

Mr. SIMMONS. In view—

Mr. MARTINE of New Jersey. Will the Senator defer taking up the calendar until I may present a bill?

Mr. SIMMONS. Just one word, please. Last night we took a recess until 11 o'clock instead of half past 10, as has been our custom lately, because the minority were to hold a conference this morning. I am advised that that conference has not yet adjourned. I am perfectly willing under these conditions to take up the calendar, laying temporarily aside the unfinished business until the conference has been finished. I do not desire to call up the revenue bill while the minority Members are absent from the Chamber.

Mr. THOMAS. Does the Senator know how long that will be?

Mr. SIMMONS. A reasonable time.

Mr. SMOOT. It will be understood that only bills unobjected to will be considered.

Mr. SIMMONS. I ask, for that purpose, that the revenue bill be temporarily laid aside.

Mr. FLETCHER and Mr. NEWLANDS. The conference has

Mr. SIMMONS. I withdraw the request, as I see the minority Members are coming in. I presume the conference has termi-

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideration of the bill (H. R. 16855) for the relief of Riverside Military Academy.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Riverside Military Academy, at Gainesville, Ga., and its bondsmen be relieved of all responsibility on bond given to the United States by the Riverside Military Academy for the loss of two cutters and their outfits, valued at \$1,408.77, which property was destroyed by a storm on the night of December 31, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. I desire to have read a telegram similar to a number that I have received.

The VICE PRESIDENT. Is there objection? The Chair hears

The telegram was read, as follows:

ANDREWS, FLA., February 22, 1917.

Hon. Duncan U. Fletcher, 1627 Sixteenth Street NW., Washington, D. C.:

Your letter reached me some time ago, with copy of rivers and harbors bill, which I am sure the great majority of people in our country approve, as it provides for projects already neglected too long, in many instances where delay is not to the credit of our Government or in the interest of economy. Please urge to the utmost passage of this bill, as failure to pass this bill for some other provision providing a lump sum inadequate for needs of the country would be a public calamity.

J. H. Drummond.

### PROPOSED EMBARGO ON FOOD PRODUCTS.

Mr. MARTINE of New Jersey. I desire unanimous consent to introduce a bill and to have it properly referred. If I may be permitted, I should like to say just a word in reference to it. It is a bill to conserve the food supply of the United States, and to protect the people from extortionate prices by temporarily prohibiting the export of farm products, and so forth.

The bill (S. 8302) to conserve the food supply of the United States and to protect the people from extortionate prices by temporarily prohibiting the export of farm products, fish, game, and manufactured foodstuffs was read twice by its title.

Mr. MARTINE of New Jersey. Mr. President, I feel that the hour has arrived when, in behalf of cheaper food, the Congress of the United States should act. We read in the newspapers of women engaged in rioting in the city of New York, crying: "We want bread; we are hungry"; in Philadelphia we read of there being one dead and nine injured as the result of the riot, women calling: "We want bread; we are starving." The women were led by Mrs. Florence Shadle, 32 years of age. She carried a baby. In this land of prosperity, wealth, and plenty such a condition should be impossible. I believe there is food enough in this country for every mortal in it, but we are shipping to the warring nations of Europe millions of bushels of wheat, rye, corn, and potatoes, and tons of meat, while our own people starve. Think of it!

While Germany and the allies are battling with their great problems on the field, their citizens are clamoring for food. That they suffer great privation there is no question. But what excuse is there for us, with an abundant supply of every article of food, and when we are at peace with the world, for the existence of such conditions? I say there is none. I hold that it is unpardonable; indeed, Mr. President, it is little, if any, short of a crime,

The loaf of bread is squeezed in size almost to the vanishing point. Potatoes, which in 1916 were sold at \$3.30 per barrel, to-day are selling for \$9.75 per barrel. Onions, which were selling in 1916 at 75 cents per hundred pounds, to-day are selling for \$15 per hundred. Cabbages, which were selling in 1916 for \$9 per ton, are selling in 1917 for \$160 per ton. All other staple commodities are advancing in proportion.

Mr. President, I insist that willful waste is a wrong to the verge of a crime. One may go this very night to the princely restaurants in New York, to the Hotel Waldorf-Astoria, to the Imperial Hotel, or to a hundred others, and he will find revelry and waste going on to an extent and on a scale of extravagance that is alarming. There is no interference or molestation from the police as to them, but in another part of the city at the same time there is being made a demand for bread; there is a bread riot. Two women, Miss Ganz and Mrs. Harris, were pleading with the mayor of New York for food—for bread. read as follows:

Then came back the old wall that was the dominant note of the curious demonstration: "But these people are starving and want bread." It was Miss Ganz who spoke.

As soon as the committee left the city hall Miss Ganz took up a position on the steps and started to harangue the crowd. She told them the mayor was not in, and cries of displeasure were raised. Then she became more eloquent and was getting down to an old-fashioned "Sweet Marie" address when Inspector O'Brien gave orders that she be arrested.

Miss Ganz was hustled back into the city hall through the rear door and around to the traffic station in the basement. She was charged with disorderly conduct. She was arraigned later before Magistrate

Wylie in the Tombs police court. She was found guilty, but sentence was suspended. The magistrate advised her to take only small delegations to the city hall when she tries to see the mayor in the future.

In such a situation shall Congress sit mute and be blind to the sufferings of our fellow citizens? I understand that the Government of Great Britain has placed an embargo on our vessels coaling in their ports. Clearly we have a right to retaliate. Mr. President, an embargo on the staple food products will lower the price of these commodities and necessities instanter. I have here another list showing the marked advance in the price of food products, which I ask may be printed in the Record.

The VICE PRESIDENT. In the absence of objection, it

will be so ordered.

The matter referred to is as follows:

TO ASK AID OF CONGRESS.

At a meeting of 2,000 men and women in the New Plaza Hall, Williamsburg, last night, it was decided to join with all pediers, retail grocers, and other dealers in foodstuffs in a movement to urge upon Members of Congress the necessity of doing something to reduce the cost of foodstuffs. An overflow meeting attended by 1,000 was held outside the hall. Speakers said protest demonstrations are taking place in many eastern cities.

Joseph Hartigan, commissioner of weights and measures, said wholesale fish prices in Fulton Market, as reported by his inspectors, show increases over 1914 as follows:

Fish.	Price yester- day.	Price 1914.	Increase.
Bass Bluefish Cod (market) Cod (steak) Flounders Hallbut Haddoek Mackerel (Spanish) Sea trout Salmon Sturgeon (lake)	.16 .09 .20 .08 .16	\$0.14 .08 .03 .06½ .08 .06 .06 .06 .11 .10	\$0.09 17 .05 .09½ .01 .14 .02 .09½ .07 .05

John J. Dillon, State commissioner of foods and markets, said people are now in revolt against a system that he has been fighting. Last year, he said, he tried to sell cabbage in this city for up-State farmers and all he could get was (?) a carload, or just about enough to pay the freight. Farmers became discouraged, he said, and permitted cabbage to rot on the ground. All this emphasizes the necessity of terminal markets where, he said, produce could be sent and sold according to the law and demand.

Mr. MARTINE of New Jersey. I earnestly plead for such disposition of the bill which I have introduced as will ultimately make it the law of the land and relieve this horrid situation.

The VICE PRESIDENT. The bill will be referred to the Committee on Foreign Relations.

NATIONAL M'KINLEY BIRTHPLACE MEMORIAL ASSOCIATION.

Mr. HARDING. Mr. President, I desire to ask unanimous consent of the Senate-

Mr. SIMMONS. I recall that I said to the Senator from Ohio a while ago that I would consent to laying aside the unfinished business long enough to allow him to dispose of the matter he has in mind.

Mr. HARDING. I thank the Senator from North Carolina. I desire to ask that the bill (S. 8222) to amend an act to incorporate the National McKinley Birthplace Memorial Association may be taken up and passed. The bill does no more than to add four names to the original board of trustees. I should like very much to have the bill passed, so as to obtain the sanction of Congress for it.

The VICE PRESIDENT. Is there any objection to the pres-

ent consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8222) to amend an act to incorporate the National McKinley Birthplace Memorial Association, approved March 4 1011 ciation, approved March 4, 1911.

The bill had been reported from the Committee on the Judiciary with amendments, to insert, after the enacting clause, the words "That the act entitled 'An act to incorporate the National McKinley Birthplace Memorial Association, approved March 4, 1911, be, and the same is hereby, amended so as to read as follows:"; and, on page 2, line 18, before the word "section," to strike out the words "the amended," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to incorporate the National McKinley Birthplace Memorial Association," approved March 4, 1911, be, and the same is hereby, amended so as to read as follows:
That the following-named persons, namely, J. G. Butler, jr., of Ohio; Myron T. Herrick, of Ohio; J. G. Schmidlapp, of Ohio; John G. Milburn, of New York; W. A. Thomas, of Ohio; Elbert H. Gary, of New York; Charles M. Schwab, of Pennsylvania; George W. Perkins, of New York; and Henry Clay McEldowney, of Pennsylvania, and their associates and successors, duly chosen, are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of the National McKinley Birthplace Memorial Association, and by such

name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained.

SEC. 2: That the object of the corporation shall be to perpetuate the name and achievements of William McKinley, late President of the United States of America, by erecting and maintaining in the city of Niles, in the State of Ohlo, the place of his birth, a monument and memorial building.

SEC. 3: That the management and direction of the affairs of the corporation and the control and disposition of its property and funds shall individuals named in section 1 of this act, who shall constitute the authorized board of trustees, on the approval of this act. Vacancies caused by death, resignation, or otherwise shall be filled by the remaining trustees in such manner as shall be prescribed from time to time by the by-laws of the corporation. The persons so elected shall thereupon become trustees and also members of the corporation.

SEC. 4: That said corporation shall hold its meetings in such place as the incorporators or their successors shall determine.

SEC. 5: That the board of trustees shall be entitled to take, hold, and may at any time be given, devised, or bequeathed to them or to the corporation for the purposes herein defined, and to purchase necessary lands for site and to sell and convey by good and sufficient deed any other lands that may be given, devised, or bequeathed to the corporation, and to convert the same into money; with full power from time to time to adopt a common seal, to appoint such officers and agents, whether members of the board of trustees or otherwise, as may be deemed necessary for carrying out the objects of the corporation is with full power for adopt by-laws and such rules or regulations as shall be business of the corporation; with full power for adopt by-laws and such rules or regulations as shall be demended to the components of the corporation of the corporation in such manner as in the judgment of the trustees will best promote the objects hereinbefore set fo

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to incorporate the National McKinley Birthplace Memorial Association,' approved March 4, 1911."

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 8252) to authorize the change of name of the steamer Charles L. Hutchinson to Fayette Brown.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the judicial code.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sallors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Key of Ohio, Mr. Keating, and Mr. Sells managers at the conference on the part of the House.

The message also announced that the House disagrees to the

amendments of the Senate to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors

of wars other than the Civil War, and to widows of such soldiers and sailors, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Key of Ohio, Mr. Keating, and Mr. Sells managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

# ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of

February 5, 1903;
H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark.;

H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota; and

H. R. 19239. An act granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River. between Pearl River County, Miss., and Washington Parish, La.

#### SENATOR FROM VERMONT.

Mr. DILLINGHAM. I present the credentials of my colleague, Hon. Carroll S. Page, chosen by the qualified electors of the State of Vermont a Senator from that State for the term beginning March 4, 1917.

The credentials were read and ordered to be filed, as follows: STATE OF VERMONT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, Carroll S. Page was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness his excellency our governor, Horace F. Graham, and our seal hereto affixed at Montpeller, this 21st day of February, in the year of our Lord 1917

HORACE F. GRAHAM, Governor.

By the governor: [SEAL.]

GUY W. BAILEY, Secretary of State.

# PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the Men's Club of the Church of Our Saviour, of Brookline, Mass., indorsing the action of the President, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

The Men's Club of the Church of Our Saviour, of the town of Brook-ne, Mass., in meeting assembled, unanimously adopts the following

The Men's Club of the Church of Our Saviour, of the town of Brook-line, Mass., in meeting assembled, unanimously adopts the following minute:

"After exhausting the resources of diplomacy in an effort to avert war, the President has now taken the only course consistent with national self-respect.

"War with Germany will not ensue unless the Imperial German Government knowingly violates well-settled principles of international law, and violates them with intent definitely hostile to the United States. In that event, war will inevitably follow, not by our own act but through the deliberate choice of a self-confessed disturber of the peace of the western world.

"If any honest doubt exists respecting the cause of war in Europe, the awful responsibility for extending it to this hemisphere will rest upon Germany and upon Germany alone.

"It may be that the Imperial German Government is misinformed respecting the temper of the people of the United States, just as that Government is supposed to have misconceived the sentiment of the British Empire at the outbreak of the European war. If so, and before fatal action based upon so grave a mistake is taken, Germany should be made aware of the essential unity of our people and of their loyal determination to make all sacrifices necessary to protect our liberty and to maintain our honor To this end we call upon all bodies similar to ours throughout the country and upon all groups of citizens organized for whatever purpose, to meet without delay and express themselves with no uncertain voice respecting the course that they will be prepared to follow.

"We urge all such groups of citizens, secular and religious, large and small, societies, clubs, and institutions of every sort to unite with us in giving immediate public expression to such convictions as those which we now solemnly record:

"First. That the act of the Executive in severing diplomatic relations with Germany is one to be approved and commended by all who have the best interests of the United States at heart.

"Second. That the German declaration of January 31, 1917, represents an unjustified and unjustifiable attempt to destroy the freedom of the sea and to abridge the commercial liberty guaranteed to us by established law and custom, and that if the Government of the United States were to acquiesce therein such action would be resented by all good citizens as in the highest degree pusillanimous and as altogether inconsistent with the spirit and traditions of a free people.

"Third. That the President will be justified in recommending to Congress the most extreme measures that may be deemed necessary to protect life, liberty, and property; and that it is our duty and that of all loyal citizens to tender immediately to the Government all the service of which we severally and collectively are capable.

"Fourth. That while all should stand ready to volunteer, if voluntary service is called for, yet Congress, in providing for our common safety, should not adopt emergency measures merely, but should definitely recognize the principle that the duty of defending the Nation rests equally upon all citizens capable of service. To the end therefore that the burden of safeguarding the country should no longer be cast exclusively upon the loyal National Guard and upon other particite military and naval volunteers Congress should be urged to exercise its constitutional power "to raise and support armies" by establishing immediately a permanent and democratic system of defense based upon universal service and training under direct and exclusive Federal control.

"A copy of this minute is ordered to be transmitted to the President

control.

"A copy of this minute is ordered to be transmitted to the President of the United States, to the Secretary of War and other members of the Cabinet, to the members of both congressional Committees on Military Affairs, and to every chamber of commerce in the United States."

GEO. S. PARKER, President.

Mr. LODGE presented a petition of the city council of Mal-den, Mass., indorsing the President's action in severing diplomatic relations with Germany, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Northeastern Association of Fish and Game Commissioners of New York and New England, of Boston, Mass., praying for the enactment of legislation to place under Federal control anadromous fishes on the Atlantic

coast, which was referred to the Committee on Fisheries.

Mr. SHEPPARD presented a telegram in the nature of a pe tition from sundry citizens of Texas, praying for Federal censor-ship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for national prohibition, which were or-

dered to lie on the table.

Mr. McLEAN presented a petition of the Burroughs Nature Club, of Naugatuck, Conn., favoring the migratory-bird treaty with Canada, which was ordered to lie on the table.

He also presented a petition of the Socialist Party of East Hartford, Conn., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of South Norwalk. Stafford, New Britain, Greenwich, New Haven, Falls Village, and Unionville, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. OLIVER presented memorials of sundry granges, all in the State of Pennsylvania, remonstrating against the proposed reduction of the tax on oleomargarine, which were ordered to

lie on the table.

He also presented petitions of sundry citizens of Clarion, Beaver, Boliver, and New Castle, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Jeannette, Pa., praying for the enactment of legislation for the protection

of migratory birds, which was ordered to lie on the table.

He also presented a petition of District No. 5, United Mine Workers of America, of Pittsburgh, Pa., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Beaver County and Butler County, in the State of Pennsylvania, praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the United People's Church of Pittsburgh, Pa., praying that the question of war be submitted to a referendum of the people, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of the State of Pennsylvania, praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of Mailers' Union No. 9, of Los Angeles, Cal., remonstrating against any change in second-

class postal rates, which was ordered to lie on the table.

Mr. COLT presented petitions of sundry citizens of Rhode
Island, praying for national prohibition, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Medford, Oreg., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Portland, Oreg., praying that the United States remain at peace, which

was referred to the Committee on Foreign Relations

He also presented a memorial of sundry citizens of Vale, Oreg., remonstrating against the so-called "draft" provision for compulsory military service in the Hay-Chamberlain Act, which was ordered to lie on the table.

# ALFRED B. ANDREWS.

Mr. CLAPP. For the junior Senator from Florida [Mr. Bryan], I report from the Committee on Claims, without amendment, the bill (S. 8297) for the relief of Alfred B. Andrews, and

submit a report (No. 1105) thereon.

The VICE PRESIDENT. The bill will be placed on the cal-

endar.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 8303) granting an increase of pension to James R. Rundlett; and

A bill (S. 8304) granting an increase of pension to Nathan H. Ellis; to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 8305) for the relief of Laurin W. Rolfe; to the Committee on Claims

By Mr. POMERENE:

A bill (S. 8306) excepting certain classes of manufacturers and dealers from the operation of the provisions of section 5 of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee on Post Offices and Post Roads.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. STONE submitted an amendment authorizing the commissioner of the Freedman's Savings & Trust Co. to pay to all depositors of said company a sum equal to the verified balances due said depositors at the time of its failure, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SHEPPARD submitted an amendment providing for the erection of a medium-power radio station at Galveston, Tex. intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was ordered to lie on the table and be

printed.

Mr. WORKS submitted an amendment proposing to appropriate \$80,158.73 to pay the Yosemite Valley Railroad Co. for amounts actually expended by it in building El Portal Wagon Road, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

# RIVER AND HARBOR APPROPRIATIONS

Mr. PHELAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which was ordered to lie on the table and be printed.

CLAIM OF MISSISSIPPI CHOCTAWS.

Mr. CLAPP submitted the following resolution, which was ordered to lie on the table and be printed:

# Senate resolution 372.

Senate resolution 372.

Resolved, That the Secretary of the Interior is hereby authorized and directed to make careful inquiry into and report all the facts to the Senate, at the beginning of the next regular session of Congress, as to the services rendered and expenses incurred, if any, from 1896 to 1996, inclusive, by Charles F. Winton and his associates and by Walter S. Field and Chester Howe in the matter of the claim of the "Mississippi Choctaws" to citizenship in the Choctaw Nation west of the Mississippi River, and the fair value of the estate obtained by said "Mississippi Choctaws."

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8

and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, and 11, and agree to the same.

> LEE S. OVERMAN. LUKE LEA. W. L. JONES. Managers on the part of the Senate. H. D. FLOOD. CYBUS CLINE, HENRY ALLEN COOPER, Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 20783. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, was read twice by its title and referred to the Committee on Military

# PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 23d instant, approved and signed the following acts: S. 703. An act to provide for the promotion of vocational edu-

cation; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure:

S. 2222. An act for the relief of the heirs of Antoine Bayard; S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States:

S. 6850. An act authorizing transfer of certain retired Army

officers to the active list; and

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment.

# THE LATE GEN. FUNSTON.

Mr. THOMPSON. Mr. President, I wish to announce that at the conclusion of the routine business to-day I shall offer a few remarks concerning the life and distinguished services of that brave soldier and great general, Frederick Funston, of Kansas, who recently died in the service of his country at San Antonio, Tex.

I wish to say in this connection, Mr. President, that I have desired to do this ever since the death of this great American citizen, but on account of the revenue bill being constantly before the Senate there has been no proper time afforded to do so. Therefore I shall take advantage of the first favorable opportunity to-day to deliver the address to the Senate.

Mr. VARDAMAN. Regular order!
Mr. WALSH. Mr. President—
The VICE PRESIDENT. The Senator from Montana.

# NEUTRALITY PROCLAMATION OF 1793.

Mr. WALSH. Mr. President, in the patriotic Farewell Address of President Washington, read in accordance with the custom of the Senate on yesterday, Thursday, the 22d instant, reference is made to his proclamation of the 22d day of April, 1793, in the following brief paragraph:

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses ol. Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

The proclamation is a very brief one, Mr. President, and I ask that it may be read from the desk.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read the proclamation, as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

# A PROCLAMATION.

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whoseever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage

of nations, will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war, or any of them.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

my hand.

Done at the city of Philadelphia, the 22d day of April, 1793, and of the independence of the United States of America the seventeenth.

Go: Washington. [SEAL.]
By the President:

TH: JEFFERSON.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had passed a bill (H. R. 18566) for the relief of Mrs. Nancy E. Mullins, in which it requested the concurrence of the Senate.

#### HOUSE RILL REFERRED.

H. R. 18566. An act for the relief of Mrs. Nancy E. Mullins was read twice by its title and referred to the Committee on Pensions.

#### THE REVENUE.

The VICE PRESIDENT. The unfinished business is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The Secretary. The pending amendment is on page 7, in the amendment of the committee, lines 15, 16, and 17, where the Senator from Indiana [Mr. Warson] proposes to strike out, on line 16 of the amendment, the words "July first" and in lieu thereof to insert "December thirty-first"; and on line 17 to strike out "twenty-one" and insert "nineteen," so that, if amended, it will read:

SEC. 208. Titles I and II of this act shall cease to be of effect on and after December 31, 1919.

Mr. CURTIS. Mr. President, I move to amend the amendment of the Senator from Indiana by striking out "nineteen" and inserting in lieu thereof "eighteen."

The VICE PRESIDENT. That is an amendment in the third

Mr. CURTIS. This is an amendment to an amendment, is it? The VICE PRESIDENT. It is. The question is on the amendment of the Senator from Indiana to the amendment of the committee.

Mr. SIMMONS. Mr. President, I do not know that I quite understood the Senator from Kansas; but if I caught his amendment, it was that this tax should not be levied except for the fiscal year 1918. That is the effect of it?

Mr. CURTIS. That was the effect of the amendment.

Mr. SIMMONS. And the tax would cease to be operative after that time?

Mr. CURTIS. But the Vice President tells me that it is an amendment in the third degree; so I will bring the matter up in another way

The VICE PRESIDENT. The question is on the amendment of the Senator from Indiana to the amendment of the com-

Mr. WATSON and Mr. SMOOT called for the yeas and nays. Mr. WATSON. Mr. President, this amendment was offered Mr. WAISON. Mr. President, this amendment was offered for the purpose of limiting the time of the appropriations provided by Titles I and II of this act. The amendment offered by the committee provides that Titles I and II of the act shall cease to be of effect on and after July 1, 1921. I have offered an amendment that those titles shall cease to be of effect on and after December 31, 1919.

Mr. CURTIS. Mr. President

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. WATSON. I yield; yes.

Mr. CURTIS. As I understand, the Senator from Indiana has a right to modify his amendment. I will ask the Senator if he will not modify his amendment so as to fix the date at December 31, 1918? I am satisfied that the amendment offered by the Senator carries this part of the bill for a longer time than he intended.

Mr. WATSON. Which I was about to state. In other words, because of the confusion existing between the fiscal year and the calendar year, this appropriation is being carried for three years under my amendment instead of two, as I originally designed to have it. Therefore I modify my amendment so as to read "December 31, 1918," instead of "July 1, 1921." In other words, it carries these appropriations for two full years.

This bill is designed for special preparedness, and it is simply a question about what "special preparedness" means. It is a question as to whether or not, under the plea of special preparedness, we desire to carry these appropriations for four years. My own thought is that if we have an abundance of revenue—which nobody seeks to deny—to take care of the exigencies that confront us, succeeding Congresses will perform their duty and their function; and I know of no reason why at this time we should add to the huge appropriations that are asked here for the purpose of preparedness when we shall have an abundance of revenue to carry this program forward for the ensuing two years. Therefore it occurs to me that there is no demand made upon us at this time to appropriate for four years to come, when we can carry forward our program for two years and thus meet the exigencies that confront us.

Mr. CLAPP. Mr. President, will the Senator pardon me? The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. WATSON. Yes.

Mr. CLAPP. And when developments may prove the unwisdom of a program adopted and provided for carrying forward four years at this time.

Mr. WATSON. I will say to the Senator that that point was

Mr. CLAPP. I know it was.

Mr. WATSON. And that I did not care to go over the entire argument again to-day. It may be that we shall not want this large naval appropriation at the end of two years. On the contrary, if the worst comes to the worst, larger appropriations may be necessary, or the emergency may become all the greater; and it is not fair for us to assume that succeeding Congresses will not discharge their patriotic duties and fulfill their patriotic functions. Therefore it seems to me that all that can be demanded of us at this time is to meet the emergency that confronts us by a limitation of two years, which is

amply sufficient for present purposes.

Mr. SMITH of Georgia. Mr. President, in the first place the amendment of the Senator from Indiana would limit the collection of this tax to one year, because the tax is only payable the year following, and the machinery for collection follows the

year of the tax.

Mr. WATSON. If the Senator will permit me, that matter was argued out here last night, and the contrary view was established, I thought, to the satisfaction of everybody.

Mr. SMITH of Georgia. I do not think it was. It certainly was not to the satisfaction of the members of the committee or the Treasury Department.

Mr. SIMMONS., Mr. President, I dissented positively from that statement last night.

Yes; the chairman of the committee Mr. SMITH of Georgia. dissented positively from it. There is no doubt about the fact that, under the terms of the statute, the tax is returned the year following the year that the tax accrues. Your tax for 1917 is returned in 1918 by the 1st of March. Then it is payable by the 1st of June, I believe, or the 1st of July. So that the terms of the statute, as amended, limit the tax to four years. The addition of six months, carrying it to July 1, 1921, was intended to leave the machinery in force for the collection of the tax; that was all. It was not intended that the tax itself should last more than four years. It may be that a little further explanation should be added to that provision declaring that the continuation beyond January 1, 1921, is only for the machinery of collection.

One word more, Mr. President, about the necessity for this tax. We have already made the appropriations that go through these four years. The Senator from Indiana suggests that we will not have to continue this line of preparedness, this line of Well, we can stop those appropriations the very construction. moment it is determined wise to stop them; and whenever that is done I am sure Congress at the same time will repeal this

I hope we may, by the end of two years, be able to slacken up on military construction. I hope so. I long that that may be true; and if it is true, then I should be perfectly delighted to stop this tax. But at present we have made the appropriations running through the four years.

Mr. SMOOT. Not four years.

Mr. SMITH of Georgia. No; we have not made the appropriations for four years, because we could not.

Mr. SMOOT. No; we could not.

Mr. SMITH of Georgia. We have outlined a class of work that is to run through that period, however.

Mr. SMOOT. You have a building program. Mr. SMITH of Georgia. We have authorized contracts; we have made a program that would involve the four years; and we are seeking through this proposed revenue bill to meet that line. If we can stop that program, and do, pending these years, we certainly will be glad at the same time to stop this tax.

Mr. SMOOT. Mr. President, the Senator is mistaken when he says that there have been appropriations made for four years. He is also mistaken when he states that there has been an authorization for a program to be carried out in the next four years. All that there has been done is this-a tentative program has been agreed to. Congress can appropriate for it if it wants to, or Congress may not appropriate, as it decides

The amendment offered to the bill by the Finance Committee

of the Senate reads as follows:

Titles I and II of this act shall cease to be of effect on and after July 1, 1921.

Under this bill the tax will be levied upon the incomes and the profits for the year 1917. Of course it will not be collected until June 1, 1918, but it will be imposed for 1917, 1918, 1919, 1920, and 1921 if the amendment is agreed to in the Senate.

The Senator from Georgia says that they can repeal the law in two years if it becomes unnecessary to collect the additional taxes. The best way to do that would be to provide only that they should be collected for two years, and then, if conditions were such at the end of two years as to justify it, pass a resolution or put this same provision for another two years in a naval appropriation bill.

Mr. LODGE. Mr. President, on that point the naval bill is the heaviest bill we have, so far as appropriations are con-

cerned.

Mr. SMOOT.

Mr. SMOOT. Yes.
Mr. LODGE. I have just been taking part in making up that bill. The appropriations are all made as usual for the year.

Mr. SMOOT. Certainly. Mr. LODGE. The only difference that exists is that we have made extra appropriations in order to expedite the work, and have made larger appropriations than usual for the authorizations, with the view, of course, of getting the ships as rapidly as possible; but that means that the money will be spent more rapidly than usual. It is not delayed for four years. On the contrary, the expenditure is hastened.

Mr. SMOOT. I am speaking of the imposition and collection

of the tax.

Mr. LODGE. Certainly. Something was said about appropriations running four years. We are reducing the time as

much as we possibly can in the Navy.

Mr. SMOOT. Mr. President, I stated last night, when this same question was up, that the appropriations for this year exceeded even the program that was mapped out, for the reason that it is desired to hasten the completion of the program, and the Navy appropriation bill carries \$531,000,000 this year. year it does not necessarily follow that that same amount will be appropriated.

Mr. LODGE. Unless there is war, next year's bill will not

carry anything like it.

Mr. SMOOT. As the Senator says, unless there is war it will carry nothing like it. If there is not war, and it is not necessary to appropriate \$531,000,000 next year, this tax will be imposed and collected, however, if this amendment is adopted.

Therefore, Mr. President, I think that the modified amendment of the Senator from Indiana making it December 31, 1918, the end of the calendar year, is long enough to have the law in force. Then if war should happen by the end of the year 1918 a similar provision could be included in the Navy bill at that time.

Not only that, if war does come the \$531,000,000 will not be sufficient. I take it for granted, if war comes, a bill will be passed through Congress, in my opinion, quickly as possible authorizing the expenditure of a billion of dollars for the early purchase and forced construction of battleships and auxiliaries

Mr. POINDEXTER. Mr. President Mr. SMOOT. I yield to the Senator.

Mr. POINDEXTER. Of course what the Senator suggests would be physically impossible, the immediate construction of battleships

Mr. SMOOT. I did not say-

Mr. POINDEXTER. Just a moment, if the Senator please; I am not going to detain him. Even the immediate construction of the smaller sort of war vessels, cruisers or submarines or submarine catchers, could not be provided in the manner the Senator suggests in the case of a war. We must have time to build these instrumentalities of national defense. tion of the smallest of them would require at least one year. Hence the importance of the adoption of that provision in time of peace, because of the impossibility of securing them in time of war and of sufficient speed to adequately provide for national defense.

Mr. SMOOT. The Senator would be perfectly right if I had said the construction, though perhaps it would be possible for the Government of the United States to purchase colliers and other auxiliaries of our Navy. That is what I had in mind. Of course the Senator is correct as to the time it takes to construct the smallest ship for national defense. In fact, the Senator said one year, but under conditions to-day I have not a doubt but that it would take two years.

The amendment spoken of by the Senator providing for additional submarines I am in hearty sympathy with. Two years ago I offered an amendment to the naval appropriation bill authorizing the building of 75 submarines. I have every reason to believe that if a point of order had not been made against the amendment to the naval appropriation bill at that time the Senate of the United States would have voted the authorization of the construction two years ago of 75 submarines. So I want to say to the Senator that it will give me great pleasure to vote for the authorization of the construction of the additional submarines provided in the naval appropriation bill.

Mr. President, I sincerely trust the amendment offered by the Senator from Indiana will be adopted. There is no reason to have the imposition and collection of the tax unless it becomes necessary, and we will know by the end of the calendar year 1918 whether it is necessary to extend it beyond that time or not.

Mr. PENROSE. Mr. President, I trust that the chairman of the Finance Committee will accept the amendment of the Senator from Indiana. It is offered in a sincere desire to improve

the bill. Mr. SIMMONS. If the Senator will pardon me, I do not want to take time. I stated my position very fully last night on this subject. I can not accept the amendment. I do not think it ought to be adopted.

Mr. PENROSE. I did not know but that the Senator might have changed his mind overnight, as frequently happens, and

be prepared this morning to accept it.

Mr. SIMMONS. I have not. I am as strong in the belief that the amendment ought to be adopted as reported by the committee to-day as I was last night.

Mr. PENROSE. So my hopes are shattered. Mr. SIMMONS. They frequently are.

Mr. PENROSE. As the Senator says, they frequently have

been.

Mr. President, I entirely agree with what the Senator from Utah [Mr. Smoot] has said about the fact that this amendment will not in any way interfere with these expenditures. agree with him when he says that the money may not be needed. I do feel quite confident that if the money is not needed for preparations to enlarge the Army and the Navy and in fortifications for defense in war some alluring product of Government ownership or some socialistic governmental activity will be discovered by the Democratic majority to exhaust any funds that may be left remaining to maintain the ever-recurring deficit in all its flourishing prosperity.

Mr. SMOOT. I apologize to the Senator for even suggesting

that the amount of money would not be needed.

Mr. PENROSE. Not only would this amendment not interfere with the legitimate expenditures for defense, but it is desirable, in my opinion, for another reason. The most superficial examination of this measure will convince any person that it is crudely drawn and its purposes are not altogether stated in a candid way. The title reads: "An act to provide increased a candid way. The title reads: "An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes."

We were told last summer, Mr. President, when a previous burdensome bill imposing direct taxes was pending with a similar title that the estimated revenue to be raised thereunder would be amply sufficient to meet these military and naval ex-penditures and to provide for any deficit which might be ex-

pected in the future.

Mr. President, I think I should like to have order in the

The VICE PRESIDENT rapped with his gavel.

Mr. PENROSE. I said at the time and other Members of the minority said that the bill would fail as a revenue producer, will continue my remarks when order is restored.

The VICE PRESIDENT rapped with his gavel.

Mr. PENROSE. I believe I have stated that the title of the bill is misleading. As predicted last summer, the then pending measure has failed to raise revenue, and the deficit still exists. The title of this measure, in my opinion, should be "to defray the expenses of increased approprations for the Army and Navy and to meet the deficit and the bankrupt condition of the Treasury of the United States due to wasteful extravagance and unnecessary expenditures." Not only is this measure expected to raise-Mr. President, I recognize that this bill has been fully considered by the Democratic caucus, and that public discussion before the American people does not interest the Democratic majority; but I think at least courtesy should be extended to minority Members when they are discussing the measure in good faith, and those Members of the Democratic majority who desire to indulge in noisy conference should adjourn to some other part of the Capitol than the Senate

Mr. THOMAS. Mr. President-

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. PENROSE. For an inquiry? For what purpose does the Senator rise?

Mr. THOMAS. I merely wish to say that I think the remark made by the Senator is very timely. I have noticed several times when we have been speaking on this side of the Chamber that the Senator from Pennsylvania has been a conspicuous offender in the same direction.

Mr. PENROSE. Well, Mr. President, I have no doubt that have not been entirely free from this offense. Sometimes the gentlemen on the other side address the Senate in such an inaudible tone that it is difficult to tell whether they are addressing the Senate or talking to themselves.

THOMAS. When the Senator whispers he is never inaudible.

Mr. PENROSE. Many of the speeches which have been delivered with great vociferousness have not yet appeared in the Congressional Record even for examination by the minority.

This measure, Mr. President, goes out of its way to lead to the

impression that it is for preparedness. Section 1 says:

That the receipts from the tax imposed by title 2-

That is, the receipts under this peculiar taxation in the pend-

And one-third of the receipts from the tax imposed by title 3 of this act shall constitute a separate fund in the Treasury to be used only for the expenditures incurred under—

And then the acts of this Congress and the last Congress are recited providing for expenditures for the Army and Navy and for fortifications. In addition the paragraph goes on to say:

In addition to such receipts from the taxes imposed under Titles II and III of this act, there shall be credited annually, beginning with the fiscal year ending June 30, 1918, to such separate fund, the sum of \$175,000,000, such sum being the estimated additional revenue to be derived under the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, in excess of the revenue to be derived under then existing laws.

Here is a deliberate attempt, Mr. President, to convey to the people of the country and to the legislators the thought that this oppressive and burdensome tax measure is primarily intended to be for the purposes of military and naval development. But mark the caution which follows this effort on the part of the majority lawmakers. Read the proviso:

Provided, That the Secretary of the Treasury may use such fund for her purposes, but such fund shall be reimbursed for any portion other purposes, thereof so used.

Is there, Mr. President, from here to China and from to-day back 500 years a more childish, a more grotesque, a more inane, a more ridiculous provision than this proviso herein contained? A whole paragraph solemnly setting forth that a fund should be consecrated to a certain purpose, and then a proviso saying the Secretary can use it for some other purpose, but if it is used for some other purpose the fund shall be reimbursed. How? By another bill? Heaven help the reimbursement, if the majority can pass appropriation bills encreaching upon this fund so ostentatiously proclaimed to be for the purpose of na-tional defense. It is humiliating to feel that a tax bill of this magnitude, calculated to paralyze thrift and industry and precipitate bad times, should be made ridiculous and childish by a provision of this kind.

Smoot

I for one think that two years is ample time to permit legislation of this character to remain upon the statute books. look fondly forward to the hope that sanity will return to the American people, and that a House and Senate of a different complexion will exist at the end of that period to restore legislation by the two Houses of Congress to the high standards of statesmanship, which have usually prevailed in the history of the Government.

Mr. HUGHES. Does the Senator mean to intimate that the

people of the United States are now insane?

Mr. PENROSE. I do not, Mr. President; but I doubt the sanity of some of the representatives of the people.

Mr. HUGHES. The Senator hopes for a return of sanity to the people. I wonder if—
Mr. PENROSE. I am unwilling to be further interrupted.

I am about to conclude.

That is about all I have to say at this time, Mr. President, on the pending amendment. As the discussion progresses shall call attention to other inconsistencies in the measure; but as we read the subsequent pages we will come to no more ridiculous provision, no more inane provision, unworthy of the authors of this measure, than that which loudly proclaims the setting aside of a fund for a noble and patriotic purpose and then taking the precaution to say it has a string to it; we will

take the money back whenever we feel like it:

Mr. CURTIS. Mr. President, in addition to what has been said by the Senator from Indiana, the Senator from Utah, and the Senator from Pennsylvania, I desire to say that Congress will be in session in December again; that should there be no extra session it is bound to meet for the long session in Decem-So there will be plenty of opportunity to extend the time if it is necessary. Then, again, Congress will meet a year from December, which will give some thirty-odd days in which to act upon this matter and extend the time if it should be necessary. I hope the modified amendment of the Senator from Indiana will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the

amendment of the Senator from Indiana [Mr. Warson] to the

Mr. SIMMONS. Have the yeas and nays been ordered?
The VICE PRESIDENT. The yeas and nays have been requested on the amendment of the Senator from Indiana to the amendment. Is there a second to the demand?

The yeas and nays were ordered.

Mr. CURTIS. The understanding is that the amendment has been modified to read "December 31, 1918."

The VICE PRESIDENT. Certainly. The Secretary will

call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is compelled to be absent to-day. If present, I do not know how the Senator from Maryland might vote on this question. I therefore withhold my vote.

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], who is absent, and therefore withhold my vote.

Mr. SMITH of Michigan (when Mr. Townsend's name was called). My colleague [Mr. Townsend] has been called away from the Chamber by sickness in his family. If he were present, he would vote "yea."

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I have a general pair with the junior Senator from Georgia [Mr. Hardwick], who, I understand, is detained from the Chamber on account of sickness. I transfer that pair to the junior Senator from Utah [Mr. Sutherland] and will permit my vote to

I transfer my pair with the Senator from Mr. TILLMAN. West Virginia [Mr. Goff] to the Senator from Arizona [Mr.

SMITH] and vote "nay."

Mr. BANKHEAD. I desire to announce the absence of the junior Senator from Georgia [Mr. HARDWICK] on account of I will let this announcement stand for the day.

Mr. GRONNA (after having voted in the affirmative). voted, but I have a general pair with the senior Senator from Maine [Mr. Johnson], which I transfer to the junior Senator from Michigan [Mr. Townsend] and will let my vote stand.

Mr. LODGE. I desire to announce that the Senator from New Hampshire [Mr. Gallinger] is necessarily absent. He is paired with the Senator from New York [Mr. O'GORMAN]. I

will let this announcement stand for the day.

Mr. COLT. I have a pair with the junior Senator from Delaware [Mr. Saulsbury], who is absent. I therefore withhold my vote.

Mr. VARDAMAN. I desire to be excused from voting, Mr. President.

Mr. CLARK (after having voted in the affirmative). President, for fear there may be some misapprehension, I desire to state that I have a general pair with the senior Senator from Missouri [Mr. Stone]. I have voted, but the Senator from Missouri, although afterwards in the Chamber, did not vote, and stated that he withheld his vote because of his pair. Believing that the Senator, had he voted, would have voted with his party, I shall withdraw my vote under the circumstances.

Mr. CURTIS. I have been requested to announce the follow-

ing pairs:

Borah

The Senator from Minnesota [Mr. Nelson] with the Senator from Oklahoma [Mr. Gore]; and

The Senator from West Virginia [Mr. Goff] with the Senator from South Carolina [Mr. TILLMAN]

The result was announced—yeas 34, nays 41, as follows:

#### YEAS-34.

McCumber

Brandegee Catron Clapp Cummins Curtis du Pont Fall	Gronna Harding Jones Kenyon La Follette Lane Lippitt Lodge	Norris Oliver Page Penrose Poindexter Sherman Smith, Mich.	Wadsworth Warren Watson Weeks Works
	NAY	8-41.	
Ashurst Bankhead Beckham Bryan Chamberlain Chilton Fletcher Hitchcock Hollis Hughes Husting	James Johnson, S. Dak, Kern Kirby Lea, Tenn Lee, Md. Martine, N. J. Myers Newlands Overman Owen	Phelan Pittman Pomerene Ransdell Reed Robinson Shafroth Sheppard Shields Simmons Smith, Ga.	Smith, S. C. Swanson Thomas Thompson Tillman Underwood Walsh Williams

Broussard -	Goff	Nelson
Clark	Gore	O'Gorman
Colt	Hardwick	Sanlsbury
Culberson	Johnson, Me.	Smith, Ariz.
Dillingham	Lewis	Smith, Md.
Gallinger	Martin, Va.	Stone

Fernald

Sutherland Townsend Vardaman

So Mr. Watson's amendment to the amendment of the committee was rejected.

NOT VOTING-21

I move to strike out from the pending bill, Mr. CLARK. beginning in section 1, down to and including line 21, on page 2. I offer that amendment, unless there are some other committee amendments still to be considered.

Mr. SIMMONS. What section of the bill is it the Senator

from Wyoming moves to strike out?

Mr. CLARK. I am told that my motion is not at present order.

Mr. LODGE. I understood that the committee amendments were to be disposed of before individual amendments were of-

Mr. SIMMONS. Yes.

Mr. CLARK. I will say, for the information of the Senator from North Carolina, that my proposed amendment is to strike out section 1 down to and including line 21, on page 2. I will offer the amendment at the proper time.

Mr. SIMMONS. That amendment, I think, would not be in

order at this time.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 7, inserting lines 15, 16, and 17.

Mr. CUMMINS. I desire to hear what the amendment is.

Mr. SIMMONS. We have just rejected an amendment proposed by the Senator from Indiana [Mr. Watson] to modify the committee amendment.

The VICE PRESIDENT. The committee amendment will be stated.

The Secretary. The committee proposes, on page 7, beginning in line 15, to insert:

SEC. 208. Titles I and II of this act shall cease to be of effect on and after July 1, 1921.

Mr. SMITH of Michigan. On that amendment I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.
The VICE PRESIDENT. The next amendment of the com-

mittee will be stated.

The Secretary. The next amendment of the committee is found on page 10, line 7, after the word "opportunity," to insert the words "to subscribe."

Mr. SMOOT. Mr. President, wherever there is a section in

which an amendment occurs I should like to ask that the section

be read, so that we can really know what the amendment

Mr. PENROSE. Mr. President, it was distinctly understood last night that the paragraph which contains an amendment should be read in full.

Mr. SIMMONS. Do I understand the Senator wants the

whole of that title read?

Mr. PENROSE. Yes. Mr. SIMMONS. There is only one amendment in section 400 of Title IV, and that section covers nearly two pages. The Senator wants the whole thing read? Mr. PENROSE. Yes.

The VICE PRESIDENT. The Secretary will read the entire paragraph or section in which amendments occur.

The Secretary proceeded to read Title IV, section 400, as follows:

Sec. 400. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation, the construction of the armor-plate plant, the construction of the Alaskan Rallway, and the purchase of the Danish West Indies, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States not exceeding in the aggregate \$100,000,000, in such form as he may prescribe, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: Provided, That such bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity.

The Secretary. At that point, on page 10, line 7, after the

The Secretary. At that point, on page 10, line 7, after the word "opportunity," it is proposed to insert the words "to sub-

scribe."

Mr. PENROSE. Mr. President, I invite the attention of the chairman of the committee to the fact that this amendment extends an equal opportunity to all the citizens of the United States to subscribe to a loan for certain purposes. I note that one of the purposes for which the Secretary of the Treasury is authorized to borrow on the credit of the United States is "to meet public expenditures on account of the Mexican 'situation.'" "situation" is rather an extraordinary one to The word occur in legislation of this character, and particularly in connection with a loan. I do not recall that the history of financial legislation in several hundred years of parliamentary government in any free country gives an instance of a loan of some \$200,000,000 or any other amount borrowed for a "situation." I have know of loans to be incurred for a war, or an epidemic, or a flood, or for starvation, or for an invasion, but here it is proposed to make a loan of \$200,000,000 for a situation."

Mr. BRANDEGEE. A chronic situation.

Mr. PENROSE. Yes; "a chronic situation." What is the nature of the "situation," Mr. President? When did it begin? When will it end? What is it? Where is it located? Who produced it? Is any one in this broad land willing to acknowledge the parentage of this "situation"?

Mr. BRANDEGEE. Is there one?
Mr. PENROSE. Yes; is there one? Is it left unclaimed, a foundling on the doorstep, humiliating to the householder on whose doorstep it is found, because it invites suspicion regard-

ing the daily circle of his routine life?

I am curious to know, Mr. President, why this radical innovation in the phraseology and terminology of fiscal legislation finds a place here, so that in the future the legislator and the historian may have an accurate definition of what a "sitution" is. I invite the attention of the chairman of the Finance Committee to the propriety of adding a proviso defining a "situation." Is this a good "situation," Mr. President, or a bad "situation"? Is it a critical "situation," or is it some other kind of situation? When these American citizens are invited to subscribe to this loan and march up to the desk to put down their hard-earned wages to raise this \$200,000,000, they will inquire what is the "situation" for which they are putting up their money; and I ask, in all seriousness from the chairman of the committee, or from any other Member of the majority, whether they can give the Senate any information as to this "situation." I have known of loans to be incurred for a war.

Has any estimate been made as to this "situation"? Will the pending revenue bill be ample and sufficient to meet the requirements of the "situation" as long as it may continue? it likely to continue indefinitely, or is there a fixed time ahead which we may all contemplate when this "situation" may end? Is this "situation" serious, or in the nature of a vaudeville performance?

These are inquiries which will naturally arise in the breast of the prospective investor. I think the country is entitled to have a little more definite information as to why this very large sum of money is to be asked from the savings of the American people. I think they are entitled to know a little about what the "situation" is.

One question which will naturally occur is, whether any part of this money is to defend the lives of American citizens or the honor of American women or the property of our people wherever it may be located, or whether we shall continue to march up the hill and march down again? It is an expensive proceeding, Mr. President, apparently without any definite result. We recall one situation where we were "too proud to fight," and then another situation, later on, where we were ready to fight anything in sight. We recall a situation where we marched into Vera Cruz to compel a salute to the American flag, and where we subsequently withdrew without any flag or individual being saluted, at considerable expense to the arry. We recall a still later situation when we marched very boldly across the border in pursuit of Villa and his associates, who had had the presumption to cross over into the domain of the United States; and as far as any observer can ascertain at this distance, Villa and his forces have continued to be as active up to the present time as they were when this "situation" arose, after an expenditure of some lives and many million dollars

I think that this is one point on which I am really entitled to have information from the chairman. He has not seen fit to explain this measure in any considerable detail; but as this proposition involves taking money from the pockets of the taxpayers, I think he ought to enlighten us on it. Is this Mexican situation in the nature of a "get-rich-quick" concern, Mr. President, for which money is taken from the taxpayers upon some plausible and rainbow-chasing prospectus? In that case, let it be branded with the proper term, "Get poor quick" and

get dishonored quick."

Mr. SIMMONS. Mr. President, what has transpired during the last 10 or 15 minutes makes very clear, I think, the purpose of the minority with reference to this bill. We are now considering an amendment adding one word to section 400. Mr. SMITH of Michigan. Mr. President, we can not hear

the Senator. Will he speak a little louder?

Mr. SIMMONS. I am speaking loud enough, I think, for the Senator to hear me. That section covers nearly two pages. The only amendment made to it-

Mr. PENROSE. Mr. President, I do not suppose it makes any difference to the chairman of the Finance Committee

Mr. SIMMONS. Mr. President, I do not yield. Mr. PENROSE (continuing). But no one can hear the Sen-

Mr. SIMMONS. I do not yield to the Senator from Pennsyl-

The PRESIDING OFFICER (Mr. LEA of Tennessee in the The Senator declines to yield.

Mr. PENROSE. I did not know I was interrupting the Sena-I could not hear him.

Mr. SIMMONS. That is one of the tricks of the Senator from Pennsylvania-to profess not to hear anybody on this side of

the Chamber. It has become quite stale. The only amendment made to that section is to add the words

"to subscribe" in line 7 of the tenth page. This amendment proposes to insert in that section two words that evidently were inadvertently left out. That is apparent from a reading of the In considering this purely formal amendment the time of the Senate is taken up to read two pages of printed matter.

Of course, Mr. President, if the minority desire to take advantage of the situation that now exists, there being left only about seven days, excluding Sundays, between now and the time this session of the Congress will automatically expire, they can, by the unnecessary consumption of time, defeat this bill, and they can defeat the appropriation bills to provide money to pay the necessary expenses of preparedness which have had the

sanction of their party.

I do not know why the minority apparently have reached the conclusion that there shall not be such legislation at this session as will be necessary to avoid the necessity of an extra session; but I feel quite confident that their attitude with reference to this little perfunctory amendment can mean nothing but a deliberate purpose to prevent the passage of this necessary legis-The Senator from Pennsylvania consumes the time of the Senate about another matter which is so clear, which, looking at it even from his standpoint, is so irrelevant to the amendment, that the impression gained from their action with reference to the addition of the words "to subscribe" is further enforced.

Of course, Mr. President, the purpose for which these bonds are issued is well understood. On account of the Mexican situation-and the words are sufficiently descriptive to indicate what is meant-it will be necessary to raise \$162,000,000, the estimated expense of that situation, in order to reimburse the Treasury for money expended from the general fund to meet this indebtedness which was not provided for at the last session. At the last session of Congress it was stated and understood that no definite estimate was made or could be made as to the expenses of the Mexican situation. It was impossible to make satisfactory estimate. It is always impossible, when you have a situation of that sort, until after the situation has developed itself more fully than it had at that time, to estimate closely what will be the cost. It was thought then by the department that the cost to December 31, 1916, of that situation would amount to about \$130,000,000. It has since been ascertained that it will amount to \$162,000,000 by June 30, 1917.

Because of the inability of the department to make a proper

estimate, it was stated that there would be no provision in the revenue bill passed at the last session from which to pay the expenses of the Mexican situation, but that under the general law giving authority to the Secretary of the Treasury to issue Panama bonds the expense of that situation would be met by an issue of those bonds in whatever amount was necessary.

The Secretary did not issue those bonds, but from day to day has paid the expenses out of the general fund in the Treasury. That brought about a deficit of \$157,000,000. This bill proposes now to reimburse the Treasury of the United States, not an indefinite amount, but an amount estimated to be \$162,000,000. So that the bonds proposed to be issued in this title are to cover, first, the expenses incident to that situation up to June 30, 1917, estimated at \$162,000,000; the construction of the Alaskan Railroad, \$35,000,000; the armor plant, \$11,000,000; and the Danish West Indies, \$25,000,000, making \$233,000,000. We have authorized heretofore an issue of \$50,000,000 of Panama bonds to meet the expenses under the shipping act and \$20,000,000 for the cost of the nitrate plant, making \$70,000,000 of these bonds already authorized. That will make a total of bonds to be issued of \$303,000,000.

There are only \$222,000,000 of Panama bonds in the Treasury which can now be issued. That will make it necessary, in order to meet these expenses, to issue \$81,000,000 in new bonds; and this title authorizes the issuance of as much as \$100,000,000, not more—only as much as may be necessary, but not more than \$100,000,000 of bonds-to defray these expenses.

I do not think it is necessary to say anything further in reply to the questions and the argument of the Senator from Penn-

Mr. BRANDEGEE. Mr. President, of course I assume that the bill is now being considered for committee amendments

Mr. SIMMONS. The Senator is right. The amendment is found on page 10, line 7, and proposes to insert the words to subscribe."

Mr. BRANDEGEE. I understand where the committee amendment comes in; but it seems to me the Senator from Pennsylvania was quite within his rights and quite justified in asking for information upon the language of this paragraph. Section 400 provides:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation—

For one item. Mr. President, whatever may have been in the minds of the committee, I do not know, but that language, if it is left to stand as it is written, would allow the Secretary of the Treasury at any time in the future to issue bonds in such sums as in his judgment may be required to meet public expenditures, if they were only made on account of the Mexican situation.

Mr. SIMMONS. Does not the Senator lose sight of the fact that the issue is limited to \$100,000,000?

Mr. BRANDEGEE. I do not lose sight of that fact, and of course I do not mean that he could issue bonds in a greater amount than the act authorizes him to issue. So far as anything in the act is concerned, however, not one penny of expenditures made in the past in the conduct of military operations on our part in Mexico need be paid by these bonds, but if somebody should decide that the troops should be sent back into Mexico, and it were necessary to provide additional money, these expenditures made in the past could be left unpaid, and the entire amount authorized by this act could be used for future expendi-

I call the attention of the Senator from North Carolina to the fact that I think there ought to be an amendment. If it is

designed to pay expenditures already made, the bill should so state; and at the proper time, if nobody else does it, I shall offer an amendment, after the word "expenditures," in line 12 of page 9, to insert the words "heretofore made."

Mr. SIMMONS. The Senator understands that this \$160 .-000,000 estimated for the Mexican situation includes the money that has already been spent on account of that situation and that which it is estimated will be spent during the remainder of this fiscal year.

Mr. BRANDEGEE. Of course, I had no understanding about it except the language of the bill, Mr. President.

Mr. SIMMONS. It is an estimate. Mr. BRANDEGEE. That is the reason I was asking information of the chairman, as to whether I understood the chairman of the committee correctly.

Mr. SIMMONS. I do not know whether the Senator knows what I mean or not.
Mr. BRANDEGEE. I yield to the Senator.

Mr. SIMMONS. The bill authorizes the issue of \$100,000,000 of bonds. Upon the basis of \$162,000,000 expenditure it would require only \$81,000,000 of bonds to meet these different items; but we can not say with absolute definiteness what may be the increased expenditure on account of the Mexican situation between now and the end of the fiscal year. This, however, is to meet an estimate of \$162,000,000 for the Mexican situation up to the 30th day of June of the present fiscal year.

Mr. BRANDEGEE. Mr. President, that is simply to say, when anybody asks what this Mexican situation is, that Congress is asked to appropriate not to exceed \$100,000,000 to provide for it, a part of which the Senator says is to be spent away up until the end of this fiscal year. What is the Mexican situation now, that Congress is asked to appropriate it blindly without knowing anything about what it is to be used for?

On the admission of the Senator from North Carolina, if I understood the Senator from North Carolina correctly, I am not sure that I did, the Secretary of the Treasury already had authority to issue Panama Canal bonds to pay for this expenditure. If he had, I suppose he still has that authority, and if he has he can pay all the past expenditures made on account of the so-called Mexican situation out of the issue of Panama Canal bonds, and then he will have this fund for future operations in Mexico.

I do not know what to do about it. Of course, if the bill comes to a vote a majority will pass it in any language they have a mind to, and they seem to resent anybody asking for information or calling attention to the loose wording of the bill. But that shall not deter me from making such comments as I choose to make upon it from time to time, and I leave it there.

Mr. PENROSE. Mr. President, I only desire to call the attention of the Senate to what I consider a grossly inelegant, untechnical, unstatutory phrase which never has appeared, to my knowledge, in connection with financial legislation or bond issues. I challenge any precedent for the issuance of bonds for a " situation." It makes us ridiculous before the exchequers and treasuries of civilized nations to use such language. Certainly we ought to defer somewhat to the laws of grammar, to the elegancies of diction, to the phraseology which bankers and borrowers and creditors are accustomed to use. I have never heard of a customer going into a bank to float a note for a "situation," commendable as the situation might be, or to ask for a personal loan from an old friend upon the street for a "situation."

Mr. OLIVER. Mr. President, I call my colleague's attention

to the fact that two months ago a very eminent lawyer testified that he was "attorney for the situation."

Mr. PENROSE. Yes. If we are going to use the vulgar parlance of the street in connection with fiscal phraseology, I would suggest the propriety of striking out the word "situation" and let it read "the Mexican mess." That would be a little more descriptive anyhow in its accuracy and equally technical. I have sufficient patriotism in my bringing up and in my education to want to preserve the high standards of statutory language, and I intend when the opportunity is offered and this paragraph again appears upon the floor of the Senate open to amendment to offer an amendment changing the phraseology of the Mexican "situation" or Mexican "mess" into more elegant and illuminating and definite and legal language, so that the vast army of citizens who will put the savings of their thrift into this \$20,000,000 of expenditure may know a little more clearly for what purpose it has been spent or is being spent. They may well feel puzzled as to how it has been spent or how it will be spent, for up to the present time the Mexican mess or the Mexican "situation" has hardly advanced an inch. It is just the same as it was when the famous phrases of "watchful waiting" and "too proud to fight" were submitted to the

patriotic consideration of the American people. We have been in and we have been out. I do not know whether we will go in and go out again or not, but certainly while we are committing these wanton acts let us observe the proprieties at least of ap-

pearance and clothe our performances in technical language.
Mr. WILLIAMS. Mr. President, the psychological "situation" or "mess," whichever it may be, of the Senator from Pennsylvania is supreme, it is almost sublime, but with it all it is quite amusing. Everybody who listens to the Senator from Pennsylvania knows that he is distressed neither in mind nor body in the argument which he has just been making. He wants to strike out the word "situation" and wants to substitute for it the word "mess." He tells us that by his bringing up he is better prepared to vote for the word "mess" than for the word situation."

Now, what is the "situation" in Mexico? Let us be serious about it a while and talk about it earnestly, not merely in a partisan spirit, a spirit which concludes that any rack pin to hang a hat on to hurt the Democratic Party is a good rack pin.

What is the "situation"? Who knows what it is? How can we make a definite appropriation for a definite "situation"? Carranza has lately come out and given us notice that he stands among the three Americas-Central, South, and North America-in opposition to the President of the United States, and asking him to knuckle down quietly upon four fingers on the floor and submit to being kicked once more.

The universal opinion of the party to which the Senator from Pennsylvania belongs is that the President has been kicked enough already. If there is any criticism of him at all, it is not that he has not gone far enough, but that he ought to have gone further; not that he has not acted quickly enough, but that he ought to have acted more quickly. I am not agreeing with those criticisms, because they are your criticisms floating in the circumambient political atmosphere from Massachusetts clear on through wherever there is a Republican who is bent upon attacking the President of the United States.

Mr. President, it does not make any difference whether you call the Mexican "situation" the Mexican "mess"; it is a messed-up situation. There is no doubt about that. It is a mess because there was nothing that we could do that would have kept it from being an uncontrollable sort of a bad situation, unless we had been willing to put the American people in for a worse mess than the Mexican people were already in.

What are you going to do with those people? Suppose you stop "the watchful waiting." of which you make so much fun, and suppose that 35,000 American troops headed by the Senator from Pennsylvania [Mr. Penrose] go down to reduce Mexico to order—perhaps the Senator from Connecticut [Mr. Brandegee] acting as his lieutenant—what are you going to do with them?
Mr. PENROSE. Will the Senator permit me?

Mr. PENROSE. Will the Senator permit me? The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. WILLIAMS. I yield most gladly to hear the answer to

Mr. PENROSE. In all my criticism of the Mexican situation I never offered to go down there myself. I early became con-

vinced that I exposed too much surface to the enemy.

Mr. WILLIAMS. I am the last man in the world to doubt the physical courage of the Senator from Pennsylvania. I know he is just as brave as I am or anybody else. I did not mean to infer that he was not going with the idea of saving his own hide. Of course I knew he was not going. I knew that by my knowledge of myself and by my knowledge of the Senator from Pennsylvania. I knew neither one of us was going, but I also knew that a good many American boys would have to go if we are going to have that trouble. I also know that the Senator from Pennsylvania knows that there is no way of defining the Mexican The fingers of a great European power have already been playing with the Mexican pulse. We have already re-ceived from Carranza an intimation of what might happen. We have also received an intimation of the same great foreign nation playing with the pulse in Cuba. The Senator from Pennsylvania knows those facts as well as I do. He knows that if we make a provision for bonds to meet the Mexican situation, that situation must remain indefinite, because we can not define it. We can not define it because its definition remains with Mexico and with the European pulse finding and feeling power in Mexico.

Of course the Senator from Pennsylvania knows all that. There is no man in this body with better sense than he. ever else may have been said about him at any time or whatever else may be said about him now, his intellectual acumen is almost perfect. He knows the situation in Mexico as well as I do, and he knows that neither he nor I know that it is a definite

situation and that it is "a mess," as he calls it, and that calling it "a mess" does not help "the situation."

The American people somehow or other right now have got to stand shoulder to shoulder against foreign aggression. It would not be becoming to be too specific in saying what that foreign aggression is, but the Senator knows it as well as I do. perhaps knows it better because he has a better individual intellect than I have.

Now, Mr. President, after you are through with it all, the Senator tells us that here is a bond put upon the market to meet "a situation"; that he never heard of anybody being economically armed with sufficient business penetration to subscribe for bonds "to meet a situation." What a man subscribes to is the bond and it is not the situation. Whenever the United States Government puts out a bond to meet its possible expenses for the purpose of meeting a situation announced to them, the United States therefore necessarily becomes sponsor. The situation is elastic; the bond is a definite thing.

Speaking for myself, and I think speaking for the Senator from Pennsylvania, if we had a few hundred dolle s to spend we would not have the slightest hesitation about the security. The Senator, of course, knows he has been playing with the galleries and has been playing with the public and has been playing with the Senate. He does not mean one word that he He knows as well as I do that the business value of that bond issued by the United States is not in the slightest degree embarrassed by the use of the word "situation."

By the way, the word situation is not a very indefinite word. It means the sitting place of the nation at that time as well as the nation can discover a sitting place. If the Senator knows what our situation in Mexico is he knows a lot more than I do. It is a thing apt to be developed in any minute to mean something totally unexpected. As Disraeli says, "It is the unexpected that always happens."

Now, why does the Senator from Pennsylvania come in here about once a month to break my pair in order to produce a case of discord and lack of harmony in the national defense?

Mr. PENROSE. I protected the Senator from Mississippi for nearly two weeks in January.

Mr. WILLIAMS. He did. There is no doubt about that, and he protected me most nobly. That does not discount the fact that I have protected him for about two years. But let

Why should he come here and try to create discord about nothing, about a word, a difference between "a situation" and a mess

By the way, I do not know what the word "mess" means. The word "mess," if anything at all, means a nasty situation and a bad situation, something worse than a sweet situation. The worse the situation is the more money we will need to meet The more unexpected the situation will be the more we will need to be prepared for it.

My friend from Pennsylvania is one of the most genial men who ever lived. He is all right in every respect except when his partisanship is aroused. It makes a man like me, who is really patriotic, sigh with grief when I view his partisanship. Whether it is some old Federalist doctrine or whether it is a new plutocratic doctrine makes no difference, the Senator from Pennsylvania is equally strenuous in his support of both. I remember only a few years ago when the Senator went back to Pennsylvania to be an uplifter, when he made up his mind that this modern party that calls itself "progressive" could not "outprogress" him upon any question in the world. But just as soon as he got himself safely seated in the Senate his progressivism and his upliftism expired by their mutual consent and by his consent, too.

I hope the Senator will not insist upon introducing the word "mess" upon an American statute in order to cure the internet mess of the word "situation," which he knows to express a real ness of the word "situation," and not merely an indefiniteness of

Mr. President, the time will come some day when the biographies of statesmen will be written, and the biography of the Senator from Pennsylvania will be written, too. I promise not to eulogize him during his lifetime for fear I might do him harm, but after he is dead, if he shall die before I do, I shall pronounce a eulogy upon him for some good for which he is entitled to be remembered. I do not want the Senator to present himself to the American people as offering an amendment to substitute the word "mess," which is very indefinite, if not of doubtful conword "mess," which is very indefinite, if not of doubtful construction, for the word "situation," which is about as definite as we can make it, especially when he remembers, as I remember, that the bond is for this specific thing, and he will be mighty

glad to have a few of them if he has money enough to buy them.

Mr. PENROSE. Mr. President. I do not intend to pursue this matter any further. I am anxious to facilitate the passage of this measure and to help to perfect it. So far it is the fact that I have been completely ignored with my colleagues in the minority in our patriotic efforts to prune out some of the inconsistencies in the measure. I rose in good faith to call attention to the impropriety of the word "situation" in connection with a bond issue, and tried to accentuate my objections by saying the word "mess" might just as well have been used. When the paragraph appears in the Senate I shall offer proper technical language in connection with the issue of the bonds.

I know that the credit of the Government is the bond, but the knowledge of the purpose of the loan is a test of the popularity of the loan. If the loan is for a purpose offensive to the American people or unpopular among them, there will not be that ready contribution that there would be where universal approval is voiced for the bond issue from the Atlantic to the Pacific Ocean. I can easily imagine how an aroused public sentiment perhaps might ridicule this performance of borrowing money for a "situation" so that men might well hesitate to subscribe with any great zeal, and the bonds, perchance, might not be floated upon as favorable conditions as might have prevailed had a little more decorum been preserved in issuing them. So I will not pursue the matter further at the present time.

As to the Mexican situation I shall say briefly that I am one of those who look on it as constituting the most deplorable chapters in the history of our foreign relations. infirmity of purpose, ignorance of conditions, and inexperience with the rules and amenities of international intercourse have brought us to a condition in Mexico where we incur nothing but contempt. Had the situation been taken up firmly in the beginning, upon the lines of definite and recognized diplomatic procedure, with the recognition of the de facto government in conjunction with the other nations of the world, we would not have had this condition. A few thousand men, had the necessity arisen, could have gone into Mexico then when the American citizen was respected and feared and American rights were respected and honored, just as they went 70 years ago under Scott and Taylor and marched into Mexico with five or eight thousand men and conquered the country. But having once sunk to the lowest level, as a people branded with cowardice, and with a Government prompted only by infirmity of purpose, 150,000 men on the border and far into the interior were unable to hunt to cover a bandit with a few hundred followers. It is a lamentable situation and it is a complicated one, but all the trouble has arisen from the ignorance and incapacity of those whose duty it was to have taken hold of the matter early and firmly, until the situation as described in this bill has cost several hundred million dollars and may cost several hundred million dollars more.

The PRESIDING OFFICER. The question is on agreeing the amendment. Without objection, the amendment is to the amendment. agreed to.

Mr. SHERMAN. Mr. President, do I understand we are still on the bond question?

The PRESIDING OFFICER. That amendment was agreed to without objection.

Mr. OWEN. Mr. President—
The PRESIDING OFFICER (Mr. Sheppard in the Chair). Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Yes, sir.

Mr. OWEN. May I ask the indulgence of the Senator for just a moment?

Mr. SHERMAN. Yes, sir. Mr. OWEN. I wanted to ask if we might not agree that on Monday we might take the first hour after meeting to dispose of the amendments to the Federal reserve act? It is quite an important matter, and I have been trying for weeks to get it concluded. I do not think it will take over a half or threequarters of an hour.

Mr. THOMAS. I hope the Senator will not make that request in the absence of the chairman of the Finance Committee.

Mr. SIMMONS entered the Chamber.

Mr. THOMAS. I see, however, that the Senator from North

Carolina has come in.

Mr. SHERMAN. May I ask the Senator from Oklahoma if this is the bill that authorizes the member banks of the Federal Reserve System to charge exchange rates?

Mr. OWEN. The members of the system have a right to charge whatever rates they please, and they have always had it since the act passed. This bill does not deal with that,

Mr. SHERMAN. As it is now, though, if I understand correctly, the exchange is limited to the cost of transacting the exchange business.

Mr. OWEN. No; there is no statute about it. They are at liberty to charge what they please. They seem to have gotten the impression that this bill proposes to deal with the matter of exchange, and forbids them to charge exchange. The bill does not do that. The report has been printed and is before the Senate.

Mr. SHERMAN. The bill, if I have read it correctly, would put it in the power of the Federal Reserve Board to authorize the national banks to charge a reasonable rate of exchange,

and the board would fix the rate.

Mr. OWEN. I do not so interpret it. The report speaks for itself; but that matter could be considered if we could arrive

at some agreement.

Mr. SHERMAN. I am opposed to the bill in its present form,
Mr. President, and could not yield for that purpose, because it occurs to me-

Mr. WEEKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. SHERMAN. For a question. Mr. WEEKS. I wanted to say that there are several features in this proposed legislation. One of them, at least, is as important as any matter with which the Senate has to deal. has to do with getting into the Federal reserve banks as much of the floating surplus gold as can be done within a reasonable time; and I hope an effort will be made to get action on this bill. There may be features of the bill which Senators will want to oppose, but I am confident that they will not oppose

that particular proposition.

Mr. SIMMONS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. SHERMAN. For a question.
Mr. SIMMONS. Mr. President, in the present situation, at this particular time, I can not consent to laying aside the revenue bill either to-day or to-morrow for the bill presented by the Senator from Oklahoma.

Mr. OWEN. I suggested Monday, not to-day or to-morrow.
Mr. SIMMONS. A little later I may be able to consent to
that; but I hope, for the present, that the Senator will not press that request.

Mr. OWEN. I withdraw the request, under the circumstances.

Mr. SHERMAN. Does the Senator desire to lay the revenue bill aside?

Mr. SIMMONS. No; I do not.
The PRESIDING OFFICER. No; no such proposition as that is before the Senate.

Mr. SHERMAN. I will proceed with my comments, then. [Mr. SHERMAN resumed and concluded his speech on February 24.1

# GEN. FUNSTON.

Mr. THOMPSON. Mr. President, the sudden and untimely death of Maj. Gen. Funston, who had served his country so bravely and brilliantly for many years, came as a great shock to the Nation. By his death Kansas lost the greatest soldier she ever produced.

It was my privilege to know Gen. Funston personally when I lived in Allen County, Kans., where he made his home from the time he was about 2 years old. After reaching manhood he was not at his old home much of the time, but I saw him occasionally when he returned on visits. One of my first official acts was to call the attention of President Wilson to this worthy officer of the Army and to the fact that justice demanded he be made a major general at the first opportunity; and it was indeed pleasing to me and to the people of Kansas when the President finally gave him his deserved recognition by advancing him to

the high rank of major general November 18, 1914.

Gen. Funston's death is not only a great loss to Kansas but is a greater loss to the entire Nation. This is especially true at this particular time when military genius means so much to the Nation. Gen. Funston was a natural-born soldier. He was a military genius with no superiors and with few equals. never had military schooling or special military training, but the instincts of a soldier and the peculiar characteristics of a commanding officer were born in him. Without military train-ing he went to Cuba and cast his lot with that brave and courageous people who were fighting for liberty, and while thus engaged he attained distinction as an officer. After his last battle in which he was wounded, he was captured by the Spanish, and it was only by his quick natural wit that he was

able to gain freedom, claiming to be an American newspaper reporter and in sympathy with the Spaniards. His achievements as an officer in the Cuban Army in over 20 battles favorably commended him to the Army of the United States. When the Spanish War began he was appointed colonel of the Twentieth Kansas Volunteer Infantry, and he made that regiment famous. His personally planned capture of Aguinaldo, the Philippine rebel chief, on March 23, 1901, which terminated the rebellion, was such as to give him prominence throughout the world for daring, courage, and successful execution of difficult military

plans

With only four American officers and 78 native Macabebe scouts and three Spaniards, Gen. Funston undertook this difficult task by marching from Manila to Palanan, in the interior of Luzon, where Aguinaldo had his headquarters. general, with the other Americans, pretended to be prisoners of the Philippine scouts. Letters were sent to Aguinaldo purporting to come from Gen. Lacuna, who was associated with Aguinaldo in the rebellion against the United States, stating he was sending a number of fine troops for the personal use of the Philippine president, who had captured and made prisoners a number of American members of a surveying party, and also requested that Aguinaldo send them an escort and supplies. Aguinaldo complied with their request, and implored the Macabebes, who pretended to be rank insurgents, to treat the white prisoners kindly. As they approached the headquarters they were greeted by Aguinaldo personally, with a fine bodyguard of troops, who received them with great pomp and ceremony. The troops of Gen. Funston, by prearrangement, surrounded the headquarters and marched in front of Aguinaldo's troops. Aguinaldo retired to the house, and Gen. Funston immediately assumed command, and an order was given, "Now, Macabebes, go for them!" This command was followed by a brisk firing of guns and a general scattering of Aguinaldo's troops. Aguinaldo, hearing the shots and mistaking them for signs of festivities and being short of gunpowder, rushed to the window and shouted, "Stop that foolishness! Don't waste ammuni-tion!" He was immediately seized by one of the officers throwing his arms around him, and was then rushed to the coast and taken to Manila, which put an end to the rebellion. Gen. McArthur said of this victory at the time:

The transaction was brilliant in conception and faultless in execution.

President McKinley, in an autograph letter, wrote the following concerning Gen. Funston's regiment:

The American Nation appreciates the devotion and valor of its soldiers and sailors. Among its hosts of brave defenders, "the Twentieth Kansas" was fortunate in opportunity and heroic in action, and has won a permanent place in the hearts of a grateful people.

WILLIAM MCKINLEY.

On October 10, 1899, the Twentieth Kansas Regiment entered Golden Gate, San Francisco, on its return home, where it was greeted by the governor of Kansas and other distinguished Kansans and given a triumphant welcome all the way from San Francisco to the capital of Kansas. On November 3, 1899, a grand reception was tendered the members of the regiment by the people of Kansas at Topeka, where men, women, and children came in great crowds from all sections of the State to welcome and to honor the brave "Twentieth Kansas boys," who had accomplished so much for the Nation and added so many pages of glory to the history of the State. Gen. Funston was presented with a gold sword set in diamonds purchased by popular subscription.

Promotions came to Gen. Funston rapidly until he became brigadier general of the Army April 1, 1901, when his youth and the fact that he rose from the volunteer service interfered with his further advancement for over 13 years. Both President Roosevelt and President Taft promoted other Regular Army officers over him who were his senior in years but had performed no special distinguished service. Gen. Funston almost despaired of promotion, but with characteristic tenacity he stuck to the Army until he received his coveted reward. He accepted his fate philosophically and in good spirits, as is shown in a letter to me of October 17, 1914, in acknowledgment of his ap-

preciation of my interest in his behalf, as follows:

HEADQUARTERS UNITED STATES EXPEDITIONARY FORCES, Vera Cruz, Mexico, October 17, 1914.

Hon. WILLIAM H. THOMPSON, United States Senate, Washington, D. C.

counting my two years as a brigadler general of Volunteers. But what is the use of being unhappy about it? Really, I am lucky to be alive and to have such a good and beautiful wife and such adorable children. Under such treatment nine out of ten men would find it hard to be loyal and to do their duty, but somehow I do not. It will not make any and to do difference.

Again thanking you for your interest in me, I am,
Yours, very sincerely,

Fre

FREDERICK FUNSTON.

As he advanced in rank in the Army, he immediately assumed and mastered all the higher responsibilities devolved upon him. He discharged with fidelity every trust and duty placed upon him in the most satisfactory manner. There was no military commander since the Civil War whose fighting qualities and brave exploits so endeared him to the people as the little hero who fought with Gomez and Garcia for 18 months as commander of the Cuban artillery, and with the Twentieth Kansas Volunteers against the Spaniards and ladrones in the Philippines, While his dashing and picturesque capture of Aguinaldo gave Gen. Funston his greatest prominence, and made him a brigadier general, yet he performed services to his country far more difficult and of much greater value.

When San Francisco was falling into charred ruins and its terrified inhabitants fled to the hills in disorder and uncontrolled lawlessness prevailed, it was Gen. Funston at the head of the Regulars who brought order out of chaos. He met every requirement of that awful situation and won the confidence and esteem of not only the citizens of California but of the entire Nation, who all greatly sympathized with the people of that un-

fortunate city.

He played well his part in the Vera Cruz campaign, and has received praise from everywhere for his successful management of military affairs on the Mexican border. The American troops had only been in Vera Cruz a short time when a Mexican general sent him a message stating that he was unable to longer restrain his troops which were about to advance and drive the Americans into the sea. Gen. Funston sent back one of his characteristic replies, saying, "If you can not hold your troops back, I can." This was in line with his famous reply to Gen. Otis when he asked him, "How long can you hold your position, Funston?" and he replied, "Until my regiment is mustered out."

Concerning his death, and services in Mexico, the Secretary

of War, Mr. Baker, made this statement:

Of War, Mr. Baker, made this statement:

Gen. Funston's death is a loss to the Army and a loss to the country. During the trouble on the Mexican border his work has been difficult, exacting, and delicate. His conduct has been that of a soldier, and he has exemplified the high tradition of the American Army by his quick, intelligent, and effective action. Throughout it all the sympathy between Gen. Funston and the department has been complete and no shadow of disagreement has arisen.

Gen. Funston's life was a career of continual adventure and reads like a novel, and is one that appeals to every patriotic

young man of the country.

While still a student at the Kansas University he went on an exploring expedition to Colorado in places in the Rocky Mountains which were difficult of access, and worked as guide to earn money to pay his expenses. A few years later his father, Hon. E. H. Funston, who was a Member of Congress from the second Kansas congressional district from 1884 to 1894, secured his appointment as a botanist to accompany a party of Government surveyors to explore Death Valley, where he spent seven months. He next went on a daring adventure to Alaska, and on his return trip went down the Yukon River in a small canoe which he built himself and made the perilous trip of over 1,500 miles down the river alone. As he neared the end of his journey the boat capsized and he struggled for his life in the icy water. He succeeded in saving himself only to be threatened with death from cold and starvation, but fortunately came across a missionary post where he took refuge, but be became sick and nearly died from pneumonia.

While in Cuba, leading a cavalry charge, he was wounded in both lungs, his horse was shot from under him, falling upon and crushing his right leg, and while he was endeavoring to crawl to the Cubans he was captured by the Spaniards, making a hairbreadth escape. His skill and daring at Rio Grande de la Pampanga, Luzon, for which he was awarded a medal of honor; his bravery, exemplified by the execution of his plan for the capture of Aguinaldo; his executive power in peace, shown as department commander in San Francisco, Portland, Denver, St. Louis, Chicago, and Manila, and his long experience as a commanding general, and particularly his recent valuable services rendered at Vera Cruz and on the Mexican border, all mark

Dear Senator Thompson: I can not tell you how much I appreciate your action in writing the President and Secretary of War in my behalf, I being especially grateful for what you did because it was an entirely voluntary act.

I hear that I am again to be passed over in the matter of promotion. I suppose that my principal crime is still my "youth." God save the mark. I used to be young, but have been getting over it at the rate of 365 days per year. I have marked time for 18 long years, not

still survives him, and whom he visited at the old home on every possible occasion. He was a lover of children and music, and it is an interesting coincidence that he was playing with a little child and listening to the hotel orchestra playing The Blue Danube waltz, of which he had just remarked "How beautiful it is," when the death summons suddenly came.

After his mastery of the Vera Cruz and border situation it was not difficult to conceive a second "Chapultepec" of Mexico as peaceful as the campaigns in the Philippines, and I have often thought that had Gen. Funston been given a free hand at the border and placed personally in charge of an expedition into Mexico he could have returned with Gen. Villa to answer to this country for the murders which he and his men had committed in the Columbus massacre. He knew no fear. He was venturesome and resourceful beyond measure. While, like Napoleon, he was only a small man in stature, barely 5 feet 5 inches in height, yet he was a great fighter and may well be called the "little hero of Manila and Mexico." His great achievements prove him one of the most skillful, hard-working, and successful soldiers of our country, and he has brought to Kansas a fame unsurpassed by any of her greatest sons. He wore the uniform of the United States with the greatest honor and distinction, and at the age of only 51 he died, the youngest of our major generals. In the present impending crisis it will be difficult to fill his place. Kansas and the Nation sadly mourn their great

# THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. PAGE obtained the floor.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst Bankhead Borah Bryan Catron Martin, Va. Martine, N. J. Newlands Norris Overman Smith, Mich. Smoot Swanson Thomas Fernald Harding Hollis Hughes Hughes
James
Johnson, S. Dak.
Kenyon
Kirby
La Follette
Lea, Tenn.
Lee, Md.
Lewis
McCumber
McLean Thompson Underwood Wadsworth Chamberlain Clapp Clark Colt Page Penrose Pittman Warren Watson Weeks Works Poindexter Culberson Cummins Reed Sheppard Curtis Dillingham Sherman Shields Simmons

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Mississippi [Mr. VARDAMAN] is detained in committee on work of the Senate.

The VICE PRESIDENT. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. WATSON. Mr. President, will the Senator from Vermont yield to me for a minute?

Mr. PAGE. I have been asked by the Senator from Illinois

[Mr. Lewis] to yield to him for a moment. Mr. LEWIS. Mr. President, I desire, Mr. President, I desire, with the Senator's consent, appreciating his courtesy, to submit an amendment to the pending bill. I ask to have the amendment read and lie on the table.

Mr. SIMMONS. Does the Senator desire to have the amendment read? Would it not be agreeable to him to have the amendment printed in the RECORD?

Mr. LEWIS. If the Senator thinks it will take too much

time to have the amendment read, I shall be glad to adopt his suggestion.

Mr. SIMMONS. I think it would be better to have the amend-

ment printed in the RECORD without reading.

Mr. LEWIS. As I do not wish to consume time unnecessarily I shall be glad to avail myself of the Senator's suggestion. It is an amendment conferring power upon the President of the United States to seize foodstuffs held in violation of public policy. I ask, then, that the amendment be printed in the Record. I thank the Senator from Vermont for yielding to me.

The VICE PRESIDENT. Without objection, it is so ordered. The amendment is as follows:

Amendment intended to be proposed by Mr. Lewis to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, viz: Insert the following:

"SEC. —. That whenever to the knowledge or information of the President of the United States there are circumstances sufficient to justify him, in his judgment, to proclaim that the food and necessities of life of the citizen of the United States is being monopolized and wrongfully held by persons in the United States for the purpose of

unjust increase in price, and whenever such increase of price, to the judgment of the President of the United States, upon facts to his knowledge, is in pursuance of the violation of existing laws of the United States forbidding monopolize and conspiracies to monopolize the necessities of life, the President of the United States may, by proclamation, proclaim the fact so established. That then and there, in any court of the United States, process may be filed by any United States attorney for the seizure of such foods as held in violation of law and which are necessary to the maintenance and life of a citizen of the United States.

"SEC. —. That such seizures provided for in section 1 of this act may be made by any efficer of the law of the United States or by any officer of any State who may be authorized to serve as an officer of the United States in conjunction with any officer of the United States or by authority or order of the President of the United States through Executive order.

thority or order of the President of the United States through Executive order.

"Szc. — That the said foods, when seized, may be at once disposed of at public sale in such manner as shall be judged as proper by the officers of the law to whom judgment in condemnation is now authorized by law in matters of condemnation now provided for the United States Government, the goods so condemned to be disposed of to those whose necessities are first to be relieved. The price to be obtained from such products shall be no higher than such rates as shall be prescribed by such department of the Federal Government as may be designated at the time of the President's proclamation by the President of the United States. Said sale shall be in a public place and upon limit in such quantity to each purchaser as shall be prescribed as a minimum to the due and proper necessity of those whose necessities are the object of this act.

"Szc. — That when any goods or foods are so selzed same shall be paid for by the United States upon the basis of the fair market value; that whenever the said market value is declined said goods or foods shall be the subject of condemnation, and the fair market value arrived at by the said condemnation proceedings submitted to a jury in such courts as have jurisdiction in condemnation proceedings at the instance of the United States; that the seizures herein prescribed may be had peremptorily; that the sales and disposition to those whose necessities justify shall be had promptly, without delay, to the object of preventing a monopoly of foods inflicting upon the citizens the penalty of hunger and the vicissitudes of need.

"Sec. — That all acts or parts of acts in conflict with this act are hereby repealed."

Mr. NORRIS. Mr. President, would the Senator from Ver-

Mr. NORRIS. Mr. President, would the Senator from Vermont be willing to permit the next amendment to be read before he proceeds? I have an amendment that I want to offer, and I would like to discuss it briefly. Would it discommode the Senator to defer his remarks until the conclusion of that?

Mr. PAGE. I shall be very glad to yield to the Senator. The Secretary. The next amendment of the committee is on

page 11 Mr. SIMMONS. Mr. President, was the amendment on page

10 agreed to? The VICE PRESIDENT. The Secretary informs the Chair that it was agreed to.

The Secretary. On page 11, after line 4, it is proposed to insert a new section, as follows:

The Secretarry. On page 11, after line 4, it is proposed to insert a new section, as follows:

Sec. 401. That the Secretary of the Treasury in his discretion is hereby authorized to berrow on the credit of the United States a sum not exceeding \$63,945,460 and to prepare and issue therefor bonds of the United States, the proceeds of such bonds to be applied to the redemption on August 1, 1918, of the bonds of the 3 per cent loan of 1908 to 1918 authorized by the act approved June 13, 1898, and then maturing, such proceeds to be applied to no other purpose: Provided, That in his discretion the Secretary of the Treasury is hereby authorized to receive at the Treasury prior to August 1, 1918, any of the bends of the 3 per cent loan of 1908 to 1918 maturing on such date and to issue in exchange therefor an equal amount of bonds of the United States herein authorized: Provided further, That the bends herein authorized shall be in such form as the Secretary of the Treasury may prescribe, redeemable and payable at such times within 50 years from date of issue as the Secretary may direct, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum, and the bonds herein authorized shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and said bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: Provided further, That said bonds may be disposed of by sale or exchange by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, and in case of sale all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon, and a sum not exceeding one-fifth of 1 per cent of the amount of bonds

Mr. NORRIS. Mr. President, I offer an amendment to the

committee amendment, which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment

will be stated.
The SECRETARY. It is proposed, at the end of the amendment, to insert the following:

Provided further, That in lieu of any of the bonds provided for in this act the Secretary of the Treasury is hereby authorized, in his discretion, to issue serial bonds of the United States, maturing in equal amounts from 1 year from date of issue to 25 years from date of issue at a rate of interest not exceeding one-fourth of 1 per cent in excess of the rates provided for in this act.

Mr. NORRIS. Mr. President, I want to explain the amendment briefly, and I should like to have the attention of the

Senator from North Carolina particularly.

This amendment in substance, gives to the Secretary of the Treasury the right to issue serial bonds instead of the bonds provided for in this act. I listened with a great deal of interest the other day to the address of the junior Senator from Massachusetts [Mr. Weeks] on this subject, and I am satisfied that all of those who listened to that address on the question of a comparison of serial bonds with the bonds provided for in this act were impressed with the idea that a great deal of money could be saved by issuing serial bonds, even though the rate of interest were higher.

I have provided in the amendment that if the Secretary issues serial bonds he can increase the rate of interest one-quarter of 1 per cent. I have made it discretionary with the Secretary whether he shall issue such bonds or the bonds provided for in

the act as it stands at present.

Taking the figures given me by the Senator from North Carolina as to the amount of bonds provided for in this act, and making a rough computation at my desk here in the last few minutes, I have found that if the Secretary availed himself of the right given him here in this amendment, and it was necessary for him to increase the rate of interest one-quarter of 1 per cent, and then issue serial bonds instead of those provided for in the act, he would save in interest the sum of \$279,000,-That saving would be spread out over 50 years of time; but, Mr. President, if we can save that much money, it seems to me that, even though it takes 50 years to save it, we ought to

avail ourselves of the opportunity.

There is another point in it. If we issue the bonds that are provided for in this bill they will be like bonds that have been issued in the past; no provision will be made for their payment. They will mature, and we probably will be issuing re-funding bonds instead of paying them off at the expiration of the time they are to run. If serial bonds are issued, however, one twenty-fifth of them will be paid off each year, and at the end of 25 years they will all be paid, with a saving of more than the face of the bonds in the end. If you will compute the matter just briefly with a pencil you will find that we are paying more in interest than the principal of the bonds will amount to, and at the end of the 50 years the principal will still remain to be paid. If we provide for a sinking fund, as was so well demonstrated by the Senator from Massachusetts the other day, even though we invest the sinking fund, there is always danger of that large amount of money being misappropriated, mis-handled, or honestly lost. If it is not invested, we have kept it out of circulation; and there would have to be somewhere in the neighborhood of \$300,000,000, in round numbers, in the sinking fund to pay these bonds at the time they matured.

I earnestly hope that the Senator from North Carolina will

not object to this amendment. I have not made it compulsory upon the Secretary of the Treasury to issue bonds of this kind. The Government of the United States, as I understand, has never issued bonds of this kind. The Secretary never has been authorized to issue bonds of this kind. It is the modern method resorted to now by most of the municipalities issuing bonds at the present time; and it seems to me there could be no possible objection to at least giving to the Secretary of the Treasury the discretion of issuing these bonds instead of the

others provided for.

Mr. SIMMONS. Mr. President, in behalf of the committee, I am inclined to make no objection to the amendment offered by the Senator from Nebraska. The VICE PRESIDENT.

The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. PAGE. Mr. President, I doubt if there is any State in this Union that is so vitally affected by the so-called Underwood amendment as the State of Vermont. I dislike to take the time of the Senate in discussing a proposition which has been already so well discussed by the Senate; but it seems to me that the duty is incumbent upon me to say a few words, because

the State I in part represent is so vitally interested.

Something like 30 years ago the agricultural interests of Vermont were very materially depressed. Our farms were selling for a very low price. Our boys, as they became young men, thought they saw, and they probably did see, in the West a greater opportunity for success; and they left the farms where they had been brought and work off to help brilly where they had been brought up and went off to help build up the other States. Even to-day Vermont suffers immensely because of this tendency of our young men; and when I say "our young men" I may specify, perhaps, by saying that it is the more progressive and enterprising of our young men who go away from the State. The last census shows that we have

407,000 natives of Vermont in this country, and yet, sir, only 250,000 of them live within the borders of the State.

The result was that our farms reached a very unfortunate condition as to the quality of the land. The quality of the soil was depreciating from year to year. Our sleep industry, which in the early seventies and eighties was a most important industry, had gone backward until in 1890 we had very little of that industry left in our State. We formerly raised some wheat. We raised a goodly amount of cereals. We raised a good many hops. But along in the latter part of the nineteenth century, say about 1890, our farmers became more interested in dairying, and from that time until the present our State has been improving, our farmers have been more prosperous, our young men in larger numbers are staying at home, and to-day the dairying interest is the one great industry of our

Perhaps I ought to qualify that statement. It is true that we produce more than 50 per cent more marble than all the other States of the Union combined; and, barring Pennsylvania, which is the great slate State, we produce more slate than all the rest of the Union. In 1907 we stood third, I think, among the granite-producing States; in 1909 we were second; in 1911 we were first. I think I am right about these dates. It is not material about the exact years; but from 1912 forward we have been the great granite State of the Union, producing by far more granite than any other State, and of quality. We produce more scales than any other State, and do not know but that we produce more than all the other States of the Union. As I came down from my home last month I picked up one of the menus in the dining car, and there I found this sentence:

Vermont produces more maple sugar than all the rest of the Union combined.

With all of these industries standing out so prominently, perhaps I ought not to say that the dairying industry is the one great, leading industry of our State; and yet that comes very near being the truth, because our farmers to-day are devoting their energies largely to the dairy and to poultry.

The Senator from Alabama [Mr. Underwood], in his debate

upon the butter industry, told us the other day that butter was made without any Federal inspection. I do not know but he is right about that; but he might have said that the butter industry of Vermont, of Maine, and, I think, of most of the other States, is inspected very, very closely; and to-day there is no industry that in my judgment is conducted with greater reference to purity and to health than the butter industry.

As I said in my remarks the other day, our farmers take their milk in the early morning and put it in closed containers, cans that are absolutely clean and that are thoroughly scalded every day in order that there may be nothing septic about them. It is then taken to the creameries; and I want to say to any Senator here that if he wishes to see the best possible evidence of cleanliness and of purity he may go to our Vermont creameries,

and he will there find it.

Mr. President, it seems to me that a gross wrong is done to my State when a Senator will stand up and say that the butter product of the country is 61 per cent impure. I do not know product of the country is 61 per cent impure. where the figures come from. I remember that they were taken several years ago; but any one who is conversant with the butter industry knows that such a statement is an absolute insult to the intelligence of the people. The people of the dairying States know that it can not be true, I care not where the statement comes from.

I want to read, if I may be permitted, the statement made by the Senator from Alabama [Mr. Underwood] in which he speaks of the unwholesomeness of our butter product. I thought I had it before me so that I could turn to it in a moment, but I do not seem to find it. I know he made charges against this great industry that ought not to have been made in the United States

Mr. President, I wish to follow a little further the conditions in my own State. In 1890 we began to improve upon the methods of butter making. We began to improve the breeds of our cattle. The old native cow, with very few exceptions, is no longer found in Vermont. We have some known as "grades," but the great majority of our farmers to-day have the Jersey, the Guernsey, the Ayrshire, and a few of the Holsteins. I want to say that Vermont expends annually each year thousands upon thousands of dollars to eradicate tuberculosis. To-day, as was well said by my colleague yesterday, we regard any farmer who will permit tubercular cattle in his herd as almost a public enemy. We have great pride in our dairying industry; a public enemy. We have great pride in our dairying industry; and any one who wishes to ascertain this truth has only to go to Vermont to see that every effort that can possibly be made is made to give Vermont a pure dairy product.

The same is true in regard to our sugar. A few years ago it was the custom rather than otherwise for a farmer to mix granulated sugar with his maple product. But the State has taken it upon itself to remedy this matter, and to-day there is a heavy fine imposed upon any man who adulterates his maple The fact is, Mr. President, we have learned that to be successful in any business we must do that business well, and we are doing it well in sugar, in poultry, and in butter. Turn to your menus, and you will find that they are very apt to feature the Vermont turkey. We produce the best of their kind in all these lines.

Now, what has been the result? Every good farmer understands-and I see there are some farmers here-that if you do not take back to the soil the ingredients taken from it you will

deplete that soil.

The State of Massachusetts to-day is suffering because its milk is sold to go to the cities—to Boston, to Worcester, to Providence, and to other large cities. That milk goes out of the State and nothing comes back from it, and the result is a deterioration of the soil. I fear that within a short time Vermont is likely to suffer in the same way, because we are now sending some-and I fear increasing quantities-of our milk to New York and other cities. But where the milk is taken to the creamery, the cream extracted, and the milk sent back to the farm and fed to the hogs the result is that we improve from year to year the quality of our soils. If those of you who have not been through the State of Vermont during the past 30 years would ride through our State to-day, you would hardly know it, so materially has it been improved.

We might go further and say the same as to our highways. Vermont to-day has perhaps the best highways, or among the very best, of the Union, and those highways, I want to say further, are paid for. Vermont has no bonded debt. We do not build roads and bond our State to pay for them. Every year the State pays its bills as it goes along, and the only debt we owe, I believe, is a few thousand dollars taken by the State from the school fund, and upon which the State returns 6 per cent

interest each year.

This dairy interest has built up Vermont, and I have no doubt it has built up other dairying States as it has Vermont, and we feel, and I think we feel rightfully, that any public legislation that makes a direct attack upon this the greatest industry of our State is but little less than criminal. Vermont will take its medicine. Make all the oleomargarine you please, make it as good as you please, sell it where and when you please, but sell it for what it is.

I read in the Senate the other day the ingredients of oleomargarine. I want to read them again because I want you to see the kind of competition that we are up against. I do not know that this book entitled "Food Inspection and Analysis" is a standard work, but I sent to the Congressional Library and got it, believing it to be such, and in the book I find this

The composition of oleomargarine varies between the following

Oleo oil, 20 to 25 per cent. Neutral lard, 40 to 45 per cent.

Mr. President, consider for a moment what it means to pass the legislation provided for in the Underwood amendment. It means that you take from the hog from 40 to 45 per cent of the entire ingredients which go into oleomargarine. of tallow, which is by a process made into oleo oil, 20 to 25 per cent. How do you suppose the dairying industry can be successfully carried on if it must compete with an article made of these cheap ingredients and sold fraudulently as butter? Let me state for the edification of the Senate that the other ingredients are butter, 10 to 25 per cent, and milk, 5 to 30 per cent. What is butter mixed with these other ingredients for? For any honest purpose? Everyone understands that it is solely that that margarine when it is produced may look and taste like and have the flavor of butter. It is churned in milk. Why? Because by churning it in milk they get from the milk a little of the yellow color which gives to the oleomargarine a little nearer approach to butter.

There is no need of debating this question of fraud, whole purpose of this measure is to permit a fraudulent article to be sold in competition with a legitimate industry. That is all there is to it. We talk about it as being put up in marked packages so that the purchaser may understand what he is buying. That amounts to absolutely nothing. The facts are that when the butter is placed before the guests of the hotel, the boarding house, and the restaurant it bears no marks indicating that it is not butter.

cating that it is not butter.

The State of New York by law provides that in all its hotels, its boarding houses, and its restaurants where oleomargarine is offered to the consumer as butter a placard stating that fact shall be plainly posted in the dining hall where it is so offered.

The suggestion that by being placed in packages, the package being marked "Oleomargarine," fraud is thereby prevented, is all wrong. If it would serve that purpose I would not object. I do not mean to confess that oleomargarine, made as it is, largely of lard and tallow, is the equivalent of butter, but if anybody wants to use oleo, I certainly do not object. I do object to having it sold as butter and in that way reducing the price of butter by this unfair, dishonorable, and unjust competition.

I think it was the Senator from Alabama [Mr. Underwood] who said that no one was opposing this measure except the Butter Trust, and that the opposition was coming from the Butter Trust. Mr. President, the Senator from Kansas [Mr. Thompson] recently placed in the Record several telegrams he had received from different States of the Union. I remember there was one from my own State. There was not a single instance in which the butter makers of those States did not protest against the unfair competition which would result from this fraud. I remember that, in the case of my own State, the Holstein-Fresian Association of America, representing 100,000 owners and breeders of dairy cattle, entered its vigorous pro-test, asserting that it would work irreparable injury to the dairy interest. I fear there are good grounds for the fears expressed by this great association.

I understand that my good friend from Wyoming [Mr. WAR-REN] says that if he thought this measure would injure the dairy interests he would not press it. On whose judgment, I would ask the Senator in all candor, may we the more safely rely touching the effect of this legislation upon the welfare of the great dairy interest of the country? Should we rely on the views of those who are vitally interested in dairying or those whose interests are largely-perhaps exclusively-bound

up in the beef industry?

Mr. WARREN. Does the Senator intend to indict me as being interested in the manufacture of oleomargarine?

Mr. PAGE. No; farthest from that. I only say you were kind enough to say if you thought this proposed legislation would injure the butter industry you would not support it. That

is the language of your speech, as I read it.

Mr. WARREN. Exactly. I may be quite satisfied with my own judgment about this matter, as is the Senator with his judgment. I suppose I have been more continuously and longer engaged in butter making in some extent than almost any of the great butter makers of Vermont, both as to the number of years and the quantity, though they live to be somewhat older up there than I am; and I have seen something of the operation.

I know, as the Senator does, how unpopular it is to tackle a prejudice, especially among the rural people, of whom I have been one a great part of my life. I believe exactly as I said, that under the present law where a quarter of 1 cent per pound is taken upon white oleomargarine and where there is a fine or tax of 10 cents upon colored, it allows those wretched manipulators, who are neither farmers nor straight business men, to operate in taking the same kind of coloring that they put in butter and undertaking to imitate and sell it as butter.

I believe it would be better to mark on oleomargarine just what it is, and tax it accordingly and sell it for what it is, putting it in small packages duly marked so that it would be impossible to have it go to retailers and consumers except under its own

name and brand.

Mr. PAGE. I thank the Senator for his statement.

Mr. PENROSE. If the Senator from Vermont will permit me, I should like to ask the Senator from Wyoming whether he calls a 10-pound package a small package?

Mr. WARREN. Those matters could be very easily reached by an amendment offered by the Senator from Pennsylvania,

myself, or others, and it may be done.

Mr. PAGE. I should like to ask the Senator if, in all fairness, we ought not to let the butter men, the men who are vitally interested in this matter, the men who get up at 4 o'clock in the morning to milk cows, say what ought to be done rather than

those whose interests are opposed to them?

Mr. WARREN. I go the Senator one better, for I spent three years in getting up at 3 o'clock in the morning and milking as many cows, I presume, as he ever did; and I have been confined to the house making butter and cheese for months at a time in the State of Massachusetts, which, I am proud to say, lies very near the rugged State of Vermont. As to dairymen, Vermont is not the only dairy State in the Union. We had the very able remarks of an honored Senator here [Mr. Wassworth] from the great Empire State of New York, the richest State in the Union and the greatest dairy State. He takes the ground

that it is a benefit, and would be in the long run, rather than a damage to those interests, to adopt the amendment now before us. He is a Senator, as the Senator from Vermont knows, who

has had a good deal of experience in the cow business.

Mr. PAGE. I want to say to the Senator that in the State of New York there is a special law, as I have remarked, that no hotel keeper, no boarding-house keeper, can use oleomargarineat least, it can not be placed upon the table—unless there is a placard plainly marked saying that the boarding house or hotel uses oleomargarine for butter. If we could bring in some way to the attention of the men who eat the butter at the hotel and eat it at the boarding house and eat it on the railroad cars the fact that they are eating oleomargarine, we would destroy all the energy that is being put into this measure in the aid of

Mr. KENYON. I should like to ask the Senator as to the language used. Does the placard state "Oleomargarine used in place of butter"?

Mr. PAGE. I only heard the Senator from New York in a single sentence speak of that, and I got the idea rather than the language. I am sorry I can not tell the Senator.

Mr. CLAPP. Will the Senator pardon me?

Mr. PAGE. With pleasure.

Mr. CLAPP. The only place I ever saw the notice, and I

think that was out West, it did not say "in place of butter." That would have been a warning; but it said "Oleomargarine You were offered your choice of butter or oleomargarine. Of course you ordered butter and you were left to guess what you got. It was so with the dealer down here on the street the Senator's colleague spoke of yesterday. place pretended to have butter and oleomargarine, and, of course, the customer always got, from the dealer's standpoint, butter: the oleomargarine sign simply served to pacify the law, and the fraud went on. The trouble is we are trying here to reverse and avoid the truthfulness of the old saying that it is useless to lock the stable after the horse is stolen; and we let this article go out in imitation of butter and neglect what should be done, which is to prohibit the making of the article in imitation of butter.

Mr. PAGE. I agree with the Senator fully. Let me illustrate. For years you have been taking the wheat at the flour mills at Minneapolis and working out everything so as to make that

Is not that correct? flour white.

Mr. CLAPP. Yes, sir. Mr. PAGE. We try to make flour white, and we try to make bread white. In Vermont, at considerable expense and trouble, we try to make our maple sugar white. White is the color that most people prefer in much of their food. But in margarine, instead of allowing its natural color, white, to dominate, the margarine manufacturers are seeking all manner of subterfuges to give it the yellow color. Is this for any honest purpose? It is simply to defraud the people by selling oleomargarine for butter.

Mr. President, I am interested, and I have been interested very much in times past, in hearing what the Senator from Wyoming has said in regard to his early life on the farm. I want to say to the Senator that the man who runs a dairy earns

To be a good dairy farmer requires a great deal of energy, a great deal of hard work; and it is an industry that is entitled to be sustained, encouraged, and supported by Congress rather than to be made to suffer by legislation which can not be other-

wise than detrimental.

I think I should refer for a moment to what the Senator from Alabama [Mr. Underwood] said in regard to the facts in this case, as he thought them to be; and that was that but for the Butter Trust there would be no energy manifested here in opposition to this bill. Mr. President, if it were not for the Swifts and the Armours and the Cudahys, who are making money by the hundreds of millions every year, we should not find very much energy, in my judgment, put into the effort to secure the passage of this measure.

I remember that only a very few years ago the Swifts had a capitalization of but \$25,000,000. The capital stock was worth from 100 to 102. A little later, however, that capitalization was increased to \$50,000,000, while to-day it is, I believe, \$75,000,000, and the price of the stock has gone up and up, until, I think, to-

day it is quoted around 150.

I have not observed the quotations of late, but it must be somewhere in that vicinity. They are piling up millions of dollars absolutely beyond the dreams of avarice, and now they come here and ask to have this measure passed, that they may further add to their untold millions.

Mr. CLAPP. Would the Senator describe the moral attitude of an honest man who is pushing a manifestly dishonest meas-

ure? It just occurred to me that it is a sort of an anomalous

situation that is presented here.

Mr. PAGE. I certainly do not want to accuse my brother Senators of being actuated by any but the most honorable motives. I simply say what we all know—it does not require argument to prove it—that it is the Armours and the Cudahys and the Swifts who make oleomargarine and who are making money by the millions by doing so. They are selling eleomargarine to-day for around 20 or 22 cents a pound. If this legislation prevails, they will, in my judgment, sell it for 25 cents a pound, and I do not know but for more. Still, this bill is being urged because it is claimed that it is going to be in the interest of the poor man.

Mr. President, I predict that within a year from the time this amendment is adopted—if it is adopted; I do not believe it will be-you will see the poor man paying from 2 to 5 and, perhaps, 10 cents higher for his oleomargarine than he is paying to-day.

Mr. CLAPP. Mr. President, when I interrupted the Senator from Vermont, it was not with reference to Senators. The Senator from Vermont, as I understood him, was talking about the Swifts and the Armours who were manufacturing this product; and I had reference to men who put out a product which they must know in the very manufacture of it was intended to be an imitation.

Mr. PAGE. I understood what the Senator from Minnesota meant. I desire to say in regard to this whole matter that its influence is going to be very much wider than appears upon the surface here. We are to-day producing thousands upon thousands of calves in the dairy sections, and in that way are giving the country its beef; whereas if you destroy the dairy interests you at the same time very materially injure the beef industry. There is no question about this. It is not a matter that is narrowed down to the profit and loss of Armour and Swift on the one side or the dairying interests on the other; it is something that affects the whole country, and it affects it seriously and

materially.

I observed in the pamphlet placed upon the desk of Senatorsthe pamphlet issued by the cottonseed-oil industry of the South, and by the beef industry-that some one is charged with materially overestimating the number of men engaged in dairying. The number given in the estimate of some one friendly to the dairy industry was, I think, some four and one-half millions. I do not remember the exact figures, perhaps some Senator can tell me. I think Senator Underwood placed the number at about one and one-half millions. Anyone conversant with the dairy industry of this country understands that it is impossible that it should be conducted by as few as one and one-half or even two million people. The men who own the farms may not number more than one and one-half million, but the men who work on the farms and who are connected with the industry swell that number three or fourfold. I do not know but we might properly count the mothers and daughters who in many cases contribute to the work of this industry, but the number who do this is small, as compared with 25 years ago. I can remember when nearly all the milk was converted into either butter or cheese in the homes; but to-day the instances are rare where either butter or cheese is made except in the creameries and cheese factories.

Mr. CLAPP. Mr. President, I should like to suggest to the Senator from Vermont that if the estimated number of farmers is too large and the number is really smaller than the estimate, does it not furnish an additional reason why we ought to encourage rather than discourage the farming interests and

industry?

Mr. PAGE. That would certainly seem to be fair; but the advocates of this measure are trying to minimize the importance of the industry, while the Senator from Alabama has literally filled several pages of the Congressional Record with the names of labor organizations that favor his measure.

Mr. CLAPP. No; but the question of numbers favoring or opposing a measure might have some effect upon the psychology of the situation. What I was getting at, however, was that the foundation of a nation's wealth and stability depends largely upon the agricultural development of the country; and aside from any question of numbers with reference to favoring or being opposed to this measure, if we have got our number of farmers estimated too largely, it is a deplorable fact; and, instead of being a reason for discouraging farming, it ought to be a reason

for encouraging it.

Mr. PAGE. I agree with the Senator; but it seems to me that in this debate we are getting away from the fundamental principles which ought to govern us, namely, that a legitimate industry is sought to be ruined by legalizing a fraud. If that is true, who can stand up and defend this amendment? If it is not true, I

want to be shown wherein.

I have yet to find any candid man who will say that he believes that, if this bill passes, we shall not see, all through the country, in every boarding house, in every hotel, in every restaurant, on every railroad train, oleomargarine placed upon the table as butter.

If any industry can not live in this country except by the practice of fraud, I think it ought to die. I do not believe we should permit the great beef monopolies of Chicago to take lard, tallow, and cottonseed oil and doctor them with a mixture of butter and palm them off upon the consuming public for what they are not. That, it seems to me, is really the crucial test which should be applied in every man's mind when he comes to decide upon this bill. Is it an honest measure? Is it designed to treat fairly a legitimate industry? If it does not, if the oleomargarine industry seeks to gain its prestige and its advantage by dishonesty, by selling its product to be used for what it is not, then, Mr. President, it seems to me, by all means, that we ought to defeat any legislation tending to encourage such a scheme.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. CURTIS. Mr. President, it is not my purpose at this time to discuss the oleomargarine amendment, but I desire to submit a few remarks on the bill itself. Later on I may say a few words on that amendment and also on one other amendment.

The revenue bill now before the Senate, being House bill 20573, proposes to tax corporations at the rate of 8 per cent of the amount of net income left after deducting \$5,000, plus 8 per cent of the actual capital invested. The net income for the purpose of this tax is to be the net income shown by the income-tax returns. I call particular attention to the words "the net income shown by the income-tax returns," for this definition of net income is one of the great iniquities of the bill, and I shall refer

to it again later.

First, let us see how many corporations will be subject to this tax: (1) The law expressly exempts those corporations which are now expressly exempt from the income tax. As these exempt corporations are ones which are created for the public good or cooperative purposes and not for profit to the stockholders they may be dismissed without further consideration. (2) Income derived from the business of life, health, and accident insurance combined in one policy issued on the weekly premium plan is exempted in the House bill, but included in the bill reported to the Senate. (3) Every corporation having a net income of only \$5,000 or less will escape the tax. In 1912, the last year of the corporation tax, 305,336 corporations filed returns, and of this number 61,116 had an income of more than If the same proportion is maintained for the last fiscal year of the Government-July 1, 1915, to June 30, 1916-of the 350,000 corporations, approximately, that filed returns approximately 70,000 will be shown to have \$5,000 or more of net income. From this number we must deduct those corporations which do not earn more than 8 per cent on their capital, many railroads, public utilities, and other corporations, perhaps 20,000 in all. The tax will therefore fall on about 50,000 corporations, a small minority of those doing business, creating only a small part of the annual income of the country. Many of these taxable corporations will have small amounts of income exceeding the 8 per cent allowed as deduction. As the margin over 8 per cent increases, the number of corporations will decrease, so that it is probable that of the \$170,000,000 expected to be raised by this tax 30,000 corporations will pay one half and the remaining 20,000 corporations the other half.

Partnerships and corporations, which are also made subject to this tax, are exempt on income derived from personal service. No end of difficulty will be experienced in defining for practical purposes the loose expression "personal service." I think this was thoroughly demonstrated in the discussion here last night, when Senators on the other side and Senators on this side were really unable to agree as to whom this tax would apply, and it is not now settled in the mind of any Senator, in my judgment,

just whom this tax will reach.

The method of fixing the amount of capital by which the 8 per cent deduction is to be measured is open to grave criticism. Actual capital invested is defined by the law to be (1) the actual cash paid in, (2) the actual cash value of assets other than cash at the time such assets were transferred, and (3) paidin or earned surplus and undivided profits used or employed in

the business, but not to include borrowed money or property.

The actual cash paid in may perhaps be ascertained without difficulty, but how is the actual value of assets for which stock has been issued to be determined? Patent rights, mines, plants, and going businesses are often taken over at a valuation which, in the judgment of the directors, justifies the issue of stock. Good will, that most intangible of assets, often forms the basis

for the issue of stock, as do also prospective earnings under efficient management. A more difficult thing to determine than the actual cash value of these assets could hardly have been required. It will cause endless controversy between the tax-

"Paid-in or earned surplus and undivided profits used or employed in the business" presents another problem. What is a corporation to do whose assets have increased in value for 20 years, but which increase has not been taken up on the books? Even if it has been taken up and credited to surplus account, is it to be considered as "capital invested," in view of the phrase "paid-in or earned" surplus, used in the law? Apparently surplus is not to be taken into account if it arises from an increase in value of assets. It seems also that the law will not permit consideration of surplus or undivided profits, unless used in the business, to be considered in determining the 8 per cent deduction, for it employs the term "used or employed in the business." Hence the income from surplus and undivided profits invested in securities must be included in the amount of excess profits" to be taxed, but the 8 per cent deduction must be based on capital exclusive of such surplus.

A tax fraught with more difficulties of administration and more puzzling problems to the taxpayer is hard to conceive. The burden of the tax is excessive, its incidence falls on too small a proportion of the taxpayers, and, as if to add insult to injury, its method of computation is so difficult that the tax-payer will be compelled to incur much added expense in time and expert assistance in order to determine how much or how

little he must pay.

The present income-tax law is far from perfect after a period of development of over three years. Its administration is trusted to a department which is undermanned and overburdened and is unable to give the time and attention necessary to work out the details of administration. Rulings under the amended law of September 8, 1916, for the guidance of taxpayers have not yet appeared, although they should in due course have been published before the beginning of the present year. The Commissioner of Internal Revenue in his last annual report repeatedly calls attention to the fact that the department is undermanned. Because of a lack of sufficient force of clerks, the auditing of the returns is more than a year in arrears. (Report of Commissioner of Internal Revenue for the fiscal year ended June 30, 1916, p. 28.) Reference to the numerical insufficiency of the force is again made on the same page, on page 29, and page 30. It is pointed out on page 34 of this report that the population of the country as assigned to each incometax field officer is 364,963. The commissioner says in his report:

It would be idle to assert that the revenues of the Government could fully collected by a system based on these figures unless they could accepted as the evidence of superhuman zeal and activity. (Id., 35.)

Reference is again made to the necessity of increasing the force, on page 37, where the commissioner says that-

Notwithstanding the provision that has been made for some increase in the internal-revenue force it is not sufficient to keep a large volume of work current.

In view of this insufficiency of the force to properly administer existing tax laws it seems unwise at least to add a new, complicated, and loosely drawn law to the burdens of the Bureau of Internal Revenue. The mere enactment of laws is not sufficient to collect revenue. The Government now has under the income-tax law an administrative machine, perfected to some extent, for the collection of revenue.

A few simple examples will show how the tax will work out. Thus a corporation having a capital of, say, \$100,000 earns \$20,000 of net income, according to its income-tax return. Its actual net income may be considerably less, for it is well known that the Treasury Department does not allow very generous deductions for depreciation. The proposed law permits (1) a deduction of \$5,000, leaving \$15,000; (2) a deduction of 8 per cent of \$100,000, its capital, or \$8,000, leaving \$7,000 to be taxed. Eight per cent of \$7,000 is \$560, to be paid in addition to an income tax of \$400, and a capital-stock tax of perhaps another \$100, or approximately \$1,060, in addition to its State and local taxes. Its competitor doing the same business, but as an individual, with the same capital, would pay the Federal Government \$320 as an income tax if married and \$20 more if single. In brief, to do business as a corporation is to be penalized to the extent of \$740.

Assume another corporation has the following capital: Common stock, \$100,000; preferred stock drawing 8 per cent dividend, \$100,000; bonds drawing 5 per cent interest, \$800,000. Its income account is as follows: \$100,000 annual income, of which \$8,000 pays preferred dividends, \$40,000 pays interest on its bonds, leaving \$52,000 net for common stockholders. The tax

on such a corporation will be \$3,920. As the preferred stockholders are paid the fixed preferred dividend regardless of the tax on the net profits, so long as there are sufficient profits remaining, the whole burden of the tax will fall on the common stockholders and will amount to 71 per cent on the entire amount available for distribution to them. In the final analysis the proposed tax will be a tax on common stockholders, and one who purchases the common stock of the company considerably above par will bear an entirely disproportionate share of the

As this proposed tax will be borne entirely by investors in common stock, in the purchase price of which the earning power of the corporation has already been capitalized at the time the law goes into effect, it is an iniquitous and morally indefensible tax, even though it may legally be constitutional and within the power of Congress; but will the proposed law be constitutional in its present form? Undoubtedly not. Its operation will, in some cases, confiscate the entire income of stockholders, as will

be shown below.

Let us now consider an actual case of how the tax will operate inequitably. The Supreme Court of the United States has held (Anderson v. 42 Broadway Co.) that where the indebtedness exceeds the capital stock it should no longer be treated as an incident, but that the carrying of the indebtedness should be considered as a principal object of the corporate activities-that the operations of such a corporation are conducted more for the benefit of the creditors than of the stockholders-and that the limited amount of interest which can be deducted before assessing the income tax is not an arbitrary discrimination against the corporation and its stockholders.

Suppose such a real estate corporation having a capital of \$1,000 purchases a property then subject to a mortgage of \$5,000,000, which it assumes. These are approximately the figures in the 42 Broadway case. Suppose its net profits to be \$275,000 before deducting the interest charge of 5 per cent on the mortgage, which would amount to \$250,000. come to its stockholders would actually be \$25,000. But for the purpose of the income tax the entire interest charge may not be deducted, only the interest paid on one-half of the indebtedness plus an amount equal to the capital stock is allowable; that is, \$2,500,000 plus \$1,000, or \$2,501,000. Thus the net income shown by the income-tax return is \$149,950, and this fictitious income is the sum on which the proposed tax is to be levied. Applying the formula then, the tax will be 8 per cent of \$149,950, \$5,000, \$80, or \$11,589.60-over 46 per cent of the actual income. Add to this the income tax of 2 per cent on \$149,950—\$2,299—and we have a total for the two taxes of \$14,588.60, 58 per cent of the net income actually payable to the stockholders.

To show how absurd this proposed law is, let us assume that the income in the foregoing example was \$260,000, which, after deducting the interest payment of \$250,000, would leave \$10,000 for the stockholders. The net income figured according to the income-tax law would be \$134,950. The excess profits tax would be \$10,389.60, the income tax is \$2,699, the total \$13,088.60. Since its income is only \$10,000 the tax exceeds the ability of the corporation to pay by over \$3,000. Thus the corporation is literally taxed out of existence.

It will be said that this is an extreme case and that by a fairer definition of net income in the law the wrong will be avoided. A law must be judged by its extreme effects, and even though the tax should be imposed on the actual net income and not on a fictitious income, the proposed law will be complicated and difficult to comply with, the tax will penalize progress and initiative and rest on too small a portion of the

annual net income of the country.

Corporations are now required to pay an income tax of 2 per cent under a law that is objected to because of its complexity and technicality, while the principle of the tax is generally approved and a capital-stock tax of 50 cents on each \$1,000 of the fair value of the capital stock over \$99,000, under a law that is so loosely drawn that its administration involves endless difficulties and differences of opinion between the tax collectors and the taxpayers. We are threatened with a third Federal tax whose only virtue is that it will make the existing law seem simple in comparison.

Mr. President, when the bill is again taken up for consideration, and the amendment on page 3 is reached, I shall submit some remarks against the Senate amendment which places a tax upon insurance companies. That amendment proposes to strike out the following words:

Excepting income derived from the business of life, health, and accident insurance combined in one policy issued on the weekly premium payment plan.

So that if the amendment is agreed to the first paragraph of section 201 will read as follows:

That in addition to the taxes under existing laws there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 plus (b) 8 per cent of the actual capital invested.

I hope that this Senate amendment may be disagreed to. As I say, I desire later to submit a few remarks on that subject; but as it is getting late, I shall not detain the Senate longer this evening. I also wish to say something a little later, perhaps, upon the Underwood amendment, but may not do so, as it has been so fully and ably discussed already. I am opposed to that amendment, and think it is a great injustice to the farmers of this country; and I fear its object is to enable the producers of oleo to impose upon the people of the

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The question is upon the amendment of the committee, as amended.

Mr. KENYON. Mr. President, has the question been reached

on what is known as the Underwood amendment?

The PRESIDING OFFICER. Not yet.

Mr. KENYON. I desire to say just a word on that. Perhaps

may as well say it at this time. Mr. VARDAMAN. Mr. President, may I inquire what amend-

ment is before the Senate now?

The PRESIDING OFFICER. The amendment of the committee on page 11, section 401.

Mr. KENYON. Mr. President, I will say what I have to say

about this amendment at this time and shall be very brief.

do not want to delay the bill in any way.

In the arguments that have been submitted concerning the bill itself I have heard nothing said as to the causes making necessary the passage of this bill except the question of preparedness. The bill seems to be very deftly drawn in order to create the The bill seems to be very derity drawn in order to create the impression in the country that whatever deficit there may be in conducting the affairs of the Government is caused by preparedness expense. We never stop to consider that if the Government is running behind in its receipts, or if extraordinary expenses are incurred, we ought to commence at the other end and cut off some of the expenditures. I do not think the American people are going to believe that the taxation that is heaped upon them is imposed entirely for purposes of preparedness

We are going to keep on having deficits in the Government not only because of preparedness but because of the utterly inefficient way in which the Government's business is carried on.

This year the Democratic platform declared for a budget system. I have prepared an amendment, which I have had printed and submitted to the Committee on Appropriations, along the line of the Democratic platform as nearly as I could construe it, for the purpose of starting, at least, a movement in the direction of a general budget system for our country. We are about the only civilized Nation in the world that does not have a budget system; and these extraordinary expenditures and this overlapping of the work of committees will never stop until we have some kind of a scientific budget system.

This extravagance, Mr. President, is growing upon us. Here is \$535,000,000 for the Navy in the naval bill—\$5.35 for every man, woman, and child in this country—a bill that really can not under present conditions be opposed. I should think it might be cut down somewhat; but everyone in this country is for a reasonable Navy. Where this is to end no one can predict. Now, this extravagance has developed a system of omnibus appropriations. I have been amazed at this session of Congress to see that this idea has so developed that now we have an omnibus fish-hatchery bill carrying practically \$1,000,000 that has passed the House and is on the Senate calendar. We have an omnibus public-building bill, which has passed the House, providing public buildings in towns of less than 600 population and providing sites for public buildings in towns that had no population when the census of 1910 was taken. That bill, I think, is sleeping "the sleep that knows no waking" in the committee; there are also other omnibus bills. A system is growing up of omnibus appropriations that is going to keep on and on calling upon the people for greater taxation, so we have to increase the revenue continually.

I do not like to oppose a revenue bill at this time, when the country needs the revenue; and I can not get very enthusiastic in opposing a tax upon the earnings of corporations in excess of 8 per cent. The bill as it now stands is, however, full of inde-fensible propositions. I can not vote for it in its present form. Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I yield to the Senator, but I do not want the

Senator to delay me. I want to get through, Mr. VARDAMAN. I think I have a good deal of sympathy with the motives which actuate the honorable Senator and the purpose which he seeks to promote in the matter of taxation. It is really refreshing at this time to find a Member of Congress who will undertake to weather the storm of war hysteria which is sweeping over the country like a simoon, and dare to stand out in the open and defend the political and business rights of the plain people. Never before in the history of this Nation was greater demand for some one with the power to defend their rights and protect their interests. The question of expenses and the source whence the revenue comes are passed over by some as matters of inconsequential concern. The military spirit is in the ascendancy, and the question of preparing for war is of paramount importance. I should like to ask the Sena-tor from Iowa if he will not in the course of his remarks—that is, if he has the data at hand-state to the Senate the dif-ference between the amounts appropriated for the current expenses of the Government—for public buildings, rivers and har-bors, and other appropriations of that character—made by this Congress and the sessions of Congress preceding this administration. It is my impression that the appropriations for those purposes have not been greater for the last four years than they were prior to that time.

The enormous appropriations that we are to make at this ses sion are largely for so-called "preparedness," and making ready for a war that will never be fought if we are true to ourselves as a Nation and a people and just to the nations of the world. I have no sympathy whatever with the proposition to increase our Army and to enlarge our Navy to the enormous proportions which the bills before Congress contemplate. It is an unwarranted prodigality of cash; in my judgment, a shameless disregard of our obligations to our constituents. It imposes a burden which will bear heavily upon the producers of this country; it is an injustice to the world and a pandering to the brutish instincts of man. To carry out this unfortunate policy we must tax several times everything that man uses between the cradle and the grave. There has never been advanced or suggested in this Chamber an argument based upon fact to justify such a

policy.

Mr. KENYON. A large part of that, of course, is true. The appropriations, the Senator well knows, have been increased for all these other matters. Some years they have gone very high. In other years certain appropriation bills have been defeated. But there is a general increase in the omnibus appropriation bills and in the system of omnibus appropriations. have a good-roads bill that will, I fear, grow into a mighty pork barrel before we get through.

I do not like the feature of the bill which gives the power to issue \$500,000,000 in certificates by the Treasury Department. That has been raised \$200,000,000 over the House. I trust this may not be agreed to. I hope the provision as to the tax on oleo or margarine may be wiped from the bill, and I rose just to offer an explanation of my vote on that question.

We have heard a good deal about the tax being a tax on the poor man's butter. Yet, if that argument holds good now the poor man's butter, if oleo is the poor man's butter, pays a tax of only one-fourth of a cent per pound, while under this bill it

will pay a tax of 2 cents per pound if not colored.

It seems to me that if people want to eat oleo that is their right; it is their privilege. If people want to eat butter and can afford to do so, it is their privilege. But the tax on colored eleo of 10 cents per pound is virtually a tax on fraud to wipe out fraud. Feeling that way about it, I feel it is my duty to oppose the Underwood amendment and support the law as it now stands. It is not a tax upon the poor man's butter as it now stands. If the oleo is uncolored, it will be as severe as if the Underwood amendment is adopted.

I do not believe, Mr. President, as a general proposition we make any mistake in standing by the American cow. The cow is a very necessary friend of everybody in the Nation. We have been regaled to-day by various stories and interchanges between the Senator from Vermont [Mr. PAGE] and the Senator from Wyoming [Mr. Warren] as to their early experiences. The Senator from Vermont in his appeal for the American cow talks of rising at 4 in the morning and milking the cows, and the Senator from Wyoming goes him one hour better, and his hour to rise was 3 o'clock in the morning. Of course every man in public life has more or less from the stump talked that way, but I have never yet known of a politician getting up at 3 o'clock in the morning. I never claimed to get up any

earlier than 5 o'clock, but possibly after I have run for office as long as the Senator from Wyoming I may get around to 3 o'clock.

Mr. PENROSE. May I interrogate the Senator? I only wish to make an inquiry.

Mr. KENYON. I do not want to delay the bill.

Mr. PENROSE. Will not that pastoral condition which the Senator can look back to with such pleasure be largely eliminated by the machinery which milks the cows? I understand that they can be milked by electrical machinery now.

Mr. KENYON. Yes; and the Senator is probably glad that

he is not operating any of those machines.

Mr. PENROSE. No; I have not tried to operate it.
Mr. KENYON. I will say to my farmer friend from Penn-

sylvania that the electric milker has not been a success. So the Senator from Wyoming may still have to rise in the early morning hour.

Mr. President, I do not desire to make any extended remarks. I shall vote against the Underwood proposition for the reasons which I have stated. It will help a fraud; it will help no one in this country but the packers; it will be a distinct blow against the American farmer in the hard conditions which so often confront him. Honest treatment is all we ask for the great dairy interests of this country. Let us put no premium on fraud and deception. Let us give the American cow a square deal.

I should like to have permission to insert as a part of my remarks the evidence given by ex-Governor Hoard, of Wisconsin, before the House committee some years ago when this question was there. I have marked the part which I ask that the re-

porter may insert.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The consumers and producers of butter have asked Congress to enact into law House bill 3717, which provides in the first section that all counterfeit substance for butter, when taken into any State or Territory, shall be subject to the laws of the State or Territory concerning such counterfeit.

With a tax of 10 cents a pound on the counterfeit, we believe these temptations for these profits and the deceptive sale and dishonorable and dangerous conspiring against the law and fraudulent competition against an honest industry will be greatly modified.

A great many people ask why it is not as permissible to color oleomargarine as it is to color butter. I would answer, Because they are not colored for the same purpose. Butter in winter is too light to suit the taste of most consumers. The highest value is in fresh butter not more than 10 days old. The consumer asks that it bear the yellow summer color of butter. That is a matter of taste, not deception, for it is not colored to resemble something it is not. But oleomargarine is colored to make it resemble butter, which it is not. It is colored not for the benefit or taste of its consumer but to deceive the consumer.

Said President Cleveland, in his message approving oleomargarine legislation of 1886:

"Not the least important incident related to this legislation is the defense afforded to the consumer against the fraudulent substitution and sale of an imitation for a genuine article of food of a very general household use. "I venture to say that hardly a pound ever entered a poor man's house under its real name and in its true character."

The argument still holds good.

The argument still holds good.

There is no credible evidence to show that oleomargarine is innocuous; no evidence to show that when eaten continuously in place of butter it is not harmful. But there are reports in great abundance to the effect that oleomargarine is harmful.

Mr. Edmund Hill, a member of the Somerset County Council, England, reports that the great bulk of oleomargarine, or "margarine," as it is called there, is eaten in public institutions, convents, schools, etc. At the Wells Asylum, with which he is connected, the inmates receive oleomargarine. In the asylums of Dorset, Wells, and Hants—the adjoining counties—butter is furnished, and the death rate at Wells is 30 per cent higher. At the Taunton Hospital there were 11 deaths in 13 months. Oleomargarine was substituted, and in 9 months the deaths rose to 22. rose to 22.

rose to 22.

This accords with the experience in France, where its use in hospitals is forbidden. In the United States, in institutions for the blind and for girls, it has been noticed that the use of eleomargarine lowered the vitality of the inmates very perceptibly.

There is abundant reason for this. The normal heat of the human stomach is 98°. Butter melts at 92°, 6° below the heat of the stomach (passes into pancreatic emulsion and digestion). Nature designed this fat in its raw state for food.

Oleomargarine melts at the varying temperature of 102° to 108°, a temperature no healthful stomach ever attains. As a consequence, this unnatural foreign fat must be expelled by sheer gastric action and force.

Mr. GRONNA. Mr. President, I shall take only a very few minutes of the time of the Senate, more to explain my vote

than anything else, but I can not let this opportunity pass to discuss such an important question as I regard this to be.

I am very sorry that the great dairy industry has been attacked. If the dairy industry is a dishonest one it ought to be discontinued. If the products from the cow, butter and cheese and other things which are manufactured from milk, form an unhealthy article of food we should discontinue producing it or manufacturing it.

I have no quarrel with men who are engaged in the business of manufacturing oleomargarine. It is a legitimate business if sold for what it is. That question has been so thoroughly discussed on this floor that it is hardly necessary for me to go into it. However, there is this about it. I do not know of a single instance where the dairy farmer or the creamery has made any attempt to sell its product to take the place of the product manufactured by the oleomargarine manufacturers. There is a difference of opinion as to how many farmers there are engaged in dairying, but there are in the United States between 20,000,000 and 25,000,00 milch cows. That is a great industry. It seems to me the question is, if these people are engaged in an honest industry, if they are producing an article of food that is healthful, it is wrong for anyone to try and impose upon this industry and to substitute an article which is adulterated to take its place because that is a fraud.

adulterated to take its place, because that is a fraud.

I said, Mr. President, that I find no fault with the manufacturers of oleomargarine if they confine themselves in a legitimate way to disposing of their products. But we all know from the ingredients with which oleomargarine is manufactured that it is not butter. We all know that there is not a single pound of oleomargarine sold as butter that does not contain some butter or has not at least gone through the process of churning either in milk or in cream to make it appear like butter. It is this gigantic fraud that I am opposed to. It is this adulteration which has been committed by the American manufacturers ever since they commenced their business in this country.

Those of us who were engaged in the dairy business in the years of 1880 to 1890 well know that these same manufacturers were not even willing to sell their lard for what it was. Lard at that time was worth more than cottonseed oil. We lost our trade with England, we lost our trade with the European countries, simply because the manufacturers adulterated their lard and mixed it with cottonseed oil.

I certainly have no quarrel with the people who produce or manufacture cottonseed oil. That is a legitimate industry. But you have no right to take cottonseed oil and manufacture it into something else and call it something else, whether it is butter or lard or any other article of food.

The dairy industry is, as I believe, an honest industry. It is being carried on by millions of people who live in our country and it is the only business they have. It is not so with the manufacturers of oleomargarine. The manufacturers of oleomargarine control the entire product of beef. They control the prices not only of cattle but of swine and of sheep. It is not so with the millions of dairy farmers who in a legitimate way are producing an article of food that no man and no chemist has dared to say is unwholesome as an article of food.

When you talk about the uncleanliness of these creameries, it is hardly necessary to make a reply to that statement. If you are afraid that this article of food is unwholesome and unhealthy, we ask you to make an appropriation and investigate these creameries, for we are appropriating every year \$3,000,000 for the inspection of meat. The Beef Trust does not pay for its own inspection; it is paid for by the Government of the United States, by the people of the United States.

Now, if you are afraid that butter and cheese and other articles produced on the farm are unwholesome, provide for Federal inspection, and I know that the farmers of the United States will welcome it. I know that they will be only too glad to have a Federal inspector inspect every pound of the product of the farm.

But it is not true, Mr. President, that these creameries are so insanitary as has been charged. I say it is not true in my section of the country, because we have inspection laws in our State. We have in the State of North Dakota, and I know they have in the State of Minnesota, and I presume they have in the other neighboring States, most rigid and drastic State inspection laws. So it is hardly fair to make such an onslaught upon this honest industry carried on by honest men and women who are making their livelihood from this industry.

Mr. President, I can hardly conceive that any man who has the interest of this class of people at heart would be willing to make such an indictment against this great industry. We are not claiming that the articles of the beef industry or the Beef Trust are unwholesome. We are not claiming here or anywhere that the great Beef Trust which controls the price of every animal product in our country, and not only that but branches out and controls the grain industry of the country as well—the men who have made their millions by purchasing their products from these millions of farmers are not satisfied to let the farmers continue when these great concerns find that they can make a substitute by which they can impose upon the American people fraudulently. I weigh my words when I say fraudulently, be-

cause I have before me here records to show that from 1880 to 1890 the lard manufactured by these great concerns was adulterated at least to the extent of 33½ per cent. They saw an opportunity to increase their profits by substituting cottonseed oil for lard. They have been knocking at the doors of Congress for 30 years, asking to be permitted to substitute oleomargarine for butter—not oleo alone but different articles mixed, vegetable oils, anything that could be purchased that was cheap. They have been asking to be permitted to make an imitation and to sell it for butter. And who, I ask, is paying for this adulterated article?

Mr. President, whenever the farmers ask for something they ask it for themselves, and they are honest enough to say that it is going to benefit them. But when these gigantic trusts and the men who have been found guilty under the law of imposing frauds upon the American people want the Congress of the United States to pass laws beneficial to them they come here masked. They are not asking it for themselves but for the poor laboring man and in behalf of the farmer. Oh, they are very generous! They always forget themselves. They always look out for the dear people; not for their own benefit, no, but for the benefit of the poor laboring man.

Mr. President, how are you going to benefit the laboring man by imposing a tax upon an article which you say is good for food? How are you going to benefit the laboring man by making it possible to have an inferior article sold for a superior article? Is it not reasonable to believe that the price of the inferior article will be brought up or that the article will be sold perhaps at as high a price as the better article?

Mr. President, it is a sham and a fraud upon the American people, and I am sorry that the great Democratic Party has seen fit to incorporate in a bill, which is said to be an emergency measure, a tax upon what you say is a necessary article of food. There is not a chemist in the United States who has said that butter is unwholesome; there is not a chemist in the world who has said that butter is subject to tubercular bacilli. I have here before me House hearings in 1910, and if I wanted to I could take up considerable time of the Senate; I have here hundreds of pages of testimony, and nowhere will you find that any of the men who ought to be looking after the welfare of the farmers rather than the welfare of the manufacturers have dared to say that butter is unwholesome, or that butter is more subject to tubercular bacilli than is any other article of food.

Oh, Mr. President, I hope that the farmers of this country will not be compelled to come to Congress and ask that the name of this great department shall be changed. We call it the Department of Agriculture; and yet when we read the statements of these experts, these men who are supposed to advise the farmers, we very often—at least, I do—infer that they are more friendly to those interests which are not beneficial to the farmer than they are to the farmer.

I repeat, I hope the day will never come when we shall make the change, although I have received hundreds of letters from farmers in different parts of the country saying that the name of the Agricultural Department should be changed, that instead of being called the "Department of Agriculture" it ought to be called the "Department of the Packers and Millers." Personally I think these charges are unwarranted.

There are 7,000,000 farmers in the United States, and the 35,000,000 people who are now on those farms making an honest living and doing the best they can, can not quit the farm because it is their home; it is not as it is in many money-making industries where, if the industry fails, you can shut down; but that can not be done on the farm. You have no right to impose upon a class of people of this kind a law such as is proposed in this bill, for it is a sham and a fraud not only upon the farmer but upon the consumer. If anyone wants to eat oleomargarine, let him buy it and let him eat it to his heart's content; but do not mislead him and say it is butter when you know it is not. When you take the numerous reports, you will find that on an average they use in the manufacture of oleomargarine about 4 per cent of butter and about 10 per cent of milk or cream, which amounts to the same as about 4 per cent of butter, for a gallon of cream will make about 4 pounds of butter. Does that not indicate that they are committing a fraud, that they are trying to make this article of food, which they say is so wholesome, look like something which it is not?

Mr. President, I am going to take up a few minutes to show the Senate that it is not only in the United States where these people are operating. I read from the House hearings of 1910, at page 113. I have here a report from James Foust, dairy and food commissioner of France. This report shows that the Government of France prosecuted 497 cases, I think, in a single month for the violation of the oleomargarine law. In France, as I understand, they do not permit colored oleomargarine to be sold. I have here the translation of extracts from public document No. 1377, of the French Chamber of Deputies, extraordinary session, 1903, which reads as follows:

traordinary session, 1903, which reads as follows:

Falsifications of food products were becoming more and more common. In 1869 margarine was invented by M. Mége-Mouries, and its similarity to butter made it possible to offer it for sale as such. In fact, at first, margarine was only used for this purpose, until the numerous complaints led to the enactment of the law of March 14, 1887, which reserves the designation "butter" exclusively to products of milk. It was prohibited to sell the imitation under any other designation than margarine. The law, however, did not fix any penalties for infractions and violations. To discover the fraud was also nearly impossible, as the law only prohibited the substitution of margarine for butter, but did not refer to mixtures or fix any maximum or minimum proportion of margarine that might he permitted.

The complaints continued and led to the enactment of the law of April 14, 1897, the purpose of which was not only the punishment of frauds but also their prevention. One of the most important features of the new law was that it prohibited the manufacture and sale of butter and margarine in the same room. The one who procures so that margarine. Inspectors are appointed by the Government and have authority to enter stores, depots, magazines, and factories and to take the samples necessary for the examination.

The law further prescribes that margarine shall be labeled distinctly and indelibly as such, and that the name of the manufacturer shall appear very distinctly.

This led to another fraud. The manufactures printed the name of the firm was printed so as to entirely catch the eye.

Now, just observe, Mr. President, that in order to stop this

Now, just observe, Mr. President, that in order to stop this fraudulent practice in the country of France the manufacturers of this product, which it is claimed is demanded and so much desired by the American people, were compelled to print in large letters its real name. This very article, which some Senators have said is so superior to the article produced by the farmer or by the dairy industry, is required in France to be marked— not the package but the article itself—with large indelible let-ters. That is the only way the Government of France could prevent this great fraud being carried on and practiced upon the people of that country. I read again:

The committee recommends to reverse this, so that the very distinct and indelible shall refer to the product, while the name of the firm may be printed in smaller letters.

They simply changed the thing about, and instead of having the name of the firm printed in large letters they enacted a law declaring that the sellers and manufacturers of oleomar-garine might use small letters to print their own name, but they must print in large letters the name of the article, to show that this fraudulent substance, oleomargarine, this substitute for and adulteration of butter, was not butter.

Article 2 of the law of April 14, 1897, reads:

All food products outside of butter, no matter what their origin or composition, which are similar to butter and prepared for the same use as butter, shall only be designated as margarine.

To margarine, thus defined, must not be added coloring matter.

So in France the coloring of margarine is absolutely pro-

hibited by law.

ART. 3. Producers of butter must not keep margarine or oleomargarine in their stores or at other places; neither shall they permit anybody else to keep such products in their stores.

This prohibition also applies to merchants, agents, and dealers in

Ins promotion also applies to merchants, agents, and dealers in butter.

Margarine and oleomargarine must only be offered for sale at places especially designated for that purpose by the municipal authorities.

ART. 4. All manufacturers of margarine and oleomargarine must make a declaration—in Paris to the chief of police, in the provinces to the mayor of the community.

ART. 5. Buildings where margarine is prepared, kept, or sold must be provided with a sign, in letters at least 30 centimeters high, containing the following: "Factory depot, for sale of margarine and oleomargarine."

ART. 9. All boxes, cases, and packages containing margarine or oleomargarine must be labeled as stated above.

ART. 11. It is prohibited to keep or sell margarine or oleomargarine not labeled as indicated above. The absence of the label will cause that the product will be considered as butter.

Now we come to the nepalties.

Now we come to the penalties.

Ant. 16. Those who willfully violate the prescriptions of this law shall be punished by imprisonment from six days to three months and a fine of from 100 to 5,000 francs, or only one of said penalties. Persons who will not name seller or shipper of the goods will be considered as principals.

Express or transportation companies on land or sea that have violated the prescriptions in articles 10 and 12 may be fined from 50 to 500 frances.

to 500 franc

to 500 francs.

Persons preventing inspectors and experts from performing their duties, refusing them admittance to their factories, depots, and stores, and refusing to deliver samples, may be fined from 500 to 1,000 francs.

ART. 17. The use of matter which may have an injurious effect on the health in making margarine shall be punished according to article 423 of the Penal Code.

ART. 19. The courts may always order verdicts of conviction of violation of this law published in newspapers or by means of placards.

ART. 20. Matters and mixtures designated as fraudulent may be confiscated.

A decree of November 9, 1897, contains the regulations for the appli-

A decree of November 9, 1897, contains the regulations for the appli-cation of the law of April 14, 1897.

So much for the country of France. If this article of oleomargarine is superior to butter, why have foreign countries!

been compelled to enact laws compelling the manufacturers of oleomargarine to say that it is oleomargarine, and not butter?

I have never yet heard, even in the case of the operator of one of the little creameries so graphically described by Senators on this floor the other day, of a single prosecution of any one of the men engaged in the creamery industry or in the making of butter from milk for any violation of the law in attempting to sell their product as oleomargarine. As my friend from Oregon [Mr. LANE] so well said the other day, if butter is bad, it is honest enough to look you in the face and admit it. There is no deception about bad butter any more than there is about good butter. If butter becomes old and rancid, it is honest enough to tell you so. It is not like this fraudulent article of oleomargarine-and when I say "fraudulent" I mean when it is colored and sold as butter-and passed off for something that it is not.

I am sometimes surprised, Mr. President, that the great Beef Trust, which has been permitted under our laws and our institutions to make these hundreds of millions undisturbed, is shortsighted enough to attack an industry like the dairy industry of the country, for it simply goes to show that it is intoxicated with its power, and its greed and lust for money overpowers it. This same trust not only controls the entire beef industry of the country, but it is also attempting to, and it does, successfully control the grain industry of the country. Yet you are bringing in here a bill, and calling it an emergency measure, attacking these six or seven million farmers and these 35,000,000 people who are making an honest living-and that is all they makeout of this industry; not only that, but you want to impose upon the labor of this country and substitute in their diet this adulterated, fraudulent article and compel them to pay the trust's price, more than it is worth.

If the laboring man wants to buy oleomargarine uncolored, let him buy it. If the Beef Trust wants to sell eleomargarine for what it is, let it sell it. We find no fault with that; but you will not with my vote sell it for butter, because, as I have shown you here this afternoon, the makers of this product use on an average 4 per cent of butter in order to practice this fraud and deception, and they use on an average about 10 per cent of milk in churning and in mixing these different ingredients, mak-

ing in all about 8 per cent of butter.

Mr. President, I make the statement, and I challenge contradiction, that there is not a single pound of butterine or oleomargarine sold without some butter in it; but it is being sold to these poor men whom this great, philanthropic trust is anxious to benefit as butter. They are not asking for legislation

to benefit themselves. They are asking for this legislation in order to be able to help the poor man, the laboring man, the man who can not afford to buy butter!

Why, Mr. President, butter is not the only thing upon which these great philanthropists have practiced their fraud and deception. You all remember what a contest we had on bleached flour. You all know the great fight that has been going on trying to stop it, and I think it finally has been stopped-I refer to the practice of bleaching flour. As I said the other day, anyone who is at all familiar with the real value of wheat knows that it is the amber-colored part of the kernel, the aleurone or the gluten, that is valuable for flour. That is not white, but an amber color. Every woman who has made bread, and who is familiar with conditions, knows that it is not always the white bread that is the most wholesome bread. We had our fight on this blenched-flour question, but fortunately there came to our rescue at that time some of the great corporations, because their interests were affected; and if it had not been for those corporations I suppose we would have been told that flour and bread were unwholesome unless they were pure white.

I have shown to the Senate that in the country of France the laws prohibit the coloring of oleomargarine. They prohibit selling it in any store. Now, we will take the country of Germany. It is rather a daring thing, I suppose, to speak about Germany, but I am not going to speak about the people of Germany. I am simply going to talk about butter and oleomarga-

In Germany they passed a law on June 15, 1897, to this effect: The prescriptions, rules, and regulations governing the butter trade and the production and sale of margarine, margarine cheese—

These philanthropists are not satisfied with butter alone, but they want to get hold of the cheese industry as well. They have tried that for years, also

and artificial fats are nearly identical with the French ones, only the German law does not contain any prohibition against coloring margarine, etc., so as to appear like natural butter, etc. These products have to be manufactured and sold in separate stores provided with signs indicating the kind of goods manufactured and sold. The packages have to be labeled as in France, and, besides, must be marked with a very conspicuous red border.

Just think of it! In Germany they have to mark these packages with a red border, I presume something like the color of the automobile of the Senator from Pennsylvania [Mr. Pen-ROSE], so that it can be easily detected.

When sold without wrappers the pieces shall have a cubic shape and the denomination of the goods must be imprinted in the goods itself.

That is where the fraud comes in in this bill. You do not provide in this bill that the goods themselves shall have an imprint upon them. You only provide for the label on the packages, and the packages can very easily be thrown away, as everybody knows.

# PAYMENT OF CLAIMS-CONFERENCE REPORT.

Mr. BRYAN. Mr. President— The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from North Dakota yield to the Senator from Florida?

Mr. GRONNA. Yes; I yield. Mr. BRYAN. I understand it is the agreement to take a recess at 6 o'clock until 8 to-night. Let me ask the Senator if he would object to yielding the floor now, so that I may present a conference report?

Mr. GRONNA. No; I shall be very glad to do so. I will

resume what I desire to say after 8 o'clock.

Mr. BRYAN. If it is agreeable to the Senator, then I submit the conference report on Senate bill 1878, and move that the Senate proceed to its consideration.

The PRESIDING OFFICER. The conference report will be

read

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2

and 3.

That the Senate recede from its disagreement to the amend-

ments of the House numbered 1, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

# "ALABAMA.

"To the legal representatives of Isaiah Attaway, deceased, of

Macon County, \$275.

"To Jane P. Paulk, of Bullock County, \$635.

"To the trustees of the Cumberland Presbyterian Church of Pleasant Springs, \$350.

" GEORGIA.

"To the trustees of the First Baptist Church of Rome, \$870.

"KENTUCKY.

"To R. W. Harris, administrator of James P. Harris, of Floyd County, \$330.

To the vestry of Ascension Protestant Episcopal Church, of Mount Sterling, \$825.

To the fiscal court of Oldham County, \$1,100.

"To the treasurer of the Christian Church of Stanford, \$420.

"LOUISIANA.

"To Madeleine Lement, administratrix of Pierre Lement, of

St. Landry Parish, \$295.

"To Kate P. McWaters, Margaret McWaters Bell, James H. McWaters, B. P. McWaters, and Moses McWaters, jr., in equal shares, heirs of Moses McWaters, of West Feliciana Parish,

# " MARYLAND.

"To the heirs of William H. Bradshaw, of Frederick County, \$137.50.

" MISSISSIPPI.

"To the trustees of the Protestant Orphan Asylum at Natchez, \$3,500.

" MISSOURI.

"To William W. Green, of Camden County, \$270.

" NORTH CAROLINA.

"To Sarah F. Trenwith, executrix of C. F. Simpson, deceased, of Craven County, \$815.
"To the deacons of the Baptist Church of Beaufort, \$250.

"OHIO.

"To the trustees of the African Methodist Episcopal Church of Gallipolis, \$250.

" SOUTH CAROLINA.

"To John Duncan, surviving partner of the firm of Duncan

& Son, of Charleston, \$8,450.

"To the trustees of Beaverdam Baptist Church, of Marlboro

County, \$1,600.
"To the trustees of St. Johns Baptist Church, of Bamberg County, \$275.

"TENNESSEE.

"To Lulu H. Doyle and Anna V. Berry, sole heirs of Patrick H. and Margaret E. Watkins, deceased, of Hamilton County,

"To the trustees of the Hobson Methodist Church, of Davidson

County, \$1,800.

"To the treasurer of the corporation of the Cumberland Presbyterian Church, of Chattanooga, \$500.

"To the trustees of the Christian Church of Columbia, \$375. "To the trustees of the Cumberland Presbyterian Church, of Murfreesboro, \$900.

"To the trustees of the McKendree Methodist Episcopal Church South, of Nashville, \$1,200.

"To the trustees of Liberty Springs Missionary Baptist Church, of Stewart County, \$475.

# " VIRGINIA.

"To Lucy E. Johnson and John A. Johnson, sole heirs of Armistead M. Johnson, deceased, of Loudoun County, \$784.

"To the session of the Presbyterian Church of Greenwood,

"To the trustees of the Christian Church of Suffolk, \$540.

" WEST VIRGINIA.

"To the legal representatives of Josiah M. Davisson, deceased, of Taylor County, \$720.

"To the trustees of Christ Protestant Episcopal Church, of

Bunker Hill, \$300.

"SEC. 2. That the foregoing several sums be, and they are

hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

"Sec. 3. That in case of the death of any claimant, or the death or discharge of the executor or administrator of any claimant herein named, payment of such claim shall be made to the legal representatives: Provided, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated: Provided further, That in all cases where the original claimants were adjudicated bankrupts payment shall be made to the legal representatives or next of kin instead of to the assignees in bankruptcy: And provided further, That wherever under this act it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury; and wherever under this act it is provided that a payment be made to a corporation or quasi corporation and such corporation or quasi corporation has been merged in or consolidated with another corporation or quasi corporation, payment shall be made to the corporation or quasi corporation with which the consolidation or merger has been

And the House agree to the same.

N. P. BRYAN, JOE T. ROBINSON, A. J. GRONNA, Managers on the part of the Senate. A. W. GREGG, JAMES F. BYRNES, B. K. FOCHT, Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, will the Senator from North Dakota yield to me for a moment?

Mr. GRONNA. Certainly.

Mr. ASHURST. I ask the Chair to lay before the Senate the conference report on the Indian appropriation bill.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report on the Indian appropriation bill, which

Mr. ASHURST. Mr. President, after a conference lasting 20 days, and having once been rejected by the Senate, the conferees on the Indian bill (H. R. 18453) have submitted to the Senate, and it was printed some days ago, a full, final, and complete report. It is now obvious to me, and I believe also to other Senators, that with a certain provision in the bill the Senate will not adopt the conference report. I refer to the provision proposing to raise the salaries of certain Government employees. The Senate conferees agreed to the House amendment, but by virtue of certain action which has been taken in the Senate on a yea-and-nay vote, and from conversations I have had with many persons, it is evident that the Senate will never agree to the conference report on this bill with the House amendment in it, and that the Senate is going to insist upon and prefer what is termed "the Smoot amendment."

I therefore ask that the conference report be disagreed to, so that we may go back and try again to get this matter into a situation where it will be agreed to by both Houses.

The PRESIDING OFFICER. The Senator from Arizona re-

quests that the conference report on the Indian appropriation

bill be rejected.

Mr. LA FOLLETTE. Mr. President, I should like to inquire of the Senator from Arizona in what respect the report as agreed upon as to the salaries of clerks differs from the so-

called Smoot amendment?

Mr. ASHURST. The amendment as agreed upon by the conferees provides that certain persons who are receiving salaries of \$1,200 per year or less shall have a certain increase—to wit, 15 per cent—and those receiving from \$1,200 to \$1,800, both inclusive, shall receive an increase of 10 per cent, whereas it is evident that the Senate wishes to adhere to what is termed "the Smoot amendment," which provides for a smaller raise in salaries

Mr. LA FOLLETTE. If the Senator will indulge me fur-

Mr. ASHURST. Certainly.

Mr. LA FOLLETTE. Upon what action of the Senate does the Senator predicate that supposition or belief?

Mr. ASHURST. On a yea-and-nay vote on the Agricultural

bill the other morning that very question was tested.

Mr. LA FOLLETTE. I for one did not regard that by any means as a test vote upon that question. There were other things involved in that report; and I for one voted to send it back because of another provision in the bill. Personally, I am heartily in favor of the increases made in this bill, as I understand them.

Mr. ASHURST. That is, the House amendment?

Mr. LA FOLLETTE. No; I mean the Indian appropriation bill.

Mr. ASHURST. We adopted the House amendment in conference.

Mr. LA FOLLETTE. Yes; the House amendment. gether prefer it to the Smoot amendment, and I should be very glad to have an opportunity to have that matter tried out by the Senate.

Mr. ASHURST. Of course, it would be too late this evening, and I do not want to get this bill into a situation where by reason of the impasse we will be unable to do anything with it. I will say that it is my opinion that I can not get the conference report adopted or agreed to by the Senate with that amendment in it. That is my opinion. That, of course, will kill the bill.

Mr. BRANDEGEE and Mr. SMITH of South Carolina addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator

Mr. ASHURST. I yield to any Senator—all Senators, The PRESIDING OFFICER. To whom does the Senator

yleld first?

Mr. ASHURST. To the Senator from South Carolina.

Mr. SMITH of South Carolina. Mr. President, I thought it present to the fact that before the vote was taken in reference to the action of the Agricultural Committee, I, having charge of that bill, made the statement that when the yea-and-nay vote was taken I would consider it as final and binding as to whether

the Senate was then instructing us by that vote in regard to the Smoot amendment. I did not take sides pro or con; and it was repeated over on this side when the vote was taken, which was, as I remember, 71 or 72 to 3 in favor of sending it back with reference to the Smoot amendment. I reiterated that once or twice, and the understanding of the conferees who have charge of the Agricultural bill was to the effect that the Senate had committed itself by that vote to the Smoot amendment. That was my understanding.

Mr. LA FOLLETTE. I did not so understand it.

Mr. ASHURST. Well, I do not wish to press the matter. It is now time to recess; but I should like to have some action taken at the very earliest moment, because the House has agreed to it.

Mr. LA FOLLETTE. I will ask the Senator if he will not call up this conference report this evening, or at the very earliest moment?

Mr. ASHURST. Why, certainly, Mr. President. I withdraw the motion at this time.

Mr. BRANDEGEE. Mr. President, I simply wanted to know what the Senator from Arizona had done with this matter.

The PRESIDING OFFICER. The request of the Senator from Arizona that the Senate disagree to the conference report is withdrawn for the present.

Mr. BRANDEGEE. Oh! He withdraws the conference re-

Mr. ASHURST. I withdraw the motion.

WEST INDIAN ISLANDS-CONFERENCE REPORT (S. DOC. NO. 719).

Mr. STONE. I present the conference report on House bill 20755, known as the West Indian Islands bill, and ask that it lie on the table and be printed.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

"That, except as hercinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: Provided, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: And provided further, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: And provided further, That the compensation of all persons appointed under this act shall be fixed by the President.

"Sec. 2. That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections 239 and 240 of the Judicial Code, the Judgments, orders, and decrees of such court shall be final in all such cases.

"Sec. 3. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries:

Provided, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty

"SEC. 4. That until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: Provided, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of \$8 per ton of 2,000 pounds irrespective of polariscope test, in lieu of any export tax now

required by law.
"Sec. 5. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for

the Government and benefit of said islands under such rules and regulations as the President may prescribe.

"SEC. 6. That for the purpose of taking over and occupying said islands and of carrying this act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this act the sum of \$100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

"Sec. 7. That the sum of \$25,000,000 is hereby appropriated, out of any moneys in the Trensury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916.

"Sec. 8. That this act, with the exception of section 7, shall be in force and effect and become operative immediately upon

the payment by the United States of said sum of \$25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section 7 shall become immediately effective and the appropriation thereby provided for shall be immediately avail-

And the Senate agree to the same.

WILLIAM J. STONE, G. M. HITCHCOCK, H. C. LODGE, Managers on the part of the Senate. H. D. FLOOD, PAT HARRISON, HENRY ALLEN COOPER, Managers on the part of the House.

# RECESS.

Mr. SIMMONS. I move that the Senate now take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

# EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

THE NAVAL ESTABLISHMENT (S. DOC. NO. 718).

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting additional and supplemental esti-mates of appropriations required for the Naval Establishment for the fiscal year ending June 30, 1918, amounting to \$164,784,-859.01, including \$1,403,020 heretofore submitted. The communication and accompanying paper will be printed and referred to the Committee on Naval Affairs.

# THE SHIPPING BOARD.

Mr. FLETCHER. I ask unanimous consent, from the Committee on Commerce, to report back the bill (S. 8168) to amend an act entitled "An act to establish a United States Shipping

Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes," approved September 7, 1916, and for other purposes, with amendments, and I submit a report (No. 1106) thereon. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the

calendar.

#### MARINE-HOSPITAL LANDS IN CHICAGO.

Mr. FLETCHER. From the Committee on Commerce I report back favorably with an amendment the bill (S. 7905) to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States Marine Hospital in Chicago, Ill., and I submit a report (No. 1107) thereon. This bill has the approval of the department, subject to the conditions named in it.

Mr. LEWIS. In behalf of my colleague [Mr. Sherman] may I ask the Senate if possible that it may consent that the bill may be immediately put on its passage? Around the Marine Hospital there is some land which the park commissioners wish to take off the Government's hands and the city improve it itself, and the Government merely wishes to permit it. That is the end of the story. The park commissioners will take it and improve it as the Government wishes.

Mr. JONES. And it is to revert to the Government if the

conditions are not complied with.

Mr. SHERMAN. I wish to state that the park commissioners will add 100 feet on the east of the land where the United States Marine Hospital on the lake shore fronts. It will relieve the Government of \$40,000 which is taken out of the bill by the Secretary of War to repair the breakwater. That will be done by the park commissioners and the maintenance guaranteed.

Mr. SMOOT. I should like to have the bill read so that we can just see what the conditions are, and whether the land is to revert to the Government in case it is not used for the purpose named in the bill.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

The amendment of the committee was, in line 8, after the word "upon," to strike out "such terms and conditions as he may impose" and insert: "the condition that the said rights and any lands which may be added to the present water front of said Marine Hospital site shall be used for no other purpose than that authorized in the statute of the State of Illinois, entitled 'An act to enable the park commissioners having control of any park bordering upon public waters in this State to enlarge the same from time to time, and granting submerged lands for the purpose of such enlargements, and to defray the

cost thereof, approved June 15, 1895, and upon such other terms and conditions as they may impose."

Mr. FLETCHER. It should read as he may impose. The grant is made by the Secretary of the Treasury. The amendment is in accordance with the letter of the Secretary of the

Treasury

Mr. SMOOT. I wish to ask if there is any provision in the bill providing that if the land is not used for the purpose mentioned in the bill it shall revert to the Government of the United States?

Mr. FLETCHER. Precisely that condition is contained in the bill.

Mr. SMOOT. That is what I want to know and that is why I wanted to have the bill read.

Mr. FLETCHER. I think the Senator will find the amendment meets the condition he has in mind.

Mr. SMOOT. If that condition is in the amendment, I have no objection to the bill; but unless that provision is in the bill, I shall object to the consideration of it. I ask that the amendment be read.

The SECRETARY. After the word "upon," insert:

the condition that the said rights to any lands which may be added to the present water front of said Marine Hospital site shall be used for no other purpose than that authorized in the statute of the State of Illinois, etc.

Mr. SMOOT. That does not state that in case the lands are not used for the purpose mentioned in the bill they shall revert to the Government. It says they shall be used for no other purpose than that authorized in the statutes of the State of Illinois. It is good as far as it goes, but in nearly all the grants of land reported by the Public Lands Committee of either House there is a provision that whenever the lands are not used for the purpose named in the act they shall revert to the Government of the United States. I think that ought to be included in the

Mr. SHERMAN. I understood that was in the bill. It was in the letter of the Secretary of the Treasury, and if not in the bill I would be very glad to have added that in the event the conditions are not fulfilled it shall revert to the Govern-

Mr. FLETCHER. The amendment is precisely in the lan-

guage given by the Secretary of the Treasury.

Mr. SMOOT. If the suggested amendment to the amendment is accepted, I have no objection to the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment of the committee.

Mr. BRANDEGEE. I think the amendment suggested by the Senator from Utah should in form and in the exact words be read before the bill is finally passed. I think the Secretary ought at least to take down in writing the words and read

The PRESIDING OFFICER. The amendment to the amendment will be read by the Secretary.

The Secretary read as follows:

Provided, That in the event the said lands are not used for the purposes specified in this act the same shall revert to the Government of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BATTLE FIELD OF GUILFORD COURTHOUSE-CONFERENCE REPORT.

Mr. CHAMBERLAIN. I submit a conference report on the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, and I call the attention of the Senator from North Carolina [Mr. Overman] to the report.
The PRESIDING OFFICER. The conference report will be read.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 4

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, one of whom shall be an actual resident of Guilford County, State of North Carolina, one an actual resident of the State of Maryland, and one an actual resident of the State of Dela-They shall be appointed by the Secretary of War, the actual resident of Guilford County, State of North Carolina, so appointed to serve, unless sooner relieved, for a term of four years. The resident commissioner shall act as chairman and as secretary of the commission. One of the other commissioners so appointed shall serve for a term of three years and the other for a term of two years unless sooner relieved. Upon the expiration of the terms of said commissioners the Secretary of War shall, in the manner hereinbefore prescribed, appoint their succeessors to serve, unless sooner relieved, for a term of four years each from the date of their respective appointments. The office of said commissioners shall be in the city of Greensboro, N. C. The resident commissioner shall receive as compensation \$1,000 per annum, the nonresident commissioners \$100 per annum each, and they shall not be entitled to any other pay or allowances of any kind whatso-

"Sec. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to

torical tablets or otherwise, as the Secretary of War may de-termine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park."

And the Senate agree to the same.

GEORGE E. CHAMBERLAIN, G. M. HITCHCOCK, H. A. DU PONT, Managers on the part of the Senate. S. H. DENT, Jr., S. J. NICHOLLS, JULIUS KAHN, Managers on the part of the House.

Mr. OVERMAN. I ask for the adoption of the conference

The report was agreed to.

# THE REVENUE.

Mr. SIMMONS. I ask that the unfinished business be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes

Mr. GRONNA. Mr. President, when the Senate took a recess I was trying to inform the Senate, quoting from the House hearings of 1910, of certain laws in the various countries of I find that in England the law of 1887 contains provisions practically identical with those of France and Germany. Fines are imposed for a violation of the law of £20 for the first offense, £50 for the second, £100 for the third, and later penalties are imposed. Holland has practically the same law. Belgium likewise has practically the same law relative to oleomargarine.

In Russia margarine may only be manufactured at places especially designated for that purpose. The establishment where margarine is prepared is subject to inspection. Colored margarine so as to make it appear like butter is absolutely prohibited. Packages containing margarine must be distinctly labeled and state the name of the manufacturing firm. The factories and stores must be provided with signs indicating the kinds of goods manufactured.

I realize that there are times when it hurts to know the truth, but, nevertheless, I am going to trespass upon your patience for a few minutes more and give you some information about oleomargarine.

I said that in Russia the coloring of margarine was absolutely prohibited, and that the factories and stores where this article is sold must be provided with signs indicating the kinds of goods manufactured and sold. Importations of margarine from foreign countries are also prohibited, and violations are punished by imprisonment of one month or a fine of 100 rubles. It seems that even in far-distant Russia, of which we hear so much, and sometimes not the most favorable comments, they have learned to know the real value of oleomargarine, and it has not been sold as butter.

They do not permit the coloring of oleomargarine in Russia; and yet we are about to attempt to legalize such an act here in the United States of America. In Austria they have practically the same law. The same is true of Denmark. When I speak of Denmark it must be remembered that it is a little country, comprising about 15,000 square miles, and yet feeding about two and a quarter of a million people; and I know of no country where the people are compelled to live on a dairy diet any more than they are in the country of Denmark. I should like to have the men who are so well prepared on statistics show me the tubercular bacilli affecting the physical condition of the Dane. I believe that the health conditions of the country of Denmark not only compare favorably with those of the United States, but that they are really much better. You can not show me a single country where the people live on dairy products in which they are not healthy.

In the countries where this deception and fraud is prohibited by law their chemists are perhaps as skillful as are our chemists. I made the statement before the recess this evening that the purposes of the park, and to ascertain and mark with his- not a single chemist in the United States has made the statement that butter is unwholesome, nor has the statement been made that it is a dangerous food product. On the contrary, we know that it is being recommended as a most wholesome article of food.

Why, Mr. President, cottonseed oil has its place-I have no quarrel with the cottonseed oil people—to be used for what God Almighty intended it for. It is useful as an article in mixing paint. It takes the place of linseed oil. We farmers in the West are using hundreds of thousands of gallons of cottonseed oil as a substitute for linseed oil, because it is a most excellent ingredient with which to mix paint; but it is not an article of food. Without some lubricant, some substance to go with it, as my colleague [Mr. McCumber] said the other day, it would be a mighty hard article to consume or even to swallow.

Mr. President, as the distinguished Senator from Vermont [Mr. Dillingham] said yesterday, there are 32 States in the Union which have passed laws regulating the sale or coloring of oleomargarine. I have a list of the different States which have passed legislation on the subject and their laws regarding it, but I shall not trespass upon the time of the Senate to read them. I, however, desire to ask permission to have them printed in the Record in connection with my remarks.

The PRESIDING OFFICER. Without objection, that order

will be made.

The matter referred to is as follows:

The following compilation of the substance of the dairy laws of the United States was published by the Agricultural Department under the seal of Secretary Wilson a year ago, and copies of the laws in full may be had from the Secretary of Agriculture:

ALABAMA-ANTICOLOR LAW. [Approved Feb. 18, 1895.]

No article which is in imitation of pure yellow butter, and is not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution, etc; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such manner as will advise the consumer of its real character, is permitted. It must be stamped with its name. ARIZONA.

No dairy laws.

ARKANSAS-MUST BE LABELED.

[Approved Apr. 2, 1885.]

Substitutes for butter, whether in wholesale or retail packages, shall be plainly labeled "Adulterated butter," "Oleomargarine," or such other names as shall properly describe them. In hotels, etc., dishes containing said articles must be plainly marked in same manner.

CALIFORNIA—ANTICOLOR LAW.

[Approved Mar. 4, 1897.]

[Approved Mar. 4, 1897.]

Imitation butter and cheese defined as any article not produced from pure milk or cream, salt, rennet, and harmless coloring matter, which is in semblance of butter or cheese and designed as a substitute for such. Shall not be colored to imitate butter or cheese, and must be in such form as will advise consumer of its real character. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese" and accompanied by a statement giving name of manufacturer, ingredients, etc., a copy of which must be given to each purchaser, with verbal notice, at the time of sale, in connection with which words like "creamery," "dairy," etc., are prohibited. Patrons of eating places shall be notified if substitutes of butter or cheese are used. Prohibited in State charitable institutions.

COLORADO-ANTICOLOR LAW. [Approved Apr. 1, 1895.]

All articles not produced from pure milk or cream, in imitation of pure cheese or yellow butter, are prohibited; but oleomargarine and filled cheese are permitted if free from color or other ingredients to cause them to look like butter or cheese; they must be made in such form and sold in such manner as will advise the consumer of their real character. Cheese containing any foreign fats, oleaginous substances, rancid butter, etc., shall be branded "Imitation cheese."

CONNECTICUT-ANTICOLOR LAW.

[Public Acts, 1895.]

[Public Acts, 1895.]

Imitation butter, defined as any article resembling butter in appearance and not made wholly, salt and coloring matter excepted, from cow's milk, is prohibited; but oleomargarine or imitation butter, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise consumer of its real character, is permitted. Words like "butter," "dairy," etc., shall not form a part of its name or appear on its package. Imitation butter shall be sold only in labeled packages, or registered places which display signs, and purchasers shall be informed orally of the character of the article at the time of sale. Use of imitation butter in public eating places, bakeries, etc., must be made known by signs.

DELAWARE—ANTICOLOR LAW.

DELAWARE-ANTICOLOR LAW. [Passed May 8, 1895.]

The manufacture or sale of any article not produced from unadulterated milk or cream, which is in imitation of pure yellow butter or designed to take the place of pure cheese, is prohibited; but oleomargarine is permitted if in a distinct form, free from butter color and sold in such manner as to show its real character; it shall be plainly marked "Oleomargarine."

DISTRICT OF COLUMBIA-BRANDING LAW.

[Approved Mar. 2, 1895.]

Substances in semblance of butter or cheese, not made exclusively of milk or cream, but with the addition of melted butter or any oil, shall be plainly branded on each package "Oleomargarine," and a label, similarly printed, must accompany each retail sale.

FLORIDA-MUST NOTIFY GUESTS.

[Approved Feb. 17, 1881.]

The sale of any spurious preparation, purporting to be butter, is prohibited. Guests at hotels, etc., must be notified if oleomargarine or other spurious butter is used.

GEORGIA-ANTICOLOR LAW. [Approved Dec. 16, 1895.]

[Approved Dec. 16, 1895.]

Imitation butter and cheese are defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be used as a substitute for either. Shall not be colored to resemble butter or cheese. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by verbal notice and by a printed statement that the article is an imitation, the statement glying, also, the name of the producer. The use of these imitations in eating places, bakeries, etc., must be made known by signs.

IDAHO—BRANDING REQUIRED.

[Approved Jan. 27, 1885.]

Brand required for sale of oleomargarine or butterine, imitation butter, or mixture imitating butter. These shall not be sold as butter.

ILLINOIS—ANTICOLOR LAW.

[Approved June 14, 1897.]

Imitation butter is defined as any article not produced from pure milk or cream—sait, rennet, and coloring matter excepted—in semblance of butter and designed to be used as a substitute for it. Shall not be colored to resemble butter. All packages must be plainly branded "Oleomargarine," "Butterine," "Substitute for butter." or "Imitation butter." Each sale shall be accompanied by notice to the purchaser that the substitute is imitation butter.

INDIANA-LABEL LAW

Butter other than that made from pure milk when sold or used in hotels, etc., must be plainly labeled." Oleomargarine."

10WA-ANTICOLOR LAW.

[Passed in 1893.]

[Passed in 1893.]

Imitation butter or cheese is defined as an article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be sold as a substitute for either of them. Shall not be colored to resemble butter or cheese. Every package shall be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation, the statement giving also the address of the maker. The use of these imitations in hotels, bakeries, etc., must be made known by signs.

KANSAS.

No law.

KENTUCKY-ANTICOLOR LAW. [Act of 1898.]

Oleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the customer of its real character, and free from color or other ingredient to cause it to look like butter, is permitted.

[Approved July 6, 1888.]

Such substances as oleomargarine, butterine, bogus butter, etc., shall be plainly labeled to indicate their composition. They shall not be sold as butter.

MAINE-ANTICOLOR LAW.

[Approved Mar. 27, 1895.]
Any article in imitation of yellow butter or cheese and not made exclusively of milk or cream is prohibited.

MARYLAND-ANTICOLOR LAW.

[Passed in 1888.]

The manufacture, sale, or use in public places of any article in imitation of and designed to take the place of pure butter or cheese and not made wholly from milk or cream is prohibited. Mixtures of any animal fats or animal or vegetable oils with milk, cream, or butter shall be uncolored and marked with names and percentages of adulterants, and this information shall be given to purchasers.

MASSACHUSETTS-ANTICOLOR LAW.

[Approved June 11, 1891.]

[Approved June 11, 1891.]

An article made wholly or partly out of any fat or oil, etc., not from pure cream, and which is in imitation of yellow butter, is prohibited, but oleomargarine, free from color or other ingredient to cause it to look like butter and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter, nor shall words like "dairy," "creamery," etc., or the name of any breed of dairy cattle be used in connection with it. All packages exposed for sale must be plainly marked "Oleomargarine," and labels similarly marked must accompany retail sales. Stores where it is sold and wagons used for delivery must display signs, and hotels, etc., using it must notify guests. Persons selling oleomargarine must be registered and conveyors licensed.

MICHIGAN-ANTICOLOR LAW.

[Approved Apr. 15, 1897.]

[Approved Apr. 15, 1897.]

Any article not made wholly from milk or cream and containing melted butter, fats, or oils not produced from milk and which is in imitation of pure butter is prohibited, but oleomargarine free from color or any ingredient to cause it to look like butter and made in such form and sold in such manner as will advise the consumer of its real character is permitted; its sale as butter is prohibited; signs must be displayed where it is sold or used, and its original packages must be plainly marked "Oleomargarine" if the article contains suct or tallow, or "Butterine" if it contains lard; retait sales shall be made from a package so marked, and a label similarly printed and bearing the name of the manufacturer shall be delivered with each sale; shall not be used in any public institution. (N. B.—The above law was invalidated in 1897 by the supreme court because of the fact that the enacting clause was omitted when it passed the senate.)

#### MINNESOTA-ANTICOLOR LAW.

# [Approved 1899.]

This law prohibits the sale of oleomargarine made in imitation of butter, and took the place of the pink law of 1891.

# MISSISSIPPI LABEL LAW,

# [Approved Mar. 9, 1882.]

Packages of oleomargarine or similarly manufactured butters shall be plainly labeled with the correct name of their contents, and the product shall be sold by that name. A privilege tax of \$5 is imposed upon the persons selling the articles named.

#### MISSOURI-ANTICOLOR LAW. [Approved Apr. 19, 1895.]

Imitation butter is defined as every article not produced wholly from pure milk or cream, made in semblance of and designed to be used as a substitute for pure butter; it shall not be sold as butter; shall not be colored to resemble butter unless it is to be sold outside the State; original packages shall be plainly stamped "Substitute for butter"; in hotels, etc., vessels in which it is served must be marked "Oleomargarine" or "Impure butter."

#### MONTANA-TAXED 10 CENTS A POUND,

# [Penal Code of 1895.]

Any article in semblance of butter or cheese and not made wholly from milk or cream must be plainly labeled "Oleomargarine" or "Imitation cheese," and a printed label bearing the same word or words must be delivered to the purchaser with retail sales. Places where these articles are sold or used must display signs, and information as to their character be given if requested. Dealers must pay a license of 10 cents a pound on each pound sold.

# NEVADA-BRANDING LAW.

[Approved Feb. 14, 1881.] Any article in semblance of butter, but not made exclusively of milk or cream or containing melted butter, shall be in packages marked "Oleomargarine."

# NEBRASKA-ANTICOLOR LAW.

# [Approved Mar. 16, 1895.]

[Approved Mar. 16, 1895.]

Imitation butter and cheese are defined as any article made in semblance of and designed to be used as a substitute for pure butter or cheese and not produced wholly from pure milk or cream, salt, rennet, and harmless coloring matter. These articles, including any having melted butter added to them, shall not be colored to resemble butter or cheese; shall be plainly marked "Imitation butter" or "Imitation cheese"; verbal and printed information of the character of the articles and address of the maker shall be given at time of sale; signs shall be displayed in public eating places where used.

# NEW HAMPSHIRE-ANTICOLOR LAW. [Approved Mar. 29, 1895.]

Any article not made wholly from unadulterated milk or cream which is in imitation of pure yellow butter or cheese is prohibited, unless in packages plainly marked "Adulterated butter," "Oleomargarine," or "Imitation cheese." A label printed with the words on the original package shall be delivered with each retail sale. Oleomargarine, free from color or ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. Notice of the use of substitutes for butter in hotels, etc., shall be given to patrons.

# NEW JERSEY-ANTICOLOR LAW.

# [Approved Mar. 22, 1886.]

Any article made wholly or partly out of any fat, oil, etc., not from milk or cream, artificially colored in imitation of pure yellow butter, is prohibited; but oleomargarine and imitation cheese are permitted, if free from artificial color and in the original package encircled by a wide black band bearing the name of the maker and having the name of the contents plainly branded on them with a hot iron. Retail sales shall be accompanied by a printed card on which the name of the substance and the address of the maker are plainly printed, and the customer shall be orally informed of the character of the article at the time of the sale.

# NEW MEXICO.

# NEW YORK-ANTICOLOR LAW.

# [Approved Apr. 10, 1893.]

[Approved Apr. 10, 1893.]

The terms oleomargarine, butterine, imitation butter, or imitation cheese mean any article in the semblance of butter or cheese not the usual product of the dairy and not made exclusively from unadulterated milk, or having any oil, lard, melted butter, etc., as a component part. Imitation butter: The manufacture of oleomargarine or any article in imitation of butter wholly or partly from fats or oils not produced from milk, or the sale or the use in hotels, etc., of such articles, is prohibited. No article intended as an imitation of butter and containing oils, fats, etc., not from milk, or melted butter in any condition, shall be colored yellow.

# NORTH CAROLINA-LABOR LAW.

# [Ratified Feb. 28, 1895.]

Oleomargarine and butterine are defined as articles manufactured in imitation of butter, and which are composed of no ingredient or ingredients in combination with butter. Original packages shall be labeled with chemical ingredients and their proportions.

# NORTH DAKOTA—ANTICOLOR LAW. [Laws of 1899.]

Law prohibits manufacture and sale of oleomargarine colored in semblance of butter.

# OHIO-ANTICOLOR LAW. [Approved May 16, 1894.]

Oleomargarine is defined as any substance not pure butter of not less than 80 per cent butter fat and made for use as butter. It is permitted if free from coloring matter or other ingredient to cause it to look like butter and made in such form and sold in such manner as will advise the consumer of its real character.

# OKLAHOMA

No laws.

# OREGON-ANTICOLOR LAW. [Filed Feb. 21, 1899.]

Forbids the manufacture and sale of oleomargarine colored in semblance of butter.

# PENNSYLVANIA-ANTICOLOR LAW.

# [Passed in 1899.]

Prohibits manufacture and sale of oleomargarine made in semblance of butter.

### RHODE ISLAND-BRANDING LAW.

# [Laws of 1882.]

Any article not made wholly from milk or cream, but containing any melted butter or animal oil or fat not the product of milk, shall be plainly marked "Oleomargarine," and a label similarly printed shall be delivered with all retail sales.

SOUTH CAROLINA—ANTICOLOR LAW.

# [Approved Mar. 9, 1896.]

Imitation butter and cheese are defined as every article not produced from pure milk or cream, with or without salt, rennet, and harmless coloring matter, which is in semblance of, and designed to be used as a substitute for butter or cheese; they shall not be colored to resemble butter or cheese; original packages shall be marked "Substitute for butter," or "Substitute for cheese"; shall not be sold as genuine butter or cheese, nor used in hotels, etc., unless signs are displayed.

### SOUTH DAKOTA-ANTICOLOR LAW.

# [Laws of 1897.]

Any article not made wholly from pure milk or cream, and in imitation of pure butter, is prohibited; but oleomargarine, colored pink and made in such form and sold in such manner as will advise the consummer of its real character, is permitted; notice of its use in publiceating places must be given.

# TENNESSEE-ANTICOLOR LAW.

# [Act of 1895.]

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its true character, and other imitations if uncolored and labeled with their correct names are permitted; wholesale packages shall be plainly labeled, and a label shall accompany retail sales.

# UTAH-ANTICOLOR LAW.

# [Approved Mar. 8, 1894.]

Any article in semblance of butter or cheese and not made wholly from milk or cream shall be plainly marked "Oleomargarine butter," or "Imitation cheese," and retail sales shall be made from packages so marked. Such articles shall not be colored to resemble butter or cheese.

# VERMONT-PINK LAW.

# [Laws of 1884.]

The manufacture of any article in imitation of butter or cheese which contains any anima' fat, or animal or vegetable oils or acids not produced from pure milk or cream, is prohibited.

Imitation butter.—Imitation butter for use in public eating places, or for sale, shall be colored pink.

# VIRGINIA-ANTICOLOR LAW.

VIRGINIA—ANTICOLOR LAW.

[Approved Jan. 29, 1898.]

The manufacture or sale of any article made wholly or partly from any fat or oil not produced from unadulterated milk or cream, which is in imitation of pure yellow butter, is prohibited; but eleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the consumer of its real character and free from color or other ingredient to cause it to look like butter, is permitted. Signs, with the words "Imitation butter used here," shall be displayed in eating places, bakeries, etc., where the articles above named are used.

# WASHINGTON—ANTICOLOR LAW. [Approved Mar. 11, 1895.]

[Approved Mar. 11, 1895.]

No article which is in imitation of pure yellow butter and is not made wholly from pure milk or cream, with or without harmless coloring matter, shall be manufactured, sold, or used in any public-eating house or eleemosynary or penal institution, etc.; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted.

# WEST VIRGINIA-PINK LAW. [Approved Feb. 16, 1891.]

Any substance in semblance of butter or cheese and not made wholly from pure milk or cream, and packages containing such substances, shall be plainly marked; printed statements explaining the character of the substance must be given to consumers.

Oleomargarine: Oleomargarine and artificial and adulterated butter shall be colored pink.

Mr. GRONNA. Now, Mr. President, what is oleomargarine? I read from the House hearings in 1910, on page 171, a statement made by Mr. Henry C. Pirrung, president of the Capital State Dairy Co., of Columbus, Ohio, a gentleman who admits that for many years he has been engaged in the manufacture of oleomargarine. I want to read a brief statement made by him:

Mr. Pirrunc, Mr. Chairman and gentlemen of the committee, in order to perhaps more forcibly illustrate the factory conditions existing in the manufacture of oleomargarine to-day, it will be necessary to state the reason why the present conditions are in force and in existence. It might seem to this committee and to those interested that perhaps my explanation of the factory and its conditions and the manufacture of oleomargarine may be exaggerated, but I assure you, gentlemen, that no exaggeration will be attempted and no departure from the truth truth.

We have known for many years, Mr. President, that certain Senators are not interested in the welfare of the farmer. It is nothing new; it is the same old story. The farmer is a splendid citizen just before election, but subsequent to election he is often forgotten.

often forgotten.

Mr. Hawley. Are you a manufacturer of oleomargarine?

Mr. Pirrung. I am, and have been for 22 years—a practical manufacturer. Years ago—we will say in 1884, 1885, and 1886—when the first law was attempted and enacted the cry by the opponents of oleomargarine was the debasement of materials, the inferior materials we used, the slovenly methods of manufacture; in fact, everything, even fraud was charged at that time. Prominent amongst the illustrative papers was the Police Gazette, which at that time had large pictures showing the dead animals that were used in the manufacture of oleomargarine. It was also stated and illustrated that skimnings of sewer drops in New York were used in the manufacture of oleomargarine, that the basic materials came from the garbage can, and every other vile and putrid matter that could be used. Now, of course, in that sense we must also state that the opponents of oleomargarine stated that this product manufactured from all these materials, which they only charged and never proved were used, was made in imitation of butter and to take the place of butter, and therefore they wanted it distinguished from butter.

Mr. Pirrung goes on to describe what "neutral" is, and I have

Mr. Pirrung goes on to describe what "neutral" is, and I have some extracts marked here, which I ask unanimous consent to incorporate in my remarks without reading.

The PRESIDING OFFICER. Without objection, that order will be made.

The matter referred to is as follows:

The matter referred to is as follows:

The Chairman, Will you tell us what neutral is? You used the term "neutral." Will you tell us what it is, so that we may understand what you refer to?

Mr. Pirbung. Yes; neutral is the oil product of the leaf of the pig. The leaf of the pig is first chilled and then it is hashed or cut into cubes of about an inch or 2 inches. The purpose of chilling, as you will understand, is so that it may be cut into cubes. It is then melted in its cubed condition and brought to a temperature of about 180 to 190 degrees. During the melting process the agitator stirs this neutral continuously in order to bring about the proper melting of the oil from the tissue and fiber. Then it is allowed to stand for a few minutes, and a shower bath of salt is hastily sprinkled over this in order to carry the tissue and fiber and extraneous matter to the bottom, whereon the pure oil of the pig remains on the top. It is then siphoned from the kettle and put into tierces and shipped out for the manufacture of oleomargarine, and thereby the name of "neutral" is attached to it, distinguishing it from the other products of the hog commonly known as lard. as lard.

[From statement of Mr. Thomas Sharpless, president of the Pennsylvania Butter Protective Association.]

In my position, in connection with the Butter Protective Association of Pennsylvania, I have found that 85 per cent of all the samples bought—and they were bought as butter—upon analysis were proved to be oleomargarine colored in imitation of butter.

Mr. GRONNA. Later on I find in these same hearings the statement of a certain gentleman who thinks we ought to abolish the cow; that we ought to do away with the dairy interests entirely. Those of us who are engaged in dairying have not been so uncharitable as that toward the men who are manufacturing oleomargarine. We are anxious to have the products which go into the making of oleomargarine manufactured, and, if no fraud or deception is practiced, we find no fault with the industry; but I, for one, do find fault with the practice of perpetrating fraud and deception upon the consumer. Not only are you proposing to tax a product which you say is a food product and a necessity in order to sustain life, but you tell me you are and a necessity in order to sustain the, but you ten by you are going to make it cheaper and easier for the poor man to obtain it by levying a tax upon it. I think you are also going to make it possible for the seller of this product to get an unfair price for it. It is absolutely certain that an unfair price will be asked if we are to permit this deception and fraud to go on. Instead of benefiting the laboring man, the provision in this bill will result to his detriment. The laboring man ought to be in a position to buy as good butter as you and I. If the conditions in our country are such that the laboring man can not afford to buy butter there is something wrong with our policies; there is something wrong with our country; there is something wrong with the fundamental principles of our Government. Let us change those principles and make it possible for these men to get the wholesome food that you and I get.

Mr. President, it is not my purpose to enter into a discussion of this important subject to delay a vote upon the amendment offered by the distinguished Senator from Alabama. This question is not a new one; it has been before Congress for more than a quarter of a century. The plan proposed by the Senator from Alabama is not a new one. If his amendment should be adopted it would be reenacting the old law; and under that old law the maximum amount collected as revenue was two million four hundred and some odd thousand dollars. I think the majority have failed in their estimate as to the revenue to be derived from this article under the amendment, just as they failed when they wrote their tariff law, which we were told was going to cheapen the food of the American people, lower the cost of living to the American people, and still bring sufficient revenue to pay the running expenses of the Government. Well, you succeeded admirably in failing in both. Food products have advanced—due to the war; of course it was not due to the Democratic

tariff law-and the revenues have decreased, so that the Treasury to-day is bankrupt. So it is said that this is an emergency measure, and that it is necessary to take an inferior article, which is claimed to be good enough for the laboring man of this country, and tax him 2 cents a pound, and then foster a gigantic trust in opposition to the millions of farmers who are engaged in the legitimate dairy industry.

Mr. President, I am sorry that I have to say these things to my friends on the other side—and I have many dear friends on the other side of the Chamber—but, like the parent who chastises the son, it is because I want to set you right that I am calling your attention to these matters. It is not because I dislike you; but you have failed in every attempt you have made to legislate for the American people; in every effort you have made to legislate for the laboring man you have made a dismal failure.

Suppose that we should enact a law permitting cotton two

grades below medium to be mixed with medium, would you consider that desirable legislation for the South? Yet the mixture would be all cotton, although it would not be medium cotton. do not care whether it is in the South or in the North, the great agricultural industry is entitled to protection. We have helped you when you asked us for help and established standards for great product of the South. Nine grades have been established, four below and four above medium; and if the proposition were here before us now to repeal that law or to change that standard, I should be one of the first to vote against it, because I know it would be doing an injustice to the cotton producer of the South.

Mr. President, what is margarin, anyway? Well, I looked it up in the dictionary, and I find that the word "margarin" is defined as

A fatty substance extracted from animal fats mixed with certain vegetable oils, formerly supposed to be a definite compound of glycerin and margaric acid, but now known to be simply a mixture of tristearin and tripalmitin.

Now, I find no fault at all with that description; but, as the Senator from Oregon [Mr. LANE] said the other day-and I would as soon take his judgment as that of any chemist in this country-stearin is not a food product. I know it is a valuable product. I know that when I was running a thrashing machine, when I was a boy, I used stearin to put on the belts in order to keep them from slipping, and I presume it acts the same way in a person's stomach. It will stay there for a good, long while. It will keep the appetite from slipping, as the Senator from Michigan [Mr. SMITH] says. Why, of course, any of these great corporations would gladly recommend this food product in the lumber camps and in other camps, because it is a product that will stay by you. We sometimes used soap to prevent the belt from slipping on the pulley, but stearin is the real thing; and I am calling attention to this because the Senator from Oregon, in describing this great product, said it was good to grease your boots with, but that it was not good to be used in making the old-fashioned tallow candles.

Mr. President, I know that those of you who favor this amendment are sincere in your belief. I do not question the motives of any Senator or of any other man. Undoubtedly you believe that this legislation will be beneficial to the American people; otherwise, I can not conceive that you would ask us to pass it. But I can not understand how you can justify your position in placing a tax of 2 cents a pound upon a food product which you say is a necessity, and compel these laboring men, for whom we always legislate, for whom we always pass beneficial legislation, as has been said, to pay that tax. You know that you are not benefiting the laboring man by taxing this product 2 cents a pound. You must also know that you make it possible for an unwarranted price to be charged by the men who control this product—and a few peo-ple in the United States control it. No man will deny that. Less than half a dozen men in this country control the product. It is an absolutely trust-controlled product. You make it possible, I say, for that trust to profit unduly, to get an unwarranted price for this article which you say is good enough for the laboring man. I do not think it is good enough for the laboring man. I want you to make conditions such that it is possible for the great dairy interests of this country to produce butter at a reasonable price so that every man, woman, and child in this country can afford to buy butter and to eat butter.

Mr. SMITH of Michigan. The laboring man can get it now. Mr. GRONNA. As the Senator from Michigan says, the laboring man can get it now, as oleomargarine, at an £dditional cost of one-fourth of 1 cent per pound, and the consumer knows what he is buying if he buys it as uncolored oleo-margarine. There is no deception and no fraud practiced upon the laboring man or upon the consumer if he buys the real article.

Mr. SMITH of Michigan. Many men buy it. I know of Senators in this body who buy it for their own tables because it is

Mr. GRONNA. I am perfectly willing to take this onefourth of 1 cent per pound off. I am perfectly willing that eleomargarine shall be sold to the public absolutely without any tax at all.

Mr. CLAPP. That is, uncolored.
Mr. GRONNA. Uncolored, certainly; but I do not care what the tax is, it is still a deception and a fraud upon the consumer of this country when it is colored. I, for one, would be willing to enact a law absolutely prohibiting the coloring of oleomargarine, the same as they have done in France years ago, and in other European countries.

Now, I have made some pretty serious charges against some of these people who attack the dairy industry. I said before the recess that a third of the lard sold by the American manufacturers was adulterated during the years 1880 to 1890, and I am going to substantiate what I said a moment ago. from the Encyclopaedia Britannica, volume 1, page 232:

from the Encyclopaedia Britannica, volume 1, page 232:

Lard: Between the years 1880 and 1890 a gigantic fraudulent trade in adulterated lard was carried on from the United States. A great proportion of the American lard imported into England was found to consist of a mixture of more or less real lard with cottonseed oil and beef stearline. Cottonseed oil is one of the cheapest vegetable oils fit for human consumption, beef stearline the hard residue obtained in the manufacture of oleomargarine after the more fluid fat has been pressed from the beef fat. These mixtures were made so skillfully by large Chicago manufacturers that for some years they escaped detection. A bill introduced in 1888 into the American Senate to stop this imposture directed general attention to the subject, and energetic measures, taken both in America and in England, quickly put an end to it. From the memorial presented in the United States Senate in support of the bill it appeared that in about 1887 the annual production of lard in the States was estimated at 600,000,000 pounds, of which more than 35 per cent—

I said 331 per cent-

was adulterated. Compounds were made containing only a small quantity of lard or none at all, yet were sold as "choice refined lard" or under other eulogistic names. Many lard substitutes, chiefly made from cottonseed oil, are still met with, but are most sold in a legitimate manner.

They even extracted oil from maize or corn and mixed it with

Now, Mr. President, I have taken up a great deal more time than I intended, but I could not let some of these statements go unchallenged with reference to this great industry of dairying, an industry so vital not only to the 35,000,000 people who are engaged in it, but to the 100,000,000 consumers in the United

Mr. President, if conditions are such that the food article known as butter is an unwholesome product, then let us treat this industry as fairly as we treated the Beef Trust. Let us provide for a Federal inspection. Let every creamery in the United States be inspected at the cost of the Government of the United States or the people of the United States. We welcome an inspection system. Many of us have stood on this floor asking you to help us secure Federal inspection for our grain, and we certainly do not object to a system of inspection for every creamery that is manufacturing butter within our borders.

Mr. President, the revenue you will derive from this tax will not be enough to help your great deficit. It will add to the burden on the toiling millions in this country, who are always the ones to bear the heavy burden when food products increase in price, because wages do not always increase with the increased cost of living.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. GRONNA. Certainly.

Mr. CLAPP. I will ask the Senator if it does not strike him that the vice of the situation is not alone in the fact that it will add a burden to taxation of which the Government will get the proceeds-which is bad enough-but in addition to that, through continuing to allow oleomargarine to be colored, by which producers through the final distributers can add largely to the price, because it is an imitation of butter, it will add a large burden to the people which the Government does not get? That is the vice of this thing.

Mr. GRONNA. I thank the Senator from Minnesota. He has stated it much more clearly than I could. He is absolutely right in his statement that the tax is only a bagatelle; but by allowing this deception and this fraud to go on, it is made possible for a large addition to be made to the normal price of this product, for which the farmers receive how much? Seven to eight cents a pound, on foot, is all the Beef Trust pays for cattle. That is a good average price. Yet you are going to say by this law: "We will make it possible for the manufacturer of this spurious article, this adulterated article, this inferior article, to charge as much as butter brings." That is the great evil, as the Senator from Minnesota has said.

I would not ordinarily have uttered a single word of criticism about these great industries, because I realize, as you realize, that these men who have amassed their hundreds of millions of dollars in this great enterprise have brought to this country a great business. I am not criticizing them so long as they keep within their own confines, so long as they do not attempt to

deceive the American public.

Mr. President, I shall vote against the amendment offered by the Senator from Alabama, and I hope a majority of the Senate will do likewise. I said a few moments ago that you can not show me a single country where the people live on dairy products where the people are not healthy. You talk about the insanitary conditions of the stable on the farm. Why, Mr. President, I could show you barns and stables by the hundreds and by the thousands that are less odorous than the slaughter-houses of the stockyards. The farmers of this country are mak-ing every possible effort to handle this product in as sanitary and as cleanly a way as it is possible for human beings to do. There may be exceptions, but it is not the rule, I think, that you will find the stables of the farmers in a condition such as was described by the Senator from Alabama the other day.

Mr. President, I feel like apologizing for having taken so much time of the Senate. The people of my State are not as heavily interested in dairying as the farmers are in other States. We are a new country, and we are engaged in the production of cereals, wheat, oats, barley, and seed, such as flax and grass seeds; but, Mr. President, whether North Dakota had a single creamery or not, I know the condition of the dairy farms, at least some of them. I know it is a most important

industry and a most legitimate industry.

Mr. President, as I said a moment ago, I shall vote against the amendemnt offered by my good friend the Senator from Alabama [Mr. Underwood]. I know he is just as sincere in his belief as I am in mine. I know him very well, having served with him in the other body the same as I am serving with him here. He needs no defense; his own record is sufficient. I say to you that the Senator from Alabama and those of you who are going to force this amendment upon the American people are mistaken. It will not bring you the revenue; it will not cheapen the cost of butter nor of oleomargarine. It will increase the price of oleomargarine because, in the first place, you add a 2-cents-a-pound tax, and as the Senator from Minnesota [Mr. Clapp] so well said, you make it possible to practice fraud and deception upon the American consumer and upon the American laboring man, so that he will have to pay this unduly high price.

Mr. REED. Mr. President, I think I can in five minutes' time express my views on the oleomargarine amendment. Thirtyone years ago this Government enacted a law for the purpose of regulating the sale of oleomargarine and fixed a tax of 2 cents per pound. That law was surrounded with as many restrictions of a protective character as are to be found in the present Underwood amendment. Nevertheless the law proved unsatisfactory. It was found that oleomargarine was being palmed off for genuine butter and that every kind of fraud was

being worked.

Fifteen years ago the present law was enacted fixing a tax of one quarter of 1 cent per pound upon eleomargarine that is not colored and 10 cents a pound on the colored article. purpose of the law was to prevent the fraudulent sale of oleomargarine as butter, to protect the consumer and also to protect the producer of butter.

It can not be claimed that the proposed change in the law is intended solely as a revenue measure. That is not believed by anybody. If a revenue were desired, the tax would be fixed without regard to the question of color. We would not find the privilege of counterfeiting and imitating butter carefully carried into the revenue proposition. The fact about the matter is, and every man knows it, that this is a plain, bald attempt to permit the packing houses of the country to sell as butter that which is not butter, to counterfelt butter and to fraudulently put it forth upon the public. That is all there is to it. and you may talk about it until you are black in the face and until the cows come home," and that it all there ever will be

We have been passing pure-food laws in this country in order that men may know what they eat, and we have all said that was a good kind of legislation. Let a man eat what he pleases, but let him know what he is eating, and let not some scoundrel counterfeit some article and have people put it into their stomachs, not knowing what they are eating. We have passed a great deal of that kind of legislation. On the heels of it comes

the packing house and says, "Allow us at least to counterfeit And now it is proposed that that privilege shall be granted to the packing houses, and, behold, it is done in the name of the poor and the humble. The breakfast table of the laboring man is lugged in here as Exhibit A in the argument of the advocates of the amendment.

I do not care how poor a man may be, he is entitled at least to the poor privilege of knowing that he is eating eleomargarine if that is all he can buy. He is entitled at least to protection against the fraud monger. He is entitled to be shielded against the counterfeiter. He is entitled to know when he sits down at his table and has to eat bull butter to know it is bull butter and not have it sold to him as real dairy butter. This act ought to be entitled "An act to encourage fraud and to render

easy the counterfeiting of food products."

Now, mark you, it can not be said that it benefits the poor, because the poor man certainly when he can buy uncolored oleomargarine taxed only one-fourth of a cent a pound will get the oleomargarine cheaper than he will when he must pay a tax of 2 cents a pound and in return enjoy the blessed privilege of having some coloring matter put in it, poisonous or otherwise. The truth is that the man who wants to make oleomargarine intends to sell it not as oleomargarine but as

Oh, but you say it is to be put in a package, and the package to be branded. Yes; but when the butter is served in the is to be branded. hotels and the restaurants ninety-nine times out of one hundred, and in all the grocery stores where the poor man buys, the package is left off, and the oleomargarine is sold as butter.

Now, that is all there is in this case if you talk about it all night. This is a bold, plain proposal to make it easy for a packing house to sell "bull butter" for cow butter; and I use that term properly, because that is what it is known as in the trade.

I do not know what they make the stuff out of. I read a description the Senator from Pennsylvania [Mr. Penrose] put into the Record, and which I assume of course was a correct description. Whatever they make it out of, it is not that product which the human family have regarded as a staple since the days when Abraham gathered his flocks about him. I do not care if all the chemists this side of heaven, living or dead, were to certify to me that a combination of tallow, lard, cottonseed oil, and other products is better than the natural product of that fluid that all members of the human family began life on, that they have used through all the ages-if anybody tells me these chemical compounds are as good as that thing the Lord produced in the chemistry of nature, I do not believe it. At least I insist that the consumer shall know what he is having, and that nobody has any right by law to sanction the counterfeiting of a food product any more than he has to sanction the counterfeiting of the coin of the country.

Mr. STERLING. Mr. President, I desire to say a few words

concerning this oleomargarine amendment which the Senator from Missouri [Mr. Reed] and the Senator from North Dakota [Mr. Gronna] have been discussing. The advocates of this amendment in seeking to maintain it have felt called upon to make some reflections upon the butter industry either as it exists at creameries or on the individual farm. They have charged that butter was produced under conditions even unsanitary, with the result that the product was unwholesome or unbealthy.

Mr. President, I am satisfied that all danger of an unhealthful food product in butter is, under modern conditions and under the care now exercised in making it, reduced to a minimum and that there is scarcely an article of food of any kind or description more free from deleterious substance or ingredient or unwholesomeness of any kind than the butter that is produced on the farm or at the creamery and sold in the market.

I want briefly to call attention to a few of the Federal statutory provisions in regard to inspection that go to insure a purebutter product. I refer to two or three in the agricultural appropriation bill of the present year, which in these respects, Mr. President, is the same, I understand, as the agricultural bill of a year ago and is now a part of the Federal law.

For inspection and quarantine work, which includes this, "The inspection work relative to the existence of contagious diseases, and the tuberculin and mallein testing of animals," an appropriation for all the items mentioned in the paragraph of \$628,280.

It will be remembered, Mr. President, that it was charged that tuberculosis is a disease frequent in milet cows, and that there is danger of the disease being communicated to the con-sumer of the butter from such cows. I call attention to another provision. We have an experiment station over here at Be-A part of the work of the experiment station is the "investigations of tuberculin, serums, antitoxins, and analo-

gous products," and so forth, for which an appropriation of \$134,600 is made. I call attention to another provision of this same bill, and it is a part of our present law. "For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated butter, factories, and markets," an appropriation for these distinctive purposes, all relating to the dairy industry, of \$378,950.

So, Mr. President, from the Federal standpoint it would seem that pretty careful investigation of the dairy industry and the prevention of diseases among cattle and milk cows is provided

But, Mr. President, we are not limited in these inspections to insure the purity and wholesomeness of butter to what is done

or is required to be done under Federal law.

I think nearly all the States of the Union, especially the States of the East, North, and West, have their dairy-inspection laws. I do not know that South Dakota is any exception to the general rule, for I am assuming, and I think it will be found correct, that nearly all these States have statutes something like that which I now read from the Revised Statutes of my State:

SEC. 2873. No person shall keep cows in a crowded or unhealthy condition for the production of milk for market or for sale or exchange, or to be manufactured into articles of butter or cheese, or feed cows on food that produces impure, unhealthy, diseased, or unwholesome milk, nor sell milk to any person or persons, nor deliver milk from diseased cows to any creamery or cheese factory. No person shall manufacture from impure, unhealthy, diseased, or unwholesome milk, or cream from the same, any article of butter or cheese. Whosoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished as hereinafter provided.

Then, there are further provisions in these statutes which relate to the inspection of creameries, and the law requires that he or they who would operate or run a creamery or cheese factory in the State must procure a license and render their business subject to the inspection of the food and dairy commissioner of the State. That inspection makes two inspections and two reports to the governor of the State each year in regard to these various subjects. Penalties are provided for any violation of the law.

Mr. BRADY. Mr. President— Mr. STERLING. I yield to the Senator from Idaho.

Mr. BRADY. When was the law which the Senator from South Dakota has just read enacted?

Mr. STERLING. It was enacted in 1903, and is a part of the Revised Statutes of that year. I read from section 2873 of the Political Code.

Mr. BRADY. And ever since that time the Senator's State has

been protecting the dairy interests of the State?

Mr. STERLING. Certainly. There are other very rigorous provisions of the law, I will say to the Senator from Idaho, which I shall not take the time to read. So, Mr. President, we have there this Federal inspection, in the first place; then we have the careful inspection provided for under State law.

Now, what do we have in addition to this official inspection by Federal and by State authorities? We, of course, have the care taken by the farmer himself on his own individual intiative and according to the dictates also of his good common sense, Therefore, under all these wholesome aids and influences, I can not help but think that the danger from an impure butter product is reduced, as I said a while ago, to the very minimum.

I have looked through this Agricultural bill, Mr. President, thinking that I might find something in it relating to the inspection of oleomargarine, but not a line have I been able to find in regard to the inspection of that product, nor do I know of a law on the Federal statute books that requires the inspection of oleomargarine and an investigation into the purity of the

various ingredients that enter into that compound.

Mr. President, in these days, when our several States are passing new laws affecting the morals and the safety of the people, we are asking the General Government, as we did in the liquor advertising mailing bill, as we did in the "bone-dry" provision put into the Post Office appropriation bill the other day, to assist the States in carrying out their laws relating to the sale of intoxicating liquors. On the same principle, instead of the Federal Government denying the investigation and the inspection of this food product, oleomargarine, the Federal Government ought to give us ample inspection of it.

Let us glance for a moment, Mr. President, at the economic question involved in this proposed amendment. Whom does it affect, and how many? It vitally affects an industry in which more than 4,500,000 people are engaged, on which they depend, and not alone an industry on which they depend, but upon which the whole country depends. How has this industry been built up in the United States? By hard work, by the exercise of the greatest care and economy. It has been an industry peculiur in itself in the encouragement it has given to the practice of thrift and economy on the part of that great body of producers,

farmers and dairymen, engaged in the business.

Mr. President, that industry has been the salvation of certain parts of our great country. Take the States represented by the Senators from Vermont and New Hampshire—Vermont especially, that great dairy State. Under ordinary agricultural operations, such as the raising of grain, those States found that after a while they could not compete with the agriculture of the broader and the richer plains of the West and the Middle West. So, as a last resort, and for their own protection, they entered upon this great industry, which has made their people thrifty and prosperous and has made their States, otherwise comparatively poor, agriculturally speaking, rich and prosperous States.

In turn, Mr. President, this industry has been a boon to the States of the West. I remember how in the years between 1890 and 1900, those fateful years when in my own State we were visited with drought and with crop failure, the farmers were enabled to "stay by" and live by reason of the cooperative creameries established, as they were throughout a great part of our State, especially that part of it east of the Missouri River. Since that time creameries have been established in those sections west of the river. It is an industry peculiarly adapted to the semiarid regions, where you can not, year in and year out, depend upon the raising of crops.

Take the country over—the East and the West; the North and the South—and it has been the one great industry which has enabled the farmer to diversify the operations of the farm and to build upon that principle which alone can make agriculture successful and prosperous, namely, diversity in the industry and products of the farm.

Mr. President, will this amendment reduce the cost of living? Mr. President, will this amendment reduce the cost of living? Much has been said already upon that question. The Senator from North Dakota [Mr. McCumber] in his able argument, the Senator from Missouri [Mr. Reed], and others have all considered it. Will it reduce the cost of living? Well, let us see. If I remember correctly, about 145,000,000 pounds of uncolored oleomargarine were produced last year or during the fiscal year ending June 30, 1916. There was a tax of one-fourth of 1 cent a pound on those 145,000,000 pounds. Increase the tax to 2 cents a pound, and let the tax be added to the price, and the consumers of uncolored oleomargarine throughout the United consumers of uncolored oleomargarine throughout the United States will pay, because of the tax alone, an addition of about \$2,500,000 for the oleomargarine they consume.

But that is not all. It is fair, I think, to assume, Mr. President, that in addition to the tax the consumer will pay under this amendment for the colored oleomargarine at least 10 cents a pound more than he is now paying for the uncolored product. I think that is a conservative estimate. Ten cents a pound on 145,000,000 pounds makes \$14,500,000. Add that to the \$2,500,000 paid on account of the tax and we have \$17,000,000 added to the cost of that quantity of oleomargarine. That is the fax, the additional burden, you would impose upon the people who consume the food product, and only \$2,500,000, as suggested by the Senator from Minnesota [Mr. Clapp], goes to the Government. So we have \$17,000,000 of tax to the consumers of oleomargarine in the additional price they will pay upon the product, with only two and a half million dollars going to the Government of the United States.

Mr. President, all I have to say, in conclusion, is simply this: That it would be most unjust to put this great and vital in-dustry—the dairy and butter-making industry—in competition with a cheap product, made of cheap ingredients, and which, because of the facilities of the great companies and combinations manufacturing it, is produced at the very minimum of cost.

Is there any interest advocating this so-called Underwood amendment? Yes. The Cottonseed Crushers' Association are advocating it. Think, Mr. President, of the interests aside from this great monopoly that are to be affected, and affected to their detriment, by this proposed law and by the tax which it will impose and the liberties which it will allow in the way of coloring oleomargarine, thus enabling the producers thereof to perpetrate this great fraud upon the public. Yes: there is one other interest

The great Beef Trust, the National Live Stock Association, is the other interest advocating this amendment, that interest which can take the by-products from the slaughterhouse and pen and manufacture them into oleomargarine with such extraordinary facility as to produce the article, as I said a moment ago, at the lowest possible cost.

Is there any other interest? There is no other interest, Mr. President, unless it be the authorities that have in hand the collection of the tax, the Secretary of the Treasury and the

Commissioner of Internal Revenue; and, if I remember correctly the reading of certain communications from those distinguished gentlemen, they base their argument for this provision on the ground of their individual convenience more than anything else, or the convenience of the Internal-Revenue Bureau of the Treasury Department. I do not believe, Mr. President, that the interests of 4,500,000 people engaged directly in the dairy industry. I do not believe that the interests of the people of the whole country. I do not believe the interests of those who want a cheap but pure food product should be rendered subordinate to the mere convenience of the Treasury Department in collecting this tax.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. BRANDEGEE. I suggest the absence of a quorum. The PRESIDING OFFICER. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Martin, Va. Martine, N. J. Myers Notris Overman Page Penrose Pittman Hollis Hughes Husting Johnson, S. Dak. Jones Ashurst Beckham Brady Brandegee Simmons Smoot Bryan Chilton Clapp Colt Sterling Kenyon Kern La Follette Stone Thomas Thompson La Fonerte Lane Lea, Tenn. Lec, Md. Lewis Lodge McCumber Vardaman Wadsworth Walsh Warren Cummins Poindexter Pomerene Reed Robinson Curtis Dillingham Fall Fletcher Shafroth Sheppard Sherman Gronna Hitchcock McLean

Mr. CURTIS. I have been requested to announce the absence of the junior Senator from Indiana [Mr. Watson] on account of illness. I will let this announcement stand for the rest of the evening.

Mr. CHILTON. I wish to announce that the junior Senator from Virginia [Mr. Swanson] is absent on account of illness, and that the senior Senator from Maryland [Mr. SMITH] is detained by illness in his family.

Mr. LEWIS. I beg to announce that the junior Senator from Delaware [Mr. Saulsbury] is detained by illness.

Mr. SMOOT. I desire to announce the unavoidable absence

of the senior Senator from New Hampshire [Mr. Gallinger]. The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment of the committee as amended.

Mr. WARREN. Mr. President, I ask unanimous consent at this time to have printed in the Record certain telegrams that have come to me in the form of petitions. I ask that the first 2 may go into the RECORD in full, and that as to the 11 that follow, as they are all alike, the names of the signers of the telegrams may be noted in the RECORD.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that certain telegrams be incorporated in the RECORD, and that two thereof be printed in full. Is there

objection? The Chair hears none.

The telegrams are as follows:

CHEYENNE, WYO., February 23, 1917.

Hon. F. E. Warren,

Connecticut Apartments, Washington, D. C.:

We will appreciate your good offices in securing the passage of a joint resolution giving from six months to a year before the Reed bill will take effect. Local merchants should have an opportunity to dispose of their stock of goods, and, in the spirit of fairness, we believe the proposition should be met half way.

FIRST NATIONAL BANK.

CHEYENNE, WYO., February 23, 1917.

Senator Francis E. Warren, Washington, D. C .:

Please aid in securing passage of a joint resolution allowing six months' or a year's time before the Reed law takes effect.

CITIZENS NATIONAL BANK.

Telegrams from the following firms and citizens in Cheyenne, Wyo.: The Wyoming Commercial Co., R. Myers, R. R. Dodge & Co., The Albany Liquor Co., Charles Becker, The Trailmer Co., The Capital Cafe Co., The P. Schoenhofen Brewing Co., Idelman Bros. Co., Davis Mercantile Co., and The Tivoli Mercantile Co.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN. I ask unanimous consent at this time to offer an amendment to the Army appropriation bill (H. R. 20783) and ask that it be printed and referred to the Committee on Military Affairs.

The PRESIDING OFFICER. The amendment will be received and referred to the Committee on Military Affairs.

Mr. LODGE. I desire to offer an amendment to the pending revenue bill (H. R. 20573), which I ask may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be re-

ceived and printed.

Mr. SHEPPARD submitted an amendment relieving the Navasota Transfer Co. from further performance of its contracts with the Government, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. FLETCHER submitted an amendment providing for the

payment of the transportation and traveling expenses of certain rifle teams to the national matches at the State Camp, Florida, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

AGRICULTURAL APPROPRIATION-CONFERENCE REPORT (S. DOC. NO. 720).

Mr. SMITH of South Carolina. I present a conference report on the Agricultural appropriation bill, which I ask may be printed, as we will not be ready to take action upon it this evening.

The PRESIDING OFFICER. Is there objection? The Chair

hears none.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82,

and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, 98, 99, 100, 101, 102, 103, 104, and 105, and agree to the same

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "\$20,000" and insert in lieu thereof "\$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "\$1,468,740" and insert in lieu thereof "\$1,455,240"; and the Senate

agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "\$1,796,-640" and insert in lieu thereof "\$1,783,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of "\$269,200" Insert "\$277,580";

and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: After the word "equipment" in the Senate amendment strike out the words "and maintenance"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of "\$2,604,956" insert \$2,613,-

336": and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "\$3,445,326" insert "\$3,555,-326"; and the Senate agree to the same,

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "\$90,010" insert "\$82,510"; and in lieu of "\$15,000" insert "\$7,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "\$112,200" insert "\$107,-200"; and in lieu of "\$14,000" insert "\$9,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "\$2,460,530" insert \$2,480,-: and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "\$3,123,630" insert "\$3,143,-

; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "\$1,200" in the Senate amendment insert the words "not exceeding"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: Transpose the comma and the figures "\$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same,

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of "\$1,814,567" insert "\$1,817,-": and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of "\$3,261,475" insert "\$3,264,-475": and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "\$5,709,275" insert

\$5,712,275"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "\$2,992,580" insert \$2,972,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "\$3,127,660" insert

\$3,107,660"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "\$813.395" insert "\$843,-395"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "\$1,688,575" insert

\$1,718,575"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station," and transfer the paragraph as thus amended to page 24, between lines 18 and 19, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "\$139,500" insert "\$104,500";

and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with amendment as follows: In lieu of "\$160,000" \$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$24,581,213" insert "\$24,-

679,113"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "\$25,831,213" insert "\$25,929,113" and strike out the new language added by the Senate amendment; and the Senate agree to the same.

E. D. SMITH. HOKE SMITH, Managers on the part of the Senate.

A. F. LEVER, GORDON LEE, G. N. HAUGEN. Managers on the part of the House.

(Mr. HAUGEN agrees to this report, with the exception of the Smoot amendment.)

# THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. SIMMONS. Mr. President, I simply rise to suggest that the amendment we were considering has been lost track of alto-It is section 401. gether.

The PRESIDING OFFICER. As amended?
Mr. SIMMONS. As amended. It relates to the issuance of bonds to pay the Spanish War bonds which fall due the 1st day of I suggest that we go back to that and have a vote on it, and then if Senators desire to continue the discussion of the oleomargarine amendment when it is not before the Senate, of course, they are at liberty to do so.

Mr. SMOOT. Mr. President, I suggest to the Senator that we pass over the amendments preceding the oleomargarine amendment, and take up that amendment now and have the discussion finished, and then vote upon it. Then we can return to these other amendments, which I do not think will take very much time. The amendment immediately preceding the oleomargarine amendment will take some little time, but I believe that the Senators who desire to discuss it, or at least some of them, are not here to-night, being unable to be here on account of illness. It seems to me that the best way to proceed would be to pass over the amendments preceding the amendment relating to oleomargarine, take that up now, discuss it, and get through with it.

Mr. SIMMONS. Mr. President, I would more than gladly comply with the suggestion of the Senator from Utah but for the fact that the Senator from Alabama [Mr. UNDERWOOD], the author of this amendment, is not in the Chamber. I have tried to reach him and notify him that this amendment probably would be reached to-night, but have failed to do so. If I were to pass over other amendments and take up his amendment out of its order, in his absence, I am afraid he would have just cause of complaint.

Mr. SMOOT. There are a number of speeches yet to be made upon that particular subject. Why not get those speeches upon that question back of us now? Then, of course, if it becomes necessary to lay it aside before adjournment, that can

Mr. SIMMONS. Would the opponents of that amendment agree, if it is taken up now for discussion, to fix a time to vote

on it to-morrow?

Mr. President, I should be glad personally to do it, but I will say to the Senator that I do not believe that this particular time is the proper time to ask for it. As far as I am concerned, I do not want to say a word upon it. Personally, I am ready to vote upon it now; but I know there are still some Senators who desire to speak upon it. It seems to me that the Senator's suggestion that we were talking about a matter that was not immediately before the Senate was a very proper suggestion to make; and as I know that there are speeches-not long ones, in some cases-which Senators desire to make upon that matter to-night, I made the suggestion that I did.

Mr. SIMMONS. I suggest to the Senator that we have a

vote on the amendment that is now pending. It has already been amended, and has been discussed; and there is no reason why we should not have a vote on it, I think. Then we will take up the question of whether we will skip over the interven-

ing amendments.

Mr. SMOOT. That amendment is section 401?

Mr. SIMMONS. Yes; section 401.

Mr. SMOOT. I have no objection to that, Mr. President.

Mr. SIMMONS. Very well. Then, Mr. President, I ask that that be done.

Mr. CUMMINS. Mr. President, let there be no misunderstanding about the matter. I intend to submit some observations upon the so-called Underwood amendment. For a long time I have followed the practice of endeavoring, at any rate, to speak on the subject before the Senate, and I prefer that the bill be pursued in its regular order. When that amendment is reached for consideration I intend to be heard for a few minutes upon it.

Mr. SIMMONS. I knew the Senator felt that way about it, and I am anxious to get that amendment before the Senate.

Mr. CURTIS. I should like to have the pending amendment stated.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, recedes from its disagreement to the amendment of the Senate No. 62 and agrees to the same, recedes from its disagreement to the amendment of the Senate No. 58 and agrees to the same with an amendment in which it requested the concurrence of the Senate, further insists upon its disagreement to the residue of the amendments of the Senate to the bill, requests a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BYRNES of Tennessee, Mr. Sisson, and Mr. Good managers at the further conference on the part of the House.

GOVERNMENT OF PORTO RICO-CONFERENCE REPORT.

Mr. SHAFROTH. I submit the conference report on the Porto Rican bill, and ask that it lie on the table and be printed. The PRESIDING OFFICER. The conference report will lie on the table and be printed.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9533) "to provide a civil government for Porto Rico, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14,

15, 16, 19, 21, 25, 35, 36, 39, 42, 43, 81, 82, 90, 91, 92, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 17, 18, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 34, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 71, 73, 74, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, 89, and 93, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", subject to disapproval by the governor if he desires to act"; and the Senate agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", and he shall perform such other duties, not inconsistent with this act, as may be prescribed by ; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final, subject to such right of action as may be otherwise provided by law"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", and no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the Government of Porto Rico, nor be appointed to any office created by act of the legislature during the time for which he shall have been elected until two years after his term of office shall have expired": and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter proposed by the

Senate insert the following:

"That the first regular session of the Legislature of Porto Rico, provided for by this act, shall convene on the twenty-eighth day after the first election provided for herein, and regular sessions of the legislature shall be held biennially thereafter, convening on the second Monday in February of the year 1919, and on the second Monday in February of each second year thereafter."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

"Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of onefifth of the members present, be entered on the journal.

The sessions of each house and of the committees of the

whole shall be open.

Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as

to change its original purpose.
"No act of the legislature except the general appropriation bills for the expenses of the government shall take effect until 90 days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first 40 days of the session, shall become a law.

No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members: Provided, That either house may by a majority vote discharge a committee from the consideration of a measure

and bring it before the body for consideration.

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

"No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

"The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of

signing shall be entered on the journal. The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the legislature from the treasury, or be in any way authorized to any person,

except to an acting officer or employee elected or appointed in

pursuance of law.

"No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made.

"Except as otherwise provided in this act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position.

"All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with

amendments, as in case of other bills,

"The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and schools. All other appropriations shall be made by

separate bills, each embracing but one subject.

Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or being disapproved shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

"Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding \$5,000, or imprisonment

not exceeding five years, or both.

"The offense of corrupt solicitation of members of the legislature, or of public officers of Porto Rico, or of any municipal division thereof, and any occupation or practice of solicitation

of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

In case the available revenues of Porto Rico for any fiscal year, including available surplus in the insular treasury, are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the governor: "First class. The ordinary expenses of the legislative, execu-

tive, and judicial departments of the State government, and

interest on any public debt shall first be paid in full.

"Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

"Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

"Fourth class. Appropriations for any other officer or officers, bureaus, or boards shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next

be paid.

That in case there are not sufficient revenues for any fiscal year, including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for such fiscal year.

"No appropriation shall be made nor any expenditure authorized by the legislature whereby the expenditure of the government of Porto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the treasury, unless the legislature making such appropriation shall provide for levying a sufficient tax to pay such appro-

priation or expenditure within such fiscal year.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

"That the qualified electors of Porto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the 4th of March, 1921. At each subsequent election, beginning with the year 1920, the qualified electors of Porto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the 4th of March following such general election."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", but the legislature may consolidate departments or abolish any department with the consent of the President of the United States"; and the Senate agree to the same

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed by the

Senate insert the following:

"That nothing in this act contained shall be so construed as to abrogate or in any manner impair or effect the provision contained in section 3 of the joint resolution approved May 1, 1900, with respect to the buying, selling, or holding of real estate; that the Governor of Porto Rico shall cause to have made and submitted to Congress at the session beginning the 1st Monday in December, 1917, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of 500 acres.

And the Senate agree to the same. That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate strike out all of section 40 in the engrossed bill; and the Senate agree to the same.

That the enrolling clerk shall renumber the sections of the bill in accordance with this conference report.

JOHN F. SHAFROTH, JOHN W. KERN, MILES POINDEXTER, Managers on the part of the Senate.

W. A. JONES, FINIS J. GARRETT, H. M. TOWNER, Managers on the part of the House.

LEGISLATIVE, ETC., APPROPRIATIONS-CONFERENCE REPORT.

Mr. OVERMAN. Mr. President, will the Senator from Kansas yield to me to have the action of the House of Representatives on the legislative bill (H. R. 18542) laid before the Senate? Mr. CURTIS. Certainly.

Mr. OVERMAN. Mr. President, I move that the Senate fur-ther insist upon its amendments and agree to the further conference asked for by the House, the same conferees to be appointed.

The PRESIDING OFFICER. The Chair is informed by the parliamentarian at the desk that the Senate can not act upon a House report in this form.

Mr. OVERMAN. I did not understand the Chair. The PRESIDING OFFICER. The Chair will lay before the Senate the action of the House of Representatives on the legislative appropriation bill.

The SECRETARY:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES, February 23, 1917.

Resolved, That the House recedes from its disagreement to the amendment of the Senate numbered 62 to the bill (H. R. 18542) entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes," and agrees to the same.

That the House recedes from its disagreement to the amendment of the Senate numbered 58 and agrees to the same with an amendment as follows:

the Senate numbered 58 and agrees to the same with an amendment as follows:

in lieu of the matter inserted by said amendment, insert the following: ": Provided, That hereafter no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, unless otherwise authorized by law, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States, unless otherwise authorized by law. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine."

That the House further insists upon its disagreement to the other amendments of the Senate to said bill and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Brans of Tennessee, Mr. Sisson, and Mr. Good by the managers of the conference on the part of the House.

Mr. OVERMAN. I move that the Senate agree to the conference asked for by the House, further insist on its amendments in disagreement, and that the Chair appoint the conferees.

Mr. POINDEXTER. This report has not yet been printed, has it?

Mr. OVERMAN. No. I do not ask for its consideration now, however.

Mr. POINDEXTER. I understood that the motion of the Senator from North Carolina was to agree to the partial report.

Mr. OVERMAN. No; this is a request for a further conference. The House rejected the report and asked for another I move that the Senate agree to the further conconference. ference, and that the Chair appoint the conferees

Mr. POINDEXTER. I misunderstood the Senator's motion. I understood the Senator to be submitting a partial report and asking for a further conference.

Mr. OVERMAN. No; the whole matter goes back to con-

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate insist upon its amendments, grant the further conference asked for by the House, and that the Chair appoint the conferees

The motion was agreed to; and the Presiding Officer appointed Mr. Overman, Mr. Bryan, and Mr. Smoot conferees at the further conference on the part of the Senate.

Mr. OVERMAN. I present the conference report on the legislative, and so forth, appropriation bill, and ask that it lie on the

table and be printed in the RECORD.

The PRESIDING OFFICER. The conference report will be received and printed in the RECORD.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 23, 24, 25, 32, 33, 34, 37, 38, 39, 42, 43, 44, 51, 53, 55, 59, 61,

69, and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 35, 36, 40, 41, 45, 46, 47, 48, 49, 50, 52, 54, 56, 57, 60, 63, 64, 65, 66, 67, 68, and 71, and agree to

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Senate resolutions Nos. 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby

repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements and shall submit a report to the Secretary of the Treasury and to Congress, with recommendations, at its next regular session.

"The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to the Secretary of the Treasury and to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government, banks of the Federal Reserve System, or farm-loan banks, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

"The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this pro-

"The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States, and shall submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar serv-

ices.

"Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "Departments," insert the following: "and independent establishments of the Government"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For employees now paid from appropriation for emergencies arising in the Diplomatic and Consular Service, \$4,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Federal Farm Loan Bureau: For four members of the board, at \$10,000 each; secretary to the board, \$4,500; chief, bond division, \$3,000; 4 private secretaries, at \$2,000 each; clerks-1 of class 4, 1 \$900. 3 at \$720 each, 1 \$600; clerk and stenographer, \$1,200; stenographers--7 at \$1,000 each, 4 at \$900 each, 3 at \$720 each; messenger; and 3 assistant messengers; in all, \$77,920.

"For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees in the District of Columbia and elsewhere as the Federal Farm Loan Board may find necessary, \$182,080; in all, \$260,000. A detailed statement of expenditures hereunder shall

be made to Congress.
"Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates.

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 58, and in lieu of the matter inserted by said Senate amendment, insert the following: ": Provided, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by

said amendment insert the following:
"Sec. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments." lishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session.

And the Senate agree to the same.

LEE S. OVERMAN, N. P. BRYAN, REED SMOOT. Managers on the part of the Senate. JOSEPH W. BYRNS, T. U. SISSON, Managers on the part of the House.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committe of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, recedes from its disagreemnt to the amendment of the Senate numbered 76 to the bill and agrees to the same with an amendment in which it requested the concurrence of the Senate, further insists upon its amendment to the amendment of the Senate numbered 98, further insists upon its disagreement to the residue of the amendments, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. Page of North Carolina, Mr. McAndrews, and Mr. Davis of Minnesota managers at the conference on the part of the House.

# THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenues to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The PRESIDING OFFICER. The Senator from Kansas [Mr. Curtis] requests that the pending amendment be stated The Secretary will state the pending amendment.

The Secretary. On page 11, after line 4, the committee proposes to insert a new section, as follows:

The Secretary. On page 11, after line 4, the committee proposes to insert a new section, as follows:

Sec. 401. That the Secretary of the Treasury in his discretion is hereby authorized to borrow on the credit of the United States a sum not exceeding \$63,945,460 and to prepare and issue therefor bonds of the United States, the proceeds of such bonds to be applied to the redemption on August 1, 1918, of the bonds of the 3 per cent loan of 1908 to 1918 authorized by the act approved June 13, 1898, and then maturing, such proceeds to be applied to no other purpose: Provided, That in his discretion the Secretary of the Treasury is hereby authorized to receive at the Treasury prior to August 1, 1918, any of the bonds of the 3 per cent loan of 1908 to 1918 maturing on such date and to issue in exchange therefor an equal amount of bonds of the United States herein authorized: Provided further, That the bonds herein authorized shall be in such form as the Secretary of the Treasury may prescribe, redeemable and payable at such times within 50 years from date of issue as the Secretary may direct, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum, and the bonds herein authorized shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and said bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: Provided further, That said bonds may be disposed of by sale or exchange by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, and in case of sale all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon, and a sum not exceeding one-fith of 1 per cent of the amount of

Mr. BRANDEGEE. Is the last proviso a committee amendment?

The PRESIDING OFFICER. It is a proviso to the committee

amendment.

Mr. BRANDEGEE. That the Senate has already agreed to?

It has It amended the con-The PRESIDING OFFICER. It has. It amended the com-

mittee amendment accordingly.

Mr. WEEKS. I wish to make an inquiry. stand exactly the committee amendment which has been amended since the bill was presented, whether it was made mandatory for the Secretary of the Treasury to issue these bonds in serial form or

Mr. SIMMONS. Permissive only. Mr. WEEKS. I wish to ask the Senator from North Carolina if he does not think that the Senate should take positive action in this matter and require that the Government bonds issued hereafter should be issued in serial form.

Mr. SIMMONS. One difficulty, I imagine, would be the market value of these short-term bonds as compared with the

market value of longer term bonds.

Mr. WEEKS. I have made very careful inquiry among bond men who are thoroughly conversant with the market for bonds of all kinds, and it is the universal opinion that a serial bond under present conditions sells as readily and at as high a price as a sinking-fund bond or any other bond.

Mr. SIMMONS. I think I might with propriety state that in a conversation I recently had with the Secretary of the Treasury he expressed to me the opinion that it would be difficult to float at this time a short-term bond as low as 3 per cent.

Mr. WEEKS. I am quite in agreement with the Secretary of the Treasury on that proposition. I think it would be difficult to float any considerable issue of bonds on a 3 per cent basis. If we were actually in a state of war I have no doubt that the patriotic sentiment would be such that any rate which the Gov-ernment wished to place on its bonds would bring about a flotation of a considerable issue, but it is below the market rate for bonds to-day. Not very long ago the State of Massachusetts, which has excellent credit, as the Senator knows, issued, I think, five or ten million dollars of 4 per cent bonds that sold on only a 3.9 per cent basis. They were retailed on about a 3.7 basis. Since that time, since the breaking of relations with Germany, municipal and State and governmental bonds have increased in the rate of interest which they carry from one-tenth to one-fourth of 1 per cent. So I think it will be fair to say that the very best bonds issued by our State would not sell on a much better than 4 per cent basis, if any. Under those circumstances I do not think a Government bond which has not the privilege of issuing circulation against it would sell much better than on a

3½ per cent basis.

I think that if any issue of bonds is to be made it should bear 31 per cent interest, and then it will sell at a sufficient premium to make the net rate which it would bear a fair market rate. I am afraid that a 3 per cent rate will not go, and it would be a great misfortune for the Government to attempt to sell bonds

and not have them all taken.

It is possible, of course, that this issue of \$63,000,000 might sell on a 3 per cent basis, but it certainly would not sell unless the bonds carried a provision which would enable those who bought the bonds to refund them on the same basis that future bought the bonds to rerund them on the same basis that turbe issues might be made; that is to say, we are almost sure to make other issues; in fact, this bill provides for issuing more bonds; and if we could sell this issue of \$63,000,000 on a 3 per cent basis it would be necessary to give the privilege to those who buy the bonds to refund them on a 31 per cent basis, or whatever basis future issues are sold upon.

Mr. SIMMONS. I agree with the Senator about that; and

I think that would be a very good provision.

Mr. WEEKS. I wish to say to the Senator that I have included paragraph 401 in the substitute which I have offered to the bill. If the Senator insists on taking it up now, I should like to have time enough to prepare an amendment which would cover what I think are very safe restrictions relating to an

issue of bonds of this kind.

This paragraph itself, Mr. President, illustrates the carelessness and unbusinesslike way in which we have been handling our Government indebtedness. These were Spanish War bonds. They should have been retired within 20 years-that is, by next year-and yet we made no provision for their retirement, and now the proposition which came in here from the commit-tee provides that they shall be refunded for 50 years. It is perfectly ridiculous from any business standpoint to issue Spanish War bonds running for 20 years and then refund them for 50 years, making the Spanish War debt last 70 years. That ought not to be done. I hope the Senator will be willing to allow this to be passed and let me prepare the amendment. These bonds have been redeemable ever since 1908, I understand, but the Government has not redeemed them.

Mr. SIMMONS. I will state to the Senator that I am sure the Secretary of the Treasury is under the impression that he would not at this time have any serious difficulty in floating these bonds at 3 per cent. I am sure he also feels that he could not float a short-term bond at that rate. I think, however, if the amendment the Senator suggests allowing them hereafter to be taken up when a higher rate bond is issued, provided the market of other bonds should be increased, helps the situation very much. If the Senator desires until to-

morrow to prepare the amendment and will then offer it I have no objection to letting the matter go over.

Mr. WEEKS. I think it would be along the line of good

legislation if that were done.

Mr. SIMMONS. I have no objection to letting the amendment go over until to-morrow in order to give the Senator from Massachusetts time to prepare his amendment.
Mr. SHERMAN. Mr. President—

Mr. SIMMONS. I yield to the Senator from Illinois.
Mr. SHERMAN. I will take up the section just read.
Mr. SIMMONS. That, however, goes over at the suggestion

of the Senator from Massachusetts, if the Senator understood my statement.

my statement.

Mr. SHERMAN. That it go over in the hope of attaching the amendment of the Senator from Massachusetts; but I wish to apply myself to some other features of the amendment, not only those referred to by the Senator from Massachusetts but some of the general aspects of the section.

The PRESIDING OFFICER (Mr. THOMAS in the chair).

The Chair desires to make an inquiry. Is there a mutual agreement that the Senate shall recess at 11 o'clock?

Mr. SIMMONS. No, Mr. President; there is none, but I will move that the Senate take a recess

Mr. LA FOLLETTE. Will the Senator withhold his motion for a moment?

Mr. SIMMONS. Certainly.

Mr. LA FOLLETTE. I offer two amendments to the bill

(H. R. 20573), to be printed. The PRESIDING OFFICER. The amendments will be received and lie on the table and be printed.

RECESS.

Mr. SIMMONS. I move that the Senate take a recess until 10.30 o'clock to-morrow.

The motion was agreed to; and (at 11 o'clock p. m., Friday, February 23, 1917) the Senate took a recess until to-morrow, Saturday, February 24, 1917, at 10.30 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

FRIDAY, February 23, 1917.

The House met at 11 o'clock a. m. The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Lord God Almighty, arouse within us the holy spirit of truth that we may think clearly, do justly, and follow the dictates of conscience in the abnormal conditions which confront us, arising out of the widespread clash of arms around us; that we may quit ourselves like men and leave behind us a record which we can look back upon with just pride; and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

#### EXTENSION OF REMARKS.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the location

of the armor-plate plant.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for permission to extend my remarks very briefly on the subject of making the days longer.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a short editorial from the Washington Post this morning advising the people to go slow on war; also one from the Akron Beacon-Journal, which suggests the mobilization of the editors of the country for fighting purposes. [Laughter.]
The SPEAKER. Is there objection? [After a pause.] The

Chair hears none,
Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks by presenting a resolution of the Legislature of the State of Washington in regard to preparedness and to extend remarks on other subjects in connection therewith.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8126. An act to extend the time for the cutting of timber on the Coconino and Tusayan National Forests in Arizona; and

S. 7710. An act to amend the irrigation act of March 3, 1891 (26 Stats., p. 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., p. 404).

CONFERENCE REPORT, PAYMENT OF FINDINGS, COURT OF CLAIMS.

Mr. BYRNES of South Carolina, Mr. Speaker, I desire to call up the conference report on the bill S. 1878.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 1878. An act making appropriations for payment of certain claims in accordance with the findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

Mr. BYRNES of South Carolina. Mr. Speaker, the report was read on yesterday, and I would ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

# CONFERENCE REPORT (NO. 1514).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1878) making appropriation for payment of certain claims in ac-cordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2 and 3

That the Senate recede from its disagreement to the amend-

ment of the House numbered 1, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

#### " ALABAMA.

"To the legal representatives of Isaiah Attaway, deceased, of

Macon County, \$275.

"To Jane P. Paulk, of Bullock County, \$635.

"To the trustees of the Cumberland Presbyterian Church of Pleasant Springs, \$350.

#### " GEORGIA.

"To the trustees of the First Baptist Church of Rome, \$870. "KENTUCKY.

"To R. W. Harris, administrator of James P. Harris, of Floyd County, \$330.

"To the vestry of Ascension Protestant Episcopal Church, of Mount Sterling, \$825. "To the fiscal court of Oldham County, \$1,100.

"To the treasurer of the Christian Church of Stanford, \$420. "LOUISIANA.

"To Madeleine Lement, administratrix of Pierre Lement, of

St. Landry Parish, \$295.

"To Kate P. McWaters, Margaret McWaters Bell, James H. McWaters, B. P. McWaters, and Moses McWaters, jr., in equal shares, heirs of Moses McWaters, of West Feliciana Parish,

#### " MARYLAND.

"To the heirs of William H. Bradshaw, of Frederick County,

### " MISSISSIPPI.

"To the trustees of the Protestant Orphan Asylum at Natchez, \$3,500.

#### " MISSOURI.

"To William W. Green, of Camden County, \$270.

#### "NORTH CAROLINA.

"To Sarah F. Trenwith, executrix of C. F. Simpson, deceased, of Craven County, \$815.

"To the deacons of Baptist Church of Beaufort, \$250.

# " OHIO.

"To the trustees of the African Methodist Episcopal Church of Gallipolis, \$250.

" SOUTH CAROLINA.

"To John Duncan, surviving partner of the firm of Duncan & Son, of Charleston, \$8,450.

"To the trustees of Beaverdam Baptist Church, of Marlboro

County, \$1,600.

"To the trustees of St. John's Baptist Church, of Bamberg County, \$275.

### "TENNESSEE.

"To Lulu H. Doyle and Anna V. Berry, sole heirs of Patrick H. and Margaret E. Watkins, deceased, of Hamilton County, \$333.34.
"To the trustees of the Hobson Methodist Church of David-

son County, \$1,800.

"To the treasurer of the corporation of the Cumberland Presbyterian Church, of Chattanooga, \$500.

"To the trustees of the Christian Church of Columbia, \$375. "To the trustees of the Cumberland Presbyterian Church, of Murfreesboro, \$900.

"To the trustees of the McKendree Methodist Episcopal

Church South, of Nashville, \$1,200.
"To the trustees of Liberty Springs Missionary Baptist Church, of Stewart County, \$475.

# " VIRGINIA.

"To Lucy E. Johnson and John A. Johnson, sole heirs of Armistead M. Johnson, deceased, of Loudoun County, \$784.

"To the session of the Presbyterian Church of Greenwood,

"To the trustees of the Christian Church of Suffolk, \$540. "WEST VIRGINIA.

"To the legal representatives of Josiah M. Davisson, deceased, of Taylor County, \$720.
"To the trustees of Christ Protestant Episcopal Church, of

Bunker Hill, \$300.

"SEC. 2. That the foregoing several sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

"SEC. 3. That in case of the death of any claimant, or the death or discharge of the executor or administrator of any claimant herein named, payment of such claim shall be made to the legal representatives: *Provided*, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated: Provided further, That in all cases where the original claimants were adjudicated bankrupts payment shall be made to the legal representatives or next of kin instead of to the assignees in bankruptcy: And provided further, That wherever under this act it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury; and wherever under this act it is provided that a payment be made to a corporation or quasi corporation and such corporation or quasi corporation has been merged in or consolidated with another corporation or quasi corporation, payment shall be made to the corporation or quasi corporation with which the consolidation or merger has been made.

And the House agree to the same,

A. W. GREGG, JAMES F. BYRNES, B. K. FOCHT, Managers on the part of the House. N. P. BRYAN, Jos. T. Robinson, A. J. GRONNA Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of the amendments of the House, namely

On amendment No. 1: This amendment provides that the re ceipt of the claimants for the amounts appropriated in the bill shall be a full and final release and discharge of their respective claims. The Senate recedes.

On amendment No. 2: This amendment strikes out the claim of Anastacio de Baca, administrator of Francisco de Baca. The House recedes.

On amendment No. 3: This amendment strikes out the claim

of Prairie County, Ark. The House recedes.
On amendment No. 4: This amendment inserts 32 new claims at the end of the Senate bill, and also inserts the appropriating section and a section providing that in case of the death of any claimant payment shall be made to the legal representatives. The Senate recedes and agrees with an amendment, omitting the claim of the legal representatives of Samuel Schiffer and correcting an error in printing an intitial.

> A. W. GREGG, JAMES F. BYRNES, B. K. FOCHT, Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

#### DISPOSITION OF PAPERS IN EXECUTIVE DEPARTMENTS.

The SPEAKER. The Chair lays before the House the following reports

Mr. TALBOTT, from the Joint Select Committee on Disposition of Useless Papers in the Executive Departments, reported that that committee had examined the useless files and papers in the following departments and found that they are not needed in the transaction of current business of such departments and

bureaus and have no permanent value or historical interest, and submitted reports thereon

Department of Labor (H. Doc. 1135; H. Rept. 1542);
Department of the Interior (H. Doc. 1814; H. Rept. 1542);
Department of Labor (H. Doc. 1996; H. Rept. 1542);
and Post Office Department (H. Doc. 2042; H. Rept. 1543).

The SPEAKER. Ordered printed and filed.

#### NANCY E. MULLINS.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 18566, unanimously reported from the Committee on Military Affairs

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18566) for the relief of Mrs. Nancy E. Mullins.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That Mrs. Nancy E. Mullins, mother of W. S. Mullins, late captain Company I, First Regiment Mississippi National Guard, shall be regarded as the duly designated beneficiary of the late Capt. W. S. Mullins under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

#### CONFERENCE REPORTS-PENSION BILLS.

Mr. RUSSELL of Missouri. Mr. Speaker

The SPEAKER. For what purpose does the gentleman from

Missouri rise?

Mr. RUSSELL of Missouri. To call up the conference report on the bill (H. R. 18181) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war."

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

### CONFERENCE REPORT (NO. 1537).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18181) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 33,

and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 40, 42, 43, 44, 45, 46, 47, 48, and 49, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30"; and the Senate agree to the same. Amendment numbered 38: That the House recede from its dis-

agreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Restore the matter stricken out and in lieu of the sum proposed insert "\$24"; and the Senate agree to the same.

ISAAC R. SHERWOOD, JOE J. RUSSELL, JNO. W. LANGLEY Managers on the part of the House. CHARLES F. JOHNSON, WM. HUGHES, REED SMOOT, Managers on the part of the Senate.

### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of the soldiers and sailors of said war, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of said amendments, namely:

On amendment No. 1 (case of Robert Leeson): Provides increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.
On amendment No. 2 (case of Mary Lenz): Strikes out the

On amendment No. 2 (case of Mary Lenz.); Strikes out the provision for pension for Mary Lenz.

On amendment No. 3 (case of Josiah Swails): Provides increase of pension to \$36, as provided by the Senate, instead of \$50, as provided by the House.

On amendment No. 4: Strikes out the provision for pension

for Margaret Wilson.

On amendment No. 5 (case of Horace L. Brown): Provides On amendment No. 5 (case of Horace L. Brown): Provides increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House.

On amendment No. 6 (case of Joseph Walker): Provides increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 7 (case of James M. Gibbons): Correction in graphing.

tion in spelling. On amendment No. 8 (case of Alexander Wilson): Correction

in spelling.

On amendment No. 9 (case of Alexander Wilson): Provides for increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 10: Strikes out the provision for pension for George F. Derr.
On amendment No. 11: Strikes out the provision for pension

for John L. Andrews.

On amendment No. 12 (case of Ransom W. Dwyer): Correc-

tion in phraseology.
On amendment No. 13 (case of William M. Horrad): Correction in phraseology.

On amendment No. 14: Strikes cut provision for pension for John B. Cason.

On amendment No. 15: Provides for increase of pension for Adam Lambert to \$30, instead of \$36, as provided by the House, and \$24, as provided by the Senate.

On amendment No. 16 (case of Carroll C. M. Frame): Strikes

out provision for increase of pension.

On amendment No. 18: Strikes out provision for pension for Catherine Steele.

On amendment No. 19 (case of Ferdinand Opperman): Provides for increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 20: Strikes out provision for pension for

Serelda Pargin.

On amendment No. 21 (case of Nelson W. Haskell): Provides for increase of pension to \$24, as provided by the Senate, instead of \$27, as provided by the House.

On amendment No. 22 (case of Thomas W. Elliott): Provides for increase of pension to \$40, as provided by the House, instead of \$30, as provided by the Senate. On amendment No. 23 (case of Wyatt L. Starrett): Correc-

tion in spelling. On amendment No. 24 (case of Henry H. Stevens): Provides for increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 25: Strikes out provision for pension for

James Cottman.

On amendment No. 26: Strikes out provision for pension for Laura E. Smith.

On amendment No. 27 (case of Parker T. Gibbs): Provides for increase of pension to \$40, as provided by the Senate, instead of \$50, as provided by the House

On amendment No. 28: Correction in initial (George F.

Cooper). On amendment No. 29 (case of William H. Weaver): Correction in phraseology.
On amendment No. 30 (case of Samuel L. Kennedy): Correc-

tion in phraseology.
On amendment No. 31 (case of Robert W. Ross): Provides for increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.
On amendment No. 32 (case of Isaac Lambert): Correction in

spelling

On amendment No. 33 (Frances McGee): Restores the provision for pension as provided by the House which was stricken out by the Senate.
On amendment No. 34 (Robert W. Johnson): Provides for

increase of pension to \$24, as provided by the Senate, instead

of \$30, as provided by the House.
On amendment No. 35: Strikes out provision for pension of

On amendment No. 36 (case of Miles Beckwith): Correction in phraseology.

On amendment No. 37 (case of Nathan Baker): Provides for increase of pension to \$40, as provided by the Senate, instead of \$50, as provided by the House.

On amendment No. 38 (case of Joseph L. Reel): Provides for increase of pension to \$24 instead of \$30, as provided by the House, which was stricken out by the Senate.

On amendment No. 39: Strikes out provision for pension for William Sprouse.

On amendment No. 40: Strikes out provision for pension for William G. Jackson.

On amendment No. 41 (case of Michael Russell): Provides for increase of pension to \$40, as provided by the House, instead of \$30, as provided by the Senate.

On amendment No. 42 (case of Frederick Mayer): Provides for increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House.

On amendment No. 43 (case of John E. Opdyke): Strikes out provision for pension.

On amendment No. 44: Strikes out provision for pension for Whitfield H. Lance.

On amendment No. 45: Strikes out provision for pension for James J. Short. On amendment No. 46: Strikes out provision for pension for

On amendment No. 47 (case of Gilbert O. Hoffman); Cor-

rection in phraseology

On amendment No. 48: Strikes out provision for pension for Samuel P. Young.

On amendment No. 49 (case of Elizabeth C. Wallace): Correction in phraseology.

ISAAC R. SHERWOOD, JOE J. RUSSELL, JNO. W. LANGLEY, Managers on the part of the House.

The question was taken, and the conference report was

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the conference report on the bill H. R. 19937, of same title.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

# CONFERENCE REPORT (NO. 1539).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19937) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9,

27, 36, 43, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 28, 29, 30, 32, 33, 34, 37, 38, 40, 41, 42, 44, 46, 47, 48, 50, 52, and 53, and agree to the

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Restore the matter stricken out, and in lieu of the sum proposed insert "\$24"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to the

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39. and agree to the same with an amendment as follows: Insert the matter inserted by said amendment after the word "Regiment" where it first occurs; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to the same

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Restore the matter stricken out, and in lieu of the sum proposed insert \$24"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: On page 62, line 5, of the bill, strike out "\$20" and insert "\$24"; and the Senate agree to the same.

ISAAC R. SHERWOOD, JOE J. RUSSELL, JNO. W. LANGLEY, Managers on the part of the House. CHARLES F. JOHNSON, WM. HUGHES, REED SMOOT, Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19937) granting pensions and in-crease of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of said amendments, namely :

On amendment No. 1: Strikes out provision for pension for

Cordelia Briggs.

On amendment No. 2 (case of Alexander Swisher): Provides for increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House.

On amendment No. 3 (case of John F. Michael): Provides for

increase of pension to \$30, as provided by the Senate, instead of

\$36, as provided by the House.

On amendment No. 4 (case of James H. Campbell): Provides for increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House

On amendment No. 5 (case of David Gilchrist): Strikes out provision for increase of pension.

On amendment No. 6 (case of Henry C. Bowers): Correction in spelling.

On amendment No. 7: Strikes out provision for pension for Thomas Phillips.

On amendment No. 8 (case of Henriette L. Eggert): Restores provision for pension provided by the House, but stricken out by the Senate.

On amendment No. 9 (case of George Lee): Provides for increase of pension to \$36, as provided by the House, instead of \$30, as provided by the Senate. On amendment No. 10: Strikes out provision for pension for

Alonzo Pendland.

On amendment No. 11: Strikes out provision for pension for Charles S. Hubbard.

On amendment No. 12 (case of Philip McKinney): Provides for increase to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 13 (case of George Lloyd): Provides for increase to \$24, as provided by the Senate, instead of \$27, as

provided by the House. On amendment No. 14 (case of Cornelius McCafferty): Pro-

vides for increase of pension to \$30, instead of \$27, as provided by the Senate, and \$40, as provided by the House.

On amendment No. 15: Strikes out provision for pension for Frederick Brunner.

On amendment No. 16: Strikes out provision for pension for Annie M. France.

On amendment No. 17: Strikes out provision for pension for Henry O. Nickerson.

On amendment No. 18: Strikes out provision for pension for Samuel Shoup.

On amendment No. 19 (case of Andrew Kerr): Provides for increase to \$30, as provided by the Senate, instead of \$40, as provided by the House.

On amendment No. 20 (case of J. Harrison Rennard): Strikes out provision for pension.

On amendment No. 21: Provides for increase of pension of Isaiah E. Lawrence to \$24 instead of \$30, as provided by the House, which had been stricken out by the Senate.

On amendment No. 22 (case of Alethea L. Sands): Provides for increase of pension to \$24, as provided by the Senate, instead

of \$30, as provided by the House.
On amendment No. 23: Strikes out provision for pension for Margaret McEvoy.

On amendment No. 24: Strikes out provision for pension for Lucy W. Lockwood.

On amendment No. 25 (case of Francis R. Culp): Provides for increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House.

On amendment No. 26 (case of Pitsar Ingram): Correction in spelling.

On amendment No. 27 (case of Pitsar Ingram): Provides for increase of pension to \$30, as provided by the House, instead of \$24, as provided by the Senate.
On amendment No. 28 (case of Alanson Tilden): Strikes out

provision for pension.

On amendment No. 29 (case of Charles H. Williams): Provides for increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House.

On amendment No. 30 (case of John B. Gillaspie): Provides increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 31 (case of Edmond Ames): Provides for increase to \$36, instead of \$30, as provided by the Senate, and \$40, as provided by the House.

On amendment No. 32 (case of Benjamin B. Griffith); Provides for increase to \$24, as provided by the Senate, instead of \$30, as provided by the House

On amendment No. 33: Strikes out provision for pension for Horace F. Calkins.

On amendment No. 34 (case of John E. Whipple): Provides for increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House.

On amendment No. 35 (case of William Heller): Provides for increase of pension to \$36, instead of \$40, as provided by the Senate, and \$30, as provided by the House.

On amendment No. 36 (case of William G. Richey): Provides for increase of pension to \$36, as provided by the House, instead

of \$30, as provided by the Senate.
On amendment No. 37 (case of Charles Young): Correction in service.

On amendment No. 38 (case of George R. Bowker): Strikes out provision for pension.

On amendment No. 39 (case of James B. Erskine): Correction in phraseology

On amendment No. 40 (case of James B. Erskine); Correction in punctuation.

On amendment No. 41 (case of Samuel B. Shadle): Provides for increase of pension to \$30, as provided by the Senate, instead of \$36, as provided by the House,

On amendment No. 42 (case of Daniel Hough): Provides for increase of pension to \$24, as provided by the Senate, instead of \$36, as provided by the House.

On amendment No. 43 (case of William H. Cranston): Provides for increase of pension to \$50, as provided by the House, instead of \$72, as provided by the Senate.

On amendment No. 44: Strikes out provision for pension for Albert Bennett.

On amendment No. 45 (case of Victor E. Burnham): Provides for increase of pension to \$36 instead of \$40, as provided by the House, and \$30, as provided by the Senate.

On amendment No. 46 (case of John A. Medley): Strikes out provision for pension.

On amendment No. 47 (case of Dorothy Fisher): Correction in spelling.

On amendment No. 50 (case of William W. Keen): Provides for increase of pension to \$24, as provided by the Senate, instead

of \$30, as provided by the House.
On amendment No. 49 (case of Charles Grant): Provides for increase of pension to \$50, as provided by the House, instead of

\$40, as provided by the Senate.

On amendment No. 50 (case of William W. Keen): Provides for pension at \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 51 (case of John Cochrane): Provides for increase to \$24 instead of \$30, as provided by the House, which was stricken out by the Senate.

On amendment No. 52 (case of Levi Coon): Strikes out provision for increase

On amendment No. 53 (case of Emily W. Lothrop): Correction in spelling.

On amendment No. 54 (case of Henrietta Nokes): Provides for increase of pension to \$24, on account of the support of a dependent child.

ISAAC R. SHERWOOD. Jos. J. Russell, Jno. W. Langley, Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report

Mr. MANN. Will the gentleman yield?

Mr. RUSSELL of Missouri, Yes.

Mr. MANN. Did the House ask for the conferences?

Mr. RUSSELL of Missouri. The House asked for a conference in two cases and the Senate in the last case. The next case the Senate asked for a conference.

Mr. MANN. This one now pending? This is a House bill with Senate amendments, and I take it the Senate asked for a conference

Mr. RUSSELL of Missouri. The House bill with Senate amendments. We asked in the last case for conferees so as to expedite the time, and the clerk of the Senate committee told me the committee said for us to go ahead and put all through at once.

Mr. MANN. I know; but the clerk of a Senate committee is not the man who regulates the parliamentary procedure by a long shot.

Mr. RUSSELL of Missouri. I understand; but it has been done sometimes, and I thought there would be no objection to it. I am not going to object to it, but the House Mr. MANN.

that agrees to the conference ought to act on it first.

Mr. RUSSELL of Missouri. The third case is H. R. 20451. In that case the Senate asked for the conference and we agreed

Mr. MANN. It is very bad practice and mixes everybody up,

and nobody can keep track of the thing easily, much less the clerks, unless we follow the established practice. Mr. RUSSELL of Missouri. I hope the gentleman will not

object. I want to get them through and in the hands of the enrolling clerk.

Mr. MANN. I am not going to object. It will not take any longer for the Senate to act first.

Mr. RUSSELL of Missouri. We would have to take the matter up here, and it would cause some little delay

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the conference report on the bill H. R. 20451, of similar title.

The SPEAKER. The Clerk will read the conference report, The Clerk read the conference report, as follows:

### CONFERENCE REPORT (NO. 1538).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20451) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 10, 12, 20, 22, 25, and 28,

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 11, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 27, 29, 30, 31, 32, and 33, and agree to the

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30"; and the Senate agree to the

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its dis-

agreement to the amendment of the Senate numbered 34, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30"; and the Senate agree to the same.

ISAAC R. SHERWOOD, JOE J. RUSSELL, JNO. W. LANGLEY. Managers on the part of the House. CHARLES F. JOHNSON, WM. HUGHES, REED SMOOT, Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the Houses on the amendments of the Senate to the bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of said amendments, namely:
On amendment No. 1: Strikes out provision for pension for

Jackson S. Fugate.

On amendment No. 2 (case of Fannie J. B. Kelley): Provides for increase to \$25, as provided by the Senate, instead of \$40, as provided by the House.

On amendment No. 3 (case of Martin Waymire): Provides for increase to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 4 (case of Michael T. Dwyer): Provides for increase of pension to \$24, as proposed by the Senate, instead of \$30, as proposed by the House.

On amendment No. 5 (case of Daniel Torpy): Provides for increase to \$40, as proposed by the House, instead of \$30, as provided by the Senate.

On amendment No. 6 (case of Emma Koontz): Change in

phraseology

On amendment No. 7 (case of Newton E. Eldred): Provides for increase of pension to \$30, as proposed by the Senate, instead of \$36, as proposed by the House.

On amendment No. 8 (case of Thomas H. Glenn): Provides for increase to \$30, instead of \$24, as proposed by the Senate,

and \$36, as proposed by the House.

On amendment No. 9 (case of Emergene J. Mitchell): Provides for increase to \$24, as provided by the Senate, instead of

\$30, as provided by the House.

On amendment No. 10 (case of Clarinda Branch): Provides for increase to \$20, as proposed by the House, which was stricken out by the Senate.

On amendment No. 11 (case of Edgar G. Spaid); Strikes out

provision for pension.

On amendment No. 12 (case of John W. Echols): Provides for increase of pension of James W. Echols, as proposed by the House, which was stricken out by the Senate.

On amendment No. 13 (case of Ogden C. Lowell): Provides for increase to \$24, as proposed by the Senate, instead of \$30, as proposed by the House.

On amendments Nos. 14 and 15 (case of Margaret I. Reider):

Correction in name.

On amendment No. 16: Strike out provision for increase of pension of George C. Wachob.

On amendment No. 17 (case of Robert Walker): Provides for increase of pension to \$24, as provided by the Senate, instead of \$30, as provided by the House.

On amendment No. 18: Strikes out the provision for pension

of Charlotte M. Eckstine.

On amendment No. 19: Strikes out provision for pension of Edward H. Miner.

On amendment No 20 (case of Charles Michel): Provides for increase of pension to \$24, as proposed by the House, which was stricken out by the Senate.
On amendment No. 21: Strikes out provision for pension of

James T. Rolff.

On amendment No. 22 (case of Timothy J. Hurlbut): Provides for increase of pension to \$30 per month, as proposed by the House, which was stricken out by the Senate.

On amendment No. 23 (case of James A. Hibbard); Provides for increase to \$50, as proposed by the Senate, instead of

\$40, as proposed by the House.

On amendment No. 24: Strikes out provision for pension of Sarah E. Freed.

On amendment No. 25 (case of Anna Sophia Moldenhauer): Provides for pension of \$20, as proposed by the House, which was stricken out by the Senate.

On amendment No. 26 (case of William M. Fultz): Provides for increase of pension to \$36 instead of \$30 as proposed by the Senate and \$40 as proposed by the House.

On amendment No. 27 (case of Louisa M. Tobey): Provides

for increase of pension to \$24 as proposed by the Senate in-

stead of \$30 as proposed by the House.

On amendment No. 28 (case of Charles Henry): Provides for increase of pension to \$30, as proposed by the House, which was stricken out by the Senate.

On amendment No. 29: Strikes out provision for pension of

Charles W. Everson.

On amendment No. 30 (case of Jacob F. Minch): Provides for increase of pension to \$30, as proposed by the Senate, instead of \$36, as proposed by the House.

On amendment No. 31: Strikes out provision for pension of

Anna Smith.

On amendment No. 32 (case of John W. Pence): Provides for increase to \$30, as proposed by the Senate, instead of \$36, as proposed by the House.

On amendment No. 33 (case of George W. Easton): Provides for increase to \$24, as proposed by the Senate, instead of

\$40, as proposed by the House.

On amendmnt No. 34 (case of William Vanatta): Provides for increase to \$30, instead of \$36, as proposed by the House, and \$24, as proposed by the Senate.

ISAAC R. SHERWOOD, JOE J. RUSSELL, JNO. W. LANGLEY, Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. Is that all of the pension bills?
Mr. RUSSELL of Missouri. That is all of the conference reports. There are two Senate bills here.

The SPEAKER. I know; but you can not get them up now.

Mr. RUSSELL of Missouri. That is what I thought.

#### INTOXICATING LIQUORS IN NATIONAL PARKS, ETC.

Mr. RANDALL. Mr. Speaker, I call up the bill S. 4862, an act to exclude intoxicating liquors from national parks and national forest reserves, and ask that it be placed before the House for consideration, a similar bill (H. R. 6814) being on the calendar

Mr. STAFFORD. Mr. Speaker, I hope the gentleman will withdraw that for the time being. He will have plenty of op-

mr. RANDALL. I will say to the gentleman who has made Milwaukee famous that I withdrew it yesterday on his request.

Mr. STAFFORD. I recognize that. I had an understanding with the gentleman from Oklahoma [Mr. Ferris], the chairman of the Committee on the Public Lands, who reported this bill, that he would not bring it up until there was a large membership in the House, and I had his assurance to that effect.

Mr. RANDALL. The Record does not show that any such

agreement was made.

Mr. STAFFORD. It was a private understanding had with the gentleman from Oklahoma and the gentleman from Wisconsin after the matter was withdrawn.

Mr. RANDALL. The gentleman from Wisconsin requested that it be withdrawn yesterday on account of the exercises on Washington's Birthday. Now that is over, and the session of Congress will soon be over.

The SPEAKER. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill S. 4862.

During the reading,
Mr. STAFFORD. Mr. Speaker, I wish to make a point of
order in due season about the bill not being of right before the House at this time.

The SPEAKER. What is the trouble with it?
Mr. STAFFORD. If the Chair will hear me, first, Mr. Speaker,
I make the point of order that there has not been a House bill of substantially the same character favorably reported by a committee of the House. Next, I make the point of order that the Committee on the Public Lands has not by motion directed that this Senate bill be taken from the Speaker's table and considered, as required under section 2 of Rule XXIV.

The SPEAKER. Now, the Chair overrules the first point of

order and will hear the gentleman on the second point.

Mr. STAFFORD. That is a question of fact. I will ask any member of the Committee on the Public Lands, the chairman of the committee not being here, if any action has been taken by

that committee authorizing the gentleman from California to bring up this bill and take it from the Speaker's table. Mr. RANDALL. Will the gentleman yield? Mr. STAFFORD. I yield. Mr. RANDALL. The chairman himself called up the bill

yesterday, and the author of the bill-

Mr. STAFFORD. There has been no action taken, Mr. Speaker, and the gentleman virtually admits it, authorizing the gentleman from California [Mr. RANDALL] to bring up this bill and take it from the Speaker's table. The rule is clear that it is one of the express conditions before a bill can be taken from the Speaker's table that the committee which has acted upon a bill substantially the same has authorized the person to make the motion.

The SPEAKER. There is no question in the world about that rule. Now, the Chair will ask the gentleman from California [Mr. RANDALL] whether the Committee on Public Lands author-

ized him to call this bill up?

Mr. RANDALL. The chairman of the Committee on Public

Lands has so authorized me.

The SPEAKER, I know; but the chairman can not do that. The Chair will render his opinion after investigating thoroughly the rulings in the Sixty-second Congress. It takes an actual meeting of the committee. It can not be done even by getting a majority of the committee to sign. And if the committee did not authorize it, the point of the gentleman from Wisconsin [Mr. Stafford] is well taken.

Mr. STAFFORD. I would like to ask the indulgence of the Chair before he rules on the first point of order, that the matter go over, and that he grant me the privilege to be heard on that

The SPEAKER. Let the matter go over, and the Chair will get the two bills. The Chair is proceeding on the statement of the gentleman from California [Mr. RANDALL] that these two bills are practically the same.

Mr. STAFFORD. They are not.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.; and

H. R. 16855. An act for the relief of Riverside Military

Academy.

The message also announced that the Senate had agreed to reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918;

H. R. 19937. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of the soldiers and sailors of said war.

### ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds

may be raised for the relief of the Ruthenians (Ukrainians); S. 8252. An act to authorize the change of name of the steamer Charles L. Hutchinson to Fayette Brown; and S. 7601. An act for the relief of Caleb T. Holland.

### BILLS STRICKEN FROM CALENDAR.

Mr. STEPHENS of Mississippi. Mr. Speaker, there are four bills on the Private Calendar that have been taken care of in other legislation. Therefore, I desire to ask unanimous consent that these bills be stricken from the calendar and lie on the table. I send a list of them to the desk.

The SPEAKER. The Clerk will read the annotations.

The Clerk read as follows:

Private bills to be stricken from the Private Calendar:
Calendar No. 251 (H. R. 13636) for the relief of R. L. Jennings.
Calendar No. 256 (S. 606) for the relief of James C. Hilton.
Calendar No. 535 (S. 4368) for the relief of D. A. Barbour and
Andrew P. Gladden.
Calendar No. 544 (S. 5768) for the relief of Frank Carpenter.

The SPEAKER. Without objection, it is so ordered.

Mr. MANN. Mr. Speaker, I do not think the bills should be left hanging between heaven and earth. The gentleman ought to ask unanimous consent that they be laid on the table.

Mr. STEPHENS of Mississippi. That was my request. I first said "Speaker's table," and then suggested that they be laid on the table.

The SPEAKER. Without objection, these bills will be laid on the table.

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes

The SPEAKER. The Clerk will report it.

The Clerk rend the title of the bill, as follows:

A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The SPEAKER. The Clerk will read the report.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous

consent that the accompanying statement be read in lieu of the conference report.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the statement be read in lieu of the confer-

ence report. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, nobody will listen to it anyhow. The statement is longer than the report.

The SPEAKER. The gentleman from Illinois objects.

Mr. BYRNS of Tennessee. I withdraw the request, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee withdraws the request. The Clerk will read the report.

The Clerk read the conference report, as follows:

### CONFERENCE REPORT (NO. 1540).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 23, 24, 25, 32, 33, 34, 37, 38, 39, 42, 43, 44, 51, 53, 55, 59, 61, 69,

and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 26, 27, 28, 29, 30, 31, 35, 36, 40, 41, 45, 46, 47, 48, 49, 50, 52, 54, 56, 57, 60, 63, 64, 65, 66, 67, and 68, and agree to the same.

Amendment numbered 4: That the House recede from its

disagreement to the amendment of the Senate numbered and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Senate resolutions numbered 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby repealed"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with amendments as follows: Amend the matter inserted by said amendment as follows: In line 10, strike out the word "or" and in lieu thereof insert a comma (,); in the same line, after the word "System," insert "or farm loan banks." In line 16, strike out the word "Senate" farm loan banks." In line 16, strike out the word "Senate" and in lieu thereof insert "Congress." In line 20, strike out the word "resolution" and in lieu thereof insert "provision";

and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "departments," insert the following: "and independent establishments of the Government"; and the Senate agree to the

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For employees now paid from appropriation for emergencies arising in the Diplomatic and Consular Service, \$4,140"; and the Senat agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": Provided, That hereafter no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violat-ing any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62 and

agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following

"In order to promote economy in the distribution of supplies and in auditing and accounting, the Postmaster General may hereafter designate districts and central offices in such districts through which supplies shall be distributed and accounts ren-dered and may establish such branch offices within such dis-tricts as he may deem necessary; but in no case shall the postmaster at the central office be given authority to abolish offices, to change officers or employees in offices included in such districts: Provided, That any district established hereunder shall not extend beyond a county except in cities lying within two or more counties."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following

"Sec. 8. The Bureau of Efficiency shall investigate duplica-tion of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the Report of the action taken hereunder shall be made to Congress at its next regular session.'

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 20, 21, 22, and 71.

JOSEPH W. BYRNS,

T. U. SISSON, JAMES W. GOOD, Managers on the part of the House. LEE S. OVERMAN, N. P. BRYAN, REED SMOOT. Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely

On Nos. 1, 2, 3, and 4, relating to the Senate: Strikes out the provision, proposed by the Senate for an additional assistant clerk at \$1,440 to the Committee on Post Offices and Post Roads; appropriates \$1,800, as proposed by the Senate, for rent of a warehouse for storage of public documents; inserts the paragraph, proposed by the Senate repealing certain Senate resolutions, modified so as to eliminate from such repeal Senate resolution No. 421, Sixty-third Congress, second session.

On No. 5: Appropriates for clerk hire to Members and Delegates, as proposed by the House, instead of as proposed by the

On Nos. 6, 7, 8, and 9, relating to the Library of Congress: Appropriates \$900, as proposed by the Senate, for an assistant in the reading room for the blind; makes the appropriations of \$1,400 for waterproofing parts of the east driveway and \$1,075 for fire hose and fittings "immediately available," as proposed by the Senate.

On No. 10: Makes the appropriation of \$12,000 for the Botanical Garden available for the purchase of "office equipment," as proposed by the Senate.

On Nos. 11, 12, and 13, relating to the Bureau of Efficiency: Appropriates \$60,000. as proposed by the Senate, instead of \$43,000, as proposed by the House; inserts the paragraphs, proposed by the Senate, for an investigation by the Bureau of Efficiency of auditing and examining claims and the accounts of disbursing officers, an investigation of the work performed by the Subtreasuries, an investigation of the methods of transacting public business in the Civil Service Commission, an investigation of the rates of pay of employees of State and municipal governments and commercial institutions as compared with rates of pay of the Federal Government for similar services, an investigation of the classification, salary, and efficiency of Government employees in the District of Columbia; and requires officers and employees of the Government to furnish representatives of the bureau with information necessary for the performance of the duties imposed upon it by law.

On No. 14, relating to the Civil Service Commission: Limits the appropriation of \$7,500 for field examiners at the rate of \$1,500 per annum to five persons, as proposed by the Senate.

On Nos. 15, 16, 17, and 18, relating to the State Department: rovides for a chauffeur at \$1,080, and strikes out provision for a driver at \$840 and a hostler at \$720; appropriates \$4,140, as proposed by the Senate, for employees now paid from the appropriation for emergencies arising in the Diplomatic and Consular Service, and makes the appropriation of \$4,000 for an automobile, for official use of the Secretary of State, immediately available, as proposed by the Senate.

On No. 19: Abolishes the branch printing office in the State, War, and Navy Department Building, as proposed by the Senate, On No. 23: Strikes out the appropriation of \$250, proposed by the Senate, for law books for the Comptroller of the Treasury.

On Nos. 24 and 25, relating to the Office of the Auditor for the Navy Department: Transfers a clerk of class 3 from the register's office, as proposed by the House, instead of a clerk of class 4, as proposed by the Senate.

On No. 26: Provides for an "unapportioned" check assorter at \$900, as proposed by the Senate, in the Office of the Auditor for the Interior Department.

On Nos. 27, 28, 29, 30, and 31, relating to the Office of the Auditor for the Post Office Department: Appropriates \$254,730, as proposed by the Senate, instead of \$284,730, as proposed by the House, for compensation of employees auditing accounts and vouchers of the Postal Service, and makes permanent, as proposed by the Senate, the authority granted the Secretary of the Treasury to diminish positions as vacancies occur and use the unexpended balances of salaries for the payment of employees in auditing accounts.

On Nos. 32, 33, and 34: Omits a clerk of class 3 in the office of the register, as proposed by the House, instead of one of class 4, as proposed by the Senate.

On Nos. 35 and 36: Appropriates \$1,400, as proposed by the Senate, for a private secretary for the captain commandant in the Office of the Coast Guard.

On Nos. 37, 38, and 39: Appropriates \$4,500 for the pay of the Chief of the Secret Service Division and \$3,500 for the assistant chief, as proposed by the House, instead of \$4,000 and \$3,000,

respectively, as proposed by the Senate.
On Nos. 40 and 41: Strikes out, as proposed by the Senate, the language relative to per diem in lieu of subsistence in appropriations for collecting internal revenue.

On Nos. 42, 43, and 44: Provides for 61 assistant messengers, as proposed by the House, instead of 40, as proposed by the Senate, in the Office of The Adjutant General, and restores the language, stricken out by the Senate, requiring employees of The Adjutant General's Office to be exclusively engaged on the work of his office during the fiscal year 1918.

On No. 45: Appropriates \$5,000, as proposed by the Senate, for a blue-printing plant in the Bureau of Steam Engineering of the Navy Department.

On Nos. 46, 47, 48, 49, 50, and 51, relating to the General Land Office: Provides for two additional clerks at \$1,600 each, three additional clerks at \$1,400 each, four additional clerks at \$1,200 each, and four additional clerks at \$1,000 each, as proposed by the Senate; and strikes out the paragraph, inserted by the Senate, authorizing the use of \$6,500 of the appropriation for surveying for the current year in the payment of field employees detailed to the General Land Office.

On Nos. 52, 53, 54, and 55, relating to the Pension Office: Strikes out a chief of division at \$2,000, as proposed by the Senate; provides for a law clerk at \$2,250, as proposed by the House, instead of a chief of the law division at the same salary, as proposed by the Senate; and strikes out the language, inserted by the Senate, modifying the limitation on the filling

of vacancies occurring during the fiscal year 1918.

On Nos. 56 and 57, relating to the Patent Office: Appropriates \$10,000 for special and temporary services of typewriters to keep current the work of furnishing manuscript copies of records; and inserts authority for the purchase of law books, as proposed by the Senate.

On No. 58, relating to the Bureau of Education and the General Education Board: Inserts a substitute for the matter proposed by the Senate which prohibits Government officials and employees from receiving salary as such officials from any source other than the United States Government or State, county, or municipal governments and affixes a penalty for the violation of the act.

On No. 59: Strikes out the appropriations of \$20,000 for rent for the Geological Survey and \$6,000 for the Bureau of

Mines, proposed by the Senate.

On Nos. 60, 61, and 62, relating to the Post Office Department: Appropriates for the officers and employees of the Post Office Department in the manner proposed by the Senate, in-stead of in the manner proposed by the House; strikes out the paragraph, proposed by the Senate, placing postmasters in the classified service; inserts the paragraph, proposed by the Senate, relative to central accounting and distributing districts in the Postal Service, modified so as to prevent any district which may be established from extending beyond a county.

On Nos. 63, 64, and 65, relating to the Census Office: Provides for an additional chief statistician, at \$3,000, as proposed by the Senate, and appropriates \$647,000, as proposed by the Senate, instead of \$512,000, as proposed by the House, for

securing information for census reports.

On No. 66: Appropriates \$120,000, as proposed by the Senate, instead of \$110,000, as proposed by the House, for contingent

expenses of the Steamboat-Inspection Service.

On No. 67: Increases the amount for personal services in Washington that may be used from the appropriation for the enforcement of wireless-communication laws from \$7,150 to \$8,050, as proposed by the Senate.

On No. 68: Reduces the rate per day to be paid to experts and temporary assistants in Children's Bureau from \$8 to \$6, as

proposed by the Senate.

On Nos. 69 and 70, relating to the Court of Claims: Provides for four stenographers, at \$1,200 each, as proposed by the House, instead of five stenographers, at \$1,200 each, as

proposed by the Senate.

On No. 72, relating to the section authorizing the President to report upon the coordination of the work of the departments: Inserts a substitute for the Senate amendment requiring the Bureau of Efficiency to investigate the duplication of work and to report such duplication of service to the President; and gives the President authority to abolish duplications where they may be found to exist.

The committee of conference have been unable to agree on

the following amendments of the Senate:

On Nos. 20 and 21: Relating to an assistant to the Secretary of the Treasury, at \$5,000 per annum from March 1, 1917, to June 30, 1918.

On No. 22: Relating to the appropriations for the Federal

Farm Loan Board.

On No. 71: Relating to increased compensation during the fiscal year 1918 to employees provided for in the bill.

JOSEPH W. BYRNS. T. U. SISSON, JAMES W. GOOD, Managers on the part of the House.

The SPEAKER. The gentleman from Tennessee is entitled to an hour.

Mr. STEENERSON. Mr. Speaker, I would like to ask the gentleman to yield some time on amendment No. 62.

Mr. BYRNS of Tennessee. How much time does the gentleman want?

Mr. STEENERSON. Well, I would like to have 15 minutes. Mr. BYRNS of Tennessee. Can not the gentleman get along

on five minutes? We have some other matters to discuss on this report, and the sundry civil bill is pending in the House. Mr. STEENERSON. I might cut it down to 10 minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield to the gentleman from Minnesota 10 minutes.

The SPEAKER. The gentleman from Minnesota is recognized for 10 minutes.

Mr. STEENERSON. Mr. Speaker, amendment numbered 62 comes back here with an amendment which simply provides That any district established hereunder shall not extend be-

yond the county except in cities lying within two or more coun-It may extend in such cases to two or more counties.

This is a provision for branch post offices. It is the provision that has been before the Committee on the Post Office and Post Roads several times in various forms and before the House of Representatives in various forms, and it has been voted down. It was placed in the Postal Savings Bank bill last year in conference—or, rather, it was put in by the Senate and was taken out in conference. It reappeared and was inserted again in the Post Office appropriation bill. It came here as an amendment to the Post Office appropriation bill on day before yesterday, and upon a vote it was stricken out.

Notwithstanding the fact that the House had stricken it out. the conferees on this bill included the same provision in this

agreement. It reads:

In order to promote economy in the distribution of supplies and in auditing and accounting, the Postmaster General may hereafter designate districts and central offices in such districts through which supplies shall be distributed and accounts rendered, and may establish such branch offices within such districts—

And this is the meat in the coconut-

such branch offices within such districts as he may deem necessary; but in no case shall the postmaster at the central office be given authority to abolish offices, to change officers or employees in offices included in such districts: *Provided*, That any district established hereunder shall not extend beyond a county, except in cities lying within two or more countles.

That last is the proviso I have just read-that it shall not embrace more than one county, except when a town is situated in two or more counties

Mr. CANNON. Mr. Speaker, will the gentleman yield? Mr. STEENERSON. Yes.

Mr. CANNON. Under the amendment that the gentleman refers to, in the counties, may the Postmaster General abolish

post offices and establish branch offices?

Mr. STEENERSON. Certainly; and this does not change the proposition in the slightest degree. They have never advocated, before the committee or anywhere else, that they would establish larger postal districts, in the first instance, than a county. They said they would probably have one head office in each county. This, however, authorizes them to establish a head office for two or more counties where a city is located in two or more counties.

Mr. BYRNS of Tennessee. I will state to the gentleman, Mr. Speaker, that that would not apply possibly to any place ex-

cept New York and Boston.

Mr. STEENERSON. But it authorizes the establishment of branch offices in such districts as they may prescribe. This limitation does not amount to anything here. It is the same provision that we voted down yesterday.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. HAMLIN. Does not the gentleman construe this amendment to mean that it would apply to rural districts and counties as well as cities?

Mr. STEENERSON. Oh, yes.

Mr. HAMLIN. Then the gentleman from Tennessee [Mr. Byrns] is not correct when he says it applies only to cities like New York and Boston? Mr. STEENERSON. He is not. I disagree with the gentle-

man on that.

Mr. BYRNS of Tennessee. This amendment on its face shows that it applies only to the cases mentioned by the gentleman from Minnesota, to cities lying within two or more counties.

Mr. CANNON. That is the exception.

Mr. STEENERSON. That is not what it means at all.

Mr. CANNON. It applies to all other counties.
Mr. STEENERSON. Yes. It applies to all other counties.
Mr. BYRNS of Tennessee. These shall be limited to the county.

Mr. HAMLIN. And they may have one office in the county and all the other offices are branches.

Mr. BYRNS of Tennessee. One accounting office in a county. Mr. STEENERSON. Mr. Speaker, this is a repetition of the process of trying to deceive this House by "jokers" which nobody understands. This provision is intended to reach the third and fourth class post offices. Nobody claims there is economy in it or anything else, except to make third and fourth class post offices account to the larger offices. intended and will accomplish the abolition of all third-class offices now in the United States, because they will be attached to the larger first and second class offices for these purposes. They will be branch offices, and a clerk under the civil service will be put in charge of those offices.

That is what it means. The Post Office Department will not deny it. I have discussed it with the Post Office Department officials for several years. It is in line with their particular hobby. It is in line with their proposition to make all post

offices a part of the classified civil service.

This will accomplish that same purpose to the extent that it will only retain an office in the postal district created by the order of the Postmaster General. They may create 3,000 postal districts, which will be one district for each county, or they may create 1,500, which will put two counties in each district. We have about enough first and second class offices to supply the requirement as distributing points in 1,500 districts. There are more than 6,000 third-class offices, which, of course, would be made branch offices; and a branch office is well recognized under the postal laws. It is an office that is put in charge of a civil-service clerk. It seems to me that after the House voted this down two or three days ago it would be ridiculous to vote it up now. The only thing you can do is to vote down the conference report and refuse to agree to this part of it. There is a disagreement on this bill, anyway. That is, this report is not final. It does not embrace all the items in dispute on this bill between the two Houses, and therefore it will not delay the matter if you disagree to this amendment No. 62 as amended by the conferees. It will expedite it just as much to disagree to it, because there must be another conference upon the remaining disagreements, anyway.

Mr. BLACK. Will the gentleman yield for a question?

Mr. STEENERSON. I have very little time.

Mr. BLACK. I know the gentleman is well posted on this

Mr. SMITH of Minnesota. And on every other.

Mr. BLACK. Is not this the same amendment we voted on in

the House here a few days ago?

Mr. STEENERSON. Yes; exactly; and on motion of the gentleman from Alabama [Mr. Blackmon] we struck out the words "branch offices," which left it so that they could establish postal districts for the distribution of supplies to fourthclass offices; and that is the only item on which they claim they can economize. Now, to show you how ridiculous some of the claims of the department are, the Auditor for the Post Office Department, before the Appropriations Committee of this House, stated that he would save \$30,000 by this item; that the estimates were \$30,000 less if they got this provision. The hearings two years ago upon this subject before the Post Office Committee showed that in every instance where they had established a branch office the expenditures had increased from \$500 to \$1,000. And to cap the climax of inconsistency the Post-master General handed me a letter a short time ago in which it was stated that this provision would save \$250,000. But all of the savings that they have contended for consist in bookkeeping, keeping the accounts of some 50,000 fourth-class offices. The motion of the gentleman from Alabama [Mr. Blackmon], which we sustained day before yesterday, I think unanimously, leaves that provision so that you can get all the economy there is in it. There is nothing left except the permission that they can make branch offices wherever they please. It covers first, second, and third class offices. That the House does not want. We have already rejected it.

The SPEAKER. The time of the gentleman from Minnesota

has expired.

Mr. BYRNES of South Carolina. I yield 10 minutes to the

gentleman from Tennessee [Mr. Moon].

Mr. MOON. Mr. Speaker, this amendment probably ought to have been upon the Post Office appropriation bill instead of upon the legislative, executive, and judicial appropriation bill, just, perhaps, as the prohibition amendment ought to have been on some other bill than the Post Office bill; but the Senate has seen fit to make its amendments as it has, and of course we must consider them as made.

There is a good deal of misunderstanding about this proposition. Gentlemen are of the opinion that the purpose of it is to abolish second and third class offices and put them under the control of some dominant first-class office in the county or district, and therefore affect the civil service to that extent. That is not true in reference to this matter. It is a business proposition for the saving of money in the administration of the postal affairs.

Mr. MONTAGUE. Will the gentleman allow me to ask him a question?

Mr. MOON.

Mr. MONTAGUE. Does this apply to fourth-class post offices?
Mr. MOON. It applies to fourth-class post offices. Now, I want to try to explain this matter. The amendment as now

reported by the conferees and insisted upon by them reads this

In order to promote economy in the distribution of supplies, and in auditing and accounting, the Postmaster General may hereafter designate districts and central offices in such districts through which supplies shall be distributed and accounts rendered, and may establish such branch offices within such districts as he may deem necessary; but in no case shall the postmaster at the central office be given authority to abolish offices, to change officers or employees in offices included in such districts: Provided, That any district established hereunder shall not extend beyond a county except in cities lying within two or more counties.

Now, there are post offices in cities in the United States that extend beyond the boundaries of a single county, and this proviso is intended to apply to those cases.

Mr. DOWELL. Will the gentleman yield for a question? Mr. MOON. I wanted to discuss this for a moment without being interrupted; but if the gentleman insists, I suppose I shall

have to quit.

Mr. DOWELL. Under this amendment you provide that he may establish such branch offices within such district as may be necessary. Under the law the Postmaster General may abolish the offices, may he not?

Mr. MOON. Of course; some of them.

Mr. DOWELL. This does not permit the postmaster to abolish an office, but the Postmaster General may do so. Then there is a provision here for the establishment of branch offices, and under this provision is it not possible that both the fourth and third class offices might be abolished and branch offices established within the county?

Mr. MOON. The gentleman has simply stated the question

was about to discuss.

Mr. DOWELL. I am asking for information.

Mr. MOON. I am not going to answer questions categorically unless I want to. I yielded to the gentleman to ask a question, and I will answer it in my own way. Now, before that question was asked I was proceeding to discuss this question. I took up the proviso first to show the necessity where there was an office whose jurisdiction spreads over two counties that the act be made to apply to both, because you do not want a divided jurisdiction as to a particular office. But the act applies only to single counties outside of that situation.

Mr. STEENERSON. It applies to every county in the United

States.

Mr. MOON. Why, of course; to every single county in the United States, but not to any combination of counties.

Mr. STEENERSON. If the gentleman—

Mr. DOWELL. Will the gentleman allow me

Mr. MOON. No; I can not. I do not want to be interrupted any more until I have finished what I have to say. If I can have an opportunity to say what I mean, then I will yield to anybody for a question; but I do not like to be interrupted and thrown off the line of argument I am intending to make by a lot of questions that I am proposing to answer, if I can, before the inquiry is made.

Let us look at this proposition a moment, gentlemen. What

is the purpose of it?

In order to promote economy in the distribution of supplies and in auditing and accounting the Postmaster General may hereafter designate districts and central offices in such districts through which supplies shall be distributed and accounts rendered, and may establish such branch offices within such districts as he may deem necessary.

Now, I take it that every gentleman in this House wants to promote economy in the distribution of supplies, and he wants to promote economy in auditing and accounting in these offices. The question is, Can it be done? You have counties, and we take the county as a unit. Here we have 20 post offices, say, in one county. Each one of these 20 post offices renders an account to the Post Office Department at Washington of the condition of the office, and it requires an auditing and accounting here. Now, if they made a statement without extra cost, and there would be none under the law, to a central office in that county, there would be 20 accounts disposed of there by a return to the postmaster at the central office; and in Washington, instead of auditing 20 accounts from that one county, you would have to audit but 1, and we would transact the business of the office in a more orderly way and with a better system of bookkeeping. In view of that item the Senate has reduced the expenses affecting that item alone \$30,000, which will be saved if this provision is adopted. It will be a convenience to the department and a wiser and better system of bookkeeping. I may say also that it will facilitate the distribution of the supplies and save a large amount of money in that way. The whole provision will save \$250,000, as I am advised.

The Postmaster General is to establish branch offices in the district as he may deem necessary. Now, why is it that a

branch office should not be established, if one is necessary, to promote economy and the distribution of supplies and the accounting in that business. It seems to me it is hardly necessary to argue a question of that sort. Why prohibit him from establishing a branch office when it will promote economy and save money in a single county and in all counties. You say that he may abolish some post offices and that he may change employees. Let us see what the act says:

But in no case shall the postmaster at the central office be given authority to abolish offices, to change officers or employees in offices included in such district.

Now what does that mean?

Mr. STEENERSON. But the Postmaster General has that authority

Mr. MOON. I do not yield now. I am going to present my views upon the question, and then I will yield if I have time.

Now, the postmaster at the central office can not do it-he is prohibited from doing it-and that is the main and disturbing proposition. The Postmaster General has got that authority to-day, this does not prohibit him, but it prohibits the postmaster at the central office from doing it. The Postmaster General has the power to-day under the law to change these offices, so far as fourth-class postmasters are concerned, and 90 per cent of the offices in these counties are fourth-class post offices. But gentlemen fear that there is going to be a change of second and third class offices. There is no indication of it, and the best judgment of the Post Office Department is against it, and all considerations of orderly business transactions and common sense would not justify any suspicion of that sort. The President himself under the power now existing might remove any second or third class postmaster, but he could not—except temporarily—name another without the advice and consent of the Senate, so this provision would not and could not put first, second, and third class postmasters under Fourth-class postmasters are now under it. civil service. it not proper to limit the power and discretion of the Postmaster General, in order to prevent the consolidation of offices, if it appears that the general purpose will result in the general good, just for mere fear that somebody in a second or third class post office may be disturbed. I am not in favor of disturbing these people in these offices. I believe there is nothing here that will justify that fear.

The SPEAKER. The time of the gentleman from Tennessee

has expired

Mr. MOON. Mr. Speaker, I want to put in the Record a few reasons from the Post Office Department affecting this question, and why the Senate amendment should be agreed to, as I have not time to discuss them.

The SPEAKER. The gentleman from Tennessee asks to extend his remarks in the Record. Is there objection?

There was no objection.

The matter referred to, furnished by the Post Office Department, is as follows:

ment, is as follows:

It is very desirable that amendment 62 of the legislative, judicial, and executive bill, authorizing the establishment of branch offices, be adopted as agreed to by the conferees and the words "for such purposes," which were included in the Senate amendment, be eliminated. If they are retained it would practically nullify the usefulness of the proposed amendment, because—

(a) It would limit the establishment of such branch offices solely to the purposes of accounting and distribution of supplies, for which purpose they are unnecessary, as these functions would be performed by the accounting offices.

(b) It would prevent the extension of City Delivery Service to such branches, and there are many towns to which such service could be extended at a reasonable cost, thus increasing the efficiency of the Postal Service and its advantages to the public.

(c) Under the present law for the establishment of branch offices it is impossible to provide adequate service in boom towns, such as those where munition and other large manufacturing establishments are located, because it is necessary to establish fourth-class offices at such places, and they must continue as such for a year, making it impossible to provide adequate postal facilities. This could be obvlated if the department had authority to establish branches at such places and make them a part of the nearest large office.

(d) It would prevent the establishment of stations at points where the troops are mobilized, as such mobilization camps are frequently located far distant from a large office and the only service that can be rendered such camps is from a near-by fourth-class office, which makes it impossible to render efficient service.

(e) It would limit the economical administration of the service by continuing the establishment of independent offices which are unnecessary.

(f) It would also provide for a different class of offices and branches

sary.

(f) It would also provide for a different class of offices and branches than those now in existence, which would be very confusing in the administration of the service.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes

to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the amendment under consideration is an important and far-reaching one, and whatever your opinion may be with regard to it, the matter at least should have your very careful consideration. It proposes a plan and a program that would largely revolutionize the postal situation in

the country. Gentlemen who are favoring the amendment lay great stress on its first provision, under which the Postmaster General may create districts within which supplies may be delivered and within which joint reports may be made. None of us have any objection to that. I think that is a very excellent proposition. It will probably result in economy. It might be well to have the country postmaster in a county seat handle the supplies for the entire county and become the accounting officer of the department for the entire county and all the offices in the I hope that will prove to be a wise provision.

But the conferees have written into their agreement a provision that was neither in the Senate bill nor has at any time been agreed to by the House. On the other hand, the House has strenuously opposed it whenever the opportunity to do so has been given. Furthermore, the conferees went beyond their power and authority and jurisdiction as conferees, in my opinion.

Mr. MOORE of Pennsylvania. If that be true-

Mr. MONDELL. Oh, it is too late to make a point of order As a matter of fact, the gentleman from Wyoming happened to be called out at the time this was taken up and lost the opportunity. I am not sure that the point of order would be sustained, but I have an idea that it might have been. The provision, as agreed to by the conferees, provides that the Postmaster General may establish such branch offices in the districts he creates as he may deem necessary. Here is a provision under which districts are to be established for report, for the handling of supplies, and, in addition to that, the Postmaster General is to be given authority to establish branch offices in such districts. No such authority is now vested in the Postmaster General. If it were, this would not be necessary. The result of this provision would be that it would be entirely possible within a few years, by the abolishment of fourth-class offices, by failure to appoint fourth-class postmasters, to finally create a condition in which there would be only one postmaster in a district.

Under the plan that gentlemen have in mind the county seat in a majority of cases would be the central office in a given district. While gentlemen are careful to say that the postmaster of the central office may not abolish offices, they are equally careful not to provide that the Postmaster General may not do so. Clearly, the House would not have supported a proposition under which a given postmaster at the county seat might abolish offices. But in my opinion the House should not approve a provision under which the Postmaster General may do that thing. There may be some argument in favor of a centralized postal system, such as is proposed. If post offices and the Postal Service were entirely free from all political influences and could be kept free from political influences, it is possible, I grant you, that a system of this sort under civil service might have some advantages-might have. I doubt if it would have, but it might have. But the post offices are not free from political influences. The post offices will not in our time be entirely free from political influences, and this amendment as agreed to by the conferees provides for the establishment of the finest political system that has ever been suggested by anyone; under it the postmaster in a county seat would be practically the dispenser of all of the patronage for his county or district.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. Why is this provision in this bill? Does not the mere fact that it is inserted in this bill, where it does not belong, suggest that there is some scheme behind it?

Mr. MONDELL. Of course, there is a scheme behind it. is a scheme that certain gentlemen have been trying to write into law for a long time on one bill or another, and they have tried it first on one bill and then on another. Finally, they have gotten the conferees upon this bill to accept an adroitly worded provision under which they have accomplished their purpose, without that accomplishment being plain enough on its face that "he who runs may read," unless he read carefully.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COX. If there is any scheme in this proposal, it must be laid at the door of the junior Senator from the State of Washington over at the other end of the Capitol.

Mr. MONDELL. I do not know about that; but I know, and the gentleman knows, that this proposition of having postal districts within which to establish a local postal czar has been agitated for some time, and the House, so far as I have understood it, has been almost solidly against it.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.
Mr. LANGLEY. Will not the effect of this be, if adopted, to aid by indirection the scheme to classify postmasters which the House so overwhelmingly repudiated the other day?

Mr. MONDELL. It does in a way classify postmasters, because the clerk or the official in charge of the branch office would probably be under the classified service; and he would be the lieutenant of the postmaster in the central office in a business way and in a political way.

Mr. LANGLEY. The effect would be to aid in the extension

of that general scheme.

Mr. MONDELL. I am not so much worried about whatever aid this might render toward the extension of civil service. I believe in civil service of the right kind, and where it can be properly operated. For nearly 20 years I had the nominating of all of the postmasters in my State, and I never care to have that responsibility again. It never did assist me politically, in my opinion. It was a trying and vexatious duty. I tried to perform my duty in making those nominations, but if we are to depart from the system now established and maintained, let us depart from it intelligently, and not, under a pretense of reform, actually establish a spoils system more objectionable than any we have ever had in connection with the Postal Service. [Applause.] That is exactly what we would do if we adopted this conference report and this amendment. We would enable the Post Office Department to establish a system under which, scattered all over the country, would be these zones, these districts of local political authority. Just now they would be in Democratic hands. When the administration changes, they will be in Republican hands; but they will be almost as objectionable in one case as in the other.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield? Mr. MONDELL, Yes.

Mr. ASHBROOK. I understand that one of the objects of this amendment is economy. As a matter of fact, would it not

The SPEAKER. The time of the gentleman from Wyoming

has expired.

Mr. MONDELL. Mr. Speaker, I ask that the gentleman grant me two minutes more.

Mr. BYRNS of Tennessee. I am very sorry, but I have more requests for time now than I can fulfill.

Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. The argument in opposition to this proposition is based on fear. This proposal has not its genesis with the present Postmaster General. It first originated more than eight years ago with a committee of expert accountants em-ployed to investigate the conditions in the Post Office Department and to make a report as to economies in the administra-tion of the department and the Postal Service. I happened to be chairman of the subcommittee that went over that voluminous report. The special accountants recommended that instead of imposing this burden of accounting on little post offices to report to the Post Office Department here in Washington with the same minutia of detail as if it were a first, second, or third class office, that it would be a better economical business management to enable them to purchase their supplies from a central office established in a nearby neighborhood. no attempt at that time to discontinue the fourth-class post offices. There is no attempt by this provision to discontinue the fourth-class post offices. The Postmaster General has the same authority to do that without this amendment as he has with it. But I direct the attention of the committee to what really is proposed by this proposal. You will notice that it is for the purpose of promoting economy in the distribution of supplies and in auditing and accounting and of authorizing the Postmaster General to designate districts and central offices. What is purposed under this authority? The department instead of sending out supplies to every little fourth-class post office, where the salary is two, three, or four hundred dollars, will send supplies to some central office in the county. That central office will furnish the printed matter, will furnish the stamps, will furnish the money-order blanks, and all matters of that kind to these little fourth-class post offices, and the fourth-class post offices, instead of being compelled to account directly for money-order blanks or order for stamps, or order for stamped en-velopes, or other things that the post offices are required to do, will be saved of that burden. Any person who is acquainted with the conditions will realize that it is in the interest of economy. Now, assuming the system has been established, the fourth-class post offices will get supplies perhaps from the office at the county seat. That will give the gentleman who happens to be postmaster at the county seat no greater authority than he has to-day in the management of the post office.

Mr. STEENERSON. The gentleman overlooks the fact that the Blackmon amendment, which was adopted as part of this same provision in the Post Office bill, leaves this provision in-

tact, and only struck out the branch post offices

Mr. STAFFORD. I overlooked nothing. I am discussing this proposition, and I overlooked nothing in the amendment. The gentleman is conjuring up fears, as other gentleman have, of a political bugaboo. The gentleman from Wyoming frankly admits fourth-class postmasters' appointments are a political handicap.

Mr. STEENERSON. Will the gentleman yield?

Mr. STAFFORD. I can not yield further. No matter how you study this proposition you will see the one and only purpose of it is to relieve the fourth-class postmasters of the detail of accounting in the purchase of their supplies. Nothing further, and the committee has gone further and restricted it so that the supplying office can not cover more than one county; that the district must be coterminous with the county, unless the post office happens to be located in two counties.

Mr. ASHBROOK. Do I understand it includes all the fourth-

class post offices? How about the second and third?

Mr. STAFFORD. The gentleman thinks the Postmaster General will eliminate second and third class offices, a secondclass office where the post-office receipts must be above \$40,000. It is beyond comprehension to me, even including the third-class offices, I will say to the gentleman frankly

The SPEAKER. The time of the gentleman has expired. Mr. BYRNS of Tennessee. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. Blackmon]. [Ap-

Mr. BLACKMON. Mr. Speaker, the amendment to the legislative bill presents a rather novel proposition. The Post Office Committee of the House has repeatedly turned down the proposition here asserted, and only two days ago the House of Representatives, by an overwhelming majority, went on record as opposing the proposition here asserted, and yet it is claimed that the persistent efforts to force this provision mean nothing. If they do not, I want to ask the House why, then, is it placed on the legislative bill, a place where, it must be conceded, such a provision is not entitled to be? If it does not mean exactly what it says, that is, that it authorizes the Postmaster General to make substations out of presidential offices, then it means nothing on earth. [Applause.]

Again there is another reason aside from this why we should turn down this provision. Coming as it does on the legislative bill shows that the Postmaster General or some one else is evidently undertaking to do that which, as I have said, is in direct conflict with the will of this body heretofore expressed when this identical proposition was placed squarely before us.

I submit that the Appropriations Committee has no jurisdiction whatever of the subject matter of the proposed amendment. It seems to me, therefore, that the House of Representa-tives ought not to stand for it. In view of this performance, I am not surprised at the strong opposition that developed among Members when it was suggested that we have a budget committee, and that the budget committee should be the Appropriations Committee of the House. I for one, and in my judgment, the House, will never allow the Appropriations Committee, or any other committee, to assume jurisdiction over a subject which clearly belongs to another and legally constituted committee of the House. If the Appropriations Committee can take a provision that has been rejected by a regularly and legally constituted committee of the House, and, indeed, by the House itself, and place it on a conference report on another bill in disregard of the wishes of the House, what excuse or purpose can we give for the existence of any other committee?

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. BLACKMON. I do.

Mr. BYRNS of Tennessee. I want to say to the gentleman that the amendment was put on in the Senate, if I remember correctly, by the Senator from Washington, and the Senate conferees insisted strongly that the amendment should go on in order to reach a conclusion and make a report to the House, and the House conferees yielded because they thought the amendment was proper. I think that the reflection that the gentleman is seeking to make against the Appropriations Committee of the House is wholly unfounded and unjust.

Mr. BLACKMON. I am not making any reflection against anyone in the House, but the conferees from the House of Representatives ought to have known that two days ago this House overwhelmingly said, "We will not stand for this provision"; and if there is any criticism it is of the conferees for consenting to do that which they know, or ought to have known, that the

body they represent had turned down.

Mr. BYRNS of Tennessee. I want to say to the gentleman that the House conferees have been in conference several days upon this proposition, and, so far as I am personally concerned, I knew nothing about any action taken by the House two days ago or at any other time on a proposition similar to this.

Mr. BURNETT. Does not the gentleman know it is a matter over which this committee had no jurisdiction?

The SPEAKER. The time of the gentleman from Alabama [Mr. Blackmon] has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. Black].

Mr. BLACK. Mr. Chairman, as a member of the Committee on the Post Office and Post Roads I am more or less familiar with the proposition now under discussion, and I thoroughly concur with my colleagues on that committee, the gentleman from Alabama [Mr. Blackmon] and the gentleman from Minnesota [Mr. Steenerson], in the statements which they have just made that this amendment as sought to be modified by the conferees ought not to be agreed to. [Applause.]

There is one feature that would follow the adoption of this suggested amendment that has been overlooked in the speeches just made by the gentlemen who have addressed the House, and that is that if the Postmaster General, acting under the authority which would be granted him by this proposal, should abolish certain post offices in a county and make them branch offices of a central office he would not have the power to reestablish such offices, if the need for it should arise, except by express statutory enactment. In other words, if I interpret the situation correctly, if we should adopt such a law as is proposed in this amendment, then we ought to follow it up with a general provision giving the Postmaster General authority to restore what he had discontinued whenever in his judgment the needs of the public service should require it. We had a concrete example of what I am talking about when the gentleman from California [Mr. RANDALL], a member of our committee on the Post Office and Post Roads, came before the House the other day with a bill seeking to give the Postmaster General authority to restore post offices that had been abolished and made branch offices under the authority that the Postmaster General now has to establish branch offices in villages, towns, or cities of 1,500 or more inhabitants not distant more than 5 miles, as near as may be, from the center boundary or limits of such city or town in which the principal office is located. According to the ruling of the Postmaster General, as I understand he has expressed it to Mr. Ran-DALL, after a post office has once been abolished and made a branch office to a central office, then it matters not how irksome the change may become to the patrons or how inconvenient the change may be, you can not restore the offices except by an act of Congress giving the Postmaster General the authority to discontinue such branch offices and reestablish them as separate and independent post offices.

If I have not stated correctly the interpretation which Postmaster General Burleson places on existing law, then I would like to be corrected. But I am sure I have made no mistake in what I have stated to the House in respect to this matter. The gentleman from California [Mr. RANDALL] stated to the House the other day, when he was endeavoring to get his bill up for consideration, that the patrons of the post offices which had been discontinued and made branch offices of the Los Angeles post office were dissatisfied with the change, and want again to have their offices made separate post offices, but that the Postmaster General had told him that, notwithstanding he was inclined to do so, and would like to do so, that he did not have the authority to reestablish them except by authority of an act of Congress.

Mr. Speaker, let there be no misapprehension concerning the extent of the authority granted to the Postmaster General by the provision which we now have under discussion. read it very carefully, and it is my opinion that under it he will have the unquestioned authority to establish a central office in every county of the United States, and make every other office in the county a branch office to that central office; and, according to my interpretation of it, it can not mean anything else. Now, what does a branch office mean? that the office in question loses its identity as a separate office and becomes attached as a branch to such designated central office. I do not believe that this House wants to place that authority in the hands of the Postmaster General, and has expressed itself directly to the contrary within the last few days.

Now, if the phrase "and may establish such branch offices within such districts as he may deem necessary" is omitted, I apprehend that this House will be willing to accept the rest of the provision without objection.

Now, upon the general proposition that the establishment of branch offices would promote economy and efficiency of the service I will say to you that if I believed that result would follow, then I would advocate the amendment. I would not consciously oppose any amendment to the postal laws and

regulations which I believed would promote economy and efficiency in the Postal Service.

Mr. BYRNS of Tennessee. Will the gentleman yield? Mr. BLACK. I regret to say that I can not; I have not the I have only two minutes. But I will say to the gentleman from Tennessee [Mr. Byrns] that the investigation that our committee has made of this subject, and which we have approached with no other idea or purpose than to conserve the interests of the people, brings us to the unquestioned opinion that it will not work for economy and the betterment of the service; and therefore I hope that the House will stand by the Senate amendment as it now appears in the Senate bill on page 120, and will not consent to the modification of that amendment by agreeing that the phrase "and may establish such branch offices within such districts as he may deem necessary. [Applause,]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. Cannon].

Mr. CANNON. Mr. Speaker, I agree with the gentleman from Alabama [Mr. Blackmon] and the gentleman from Texas [Mr. Black], who last addressed the House. I am satisfied that this legislation should not be enacted for any reason that has been assigned. As to the method by which legislation is to be forced through the House or the Senate from time to time, so far as that is concerned, it arises largely out of the rules of the House and the Senate, which put nine-tenths of all the important legislation upon appropriation bills that must pass. But I will not discuss that. It is funny, if it were not serious, but the Senate, or somebody, when they set their head for legislation, take all the chances. The Post Office Committee has this identical matter in conference now on substantially similar amendment, but they can not wait. They put it on the legislative bill. They want to attach it here, there, and yonder. Whether it will get on the deficiency bill or the Military Academy bill, God knows! You have got to watch it [laughter] when you deal—and I speak respectfully of the other branch of Congress—with the Senate, and under the practice that has grown up somewhat in the House, but very greatly in the Senate.

Now, I do not believe the supply proposition is an economical one, and I will tell you why. In the event this amendment passes you will send to 3,600 counties the supplies, and then they will go to the branch post offices. There will be double accounting. And then the branch post offices will report to the central post office. They have got to report, and the auditing that is now done in Washington would be done in between three and four thousand central offices, I assume, in the counties of the United States, and then it would go to the grand accounting here.

Mr. ASHBROOK. And it will require additional clerical force in each central office?

Mr. CANNON. The centralization comes running all along the line, and it ought to stop. We ought to popularize this service. We ought not to put it under 3,600 bosses. You may ask if the Democrats are not in possession of the post offices in my county, with nearly 100,000 people. Yes; and they all ought to be in existence, and they are all filled by Democrats, who are performing their duty, so far as I know, and will render their accounting as the law now provides. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield three min-

utes to the gentleman from Mississippi [Mr. Sisson].

Mr. SISSON. Mr. Speaker, as one of the conferees I want to state that this bill has been in conference for quite a number Your conferees have labored earnestly with the conferees of the Senate to endeavor to reach an agreement. managers on the part of the House have absolutely no pride in defending this particular amendment. The Senate insists upon it, and the House does not want it, and we bring it back to you. But the criticism made that the committee goes out of its way under the rules of the House is an unjust one, because in two instances this is under the jurisdiction of this committee. First, it deals with the purely administrative office here in the city of Washington, to wit, the Post Office Department, and the business is audited here. Second, under the Holman rule, on its face it reduces expenses, and is therefore in order on this or any other appropriation bill.

But what does the amendment do? It simply reduces the auditing in the city of Washington to about 4,000 accounts, in round numbers, instead of a million accounts. The audit is made from the postmasters of the county to the one postmaster. The supplies, the postage stamps, and the business that is transacted in the county are transmitted and transacted through that postmaster, and the postmaster is held accountable for that business within the county by the department here, is the way it affects all the post offices within the county. is the assurance of the department. It simply means that you

save the auditing of something over a million accounts. Under the system that is proposed in the Senate—and your conferees, after quite a contest, have agreed to it—it simply means you will have 4,000 audits here, and so far as saving money is concerned there is no sort of question on earth about it, because the postmaster in the county would get absolutely nothing more than he now gets for auditing the accounts. master in the county will be the county auditor, and he would make his audit to the Postmaster General's office here in the city of Washington.

That, as we understand, is the sole and only purpose of this item here. It does not affect the present postmasters or their standing or their status. If the President should decide to do so, he to-morrow could virtually put every postmaster under the civil service and could hold examinations. There is no reason on earth why he should not do it under the general law. Therefore you are gaining nothing by voting this item down, except that thereby you would say you will keep up the old-fashioned system of auditing. That is all there is to it. I do not believe in raising a mountain out of a molehill.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield for a question?

Mr. SISSON. Yes.

Mr. BYRNES of South Carolina. Inasmuch as the gentleman knows that this conference report is as dead as a doornail, would he not save time by asking for a record vote on it? [Laughter.]

Mr. SISSON. I do not know that this conference report is as dead as a doornail. [Laughter.] I do not know, either, since when the gentleman has gotten to be such a great conservator of time and the mentor of this House. [Laughter.]

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. BARNHART. Does not the gentleman believe that the system proposed here simply adds another middleman to the service?

Mr. SISSON. I do not.

Mr. BARNHART. 1 can not see it in any other way.
Mr. BURNETT. Mr. Speaker, will the gentleman yield? Mr. BURNETT. M Mr. SISSON. Yes.

Mr. BURNETT. Does the gentleman believe that the construction which he gives is the construction that the Postmaster General will put on this clause?

Mr. SISSON. I do not know what construction the Postmaster General will put on it, or what any other man will put on the law. I only want to know what the language of the amendment is.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield two minutes

to the gentleman from Iowa [Mr. Dowell].

The SPEAKER. The gentleman from Iowa is recognized for two minutes

Mr. DOWELL. Mr. Speaker, just why this very important amendment relating to the Postal Service comes from this committee I do not know. I want to call your attention to one fact, gentlemen, before you vote on this proposition, and it occurs to me that when we know the purpose of it, it can not have the sanction of this House.

The Postmaster General in his last annual report, referring to the branch post offices, states as follows:

Attention is again invited to the advisability of removing the legal restrictions as to the establishment of branch post offices and postal stations and providing for the establishment of nonaccounting offices, which would make possible a more efficient and economical administration of the Post Office Service.

This provision removes the restriction which he asks to be removed in order that he may have a central post office in every county in the United States. If you adopt this provision, it is clear that the plan of the department is to be carried out, and every second and third class office in the country will be abolished, and we will have one central office in every county in a State for distribution, and all the others will be branch offices.

It seems to me that the purpose of this provision is clear, and everyone who votes for it votes to empower the Postmaster General to carry out this plan and establish a central office for every county. This is the proposition advocated by the Postmaster General when he asks that the restrictions of the law be removed in order that he may do identically what is authorized in this amendment. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has

expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. Lever].

The SPEAKER. The gentleman from South Carolina is recognized for three minutes.

Mr. LEVER. Mr. Speaker, we have been discussing this morning a very important matter touching the Postal Service. I desire to call the attention of the conferees on the part of the House and the membership of the House itself to another provision in this conference report which very vitally affects the efficiency of the work of the Department of Agriculture.

I refer to amendment numbered 58, which would absolutely paralyze, if it is permitted to become the law, the activities of the Department of Agriculture along many of its lines of

work. The provision is this:

That hereafter no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality.

If that language is allowed to become the law, it practically repeals the provisions of the agricultural extension act. It practically paralyzes the county-agent work of the Northwest and the North and the Northeast. It paralyzes the county-agent work of the South. It destroys the cooperative work that is now being carried on by the Bureau of Markets. It would destroy the work that is now being carried on for the eradication of citrus canker. It would destroy the work that is proposed to be carried on under a provision inserted in the Senate for the eradication and arrest of the white-pine blister rust.

The prohibition contained in the Senate amendment undoubtedly was aimed at certain cooperative arrangements of other educational agencies with the Rockefeller Foundation and the Carnegie Institute. I desire to say that the Department of Agriculture does not now and has not within the past two years had any relationship in the least with those two institu-We provided against it in the Agricultural appropriation bill of 1914, I think. I hold in my hand a letter from the Secretary of Agriculture, written very recently, saying that he could absolutely state in all positiveness that there was no such relationship existing between the Department of Agriculture and these foundations. I desire that this conference report shall be voted down, not only for the reasons that have been suggested by other gentlemen but for the to me more important reason that if you agree to this Senate amendment you have practically locked the wheels of the Department of Agriculture.

Mr. NORTON. Will the gentleman yield? Mr. LEVER. I will yield to the gentleman just for a ques-

Mr. NORTON. Will the gentleman explain to the House from what sources these agents derive compensation other than from

State, county, and municipal?

LEVER. The agricultural extension act provides, in addition to that, that the Department of Agriculture may receive contributions from colleges, local authorities, or individual contributions within the State for the maintenance of these cooperative arrangements. The current law for the Agricultural Department provides that in the demonstration work they may receive contributions in addition to those had from State, county, and municipal agencies, also from associations of farmers, individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State. That is for your demonstration work. Now, under the Bureau of Markets provision is made

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distributing of farm and food products.

There may be cooperation through the same agencies, and by the adoption of this amendment you have paralyzed the service. The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of Tennessee. I yield two minutes to the gentleman from Mississippi [Mr. Candler].

Mr. CANDLER of Mississippi. Mr. Chairman, I desire to emphasize what has already been so well said by the distinguished gentleman from South Carolina [Mr. Lever] in reference to this provision, amendment No. 58, to which he called attention. He did not read quite all of it. It goes further and provides that no person, association, or corporation shall make any contribution to or in any way supplement the salary of any Government official.

Now, just take a practical illustration in my own county. For instance, the young lady who has charge of the canning-club girls

in that county, and work along that line, receives from the Government of the United States part of her salary. The county pays part of it and the banks and private individuals pay the balance, so that her salary is paid by the Government, the county, the banks, and individuals. Her name is Miss Elizabeth Brown, and she is doing splendid work. The same provision would apply to the county demonstration agents in Mississippi as well as in other parts of the country. The county agent in my county is Mr. W. T. Pollard, a most excellent agent, who is also doing fine work. Here it is proposed to enact into law that no patriotic citizen in the United States desiring to contribute to this kind of salaries and to help thereby to develop the resources of his county, State, or Nation will be allowed to do so. By this provision he would not be permitted to contribute one single, solitary cent to the pay of those who are laboring for the advancement of this great cause. The gentleman from South Carolina [Mr. Lever] called attention to certain lines of cooperative work. Here is one:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distributing of farm and food products.

Not a single solitary dollar could be contributed by any citizen, any banker, any corporation, or by any person in the United States for the purpose of carrying out that work in cooperation with the Government of the United States, but this amendment

No. 58 would absolutely prevent that being done. [Applause.]
Mr. BURNETT. Does not the gentleman think that is leveled against the action of the Bureau of Education more than anything else?

Mr. CAMPBELL. Probably that is true.

Mr. CANDLER of Mississippi. It may have been the in-tention to limit it to contributions of that kind, but this provision goes much further and forbids any and all contributions from any and all sources to aid any and all work. It would destroy all cooperative work, and especially the cooperative agricultural work North, South, East, and West, which is proving so beneficial to the farmers and agricultural interests of the country. I know the Members of this House do not want to do that, and therefore to prevent it you must vote down this report. Vote "no" good and strong when the vote is taken,

The SPEAKER. The time of the gentleman from Mississippi

has expired.

Mr. GILLETT. I should like to ask the gentleman from Tennessee a question or two about a matter which has not been referred to. There seems to be a discrepancy in one matter between the statement made by the conferees and the conference report. I notice the report says that the House recedes from its disagreement to the amendment of the Senate numbered 17 and agrees to the same with an amendment, whereas the statement says that the House agrees to the Senate amendment and appropriates \$4,140 for the clerks as proposed by the Senate. I should

like to ask the gentleman which is correct?

Mr. BYRNS of Tennessee. The statement is correct. entleman will recall that the House made an appropriation of \$4,000 to pay for an automobile for the Secretary of State

Mr. GILLETT. Not to pay for an automobile—that is 16; I refer to amendment 17. That statement says that it-

Appropriates \$4,140, as proposed by the Senate, for employees now paid from the appropriation for emergencies arising in the Diplomatic and Consular Service.

Mr. BYRNS of Tennessee. I will say to the gentleman that the Senate inserted an amendment providing for four emergency employees in the State Department, amounting to \$4,140. The conferees agreed to an amendment which was suggested in conference to make a lump-sum appropriation of \$4,140 for that purpose, but without designating the number of persons to be

Mr. GILLETT. What was the purpose of that amendment?

Mr. BYRNS of Tennessee. I will say to the gentleman that it is an emergency fund, appropriated in order to give the Secretary of State the privilege of employing extra employees if he desires to do so.

Mr. GILLETT. Of course-

Mr. BYRNS of Tennessee. It has always been the custom to make these appropriations in lump sums, and to give some leeway as to the number he may employ. He may desire to employ one for a year or for only two or three months.

Mr. GILLETT. The Senate amendment put on an appropria-tion for four clerks, naming what classes. Those would be under the civil service, and I wondered, and I would like to ask the gentleman whether the purpose of the House amendment was that they should not be under the civil service but should be appointed as the Secretary of State pleased.

Mr. BYRNS of Tennessee. I can only say that so far as the House conferees are concerned, and certainly from my viewpoint, the object was to make this appropriation and give the Secretary of State the privilege of employing extra clerks in the State Department to this extent, for such time during the year as he may think necessary, whether it be for 12 months, 6 months, or 3 months.

Mr. GILLETT. That could be done under the Senate pro-

vision. Did the House conferees invent this amendment?

Mr. BYRNS of Tennessee. That amendment came from the Senate; but, as I say, the Senate made provision for the employment of four employees throughout the year.

Mr. GILLETT. It did not say throughout the year. I do not know whether the gentleman misunderstands me or whether he does not wish to state the facts. What I want to know is whether the purpose was to take them out of the civil service or not?

Mr. BYRNS of Tennessee. I will state to the gentleman that the amendment will have the effect of taking them out of the civil service.

Mr. GILLETT. That is what I suspected. Allow me to further suggest that it naturally excites a suspicion, I will not say of myself, but it would excite the suspicion that here was an appropriation of just about enough to give the appointment of a clerk to each one of the conferees. We all know that when an arrangement like that is made it is made for the purpose of giving patronage to somebody, and I would like to know whether that suspicion is justified.

Mr. BYRNS of Tennessee. Mr. Speaker, how much time have

I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. GILLETT. I did not hear the gentleman's answer.

Mr. BYRNS of Tennessee. I do not care to spend my remaining five minutes on this question; but I will say that so far as I am concerned and so far as any member of the Appropriations Committee of the House is concerned, none of us have one dollar of this patronage, nor will any of us receive any in the future under this appropriation.

Mr. GILLETT. I expected that answer, and I am glad the gentleman has given it, for I assume it was the Senate for whom this patronage is provided; but I regret to see the conferees of the House responsible for an amendment like this, whose real purpose is obviously to take some clerkships out of the civil service and make patronage of them; and I also regret and am mortified that the House conferees should be used as a cat's-paw to pull this patronage out for the benefit of the Senate.

Mr. BYRNS of Tennessee. The gentleman knows that one can not get all he wants in a conference. One set of conferees can not have their way independently of the views of the

I think the Secretary of State needs the additional service. Now, Mr. Speaker, a good deal has been said here concerning the post-office provision, and I think gentlemen are laboring under a serious misapprehension. Under the present law every fourth-class postmaster has an account in the Post Office Department here. There are more than 56,000 first, second, third, and fourth class offices in the country. That necessitates having more than a million accounts with which the Auditor for the Post Office Department has to deal every year. If this amendment is adopted, it will permit the Postmaster General to establish a central accounting office in each county, so that the Post Office Department will have then not exceeding 150,000 accounts with which to deal here in Washington.

In addition to that, it is proposed by the Postmaster General, if this amendment is adopted, to establish a monthly system of accounting with these central offices in various counties.

Now, gentlemen, it simply means that if the provision goes in it will save to the Government more than \$250,000 every year in the Post Office Department here alone. This provision, if it goes in, will reduce the expenses of the Auditor's Office of the Post Office Department \$30,000 in this bill for this year; but if you vote the report down, if you do not put this amendment in, we will have to go back to the Senate and restore the \$30,000 to the bill for the Office of the Auditor for the Post Office Department. The Postmaster General says that in his judgment, if you will permit him to put this provision into effect, he will save to this Government more than half a million dollars every year. I submit that this House ought not to sit here and, simply because somebody has a suspicion that some postmaster in some county may lose his job, subject the taxpayers to more than half a million dollars' expense each year.

It has been stated that the Appropriation Committee in adopting this amendment has undertaken to go beyond its jurisdic-

This amendment was put on the bill in the Senate, and tion. the Senate conferees stood solidly and unanimously in favor of it and insisted that it should go on this bill. Upon that conference committee was a member of the Senate Post Office Committee. The chairman of the Post Office Committee of the House has addressed you this morning and has urged you to adopt this provision in the interest of economy, efficiency, and good service in the Government. That is all there is to that.

Mr. MONDELL. Will the gentleman yield?

Mr. BYRNS of Tennessee. No; I can not; I have yielded all

my time, and I want to discuss one other amendment.

The SPEAKER. The time of the gentleman from Tennessee

has expired.

Mr. BYRNS of Tennessee. I ask for one minute more.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. I want to refer to the remarks made by the gentleman from South Carolina [Mr. Lever] with reference to the amendment reported by the conference committee providing that no employee of the United States Gov-ernment shall receive any additional salary as such employee from any other source except it come from from a State, county, or municipal agency. I submit that that will take care of the demonstration work being done by the Agricultural Department in cooperation with the county, State, and municipality. For my part, I do not believe that a United States officer should receive compensation as such officer from an individual or any association of individuals in the country, using the Government frank, acting in behalf of this Government, and with the stamp of approval of this Government. I have no objection to a great endowment fund, the great funds that are being used in various directions for the benefit of the people, but I believe, gentlemen of the House, that this Government is able to pay its own bills and that it should not go into partnership with private individuals in the performance of governmental activities. I do not believe that we ought under the practice of the payment of a dollar a year permit men to come in and occupy desks in our bureaus and in some cases act as chief of a division, receiving, as they do, a large salary from outside sources.

The SPEAKER. The time of the gentleman has again ex-

pired.

Mr. MANN. I ask unanimous consent that the gentleman have one minute more; I want to ask him a question.

Mr. BURNETT. Make it two minutes; I want to ask him a

The SPEAKER. The gentleman asks unanimous consent that the gentleman from Tennessee may proceed for two minutes. Is there objection?

There was no objection.

Mr. MANN. Does the gentleman think that where the law now allows cooperative farmers' organizations to contribute something toward the cost of experts in the Agricultural Department in order to have farm demonstration work that that is an injury?
Mr. BYRNS of Tennessee. No.

Mr. MANN. The gentleman knows that this amendment

would cut that all out.

Mr. BYRNS of Tennessee. I do not, I will say to the gentleman. There is no reason on earth why individuals in any State or county could not make a contribution for that purpose through the county court.

Mr. MANN. The county court has no jurisdiction, at least

not in my State.

Mr. BYRNS of Tennessee. I know in my own State that individuals in the county have raised funds and through the county court of the county have contributed to the payment of expenses and salaries of farm demonstration agents

Mr. Speaker, I think the only thing for us to do Mr. MANN.

is to instruct the conferees.

Mr. BYRNS of Tennessee. The conferees certainly do not desire to do otherwise than carry out the wishes of the House. Mr. BURNETT. Mr. Speaker, will the gentleman yield? Mr. BYRNS of Tencessee. Yes.

Mr. BURNETT. Is anyone except the faker at the head of the Educational Bureau employing these dollar-a-year men? Is it

being done anywhere else?

Mr. BYRNS of Tennessee. Mr. Speaker, I dissent most earnestly from the designation of the gentleman occupying the position of Commissioner of Education as a faker.

Mr. BURNETT. I think he has proven to be a faker. Mr. BYRNS of Tennessee. The gentleman occupying that

position is a man of high character and a distinguished educator. He has rendered great and distinguished service to the cause

of education, and certainly does not deserve the designation given him by the gentleman.

Mr. BURNETT. Let the gentleman answer my question. Is anyone doing that except him?

Mr. BYRNS of Tennessee. I have been informed, and I can only state this upon information—the gentleman from South Carolina [Mr. Lever] probably knows—that there are more than a hundred in the Agricultural Department who are receiving a

dollar a year.

Mr. LEVER. That is very true; but the Secretary of Agriculture had a letter printed in the RECORD some time ago in which he said that none of his cooperative work is in connection with the General Education Board or the Carnegie Institution.

Mr. BYRNS of Tennessee. That answers the question of the gentleman from Alabama to the effect that that practice is going on not only in the Bureau of Education but in the Agricultural Department as well, and possibly in some other depart-

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. Bynns of Tennessee) there were—ayes 21, noes 199. So the conference report was rejected.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amend-

ments and ask for a conference.

The SPEAKER. The gentleman from Tennessee moves that the House further insist upon its disagreement to the Senate

amendments and ask for a further conference.

Mr. MANN. Mr. Speaker, I ask for a division of the motion, so that we may have a separate vote on amendments 4, 22, 58, 62, and 71. One of them is an attempt to repeal a Senate resolution by action of the House, and on that I desire a minute. The others are the Farm Loan Board proposition, and this proposition that was just up in respect to the Department of Agriculture, the Post Office proposition, and the clerks' pay.

Mr. BYRNS of Tennessee. I do not think that the gentleman

will insist upon a vote on Senate amendment No. 4, will he?

Mr. MANN. If the gentleman will yield me a couple of minutes, I shall not, but that is the only way that I can get the time. Mr. BYRNS of Tennessee. I shall be very glad to yield to the gentleman. I yield two minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I-may want some time on the sparate propositions. The Senate inserted an amendment in separate propositions. this bill repealing certain Senate resolutions, simple Senate reso-The Senate can repeal those simple Senate resolutions lutions. when they desire. The House has taken the liberty, on the part of the conferees, of insisting upon a change in the amendment by which the resolutions were repealed. The Senate has nothing to do with simple House resolutions and can not repeal them. The House has nothing to do with simple Senate resolutions and can not repeal them. It is none of our business, and I object to the House conferees agreeing to the Senate amendment at all, and much less agreeing to it with an amendment, thereby undertaking to tell the Senate what simple resolutions shall be repealed by an act of Congress

Mr. FITZGERALD. Mr. Speaker, if the Senate needs help, does not the gentleman think the House should be glad to give the help that it needs to regulate its affairs?

Mr. MANN. I am afraid the gentleman from New York too often does that to the disadvantage of the House—privately.

Mr. FITZGERALD. No; I do not do anything privately. Mr. MANN. I do not believe it is our business. Suppose Senate had put an amendment in the bill repealing a simple House resolution?

Mr. FITZGERALD. That is a different matter; but as they can not repeal their own simple resolutions by resolution of the Senate and they need the help of the House, I do not think that we ought to be finicky about it.

Mr. MANN. The House conferees struck out the Senate amendment and undertook to tell the Senate what simple Senate resolutions shall be repealed, and it is none of their business.

Mr. FITZGERALD. But the Senate is willing to have us do it. They need our help.

Mr. MANN. If the Senate wants to repeal a Senate resolution, let the Senate do it. I am opposed to the precedent. I do not believe that the Senate should be consulted about simple House resolutions, and I do not think the House has any wish to interfere with simple Senate resolutions.

Mr. FITZGERALD. But they are appealing to us to help

them, and what can we do otherwise?

Mr. MANN. I grant that the gentleman from New York makes the best excuse that can be offered for the action, and that is the only excuse that has been offered. But if they want the services of the gentleman from New York [Mr. FITZGERALD] in the Senate, they might elect him an honorary Member.

Mr. FITZGERALD. It probably would not do the Senate any

Mr. BYRNS of Tennessee. Mr. Speaker, the facts are that these three Senate resolutions enumerated in this amendment of the Senate provided for the employment of three \$1,440 clerks who were assigned to three different Senate committees and paid out of the contingent fund of the Senate.

Mr. MANN. With which we have nothing to do.

Mr. BYRNS of Tennessee. Now, certain Senators desired to repeal these resolutions, and the Senate adopted this amendment, which repealed those three resolutions but at the same time placed one of these clerks, a clerk to the Post Office Committee, upon the regular statutory roll. The House conferees were unwilling under the circumstances to agree to that extra clerk because the House Post Office Committee has only about \$4,900 in clerical assistants—a clerk, an assistant clerk, and a janitor-and the Senate Post Office Committee already has a clerk and an assistant clerk, two other clerks at \$1,400 each, and a messenger. In other words, the House Post Office Committee has an expenditure for clerks each year of about \$4,900, whereas the Senate has an expenditure of over \$8,900, or about that sum.

The House conferees felt it was unfair for the Senate Post Office Committee to ask for another \$1,400 clerk in addition. It was insisted by the Senate conferees, one of whom was a member of the Post Office Committee, that this clerk was necessary, and it was agreed by the Senate conferees that they would yield on the amendment placing the clerk on the statutory roll, but would strike out this provision repealing one of these resolu-tions so as to permit the Post Office Committee of the Senate to retain that clerk and pay him out of its contingent expenses. There were two amendments which repealed two Senate reso-

lutions

Mr. MANN. Three.

Mr. BYRNS of Tennessee. Two after that was stricken outtwo Senate resolutions calling for clerks at \$1,400, and, as the gentleman from New York has stated, the Senate conferees asked the House conferees to help them save this money to the Public Treasury. This bill, of course, can repeal the Senate resolution, and the House conferees gladly yielded on that, because it meant an actual saving of \$2,880 and helped to reduce the great number of clerks the Senate has put upon the rolls of the Senate in the past.

Mr. MANN. Will the gentleman yield a little more time? He

took up the most of my time.

Mr. BYRNS of Tennessee. The gentleman's time had expired.

Mr. MANN. Not at all.

Mr. BYRNS of Tennessee. The gentleman has used more than two minutes, but I will gladly yield to him such time as he

Mr. MANN. I have used about two and a half minutes. The Senate amendment undertook to repeal three resolutions and each of those resolutions provided for a particular employee. The Senate action was to repeal three resolutions, cutting out three employees. The House conferees insisted upon leaving one employee by cutting out the repeal of one of these resolutions. In other words, the Senate having acted, I think, illegally, as far as that is concerned, by inserting a provision in this bill for the repeal of three resolutions which carried employees, the House conferees insisted that the Senate should not repeal one resolution and should not dispense with one

Mr. BYRNS of Tennessee. Oh, the gentleman is wrong.
Mr. MANN. That is the record and the gentleman can not
go behind the record. Now, the gentleman says the House
conferees did that at the request of the Senate conferees, but I know very often the House or Senate conferees go into conference in favor of an amendment with their fingers crossed, not representing either body, but asking the conferees on the other side to insist upon something they wanted. The Senate cut out one employee that one of the Senate conferees wanted to retain, and at the request of the Senate the conferees on the part of the House insisted that the House should interfere and keep him on there-wholly improper, and the whole thing is

improper. It is none of our business. [Applause.]
Mr. BYRNS of Tennessee. Now, Mr. Speaker, if the House
will turn to page 7 of the legislative bill it will find the Senate placed an amendment upon the bill for an additional assistant clerk to the Committee on Post Offices and Post Roads at \$1,400

Mr. MANN. That has nothing to do with Senate amendment

Mr. BYRNS of Tennessee. That clerk has formerly been carried upon the rolls of the Senate and paid out of the contingent expenses of the Senate under Senate resolution 421, Sixty-third Congress, second session. Now, when the conferees came together the House conferees insisted that the Senate ought not to insist upon adding to its already large number of clerks for the Post Office Committee, and the Senate conferees agreed that they would not ask for this clerk to be carried on the statutory rolls, but they insisted that he was needed by the Post Office Committee, and therefore they insisted they did not care then to repeal Senate resolution 421 which permitted them to carry this clerk of the Post Office Committee on the contingent-fund roll of the Senate

Mr. MANN. Keep him in office.

Mr. BYRNS of Tennessee. Retaining him in office, and certainly, as the gentleman from Illinois has just said, this House has nothing to do with the business of the Senate. If the Senate wants to pay that clerk to the committee out of the contingent fund I submit this House can not prevent it except possibly at the expense of good feeling between the two bodies.

Mr. MANN. Is this clerk carried on page 7? Mr. BYRNS of Tennessee. The House struck out that clerk from the regular statutory roll, where they were proposing to place him, and left it to the Senate as to whether or not they continue to keep him under resolution 421. Now, that explains

Now, with reference to these other two resolutions, it was represented to the House conferees that these two clerks were carried on certain other committees, and it was the desire of Senators to repeal those resolutions so as to avoid that expense

and that drain upon the contingent fund expenses.

And being perfectly willing to help the Senate conferees save \$2,880 for the people, the House conferees gladly came to their rescue and agreed that those two resolutions might be repealed. As a matter of fact, when this amendment came up in the Senate the repeal of these three resolutions was voted on as one proposition. The Senate conferees requested the House conferees to agree, that these two resolutions might be repealed

and those two useless offices abolished. That is all it means.

The SPEAKER. The question is on the first half of the motion of the gentleman from Tennessee [Mr. Byrns] that the House further insist on its disagreement to all Senate

amendments.

Mr. MANN. Mr. Speaker, I ask for a division of the question. I ask for a separate vote on 42, 58, 62, and 71. I have

no objection to the others.

The SPEAKER. The request of the gentleman is for a separate vote on amendments 42, 58, 62, and 71. Is a separate vote demanded on any other amendment? [After a pause.] If not, the Chair will put the rest of them en grosse. favor of further insisting on a disagreement to the rest of Senate amendments say "aye." [After a pause.] The ayes have it.

Now, as to amendment 42, those in favor of further insist-

ing\_\_\_\_ Mr. STAFFORD. Will the gentleman yield me one or two

Mr. BYRNS of Tennessee. I will yield to the gentleman for

Mr. STAFFORD. I wish to inquire of the gentleman whether he desires to insist on amendment 42, which reduces the number of messengers in The Adjutant General's office?

Mr. MANN. I ask to change from 42 to 22. It is on page 42. The SPEAKER. The question is on further insisting on disagreement to Senate amendment 22.

Mr. MANN. Then, Mr. Speaker, I move to concur in amendment No. 22.

The SPEAKER. The gentleman offers a preferential motion

Mr. MANN. In amendment 22 with an amendment.

The SPEAKER, In amendment No. 22 with an amendment, which the Clerk will report.

which the Clerk will report.

Mr. MANN. Referring to the House print, as far as the page and line are concerned, by striking out on page 43, line 1, the sum of "\$182,380" and inserting in lieu thereof "\$222,380"; and in line 2 strike out "\$260,000" and insert "\$300,000."

Mr. LEVER. What is that?

Mr. MANN. The Farm Loan Board.

The SPEAKER, The Clerk will report the amendment.

The Clerk read as follows:

On page 43, line 1, strike out "\$182,380" and insert "\$222,380." And in line 2 strike out "\$260,000" and insert "\$300,000."

Mr. MANN. Will the gentleman from Tennessee yield me five minutes?

Mr. BYRNS of Tennessee. Yes; but before I yield will the gentleman permit me to ask him a question? As I understand your amendment, it would make the total appropriation, if it was to go in as it is written in the bill, of \$377,000? Mr. MANN. Three hundred thousand dollars.

Mr. BYRNS of Tennessee. That is the House provision, in other words?

Mr. MANN. As to the amount.

Mr. BYRNS of Tennessee. I yield five minutes to the gentle-

man from Illinois [Mr. Mann].

Mr. MANN. Mr. Speaker, I proposed the amendment as read so that they would conform with the amount heretofore agreed to by the House, because I did not feel authorized to propose a diminution in the amount. The only question at issue is this: The House provision appropriated the bulk sum of \$300,000, giving the Farm Loan Board discretion absolutely as to how it should be expended and what salary should be paid to its clerks and other employees. And I am told that they have employed some clerks at \$4,000, \$5,000, and \$6,000, money which more profitably ought to be expended in the field service than raising the pay of clerks for this board way above the pay of similar clerks in other boards. The same is true as to the private secretaries of the members of the board. The Senate specifically appropriated for the salaries of the board, the secretary of the board, publicity agent, private secretaries, and various clerks sufficient to man the office in Washington, putting in the salaries and taking that amount out of the lumpsum appropriation, leaving the lump-sum appropriation for service, I take it, in the field.

Now, I do not believe that we ought to start in with a new Federal Farm Loan Board by paying exorbitant salaries to secretaries and clerks and other officials in Washington under the board. Unless we specify the salaries these people are to receive, the Farm Loan Board, new at the business, wholly unfamiliar with administrative work under the Government, will be paying salaries that are out of sight. And then next year we will be asked to specifically appropriate for those salaries. Then every other board will have a request for the same salaries. Let these people have the same salaries that are paid in

other similar departments of the Government.

Mr. BURNETT. I see the force of the suggestion, but I ask the gentleman if his amendment will reach that proposition?

Mr. MANN. Yes. Mr. BURNETT. It seems to increase the amount.

Mr. MANN. Oh, no. The Senate appropriated \$77,620 for salaries, specifically setting them forth, and then appropriated \$182,380 for work in the field, making a total of \$260,000. We had already passed a bill for a total of \$300,000. I did not care to cut it down, though I would be very glad to agree to the Senate amendment without an amendment, and I increased the amount so that it would reach a total of \$300,000.

Mr. GLASS. I would like to ask the gentleman from Illinois this question: If the Farm Loan Board, after some observation, at least, although a limited observation, is incompetent to regulate the salaries of its employees, how may the Senate be more competent without any observation at all or without any knowledge of the work required to be done by the employees?

Mr. MANN. Why, Mr. Speaker, it has long been the duty of Congress, both in the House and in the Senate, to make appropriations for the salaries of officials in Washington. We do know something about the business. We do know something about the comparative salaries that should be paid, the amount that is paid in one department or one division of the Government and the amount that is paid in another, and we have to have something of uniformity. This new Farm Loan Board does not know a thing about the salaries paid in Washington.

Mr. GLASS. I understand when Congress undertakes to fix salaries it fixes them on the recommendation of the heads of the departments, having some knowledge of the duties to be

performed.

Mr. MANN. Yes. And I notice that Congress usually refuses the recommendations of the heads of departments for increases of salary. They are always making them, and they seldom get them, and the men do not quit because the salaries are not increased.

Mr. GLASS. I quite agree with the gentleman that the gross amount of \$300,000 should be restored, but I dissent from the proposition that the Senate committee knows anything more about what is an adequate salary for these respective employees than the Farm Loan Board.

Mr. MANN. We know more about what is an adequate salary than the Farm Loan Board, and we know what salary the secretary of a board usually gets. We know what the private secretary of members of a board usually gets, and we know what the stenographer usually gets, and we know what the chief of the Bond Division usually gets.

Mr. GLASS. Well, some secretaries are worth more than other secretaries. The secretary of the Federal Reserve Board is receiving \$9,000 a year, but he is something more than a mere

secretary. He is an expert.

Mr. MANN. We do not give \$6,000 a year to any private secretary, and we do not pay \$9,000 to the secretary of anything except of a department; or, if it is done, it is unknown to Congress and a gross piece of extravagance.

Mr. GLASS. I will say to the gentleman that it does not cost the United States Government a cent to pay the salary of the secretary of the Federal Reserve Board; neither does the Farm

Loan Board pay \$6,000 for a private secretary.

Mr. MANN. They did propose to pay him \$6,000-

Mr. GOOD. For a \$3,000 job.

Mr. MANN. Yes; to fill a \$3,000 job.

Mr. GLASS. How does the gentleman know it is a \$3,000 job? Mr. MANN. From long experience and observation in this body, and from a knowledge of what salaries are paid generally to officials in Washington.

Mr. GLASS. Does the gentleman know anything of the experience and observation of the members of the Farm Loan Board?

The SPEAKER. The time of the gentleman from Illinois has

Mr. MANN. I know something about them individually, but do not want to go into that.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield two minutes to the gentleman from North Dakota [Mr. Norton].

The SPEAKER. The gentleman from North Dakota is recognized for two minutes.

Mr. NORTON. Mr. Speaker, I think that the amendment suggested by the Senate is a very desirable and much-needed one. I have been very much interested in observing the workings of the Federal Farm Loan Board, and my observations have led me to believe this-and I say it without any personal feeling or prejudice toward anyone—that the gentlemen having in charge the organization of the Federal Farm Loan System seem more interested in traveling about the country and employing clerks at fat salaries and wasting time than they seem interested in getting down to business and establishing this system and putting it into operation.

There is nothing complex in the work of organization and establishment of the Federal Farm Loan System, and there is no real necessity in paying any big, fat salaries in that bureau any more than in any other bureau in the Government. I want to say here and now that I trust that all the members of the Federal Farm Loan Board in the next few weeks and in the next few months will give more time to the real work that they are employed to do than they have been giving and not depend so much upon the secretary of that board to do all the work.

Mr. McCRACKEN. Mr. Speaker, will the gentleman allow an

interruption at that point?

Mr. NORTON.

Mr. McCRACKEN. Has the gentleman visited the office of the Farm Loan Board?

Mr. NORTON. Yes; I have visited the office of the Farm Loan Board.

Mr. McCRACKEN. If the gentleman will take the trouble to inquire he will find that the members of that board are very busy. I say that in defense of them. The gentleman is not stating what is entirely true.

Mr. NORTON. I make the statement I have made on my own responsibility and on my own personal observations, and I repeat that it is a statement founded on fact, and the gentleman's kind view of the matter does not change the facts and condition that exist.

Mr. CANNON. Mr. Speaker, will the gentleman allow me?

Mr. NORTON. Certainly.

Mr. CANNON. I think I never met any member of the Farm Loan Board, but there was a hearing before the Committee on Appropriations, or a subcommittee, at which the secretary of the Farm Loan Board appeared, and he exhibited in that examination, as it seemed to me, more knowledge of the whole subject than anybody that we have met.

Mr. GLASS. That is so.

Mr. NORTON. Yes; Mr. Flannagan is a very able gentleman and well acquainted with the work of this bureau.

Mr. CANNON. It seemed to me so.

Mr. GLASS. And he is receiving the munificent salary of \$3,000.

Mr. MANN. What did he get before?

Mr. GOOD. Is it not perfectly natural that the secretary of the committee that formulated this bill should have a wider knowledge than some one outside, who did not know anything about it?

Mr. NORTON. That is very true, and I think the gentleman referred to has. But I want to say that neither Mr. Flannagan nor any other man is indispensable to the organization of the Federal Farm Loan System. Many men who are fully competent and able to do the work that a secretary of the Federal Farm Loan Board is required to do can be secured at a salary much less than the secretary is receiving at present. What I want now is to have some real work done down there by the Farm Loan Bureau and this farm-loan system put into operation without further delay, dillydallying, and idling.

The SPEAKER. The time of the gentleman from North

Dakota has expired.

The question is on the motion of the gentleman from Illinois [Mr. Mann] to recede from the disagreement of the House to Senate amendment 22 and concur in the same with the amendment read by the Clerk.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. LEVER. I ask for a division, Mr. Speaker. Mr. DILLON. Mr. Speaker, I would like to have the amendment reported again.
The SPEAKER. W

Without objection, the Clerk will report the amendment again.

The Clerk read as follows:

Amend, on page 43, by striking out in line 1, "\$182,380" and inserting "\$222,380," and in line 2, striking out "\$260,000" and inserting "\$300,000."

The SPEAKER. The question is on the motion of the gentleman from Illinois. The gentleman from South Carolina demands a division.

The House divided; and there were—ayes 52, noes 55.

Mr. MANN. I make the point of order that there is no quorum

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-two Members present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the motion to concur in Senate amendment 22 with an amendment will, when their names are called, answer "yea"; those opposed will answer "nay.

The question was taken; and there were-yeas 162, nays 189,

not voting 82, as follows:

#### AYES-162.

Anderson	Freeman	McCulloch	Slegel
Bacharach	Fuller	McFadden	Sinnott
Bennet	Gardner	McKinley	Slemp
Bowers	Garland	McLaughlin	Sloan
Britten	Glynn	Madden	Smith, Idaho
Browne	Good	Magee	Smith, Mich.
Browning	Gould	Mann	Smith, Minn.
Butler	Gray, N. J.	Mapes	Snell
Campbell	Green, Iowa	Meeker	Snyder
Cary	Greene, Mass.	Miller, Del.	Stafford
Chiperfield	Greene, Vt.	Miller, Minn.	Steele, Iowa.
Clark, Fla.	Griest	Miller, Pa.	Steenerson
Coleman	Guernsey	Mondell	Sterling
Cooper, Ohio.	Hadley	Moore, Pa.	Stiness
Cooper, W. Va.	Hamilton, Mich.	Moores, Ind.	Sulloway
Cooper, Wis.	Hamilton, N. Y.	Morin	Sutherland
Copley	Haskell	Mott	Sweet
Crago	Haugen	Mudd	Swift
Cramton	Heaton	Nelson	Switzer
Dale, Vt.	Helgesen	Nichols, Mich.	Temple
Dallinger	Hernandez	North	Thomas
Danforth	Hollingsworth	Norton	Thompson
Darrow	Hopwood	Oakey	Tilson
Davis, Minn.	Howell	Paige, Mass.	Timberlake
Dempsey	Hull, Iowa	Parker, N. Y.	Tinkham
Denison	Hutchinson	Peters	Towner
Dillon	James	Platt	Treadway
Dowell	Johnson, S. Dak.	Powers	Volstead
Drukker	Kelster	Pratt	Walsh
Dunn	Kelley	Ramseyer	Ward
Dver	Kennedy, lowa	Ricketts	Wason
Ellsworth	Kless, Pa.	Roberts, Mass.	Watson, Pa.
Emerson	Kinkaid	Roberts, Nev.	Wheeler
Esch	Kreider	Rodenberg	Williams, T. S.
Fairchild	La Follette	Rogers	Wilson, Ill.
Farr	Langley	Rowe	Wood, Ind.
Fess	Lenroot	Russell, Ohio	Woods, Iowa
Focht	Lindbergh	Sanford	Woodyard
Fordney	London	Schall	Young, N. Dak
Foss	Loud	Scott, Mich.	
Frear	McArthur	Shackleford	

	NAY	S—189.	
Abercrombie	Dooling	Igoe	Quin
Adair	Doolittle	Jacoway	Rainey
Adamson	Doughton	Johnson, Ky.	Raker
Alexander	Driscoll	Johnson, Wash.	Randall
Allen	Dupré	Kahn	Rauch
Almon	Eagan	Keating	Rayburn
Ashbrook	Eagle	Kent	Reavis
Aswell	Elston	Kettner	Reilly
Austin	Evans	Key, Ohio	Riordan
Ayres	Farley	Kincheloe	Rouse
Bailey	Ferris	King	Rubey
Barkley	Fields	Konop	Rucker, Ga.
Barnhart	Fitzgerald	Lazaro	Russell, Mo.
Bell	Flood	Lee	Sears
Black	Foster	Lesher	Shallenberger
Blackmon	Gallagher	Lever	Sherley
Booher	Gallivan	Lewis	Shormond
Borland	Gandy	Lieb	Sherwood Sims
Bruckner	Garner	Liebel	Sims
Burgess	Garrett		Sisson
Burgess	Gillett	Linthicum	Small
Burke		Littlepage	Smith, Tex.
Burnett	Glass	Lloyd	Steagall
Byrnes, S. C.	Godwin, N. C.	Lobeck	Stedman -
Byrns, Tenn.	Goodwin, Ark.	McAndrews	Steele, Pa.
Caldwell	Gordon	McClintic	Stephens, Miss.
Callaway	Gray, Ala.	McCracken	Stephens, Tex.
Candler, Miss.	Gray, Ind.	McDermott	Stone
Cannon	Gregg	McKellar	Sumners
Caraway	Hamlin	McLemore	Taggart
Carew	Harrison, Miss.	Mays	Tague
Carlin	Harrison, Va.	Montague	Talbott
Carter, Okla.	Hastings	Moon	Tavenner
Casey	Hawley	Morgan, La.	Taylor, Colo
Church	Hayden	Morgan, Okla.	Tillman
Cline	Hayes	Morrison	Van Dyke
Coady	Heffin	Murray	Vinson
Collier	Helm	Neely	Waiker
Connelly	Helvering	Oldfield	Watkins
Cox	Henry	Oliver	Watson, Va.
Crisp	Hensley	Olney	Webb
Crosser	Hilliard	O'Shaunnessy	Williams, W. E.
Cullop	Holland	Overmyer	Wilson, La.
Dale, N. Y.	Hood	Padgett	Wingo
Davis, Tex.	Houston	Page, N. C.	Wise
Dent	Howard	Park	Young, Tex.
Dies	Huddleston	Phelan	
Dill	Hull, Tenn.	Pou	Control of the second
Dixon	Humphreys, Miss	s. Price	
Dixon	Humphreys, Miss	s. Price	DE CONTRACTOR

### NOT VOTING-82.

Aiken	Dickinson	Kennedy, R. I.	Rucker, Mo.
Anthony	Doremus	Kitchin	Sabath
Barchfeld	Edmonds	Lafean	Saunders
Beakes	Edwards	Lehlbach	Scott, Pa.
Beales	Estopinal	Loft	Scully
Benedict	Flynn	Longworth	Sells
Britt	Gard	McGillicuddy	Shouse
Brumbaugh	Graham	McKenzie	Slayden
Buchanan, Ill.	Griffin	Maher	Smith. N. Y.
Buchanan, Tex.	Hamill	Martin	Sparkman
Cantrill	Hardy	Matthews	Stephens, Nebr.
*Capstick	Hart	Mooney	Stout
Carter, Mass.	Hicks	Moss	Taylor, Ark.
Chandler, N. Y.	Hill	Nicholls, S. C.	Vare
Charles	Hinds	Nolan	Venable
Conry	Hughes	Oglesby	Whaley
Costello	Hulbert	Parker, N. J.	Williams, Ohio
Curry	Humphrey, Wash.	Patten	Wilson, Fla.
Davenport	Husted	Porter	Winslow
Decker	Jones	Ragsdale	
Dewalt	Kearns	Rowland	

So the motion to concur in Senate amendment 22 with an amendment was rejected.

The Clerk announced the following pairs:

For to-day: Mr. Hardy with Mr. Parker of New Jersey.

Until further notice:

Mr. Patten with Mr. Humphrey of Washington.

Mr. Conry with Mr. Hill.
Mr. Rucker of Missouri with Mr. Nolan.
Mr. Beakes with Mr. Capstick.
Mr. Slayden with Mr. Moores of Indiana.

Mr. SMITH of New York with Mr. ANTHONY. Mr. BRUMBAUGH with Mr. BARCHFELD.

Mr. BUCHANAN of Illinois with Mr. BEALES.

Mr. BUCHANAN of Texas with Mr. BENEDICT.

Mr. CANTRILL with Mr. BRITT.

Mr. STOUT with Mr. CARTER of Massachusetts.

Mr. DECKER with Mr. CHANDLER of New York.

Mr. DEWALT with Mr. CHARLES.

Mr. Dickinson with Mr. Costello. Mr. Doremus with Mr. Curry.

Mr. Taylor of Arkansas with Mr. Edmonds.

Mr. ESTOPINAL with Mr. GRAHAM.

Mr. FLYNN with Mr. HICKS.

Mr. Gard with Mr. Hinds. Mr. Griffin with Mr. Husted.

Mr. Hamill with Mr. Kearns. Mr. Whaley with Mr. Kennedy of Rhode Island.

Mr. SHOUSE with Mr. LAFEAN.

- Mr. HULBERT with Mr. LEHLBACH.
- Mr. Jones with Mr. Longworth. Mr. Kitchin with Mr. McKenzie.
- Mr. Loft with Mr. Matthews.
- Mr. McGillicuppy with Mr. Mooney, Mr. Maher with Mr. Martin, Mr. Wilson of Florida with Mr. Porter.

- Mr. Nicholls of South Carolina with Mr. Rowland. Mr. Stephens of Nebraska with Mr. Scott of Pennsylvania.

- Mr. Stephens of Nedraska with Mr. Scott of Pennsylvania.
  Mr. Ragsdale with Mr. Sells.
  Mr. Sabath with Mr. Vare.
  Mr. Saunders with Mr. Williams of Ohio.
  Mr. Scully with Mr. Winslow.
  The result of the vote was announced as above recorded.
  The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.
- Mr. BYRNS of Tennessee. Mr. Speaker, I move to further insist on the House disagreement to the Senate amendment 22.
- The motion was agreed to.
  The SPEAKER. The next amendment is No. 58, which the Clerk will report.
  - The Clerk read as follows:

The Clerk read as follows:

Provided, That no part of the appropriations made for the Bureau of Education; whether for salaries or expenses or any other purpose connected therewith, shall be used in connection with any money contributed or tendered by the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies; nor shall the Bureau of Education receive any moneys for salaries or any other purpose from the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies, except by act of Congress authorizing the same, nor shall any person paid, in whole or in part, by any such corporation or individual for services rendered by him, be employed by the Government or become or remain an officer or employee of the Government. Any person violating any or either of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or by imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine.

Mr. BYRNS of Tennessee. Mr. Speaker, I move to insist on

- Mr. BYRNS of Tennessee. Mr. Speaker, I move to insist on the disagreement of the House to the Senate amendment 58.
- Mr. LEVER. Mr. Speaker, I offer a preferential motion. move to concur in the Senate amendment with an amendment,
- The Clerk read as follows:
- Strike out all of the Senate amendment and insert in lieu thereof the
- Strike out all of the Senate amendment and insert in lieu thereof the following:

  ": Provided, That hereafter no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, unless otherwise authorized by law, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States, unless otherwise authorized by law. Any person violating any of the rerms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine."
- Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question.
  - The previous question was ordered.
- The SPEAKER. The question is on concurring in the Senate amendment 58 with an amendment.
- The question was taken, and the motion was agreed to.

  The SPEAKER. The Clerk will report the next amendment,
- Senate amendment 62.
  - The Clerk read as follows:
- (62) In order to promote economy in the distribution of supplies, and in auditing and accounting, the Postmaster General may designate districts and central offices in such districts through which supplies shall be distributed and accounts audited, but in no case shall the postmaster at the central station be given authority to abolish offices, to change officers or employees in offices included in such district.
- Mr. MONDELL. Mr. Speaker, I offer a preferential motion, I move that the House recede from its disagreement to the Senate amendment No. 62 and agree to the same.
- Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question on the motion. We have debated it for an hour or two. Mr. MONDELL. I think I was on my feet.
  - Mr. BYRNS of Tennessee. But I had the floor.
- Mr. AUSTIN. If the gentleman from Wyoming speaks in favor of his motion, some of us ought to have an opportunity to speak in opposition to it.
- Mr. BYRNS of Tennessee. I will say that we have discussed this, I think, until every Member of the House thoroughly understands if
- Mr. STEENERSON. But there has been something discovered since.

- Mr. MONDELL. Will the gentleman from Tennessee yield me five minutes?
- Mr. BYRNS of Tennessee. I will yield to the gentleman from Wyoming five minutes.
- Mr. MONDELL. Mr. Speaker, Senate amendment 62, found on page 120 of the bill, is identical with the provision which the House adopted on this subject and placed on the Post Office appropriation bill, with the exception of one word. The change is not material. In the language adopted on the Post Office bill the words "accounts rendered" were used and in the Senate amendment the words "accounts audited." The effect is exactly the same. This is the language in relation to accounting. The House has agreed to provide a central accounting office, and if my motion prevails we will again have declared our purpose in the form that it was declared the other day, and we shall have declared our opposition to branch post offices.
- Mr. STEENERSON. If the motion of the gentleman is adopted, will the language be the same as it is in the Post Office bill which is now in conference?
- Mr. MONDELL. Except the word "audited."
  Mr. STEENERSON. I hope Members all understand that. If
  the motion is carried it leaves the provision substantially as now in the Post Office bill which is in conference. That is what the
- Mr. MANN. And it keeps out any possibility of putting in, in any form, the branch post offices?
  Mr. STEENERSON. Yes.
- The SPEAKER. The gentleman from Tennessee moves the previous question.
  - The previous question was ordered.
- The SPEAKER. The question now is on the motion of the centleman from Wyoming to recede from the disagreement to the Senate amendment 62 and concur in the same.
- The question was taken; and on a division (demanded by Mr. Mondell and Mr. Cox) there were 106 ayes and 12 noes
- Mr. DILL. Mr. Speaker, I make the point that there is no quorum present.
- The SPEAKER. The gentleman from Washington makes the
- point of no quorum, and the Chair will count.

  Mr. DILL (during the count). Mr. Speaker, I was under a misapprehension, and I withdraw the point of no quorum.
- The SPEAKER. The gentleman from Washington withdraws his point of no quorum. The motion is agreed to, and the Clerk will report the next amendment.
  - The Clerk read as follows:
- The Clerk read as follows:

  On page 52, strike out all of section 7, beginning with line 3 and ending with line 18, and insert the following:

  "Sec. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1.000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

  Mr. BYRNS of Tennessee. Mr. Speaker, I move that the
- Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment 71.
  - Mr. MANN. Mr. Speaker, I desire to be heard upon that.
- Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].
- Mr. MANN. Mr. Speaker, I am in favor of the motion of the gentleman from Tennessee [Mr. Byrns] that the House further insist upon its disagreement to the Senate amendment. The other day the House agreed to the conference report upon the Indian appropriation bill, which carried the Appropriation Committee's provision in reference to increased compensation. The other day the Senate disagreed to the conference report upon the Agricultural bill, which carried a compromise between the Smoot amendment and the House Committee on Appropriations' proposition. Of course, it is not permissible to refer to the debates in the Senate, and, although I have read the debates, I shall not refer to them. But I want to say, so that others may hear and read, that the House can be just as stubborn as any other legislative body. [Applause.] passed this proposition. The Senate passed the Smoot amendment. The Senate has rejected a compromise, and apparently by its action sent to the House proposes to insist upon the original Smoot amendment. I am told by gentlemen that the Senate will never agree to anything but the Smoot amendment. I have told some gentlemen that, in my opinion, the House never would agree to the Smoot amendment. [Applause.] gentlemen in the Senate of the United States want to take the

Dempsey Denison

Dent Dickinson Dillon Dooling Doolittle

Doughton Dowell Driscoll

Eagle Edmonds Ellsworth Elston

Emerson Emerson Esch Evans Fairchild Farley Ferris

Fitzgeral

Focht Fordney Foss Foster

Frear Freeman Fuller Gailaghei Gallivan

Gandy Gardner Garland

Garrett Gillett

Good Goodwin

Gray, Ala Gray, N. Green, Io

Greene, M Greene, V

Guernsey

Hadley Hamilton Hamilton

Haskell

Dunn Dupré Dyer Eagan

responsibility of shutting off the supplies of the Government for its continuance, let them assume that responsibility. I am not willing that the House shall write itself down as a mere annex, a vermiform appendix, to the Senate of the United States. [Applause.] Some gentlemen may think that the only legislative wisdom rests in the Senate of the United States. I do not. When we are met with a proposition that the House and the Senate conferees instead of compromising on a matter and the Senate conferees instead of compromising on a matter between them must give the Senate its way, and that the House shall be compelled under a threat to yield to the Senate I shall meet the threat and fight. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield to the gentleman from New York [Mr. FITZGERALD] for five minutes.

Mr. FITZGERALD. Mr. Speaker, this is no time to be getting into a warlike mood. There should be an air of peace and calm over the House. Members should keep cool. The impor-

calm over the House. Members should keep cool. The impor-tant thing for the House of Representatives to do is to transact the public business and to adjust the differences that may exist between the Houses and finish the work of this session by the 4th of March. I am willing to go as far as any Member of this House in insisting upon the provision that originated in the Committee on Appropriations, at my suggestion, for the increase in the compensation of the Federal employees, but I am not prepared to announce now that I intend to be so stubborn as to bring about a situation that will result in an extra session of Congress unless we can increase the compensation of Federal employees. For the first time in a service of 18 years the Senate of the United States has apparently taken a position against increasing the compensation of employees because of the very great burden it will place upon the Treasury of the United States, and I do not intend to act in such a way as forever to discourage the Senate from taking such a position again. [Laughter.] It may not take very much resistance upon our part to kill right in the beginning what promises to be the most hopeful sign of reform in the Federal Government in the last two decades, and while I am ready to do what may be possible, and while I hope that the managers representing the House on these various conferences may have such persuasive powers as will bring the managers of the Senate to see the light of reason and to harmonize our difference, I am unwilling to announce to the House, I am unwilling to have this side of the House assert, that it will insist upon having its way in the matter of omnibus increases of compensation to Federal employees at the risk of an extra session of Congress. Mr. Speaker, so that there may be no misunderstanding, if I am put to a choice between an extra session of Congress and increasing the compensation of Government employees, the Government employees will lose my support. [Applause.]

Mr. MANN. I offer a preferential motion. I move that the

House concur in the Senate amendment. I am not going to vote

for my motion, but it is in order.

The SPEAKER. The gentleman from Illinois makes a preferential motion that the House concur in the Senate amendment

No. 71. .
The question was taken.

Mr. MANN. Mr. Speaker, on that I demand the yeas and

The yeas and navs were ordered.

The question was taken; and there were—yeas 61, nays 283, answered "present" 1, not voting 88, as follows:

#### YEAS-61.

Adamson	Fields	Johnson, Ky.	Rubey
Almon	Garner	Kincheloe	Shackleford
Barkley	Godwin, N. C.	Langley	Shallenberger
Barnhart	Gordon	Mays	Sherley
Bell '	Gray, Ind.	Montague	Sisson
Borland	Hamlin	Morrison	Stephens, Miss.
Burgess	Hardy	Murray	Stephens, Tex.
Candler, Miss.	Harrison, Va.	Norton	Taylor, Colo.
Carter, Okla.	Hastings	Oliver	Thomas
Clark, Fla.	Hayden	Padgett	Tillman
Cline	Helm	Park	Wingo
Cox	Henry	Quin	Wise
Cullop	Hensley	Rainey	Young, Tex.
	Hull, Tenn.	Rauch	
Dies		Rayburn	
Dill	Jacoway		
Dixon	James	Rouse	
	NA.	YS-283.	
Abercrombie	Black	Byrnes, S. C.	Collier
Adair	Blackmon	Byrns, Tenn.	Connelly
Aiken	Booher	Caldwell	Cooper, Ohio
Alexander	Bowers	Campbell	Cooper, W. Va.
Allen	Britt	Cannon	Copley
Anderson	Britten	Cantrill	Cramton
Anthony	Browne	Carew	Crisp
Ashbrook	Browning	Carlin	Crosser
Aswell	Bruckner	Cary	Dale, N. Y.
Austin	Brumbaugh	Chiperfield	Dale, Vt.
Ayres	Burke	Church	Dallinger
Bacharach	Burnett	Coady	Darrow
Bennet	Butler	Coleman	Davis, Tex.
Denner	Dutter	Coleman	water, were

	Haugen	McLaughlin	Siegel
	Hawley	McLemore	Sims
	Hayes	Madden	Sinnott
	Heaton	Magee	Slemp
1	Heffin	Mann	Sloan
	Helgesen	Mapes	Small
	Helvering	Martin	Smith, Idaho
	Hernandez	Meeker	Smith, Mich.
	Hilliard	Miller, Del.	Smith, Minn.
THE CAN	Holland	Miller, Minn.	Smith, Tex.
	Hollingsworth	Miller, Pa.	Snell
	Hood	Moon	Snyder
	Hopwood	Moore, Pa.	Sparkman
	Houston	Moores, Ind.	Stafford
	Howard	Morgan, Okia.	Steagali
	Howell	Morin	Stedman
	Huddleston	Moss	Steele, Iowa
1	Hull, Iowa	Mott	Stephens, Nebr.
	Humphreys, Miss.	Mudd	Sterling
	Hutchinson	Neely	Stiness
	Johnson, S. Dak.	Nelson	Stone
	Johnson, Wash.	Nichols, Mich.	Sulloway
	Kahn	North	Sumners
	Keating	Oldfield	Sutherland
	Keister	Olney	Sweet
	Kelley	O'Shaunessy	Swift
d	Kennedy, Iowa	Overmyer	Switzer
	Kent	Page, N. C.	Taggart
	Key, Ohio	Paige, Mass.	Tague
	Kiess, Pa.	Parker, N. Y.	Talbott
	King	Peters	Tavenner
	Kinkaid	Phelan	Taylor, Ark.
	Kitchin	Platt	Temple
	Konop	Pou	Thompson
	Kreider	Powers	Tilson
r.	La Follette	Pratt	Timberlake
	Lazaro	Price	Tinkham
	Lee	Ragsdale	Towner
	Lenroot	Raker	Treadway
	Lesher	Ramseyer	Van Dyke
	Lever	Randall	Venable
	Lieb	Reavis	Vinson
	Liebel	Reilly	Walker
	Linthicum	Ricketts	Ward
	Littlepage	Riordan	Wason
Ark.	Lloyd	Roberts, Mass.	Watkins
1.	London +	Roberts, Nev.	Watson, Pa.
J.	Longworth	Rodenberg	Watson, Va.
wa	McAndrews	Rogers	Wheeler
lass.	McArthur	Rowe	Williams, T. S. Williams, W. E.
7t.	McClintie	Russell, Mo.	Williams, W. E.
	McCracken	Russell, Ohio	Wilson, III.
	McCulloch	Sanford	Wilson, La.
	McDermott	Saunders	Wood, Ind.
	McFadden	Schall	Woods, Iowa
, Mich.	McGuillicuddy	Scott, Mich.	Woodyard
N. Y.	McKellar	Sells	Young, N. Dak.
	McKinley	Sherwood	
		PRESENT "-1.	
	Stool	nerson	

#### Steenerson NOT VOTING SE

THE RESERVE THE PARTY OF THE PA	1101 10.	11110-00.	
Bailey Barchfeld	Dewalt Doremus	Jones Kearns	Patten Porter
Beakes	Drukker	Kennedy, R. 1.	Rowland
Beales	Edwards	Kettner	Rucker, Ga.
Benedict Buchanan, Ill.	Estopinal	Lafean Lehlbach	Rucker, Mo.
Buchanan, Tex.	Farr Flynn	Lewis	Sabath Scott, Pa.
Callaway	Gard	Lindbergh	Scully Scully
Capstick	Gould	Lobeck	Sears
Caraway	Graham	Loft	Shouse
Carter, Mass.	Griffin	Loud	Slayden
Casey	Hamill	McKenzie	Smith, N. Y.
Chandler, N. Y.	Harrison, Miss.	Maher	Steele, Pa.
Charles Conry	Hart Hicks	Matthews Mondell	Stout Vare
Cooper, Wis.	Hill	Mooney	Volstead
Costello	Hinds	Morgan, La.	Walsh
Crago	Hughes	Nicholls, S. C.	Webb
Curry	Hulbert	Nolan	Whaley
Danforth	Humphrey, Wash.	Oakey	Williams, Ohio
Davenport -	Husted	Oglesby	Wilson, Fla.
Davis, Minn.	Igoe	Parker, N. J.	Winslow

So the motion to concur was rejected. The Clerk announced the following additional pairs:

Mr. Igoe with Mr. Walsh. Mr. Webb with Mr. Danforth, Mr. Gard with Mr. Volstead.

Mr. Sears with Mr. Oakey.
Mr. Smith of New York with Mr. Barchfeld.
Mr. Buchanan of Illinois with Mr. Chandler of New York.

Mr. DAVENPORT with Mr. COSTELLO.

Mr. Jones with Mr. Hinds.

Mr. Maher with Mr. McKenzie. Mr. Bailey with Mr. Mooney. Mr. Callaway with Mr. Scott of Pennsylvania.

Mr. Caraway with Mr. Williams of Ohio.
Mr. Casey with Mr. Parker of New Jersey.
Mr. Edwards with Mr. Beales.
Mr. Griffin with Mr. Cooper of Wisconsin.

Mr. Harrison of Mississippi with Mr. Crago. Mr. KETTNER with Mr. Davis of Minnesota.

Mr. Lewis with Mr. Drukker.

Mr. LOBECK with Mr. FARR.

Mr. Morgan of Louisiana with Mr. Gould.

Mr. Nicholls of South Carolina with Mr. Husted.

Mr. OGLESBY with Mr. Hopwood.

Mr. Rucker of Georgia with Mr. Loud. Mr. Steele of Pennsylvania with Mr. Mondell.

Mr. HART with Mr. ROWLAND. Mr. FARR. I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. FARR. No; not within hearing.
The SPEAKER. The gentleman does not bring himself within the rule, and he can not vote.

Mr. Speaker, I desire to vote "no." Mr. CRAGO.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. CRAGO. No.

The SPEAKER. The gentleman does not bring himself within

Mr. HARDY. Mr. Speaker, I want to be recorded as saying voted twice. I misunderstood the name, which I think was FARLEY, and answered "Aye," and later when again my name was called I answered "Aye" also. I want to record it, so that if Mr. FARLEY is recorded as voting and is not here, that is the reason why

The SPEAKER. If the gentleman voted twice that is doing

pretty well.

Mr. RUCKER of Georgia. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman listening when his name was called or should have been called?

Mr. RUCKER of Georgia. No, sir; I was trying to get here.

The SPEAKER. The gentleman can not vote.

The result of the vote was announced as above recorded. The SPEAKER. The question is on the motion of the gentleman from Tennessee to insist further on the disagreement to Senate amendment No. 71.

The question was taken, and the motion was agreed to.

The SPEAKER. The question is on the other part of the motion of the gentleman from Tennessee to ask for a conference.

The question was taken, and the motion was agreed to. The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. Byrns of Tennessee, Mr. Sisson, and Mr. Good.

SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. The Chair assigns Mr. Lever, of South Carolina, to preside Sunday over the funeral services.

#### LEAVES OF ABSENCE.

By unanimous consent, leaves of absence was granted as follows:

To Mr. Conry, for to-day, on account of illness. To Mr. Parker of New Jersey, for to-day and to-morrow, on account of death in the family.

CONFERENCE REPORT ON DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the District of Columbia appropriation bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

The SPEAKER. The Clerk will read the report.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to have the statement read in lieu of the report. Is there objection? [After a pause.] The Chair hears The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

# CONFERENCE REPORT (NO. 1515).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14,

30, 32, 43, 44, 46, 51, 54, 55, 62, 71, 85, 89, and 96.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 35, 36, 37, 39, 40, 41, 42, 45, 47, 48, 52, 53, 56, 57, 58, 59, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 90, 92, and 95, and agree to the same.

Amendment numbered 13: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 13, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In the matter inserted by said amendment insert the following:

In connection with the item contained in the District of Columbia appropriation act for the fiscal year 1917 providing for repaying with asphalt the roadway of Fourteenth Street NW. from Pennsylvania Avenue to F Street, 70 feet wide, the owners of the abutting property are hereby required to modify the roofs of the vaults now under the sidewalk on said street between the limits named, at their own expense, so as to permit the widening of the roadway of said street to 70 feet."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$30,000"; and

the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$82,415"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For matrons in the normal and high schools, including the following: Wilson Normal, Miner Normal, New Central High, Dunbar High, Business High, Western High, Eastern High, McKinley Manual Training, and Armstrong Manual Training, nine in all, at \$500

each, \$4,500"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "90 additional privates of class one, at \$900 each, to be employed on or after March 1, 1917, \$108,000, \$27,000 of which sum to be immediately available, and the provision in the District of Columbia appropriation act for the fiscal year 1913 which provides 'After June 30, 1912, there shall be no appointments, except by promotion, to fill vacancies occurring in classes 1, 2, and 3 of privates in the Metropolitan police until the whole number of privates in all of said classes shall have been reduced to 640,' is hereby repealed"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,073,618.66"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "serologist, \$2,500"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$76,540"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow the words "water service" on page 88 of the bill in line 14; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment strike out the word "continuously" and insert in lieu thereof the word "regularly," and in the same line strike out the word "thirty" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94. and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment after the word "Congress," insert the following: "Potomac Park"; and the Senate agree to the same.

The committee on conference have been unable to agree on the amendments of the Senate numbered 8, 16, 76, 87, 88, 97, and 98.

ROBERT N. PAGE, Jas. McAndrews, C. R. Davis, Managers on the part of the House. JOHN WALTER SMITH, Jos. T. ROBINSON, Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report

as to each of the said amendments, namely:

On Nos. 1, 2, 3, 4, and 7, relating to the assessor's office: Creates a license bureau, with a superintendent of licenses at \$2,000 a year, who shall also be secretary to the automobile board without additional compensation; transfers to the superintendent of licenses, on and after July 1, 1917, the authority, duties, discretion, and powers now vested by law in the assessor with respect to licenses; omits, as proposed by the Senate, the position of secretary or acting secretary of the automobile board at \$300; transfers from the assessor's office to the license bureau the following employees: One clerk, at \$1,400; one clerk, at \$1,200; one clerk, at \$1,000; one inspector of licenses, at \$1,200; and one assistant inspector of licenses, at \$1,000, and transfers a clerk, at \$900, from the office of the Engineer Commissioner; repeals, as proposed by the Senate, so much of existing law as provides that the assessor of the District of Columbia and members of the permanent board of assistant assessors shall not be removed except for inefficiency, neglect of duty, or malfeasance in office; provides, as proposed by the Senate, for the transfer of records and accounts relating to the bookkeeping, accounting, and collection of taxes from the office of the assessor to the office of the collector of taxes.

On No. 5: Provides, as proposed by the Senate, that no portion of the appropriation for the excise board shall be used to pay the salary of any member of the board whose nomination has

been rejected by the Senate.

On Nos. 6 and 90: Provides for three members of the board of examiners of steam engineers at \$300 each, as proposed by the Senate, and strikes out the language, proposed by the House, requiring the master mechanic of the water department to act as a member of the board without additional compensation.

On No. 9: Provides, as proposed by the Senate, that the property occupied by the Daughters of the American Revolution shall be exempt from taxation so long as it is so occupied and used, and appropriates \$99.19 to refund taxes paid upon the said

On Nos. 10 and 11, relating to the office of the recorder of deeds: Appropriates \$5,409, as proposed by the Senate, for the purchase and exchange of 25 book-bound recording typewriters and desks; and authorizes the recorder to increase the amounts, paid from the fees of his office, to the persons engaged in copying instruments filed for record.

On Nos. 12 and 13: Provides, as proposed by the Senate, that the fee for licensing and registration of motor vehicles of more than 30 horsepower shall be \$10; inserts the paragraph for a reciprocal arrangement between the District of Columbia and the States concerning the registration of motor vehicles and the licensing of operators of motor vehicles, and provides, as proposed by the House, that after July 1, 1917, the commissioners shall have the power to make regulations governing the speed of motor vehicles in the District of Columbia.

On No. 14: Strikes out the appropriation of \$500, proposed by the Senate, for repairs to the Eastern and Western Markets.

On No. 15: The language, proposed by the Senate, relating to the appropriation of \$7,500 for repaving the roadway of Fourteenth Street NW. from Pennsylvania Avenue to F Street, 70 feet in width, is modified to require abutting property owners to change the roofs of the vaults under the sidewalks on said street between the limits named at their own expense so as to permit the widening of the roadway to 70 feet. On Nos. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 appropriates, as proposed by the Senate, for the construction of the following

suburban roads: Longfellow Street from Fifth Street to Con-cord Avenue (formerly Oregon Avenue), Concord Avenue from Longfellow Street to Kennedy Street, and Kennedy Street from by the Senate, and strikes out the provision for a scientific

Concord Avenue to First Street NE., \$25,800; Concord Avenue from First Place NW. to Blair Road NE., \$2,900; South Dakota Avenue, Bladensburg Road to Baltimore & Ohio Railroad, \$4,000; Vista Street, South Dakota Avenue to Franklin Street, \$5,100; Albemarle Street from Connecticut Avenue to Thirty-eighth Street, \$8,000; Wyoming Avenue between Twenty-third and Twenty-fourth Streets, \$3,600; Thirty-third Street, Rittenhouse Street to Pinehurst Circle, \$12,600; Sixty-first Street, East Capitol Street to Eastern Avenue, \$20,000; Belmont Street, Sixteenth Street to Crescent Place, \$7,500; Crescent Place, east of Belmont Street to end of pavement, \$2,400.

On No. 28: Provides, as proposed by the Senate, that the District Commissioners shall suspend proceedings for the condemnation of lands for the widening of Woodley Road until further

action by Congress.

On No. 29: Provides, as proposed by the Senate, that hereafter in all proceedings for the opening, extension, widening, or straightening of alleys and minor streets, and for the establishment of building lines in the District of Columbia the condemnation jury shall not be restricted as to the assessment

On No. 30: Strikes out the appropriation of \$10,000, proposed by the Senate, for painting and repairing the Highway Bridge.

On No. 31: Inserts the appropriation of \$65,000, proposed by the Senate, for constructing a bridge on the line of South Dakota Avenue over the tracks of the Baltimore & Ohio Rail-

On No. 32: Strikes out the appropriation of \$35,000, proposed by the Senate, for a bathing beach at the Tidal Basin.

On Nos. 33 and 34: Appropriates \$30,000, instead of \$36,000 as proposed by the Senate, for the purchase of additional land

for a playground site.

On Nos. 35, 36, and 37, relating to the electrical department: Appropriates \$4,700 as proposed by the Senate, instead of 4,000 as proposed by the House, for the purchase and installation of 20 fire-alarm boxes; appropriates \$9,000 as proposed by the Senate, instead of \$7,500 as proposed by the House, for the erection of a storehouse; and inserts the paragraph, proposed by the Senate, requiring the Potomac Electric Power Co. to remove the poles and overhead wires owned and used by it on Water Street, between Sixth and Fourteenth Streets SW., and

to install an underground system.

On Nos. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48, relating to the public schools: Provides for matrons in the normal and high schools, 9 in number, at \$500 each, instead of 19 in number, as proposed by the Senate; appropriates \$1,000, as proposed by the Senate, for transportation of pupils attending schools for tubercular children; inserts the provision, proposed by the Senate, admitting children of officers and men of the Army and Navy stationed outside of the District of Columbia to the public schools without paying tuition; appropriates \$96,000, as proposed by the Senate, for additional ground and an eight-room addition to the Wheatley School; \$90,000 for an eight-room addition to the Takoma School; \$5,500 for toilet rooms on the site of the Woodburn School building; strikes out the appropria-tions, proposed by the Senate, of \$97,000 for additional land and an eight-room addition for the Buchanan School and \$12,000 for additional land at the Emery School; strikes out the provision, inserted by the Senate, authorizing the use of unexpended balances of appropriations for the purchase of sites for buildings for use in cleaning up, grading, etc., of such sites; modifies the paragraph relative to solicitation of subscriptions or donations from pupils, as proposed by the Senate, so as to require the board of education, upon recommendation of the superintendent of schools, to authorize the purposes for which such subscriptions may be solicited; and removes, as proposed by the Senate, the restriction limiting the appropriation for instruction of blind children to "indigent" blind children.
On Nos. 49, 50, 51, 52, 58, 54, and 55, relating to the police

department: Provides for 90 additional privates at \$900 each from March 1, 1917, instead of 100 as proposed by the Senate; strikes out the paragraph, inserted by the Senate, granting 30 days' annual and 30 days' sick leave, with pay, to employees of the police department; appropriates \$40,000 as proposed by the Senate, instead of \$32,500 as proposed by the House, for a station house between the ninth and tenth precincts; strikes out the appropriation of \$2,000, proposed by the Senate, for a gasoline launch for the harbor patrol.

On Nos. 56, 57, 58, and 59, relating to the fire department: Increases the pay, as proposed by the Senate, of assistant engi-

neers, assistant marine engineers, and assistant drivers.
On Nos. 60, 61, 62, 63, 64, 65, 66, and 67, relating to the health department: Appropriates \$2,500 for a serologist, as proposed

assistant at \$1,200; strikes out the language, inserted by the Senate, making the appropriation of \$500 for a new refrigerating machine, immediately available; appropriates \$1,200, as proposed by the Senate, for apparatus, equipment, and supplies for the biological and serological diagnosis of disease; appropriates \$10,000 and \$6,500, respectively, for isolating wards, at Garfield and Providence Hospitals, instead of \$7,000 and \$5,000, respectively, as proposed by the House; appropriates \$4,000, as proposed by the Senate, for repairs and alterations of a building

for use as a laboratory of the health department.

On Nos. 68 and 69: Increases the amount for contingent expenses of the probation system from \$500 to \$650 as proposed by

the Senate.

On No. 70: Changes the designation of the "Government Hospital for the Insane" to "Saint Elizabeths Hospital" in the paragraph appropriating for "writs of lunacy."

On No. 71: Strikes out the language, inserted by the Senate, permitting surplus revenues of the District of Columbia to be credited to the interest and sinking fund for application to the funded debt.

On No. 72: Appropriates \$3,750, as proposed by the Senate, for additional expenses for the supreme court made necessary by the occupancy of temporary quarters during the reconstruction of the old courthouse.

On No. 73: Appropriates \$25,000, as proposed by the Senate, instead of \$20,000 as proposed by the House, for the care of indigent patients in the Columbia Hospital.

On No. 74: Appropriates \$17,000, as proposed by the Senate, instead of \$16,000 as proposed by the House, for care of indigent patients in the Children's Hospital.

On No. 75: Appropriates \$26,000, as proposed by the Senate, instead of \$20,000 as proposed by the House, for care of indigent

patients in the Emergency Hospital.

On Nos. 77, 78, 79, and 80, relating to the Board of Children's Guardians: Provides for an additional investigating and placing officer at \$1,200, and one additional at \$900, as proposed by the

On No. 81: Requires, as proposed by the Senate, that the cottage authorized for the Industrial Home School for Colored

tage authorized for the Industrial Home School for Colored Children shall accommodate 25 or more boys.

On Nos. 82 and 83: Appropriates \$5,000 and \$1,500, respectively, for the national library for the blind and the Columbia Polytechnic Institute, as proposed by the Senate.

On No. 84: Appropriates \$21,200, as proposed by the Senate, instead of \$16,900, as proposed by the House, for rent for the militia, and authorizes the commanding general to make a contract or contracts for the lease of suitable quarters.

On Nos. 85 and 86 relating to the Appropriate River and Flats:

On Nos. 85 and 86, relating to the Anacostia River and Flats: Appropriates \$300,000, as proposed by the House, instead of \$400,000, as proposed by the Senate, and inserts the language, proposed by the Senate, for acquiring additional land for highway and park purposes, and authorizes the Secretary of War to adjust the boundaries and exchange lands with the Phila-

delphia, Baltimore & Washington Railroad Co. On Nos. 89, 91, and 92, relating to the water service: Strikes out the language, proposed by the Senate, making the appropriation for water meters "immediately available and available until expended"; appropriates \$26,600, as proposed by the Senate, for 16-inch mains in Reservoir Street and New Cut Road to Conduit Road NW., to be payable half and half instead of from the water revenues; inserts the language, proposed by the Senate, authorizing the commissioners to deliver water from the mains of the District of Columbia to the Wash-

ington Suburban Sanitary Commission.

On No. 93: Inserts the paragraph, proposed by the Senate, granting leave of absence with pay to per diem employees on legal holidays, modified so that to receive pay for legal holidays such employees must have been regularly employed for 15 working days next preceding the legal holiday.

On No. 94: Inserts section 7, proposed by the Senate, authorizing the Chief of Engineers to grant permission to the Women's Titanic Memorial Association to erect a memorial on the public grounds of the United States, other than the grounds of the Capitol, the Library of Congress, Potomac Park, and the White

On No. 95: Inserts section 8, proposed by the Senate, authorizing the commissioners to revoke the licenses of junk dealers who receive piping or fixtures or secondhand goods, stolen and delivered to them, if in the judgment of the commissioners the dealer had reasonable ground to believe that the goods were

On No. 96: Strikes out section 9, inserted by the Senate, relative to the distribution of taxes and assessments upon tracts of land portions of which are sold or to be sold or subdivided.

The committee of conference have been unable to agree on the following amendments:

On No. 8: Appropriating \$2,400 for the enforcement of the child-labor law.

On No. 16: Appropriating \$3,820 to pay Thomas W. and Alice N. Keller.

On No. 76: Relating to the Gallinger Municipal Hospital.
On No. 87: Appropriating \$87,000 for a park in Klingle Valley.
On No. 88: Appropriating \$2,000 for plans for a bridge across Klingle Valley on Connecticut Avenue.

On No. 97: Relating to the tax on intangible personal property. On No. 98: Providing for additional compensation during the fiscal year 1918 to all of the employees provided for in the bill.

ROBERT N. PAGE. JAS. MCANDREWS, C. R. DAVIS,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report

Mr. KEATING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it. Mr. KEATING. Mr. Speaker, I desire to get a chance to make a motion to concur in Senate amendment numbered 8. Will I have that chance after this vote has been taken?

The SPEAKER. Not if the vote is taken; no.

Mr. PAGE of North Carolina. I will say to the gentleman that amendment No. 8 is not included in the report. It is in disagreement and will come up after the adoption of the conference report

Mr. LINTHICUM. I would like to ask in regard to amend-

ment No. 16.

Mr. PAGE of North Carolina. That is in disagreement also. Mr. LINTHICUM. And I will have a chance to move to concur in that?

Mr. PAGE of North Carolina. Yes.

Mr. AUSTIN. I want to ask the same question in regard to amendment No. 97.

Mr. MONTAGUE. I desire to ask the gentleman with refer-

ence to amendment No. 76.

Mr. PAGE of North Carolina. If the gentleman will allow me, amendment No. 76 is in disagreement and is not included in the report.

Mr. MONTAGUE. And the same privilege will be recorded

reference to that?

Mr. PAGE of North Carolina. Yes.

Mr. AUSTIN. And amendment No. 97 also? Mr. PAGE of North Carolina. What is that?

Mr. AUSTIN. Amendment No. 97 in reference to intangible

property?
Mr. PAGE of North Carolina. Amendment 97 is also in disagreement

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further disagree to Senate amendment No. 8.

The SPEAKER. The gentleman from North Carolina moves

that the House further disagree to Senate amendment No. 8.

Mr. KEATING. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that Senate amendment No. 76 be considered first.

The SPEAKER. The Chair did not understand a word the

gentleman said. Mr. FOSTER. I ask that Senate amendment No. 76 may

be considered first. Mr. PAGE of North Carolina. Mr. Speaker, I object.

Mr. FOSTER. Mr. Speaker, I ask this simply as a favor as

I am compelled to go away.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider amendment 76 first. Is there objection?

Mr. PAGE. of North Carolina. Mr. Speaker, I object.

The SPEAKER. The gentleman from North Carolina objects, and the question is on the motion of the gentleman from Colorado.

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman from Colorado [Mr. Keating] desires to be heard on his motion to concur in Senate amendment No. 8. I yield to him five minutes

The SPEAKER. The gentleman from Colorado [Mr. Keat-ING] is recognized to make some remarks, and all other gentlemen will please refrain from them.

Mr. KEATING. Mr. Speaker, amendment No. 8 has to do with the enforcement of the child-labor laws in the District of Columbia. At the present time the task of enforcing these laws is assigned to two privates from the Washington police force, and the Senate has inserted an amendment providing that two inspectors shall be appointed at salaries of \$1,200 a year. An effort to secure this amendment has been made on a number of occasions, and the House conferees have persistently refused to concur.

Mr. SMITH of New York. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. SMITH of New York. Do not these policemen act as

truant officers?

Mr. KEATING. I do not know, but I do know that two privates from the Washington police force are expected to enforce the child-labor laws in the District of Columbia. The Senate amendment has been urged by various civic organizations and others interested in this work, including, as I understand it, the judge of the juvenile court. Now, my contention is that if these police officers are good men they are needed on the police force to perform the duties of policemen. If we are to keep the child-labor laws of this District on the statute books we should do here what they have done in most of the States, provide a proper system of inspection and proper methods of enforcement. I hope the House will insist on concurring in the Senate amendment, which provides for the appointment of inspectors.

I yield back the balance of my time.

The SPEAKER. The gentleman yields back three minutes.

Mr. PAGE of North Carolina. Mr. Speaker, referring to what the gentleman from Colorado [Mr. Keating] has said, since this child-labor law in the District of Columbia was placed on the statute books it has been enforced by two privates from the Metropolitan police force. These men have now been for three or four years in this employment, and the result of the adoption of the Senate amendment would lead to the employment of two additional persons. The statement made by the gentleman from Colorado that these privates were needed back on the force of the Metropolitan police can hardly be berne out in face of the fact that the House has just adopted the conference report that adds to the Metropolitan police force 90 privates

Mr. KEATING. Will the gentleman yield?

Mr. PAGE of North Carelina. Yes.

Mr. KEATING. The gentleman has no desire to misquote me, and perhaps I was unfortunate in the way I expressed myself. What I endeavored to say was this, that if these men are policemen, if they are good policemen, put them back to the work which they were intended to perform, and let us have inspectors who are especially fitted to enforce the child-labor

Mr. PAGE of North Carolina. Up to four years ago these gentlemen were on the Metropolitan police force, but whether as privates or otherwise, I do not know. But their employment for the last four years has been in the enforcement of the child-labor law on the statute books, and now that is their employment, and I think they ought to be continued and that we ought not to make two additional employments. I have no more to say

Mr. BUTLER. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes. Mr. BUTLER. Now, is there complaint that this law is not

well enforced?

Mr. PAGE of North Carolina. I have heard no complaint except from certain sources that possibly are interested in the two new employments that would be given if this amendment is

Mr. KEATING. I assume responsibility for it, and say, yes.
Mr. BUTLER. Is it necessary to increase the force in order
to enforce the provisions of this child-labor law? I want to see it well enforced.

Mr. PAGE of North Carolina. It would give employment to two people who might be selected outside of the classified service if this amendment is agreed to.

Mr. FOSTER. Are these men who have been doing this work

for six years especially detailed to this work?

Mr. PAGE of North Carolina. They have done nothing else, and I should say they have been trained and that they are perfectly familiar with the law and its enforcement.

Mr. FOSTER. They do not change them about, and let them

act as policemen for a while and then go back?

Mr. PAGE of North Carolina. The same people have been assigned to the enforcement of this law since it was passed, which, I am informed by the clerk, was six years ago, and they have been in that employ constantly for six years.

Mr. HARDY. Mr. Speaker—— Mr. PAGE of North Carolina. I yield to the gentleman from

Mr. HARDY. Did I understand the gentleman from North Carolina to say that practically these are inspectors, who also have the authority to make an arrest in case it is needed?

Mr. PAGE of North Carolina. Certainly. They have the authority that is conferred in the child-labor law, and they are also members of the Metropolitan police force.

Mr. HARDY. And their work has been this inspection work? Mr. PAGE of North Carolina. For six years, since the law

was put on the statute books. The SPEAKER. The question is on the motion of the gentle-man from Colorado [Mr. Keating] to concur in Senate amend-

ment No. 8

The question was taken, and the Speaker announced that the noes seemed to have it.
Mr. KEATING. Division, Mr. Speaker.

The House divided; and there were—ayes 13, noes 71.

Mr. KEATING. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Colorado [Mr. Keating] makes the point of no quorum. The Chair will count.

[The Speaker proceeded to count.]
Mr. KEATING (during the count). Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The ayes are 13, noes 71. So the amend-

ment to concur is rejected.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the

House further insist on its disagreement to Senate amendment No. 16.

The SPEAKER. The gentleman from North Carolina moves that the House further insist on its disagreement to Senate amendment No. 16.
Mr. LITTLEPAGE. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from West Virginia rise?

Mr. LITTLEPAGE. To move that the House concur in Senate amendment No. 16.

The SPEAKER. The gentleman from West Virginia [Mr. LITTLEPAGE] moves that the House concur in Senate amendment No. 16.

Mr. PAGE of North Carolina. Mr. Speaker, the amendment numbered 16 reads as follows:

Damages and payment for ground on account of condemnation proceedings: To pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, \$3,820.

Mr. Speaker, this item has occurred in every District of Columbia appropriation bill for the last four years. It grows out of proceedings in condemnation by a jury appointed under the law in the District of Columbia for the establishment of a building line in Thirteenth Street, adjoining Park Road. persons mentioned here were a part of those against whom damages were assessed and in whose behalf benefits were allowed, the jury returning this verdict. Some of those who were involved in the property against which damages were placed appealed to the court, to the proper court of the District of Columbia, from the verdict of the jury. The case was heard in due course in court, and the verdict of the jury was con-These defendants accepted the verdict of the court, firmed. certainly by not taking an appeal, as they had a right, to a higher court.

The evidence also shows that they accepted the verdict of this court by paying one of the three annual assessments that had been made against them without complaint. But time elapsed; several years have elapsed; and, instead of paying the two additional assessments, having lost and not having taken advantage of the opportunity to appeal to a higher court from the verdict of this jury, they undertake in an appropriation bill to collect a claim, if it is anything, against the District of Columbia.

Now, I want to say to the membership of this House that it will not be my lot to handle this District of Columbia appropriation any more, but somebody else will handle it, and there are claims, not less than a thousand of them, on the same basis as this, and if this is allowed on an appropriation bill, repealing a judicial decision of a court in the District of Columbia, then you will have a thousand, if you deal out equity—a thousand claims that will find their way into this bill—and you will be confronted with them.

I know that there is not a Member of this House, certainly not a Member on this side of the House, who has not had a personal appeal made to him by somebody at the other end of the Capitol because this man happened to be an employee of that body. These are the facts I the of that body. Those are the facts. If the membership of this House, or of this side of the House, want to vote merely upon

a personal appeal on the part of men at the other end of the Capitol and repeal a decision and open a Pandora's box, very

Mr. RAKER. Mr. Speaker, will the gentleman yield there?

Mr. PAGE of North Carolina. Yes. Mr. RAKER. Is it not a fact that in the same suit, on a lot adjoining this, the jury assessed damages and then made an award, but in this case it took the man's land and then assessed damages against him?

Mr. PAGE of North Carolina. They did not take any of his They took title from him, but every foot of the land

is in his front yard.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Certainly.

Mr. SHERLEY. The question is whether the gentleman thinks this Congress more able to determine equity than that

Mr. PAGE of North Carolina. Yes; that is the question.

Mr. RAKER. May I answer the gentleman's question? Mr. PAGE of North Carolina. How much time does the gentleman desire?

Mr. RAKER. About five minutes

Mr. PAGE of North Carolina. Oh, I can not yield to the gentleman now. The gentleman can do that later. That will take too long

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield to

Mr. PAGE of North Carolina. I will yield to the gentleman

from Maryland five minutes.

Mr. LEWIS. I would like to have five minutes, too.

Mr. PAGE of North Carolina. Very well.

The SPEAKER. The gentleman from Maryland [Mr. Lin-

THICUM] is recognized for five minutes.

Mr. LINTHICUM. Mr. Speaker, the gentleman from North Carolina [Mr. Page] said that the District took no land from Mr. Keller; that they merely took the title from him. The truth is that Mr. Keller's land went right down to the street, and he had a right to that land along the sidewalk. The District took this property from him and set him back 30 feet. They changed those lots from commercial uses, being on the sidewalk, for which it could be sold, to a residential basis, 30 feet back from the sidewalk and parked in front.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentle-

man yield there?

Mr. LINTHICUM. Yes.

Mr. PAGE of North Carolina. Does the gentleman know of any other lot except one on that whole block where the line

was not set back in the same way?

Mr. LINTHICUM. I do not know that there are any other lots except that lot on the corner; and the District took that and Keller's two lots. All the balance of that property is set back 30 feet, and now the Government has taken title to that property and set it back 30 feet, destroying its use as store property. I do not know whether the gentleman can see this little plat that I have in my hand; but this explains the situation.

Mr. PAGE of North Carolina. Has the gentleman ever been

on those premises'

Mr. LINTHICUM. I do not know that I have; but I have seen them very often.

Mr. PAGE of North Carolina. I have been on them several times

Mr. LINTHICUM. I have not had the pleasure that the gentleman has had.

Mr. EAGLE. Pleasure or punishment?

was made. It had only a small building valued at \$1,500, leaving for the ground \$4,500.

Mr. BUTLER. Mr. Speaker, will the gentleman yield? Mr. LINTHICUM. Yes.

Mr. LINTHICUM.

Mr. BUTLER. Were all these facts given to a jury?

Mr. LINTHICUM. I presume they were. The jury ought to have gone there and inspected the property. I presume they did, but that does not make it right. Now, this man was charged for benefits when he got absolutely no benefit, while his property, as I say, was set 30 feet back, 1,500 square feet having been taken from him. He has to pay benefits, while the man on the corner, right alongside of him, is given \$6,000 damages, with no charge whatever for benefits. Now, what the amendment proposes is to allow this man the value of his property and take off what would have been a reasonable benefit, \$320, leaving \$3,820 for his property. There is nothing unfair about this proposition. The man who was corporation counsel at the time, Mr. Edward H. Thomas, says:

WASHINGTON, D. C., May 25, 1914.

Hon. John Walter Smith, United States Senate.

Hon. John Walter Smith,

United States Senate.

Sir: On June 13, 1910, the Commissioners of the District of Columbia filed their petition in the Supreme Court of the District of Columbia, holding a district court in cause No. 880, to establish a building line on the west side of Thirteenth Street NW., between Park Road and Monroe Street, under the authority of an act of Congress approved June 21, 1906, entitled "An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 50 feet wide." Under the provisions of this law the assessment jury is required to assess benefits equal to the amount of damages, including all expenses of the proceeding. Among the parcels of property to be taken, and which were taken, under this proceeding, in square 2838, were part of lot 11, being the east 25 feet by full width of said lot, containing 750 square feet, owner Thomas W. Keller, and part of lot 12, being the east 25 feet by the full width of said lot, containing 750 square feet, owner Thomas W. and Alice N. Keller, and part of lot 12, being the east 25 feet by the full width of said lot, containing 750 square feet, owner Thomas W. and Alice N. Keller, and part of lot 12, being the east 25 feet by the full width of said lot, containing 750 square feet, owner Thomas W. and Alice N. Keller, and part of lot 12, being the east 25 feet by the full width of said lot, containing 750 square feet, owner Thomas W. and Alice N. Keller, and part of lot 12, being a continuation of a building line established by subdivision on the west side of Thirteenth Street, running about two-thirds of the block. It appears that there were two jury verdicts and that the cost of the first verdict, which was set aside, was \$421.55, the total expenses being \$721.55, and this sum was ultimately added to the damages found, making the total damages awarded \$7.896.88. The total benefits assessed where also \$7.896.88.

As to said part of lots 11 and 12, the jury found damages of \$562.50 each, or \$1,125, and

That is what the former corporation counsel says. He felt himself that it was unfair and unjust, but he could not help it under the conditions.

Now, Mr. Keller did not take an appeal, because Mr. Conrad H. Syme, corporation counsel later, advised him not to take an appeal, as his letter, which I insert, states:

AUGUST 23, 1916.

Hon. Robert N. Page, House of Representatives, Washington, D. C.

My Dean Mr. Page: In accordance with your verbal request of this morning that I should advise you as to any information I had relative to the proceedings to establish a building line on Thirteenth Street near Park Road, in which the property of Thomas W. and Alice Kellar was

Mr. EAGLE. Pleasure or punishment?

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BURNETT. Will the gentleman say who made the plat?

Mr. LINTHICUM. I will say the gentleman from Alabama did not make the plat. He has been too busy on the immigration bill.

Mr. BURNETT. The jury of this man's neighbors said he was not entitled to anything.

Mr. LINTHICUM. I have often found, as the gentleman perhaps has found in Alabama, that assessment juries do not always do justice to values; they are not infallible.

Mr. BURNETT. It is pretty apt to.

Mr. LINTHICUM. In this case, 30 feet was cut off the front of this man's property. Fifteen hundred square feet of his property was taken. He was assessed damages of \$1,125 and benefits \$1,605. In other words, 30 feet of the front was taken off the property there, and he was assessed \$502.50 benefits more than damages. From the property right adjoining, which two data and involved the taking not only of all of that portion of the Keller was located right alongside of his, they tool. only 1,344 square feet and represented Thomas W. and Alice Keller. They would like which had been previously established by restrictions in the deed of the holders. Their lots were under no such restriction and they would have had the right to build to the inner curb. As their roperty, have made an admirable site for an apartment house. As the property, have made an admirable site for an apartment house. As the property was taken of the front was taken off the property was taken. He was assessed damages of \$1,125 and benefits \$1,605. In other words, 30 feet of the front was taken off the property when the property of Thirteenth Street, and they allowed the owner \$6,000. Both properties were side by side, and no charge for benefits on the latter whatever side by side, and no charge for benefits on the latter whatever.

public improvement Keller not only lost the property I have indicated but was compelled to pay a large sum in addition. He lost his property and the opportunity to make it available and valuable for business purposes, and I was not then and am not now able to see that any corresponding benefit accrued to him. I am satisfied the verdict was a very unjust one, and I believe Mr. Thomas, who was then corporation counsel, was of the same opinion.

I discussed with Mr. Keller the question of taking an appeal to the court of appeals from the award in this case. I advised against it, not because I did not think it was unjust and inequitable, but because my observation and experience had been that where many different interests were involved in the proceeding, the court of appeals would be reluctant, because of individual injustices done to one party, to reverse the entire proceeding, and I was unwilling to risk the heavy cost attendant upon failure to sustain the appeal. I believe I was correct as to this. One of the parties owning property on Park Road appealed, but was unsuccessful.

The above statement is my present recollection of the circumstances of this case. While considerable time has elapsed since it was tried, I believe my memory is substantially accurate.

In my judgment, the situation of the Keller property is anomalous, and the probabilities are that if relief was granted by Congress in his case a precedent would not be established which would occasion annoyance to Congress by the importunities of other disgruntled owners, as I doubt that any other piece of property in the city presents an exactly similar aspect.

In closing permit to say that in my judgment the present method of assessing damages and benefits in the District of Columbia works many hardships. I believe it is unjust to say that the benefits accruing in taking property for public use must equal the damage or a fixed part thereof as matter of law. I believe both are facts which should be judicially ascertained, and that the proportion of ben

Corporation Counsel, District of Columbia.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The time of the gentleman has expired.

Mr. LINTHICUM. I ask two minutes additional.

Mr. PAGE of North Carolina. There are a number of gentlemen here who want to speak on this.

Mr. LINTHICUM. I want only two minutes longer.

The SPEAKER. Does the gentleman from North Carolina

yield two minutes, or not?

Mr. PAGE of North Carolina. I yield two additional minutes. Mr. GREEN of Iowa. Will the gentleman yield to me?

Mr. LINTHICUM. I can not yield any part of that two minutes, unless I can get more time.

Mr. PAGE of North Carolina. The gentleman must understand that there are a number of gentlemen here who desire

to speak on this, and I can not do it.

The SPEAKER. The gentleman from Maryland is recognized for two minutes, and the time is running.

Mr. LINTHICUM. This letter of the corporation counsel says he advised him not to take an appeal, because a number of people in that block had the same interest, and so on, and he was satisfied that the court would ratify the verdict and he would likewise be fought by the corner-lot owner receiving the \$6,000. He paid his first assessment, but why did he pay it?

Because if he did not pay his assessment they would have sold his property, and he had to pay the assessment to hold on to his property until he could finally make an appeal to Con-I want to say to the gentlemen of this House that I have talked to Mr. Keller personally about this matter. I have known him for a long time, and he is a man who would not ask this redress unless it was fair and just. I have looked into this case, and I think Congress ought to grant him this amount, \$3,820, and ought to concur in the Senate amendment. The Senate looked into the matter thoroughly, and they concluded he was entitled to it and inserted it in the bill, and we ask that the amendment be concurred in.

[Senate Rept. No. 921, 64th Cong., 2d sess.]

[Senate Rept. No. 921, 64th Cong., 2d sess.]

Mr. Smith of Maryland, from the Committee on the District of Columbia, submitted the following report:

The Committee on the District of Columbia, to whom was referred the amendment intended to be proposed by Mr. Smith of Maryland to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, viz, to pay Thomas W. and Alice N. Keller for ground taken and damaged on account of condemnation proceedings, \$4,140, having considered the same, report thereon with a recommendation that it pass.

The subcommittee to which was referred the amendment of Senator Smith of Maryland to the District appropriation bill report that they examined Thomas W. Keller and considered the letters and tables of assessment of damages and benefits affecting the proceedings of condemnation of which he complains.

Our conclusion is that Thomas W. and Alice N. Keller have substantial grounds for complaint in the premises, and the manifest injustice done them should be rectified.

We think, however, that the amount of this claim should be reduced by the sum of \$320, which apparently would be the amount of assess-

ment of benefits they would have been called on to pay had suitable recompense been made for their land taken in the condemnation proceedings in proper proportion to the amount paid to the adjoining

With this deduction in the amount named in the proposed amend-ent, we recommend the appropriation proposed to the amount of \$3,820.

Mr. PAGE of North Carolina. I yield five minutes to the gen-

tleman from Maryland [Mr. Lewis].

Mr. Lewis].

Mr. Lewis].

Mr. Lewis and gentlemen of the House, if you could have time to understand this case, you would realize that it is one of marked peculiarities. Here was a block in the city of Washington, known as a square, as to which, except with reference to lots 11, 12, and 13, all of the other lots were back to a desirable building line. Some agitation began to force the other three lots back to this building line. As to lot 13, a jury sat on the case, took down the house, and awarded damages of \$6,000, the house being worth about \$1,500 out of the \$6,000. As to lots 11 and 12, now in controversy here, the result of the jury's verdict was the imposition of a so-called technical benefit as a burden on the owners, Mr. and Mrs. Keller. Under the law the jury were not free to act otherwise. They were not exercising the equitable discretion that we might suppose a jury would exercise. They were obliged under the statute to impose a "benefit" tax upon this man, because all of his land was not taken

The remaining facts are these: The land in lot 13 which was taken consisted of 1,344 feet. The land taken from lots 11 and 12 consists of 1,500 feet. The owner of lot 13 got \$6,000, of which \$4,500 was for his land alone. The owner of lots 11 and 12 got nothing, but was subjected to the burden of an alleged benefit besides. His lots have become so shortened that uses to which he might have put them are now denied. He could have put an apartment building upon them, and I believe that was in his mind. By reason of this litigation one of these lots is now only some 58 feet in length and is incapable of being put to commercial or apartment building use. It is very well for the chairman of this committee to argue this case on the presumpcharman of this committee to argue this case on the presumptions of law. That is a very good argument to make upon grounds of general policy and will appeal to a body like this, but I think if the Members of the House could make an individual study of this matter they would find an anomaly presented, resulting in an absolute injustice to a proprietor in this city who is entitled to protection of law rather than the unpaid damages imposed upon him.

Mr. FITZGERALD. Will the gentleman yield to a question?
Mr. LEWIS. No; I do not. If this were a criminal case,
some opportunity of appeal would exist. If a man were convicted by forces of the law, without regard to the justice of his conviction, without regard to the justice of the application of the law in a given instance, an appeal might be made to the governor or executive to remit the fine or to pardon the offense itself. In a case of this sort, involving a property right, the only appeal the individual can make is to a body like this. It is being made by this gentleman to-day, and in my opinion is being justly made. He ought to be given damages for the property that has been taken away from him, just as the other property owner has been given damages, and he ought to be given whatever amount may be determined by the committees of this House.

Mr. PAGE of North Carolina. I yield five minutes to the

gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, one of the difficulties involved in this case is that all the parties were in the same suit. Being in the same suit, after the award by the jury it went to the court for approval, and, of course, this one man was responsible for the costs if he went further and then lost. This attorney, who is now attorney for the District of Columbia advised him not to appeal for fear that the others, having such a large award, having got \$6,000 for land adjoining, while this man Keller had to pay \$480—if he went further he might have to pay the whole expense. The jury allowed an award or found that he was damaged for this land adjoining \$6,000, and this man Keller had property just as useful for business purposes. The Committee of the Senate on Claims have examined this matter and reported it out favorably for \$3,820. The Committee on the District of Columbia have gone over the same thing and reported favorably, and we now find it in this bill.

I can not conceive, when you talk about the judgment of a jury in this case, the district attorney, heretofore and the present district attorney, when that was tried advised him not to appeal. He stated that the award was in the judgment of the jury; that no testimony as to value of different pieces of property is heard, but the jury looks at the property and fixes the value of the property. It can be shown how unjust it is in this There were two pieces of property lying side by side, and one man is awarded damages for \$6,000 while the other man's property is taken from him and he is assessed as to benefits for the remaining part of his property \$480. Then the gentlemen say he must yield to this assessment because he paid the benefits assessed. Why, surely he had to pay the benefits assessed, because they were a lien on the balance of his land.

Mr. FITZGERALD. Will the gentleman yield?

Mr. RAKER. I can not yield just now. If he had not paid the \$480 benefits assessed for the land taken he would have lost not only the land that was taken but the balance of his land.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. RAKER.

Mr. RAKER. Yes. Mr. PAGE of North Carolina. The gentleman assumes that he made in one payment the assessment for the purpose of re-moving the lien on his property. There are two assessments

still unpaid.

Mr. RAKER. -Then they will have to be paid, because having assesed him \$480 they may take his land. The only thing to do was to pay the assessment and save the rest of his home, and then come to this body that can give him relief. After this body looks into the matter, sees that they have the justice and the equity on their side, and, although there has been an award by the jury—not exactly a jury, but of men who went out there and gave their own personal judgment—then let this body do justice to Keller. You gentlemen would not want a case adjudicated by men who would take two pieces of property lying side by side and give one man \$6,000 and assess benefits amounting to \$480 on the other when the property was in the same condition. That being the case, they appealed to this Congress, notwithstanding the award of the jury in this case; notwithstanding the fact that judgment has become final; notwithstanding that there is no chance to appeal. This is a question of equity here. There is a question of justice here, and there is a question of right. These people ought to be paid for their land in proportion to the amount awarded to the other party.
Mr. HARDY. Will the gentleman yield?

Mr. RAKER. Yes.
Mr. HARDY. Does it not look to the gentleman like this, that the cases being all one they did not want to appeal it for fear that it would be reversed as to the fellow who got the \$6,000 damages?

Mr. RAKER. No.

Did not the gentleman say that this man's Mr. HARDY. attorney advised him not to appeal for fear they might reverse

the whole judgment?

Mr. RAKER. No; just the reverse of that. For fear the judgment might not be reversed, and all the expenses would have to be paid by this man Keller and his wife. The other party had received an award of \$6,000, and if they could convince the court that the whole award was proper it would be maintained, notwithstanding it might be wrong as to the Kellers. Kellers could no doubt apply to the court to have the award set aside upon questions of law. The jury's award having settled the facts under the peculiar statute in the District applicable to this class of cases, and not having a question of law which would authorize the court to set aside the award, the attorney for Kellers advised them that it would be useless to appeal. In this there may have been an error of judgment. At any rate, an injustice has been done, and it can and should be remedied. That injustice can be righted by adopting this Senate amendment.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. Fitzgerald].

Mr. FITZGERALD. Mr. Speaker, I am not surprised that the gentleman from Maryland [Mr. Lewis] and the gentleman from California [Mr. Raker] would not yield for a question. I asked both of them to yield at the time they were speaking of one party getting \$6,000 and the other getting only \$600. I wished to ask the two gentlemen if it is not a fact that the award to the person who received \$6,000 was made because his was a short lot and had upon it a storehouse of value that had to be included in the award, while to Mr. Kellar was awarded damages resulting from the taking of the portion of the front of his lot and benefits assessed to the other portion of the lot that was of value, while what remained of the Johnson lot was of no value whatever.

Here are the facts of the case: There is a law providing the method by which the Government takes property under the right of eminent domain and by which the compensation to be paid is determined. We have a definite procedure which must be followed, and it was followed in this case. This man was given an award for damages and assessed for benefits. The attorney advised him not to appeal the case, because his case was such that he feared the expenses of the appeal would be added to the assessment for benefits. He acquiesced in the judgment of the

jury. He could have taken an appeal to the court and had his rights determined. There has been no similar case in the history of the District of Columbia brought into the Congress of the United States. The only reason this case is brought here year after year is the fact that this man is an employee of the Senate of the United States. The Senate of the United States has attempted to override the law and to give this man a special advantage because he is a favorite employee of the Senate. The House of Representatives for six years has resisted this action, which is an attempt to loot the Treasury of the United States for the benefit of a favored employee of a branch of the Federal Government. It is time we so manifested our opposi-tion that nobody will ever again have the effrontery to press this claim or to have it stated with the suppression of some of the essential facts necessary properly to understand it.

If the House believes that when the Government of the United

States or the Government of the District of Columbia proceeds to take property, title to which is in an employee of the Senate, and that person is dissatisfied with what is awarded to him in the orderly process of law, he can appeal to Congress and get redress or relief that another citizen or property owner in the District could not obtain, then we ought to vote this money. He is a nice, popular, respectable man, and if we believe we ought to give him something out of the Treasury without any excuse,

this is the opportunity to do it.

Mr. BUTLER. Did the personal qualities of the man appear

before the jury

Mr. FITZGERALD. But if we believe that the law is made for all, that everyone should be treated alike, that a man when he pursues his remedy in court and acquiesces in what is done without an appeal to the proper authorities—

Mr. TALBOTT. That is what he is complaining about. It is

too late to appeal.

Mr. FITZGERALD. Of course it is too late now.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PAGE of North Carolina. I yield the gentleman two minutes more.

Mr. FITZGERALD. But it was not too late when the time within which to make his appeal was still running. He had his opportunity, he had his day in court, and there are still some men in Congress who know the facts, and it is not yet too late to have them recalled, and to have Members of this House reminded of them. Some day there may be no one here who will recall them, and then it will not be too late to make this appeal; but I am afraid that day has not come yet, and that this individual is not to be placed above the law and given money out of the Treasury, to which under the law it has been found he is

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from West Virginia [Mr. Littlepage].
Mr. Littlepage. Mr. Speaker, I would not have said

anything about this case but for the remarks of the distinguished gentleman from New York [Mr. FITZGERALD] about an effort to loot the Treasury, even though a jury of 12 men in a condemnation proceeding regularly instituted, trial regularly had, have decided that these claimants are not entitled to any compensation for the land taken by the city, and even though under that finding not only did they disallow them for the value of the land, but in the way of improvements, of benefits, assessed them \$480, which they have had to pay in order to hold on to the residue of their little estate. But we are told by the distinguished chairman of this committee that there are two more assessments that the owners of this property still have to pay. Neither am I in favor of the recall of judicial decisions exceptwhere they are palpably wrong, but God knows I am in favor of justice. I have tried a number of condemnation suits, I have tried some jury cases, and there is not a lawyer within the sound of my voice who does not know that at some time, somewhere, somehow, the verdicts of the jury do not respond to the sentiments of justice.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentle-

man yield?

Mr. LITTLEPAGE. Yes.

Mr. PAGE of North Carolina. Does the gentleman seriously think that this body would come nearer reaching a verdict that was just than 12 men who had seen the whole layout of the

Mr. LITTLEPAGE. Mr. Speaker, in answer to the gentleman's question, I have yet to forego the impression I have of this House and think that there is a single man in it who will sit by and see an outrageous injustice done. Take their land upon which they pay taxes, that they have paid for, and penalize them to benefit the city—take all they have, leave them stripped, helpless, and not be willing to pay something for it? I do not believe the true sentiment of justice in this House will stand

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. LITTLEPAGE. Yes.

Mr. BURNETT. In the numerous cases where the juries have done wrongs in the gentleman's State, did the injured party

appeal to the legislature to get redress?

Mr. LITTLEPAGE. That is hardly an analogous case. case is in the city of Washington, and the city after taking three big swallows and a cow mouthful now wants to take the residue by assessments, and these old people only ask you to give them a little something for their land, but distinguished men of this House get up and say, "No; we will kick you out." It is an absolute injustice, wherever it comes from, to take the land that this man intended to build an important building on and give it to the city, to the public, and not pay him one single cent for it. If it was a mudhole, it was his land, it did not belong to the Government, it did not belong to the city, and it does not belong to this House. Whether this case has been here for 4 years or 40 years, I do not care, this is the first time that I have heard of it.

Mr. RAKER. Is it not a matter of fact that, this being the District of Columbia, this is the only remedy the man has if the jury has improperly taken his property from him and no

Mr. LITTLEPAGE. I should think so, since the statute of limitations put an end to it and puts him in a fix so that he can not go to the court. I do not know what in the world could have happened, I do not know who the lawyer was.

Mr. BUTLER. He had better sue the lawyer.

Mr. LITTLEPAGE. Go to the lawyer for redress when Congress takes the man's property?

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. LITTLEPAGE. Yes.

Mr. BUTLER. The gentleman certainly would not advise Congres

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. LITTLEPAGE. Let me have three minutes more.

Mr. PAGE of North Carolina. I yield the gentleman two minutes

Mr. BUTLER. The gentleman would not advise us to settle claims like this simply on a report on an appropriation bill?

Mr. LITTLEPAGE. If it strikes you between the eyes as

being a matter of justice, ought you not settle it?

Mr. BUTLER. I can not understand; I do not know. I want

the facts. The jury held otherwise.

Mr. LITTLEPAGE. The city has taken the land, the city has it, and they have ruined the lot, and they have assessed \$480 on it more to hold on to the tail of the lot.

Mr. BUTLER. It looks hard.

Mr. LITTLEPAGE. It does look hard, and is it not an injustice, if these men have stated the truth, and ought not this House to rise and say that we will not let it go further?

Why, gentlemen, sincerely, I think they should not allow one man \$6,000 right in the immediate vicinity for damages to his lot, the value of the building only being \$1,500, giving him \$4,500, and give his claimant nothing. Now, I have not talked to anybody in the United States Senate. There is no one who has strings on me. This old gentleman told me about the injustice and I agreed with him about it. If every Member in this House would say we ought not to pay the man something for his land I would still believe he ought to be paid for the The counsel who represented the city at that time land taken. says he ought to be paid something; the counsel who represents the city now says he ought to have something. The report coming from the Senate says he ought to have something. am not one of those men-

The SPEAKER. The time of the gentleman has again ex-

Mr. LITTLEPAGE. I am not one of the Members of this House who thinks the House is the only body of this Government that has all the sense. The Senate has some sense as well.

Mr. GREEN of Iowa. What? Mr. LITTLEPAGE. I am not here to impugn the motives

of Members of the Senate or other public men.

The SPEAKER. The time of the gentleman has again expired. The question is on the motion of the gentleman from West Virginia to recede from the disagreement of the House to Senate amendment No. 16 and concur in the same.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. LITTLEPAGE. A division, Mr. Speaker.

The House divided; and there were—ayes 39, noes 69.

Mr. LITTLEPAGE. Mr. Speaker, I am not going to make the point of no quorum in the House

The SPEAKER. Well, it would have been too late, anyhow.

So the motion was rejected.

Mr. PAGE of North Carolina. Mr. Speaker, on Senate amendment No. 76 I move that the House recede and concur in the Senate amendment with an amendment which I send to the Clerk's desk

The SPEAKER. The gentleman from North Carolina moves that the House recede from its disagreement to Senate amendment 76 and concur in the same with an amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment 76: Page 92, line 12, amend the amendment, after the word "located," strike out the words "on reservation No. 13 in the District of Columbia" and insert "on land owned by the District of Columbia at Fourteenth and Upshur Street NW."

Mr. MONDELL. Will the gentleman yield to me? Mr. PAGE of North Carolina. How much time?

Mr. MONDELL. I want to ask the gentleman a question in regard to the amendment. The only change that the gentleman makes in the Senate amendment is in regard to the description of the location of the hospital?

Mr. PAGE of North Carolina. That is all.

Mr. MONDELL. Does not the gentleman want to strike out

the proviso at the end of the Senate amendment.

Mr. PAGE of North Carolina. I thank the gentleman for the suggestion; I had overlooked it. I ask unanimous consent to include in my amendment striking out that part of the Senate amendment beginning with the word "Provided," in line 22, the remainder of the section.

The SPEAKER. The Clerk will report the amendment as

modified.

The Clerk read as follows:

Modified amendment: On page 92, line 12, after the word "located," strike out "on reservation No. 13 in the District of Columbia" and insert "on land owned by the District of Columbia at Fourteenth and Upshur Streets Nw.," and in line 22, after the word "Avenue," strike out the remainder of the paragraph.

The SPEAKER. The gentleman from North Carolina moves to recede from the disagreement on the part of the House to amendment 76 and agree to the same with the amendment just reported by the Clerk.

Mr. MONTAGUE. Mr. Speaker-

Mr. PAGE of North Carolina. Does the gentleman desire some time?

Mr. MONTAGUE. I would like to have five minutes.

Mr. PAGE of North Carolina. I yield the gentleman five minutes

Mr. MONTAGUE. I made the motion, Mr. Speaker, that we concur in the Senate amendment; therefore I am opposed to the amendment offered by the gentleman from North Carolina. The

proposition as I understand it— Mr. MANN. Was that amendment reported?

Mr. MONTAGUE. I rise to concur in the amendment. I do not know whether it was reported or not.

Mr. MANN. A motion to concur would take precedence over the other motion.

Mr. MONTAGUE. I stated to the gentleman from North Carolina that I would ask-

Mr. MANN. But a gentleman can not make a motion by addressing the Chair.

The SPEAKER. Does the gentleman from Virginia want to

move to concur?

Mr. MONTAGUE. I do, Mr. Speaker; I make the motion now that the House concur in the Senate amendment. Now, if I may have the attention of the House for a moment, I will state the proposition. The question of the location of this hospital seems to have agitated this Congress and the last one. The extension and enlargement of the hospital I will not now go into. I am not sufficeintly apprised of the detail facts to make an intelligent discussion of that aspect of the case. The question of the location of the hospital is very plain and obvious upon slight consideration. The Government owns the property upon which the hospital now is located. It has been located there 70 years, and now the desire is to move it to another place, to another section of the town, according to the motion of the gentleman from North Carolina [Mr. Page], upon land which has been owned by the Government for some 16 years

The character of the patients and inmates of this hospital necessarily injures the personal, the pecuniary, and social interests of any people who live in close proximity to such an institution. It depresses the value of all real estate, makes living most distasteful, and in every way detracts from any com-munity in which such a hospital may be located. In a distant section of the city a lot of people of moderate means are to have their property destroyed by the movement and location of a hospital that has already done all the damage it can do in a community in which it has been located for 70 years. There is not a town council in America that would undertake so to treat the citizenship of its own community by moving such a hospital from an old and established location, where it had adjusted itself to the surrounding community, necessarily resulting in the depreciation of property values and the rights and

benefits resulting from thrift and proper ambitions.

Mr. PAGE of North Carolina. The gentleman, of course, is aware that on this site, purchased by the District of Columbia for the hospital some 16 years ago, there is already one unit of this municipal hospital, to wit, the Tuberculosis Hospital.

Mr. MONTAGUE. That is very true, and that ought to be removed. In this hospital there are about 3,000 inmates a year. And I ask the House to listen to the character of some of the patients admitted into it:

Acute alcoholism, 437; delirium tremens, 80; chronic alcoholism, 62; morphinism, 51; scabies, 11; syphilis and other venereal diseases, 165; pellagra, 9; and mental diseases, 580.

Mr. Speaker, the hospital is now located in the section of the town most convenient for the reception of this particular character of people. Now, to take it from this community and set it down into one of the most growing and developing sections of

Washington is unnecessary, unwise, and unjust.

May I say to the House that the Piney Branch Citizens' Association, the Brightwood Citizens' Association, the Brightwood Park Citizens' Association, the Columbia Heights Citizens' Association, the Petworth Citizens' Association, the Park View Citizens' Association, the Takoma Park Citizens' Association, the Woodburn and Chillum Castle Heights Citizens' Association, the board of trade, the chamber of commerce, and the Federation of Citizens' Associations protest against the moving of this hospital into this new community. There is far more land in the present site. There are houses on it now that can be easily improved or altered. The Senate has agreed that the old place is the proper location. I think it is a wise conclusion, and I ask that the House concur in that position. [Applause.]

Mr. FOSTER. Mr. Speaker, I have not been in favor of erecting this municipal hospital. To my mind the indigent poor and sick have been well taken care of, and at much less expense to the people of the District of Columbia than they can be by the building of a municipal hospital. I think there is no place in the United States where they have better hospital facilities than they have in the city of Washington. You take the municipally-owned hospital out here at Fourteenth and Upshur Streets, where it is now proposed to locate this hospital, and it costs the Government much more to maintain that hospital and treat the patients that are confined there than it does to treat patients in the other hospitals in the city. Cases of that kind require more attention and are naturally more expensive to take care of than these tubercular patients. As I have said before in this House, we have two large buildings which cost the Government some \$300,000 and \$500,000, now located on Reservation No. 13, where it was proposed to place this hospital. These buildings for a sum not to exceed \$75,000 could be fitted up to care for all the patients that are confined in that section that is now called the Washington Asylum. There is no doubt about that, and yet we are asked to appropriate \$500,000 to build a hospital, and then to maintain it at a large expense to the people of the District of Columbia and to the Federal Government. think it is unwise.

Mr. MANN. Will the gentleman yield for a question?
Mr. FOSTER. Yes.
Mr. MANN. Does the gentleman, my colleague, have any idea at all that they can build this hospital for \$500,000, although that is the limit of cost?

Mr. FOSTER. No; I do not.

It is likely to be \$2,000,000, I think. Mr. MANN.

Mr. FOSTER. As suggested by my colleague, it is likely to be \$2,000,000; and we all know what it requires to maintain a hospital of that character.

Mr. SHERLEY. Will the gentleman yield? Mr. FOSTER. Yes.

Mr. SHERLEY. Do we not have to pay for taking care of patients?

Mr. FOSTER.

Mr. FOSTER. We do. Mr. SHERLEY. Do we get a bargain, or do we not?

Mr. FOSTER, We do.
Mr. SHERLEY. Do you think it is fair to impose that burden on the private hospitals?

Mr. FOSTER. I do not think the hospitals of the District of Columbia are complaining of that.

Mr. SHERLEY. I have heard the contrary within three ays. What is the difference, so far as the Treasury is condays. cerned, if we pay the upkeep ourselves?

Mr. FOSTER. I think that the sick and poor are better taken care of in the hospitals now established, and at much less expense, than they can possibly be maintained for in a municipal hospital.

Mr. SHERLEY. Does the gentleman know of any city of 200,000 people that does not have a municipal hospital?

Mr. FOSTER. That may be true. I do not know whether they have or not. But I know of no city in the United States where they take such good care of their sick as they do in the city of Washington in these hospitals.

Mr. SHERLEY. I would like to take you to my city and show you the municipal hospital that cost over \$1,000,000.

Mr. FOSTER. I do not know anything about Louisville, Ky., but I know what they are in the city of Washington. I have visited these hospitals in the city not only once but many times. I have visited the Washington Asylum, and I know what it is. know what these buildings are out there. I have seen them. I believe that this House makes a mistake when it starts in to expend a large amount of money for a municipal hospital. is unnecessary, and it is simply putting a burden upon the Federal Treasury that ought not to be placed there.

Mr. SUMNERS. Mr. Speaker, will the gentleman yield for a

question?

Mr. FOSTER. Yes.
Mr. SUMNERS. Is it or is it not a fact that this old hospital, when it was originally located, was not in a territory built up by the homes of the people? And is it not a fact that any man who built his home there had notice in advance that

he was building in proximity to a hospital?

Mr. FOSTER. I think so. I do not think there is any doubt

about that.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman permit one question? Mr. FOSTER.

Yes

Mr. CLARK of Florida. Is it not also true that the new East-ern High School has been built on this reservation No. 13, almost in front of where the Senate proposes to build this hospital?

Mr. FOSTER. I do not know as to that.

The SPEAKER. The time of the gentleman from Illinois has

expired.

Mr. PAGE of North Carolina. I yield to the gentleman one minute more

The SPEAKER. The gentleman from Illinois is recognized for one minute more.

Mr. FOSTER. Mr. Speaker, I think with the gentleman from North Carolina that if we are to build this hospital it ought to be built at Fourteenth and Upshur Streets, but I am opposed to building this hospital. I think it is an unnecessary expense to the Government, and it is going to be so for all time to come.

Now, this idea that we are neglecting these poor people in the city of Washington is not correct. We are taking the best care of these people, and they are cared for here in the best hospitals that you can find anywhere in the United States.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. FIELDS. Assuming that the hospital is to be built, where, in the gentleman's opinion, should it be built?

Mr. FOSTER. I have no hesitation in saying that it should

be built at Fourteenth and Upshur Streets.

Mr. FIELDS. I just wanted to get the gentleman's opinion. The SPEAKER. The time of the gentleman from Illinois has

again expired.

Mr. PAGE of North Carolina. Mr. Speaker, in order that the House may not vote on these motions under any misapprehen-sion, there are a few facts in connection with this item that I want to place fairly before the membership of the House.

First of all, as to the location of this hospital, and apparently the only controverted point now in the two motions pending before the House is as to where this hospital is to be located. Two years ago, in the appropriation bill that was passed making appropriation for the District of Columbia, a provision was carried authorizing the expenditure of \$15,000 for the preparation of plans for the construction of a hospital on a site owned by the District of Columbia at Fourteenth and Upshur Streets NW., within a limit of cost not exceeding \$500,000. Those plans were prepared and were submitted to Congress before the last session of Congress. For various reasons this item went out of the last bill, postponing its location anywhere. In the meantime a great agitation arose among the citizenship of the Dis trict of Columbia in various localities as to where this hospital should be built, or whether it should be built at all.

The facts as to these two locations are these, as I have been able to see them: Reservation No. 13, at the point at which it is proposed to build the hospital, by the Senate amendment-the amendment in which the gentleman from Virginia [Mr. MONTAGUE] moves that the House concur-is on the extreme edge of the city of Washington and immediately on the Anacostia flats, now in process of reclamation for park purposes. The old hospital consists of a number of detached wooden buildings that are ready to fall down. Those buildings are used for the purposes of a municipal hospital. There is no value in them. So far as that loss is concerned, it would be a distinct advantage to the city if they were burned up, provided the unfortunate inmates were out of them when burned. On this same reservation No. 13 is located the jail of the District of Columbia, a building that nobody expects to move and which can not be moved. On the other corner is the Congressional Cemetery. On the same lot, reservation 13, is the smallpox pesthouse. On the same reservation is the place of refuge for the leper that we have had on our hands for a number of years. If the membership of this House want to place a hospital costing \$500,000 for the care of the unfortunate indigent and sick in such surroundings as those, in a swamp and on the edge of this city-

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield

there for a question?

Mr. PAGE of North Carolina. Yes.
Mr. MONTAGUE. As to one fact that the gentleman stated.
A recent bill passed by Congress established a leprosarium.
That would take care of the leper?

Mr. PAGE of North Carolina. Yes; it would take care of the leper; but would not take care of the pesthouse, or the jail,

or the Congressional Cemetery.

Mr. MONTAGUE. I did not refer to that.

Mr. PAGE of North Carolina. Another thing. The gentleman speaks of this being a place out in the residential section. Immediately facing this present reservation No. 13, the Congress has appropriated \$750,000 for the construction of a high school for eastern Washington, placing it within a stone's throw of where this Senate amendment proposes to have this hospital. In the northwest, 16 years ago, the District of Columbia acquired 16 acres of land with the distinct purpose in the legislation for the construction of a municipal hospital. Nobody was deceived by it. On that land, eight years ago, the first unit of a municipal hospital was constructed, to wit, the tuberculosis hospital. No resident of that section of the city raised any objection at that time to the construction of this unit of this city hospital. It has been there all these years. There this city hospital. It has been there all these years. There the city has 16 or more acres of land on which to construct this hospital. It would be no detriment to property in that vicinity to have buildings costing \$500,000 constructed upon that land. There is no detriment to the property of any man in that part of the city by the building of this character of an improvement, but a distinct enhancement of the value of that

Mr. FIELDS. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I will. Mr. FIELDS. This land was purchased about 16 years ago, with the understanding that a hospital was to be built upon it?
Mr. PAGE of North Carolina. Certainly. The provision was carried in the bill.

Mr. FIELDS. Were the residences which are now in that

vicinity built there before or after that time?

Mr. PAGE of North Carolina. A few of them were there then, but those who went there since went with the full knowledge that the District owned that piece of property, and secured it for the purpose of constructing there a municipal hospital.

Mr. MONTAGUE. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman from

Virginia.

Mr. MONTAGUE. I understood the gentleman to say that he did not think the location of this hospital there would be at all injurious to the surrounding property.

Mr. PAGE of North Carolina. On the contrary, I think it

will enhance it in value.

Mr. MONTAGUE. Why did the gentleman think the present location of this hospital would injure a public high school?

Mr. PAGE of North Carolina. I did not take that position.

I was merely answering the gentleman that there was nothing from his viewpoint to interfere with.

Mr. HOWARD. The truth is that with this high school located there the noise of children playing would be an objec-

Mr. PAGE of North Carolina. It might interfere with the hospital, I will say to the gentleman.

Mr. HOWARD. Sure.

Mr. PAGE of North Carolina. Now, in answer to the gentleman from Illinois, Dr. Foster, who is against the construction of any muncipal hospital at all, I am amazed at him. He is a physician. He ought to know, and does know, that this city is not caring properly for its indigent sick. I make the statement as a layman in contradiction of what he says about it. If he will go to this place where we have to-day crowded conditions of the indigent sick, with men suffering from rheumatism placed on cots as thickly as they can be placed, in the basement of the building below the level of the ground, I know he will not approve that sort of care for the indigent sick of this District. I say my observation leads me to be-lieve and to make the statement that there is not another city of this size in the United States of America that has such deplorable lack of accommodations for caring for its sick. There is not one that has ever fallen under my observation.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Florida.

Mr. CLARK of Florida. To whom does this reservation 13 belong?

Mr. PAGE of North Carolina. To the United States of America, and not to the District of Columbia.

Mr. CLARK of Florida. And the other land at Fourteenth and Upshur Streets does belong to the District of Columbia?

Mr. PAGE of North Carolina. It does belong to the District of Columbia, and it was bought for the distinct purpose of building a municipal hospital upon it. The gentleman from Illinois [Mr. Mann], interrupting his colleague, Dr. Foster, talked about the cost of this hospital. I do not know why these gentlemen suppose it will cost an amount in excess of the amount which we have placed as the limit. We have tried to work this out so that we can take care of 500 indigent sick people. The out so that we can take care of 500 indigent sick people. The number may increase in some future years; and if does, this Congress ought to enlarge the hospital to take care of every indigent sick person in the city of Washington and to do so properly. It may cost that. Other municipalities of less population than this have expended vastly more money even than that suggested by the gentleman from Illinois [Mr. Mann] for this purpose, and we owe it to these indigent sick people to take care of them. I say it is a disgrace, and I have said it before on the floor of this House, that we allow conditions such as now exist in this city to continue.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me

Mr. PAGE of North Carolina. I yield to the gentleman from

Wyoming [Mr. Mondell] five minutes. [Applause.]

Mr. MONDELL. Mr. Speaker, the city of Washington ought to have a municipal hospital. Practically all the cities of the Union of any size have such institutions. A number of cities of the Union of much less population than Washington have larger and more expensive municipal hospitals than is proposed in this Senate amendment.

It is true that there are some very excellent private hospitals in this city where the indigent sick are receiving very good care. But the gentleman from North Carolina [Mr. Page] has called attention to the fact that the accommodations in these hospitals are now inadequate, and they are growing and will grow increasingly inadequate with the passing of the years. It will require several years to complete an institution such as is proposed, and when it is completed we will find the necessity for it, and there will still remain the need of the present privately owned hospitals. They will still have all they can possibly do, and they will continue to do their good work, and the building of the municipal hospital will not interfere with or curtail that good work.

Some gentlemen are very tender about some people who have bought property up in the vicinity of Fourteenth and Upshur Streets since the site was acquired there for hospital purposes. But, curiously enough, they are not anything like as tender with regard to the indigent poor who would be compelled to go to a hospital, if they had their way about it, located on the swamps of the Anacostia River between the pesthouse and the jail. I am not much disturbed about these people on Fourteenth Street. In the first place, I think they are largely the victims of a groundless fear they themselves have created. Some real-estate dealers in that locality imagine that the building of this hospital might have some effect on the value of their property. doubt it having a seriously injurious effect.

Mr. MONTAGUE. Will the gentleman permit me to ask him

question and preface it with a brief statement? Mr. MONDELL. Yes.

Mr. MONTAGUE. The Washington Board of Trade in 1900, in alluding to the reservation 13, used these words:

A subcommittee of the Washington Board of Trade reported in 1900 that the institutions located on reservation 13 "blocked the way to improvement and growth in that direction of our city" and "that the extent of the present obstruction to the natural growth of our city in the eastward direction can be shown."

Now, they say there that reservation 13 had blocked the de-

velopment and growth of the city.

Mr. MONDELL. Oh, the gentleman knows how these statements by a board of trade are procured. Some gentleman goes to the office of the board of trade and gets the secretary to sign such a statement as they desire.

Mr. MONTAGUE. Will the gentleman contend for an instant that with lunatics, mental suspects, human derelicts, morphine and alcoholic patients, housed in a hospital of this sort it will result otherwise than a serious injury to a residential com-

munity?

Mr. MONDELL. I doubt whether the location of the hospital would have any very considerable unfortunate effect upon the value of property. But, in any event, the ground at Fourthe value of property. But, in any event, the ground at routeenth and Upshur Streets was acquired for hospital purposes years ago, and the people purchased there with the understanding that the hospital would be built there. It is possible that some real-estate speculator may have made more money and secured better prices by promising people that he had influence enough to prevent the building of a hospital. They knew that we proposed to start a hospital a number of years ago. It is a splendid location for a hospital; it is easily accessible; it is high and dry and a cool location, and the hospital will be built in grounds large enough so that the presence of the hospital should not have an unfortunate effect on the surroundings, and I believe it will not. Whether we build the hospital there or not, if you have any regard for these unfortunates who are to be cared for, it ought not to be built in the swamps of Anacostia, next to that most gruesome of places, the Congressional Cemetery, between the pesthouse and the jail.

I have some regard for the poor people who in years to come will be cared for in this institution. I feel that it would be little less than a crime to locate the hospital in the place where

the Senate proposes to locate it.

Mr. MONTAGUE. Will the gentleman yield?
Mr. MONDELL. Yes.
Mr. MONTAGUE. I understood the gentleman to say that the ground at Fourteenth and Upshur Streets was purchased 16 years ago for this purpose.

Mr. MONDELL. I did not say 16 years ago. I said years

Mr. MONTAGUE. But that is the fact; I know little about. Does not the gentleman think that if the Government has slept on its purpose for 16 years, the citizens who purchased the property in that vicinity had reason to believe that the Government had abandoned its purpose?

Mr. MONDELL. I do not think that the Government has slept on its purpose. It has been continually agitated in Congress from that time to this. I will ask the gentleman from North Carolina if that is not a fact?

Mr. PAGE of North Carolina. That is exactly true, and we have given one unit there; we have built a tuberculosis hospital.

Mr. MONDELL. A tuberculosis hospital is already there, and it will not be moved. No one who does not feel comfortable in the vicinity of a hospital will be any more comfortable in the vicinity of a tuberculosis hospital than he will in the vicinity of a municipal hospital. If we listened to speculators who are trying to get us to move the institution to an improper place, the next thing they will want us to do will be to abandon the property entirely and tear down the tuberculosis hospital.

Mr. MONTAGUE. The gentleman does not mean to intimate

that I represent any speculators in land?

Mr. MONDELL. Oh, certainly not.

Mr. MONTAGUE. I do not own a foot of real estate in Washington, and do not expect to.

Mr. MONDELL. I would not for anything in the world suggest such a motive on the part of the gentleman from Virginia. Mr. MONTAGUE. I am sure the gentleman did not, but his

language was unfortunate.

Mr. MONDELL. I shall be glad to modify the language if I said anything that will bear any such construction. I understand that the motives of the gentleman from Virginia are the best in the world. He is in this case, as always, actuated by the best of motives.

The SPEAKER. The question is on the motion of the gentleman from Virginia to recede from the disagreement of the House to the Senate amendment 76, and concur therein.

The question was taken, and the motion was rejected.

Mr. PAGE of North Carolina. Mr. Speaker, I ask that the substitute be read-that the House recede from the disagreement to the amendment of the Senate, 76, and concur in the same with the amendment I send to the desk.

The Clerk read as follows:

In lines 3 and 4 of said amendment strike out the words "on reserva-tion 13 in District of Columbia," and insert in lieu thereof the words "on land owned by the District of Columbia at Fourteenth and Upshur Streets NW," and to strike out the remainder of said amendment beginning with the word "and," line 11.

The SPEAKER. The gentleman from North Carolina moves that the House recede from its disagreement to Senate amendment 76 and concur therein with the amendment just read.

The motion was agreed to

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment 87.

The SPEAKER. The gentleman from North Carolina moves that the House further insist upon its disagreement to Senate amendment No. 87.

The motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amend-

The motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 97. In that connection I desire to call the attention of the House to the fact that that is the intangible-tax amendment. The present law enacted in the last District of Columbia appropriation bill carries a tax of four-tenths of 1 per cent upon intangible personal property in the District of Columbia. amendment to this intangible-tax law now carried and on which we are about to act, reduces that to three-tenths of 1 per cent. It also makes certain exceptions to the operation of that law. I do not mean by making this motion to say to the House that your conferees will not try to work out in conference these disagreements. I have brought this back because certain gentlemen in the House before it went to conference at all demanded of me that I should. If there is any Member of the House who has a motion to make in connection with it, I shall expect him to make that motion now; otherwise I give notice to the House that the conferees will try to work this out on as equitable a basis as possible.

Mr. McFADDEN. Mr. Speaker, I offer the following amend-

ment, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Page 121, line 14, after the word "section," in line 13, strike out the balance of page 121, all of page 122, and down to line 17, section 11, on page 123, and insert in lieu thereof the following:

"That moneys loaned and invested, bonds and shares of stock (except the stock issued by banks and other corporations within the District of Columbia the taxation of which banks and corporations is herein provided for) of any person, firm, association, or corporation resident or engaged in business within said District shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property and assessed at their fair cash value, and there shall be paid thereon to the tax collector of said District three-tenths of 1 per cent of the value thereof: Provided further, That any such tax shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution, savings institution, or trust company, nor to savings institutions having no capital stock, building associations, firemen's relief associations, or either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions; nor shall the provisions of this act apply to life or fire insurance companies having no capital stock, nor to the shares of stock of business companies which by reason of or in addition to incorporation receive no special franchise or privilege, but all such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed is provided, however, That corporations, limited partnerships, and joint-stock associations within said District liable to tax under the laws of said District on earnings or capital stock shall not be required to make any report or pay any further tax under this section on the moneys, credits, mort

Mr. PAGE of North Carolina. Mr. Speaker, does the gentle-

man desire any time?

Mr. McFADDEN. Mr. Speaker, I desire to make a statement.

Mr. PAGE of North Carolina. I yield five minutes to the gentleman from Pennsylvania.

Mr. McFADDEN. Mr. Speaker, the object of this amendment is to exempt bank deposits from taxation in the District of Columbia. I simply want to present a few arguments in regard

to the proposed amendment.

During the first session of the present Congress Senator STERLING introduced an amendment to the District of Columbia appropriation bill, which was then under consideration in the Senate, the purpose of which is to impose a tax of four-tenths of 1 per cent on all intangible property owned by individuals, firms, and corporations resident and doing business in the District of Columbia. That amendment was adopted by the Senate, agreed to by the conferees, and it is now a law. It will become operative July 1, 1917, unless it be repealed, and if it is not modified at this session of Congress it will bear heavily and unjustly upon the banks and trust companies in the District of

On February 6, 1917, Senator Sterling introduced an amendment to H. R. 19119—the District of Columbia appropriation bill-which is intended to modify his original amendment, which is now a law, in the following manner:

(1) Reduce the tax from four-tenths of 1 per cent to three-tenths of

(2) Exempt the mortgages, bonds, and other securities owned by corporations, limited partnerships, and joint-stock associations that are required by existing laws to pay a tax based on their gross earnings or applied stock

(3) Exempt the shares of stock of business corporations organized to carry on a private business and which receive no special franchise or privilege by reason of incorporation.

The amendments are just and reasonable and they have been adopted by the Senate as an amendment to the District of Columbia appropriation bill, which is now being considered by the conference committee.

The intention to tax moneys and credits, under the head of which is included bank deposits, has led many large business concerns to declare their intention to transfer their bank deposits to other near-by cities, namely, Baltimore and New York, where bank deposits are not taxed as intangible properly.

Banks and trust companies in the District of Columbia are required, under the terms of a law passed in 1902, to pay a heavy tax based on their gross earnings, as follows: National banks and trust companies, 6 per cent; savings banks, 4 per cent.

If the mortgages, bonds, and other securities owned by banks and trust companies are taxed, the burden will be so heavy that some banks will be forced out of business and the dividend payments of others will be seriously curtailed. The result will be that the banking business will tend to be absorbed by a few large and powerful institutions and some sections of the city left without banking facilities.

In many States which have an intangible-tax law they do not thus doubly tax corporations which pay a heavy tax to the State upon earnings or capital stock, and where a bank is thus heavily taxed for the right to do business it is released from the payment of further taxes of any kind except upon the realty owned by it.

Banks in the District of Columbia now pay the following men-

tioned taxes:

(1) On real estate owned by them, to the District of Columbia.
(2) On gross earnings, to the District of Columbia.
(3) On net profits (income tax, 2 per cent), to the District of Columbia.

(4) On capital invested, 50 cents per \$1,000, to the Federal Govern-

 (5) National banks on circulating notes, to the Federal Government,
 (6) Proposed excess profits tax of 8 per cent, to the Federal Government ment.

If the tax on their assets is permitted to remain, as practically all the assets of a bank are in the form of notes, mortgages, and bonds, there will be seven taxes to be met yearly, and the seventh will be the one that will absorb the remainder of the profit that some small banks are able to make, and it will seriously impair the net earning power for dividend purposes of

There is great apprehension among the banks and their customers as to the effect of this tax. Deposits in local banks on December 27, 1916, were \$99,172,520, just under the \$100,000,000 mark. Of these deposits, roundly, \$50,000,000 were in national banks, \$14,000,000 in savings banks, and \$35,347,000 in trust companies.

It is feared a large percentage of these deposits will be transferred to other cities. Local bankers estimate the shrinkage from \$15,000,000 to \$25,000,000.

The impairment of the banking strength of the Capital to any such extent as is forecasted will be felt throughout the entire business life of the city. It is known that many withdrawals of deposits are in contemplation, and banks have already been advised by customers of their intention to transfer funds elseIn May and June citizens of the District of Columbia pay their taxes to the District government. The banks provide the money for this purpose to the extent of \$6,000,000 or \$7,000,000. It is foreseen that while this heavy seasonal drain is being made on the banks, there will also be encountered large withdrawals on account of the tax on deposits. A serious situation will be created, forcing banks to sell securities, call loans, and refrain from extending new credits.

Our neighbor, the State of Maryland, although it has an intangible tax law, does not tax bank deposits; nor do many other

States which have intangible tax laws.

It is reported by local bankers that the enforcement of a tax on deposits in Ohio banks resulted in the transferring to New

York of from \$40,000,000 to \$50,000,000.

If the law should stand, the banks must pay the tax in order to hold deposits or many of the depositors would leave. The banks can not afford to pay the tax. They are already heavily taxed. They pay 6 per cent on their gross earnings to the District government, 2 per cent on their net earnings to the United States Government, real-estate taxes on their banking property, in the case of national banks a tax on their circulating notes; and if the pending revenue bill becomes a law a tax of 8 per cent on all business profits above 8 per cent earned on the capital employed in their business

If the banking power of the city should be impaired, as is feared, to the extent of 15 to 25 per cent by the proposed tax of \$3 on each \$1,000 of deposits, the gross earnings of the banks may be expected to be impaired also to the extent of 15 to 25 per cent, with consequent loss to the District government of that part of the revenue derived from the 6 per cent on gross

earnings.

As the last clause of the pending measure provides for a full investigation of all tax matters in the District of Columbia by joint committee of Congress, "with a view of recommending such changes in the laws as the joint committee may deem fair and equitable, report to be made to the Congress at the next session," it is urged that no harm could result from deferring the tax on bank deposits at this time until the contemplated full investigation of all tax matters could be made.

In presenting this amendment I do so in the interest of the financial institutions of the city of Washington and the District

of Columbia.

Unfortunately for the District, on matters affecting its own welfare, it has no direct representation on the floor of this House, and in presenting the arguments and explanations which I am here and now presenting I do so in the interest of the banks, trust companies, and their depositors, who will be affected by this In this connection these people have never had a hearing on this subject, except brief interviews as they have been granted by members of the conference committee, and they are therefore quite helpless to present their arguments against legislation which is of vital interest to their future welfare.

I fully realize that it is not the desire nor the purpose of this Congress to impair the efficiency of the banks of the District of Columbia or drive the lifeblood of trade and commerce into other channels to the detriment of the Nation's Capital, and I therefore

hope that the amendment which I have proposed will be adopted. Mr. PAGE of North Carolina. Mr. Speaker, if the amendment offered by the gentleman from Pennsylvania be adopted it means a repeal of the intangible-tax law now on the statute books. The gentleman has read the brief that came from the banking associations in the city of Washington to every Mem-ber of the House in the mail this morning. That is the brief of the banking associations of the city of Washington who want to escape taxation on money on deposit. If you adopt his amendment you repeal the intangible-tax law for the District of Columbia, and I hope it will be voted down. I move the previous question on the gentleman's amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House recede from its disagreement to Senate amendment No. 97 and agree with the amendment just read.

The question was taken; and on a division (demanded by Mr.

McFadden) there were-ayes 11, noes 54.

So the motion was rejected.

Mr. PAGE of North Carolina. Mr. Speaker, the question

now recurs upon my motion to further insist.

The SPEAKER. The gentleman from North Carolina moves to further insist upon the House disagreement to Senate amendment No. 97.

The motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, on amendment No. 98 I move that the House further insist upon the amendment of the House to the amendment of the Senate.

The motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.
The SPEAKER announced the following conferees: Mr. Page of North Carolina, Mr. McAndrews, and Mr. Davis of Minnesota.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the

sundry civil appropriation bill.

### PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask the gentleman from New York to withhold that for a moment until I can make

a request for unanimous consent.

Mr. FITZGERALD. Very well.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that Senate pension bills now on the Private Calendar be in order to be taken up at the end of the consideration of the sundry civil appropriation bill, provided that they shall not interfere with appropriation bills or conference reports.

The SPEAKER. The gentleman from Missouri asks unani-

mous consent that at the end of the consideration of the sundry civil appropriation bill Senate pension bills on the Private Calendar be in order, not to interfere with conference reports and

appropriation bills. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Missouri and those interested in these pension bills that I have no objection to the passage of them or the consideration of them. It does occur to me that at this stage of the proceedings of Congress we ought not to enter into unanimous-consent agreements that are likely to come betwixt us and the opportunity to adjourn on the 4th of March. Now, nobody is going to object to the consideration of these bills when the opportune time is reached, but I do not see the necessity of entering into this sort of an agreement.

The SPEAKER. Does the gentleman object?
Mr. GARNER. I object for the present; yes.
Mr. CANNON. Will the gentleman from New York withhold

his motion for a moment?

Mr. MANN. Will the gentleman permit a question? I take it we will run on the sundry civil bill until about 10 o'clock tonight, probably not later than that, and it is quite possible, this being Friday and pension day, and these are Senate bills

Mr. LANGLEY. There are no amendments offered by the House committee to the Senate bills.

Mr. MANN. It might be possible after we get through to-

night to consider these Senate pension bills.

Mr. RUSSELL of Missouri. I take it unless we can get a unanimous-consent agreement now it is possible we might never get it.

Mr. MANN. These are pension bills.

Mr. RUSSELL of Missouri. Yes; pension bills.
Mr. MANN. It would be in order to-night after we got

The SPEAKER. This procedure is out of order.

Mr. MANN. We all know it, but it is by unanimous consent. Mr. LANGLEY. The only trouble is in getting the bills enrolled, as suggested by the gentleman from Illinois.

Mr. MANN. If we pass them to-night we can get them en-

rolled if somebody on the Pension Committee stays here.

Mr. LANGLEY. We will all stay here. There is no trouble

about that.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that these bills be considered to-night, this being pen-

The SPEAKER. What time to-night?

Mr. RUSSELL of Missourl. At 10 o'clock to-night.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at 10 o'clock to-night we will consider these pension bills on the Private Calendar. Is there objection?

Mr. FITZGERALD. I hate to give up that hour. The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### SECTION 10 OF THE CLAYTON ANTITRUST ACT.

resolution 206, and ask that the same be considered and passed. There will be no debate and it can be done in a minute.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table Senate joint resolution 206 and consider it now. Is there objection?

Mr. FITZGERALD. Let it be reported.

The SPEAKER. The Clerk will report the joint resolution, The Clerk read as follows:

Joint resolution (S. J. Res. 206) extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

Resolved, etc., That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 8, 1918.

The SPEAKER. Is there objection?

Mr. NORTON. Mr. Speaker, reserving the right to object,

will the gentleman from Virginia explain this?

Mr. CARLIN. The effect of the joint resolution is to extend the operation of section 10 of the Clayton Act until the report is made by the Adamson committee. It has been reported favorably from the Judiciary Committee of the House, and I have been authorized to call it up. It has been reported favorably by the Senate Judiciary Committee,

Mr. NORTON. It refers to section 10 of the Clayton Act?

Mr. CARLIN. Yes. The SPEAKER. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, what is section 10?

Mr. CARLIN. Section 10 of the Clayton Act refers to the issue of securities, purchase of supplies, interlocking directorates of railroad transportation companies and their auxiliaries.

Mr. WINGO. What does the gentleman propose to do by this resolution?

Mr. CARLIN. To extend its operation until the Adamson committee report comes in, which is the 4th of March one year.

Mr. WINGO. The gentleman wants to suspend—
Mr. CARLIN. It will suspend its operation from becoming effective. It is not effective until March 4 of this year, and we want to suspend its operation for a year.

Mr. SHALLENBERGER. What is the reason for wanting

to put it off?

Mr. CARLIN. Because it is part of the matter under consideration by the Adamson committee.

Mr. WINGO. Mr. Speaker, for the present I will have to

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same: H. R. 16855. An act for the relief of Riverside Military

Academy; and H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.

### HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, pending the motion to go into the Committee of the Whole House on the state of the Union, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

## SUNDRY CIVIL BILL.

The motion to go into Committee on the Whole House on the state of the Union was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20967) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The Clerk read as follows:

# TREASURY DEPARTMENT.

PUBLIC BUILDINGS, CONSTRUCTION, SITES, AND RENT.

Mr. CARLIN. Mr. Speaker, I asked the gentleman from New York to withhold his motion for the present and he agreed to do so. I ask to take from the Speaker's table Senate joint loss, severally, as follows:

Mr. EMERSON. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Chio asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

A CURE FOR TUBERCULOSIS.

Mr. EMERSON. Mr. Chairman and gentlemen of the committee, I desire to submit to this House a few facts in support of the resolution I introduced in this House to provide for a laboratory to discover a cure for consumption. I have been aided in this matter by Lamar T. Beman, of Cleveland, Ohio.

Tuberculosis is a disease that comes into almost everyone's life at some time. It is no respector of persons. It attacks the rich and the poor. Few households escape it entirely. haps no immediate member of your family has fallen victim to the great destroyer, but few among us have not seen some relative or friend snatched from a life of usefulness by this grim disease so aptly described by Dr. Oliver Wendell Holmes

as "The Great White Plague of the North."

Tuberculosis kills 160,000 persons each year in the United States, and their average age at death is about 34 years. It kills from one-tenth to one-seventh of all our people. Every third person between 15 and 60 dies of it, or every fourth person between 20 and 50. It disables and renders useless those who have it and is often the means of beggaring their families. costs in dollars and cents over \$500,000,000 a year in loss of life and labor in the United States. Not less than 1,000,000, it is estimated, in this country of ours are suffering from the dis-In my own State of Ohio it kills about 7,000 citizens each year. In the past four years in Ohio it has caused twice as many deaths as typhoid fever, diphtheria, whooping cough, measles, scarlet fever, and smallpox combined.

Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes, sir.

Mr. DYER. Where does the gentleman's resolution propose to locate this sanitarium?

Mr. EMERSON. The city of Cleveland, in my State, has offered to furnish the ground free if the Government will erect

Mr. FARR. Has the city any free sanitariums? Mr. EMERSON. The city of Cleveland has a free sanitarium. But what we want is a large laboratory erected to discover, if possible, a cure for this disease which has affected so many

Mr. FARR. But the State itself has not provided a place

for the care of these patients?

Mr. EMERSON. Oh, yes. We have a sanitarium at Mount

Vernon, Ohio, for the treatment of patients.

I suggest to the gentleman that if he wanted a model for that work they could go to Pennsylvania and see what that great State has done and is doing for the study and eradication of this dread disease and the care and attention it is giving to those suffering from it. Pennsylvania was among the first States, if not the first, to deal in a practical way with tuberculosis and has spent large sums of money for sanitariums, one of which, at Mount Alto, that State, cares for a thousand patients. Another large institution for tubercular patients is located at Cresson, Pa., and one at Hamburg, Pa. In addition to these many local institutions for the treatment of other diseases are aided by the State, and a hundred and fifteen or more dispensaries for tuberculosis are located at different points and maintained entirely by the State. Pennsylvania is appropriating nearly \$2,000,000 a year in this valuable service to humanity. Splendid results have been achieved. I thank the gentleman for his courtesy in permitting me to embody this statement in his interesting, instructive, and forceful remarks for greater thought and effort to discover the cause of the white plague and save humanity from its fearful inroads. What Pennsylvania is doing other States can do.

Mr. EMERSON. I am glad to hear that. I intend at the next session of Congress to introduce a bill to provide for the location of a sanitarium in some of the Western States, where the climate is agreeable, in order that persons suffering with this dreaded disease may be treated in the open under the clear I believe that is the best way to cure the disease that is

now known. [Applause.]

Tuberculosis is a disease of antiquity. It was known in the earliest recorded history. The origin of the disease is understood thoroughly. But the advancement of medical science has not brought a specific therapeutic cure. Instead tuberculosis has increased with the progress of civilization. It is almost always a house or indoor infection, rarely or never caught out of doors. The tuberculosis question is one of the greatest that confronts our large cities, with their complex problems of health

and sanitation. It has grown harder with the increase in workshops and factories and in dark, damp, dirty, or illy ventilated

We know that tuberculosis can be prevented. The great work of the national and local antituberculosis societies and our State and city health agencies have taught us that the disease can be arrested and in many cases cured by fresh air, cleanliness, rest, wholesome food, and a determination to get well. [Applause.]

We know how the disease is spread. We know that the germ, which is a miscroscopic rod, invisible to the unaided human eye, is found in millions in the spit of the careless consumptive, and that it is through this spit almost alone that it reaches others. We know that if we could collect and destroy all the spit of such patients and make them cover their mouths when they cough

we could almost wipe out the disease.

We have built sanatoria and established open-air schools and dispensaries to combat the disease. The life work of such noble men as Edward L. Trudeau has been devoted to the study of tuberculosis. The disease has been shorn of some of its secrets, stripped of much of its mystery, but this invisible foe still It is less of a terror to mankind than it was a cenmarches on. tury ago. The unselfish workers who dedicated their lives to a fight against the disease have made it so. They taught us that tuberculosis is not hereditary; that a person who contracts the disease is not doomed. But no therapeutic drug, no certain specific has been discovered.

Dread diphtheria has its antitoxin. The discoveries of Ehrlich and others have robbed syphilis of some of its life-blasting effects. Research of Pasteur led to the discovery of a preventive of rabies. Serums are used in the treatment of spinal meningitis. In the laboratories of the Rockefeller Institute for Medical Research a serum for the treatment of certain types of pneumonia has recently been perfected. We have practically wiped out yellow fever through scientific investigation. The malaria-bearing mosquito is being exterminated. Smallpox is no longer the dread scourge it once was, since vaccination became general. It is now possible to immunize against typhoid, But a specific cure for tuberculosis still baffles scientists.

Tuberculosis is not like typhoid fever or smallpox or measles or scarlet fever, which diseases are easily and quickly taken if you come in contact with those who have them, and which develop in from one to two weeks. It is caught much less easily, takes a long time to develop after it is caught. When we consider the great strides that have been made by the medical profession, the discovery of a specific tuberculosis care does not seem beyond the bounds of possibility.

Again and again the quack and charlatan has announced that

he has discovered a cure. At intervals the report of some specific has flashed across the medical sky; a false signal, alas! To the drowning man a stick or straw looks like a help to save himself from death. So to the consumptive any kind of a flimsy statement or brand of manufactured medicine appears to offer a hope of cure and a chance of life.

Profiting by this ever-living hope of the consumptive, more than 500 varieties of so-called cures for tuberculosis are sold to the American people, bringing an income of more than \$15,-000,000 annually, so officials of the National Association for the

Study and Prevention of Tuberculosis declare.

The time has come for the Government of the United States to call together the best medical experts and the best bacteriologists in the world in an effort to solve a world problem and find a real cure for tuberculosis. We must build a vast labora-tory for the study of the disease. The Federal Government must a rear cure for tubercurosis. We must build a vast anora-tory for the study of the disease. The Federal Government must take the lead. It must, if possible, discover a drug, vac-cine, serum, or combination which will destroy the germs of tuberculosis in the body, heal and restore the body tissues that have been destroyed or injured by the germs, and do these things without serious injury to any organ or parts of the body not affected by the disease.

I have said before that tuberculosis was no respecter of persons; that it attacked both rich and poor. But more poor people than rich people have the disease, and more rich people recover from it. That is because the wealthy are better able to protect themselves against it, better able to undergo rest and other essentials of the treatment which is now the only remedy for the disease. Overwork; dissipation; dark, dirty homes or working places; bad or scanty food; late hours; and certain sicknesses, such as grippe, measles, whooping cough, pneumonia, and typhoid fever, weaken the body, give the germ the opportunity it needs, and enable it to develop.

It is also among the great middle class that the disease makes heavy inroads. Thirty-three per cent of all farmers dying die from tuberculosis. Forty-six per cent of all clerks dying are carried off by tuberculosis. In a number of other trades the percentage is still higher. Forty-seven per cent of

the deaths among textile workers are due to this source; 48 per cent of the deaths among glass workers, and 49 per cent of the deaths among printers.

Who knows how many geniuses have been lost to the country through an untimely death from tuberculosis? We know that tuberculosis has been the conqueror of some of the world's

greatest men. Among the countless victims was Robert Louis Stevenson, who might have left many more volumes of matchless prose and ex-John Paul Jones, the great naval hero, had not the power or strategy to resist man's insidious foe. Chopin, Weber, Men-delssohn, whose music charm the world, met the same pathetic fate. Stephen Crane, John Keats, Artemus Ward, and Henry David Thoreau are among the other brilliant men of letters who were victims of the white plague. To these names can be added name after name, taken from the world of music, literature, art, science, and philosophy.

I do not want to paint a gloomy picture. Since 1882, when Dr. Robert Koch, of Berlin, first discovered the germ of the disease, we have made real progress in combatting it. But in spite of our knowledge, in spite of the great educational propaganda that is being conducted, there is much misinformation and misunderstanding about tuberculosis. This misinformation and misunderstanding has led to many bad results. It causes sufferers from the disease to live unwisely and to do things that are harmful to them. It causes the public to be unnecessarily afraid of infection and to look upon persons suffering from the

disease with needless fear.

Tuberculosis is the people's disease, and the people's agents must take the lead in combating it. There must be no let up in the educational propaganda, no relaxation in the rules of We must readjust and improve the housing, hygienic living. living, and working conditions of our working classes, and of our very poor. People must be taught to choose healthy homes and keep them clean when they get them. Landlords must be taught to supply cheap but satisfactory lodging places, and not the miserable rookeries which yield such good income in dollars and such a terrible toll in human life. The poor must have available the best possible food at the cheapest possible price. Shorter hours of work and better hours of pay; healthier, better ventilated, less dusty working places are needed.

But these things, in so far as they affect the disease of tuberculosis, are in the nature of relief rather than a cure. We must diligently seek a real cure for the disease. Tuberculosis, the sneak, the gourmand, has slain too many victims. Too many frail little children who never had a fair chance have been

carried off.

At the Cleveland Sanatorium there are 240 tuberculosis patients, of whom one-third are 21 years of age or under. world has been robbed of too many priceless lives. The Federal

Government must act. [Applause.]

The city of Cleveland, through resolution adopted by its city council and approved by the mayor, has indorsed and recommended the passage of House joint resolution 355, which proposes the appropriation of \$1,000,000 for the purpose of organizing a Government laboratory, calling together the best experts in the world for the purpose of seeking a cure for tuberculosis. The city of Cleveland in this resolution has offered to give to the Federal Government 50 or 100 acres of land on the great city farm at Warrensville. Here the city of Cleveland owns over 2,000 acres, and has a tuberculosis sanitarium which would make a very appropriate place for the location of a laboratory.

The figures and data in these few remarks were furnished me by Lamar T. Beman, director of public welfare of Cleveland, and he is entitled to all the credit for the information herein

contained. [Applause.]

The Clerk proceeded with the reading of the bill, and read

to line 19, page 30.

Mr. RICKETTS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike

out the last word.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, the question of electing a President and Vice President in presidential-election years by electoral votes and through the Electoral College has given rise to a discussion of the propriety of amending paragraphs 1, 2, and 3 of section 1, Article II, and Article XII of the Constitution of the United States, but these discussions have not resulted in an effort on the part of Members of Congress to agree upon any particular amendment that should be made to the Constitution so that the people of the United States might vote directly for President and Vice President. I have introduced such a resolution, and the resolution which I have introduced in the House proposes to amend the

Constitution of the United States so that the President and Vice President may be elected by the direct vote of the people without the intervention of the Electoral College, and still retain the electoral votes of the States.

An elector has, in reality, no funtion to perform. It is true that the electors of a State meet and cast their votes for President, but, notwithstanding this fact, the voters who elected these electors had already and prior thereto expressed their choice for President in the election previously held. This action of the electors of the State is a mere formal matter, without any real significance except that the electors might betray the trust and confidence which were reposed in them and vote for another candidate not the choice of their party. This action on their part has never occurred, so far as political history dis-closes, except that in 1872 one Liberal Republican elector in Missouri voted for David Davis, an Independent, and it is not impossible that such action might again occur in close elections.

Washington, the Father of his Country, is also the father of the Electoral College. He had hoped that political parties would never come into existence, but his wish in the premises has not

been realized.

Many voters go to the polls with their minds made up as to who they shall support for President and Vice President, but when they secure a ballot and go into the secret booth they are confronted with a long list of names of electors and are immediately confused. This they do not appreciate, and in many instances go away from the polls somewhat in doubt as to whether they have expressed their choice for President and Vice President.

Besides, if this amendment should be adopted, and I sincerely believe it will be, there would be no such thing in the election of President as a divided electoral vote from any State in the Union. Four years ago the electoral vote of California was This year the electoral vote of West Virginia was divided And since 1872 the electoral vote of 11 States has divided. been divided in presidential elections, and anyone knows that it was not the intent and purpose of the voters of these States to have a divided electoral vote.

This amendment will shorten the ballot and give the voter an opportunity to vote directly for President and Vice President, and not only so, but will be a great saving to the States in the The printing bill will be much expense of holding elections. less, and the clerical and executive duties of clerks and judges, respectively, will be greatly lightened, and the result of the election will be more prompty announced and absolute certainty as to the result of the election will be secured, for the reason that the election will be conducted by officials, under oath and bond, who make up the election machinery, while under the present system of presidential elections no oath or bond is required of the electors, but they are trusted upon their honor by the party who selected them to carry out the wishes of that party.

Under this amendment the candidates for President and Vice President receiving the highest number of votes in each State for each office shall be entitled to receive the electoral vote of such State for such office, which electoral vote shall be equal to the whole number of Senators and Representatives to which the State is entitled in the Congress of the United States. This system simplifies the whole process of presidential elections and insures to the voter the privilege of voting for the candidate of his choice in a direct manner.

Now, should this amendment be adopted the State as a political unit will still be retained, as originally contemplated

by the framers of the Constitution.

This subject has been somewhat discussed by the Senate, but no definite action has been taken, nor has any amendment been agreed upon. I think it will be conceded by at least most Members of Congress that such an amendment as I have proposed will correct the objectionable features of the present presidential election system, and thereby eliminate the necessity for the selection of electors and the convention of the Electoral College in States in each presidential election year.

I have had in mind for some time the introduction of this joint resolution, and to that end have given this subject that degree of research and sincere consideration which such an im-

portant subject so well deserves. [Applause.]
The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RICKETTS. Mr. Chairman, I ask unanimous consent to extend my remarks.
The CHAIRMAN.

The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amend-will be withdrawn. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign Governments, as well as the coins of the United States and of foreign Governments, and other securities of the United States and of foreign Governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, hire and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil apprepriation act approved August 1, 1914, and for no other purpose whatever, except in the protection of the person of the President and of the person chosen to be President of the United States, \$225,000: Provided, That no part of this amount be used in defraying the expenses of any person subpænaed by the United States courts to attend any trial before United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses. United States courts": Provided further, That until June 30, 1918, the President is authorized to direct, without reference to existing limitations, the use of the persons employed hereunder 1f, in his judgment, an emergency exists which requires such action.

Mr. MONDELLI. Mr. Chairman, I move to strike out the last

Mr. MONDELL, Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to

strike out the last word.

Mr. MONDELL, Mr. Chairman, I do not think we should pass the proviso that has just been read without having attention called to it. This paragraph provides for what is known as the Secret Service of the Treasury Department. In times past it has been claimed or charged that the officers of this service were used for purposes not contemplated by the law. In fact, it was charged at one time that an attempt was being made to utilize this force in the manner in which the secret-service forces of monarchical countries are used-for purposes of espionage. It was charged that secret-service men were used for the purpose of shadowing Members of Congress, and that in various and divers and sundry ways this force was being utilized in a manner that, if allowed to go on unchecked, might develop a system of terrorism such as existed in times past under monarchical governments.

Just how much ground there was for these claims, these charges, I do not know. At any rate, Congress felt that the use of this secret-service force should be carefully guarded. We have now added a proviso to the paragraph to the effect "That until June 30, 1918, the President is authorized to direct, without reference to existing limitations, the use of the persons employed hereunder if, in his judgment, an emergency exists

which requires such action."

We are passing through trying times. There are all sorts of rumors of plots, of conspiracies. A very extravagant statement was made in another body the other day, as I recall it, that there were 100,000 spies in the country. Some people are seeing spies all around, and are confident that there is need at this time of this force, or that there may be need to use members of this force for the purpose of preventing unlawful acts arising out of the partisanship of individuals for one or the other of the warring powers in Europe. In that condition of affairs it was deemed wise to give the President the power, the authority, to use the officials of the secret service without reference to the existing limitations when, in his judgment, an emergency exists which requires such action.

I never was as greatly alarmed over the dangers of using this force in an improper way as some people were, and yet I believe that such a danger to a greater or less extent always There is always a temptation, in the presence of unlimited power to do so, to spy upon those with whom one in official position does not agree. There is always a temptation to imagine that there is a necessity for such spying. Therefore I think we have been wise in guarding the use of this force as we have guarded it. The only justification now for this extension of authority is the unusual condition of the country and the possibility of a more trying situation in the future; and under those circumstances I believe the proviso is justi-

fied

Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn.

Mr. MONDELL. Mr. Chairman, last evening I was unavoidably detained from the House and did not have an opportunity to entertain the committee with a few remarks I desire to make in general debate. I want to ask the chairman of the committee if he has any objection to my proceeding now for about 20 minutes?

Mr. FITZGERALD. No; not just now. I have no objection.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may address the House for 20 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, at one time or another we have heard a great deal about a budget system. A number of Members of the House have given a good deal of attention to the subject of a budget. We have developed in the House two distinct theories or ideas with regard to a budget. One of those ideas has been at one time and another discussed in detail by the gentleman from Kentucky [Mr. Sherley], and the other by the chairman of the Committee on Appropriations [Mr. FITZGERALD], and others. In connection with that sort of discussion it is interesting and instructive to examine this sundry civil bill as it is reported.

I think all of those who have had much to do with appropriations in the House hope for a time when we shall be able to adopt some system under which there shall be a more responsi-

ble control over appropriations.

There is a great deal of difference of opinion as to how that can be accomplished. Most people out of Congress who talk about a budget have in mind the budget system of European countries, and they insist that such a budget system should be provided in the interest of economy. While we have a budget system that in some respects is similar to the budget systems of European countries, in that our estimates all come through a department of the Government, in that they are all ex-amined, or they are all transmitted by a single official, and in the case of supplemental estimates they must under the law all be examined by the President and in a way vouched for by him

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. That is not a requirement of the law, is it? Mr. MONDELL. Come to think of it it is not a law but a regulation or Executive order.

Mr. MANN. There is no such provision of law. The present President issued an order, I believe, that supplemental estimates should be submitted to him.

Mr. MONDELL. I was under the impression that there was provision of law on that subject.

Mr. MANN. I think not.

Mr. MONDELL. The gentleman from Illinois generally knows more about these things than most of us, and I will accept his view of it.

Mr. MANN. I do not claim to know about this, but I am quite sure there is no provision of law requiring that supplemental estimates shall be submitted to the President.

Mr. MONDELL. At any rate that is the practice under an

Executive order.

Mr. MANN. Sometimes.

Mr. MONDELL. It is the practice that supplemental estimates shall be submitted to the President. If there is anything in the contention of those who talk budget from the viewpoint of a European budget system that it will result in economy, this bill as reported casts a very illuminating light on that proposition.

The estimates of the executive departments for the items carried in this bill amounted to \$171,417,759.30. The committee recommended \$138,306,963.77, a reduction of over \$33,000,000, or almost exactly 20 per cent below the estimates of the Executive. I do not pretend to say that all of those reductions below the estimates are justified. In my opinion they are not. Before we conclude the bill I expect to call attention to some reductions that, in my opinion, should not have been made. Some items have been unduly cut, some requests which were made have been entirely ignored; but in the main we have provided for the business of the country, for the departments. for the bureaus, and for the widely extended and numerous classes of public work, research, and inquiry. Some of the amounts carried in the bill as reported by the committee will not care for the services proposed to be provided for for the entire year. It is expected that deficiency estimates will be transmitted to Congress in connection with a number of public services; but in the main we have, I think, fairly well cared for the public business, public departments, public activities under this bill, and in doing so we have reduced by many millions of dollars the amounts which the executive departments apparently believed were necessary for these services

Now, unless the judgment of the Executive was sound in every case and our judgment after due and careful consideration is faulty, then it is not true that an Executive budget system, so far as estimates are concerned, is an economical system. If the committee, discharging its duty under this bill, has reduced by 20 per cent the amount which the Executive believed was needed for the Government activities provided for under this bill, then the estimates of the Executive were extravagant. And as it is in this bill, so it has been for years through all of the services in the departments of the Government. I can not think of any system that would be more wasteful than a system under which our executive departments as now organized were authorized to submit the estimates with the expectation that the Congress would allow them practically as submitted. I know of nothing under the sun easier-except the passage of some bill in another body under senatorial courtesy-than the securing of an estimate by a bureau, if it becomes actively interested in and is infatuated with some line of endeavor, and desires to have its line of work extended and its activities enlarged and its opportunities increased. The estimate may start with the fourth or fifth Secretary-

Mr. MANN. Or his clerk.

Mr. MONDELL. Or the clerk of the Fourth Assistant Secretary; but if it can get one or two indorsements on its way, it is sure to have easy sledding as it reaches the height of executive authority, and comes skidding to the Speaker's desk with all of the prestige that should attach to a carefully considered, solemnly proposed estimate sent forward by the executive department to a legislative body, just any old sum you want, for any old purpose that you may think of; and if the Congress was not constantly paring and chipping and reducing and putting a crimp in the ambition of these gentlemen, in a short time there would not be money enough under the flag to pay for the running of the Federal Government. If we are to have a good budget system, it must be a system very, very different, so far as the origination of estimates is concerned, from the present system of making estimates.

I have no budget system to propose or suggest; but that some change is needed is apparent to us all, particularly in times like these, when the country is in the throes of an agitation for preparedness too long delayed, it is said, for defenses on land and sea which are said to be absolutely essential, and which have behind them so much of public sentiment that one can not well resist them even though they do not appeal to our best judgment in all cases. Under such circumstances, legislating as we sometimes do here, we throw good money to the birds, under stress of especial popular interest or excitement. We add twenty, thirty, or forty million dollars to a naval bill without ever batting an eye. And what somewhat piques and tries the souls of those who sit on appropriation committees that are not appropriating for these preparedness services that just for the moment are so tremendously popular, is the fact that while the House may, after five minutes of debate, add ten millions to a preparedness bill which may or may not be needed, we are expected to sit in the committee room day after day, denying, paring down, trying to save here and there, denying increases that appeal to our sympathy, denying increases that if they did not, with all the other increases desired, too greatly increase the public expenditures, we would like to approve.

What a wonderful bill the sundry civil bill is. It embraces almost every activity in the Government. It touches the Government service here and there and everywhere. An acquaintance with its items, and of the reason for them, and the history of them, is a liberal education in governmental expenditure and governmental activity. There are not many men who have that knowledge. There is not anyone who knows all about this sundry civil bill, and no one man who can. The present chairman of the committee [Mr. Fitzgerald], like the former chairman of the committee [Mr. Cannon], comes as near knowing all about its items as any one man can, and yet it is utterly impossible for anyone serving on the committee to know—and I think no one claims to know-even the important details of all of the items carried in this bill, the reasons for them and their purpose, and least of all the way in which the money is used. That is the most difficult thing to discover in connection with

legislation of this kind.

We appropriate lump sums. Men in charge of the bureaus have a great deal of discretion in connection with the expenditure of the money. It is the most difficult thing in the world within the time that a committee may be expected to have and the time that the committee has to become fully informed as to just how advantageously and how economically all of the moneys are expended. The curious thing about governmental expenditures is that the best men in the Government service, the best-equipped men in the Government service, the most useful men in the Government service, the men who do the most good, are the men who must be watched the closest, and whose estimates must frequently be trimmed the most. A department their peculiar ability, and they know so much more about govern-or bureau of the Government service, the head of which and the mental affairs than most executive officers that I come in con-

employees of which are not very enthusiastic about their work and their line of endeavor, may be content to go along from year to year in the same groove and with the same appropriation; but the man who has force, who is active, earnest, faithful, and believes in his work, believes it is the most important thing under the sun, if he is really an enthusiast of the right sort, can almost convince anyone except a member of the Appropriations Committee with the responsibility upon him, that the increase he asks for is the most essential thing under the Government.

[The time of the gentleman from Wyoming [Mr. Mondell] having expired, his time was extended 10 minutes.]
Mr. MONDELL. Therefore that sort of a man is the type

of a man whose appropriation you are least inclined to cut down, and whose estimates you must very frequently trim the most if the total of expenditures is to be kept in bounds.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. The gentleman was discussing the budget system. Suppose we had what they call the budget system, which is the preparation of the appropriation bill by the Executive, transmitted to the legislative body without any power of the legislative body to make increases or put in any item except those which the Executive submits, thereby giving to the administration officers the right to make up the appropriation bill. Does the gentleman doubt that the amount of the appropriation bills would be nearly doubled under such a system, where we have no responsible ministry?

Mr. MONDELL. I do not know that they would be immediately doubled, and I imagine that the gentleman from Illinois himself would not think that would be the immediate result; but I do think that it would not be long when the expenses of the

Government would be doubled.

Mr. MANN. We are in a position now, for instance, under the present excitement, where we practically take the opinion of the administrative officers, in the main, on the Army and the naval bill. Have not they been doubled?

Mr. MONDELL. Oh, yes; more than doubled so far as the

naval bill is concerned in recent years.

Mr. MANN. Would not that be the result almost at once in nearly everything? If the administrative officers made up the appropriation bill without being responsible, without any power to turn them out of office, as may be done wherever there is a responsible ministry, will not the inevitable result be in time that anybody who wanted anything in the administrative department would get it in the bill?

Mr. MONDELL. That is undoubtedly true. What the gentleman has just said is the answer to these foolish people—and unfortunately there are many in the country-who imagine that in a country without a responsible ministry you can have the sort of budget system that is in vogue in a country with a

responsible ministry.

Mr. MANN. If the gentleman will permit me further. Recently one of the most active and influential and well-informed men connected with the chamber of commerce stated that he favored a budget system, and said that he did not believe that Congress or anyone else in connection with any appropriation, either public or private, ought to make appropriations without a knowledge of the amount of estimated revenues and the estimated appropriations. When I told him that Congress had estimates of appropriations submitted in detail, and always had before them the estimated revenues by the Secretary of the Treasury, he seemed to be very much astonished that we knew

anything or had any information.

Mr. MONDELL. Oh, well, that is in line, as the gentleman realizes, with a lot of misinformation that is prevalent through-

out the country.

These people recommend budget systems and they recommend this, that, and the other thing without any knowledge that is really valuable of the facts with regard to the thing they are discussing. Further, there is this unfortunate and regrettable disposition and tendency in the country to hold that whoever else may be right the Congress is wrong. It is unfortunate that there is that thought abroad in the country; it is for that reason unfortunate that the country can not know, for instance, of the profound knowledge of the business of this House and the Government held by and in the possession of the gentleman from Illinois [Mr. Mann], and the profound knowledge of appropriations carried in this and other bills in the possession of the gentleman from New York [Mr. FITZGERALD]. Those men are the best examples, perhaps-undoubtedly so, in my opinion-in the House of general knowledge of the public business, because of tact with that there is no comparison. Yet we are told that if we are to run things just right to secure the best results the power of the Executive should be increased over appropriations and in other ways. If I had time, which I have not, because I shall conclude in just a moment, I would like to branch out from this question of executive budgets to another question very closely related to it, although having nothing directly to do with appropriations, the question of the Executive control over the genesis and promulgation of legislative proposals.

We are moving toward a real executive system in this country by securing our suggestions or proposals of legislation from the departments. That is becoming increasingly true in connection with all our legislation, and it is a very unfortunate thing, in my opinion, because I still think that Congress can initiate legislation and legislate better than the executive departments

Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KELLEY. In a few States in recent years the State constitutions have been changed to permit the governor of the State to veto specific items in appropriation bills. What is the gentleman's opinion of that proposition, and whether or not it

would be wise to extend that to the President?

Mr. MONDELL. I shall not express any opinion as to the wisdom of that sort of thing in a State. I have conflicting emotions and views upon that matter and I do not feel under any obligation to decide that question, but, so far as legislation by Congress is concerned, I can think of nothing that would be more harmful to the country.

The CHAIRMAN. The time of the gentleman from Wyoming

has again expired.

Mr. MONDELL. Mr. Chairman, I did not know that I was going to be led into these remarks, and I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Heaven knows, the power of the Executive grows fast enough as it is, grows fast, very largely, I regret to say, by reason of the attitude of Congress, the failure of Congress to assert its right, grows fast enough without giving the President, no matter whom he may be, no matter how wise he may be, the power to go through a bill like this and pick out items here and there and veto them. I can not think of anything that would do more to rob Congress of that independence which I regret to say Congress has already too far surrendered, I can not think of anything that would be more harmful to the rights of the people as represented in Congress than to give the Executive the right to veto items in an appropriation bill. Congress can not be robbed of the right to control the purse without infinite harm.

The CHAIRMAN. The time of the gentleman from Wyoming

has again expired.

Mr. MANN. Mr. Chairman, is the pending motion to strike

out the last word?

The CHAIRMAN. The Chair so understands.

Mr. MANN. I desire to resist that motion. I do not want to destroy this paragraph, but I would like to ask a question. I notice the appropriation for the secret service is increased from \$200,000, which is the current law, to \$225,000. I have noticed in the press statements indicating apparently that the administrative officers were having a case of hysterics and proposed to put on great numbers of additional secret service men, and I have noticed in my correspondence quite a number of letters from different gentlemen who desire to obtain some of these posi-

Mr. FITZGERALD. The gentleman, I hope, will not give

them all away, for I have had some requests myself.

Mr. MANN. What I would like to ascertain is how far this appropriation goes in connection with the requests from the administrative officers or whether the hysterics have mainly

been in the newspapers instead of the Secret Service Division?

Mr. FITZGERALD. I think they are employing some men
out of other appropriations. The Department of Justice is employing some additional special agents, and they have a request for \$50,000 as a deficiency appropriation.

Mr. MANN. That would not employ more than 50 men; but

that is a deficiency appropriation?

Mr. FITZGERALD. Yes.

Mr. MANN. That is until the 30th of June.

Mr. FITZGERALD. That is for the Department of Justice. Then I heard in an indirect way-I doubt if I could locate the source of my information-that there are some additional persons being employed, to be paid out of the emergency fund of the State Department, in connection with some matters where the State Department would be particularly interested. There have been some guards appointed, I think, at the assay office in New York, 14, owing to the rather peculiar conditions that exist there

Mr. MANN. I notice according to the papers that they had a large number of additional guards there, and I think possibly that is one case where they may have some additional guards. I have noticed that the governor of New York has a lot of men on duty to prevent something being blown up, and the War Department asks for additional men to prevent the aqueduct from being blown up.

In the House and Senate they have employed a lot of additional policemen to prevent the Capitol being blown up, and you can not get in or out of the Capitol now except by one or two of the main entrances-on the House side one of the main entrances. I do not know. It has not affected me, it may have

the gentlemen

Mr. FITZGERALD. It has; I noticed it here.

Mr. MANN. No, I am not in hysterics. I have not the slightest fear of being blown up. I think it is all moonshine. Of course most of it is directed against the possibility of Germany just blowing up something in the United States, but I dare say that if there is any place in the world where they are hoping and praying that nothing of that sort will happen in the United States it is in Germany. That will be the last thing the German Government would want, I should assume.

Mr. FITZGERALD. Well, I am not in touch with the Ger-

man Government.

Mr. MANN. I have been divided in opinion as to whether the hysterics were merely a matter of hysteria or partially connected with the desire to give jobs. It is perfectly certain that unless there is an insane man these things will not happen, and if there is an insane man the precaution will not prevent it.

Mr. FITZGERALD. Well, so far as the matter has come officially before the Congress the only requests thus far have been, as I have already stated, \$50,000 for special agents for the Department of Justice, due to conditions which I think probably justify it-

I think the Department of Justice in its effort Mr. MANN. to prevent something is entitled to some additional help. That is not a matter of hysteria and fear of things being blown up.

Mr. FITZGERALD. And at the assay office in New York the superintendent appeared before the committee and stated that he is employing 14 guards at \$3 a day. It is due to a peculiar condition. Construction work is going on there and an unusual amount of gold has to be watched. It was believed to be a justifiable precaution to have some additional men on guard, both within and without the building.

Mr. MANN. That is because of the large amount of gold. Mr. FITZGERALD. The other item, which we have not fig-ured on yet, is a request of the War Department for \$10,000 to

patrol the Aqueduct Road.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. That would be the only request so far made that would be of a character which the gentleman from Illinois has in mind. Whether there is any necessity for it, I do not know.

Mr. MANN. If there is necessity for it, why does not some of the Army patrol it? What is the Army for—just to drill over at Fort Myer? The Aqueduct Road is under the control of the Chief of Engineers of the Army. What is the Army for?

Mr. FITZGERALD. To fight.

Mr. MANN. I know that is where they want to go, if they

think there is a fight.

Mr. FITZGERALD. That request was made, but we have not reached it yet in the consideration of the deficiency bill. think it is unfortunate, at least for Members of Congress, that this statement has been made public-that large hordes of additional men are being employed in the Secret Service. I think we could recruit the Army from the applications I have received, and my experience thus far has been that it does not look as if there is much prospect for any of those men being employed.

Mr. MANN. Well, my advice to the gentleman from New

York, and it is free

Mr. FITZGERALD. If the gentleman from Illinois has had

any better success, I would like to know.

Mr. MANN. My advice to the gentleman from New Yorkand it is free advice; there is no charge for it—if the gentleman expects to secure any of these places he had better do so before the appropriation becomes a law. [Laughter.]

Mr. FITZGERALD. Maybe.

Mr. MANN. I doubt whether the cordial relations which

exist between the gentleman and-

Mr. FITZGERALD. I have tried that plan on other occasions, but I have not had much success. Maybe I will try a new one this year.

The Clerk rend as follows:

Appropriations in this act shall not be used in payment of compensation or expenses of any person detailed or transferred, except to the Department of State, from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1918 have been employed by or under said Secret Service Division.

Mr. Chairman, I move to strike out the last word. Is it the intention to transfer to the State Department large numbers of men now connected with the Secret Service?

Mr. FITZGERALD. That exception was put in for this reason: During the past year the State Department requested the Secretary of the Treasury to furnish men to be detailed with representatives of other governments and with some of the consuls general in various parts of the country. Some of these men have been employed upon work which was thought desirable, and they should be given the detail.

Now, under the provision that has been carried from time to time with reference to these men detailed to the State Department and paid by the State Department, as soon as the necessity for that detail would cease they could not be brought back into the Secret Service, and the committee thought, under the very peculiar conditions which exist, that there is some justification for permitting the use of these men to be paid by the State Department.

Mr. MANN. I notice that this provision relates to employment during the fiscal year 1918. That is the fiscal year for Was that an error, or is which this appropriation is made. that an error in the current law?

Mr. FITZGERALD. Error in the current law, where the change had not been made, and we have corrected it at this

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Lands and other property of the United States: For custody, care, protection, and expenses of sales of lands and other property of the United States, acquired and held under sections 3749 and 3750 of the Revised Statutes, the examination of titles, recording of deeds, advertising, and auctioneers' fees in connection therewith, \$300.

Mr. MANN. Mr. Chairman, I move to strike out the last What are the lands and other property held under sections 3749 and 3750 of the Revised Statutes? At this moment I do not recall the provisions of those sections.

Mr. FITZGERALD. My recollection is, where we acquire property for sites for buildings—

Mr. MANN. I should think it would take more than \$300 to examine titles for public buildings.

I will say the examination of titles is done Mr. FOSTER. by the district attorneys.

Then why do we carry an appropriation for it? Mr. MANN. Mr. FOSTER. I do not think it is public buildings.

Mr. FITZGERALD. I do not remember. I will read the sections in a minute.

Mr. MANN. All the gentleman needs to do is to say he does not remember. I do not accuse him of being obliged to remember everything of the sort. I thought possibly he did.

Mr. FITZGERALD. I will extend my time so as to answer the question.

Mr. MANN. I can find out in less than five minutes by sending to the Library.

The Clerk read as follows:

CUSTOMS SERVICE.

For collecting the revenue from customs, including not exceeding \$200,000 for the detection and prevention of frauds upon the customs revenue, \$9,850,000.

Scales for customs service: The unexpended balances of the appropriations heretofore made for construction and installation of special automatic and recording scales for weighing merchandise, etc., in connection with imports at the various ports of entry under direction of the Secretary of the Treasury, are continued and made available for expenditure during the fiscal year 1918, together with the further sum of \$75,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. The two sections of the Revised Statutes referred to are property acquired by the United States under judicial process. It is to enable the Secretary of the Treasury to take care of them.

Mr. MANN. Of course, I knew the other explanation could

not be correct. I accept this one in perfect faith.

Mr. FITZGERALD. I thought that was it, but I did not

Mr. FITZGERALD. I thought that was it, but I did not want to say so without investigation.

Mr. MANN. Last year we made an appropriation of \$25,000 for scales for the customs service. This paragraph contemplates that the whole of that \$25,000 will not be expended during the

present year. Therefore you propose to expend an addition to the unexpended balance, of \$75,000. If we can not spend during the current year \$25,000, why do we need more than \$75,000 the next year?

Mr. FITZGERALD. The reason is that they have finally perfected these scales, and they cost a definite sum, and it is now expected to purchase a definite number of scales for installation at different ports. Some of them are desired because of the reenactment of the duty on sugar, and some of them are very large scales for general merchandise. The appropriation has been carried for some years. In order that they may have the money available to buy a certain number of scales we wanted to give them not only what they had but this appropriation, so that they could make a contract for the scales.

Mr. MANN. If they have perfected the scales this year, after all these years, why do they not spend the \$25,000 appropriated

for this year in purchasing scales?

Mr. FITZGERALD. They have expended, my recollection is, all that they can expend for a certain number of scales. There will be some balance, but not enough with which to buy scales. They want to use that and \$75,000 in buying some more scales.

Mr. MANN. What do these scales cost? Mr. FITZGERALD. About \$4,000 each.

Mr. MANN. That is a good sum of money to pay for this perfected scale. Who perfected it? Did the Bureau of Standards perfect them?

Mr. FITZGERALD. No.

Mr. MANN. Is it a patented article? Mr. FITZGERALD. Yes,

Mr. MANN. Just perfected, I suppose, because they wanted to buy that particular patented article?

Mr. FITZGERALD. No. These scales were developed as the result of the very extensive sugar frauds.

Mr. MANN. They developed as the result of somebody's

Mr. FITZGERALD. No; the occasion for it resulted from the very extensive sugar frauds.

Mr. MANN. The occasion for it is that the man wants to get a patent and sell the scales.

Mr. FITZGERALD. I do not suppose they want to give them

Mr. MANN. That is the occasion for all inventions.

Mr. FITZGERALD. They are very remarkable scales. They are fraud proof.

Mr. MANN. It is in advance that they say they are fraud Of course, a scale that is just perfected, until it has

Mr. FITZGERALD. This has been perfected for several years, but they stopped buying the scales when the Underwood tariff bill went into effect, under which it was anticipated that sugar would be on the free list. It was not believed so many scales as originally anticipated would be required. Afterwards, when the provision placing sugar on the free list was repealed, the necessity for a number of them arose, and in the meantime the success they had had with the larger scales with which they weighed the general merchandise was so marked that they decided to install some additional ones at some of the ports. With the larger scales they weigh the truck and merchandise, and in certain merchandise that comes in bulk it has effected a very great saving in time, money, and efficiency.

Mr. MANN. I know. Like everything else, you have to pay money in order to get economy.

Mr. FITZGERALD. Yes. Economy is very expensive.

The Clerk read as follows:

For pay, allowance, and commutation of quarters for commissioned medical officers and pharmacists, \$745,000.

Mr. BORLAND. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, I understand that there has been a health officer stationed at the Panama Canal Zone as part of this Public Health force.

Mr. MANN. There is one stationed at Colon.

Mr. BORLAND. An officer of the Public Health force has been stationed at Panama, only one officer. The employees down there are civil-service employees, but the officer is a part of the Public Health force. Within the last fiscal year the Comptroller of the Treasury has ruled that this man could not be paid out of the Panama Canal funds the compensation that was due him in addition to his pay as an Army officer, and for the last month he has been unpaid.

Mr. MANN. He is not an Army officer.

Mr. BORLAND. I understand he is an Army officer.

Mr. MANN. He can not be in the Public Health Service then.

Mr. BORLAND. Under the law he gets extra compensation for services on the Canal Zone. It is that extra compensation that has been denied him under this ruling of the Comptroller of the Treasury. That extra compensation, the chairman of the committee assures me, can be provided for not under this item but under the item of the Panama Canal, so that it will not be necessary to make the amendment at this point.

Mr. FITZGERALD. Under the Panama Canal item it is the

intention to offer an amendment to correct that condition.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Rural sanitation: For special studies of, and demonstration work in, rural sanitation, including personal service, \$150,000: Provided, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half the expenses of such demonstration work.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to

strike out the last word.

Mr. MANN. I was otherwise engaged when the item headed "Field investigations" came up, where the appropriation is reduced from the current appropriation of \$250,000 to \$200,000. What was the estimate on that? Does the gentleman from New York [Mr. FITZGERALD] remember? It is the item for the investigation of diseases of man, and so forth.

Mr. FITZGERALD. The estimate was \$250,000. the current and previous appropriations has been used in the

rural sanitation work, and as we have raised the appropriation for rural sanitation from \$25,000 to \$150,000, we have deducted the amount that had been expended for rural sanitation out of this particular fund.

So that as a matter of fact there is no actual Mr. MANN. reduction? Was there any increase in the estimate? Was it the intention to give all that was asked for?

Mr. FITZGERALD. It was the intention to give all that was asked for, but to increase the rural sanitation item.

Mr. MANN. Mr. Chairman, I move to strike out the proviso

at the bottom of page 48 The CHAIRMAN. The gentleman from Illinois moves to

strike out the proviso. Mr. BORLAND. Mr. Chairman, I would like to be heard on

Mr. FITZGERALD. Mr. Chairman, this proviso reads:

That no part of this appropriation shall be available for demonstra-tion work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half the expense of such demonstration work.

This limitation was placed on the appropriation by the committee for the following reasons: Probably the most important thing to be done in order to improve sanitation in a rural community is to so awaken public interest that legislation which is very essential shall be enacted, and that certain necessary health regulations shall be enforced by proper health officers.

The lack of proper health officers and proper sanitary legislation is the greatest handicap to proper sanitation. Now, the committee believed that if these various communities in which the Public Health Service undertook demonstration work were required, either through the State or county or the municipality, to contribute to the work to be done, it would result in the organization of the proper agency required to continue the work after it had been initiated. If the Public Health Service makes a survey of a certain county or State and does certain work in cleaning up the situation and then leaves, and no provision is made for the enactment of proper laws or the adoption of proper regulations for the continuance of the improved situation brought about, and nothing is done toward the establishment of the proper agencies to enforce the regulations, the efforts and the money, to a large extent, will have been wasted.

It was believed that by this method of cooperation there would be developed not only a desirable public sentiment but that there would result the adoption of regulations and the establishment of agencies that would make this work permanent and of real value.

If nothing of this character is to be done the very desirable work that the Public Health Service is engaged in will not have the permanent effect that is desired.

Mr. LEVER. Mr. Chairman, will the gentleman yield there for a question?

Mr. FITZGERALD. Yes.

Mr. LEVER. This rural sanitation work is a new work, comparatively?

Mr. FITZGERALD. Well, they have been engaged on it for two or three years now.

Mr. LEVER. Does the gentleman from New York think that the time has come in the development of this work when the communities ought to be called upon to cooperate in the manner suggested in the hill?

Mr. FITZGERALD. Well, the members of the committee in whose States this work has been done to some extent thought so.

Mr. LEVER. I have serious doubts about it. Mr. FITZGERALD. The gentleman from North Carolina [Mr. Page] and the gentleman from Missouri [Mr. Borland], in whose States some of this work has been done, were very strongly of the opinion that it was desirable to attempt to bring it about now

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, this is comparatively new work. I have given some study to it, partly because I have had more or less to do with the legislation relating to the Public Health Service. In the main this work is most needed where it is least desired. In other words, those portions of the country are most backward in reference to rural sanitation where they are the least informed. That is almost a trite statement, proved by the making of it. In certain portions of the country people are living happily, in the main, just as their fathers, grand-fathers, and possibly their great-grandfathers lived.

They do not know anything about what we call sanitation. They are not to be blamed for that. They simply do not know. Now, it is idle to suppose that those people are going to get together and get the State to appropriate money to teach them sanitation. It is almost as idle to suppose that the county is going to do it. There are no municipalities in the sense that we know a municipality. It is in the country. There may be a village or hamlet scattered here and there, but it is in the country, and the only way they could get any of this help at all would be by having the county authorities appropriate as much money as the Government was to expend there. Well, in the course of time some counties might do that, but the counties where they most need the service are not likely to do it very soon, and if this item goes in this bill the appropriation might as well be stricken out of it for the next fiscal year. Everyone here knows that it will not be possible in the next fiscal year for the State to make any such appropriation. There is not the time for the State to make the appropriation. It is not likely that the county will make the appropriation. Counties are now called upon to make appropriations for demonstration work in the Agricultural Department, and they are, in the main, much more interested in making a small appropriation to get demonstration work in the Agricultural Department for the farmers than they will be to make an appropriation to get public-health demonstration work for sanitation. They do not know what sanitation is. Now, the Public Health Service has made a number of surveys along these lines in certain portions of Kentucky, I believe, and in North Carolina. I did not know they had gone into Missouri to any extent, though they are asked to go into various States. In some places they get cooperation. As far as I am concerned I am perfectly willing to insert in this bill a provision similar to the one that we carry in the Agricultural bill, permitting cooperation, permitting States, counties, municipalities, or individuals, corporations, or associations to contribute toward the expense. When you say no portion of this money can be expended until after the municipality or the county has made an appropriation for that purpose, as far as the next fiscal year is concerned you might as well throw this paper carrying the appropriation into the wastebasket, because it will not be done.

These public-health people are doing a splendid service. I will not say we all know, but most of us believe that such diseases as typhoid fever and typhus fever come in the main through lack of sanitation, come largely through contamination with sewage, and that various other ailments of the human body, such as hook worm, come partly through lack of sanitation, possibly partly through lack of knowledge as to the method of dressing to prevent them. These people in the Public Health Service are endeavoring to teach these things, and when they go into the field and make the demonstration and acquire the information they try to disseminate that information through all the publichealth officials in the country. The gentleman from New York [Mr. Fitzeerald] said they could not do this work unless they had public-health officials. Where they have public-health officials they do not need it so much as where they have not got public-health officials. I am not willing voluntarily to consent to any proposition which will forbid the Government teaching

through sanitation how to prevent disease.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, the work carried on under this item is, to my mind, one of the most important lines of work

now being engaged in by the Government at all. It was my pleasure and privilege to see some of it during last fall in my own State. I believe that with proper encouragement and appropriations we can bring about almost a revolution in the sanitary conditions of this country, which, after all, means a revolution in the health conditions of the country. I am delighted that the committee has seen fit to make a substantial increase in the amount available for this work during the next fiscal year, but I agree with the gentleman from Illinois [Mr. Mann], who has just taken his seat, that the proviso at this time is probably ill advised. This is a new work. The people do not know it as they know farm-demonstration work or marketing and things of that kind. It is a new field of undertaking, and the people must be shown. The demonstration must be made in different States and communities before the people can be aroused to the importance of this work.

In my own State, for example, consisting of 45 or 46 counties, we have had only one of these health surveys, in the extreme northern part of the State. I do not think there could be a better work than that has proven to be; and yet the people in my own part of the State, the central part, are not acquainted with that work except as they have learned of it through the press. Now, I believe that until this work has been placed in communities sufficiently large in number to bring the people in contact with it, educating them to a thorough understanding of what it means and what it undertakes to do, we had better go on and make the demonstration regardless of cooperation upon the part of the community, the county, or the State.

Mr. FESS. Will the gentleman yield?

Mr. LEVER. I do believe, however, if my friend from Ohio will permit me for just a moment, that this work must gradually grow into a great cooperative work between the Government of the United States and the State governments and local authorities. I believe the time is coming more and more in the functions of State and Federal government when they must The health of this country is not wholly a State proposition. It is not entirely a national proposition. It is a proposition that involves both the State and the Nation, and to my mind each has a very direct and vital interest in it, and I believe that in time, when we can impress upon the people by these ocular demonstrations within the State the value of this work, we can then call upon them for proper cooperation upon their part. But until then I think it would be unwise to insert this kind of prohibitive provision in this law.

Mr. HAWLEY. I should like to ask the gentleman a ques-

The CHAIRMAN. The time of the gentleman has expired. Mr. HAWLEY. I ask that the gentleman may have one more

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that the time of the gentleman from South Carolina be extended one minute. Is there objection?

There was no objection.

Mr. HAWLEY. The gentleman, as chairman of the Agricultural Committee, knows that the Agricultural Department is doing a great deal of work in rural sanitation. He spoke about the work now being carried on in his own State in the public-Is there a cooperative arrangement between the health service. Department of Agriculture and the United States Public Health Service in this work?

Mr. LEVER. I understand that in this particular work in South Carolina there is no such cooperation as the gentleman suggests. I think myself that the time is also coming when the functions of the Public Health Service and the Department of Agriculture in this work must be more clearly defined. I do

not know that that time has yet come.

Mr. BORLAND. Mr. Chairman, I know a little about this work at first hand, because the only county in Missouri selected by the public health authorities for this demonstration work is Clay County, which adjoins my district on the north. directly across the Missouri River from Kansas City, and contains what we call North Kansas City and several good-sized towns, one of which, Excelsior Springs, is a suburb and resort. Last fall, as these public health officers were concluding their work in Clay County, I spent two half days over there, one in Excelsior Springs and the other in driving over the county with the public health officer.

Mr. MANN. Before the election?

Mr. BORLAND. No; this was after the election. I was not canvassing the county, either. So that I saw the work, both in the smaller town of Excelsior Springs and in the rural It may interest the committee to know what these gentlemen are doing. It impressed me as one of the most useful and remarkable activities that is being carried on by the Government. They put seven men into that county for four months, young physicians, health officers. Out of the seven six were employed by the Federal Government. One of them was furnished by the State. I think the only reason why one was furnished by the State was because that county happens to be the residence of the chairman of the State board of health. It so happened, therefore, that the State had a representative present.

The cost of that work was about \$7,000 for that county. There was only \$25,000 in the current year's appropriation. The officers go from house to house, inspect the water supply, inspect the disposal of foul refuse and sewage matter of all kinds. They test the relation between the outhouses, the barns, and the chicken coops, and the water supply. They look at the condition of vermin and rats as applying to the cellar and outhouses, and the connection between them and the kitchen and the pantry and places where human food is kept, and particularly in connection with the water supply, if it be a cistern.

They find frequently that the surface water drains from the outhouse toward the water supply.

In one neighborhood, in Excelsior Springs, there was a rambling street running down a creek bottom almost wholly occupied by colored people. They had very neat houses and chicken yards, and it was very attractive for colored people. The creek valley ran up a limestone hillside, and the houses were on the banks of the creek, with the back yard higher than the level of the house. In almost every case the outhouse and the outside toilet was located at the back end of the lot, higher than the house, and the wash of these outhouses went toward the well or cistern located near the kitchen door. The cistern boxes were old and rotten, and had started to fall away. Vermin of all kinds could get in and drink the water.

The health officers analyzed the water to see whether there was contamination in the supply and where it came from. They tell the resident how he is to dispose of the foul mat-ter in a way that will keep from contaminating the soil in the water supply. They require a movable type of box in-closing a screened apartment under the toilet building, so that it can be removed at stated intervals.

Where a city is incorporated they expect the authorities, after public sentiment is aroused, to pass ordinances requiring separate receptacles in outside toilets and regulations to prevent contamination in water supplies. They usually get that kind of ordinance.

Now, in the country districts they go to the farmer—in this particular county I think there were about 2,200 separate homes—and on the first visit they make a survey to determine the location of the outhouses, the water supply, and so on, and then they instruct the farmer or the householder as to how he can guard against the dangers they ascertain to exist. They show him how to put iron screens to prevent the rats getting into the outhouses, how to dispose of the manure in such a way as to prevent the propagation of files and insects, and how to drain ponds that create a supply of mosquitoes, and so on. Then they go back after a certain period, after making out a list of suggestions, to see how many he has carried out, and what difficulty he is having in carrying them out. You would be surprised to see that 85 to 95 per cent of the farmers will, when approached in the right way and shown the purposes of the survey, cooperate with them.
Mr. FESS. Will the gentleman yield?

Mr. BORLAND. Yes.

What authority have these health officers? Mr. FESS.

Mr. BORLAND. Absolutely none. They go there only by invitation of the health authorities. When they go they say, 'We are not here to police you or arrest you or inspect you, we are simply here to advise you. The health authorities of your We have no authority except State have given us this letter. to advise you and tell you what to do, but you will find that a case of typhoid fever costs about \$400 in expense and that is the minimum cost. You can probably recall, Mr. Farmer, whether there has been a case in your family or the church or the neighborhood." And he will recollect some splendid young person who had been taken off by typhoid fever. They say "We will guarantee an insurance on your health"; and then they proceed to show him, and in nine cases out of ten they will appeal to the reason of the farmer and he will respond. The only persons that do not respond are the tenant farmers

Would not information lead to good results? Mr. FESS. Mr. BORLAND. No; information is all right for the time being, but there is no way of guaranteeing a perpetuation. They may have a State official along with them, but he may go out of office next year. There is only one way that I know of to secure it. There are 114 counties in my State, and I do not think that the Government will clean up all of the counties within a reasonable time. The only way that you can get permanent results is to say that the State itself shall furnish at least half of the men engaged in the survey work. Every farm the Government health officer goes on he shall be accompanied side by side by a State officer and let the investigation go hand in hand.

Mr. FESS. Will it be sufficiently welcomed by the community so that they would invite it to the extent that they would be

willing to make a contribution?

Mr. BORLAND. If it is not sufficiently welcome to that extent, then it would not be sufficiently welcome for the com-munity to follow it without any invitation. The Government has proceeded upon the theory that if they can clean up Clay County all of the other counties in Missouri would hear of it and begin to adopt these methods. Assuming they heard of it, which is rather improbable, and assuming that they knew what they wanted to adopt, which is still more improbable, that they should still go ahead and adopt it without anybody to show them is entirely improbable. I can not see how we are going to spread this work any more rapidly, make it any more beneficial to the State than to see that the State has a partnership interest in the work as it goes along. It is to be left eventually in the hands of State officials. It is not possible for our Government officials to go back to Clay County within the next 10 years, and I am certain that within the next 5 years 75 to 80 per cent of the benefits from the survey will disappear.

Mr. HAWLEY. Mr. Chairman, I would like to ask the chairman of the committee in charge of the bill a question. Department of Agriculture, under some appropriations, is making investigations regarding rural sanitation, sewage disposal, and provisions for the general health of the rural communities. Does the work of the Public Health Service occupy a field entirely apart from that occupied by the activities of the Department of Agriculture, or do the two traverse the same

ground to any extent?

Mr. FITZGERALD. I do not know what they are doing in the Department of Agriculture. They are apt to do anything there.

Mr. HAWLEY. They are doing many wise things for the benefit of the rural population.

Mr. FITZGERALD. I am not familiar with the Department of Agriculture.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.
Mr. LEVER. As I understand the difference, Mr. Chairman, the Department of Agriculture is doing this rural sanitary work with the idea of determining the minimum effect of bad health or bad sanitation upon a community, while the Bureau of Public Health is undertaking to prevent sickness, and the

Mr. HAWLEY. The gentleman knows, as the chairman of the Committee on Agriculture, that they also make recommendations, draw plans of sanitary outhouses and plans for the installation of sewage disposal, for the installation of sanitary water supply, for disposing of various things around the farm that would be deleterious to the health of the people or the animals on the farm, and I wondered if the two departments had a working agreement to keep to certain lines of work, each in its own department, and if they have not, if it would not be advisable that they do have such an agreement?

Mr. FITZGERALD. Only one department ought to do rural

sanitation work.

Mr. LEVER. There is no question that there ought to be a

working agreement.

Mr. FITZGERALD. There ought to be one department to do it, and that department ought to be the Public Health Service, which is the health department of the Government. Of course, I know many gentlemen think that the Department of Agriculture ought to do everything, but really they should confine themselves to agriculture.

Mr. HAWLEY. It is my opinion the Department of Agriculture should have authority to undertake the solution of all questions affecting agriculture and the welfare of the rural population. I wished also to ask this question. In the hearings before the gentleman's committee did the Public Health Service

state the exact lines along which they work?

Mr. FITZGERALD. Oh, yes. The gentleman from Missouri [Mr. Borland] has outlined it. He has described the course they follow. They make a complete survey of every county, examine every farm and outhouse, every residence and barn, and the general situation in reference to the sanitary arrangements and get a statistical sheet showing every disease that everybody in the family ever had, and make suggestions as to changes that should be made in the sanitary arrangements.

Mr. HAWLEY. In examining a number of the appropriation bills reported at this session, it has seemed to me that there is

considerable overlapping of work between the various departments, and that if some arrangement could be had by which each department would have a specific line of work and keep out of the work of the others it would be an excellent arrangement, and where it is advisable for similar lines of work to be undertaken by two or more departments there should be a cooperative working arrangement to prevent duplication.

Mr. FITZGERALD. Every department seems to proceed upon the theory that they can do everything better than every other department, and they are all constantly striving to enhance their own powers and enlarge their own activities, and

some of them are more successful than others.

Mr. HAWLEY. It is in the hands of Congress, of course. in making the appropriation, to define the fields of departmental activity. I do not wish to be understood as in any way mini-mizing the value of the work of the Public Health Service.

FITZGERALD. It is not in the hands of Congress at all. We imagine that it is in our hands, but when a gentleman is confronted with the suggestion that the particular service which he thinks is the very best service in all the Government is encroaching upon some other service that he does not look on with such a favoring eye, and some one suggests that he help to curtail his favorites, he turns a deaf ear and helps the service that he favors to do the things that it should not do.

The CHAIRMAN. The time of the gentleman from Oregon

has expired.

Mr. MONDELL. Mr. Chairman, I come from a rural community. I represent a rural State. I believe in rural sanitation, and I am very much in favor of the limitation contained in this item. I am in favor of it because, for one thing, I doubt very much whether you can in the long run make people better, more cleanly, more sanitary in their habits by investigations with which they have nothing to do, in which they have no part, that do not cost them anything. The gentleman from Missouri [Mr. Borland] has told us about the work in Clay County. I hope it has done much good, I hope that its benefit will be lasting, but I doubt very much whether it is a good policy for the Federal Government to start out proposing, out of the Federal funds raised by taxes, to spend the approximately \$30,000,000 that it will require to conduct in each county of the Union the kind of rural sanitary survey that was carried on in Clay County, Mo.

Mr. McCRACKEN. Will the gentleman yield?
Mr. McCRACKEN. I will.
Mr. McCRACKEN. Does not the gentleman in his own State think it would take practically all of the \$30,000,000 to make a survey of all the counties in Wyoming, even though it is not necessary to enforce sanitation?

Mr. MONDELL. Of course, it would cost something to cover our very great extent of territory; but, on the other hand, it would cost comparatively little, because our sanitary conditions are most excellent as the matter now stands.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. Yes, sir.

Mr. MANN. What is the population per square mile in Wyoming?

Mr. MONDELL. Wyoming; oh, it is about two and a halfplenty of room.

Mr. MANN. The gentleman does not think they need any great sanitation lessons either in the Desert of Sahara or any other place where the population is so sparse?

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. Now, I think the gentleman from Illinois would not want to convey the impression that I am not interested in this sanitary work because it may not be needed in my State.

Mr. MANN. No. And I do not so imply.

Mr. MONDELL. I would not suggest he was interested in the work because it was needed in his State.

Mr. MANN. It is; it is needed in every State in the Union

except Wyoming.

Mr. MONDELL. I think it a good work in every State in the Union, including Wyoming; but I believe that to accomplish the best results, in fact to accomplish any permanent beneficial result by a work of this kind, the local people must be directly interested, and the only certain and sure way to directly interest them is to ask them to pay a part of the cost.

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. SLOAN. I want to suggest that the fact that Wyoming is populating so fast and the constituency of the gentleman, following his illustrious example, is rapidly increasing the number per square mile, I want to ask whether or not sanitation is to be applied to the two metropolitan places of the two States-Sun Dance, Wyo., and Chicago, Ill.—or entirely in the rural part of it?

Mr. MONDELL. Well, take and put them together and averige them and I should say that they would then both be rural. Therefore this sanitation might apply. But, seriously, this is a serious matter, because it is a matter in which the department has been doing excellent work. It has not done a great amount The work is new, the appropriations heretofore have been small—\$25,000 a year; \$150,000 this year—we are increasing it; it is going to grow; it must grow more if we are to carry on this work all over the Union generally, and carry it on with any degree of rapidity, but in my opinion it will not be useful or helpful unless you invite the people to participate in it. I am of the opinion that the value of the farm-demonstration work would be comparatively small if it were not for the very wise provision under which the community contributes toward that work

Mr. LEVER. Will the gentleman yield in that connection?

Mr. MONDELL. Yes.

Mr. LEVER. And yet the gentleman knows that the farm demonstration was going on for perhaps 20 years before any such cooperation was required. It was only after the farm demonstration work began to be permanently something in the community that the cooperation was required and was easily

Mr. MANN. Is it required now by law? Mr. MONDELL. Cooperation.

Mr. MANN. By law.

Mr. MONDELL. Well, it is required under the rules of the department, and also-

Mr. MANN. Yes; but it-

Mr. LEVER. It is required under the agricultural exten-

Mr. MANN. That simply limits you; but under the Agricultural appropriation it was never required by law.

Mr. MONDELL. We do not get any assistance in our coun-

try in the farm demonstration work unless—
Mr. MANN. That is because you can afford to pay for it.
The CHAIRMAN. The time of the gentleman has expired.
Mr. MONDELL. I ask to proceed for five minutes more.
The CHAIRMAN. Is there objection? [After a pause.] The CHAIRMAN.

Chair hears none.

Mr. MONDELL. Now, the gentleman suggests that it might be well to put this restriction on this appropriation after we get it going. I think the time to put the restriction on this appropriation is now, and then, if there is a county in the gentleman's district or a county in my State that is sufficiently in-terested in this work to contribute toward it, they will have a survey that will be valuable, that the people will be interested in, and which will be permanently useful and helpful.

I am afraid all these blessings from on high, from the Federal Government, give the impression to the people of the communities that Uncle Sam gathers his dollars from the bushes, pulls them out of the air, that there is no limit to the depth and breadth and capacity of the Federal Treasury, and that Uncle Sam is the daddy of us all, and can do all things needful for us. That is not a good spirit to cultivate in a Republic. It is unfortunate. And, furthermore, no people were ever made or ever will be made permanently careful and thoughtful of their sanitary conditions and surroundings by reason of aid from the outside. That is not the way in which human conditions are progressively and permanently improved. They are improved by the effort of the people locally in the main. We should en-courage this work. We should help it. But, in my opinion, we will be doing our duty in the best possible way if we ask the people to participate.

Now, after we have tried this a year, if we find it does not work at all, if we find the people can not meet the conditions, I for one would be perfectly willing to go on for a time without this plan of cooperation. And I think this is a wise thing to do.

Mr. KELLEY. So far as the gentleman knows, is there any State which does not have a State medical board, or a State health board, with subdivisions in the counties and smaller municipalities?

Mr. MONDELL. I imagine all States have such organizations. Mr. LEVER. Let me ask the gentleman from Wyoming if he does not realize this appropriation here is the beginning of a great cooperative work between the Federal Government and the States to carry on this line of work, but that the time has not come when it is wise to demand of the States the coopera-

tion which you require in this item?

Mr. MONDELL. The only difference of opinion there is between the gentleman and myself is that I believe this is the time to begin this work in a cooperative way. The gentleman evidently does not. I believe that we will under this coopera-tive plan this year get the best work and accomplish the best results we have ever accomplished.

Mr. LEVER. On the general principle the gentleman and I are in absolute agreement. I believe there ought to be this cooperation. The only difference is I do not believe it wise in the very incipiency of this work to require it at this time. I think it would have the result of retarding the work rather than en-

couraging and promoting it.

Mr. MONDELL. Though the aid may retard the expenditure of some money, even though the effect would be to prevent the expenditure of this entire \$150,000, we shall at least be laying the foundation on sound, sane, and sensible lines. We will be saying to the people of the country, "Through this cooperative agreement Uncle Sam, the Federal Government, stands ready to assist you in this matter, to give you the benefit of the advice and cooperation of the best talent that can be secured, and to start you on the way of better living, the establishment of better conditions. But before the Federal Government can be really effective in permanently improving the situation, you must have become sufficiently interested in the matter that you will be willing to make some contribution to it."

Mr. LEVER. If the gentleman will permit, I believe if we

had made this limitation put in here in 1904, begun in Texas, instead of the system which has developed into the nation-wide system we now have, we would not now have that system

at all.

Mr. MONDELL. I would not deny that, because the gentle-man is an authority on the subject; but I do believe that this is the best way to carry on this work.
Mr. TILSON. Mr. Chairman—

Mr. FITZGERALD. Mr. Chairman, I wish to agree upon some time in which to close debate. I ask unanimous consent that all debate on the paragraph and pending amendments close in 20 minutes

The CHAIRMAN. The gentleman from New York [Mr. Fitz-gerald] asks unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes. Does the gentleman wish the time to be controlled by the Chair?

Mr. FITZGERALD. By the Chair.
Mr. MANN. Divided up into two-minute propositions.
The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Connecticut [Mr. Til-

Son] is recognized for two minutes.

Mr. TILSON. Mr. Chairman, I wish to ask the gentleman from Missouri [Mr. Borland] a question or two, having been called out of the Chamber for a moment and having thus missed a part of his very illuminating speech. I wish to inquire in regard to the spread of typhoid fever. I understood the gentleman to say that a portion of this demonstration and instruction work was to prevent the spread of typhoid fever in rural communities. I wish to ask the gentleman if this work goes as far as recommending or actually giving the prophylactic for typhoid fever?

Mr. BORLAND. No. It was only the sanitation. It only went to the examination of the water supply and the disposition of human offal, and so forth, that would produce typhoid fever.

Mr. TILSON. Did the instructors and demonstrators go so far as to give information to the people that typhoid fever has been practically eliminated so far as the Army is concerned, by means of the prophylactic, which every man who enters the Army must take and which has been absolutely effective for the prevention of typhoid fever?

Mr. BORLAND. No. Their instruction related wholly to the sanitation of the premises in which the people live. It did not

deal with the subject itself.

The CHAIRMAN. The gentleman from Texas [Mr. Davis] is recognized for five minutes..

Mr. DAVIS of Texas. Now, Mr. Chairman and gentlemen

of the committee, I consider this movement as one of the most vital in the whole process of government. The experience of mankind has shown that it is very little trouble to propagate a race, but it is an immense question to take care of the young and develop them after they are born. There is no doubt about the necessity of sanitation. Look at the fell destroyer that sweeps down the infant's life in our country and you will realize And I want to say that it is not all in the larger the distress. cities, notwithstanding the fact that our larger cities are becoming absolute sinkholes into which human life is poured by the millions. Our rural communities are suffering likewise for want of a proper knowledge of sanitation and health protection. The scientific world has found that it is far better and more economical, and that it conserves the race far better, to prevent

disease than to undertake to cure disease.

Now, I have lived a great deal of my active life out among the farmers. I have slept in farmhouses perhaps half my time the farmers. in all the States south of Washington and west of the Alleghanies to the Pacific Ocean for nearly nine years. I find this, my friends, that when a farmer locates a home he will usually pick out a nice promontory on which to put his barn and feed pens, and then he will find another promontory on which he will put his house; and when he digs his well he goes down into the lowlands, and hence the offal and effete matter, the excrement of human and animal life, strikes down to the level of the well and percolates into the well, and necessarily diseases follow.

I have found, also, that all over the earth the people who stand by the Abrahamic theory of the resurrection, when they plant a town or a village, usually go out to the highest spot on the outskirts of the little village in its infancy and pick out a place for a graveyard. That graveyard increases as the city increases. But the water supplies are usually found in the lower lands, and therefore every disease that is in that city is buried in that high point, and assimilation and percolation take it down to the level of the water supply, and disease contaminates and destroys human life all over the country.

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Texas. Yes.

Mr. SMITH of Minnesota. While we admit the necessity of some work being done along the line which the gentleman has suggested, I would like to know why it is, if he so believes, that the Federal Government should do the work? Why not have the great State of Texas do its own sanitary work and the

State of Minnesota do its sanitary work? What does the gentleman say along that line?

Mr. DAVIS of Texas. I thank the gentleman. We might have the State of Texas run our Post Office Department and everything else with the same propriety. The conservation of the human race is the conservation of all power, and to take care of the human family is the prime object of all government. The second law book that ever I tried to pass an examination on told me on about the fortieth page, as I recollect now, that the prime object of all government is to restrain the strong and vicious, assist the weak and helpless, establish and maintain that which is right, and condemn and prohibit that which is

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield for another question?

Mr. DAVIS of Texas. Surely.
Mr. SMITH of Minnesota. The gentleman has intimated that inasmuch as the Post Office Department is run under the Federal Government, therefore sanitation should be taken care of by the Federal Government.

Mr. DAVIS of Texas. We are proposing a species of cooperation. There is no destruction of the proper relation between

the Federal and State Governments.

Mr. SMITH of Minnesota. The gentleman seems to think there is no distinction between the Federal Government carrying on the activities of the post office and carrying on these health activities. In the case of the post office there is a constitutional provision that requires the Federal Government to run it, and in the other it is a question of cooperation by the Federal Government without being required so to do with the States. Does the gentleman think this necessary.

Mr. DAVIS of Texas. I am not responsible for the distorted rision that the gentleman has. [Laughter.] I am talking about my own condition. [Laughter.] I feel that it would be a misfortune to hamper or in any way impede the progress of this demonstration work in regard to the health of the As the gentleman from Illinois said about the gentleman from Wyoming, it is not so interesting where there is only one man to a section or one home to a section. atmospheric doctor of the universe keeps that atmosphere pure. But the question will become more and more important as this Republic finally becomes settled.

The CHAIRMAN. The time of the gentleman from Texas

has expired. The gentleman from North Dakota [Mr. Norton]

will be recognized for two minutes.

Mr. NORTON. Mr. Chairman, I think the proviso to this legislation is a very good one, and should be retained in the bill. But I differ with my friend from South Carolina [Mr. LEVER] in this, that I believe better results will be obtained by having the State and the county contribute a part of the amount to be paid for the work done under this appropriation. If that is done, the community where the work is carried out will take more of a real interest in the work. I do not believe in the Federal Government distributing with a free hand funds of this kind. I find that where the local people, either in matters of sanitation or in education, contribute a part of the expense, they are more interested in the work, they more appreciate the work, and the work is more successful. In the farm-extension work throughout the Northwest that work has de-

veloped to a very wide extent, and I believe that has been due mainly to the fact that it was paid for largely by the people who were benefited by it.

Mr. MANN. Mr. Chairman, will the gentleman yield for a

question?

Mr. NORTON. Certainly.
Mr. MANN. Does the gentleman believe that is true about the appropriation for the eradication of dourine?

Well I will say to the gentleman that those

Mr. NORTON. Well, I will say to the gentleman that those who were benefited by that appropriation contributed in large part to meeting the expense that was occasioned by the prevalence of that disease.

Mr. MANN. Did they contribute any part toward meeting the Federal expenditure of \$75,000 in the gentleman's part of the country?

Mr. NORTON. Yes; they contributed a large part to meet the expense that was caused by the disease.

Mr. LEVER. No such requirement was made by law. Mr. MANN. The gentleman would not apply his principle to

that.

Mr. NORTON. I think those two cases are not altogether analagous. As far as that is concerned, where there is a loss now through the disease to which the gentleman refers, and where there is an attempt made to eradicate the disease, the owner of the live stock stands much more of the loss occasioned by the disease than the Federal Government or than the local community. Under regulations of the Bureau of Animal Industry, the State or county in which the work of eradication is carried on is required to defray part of the expense. that no large part of this appropriation will be used here in Washington, but that it will be used mainly out in the rural districts. Last year there was an appropriation of \$25,000 under this item, but practically all of it, as I understand, was used here in the city of Washington.

Mr. MANN. None of it was used here. The CHAIRMAN. The gentleman from Ohio [Mr. Fess] is

recognized for three minutes.

Mr. FESS. Mr. Chairman, there are two considerations that have appealed to me with a great deal of force in favor of striking out this provision. One is that the place needing it the most would not know it, and therefore the Government ought not to expect the States to cooperate. The other is that where habits are to be changed, the change will likely be very unwelcome. Those two considerations weigh something with me. But, on the other hand, it seems to me that the Government ought to require cooperation in the relationship of all work where the Government aids the State. That was the principle of the vocational education bill, and I think it was soundly based. It is the principle also of other activities, and I am told that those activities are growing more popular every day with cooperative rather than simply Federal aid.

I realize the force of what the gentleman from South Carolina [Mr. Lever] said, and also what the gentleman from Illinois [Mr. Mann] said; but it seems to me a wise provision that what is done by the Federal Government in any State or county ought to be met by at least a portion of assistance by communities in a cooperative way. It is so easy to ask the Federal Government for money. It is so common for us to come here and demand help for our own locality. That is the source of all the bad odor of what we call pork-barrel legislation, much of which is unfounded but which the public believes to be well founded. And it seems to me it would be a very wise provision to keep this proviso of cooperation in the bill, because you all admit that you will put it in later on. It is wise to start well, in the belief that what we are going to do later on had better be done when we start.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois [Mr. Mann] is recognized for five

minutes.

Mr. MANN. Mr. Chairman, there are quite a number of Members here who were not here when I spoke before. We are making an appropriation for rural sanitation, and have been making one for two or three years. For the current year about \$75,000 is being expended, though the appropriation for that purpose was only about \$25,000, the other coming out of another appropriation. This year the committee have recommended an appropriation of \$150,000 and put into the bill with it the proviso that no part of this appropriation shall be available-I am not reading it verbatim-unless the State, county, or municipality shall pay one-half the expense of the work.

It is perfectly patent to everyone here, as I stated before, that during the next fiscal year the States can not contribute any of this money. There is no machinery by which they will be able to do so. It is perfectly patent to anyone here that the municipality can not contribute one-half the money, because in

the main this work is not in any municipality. There is no municipality there. It is rural sanitation. There may be a hamlet community. It is perfectly patent that the county probably will not contribute one-half of this expense. There are too many other things for the county to do. Now, whether we can ever educate the people so that they will be obliged to contribute some of this I do not know. I am perfectly willing that they should be permitted to contribute. The gentleman from North Dakota [Mr. Norton] said he did not believe the Government ought to do these things without the States contributing. Well, let us see what we do. This appropriation is more for the protection of the lives of the children and the women than the men. It is to teach them how to dispose of sewage very largely, to get a healthful water supply and to prevent vermin which will carry disease. We appropriate for this year \$532,000 for the eradication of scabies in sheep and cattle, out in the gentleman's country, and not a dollar of it is contributed by the State. We appropriate \$632,000 for the eradication of the southern tick, which is paid by the General Government.

Mr. MONDELL. Will the gentleman-

Mr. MANN. I do not yield. We appropriate \$277,000 in reference to butter factories and dairies, paid from the General Treasury. We appropriate millions of dollars out in the territory represented by the gentleman from Wyoming, and the State does not contribute a red cent, and part of it is expended to find out how prairie dogs scatter disease among animals. We appropriate \$250,000 for the citrus canker. We appropriate We appropriate money in every direction for the protection of forest products, for the protection of hogs and cattle and sheep, for the protection of wheat and corn and grain and cotton, for the investigation of diese and corn and grain and cotton, for the investigation of diese and corn and grain and cotton, for the investigation of diese and corn and grain and cotton, for the investigation of diese and corn and grain and cotton, for the investigation of diese and corn and grain and cotton, for the investigation of diese and corn and grain and cotton, for the investigation of diese and corn and grain and cotton are diese and corn and grain and cotton and grain and cotton are diese and corn are diese and corn are diese and corn are diese and corn and grain and cotton are diese and corn and grain and cotton are diese and corn are diese are diese and corn are diese are diese and corn are diese and corn are diese are diese are diese and corn are diese are dies tigation of diseases of potatoes. Why can we not as well give a little bit of money to save the health of the people in the country districts, without saying they must put up half the money? [Applause.] Is it not just as valuable for the Government to help protect a baby as it is a young pig? We spend money to tell people how to protect wheat that has built up Minneapolis with her flour mills, yet the gentleman from Minneapolis objects to this. Can we not just as well protect the babies? Is human life less valuable than that of hogs? I believe if we do one without requiring contributions, we can do the other. If this proviso remains in the bill, this appropriation is dead, and the work will cease.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER]

is recognized for two minutes.

Mr. FOSTER. Mr. Chairman, I have heard the statement here a good many times—possibly I have made it myself, until I found out better-that the gentleman speaks of in reference to the care and treatment of animals and the destruction of those animals that ought to be destroyed on account of their danger to human life. But we appropriate hundreds of thousands of dollars, yes, more than that, for the health of this country. The impression ought not to be made by the gentleman from Illinois [Mr. Mann] that we appropriate only this small amount for the health of human beings. I think I have always voted for every bill and every provision looking to the betterment of the health of the people. I dare say there is no man in this House who sends out more bulletins to the people generally upon the subject of sanitation and health than I do. I try to watch every one of them issued by the Government, because I think they are a splendid thing. I believe I am for rural sanitation just as strong as any man in this House, but I do believe that the people living throughout this country ought to have enough interest in it to be able to contribute something for this work, and I think it is no reflection upon any Member of this House when he stands for this provision in the bill, and he ought not and can not be rightfully charged with a lack of desire to stand for sanitation and for the betterment of the condition of the health of the people of rural communities when he says that some contribution should be made by the local authorities.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. FITZGERALD. Mr. Chairman, this provision in the bill is in the interest of rural sanitation. What is most necessary at present are proper sanitary regulations and proper sanitary agencies to enforce these regulations. That is the statement of the public-health officials. The object of requiring the cooperation is to so develop public sentiment that when a county has been surveyed these essential regulations will be adopted to continue the conditions that are created and arranged for the enforcement of those regulations. If that be not done, every dollar expended in this work will be wasted. Health regulations do not come into being of their own motion, and they are not enforced in communities in which there is no agency to enforce them.

This provision will not prevent the expenditure of money. This limitation will be an incentive to the Public Health Service of the United States, by reason of its connection with the health departments of the various States, to obtain the cooperation that is desired. All of this work is now done after consultation with the health officials of the State. Certain complaints are made by the Public Health Service that the failure to organize the proper agencies to carry on the work by the States is a very serious defect in the whole situation.

We have already surveyed and worked in 15 counties in 15 different States, and we are now working in the sixteenth county. This money will enable the work to be done in every State in the Union if it is done by cooperation. This work ought to be done now, so that we will not only contribute the money necessary but at the same time we will develop that proper healthy public sentiment for the adoption of proper regulations and organization of agencies that will enable them to be enforced. I hope the amendment will be adopted.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be

again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. Mann] to strike out the proviso.

The question was taken; and on a division (demanded by Mr. Mann and Mr. Lever) there were 19 ayes and 39 noes.

Mr. LEVER. Mr. Chairman, I ask for tellers. Tellers were ordered.

The Chair appointed as tellers the gentleman from New York [Mr. Fitzgerald] and the gentleman from South Carolina [Mr. LEVER 1.

The committee again divided; and the tellers reported that there were 29 ayes and 40 noes.

So the amendment was rejected.

The Clerk read as follows:

Biologic products: To regulate the propagation and sale of viruses, rums, toxins, and analogous products, including personal service,

Mr. YOUNG of North Dakota. Mr. Chairman, I move to strike out the last word. I received a letter from a health official a year ago saying that he doubted if there was any serum that would prevent typhoid fever. The gentleman from Connecticut [Mr. Tilson] made some remarks to the contrary a few minutes ago, and I would like to know upon what he based his statement.

Mr. MANN. Knowledge. Mr. TILSON. Mr. Chairman, I spoke of the typhoid prophylactic, especially its use in the Army. At the time of the first border mobilization in Texas, in 1911, I served a tour of duty as a student officer and took the typhoid prophylactic. Since that time I have been interested in the use and results of the use of it. Last summer as soon as called into the service I took the prophylactic again and saw thousands of others taking it. I witnessed results at first hand and have no doubts in regard to them. I have also conversed with medical men in the Army and out of the Army as to the effect of the use of it. Therefore I spoke upon what I thought was good authority in saying that typhoid had been practically eliminated, so far as the Army was concerned.

I recall that in the 1911 mobilization there were more than 20,000 Regular officers and men who took the prophylactic, with the result that there was not a single case of typhoid, except one, and that a very mild case, among the twenty-odd thousand who took it. Even this case was said to be a man who had contracted the disease before he took the prophylactic.

In the recent mobilization on the Mexican border the first thing ordered was that every man brought into the service be given the prophylactic, and this was done. So far as I know, there was absolutely no typhoid fever in that Army of 150,000.

I would say further, in answer to the gentleman's inquiry, that so certain is the medical profession as to the efficacy of this prophylactic that it is extensively used in private practice. This is especially true in cases of local outbreaks of typhoid, where the use of the prophylactic among private patients by civilian physicians has been very effective.

The Clerk read as follows:

For observation of the total eclipse of the sun of June 8, 1918, including purchase of necessary apparatus and supplies, transportation of equipment to and from observing station, hire of temporary assistance, transportation and subsistence of observers, and miscellaneous expenses, \$2,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to make some inquiry regarding this itemas to the total eclipse of the sun in 1918. I have a slight impression that the legislative subcommittee considered this proposal, but I am not certain whether the committee appropriated

Mr. FITZGERALD. The legislative bill carried an appropriation to enable the Naval Observatory to send an expedition. Mr. STAFFORD. It was for the same purpose-to make the

Mr. FITZGERALD. The same purpose; but this expedition goes to a different place. In case conditions should be such at one place that they could not make observation we might make it at the other.

Mr. STAFFORD. If I recollect the testimony of the Superintendent of the Naval Observatory, he explained that it was the purpose to send an expedition to different places to study the eclipse, so that in case the conditions are not favorable at one place they might be at the other.

Mr. FITZGERALD. The practice has been to send separate expeditions for the Naval Observatory and for the Astrophysical Observatory. The opportunities to acquire this information are so rare, so valuable for scientific purposes, that it would be a great mistake for the very slight sum involved to forego the opportunity

Mr. STAFFORD. As I recall, some years ago we made an appropriation to the Smithsonian Institution to bear expenses of some observations down in Mexico. Has this any relation to that character of work?

Mr. FITZGERALD. No; that was for certain studies they

wished to make of the sun. Mr. STAFFORD. Was it not in connection with an eclipse

of the sun? Mr. FITZGERALD. I do not recall whether it was an

eclipse or not Mr. STAFFORD. It was about 8 or 10 years ago when that

appropriation was made. Mr. FITZGERALD. The last eclipse of this character was

in 1900. That may be the one that the gentleman has in mind. Mr. STAFFORD. The gentleman's information shows that

it is not supplementary to the Naval Observatory?

Mr. FITZGERALD. That was the Naval Observatory ex-This is for the Astrophysical Observatory.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

National Zoological Park: For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals; necessary employees; incidental expenses not otherwise provided for, including purchase, maintenance, and driving of horses and vehicles required for official purposes, not exceeding \$100 for the purchase of necessary books and periodicals, and exclusive of architect's fees or compensation, \$100,000; one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not know whether any of the Regents of the Smithsonian Institution are present here to-night or not. I would like to know why the road at the entrance to the park has been closed all winter?

Mr. MONDELL. It is not closed now, is it?

When has it been opened? Mr. MANN.

Mr. FITZGERALD. The entrance to the Zoo Park?

Mr. MANN. To Rock Creek Park.

Mr. FITZGERALD. And the gentleman asks why it is closed?

Mr. MANN.

Mr. FITZGERALD. They were repairing the road the last time I was out there.

Mr. MANN. They do not repair these roads in the middle of winter, do they? If they do, they exhibit abominable taste.

Mr. FITZGERALD. They were repairing the road the last time I was out there. That was one day during this session of The road was then closed.

Mr. MONDELL. Perhaps the road was closed because of the unusually high water in the ford.

Mr. MANN. It has been closed regardless of high water or

any other kind of water.

Mr. STAFFORD. The drought and the dry law has not had

any effect on Rock Creek, has it?

Mr. MANN. They have a habit of doing those things out there without any regard to the interest or wishes of the public.

Mr. FITZGERALD. I was through the park on Sunday.

Mr. MANN. The Zoo or Rock Creek Park?

Mr. FITZGERALD. And to my surprise I found a considerable amount of snow there, and some of the roads impassible on that account. It may be due to that condition.

Mr. MANN. Of course, the roads are impassible, if they keep them closed all of the time. There is no road out there that is not passible, so far as snow is concerned, if it is open otherwise.

Mr. FITZGERALD. What day did the gentleman go out there?

Mr. MANN. Oh, I am out there nearly every day or night. Mr. FITZGERALD. I am glad the gentleman finds time to do that.

Mr. MANN. That is where I get my fresh air. I do not get it in this Chamber talking with the gentleman or listening to his hot air.

Mr. FITZGERALD. I think it would improve the gentleman if he would go with me. Of course they can not keep the park open all night to accommodate the gentleman from Illinois. If he goes out there in the daytime, I think he will be able to get in.

Mr. MANN. Of course, that road is closed after sundown anyhow, and that is a ridiculous regulation, but to that I submit; but just to close it out of-oh, pure cussedness, it does not seem to me is the right thing to do. I had hoped that some of the Regents of the Smithsonian Institution would be here, though I understand perfectly well, having been one, that the Regents of the Smithsonian Institution have nothing whatever to do with the Smithsonian Institution.

Mr. FITZGERALD. Things may have changed. Perhaps it is the Regents who are closing the park up.

Mr. MANN. I do not believe that they know that the Smith-

sonian Institution has jurisdiction over the park.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and including not exceeding \$15,000 for rent of buildings in the District of Columbia, \$3,500,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I do this for the purpose of seeing if I can get a little information with reference to previous expenditures of sums in the same line as those directed by this paragraph. Can the gentleman inform me as to what proportion of the mileage of the railroads of the United States has been valued by the Interstate Commerce Commission so far?

Mr. FITZGERALD. Completed?

Mr. GREEN of Iowa. Yes, Mr. FITZGERALD. They have finished and have up before the commission, my recollection is, a complete valuation of two short lines. The estimate was that they would value about 50,000 miles a year.

Mr. GREEN of Iowa. I have been informed, I can not say just how correctly, that the cost up-to-date has been about \$8,000,000.

Mr. FITZGERALD. Nine million three hundred thousand

Mr. GREEN of Iowa. Can the gentleman at that rate estimate how many hundred million dollars it will cost to finish this valuation?

Mr. FITZGERALD. It is going exactly as it was pointed out it would when the first appropriation was made. The statement was then made that it would cost at least \$12,000,000 and that it might possibly cost \$20,000,000, and the House was informed fully by me at the time and notified that if Congress initiated the work it would do so upon the understanding that the expenditure resulting would be at least \$12,000,000 and possibly \$20,000,000.

That statement was made because, when the bill to authorize the physical valuation of railroads was under consideration in the House, what was considered a very extreme and wild estimate was made of about \$6,000,000. The information upon which the House acted was that the valuation would cost probably three and a half million dollars, but after it was authorized and after the commission looked into the matter and compared its plans, Judge Prouty, who was put in charge of the work, outlining the scheme of work and the method to be followed and the estimate of cost, stated it would be at least \$12,000,000, and that is what it will be; it may be more.

Mr. GREEN of Iowa. Well, how much per mile has it cost for the ordinary railroad?

Mr. MANN. There are 250,000 miles.
Mr. GREEN of Iowa. I mean how much per mile is the cost?
Mr. FITZGERALD. I think I could tell the gentleman in a moment. We had that information last year about what it would cost per mile. They are doing about 4,000 miles a month, that is what I said, about 50,000 miles a year, about \$3,500,000, or \$70 a mile.

Mr. GREEN of Iowa. When is it expected the work will be

completed?

Mr. FITZGERALD. The field work will probably be finished inside of two years. After that there are a great many questions that must be passed upon, and then the commission must reach its conclusions and the estimate was it would take to January 1, 1921.

Mr. GREEN of Iown. Well, some of this work will be out of

date by that time.

Mr. FITZGERALD. No; provision is to be made to keep it up to date, to keep the valuation current. That is the only way it would be of any value.

Mr. GREEN of Iowa. Quite true.

Mr. FITZGERALD. And after they have finished the work provision is made for the railroads, by report to the Interstate Commerce Commission, to show the moneys expended in betterments and improvements, and, by rule to be fixed, that element is to be carried into the valuation, modifying it from time to time.

Mr. GREEN of Iowa. Well, if it cost \$9,000,000, it would take at least \$15,000,000 more, does not the gentleman think, to

Mr. FITZGERALD. It may; it would not surprise me at all. My experience has been, as a rule, that these estimates of enterprises like this are usually low and underestimated. I believe, however, that Judge Prouty had a very accurate conception of just what this work would be and how much it would cost, and when other men were asserting that \$6,000,000 was an extravagant estimate, he reiterated and emphasized the fact that if Congress initiated the work it would do so with the knowledge that it would cost at least \$12,000,000, and that it could not possibly be done for less.

Well, he seems to have been about Mr. GREEN of Iowa.

Mr. FITZGERALD. Well, he had worked out a plan that had to be followed and calculated what was required to be

done, and his judgment was very, very accurate in the matter.

Mr. GREEN of Iowa. I think possibly the commission has finished a little more than the gentleman has stated, because I saw a statement in a financial paper the other day that the Rock Island system had their valuation practically finished, and

that is one of the large systems.

Mr. FITZGERALD. Valued at what?

Mr. MANN. Practically finished, but not completely.

Mr. GREEN of Iowa. Not completely but practically finished.

Mr. MANN. There are just two roads completely finished

a short time ago, but that does not mean-

The Kansas City Southern, of about Mr. FITZGERALD. 1,000 miles, and the Norfolk Southern have been completed and hearings have been fixed before the commission to pass upon some questions that have been raised by the roads. After these hearings have been held the commission will then reach its conclusion, and then the road will have to appear before

the courts, and it may take some time.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. The chairman of the committee has stated that about \$9,000,000 has been spent on this work up to the present time. It is a very grave question whether the people of the United States will get value for the money they have spent on this inquiry and the money they will spend on it. Nine million dollars at this time would be of great service to the masses of the people of this country, some of whom are clamoring for food. Despite the talk of prosperity, which is temporary to a certain extent, due to foreign conditions, there is a great deal of distress in some of the large cities just now. Organizations and groups of men and women in New York and Philadelphia have been knocking at the doors of the authorities during the last two or three days demanding lower prices upon foodstuffs.

My judgment is that the Interstate Commerce Commission could play a very strong hand in regulating prices in the United States if it cared to do it. There is no more serious question just now, even that of war, than the problem of getting the food supply to the people of the United States. There are many well-disposed persons in all sections of our country who have great concern about the welfare of people in Europe and in other parts of the world; they meet with patriotic enthusiasm and make collections for the soldiers, or unfortunates in Germany-though many of these supplies do not get throughin England, in France, and in Belgium in particular. While this is all commendable, it is rather an odd commentary upon our economic system, possibly upon our social fabric, that while all this is being done for the people abroad, so little is being done for the people at home.

It may not be altogether wise at this time of the evening to discuss a matter of this kind, but I am inclined to think there is an ample food supply for the people of the United States in the United States, and that if there was a proper distribution of cars to carry the products back and forth from the farm to the city there would be a lessening of the prices of food supplies to the people generally. One of the real difficulties is that much of the product of the country is being mobilized for export, tied up in the cars at the great ports, held in the warehouses, or awaiting ships for export. And every shipload that goes abroad seems to increase the price to the American consumer. Some strange stories come from the other side. Eggs are less in price to the people of London than they are to the people of Philadelphia. Food supplies are cheaper, we are told, in Paris than they are in New York, and yet these food supplies for foreign lands come from the United States.

Mr. MONDELL. Will the gentleman yield? Mr. MOORE of Pennsylvania. Yes.

Mr. MONDELL. The gentleman says that food supplies are cheaper, we are told, in Paris than they are in New York.

Mr. MOORE of Pennsylvania. I said that eggs were cheaper

in London than they are in Philadelphia.

Mr. MONDELL. Has the gentleman accurate knowledge on

that subject? Mr. MOORE of Pennsylvania. I have newspaper informa-

tion.

Mr. MONDELL. It is very extraordinary. Mr. MOORE of Pennsylvania. I can produce the statement for the gentleman, and if the gentleman will reason a minute he will see why this is possible. We are buying up food prod-ucts in this country for export to the warring nations of Europe, and that restricts the distribution of the food supply to the people of the United States.

The CHAIRMAN. The time of the gentleman has expired. Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unani-

mous consent for three minutes more.
Mr. BLACK. I object.

Mr. FITZGERALD. I object. I wish to make this state-

Mr. MOORE of Pennsylvania. There is no worse condition anywhere in the United States than there is in the city of

Mr. FITZGERALD. I know more about that than the gen-

tleman from Pennsylvania does.

Some of the people have Mr. MOORE of Pennsylvania.

paraded the streets asking for food.

Mr. FITZGERALD. I wish to state that I intend to object to discussion of this matter at this time, because we are going to reach in this bill a point where there will be an opportunity for some discussion of it.

Mr. MANN. Mr. Chairman, I rise in opposition to the pro forma amendment.

The gentleman from New York [Mr. FITZGERALD] a while ago said when the valuation matter was up before the House he claimed it would cost only about \$3,000,000 to make the valuation, and that the outside estimate for it was \$6,000,000, as I understand it. The gentleman may be in the main correct. I do not recall. I do know that I warned the House at the time that it would cost \$20,000,000 to \$25,000,000 to make this valuation. I say I warned the House. I did not oppose the proposition. The gentleman stated a while ago that this valuation would now be completed within \$12,000,000. I still adhere to my statement to the House before, that it will cost \$25,000,000 make the valuation.

Mr. FITZGERALD. The gentleman misunderstood me. I said it would cost at least \$12,000,000 and might reach \$20,-

000,000.

Mr. MANN. The gentleman repeatedly stated that it would cost \$12,000,000. I do not think there is any "might reach \$20,000,000" about it. It might reach \$25,000,000, but it is sure to reach over \$20,000,000.

Now, as a matter of fact, there has been no valuation of any railroad completed yet. The valuation by the inspectors in the field has been completed as to two small railroads, and possibly more, a short time ago. Of course that does not pretend to state the amount of work that has been done, because work has been done on railroads all over the country, and they can not complete one road very much ahead of some other road.

After valuation in the field is completed there is much work yet to be done both before the Interstate Commerce Commission, and possibly after the Interstate Commerce Commission.

Now, Mr. Chairman, I want to read a telegram to the House, I do not know whether it is informing or not. I do not know what the facts are. There has been a great deal of talk here

about the Interstate Commerce Commission regulating the movement of cars. We have a bill pending to that effect. It may be proper; I do not undertake to say. I hold a telegram in my hand, as follows:

CHICAGO, ILL., February 23, 1917.

Hon. James R. Mann, Congressman, Washington, D. C.:

We are grain merchants operating three large grain elevators in the city of Chicago capable of shipping, provided cars are furnished, 200,000 bushels of grain daily. As a result of the recent ruling of the Interstate Commerce Commission, and the prohibition against reloading miscellaneous cars for shipment east which are made empty at our plant, we can not ship 25,000 bushels per day. We understand there is a shortage of grain and foodstuffs in the East. We can almost guarantee to ship 200,000 bushels of grain east from Chicago every day, including Sundays and holidays, providing the present impracticable restriction regarding loading of cars are canceled. In conclusion, if there is any seriousness in the scarcity of grain supplies in the East, we, with two or three other large Chicago grain houses, can cure that situation in a short time. Our idea would be to allow this problem of grain distribution to be handled by people in the grain business, to whom it presents no new or difficult features. The past three months of almost unprecedented cold weather were largely responsible for existing situation. The favorable weather which may now be resonably expected will certainly cure the situation, provided there is not too much interference. Please understand certain moves and regulations recently adopted are correct and advisable, others almost suicidal, under the conditions. Give us permission to load all empty cars obtainable, and the Chicago grain men will cure immediately any grain shortage which exists in Eastern States.

(Signed) Hales & Edwards Co.

I do not know whether the Interstate Commerce Commission has made impracticable regulations relative to cars or not. I believe they have made some regulations, but I do not know whether they are practicable or not. But as a rule, when some supervisory commission undertakes to make regulations con-cerning the method of doing business for men who are practical, they do mix up things so as to injure rather than aid the enterprise.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Certainly.

The Interstate Commerce Commission, in an opinion handed down on the 18th of January, made a ruling in regard to cars, and in that ruling the commission practically adopted the car rules of the American Railway Association, with some minor modifications which would result in the speeding of the cars back to the owning lines. I think the difficulty in connection with the Chicago situation largely arises out of the fact that some of northwestern roads have marketed grain east of Chicago.

Mr. MANN. These elevator men did not use northwestern They do not use northwestern cars. The grain goes into the elevators from the northwestern cars, but they do not come out of the elevators on northwestern cars.

Mr. ESCH. The cars are now held as currency, and they are

not held on the owning line.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman vield?

Mr. ESCH. I have not the floor.

Mr. MANN. The gentleman does not have the floor. Of course the Interstate Commerce Commission made these regulations, but the railroads did not agree to them.

Mr. ESCH. They do not enforce their own rules. They are not penalized.

Mr. MANN. To say that a car coming into an elevator can not be reloaded with anything sounds ridiculous.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Yes. Mr. MANN.

Mr. SHERLEY. If the gentleman please, there was a hearing some weeks ago in my city touching car shortage. The charge was made, as I recall, by Mr. McCord, who was conducting the hearing, that there were a lot of railroads in the country who were undertaking, in order to protect themselves against future contingencies, to hold cars unduly; and it was because of the selfishness of the railroads in holding back cars and refusing to return cars to other systems that there was such trouble.

I do not believe there is a man here wise enough, without a long study, to determine the equities in regard to car shortages. Just such telegrams as the gentleman speaks of are always obtained from particular concerns that happen to be hit or want to make the railroads furnish more cars than they are able to get, either through the refusal of the railroads to give them or from some order of the commission.

Mr. MANN. Why does the gentleman say "hit"? These cople do not care. They are getting storage charges for their people do not care.

grain elevators

Mr. SHERLEY. Maybe not; but every big shipper complains

this may be accepted as true, that the railroads themselves can not be relied upon to do equity in the matter, because every railroad system undertakes to protect itself as against the other railroad systems, with the result that there are frequently tied up on certain systems infinitely more cars than they own or than they can properly use, and other railroads are starved. Whether the commission has wisely regulated it or not, I do not know, but that it needs the strong hand of a central body to regulate it I have no doubt.

Mr. MANN. Yes; you might get a strong man to regulate this body, but it would not do any good. [Laughter.] The trouble is that the demurrage on cars is too little when there is a great shortage of cars, and too much to increase it when there is a surplus of cars. You can not get anybody to regulate

that.

Mr. SHERLEY. You can not simply regulate the situation by demurrage charges, unless you change them from day to day. But if the Interstate Commerce Commission is fit for anything on earth, it ought to be for determining just such a matter as this and distribute cars equitably, instead of allowing the greed of particular roads or systems to control the cars.

Mr. MANN. The Interstate Commerce Commission will never succeed in making one railroad furnish cars for another railroad, instead of making that railroad furnish cars for itself.

That is the source of the trouble.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For five commissioners, at \$10,000 each; secretary, \$5,000; five clerks to commissioners, at \$1,500 each; chief clerk, \$2,000; disbursing clerk, \$2,000; clerks—4 of class 4, 5 of class 3, 10 of class 2, 17 of class 1, 21 at \$1,000 each, 21 at \$900 each; messenger; 4 assistant messengers; 9 messenger boys, at \$480 each; general mechanic (carpenter, etc.), \$840; 3 watchmen; 2 elevator conductors, at \$720 each; 3 laborers, at \$600 each; telephone operator, \$720; forewoman, \$300; 6 charwomen, at \$240 each; in all, \$172,920.

Mr. BORLAND. Mr. Chairman, I offer an amendment to follow as a new paragraph, on line 3.

The CHAIRMAN. The gentleman from Missouri offers an

amendment, which the Clerk will report.

Mr. MANN. If the gentleman offers an amendment as a new paragraph, I want to make some inquiry about this paragraph. The CHAIRMAN. The gentleman from Illinois can strike out the last word.

Mr. MANN. What is this item on page 54, line 24, "general mechanic (carpenter, and so forth)," with \$840 as salary attached?

Mr. FITZGERALD. That is an explanatory note that should have been dropped out. I will ask to have that stricken out. They wanted a general mechanic. This was an explanatory note

Mr. MANN. I think it ought to go out.

Mr. FITZGERALD. I think so. Mr. Chairman, I ask unanimous consent to strike out, on line 24, page 54, the words "carpenter, and so forth."

The CHAIRMAN. The gentleman from New York asks unanimous consent to make the amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 54, line 24, by striking out the words "carpenter, and so forth."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Missouri [Mr. Bor-LAND] offers an amendment, which the Clerk will report.

Mr. MANN. I move to strike out the last word, Mr. Chairman. The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This is an item for the Federal Trade Commission. There are several items of this character in this bill along here, and I have been wondering as I went over this bill whether we had become a government by commission. When I came to this House there was one commission—the Interstate Commerce Commission-and that did not have much to do. Now, we have here bunched together the Interstate Commerce Commission, the United States Board of Mediation and Conciliation, the Federal Trade Commission, the United States Tariff Commission, the United States Shipping Board, the United States Employees Compensation Commission, and even the Rock Creek and Potomac Parkway Commission.

Mr. TILSON. The Mississippi Centennial.

Mr. MANN. We are becoming a government by commissions. I do not know whether it is because we are too lazy to work, or of the car shortage and of the bad treatment he receives. But I whether we are such indefatigable workers that we want commissions to find work for us to do. I think we have run commission mad. Instead of doing things, we set up a commission, and sometimes we tell them to do something. But of all these commissions the only one that has done anything up to date is the Interstate Commerce Commission, and I am not sure but what all the trouble we are having to-day with transportation problems is due to the Interstate Commerce Commission.

Mr. FITZGERALD. Well, the gentleman helped to create a

lot of these commissions.

Mr. MANN. I take my share of the blame.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The gentleman from Missouri [Mr. BORLAND] offers an amendment, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Insert as a new paragraph after line 3, page 55, the following:

"Salaries and expenses, special experts, etc., Federal Trade Commission: For all the hereinafter-mentioned expenses necessary for the initiation of an investigation by the Federal Trade Commission at the direction of the President of the United States under the powers conferred by the act approved September 26, 1914, creating the Federal Trade Commission, into the production, ownership, manufacture, storage, and distribution of foodstuffs and the products or by-products arising from or in connection with their preparation and manufacture; to ascertain the facts bearing on alleged violations of the antitrust acts, and particularly upon the question whether there are manipulations, controls, trusts, combinations, conspiracies, or restraints of trade out of harmony with the law or the public interest, and all of the transactions and operations pertinent and incident to the foregoing. For compensation, travel expense, and per diem in lieu of subsistence at the rate of \$4, of such special experts, special examiners, special agents, special attorneys, clerks, and other employees as may be necessary. The travel expense and per diem in lieu of subsistence subject to such rules and regulations as the commission may prescribe to the commissioners and the employees of the commission, under its orders in making the investigation herein provided for to be while absent on duty outside the District of Columbia. For contingent and miscellaneous expenses, including the purchase of such books, periodicals, pamphlets, and newspapers as may be necessary, office equipment and supplies, freight and express charges, street car tickets, telegraph and telephone service, mechanical devices, including their exchange, and for all necessary miscellaneous supplies not otherwise provided for; the rental of necessary quarters to accommodate the force employed here-under, and for such printing and binding as may be necessary, to be executed under the s

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York reserves

a point of order against the amendment.

Mr. BORLAND. Mr. Chairman, I would like to have the gentleman state what his point of order is. This amendment is in the exact wording of the estimates submitted by the Secretary of the Treasury in House document 2061.

Mr. FITZGERALD. That does not make it in order.

Mr. BORLAND. It covers the work ordered by the President and for which an estimate was called for by the President from the Federal Trade Commission. The estimate went to the Secretary of the Treasury in the usual course and was transmitted to the House in this form. I would like to have the gentleman state what his point of order is.

Mr. FITZGERALD. It is very simple. This authorizes an expenditure beyond the fiscal year for which this bill makes This authorizes an appropriations. That makes it subject to a point of order. It is contrary to the covering-in act which provides that annual appropriations shall only be available for two years after the expiration of the fiscal year for which they are made.

Mr. BORLAND. Mr. Chairman, if that is the only point of

Mr. FITZGERALD. That is the first one.
Mr. BORLAND. I would like to hear the other one.

Mr. FITZGERALD. It is not necessary to say any more,

because that is surely good.

Mr. BORLAND. Then I ask to modify the amendment by striking out the words "and to remain available until expended" at the close of the amendment.

The CHAIRMAN. The gentleman asks unanimous consent

to modify his amendment as indicated. Is there objection?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The Chair sustains the point of order.

Mr. BORLAND. Then I offer the amendment with those words stricker.

words stricken out.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

Mr. BORLAND. The wording is the same down to where it

And to remain available until expended.

Those words are stricken out. The other language of the amendment is the same.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk began reading the amendment.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the amendment may be considered as read, and that it be not reported again.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will report the amendment.

The Clerk read the amendment, as follows:

Insert as a new paragraph, after line 3, page 55, the following: "Salaries and expenses, special experts, etc., Federal Trade Commis-

Insert as a new paragraph, after line 3, page 55, the following:

"Salaries and expenses, special experts, etc., Federal Trade Commission:

"For all the hereinafter-mentioned expenses necessary for the initiation of an investigation by the Federal Trade Commission at the direction of the President of the United States under the powers conferred by the act approved September 26, 1914, creating the Federal Trade Commission, into the production, ownership, manufacture, storage, and distribution of foodstuffs and the products or by-products arising from or in connection with their preparation and manufacture; to ascertain the facts bearing on alleged violations of the antitrust acts, and particularly upon the question whether there are manipulations, controls, trusts, combinations, conspiracies, or restraints of trade out of harmony with the law or the public interest, and all of the transactions and operations pertinent and incident to the foregoing.

"For compensation, travel expense, and per diem in lieu of subsistence at the rate of \$4\$, of such special expense, special agents, special attorneys, clerks, and other employees as may be necessary. The travel expense and per diem in lieu of subsistence subject to such rules and regulations as the commission may prescribe to the commissioners and the employees of the commission, under its orders in making the investigation herein provided for to be while absent on duty outside the District of Columbia. For contingent and miscellaryous expenses, including the purchase of such books, periodicals, pamphlets, and newspapers as may be necessary, office equipment and supplies, freight and express charges, street car tickets, telegraph and telephone service, mechanical devices, including their exchange, and for all necessary miscellaneous supplies not otherwise provided for; the rental of necessary quarters to accommodate the force employed hereunder, and for such printing and binding as may be necessary, to be executed under the supervision of the Public Printer, this amo

Mr. FITZGERALD. Mr. Chairman, I make the point of order that this provision is not in order, because it is new legislation

and changes existing law.

Under the act of August 1, 1914, the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. In the proposed amendment it reads-

And per diem in lieu of subsistence at the rate of \$4 \* \* subject to such rules and regulations as the commission may prescribe.

Mr. LONDON. Would not the Federal Trade Commission be

subject to the provisions of the law of August 1, 1914?

Mr. FITZGERALD. Not if this one went in. It would change the law. That is why it is subject to a point of order. I have the law here.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order? It occurs to the Chair that the point of order is well taken, for the reason stated by the

gentleman from New York.

Mr. BORLAND. I desire to be heard on the point of order. As I understand the law quoted by the chairman of the Committee on Appropriations, it provides that the heads of departments are authorized to fix the per diem in lieu of subsistence at not exceeding \$4 per day. The point of order is that this amendment proposes to fix it at \$4 a day. It does not seem to me that that renders the amendment subject to a point of order. The Chair is well advised by this time that this estimate has been transmitted directly from the Federal Trade Commission. and it has fixed this per diem in lieu of subsistence at \$4 a day.

It has not exhausted its authority in any respect, and this amendment does not enlarge the legislative authority. it at \$4 a day, the maximum fixed by law. It does not seem to

me that the point is well taken.

The CHAIRMAN. What does the gentleman from Missouri have to say on the proposition that this amendment provides that it shall be \$4 a day, while the law says not exceeding \$4 a day? And, further, that the traveling expenses in lieu of subsistence for employees of the commission as may be necessary shall be regulated by rules and regulations established by the commission? That occurs to the Chair as legislation.

Mr. BORLAND. Mr. Chairman, I ask leave to modify my

amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. BORLAND. I ask to modify it by inserting, after the word "rate," the words "not exceeding"; to strike out the word "of" and insert, after the word "necessary," the words "engaged in field work or travel on official business outside of

the District of Columbia and away from designated posts of duty when otherwise not fixed by law."

Mr. MANN. I suggest to the gentleman from New York that we better rise, so that this amendment may be put in shape.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

And accordingly the committee rose; and the Speaker having resumed the chair, Mr. Garner, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

Mr. Hensley, by unanimous consent, was given leave of absence indefinitely on account of illness in his family.

#### CIVIL GOVERNMENT FOR PORTO RICO.

Mr. JONES, chairman of the Committee on Insular Affairs, submitted a conference report on the bill H. R. 9533, an act to provide a civil government for Porto Rico, and for other purposes, for printing under the rule.

The conference report and statement are as follows:

#### AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER, chairman of the Committee on Agriculture, submitted a conference report on the bill H. R. 19359, an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, for printing under the rule.

#### PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the bill S. 8113, an act granting an increase of pension to soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The bill was read for amendment, as follows:

An act (S. 8113) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Clara Talbot, widow of George W. Talbot, late of Company E, Tenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of C. Ella Hartwell, widow of Charles Hartwell, late of Company D, Twenty-sixth Regiment New York Volunteer Cavairy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John Fleegle, late of Company B, Fifth Regiment Pensylvania Reserves Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William J. Pfaff, late of Company A, and quartermaster sergeant, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lewis G. Smith, late of Company K, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Ilen A. Paine, widow of Irving H. Paine, late of Company M, Fourtheath Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ellen A. Paine, widow of Irving H. Paine, late of Company M, Fourtheath Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John P. Hicks, late of Company A, Fifth Regiment Pro-

ceiving.

pension at the rate of \$20 per month in field of that she is now receiving.

The name of John P. Hicks, late of Company A, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$30 per month in lied of that he is now receiving.

The name of Abraham Swango, late of Company G, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lied of that he is now receiving.

The name of Peter Egan, late of Company I, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lied of that he is now receiving.

The name of Samuel Tibbets, late of Company K, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lied of that he is now receiving.

The name of Thomas F. Stockton, late of Company E, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lied of that he is now receiving.

The name of Martha Beard, widow of William Beard, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay

her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George P. T. Douglas, late of Company L. Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C. Young, late of Company G. Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Daniel E. Washburn, alias David E. Washburn, late of Company D, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry S. Lane, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William Smith, late of Company M, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Williamson R. Barton, late unassigned One hundred and eighty-fifth Regiment, and Company H, One hundred and eighty-fifth Regiment, and Company H, One hundred and eighty-fifth Regiment, and Company H, One hundred and eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Moullenhour, late of Company I, One hundred and pay her a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles Mallatte, late first lieutenant Company B, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles Mallatte, late first lieutenant Company B, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William H. Beal, late of Company B, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary R. Rash, widow of Lawson Rash, late of Com-pany C, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now

ceiving.

The name of Mary R. Rash, widow of Lawson Rash, late of Company C, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John Willford, late of Company A, Thirteenth Regiment The name of Gatherine C. Lay, widow of John L. Lay, late acting first assistant engineer, United States Navy, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Joel A. Griffin, late of Company F. Eleventh Regiment Indiana Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Hiram Muir, late of Company F. Eleventh Regiment Indiana Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hiram Muir, late of Company G. Seventh Regiment Regiment Indiana Volunteer Infantry G. On hundred and fifty-sixth Regiment Indiana Volunteer Infantry G. On the Indiana Regiment Kentucky Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jesse Denny, late of Company G. Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Berry H. Smith, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Beckwith, late of Company I, Forty-ninth Regiment Maine Volunteer Landraty, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Beckwith, late of Company J, First Regiment Nebraska Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John A. Fike, late of Company L, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now

The name of Niles H. Arnold, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Jesse W. Casteel, late of Company H. Thirty-first Regiment Ohio Volunteer Infantry, and Company B, Second Regiment United States Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Phylow A. Heath, late of Company F, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Brumette, late of Company I, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Smith, late of Company K, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jerome Goforth, late of Company E, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jerome Goforth, late of Company E, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John A. Vanderhoff, late of Company A, Second The name of John A. Vanderhoff, late of Company F, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel B. Swift, late of Company I, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Irvin, late of Company B, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Irvin, late of Company B, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the ra

The name of Paul Sullivan, alias Matthias G. Clark, late of Company A, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary C. Hill, widow of James H. Hill, late of Company A, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving. Provided, That in the event of the death of Mary Agnes Hill, helpless and dependent child of said James H. Hill, the additional pension herein granted shall cease and determine: Provided further, That in the event of the death of Mary C. Hill, the name of said Mary Agnes Hill shall be placed on the pension roil, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Mary C. Hill.

The name of Emil Schincko late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Garrett F. Cowan, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John French, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lewis Fulton, late of Company E, One hundred and seventy-fourth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William H. Hayes, late acting assistant surgeon, United States Army, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William H. Hayes, late of Company H, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles H. Minson, late of Company

eran Reserve Corps, and pay him a pension at the rate of \$40 per month in Heu of that he is now receiving.

The name of Martin V. Rand, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in Heu of that he is now receiving.

The name of Edward T. McClannahan, late of Company E, Fortyfourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The name of John W. Munsell, late of Company I, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

per month.

The name of George W. Sperry, late of Company G, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Philip Zong, late of Company C, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Daniel Sheesly, late of Company A, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William Dougherty, late of Company D, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jerome Dornsife, late of Company I, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Andrew G. Anderson, late commissary sergeant with

The name of Jerome Dornsife, late of Company I, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in Heu of that he is now receiving.

The name of Andrew G. Anderson, late commissary sergeant Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$40 per month in Heu of that he is now receiving.

The name of Alice R. Finney, widow of George E. Finney, late second lleutenant Company H, Nineteenth Regiment Indiana Volunteer Infantry, and first lleutenant and adjutant, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Riley Damon, late of Company A, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary J. Pierson, widow of William E. Pierson, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lleu of that she is now receiving.

The name of William L. Holmes, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lleu of that he is now receiving.

The name of Benjamin F, Goodwin, late of Company C, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lleu of that he is now receiving.

The name of Alvah Babbedge, late of Company L, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lleu of that he is now receiving.

The name of Stephen H. Goodridge, late of Company B, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lleu of that he is now receiving.

The name of Henry H. Staubus, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lleu of that he is now receiving.

The name of Henry H. Staubus, late of Company B, Nineteenth Meri

pany A, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Benjamin F. Martin, late of Company H, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Dunton, late of Company F, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry Ramsdell, late of Company K, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John G. Jackson, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, and Company B, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Norris J. Thomas, late of Company F, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David F. Sanborn, late unassigned, Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Abram Frakes, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John A. Sears, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John A. Sears, late of Company F, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John D. Whitted, late of Company G, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Peter Lynch, late of Company E, Seventh Regiment, and Company A, First Regiment United States Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary A. Cooper, widow of Thomas Cooper, late of Company A, Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis J. Curtis, late of Company D, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James D. Fletcher, late of Company H, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John W. Laughlin, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Joseph A. Manning, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Christopher C. Brummet, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles F, Knowlton, late of Company G, Twenty-fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Egbert Hall, late of Company G, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Egbert Hall, late of Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension

a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Lemuel C. Kittrell, late of Company H. Fifticth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John M. James, late of Company F, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Philip C. Cooter, late of Company E, Third Regiment, and Company A. Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Benjamin F, White, late of Company C, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin Johnson, late of Company G, Fiftleth Regiment Missouri, Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sylvester E, Stone, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William P, Duncan, late of Company B, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The hame of Whilliam F. Dillincia, inte of Company B, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of John A. Rice, late second lieutenant, Company L, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Josiah Brewer, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Nannie C. Cole, widow of John P. Cole, late acting ensign, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Andrew J. Persons, late of Company K, Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. Hatch, late of Company I, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry D. Owen, late of Company F, First Regiment United States Lancers, Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Call, late of Company K, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel E. Stoneburner, late of Company H, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John J. Randall, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of David H. St. Clair, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rat

The name of William L. Miles, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Albert C. White, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Moses Tarbox, jr., late of Company I, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George Tarbox, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company M, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Samuel Wenthworth, late of Company C, Fifth Regiment Maine Volunteer Infantry, and Company A, Minth Regiment Maine Volunteer Infantry, and Company A, Minth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Patrick Murphy, late of Battery F, Fourth Regiment

Reserve Corps, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Patrick Murphy, late of Battery F, Fourth Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank J, Davis, late of Company F, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lester Holway, late of Fourth Battery, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Nelson L. Nourse, late of Company K, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry H. Steward, late of Company K, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Francis M. Whips, late of Company H, Thiryfirst Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Olif Volkerts, late of U. S. S. Potomac and Schago, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jeremiah Forguson, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jeremiah Forguson, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jeremiah Forguson, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Herry Green, late of Company F, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pe

The name of Charles B. Greenhalgh, late captain Company C. Fourth Regiment Maine Volunter Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Eltzroth, late of Seventeenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Carrie E. Carter, widow of William M. Carter, late of U. S. S. Princeton and New Ironsides, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph Cook, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of James W. Divelbiss, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emily S, Roblinson, widow of Lemuel Robinson, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jonathan A. Deaver, late of Company D. Nineteenth Regiment Wisconsin Volunteer Infantry, and Company I, One hundred and sixty-first Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

dred and him a per receiving. The name of Melisa Hogan, widow of Robert Hogan, late of Company B, First Regiment Oregon Volunteer Cavairy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Michael H. Carr, late of Company A, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now

receiving. The name of James Olds, late of Company D. Forty-second Regiment Illinois Volunteer Infantry, and One hundred and fifty-sixth Company, Second Battallion Veteran Reserve Corps, and pay him a pension at the rate of \$50 per month in lieu of that he is now

pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of George M. Kelley, late of Company G. First Regiment Maine Volunteer Cavalry, and ordinary seaman U. S. S. North Cavolina and Brooklyn, United States Navy, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Jane Smith, wife of Seager F. Smith, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Josiah Woodbury, late of Second Unattached Company, Massachusetts Militia Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Lee, alias James Riley, late of U. S. S. Minnesota and Vandalia, United States Navy, and Troop D, Eighth Regiment United States Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Marion A. Holman, widow of Edward E. Holman, late second lieutenant Company C, First Regiment Mississippi Volunteer Mounted Rifles, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of William A. Black, late of Company K, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John G. Coburn, late of Company H. Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles N. Spear, late of Company A. One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Adams, late unassigned, Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles E. Brown, late of Company A, Fortieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Annie Earnest, widow of Jasper S. Earnest, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Emerson G. Reeves, late of Company G, Thirty-second

Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Emerson G. Reeves, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Robert Thomas, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Mary L. Campbell, widow of Alexander Campbell, late of Company M, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Frederick Clark, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Joseph E. Reynolds, late of Company I, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Aletha E. Reynolds, dependent mother of Cyrus W. Reynolds, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James R. Eaton, late of Company H, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James R. Hoadley, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James Hill, late of Company K, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of James Mill, late of Company K, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Augustus Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Tarrence Murray, late of Company G, One hundred and seventy-third Regiment Ohio-Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John A. Schmitt, late first lieutenant Company A, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Lena S. Fenn, widow of William R. Fenn, late of Cooley's Battery, Illinois Volunteer Light Artillery (Chicago Mercantile Battery), and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Emily N. Robinson, widow of Daniel Robinson, late captain, Seventh Regiment United States Infantry, and major, United States Army, retired, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Jennie M. Hobbs, widow of Harley S. Hobbs, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George Whitcher, late of U. S. S. North Carolina, Penobscot, and Fearnot, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Whitcher, late of Second Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Galeb P. Nash, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Caleb P. Nash, late of Compa

ner a pension at the rate of \$20 per month in field of that she is now receiving.

The name of Emma L. Porter, widow of George W. Porter, late of Company B, One hundred and tirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Richard L. K. Grant, late of Battery E, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. Nutting, late of Company B, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert S. Farnsworth, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Warren Seaward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alphonso Wingate, late of Company H, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Joseph P. Dore, late of Company D, Eighteenth Regiment Maine Volunteer Infantry, and Company D, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William H, Lindsey, late of Company A, Flity-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Joseph D. Dunn, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Edmond Gould, late of Company K, Twenty-first Regiment, and Company I, Thirty-first Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George W. Brawn, late unassigned, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Barbara E. Wooddell, widow of Isaac N, Wooddell, late of Company E, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Barbara E. Wooddell, widow of Isaac N, Wooddell, late of Company E, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

ceiving.

The name of John Drown, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company A, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Milton M. Adamson, late of Company I, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Aldrich S. Luther, late of Company I, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Margert S. Dustin, widow of Charles Dustin, late captain Company F, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Margert S. Dustin, widow of Charles Dustin, late captain Company F, First Regiment Lowa Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jennie A. Cressman, widow of Daniel H. Cressman, late of the United States Marine Corps, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Vilos E. Bryant, late of Company F, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martha R. Griswold, widow of John M. Griswold, late captain Company B. Forty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Hiram J. George, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary P. Moody, widow of Benjamin A. Moody, late of Company H, Third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Thomas B. Jones, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Albert P. Sheldon, late of Company I, Eleventh Regiment Mehigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Joseph M. Donnohue, late captain Company F, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James Brooks, late of Company G, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Brooks, late of Company B, Seve

The name of Andrew J. Bridges, late of Company A, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary J. Welch, widow of E. Bradford Welch, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George W. Cushman, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Kelsey, late of Company D, Coast Guards, Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Franklin B. Nutt, late of Company D, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Abraham Bachelder, late of Company E, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William C. Hoffman, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cyrillus B. Ayres, late of Company A. Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James Johnson, late of Company E, Ninth Regiment Tennessee Volunteer Cavairy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Daniel Loftis, late of Company K, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George F. Thayer, late of Company K, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael Burns, late of Company C, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The name of George E. Cross, late of Company B. Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Ada M. Kennedy, widow of Edwin R. Kennedy, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and Company D, First Regiment United States Veteran Volunteer Engineers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Nelson W. Adams, late of Company K. One hundred and thirty-ninth Regiment, and Company G, one hundred and fifty-sixth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of David F. Rudd, late of Fourth Battery, Jowa Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Slias B. Garlick, late of U. S. S. Forcat Rose, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Dallas Wamsley, late of Company F, Forty-thir

This bill is a substitute for the following Senate bills re-

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This bill is a substitute for the followard to the committee:

228. Clara Talbot.
347. C. Ella Hartwell.
1640. John Fleegle.
3. 5587. A.
1751. William J. Praff.
3. 5693. W.
1765. Lewis G. Smith.
2604. John S. Miles.
2604. John P. Hicks.
2623. Abraham Swango.
2628. Peter Egan.
2631. Samuel Tibbets.
2632. Abraham Swango.
2631. Samuel Tibbets.
2672. Martha Beard.
2672. Martha Beard.
2672. Martha Beard.
2673. James C. Young
2795. Daniel E. Washburn, aliass 6.6165. C.
2836. William Smith.
2823. Williamson R. Barton,
2836. William Smith.
2923. Williamson R. Barton,
2923. Williamson R. Barton,
2923. Williamson R. Barton,
29267. Lillie N. Babhitt.
2967. Lillie N. Babhitt.
23171. William H. Beal.
2327. John Willford.
2327. John Willford.
2327. John Willford.
2327. Catherine C. Lay.
2328. G409. James C. Atherine C. Lay.
2329. Joel A. Griffin.
2327. John Willford.
2327. John P. Ham.
2328. John A. Fike.
2329. Joel A. Griffin.
23290. Joel 
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          s. 5318. Elijah Cox.
8. 5470. Hugh Findlay.
8. 5587. Alen J. Freeland.
8. 5693. William Hanger.
8. 5694. George W. Hupp.
8. 5760. Paul Sullivan, alias Matthias G. Clark.
8. 5821. Emil Schincke.
8. 5828. Garrett F. Cowan.
8. 5828. Garrett F. Cowan.
8. 5849. John French.
8. 5873. Lewis Fulton.
8. 6084. William H. Hayes.
8. 6134. Stephen O. Meyers.
8. 6165. Charles H. Minson.
8. 6169. Charles A. Potter.
8. 6269. George A. Crowley.
8. 6295. James H. Colby.
8. 6325. Loren E. Steward.
8. 6327. William H. Harris.
8. 6401. Stephen Sutton.
8. 6409. Martin V. Rand.
8. 6427. Edward T. McClannahan.
8. 6428. John W. Munsell.
8. 6467. George W. Sperry.
8. 6478. Philip Zong.
8. 6524. Daniel Sheesly.
8. 6656. William Dougherty.
8. 6656. William Dougherty.
8. 6722. Alice R. Finney.
8. 6722. Alice R. Finney.
8. 6734. Alvah Babbedge.
8. 6774. Alvah Babbedge.
8. 6775. Stephen H. Goodridge.
8. 6774. Alvah Babbedge.
8. 6775. Stephen H. Goodridge.
8. 6778. Philander W. Danforth.
8. 6393. Henry H. Staubus.
8. 6894. Frederick E. Partridge.
8. 6903. George H. Keniston.
8. 6903. George H. Keniston.
8. 6904. Frederick E. Partridge.
8. 6917. John O. Boubar, alias.
James Rockwell.
8. 6927. Charles H. Dunton.
8. 6937. Norris J. Thomas.
8. 6937. David F. Sanborn.
8. 6938. John A. Sears.
8. 7015. Thomas B. Wiggin.
8. 7019. John D. Whitted.
8. 7022. Peter Lynch.
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8. 7036. Mary A. Cooper.
8. 7045. Francis J. Curtis.
8. 7048. James D. Fletcher.
8. 7052. John W. Laughlin.
8. 7055. Joseph A. Manning.
8. 7057. Christopher C. Brummet.
8. 7058. Charles F. Knowiton.
8. 7063. Asa L. Bushnell.
8. 7063. Asa L. Bushnell.
8. 7066. Egbert Hall.
8. 7076. Egbert Hall.
8. 7076. Egbert Hall.
8. 7083. Benjamin F. Spangler.
8. 7103. Lemuel C. Kittrell.
8. 7104. John M. James.
8. 7105. Philip C. Cooter.
8. 7106. Benjamin F. White.
8. 7106. Benjamin F. White.
8. 7110. Benjamin Johnson.
8. 7111. Sylvester E. Stone.
8. 7112. William P. Duncan.
8. 7113. John A. Rice.
8. 7114. Josiah Brewer.
8. 7114. Josiah Brewer.
8. 7114. Josiah Brewer.
8. 71159. Nannie C. Cole.
8. 7146. Andrew J. Persons,
8. 7147. George H. Hatch.
8. 7149. Henry D. Owen.
8. 7159. Daniel E. Stoneburner.
8. 7164. John J. Randall.
8. 7177. Charles H. Slocum.
8. 7178. David H. 8t. Clair.
8. 7180. William M. Robertson.
8. 7191. Bradford P. Sparrow.
8. 7192. Aaron Rowell.
8. 7204. Robert Summerville.
8. 7206. William L. Miles.
8. 7207. Albert C. White.
8. 7209. Moses Tarbox, jr.
8. 7211. Samuel Wentworth.
8. 7215. Patrick Murphy.
8. 7217. Frank J. Davis.
8. 7217. Frank J. Davis.
8. 7219. Lester Holway.
8. 7224. Nelson L. Nourse.
8. 7243. Oluf Volkerts.
8. 7244. Perry Green.
8. 7255. Hartman K. Wismer.
8. 7275. Hartman K. Wismer.
8. 7278. Charles B. Greenhalph.
8. 7304. John Eltzroth.
8. 7319. Carrie E. Carter.
8. 7324. Joseph Cook.
8. 7325. Jonathan A. Deaver.
8. 7335. Mellsa Hogun.
8. 7341. Michael H. Carr.
8. 7342. Joseph Cook.
8. 7325. James W. Divelbiss.
8. 7335. Jonathan A. Deaver.
8. 7335. Jonathan A. Deaver.
8. 7346. James W. Divelbiss.
8. 7347. Hartman K. Welley.
8. 7348. Emily S. Robinson.
8. 7349. Josiah Woodbury.
8. 7410. Garrie E. Carter.
8. 7341. Gharles E. Brown.
8. 7442. Albert Adams.
8. 7443. Hart Adams.
8. 7444. Harton A. Holman.
8. 7447. William A. Black.
8. 7442. Albert Adams.
8. 74435. Hart Adams.
8. 7444. Robert Thomas.
8. 7445. Marion A. Holman.
8. 7445. Marion A. Holman.
8. 7447. William A. Black.
8. 7448. Ma
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     5. 7474. Frederick Clark.
5. 7480. Aletha E. Reynolds.
5. 7480. Aletha E. Reynolds.
5. 7482. James R. Eaton.
5. 7493. Howard E. Hoadley.
5. 7507. James A. Montgomery.
5. 7509. James Hill.
5. 7533. James M. Goodrich.
5. 7534. James M. Goodrich.
5. 7534. James M. Goodrich.
5. 7542. Tarrence Murray.
5. 7544. John A. Schmitt.
5. 7544. Lena S. Fenn.
5. 7566. Emily N. Robinson.
5. 7567. Jennie M. Hobbs.
5. 7569. William Abbott.
5. 7589. Allen A. Sawyer.
5. 7600. Caleb P. Nash.
5. 7621. Angenette Barber.
5. 7621. Angenette Barber.
5. 7621. Angenette Barber.
5. 7621. Angenette Barber.
5. 7662. Albert S. Farnsworth.
5. 7663. George H. Nutting.
5. 7665. Warren Seaward.
5. 7666. Warren Seaward.
5. 7667. Joseph P. Dore.
5. 7671. Joseph P. Dore.
5. 7677. Joseph D. Dunn.
5. 7687. Barbara E. Wooddell.
5. 7683. George W. Brawn.
5. 7684. Edmond Gould.
5. 7683. George W. Brawn.
5. 7689. Milton M. Adamson.
5. 7689. Milton M. Donnohue.
5. 7722. Mary P. Moody.
5. 7731. James Brooks.
5. 7732. James Brooks.
5. 7739. Mary P. Moody.
5. 7731. James Matox.
5. 7781. James Matox.
5. 7891. James Jones.
5. 7892. James H. Drown.
5. 7893. Allen A. Sersyn.
5. 7893. Paralkin B. Nutt.
5. 7893. Milton H. Hoffman.
5. 7893. James Johnson.
5. 7893. James Johnson.
5. 7894. Ella R. Brown.
5. 7893. James Johnson.
5. 7893. James Johnson.
5. 7894. Dailas Wamsiey.
5. 7912. Ada M. Kennedy.
5. 7913. Nelson W. Adams.
5. 7914. R
                              The SPEAKER. The question is on the engrossment and third reading of the bill.
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The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the bill (S. 8295) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which I send to the desk, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman calls up the bill S. S295, and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection?

Mr. SMITH of Minnesota. Mr. Speaker, reserving the right

to object, does this bill come from the Pension Committee?

Mr. RUSSELL of Missouri. From the Committee on Invalid Pensions

Mr. SMITH of Minnesota. I would like to ask the gentleman a question. Is this the invalid-pension bill?

Mr. RUSSELL of Missouri. Yes; the bill has been passed by the Senate. It is not the House bill.

Mr. SMITH of Minnesota. What has become of the pension

bill that came from the Pension Committee?

Mr. RUSSELL of Missouri. That will come up next.

The SPEAKER. Is there objection?
There was no objection.
Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. Is there objection?

Mr. LEVER. Mr. Speaker, reserving the right to object, I desire to state to the House that to-morrow morning, immediately after the reading of the Journal, I shall call up the conference report on the Agricultural appropriation bill.

Mr. MANN. I desire to say to the House in that connection

that there will probably be a roll call upon it.

The SPEAKER. There will be three or four conference reports to be disposed of. Is there objection to the request of the gentleman from Missouri to dispense with the first reading of

There was no objection.
The SPEAKER. The Clerk will report the bill.

Mr. RUSSELL of Missouri. Mr. Speaker, I offer the following amendment to go at the end of the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Eliza J. Sparrow, widow of Edwin C. Sparrow, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lizzie B. Wellman, widow of Henry Wellman, late of Company C, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sarah J. Wheatley, widow of Alexander Wheatley, late of Company G, Fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Harriet C. Squire, widow of Oscar Squire, late of Company I, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Harriet C. Squire, widow of Oscar Squire, late of Company I, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ellen C. Messenger, widow of Joel Messenger, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lillian A. Loomis, widow of George M. Loomis, late of Company B, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Helena E. Clark, widow of William F. Clark, late of Company A, First Regiment Connecticut Volunteer Cavairy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Flora L. Cummines, widow of George D. Cummings, late of Company G, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Twenty strenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Julia E. Booth, widow of William G. Booth, late of Company D, Twenty-third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary A. Birge, widow of Burritt N. Birge, late of U. S. S. North Carolina, Penobsoct, and Savannah, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary A. Hughes, widow of Patrick Hughes, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary B, Nineteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiv

him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Millie M. Ball, widow of Irvin R. Ball, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Uriah Ruch, late of Company G, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Abraham T. Casey, late of Company H, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Alfred Quackenbush, late of Company H, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cerelle Shattuck, widow of Leander L. Shattuck, late major, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving. The name of Jennie M. Chapman, widow of Oscar A. Chapman, late of Company C, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James K. Clear, late of Companies B and D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Ella M. Dalley, widow of Warren C. Dailey, late second lieutenant Company E, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles Cain, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Isaac J. C. Guy, late first lieutenant Company C, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Arthur Ward late of Company A Sixty-second Regiment The name of Arthur Ward late of Company A Sixty-second Regiment The name of Arthur Ward late of Company A Sixty-second Regiment The name of Arthur Ward late of Company A Sixty-second Regiment

nim a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Arthur Ward, late of Company A, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George Hinds, late of Companies M and B, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Annie Humphreys, widow of Preston A. Humphreys, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Dyer B. McConnell, late captain Company K, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James E. Sipes, late of Company D, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary E. Button, widow of Lyman W. Button, late of Company K, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

now receiving.

The name of Ada Roberts, widow of James Roberts, late second lieutenant Company B, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Adelaide F. Thomas, widow of Edwin G. Thomas, late of Company E, Sixth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Elden B. Maddocks, late of Company D, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Sargent, late of Company C, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William D. Collins, late of Company C, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eugene H. Otis, late of Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Daniel Killigan, late of Company G, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of George W. Smith, late of Company F, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albania D. Thornburgh, widow of Duff G. Thornburgh, late ileutenant colonel Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of George H. Wilkins, late of Company I, Twenty-sixth Pooltread Valut Liverty and the text of the pension of the pension at the rate of \$30 per month in lieu of that she is now receiving.

late lieutenant colonel Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of George H. Wilkins, late of Company I. Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George H. Fernald, late of Company B, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marian Robinson, widow of Aretus W. Robinson, late of Company H, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William A. Millard, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Marcellus Hoben, late of Company L, First Regiment District of Columbia Volunteer Cavalry, and Company E, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Hines, late of Company F, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Timothy Stone, late of Company B, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Hall, late of Company B, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Asa T. Worcester, late of Company D, Twenty-second Regiment, and Company C, Twentieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas J, Leathers, late of Company A, Shreteth Regiment Indiana Volunteer Inf

The name of John G. McKay, late of Company A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Henry E. Flanders, late of Company E, Coast Guards, Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Ashline, late of Company H, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward T. Jackson, late of Company E, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

receiving.

The name of Alfred D. Rand, late of Companies I and C, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David Russell, late of Second Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Hiram H. Titterington, late of Company D, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin F. Byers, late of Company D, One hundred

receiving.

The name of Benjamin F. Byers, late of Company D, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas R. Luckhardt, late of Company E. One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and Company B, Eighteenth Regiment, Veteran Reserve Corps, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Joseph Grubb, late of Company B, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Daniel McNutt, late of Company K, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary E. Campbell, widow of James R. Campbell, late of U. S. S. Santiago de Cuba, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jabez R. Bowen, late of Company K, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Grace M. Copeland, helpless and dependent daughter of James Copeland, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and One hundred and thirty-fourth Company, Second Battalion Veteran Reserve Corps, and Company H, Ninth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month.

ment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month.

The name of Margaret Downey, widow of Maurice J. Downey, late of Company C, First Battalion Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Horace Griggs, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah M Law, widow of Augustus A. Law, late of U. S. S. North Carolina and Release, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ellen Manchester, widow of Oscar A. Manchester, late of Company I, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary E. Newbury, widow of George K. Newbury, late of Company E, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Timothy Quinn, late of Company F, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Frank S. Shaffer, late of Company D, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edward D. Woodmansee, late of Company C, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Charles A. Mudgett, late of Company B, Second Battalion, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lillian S. Hawkes, widow of George F. Hawkes, late of Company I, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph McKenney, jr., late of Company E, First Regiment District of Columbia Volunteer Cavalry, and Company I, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Carlton J. Beaman, late of Company C, Forty-fifth Regiment, and Company C, Fiftieth Regiment Missourd Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S. Raymond, late of Company I, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Theodore B. Magie, late of U. S. S. Cayuga, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Waugh, late of Company D, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank Goodwin, late of Company F, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William H. Clark, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas D, Scott, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Addie M. Higgins, widow of Virgil N. Higgins, late of Company H. Second Regiment Maine Volunteer Infantry, and second lleutenant Ninety-sixth Company, Second Battallon, Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Exra a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Exra B. Licitire, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Walter M. Edes, helpless and dependent son of James Edes, late of Company C, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Gwinn, late of Company B, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and captain Company H, One hundred and sixty-flist Regiment Indiana Volunteer Infantry, war with Spaln, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John F. Anderson, is now receiving.

The name of Waddy Hoover, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John F. Anderson, is now receiving.

The name of Hundred Indiana Polunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John F. Anderson, is now receiving.

The name of Soft H. Markey Interest Infantry, and Twenty-ninth Company, Second Battallion, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Owner H. Mayne, late of Company G, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of User Soft Per month in lieu of that he is now receiving.

The na

The name of Mary E. Winans, widow of William Winans, late of Company B, First Regiment New York Volunteer Cavalry, and Company E, Fourth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

ner a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Oliver W. Davis, late of Company I., Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David E. Dodge, late of Company G, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Timothy S. Heald, late of Company I, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles Fisk, late of Company C, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas A. Stevens, late second lieutenant Company C, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Stephen B. Packard, late captain Company B, Twelfth

pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Stephen B. Packard, late captain Company B, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Michael Sheline, late of Company B, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Leroy S, Griswold, late of Company H, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Robert H. M. Donnelly, late captain Company D. Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Michael Callahan, late of Sixteenth Unattached Company, Massachusetts Militia Infantry, and unassigned Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry S. Silsby, late of Company G, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Dennis W. Riordan, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John H. Wells, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Lewis Seymour, late of Company G, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Robert Johnston, late of Company L, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Samuel E. Palmer, late of Company C, Fifth Regiment Ohio Volunteer Infantry, and Sixth Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in Heu of that he is now receiving.

The name of Sarah Baker, dependent mother of William Baker, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mollie Thompson, widow of Milton B. Thompson, late of Company D, Sixtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Anna Alexander, widow of George Alexander, late of Company H, Fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Goerge W. Moore, late of Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George W. Moore, late of Company A, Forty-seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John S. Adams, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now erceiving.

The name of Caleb Akers, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at that rate of \$50 per month in lieu of that he is now receiving.

The name of Harrison White, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Ella Taylor, former widow of Robert D. McCracken, late second lieutenant Company A, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Francis A. Ricketts, late of Company A, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Henry Smith, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Francis M. Blankinship, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jeremiah Combs, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John W. Roberson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John W. Roberson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Regiment Kentucky Volunteer Mounted Intantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Minatree Turner, late of Companies C and D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of George S. Robinson, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William M. Helvy, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Augusta Lambert, helpless and dependent child of Andrew Lambert, late of Company A, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Elizabeth Roberts, dependent mother of George W. Roberts, late of Company C, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis E. Derby, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred

This bill is a substitute for the following Senate bills referred to said committee:

This bill is a substitute fet to said committee;

\$ 214. Eliza J. Sparrow.

\$ 225. Lizzie B. Wellman.

\$ 230. Sarah J. Wheatley.

\$ 230. Sarah J. Wheatley.

\$ 240. Elien C. Messenger.

\$ 240. Elien C. Messenger.

\$ 280. Lillian A. Loomis.

\$ 287. Helena E. Clark.

\$ 290. Flora L. Cumaings.

\$ 298. Rowena M. Calkins.

\$ 305. Julia E. Booth.

\$ 312. Mary A. Birge.

\$ 321. Alice P. B. Kenyon.

\$ 324. Mary A. Hughes.

\$ 327. Ruth A. Ingraham.

\$ 329. Mary B. Johnson.

\$ 1487. Benjamin F. Clark.

\$ 2307. Kate M. King.

\$ 2317. Jacob S. Fritz.

\$ 2317. Jacob S. Fritz.

\$ 2773. Samuel P. Shaffer.

\$ 2860. Millie M. Ball.

\$ 2911. Uriah Ruch.

\$ 2919. Abraham T. Casey.

\$ 2932. Alfred Quackenbush.

\$ 3577. Cerelle Shattuck.

\$ 3340. Jennie M. Chapman.

\$ 4215. James K. Clear.

\$ 4400. Ella M. Dalley.

\$ 4930. Charles Cain.

\$ 44945. Isaac J. C. Guy.

\$ 5511. George Hinds. S. 5644. Annie Humphreys.
S. 5697. Dyer B. McConnell.
S. 5732. James E. Sipes.
S. 6157. Mary E. Button.
S. 6170. Ada Roberts.
S. 6172. Adelaide F. Thomas.
S. 6266. Elden B. Maddocks.
S. 6900. Henry D. Sargent.
S. 6914. William D. Collins.
S. 6925. Daniel Killigan.
S. 6983. George W. Smith.
S. 6983. George W. Smith.
S. 6998. George H. Wilkins.
S. 6999. George H. Fernald.
S. 6999. George H. Fernald.
S. 7160. Marian Robinson. S. 6999. George H. Fernald.
S. 7160. Marlan Robinson,
S. 7161. William A. Millard.
S. 7208. Marcellus Hoben.
S. 7226. James H. Hines,
S. 7228. Timothy Stone.
S. 7229. John W. Hall.
S. 7231. Asa T. Worcester.
S. 7251. Hiram Haynes.
S. 7270. Frederick Nientzenhelzer,
S. 7280. Thomas J. Leathers,
S. 7283. John G. McKay,
S. 7286. Henry E. Flanders,
S. 7307. John J. Ashline.
S. 7355. Edward T. Jackson,
S. 7356. Alfred D. Rand.

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S. 8020. George H. Clark,
S. 8021. Joseph Artley.
S. 8027. Jacob M. Westfall.
S. 8041. May E. McCoy.
S. 8051. Lucretia Whitt.
S. 8053. Mary E. A. Winans,
S. 8057. Oliver W. Davis.
S. 8063. David E. Dodge.
S. 8069. Timothy S. Heald.
S. 8084. Charles Fisk.
S. 8094. Thomas A. Stevens.
S. 8094. Thomas A. Stevens.
S. 8099. Stephen B. Packard.
S. 8104. Michael Sheline.
S. 8110. Leroy S. Griswold.
S. 8112. Robert H. M. Donnelly.
S. 8112. Robert H. M. Donnelly.
S. 8112. Bonnis W. Riordan.
S. 8124. Henry S. Slisby.
S. 8125. John H. Wells.
S. 8129. Lewis Seymour.
S. 8126. Mollie Thompson.
S. 8154. Sarah Baker.
S. 8154. Sarah Baker.
S. 8156. Mollie Thompson.
S. 8175. Anna Alexander.
S. 8176. Caleb Akers.
S. 8177. Harrison White.
S. 8178. Billa Taylor.
S. 8200. Francis A. Ricketts.
S. 8204. Jeremiah Coombs.
S. 8204. Jeremiah Coombs.
S. 8205. John W. Roberson.
S. 8206. Minatree Turner.
S. 8208. William M. Helvy.
S. 8210. Augusta Lambert.
S. 8210. Liziabeth Roberts,
S. 8211. Francis E. Derby.
Mr. Speaker, I offer the follo
S. 7358. David Russell.
S. 7368. Hiram H. Titterington.
S. 7376. Benjamin F. Byers.
S. 7378. Thomas R. Luckhardt.
S. 7465. Joseph Grubb.
S. 7473. Daniel McNutt.
S. 7516. Mary E. Campbell.
S. 7624. Jabez R. Bowen.
S. 7629. Margaret Downey.
S. 7631. Horace Griggs.
S. 7633. Sarah M. Law.
S. 7636. Ellen Manchester.
S. 7637. Mary E. Newbury.
S. 7638. Timothy Quinn.
S. 7643. Edward D. Woodmansee.
S. 7638. Timothy Quinn.
S. 7640. Lillian S. Hawkes.
S. 7663. Charles A. Mudgett.
S. 7670. Lillian S. Hawkes.
S. 7682. Joseph McKenney, jr.
S. 7711. Carlton J. Beaman.
S. 7731. John S. Raymond.
S. 7731. John S. Raymond.
S. 7732. Theodore B. Magie.
S. 7733. James H. Waugh.
S. 7737. Frank Goodwin.
S. 7737. William H. Clark.
S. 7862. Addie M. Higgins.
S. 7884. Ezra M. McIntire.
S. 7886. Walter M. Edes.
S. 7887. Marcellus E. Hart.
S. 7919. James M. Gwinn.
S. 7390. John F. Anderson.
S. 7979. William H. Lasher.
S. 7980. Roscoe G. Tibbetts.
S. 7981. Catherine Crane Patrick.
S. 7995. Charles Richards.
S. 7995. Charles Richards.
S. 7995. Charles Richards.
S. 7999. Edward E. Gould.
Mr. RUSSELL of Missouri.
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Mr. RUSSELL of Missouri. Mr. Speaker, I offer the following amendment to go at the end of the bill.

The Clerk read as follows:

Amend, by inserting at the end of the bill the following: "The name of Maberry M. Lacey, late first lieutenant, Company A and adjutant Sixty-ninth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

The SPEAKER. The question is on agreeing to the amend-

Mr. HASTINGS. Mr. Speaker, I would like to have some information from the gentleman with reference to this proposed amendment.

Mr. RUSSELL of Missouri. Mr. Speaker, I will state to the gentleman that this is a Senate bill. The chairman of the Senate committee stated to Gen. Sherwood, the chairman of this committee, that this item was left out by oversight, that the committee had approved it and had intended to include it in the bill. I hold in my hand the report sent to us by the Senate committee stating that this man is 82 years old and is totally blind. It seems to me a meritorious case, and I ask unanimous consent to print in this connection this report to show these facts.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The report referred to is as follows:

The report referred to is as follows:

S. 8290. Maberry M. Lacey is a resident of Fountain City, Ind., and has an honorable military record. He entered the service April 21, 1861, at the first call for troops, as captain with Company D. Eighth Indiana Volunteer Infantry, and was mustered out August 6, 1861. He was mustered in August 19, 1862, as first lieutenant with Company A. Sixty-ninth Indiana Volunteer Infantry, to serve three years, was promoted to adjutant, same regiment, in the spring of 1863, and served honorably and faithfully until the close of the war, being mustered out July 5, 1865. He was a brave and efficient officer.

Soldier filed and established a claim for pension under the general law, and was originally pensioned at \$17 per month for shell wound of right great toe and disease of eyes, with loss of sight of right eye, which originated in the service. He is now pensioned under the age-and-service act of May 11, 1912, at the rate of \$30 per month. (Certificate No. 318839.)

It appears, however, that this old soldier is nearly 82 years of age, and medical evidence filed with the committee shows that he is totally billnd and helpless, the following being the report of the physician:

"That said Lacey is totally blind and helpless and his eyesight can not be restored, nor can his physical condition be improved. That his blindness is solely due to wounds and devoted service while in the line of duty as a soldier during the Civil War."

It is also in evidence that the soldier is in poor circumstances, having practically no other income than his pension. The following letter addressed to the chairman of this committee by Congressman-elect Comstock, of the State of Indiana, shows the facts in the case:

House of Representatives, Washington, D. C., February 20, 1917.

Hon. Charles F. Johnson, United States Senate.

Hon. Charles F. Johnson, Chairman Committee on Pensions, United States Senate.

My Dear Senators: I trust that your committee may take up for action at this session of Congress the bill introduced by Senator Watson for Maj. Maberry M. Lacey, S. 8290.

Maj. Lacey is 81 years of age; for two and one-half years he has been totally blind. I am personally acquainted with him and know his case to be unusually meritorious. From my acquaintance with him I am able to state that he has practically no income except the pension which he is now receiving.

Because of his record as an officer in the Civil War and because of his present affliction, I hope that you can approve the bill for the full amount asked.

Sincerely, yours,

DANIEL W. COMSTOCK, Congressman Elect from the Sixth Indiana District.

It is believed that the soldier's advanced age, his long and honorable service, his blindness and helplessness, and necessitous circumstances justify your committee in reporting the bill favorably with recommendation for increase of pension to \$50 per month.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HASTINGS: At the end of the bill insert the fol-

Amendment by Mr. HASHNOS. At the end of the bill insert to lowing as a new paragraph:

"The name of William Watson, late of Company C, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Mr. HASTINGS. Mr. Speaker, in support of that amendment permit me to say that I introduced the bill H. R. 18269 to take care of this matter. The bill was referred to the Committee on Invalid Pensions. The examiner of this committee was taken sick, and the committee was unable, as I know the gentleman from Missouri [Mr. Russell] will verify, to report another bill. The examiner, before he was taken sick, investigated this claim in this bill and made a favorable report upon it. I do not happen to have that with me to-night, because I was not advised this bill was going to be brought up. This report was sent over to the Senate, and it was introduced there; but the Pension Committee being closed to-night I could not secure the papers.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. DYER. The gentleman will note that this is a Senate bill, which came over from the Senate, and did not originate in the House.

Mr. HASTINGS. I understand that.

Mr. DYER. Therefore his amendment would not be in order. Mr. HASTINGS. But an amendment has been proposed to this bill.

Mr. DYER. But that amendment came over from the Senate,

with a recommendation of the Senate committee.

Mr. HASTINGS. It may have been O. K'd by the Senate; but it is a House amendment, and it will go on the bill as a House amendment, and the bill will have to go back to the Senate to have that amendment concurred in by the Senate.

Mr. WALSH. Will the gentleman yield? Mr. HASTINGS. I will.

Mr. WALSH. Will the gentleman state if he thinks it is hardly fair to Members who have claims pending before the House Committee and have not been able to have them acted upon that he should bring in his proposition and have it incorporated in the Senate bill at this particular time when other Members who, as the gentleman states, did not know that this measure was to come up to-night and did not know they would have an opportunity to bring their proposition here for similar

Mr. HASTINGS. I personally know this man Watson. This bill was introduced. It has been investigated by the pension examiner; favorable report has been made upon it. I know it is a meritorious claim if there is a meritorious item in this bill. Now, I would not offer it, provided there was no other amendment offered, but there has been another amendment offered to-

Mr. KEY of Ohio. Mr. Speaker, a parliamentary inquiry. I would like to ask if it would be possible to amend this bill when the gentleman's claim has not any evidence to present in support of the bill and there would not be anything before the House

The SPEAKER. That is not a question for the Speaker to decide.

Mr. LANGLEY. The difference between the two cases is that the case presented by the amendment of the gentleman from Missouri [Mr. Russell], is supported by a report from the Senate Committee which officially states the facts.

The SPEAKER. The Speaker has nothing to do—
Mr. HASTINGS. It is supported by my statement that I submitted to this House, that it has been favorably acted upon by the examiner of the House Committee on Invalid Pensions.

Mr. KEY of Ohio. I appreciate that; but how will the Senate know what is before the Senate when they come to consider it? The Senate will not have anything to consider.

Mr. LANGLEY. I want to suggest, Mr. Speaker, that if this amendment should be incorporated in the bill and it goes back to the Senate, the Senate will not have the evidence to support the item, while it does have it in the case presented by Judge RUSSELL

The SPEAKER. The Senate can turn it down, then.

Mr. LANGLEY. I understand it can turn it down; but that probably means, I fear, turning down the whole bill—

The SPEAKER. Nothing of the sort.

Mr. LANGLEY. What I mean is that I fear the injection of a new case like this at this stage of things will endanger the bill by us not getting it through and enrolled in time to become a law at this session.

Mr. HASTINGS. Mr. Speaker, the evidence is before the

Senate committee now, as I have stated to the House.

Mr. LANGLEY. Perhaps half the membership that are present have cases like the gentleman from Oklahoma.

The SPEAKER. What has that got to do with whether it is

possible to add an amendment to this bill?

Mr. RUSSELL of Missouri. Who has the floor?

Mr. LANGLEY. I was addressing myself to the amendment offered by the gentleman from Oklahoma. I am not, I beg to say to the Chair, contending that it can not be done here. know better than that. I simply do not think it ought to be done.

Mr. RUSSELL of Missouri. Mr. Speaker, I desire to be heard

for a moment when the gentleman gets through.

The SPEAKER. I thought the gentleman asked for a vote.

Mr. RUSSELL of Missouri. No; I wanted to know who had the floor. There were two different Members talking—

The SPEAKER. There were three talking at the same time.

The gentleman from Oklahoma had the floor, and his five min-

utes are up.

Mr. RUSSELL of Missouri. Mr. Speaker, I regret exceedingly that I can not consent to this amendment. The reason I can not is because there have been other Members of the House who have approached me in the last two or three days to know whether they could put amendments on this bill, and I have told all of them we could not consent to it for several reasons. In the first place, some of the items they want to put on the bill have not been investigated by our committee. This one presented by the gentleman from Oklahoma has been passed by the committee and approved. That objection does not apply to this amendment, but I have been advised by the Senate committee that if we put amendments on this bill every probability is they would disagree to our amendments and send the bill to conference. They tell me it is exceedingly doubtful whether they can get a majority of the committee to meet again to pass on Senate bills. Therefore I think it will endanger the success of this bill to put amendments on it. I would be glad to see this claim of the gentleman from Oklahoma allowed, but it would be bad faith for me to consent to allow it to go on this bill, as I have told other Members of this House we would not consent to amendments to the bill. Of course this House has got the power to put it in if it wants to, but the committee thinks it will be a mistake to do so.

Mr. MANN. Mr. Speaker, will the gentleman yield? Mr. RUSSELL of Missouri. Yes; I yield. Mr. MANN. The gentleman stated it was doubtful if they. could get a majority of the Committee on Pensions of the Senate together. Has a majority of the Senate committee ever met during this Congress'

Mr. RUSSELL of Missouri. I think so.

Mr. MANN. I dare say not.

Mr. RUSSELL of Missouri. I think so. They have met and passed on bills.

Mr. MANN. They have a rule there that only one or two men constitute a quorum of the committee.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Speaker stated the noes seemed to have it.

On a division (demanded by Mr. HASTINGS) there wereayes 15, noes 15.

So the amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the

third time, and passed.
On motion of Mr. Russell of Missouri, a motion to reconsider the vote by which both of the preceding bills were passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee, from the Committee on Appropriations, presented a conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, for printing under the rules.

The conference report and statement are as follows:

## CONFERENCE REPORT (NO. 1548).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 23, 24, 25, 32, 33, 34, 37, 38, 89, 42, 43, 44, 51, 53, 55, 59, 61,

69, and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 35, 36, 40, 41, 45, 46, 47, 48, 49, 50, 52, 54, 56, 57, 60, 63, 64, 65, 66, 67, 68, and 71, and agree to

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Senate resolutions No. 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby repealed"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its dis-

agreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements, and shall submit a report to the Secretary of the Treasury and to Congress, with recommendations, at its

next regular session.

"The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to the Secretary of the Treasury and to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government, banks of the Federal Reserve System or farm-loan banks, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

"The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this pro-

vision.

"The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States and shall submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar

"Officers and employees of the executive departments and her establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "departments" insert the following: "And independent establishments of the Government"; and the Senate agree to the

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:
"For employees now paid from appropriation for emergencies

arising in the Diplomatic and Consular Service, \$4,140"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Federal Farm Loan Bureau: For 4 members of the board, at \$10,000 each; secretary to the board, \$4,500; chief bond division, \$3,000; 4 private secretaries, at \$2,000 each; clerks—1 of class 4, 1 at \$900, 8 at \$720 each, 1 at \$600; clerk and stenographer, \$1,200; stenographers-7 at \$1,000 each, 4 at \$900 each, 3 at \$720 each; messenger; and 3 assistant messengers; in all, \$77,920.

"For salaries and expenses under the Federal Farm Loan Board, created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees in the District of Columbia and elsewhere as the Federal Farm Loan Board may find necessary, \$182,080; in all, \$260,000. A detailed statement of expenditures hereunder shall be made to

"Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of

Estimates.

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 58, and in lieu of the matter inserted by said Senate amendment, insert the following: ": Provided, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine"; and the House agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following

"Sec. 8. The Bureau of Efficiency shall investigate duplica-tion of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session."

And the Senate agree to the same.

JOSEPH W. BYRNS, T. U. SISSON. Managers on the part of the House. LEE S. OVERMAN, N. P. BRYAN, REED SMOOT Managers on the part of the Senate.

### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference com-mittee and submitted in the accompanying conference report as

to each of the said amendments, namely:
On Nos. 1, 2, 3, and 4, relating to the Senate: Strikes out the provision, proposed by the Senate, for an additional assistant clerk at \$1,440 to the Committee on Post Offices and Post Roads; appropriates \$1,800, as proposed by the Senate, for rent

of a warehouse for storage of public documents; inserts the paragraph, proposed by the Senate, repealing certain Senate resolutions, modified so as to eliminate from such repeal Senate resolution No. 421, Sixty-third Congress, second session.

On No. 5: Appropriates for clerk hire to Members and Delegates as proposed by the House instead of as proposed by the

On Nos. 6, 7, 8, and 9, relating to the Library of Congress: Appropriates \$900, as proposed by the Senate, for an assistant in the reading room for the blind; makes the appropriations of \$1,400 for waterproofing parts of the east driveway and \$1,075 for fire hose and fittings, "immediately available," as proposed by the Senate.

On No. 10: Makes the appropriation of \$12,000 for the Botanical Garden available for the purchase of "office equipment," as

proposed by the Senate.

On Nos. 11, 12, and 13, relating to the Bureau of Efficiency Appropriates \$60,000, as proposed by the Senate, instead of \$43,000, as proposed by the House; inserts the paragraphs proposed by the Senate, for an investigation by the Bureau of Efficiency of auditing and examining claims and the accounts of disbursing officers, an investigation of the work performed by the Subtreasuries, an investigation of the methods of transacting public business in the Civil Service Commission, an investigation of the rates of pay of employees of State and municipal governments and commercial institutions as compared with rates of pay of the Federal Government for similar services, an investigation of the classification, salary, and efficiency of Government employees in the District of Columbia; and requires officers and employees of the Government to furnish representatives of the bureau with information necessary for the performance of the duties imposed upon it by law.

On No. 14, relating to the Civil Service Commission: Limits the appropriation of \$7,500 for field examiners at the rate of \$1,500 per annum to five persons, as proposed by the Senate.

On Nos. 15, 16, 17, and 18, relating to the State Department: Provides for a chauffeur at \$1,080, and strikes out provision for a driver at \$840 and a hostler at \$720; appropriates \$4,140, as proposed by the Senate, for employees now paid from the appropriation for emergencies arising in the Diplomatic and Consular Service; and makes the appropriation of \$4,000 for an automobile, for official use of the Secretary of State, immediately available, as proposed by the Senate.

On No. 19: Abolishes the branch printing office in the State, War, and Navy Department Building, as proposed by the

On Nos. 20 and 21: Provides for an Assistant to the Secretary of the Treasury at the rate of \$5,000 per annum from March 1, 1917, to June 30, 1918, as proposed by the Senate.

On No. 22: Provides for the Federal Farm Loan Board as proposed by the Senate with the following exceptions: The salary of the secretary to the board is increased from \$3,000 to \$4,500, the salary of the publicity agent at \$2,000 per annum is omitted, the salaries of the four private secretaries are increased from \$1,800 to \$2,000 each, and the lump-sum appropriation made available for personal services in the District of Columbia and elemphane. Columbia and elsewhere.

On No. 23: Strikes out the appropriation of \$250, proposed by the Senate, for law books for the Comptroller of the Treas-

On Nos. 24 and 25, relating to the Office of the Auditor for the Navy Department: Transfers a clerk of class 3 from the register's office, as proposed by the House, instead of a clerk of class 4, as proposed by the Senate.

On No. 26: Provides for an "unapportioned" check assorter at \$900, as proposed by the Senate, in the Office of the Auditor

for the Interior Department.

On Nos. 27, 28, 29, 30, and 31, relating to the Office of the Auditor for the Post Office Department: Appropriates \$254,730, as proposed by the Senate, instead of \$284,730, as proposed by the House, for compensation of employees auditing accounts and vouchers of the Postal Service; and makes permanent, as proposed by the Senate, the authority granted the Secretary of the Treasury to diminish positions as vacancies occur and use the unexpended balances of salaries for the payment of employees in auditing accounts.

On Nos. 32, 33, and 34: Omits a clerk of class 3 in the office of the register, as proposed by the House, instead of one of class

4, as proposed by the Senate.

On Nos. 35 and 36: 'Appropriates \$1,400, as proposed by the Senate, for a private secretary for the captain commandant in the office of the Coast Guard.

On Nos. 37, 38, and 39: Appropriates \$4,500 for the pay of the Chief of the Secret Service Division, and \$3,500 for the assistant 1

chief, as proposed by the House, instead of \$4,000 and \$3,000, respectively, as proposed by the Senate.

On Nos. 40 and 41: Strike out, as proposed by the Senate, the language relative to per diem in lieu of subsistence, in appro-

priations for collecting internal revenue.

On Nos. 42, 43, and 44: Provides for 61 assistant messengers, as proposed by the House, instead of 40, as proposed by the Senate, in the Office of The Adjutant General, and restores the language, stricken out by the Senate, requiring employees of The Adjutant General's Office to be exclusively engaged on the work

of his office, during the fiscal year 1918.

On No. 45: Appropriates \$5,000, as proposed by the Senate, for a blue-printing plant in the Bureau of Steam Engineering of

the Navy Department.

On Nos. 46, 47, 48, 49, 50, and 51, relating to the General Land Office: Provides for two additional clerks at \$1,600 each, three additional clerks at \$1,400 each, four additional clerks at \$1,200 each, and four additional clerks at \$1,000 each, as proposed by the Senate, and strikes out the paragraph, inserted by the Senate, authorizing the use of \$6,500 of the appropriation for surveying for the current year in the payment of field employees detailed to the General Land Office.

On Nos. 52, 53, 54, and 55, relating to the Pension Office: Strikes out a chief of division at \$2,000, as proposed by the Senate; provides for a law clerk at \$2,250, as proposed by the House, instead of a chief of the law division at the same salary, as proposed by the Senate; and strikes out the language, inserted by the Senate, modifying the limitation on the filling of

vacancies occurring during the fiscal year 1918.

On Nos. 56 and 57, relating to the Patent Office: Appropriates \$10,000 for special and temporary services of typewriters to keep current the work of furnishing manuscript copies of records; and inserts authority for the purchase of law books, as

proposed by the Senate.

On No. 58, relating to the Bureau of Education and the General Education Board: Inserts a substitute for the matter proposed by the amendment of the House to the amendment of the Senate and the matter inserted by said Senate amendment which prohibits, after July 1, 1919, Government officials and employees from receiving salary as such officials from any source other than the United States Government or State, county, or municipal governments, and affixes a penalty for the violation of the act.

On No. 59: Strikes out the appropriations of \$20,000 for rent for the Geological Survey and \$6,000 for the Bureau of Mines,

proposed by the Senate.

On Nos. 60 and 61, relating to the Post Office Department: Appropriates for the officers and employees of the Post Office Department in the manner proposed by the Senate, instead of in the manner proposed by the House; strikes out the paragraph, proposed by the Senate, placing postmasters in the classifled service.

On Nos. 63, 64, and 65, relating to the Census Office: Provides for an additional chief statistician at \$3,000, as proposed by the Senate, and appropriates \$647,000, as proposed by the Senate, instead of \$512,000, as proposed by the House, for securing information for census reports.

On No. 66: Appropriates \$120,000, as proposed by the Senate, instead of \$110,000, as proposed by the House, for contingent

expenses of the Steamboat-Inspection Service.

On No. 67: Increases the amount for personal services in Washington that may be used from the appropriation for the enforcement of wireless communication laws from \$7,150 to \$8,050, as proposed by the Senate.

On No. 68: Reduces the rate per day to be paid to experts and temporary assistants in Children's Bureau from \$8 to \$6, as proposed by the Senate.

On Nos. 69 and 70, relating to the Court of Claims: Provides for four stenographers at \$1,200 each, as proposed by the House, instead of five stenographers at \$1,200 each, as proposed by the Senate.

On No. 71: Provides for additional compensation to employees of the Government paid from appropriations in the legislative, executive, and judicial appropriation act for the fiscal year 1918

as proposed by the Senate as follows:

"Sec. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

On No. 72, relating to the section authorizing the President to report upon the coordination of the work of the departments: Inserts a substitute for the Senate amendment requiring the Bureau of Efficiency to investigate the duplication of work and to report such duplication of service to the President; and gives the President authority to abolish duplications where they may be found to exist.

> JOSEPH W. BYRNS, T. U. SISSON, JAMES W. GOOD, Managers on the part of the House.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Over-MAN, Mr. BRYAN, and Mr. Smoot as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1878) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial

### PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill S. 8296. The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

Mr. SMITH of Minnesota. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. SMITH of Minnesota. For the purpose of reserving the right to object. I wish to inquire of the chairman of the committee if he is willing to have an amendment go on his bill?

Mr. KEY of Ohio. No; I would not agree to any amendment

at this time

Mr. SMITH of Minnesota. You have about 100 bills?

Mr. KEY of Ohio. These are Senate bills.

Mr. SMITH of Minnesota. About 100 pension bills here?

Mr. KEY of Ohio. I presume there are about that many items in the two bills.

Mr. SMITH of Minnesota. How many hundred in your committee that have not been acted upon?

Mr. KEY of Ohio. We have acted upon every bill that has

been prepared by the examiner. The table was cleaned up.

Mr. SMITH of Minnesota. That does not answer my ques-

Mr. KEY of Ohio. We acted upon every bill that was presented, where evidence was filed and it was possible to prepare it.

Mr. SMITH of Minnesota. You do not know how many bills

there were in your committee that you have not acted upon at

Mr. KEY of Ohio. I could not say exactly. I think there were three or four thousand bills introduced and presented to the committee, and I presume we passed about 400 bills.

Mr. SMITH of Minnesota. About 400 bills?

Mr. KEY of Ohio. I would like to add also that in about 7 cases out of every 10 no evidence has been filed, although the bills have been introduced.

Mr. SMITH of Minnesota. You have had three bills there for two years that I have filed, with the evidence, and that not 1

one member of your committee has ever read. One of those bills you did turn down, and that is the bill I wanted acted upon to-day. There is not one syllable of the testimony that any one member of your committee has read, and still you have acted upon that bill and turned it down.

Mr. KEY of Ohio. I beg to differ with the gentleman. I have in mind the bill in question; but it was considered by the subcommittee, and they made an adverse report. tee made an adverse report on the bill, and I think, if I am not badly mistaken, you filed some additional evidence and asked that the bill be reconsidered. The committee reconsidered the bill, and upon a two-thirds vote of the full committee again rejected it

Mr. SMITH of Minnesota. I talked with each member of the subcommittee, and each member told me he had never read the testimony, that he knew nothing about it; that the only thing he knew was what the examiner had attached to the outside of the bill, which did not recommend or recommend it to pass.

Mr. KEY of Ohio. Was not that a summary of the facts? Mr. SMITH of Minnesota. No; it was not a mere summary of the facts. In the first place, it was not a sufficient statement of the facts as they appeared from the testimony, and it was not a correct conclusion from the evidence that was before the examiner.

Mr. KEY of Ohio. Is not that only your opinion of the mat-

Mr. SMITH of Minnesota. It is not my opinion. It is a

matter of fact. The record shows it.

Mr. KEY of Ohio. I just want to say to the gentleman from Minnesota that the man who prepares these cases for the committee is supposed to be as near an expert pension man as it is possible to get. He is detailed by the Department of the Interior to prepare these claims for the committee—to brief them up, so to speak. If there is a better man in Washington or in this country on pension matters than the special examiner for our committee, I do not know who he is. That man is a man that I believe knows more about pension matters than any other man in this country.

Mr. SMITH of Minnesota. Unfortunately, I do not know the man.

Mr. LANGLEY. Will my friend from Ohio [Mr. KEY] permit me to say that I was formerly connected with the bu-

The SPEAKER. Is there objection?

Mr. SMITH of Minnesota. I object.
Mr. LANGLEY. Mr. Speaker, I wish to say that I have known William McKinley Cobb for a long time. There is not a more thorough man in the whole pension service than he is, nor one who would more faithfully and accurately make a summary of the facts in a case for the consideration of the committee

Mr. MANN. I suggest that the gentleman from Ohio [Mr.

KEY] move to go into committee.
Mr. KEY of Ohio. Mr. Speaker, I move to go into committee. Mr. SMITH of Minnesota. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. Will not the gentleman withhold • it for a

moment?

Mr. SMITH of Minnesota. No. I have been after this committee for a year and a half.

Mr. MANN. Will the gentleman withhold it for a moment? Mr. SMITH of Minnesota (continuing). And I have met with such discourtesy that I feel there is not anything that can be done in the House according to its rules but that ought to be done to this very generous and magnanimous committee.

Mr. MANN. Will the gentleman withhold the point of no

quorum a minute?

Mr. SMITH of Minnesota. Very well; I will.

Mr. MANN. Let me put the situation to the gentleman: hese are Senate bills. I would not blame the gentleman at These are Senate bills. all if these were House bills. But after all, here is the situation: The Senate has been very courteous to the House about House pension bills. I am not interested. I very seldom introduce pension bills. But we have got to maintain some sort of courtesy between the two bodies, and if we refuse to consider Senate pension bills toward the end of the session, we will meet the same kind of a proposition at the other end of the Capitol. They will refuse to give any consideration to our bills.

Now, there was quite a strong degree of opposition to the

passage of private pension bills in the Senate at one time. Some of the southern Senators for a while refused to permit private pension bills to be considered over there by unanimous con-sent, and they are considered in no other way in the Senate. But after a while they were induced to withdraw their opposition. Now, when the House passes a pension bill and sends it to the Senate-when it reaches the Senate the Senate sometimes by unanimous consent takes it up and passes it. I do not think it is quite the thing for the gentleman to raise his objection to a Senate bill under those circumstances

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. NORTON. I want to say that I have had about the same experience as the gentleman from Minnesota. I have, as far as I can recall, only one pension bill before this committee. That is as much as I have had in the last year and a half.

Mr. MANN. I do not care how much the gentleman criticizes

the House Pension Committee, but-

Mr. DYER. Mr. Speaker, I may say that I am in the same

situation as the gentleman from North Dakota.

Mr. NORTON. The examiner for the committee reported, as I understand, that the claim that I presented was a very good one, but in a very gentlemanly manner they just brushed it aside. I do not know whether you have to chase the committee like a greyhound, or like a hound dog or not, but it appears that way.

Mr. MANN. Here is the situation: The Pension Committee

of the House can take care of itself, but ought we to raise such an objection on a Senate bill? That simply kills this Senate bill and puts an end to certain courtesies between the two bodies

about those bills. I think it would be a mistake.

Mr. SMITH of Minnesota. The only conclusion I can draw is that we have got about four or five thousand of these bills pending before the committee and we have got only about a hundred reported out. Are four or five thousand of more im-

portance than a hundred? That is the question.

Mr. KEY of Ohio. Well, there might have been four or five thousand bills introduced, but in not more than four of five hundred cases has the evidence been filed in support of the bills, and the committee does not report bills unless the evidence is filed. I have known of some Members having submitted 600 bills before the committee, who have not filed the evidence.

Mr. MANN. The House committee has had nothing, or practically nothing, to do with these bills. These are Senate bills. Mr. SMITH of Minnesota. May it please the gentleman from Illinois, I realize that; but I can not get through my sense of justice or fairness a proposition to permit a hundred bills to go through and allow 500 or 5,000 not to be considered at all.

Mr. MANN. Here is the point: Certain bills were introduced in the House, and certain bills were introduced in the Senate. If this were at the beginning of a session of Congress and the House committee had a bill here, a House bill, the gentleman would have the right to use every parliamentary method of forcing the House committee to consider his bill. It would be perfectly legitimate to do it. But when the Senate passes a pension bill and sends it over here, the House will not get its bills considered in the Senate unless we treat the Senate bills courteously in the House. Now, merely to object will not seem to them courteous, and the gentleman will not accomplish any-

thing except to stop the Senate bills. Mr. SMITH of Minnesota. I will put them in the same category as the House bills. I will treat them all alike.

The gentleman knows that four or five thousand Mr. MANN. House bills will not be passed. House bills are considered by the House committee, and the Senate bills are considered by the Senate committee. They do not make any changes in the Senate committee, except sometimes as to amounts or where the amounts fixed violate their rules, or where somebody has died. I hope the gentleman will not put the House in that position; that is all. I do not care anything about the bill.

Mr. SMITH of Minnesota. May it please the gentleman from

Illinois, I realize there is much in what he says, but it does not appear to me to be fair to permit a few bills—I do not care where they come from or who introduces them-to be passed and then have the committee object to giving other bills fair

consideration.

Mr. MANN. But that will not get the gentleman's bill con-

sidered. That is all

Mr. SMITH of Minnesota. I believed the committee was absolutely honest when it turned down this bill of mine on the evidence, but when I found out afterwards that the committee had not read the evidence, and did not know anything about it, and would not permit me to come before it and present the evidence, then I doubted whether the committee or the members running it, had anything in mind except to take care of a few of their special friends.

Mr. MANN. But that does not apply to this bill. These are not their special friends. This is a Senate bill. They did not bring this bill in for consideration.

Mr. SMITH of Minnesota. Well, Mr. Speaker, in considera-tion of what the gentleman has said, and as evidence of my

high respect for our distinguished leader, I will withdraw my point of order. [Applause.]

The SPEAKER. The Clerk will read the bill for amendment.

The bill (S. 8296) was read, as follows:

The SPBAKER. The Clerk will read the bill for amendment. The bill (S. 8296) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Louis Hagenbucher, late of Company A, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$30 per month.

The name of Percy A, Farrar, late of Troop B, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Edward Robinson, late of Company L, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Mattie S. M. Hope, widow of Chester J. T. Hope, late of Battery A, Battalion Utah Volunteer Light Artillery, War with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said Chester J. T. Hope until they reach the age of 16 years.

The name of M. B. Sasser, late of Company A, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Hans C. Nielsen, late of Company B, Twelfith Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Carl J. Nelson, late of Company D, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Robert L. Zell, late of Company F, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$6 per month.

The name of Edward Harris, who was wounded while assisting the United States marshal and a detachment of United States troops in an engagement with Bear Island Indians, Minnesota, October 5, 1898, and pay him a pension at the rate of \$6 per month.

The na

The name of Edner Bjarason, and pay him a pension at the rate of \$14 per month.

The name of Meda Mathey, widow of Edward G. Mathey, late captain, Seventh Regiment United States Cavalry, and lieutenant colonel, United States Army, retired, Regular Establishment, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Leonard Kempenar, late of Company D, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Byron W. Jacks, late of Company A, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Abel H. Hall, late of Company F, First Regiment Montana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Harry F, Roddy, late of Company E, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of William A. Bowens, late of Company E, Third Regiment Georgia Volunteer Infantry, and Company K, Forty-second United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Delia B. Lydecker, widow of Garret J. Lydecker, late colonel, Corps of Engineers, United States Army, and brigadier general, United States Army, and brigadier general, United States Army, etclied. Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ethel M. Robards, widow of Frank F. Robards, late captain United States Navy Regular.

The name of Ethel M. Robards, widow of Frank F. Robards, late captain, United States Marine Corps, United States Navy, Regular Establishment, and pay her a pension at the rate of \$20 per month, and \$2 per month additional on account of the minor child of said Frank F. Robards until he reaches the age of 16 years.

The name of Arabella G. Walker, widow of Asa Walker, late rear admiral, United States Navy, Regular Establishment, and pay her a pension at the rate of \$50 per month.

The name of Lotta K. Boyd, widow of Charles T. Boyd, late captain, Tenth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of the said Charles T. Boyd until they reach the age of 16 years. 16 years.

The name of William E. Puett, late of Company M, Twenty-second Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George P. Cross, late of Company B, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George Moir, late of Battery B, Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$17 per month.

per month.

The name of Herbert G. Hoots, late of Company F, Flitteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Alada Thurston Paddock Mills, widow of Albert Leopold Mills, late major general, United States Army, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ferdinand Klawitter, late of Troop K, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank Burrow, late of Company E, Second Regiment North Carolin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of John A. West, late of Capt. C Hancock's cavalry company, Nauvoo Legion, Utah Volunteers, Utah Indian War, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph J. Meyers, late of Battery A, Battalion Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Kathrina E. T. Vreeland, widow of Charles E. Vreeland, late rear admiral, United States Navy, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Robert A, Imrie, late of Company E. First Regiment

her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Robert A. Imrie, late of Company E, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of William F Core, late of Company A, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Ernest Wesche, ir., late of Company F, First Battallor Wyoming Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mary L. Pritchett, widow of Edwin E. Pritchett, late first lieutenant Fifth Regiment United States Field Artillery, Regular Establishment, and pay her a pension at the rate of \$17 per month and \$2 per month additional on account of each of the minor children of said Edwin E. Pritchett until they reach the age of 16 years.

The name of Elizabeth S. Naylor, widow of Harold S. Naylor, late first lieutenant Fifth Regiment United States Field Artillery, Regular Establishment, and pay her a pension at the rate of \$17 per month and \$2 per month additional on account of each of the minor children of said Harold S. Naylor until they reach the age of 16 years.

The name of Aurelia H Gibson, widow of William C. Gibson, late lieutenant commander United States Navy, and rear admiral United States Navy, retired, Regular Establishment, and pay her a pension at the rate of \$40 permonth in lieu of that she is now receiving.

The name of Emily A. Baldridge Cavender, former widow of George W. Baldridge, late of Company C, Fourth Regiment Indiana Volunteer Infantry, War with Mexico, and pay her a pension at the rate of \$40 per month.

The name of Johanna E. Waalkes, widow of John Waalkes, late of

per month.

The name of Johanna E. Waalkes, widow of John Waalkes, late of Company C, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of the said John Waalkes until they reach the age of 16 years.

This bill is a substitute for the following Senate bills referred to the Committee on Pensions:

ferred to the Committee of S. S. Louis Hagenbucher. S. 78. Percy A. Farrar. S. 78. Percy A. Farrar. S. 81. Edward Robinson. S. 82. Mattie S. M. Hope. S. 1519. M. B. Sasser. S. 1556. Hans C. Neilsen. S. 2197. Carl J. Nelson. S. 2559. Robert L. Zell. S. 2590. Clark E. Messenger. S. 3645. Edward Harris, S. 4046. John H. Elder. S. 4046. John H. Elder. S. 4046. Meda Mathey. S. 4630. Leonard Kempenar. S. 4952. Byron W. Jacks. S. 5223. Abel H. Hall. S. 5290. Harry F. Roddy. S. 5464. William A. Bowens. S. 5801. Delia B. Lydecker. S. 6294. Ethel M. Robards. S. 6305. Arabelle G. Walker. S. 6614. Lotta K. Boyd. The following committee. 8. 6618. William E. Puett.
S. 6677. George P. Cross.
S. 6836. George Moir.
S. 6971. Herbert G. Hoots.
S. 7108. Alada Thurston Paddock Mills,
S. 7249. Ferdinand Klawitter,
S. 7289. Frank Burrow.
S. 7440. John A. West.
S. 7517. Joseph J. Meyers,
S. 7545. Kathrina E. T. Vreeland. 8. 7545. Kathrina E. T. Vree-land.
8. 7705. Robert A. Imrie.
8. 7745. William F. Core.
8. 7890. Ernest Wesche, jr.
8. 7974. Mary L. Pritchett.
8. 7975. Elizabeth S. Naylor.
8. 7987. Aurelia H. Gibson.
8. 8000. Emily A. Baldridge
Cavender.
8. 8182. Johanna E. Waalkes.

The following committee amendments were severally read, considered, and agreed to:

Page 1, line 8, strike out "\$30" and insert "\$17."
Strike out line 10, page 1, and lines 1, 2, and 3 on page 2.
Page 2, line 6, strike out "\$17" and insert "\$12."
Page 2, strike out lines 8 to 13, inclusive.
Page 3, strike out lines 1 to 3, inclusive.
Page 3, line 13, strike out "\$20" and insert "\$12."
Page 3, line 13, strike out "\$17" and insert "\$12."
Page 3, line 16, strike out "\$17" and insert "\$12."
Page 3, line 14, strike out "\$17" and insert "\$12."
Page 3, line 24, strike out "\$17" and insert "\$12."
Page 4, strike out lines 5 to 7, inclusive.
Page 4, strike out lines 5 to 7, inclusive.
Page 5, strike out lines 18 to 21, inclusive.
Page 5, strike out lines 18 to 21, inclusive.
Page 6, strike out lines 18 to 21, inclusive.
Page 6, strike out lines 18 to 21, inclusive.
Page 6, strike out lines 18 to 21, inclusive.
Page 6, strike out lines 18 to 21, inclusive.
Page 6, strike out lines 18 to 21, inclusive.
Page 6, strike out lines 18 to 21, inclusive.
Page 6, strike out lines 11 to 4, inclusive.
Page 7, strike out lines 1 to 4, inclusive.
Page 7, strike out lines 1 to 4, inclusive.
The bill as amended was ordered to a third reading

The bill as amended was ordered to a third reading, and was

accordingly read the third time and passed.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk reported the title of the bill.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that
this bill may be considered in the House as in Committee of the

The SPEAKER. The gentleman from Ohio asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. KEY of Ohio. I ask unanimous consent that the first

reading of the bill be dispensed with.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amend-

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—
The name of William W. Cook, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Charles Milk, late of Companies L and M, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$8 per month.

The name of William R. Dority, late of Company A, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Joseph P. Sullivan, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William H. Merritt, late of Company D, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

Sion at the rate of \$36 per month in lieu of that he is now receiving. The name of William H. Merritt, late of Company D. Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving. The name of William C. Worthen, late of Company C. Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of John T. Edson, late ensign, United States Navy, War with Spain, and grant him a pension at the rate of \$12 per month.

The name of Homer T. Barnett, late of Troop A. Fourth Regiment Carpenter's mate, United States Navy, of a with Spain, and pay her a pension at the rate of \$12 per month.

The name of Homer T. Barnett, late of Troop A. Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Maurice H. Myers, late of Company I, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$10 per month.

The name of Maurice H. Myers, late of Company J. Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$10 per month.

The name of Peter Downey, late of Company B. First Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$11 per month.

The name of Peter Downey, late of Company B. First Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$11 per month.

The name of Herman L. Shank, late of Company A, Thirty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Herman L. Shank, late of Company A, Thirty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Herman L. Shank, late of Company J. Fighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Guste

The name of Lucius V. Hubbard, late second lieutenant, Company H. Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$15 per month.

The name of George L. Aldrich, late of Company H. First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Albert G. Daugherty, late of Company K. Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Nanette W. Sheffield, widow of Everette R. Sheffield, late of Company E, Ninth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said Everette R. Sheffield until they reach the age of 160 years.

The name of Nanet Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Lewis W. Hill, late of Troop C. Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$20 per month.

The name of Mitton T. Benham, late of Company B, Fourth Regiment United States Volunteer Engineers. War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Robert O. Dunn, late of Company B, Fourth Regiment Tennesses Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Gordon Hinton, late of Company B, Two hundred and first Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Gordon Hinton, late of Company D, Forty-second Regiment United States Infantry, Serular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Francis Roy, late of Company D, Forty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Franci

The name of Wilbur C. Gahret, late of Company L. Second Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of James G. Rollins, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James G. Rollins, laie of Company A. Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank W. Brown, late of Company G. Twentieth Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Walter H. Sterling, late second lieutenant and battallion adjutant, First Regiment Vermont Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$15 per month.

The name of Walter P. Norris, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The name of Edmond de Jarnac, late of band, Fourth Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Kelley, late of U. S. S. Alabama, United States Navy, Regular Establishment, and pay him a pension at the rate of \$28 per month.

The name of Frank H. Latham, late of Company K, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$28 per month.

The name of Charles William Finley, late of Company C, Twentythird Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Florence V. Handbury, widow of Thomas H. Handbury, late colonel, Engineer Corps, United States Army, Regular Establishment, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary Jane Bowman, widow of Albert Bowman, late of Company E, Second Regiment United States Dragoons, Texas and New Mexico Indian War, and pay her a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Mary H. Trimble, widow of Joel G. Trimble, late of Company M, Fourteenth Regiment United States Infan

The name of Robert Starkey, late of the U. S. R. Potomore, United States Navy, War with Maxico, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alice Hathaway, widow of Forcest H. Hathaway, late leutenant colonel, Quartermaster's Department, and brigadier general. Under the States Army, Regular Establishment, and pay her a pension at the rate of \$30 per month.

The name of George J. Ham, late of Troop C. Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$30 per month.

The name of Rittle Wilson, dependent mother of Robert Griffith, late of Spain, and pay him a pension at the rate of \$30 per month.

The name of Charles M. Way, late of Company K. First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

The name of Charles M. Way, late of Company K. First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Robert W. Invine, late of First Company, United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in Heu of that he is now receiving.

The name of Wolver K. Neal, late of First Company, United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in Heu of that he is now receiving.

The name of Robert W. Irvine, late of First Company, United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Boulet K. Williams, widow of William M. Williams, with the pension of the pension at the rate of \$20 per month in the of that she is now receiving.

The name of Boulet L. Williams, widow of William B. Orner, and captain and major, United States Anny, retired, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary R. Orner, dependent mother of William B. Orner, Spain, and pay her a pen

the minor child of said Peter L. Pratt until she reaches the age of 16 years.

The name of Harry C. Chute, late of Company D, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$8 per month.

The name of Emma E. Normeyle, widow of James E. Normeyle, late major, Third Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$50 per month in Heu of that she is now receiving.

The name of Milton M. Lile, late of Company F, Second Battalion of Engineers, United States Army, Regular Establishment, and pay him a pension at the rate of \$46 per month.

The name of Anna B. Davis, widow of Wirt Davis, late colonel Third Regiment United States Cavalry, and brigadier general, United States Army, retired, Regular Establishment, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Flora G. Redman, widow of Heary Redman, late first fleutenant Company D. First Regiment North Dakota Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$17 per month, and \$2 per month additional on account of each of the minor children of the said Henry Redman until they reach the age of 16 years.

The name of Elizabeth J. Anderson, widow of Charles Anderson.

rears.

The name of Elizabeth J. Anderson, widow of Charles Anderson, late of Company D (Capt. M. M. Williams), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay her a pension at the rate of \$29 per month in lieu of that she is now receiving.

The name of Maude Delgnan, widow of Osborn Deignan, late boatswain, United States Navy, Regular Establishment, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Osborn Deignan until she reaches the age of 16 years.

The name of Perry Ryals, late of Capt. Downman's company, Alabama Volunteers, War with Mexico. and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Bertha M. Shaw, widow of John W. Shaw, late of Company G. First Regiment Maine Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said John W. Shaw until they reach the age of 16 years.

The name of Charles A. Dobratz, late of U. S. S. Puritan, United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Annie A. Haines, widow of John T. Haines, late major, United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Emory C. Powers, late of Company D. Second Regiment Virginia Volunteer Infantry. War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Lavina A. E. Rogers, widow of William W. Rogers, late of Capt. Sweat's company, Georgia Mounted Volunteer Infantry, Florida Indian war, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Letta D. Webster, widow of Edmund K. Webster, late major Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$20 per month.

The name of Mary Renfree, widow of Nathaniel Green Renfroe, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$20 per month.

The name of Martha P. Johnson, widow of Volunteers, Oregon and Washington Territory Indian war, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William H. Van Name, late of Company G. Second Regiment New Jersey Volunteer Infantry, War with Spain, and pay him a pension at

This bill is a substitute for the following Senate bills referred

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This bill is a substitute fet to the Committee on Pensi S. 1919. William W. Cook. S. 1933. Charles Milk. S. 2566. William R. Dority. S. 2566. William R. Dority. S. 2607. Joseph P. Sullivan. S. 2861. William R. Dority. S. 2922. William C. Worthen. S. 3158. John T. Edson. S. 3158. John T. Edson. S. 3163. Celestine Lacy. S. 3192. Homer T. Barnett. S. 2322. Bessie D. Blu. S. 3719. Maurice H. Myers. S. 4018. Robert H. Cowan. S. 4018. Robert H. Cowan. S. 4077. Charles H. Craddock. S. 4077. Charles H. Craddock. S. 4077. Charles H. Craddock. S. 4078. Herman L. Shank. S. 4110. Clarence A. Hunt. S. 4135. Guss E. Gurtz. S. 4186. Arthur Leland. S. 4187. William H. Jones. S. 4264. Victor F. Marshall. S. 4314. Joseph O. Dennison. S. 4262. Vernon D. Bennitt. S. 4475. Horace M. Patton. S. 4529. Robert J. May. S. 4530. Arthur Isert. S. 4535. Elsie M. Duryee. S. 4536. Francis M. Moore, S. 4638. Charles F. Johnson. S. 4754. Lucius V. Hubbard. S. 4898. Albert G. Daugherty, S. 5023. Nanette W. Sheffield. S. 5087. Andrew E. Waterman. S. 5167. Lewis W. Hill. S. 5214. Militon T. Benham. S. 5248. Robert O. Dunn. S. 5503. Gordon Hinton. S. 5503. Gordon Hinton. S. 5503. Gordon Hinton. S. 5503. Herman R. Schutt, jr. 5510. James Cunningham. S. 5627. Robert M. Watkins. S. 5628. Stephen H. Whitman. S. 5628. Stephen H. Whitman. S. 5624. James G. Rollins. S. 5844. Wilbur C. Gahret. S. 5935. Walter P. Norris. The following committee onsidered, and agreed to:
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              he following Senate bills referr;

S. 5939. Edmond de Jarnac.
S. 5951. Charles H. Kelley.
S. 6004. Frank H. Latham.
S. 6008. Charles William Finley.
S. 6207. Mary Jane Bowman.
S. 6207. Mary Jane Bowman.
S. 6233. Durbin L. Badley.
S. 6276. Mary Battle.
S. 6280. Mary H. Trimble.
S. 6319. James Pickett.
S. 6323. Ander J. Heatley.
S. 6346. Alice Hathaway.
S. 6417. George J. Ham.
S. 6425. Rittie Wilson.
S. 6473. Charles M. Way.
S. 6418. John Safranek.
S. 6531. Walter K. Neal.
S. 6531. Walter K. Neal.
S. 6531. Walter K. Neal.
S. 6531. Elizabeth Bellion.
S. 6700. Arthur H. King.
S. 6777. Charles H. Bachelder.
S. 6803. John W. Thomas.
S. 6866. Fred D. Abbott.
S. 6877. Charles H. Bachelder.
S. 6877. Daniel I. Jeinei.
S. 6912. Albert S. Clouse.
S. 6931. Henry C. Chute.
S. 6938. Leonard P. Kehrmeyer.
S. 6938. Leonard P. Kehrmeyer.
S. 6949. Arthur B. Davis.
S. 7009. Bertha C. Pratt.
S. 7011. Harry C. Chute.
S. 7043. Emma E. Normoyle.
S. 7141. Flora G. Redman.
S. 7143. Elizabeth J. Anderson.
S. 7143. Elizabeth J. Anderson.
S. 7163. Maude Deignan.
S. 7143. Elizabeth J. Anderson.
S. 7163. Maude Deignan.
S. 7183. Perry Ryals.
S. 7238. Charles A. Dobratz.
S. 7238. Charles A. Dobratz.
S. 7238. Charles A. Dobratz.
S. 7399. Emory C. Powers.
S. 7479. Lavina A. E. Rogers.
S. 7515. Letta D. Webster.
S. 7505. Million M. Lile.
S. 7528. Martha P. Johnson.
S. 8017. William H. Van Name.
Hendments were severally res
                             to the Committee on Pensions:
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The following committee amendments were severally read.

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considered, and agreed to:
                 onsidered, and agreed to:

Page 1, strike out lines 6 to 9, inclusive.

Page 2, strike out lines 1 to 3, inclusive.

Page 2, line 6, strike out "$17" and insert "$12."

Page 2, line 14, strike out "$20" and insert "$17."

Page 3, line 3, strike out "$17" and insert "$17."

Page 3, strike out lines 12 to 14, inclusive.

Page 4, line 4, strike out "$17" and insert "$12."

Page 4, line 4, strike out "$17" and insert "$12."

Page 5, strike out lines 4 to 7, inclusive.

Page 5, strike out lines 4 to 7, inclusive.

Page 6, line 6, strike out "$30" and insert "$2."

Page 6, line 18, strike out "$20" and insert "$17."

Page 7, strike out lines 5 to 11, inclusive.

Page 8, line 9, strike out "$20" and insert "$17."
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Page 9, line 5, strike out "$17" and insert "$12."
Page 9, line 12, strike out "$20" and insert "$17."
Page 9, line 12, strike out "$15" and insert "$17."
Page 9, line 1, strike out "$15" and insert "$12."
Page 10, line 1, strike out "$15" and insert "$12."
Page 10, line 5, strike out "$40" and insert "$30."
Page 10, line 20, strike out "$40" and insert "$35."
Page 11, strike out lines 12 to 15, inclusive.
Page 12, strike out lines 8 to 10, inclusive.
Page 13, line 8, strike out "$30" and insert "$20."
Page 14, line 6, strike out "$20" and insert "$17."
Page 15, strike out lines 4 to 10, inclusive.
Page 15, strike out lines 15 to 20, inclusive.
Page 16, line 4, strike out "$20" and insert "$17."
Page 16, strike out lines 15 to 20, inclusive.
Page 16, strike out lines 3 to 7, inclusive.
Page 17, strike out lines 3 to 7, inclusive.
Page 18, strike out lines 3 to 5, inclusive.
Page 18, strike out lines 3 to 5, inclusive.
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Mr. MONDELL. Mr. Speaker, I move to strike out the last word. I do this for the purpose of calling the attention of the committee to the case of George J. Ham, of the Regular Establishment, whose case appears on page 12, stricken out by the I did not offer an amendment because I have no doubt the action of this committee will meet with strong resistance in the Senate, and, I think, after further consideration they

will conclude that this case ought to remain in the bill.

This man Ham had three years of honorable service. difficulty about his case seems to be that he had no hospital record; but there is much evidence by officers and enlisted men of his company, people who knew him, that he was not strong and vigorous, that he was ill while in the service, although he was not the sort of man who would go to the hospital. There is evidence to the effect that he came out of the service a badly broken-down man; that he has been ill ever since; that he is ill now and has a very bad case of tuberculosis; that he is entirely without means and has a considerable family to support. I think it is a very good case. I hope the committee will give it careful consideration.

Mr. KEY of Ohio. We will be very glad to consider the case carefully and to do what may appear to be proper and right for the soldier.

Mr. MONDELL. I fear that the committee, perhaps, seeing that the man had no hospital record, concluded that he could not have been ill in the service. There is considerable testimony to the effect that he was not strong and that he was ill while in the service, but did not go to the hospital.

Mr. SHERWOOD. Where was his service?

Mr. MONDELL. He served mostly in the United States. I do not know whether he had any foreign service or not.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Key of Ohio, a motion to reconsider the vote whereby the bills were passed was laid on the table.

Mr. KEY of Ohio. Mr. Speaker, I move that the House insist on its amendments and ask for a conference.

The motion was agreed to.

The Chair appointed as conferees on the part of the House Mr. Key of Ohio, Mr. Keating, and Mr. Sells.

GLACIER PARK HOTEL CO.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 784) to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes. It is an emergency, as they want to build the hotel before the spring season opens.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the bill S. 784. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to sell and convey to the Glacier Park Hotel Co., a corporation organized under the laws of the State of Minnesota and authorized to do business in the State of Montana, its successors and assigns, for hotel purposes, and at a price to be fixed by appraisement at not less than \$25 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, all that part of the south half of the northwest quarter of section 36, in township 32 north, of range 19 west, Montana principal meridian, within the following-described area: Beginning at a point on the southerly line of the right of way of the Great Northern Railway Co., 100 feet southerly from and at right angles to the center line of the main track of said railway at a point in said center line 484 feet easterly from its intersection with the west line of said section 36; thence southerly at right angles to said center line 330 feet, this course following approximately the line of the westerly fence constructed by the United States Forestry Service in 1909; thence easterly at right angles to the last-described course 672 feet; thence northerly at right angles to the last-described course to the said southerly line of right of way, this course following, approximately, the line of the easterly fence constructed by the United States Forestry Service in 1909; thence westerly along the said southerly line of the right of way of the Great Northern Railway to the late of beginning, excepting therefrom that portion within lot 8, containing 5 acres, more or less, within the Flathend National Forest, at or near Belton, Mont.: Provided, however, That any hotel erected an

said land shall be operated by the said Glacier Park Hotel Co., its successors and assigns, under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the Glacier National Park.

The bill was ordered to be read a third time, was read the third time, and passed.

### SETTLEMENT OF TITLES TO LANDS IN CALIFORNIA.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 6692, on the Union Calendar, to dispose of a land matter, to give private individuals an opportunity to save the Federal Government appropriating money.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the bill S. 6692.

Mr. MONDELL. Reserving the right to object, let the bill be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6692) to amend section 6 of an act to expedite the settlement of title to lands in the State of California.

Be it enacted, etc., That section 6 of the act of Congress approved July 1, 1864, being an act entitled "An act to expedite the settlement of titles to lands in the State of California," being chapter 194 of volume 13 of the Statutes at Large, page 334, is hereby amended to

volume 13 of the Statutes at Large, page 334, is hereby amended to read as follows:
 "Sec. 6. That it shall be the duty of the surveyor general of Callfornia to cause all the private-land claims finally confirmed to be accurately surveyed and plats thereof to be made whenever requested by the claimants: Provided, That each claimant requesting a survey and plat shall first deposit with the Secretary of the Interior a sufficient sum of money to pay the expenses of such survey and plat, and of the publication required by the first section of this act, and the money so deposited shall be available for expenditure by the surveyor general in payment of the expenses of such survey and plat, including all the expenses incident thereto, and of the required publication. Whenever the survey and plat requested shall have been completed and forwarded to the Commissioner of the General Land Office, as required by this act, the surveyor general shall state an account showing the exact cost of the survey, plat, and publication, and any excess deposited over such cost shall be returned to the claimant."

The SPEAKER. Is there objection?

Mr. NORTON and Mr. STAFFORD reserved the right to object.

Mr. MANN. I think I can explain that to the satisfaction of Members.

There is a law now that authorizes some of these private lands in California to be surveyed at the expense of the claimant of the property. The law provides that he shall pay the expense into the district court. When the survey is completed the district court may pay for the survey out of the deposit and pay back to the claimant the residue. That requires that the survey shall be made first. The district court can not pay the money until the survey is made. The only way it can be made under existing law is to make it out of the appropriation which Congress provides for public surveys. The department has held that they can not make private surveys out of the money appropriated for public surveys. And there you are. The man can deposit his money in the district court but he can not get the survey made. This permits him to deposit the money with the Secretary of the Interior, the money to be used in making the survey.

Mr. NORTON. How long has this been the law?

Mr. MANN. It has been on the statute books for a long time. The Secretary of the Interior drew this bill because there is a claim out there, and there is no way of making the survey

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

### EXTENSION OF REMARKS.

Mr. Farr and Mr. Casey, by unanimous consent, were given leave to extend remarks in the RECORD.

### ADJOURNMENT.

Mr. RUSSELL of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 9 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, February 24, 1917, at 11 o'clock a. m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an amendment to the act approved June 28, 1902, relative to storekeeper gaugers (H. Doc. No. 2084); to the Committee on Expenditures in the Treasury Department and ordered to be

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior, submitting an item of legislation authorizing the expenditure of funds of the appropriations for the support of St. Elizabeth's Hospital (H. Doc. No. 2085); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy, submitting an item of legislation under the appropriation "Maintenance, Bureau of Supplies and Accounts" (H. Doc. No. 2086); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for alteration, remodeling, etc., of the post-office, courthouse, and customhouse building, and for remodeling and repairing buildings on the site of the Federal building at Richmond, Va. (H. Doc. No. 2087); to the Committee on Appropriations and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (S. 55) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States, reported the same without amendment, accompanied by a report (No. 1541), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 15400) authorizing the Secretary of Commerce to lease certain property, reported the same with amendment, accompanied by a report (No. 1544), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 17806) to regulate the payment of salaries of post-office clerks in first and second class post offices and letter carriers in the City Delivery Service, reported the same without amendment, accompanied by a report (No. 1545), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 21032) to authorize the Director of the Bureau of the Census under certain conditions to prepare and distribute blank ballots and to receive and count marked ballots and report to Congress the result of an advisory vote; to the Committee on Foreign Affairs.

By Mr. LOUD: A bill (H. R. 21033) to amend sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen," and so forth, approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries,

By Mr. MOON: A bill (H. R. 21034) excepting certain classes. of manufacturers and dealers from the operation of the provisions of section 5 of H. R. 19410, making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Resolution (H. Res. 524) directing the Comptroller of the Currency to inform Congress regarding amounts loaned on food and other necessities of life held in storage; to the Committee on Banking and Currency.

By Mr. FOSTER: Resolution (H. Res. 525) authorizing and directing the Secretary of the Interior to make an investigation and report upon the advisability of establishing and maintaining Government fuel yard or yards in the District of Columbia; to the Committee on Mines and Mining.

By Mr. CARY: Resolution (H. Res. 526) authorizing the President and Attorney General of the United States to issue

orders to corporations and individuals concerning control of cold storage and other large supplies of food and fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. BARKLEY: Resolution (H. Res. 527) for the consideration of Senate bill 1082; to the Committee on Rules. By Mr. ALEXANDER: Resolution (H. Res. 528) for the

consideration of H. R. 21009; to the Committee on Rules.

By Mr. CRAGO: Memorial from the Legislature of the State

of Pennsylvania on the subject of taxation; to the Committee on Ways and Means.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII.

Mr. GRIEST introduced a memorial of the Legislature of the State of Pennsylvania protesting against the imposition of Federal taxes on profits of corporations, stock companies, and so forth, and other Federal Government taxation upon sources heretofore relied upon by the States for their revenues, which was referred to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII,

Mr. AUSTIN introduced a bill (H. R. 21035) granting an increase of pension to William Harris, which was referred to the Committee on Invalid Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of sundry letter carriers of Altoona, Pa., favoring House bill 17806; to the Committee on the Post

Office and Post Roads.

By Mr. BEALES: Resolution of the Philadelphia Produce Exchange, opposing House bill 20573 reducing tax on oleomargarine; to the committee on Ways and Means.

By Mr. CAREW: Petitions of citizens and food embargo committee, of New York, demanding an embargo on foodstuff; to

the Committee on Interstate and Foreign Commerce. By Mr. DALE of New York: Petition of 25,000 citizens of New York State, against war with Germany; to the Committee

on Foreign Affairs. Also, petition of joint legislative board of the State of New York, protesting against House bill 20572; to the Committee on

Interstate and Foreign Commerce. Also, memorial of the Northeastern Association of Fish and Game Commissioners, with reference to anadromous fish; to the

Committee on the Merchant Marine and Fisheries

By Mr. DOOLING: Resolution of Massachusetts Association of Fish and Game Commissioners, relative to the control of anadromous fishes; to the Committee on the Merchant Marine and Fisheries

By Mr. FOCHT: Memorial on embargo on food and fuel; to

the Committee on Foreign Affairs.

By Mr. FULLER: Petitions of the Illinois Fish and Game League and of Lottie B. Gregory, of Rockford, Ill., for the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petitions of R. M. Pollitt and other citizens of Oglesby, Ill., for prohibitory bills; to the Committee on the Judiciary.

Also, petition of John Sauer and 30 other citizens of Streator, Ill., to refer the question of war or peace to a popular vote; to the Committee on Foreign Affairs.

Also, petition of the Men's Bible Class of the First Presbyterian Church, Ottawa, Ill., for national prohibition; to the

Committee on the Judiciary.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, ass., protesting against mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post

Also, petition of Caroline E. Noble, Boston, Mass., member of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, memorial of the Northeastern Association of Fish and Game Commissioners with reference to anadromous fish; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER: Petitions of various newspapers in the sixth district of Massachusetts, relative to liquor advertisements in the mails; to the Committee on the Post Office and

By Mr. GRIFFIN: Petition of Bankers' Association of the District of Columbia, relative to the amendments to the Sterling intangible-tax law; to the Committee on Banking and Currency.

Also, petition of National Daylight Saving Association, favoring passage of House bill 20499, daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KEISTER: Petition of 51 citizens of Butler County. Pa., favoring a Christian amendment to the Constitution of the

United States; to the Committee on the Judiciary.

Also, petition of various residents of Latrobe, Pa., and vicinity, protesting against the passage of mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

Also, memorial adopted at a public meeting held at Bolivar. Pa., on February 14, 1917, favoring a national constitutional amendment to prohibit polygamy and polygamous cohabitation in the United States and dependencies; to the Committee on the Judiciary.

Also, memorial adopted at a mass meeting held at Derry, Pa., on February 15, 1917, urging a national constitutional amendment to prohibit polygamy and polygamous cohabitation in the United States and dependencies; to the Committee on the Judiciary.

Also, petition of sundry church organizations of Pennsylvania, favoring a national constitutional prohibition amend-

ment; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of residents of Ericson, Nebr., favoring legislation to exclude liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Chambers, Nebr., in opposition to the United States becoming involved in the European war and favoring a referendum vote on war; to the Committee on Foreign Affairs.

By Mr. MAGEE: Memorial of sundry church organizations of the State of New York, favoring national prohibition; to the

Committee on the Judiciary.

By Mr. PLATT: Petition of citizens of Pine Plains, Red Hook, and Elizaville, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Walden, Reason, and Middleton, N. Y., asking for submission to the States of a national prohib? tion amendment; to the Committee on the Judiciary

By Mr. RIORDAN: Memorial of 403 citizens of New York, favoring passage of the food-embargo resolution; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of New York City, for embargo on foodstuffs; to the Committee on Interstate and Foreign Com-

By Mr. ROBERTS of Massachusetts: Memorial of City Council of Malden, Mass., approving the action of the President in severing diplomatic relations with the German Government; to the Committee on Foreign Affairs.

By Mr. ROWE: Memorial of post-office employees of Los Angeles, Cal., favoring readjustment of salaries; to the Commit-

tee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of the State of New York, relative to Federal encroachment upon State revenue sources; to the Committee on Ways and Means.

Also, petition of Helen R. James, of Brooklyn, N. Y., favoring passage of the Casey bill, relative to woman's division in Fed-

eral Department of Labor; to the Committee on Labor.
Also, petition of J. M. C. Freeman, of Brooklyn, N. Y., against taxing insurance companies in revenue bill; to the Committee on Ways and Means.

Also, petitions of Colgate & Co. and Frank E. Foster, of Brooklyn, N. Y., favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Gudrun L. Drewsen and G. H. G. Petersen, of Brooklyn, N. Y., favoring passage of the migratory-bird treaty

of Brooklyn, N. Y., favoring passage of the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SNELL: Petition of Woman's Christian Temperance Union, of De Kalb Junction, N. Y., Mrs. Martha Hardy, president, Mrs. H. Humphrey, Mrs. C. R. Hedden, Mrs. S. H. Hazlone, Mrs. L. C. Rice, Delia Stevenson, Mrs. Frank Cline, Mrs. Addie Hill, Mrs. Ella Larocks, Mrs. Ora L. Tupper, Mrs. C. E. Alverson, Mrs. M. E. Westcott, Mrs. O. W. Griskill, Miss Leona Riley, Mrs. Bessie Freeman, Mrs. S. Elsey, Mrs. A. C. Farr, Mrs. John Perkins, Mrs. Frank Petrie, Mrs. C. C. Lytle, Mrs. J. S. Gilson, Miss Josephine Locklin, Mrs. E. B. Lee, Miss Lula Lee, Mrs. Sara Risley, Mrs. Dorothea R. Mitchell, Beulah P. Lee, Mrs. Sara Risley, Mrs. Dorothea R. Mitchell, Beulah P. Mitchell, Ethel G. Mitchell, Mrs. M. Saunders, Ethel Prouty, Mrs. H. Patterson, and Mrs. Cora S. Wilson, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Epworth League, De Kalb Junction, N. Y., Raymond Bishop, chairman, Ralph Bishop, Raymond Rice, Mrs. L. C. Rice, Mrs. Mary Ellis, Mrs. G. A. Bishop, Mrs. S. Geary, G. A. Bishop, Raymond G. Bishop, Mabel Carley, Evah Chapin,

Helene Rose, S. G. Carley, Ethel G. Mitchell, Roger F. Williams, Paul Hosmer, Raymond Williams, William L. Redmond, Grace Andrews, Ord K. Lobdell, A. J. Tyner, Roger Williams, Earl H. Bishop, John Prouty, Roy S. Bishop, and William Redmond, favoring national prohibition; to the Committee on Judiciary.

favoring national prohibition; to the Committee on Judiciary.

Also, petition of Methodist Episcopal Church, De Kalb Junction, N. Y., H. M. McGrun, S. G. Carley, George Elsey, sr., William P. Sham, Iona Rose, Ralph Bishop, Earl H. Bishop, Earl G. Bishop, Raymond Rice, Raymond Bishop, L. C. Rice, G. A. Bishop, Mrs. G. A. Bishop, J. A. Carson, Mrs. George Elsey, jr., Mrs. T. Hosmer, Mrs. D. H. Roulston, Albert Hosmer, H. L. Paterson, L. L. Rasey, Macey L. Patterson, Mrs. Stevenson, Mrs. Taylor, Mrs. Nora Robinson, Mrs. L. C. Rice, Victor Bishop, Mabel Carley, Wesley H. Rice, Paul Hosmer, Everett Gardner, William Alkerton, Dorothea R. Mitchell, Helena B. Patterson, Mrs. Edwin Lee, Mrs. William Olkerton, John Patterson, Mrs. Edwin Lee, Mrs. William Olkerton, John Prouty, Ethel Mitchell, Harold Patterson, Raymond Williams, George Soper, Raymond Monthorp, Robert C. Hayes, Guy W. Roulston, Otto B. Davis, Myrtle Penney, Mrs. Ellis, Ruth Elsey, Mrs. James Tanner, and Helena Rose, favoring national prohibition; to the Committee on the Judiciary

By Mr. WATSON of Pennsylvania: Petition of Congregation of Christ Episcopal Church of Pottstown, Pa., calling on Congress to provide for the national defense, and for other purposes; to the Committee on Military Affairs.

## SENATE.

## SATURDAY, February 24, 1917.

(Legislative day of Tuesday, February 20, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

Mr. NORRIS. Will the Senator permit me to introduce a bill before he demands a call?

Mr. PENROSE. The Senator can do that after a quorum is here. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names: Sutherland

Bryan	Hughes	Norris	Sutherland
Chamberlain	Johnson, S. Dak.	Oliver	Swanson
Clark	Jones	Overman	Thomas
Colt	Kenyon	Penrose	Vardaman
Culberson	Kirby	Poindexter	Walsh
Cummins	La-Follette	Sheppard	Warren
Curtis	Lane	Sherman	Watson
Dillingham	Lea. Tenn.	Simmons	Weeks
Fernald	Lodge	Smith, Ga.	Works
Fletcher	McCumber	Smith, Mich.	
Gronna	McLean	Smoot	
Ualilla	Montin Vo	Stone	

Mr. CURTIS. I desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. Gallinger]. He is paired with the Senator from New York [Mr. O'Gorman]. This announcement may stand for the day.

Mr. LEA of Tennessee. I wish to state that the Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness in his family.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. Clapp, Mr. Hitchcock, Mr. Kern, Mr. Reed, Mr. Shafroth, Mr. Smith of South Carolina, Mr. Sterling, and Mr. Under-

WOOD answered to their names when called.
Mr. Du Pont, Mr. Brady, Mr. Thompson, and Mr. Shields entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

### DANISH WEST INDIAN ISLANDS-CONFERENCE REPORT.

Mr. STONE. Mr. President, with the consent of the Senator from North Carolina [Mr. Simmons], I desire to have the conference report on the Danish West Indian Islands government bill laid before the Senate.

Mr. SIMMONS. I have no objection, Mr. President.
The VICE PRESIDENT. The Chair lays before the Senate
the report of the committee of conference on the disagreeing
votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said coun-tries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1917, and for other purposes.

Mr. STONE. I ask for the adoption of the conference report. The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. STONE. I should like to say that I would be glad to have the action of the Senate reported to the House of Representatives as soon as possible.

The VICE PRESIDENT. The House of Representatives will be notified of the action of the Senate on the conference report.

LEGISLATIVE, ETC., APPROPRIATIONS-CONFERENCE REPORT.

Mr. OVERMAN. I ask my colleague if he will consent that the Senate now take up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 18542) and have the report adopted?

Mr. SIMMONS. Does the Senator anticipate that it will lead

to any debate?
Mr. OVERMAN. There may be some questions asked regarding it; but I do not think it will lead to any extensive

Mr. SIMMONS. I dislike very much to interfere with the consideration of a conference report upon one of the great appropriation bills

Mr. OVERMAN. This is a very important bill, as the Senator knows.

Mr. SIMMONS. But I should not like to have matter injected here that would consume much time.

Mr. OVERMAN. I desire to say that this is a full agreement. Of course, the Senate now having the bill must first act upon it, and then it will have to go to the House. I should like to have the report taken up at this time.

Mr. SIMMONS. Will the Senator agree if the report leads to prolonged discussion to withdraw it?

Mr. OVERMAN. I do not see how it can lead to much discussion.

Mr. SIMMONS. I will not object.
The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. POINDEXTER. I hope the Senator from North Carolina will not insist upon taking up that conference report in the midst of the consideration of the revenue bill.

Mr. OVERMAN. It will have to be acted upon, if we are to get it through at this session.

Mr. POINDEXTER. It will precipitate considerable debate.

There are some very important questions involved in it.

Mr. OVERMAN. I do not see how it can lead to much debate. The conference report has already been once before the Senate, and the Senate has heretofore agreed to most of the items in it. When the report was heretofore presented it was sent back to conference, as the Senator remembers, and there is nothing now that the Senate can do except to agree to the report or not to agree to it

Mr. POINDEXTER. I recall the matter of the so-called Smoot amendment, and there are other matters of importance in the bill.

Mr. OVERMAN. There was a test vote on that, resulting 70 to 4.

Mr. POINDEXTER. I do not understand the Senator.

Mr. OVERMAN. I say that the former report has been heretofore considered, as the Senator remembers, and the Senate refused to agree to it, and sent it back to conference. Now the conferees come back and report a complete agreement.

Mr. POINDEXTER. I understand the situation. Now the conference report is before the Senate for an agreement.

Mr. OVERMAN. For final agreement. In other words, the Senate is not in a position to make any fight on the Smoot amendment, because the House has agreed to the Senate action, and the Senate can not take up that question now.

Mr. POINDEXTER. I do not desire to argue that question, but I do desire to argue some other questions involved in the report.

Mr. OVERMAN. I know what the Senator is alluding to, and I do not see why we should not take it up and get through with it, because if we are going to have an appropriation bill at all it has to go to the House of Representatives. It is here, and it has to be acted on there before it can become a law. It may go over there and not be agreed to, and then we will be without a bill on the subject. I hope the Senator will agree to let it

come up.

Mr. POINDEXTER. There are a great many other appropriation bills, of course; but I understand that the intention is to pass the revenue bill before adjournment.

Mr. OVERMAN. It does not look as though we were going to pass it before adjournment. If the revenue bill is taken up and

these conference reports are not acted upon, of course, we will have an extra session. We will have no appropriation bills.

Mr. POINDEXTER. I do not desire to have an extra session, so far as I am concerned. That is not my purpose in desiring to argue this question; but I do desire to have an opportunity of presenting the important questions involved in this legislation.

Mr. OVERMAN. If the Senator objects to taking it up-Mr. POINDEXTER. I object to taking it up now.

Mr. OVERMAN. Then, Mr. President, I move that the Senate proceed to the consideration of the conference report on the leg-

islative, executive, and judicial appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina. [Putting the question.] By the sound the ayes seem to have it.

Mr. POINDEXTER. I call for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The VICE PRESIDENT. The ayes have it, and the Chair

lays the conference report before the Senate.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 784. An act to authorize the sale of certain lands at or near

Belton, Mont., for hotel purposes;

S. 6692. An act to amend section 6 of an act to expedite the

settlement of title to lands in the State of California;

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction

of a bridge across the Rock River.

The message also announced that the House had passed the bill (S. 8295) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution authorizing the printing of 10,000 copies of the immigration law, public No. 301, Sixty-fourth Congress, for distribution by the Senate and House of Representatives, etc., in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate, insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Key of Ohio, Mr. Keating, and Mr. Sells managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate, insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses theeron, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. Sells managers at the conference on the part of the House.

The message also announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, further insists upon its disagreement to the amendments of the Senate to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Lever, Mr. Lee, and Mr. Haugen managers at the further conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes

The message also announced that the House agreed to a con-current resolution authorizing the Clerk of the House of Representatives in the enrollment of the bill (S. 9533) to provide a civil government for Porto Rico, and for other purposes, to strike out the words "and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000," etc., in which it requested the concurrence of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 784. An act to authorize the sale of certan lands at or near

Belton, Mont., for hotel purposes;

S. 1878. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3. 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section numbered 151 of the act approved March 3, 1911, commonly known as the Judicial Code:

S. 6692. An act to amend section 6 of an act to expedite the settlement of title to lands in the State of California;

S. 7601. An act for the relief of Caleb T. Holland;

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8252. An act to authorize the change of name of the steamer

Charles L. Hutchinson to Fayette Brown;

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians);

H. R. 16855. An act for the relief of Riverside Military Acad-

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.; and

H. R. 19937. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

### PETITIONS AND MEMORIALS.

Mr. LODGE. I ask permission to present certain resolutions of the Legislature of the Commonwealth of Massachusetts, which ask may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the

RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1917.

Resolutions in favor of an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor.

States giving Congress power to regulate the hours of labor.

Resolved, That the General Court of Massachusetts hereby records its belief that public interest will be better served and the hardships of human life ameliorated by the national regulation of the hours of labor by Congress, and respectfully petitions the Congress of the United States to propose an amendment to the Constitution giving it the power to regulate the hours of labor and to make the same uniform throughout the United States; and

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress and to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted, February 8, 1917.

In senate, adopted, in concurrence, February 12, 1917.

A true copy.

Albert P. Langtry,

Secretary of the Commonwealth,

ALBERT P. LANGTRY, Secretary of the Commonwealth.

Mr. McLEAN. I ask to have printed in the Record a resolution adopted by the Yale Corporation supporting the President. There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Voted, That the Yale Corporation places itself on record as supporting the President of the United States in the steps he has taken to uphold international law and American rights.

Voted, That the Yale Corporation assures the governor of the State of its readiness to cooperate with him by placing the facilities of the university at his disposal in any ways that may seem feasible in carrying out the plans he has initiated for helping to safeguard the interests of the State and Nation. (Corporation records, Feb. 19, 1917.)

Mr. OLIVER. I present resolutions of the Legislature of the State of Pennsylvania. The resolutions are not long and I ask that they be read.

There being no objection, the resolutions were read, as fol-

IN THE SENATE, February 19, 1917.

In the Senate, February 19, 1917.

Whereas there is now pending in the Congress of the United States Senate bill No. 392, introduced by Hon, Charles E. Townsend, known as the Civil War Volunteer retired list bill, to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War; and

Whereas the Committee on Military Affairs have reported the same to the Senate with amendments and as thus amended the committee recommended that the bill do pass; and

Whereas the provisions of said bills are as pledged by Congress and President Lincoln at the opening of the Civil War to the several States and to the Volunteers furnished by them; and Whereas the present policy of the Government is to retire all officers of the Regular Army and Navy at three-fourths pay for life at ages less than any of those who will receive the recognition accorded by the above contemplated act; and

Whereas full retired pay for life to all survivors of the Revolutionary War, the War of 1812, and Indian wars in accordance with rank has been granted and furnished a commanding precedent; and

Whereas public sentiment of the Nation is shown by the unanimous action of the legislatures of 13 States, speaking for approximately 60,000,000 of our people, recommending the enactment of such a measure: Therefore be it

Resolved (if the house of representatives concur), That our Senators

measure: Therefore be it

Resolved (if the house of representatives concur), That our Senators and Representatives in Congress and the entire Congress of the United States of America be, and they are hereby, memorialized and requested that said bill, known as the Volunteer retired bill, which will give Civil War Volunteer retired officers the same aid according to rank as that given to the retired officers of the Regular Army, be speedily taken up and put upon its final passage; and be it further

Resolved, That the chief cierk of the senate is hereby directed to submit certified copies of this memorial to the President of the Senate and Speaker of the House of Representatives of the National Congress and to each of the Senators and Representatives in Congress.

I hereby certify that the foregoing resolution is a true and correct copy of resolution passed by the legislature, session of 1917.

HARMON M. KEPHART,

Chief Clerk Senate of Pennsylvania.

Mr. CURTIS (for Mr. Gallinger) presented the petition of Mrs. Harriet G. Burlingame and 90 other women of Exeter, N. H., praying for the enactment of legislation for the protection of migratory birds, which was ordered to lie on the

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of citizens of Boston, Mass., held in Tremont Temple, in that city, pledging their support to the President in the present German crisis, which were referred to the Committee on For-

He also presented resolutions of the General Court of Massachusetts, favoring the adoption of an amendment to the Consti-tution for the regulation of hours of labor, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of the Richmond (Mich.) Post, Grand Army of the Republic, praying for universal compulsory military training, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Bingham Lutheran Church, of Bad Axe, Mich., remonstrating against the United States engaging in war with Germany, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Scandinavian Woman's Christian Temperance Union of Muskegon, Mich., praying for national prohibition, which was ordered to lie on the table.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the Record and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
DEPARTMENT OF STATE,
Salem, February 17, 1917.

Mr. George E. Chamberlain,
United States Scrate, Washington, D. C.

Dear Sir: Herewith please find copy of House joint memorial No. 8, enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state, which is transmitted for your information.

Yours, very truly,

Ben. W. Olcorr,

Secretary of State.

BEN W. OLCOTT,
Secretary of State,
By S. A. KOZER, Deputy.

United States of America,
State of Oregon,
Office of the Secretary of State,
I. Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:
That I have carefully compared the annexed copy of house joint memorial No. 8 with the original thereof enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.
In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.
Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1917.

1917 [SEAL.] BEN W. OLCOTT, Sceretary of State.

House joint memorial 8.

House joint memorial 8.

Whereas J. Benjamin Hayes, a resident of Portland, Oreg., is now a second lieutenant of Field Artillery, and assigned to duty with Battery A, Oregon Field Artillery, under date of June 20, 1916, and was on November 1, 1916, detailed as assistant to the adjutant of Camp John H. Beacom, Calexico, Cal., and was appointed police and prison officer of said camp November 24, 1916; and
Whereas the said Lieut. J. Benjamin Hayes has had many years of military experience and bears an excellent military record, and is indorsed by his superior officers for promotion and a commission in the Regular Army; and
Whereas the age of the said J. Benjamin Hayes is slightly in excess of the maximum permitted by law, which allows the examination of persons for the purpose of commissioning them as Regular Army officers; and
Whereas there is now pending in the Senate of the United States a bill entitled "A bill authorizing the President to appoint J. Benjamin Hayes a first lieutenant in the Regular Army"; and
Whereas the said J. Benjamin Hayes has by his patriotic services in the past, as well as his soldierly qualifications, well carned the opportunity which he seeks to take an examination for a commission in the Regular Army: Therefore be it

Resolved by the house (the sonate concurring). That the Congress of the United States he and it is hereby respectfully requested to pess

In the Regular Army; Inercipre be it Resolved by the house (the senate concurring). That the Congress of the United States be, and it is hereby, respectfully requested to pass said Senate bill No. 7604, and each of the Senators and Representatives from Oregon are further hereby respectfully memorialized to use their best endeavors to secure the passage of said bill at an early date; and

best endeavors to secure the passage of said bill all the best further Resolved, That the secretary of state is hereby authorized and directed to transmit a copy of this memorial, under the seal of his office, to every member of the Oregon delegation, and to the presiding officer of the Senate of the United States and to the presiding officer of the House of Representatives in Congress.

Adopted by the house February 10, 1917.

R. N. Stanfield, Speaker of the House.

Adopted by the senate February 16, 1917.

Gus C. Moser,

President of the Senate.

(Indorsed:) House joint memorial No. 8. by Mr. Mackay. W. F. Drager, chief clerk. Filed February 16, 1917, at 4.50 e'clock p. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 8307) authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes; to the Committee on Public Lands.

By Mr. WADSWORTH:

A bill (S. 8308) to appoint Henry F. Grimm, jr., an ensign on the active list of the United States Navy; to the Committee on Naval Affairs.

A bill (S. 8309) for the relief of the legal representatives of Samuel Schiffer, deceased; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8310) to provide compensation for employees of the United States separated from the service on account of injuries received while in the performance of duty, and for other purposes; to the Committee on the Judiciary.

A bill (S. 8311) granting an increase of pension to John Zellers (with accompanying papers); to the Committee on Pensions.

A bill (S. 8312) to grant a right of way to the Southern Pacific Railroad Co. across the military reservation of San Pedro, Cal.; to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 8313) to provide for the erection of a public building at De Funiak Springs, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. LEE of Maryland:

A bill (S. 8315) relative to the appointment of brigadier generals to the grade of major general on the retired list of the Army; to the Committee on Military Affairs.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. WORKS submitted an amendment proposing to appropriate \$200,000 for the construction and equipment of a storehouse at Benicia Arsenal, Cal., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be

He also submitted an amendment authorizing the Secretary of War to form a national constructive military reserve, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$650,000 for the purchase of land and the construction of an aviation post at El Paso, Tex., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be

He also submitted an amendment proposing to appropriate \$50,000 for the purpose of conducting an investigation looking to the advancement of the mineral industries, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OLIVER submitted an amendment relative to the construction of section 3 of the act approved February 27, 1906, to prohibit the Secretary of War from accepting the gratuitous services of members of the Officers' Reserve Corps of the Army, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War in time of peace to order members of the engineer section of the Officers' Reserve Corps of the Army, with their consent, to active duty in the service of the United States, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$135,000 for a general storehouse, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$1,000,000 for manufacture and purchase of arms, appendages, and accessories, ammunition, etc., for small-arms target practice, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$20,000 for rain shelters, etc., to improve the rifle range and its facilities at State Camp Florida, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be

He also submitted an amendment proposing to establish and maintain indoor and outdoor rifle ranges for the use of all ablebodied male citizens between the ages of 16 and 45, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to strike out the provision relative to the detail of enlisted men in the Army as temporary instructors in rifle practice, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. RANSDELL submitted an amendment providing for the creation of a division of rural sanitation in the United States

Public Health Service, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

#### ADJUDICATION OF PRIVATE CLAIMS.

Mr. CURTIS (for Mr. Gallinger) submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table.

### PUBLIC BUILDINGS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the public-buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

### FEDERAL RESERVE ACT.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (S. 8259) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916; which was ordered to lie on the table and to be printed.

## DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. MARTIN of Virginia. Mr. President, I ask the Senator to yield to me for one moment.

Mr. POINDEXTER. I have just been admonished by the Chair that if I yield for anything but a question I will lose the floor. If I can yield to the Senator from Virginia without losing the floor-because I have yet a good deal to say about this

matter—I shall be glad to do so.

Mr. MARTIN of Virginia. I will say to the Senator from Washington that I am sure he will not lose the floor. I simply desire to ask for the appointment of a conferee on the District of Columbia appropriation bill (H. R. 19119) in the place of the Senator from New Hampshire [Mr. Gallinger], who is too ill

to attend to this duty.

Mr. LA FOLLETTE. The Senator had better get a ruling

Mr. POINDEXTER. I assume, Mr. President— The PRESIDING OFFICER (Mr. Walsh in the chair). The Chair understands that the Senator from Virginia desires to ask unanimous consent.

Mr. POINDEXTER. Well, by giving my unanimous consent do I lose the floor?

The PRESIDING OFFICER. The Chair would rule other-

Mr. POINDEXTER. I take pleasure, then, in yielding to the Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, I simply ask that a conferee on the District of Columbia appropriation bill be appointed in place of the senior Senator from New Hampshire [Mr. Gallinger], who is too ill to discharge the duties which were assigned to him.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the Chair appoints the Senator from Vermont [Mr. DILLINGHAM] a conferee on the part of the Senate in the place of the Senator from New Hampshire [Mr. Gallinger].

GERMAN AND AUSTRIAN VESSELS (S. DOC. NO. 722).

Mr. LODGE. I present a table prepared by the Department of Commerce showing the German and Austrian vessels in United States ports. It is very short, and I ask that it may be printed in the RECORD and also as a document.

The VICE PRESIDENT. Without objection, it is so ordered. The table referred to is as follows:

German and Austrian vessels in ports of the United States.

	Aste	risk (*) de	signates At	ıstrian ves	ssels; all of	thers are German.	The state of the s
Name.	Gross tons.	Nettons.	Passen- gers.	Crew.	Speed.	At—	Owner,
Vaterland. George Washington. Amerika Krouprinzessin Cecilie Kaiser Wilhelm II President Lincoln. President Grant Cincinnati Pennsylvania Grosser Kurfurst Bulgaria	22,622 19,503 19,361 18,168	23,548 15,379 13,637 6,584 6,353 11,171 11,112 9,733 8,527 7,881 7,218	2, 264 2, 755 2, 567 1, 576 1, 593 2, 751 3, 303 2, 449 2, 671 1, 965	923 525 541 650 655 305 292 370 222 260	24 19 17½ 23½ 23½ 14½ 14½ 15¼ 15½	New York, N. Y	North German Lloyd. Hamburg-American. North German Lloyd. Do. Hamburg-American. Do. Do. Do. North German Lloyd.
Barbaross: Prinzess Irene Friedrich der Grosse Hambur Rein Neekar	10,984 10,893 10,771 10,531	6, 463 6, 443 6, 585 6, 420 6, 398 6, 200	1,838 1,930 1,827 1,382 2,083 1,920	215 235 215 232 155 170	14 15) 14) 16 13 14	Baltimore, Md. New York, N. Ydododododododo	Do. Do. Hamburg-American. North German Lloyd.

German and Austrian ressels in ports of the United States-Continued.

Name.	Gross tons.	Net tons.	Passen- gers.	Crew.	Speed.	At-	Owner.
Conig Wilhelm II	9,413	5,764		172	154	New York, N. Y	Hamburg-American,
ohemia	8,414	5, 248 5, 379 4, 666			13	do	Do.
Martha Washington	8,312 7,409	4 666	1,101	250 105	17 124	Roston Mass	Unione Austriaca. North German Lloyd.
Oora	7,037	4,536	0.00	100	13	Boston, Mass. New York, N. Y.	Unione Austriaca.
haetia	6,600	4, 141		81	12}	Philadelphia, Pa	Hamburg-American.
Srny	6,515	4, 171			13	Boston, Mass	Unione Austriaca.
rinz Oskar	6,026	3,777	1,045	104	13 12	Philadelphia, Pa	Hamburg-American.
ittekindekenfels	5,640 5,621	3,607 3,452	1,265	69	12	Boston, Mass	North German Lloyd. Hansa,
menia	5,464	3,386	978	44		New York, N. Y	Hamburz-American.
cadia	5, 454	3,412		44		Norioik, Va	Do.
lamsturm	5,000	3, 159		66	12	New York, N. Y	Hansa.
Sa	4,967 4,948	3,148 3,152	1,148	42	12	do	Hamburg-American, D. Tripovich S. S. Co.
imalaiaorawitz	4, 795	3, 106	100000000000000000000000000000000000000			Galveston, Tex	Atlantica Sea Nav. Co.
llehad	4,761	3,012	1,071	91	12	Boston, Mass	North German Lloyd.
nz Joachim	4,760	2,981		96	13	Boston, Mass New York, N. Y	Hamburg-American.
apis	4,756	3,068		43		San Francisco, Cal	Kosmos Line.
B	4, 730 4, 650	3,093 2,921		62	12	New York, N. Y	Unione Austriaca.
nz Eitel Friedrich	4,637			02	12	Philadelphia	Hamburg-American. D. Tripovich S. S. Co.
emannia	4,630			82	13	New York, N. Y	Hamburg-American.
rburg	4,472	2,837				do	Deutsche-Australische.
conia	4,424	2,782		48		Seattle, Wash	Hamburg-American.
are	3.932					New Orleans, La	Uniono Austriaca.
ssovia	3,902 3,769	2,475		44		New York, N. Y	Hamburg-American
eresa udapest	3, 769					New Orleans, La Norfolk, Va	Unione Austriaca. Atlantic Sea Nav. Co.
impania	3, 551	2, 267				Galveston, Tex	D. Tripovich S. S. Co.
henfelde	2,974	1.887		37		Savannah, Ga	Kissle & Gunther MFLG.
rtonia	2,778	1,744		28		New York, N. Y	Dampschiffs Reed Horn Atk.
ia	2,555	1.635		20		do	Holm and Molzen.
ra Mennig	1,685	1,005 989		······		New Orleans La	Otto Zelch.
nna ptun	1,575 197	131				New Orleans, La San Francisco	Unione Austriaca. Joilet.
mmern	6,557	4,086			12}	Honolulu	North German Lloyd.
J. D. Ahlers	7,490					Hilo	Hansa.
inz Waldemar	3,227	1,737				Honolulu	North German Lloyd.
08	4,730					do	Kosmos.
dsatia	5,649	3,033				do	Hamburg-American.
cksun	1,657 1,971	1,020				do	North German Lloyd.
atssekretar Kraetke	2,009	1.208			12	do	Hamburg-American. Do.
verneur Jaeschke	1,738	1,045				do	Do.
ucia	6,744	4,385			13	Pensacola	Unione Austriaca.
dolph Blumberg	1,769	1,077				do	Leonhardt & Blumberg.
gesen	3,716	2,357				do	H. Vogemann.
feda Leonhardt	2,822 3,621	1,818 2,337				Jacksonville Tampa, Fla	Leonhardt & Blumberg, Soc. Anon, Ungherese di Armane
югиео	3,021	2,001				Tampa, Pas	Maritt, Orient.
denwald	3,537	2,098				San Juan, P. R	Hamburg-American Line.
60 separala							
69 vessels	530, 835	308, 503	42, 135	7,685			
ronprinz Wilhelm	530, 835 14, 908 8, 797	308, 503 5, 162 4, 812	42, 135	7,685 535 388	23 15	Norfolk, Vado.	North German Lloyd. Do.
ronprinz Wilhelm	14,908 8,797	5, 162 4, 812		535 388	23 15	Norfolk, Va	North German Lloyd, Do.
ronprinz Wilhelm. inz Eltel Friedrich. GER	14,908 8,797 MAN AND	5,162 4,812 AUSTRIA		535 388 S IN POR	23 15	Norfolk, Vado	Do.
onprinz Wilhelm	14, 908 8, 797 MAN AND 2, 168	5,162 4,812 AUSTRIA	N VESSEL	535 388 S IN POR	23 15 TS OF TE	Norloik, Vado	Do.  North German Lloyd.
onprinz Wilhelm. inz Ettel Friedrich.  GER: orneo	14, 908 8, 797 MAN AND 2, 168 1, 308	5,162 4,812 AUSTRIA 1,344 899	N VESSEL	535 388 S IN POR	23 15 TS OF TE	Norloik, Vado  IE PHILIPPINE ISLANDS.  Zamboanga do	North German Lloyd.
onprinz Wilhelm	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514	5, 162 4, 812 AUSTRIA 1, 344 S99 902	N VESSEL	535 388 S IN POB 47 53 49	23 15 TS OF TE	Norlolk, Va	North German Lloyd. Do. Do.
onprinz Wilhelm. inz Eltel Friedrich.  GER:  Treo.  rvel. rudu incess Alice.	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981	5, 162 4, 812 AUSTRIA 1, 344 859 902 6, 629	N VESSEL	535 388 S IN POB 47 53 49 235	23 15 TS OF TE	Norloik, Va	North German Lloyd. Do. Do. Do.
onprinz Wilhelm. inz Eltel Friedrich.  GER:  orneo  rreel.  urudu. incess Alice intau.	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 499	5,162 4,812 AUSTRIA 1,344 859 902 6,629 1,002 292	N VESSEL	535 388 S IN POB 47 53 49 235 42 25	23 15 TS OF TE	Norloik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadodo Cebudo.	North German Lloyd. Do. Do. Do. North German Lloyd (Ak. Ges.).
onprinz Wilhelm. inz Eitel Friedrich.  GER:  rneo. rvel. rudu incess Alice intau egand. dalusis.	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 499 5, 433	5,162 4,812 AUSTRIA 1,344 899 902 6,629 1,002 292 3,371	N VESSEL	535 388 S IN POB 47 53 49 235 42	23 15 TS OF TE	Norloik, Va	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Saulseephosphat. Hamburg-American Line.
onprinz Wilhelm inz Eltel Friedrich.  GER:  orneo rrvel. rrudn incess Alice intau legand dalusia	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 499 5, 433 6, 161	5,162 4,812 AUSTRIA 1,344 899 902 6,629 1,002 292 3,371 3,837	N VESSEL	535 388 S IN POB 47 53 49 235 42 25	23 15 TS OF TE	Norloik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadodododo Cebudododo dododo	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch.
onprinz Wilhelm inz Eitel Friedrich.  GER:  TREO .  TR	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 5, 433 6, 161 5, 130	5, 162 4, 812 AUSTRIA 1, 344 899 902 6, 629 1, 002 292 3, 371 3, 837 3, 163	N VESSEL	535 388 S IN POB 47 53 49 235 42 25	23 15 TS OF TE	Norloik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadododododododo	North German Lloyd.  Do.  Do.  Do.  North German Lloyd (Ak. Ges.).  Deutsche Sudseephosphat.  Hamburg-American Line.  Deutsch Austral. Dmplsch.  Rickmers Reismuhlen Reed.
onprinz Wilhelm. inz Ettel Friedrich.  GER:  Treo.  rvel.  rudu incess Alice. intau. iegand idalusia. ichum. milla Rickmers. rl Die-lerichsen.	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 5, 433 6, 161 5, 130 1, 243	5, 162 4, 812 AUSTRIA 1, 344 859 902 6, 629 1, 002 292 3, 371 3, 837 3, 163 3, 163	N VESSEL	535 388 S IN POB 47 53 49 235 42 25 50	23 15 TS OF TH	Norlolk, Va	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Reismuhlen Reed. M. Jebsen.
onprinz Wilhelm inz Eitel Friedrich.  GER:  rneo rvel rudu incess Alice intau egand deltusia chum milla Rickmers el Die-terichsen rus Lebsen blenz	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 5, 433 6, 161 5, 130	5,162 4,812 AUSTRIA 1,344 899 902 292 292 3,371 3,837 3,163 1,103 1,103	N VESSEL	535 388 S IN POB 47 53 49 235 242 25 50	23 15 TS OF TE	Norloik, Va	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak, Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Refsmuhlen Reed. M. Jebsen. Do. North German Lloyd.
onprinz Withelm. inz Eitel Friedrich.  GER:  TREO. TYPEI.	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 499 5, 433 6, 161 5, 130 1, 735 3, 130 4, 594	5, 162 4, 812 1, 344 859 90 90 1, 002 292 3, 371 3, 837 774 1, 103 1, 869 2, 871	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 50	23 15 TS OF TH	Norioik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadodo Cebudo dodo dodo do	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Anstral. Dmisch.
onprinz Wilhelm inz Eitel Friedrich.  GER:  TREO  TREO  TREI  TREO  TREO	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 6, 161 5, 130 1, 243 1, 735 3, 130 4, 594 4, 902	5, 182 4, 812 AUSTRIA 1, 344 859 902 6, 629 1, 902 3, 371 3, 183 7, 3, 163 1, 869 2, 871 3, 837 3, 837 3, 183 3, 837 3, 183 3, 183 4, 1, 103 8, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,	N VESSEL	535 388 S IN POR 47 53 49 225 25 25 27 27 31 41 42	23 15 TS OF TH	Norloik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadododododododo	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do.
onprinz Withelm. inz Eitel Friedrich.  GER:  Tree.  Tree.  Tree.  Treel.  Tree	14,908 8,797 MAN AND 2,168 1,504 1,514 10,981 1,685 6,161 5,130 1,233 1,735 3,130 4,599 4,992 1,531	5, 182 4, 812 AUSTRIA 1, 344 899 9022 6, 629 1, 002 3, 371 3, 183 1, 183 1, 183 2, 871 3, 837 3, 837 3, 837	N VESSEL	535 388 S IN POR 47 53 49 225 42 25 50 27 53 41 42 27	23 15 TS OF TH	Norloik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadododododododo	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen.
onprinz Wilhelm inz Eitel Friedrich.  GER:  TREO . rvel. rudu incess Alice intau iegand idalusia chum illa Rickmers rl Diedrichsen raz Jebsen blenz. inshorn slingen islingen islingen islingen islingen islingen islingen	14,908 8,797 MAN AND 2,168 1,308 1,514 10,981 1,685 499 5,433 6,161 5,130 1,243 1,243 1,243 1,243 4,594 4,902 1,531 1,932	5, 182 4, 812 AUSTRIA 1, 344 859 902 2, 292 3, 371 3, 183 774 1, 103 1, 869 2, 871 3, 937 952 1, 292 2, 292 2, 292 2, 292 2, 292 2, 292 2, 292 3, 271 3, 183 1, 283 2, 293 2, 293	N VESSEL	535 388 S IN POR 47 53 49 225 25 25 27 27 31 41 42	23 15 15 TS OF TH	Norioik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadododododododo	North German Lloyd. Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen. Hamburg-American Line.
onprinz Withelm. inz Eitel Friedrich.  GER:  TREO. TVE!. TREO. TVE!. TRIAL TRI	14,908 8,797 MAN AND 2,168 1,508 1,514 10,981 1,685 6,161 5,130 1,735 3,130 4,594 4,902 1,531 1,125 6,679	5, 182 4, 812 AUSTRIA 1, 344 899 9022 6, 629 1, 002 3, 371 3, 183 1, 183 1, 183 2, 871 3, 837 3, 837 3, 837	N VESSEL	535 388 S IN POR 47 53 49 225 42 25 50 27 53 41 42 27	23 15 TS OF TE	Norlolk, Va	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen.
onprinz Wilhelm inz Eitel Friedrich.  GER:  TREO TREO TREO TREO TREO TREO TREO TRE	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 514 10, 981 1, 685 6, 161 5, 130 1, 243 1, 735 3, 130 4, 594 4, 902 1, 531 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1	5, 182 4, 812 AUSTEIA 1, 344 859 902 6, 629 1, 002 3, 371 3, 837 3, 163 1, 1, 809 2, 871 3, 937 4, 901 997 1, 272 1, 2	N VESSEL	535 388 S IN POR 47 53 49 225 25 25 27 37 41 42 27 37	23 15 15 TS OF TH	Norioik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadododododododo	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Refsamuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Anstral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Do. Do. Do.
onprinz Wilhelm inz Eitel Friedrich.  GER:  Treo Treo Treo Trei Treo Trei Treo Trei Treo Trei Treo Treo Trei Treo Treo Treo Trei Treo Treo Treo Treo Treo Treo Treo Treo	14,908 8,797 MAN AND 2,168 1,508 1,514 10,981 1,085 6,161 5,130 1,235 6,161 1,735 3,130 4,594 4,992 1,531 1,225 6,573 1,931 1,932 1,	5, 182 4, 812 AUSTRIA 1, 344 899 902 6, 629 1, 902 3, 371 3, 183 1, 193 2, 871 1, 103 1, 809 2, 871 1, 103 1, 809 2, 871 1, 103 1, 809 2, 871 1, 103 1, 809 2, 871 1, 103 1, 809 1, 902 1, 9	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 50 27 53 41 42 27 37	23 15 TS OF TE	Norlolk, Va	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Hamburg-American Line. And Do. Hamburg-American Line. Hamburg-American Line.
onprinz Wilhelm inz Eitel Friedrich.  GER:  Trieo . rvel . rudu	14,908 8,797 MAN AND 2,168 1,308 1,514 10,981 1,685 5,433 6,161 5,130 1,243 1,735 3,130 4,992 1,531 1,725 6,579 1,631 2,028 8,007 4,765	5, 182 4, 812 AUSTRIA 1, 344 859 902 2, 8, 371 3, 837 3, 163 1, 869 2, 837 952 1, 238 4, 961 1, 275 5, 688 3, 911	N VESSEL	535 388 S IN POR 47 53 42 235 42 25 50 50 27 27 27 27 27 27 42 42 42 41 60 48	23 15 TS OF TE	Norloik, Va	North German Lloyd.  Do. Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Anstral. Dmilsch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Do. Hamburg-American Line. Do. Do. Do. Do. Do. Do. Hamburg-American Line. Do.
onprinz Withelm. inz Eitel Friedrich.  GER:  rneo rvel. rudu incess Alice intau egand dalusia chum milla Rickmers rl Diederichsen rra Jebsen blenz. mishorn slingen name eemoon rrk ngtong jah chsen blenz. metong	14,908 8,797 MAN AND 2,168 1,504 1,514 10,981 1,685 6,161 5,130 1,735 3,130 4,591 4,992 1,531 1,225 6,57 1,531 1,255 6,57 1,531 1,535 1,535 1,53	5, 182 4, 812 AUSTRIA 1, 344 899 902 6, 629 1, 002 3, 337 3, 163 1, 193 1, 193 1, 287 1, 238 4, 901 1, 275 5, 5, 88 3, 011 2, 3, 31 2, 3, 31 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3	N VESSEL	535 388 S IN POR 47 53 49 225 42 25 50 27 53 41 42 27 37 42 42 42 42 42 42 42 42 42 42 42 42 42	23 15 TS OF TE	Norlolk, Va	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Hamburg-American Line. Do. Do. Hamburg-American Line. Do. Do.
onprinz Wilhelm inz Eltel Friedrich.  GER:  orneo rrvel. rudn incess Alice intau legand dalusia chum milla Rickmers rl Diederichsen ara Jebsen blenz mshorn sslingen haune eemoon ark mgtong ajah chsen mbia eevia	14,908 8,797 MAN AND 2,168 1,504 1,514 10,981 1,685 6,161 5,130 1,735 3,130 4,594 4,902 1,531 1,925 6,57 9,785 8,007 4,785 3,789 5,586	5, 182 4, 812 AUSTRIA 1, 344 859 902 6, 629 1, 002 3, 371 3, 837 3, 163 1, 890 2, 871 3, 937 5, 952 1, 238 4, 901 1, 278 1, 278	N VESSEL	535 388 S IN POR 47 53 49 235 225 50 25 27 27 37 42 42 42 42 42 47 48 48	23 15 TS OF TE	Norloik, Va	North German Lloyd.  Do. Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Do. Hamburg-American Line. Do. Do. Hamburg-American Line. Do. Do. Hamburg-American Line.
onprinz Withelm.  nz Eitel Friedrich.  GER:  rreo  rvel  rudu  incess Alice  intau  egand  dalusia  chum  milla Rickmers  rd Diederichsen  ra Jebsen  blenz  mshorn  slingen  name  eemoon  rrk  ngtong  jah  chsen  blenz  mstong  jah  chsen  blenz  mstong	14, 908 8, 797 MAN AND 2, 168 1, 514 10, 981 1, 514 109 5, 433 6, 161 5, 130 1, 243 3, 130 4, 594 4, 992 1, 531 1, 125 6, 679 1, 631 1, 125 6, 79 1, 631 2, 128 8, 100 8,	5, 182 4, 812 AUSTRIA 1, 344 899 902 6, 629 1, 002 292 3, 371 3, 837 7, 1, 103 1, 869 2, 871 2, 871 1, 238 4, 031 997 1, 275 5, 088 3, 011 2, 381 3, 609 53, 765	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 27 53 41 42 27 737 42 41 60 48 44 44 44 44 44 44 44 44	23 15 15 TS OF TH	Norlolk, Va	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Hamburg-American Line. Do. Hamburg-American Line. Do. Do. Hamburg-American Line. Do.
onprinz Wilhelm inz Eltel Friedrich.  GER:  Frieo Irvel. Irudu Incess Alfee Intau Iegand Idalusia Iechum Illa Rickmers Il Die-Ierichsen Irra Jebsen Ista Jesen Istan Ist	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 154 10, 981 1, 685 499 5, 433 6, 161 5, 130 1, 243 1,	5, 182 4, 812 AUSTRIA 1, 344 990 902 6, 629 1, 002 292 3, 371 3, 837 3, 163 774 1, 103 1, 809 2, 871 1, 275 5, 881 3, 860 53, 765	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 27 53 41 42 27 737 42 41 60 48 44 44 44 44 44 44 44 44	23 15 15 TS OF TH	Norioik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadododododododo.	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Refsmuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Anstral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Do. Do. North German Lloyd. Do. Do. North German Lloyd.
onprinz Wilhelm nz Eitel Friedrich.  GER:  rneo rvel rudu mcess Alice mtau egand dalusia dalusia dalusia dalusia chein milla Rickmers rl Die derichsen milla Rickmers ser Die derichsen milla Rickmers rl Die derichsen red	14, 908 8, 797 MAN AND 2, 168 1, 514 10, 981 1, 514 109 5, 433 6, 161 5, 130 1, 243 3, 130 4, 594 4, 992 1, 531 1, 125 6, 679 1, 631 1, 125 6, 79 1, 631 2, 128 8, 100 8,	5, 182 4, 812 AUSTRIA 1, 344 899 902 6, 629 1, 002 292 3, 371 3, 837 7, 1, 103 1, 869 2, 871 2, 871 1, 238 4, 031 997 1, 275 5, 088 3, 011 2, 381 3, 609 53, 765	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 27 53 41 42 27 737 42 41 60 48 44 44 44 44 44 44 44 44	23 15 15 TS OF TH	Norlolk, Va	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Hamburg-American Line. Do. Hamburg-American Line. Do. Do. Hamburg-American Line. Do.
onprinz Wilhelm inz Ettel Friedrich.  GER:  Theo . rvel. rvel. rudu incess Alice intau iegand idelusia chum illa Rickmers rl Dielerichsen rra Jebsen blenz. mshorn slingen anne eemoon ark mgtong ijah chsen mbia chsen mbia 23 vessels 23 vessels	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 154 10, 981 1, 1685 4999 5, 433 6, 161 5, 130 1, 243 1, 243	5, 182 4, 812 AUSTRIA 1, 344 859 902 6, 629 1, 002 2, 292 3, 371 3, 837 774 1, 103 1, 869 2, 817 952 1, 228 4, 931 1, 275 5, 088 3, 011 2, 381 3, 609 53, 765 RMAN VE	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 50 27 53 41 42 27 37 49 49 48 44 48 1,036	23 15 15 TS OF TH 15½ 12½ 12 12½	Norioik, Vado  IE PHILIPPINE ISLANDS.  Zamboangadododododododo.	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Hamburg-American Line. Do. Do. North German Lloyd. Do. North German Lloyd. North German Lloyd.
ronprinz Wilhelm inz Ettel Friedrich  GER:  Drneo arvel arudu incess Alice intau legand indelusia eduum milla Rickmers rl Die-terichsen ara Jebsen blenz mshorn sslingen hanne yeemoon ark omgtong ajah chsen mbia ark  23 vessels  23 vessels	14, 908 8, 797 MAN AND 2, 168 1, 308 1, 154 10, 981 1, 1685 4999 5, 433 6, 161 5, 130 1, 243 1, 243	5, 182 4, 812 AUSTRIA 1, 344 859 902 6, 629 1, 002 2, 292 3, 371 3, 837 774 1, 103 1, 869 2, 817 952 1, 228 4, 931 1, 275 5, 088 3, 011 2, 381 3, 609 53, 765 RMAN VE	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 50 27 53 41 42 27 37 49 49 48 44 48 1,036	23 15 15 TS OF TH 15½ 12½ 12 12½ UNITED S	Norlolk, Va	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Austral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Hamburg-American Line. Do. Do. North German Lloyd.
onprinz Wilhelm inz Eltel Friedrich.  GER:  Wheo nreel.  Arndu incess Alice intau legand delusia echum milla Rickmers rl Die terichsen ara Jebsen blenz msklorn sklingen hanne reemoon ark mytong ijah chsen mbia eria.  23 vessels  Sass	14, 908 8, 797 MAN AND 2, 168 1, 514 10, 981 1, 514 10, 981 1, 685 499 5, 433 6, 161 5, 130 1, 243 3, 130 4, 594 4, 902 1, 531 2, 028 8, 007 4, 785 3, 789 5, 588 86, 524 GE 6, 591 ERMAN 3	5, 182 4, 812 AUSTRIA 1, 344 899 902 6, 629 1, 002 292 3, 371 3, 837 7, 1, 103 1, 869 2, 871 2, 8	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 50 27 53 41 42 27 37 42 41 60 48 44 44 48 1,036	23 15 15 15 15 15 12 12 12 UNITED S	Norlolk, Va	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Refsmuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Anstral. Dmfsch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Do. North German Lloyd. North German Lloyd.  North German Lloyd.  North German Lloyd.
onprinz Wilhelm inz Eitel Friedrich.  GER:  Frieo Irvel. Irudu Incess Alice Intau Iegand Idalusia Iechum Illa Rickmers Irl Die Ierichsen Irra Jebsen Iblen Imslorn Islingen Islane Intau Internation Internation Irudu Internation Islingen Islane Irudu Iru	14,908 8,797 MAN AND 2,168 1,308 1,154 10,981 1,685 499 5,433 6,161 5,130 1,243 1,24	5, 182 4, 812 AUSTRIA 1, 344 859 902 6, 629 1, 002 292 3, 371 3, 837 3, 163 774 1, 103 1, 809 2, 871 1, 275 5, 081 1, 275 5, 081 2, 881 3, 607 8, 3, 765 8, 84 1, 103 1, 102 1, 102	N VESSEL	535 388 S IN POR 47 53 49 235 42 255 50 27 53 41 42 27 27 77 42 41 60 648 44 44 48 1,036	23 15 15 15 15 15 15 15 12 12 12 UNITED S	Norloik, Va	North German Lloyd.  Do. Do. Do. North German Lloyd (Ak. Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmplsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Anstral. Dmisch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Do. North German Lloyd. North German Lloyd.  North German Lloyd.  North German Lloyd.
onprinz Withelm. inz Ettel Friedrich.  GER:  Tree  T	14, 908 8, 797 MAN AND 2, 168 1, 514 10, 981 1, 514 10, 981 1, 685 499 5, 433 6, 161 5, 130 1, 243 3, 130 4, 594 4, 902 1, 531 2, 028 8, 007 4, 785 3, 789 5, 588 86, 524 GE 6, 591 ERMAN 3	5, 182 4, 812 AUSTRIA 1, 344 899 902 6, 629 1, 002 292 3, 371 3, 837 7, 1, 103 1, 869 2, 871 2, 8	N VESSEL	535 388 S IN POR 47 53 49 235 42 25 50 50 27 53 41 42 27 37 42 41 60 48 44 44 48 1,036	23 15 15 15 15 15 15 15 12 12 12 12 12 12 12 12 12 12 12 12 12	Norlolk, Va	North German Lloyd.  Do. Do. Do. Do. North German Lloyd (Ak, Ges.). Deutsche Sudseephosphat. Hamburg-American Line. Deutsch Austral. Dmpfsch. Rickmers Reismuhlen Reed. M. Jebsen. Do. North German Lloyd. Deutsch Anstral. Dmfsch. Do. M. Jebsen. Hamburg-American Line. North German Lloyd. Do. Do. Do. North German Lloyd. North German Lloyd.  North German Lloyd.  North German Lloyd.

#### SUMMARY.

	Number of vessels.	Gross tons.	Net tons.
In United States ports. In Philippine ports. In Pacific Island ports.	71 23 1	535, 722 86, 524 6, 591	313, 109 53, 765 4, 154
Grand total	95	628, 837	371,028

German and Austrian vessels in ports of the United States-Continued. GERMAN VESSELS IN PORTS OF THE UNITED STATES-SECOND ADDITION.

Name.	Gross tons.	Net tons.	Passen- gers.	Crew.	Speed.	At—	Owner.
Liebenfels. Magdeburg. Nicaria, Kiel Indra (schooner) Matador (bark) Arnoldus Vinnen (ship) Kurt (bark). Ottawa (bark) Breslau. Andromeda	4,525 4,497 3,974 4,494 1,746 1,468 1,859 3,109 2,659 7,524 2,554	2,872 1,643 1,365 1,789 2,875	609	40 44 23 20		New York, N. Y Southport, N. C	German-Australian S. S. Co. Hamburg-American Line. German-Australian S. S. Co. Wachsmuth & Krogmann. Carl J. Klingenberg & Co. F. A. Vinnen & Co. G. J. H. Slemers & Co. Rhederei Aktien Ges. von 1898.
Total	38, 409	27, 445					

#### SUMMARY.

	Number of vessels.	Gross tons.	Net tons.
Elsewhere set down less Prince August Wilhelm	94 11	624, 104 38, 409	368,053 37,445
	105	662, 513	395, 498
Austrian German.	14 91	67, 817 594, 696	43,678 351,820
	105	662, 513	395, 498

# IMPORTATION OF SISAL AND MANILA HEMP.

Mr. WADSWORTH. Mr. President, there is a very serious error in the print of the report of the Committee on Agriculture and Forestry on the subject of the importation of sisal and manila hemp. I have here a copy of the report with the corrections made on page 10. I ask that this copy be referred to the Committee on Printing, with the request that the corrections be made and that the usual number of corrected copies of the report be printed for the use of the committee.

report be printed for the use of the committee.

Mr. SMOOT. I understand the Senator does not request the usual number, but he wants to have 3,000 copies printed.

Mr. WADSWORTH. Yes; 3,000 copies.

Mr. SMOOT. That is all right.

Mr. WADSWORTH. It is impossible to send out the report in its present shape to people interested.

The VICE PRESIDENT. Without objection, the order is made.

## ADDRESS BY JUDGE BLAIR,

Mr. OWEN. Mr. President, I desire to have printed as a Senate document an address by Judge Blair before the National Conference of the National Popular Government League on Bribery in Adams County, Ohio. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE, ETC., APPROPRIATIONS-CONFERENCE REPORT.

Mr. OVERMAN. I call for the regular order.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and

Mr. POINDEXTER. Mr. President, when the bill passed the Senate it contained a provision attached to a Senate amendment that hereafter the office of postmaster in each class should be subject to civil-service regulations and appointments thereto should be made upon merit and without regard to political affiliation. For some reason the matter has been dropped out of the bill. The conferees have agreed to recede from the Senate I understand the matter was taken up in the amendment. House of Representatives, and that a separate vote was had upon it without a roll call. So there has been no real test of

sentiment in that branch of Congress upon the amendment and the great principle involved in it.

I am somewhat surprised that the conferees have yielded upon this proposition in view of the pronouncement of the President of the United States of his interest in the matter and his support of it. Not only the incumbent of the Presidency at the present time has publicly declared in favor of taking the post-office business of the country out of the spoils system of politics, but the greatest of his predecessors have declared in favor of it. Among recent Presidents who have been advocates of the merit system in appointments of officials, including postmasters, are Grover Cleveland, Theodore Roosevelt, and still more recently Mr. Taft. The Republican candidate for the Presidency, the leader of his party in the recent campaign, Mr. Hughes, has pronounced himself in very strong terms in favor of this vital reform in conducting the business of the Government.

Mr. SMITH of Michigan. May I ask the Senator a question? Mr. POINDEXTER. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Does the Senator's amendment contemplate the designation of the postmaster for a given place, from any department of the public service, wherever he may have resided? For instance, would it have been possible to have designated a citizen of Spokane as postmaster of the city of Detroit under the amendment of the Senator from Washington? Would It have been possible to have designated a clerk in a department of the Government here to act as postmaster under this civil-service amendment of the Senator from Washington? Have we got to a point where no such thing as local self-government or local representation in distinctly local officers shall be had?

Mr. CLARK. Mr. President, will the Senator yield to me for

Mr. POINDEXTER. In just a moment. I prefer to answer the question of the Senator from Michigan. I will say that the practical operation of this amendment, in my understanding, would be that the incumbents of these offices, most of whom have been appointed from the community where the office is situated and to some extent upon the recommendation of the patrons of the office, would have an opportunity upon a demonstration of their fitness for the place and ability to conduct the business of the post office, which is that of receiving and distributing mail, to remain in the positions which they now occupy. Those who were not qualified would have to give way to some who could qualify.

To show that there is no need for the apprehension which the Senator from Michigan expresses, I call his attention to the fact that one class of post offices is already under civil service—the fourth class. I have never known of anyone being appointed to the office who did not reside in the community where the office was situated. The fact of the case is that upon investigation most of the objections which are made to this proposition are found to be purely imaginary and chimerical.

Mr. SMITH of Michigan. The suggestion which I made was not imaginary, for this reason. The Senator said fourth-class postmasters are already, in the main, covered by this rule, but a fourth-class postmaster drawing \$500 a year must of necessity live within the vicinage where he serves. No clerk in a department in Washington drawing a salary of \$1,200 a year and eligible under the civil-service law for promotion would think of taking a place like that. So the circumstances make But if a clerk drawing \$1,200 or \$1,500 a year under the civil service may enter into competition for the postmastership of the city of Detroit, then I say there is a great inducement. A mere classification such as the Senator refers to would not confine the ambitions of men who are under the civilservice law.

Mr. CLARK. Mr. President-

Mr. POINDEXTER. Just one further answer to the Senator from Michigan, and then I will yield to the Senator from Wyoming. The rules of the civil service are not rigid. subject to the discretion of the President of the United States and under the advice of the heads of the departments. I know there have been a great many abuses, some instances more or less the subject of ridicule, more or less a just subject of ridicule in some features of the administration; but that is not an argument against the merit system. There is nothing in the principle that is involved if it should be decided by those in authority, including the Senator from Michigan with his great influence, that the appointment should be confined to the residents of the community where the office is situated to prevent having that as a part of the system. Whether it should be done or not is a matter of difference of opinion. My own opinion is that there ought to be an opportunity for the subordinate officials in the post office who render faithful service to the Government, who prove their capacity to serve the people in post-office work, to be promoted up through the different grades in that service to have charge of the office, and preferably the subordinates in the local post office. I yield to the Senator from Wyoming.

Mr. CLARK. Mr. President, there is no one who keeps so close track of the affairs of the Government, I imagine, as the Senator from Michigan. At the same time, I am somewhat surprised that at this day he raises the objection that a postmaster might be appointed outside of the delivery of his office because we have upon the calendar now that very condition of affairs. In more than one of the nominations they are appointed from outside the delivery of the office.

Mr. SMITH of Michigan. By favor, however.

Mr. CLARK. Objection is raised by Senators representing the particular localities. The answer is made from the Post Office Department, and perhaps also from other departments of the Government, I know not, that the law, as a rule, requiring the residence of postmasters within the delivery of their office only means that while they are postmasters they shall reside within the delivery of the office. They can be appointed when they are still outside the delivery of the office from any place the Postmaster General or the President seeks to take them. The only thing the law means to the Post Office Department is that when they accept the office they shall move and reside during the continuance of office within the delivery of the office.

Mr. BRANDEGEE. There is a nomination on the calendar

now for a town in my State, who is not a resident of the State, brought down from Massachusetts. He has not even come yet.

suppose he is waiting to see whether he will be confirmed. Mr. CLARK. I have not any doubt of it. I only wanted to express surprise at the apparent lack of enterprise of the Senator from Michigan in ascertaining the fact.

Mr. SMITH of Michigan. I do not know that I lack any enterprise in that regard. I know there have been offenses of this kind committed, but I also know that it is not a desirable thing to introduce generally into the Government. There is great pride in the local patrons of the post office if they may have their will as to who shall serve them. I know when the Rural Free Delivery System was inaugurated there was great interest as to who should deliver mail on the routes that were established, and as they were established and laid out in my State I left it to the people on each route to say who among their citizens and neighbors should perform this service, and they got very good service.

But because we have tolerated here and there an exception to the very general rule that postmasters shall be appointed from the vicinity in which they propose to serve that is no answer why we should establish a principle that a man from Spokane should qualify himself and become an applicant and a successful candidate for the postmastership of Detroit, any more than a citizen of Detroit should become postmaster at Spokane. I think it is rather a bad thing to introduce into our Government. I believe that there is genuine merit in local representation, in the ability of the people to get at their officials directly, that if they come in contact with these officials in the performance of their duties and know their character and their reputation, the public will be served.

After all, the whole purposes of the Government are that the public may be appropriately served, and it is not necessary to import into a community a stranger and decorate him with the highest official reward that may be conferred upon a citizen

in order that you may have a good service in the management and delivery of the mail.

Mr. POINDEXTER. The trouble with the present system, Mr. President, is that in many instances it is solely a reward and a decoration rather than the performance of the business of the office that governs the appointment. The Senator knows of the office that governs the appointment. The Senator knows

that as well as I do.

Mr. SMITH of Michigan. Undoubtedly, in many cases; but if the Senator aims at the qualification of a subordinate in the post office, that he may have a right through the lawful channels of the Government to compete for the appointment of postmaster in his own town, there can be very little said against that kind of a rule, although for myself I am not very much of a devotee or worshiper of the civil-service rule. I suppose in the strictest parlance I would be regarded as being a spoilsman, because I believe in party reward for party service. In a democracy like ours I can see no reason in the world why there should be a permanent office-holding class and why the citizens should not be rewarded for the services they render. The public can get at a man who is appointed in that way very easily if he is unsatisfactory. If I appoint a postmaster in my home city who is repugnant to the people of the community and I am the representative in Congress they can very easily get at me. They have their remedy. I am bound to name a good man and one acceptable to the community, or the community will name a different referee when it comes to choice of post-

I am rather a firm believer in the idea that in a republic a permanent office-holding class is undesirable. I believe that in a republic the opportunity should be passed around for citizens to serve the Government, and that the reward of party service is almost essential to the highest and best party spirit, not that it alone is the stimulating impulse that this brings. Not at all. There are principles underlying it, but, after all, when you get out and make war and conduct your campaign, I believe in re-warding the active and not the inactive; I will not go back to that roll for an official in my State. I have never appointed a drone in my life to a public office.

Mr. POINDEXTER. I hope the Senator will take the floor, when I am through, and discuss that matter at length.

Mr. SMITH of Michigan. I do not want to discuss it at length. I am through now.

Mr. POINDEXTER. That states the exact issue that is involved in this amendment. The Senator very frankly confesses that he is opposed to a so-called civil-service system.

But, yet he admits, notwithstanding his feeling upon that subject, that there could not be any objection raised, even from his standpoint, to the opening of the door of opportunity to faithful employees in post offices to be promoted to be postmasters, and to have a chance to be appointed upon their merits, rather than upon mere political favoritism.

Mr. SMITH of Michigan. Certainly; and the Senator has done

the same thing. I have no doubt.

Mr. POINDEXTER. I never was instrumental in securing the appointment of a postmaster in my life, nor was the Senator, who knew very much about the business that he was paid to

conduct when he went into the office.

Mr. SMITH of Michigan. That is so. Such a postmaster knew more about the political aspect than about the business of

the office.

Mr. POINDEXTER. It generally takes him half of the term to learn to do the work in which the community is interested, and the community is not interested in anything else. He is paid out of the public funds to perform these duties; and the community, regardless of party, is indifferent to the political services which the postmaster may have rendered to some candidate for Congress

Mr. CUMMINS. Mr. President-

Mr. POINDEXTER. I yield to the Senator from Iowa.

Mr. CUMMINS. May I remind the Senator from Washington that in three-fourths of the post offices the assistant postmaster is the efficient hend of the service?

Mr. POINDEXTER. That is absolutely true.

Mr. CUMMINS. And the assistant postmasters of the country are under civil service and are appointed upon the merit Why should not the postmaster himself, if he is intended to be anything more than a political agent, be appointed

under the same system?

Mr. POINDEXTER. There is no answer to that question, except in the affirmative, on any basis of logic or from the stand-

point of the efficiency of the service.

To show that there is not very much danger of postmasters from some other community being appointed, to which the Senator referred, I have already mentioned the fact that we have avoided that in fourth-class post offices-and the fact that the salary is small, and, as the Senator says, they can not afford upon that salary to go to some other office, is no answer to the proposition. The fact still remains that they are under the civil service. I confess that there is a very lame and halting administration of it in this class of offices. There are three on the eligible list, one of whom is usually a Democrat, and he is always appointed.

Mr. SMITH of Michigan. Yes. Mr. POINDEXTER. That is the objection that some people have to the system, but the objection to the system upon such grounds as that is illogical. The objection should be to the administration of the system, to the failure to carry out the merit system in the civil establishment. The objection really is to the spoils system. When you object to the condition now prevailing in the administration of fourth-class post offices it is because the merit system is not properly applied.

There are inspectors of post offices who in many respects have greater power not only in the town but in the surround-ing country than the postmaster has.

Mr. SMITH of Michigan. Some of them are named for

political reasons.

Mr. POINDEXTER. They are in the permanent civil service, and they are frequently moved from one portion of the country to another. I have never heard any objection to that, never heard any objection in the community or any objection in Congress to the appointment of an inspector in charge of some special post office, whose business it is to watch over the work of the department in the district, and, upon inquiry, to report to the department the conduct of officials and the manner in which work is being carried on; and there would not be any objection even though the postmasters themselves should

be appointed in the same way.

But that is not necessary. The civil-service merit system can be applied by confining the selection to the communities served by the post office, if that is desired. That is an immaterial, and is at least a secondary proposition. The important thing is, when we have given an office to a man who is familiar with its duties, who renders service commensurate with the salary which he receives and to the satisfaction of the patrons of the office, that we should not periodically, at short intervals, merely because one political party prevalls over another, turn him out and then appoint a man to his position, to take his place, who has no other qualifications than that he helped the successful candidate for Congress to be elected.

There is no one who desires to reward his personal or his political friends more ardently than do I; there is no one who derives more intense satisfaction from having the opportunity derives more intense satisfaction from naving the opportunity to repay acts of friendship or of favor which have been rendered him than I; but I want to say that it would be better for the people of this country, it would be an improvement in the public service, if there were appropriated out of the Treasury money by which Representatives and Senators could pay in cash for political services of their friends, rather than that they should be paid by appointments to the offices of the Govern-

Mr. SMITH of Michigan. Mr. President, it is not a question of paying a cash reward in such cases. Very few men do political service for that purpose; it is the honor of serving the community in the highest places in the community that a man may properly covet. I do not think there is any wrong in that. A man may appropriately covet a place; and, if he does, he ought

Mr. POINDEXTER. Neither do I think there is any wrong in it—any moral wrong—so long as it is the established system. But I am speaking of the effect of it from a practical stand-point on the Government business. It is not only direct, but it is indirect.

I think that you can demonstrate, with very clear logic, the truth of the statement that I made a moment ago. If you reward a man by the payment to him in cash value for the services that he has rendered to you, nobody is concerned but you and that man; but if you are allowed, under the spoils system of politics, which is advocated by so many, to repay him-and the fact remains that we do so under the present system, and there can be no complaint made against the individual for accepting the conditions which exist throughout the country-if you reward him by giving him charge of the Government business, then the entire people who are affected by the Government business are concerned.

Mr. HUGHES. Mr. President-

Mr. POINDEXTER. I yield to the Senator from New Jer-

Mr. HUGHES. The Senator from Washington does not seem to have a proper appreciation of the convenience of paying men out of the Treasury for political services rather than out of one's own pocket. It is much more convenient to a candidate. for office to repay those who bear the heat and toil and burden of the day out of the Public Treasury than it is to pay for

those services out of an individual's private pocket.

Mr. POINDEXTER. Oh, there would be no comparison in the joy and satisfaction of those two propositions; but my proposition was—of course, it is something that is impossible in the very nature of things—in view of the direct and indirect injurious effects of the present system upon the business of the country, that, if such a thing were humanly practicable, it would be better for the Government to appropriate money to pay a political reward owed by the Representative in Congress than to use the public service for that purpose.

One of the most unfortunate results of the spoils system in politics, and the demand thereunder which is made by Members of Congress to have their friends appointed to the offices of the Government, is the tremendous power which is given the Executive over Congress. That is embarrassing to the Executive, and it is embarrassing to the Members of Congress. I desire to discuss later on, before this matter is disposed of, some matters connected with that phase of the question. have been informed by Presidents that a very material portion of their time, which ought to be devoted to the studying and the weighing of the problems that are vital to the welfare of the country, is taken up in hearing petty quarrels and squabbles over the appointment of postmasters. That is another direction in which the present system is injurious to the business of the country.

Mr. NORRIS. Mr. President, will the Senator yield right on that point?

The PRESIDING OFFICER (Mr. Walsh in the chair). Does the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. I yield.

Mr. NORRIS. The Senator, I think, has had great experience along this line. It is not only the President's time that is taken up, but it is the time of all the Members of the House of Representatives belonging to the party to which the President, whoever he may be, happens at the time to belong. So that the men who make the laws have a large portion of their time taken up settling these very disputes, which have nothing whatever to do with their official work. Thus, the system interferes seriously with the performance of their official duties.

Mr. POINDEXTER. Mr. President, there is no question about that. It not only interferes with their official duties, but it destroys their peace of mind. As some one has remarked, when a Member of Congress recommends one out of a number of applicants he makes one ingrate and a dozen enemies.

I notice an insistence upon the part of Members of Congress that they shall retain this benefit, as they regard it, and there is even some jealousy aroused by this amendment, because it is said by some that it is aimed at the patronage of the other branch of Congress, while this branch of Congress is retaining the privilege of having subject to their appointment district attorneys and United States marshals. It is looked upon as a matter of personal advantage or disadvantage to hold or lose these appointments. My opinion is that there never was a greater mistake made in the world than to adopt any such basis for the consideration of the question. So far as I am personally concerned, I would feel that a weight were lifted off my shoulders if I were relieved of the necessity under the present system of the responsibility and all the consequent heartburning and ill feeling of selecting through personal choice-a thing which is demanded by the public, in order that political services shall be rewarded—the different civil appointees
Mr. JONES. Mr. President—
Mr. POINDEXTER. I yield to my colleague,

Mr. JONES. I should like to say that my 18 years' experience in Congress has lead me to believe exactly colleague has expressed, and I want to say, in reference to the suggestion that the proposed change would be unfair to the Members of another body, that there is no basis for that charge, because there is nothing in the law that recognizes these appointments as belonging to this body or to the other

Mr. POINDEXTER. That is true.

Mr. JONES. Simply a custom has grown up in the matter of

making appointments.

Mr. POINDEXTER. Now, Mr. President, we are engaged in the consideration of an extraordinary revenue bill to meet the deficit in the Treasury. We are going to the extent of authorizing the issuance of \$100,000,000 of bonds in time of peace. We are imposing supertaxes upon the business of the We are searching out, with the microscopic eye of the taxing power, the activities, the industries, the property of the Nation, in order to levy upon them and tax them to meet growing expenditures under the appropriation bills. there is an opportunity here by the adoption of this amendment to reduce the expenditures of the Government by millions of dollars-and there is not any dispute about that-it is rejected, for the mere reason that it invades what is openly claimed in so many words as the political spoils of the Members

It is estimated by men, both in the Post Office Department and in the Civil Service Commission, who have made a business of studying the question from the standpoint of efficiency and economy in the administration of the various branches of the department, that if this amendment were adopted it would save \$12,000,000 a year to the Government. Half of that would be directly saved in the salaries of postmasters, and the other half of it, roughly and approximately speaking, of course, would be saved by the increased efficiency with which the

post offices would be conducted.

Mr. SMITH of Michigan. And the offices would all be filled with Democrats.

Mr. POINDEXTER. That might be the case, although not necessarily so; and I am informed that if this amendment is passed, or whether it passes or not, as a matter of fact that they will not be filled by Democrats. Considering that phase of the question, there never could be a more reasonable time to make this change in the manner of these appointments than the present, marking the end of the four years' incumbency in office by one party and the beginning of another four years by the same party. It enables those incumbents of the office who, under the present spoils system, will retain the offices for presumably four years more, to retain them, if they can pass a civilservice examination and the tests which may be provided; but it gives an opportunity for all of those who, by whatever test may be imposed-and it is necessary to have some test, and there is some disagreement about what the test should beply with those conditions. On the other hand, while under the present system all appointments to post offices during the next four years will, of course, be Democrats, if this amendment is adopted they may be Democrats or they may be Republicans. If the merit system is instituted, the question of whether they are Democrats or whether they are Republicans or whether they rendered service in the election of a Democrat or a Republican Congressman would not be the determining factor, and deserving Republicans who desire to go into that service will have an opportunity to do so, whereas under the present system every office, every appointment of a postmaster for the next four years will necessarily be given to a Democrat, and the selection among them will be as a reward of political service rendered to some Democratic candidate for Congress or the party organization. The change would be a Republican advantage from a party standpoint, although I confess that that is a secondary consideration with me, because we should look at this matter as it affects the government of the country through a long period of years. We should look at the establishment of this principle in the permanent effect which it will have upon the service.

There are 567 first-class postmasters, 2,213 second-class, and

7,437 third-class. All of that army of postmasters are appointed without any regard whatever to their capacity to perform the duties of the office. Every appointment is a duplication or repetition of an instance with which every Senator is familiar. I have in mind a post office where the business was efficiently conducted by an assistant postmaster, a young man who had been appointed to some subordinate clerical position, who had worked his way up from one grade to another and finally had become an inspector, had become familiar with all branches of post-office work, and was chosen as assistant postmaster. He

was efficiently conducted. The business of the office was expeditiously and economically carried on, and there was no occa-sion for any change in that situation. Yet, on account of the spoils system, regardless of the expenses of the Government, an individual was selected from the community at a salary of \$4,000 a year, given the title of postmaster, put in charge of that office, and he did not know one branch of the work from another. He never had been in the office, probably, before, except to get his mail or to deposit it; and yet he was put in charge of it.

What is the result in a situation like that? Why, simply that the efficiency of the office, in the first place, is interfered with, because this assistant postmaster, who had been conducting the business of the office, after the appointment of the postmaster not only had to continue to conduct the business of the office, but he had to educate the postmaster; and that situation is duplicated in every one of these 567 first-class and 2,213 second-class and 7,437 third-

class post offices in the country.

How long does it take to educate a man whose entire life has been spent in something entirely foreign to the post-office busi-It takes about four years, as a matter of fact, to thoroughly familiarize him with the needs of the office and all of its complicated branches. By the time he becomes efficient-he may be a man of natural ability, and has become efficient-he is removed because some other party has carried the election, and we repeat the process which I have described, with a duplication of salary, with consequent inefficiency in the office, requiring a greater number of employees, with the disturbance of the time and the attention of the assistant postmaster, who really conducts its business.

Now, why should we continue that? The only reason I have ever heard advanced is that those who, in the political struggles of the country, gain the victory are entitled to the pelf which

goes with a victorious election.

Mr. SMITH of Michigan. They are entitled to the honors. Mr. WATSON. Is there not the further objection that civil service at the present time is not civil service—that it is not honestly enforced; that is to say, that the objection is not so much to the system, but to its enforcement at the present time?

For instance, after this administration came in, we are all aware of the fact that they held civil-service examinations to test the qualifications of the fourth-class postmasters who were drawing \$100 a year, or some similar sum, and then, after the examination was held and three names placed on the list, in almost every instance some Democrat was chosen to fill the place; that the same examination was held with reference to rural free-delivery carriers, and that men who had been carrying the mail acceptably and without objection for a dozen or more years, and whose qualifications were not doubted nor disputed, were ousted by an examination and some Democrat without experience put in the place. We all know that the civil service has really been prostituted to political ends; and is not that one of the objections, the theory being that it is not enforced, and probably will not be enforced, but that if enforced it would not be so objectionable?

Mr. POINDEXTER. I think the Senator from Indiana has put his finger on the chief basis of the objection to the civilservice system by those who do object to it. I think if one-half of the energy and ability that is devoted to attacking the principle of a permanent civil service based upon merit were directed to the inconsistencies and inefficiencies of the administration and application of that principle these objections would

be removed.

I have the greatest regard for the members of the present Civil Service Commission. I am acquainted with some of them. One of them is a particular friend of mine; and yet it is true, whether consciously or unconsciously, that in the administration of the civil service by this commission, by the present majority of it, the very condition which the Senator from Indiana has described exists. It exists and has been particularly emphasized in the matter of applying what we thought was going to be a merit system to the appointment of fourth-class postmasters.

Mr. WATSON. Precisely.

Mr. POINDEXTER. One of the funny things about fourthclass post offices is this: You would think they were not very important in our political system; and yet I have seen more political difficulties, I have seen more ill feeling, more desperate personal and political divisions in communities over post offices at some country crossroads that did not pay more than \$75 a year salary than I have over the appointment of a Justice of the Supreme Court of the United States.

Mr. WATSON. Why, yes; where there were two stores in a little town and each store wanted the post office there, each proprietor thinking that it would enhance the volume of his business and add to its value, we almost had to call out troops conducted the office. He knew the business of the post office. It to suppress a riot every time there was a postmaster appointed.

Mr. POINDEXTER. That is absolutely true. Now, the Senator is a fine campaigner and he is in touch with the intimate conditions of the people of his State, and he shows it by the remark he has just made of a condition which is duplicated all over the country. That is one of them—where there are two stores and there is a fight between the proprietors for the post office because of the business it will bring to the store.

Now, there are two other conditions that will bring about those contests. One of them is where there is a little incipient village that a railroad track runs through, and each side of the track is trying to be the business center of the town, trying to get the business, and each side has a candidate for post-master. I want to tell you that when you have a condition like that it develops murderous feelings.

Mr. OVERMAN. We have all had it.

Mr. POINDEXTER. I have never seen so much of the seamy side of human nature developed by any other circumstance as I have by a contest of that kind over some trivial, insignificant, and petty appointment.

Mr. BORAH. It is very embarrassing to a candidate for the

Senate, too.

Mr. POINDEXTER. It is embarrassing to a candidate for the Senate, and that is one reason why every Senator here ought to vote to send back this conference report and insist upon taking these postmasters out of the spoils system.

Mr. SMITH of Michigan. Oh, no. Just because a man is a candidate for Senator that is no reason why he should avoid his political responsibilities to his party. After he gets to be Senator he ought to be just as much concerned about his party's Most of them are. There never have been so many cases in the history of the Government where, by executive they have suspended the civil service as under this administration; and yet I suppose when the history of the administration is written it will be a virtuous and a patriotic history. I do not consider that they have affronted the country by selecting, now and then, a Democrat to fill office

when they are in power—now and then, here and there.

Mr. WATSON. I trust my friend will turn historian and

write the history himself.

Mr. SMITH of Michigan. I should like to write the history,

but I am afraid it would not be permitted.

Mr. WATSON. I was going to say it would probably not be

in the language

Mr. SMITH of Michigan. If some such fair, dispassionate, candid, able, farseeing man as the Senator from Montana [Mr. Walsh], who now presides over the Chamber, write that history, I would be quite content. He would tell the facts about it. The facts are that every administration—I do not care how much virtue it pretends to have-to a greater or less degree favors the men of its own party; and if it did not I think it ought to be repudiated by its party.

Mr. POINDEXTER. I agree with the Senator from Michigan that Senators ought manfully to shoulder the responsibiliies of their great office; but I am very much inclined to think that the American people would consent to forgive the Senate and the Members of it if they asked to be excused from appointing fourth-class postmasters as a reward for political service.

Mr. SMITH of Michigan. Yes, Mr. President; they probably would excuse Senators. But if the alternative is to be that we are to have a perpetual office-holding class, responsible to no one, in a democracy like ours, then I think they are paying very dearly for the convenience and the comforts of Senators.

Mr. POINDEXTER. I had hoped that I would get into a debate with somebody on the other side of the Chamber. do not want to get into a sharp division of opinion with my friend from Michigan.

Mr. SMITH of Michigan. I will give my chances over to the Senator from South Carolina [Mr. Tillman], who is always ready for a fight. I will resign in his favor. I know he is not a civil-service advocate.

Mr. TILLMAN. Mr. President, the Senator from South Carolina is very much obliged to the Senator from Michigan for turning over to him a fight which he seems to be unable to handle himself. I have just come into the Chamber, and am speaking offhand.

Mr. SMITH of Michigan. I am obliged to the Senator. I

do not want to "wish" anything bad on the Senator.

Mr. TILLMAN. I notice that the Senator is frequently very

adroit in debate and handles himself admirably.

Mr. SMITH of Michigan. I do not want to "wish" anything on my distinguished friend from South Carolina except what is going to be comforting and helpful to him, but I recall, during my time in this Capitol, that some of the most stirring scenes that I have ever witnessed here have clustered around the aggressive and forceful Senator from South Carolina. I

know he has sometimes criticized his party, but, generally speaking, he has been quite in accord with his party. I do not know how much of a civil-service reformer he is.

Mr. TILLMAN. I will tell the Senator. Mr. SMITH of Michigan. But whenever we attempted to appoint men of our party to public office in South Carolina, and he was in trim, unless those appointees were quite welcome to him, we could expect a fight of some proportions, and

usually he was the victor.

Mr. POINDEXTER: The Senator from Michigan—who, I think, is really in sympathy with the spirit of civil-service reform, if it could be adjusted so as not to interfere with local patronage and, to some extent, with political rewards—has suggested in his argument one of the propositions that is most frequently repeated by those who believe in the spoils systemthat is, that he is opposed to a permanent tenure of office; that he is opposed to building up here in the bureaus and departments an office-holding class that is beyond the reach of the people and beyond the reach of Congress. I am opposed to that myself; and there is no more reason for allowing any such condition as that to be developed under a merit system of appointment to office than there is under the spoils system. I heard it argued, in the debate upon this amendment, that when an administration comes into power it ought to have the opportunity of filling the positions by which its policies are to be carried out with its friends and its supporters; that it ought not to be put in the position of having the work for which it is responsible carried on by those over whom it had no control. Well, of course, that means, if it is carried out to its logical conclusion, that when an election is carried by a party in opposition we should go into every one of the great departments of the Government, and from garret to cellar rout out those who, by years of experience, have gained the power of knowledge and are carrying on the people's business under the direction of their superiors, and fill their places with an army of political adherents of the party that is in power.

Mr. SMITH of Michigan. Mr. President

Mr. POINDEXTER. Just one more word, and then I will yield to the Senator. I want to say that the merit system can be adjusted so that every employee of the Government, from the top to the bottom, can be under the control of the administration; but that control will eliminate the consideration of political and partisan services. It will take into consideration loyalty to the administration. It will take into consideration the efficiency with which the office is conducted, diligence, whether or not the man is giving to the people in services the worth of the salary which he is receiving. There is no principle in the civil service which makes it impossible to remove individuals from office.

Mr. SMITH of Michigan. If the Senator will permit me, I hold in my hand Senate Document No. 544. There are 50 pages of that document dealing with suspensions of the civil-service law in order that people who may desire public place may have it notwithstanding the law-50 pages-and this has occurred from the fall of 1914 up to the 28th day of June last. I suppose there have been a great many appointments since. But what is the use of civil-service laws and the merit system when the Executive may so easily suspend its operation and put his favorites in public office, and then the moment that they get in cover them with a blanket so that they may not be removed in the

Mr. President, of course the theory of civil-service reform is all right; the theory that we could with perfect propriety take it out of the activities of politics in most of the public service is all right in a way; but in a democracy, where the remedy is so direct and the responsibility can not be escaped, I think we are not suffering very much if as a reward of party service men are appointed who would not accept money for that service, who

could not be hired for money.

The Senator speaks of paying out of the Federal Treasury.

I do not know that the Senator from Washington said that, but the Senator from New Jersey said there ought to be some convenient method for paying for this service out of the Federal Treasury. I think Democrats, generally speaking, have found a way to compensate their followers. I do not know just what method they should pursue, but for myself, whenever a man of reputation and character and helpfulness renders a distinct service to his party in a community contest for supremacy, I do not think it is straining a point so much if he should be rewarded with the honor of a position.

I have named fourth-class postmasters over and over again who did not get money enough during a whole year to wad a gun, yet who sat in the front of their post offices with a sort of feeling that they have been recognized for some service, either in war or in peace. I want to say to my honored friend from

the State of Washington that scores and scores of one-armed and one-legged soldiers were thus rewarded.

Mr. POINDEXTER. There is a provision of law for that.

Mr. SMITH of Michigan. I know; but there was not until it became so desirable that it should be done that they were preferred under the law. It is not for compensation solely, but because they want the honor that goes with public favor.

Mr. BORAH. Mr. President-

Mr. POINDEXTER. Just a moment, and then I will yield to the Senator. I agree with the Senator from Michigan in his rewarding faithful soldiers, and there again the idea that that is in conflict with proper civil service is, I think, a mistake. One thing in which I have some considerable satisfaction is that since I have been here I secured the adoption of a law carrying out the very principle which the Senator from Michigan refers to, providing that no veteran of the Civil War or of the so-called Spanish War whose rating or efficiency in the Government service was good should be demoted or reduced in rank or salary. There was a provision that he should not be discharged, but he could be demoted either in grade or salary. I believe in that sort of recognition. That is one reason why I believe in a reasonable pension system. I do not think there is any money the Government appropriates that is based upon sounder principles when you consider the fundamental and farreaching effect it has as an incentive to patriotism than the money appropriated for pensions for those who came to the service of their country in time of danger.

Mr. SMITH of Michigan. The Senator is always fair and he is always just and he is able, but even he, I hardly think, would insist that this civil-service law works out as it was intended to work out by its framers. I had a case come to my observation in Michigan not long ago where the Government advertised for a steamboat-boiler inspector, and a man whom I had known as a captain on a lake vessel for years, whose familiarity with his craft could not be questioned at all, came down to enter the contest for that appointment. They put him behind a little desk off in a corner and found out how much of mathematics he knew very quickly. He knew all about a boiler, and the young man who contested with him and won the appointment admitted that he had never seen a boiler in his life. He knew no more about boilers in our vessels than a child, yet he could qualify because, for sooth, he could foot up a column of figures a little more quickly than my friend, the captain. He was to be preferred for boiler inspection to the captain, who in the prime of life had for years sailed the Lakes with safety. Was there politics in it? I do not think there was a bit of politics in it. No; I think it was carrying this civil-service business to an impossible of the control of the captain, who in the prime of the captain, who in the captain, who in the captain is the control of the captain, who in the captain ca business to an impractical extreme, and that kind of thing discourages people from championing the system. There is no reason why a boy with a fresh diploma in his pocket should have defeated the captain, with his years of experience in the particular work which he would be called upon to do.

The Senator said that postmasters are frequently raw when they begin their service and that it takes them several years to qualify, but men appointed through the civil service in nearly every department of the Government are raw when they are appointed. They have got to know something more than higher mathematics, but they do not have to know the practical things that are to come before their eye. They learn that by experience, just as I suppose this young man will learn what a boiler is by experience, and ultimately he may be a very useful officer

of the Government.

I can not see any reason in the world why he should be pre-The world is open to him; he has an education, while the captain to whom I have referred has very few places open to him; only those in which he has had experience are open to him.

I can not believe that the creation of an office-holding class of young men just starting in life is a good thing. I have heard men plead here for the last two weeks, the Senator from Utah [Mr. Smoot] among them, to give the men in lower positions of the Government more pay. Yet it would have been a godsend to them if they never had had the positions which they are now filling. Scores of men fill places in the Government, State and national, who, if they had been thrown on the billows of life, would have been obliged to make their way and would have had a far different reward for their service than they get by their supine and unambitious devotion to the simple duty which in their early life seemed to be attractive solely because it was in the service of the Government.

Mr. POINDEXTER. Of course, whether or not it is desirable for a man to go into the public service has nothing to do with this question. I agree with the Senator that about the worst thing that can happen to a young man is to get caught in this drying process of a clerkship in the Government classified I

service in subordinate branches. They soon become helpless and lose initiative and all power to stand on their own feet in the world. There is but little hope of substantial promotion for the great majority of them, but whether they are appointed by politics or appointed upon the merit system, that does not affect the question which we are asking now. There would be far more opportunity for them in a comprehensive merit system than in the political spoils system. The objections which the Senator makes to the civil service

is a good deal like the remark made by Sidney Smith, who was

quoted one time by a Member of Congress:

D-n the solar system; bad light; planets too remote; pestered with comets; feeble contrivance; could make a better with ease.

So the Constitution is criticized, even though it is the greatest instrument ever struck off by the brain and purpose of man.

Fault can be found with everything in human affairs.

Now, take the instance the Senator cites of the young man competing with his old friend the captain for the position of boiler inspector. He says the captain had no other field for his occupation, while the young man had the world before him. That is a plea that is quite familiar that is made in behalf of the antedeluvians in the Government service. They are good people, good men, good women. I will tell you what ought to be done with them, and that is, not to retain them at full pay, at the expense of the people, in positions which they can not fill, merely because they have nowhere to go and can not get employment somewhere else.

The people of the country are entitled to have the business of the Government efficiently and economically conducted. What ought to be done with the superannuated employees of the departments after they have served a sufficient number of years and have been faithful in their positions is to retire them upon a pension and to fill their places with younger and more efficient people who are capable of doing the full work of the office.

That is somewhat aside from the question which I am discussing; but it was suggested by the remarks of the Senator, and I make this statement on the ground not only of efficiency but of economy. A civil-service pension reasonably conditioned would be an economy in the civil service of the Government.

Now, let us continue with the case of the captain and the young man in the competition for boiler inspector. As the Senator says, the young man had no practical experience with boilers; he had the theory of boilers and of steam and he passed a good examination and got the appointment. Now, if he had the appointment and went into the service for some years, we will assume that he-as many other men appointed under like circumstances do—gained not only practical experience in a general way but in the special work of the Government. As a matter of fact he becomes an expert. He becomes better qualified to inspect boilers for the Government in the particular contact which the Government has with boilers and boiler inspection than anybody else. Yet under the spoils system, which the Senator advocates, as soon as he becomes efficient, perhaps. or at any time, when he may be in the prime of his capacity, he is turned out and another man just as raw as he was in the start is put in his place.

Mr. SMITH of Michigan. Take the case of the appointments at West Point and at Annapolis. We are restricted to our

States.

Mr. REED. Mr. President-

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield first to the Senator from Michlgan. I will then yield to the Senator from Missouri.

Mr. REED. I simply wish to make an inquiry from both Senators, and I do so hoping that the Senators will not inisunderstand my question as any reflection upon them. cussion they are indulging in is a very interesting one. In ordinary times I think we could well afford to take it up. wanted to inquire, in view of the fact that there is only a week left of this Congress and very important measures are to be taken care of, whether it is not possible for us to confine ourselves to the matters that must be attended to and save being kept here all night at night sessions?

I do not say that, I want the Senators to understand, in criticism of them, but to call attention to the fact that we shall have to stay here all night probably every night next week unless we get very busy and waive some of the rights of speech and

debate.

Mr. SMITH of Michigan. As I intruded myself into the discussion of the Senator from Washington, I presume I ought to answer the Senator from Missouri. I think the Senator from Missouri will do me the credit to say that it has not been my habit to consume the time of the Senate.

Mr. REED. If the Senator will allow me to make myself plain, I do not think it is the habit of either of the Senators.

Mr. SMITH of Michigan. I take very little of the time of the Senate compared with some other Senatorsindeed-but that is because I have grown to believe that, no matter what we say over here, empty benches do not vote, and Senators are so preoccupied that they will not even read or

concern themselves about contemporaneous debate.

But I will answer the Senator frankly. I presume his question was prompted by the rumor that seems to have been put out to-day that Senators upon this side of the Chamber are consuming time unnecessarily. So far as I am concerned, that is not true. There is no such thing as an attempt to filibuster against the regular program of the Senate, so far as I know anything about it. It is the last thing I would subscribe to alone, and I could not do it if I wanted to. The Senator from Missouri looks very serious about it this morning. If the Senator from Missouri is really as serious about it as he looks I am tor from Missouri is really as serious about it as he looks, I am willing to defer now because of my respect for him and my desire not to inconvenience him at all.

Mr. REED. I did not refer to this rumor, and I again disclaim any intention to criticize either of the Senators who have They are but doing what has been done time out of mind in the Senate, and the discussion they are indulging in is very interesting. But I call attention to the fact that one week and one day are left of this session of Congress, and we ought to be proceeding with the passage of bills now pressing for attention. They must be passed at this session or an extra session will be convened, which, I think, no one desires; and unless we are diligent we shall have to sit here all night long. It is just as great a hardship to gentlemen on the

other side as it is on this.

I have not seen anything on the other side of the Chamber to warrant me in believing that there is a disposition to kill time-I have not arrived at that conclusion-but I ask if we can not forego the privilege and pleasure of debate on out-side questions and discuss matters that really we must act upon and perhaps avoid staying here all night. There are a good many men in this body whose health is not the best, who are worn down. All-night sessions are a very great hardship. I should like to discuss with my brother who has the floor at some other time, and hear him discuss the very interesting problem he now has up; but can we not get at these bills? I should like to get in bed some night before 12 o'clock, and I know he would, and I know you all would. He is no worse an offender, perhaps the least of the offenders. I say that in

Mr. SMITH of Michigan. The Senator from Missouri knows that the time of the Senate has been taken up very largely by Senators on the other side up to this time. There have been long speeches made upon the other side upon various topics that were really important, and some of them seemed almost

unimportant.

As to the present situation in which the Senate finds itself, we can not be blamed for it on this side of the Chamber. Indeed, I'know the Senator from Missouri will not blame us for the present situation. It is the outgrowth of the inability of the other side of the Chamber to agree among themselves upon a program. It is because they have been obliged to wait for Executive decrees to determine just what course they should pursue, and we have not delayed them.

Mr. POINDEXTER. Mr. President, it so happens that what we are discussing here is a subject not at all foreign to the business before the Senate. It is the most important question that is before the Senate at this time. It is a paragraph of this bill as it passed the Senate. Its adoption or its rejec-tion is involved in the action which the Senate will take upon the conference report. It is the most important thing that there

is in the appropriation bill.

There is not any difficulty about getting money out of the Treasury of the United States. Do not let the Senator from Missouri [Mr. Reed] be uneasy about that. It is not any hardship to sit up all night if the proposition is to get into the Treasury to the extent of \$500,000,000 or \$600,000,000. Those things have the right of way; they are preferred; and, if necessary, the party on the other side will call an extra session of Congress in order to get that money; but they are not going to call an extra session of Congress in order to put the civil service of the Government on the merit system and to take the post offices out of the dirty politics of the land.

This is the proper time to discuss the matter, because it is the first opportunity that I have ever known when we had it before the Senate. I tried to get it before the Senate several years ago, and it was ruled out on a point of order. Now

it is in order, and I am going to discuss it.

I do not want an extra session of Congress. I have sat here through the heat and sweat of this climate for seven or eight summers, and I want to get away from it this summer; but, notwithstanding the hankering that I have to get back to the Pacific coast, to look at the snows of our mountains, and to disport myself in the cool lakes which, like gems, adorn that great Northwest country, and which appeal to the imagination while we are confined in the business of the Senate through the long summer months-notwithstanding that, so far as I am individually concerned, so far as I am able to do so-and that is only to a very limited extent—I propose to understand the legislation of far-reaching consequence which is to be enacted

in the closing days of this session.

There is one thing that the people of this country are entitled to, and that is that there shall be consideration and deliberation in the Senate of the United States. If it results in an extra session of Congress, let him assume the blame who is responsible for this condition. I am not responsible for it. We have been a long time and have possed but few bills. in session here a long time and have passed but few bills. have the worst log jam in the legislative situation that I have ever seen in my limited experience. I am not responsible for it. You can not, because there is a prospect of an extra session staring you in the face on account of the immediate situation, say that Senators who propose to get the intelligent action of the Senate upon the great principles upon which they are act-ing—to discuss and to deliberate and to have an intelligent understanding of them—are responsible for that situation. Those who delay from day to day and from week to week and from month to month, those who are in control-and I say it in all friendliness; I have no animosity of a partisan kind—those who have been responsible for the action of this body during all the months in which it has been in session, are responsible for an extra session, if an extra session shall come.

Mr. PENROSE. Mr. President—
Mr. POINDEXTER. I yield to the Senator from Pennsyl-

Mr. PENROSE. If the Senator does not mind being interrupted

Mr. POINDEXTER. I have no objection.

Mr. PENROSE. I have gone to some little pains to compile some statistics on the question which the Senator from Washington has brought up, and I think it would be pertinent and appropriate to the point he has raised if I should now call

attention to them in a few words.

Take the revenue bill, Mr. President. The minority are not responsible for the fact that that bill is pending before this body seven days before the final adjournment. of the majority to perform their duties and their procrastinating conduct of the legislative business is the reason that this bill is hanging in the air at this time-seven days before adjournment. Why should the minority be called upon to gulp down this measure without any consideration and with an expression of resentment on the part of the majority when the minority attempt to perfect the bill or take a few minutes in explaining their views upon it?

Mr. President, let us look at the history of this revenue bill. The first bolt out of the clear sky that notifies an expectant

Nation-

Mr. REED. Mr. President, I rise to a point of order. The PRESIDING OFFICER. The Senator will submit his inquiry.

Mr. REED. I inquire who has the floor.
The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. PENROSE. Mr. President, the first bolt out of the clear sky that notifies an expectant Nation-

Mr. POINDEXTER. Mr. President—
Mr. PENROSE. If the Senator from Washington objects to my interrupting—I have not the floor in my own right—
Mr. POINDEXTER. I only yielded to the Senator from Penn-

sylvania for a question.

Mr. PENROSE. All right. I was only desiring to accentuate the Senator's remarks, but I can very easily bring up the matter when he has concluded.

Mr. POINDEXTER. I did not suppose the Senator was going to make an address.

Mr. PENROSE. I was only going to take three minutes. Mr. POINDEXTER. Mr. President, of course it is impossible to really discuss and to give any proper consideration to the legislative program which has been marked out to be passed at this session of Congress. Some of it will have to be eliminated, unless the measures should be put through in an ill-considered manner, taking them upon faith that some other Senator who may have been upon the committee has given them consideration-many times a faith which is unfounded, because the other Senator may not have had time and opportunity to do so.

There is the great water-power bill. It is a bill which involves the necessities of life to the people of this country for all time; and yet it is proposed, among other far-reaching measures upon the calendar, to pass that bill at this session of Congress and if the present objections are repeated, we will be berated if we attempt to take sufficient time to understand the consequences of the terms and conditions upon which the water powers of the country are to be put into private hands, those powers out of which are developed the heat and light and manufacturing energy which involve the comfort of the people and the status of the Nation in manufacturing and trade rivalries with other countries, which are bound to be accentuated at the close of the

European war.

Mr. President, there are all of the great appropriation bills to be acted upon; there is the river and harbor bill, about which there is a great controversy. I confess that from my own personal standpoint I think the items in the river and harbor bill, while many of them are not justified, are better considered and have been through a better system of checks and of guaranties against abuses than the items of any other of the bills pending They are based upon preliminary surveys, upon reports of district engineers, then upon appeals from the district engineers to a permanent board of engineers; they are, in addition to that, based upon a rule which is universally followed by Congress, that no item will be put into that bill that has not been recommended after running the gauntlet of that system. But, nevertheless, there is a great principle involved in that bill. There is to be determined by the action which we will take upon the river and harbor bill the proposition of whether or not the competing systems of waterway transportation are to be encouraged and developed as a check and curb upon the abuses of the railroad interests of the country. We ought to debate that subject. That can not be passed in an hour without a reading, without a discussion, and yet, if we say that we must pass this program in order to avoid an extra session, that is the only way in which the Senate can act upon it. If Congress is to act upon these great measures in that way, it would be better that the bills should fall by the wayside than that we should take them up and act upon them without knowing what we are

Now, Mr. President, I desire to revert for a moment to the question of a permanent civil service based upon merit, and to call attention to some conspicuous and illuminating instances of

the opposite system. Mr. SMITH of Michigan. Mr. President, I do not wish to interfere with the Senator's line of thought, and I will not do

so against his objection, but as an evidence

Mr. POINDEXTER. I yield to the Senator for a question. Mr. SMITH of Michigan. It is a question. As an evidence of the altruistic and high-minded principles upon which the civil-service law is administered, I should like to call the Senator's attention to a concrete case set forth in the paper which I hold in my hand. Here is a case where a young man-

The PRESIDING OFFICER. The Chair feels like admonishing the Senator from Washington that he has now been recog-

nized for the second time.

Mr. SMITH of Michigan. I will not interfere with the

Senator, if that is the ruling of the Chair.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. What is the rule upon that subject? I have not been very clear as to what it is.

The PRESIDING OFFICER. The rule is that no Senator shall be recognized more than twice on any subject in one day. Mr. POINDEXTER. Is that among the written rules of the

The PRESIDING OFFICER. That is the recollection of the

present occupant of the Chair.

Mr. POINDEXTER. A parliamentary inquiry. I should like to be informed on that question, because it has been the subject

of considerable doubt and uncertainty.

Mr. SMOOT. Mr. President, the rule, no doubt, is that a Senator can not speak more than twice upon one subject on any one day, but this is a question as to whether interruptions take the Senator speaking off the floor; and the last time the Senate passed upon the question the Presiding Officer, Mr. Clarke of Arkansas, had ruled that a question asked by the Senator from Mississippi [Mr. Williams] deprived the Senator from Iowa [Mr. Cummins] of the privilege of the floor. appeal was taken from the decision and the Senate overruled the decision of the Chair. The Presiding Officer, Mr. Clarke of Arkansas, later said:

The Senate must, on objection from the floor, hereafter be the judge of that matter itself.

The PRESIDING OFFICER. The Chair refers the Senator from Washington to Rule XIX, paragraph 1, where the following is found:

And no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. POINDEXTER. I am familiar with that rule, Mr. President, but I am not sure that under that rule all colloquies between Senators on the floor are forbidden. Of course, I can not speak with the experience of other Senators here, for what I know of the Senate has been gained from a short period of service, but my understanding has been that, along with certain disadvantages which we all must admit from the system of debate which prevails here, one of the great advantages is the free, easy, and, in the long run, illuminating system of colloquy and debate which prevails in this body. I am very glad, indeed, to have had the suggestion from the Chair, but I should like to make the further parliamentary inquiry of the Chair, in the construction which he places upon this rule has heretofore been determined?

The PRESIDING OFFICER. The present occupant of the Chair will say that some two years ago when he occupied the Chair he took the position that a Senator may be interrupted in the course of debate by another Senator for the purpose of addressing a question to the Senator having the floor; but that if he is interrupted by another Senator who proceeds to address the Senate, with the tacit consent of the Senator yielding, the latter surrenders the floor; and when he is recognized again he is recognized for the second time on the same day; so that, if he afterwards yields the floor, he has exhausted his right to address the Senate on the question in debate. The present occupant of the Chair will continue so to hold. So he felt it was perhaps to be expected of him that he would admonish the Senator from Washington that, in the judgment of the Chair, he had yielded the floor to the Senator from Pennsylvania [Mr. Penrose], and is now speaking for the second time on the same subject during the same day.

Mr. POINDEXTER. I am very glad, indeed, to be admon-

Mr. SMOOT. Mr. President—
Mr. POINDEXTER. I decline to yield, except for a question, under the ruling of the Chair.

Mr. SMOOT. I rise to a question of order, Mr. President. The PRESIDING OFFICER. The Senator from Utah will

state his question of order. Mr. SMOOT. So that the RECORD may be correct, I wish to say that since the present occupant of the chair has ruled as he has said he did rule, the Senate itself has interpreted the

rule referred to.

Mr. REED. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Utah is

Mr. REED. The point of order I make is that the Senator from Utah is not stating a question of order, but is stating a matter of history. He is not raising a question of order. I raise the question of order that the Senator is out of order.

Mr. SMOOT. I will let the Chair decide that. Mr. POINDEXTER. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator from Utah has the floor for the purpose of stating a parliamentary inquiry. The Senator from Utah will proceed.

Mr. POINDEXTER. A parliamentary inquiry, Mr. Presi-

dent. Do I lose the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor for the purpose of propounding a parliamentary in-quiry. The Senator from Utah will proceed.

Mr. SMOOT. The parliamentary inquiry is this: The Senate itself having passed upon the rule subsequent to the decision rendered by the present occupant of the chair, is not the Chair bound by the last action of the Senate?

The PRESIDING OFFICER. The present occupant of the Chair would feel bound by any ruling upon the point made. The present occupant of the chair does not feel called upon to make any expression of opinion at the present time, how-ever, nor until the question is presented. The Senator from Washington will proceed.

Mr. POINDEXTER. Mr. President, to return to the question in debate, my own view of it is, in the briefest possible outline, that there should be appointed by the administration in power the heads of the departments, who will direct the political policies of the country while in its control, and that all officers under them should be upon a permanent civilservice merit basis.

Now, when a new Secretary of the Treasury is appointed, to illustrate the proposition, under the President, representing the President in so far as the Executive power relates to the Treasury Department, he controls it. How much assistance would it be to him if next to him, but under him, there were a First Assistant Secretary of the Treasury who had earned that position through years of faithful and efficient service in that department, who was familiar with every bureau and division of the work of that department of the Government?

Why, Mr. President, I do not think there is any room for argument. It is perfectly obvious to anyone who will apply the principles of common sense, any man who will examine into the conduct of the business of the great private industrial concerns of the land, that the business of the Government would be benefited by having an official of this kind; and yet, under the present system, we have not. Not only is the Secretary of the Treasury changed as the result of a change in the politics of the country, but the Assistant Secretaries of the Treasury and the head of every bureau and division and office are chosen from among those who have rendered political service to the

party which has prevailed in the election.

Mr. President, we are passing laws limiting the expenditure of money in campaigns, against corrupt practices, prohibiting candidates for office spending beyond a certain amount of money. We have applied that principle to political committees, to the official representatives of the party organization; and yet I do not hesitate to say that while it is not so obvious, while it is not so repugnant because of our familiarity with itand very often the face of vice becomes attractive through familiarity-the practice of prostituting all of the offices of the Government as pay for political services which the incumbent may have rendered to candidates and the party is more corrupting and has a more sinister effect upon the politics and the private and public morals of the country than does the expenditure of money, which we have been attempting to eradi-

cate by the corrupt-practices act.

The most intelligent opinion in the country for years has been tending toward a gradual change of this system. We have attempted to apply it to the Diplomatic and Consular We have had the unfortunate experience in our contact with foreign countries of being humiliated by the contrast between our representatives abroad and the highly trained and efficient members of the diplomatic and consular services of other nations, who hold their office as a profession upon a basis of merit. Of course, their tenure of office is subject at all times to Parliament; and to those who fear a permanent office-holding class it may be pointed out that all tenure of office in this country, even under a permanent civil-service system, would still remain subject to the control of Congress, except where otherwise provided in the Constitution. But the contrast between a service which is carried on by trained and efficient men on the merit basis in the consular and diplomatic service of foreign countries and the political appointees, without regard to merit, which the United States has had to represent it in our international affairs has been a painful one.

Why, Mr. President, we have gone so far in the abuse of the spoils system in this country that we are not content to take the position of ambassador to a foreign country during the four years of the administration and give it to some one who has earned the place by contributing a large sum of money to the campaign fund, but the proposition has been made in recent years to divide up the four-year term into three or four termsyears to divide up the four-year term into three or four terms—
to give the appointment to some good party supporter for a
year, and tell him that it will be a great opportunity for him
to take a trip abroad, to get a glimpse of life in a foreign capital, and that he is expected to resign at the end of that time
and give some other good fellow in the district who has rendered like service to the party another year, and so on. This
is done so that these offices which are not sufficient to go is done so that these offices, which are not sufficient to go around if confined to the period of the administration, by being split up into sections may reach a little further in rewarding the good Democrats who never have seen a foreign capital, who do not know what diplomacy is, who, while they are good fellows and may be successful business men in America, reflect no credit upon this country when it comes to handling the delicate and intricate problems that arise in our international relations; and so as to the Consular Service.

The same principle is involved in this amendment which we are discussing in this bill. Now and then we get a little foothold. Now and then some Republican who gets into power, who is a little bigger than his party, puts into the classified permanent civil service a number of the consular offices of the Now and then a Democrat who regards the efficient conduct of the Government as more important than the prosperity of his political adherents gives an impetus to this great principle by adding additional classes of consular offices to the permanent civil service. Then we go along, and some man gets

into power who has the opposite view, who looks at this matter merely from the standpoint of how much he can get out of it for the reward of his friends, and turns out of office deserving consuls who have become capable by experience, and opens up as wide a field as possible to fill with deserving Democrats or deserving Republicans, as the case may be.

Does it require any argument to condemn that system? Why, there are some people who are against civil service because it has the word "reform" in it-for no other reason. There are some people who shy like a horse at a bush on the side of a road at the word "reform." I know that it has been abused. I know that there are some impractical people who call themselves reformers; but there ought to be sufficient poise and suffi-cient capacity for independent discrimination for the Senate of the United States to act upon this question on its merits, notwithstanding it is called a reform.

We have now come to one of those times that I have just described, when it happens that the President of the United States scribed, when it happens that the President of the United States has taken a bold and creditable stand in favor of taking the great army of postmasters of the country out of the political spoils system. The Senate has given him an opportunity to call this matter to the attention of the country by attaching it to this bill. The great cry of our friends the Democrats in the last campaign in my State, and I think throughout the country, was to stand by Wilson. It was rather a peculiar situation. There did not seem to be, throughout the length and breadth of the land. land, a Democratic policy or a Democratic leader that they themselves thought was entitled to the support of the country.

But without exception, in every State and community so far as my information went, they hitched themselves onto the charlot of the President of the United States, and urged that the people stand by him; and that appeal, I must say, was a powerful one. It was more or less effectual. Now, while I differ very strongly and have not hesitated to express my differences upon some propositions with the President of the United States, I take this occasion to say that the reason why the entire Democratic Party found their chief appeal to the people in the cry, "Stand by the President; reelect Wilson," was because the President of the United States from time to time has had the independence and the courage to recommend such changes for the benefit of the Government as that which he has proposed in this post-

master amendment.

Now, if you argue that the voters of the country should stand by Wilson, why do you not stand by him? You have been elected on that cry. I think I know something about the sentiment of the people of the United States, and I know the people of the United States are perfectly indifferent as to whether or not a Congressman gets some of his friends appointed postmasters. On the other hand, I know that they demand that their post offices be taken out of politics and put upon a business basis, and that postmasters be selected according to their capacity for the work. I know, or think I know, that the people are back of the President of the United States in this proposition. It so happens that being back of him they are also back of a number of Republican Presidents-back of Roosevelt, back of Taft, back of the leader of the Republicans in the recent campaign, Mr. Hughes. It is not a partisan matter. And yet, notwithstanding you won the election by going before the people of this country and urging them to vote for Democratic candidates to enable you to stand by Wilson, when you are elected and have the power of making the laws you repudiate and turn down the President and refuse to stand by him.

I want to say that that will be pointed out to the people of the country. Individuals can not go on forever gaining political power upon the promise that they are going to stand by the President when the President represents the progressive ideals of the country in this matter, at least, and then repudi-

ating their promises. That is the issue in this case.

Mr. President, it is not only the great Republican and Democratic leaders in the United States who have urged the spoilsmen of Congress to give up this abuse of the Government for political purposes, but it is the intellectual leadership of every

other great civilized nation in the world.

The Governments of Great Britain, of France and Germany, not to mention others, have a civil service based upon merit, upon a tenure of office which is not permanent but is dependent upon efficiency and good behavior, which reaches from the lowest to the highest positions beneath that of the Cabinet officers. That is the result of experience, the result of many more years of experience than this country has had. It has enabled them to stand the shock of conflict which otherwise would have thrown them from the foundations upon which their civilization is built.

I wish to say at this point, Mr. President, without any desire to exaggerate the importance of this question, that if

the principles which are openly advocated in both branches of Congress, that all the offices of the Government shall be put up as a reward for political scramble, to be either converted into political pelf of victory, with the increase in the number of those officers, with the increase and the diversification of the business of the Government, notwithstanding the checks and the balances which were framed in the Constitution to protect us against disorder, we can not stand, we can not survive the test of permanence in this form of government if that abuse is to prevail.

Of course it will not prevail. We are not going to go back to the spoils system in all branches of the Government, and yet sufficient of that idea survives. While we follow the President in enacting the Federal bank reserve act and the farm loan act, of course we also follow many others who have advocated those measures and put upon the statute books what I am perfectly free to say is a great program of progressive legislation, with the assistance at least, and sometimes with the leadership, of the President. You go before the country and obtain public approval and return to power on the proposition that we must support him, but when it comes to the proposition of interfering with your political spoils you draw the line and refuse to follow him.

I am informed, not from the President himself but from others, that the probabilities are that under his general powers of civil service already existing he will put these offices in the classified lists—probably under more stringent restrictions than are proposed in the amendment which I submitted here. I prophesy that if he should do that he will be supported in it by the public opinion of the country, and that those who oppose it when the matter is called to the attention of the voters in the forthcoming election will suffer from their opposition to this measure.

Now, there are the Army and the Navy. Why not subject them to the spoils system? If the spoils system is a good thing, why do you have any permanency of service at all? Why do you have any permanent governmental service at all if it is such a bad thing? I think it is realized even by the opponents of the merit system that the principles of a permanent Government service—a tenure of office subject only to good conduct and efficiency, under such regulations as the President and Congress may make—are essential to the Army and the Navy. And do not forget that this cry about Congress surrendering its power, in providing a merit system, is a bogey. Congress at any time can regulate, change, or abolish any system it established. It can abolish the departments of the Government, its offices, bureaus, and commissions. They are its creatures. So, if in an hour of confusion, when legislation is crowding us, we momentarily forget ourselves to the extent of taking a few offices out of the system of political spoils, do not be afraid that it means the destruction of Congress. What power we delegate, we can resume. But there will be no occasion to resume it. We have established a classified civil service, and with all the pressure for spoils we have not abolished it. Congress has not restored the spoils system in all the bureaus and offices of the civil service, because even those who claim to advocate it realize that it would be destructive of the Government.

If it is a good thing, why not extend the spoils system which is fought for in the Post Office Department to the Army and the Navy? I know there are certain advocates of this. I want to call attention to such an effort and to some particular instances which I have here before me. For a long time, in fact almost ever since the organization of the Army and Navy by the Government, the merit system as it corresponds to the classified service in the civil branches of the Government has prevailed in those departments.

We have built up an efficient military and naval service. I think it will be generally admitted, even by those who are opposed to military preparation and to armies and navies, that so far as they go, while very small, they are efficient. All that has been done upon a permanent tenure of office, subject to good behavior, under the control of Congress.

But recently an instance has arisen in which the opposite system has been put into trial in the Navy. It is said that by the system of promotions which are provided for in this permanent tenure of office these promotions from grade to grade upon merit and upon examination have resulted in a lot of fossils being at the head of the various branches of the Army and Navy, and it is proposed to depart from that system and to give the President an opportunity to appoint a man without regard to the laws of Congress. It is claimed that it is an improvement. Now, let us see how it is. There is the case of Dr. Grayson. It is true that he is not an old fossil; nobody will charge him with being that. He is quite an "end-of-the-century" young man. By abandoning this system of promotion upon merit and tests by examina-

tion, he is taken at one bound, through political influence of a kind rather personal, from one of the lowest to the very highest rank in the service. I do not blame the President for it at all, any more than I blame him for appointing a political postmaster. He appoints political postmasters because he is involved in the system. He is not in favor of it and is trying to get away from it. Through interested advice and personal pressure he selects Grayson and appoints him at the head of the Medical Staff of the Navy over the head of 126 seniors.

It is said that this selection by personal favoritism and official politics is an improvement upon the system of merit and promotion by rule as laid down by Congress. It is strongly urged that this sort of rank discrimination is needed for the efficiency of the Navy. Let us compare the two systems. Under the rule provided by Congress the man who would have been appointed as head of the Medical Corps of the Navy is Dr. Dubose, the senior officer in line. He has earned that seniority by over 40 years of service in the Navy.

I do not know Dr. Dubose. I have never seen him in my life. I have no personal interest in his advancement. I only mention him because the law provides for his appointment to this position, which, contrary to law, has been given to Dr. Grayson. I am going to point out in a moment that the principles involved in this case are directly applicable to this amendment—the only difference being that one is in the military branch and the other in the civil branch of the Government.

Dr. Dubose would have come into this position by reason of having passed the examination provided by Congress and having served a longer time in the Navy. I have made some inquiry about him and I find he is universally regarded as a distinguished doctor, an able man in his profession. His distinction is in his profession of medicine, and not as a ship captain. These doctors are not admirals. They are just called admirals. It is only a euphonious compliment. So when you are inquiring as to the qualifications of a man to be at the head of the medical service of the Navy you do not look for men qualified as admirals, commanders, and ship captains, but you look, and ought to look, for a man who is qualified in medicine.

ought to look, for a man who is qualified in medicine.

Does anybody dispute the qualifications, efficiency, and distinction of this man who under the law, under the merit system of promotion established by law in the Navy, would go into this position?

On the other hand, what is the outcome of choice by the spoils system of personal politics? By that system we have a young gentleman who came from the great State of Virginia, though nobody I have ever talked with has ever claimed he has distinguished himself as a medical man. There is a contrast in the practical working of the two systems. I noticed here the other day some one introduced a resolution, but there being opposition to it, and it being perfectly evident that it would not pass, he withdrew it. He did not want it to be said it was defeated. That reminded me of the test of Dr. Grayson. He went into an examination, and when he found he could not answer the questions that were asked him he withdrew from the examination. His friends said he did not fail. He then tried an examination for medical steward in the Navy, an enlisted man's position, and when he saw, as he testified himself, that he could not answer the questions that were asked him he withdrew from that. He did not fail; he only withdrew. Later, through the aid and the help of friends in official position he passed a certain examination. I mention these facts with no desire to be offensive, but as essential facts in this important question, and as indicating the comparative merits of this junior officer promoted by the spoils system to the head of the corps.

However, I do want to call attention to the law which relates to this proposition. I have here the opinion of the Attorney General of the United States. I am advised in a reliable way that the Attorney General was consulted about this matter before he rendered his opinion by friends of this appointee. So he was put in the rather embarrassing position of being called on by people to render an opinion, knowing what they desired his opinion to be. The result was such an opinion as might well

have been biased by those circumstances.

It is one of the most remarkable legal opinions from a person in authority that anyone has ever read, not only in its conclusions but in its omissions. It is to this effect, and I have it here upon my desk, that this appointment is contrary to the laws enacted by Congress, but that Congress had no power to regulate the matter. He says and points out that the statutes of Congress have provided for promotions in the Navy in a different way. After answering the contention which has been made by some that the statutes are not in conflict with the appointment, he holds that the statutes are against it, but he says that the statutes are void. The reason he gives for

that is that the Constitution of the United States authorizes the President to appoint officers of the United States. If that is the case, the entire establishment of the Army and the Navy, so far as grade and rank and promotion from one to the other are concerned, is illegal, because it is all established by statutes of Congress

This is the difference between the two systems. Congress fixes the qualifications of the personnel and provides a system for official promotion. But the Attorney General says all this is void, that the President can ignore it and make an appointment in entire disregard of the acts of Congress, as in the

Mr. ASHURST. Will the Senator yield for a question?

Mr. POINDEXTER. I yield for a question.
Mr. ASHURST. I simply desire to ascertain when, in the
Senator's opinion, it will be convenient for him to suspend long enough for me to ask for action upon the conference report on the Indian appropriation bill. I am anxious to have it dis-posed of for several reasons. This inquiry is not made with any intention to urge the Senator to stop speaking, but simply to get the conference report disposed of if possible.

Mr. POINDEXTER. I would prefer not to yield just now.

Mr. President, as I shall proceed to point out, Congress has provided that promotions in the Navy in the Medical Corps shall be based upon seniority, or length of service, and in order to so govern that system of appointment as to secure efficient officers they have expressly provided that there shall be examinations, just as it is proposed that in the appointment of postmasters there shall be examinations, and that post-

masters shall be appointed upon the examinations.

Now, upon seniority of service and upon the examinations there are 126 officers who would be promoted before Dr. Grayson would be reached. These examinations, in view of the provision of appointment by seniority, become of most vital importance, because it is the only test of the efficiency of the men. When you inject politics and personal favoritism into appointments what is the result? I eliminate as much of the personal element as I possibly can and still make the point which I want to make upon the legal phases of this matter. Intimate friends are appointed upon the examining board, to go through the form of carrying out this act of Congress which provides for an examination. Here is one of the peculiarities of this appointment, that while they say that the act of Congress is void, that promotion by seniority is not mandatory, because it interferes with the right of the President, yet they assume that that part of the act of Congress which provides for an examination is binding and valid. And so they go through the form of holding an examination. Here is where the politics comes in. While an examination is the test and only opportunity of determining the fitness of a man, whom the law provides shall go up in accordance with the length of his service, subject to this examination, it is interesting to note its character. The appointee comes before the examining board. question, either oral or written, was propounded to him.

So there was an examination without any question at all,

That was the examination to determine his fitness for promotion to the head of the Medical Corp of the Navy, a position which would be of the most vital consequences to the Nation in case it should become involved in actual hostile conflict with any foreign nation, which I hope and believe we will avoid, at least for some time to come. The only proceeding which took place at the so-called examination was this: He was told to submit a thesis upon a medical question, and he forthwith took the thesis out of his pocket in typewritten form and handed it to the examining board. He had it prepared in advance.

It is not my intention to argue here to-day the effect this sort of a proceeding has in the demoralization of the spirit and the morale of the faithful officers who have served the country with the legitimate hope of reward which the laws of Congress entitled them to. But I will take advantage of the opportunity to say that a Government which fails to do justice to its officials must not be surprised if it loses the fine edge of the service which they render to the Government in time of need.

Now, section 1480 of the Revised Statutes provides "for advancement from grade to grade in the Staff Corps." It was contended that these new medical directors with the rank of rear admiral did not come within the terms of this law, because they held new offices. The Attorney General holds that these are not new offices, but simply the old offices of medical director with the rank of rear admiral, and holds that section 1480 does apply to them. Here is what he said:

Section 1480, as amended, being applicable to advancement from grade to grade in the Staff Corps, it seems plain that Congress sought thereby to restrict the President to the nomination of a single person of its own choosing, and this without regard to the comparative fitness for the larger responsibilities of the higher office.

In other words, the effect of his holding is that in order to get a man who is fit to be at the head of the medical service of the Navy we must set aside the acts of Congress and take an inexperienced young man who never distinguished himself in his profession, and promote him over the head of an experi-enced man of 40 years' service, who has distinguished himself in the service, and in his profession.

At the last session of Congress we passed an act providing for what is known as the board of selection in the Navy for the promotion of officers of the line. In that act it was provided that no officer should be promoted higher than from one grade to the grade next above him. Other acts of Congress provided that for especially meritorious or heroic services an officer in the line may be promoted 30 numbers.

If Congress has no power to regulate the promotion of officers in the Navy, then, of course, this law which was passed in 1916 establishing a board of selection is absolutely void. It would be very difficult to say why there should be a rule prohibiting the promotion of a line officer further than to the next grade above him and yet allow the President without even an examination of fitness to promote a medical officer from one of the lowest grades to the very highest rank of that staff. Of course, it is absurd. There is no such authority of law. It is directly in the face of the express provisions of Congress; and the opinion of the Attorney General, who holds that the President, under his power to appoint officers of the United States, can ignore an act of Congress, has forgotten the provision of the Constitution, and does not even mention it, which gives to Congress the authority to make rules and regulations for the government of the Army and the Navy.

I want to read a portion of this opinion. Section 1485 provides that officers of the staff corps, of which the Medical Corps is one, shall take precedence according to their length of service. Sections 1498 to 1510 provide for examination for promotion as an additional requisite to seniority.

The Navy personnel act of March 3, 1898, though not otherwise affecting this prior law, extended promotion by seniority in certain respects to the Marine Corps. Whenever Congress creates a new grade or rank without making any provision for filling it, the selection, in the case of a vacancy in grade, is made by the President, by and with the advice and consent of the Senate, while in the case of a vacancy in rank, it is made by the President as Commander in Chief of the Navy, without any action on the part of the Senate.

Section 1480 of the Revised Statutes as amended being so limited to grade can not affect the advancement in rank—

Of course, the question here is the advancement in grade, from the grade of surgeon to the grade of medical director-

it can not affect advancement in the staff corps from captain to rear admiral.

The Attorney General goes on to hold that there is no office of rear admiral nor office of captain, but simply medical directors with the rank of rear admiral, and surgeons with the rank of captain.

If the statutory language first quoted herein operates merely to create a new rank of rear admiral within the old grade of medical director, then section 1480 as amended, because in terms applicable to such old grade, would apply to advancement thereto from a lower grade. Such is believed to be its effect and for these reasons:

(1) Previous Attorneys General have held, with respect to the phrases corresponding to "medical director with the rank of rear admiral," that the first two words represent the title to the office, while the later words merely give it "rank," i. e., precedence, pay, command, or privilege.

In other words, the Attorney General holds that the office to which this promotion has been made is the office of medical director:

In each of the 16 different grades created by sections 1474 to 1479 [of the Revised Statutes], inclusive, there was a separate and distinctive word title for each. Had the purpose been to create a new grade in the act of 1916—

That is the act under which these additional positions of medical director with the rank of rear admiral were provided The Attorney General, in the opinion upon which this appointment is based, says:

Had the purpose been to create a new grade in the act of 1916, a new word title other than "medical director," such, for example, as "surgeon general," would have been used.

The new act makes only such specific reference to existing grades or ranks as was necessary to allot officers, where an allotment peculiar to one such grade or rank was desired.

Sections 1476, 1477, and 1479, Revised Statutes, not only create grades and subdivisional rank therein, but also make apportionment in the grades of the Engineer Corps, naval constructors, and chaplains, and a comparison of the language with that in the new act leads to the conclusion that the sole purpose of the latter was to allot officers among existing grades.

Section 1480, as amended, being applicable to advancement from

Section 1480, as amended, being applicable to advancement from grade to grade in the Staff Corps, it seems plain that Congress sought thereby to restrict the President to the nomination of a single person of its own choosing, and this without regard to his comparative fitness for the larger responsibilities of the higher office.

In other words, there is the admission that Congress by this act expressly provides for advancement by seniority and that

the act is applicable to this case.

Then the opinion proceeds to hold that Congress has no power to do that; that the President can ignore the act of Congress. The Attorney General holds that the attempt of Congress to do this is in opposition to that provision of the Constitution, section 2, Article II, requiring him to nominate, and by and with the advice and consent of the Senate to appoint. In other words, Congress, according to this opinion, although it has established the Army and Navy, and has created these grades and ranks and provided for promotion by seniority, subject to examination for fitness, has no authority in that way to limit the power of the President to appoint anyone whom he may see fit. If that is the case all of the acts of Congress fixing the age of officers in the Army and Navy and the qualifications they must possess 'are void; those acts of Congress which provide for midshipmen in the Naval Academy being commissioned ensigns upon graduation, for promotion from one grade to another in all of the subordinate ranks, this act of 1916 reorganizing the Army, providing for a reserve corps, specifying the conditions upon which commissions shall be granted, in the staff and in the line, are all void, according to the principle laid down in this opinion of the Attorney General.

In other words, although Congress has the power to "raise and support armies" and to "provide and maintain a Navy and "to make rules for the government and regulation of the land and naval forces," the Attorney General says that all that is swallowed up in the little sentence which gives the President power to "appoint officers of the United States."

Of course, if that is the case, the entire establishment, not only of the Army and the Navy but of the civil departments of the Government, fall to the ground, because the entire personnel system is founded upon acts of Congress. All of this controversy which we have had here during a course of years about the so-called "plucking board" in the Navy, which plucked a number of efficient officers because they had previously rid the service of the inefficient ones—that controversy was unnecessary, because the act of Congress establishing the board was void, according to this opinion.

Mr. STONE. Mr. President—

Mr. POINDEXTER. I yield to the Senator from Missouri.

Mr. STONE. Conceding that all the Senator is saying about the appointment of officers and the promotion of officers in the Army and Navy by the President be correct, and conceding—which I do not—that the Senator is proceeding properly in discussing in the open Senate an appointment which the Senator knows is pending before the Senate in executive session—waiving all that-

Mr. POINDEXTER. Mr. President, under the ruling of the Chair, I decline to yield for any purpose except a question.

Mr. STONE. I am not seeking to interfere with the Senator, but I wish to ask a question. I say, admitting all that, I should like the Senator to inform me what such matters have to do, what relation they bear, to this legislative, executive and judicial appropriation bill?

Mr. POINDEXTER. I attempted to point that out a while ago when the Senator from Missouri was not present. The question involved in the legislative, executive, and judicial appropriation bill is the putting of postmasters on a civil-service basis. The queston is between the system of favoritism and political spoils, as it is sometimes called, and the system of a regular establishment under the acts of Congress, with a more or less permanent tenure of office, according to fixed rules and regula-I am now calling attention to the fact that we have provided in the military branches of the Government, just as we have in part in the civil branches, a permanent tenure of office of officials based upon merit and subject to a system provided by Congress; I am pointing out the effect of such a system as that in the selection of an officer; I am selecting a particular case to illustrate it, and comparing it with the system of unrestricted power to select mere favorites for office, and I am contending that in this case the comparison is very much to the advantage of the system of permanent tenure of office based upon merit, and very much against the spoils system or the system of personal favoritism.

Mr. STONE. Mr. President, I asked the Senator a question. What he is saying, of course, is very interesting and very pertinent to the bill; he would not indulge in it if he did

not think so

Mr. POINDEXTER. I did not quite hear the Senator's question.

Mr. STONE. I said that what the Senator was saying undoubtedly, in his opinion, was very pertinent to the bill; but I should like to have the Senator answer me frankly, not only

for my information but for that of the Senate, just what the purpose—the real, underlying purpose—is of this filibuster which the Senator is now assisting so very ably? What is

sought to be accomplished by it?

Mr. POINDEXTER. Well, Mr. President, I am not in a position of authority to answer that question, even though we assume that the premise assumed by the Senator was well founded, that there was a filibuster. I have not understood that there was one. I do not know of any evidences of it, unless the Senator from Missouri should assume that the remarks which I am making are evidences of it. So I come down to the question as to what ground my remarks are based upon.

Mr. STONE. It has been very commonly stated around that it was not the intention of that side to permit this revenue bill to come to a vote at this session, except under such conditions as they desired, and that that was agreed upon in the caucus, which I suppose the Senator from Washington attended.

Mr. POINDEXTER. I do not think there is any such purpose as that, Mr. President. I have never heard of it. That question was asked during the morning hour by another Senator, and I will state now—although it will be largely a repeti-tion of what I said then—that my understanding of the conference to which the Senator has referred was that there was no agreement, but it was directly to the contrary, so far as the conducting of a filibuster for the purpose of forcing an extra session of Congress was concerned. We want to avoid an extra session of Congress; but there is a purpose among quite a num-ber of Senators to secure full debate and full consideration of the important provisions of the various bills that have now collected here toward the close of the session.

In that connection, by way of justification of myself, I will say that I have spent very little time in discussion during the present session of the Senate, but there has been a great deal of time spent upon the other side which might have been used in promoting this legislation. Of course I am not criticizing anyone for it, but I speak in all frankness. I feel this way about the subject which I am discussing now, that it is a proposition which it is difficult to get before the Senate in such shape that there can be a vote upon it. can not do so, except in connection with the conference report.

I think the proposition of restricting appointments to office in the civil and the military branches of the Government to a fixed system based upon merit, upon such reasonable regulations as may be provided, either in the law or by the President, as against the proposition of personal favoritism, is a question which ought to be debated and ought to be called to the attention of the country. It is for that purpose that I am going into it, not for any purpose of filibustering at all.

The Attorney General, in his opinon which I was reading,

goes on to say that-

The total number of commissioned officers of the active list-

And in this he is quoting the act of 1916-

of the following mentioned Staff Corps at any one time, exclusive of commissioned warrant officers, shall be distributed in the various grades of the respective corps as follows:

Medical Corps: One-half medical directors with the rank of rear admiral to 4 medical directors with the rank of captain, to 8 medical inspectors with the rank of commander, to 87½ in the grades below medical inspector: Provided, That hereafter appointees to the grade of assistant surgeon shall be between the ages of 21 and 32 at the time of appointment.

Of course that is void, according to his conclusions, if Congress has no power to fix the conditions.

gress has no power to fix the conditions.

Pay Corps: One-half pay directors with the rank of rear admiral to 4 pay directors with the rank of captain, to 8 pay inspectors with the rank of commander, to 87½ in the grades below pay inspector.

Construction Corps: One-half naval constructors with the rank of rear admiral to 8½ naval constructors with the rank of captain, to 14 naval constructors with the rank of commander, to 77 naval constructors and assistant naval constructors with rank below commander: Provided, That vacancies in the Construction Corps shall be filled in the manner now prescribed by law, at such annual rate as the Secretary of the Navy may prescribe: Provided further, That hereafter ensigns of not less than one year's service as such shall be eligible for transfer to the Construction Corps.

Corps of Civil Engineers: One-half civil engineers with the rank of rear admiral to 5½ civil engineers with the rank of commander, to 80 civil engineers and assistant civil engineers with the rank of commander.

Section 1362, Revised Statutes, provided that the active lists of line officers of the Navy should be divided into 11 grades. Subsequent legislation, including the Navy personnel act of March 3, 1899 (30 Stat., 1004), reduced these grades to 7, namely, rear admiral, captain, commander, lieutenant (junior grade), and ensign; and the Engineer Corps, with corresponding grades, was transferred to the line. Sections 1368 to 1405, Revised Statutes, provided for the Medical Corps, Pay Corps, Engineer Corps (now in the line).

And so Congress proceeded to provide, as pointed out, for examinations for promotion from one of these grades to the other, the ages at which these officers shall be retired, and various other conditions as to length of service, the length of time they shall have served at sea, according to which, as is admitted in the opinion of the Attorney General, the senior officer of the Medical Corps who had complied with these conditions would be appointed to this rank.

In connection with the "plucking board," which plucked a number of officers, the great cry was that officers who had served around the White House and in the departments, instead of being at sea, should be "plucked," as it was called that is, taken off the active list and retired; and some of the most efficient officers in the Navy were retired in that way. The country is familiar with the controversy which raged around it. Congress in 1916 authorized the President to put some of those men, naming a few of them, back on the active list again. They were young men, and many of them were distinguished in the service. There is Capt. Potts, for instance. He is one of those named in the naval act of August 29, 1916, that the President was authorized to restore to the active list. He had a fine reputation in and out of the Navy as an efficient The "plucking board" said he served too long in the departments and around Washington and had not been to sea enough; so they "plucked" him. They plucked Potts, and promoted Grayson for the same thing.

I am not discussing anything involved in the character of the officer or other matters which the rules of the Senate say should be secret. The proposition I am referring to is the law of this case. But I can not refrain, in passing, from calling attention to the inconsistency of removing from the active list a large number of officers solely because of the fact that they had, through influence of one kind or another, served in positions of preference in the departments and around Washington City, while Dr. Grayson, who has spent his entire naval career, with the exception of three years, on the Mayflower, at the White House, or in other favored positions in the city of Washington, and through that means had gained influence and official favor, for that very reason is promoted at one bound from the lower ranks of the service even to the very topmost of the entire Medical Corps of the Navy.
Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. POINDEXTER. I yield for a question.

Mr. OVERMAN. As the Senator knows, this is a great supply bill. It makes provision for the salaries of nearly every officer of the Government, and unless it gets to the House of Representatives and is considered this afternoon I want to say to the Senator there is some doubt about it ever getting through. I desire to appeal to the Senator to let this bill go It is the greatest of all the supply bills.

Mr. POINDEXTER. I should like to see

Mr. OVERMAN. I am very anxious to get the bill to the House of Representatives, because they must consider it, and it must be enrolled and signed by the President. It may have to come back here, and, if the bill should fail, I do not know what would become of all the clerks and officers of the Government.

Mr. POINDEXTER. I should like to see the bill passed, but I should like to see it passed with the meritorious provision

that the Senate placed in it retained in the bill.

Mr. OVERMAN. But that is simply impossible, Mr. President. The Senator must know that the Senator in charge of the conference on the bill on the part of the Senate stood by the amendment as long as it was possible to do so.

Mr. POINDEXTER. I do not yield, Mr. President, to the

Senator except for a question.

The PRESIDING OFFICER, The Senator from Washington declines to yield further.

Mr. OVERMAN. I wanted to make an appeal to the Senator

to let this bill go through.

Mr. POINDEXTER. Mr. President, as an illustration of the difference between having a civil service and a military service-and the same principle applies to both-based, on the one hand, upon regular rules, presumably reasonable, or as reasonable as can be made, or, on the other hand, that the appointments shall be entirely without regulation and merely appointments shall be entirely without regulation and merely in the discretion of the appointing power, I desire to call attention to some of the abuses which grew up under the so-called "plucking" system as it was administered. The same thing applies, of course, to the so-called board of selection, which was established in 1916, the only difference being that this board of selection, instead of retiring officers, chooses officers for promotion. Of course, in both instances, if the boards should govern themselves by regular rules applying equally to all the objections would be removed. equally to all, the objections would be removed.

It is said that if we rely merely upon a rule which applies generally we will get inferior men in office. Well, leaving out the personal qualifications of this naval officer referred a moment ago and inquiring as to what sort of men would be obtained under the application of the laws of Congress, we see at once that the objection that we can not have a permanent rule, but must leave it to the discretion of the President or a board of some kind to demote or promote anyone that they choose, is utterly unfounded.

Under this system of unrestricted promotion, by which a naval officer by one leap goes over the heads of 126 superiors, we have a man with no distinction in his profession, no special requirements. On the other hand, under the law of Congress he would have to be selected from among the 126 of his seniors, one of whom is the man who is the author of this book that I hold in my hand, E. R. Stitt, one of the medical directors of the Navy, over whose head an assistant surgeon three grades below him is promoted. This is a book on practical bacteriology and tropical diseases, written by an officer of the Navy for the benefit of his profession, and especially for the medical service of the Navy, which has a reputation throughout the medical world on both sides of the Atlantic Ocean; and yet is said that under a fixed rule of promotion, as provided by Congress, you can not get men who are competent to fill places.

We have among those men, in addition to the one who wrote this book, Dr. Gatewood, who has written a standard work upon naval hygiene, a technical naval medical work that is officially used not only in the American Navy but in the German Navy, one of the most efficient in the world, and is an authority wherever naval ships are owned and operated; a man distinguished in his profession, of long years of service, rendered with a reasonable hope and expectation that he would receive the reward which the laws of Congress and the rules of the Naval Establishment entitled him to if he performed his

I only mention those as showing the result of the two systems of purely political and personal appointment on one side and appointment by rules and by systems established by the laws of Congress upon the other side. Now, that is all there is in this question of so-called permanent civil service, or the merit sys-Under that system we have a law passed by Congress for the regulation of these matters, just as the merit system would be a law passed by Congress. Whatever system is adopted must, of course, be chosen by Congress and be subject to repeal or to modification and regulation by Congress, and that is a safety check at all times. Under the law passed by Congress for the plucking board, we had an experience that is described in a pamphlet which is one of the most illuminating special studies of the result of unrestricted discretion in appointment to or removal from office that I have seen anywhere. Under that system a board of officers met in secret and passed upon the official fate and career of their fellow officers without a hearing. The result, of course, was demoralization in the service, just as the result of a spoils system of appointments in the Post Office Department is disappointment and demoralization in that service. Where you have a man who has demonstrated his efficiency and has gained experience by years of service, instead of rewarding him by promoting him, at least by retaining him in his position, you put him out of this position and put somebody else in his place who is not as good as he is, who in most instances knows nothing whatever about the duties of the office. This is a matter that goes to the fundamentals of the intricate structure of the great official army, necessarily growing larger and larger year by year as the business of the Government increases

It is said, in this statement by Henry B. Rust:

The maladministration of section 9 of the naval personnel law is a serious reflection on the efficiency of the Navy Department. As this law is now being applied it will inevitably tend to decrease, instead of increase, the efficiency of the personnel.

Just as this promotion in the Navy, of which I was speaking a moment ago-and I dislike even to repeat the name of the officer in question—will decrease, instead of increasing, the efficiency of the personnel of the Navy, because the entire official organization which is put there to use and apply the \$2,000,000,000—more than \$2,000,000,000, in fact, appropriated since 1884-will be advised that they need not expect or look for honor nor distinction nor recognition for faithful service in the Navy of the United States. On the other hand, they are advised by this act that it is far better for them to seek political influence, personal favor; and, I want to repeat, that I think of those who has been most imposed upon in this matter is the President of the United States, because it is impossible for him to have personal knowledge of these things.

We pass a naval bill with \$500,000,000 of appropriations for the national defense. We feel a pride in the character, in the training, in the devotion to duty of the men whom we have taken pains and gone to expense to educate in the technical knowledge which is necessary to use these ships and munitions of war. Yet at one stroke, just to reward an individual, just as a matter of a little personal favor, we hold out to them this spectacle that faithful service is not rewarded, but punished; that individuals who bask in the social sunshine of headquarters and around the departments are remembered, while they are forgotten; that the man who is on the firing line or at the post of duty in some distant land, it may be undergoing hardships, becoming infected with disease of a tropical climate, risking his life, devoting his energies to the performance of his duties, is overslaughed, as it is called; is put down in his relative rank because there was back here in Washington City some one who had made it his business to be around the department and to cultivate personal power and influence.

That is one of the questions that is involved here; and it is not confined to the Navy. It reaches into every department of the Government. It is a great principle. There is nothing more important in the bill than that amendment.

As this law is now being applied it will inevitably tend-

This refers to the so-called plucking-board law, which removed restrictions and established unlimited discretion, just as the existing law passed in 1916 removes restrictions and rules of promotion and leaves the officers of the Navy to be demoted by having their juniors promoted over their heads, just as the great Post Office Service of the country, for which we appropriate so many hundreds of millions of dollars, is now being conducted in the point of most intimate contact with the people, so that instead of having there to receive the pay which we appropriate for that service a man who knows the business and has worked his way up from one grade to another and has become efficient by faithful service a political favorite, new to the business, is put over him; a local politician who does not know anything about the conduct of the post office, who does not even know what branches there are in it or the processes by which its business is conducted.

Now, why not stop it? Why not take the bill back to conference and follow the President of the United States in the good recommendation that he makes? As I said before, why not follow again the great shibboleth of the campaign and put it

in practice now?

To go on with this article, that I started to call attention to here as so illustrative of the principle that is involved:

Retiring officers of exceptional ability because of some slight accident that was not due to any fault of their own, but for which they have been held technically responsible and already punished, or because of irresponsible and intangible gossip which they had never had an opportunity to disprove, will demoralize the discipline of the service.

This is the retiring board.

This is the retiring board.

The efficiency of some commanding officers will be greatly decreased by lessening their initiative and making them timid from constant fear lest they should arouse the venom of the gossips or have some slight accident that would cause their retirement before attaining their ambition of fing rank.

Prior to the passage of the personnel act, promotions in the Navy were by seniority alone, admitting even the most indifferent man to pass slowly through the various grades until retired for age, holding through his entire career the relative position fixed by his class standing at the Naval Academy, provided he preserved reasonably good health and "possessed the negative virtues necessary to avoid a courtmartial."

The object of the personnel law, as expressed in the title of the act.

The object of the personnel law, as expressed in the title of the act, is "to \* \* \* increase the efficiency of the personnel of the Navy."

That is the purpose of the method of selection for office that we are attempting to extend in the civil service. I am reading this in order to call attention to the fact that this great stand which is made for political spoils, which is seeking to defeat this amendment against the advice of the Postmaster General, who ought to know what is needed in the department, against the urgent insistence of the chief officers of the Government in Republican administrations and in the present administration, is actuated by the same spirit that has been so unjust and injurious in the naval service. In the one case it may be for political services to a candidate for Congress and in the other the reward of personal friendship, regardless of official merit or official services or of his rights under the law.

There are some Senators here who were not present when I was discussing the legal phases of this matter a moment ago; so I will repeat that these spoils demands have an influence so great that they not only invade the military branches of the Government, that are so vital to our national existence, but in doing so they boldly and confessedly override the statutes of the United States and seek refuge in the appointing power of the President. Those who advised the President claim he can ignore the requirements of the statutes, although their reason-

ableness has been proven by experience, and that he can select for any rank in the Navy a candidate recommended to him by personal friends, who does not come within any of the requirements of the law. If that principle is correct, at one blow the entire complicated structure of the personnel as to age, grade, and rank of the Army and Navy falls to the ground, and we might as well conserve the time of Congress and cease to legislate upon those matters.

Now, that is the actual truth. If the laws are void when we pass them, why do we spend so much time here about the qualifications of the personnel? Why does this board of nine rear admirals meet as they did in December in the department, under the law of August 29, 1916, if that law is void? Why not leave the matter in the wide discretion of the President, which the Attorney General says is supreme? Why is it that the Attorney General in this opinion, although pointing out very clearly that such an appointment is in conflict with the statute regulating promotions in the Navy, and claims that the statute is void, does not mention the clause of the Constitution declaring the powers of Congress on the subject? Why is it that in the learned opinion of the chief law officer of the Government he does not call attention to the fact that the Constitution gives Congress, and Congress alone, the power to "raise and support armies," "to provide and maintain a Navy," and, in a special clause, "to make rules and regulations for the government and regulation of the land and naval forces"?

Now, that is in the Constitution. Under that Congress has power to provide, as it did provide, that promotions in the staff corps of the Navy should be on merit, should be in accordance with the regular rule and system, because that was a rule and

regulation for the government of the Navy.

Mr. FLETCHER. Mr. President—
The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Washington yield to the Senator from Florida?

Mr. FLETCHER. Will the Senator permit an interruption for the purpose of submitting an amendment to a bill?

Mr. POINDEXTER. If I can yield without losing the floor, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for a question, or what is the purpose?

Mr. FLETCHER. I ask the Senator to yield for the purpose of submitting an amendment to a bill, out of order.

Mr. POINDEXTER. I yield for that purpose, if I will not lose the floor.

The PRESIDING OFFICER. The Senator will not lose the floor under the ruling of the present occupant of the chair.

Mr. FLETCHER. I should like to submit an amendment to a bill and ask to have it referred to the Committee on Public Buildings and Grounds. I thank the Senator.

Mr. POINDEXTER. Mr. President—

Mr. WARREN. Mr. President, may I ask the Senator to yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. POINDEXTER, I yield to the Senator for a similar purpose

Mr. WARREN. I desire to present some morning business. I have a telegram from the Stock Growers' National Bank, of Cheyenne, Wyo., and three others which I ask to have printed in the RECORD.

Mr. WILLIAMS. Mr. President, I make the point of order

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegrams are as follows:

CHEYENNE, WYO., February 23, 1917.

Senator Francis E. Warren, Washington, D. C.:

Please aid in securing passage of joint resolution allowing six months or a year's time before Reed law takes effect.

STOCK GROWERS' NATIONAL BANK.

CHEYENNE, WYO., February 23, 1917.

Senator Francis E. Warren, D. C.: Washington, D. C.:

Won't you lend your efforts to give us some time to dispose of our stock before the new law takes effect? This will paralyze and utterly ruin mail-order houses in Cheyenne. We are entitled to justice and a fair deal. Won't you try and see that we get it?

CHEYENNE, WYO., February 23, 1917.

Senator Francis E. Warren, Washington, D. C.:

Won't you lend your efforts to give us some time to dispose of our stock before the new law takes effect? This will paralyze and utterly

ruin mail-order houses in Cheyenne. We are entitled to justice and a fair deal. Won't you try and see that we get it?

THE PLAINS MERCANTILE CO.

CHEYENNE, WYO., February 23, 1917.

Senator Francis E. Warren, Washington, D. C.:

Won't you lend your efforts to give us some time to dispose of our stock before the new law takes effect? This will paralyze and utterly ruin mail-order houses in Cheyenne. We are entitled to justice and a fair deal. Won't you try and see that we get it?

EMPIRE MERCANTILE Co.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I yield to the Senator for a question-

not to yield the floor.

Mr. WILLIAMS. The Senator does not need to yield to me. I make the point of order, which was upheld by the Vice President of the United States and by the late Senator from Arkansas, Mr. Clarke, as President pro tempore, that when a Senator yields for somebody to offer an independent measure he yields the floor.

Mr. POINDEXTER. Mr. President, I did not yield for that purpose. I yielded upon the previous ruling of the Chair.

The PRESIDING OFFICER. The Chair overrules the point

of order. The Senator from Washington will proceed.

Mr. WILLIAMS. Well, of course

Mr. POINDEXTER. I decline to yield further.

Mr. WILLIAMS (continuing). I shall not take an appeal—Mr. POINDEXTER. I should be very glad to yield to the Senator from Mississippi, except for fear of losing the floor.

Mr. WILLIAMS. I shall not take an appeal from the ruling of the present occupant of the chair to the authority which I think is perhaps higher and shall proceed with the matter no further right now.

Mr. POINDEXTER. Mr. President, I hope I have not lost the floor by reason of the speech that the Senator from Mississippi has made.

Mr. WILLIAMS. The Senator has missed losing the floor

by the ruling of the Chair.

Mr. POINDEXTER. The point I am making, though, is that the Senator from Mississippi is making a point of order that I lose the floor by yielding, and then he is asking me to yield, by which I would do that very thing.

Mr. WILLIAMS. No; I did not ask the Senator to yield. had a right to make a point of order without the Senator's consent, and I did it, and my object was to stop his filibustering if I could.

The PRESIDING OFFICER. The Chair has overruled the Senator's point of order. The Senator from Washington has the

floor and will proceed.

Mr. POINDEXTER. Now, Mr. President, the Senator from Mississippi has not been here this morning until quite recently, or he would not, I think, suppose that I was filibustering. I am not filibustering.

Mr. WILLIAMS. The Senator from Mississippi-

Mr. POINDEXTER. If the Senator will permit me— Mr. WILLIAMS. The Senator from Mississippi has been here for half an hour listening very attentively to the Senator from Washington.

Mr. BRANDEGEE. The Senator is out of order.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I decline to yield.

Mr. WILLIAMS. I have not asked the Senator to yield.

During that time-

SEVERAL SENATORS. Regular order!

Mr. WILLIAMS (continuing). He has been proceeding with important business of the Government of the United States, awaiting the conclusion of the speech of the Senator from

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?
Mr. POINDEXTER. I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

The Senator from Washington has the floor.

Mr. POINDEXTER. Mr. President, when I was interrupted was discussing the merit system and the spoils system as illustrated by this recent instance that is now pending before Congress provided for promotion on examinations and length of service; just as it is to be supposed that postmasters would be appointed on examinations. It provided that rank, precedence, and promotions from one grade to another in the staff of the Navy should be according to length of service. They used that language. I have all these statutes here, but I am not going to delay the Senate by reading them.

Now, of course that might lead to such a case as the Attorney General referred to in his opinion, and while you have just cut-and-dried system of that kind, without regard to individual instances or environment or accident you might get a man not fit to be promoted, and Congress provided against that. Congress foresaw that, so they provided a guard against it, and I think a very good one. What was it? They provided that no man should be promoted who had not served four years at sea. They provided that no man on the Staff Corps should be promoted until he had passed an examination provided by the department. That left with the President of the United States, Commander in Chief of the Army, the power and, in fact, the duty to provide a proper examination which would really test the qualifications of a medical officer of the Navy before he is promoted from one grade to the other. It provided and allowed not only for a mental examination but for a physical examination, for an examination as to the character, the standing, the reputation of individuals before they should be promoted. That was such a check that, if the system had been allowed to operate in this case, we would find that a man to-day had been promoted to the head of the Medical Corps who is a distinguished doctor of long service in the Navy, of moral and mental qualifications equal to the best, of good standing and reputation in his profession and in the community. How does the opposite system work out? That is the civilservice system. That is the result of the merit system, as provided by Congress.

Of course, there ought not to be any question about it, but the influences were so persistent, they were so powerful that they succeeded in setting aside the laws of Congress and in removing all restrictions. Of course they went through the form, however, of taking an examination. The examination under the system which I have just described as provided by Congress is most important. If you provide that the officer must be promoted in accordance with length of service and they shall pass an examination, the examination is very vital. I do not know why those who are interested in making this encroachment upon the merit system had any examination at all, because that examination was provided for in the same law which provided for promotion by seniority. But they seemed to think that they could set aside the seniority provision and yet they must have an examination. But the regular examination is a pretty difficult one, and it ought to be difficult. So they had an easy examination, and that appears in the RECORD here. It was an examina-

tion where they did not ask any questions.

Was not that an evasion of the law in itself? Ought the Senate as one of the branches of Congress, after Congress has passed a law, allow that law to be ignored, when it is not contended that it is not reasonable, when the practical application of it in this instance and in every other instance showed that it is reasonable and a much better system than that by which an inexperienced, undistinguished man is chosen above a number of highly distinguished seniors and put at the head of the Medical Corps of the Navy? Ought the Senate by its consent and advice aid and participate in ignoring the rules provided by Congress, which it helped to enact, upset the system of the Navy, demoralize its personnel, and discouraging its officers? Ought we not to defeat this attempt? Ought we not to defeat this attempt? Ought we not to discourage such attacks upon efficiency and merit in the Government by extending the merit system to the postmasters of the country, and enabling the President to escape from this army of politicians who are surrounding him, taking up his time, begging him to appoint their friends as postmasters in the various congressional districts? Is not that of some importance? Is it not a proper subject of consideration and of discussion in the Senate?

Notwithstanding we have appropriation bills to appropriate billion dollars or so from the Treasury, this march against a permanent tenure of office is so strong that it ignores a score of laws of Congress. Here is one law of Congress which provides that an officer of the Navy may be promoted 20 numbers for heroic conduct. Of course, they say this man did not perform any heroic conduct, and therefore that does not apply to him. That is true in a sense. Yet, of course, it is charged that while Congress has provided 20 numbers as the reward for heroic conduct it is proposed to give 126 numbers as a reward for a pleasant association and great diligence in cultivating the powers that be.

There is another law of Congress applied to the line; but, of course, I am not going to assume that a less careful rule should be applied to the staff. A line officer promoted, even when he is selected over the heads of his seniors, can not be promoted any higher than to the next grade above him. Nobody tried to violate that, yet we are violating an equally explicit act if we take a man from a lower grade in the medical staff and promote him over the next grade above it and over the next grade above that and over the next grade above that, and put him into the highest grade. There is no dispute about these facts, and I think it is a good time to call the attention of the country to this encroachment upon the efficiency of the Army and the Navy.

This special writer goes on to say in regard to that proposi-

The object of the personnel law as expressed in the title of the act is "To \* \* \* increase the efficiency of the personnel of the Navy \* \* \*."

Navy \*\*."

As a means for accomplishing its end this law provides that the Secretary of the Navy shall annually appoint a board of five rear admirals to make a comparative examination of all the official records on file in the Navy Department of all officers in the grades of captain, commander, lieutenant commander, and lieutenant, and to select for retirement a few of the least efficient only in each of these grades.

Thus the average of efficiency in each grade would be increased, promotions would be so accelerated as to bring officers to command rank at an earlier age and the officers stimulated to greater efforts to improve their reco ds and standing by being forced to realize that intemperance, indolence, or slight neglect of duty, not sufficient to justify their discharge, might cause their retirement as "least efficient."

justify their discharge, might cause their retirement as "least encient."

The records of all officers are carefully kept and consist of "Reports of fitn'ss" made two or more times a year on each officer by his commanding officer covering every necessary personal and professional qualification. To these reports of fitness are added records of courts-martial, letters of reprimand, letters of special commendation, records of acts of bravery or special professional work, etc.

Each officer is advised of any unfavorable report made against him and his answer or explanation is filed with his record. Thus, basing the selections for compulsory retirement solely on a comparison of these records, as contemplated by the law, was perfectly simple and eminently just.

and eminently just.

Of course, when a faithful officer is overslaughed by his junior there is a stigma put upon his record and his services. It is in some sense worse for him than for those who were retired, and far worse for the service, because he is retained in the service and we have a large body of discontented and humiliated men who feel that they are disgraced; and yet they are to man the Navy. To keep them in the service after they have been humiliated in that way is more injurious to the service than the system which the writer is denouncing, where they are retired and taken off the active list entirely.

Now, as to the departure from that method of promotion, by a careful examination of the record, of length of service, of any letters of reprimand or of commendation, there is the system of unlimited discretion and of favoritism which developed under that law, and which led to the repeal of the law.

under that law, and which led to the repeal of the law.

The records of the officers are filed in the Navy Department as received in untabulated, undigested form. Those of all of the officers in the grades from which selections are made for compulsory retirement comprise many thousands of pages. As these papers are filed, it is impossible for the board to make an accurate comparison of this great mass of evidence in the time it devotes to this work.

Realizing this difficulty, the earlier boards wrongly assumed that it would not be necessary to base their selections on a comparison of all the official records. They very unjustly considered that their duties were properly performed so long as they were careful to select out those officers who would probably have failed to pass their next physical examination for promotion, or those who were known throughout the service as having been guilty of intemperance or other irregularities.

out the service as having been guilty of intemperance or other irregularities.

Though these officers may not have been highly efficient, they should have been proven to be the "least efficient" by a comparison of the written records before, under the law, they could justly be "plucked."

These careless and irregular methods of the earlier boards were not apparent so long as the officers retired were regarded as not especially desirable, or were known to have had, through carelessness, serious accidents, or been guilty of grave personal offenses; but their acceptance as precedents by subsequent boards, after most of the notably deficient or unfortunate officers had been retired from the upper grades, has resulted in such glaring injustice as to produce conditions that are intolerable.

The law demands the retirement of the "least efficient"—

Just as the law demands the promotion of the most efficient-Just as the law demands the promotion of the most emclent— not inefficient, but less efficient than those who remain. This can only be determined in accordance with the law by an exhaustive analysis and comparison of all the records numerically. By failing to recognize these fundamental principles, the first great blunder was made and the seeds of a great injustice sown which are rapidly ma-turing and now bearing fruit.

When the law affirms or clearly intimates that a thing shall be done by a certain person in a certain way, this affirmation carries with it a negative that it shall not be done by some other person or in some other way.

other way.

It is incumbent upon the board to consider the whole of an officer's record—those things to his credit as well as those to his discredit, and not from the latter merely to find an excuse for his retirement.

Or I might add from his being overslaughed by the promotion of a junior over his head.

Some of these boards have apparently confined their examination of records to an examination of records of courts-martial only and have based some of their retirements solely on trivial findings of courts-martial. They have evidently made no distinction between deliberate acts and accidents and have, it appears, assigned greater weight to trivial accidents than to very serious accidents or to deliberate acts involving personal conduct which reflect great discredit to the officer concerned and to the service.

I have no desire, Mr. President, to go on at any unreasonable length in the discussion of this matter, notwithstanding its great importance. I want to take advantage of the only opportunity I have ever seen here, and I am satisfied that it will be the only one we will have for some time to come, to make an issue in the Senate upon the merit system in political appoint-It is the only way you can make any inroad upon the system of political patronage. That patronage is not worth anything, but there is a sort of delusion about it, so that public men think there is, but it would be a benefit to them as well as to the Government if they were relieved of it. The only way in which you can get any consideration for the proposition is upon general appropriation bills.

The great desire to get an appropriation bill passed would carry almost anything through. A great many things go through on appropriation bills which are good in themselves, but otherwise difficult to enact because of the personal interest and concern of Members of Congress in the appropriation bills. They may be willing to accept amendments because of a public building they desire.

I remember on one occasion the habit of getting a public building was so strong that a letter came into my office from a prominent man in a town in a State, and the secretary looked at it and saw it was on the subject of a public building. He sat down and answered the letter immediately, and told him we would do everything we possibly could to get an appropriation through that particular Congress for a public building. I happened to read the letter when I came to sign the answer to it, and I found the man was denouncing the proposition of getting an appropriation for a public building in that town, as it was grossly extravagant and entirely unnecessary. As a matter of fact, that illustrates what is the growing body of opinion in this country. Notwithstanding the facility and the ease with which appropriation bills go along and though the tracks upon which they travel are oiled by the political interest in securing for constituent localities great amounts of money from the Treasury of the United States, there is a growing sentiment in the country which discredits that form of political service.

I have never attached much importance myself to the indiscriminate attacks upon the so-called pork barrel. That is a pretty common but too trite phrase, and it is leveled against some of the most meritorious enactments Congress ever passed. I realize the fact that very often there is hiding behind the cry, the bogy cry and specter of pork barrel, some sinister interest which for private purposes desire to defeat the public activities which are provided for by these appropriations. And yet I do know that, aside from that, there is a growing sentiment in the country which does not estimate the services of public men by the amount of money which they are able to extract from the Treasury of the United States. And so, while there are many things in these appropriation bills which may not be so important, they are sometimes the vehicle for general legislation of far-reaching consequence, such as the change in the official and political system that would be brought about by putting the post offices upon a system of merit rather than upon one of personal and political favoritism.

Now I revert again, Mr. President, to the Grayson case as illustrating the principle which I have been discussing:

Sections 1474-1479, Revised Statutes, inclusive, establish grades for the Staff Corps of the Navy, and those grades have remained as there established for the Medical, Pay, and Construction Corps.

Section 1480, Revised Statutes, provides that "the grades established in the six preceding sections for the Staff Corps of the Navy shall be filled by appointment from the highest member in each corps, according to seniority; and new commissions shall be issued to the officer so appointed, in which the titles and grades established in said sections shall be inserted; and no existing commission shall be vacated in the said several Staff Corps, except by the issue of the new commissions required by the provisions of this section; and no officer shall be reduced in rank or lose seniority in his own corps by any change which may be required under the provisions of the said six preceding sections."

In delivaring the original statutes.

In delivering the opinion in which this section is quoted Attorney General Charles Devens, in a communication to the Navy Department dated February 25, 1881, and this opinion of the Attorney General was not referred to in the opinion of Attorney General Gregory rendered a few days ago, although it is directly in point and holding contrary from Attorney General Gregory.

Mr. Devens used this language:

Mr. Devens used this language:

This section contemplated, it seems to me, by the use of the words "highest members in each corps, according to seniority." that the promotions should be made by seniority " \* \*; and the provision that "no officer shall be reduced in rank or lose seniority." etc., contemplated also that unless this provision were inserted, changes would be made in grades or numbers which had been theretofore fixed, which it was not the intention of Congress to disturb. " " The effect of it is to adopt the rule of seniority in regard to promotions from one grade to another in the Staff Corps, the section 1480 including, among other corps referred to, the Medical Corps."

Promotion by seniority in the Staff Corps of the Navy and provision that no officer in those corps shall lose seniority in his own corps are the law at this time, no act of Congress having abrogated them or changed them.

the law at this time, no act of Congress having abrogated them or changed them.

From a careful examination of the naval act of August 29, 1916, under which certain nominations have been made to the Senate for promotions to highest ranks provided therein for the Staff Corps of the Navy, it does not appear that any new grade was established for the Staff Corps or that there was any disturbance whatever of the law of promotion by seniority in those corps. There was increased rank provided in that act for a proportionate number of the highest grade of each Staff Corps, but there was no change in their grades and no change in the law governing promotion by seniority in those corps. That law did provide a service method of selection for promotions in the line of the Navy. It carefully safeguarded that method and avoided in every way practicable all chance of having such promotions associated with political or other kind of favor.

But it is very noticeable that while such provision was made for the line of the Navy, Congress refrained from altering in any degree the existing law in relation to promotion in the Staff Corps of the Navy.

Yet there are now pending in the Senate nominations for promotions to medical director with the rank of rear admiral, pay director with the rank of rear admiral, and civil engineer with the rank of rear admiral.

I may add that the last-named officers have been since dis-

I may add that the last-named officers have been since disposed of-

that are not only not made in accordance with any statute, but also are even in violation of specific law as passed by Congress and approved by

that are not only not made in accordance with any statute, but also are even in violation of specific law as passed by Congress and approved by the Executive.

It is interesting to note that these designated nominations are not even made under any of the safeguards provided by law for promotions by selection in the line of the Navy. In all such promotions there is operation of a selection board of rear admirals, and a change from one rank is always to the next higher and always after a prescribed length of service in each rank. But in these nominations for promotion in the Staff Corps, while the statute provides promotion by seniority and that no officer shall lose seniority in his own corps, the Executive department of the Government has not only applied selection, but has made such application without any board of selection, acting directly by department order, by virtue of which the individuals are selected to appear before special examining boards to carry out the form of examination to which each and every officer is subjected anyhow. In other words, the department by its own order made its own selection, when the statute makes provision for such orders to be issued to "the highest members in each corps."

Not one of the nominations made for promotion to the highest rank in the Medical, Pay, and Civil Engineer Corps has any regard whatever for "the highest members in each corps." This is especially noticeable in the case of Medical Corps.

There have been nominated two medical officers for advancement to medical director—

And one of those has already been confirmed—

And one of those has already been confirmed-

And one of those has already been confirmed—
with rank of rear admiral, and one of these nominations is now
pending in the Senate awaiting confirmation.

Passed Asst. Surg. Cary T. Grayson, the personal medical attendant of the Chief Executive, is to receive permanent advancement, to
which his seniority does not entitle him, from his present place on the
Navy list (1916), which is No. 15 in the grade of passed assistant surgeon with the rank of lieutenant, over 14 passed assistant surgeons,
over 84 surgeons, over 15 medical inspectors, and over 13 medical
directors—a total jump of about 126 files. Inasmuch as Dr. Grayson
is 38 years of age and would retire at 64 years of age, he would retain
this position and rank for about 26 years, thereby excluding from possible advancement to the highest rank all those officers above him of
greater age; and the same thing is true of Medical Inspector Braisted.

Who has already been confirmed.

Yet it may well be assumed that the intent of Congress in providing the rank of rear admiral for a medical officer was to encourage the members of the Medical Corps. Certainly nothing but discouragement can result from the confirmation of these nominations in question. Such a confirmation will stimulate selfishness in many, while in more it will induce the belief that good work, good records, and long and faithful service are entirely secondary to personal opportunity and favoritism

bers in rank for eminent and conspicuous conduct in battle or extraordinary heroism \* \* \*"

Certainly even such facts as are here set forth should after due consideration cause the Senate to at least hesitate to give sanction to nominations that are clearly in opposition to statute and can be regarded as resting only upon a prerogative of nomination never before exercised in relation to the Navy, and through which the fortunes of individuals can be made with no reference to the Navy as a force in which discipline and sense of justice are essential for efficiency. Nothing can so certainly destroy discipline as the loss of confidence in intent of authority to do justice, and nothing can be such an enemy to preparedness for war.

I want to call further attention to the conclusions which are deduced by this special investigator, Mr. Henry B. Rust, to which I referred a few moments ago. He says:

The officials of this Government can not afford to take the very wrong position that the fear of establishing an, to them, undesired precedent justifies the perpetuation of a wrong.

The arbitrary opposition to all attempts at correcting mistakes of this board is primarily due to a bureaucratic unwillingness to admit that some one in the military oligarchy has erred.

That is always the result if these restrictions governing promotions are removed that cabals, cliques, and factions play politics in the Navy and in the executive offices to reward their

friends, and, in some instances, unfortunately, to punish those who do not enjoy their favors.

A failure to properly apply this law is due to the bureaucratic tendencies of the Navy Department,

That is applicable to this particular case here and speaks eloquently of the situation by which the acts of Congress have been set aside and a personal favorite has been given this unprecedented promotion.

precedented promotion.

An earnest, aggressive officer, recognizing that important matters are being neglected, may be prevented from attempting to assume the authority necessary for their correction for fear of becoming known as a trouble seeker, which might so injure his "general service reputation" as to some day cause his retirement for maintaining "an unhappy ship." Other officers are prevented from attempting to correct such things by the inertial that frequently develops in such an organization. In making laws for a department that inevitably tends to bureaucratic methods, it is wiser to be more explicit. If this law had stated that the Secretary should, before placing these records at the service of the board, have them properly tabulated and numbered, but without the names of the officers on them, and have directed that the board should prepare a merit roll from these records for each grade and select for retirement those officers who stood lowest on these rolls without knowing their names, then no serious mistake could have been made and no injustice committed in the name of this law.

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Every organization of men, to be efficient, must be founded on

Every organization of men, to be efficient, must be founded on justice. The Navy Department—

And you can apply the same thing to the Post Office Department

The Navy Department, in order to secure the greatest efficiency, must impress the individuals of the service that the department always stands for justice and that it can be reied upon to protect the honor and individual interests of every man in the organization with the same fidelity that it exacts the proper service from them. This principle should be so thoroughly injected into the whole Naval Establishment that each officer on duty in the department would recognize that he, as a part of that establishment, is in duty bound to use all the influence of his position to see that the department executes the laws, according to their spirit and intent, to further the ends of justice.

I suppose, Mr. President, that probably the most conspicuous abuse of the civil service is the system by which postmasters are selected. Of course, they constitute a comparatively small part of the entire number of civil-service employees; but the effort to have them put upon a merit basis is important, far beyond their comparative number, by reason of the prominence which they now have in the political spoils system. If that head and front of this offense against equity and justice to the employees of the Government can be removed, the greatest step that has ever been taken in putting the service of the Government upon an efficient and economical system will have been accomplished.

Mr. OVERMAN.

justice.

Question! Mr. President-Mr. WILLIAMS.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the The Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I have forgotten who it was, but somebody at some time said, in reference to the innocuous observations of somebody else in the House of Commons, that they were distinguished by their latitude and longitude and futility. The amount of latitude permitted to himself by the Senator from Washington [Mr. POINDEXTER] this evening was only equaled by the longitude of his observations, and the latitude and longitude were only equaled by the absolute futility of his argument. He has spent I do not know how many hours in conspiracy with a lot of other Republican Senators to filibuster and take up the time of the Senate in trying to argue that an act of Congress could set aside a provision of the Constitution of the United States which makes the President Com-

mander in Chief of the Army and the Navy of the United States.

Mr. President, I noticed two rather peculiar things this
morning, and I am corroborated in a conclusion from them by
what the newspapers have said this morning. I noticed the unprecedented spectacle of a private conversation between the Senator from Wisconsin [Mr. La Follette] and the Senator from Pennsylvania [Mr. Peneose]. I noticed the Senator from Washington [Mr. Poindexter] taking advice from the Senator from Connecticut [Mr. Brandegee]. I learned from the newspapers this morning that the Republican Party has made up its mind to filibuster in order to have an extra session. I understand that the reason is given that they do not want to leave the President of the United States, just as the Copperheads did not want to leave Lincoln, with power to act; but I do not think that is the real reason. I think your real reason is that you have received orders from the munitions factories of the United States that have hitherto been generous contributors and that you ought to remember them.

Mr. LODGE. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I do not think that any Senator has the right

to charge other Senators with corrupt motives.

Mr. WILLIAMS. Mr. President, I have not charged any particular Senator. I have been very careful not to do so. I am charging the Republican Party.

Mr. LODGE. You charged all on this side.

Mr. WILLIAMS. And if there is any rule of the Senate against charging the Republican Party with anything that it has not already been guilty of, I do not remember it.

Mr. HUGHES, Mr. President

Mr. LODGE. I make the point of order, Mr. President.

Mr. HUGHES. Mr. President, I move that the Senator from

Mississippi be permitted to proceed in order.

The PRESIDING OFFICER. The Senator from New Jersey moves that the Senator from Mississippi be permitted to proceed in order. The point of order is sustained, and, without objection, the motion of the Senator from New Jersey is

agreed to.

Mr. WILLIAMS. Very well. Then I shall proceed in order. It seems that a few moments ago I stepped over the parliamentary line and said something which, in the opinion of the Senator from Massachusetts [Mr. Longe] and in the opinion of the Chair by inference, comes too close to the facts. fore, in apology to the Senate, withdraw, as far as I may, the words that have been uttered. Words which are once uttered, however, can not be altogether withdrawn. They must go out to the end of whatever their intendment may be.

Mr. BRANDEGEE. Mr. President-The PRESIDING OFFICER. To To what question does the

Senator from Connecticut rise?

Mr. BRANDEGEE. The Senator from Mississippi said, if 1 understood him correctly, that certain Republican Senators were in a conspiracy to prevent the President having the power to act in this emergency. Then he said that the object of the conspiracy was not so much that as it was that they had taken orders from the munitions manufacturers. The Senator apologizes for that false statement by saying that it "comes too close to the facts" and therefore he withdraws it, which simply adds insult to injury

Mr. WILLIAMS. Well, Mr. President, I suppose I have no way under the parliamentary rules of the Senate of responding to what the Senator from Connecticut has just said, and there-

fore I will leave it where it is.

Now, if you are not engaged in filibustering against the business of the Senate, then I do not know what you are engaged We have just heard a long set of desultory remarks about nothing in particular. We heard a lot of them yesterday. It has been said that Nero fiddled while Rome burned. One Senator of the United States twaddled while we-were awaiting an insult from a foreign nation, and another Senator twiddled his thumbs while the same thing was going on, and the newspapers this morning say that you have made up your minds to bring on an extra session. I do not know whether the newspapers are telling the truth or not. I do not know how fixed their convictions are, and, more than that, I do not know how solid their information is; but I hope it is not outside of the scope of parliamentary observation in this body, where the scope is almost infinite, to say that it seems to me that the information is pretty solid. Then I drew the inference that the object was pretty solid. not to give the President the power to act.

Mr. President, I will further state-and I hope that I am within the bounds of parliamentary law, and if I am not I will surrender to the rules of this House whenever they are invoked-that in the past the munitions manufacturers of this country have been large contributors to Republican campaign funds, and I furthermore state that this revenue bill levies a tax, an excess profits tax, which will chiefly strike those men, and if I have the parliamentary right I put the two things together and I draw the conclusion that the facts are responsible for your attitude, and if I am out of order in making that statement I shall cheerfully surrender to the ruling of the

Mr. President, I stated a moment ago that Nero fiddled while Rome burned. Where are we now, Mr. President? The alleged decadence of the English-speaking race was never so apparent as it is to-day across the water and here. is a mere alleged decadence or whether it is a real decadence is a different proposition, but you have the entire mercantile marine of the United States lying up in its harbors and declining to go abroad because it has been threatened by a foreign power with a line of fire somewhere which shall destroy it. That branch of the English-speaking race across the water does not seem to be able to take care of the situation,

and, so far as I can learn about me and you, we do not seem to be willing. You have absolutely surrendered to the Kaiser's ukase all that is upon the international map, and meanwhile Senators are talking here about postmasters and talking about surgeons in the Navy that have been promoted to something or

Mr. POINDEXTER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Mis-

sissippi yield to the Senator from Washington?
Mr. WILLIAMS. Wait one moment—and in turn entirely ignoring the fact that perhaps the greatest man in the United States Army to-day, Leonard Wood, was promoted from surgeon in the Army to major general in less than 18 months.

Mr. POINDEXTER. That has no application whatever to the case of Dr. Grayson. He is not the greatest man in the Gen. Wood had rendered very conspicuous and distin-

guished services

Mr. WILLIAMS. I do not yield for a speech. I thought I was yielding for a question.

The PRESIDING OFFICER. The Senator from Mississippi

declines to yield further.

Mr. POINDEXTER. Will the Senator yield for a question? Mr. WILLIAMS. I do not want to yield for a speech, I

have heard the Senator's speech.

Mr. POINDEXTER. I desire to ask a question.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington for a question?
Mr. WILLIAMS. I do.

Mr. POINDEXTER. Why does the President of the United States allow this deplorable international question, which the Senator has described, to continue?

Mr. WILLIAMS. Principally for the reason that his advisers, his constitutional advisers in the Senate and in the House, are

fiddling all the time.

Mr. POINDEXTER. Mr. President-

Mr. WILLIAMS. And principally for the reason that he can not help it. If a plebiscite were taken to-day between Woodrow Wilson and the Congress of the United States ten men out of every eleven in the United States would vote for the President and against the Congress, and against its inefficiency, and against its inaptitude, and against its waste of time, and against its waste of words.

Mr. POINDEXTER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington? Mr. WILLIAMS. I do, for a question.

Mr. WILLIAMS. I do, for a question.
Mr. POINDEXTER. What does the party in control of the Government and all of its branches want of Congress that it

has not already?

Mr. WILLIAMS. They want of Congress that Congress should do business; that Congress should provide the revenue for the Government, that Congress should express a bona fide willingness to stand behind the Chief Magistrate of the United States while he faces a possible public enemy. And what are States while he faces a possible public enemy. And what are you doing? Talking about the promotion of a doctor in the Navy, when the President has authority, as the Commander in Chief of the Army and Navy, to make what promotions he chooses, and when George Washington did it, and Thomas Jefferson, and Abraham Lincoln, and Andrew Jackson, and Ulysses S. Grant, and all the balance of them, to the full limit of their will, did it.

Mr. POINDEXTER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Mirsissippi yield to the Senator from Washington?

Mr. POINDEXTER. Does not the Senator from Mississippi

know that neither George Washington—
Mr. WILLIAMS. Mr. President, I decline to be diverted—
The PRESIDING OFFICER. The Senator from Mississippi declines to yield.

Mr. WILLIAMS. I decline to be diverted to a discussion of the promotion of a doctor in the Navy. I am talking about something of vastly more importance.

Mr. POINDEXTER. I wish to ask the Senator—
The PRESIDING OFFICER. The Senator from Mississippi declines to yield.

Mr. POINDEXTER. It seems the Senator is willing to yield

only for special purposes.

Mr. WILLIAMS. Now, I want to read something from the New York World of this morning, which, I think, ought to concern this body. I do not read it because it is published in that newspaper, but I read it because I agree with it:

### BY ORDER OF GERMANY.

Three weeks ago to-day President Wilson went before Congress to announce that he had severed diplomatic relations with Germany because of the Imperial Government's proclamation of ruthless submertine

warfare, and that if "American ships and American lives" should be sacrificed by German naval commanders he would again appear before Congress "to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high sens"

seas."

Thus far no American ships have been sunk without warning and no American lives have been sacrificed by the destruction of an American ship, but this good fortune is not due to German forbearance or German respect for iaw. Our ships are not sunk because for the most part they have been driven from the seas under German threats of piracy. For the same reason American citizens have escaped massacre at the hands of German submarine commanders, although one American has been murdered in an attack on a French liner.

What has happened is that the Atlantic ports of the United States are blockaded by Germany—

While you and I talk about the promotion of a surgeon in the

Navy-

and cur shipowners are afraid to assert their legal rights. Even the American Line ships which carry the United States mail are all held in port by order of the German Government.

We are doing precisely what Germany commanded us to do. Our merchant shipping is no longer under the sovereignty of the United States, but under the sovereignty of the Imperial German Government. Germany says we must not sail the seas, under penalty of death, and we do not sail the seas.

Oh! the old merchant marine of New England, what has become of it? The Baltimore clippers, what has become of them? What has become of the sturdy American manhood that took its life in its hands on a legitimate errand during all of its history?

It could hardly make its orders more effective, so far as American ships are concerned, if its submarines had taken physical possession of our harbors and the regulation of our merchant shipping had been formally turned over to the German Admiralty.

This situation can not continue indefinitely while waiting for Germany to commit an "overt act." The policy of ruthless submarine warfare is in itself an overt act., and the World believes that it is the immediate duty of President Wilson to ask Congress for "authority to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful errands on the high seas."

I think so, and so do you, and so do you, and so do you; and the President is ready to ask it, except that, somehow or other, here and there, there has been implanted in the German mind an idea that the American people are not united, that they are not one Nation, that they are not a homogeneous people, and that they may expect aid upon our own shores whenever they violate the rights of our people or assassinate our women and children upon the high seas.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Let me finish this:

We must either assert our rights or surrender them; and if we are to surrender them, it was not worth while to go to the trouble of severing diplomatic relations with Germany.

Every day that American ships are afraid to put to sea because of German defiance of law and civilization our rights are invaded, our honor is sullied, and our power as a great Nation is challenged before the world.

Now I yield to the Senator. Does the Senator want to ask me a question?

Mr. BORAH.

Mr. BORAH. Yes. Mr. WILLIAMS. Very well.

Mr. BORAH. I understood the Senator to say that the President was impressed with the idea that there was a division of sentiment.

Mr. WILLIAMS. I did not say the President; I said Germany was.

Mr. BORAH. Then I misunderstood the Senator to that extent. Is there anything in the situation of which the Senator is cognizant that should lead Germany to believe that there would be any division of sentiment among the American people in protecting their rights?

Mr. WILLIAMS. Why, yes; a thousand things, from Bryan down to ninepins—debates upon this floor, debates upon the floor of the other House attacking the President because of what he has done, which was the least that he could do-to sever diplomatic relations. It is only as if the Senator from Idaho had kicked me once, and then kicked me again, and then kicked me the third time, and then advertised to me publicly in a letter that he was going to kick me the fourth time, and as if I had then said, "Well, I will quit speaking to you."

Mr. BORAH. Does the Senator doubt that if the President should ask for authority to convoy ships, he would get it?

Mr. WILLIAMS. I do not know whether he would or not. Mr. BORAH. Well, is that the reason why the President is not asking for it, does the Senator think?

Mr. WILLIAMS. Oh, I think not. I never said that. I do

not think so.

Mr. BORAH. In other words, the Senator does not mean-Mr. WILLIAMS. I think the President is too brave a man to hesitate about asking for authority upon the ground that I

possibly Congress would not grant it to him, and I do not think Congress would refuse to grant it; but I do think-and that is what I was trying to emphasize—that we have made an almost indelible impression upon the German mind that we are not united behind the President and that we are not prepared with every available public resource to stand by him. Why, I have just recently seen-I had it in my pocket this morning, though I have not it now—a plan of invasion of the United States, as a part of which 500,000 German-Americans were to oppose the national authority.

Mr. BORAH. Anybody who would believe such a thing as

Mr. WILLIAMS. Of course, that is all absolute nonsense.

Mr. BORAH. Exactly. Mr. WILLIAMS. And you and I know that it is; but the German people do not know it, and the German Kaiser does

not know it, and the German military autocracy does not know it Mr. BORAH. I will venture to say that they do know it and that they are not proceeding upon the theory that they will get support from this side of the water to any considerable ex-

tent whatever. Mr. WILLIAMS. Well, I do not know whether they will

get any or not. I know they will not get much.

Mr. BORAH. There are two authorities under the Government to deal with this situation; namely, the President and Congress. In my judgment, if the President should ask for specific authority to protect these rights or convoy these ships, he would get it. Secondly, I do not think he needs it in order to do it.

Mr. WILLIAMS. But the gentleman—I beg the Senator's pardon; I mean, the Senator, because as I once before remarked, this is the only place in the world where it is un-parliamentary to call a Member of the body a gentleman—the Senator seems to forget that what I am arguing is that it is ridiculous for a great country to be discussing and taking up time with the question of fourth-class postmasters and naval surgeons' promotions when we are faced with this situation and the necessity of providing a revenue with which the Gov-

ernment can operate if it is called into trouble.

Mr. BORAH. I do not see that the fourth-class postmasters have very much to do with it; but the other proposition might

be important.

Mr. WILLIAMS. Do you not think, yourself, that it is rather infinitesimal in comparison with what is going on upon

Now, one other thing:

No other paragraph in Washington's Farewell Address is so pertinent to the crisis that confronts the United States as this:

"If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation when we may choose peace or war, as our interest, guided by our justice, may counsel."

I will ask the Secretary to read the balance of that. The PRESIDING OFFICER. Without objection, the Secre-

tary will read as requested.

Mr. PENROSE. Mr. President, I sincerely hope the Senator from Mississippi will let this go into the RECORD without its being read.

Mr. WILLIAMS. I want it read. Mr. PENROSE. It is delaying the consideration of the reve-

Mr. FENNOSE. It is deaying the connected to the Senator from Mississippi in now consuming the time of the Senator from Mississippi in now consuming the time of the Senate is to expose the useless consumption of time for small purposes in comparison with great objects. Therefore he desires to have it read.

Mr. PENROSE. I am beginning to suspect that the Senator from Mississippi is a filibuster.

The PRESIDING OFFICER. The question is, Shall the paper be read to the Senate? [Putting the question.] The noes have it, and the motion is lost.

Mr. WILLIAMS. I will read it myself, then. You can not save anything on me by that. Perhaps I can read it better than the Secretary:

The United States to-day is practically at war with Germany, because the German Government had reason to believe that we had not remained "one people."

That is the answer to the question you asked.

Mr. BORAH. Yes; but—
Mr. WILLIAMS. They had reason to believe, or they thought they had.

Mr. BORAH. But there is no sane man who believes for a moment that the German people are proceeding with their program because the United States is supposed to be a divided people. That is perfectly absurd. If war comes, there will be support from all nationalities represented in this country.

Mr. WILLIAMS. Mr. President, that is not.

Mr. BORAH. It is so ridiculous that I am surprised that it is advocated here.

Mr. WILLIAMS. Nobody in America of sane mind believes that the American people are so essentially divided as to furnish any foothold for any foreign nation; but if the Senator from Idaho believes that the German military autocracy coincides with me and him upon that opinion, then he has reached that conclusion without sufficient facts upon which to base it. What this says is that they had reason satisfactory to them to believe that we are not one people.

Mr. BORAH. Yes. Well— Mr. WILLIAMS. Now, even upon this floor and upon the House floor day after day we hear arguments from men who are Representatives and Senators telling how many millions of us are German-Americans, how many millions of us are Irish-Americans, how many millions of us are Hungarian-Americans and Polish-Americans and Bohemian-Americans, and hardly a word about how many of us are just simply blamed-fool common, ordinary Americans, with no allegiance to anybody on the surface of this earth except to our own country.

That has Now, that has not fooled the Senator from Idaho. not fooled me. That has not fooled the Senator from Massachusetts, but I see it has fooled people who are abroad. There are numbers of people in England to-day who believe that they can to a large extent influence the policy of the United States in its foreign relations by the number of people who are of English, Scotch, or Welsh descent. I, being a man of English, Scotch, and Welsh descent entirely, know that that is a falsehood; but they believe it. There are numbers of people in Prussia who believe that they can influence the policy of the United States through the German-American population. I do not believe it is true to any large extent, although it is true to some extent, as has been illustrated by the fact that they tried to blow up the Capitol, and tried to blow up some of our ships, and tried to blow up some of our munition works; but still it is not true to any extent that is determining in any way. But because I do not believe it, and because I know better, and because you know better, is no reason why they know better. So I say, so far from the Senator's having the right to say that my opinion about the influence upon their minds being based upon that conviction is based upon my own ignorance, his disputation of the fact is based upon his ignorance.

Now, let us go ahead:

Even in respect to the new proclamation of ruthless submarine warfare, it is reported by the American correspondents who have left Berlin that official Germany was sure that "the German-Americans would not allow President Wilson to sever diplomatic relations."

Mr. BORAH. Well-

Mr. WILLIAMS. Not even to say that "I will quit speaking to you after you have kicked me three times, and then have written me a note and said that you are going to kick me Now, that comes from our own newspaper reporters who retired with Gerard from Germany.

Had the German Government known that we were still "one people" the neutrality of the United States would have been respected, the elementary rights of American citizens would not have been challenged, and there would be no more danger of war between the United States and Germany than there is between the United States and France.

The blame for this unfortunate situation rests primarily upon the German-language press of the United States.

I take it that the Senator from Idaho has been reading the Fatherland, and I take it that he has been reading this other man's paper-I have forgotten his name. I have been reading them both, and they have grazed the edge of treason.

When the war began the German-language newspapers in the United States were rapidly dying. For years they had been steadily losing circulation, revenue, and prestige, and the end was in sight. They seized upon the war as their opportunity to rehabilitate themselves financially. This could be done only by an organized appeal to the passion and racial solidarity of Americans of German birth.

The efforts of the German-language press were adroitly supplemented by the efforts—and the money—of the official German propagands.

Do we not know that that was true? Do we not know about these people who were pretty close to the German Embassy who were allowed to go scot free from the United States to Germany because they were close to it? Do we not know about the consul out at Seattle and all the balance of them? Oh, as Patrick Henry said, "Gentlemen exclaim 'Peace!' when there is no peace." There may be or may not; but you are not covering peace." There may be or may not; but you are not covering yourselves in a cloud of peace by hanging your heads or by covering your heads in sand like an ostrich and displaying the balance of your anatomy.

In time the German Government came to believe that the opinion which it was promoting and paying for in the United States was the

opinion of the American people. Even the reelection of President Wilson did not wholly disillusion it, as the submarine decree subsequently proved.

I have not only seen that, but I saw another thing that some of the balance of you saw-that the court in Berlin was apprised of the fact that provided Mr. Wilson was reelected there would be no trouble. That shows how hugely they can be deceived. Some of you have seen that. I do not remember what newspaper it was in now, but I have seen it, at any rate-a statement made to them, purporting to have come from America, to the effect that if Wilson was reelected they need expect nothing in the matter of the assertion of American rights. That shows how much they can fool themselves, and how I am not foolish for thinking that they have fooled themselves. What I want What I want now is for the American people and the American Congress to "unfool" them; and I tell you now that if you do unfool them you will avoid a great, expensive, and perhaps bloody struggle; and if you do not, you will not.

Whether or not we have actual war with Germany, the lesson of the last 30 months is the most vital lesson that the American people have had to learn since the destruction of slavery and secession. This Nation can not exist—

That part of it I do not quote because I do not believe it. I do not think that part of it is right. It says:

This Nation can not exist half American and half alien.

I do not believe that, because I think we were all aliens when we first came here, except the North American Indians; and I think very frequently a man who has been here only seven weeks is a better citizen than somebody else whose ancestors have been here 50 years, measured as an American citizen with regard to his loyalty to the American Government, because loyalty to the American Republic is a loyalty to equality and fraternity and liberty, and the man who has it with only seven weeks' residence is a better American than a man who has it not after 50 years of residence or his forefathers before him.

I do not believe that; but I do believe that if this English-

speaking race is decadent, it is time that it was being known. It seems that the race across the water can not even subjugate submarines—the nation and the race of Drake and of Frobisher and of Nelson; and it seems as if we were not even ibilling to go out and run the risk of being killed upon a previous threat-

Mr. SUTHERLAND. Mr. President—
The VICE PRESIDENT. Does the Senator from Mississippl yield to the Senator from Utah?

Mr. WILLIAMS. I do.

Mr. SUTHERLAND. The Senator read a moment ago from an editorial in the New York World a statement about our ships being held in our harbors. Now, I agree with the Senator from Mississippi that that is a shameful and a humiliating situation. The Senator said just now that they were afraid to go out. Does the Senator know whether it is true that some of the owners of these ships have announced that they were willing to go if they could be furnished guns to arm their ships?

Mr. WILLIAMS. In other words, they have attempted to escape the expense of self-defense by calling upon the United

States Government to defend them.

Mr. SUTHERLAND. Just a moment. Mr. WILLIAMS. But let me go further, because I want to make a full answer.

Mr. SUTHERLAND. I have not quite finished my question. Mr. WILLIAMS. Let me go further, because I want to make full answer.

Mr. SUTHERLAND. I have not finished my question, if the

Senator will allow me.

Mr. WILLIAMS. I say that they have shown an absence of the old American spirit. The men that went out from Gloucester and from Baltimore years ago never asked any Government to arm them. They armed themselves, as they had a right to do. Now, in order to make a full answer to the Senator, I will reply further by saying that if I—as I fortunately am not—were President of the United States, I would give them the guns and the gunners.

Mr. SUTHERLAND. I wish to God the Senator were Presi-

dent, that that might be done.

Mr. WILLIAMS. Well, I am very glad that "the Senator from Mississippi" is not President, because the Senator has seen the present President do so many things more visely than he would have done them, and more wisely than he shot off his mouth about them at the time, that he is very glad that Woodrow Wilson is President; and he is very glad that Bryan, with an idea that he can control the waves of an oceanic tornado by pouring sweet oil upon them is not President. [Laughter.] He is very glad that Theodore Roosevelt, who by now would have been at war with Germany and England and France and Russia and Mexico, is not President. [Laughter.] "The Senator from Mississippi" never had as much reason to congratulate himself upon any proposition in the world as he has had reason to congratulate himself that he was not President of the United States the morning after the sinking of the Lusitania, because if he had been we would have had war then and there, and I am awfully glad we did not have it, and I am very glad that a wiser man than I was in the White House.

Mr. SUTFERLAND. Will the Senator let me now complete the question that I was endeavoring to propound to him? I have suggested to the Senator that these shipowners had announced a willingness to go to sea if they could obtain guns; and it is further stated that they are unable to obtain the guns

unless they shall be furnished by the Government.

Mr. WILLIAMS. As a matter of fact, do not you and I know that they can get the guns?

Mr. SUTHERLAND. No; I do not. My understanding is that they can not.

Mr. WILLIAMS. Well, I think they can. Of course it is a mere matter of opinion, but I think they can. I know there are plenty of guns manufactured in the United States; and I know that the United States Government does not own them all-5-inch guns and 6-inch guns and 41-inch guns and 4-inch guns; but that is a mere matter of opinion, and my opinion is not worth expressing.

Mr. SUTHERLAND. Well, the Government has the guns. There is no doubt about that. Whoever else may or may not

have them, the Government does have the guns.

The Government does have them; and I Mr. WILLIAMS. think, speaking now just for me, that the Government ought to give the American merchant marine the guns and the gunners, and I think the American merchant marine ought to go out armed fore and aft with some 4 to 6 inch guns, and publish to the entire world, "Noli me tangere"—"Touch me not." I think furthermore, if necessary, they ought to be convoyed by the numberless motor boats in the United States, the private yachts, which can be bought to-morrow or which can be con-

It is a matter of humiliation to me. I am no fighting man and I do not care anything about fighting anybody. I never have wanted to fight anybody. I have frequently repeated, with Thomas Jefferson, that "my passion was peace"; but it is a humiliation to me to stand and watch the American merchant marine hugging our ports as if afraid of the decree, the ukase, not of the American people, but of some other power; and I do not care a cent what the power is. I would resent it just as quickly from Russia or from England-perhaps not as quickly from France, because I am a little partial to her-as I would from Germany; but it does strike me that some of the German charges that we are a decadent race may be true.

Mr. SUTHERLAND. Mr. President, I will ask the Senator again, how long does the Senator from Mississippi think this situation, where our ships are tied up in the harbors, is going

to be permitted to exist?

Mr. WILLIAMS. Oh, the Senator from Mississippi has already indicated that he does not think it ought to be permitted to exist any longer at all.

Mr. SUTHERLAND. No, no; I understand the Senator thinks it ought not to, but I ask him how long he thinks it

will be permitted to exist?

Mr. WILLIAMS. Oh, I do not know. If gentlemen talk about the promotion of surgeons in the Navy and about fourthclass postmasters day after day, it may exist forever. [Laugh-

Mr. SUTHERLAND. Well, the Senator knows that that is a matter primarily in the hands of the President and not in the

hands of Congress.

Mr. LODGE. Mr. President, I have consumed no time in the discussion of this revenue bill, and I should not take the time of the Senate now were it not for some of the things that have been

said by the Senator from Mississippi.

I am surprised, Mr. President, that the Senator from Mississippi—who, as we all know, is one of the most brilliant debaters and speakers who has been in Congress certainly in the 30 years that I have been here—should not yet have learned how to be severe and parliamentary at the same time. He began with charging that we were in a conspiracy over here with the Senator from Washington [Mr. Poindexter], who made a speech this morning in regard to the postmaster amendment to the legislative bill. There was no such conspiracy by anybody. I had no more idea that the Senator from Washington was going to discuss the postmaster amendment this morning than I had that the Senator from Mississippi was going to speak, and I do not believe that anybody else had. The Senator from

importance, as he had a right to do. He referred to the promotion of Dr. Grayson. I think it would have been just as well f the Senator from Mississippi had passed this subject by, for that appears to be a principal element in the presidential conception of national preparation.

Mr. WILLIAMS. Mr. President, will the Senator yield to me?

Mr. LODGE. One moment, Mr. President.

Mr. WILLIAMS. Will the Senator from Massachusetts pardon an interruption not over two minutes long?

Mr. LODGE. No, Mr. President; I have not interrupted the

Senator while he was in order.

Mr. WILLIAMS. I just wanted to say that if the Senator thought I had passed by Dr. Grayson's claims because I thought

he was not worthy in every way, he was mistaken.

Mr. LODGE. I made no such suggestion, Mr. President. It is a matter of high importance when an officer in the Navy of no special distinction is promoted 129 numbers, the greatest promotion ever given to a naval officer, greater than Farragut ever received or Dewey or Decatur, and this, too, when the country may be on the eve of war. That has not been done by Congress, but by the Executive. It is a serious matter. It discourages every man in the Navy. It spoils the spirit of the men there when such a thing is done. I have no earthly hostility, personally or otherwise, to the gentleman in question, but it is ruinous to the service to have such favoritism shown. It is a matter of grave importance when in the presence of war such favoritism as this is employed.

Mr. President, I am not going to touch on anything so miserable as the words which I suggested were out of order. It would be very easy, if I wished to embark in such discussion, to call attention to some of the large subscribers to the Democratic campaign fund and compare with their contributions the profit they made when somebody told what somebody ought not to

have told.

I shall confine myself, Mr. President, to saying a word for Congress and for some of us here. I am by no means a eulogist of the great body, of which I have been so long a Member, in either branch, but at this time Congress is not to blame. Congress has given all that has been asked with lavish hand. Speaking only for myself, when the resolution approving the President's break with Germany came here I not only voted for it but I supported it in a few words, and I implored the support of everybody else, because I said there must be no division shown among Americans. I have just helped to prepare a bill in which we have given the President \$115,000,000 to be spent in expediting the building of ships and getting all the ships that can be quickly built and quickly bought if war comes. refuse him no authority and no money that is needed for the defense of the United States.

But I am not going on that account to stand by and accept every kind of extension of presidential power relating not to war but to peace. There is a persistent attempt going on to efface the powers of Congress. It is not merely the President, it is not merely the Cabinet officers, every commissioner, every little head of a bureau, every Jack in office dressed in a little brief authority is coming up here trying to take from the Congress of

the United States the powers that belong to it.

I will support the President to the utmost, I care not what party he belongs to or what my opposition to him may be. When he is standing for his country against a foreign nation, he will have my support; but I am not on that account to be led, for example, into giving my assent to an objectionable treaty under the blackmail of a threat of war. I am not going to give my assent to every kind of request that is made by any bureau or commission. Those are different things,

The Republican Party has stood here and voted for great appropriations, voted to give him authority, backed him up on his break with Germany, and the division and the reluctance are

not found in Congress

The Senator from Mississippi has talked about Nero fiddling when Rome was burning. If our Rome is burning, let me recall to the Senate and to the country that when Nero fiddled it was on the Palatine Hill, the fiddling was not done on Capitoline

Hill in the Senate, and it is not being done here now.

The Senator talks about our ships. Yes; they are blockaded some of them. You can not walk into a hardware shop and buy 6-inch guns. The Government has got the guns. Why do they not let the merchantmen arm, as set forth in their own regulation and in accordance with international law? There are plenty of American gunners who have been in the Navy who will volunteer in a moment to go on those ships. What is stopping them? Not Congress. What the Senator from Mississippi said was true about the old ships we talk about, the ships that went from New England and from Baltimore. What arms did Washington discussed a subject which he regards as of great they have to carry? Muskets and brass guns called the "long Toms." You could buy them anywhere. You can not buy 4 and 6 inch rifles anywhere. There is really only one person who has got them and that is the Government of the United States. The Government have got them ready and Congress gave last year \$1,600,000 to make guns for our merchant auxiliaries and for no other purpose. They have been making them for a year with that specific purpose, and we have \$5,000,000 more in this bill for the same purpose.

Why do the ships not have the guns? It is not Congress. Congress can not give them the guns. We have no executive

Mr. President, the blame has been laid heavily on Congress about our wasting time and talking about trivial things. American ambassador in Berlin was held there for an entire The State Department could not communicate with him and he could not communicate with them. He was shut in until he got over to Switzerland before he could communicate with his own Government. Not one word was said. Congress could not say it. This morning it is stated in the papers that he said that he has not got safe conduct and he warns Americans not to go on the ship which carries him because he is afraid it may be destroyed. Can Congress send a battleship to bring its own ambassador home? No; but the Navy Department can. That is not an act of war. Can we not even protect our own ambassador? We have had the wives of our consuls within two weeks stripped and acid applied to see whether they had invisible writing on their skins and there was nothing done. Is that the fault of Congress? No protest was made, no word

Mr. President, I am loath to say these things, but when the charge is made here that Congress is to blame, that Congress is promoting division, and because a Senator chooses to make a speech which he had a perfect right on a matter of great importance that we are engaged in a conspiracy, and he names the Senator from Wisconsin [Mr. La Follette] and the Senator from Pennsylvania [Mr. Penrose], that we are in a conspiracy to bring on debate and to make this delay.

The Senator from Washington had a right to make his speech if he chose to make it. The subject is of importance, but no Senator has a right to charge that there is a conspiracy in any

Mr. President, if the President acts he will have the country and the Congress behind him as he did when the break came with Germany, but when he hesitates and disputes and discusses and lets things go by you are bound to have not only differences among the people; you are bound to have in Congress distrust; you are bound to have the feeling arise that no matter what your views may be as to war or peace it is safer and better for the country that the Congress of the United States should remain in session.

Mr. LEWIS. Mr. President, I address myself to the speech of the Senator from Massachusetts [Mr. Lodge]. I do not know what it was that has moved the Senator from Massachusetts to such choleric expression as he finds it agreeable to indulge in. But I would have the record of the Senator from Massachusetts clear on the one particular point wherein he lays the "flattering

unction to his soul," and I purpose making it clear.

The Senator from Massachusetts would take credit before the country that he and those who follow his lead have always supported the Democratic President in every effort that he has made in this Senate looking to the solution of the international diffi-The Senator from Massachusetts will have the country understand that the President has always received the support of the opposite side of the Chamber in matters which involve the dignity of the Nation and the honor of the Union. That he, the Senator, has been the patriot leading the support and commanding obedience to the President's efforts in all the international complications embarrassing our Nation. Why this pretense upon the part of the Senator from Massachusetts?

Mr. President, I should like the attention of the Senator from Massachusetts, if the Senator from New Mexico [Mr. Fall] may disengage himself from his fascinating presence for a moment. I want to call attention to some plain facts which shall not be

varnished and in this presence can not be disputed.

The Senator from Massachusetts shall not take credit in this body for having supported the Democratic President nor hold out to the country that those who have followed his lead have done so, nor with success charge that the failure of the President to achieve his objects is due to lack of Democratic patriotism while Republican Senators were being loyal to his call,

It is true, sir, as the Senator says, that when the announcement came of the breach between the United States and Germany, severing our diplomatic relations, the Senator from Massachusetts was found giving that his support. But, Mr. President, such was not in pursuance of a spirit that was supporting the Democratic President in his effort to reconcile the differences growing out of the international complication. It had a wholly different object. I remind the Senator from Massachusetts that when the President of the United States first sent his peace message seeking to bring the nations of the world to some common center of agreement upon which peace terms may be presented, and there was a resolution tendered from this side of the Chamber merely approving the efforts of the President in sending his peace message—a message which, concurred in, could have availed to avoid the breach between this country and Germany-what position did the Senator from Massachusetts take? I appeal to the record.

When that resolution was presented here to merely approve the act of the President in sending the peace message it was the Senator from Massachusetts, who now poses as the great apostle of patriotism in the support of a Democratic President, who led the opposition to the Democratic President even being approved in the sending of the message? It was the Senator who led the opposition to an approval on the part of this Congress of the effort on the part of the President in merely appealing for peace and seeking opportunity to accomplish it. Thus America and Europe by this opposition was invited to behold the divisions in Congress and note the unsupported state the President was left in. By whom was this led? I reply, the Senator from Massa-

What object did the able Senator from Massachusetts have? It was that he might defeat the undertaking and frustrate the unity which might have attended the President's effort in his desire to further avoid war and maintain peace between the warring nations of Europe and secure peace to his own country as between his own country and all foreign nations,

Did we hear from the Senator from Massachusetts then an approval of the President and his effort to bring about peace between the foreign nations of the world? No; nothing but bickering, nothing but criticism, nothing but condemnation, nothing but scoff and scorn. This was the hour when the test of the Senator's patriotism was put to trial. It failed. chose to put himself against the President, merely to defeat him, that he might stand discredited before the world. It was

the Senator from Massachusetts who was defeated.

Then, sir, when the President of the United States, following that instance, came in person to this body and addressed the Senate, soliciting its cooperation with him in a general message of peace to the world and seeking the alliance in the bond of friendship of the nations of the earth to the single object of a peace to mankind, where was the Senator from Massachusetts then to be found? I ask what was the position of the Senator, then? Where was his boasted display of patriotism behind a Democratic President? I answer it took the shape of ugly and partisan obstruction that would have been condemned in any test of loyalty to a President or patriotism to a nation. to-day the Senator would have the country understand that those for whom he speaks, he and his band of followers have been behind the President; that he and they have been giving him fealty, giving him the party support, sustaining him in his effort to establish peace. The Senate will not forget nor the country cease to remember that on this floor the leadership of the opposition to the President in his efforts to command the countries of the world to join him in some undertaking for peace was led by the Senator from Massachusetts [Mr. Lodge]. There was no denunciation by rhetoric that could be employed that the Senator did not engage. There was no expression of contempt he did not There was no scorn he did not summon, and before the world, by the Senator from Massachusetts, the President of the United States was held up as one who had assumed to violate all the precedents of free government which had been established in history, while the President was charged by the Senator as introducing an innovation as ridiculous as it was dangerous. Was this "getting behind the President"? What method could the Senator conjure up as a system of confusion and opposition more effective than this performance of obstruction and condemnation which the Senator then employed?

Sir, it was then, if the spirit of patriotism had animated the soul of the Senator from Massachusetts, that he should have exemplified it by summoning his following to get behind the President and support him in a matter that was not partisanship, was not local to our country, but was international in its efforts for the preservation of humanity and for the peace

of the world.

Now, sir, let us be frank for the record. It was not until there was an aspect developed where the able Senator from Massachusetts could fancy the consummation of his desires in seeing something that would draw us nearer to war in behalf of Britain against Germany that the Senator showed us his approval. It was not the approval of the Democratic President that the Senator gave when he gave his indorsement to the breach between this country and Germany. It was the approval of the able Senator to that which he felt was reaching his own design—some form of alliance in war between America and Britain against Germany—that would defeat the President's ever-controlling hope of peace between all.

Now, Mr. President, nothing would gratify me more than that there would be presented on the part of the Senator from Massachusetts or any Senator on the other side the aspect of a united support of the President in his efforts in this international complication; but I can not permit the able Senator from Massachusetts to deceive this country by posing in the livery of a patriot while in truth his raiment, if we shall define it in the language of the street, is political hypocrisy. Sir, the President of the United States has never had the support of the Senator from Massachusetts in any critical juncture of this Nation's affairs whenever political partisanship could be served by withholding it. The Senator from Massachusetts can not justly say in this body that he has ever at any trying hour given to Woodrow Wilson his support. In the last political campaign, when the President's course in the complications with Germany was made a party issue, there seemed to be no back-door gossip, no smoking-room scandal circulating in the conflict that wounded the national honor of America that the Senator from Massachusetts was not willing to give currency to, all to accomplish his partisan object, however much it discredited before the Nation his President and dishonored his Republic. Surely the President may exclaim, "If my liege, such be my shield and buckler, take my spear, that I may fall upon it.'

Mr. President, so far as I am concerned, I seek no quarrel with the distinguished Senator nor with any Senator on the other side, but I will shirk none if it shall arise only from revealing the truth. I ask what is the meaning of this constant opposition that is seen on the part of the able Senators on the other side to every move and effort to have this measure of revenue debated and concluded? The Senator from Massachusetts says he is ready to give to the President all that is necessary for defense. When ready? Here was the measure brought in for that preparation, and there is no Senator in America who has done more to whip into fury the very waves of alarm in this country crying for national preparedness than has the Senator from Massachusetts. Yet, sir, when the time comes, when there could be cooperation in executing the measures that could give to the President the revenues to sustain the country if a crisis is to befall it, we have from distinguished Senators on the other side, led by the eminent Senator from Massachusetts, every form of opposition which ingenuity could devise or partisan invention bring forth. Mr. President, I see that the Senator from Massachusetts seeks now to make his way to the cloakroom to abandon this discussion.

Mr. President, I have observed in the able Senator from Massachusetts this rather unusual mannerism of forsaking the floor immediately after he concludes his arraignment, as though to say no reply to me can be of consequence. [Laughter.] me say to this distinguished Senator, who, conscious of his superiority, measured by his own reflections upon himself, that he descends at times on the Senate floor, sends forth fulminations against a thing or a Senator, and then when he feels he has scattered all opposition, defeated all mankind, and magnified himself before God, returns to the cloakroom, where he may continue his self-worship and behold in himself the paragon of excellences, which no other human nature up to the present time ever possessed. [Laughter.] The Senator assumed to treat my reply to him in his usual custom as to others. His course in this regard has been no exception in its performance to that which I regret has been the rule of the distinguished Senator from Massachusetts. Now that he has hurled the accusation against the Democracy and has been pleased to hold the President up as cogitating in some form some great invasion of the rights of the Senate, some wrong upon the constitutional privileges of Congress, the Senator retreats to the solemnity of his hiding refuge, where he may hear all but be seen by none. It would have been becoming to the able Senator to have remained in the Chamber that he might have heard courageously from his fellow Senators some standard of comparison by which he could have judged either the truth of his charges on the one hand, or the statesmanship of his assumptions on the other.

The Senator says that he supports the President in every measure, and he will have the country understand, if there shall be brought forth a measure of war, that he will be the first behind it; but I ask him, when the efforts are being made in measures of peace, why is he not the first behind those? Why is he ever the last to give them his support in any word or deed?

Why last or never to give aid and support in the efforts to prepare for peace or if for war why not aid in the necessary steps to obtain revenue to pay for it?

The Senator takes recourse in the accusation, which he would have go out before the world as the excuse for his attitude of mind, that there has been a nomination by the President for an officer of the Navy which is so remarkable as to be disgraceful. The Senator designates the naming of Dr. Cary Grayson as an admiral, then proceeds in open session to denounce the appointment. Mr. President, ordinarily we would not expect the Senator from Massachusetts, with his long experience, to have violated the rule which he has so often invoked, and to have discussed in the open Senate the merits of a candidate whose name is pending here for confirmation. The Senator has been so long the advocate that these matters should only be discussed behind closed doors or in executive session. But, sir, since the Senator found it agreeable to indulge this violation here, for whatever purpose I can only imagine, let this fact be understood—the public shall not be deceived by the Senator's accusation.

Mr. President, the nomination of Dr. Grayson was not to command a ship in the Navy, not to command a conflict on the sea, nor to administer in any matter of nautical control. effort by the President anywhere to nominate through favoritism any man for high office of command and put him in charge of the operations of the Navy upon the sea over the head of others deserving by seniority or merit. The title admiral for a doctor of a ship is a mere fiction. It is a customary designation-only of form. The able Senator from Massachusetts helped create the law permitting such. He knows that the title of rear admiral affixed to a doctor in the Navy is as fictional as is the title of "judge" to the country lawyer who whittles a stick upon the corner of the public square in the little town and is only called on to "judge" a horse trade. The Senator must know that in the whole action there is nothing in the conduct of the President in making this promotion which in any wise touches the commanding nautical service of the Navy or which in any wise interferes with, much less "demoralizes," the conduct of the ships at sea under the command of those who might afterwards have to bring them into the bounds of conflict. The Senator would mislead the public to invite prejudice against Dr. Grayson and to defeat the President in his effort to reward a faithful servant and recognize the deserts of a skillful doctor in the naval service. Mr. President, there may be some reasons, from the standpoint of Senators friendly to Dr. Grayson's rivals, to be urged against the confirmation of Dr. Grayson. These may be put upon any ground any Senator pleases, but they can not truthfully be put upon the ground that the Senator from Massachusetts places them—as an invasion of our defense at sea by a system of favoritism that demoralizes the commands of line ships in conflict. The Senator shall not prejudice the public mind by those statements, which are so unfair that in a less place and with lesser men would be termed false.

Mr. President, what we have here is the revenue bill. What revenue bill? A bill to provide the revenues in order to enable this Government to defend itself against any attack that may be made against it. Does the Senator from Massachusetts fancy that the great popular mind of this country can be deceived? It beholds this opposition from him and his allies day after day. It has not heard an expression in this opposition touching the bill. There has been no evil in the bill pointed out; there has been no vice of the measure demonstrated; there has been no objection to its provisions, providing revenue as devised. There has been but opposition day after day upon everything collateral to the b'l, and before the country there is the spectacle that in an hour like this which surrounds us, when the Senator from Massachusetts says that the rumor is that the wife of an American consul has been stripped in a foreign land by foreign officials and her body tried in acid to ascertain if there is a secret message contained upon it; and that an American ambassador is denied his passports and free travel to America by Germany-meaning Ambassador Gerard; yet, if true, behold that under the Senator's leadership everything is being done to circumvent the President and to deprive him of the only means by which he could resent the affronts to his people and defend the attack of its perpetrators. Surely this is not support of the President. This is the support of his enemies and comfort to the enemies of his country.

Mr. President, there are the facts. There is the Senator from Massachusetts, and may he no longer wear the cloak of Phariseeism in this body. The Senator must not longer oppose everything that a Democrat undertakes merely because it comes from a Democrat. He must not longer oppose everything that is progressive simply because it moves to humanity, nor continue what he is doing to-day—everything to defeat what

ever Woodrow Wilson can do for the honor of his country and the salvation from murderous death of the children of his countrymen, Mr. President. The Holy Scripture has written it, that there are those who are likened to a whited sepulchre, beautiful, indeed, outwardly, but within are filled with all uncleanliness and unrighteousness. Let there be not again on the floor of this Senate the occasion for the wearing by any Senator of this scriptural malediction.

#### ARMED MERCHANT SHIPS.

Mr. FALL. Mr. President, I have listened with a good deal of interest to this debate. I have, I may say, expected something to be said in the Senate along the lines which we have heard, in view of the newspaper reports as to the supposed agreement between Republican Senators that a filibuster would be carried on by them against the revenue bill, and that there had been a uniting of factions, so called, of the Republican Party toward a common end, which end was to force a special session of the Congress, one faction, so called, of the Republican Senators not being willing to trust the President of the United States with power to act while Congress was not in session, because they were afraid he would not go far enough, and another faction being afraid to trust the President of the United States during a recess of Congress because they were afraid he would go too far. Practically all the newspapers this morning, I think, published this news, so called.

There has been debate upon the revenue bill, or, as I have heard it, legitimate criticism of the proposition involved in the bill. I myself will voice my criticism upon the bill by voting against it. I announce now that I shall vote for the Weeks amendment and shall vote against the bill.

I desire to say now, Mr. President, for the Record and for the benefit of Senators upon the other side who have been trying to criticize all the Republicans, that if the newspaper story is true, I know nothing of it. I have attended no conference upon this subject, and therefore, of course, I am not able to speak knowingly. I have, however, understood from casual conversations with my colleagues upon this side that they did not intend to fillbuster against this bill. That there may be existing in the minds of some of them a hesitancy which has been spoken of by the papers with reference to intrusting power to the President of the United States, I can understand.

Mr. President, history repeats itself. I am not inclined to join with my colleagues, if any there be, who fear at the present time to trust the President of the United States with the management of the affairs of this country during the recess of Congress. The same remarks have been heard here to-day, some of them in almost the identical language that has been heard here before. I am sorry that the debate, so called, has degenerated into a matter rather of personal criticism or abuse. The subject, to my mind, is too large and too important to justify anyone in indulging in the character of debate to which I have just listened.

I am not in thorough accord with my colleague from Massachusetts [Mr. Lodge] as to the duty of the Congress and the duty of the President of the United States at this period. I am doubtful of the power of the President of the United States to authorize the arming of the merchant vessels of the United States further than they have been allowed to be armed or to become armed or to carry arms under the rules and regulations adopted by our department, with a stern gun simply for defense. I am inclined to believe that it would necessitate an act of Congress to justify the merchantmen of the United States in becoming armed otherwise than as they may now carry arms under the regulations, and I know, as a lawyer, that it would become necessary for the Congress of the United States, and not the President, to confer upon those armed merchantment the full power of self-defense until after war was declared. The President of the United States can not do it. Therefore I am inclined to think, if there is necessity—and there is, in my judgment—that the merchant vessels of the United States should be so armed as to enable them to make a proper defense against absolutely illegal attack, that it is the duty of the Congress of the United States to enact legislation empowering them to arm themselves and to repulse attack, and I propose to call the attention of Senators to the fact that that has been the history and the practice in the past.

Mr. President, I stated that history repeated itself. In 1798 negotiations between France and this country had been broken off. France had been our friend, our ally, by the solemn provisions of solemn treaties. The Government of the United States, under President Adams, thought that it was proper to enter into treaty negotiations with Great Britain, which were finally successfully concluded in what is known as the Jay treaty. The Republic of France, prior to the consulate, became

very much enraged at the action of the administration of the United States. The Government of France proceeded to do exactly what the Imperial German Empire has been doing for the last year or more with the commerce of the United States, except that France did not ruthlessly and in violation of the rules of international law and in violation of all the laws of humanity send to their death without warning men, women, and children, citizens of the United States, on the broad seas. did attack our commerce; they did capture our ships; they did blockade our ships in their harbors, and refused to allow them Protests were made. Great Britain was also interfering at the same time with the commerce of the United States, and I have been most interested to sit here as a listener and hear a comparison attempted to be made, particularly by eminent Senators on the Democratic side of this Chamber, between the acts of Great Britain during the last two or three years with reference to our commerce, and those of Germany. I have been Interested to listen, and reading history, as I have read it, I have heard repeated here exactly the same arguments, the same language, the same words that were repeated in the congressional debates from May 1, 1798, down to the adjournment of that session of the Senate of the United States in the last part of July.

Mr. President, the people of the United States were the friends of France. She has stood by our side. Her sword had been unsheathed in our behalf, and her treasury had been turned over to us when we needed it. Her citizens had shed their blood with us and for us, and through their assistance we had been enabled to establish here a free republican Government on this hemisphere. We were bound to her by every tie of friendship and blood, and yet at that time, when Marshall came back and reported the insults which had been heaped upon us at that time, although a year or two or three or four years prior to that had stood for France against Great Britain on every occasion through their representatives, through their press and otherwise, although up to that time the people of the United States had been with France in her struggle with Great Britain, when France persisted in heaping insult and injury upon the people of this country exactly as Germany has done, then, sir, the people rose up, and the Congress of the United States proceeded to act, and it did not attempt to shirk responsibility by saying that it is the duty of the President to do everything on the one hand, and upon the other to say that we are afraid to leave him to perform his duty.

I have here, Mr. President, the Public Statutes at Large of the United States of America, volume 1. There are one or two of the laws enacted at this session to which I propose to call the attention of the Senate of the United States, and I propose to refer very briefly to the history of this war.

propose to refer very briefly to the history of this war.

We forget our history sometimes, Mr. President, remarkable as it may be. I have here before me, and I shall refer to it, the answer of George Washington from Mount Vernon in this crisis confronting this great Nation of ours in 1798, when he was called upon to come to the assistance of his country against the aggressions of that country with whom he had brought us into alliance, and whose sons had fought under his orders and by his side.

Mr. President, we have here, among the other acts of this Congress, an act with reference to alien enemies. I should be glad if some of the Senators who were objecting to and criticizing the legislation offered here a few days ago could read that act. I shall not read it, but I refer them to it. They will find it on page 577.

On May 28 an act was passed authorizing the President of the United States to use the naval forces of the United States to protect our territorial waters against aggression by the French ships, and to hover near our borders for the purpose of protecting our commerce within our territorial waters. We proceeded with the attempt to build a navy. We did finally secure the construction of the United States and the Constitution and the Constellation, and instructions were issued to the captains of our ships as to what they should do under the act of May 28, 1798, and it was ascertained that the instructions and the law under which they were drawn would not meet the proposition. The Congress of the United States, without any hesitation and without any suggestion from the President of the United States, then proceeded to enact proper legislation. Let me see what Congress did. I read from page 578:

Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, selze, and take any armed French vessel which shall be found within the jurisdictional limits of the United States or elsewhere on the high seas, and such captured vessel, with her apparel, guns, and appurtenances, and the goods or effects which

shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited.

And yet no declaration of war had been made or ever was made by the Congress of the United States between this country

and France.

This is a long act, Mr. President. It also authorizes the President to grant commissions to privately owned vessels, letters of marque, and commissions to privateers. Prior to that time they had considered exactly the question which has been discussed here, or which was supposed to be discussed when this personal altercation took place, as to the defense of the merchantmen themselves. The Congress of the United States did its duty then, as this Congress ought to do it now, and provided for the defense of those merchantmen. I read from chapter 60, page 572:

That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof, may oppose and defend against any search, restraint, or seizure which shall be attempted upon such vessel, or upon any other vessel, owned as aforesaid, by the commander or crew of any armed vessel sailing under French colors, or acting, or pretending to act, by or under the authority of the French Republic; and may repel by force any assault or hostility which shall be made or committed on the part of such French or pretended French vessel pursuing such attempt, and may subdue and capture the same, and may also retake any vessel owned as aforesaid which may have been captured by any vessel sailing under French colors or acting, or pretending to act, by or under authority from the French Republic.

I say to you that without an act of Congress vesting in our armed vessels these rights, any armed vessel attacking one sailing under the colors of another nation without the authority of the Congress to do so is, under international law, a pirate; and still we say that Congress has no responsibility. When the President of the United States announced to the joint session of Congress that he would come before us and ask additional authority, I presume he had actually in mind the law as it has always existed, or at least as I have always construed it, and as it has been construed heretofore by the Congress of the United States. A request to properly arm vessels for their own defense and to authorize him to use the armed vessels of the United States as convoys, would meet affirmative action on the part of Congress, or should at any rate receive it.

Now, Mr. President, we proceeded for three years. We provided further for the creation of an Army in addition to the standing Army. We provided for the arming of the men. provided for the appointment of officers, and called upon Washington to come to our assistance, and to head the new army from his retirement at Mount Vernon, and created for him the rank of lleutenant general of the Army of the United States. Washington answered the call, and among other things he said:

Washington answered the call, and among other things he said:

If was not possible for me to remain ignorant of, or indifferent to, recent transactions. The conduct of the Directory of France toward our country; their insidious hostility to its Government; their various practices to withdraw the affections of the people from it; the evident tendency of their acts and those of their agents to countenance and invigorate opposition; their disregard of solemn treaties and the laws of nations; their war upon our defenseless commerce; their treatment our ministers of peace; and their demands, amounting to tribute; could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed in their affectionate addresses to you. Believe me, sir, no one can more cordially approve of the wise and prudent measures of your administration.

Measures purely for defense: no otherwise arm or to pursue

Measures purely for defense; no attempt to arm or to pursue any hostilities until after the Congress of the United States had legally acted, vesting in John Adams the power.

They ought to inspire universal confidence, and will no doubt, combined with the state of things, call from Congress such laws and means as will enable you to meet the full force and extent of the crisis.

Satisfied, therefore, that you have sincerely wished and endeavored to avert war and exhausted to the last drop the cup of reconciliation, we can with pure hearts appeal to Heaven for the justice of our cause, and may confidently trust the final result to that kind Providence who has herefofore, and so often, signally favored the people of these United States.

He accepted the call as Commander in Chief of the then forces and of those to be raised under the act of Congress to command them against aggression. Forces were authorized to be raised by the President of the United States in the event of a declaration of war against us by any other nation, in the event of an act of war against us by any other nation, or in the event that in the judgment of the President of the United States there was likely to be a war with any other nation. The most ample and full authority was given to Adams, and under it he pursued a war. Under it we captured French and the French captured Americans. Under it we sank French ships and they sank American ships. Under it we practically took from them the West Indian Islands-Guadaloupe, Martinique, and the other islands; sank their ships on the broad seas, oaptured them wherever we could find them, condemned them, and sold them as prizes of war; incarcerated their citizens in the jails or other places of safekeeping; had our citizens incar-

cerated; exchanged prisoners as prisoners of war; and yet there was not a declaration of war during the entire time and the matter was settled without a war. A Senator asks me what I would call it. I would call it a state of war, which, as he knows as a lawyer, is distinguished by certain rules from war as existing under a declaration of war.

Mr. President, I am not going to detain the Senate. I have said that I know nothing about any proposition being advanced or attempted to be carried out for the purpose of forcing a special session of the Congress. I myself believe that the Congress of the United States should pass the revenue bill, pass the appropriation bills, pass an act vesting absolutely in the President of the United States ample and full authority in every way to defend the interests of the United States, to call for additional troops, to use our armed forces which we now have; if necessary, to buy other ships of war and to complete those which are now under construction as rapidly as possible and use those which we now have immediately to resent the acts of aggression which are being committed against the people and the commerce of this country. I think it is due him that the Congress of the United States should now give him that power; and I say that for one I am not only not afraid to give it to him, but that I want to place upon him the responsibility. He has asked for responsibility time and again. He has asked to be left alone in his handling of foreign affairs; and I say to you that, in my judgment, when you have conferred this authority upon one man, so that action can be had, the people of the United States will breathe a sigh of relief when, having done that, the Congress of the United States shall adjourn sine die.

Mr. BRANDEGEE. Mr. President— The PRESIDING OFFICER (Mr. Lea of Tennessee in the chair). Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. FALL. I do.

The Senator has indicated certain kinds Mr. BRANDEGEE. of legislation that he thinks Congress ought to pass at this time. Does he not think that Congress ought to direct that the United States Army should be increased?

Mr. FALL. Yes, sir; I do, Mr. President. And if I may be allowed now unanimous consent to do so I will introduce a bill, simply that it may be referred and printed, so that the Senator can have the advantage of a copy of the printed bill.

The PRESIDING OFFICER. The Senator from New Mexico

asks unanimous consent to introduce a bill. Is there objection? Mr. FALL. It is with relation to the subject matter which

I have just been discussing.

The PRESIDING OFFICER. The Chair hears no objection.

The Secretary will read the bill.

The bill (S. 8314) authorizing the President of the United States to use the land and naval forces for the protection of the commerce, property, and lives of the citizens of the United States was read the first time by its title and the second time at length, as follows:

A bill (S. 8314) authorizing the President of the United States to use the land and naval forces for the protection of the commerce, property, and lives of the citizens of the United States.

erty, and lives of the citizens of the United States.

Whereas armed vessels, and particularly so-called submarines, sailing under authority or pretense of authority from the imperial German Government, or the Government of Austria, or the Government of Turkay, or of what are generally denominated the central powers or allies, belligerents in the war now being waged, have committed depredations on the commerce of the United States, and have, after warning by this country through the President of the United States, sunk the merchant vessels of belligerents and neutrals, upon which vessels were American goods belonging to American citizens; have by such actions caused the death of American men, women, and children; and have sunk the vessels of citizens of the United States and destroyed the property of such citizens in violation of the law of nations and of the treaties between the United States and the said nations herein mentioned, and particularly in violation of the treaties between the United States and the small nations herein mentioned, and particularly in violation of the treaties between the United States and the Imperial German Government; and

ment; and hereas the President of the United States has seen fit to sever diplomatic relations between this country and the Imperial German Government, and has dismissed the ambassador of the Imperial German Government to the United States and recalled the ambassador of the United States at Berlin: Therefore,

United States at Berlin: Therefore,

Be it enacted, ctc., That it shall be lawful for the President of the United States, and he is hereby authorized, to instruct and direct the commanders of the armed vessels belonging to the United States to extend protection to the vessels and property of the cliticans of the United States, and to seize, take, and bring into port, or to destroy if unable to seize, any such armed vessels of either of the central powers, and particularly of the Imperial German Government, which shall have committed or which shall be found threatening to commit depredations on the vessels belonging to the cliticans of the United States; or contrary to international law committing or threatening to commit depredations upon other vessels upon which are being conveyed citizens of the United States or their property; and also to retake any ship or vessel of any citizen or cliticans of the United States which may have been captured by any such armed vessel of the sald central powers, or either of them.

SEC. 2. That the commander and crew of any merchant vessel of the United States owned by a citizen or citizens thereof may oppose and defend against any search, restraint, seizure, or attack which shall be attempted upon such vessel or upon any other vessel owned as aforesaid, by the commander or crew of any armed vessel sailing under the colors of the Imperial German Government, or either of the said central powers or allies, or sailing under the colors of any other country; and may repel by force any assault or hostility which shall be made or committed on the part of such Imperial German vessel, or such vessel of any other country pursuing such attempt, and may subdue and capture or destroy the same; and may also retake any vessel owned as aforesaid, which may have been captured by any vessel sailing under the Imperial German colors, or under the colors of any other nation, or pretending to act by and with the authority of the Imperial German Government, or any other nation, and particularly of the central or allied powers.

SEC. 3. That the President of the United States be, and he is hereby, authorized, in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign power, or of imminent danger of such invasion, discovered in his opinion to exist, before the next session of Congress, cause to be enlisted and to call into actual service a number of troops in addition to the present Army of the United States, and, if in his judgment necessary in addition to the National Guard of the United States, on texceeding 500,000 men, to be enlisted for a term not exceeding three years, or for and during the continuance of the existing differences between the United States and the Imperial German Government and the central powers, or either of them.

SEC. 4. That the President be, and he is hereby, authorized to organ-

be enlisted for a term not exceeding three years, or for and during the continuance of the existing differences between the United States and the Imperial German Government and the central powers, or either of them.

SEC. 4. That the President be, and he is hereby, authorized to organize, with a suitable number of officers of all grades and conformable to the Military Establishment of the United States, the said troops into the proper bodies of Artillery, Cavalry, and Infantry as the exceeded of the service may require, including Mounted Infantry; and in the recess of the Senate alone to appoint the commissioned officers, the appointment of such officers to be submitted to the advice and consent of the Senate at their next subsequent meeting. The commissioned and noncommissioned officers, musicians, and privates raised in pursuance of this act shall be subject to the Rules and Articles of War and regulations for the government of the Army, and be entitled to the same pay, clothing, rations, forage, and all other emoluments as the troops of the United States are by law entitled.

SEC. 5. That in addition to the aforesaid number of troops the President is hereby empowered. If in his opinion the public interests shall require, to accept any company or companies of volunteers, whether of Artillery, Cavalry, or Infantry or Mounted Infantry, who may offer themselves for the service; whose commissioned officers shall be appointed by the President and who may be armed, clothed, and equipped at their own expense or at the expense of the United States; who shall be liable to be called upon for military duty at any time the President shall judge proper within three years after be shall accept the same, and when called into actual service and while remaining in the same shall be under the same rules and requirations, and shall be entitled to the same pay, rations, forage, and emoluments of every kind as the other troops to be raised by this act.

SEC. 6. That whenever the Imperial German Government of its allies, the centr

Mr. FALL. Mr. President, I shall ask at this time that the bill be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so

ordered.

Mr. STONE. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. If the Senator objects to having the bill referred

to his committee, I do not care to which committee it is referred.

Mr. STONE. I did not know the Senator had the floor. I thought he had just introduced a bill. Was it read as a part of the remarks of the Senator?

Mr. FALL. The bill was introduced as any other bill would be introduced by unanimous consent, and later I asked that it be read in full for information, and it went into the RECORD.

Mr. STONE. Has it been read as a part of the remarks of the Senator?

is under debate, and is the subject of consideration, that it is not competent at this time to introduce bills for reference

The PRESIDING OFFICER. The Senator from New Mexico asked unanimous consent to introduce the bill. The Chair put the request. There was no objection, and therefore, by unanimous consent, it was introduced and read. If the Senator had objected, it could not have been introduced.

Mr. STONE. Then I ask the Chair, if the Senator stops his speech to transact business, to present a bill, by what right does

he continue on the floor?

he continue on the floor?

The PRESIDING OFFICER. He lost the floor, of course, and asked to be recognized again and was recognized again.

Mr. STONE. Well, Mr. President, I grently regret that such a bill as this has been introduced in the Senate. I am sorry that any Senator has presented it. Nevertheless, I see no other way to dispose of it except to let it go to the Committee on Foreign Relations.

Mr. FALL. Mr. President, the Senator is very generous. If the Senator had been in the Senate and in attendance upon the session he would have understood what was going on and would have known that it was not the Senator from New Mexico who injected this debate into the proceedings at all but a Senator from his own side.

Now, Mr. President, I will not trespass upon the patience of the Senator from Missouri any longer. The bill introduced is drawn verbatim from the different sections of the acts of the Congress of the United States between the 15th of May and the latter part of July, 1798, relating to the difficulties between this country and France.

LEGISLATIVE, ETC., APPROPRIATIONS-CONFEBENCE REPORT.

The PRESIDING OFFICER. The question is on agreeing to the conference report. Is there objection to agreeing to the conference report.

Mr. POINDEXTER. I object to it and submit the following

motion.

The PRESIDING OFFICER. It will be stated,

The SECRETARY. It is moved that the Senate agree to the conference report with the exception of Senate amendment numbered 61, and that the Senate insist upon amendment 61 and ask a further conference thereon.

Mr. POINDEXTER. Upon that I ask for the year and nays. Mr. THOMAS. A parliamentary inquiry. What is the item of the conference report to which that motion relates?

The PRESIDING OFFICER. The present occupant of the

chair is of the opinion that the question is whether the Senate will agree or disagree to the conference report.

Mr. THOMAS. I should like to know what particular item the motion refers to.

Mr. OVERMAN. I raise the point of order that the ques-

tion is upon agreeing to the conference report.

The PRESIDING OFFICER. The Chair on his own motion

The PRESIDING OFFICER. The Secretary will read it.

Mr. THOMAS. May I ask that the item be read?

The PRESIDING OFFICER. The Secretary will read it.

Mr. THOMAS. I have been informed by the Senator in charge of the bill. I have the information.

The PRESIDING OFFICER. The Chair will state that the

bill was not at the desk at the moment.

Mr. POINDEXTER. I ask the Secretary to read amendment 61.

Mr. JONES. A parliamentary inquiry.
The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. JONES. I wish to ask whether, before we can vote on the proposition my colleague is interested in, it will not be necessary to reject the conference report?

The PRESIDING OFFICER. The Chair has already ruled

upon that point and has so held.

Mr. SMOOT. I understand that a motion could be made to disagree to the conference report, with instructions to our conferees. That is all, I think, that can be done.

The PRESIDING OFFICER. The Chair has not ruled upon that point. The Chair merely ruled that the motion to agree to the report has to be disposed of and that the motion of the Senetes from Weshington can not be offered as a substitute the Senator?

Mr. FALL. It was a bill introduced.

Mr. STONE. When was it introduced?

Mr. FALL. The Senator will find that remark in the Record.

Mr. STONE. It seems to me we are not in that state of business, as the conference report on the legislative appropriation bill is the matter pending before the Senate—

Mr. STONE. I am raising a point of order.

Mr. FALL. Then, that is all right.

Mr. STONE. Mr. President, it seems to me, in the state of business in the Senate, since the conference report on the legislative appropriation bill is the matter pending before the Senate, since the conference report on the legislative appropriation bill is the matter pending before the Senate, since the conference report on the legislative appropriation bill is the matter pending before the Senate, since the conference report on the legislative appropriation bill is the matter pending before the Senate, since the conference report on the legislative appropriation bill is the matter pending before the Senate, since the conference report on the legislative appropriation bill is the matter pending before the Senate of business in the Senate, since the conference report on the legislative appropriation bill is the matter pending before the Senate of business in the Senate, since the conference report on the legislative appropriation bill introduced.

The PRESIDING OFFICER. The Chair has not ruled upon that point. The Chair merely ruled that the motion to agree to the report has to be disposed of and that the motion of the Senator from Washington can not be offered as a substitute for it.

Mr. POINDEXTER. Mr. President, may I be heard for a moment? I have here the precedent of the Senate bearing lummediately upon this proposition:

[Fourth Congress, first session; Journal, p. 277. May 27, 1790.]

The Senate proceeded to consider the report of the Congress for the Senate proceeded to consider the report of the Congress for the Senate proceeded to consider the report of the Congress for the Senate proceeded to consider the report

Brethren for propagating the Gospel among the heathen," which was in part adopted.

On motion,

Ordered, That the remainder of the report be recommitted.

[On the following day the committee again reported, which report, being amended, was adopted. (3., p. 278.)]

That was held by the Senate. It is printed in Precedents of the Senate, on page 322. Of course, if the ruling of the Chair is correct that no motion can be entertained except on the adoption of the conference report, it would be impossible to obtain a hearing in the Senate upon any part of the report. the report is rejected it is manifestly then too late.

The PRESIDING OFFICER. The present occupant of the chair has not gone that far in his ruling. He merely held that the question before the Senate is the motion of the Senator from North Carolina to concur in the report, and that the question is

either to agree to it or reject it.

Mr. OVERMAN. I wish to say that, of course, the only question for the consideration of the conference would be what the Senator from Washington has contended for, because no other objection to the report has been made. So, if the Senate should reject the report that would be the matter for further consideration. The question is whether the report shall be adopted or not. We can not adopt part of the report, but we have to take the whole or none of it. I understand that has been the ruling heretofore.

Mr. LODGE. Mr. President, this report is an agreement. think there is no principle of parliamentary law better settled than that the motion which most quickly brings the Houses together always takes precedence. A motion to concur always takes precedence, and I think there can be no question that the first question is whether the Senate will agree to the report, which brings the Houses together. If it is rejected, then it is open to instructions or amendment or anything else.

The PRESIDING OFFICER. The Chair has ruled upon the point of order. If it is not satisfactory to the Senate an ap-The question is on agreeing to the peal will be entertained.

conference report.

Mr. POINDEXTER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll and called the name

of Mr. ASHURST.

Mr. ASHURST. Mr. President, I merely want a moment to say that I am not satisfied with the way the matter is proceeding in respect to the conference report on the Indian appropriation bill, and just as soon as the roll call is concluded I shall move that the Senate proceed to the consideration of the conference report on that bill. I shall ask that the Senate either agree or disagree to the report, because it has been agreed to by the House and I want to get it out of the position where it is now, where we are unable to do anything,

Mr. NORRIS. May I ask the Senator a question?

Mr. ASHURST. Certainly. Mr. NORRIS. Has the conference report on the Indian appropriation bill been agreed to by the House?

Mr. POINDEXTER. Mr. President, a point of order. Is this

debate in order after the vote has begun?

The PRESIDING OFFICER. There has been no vote. The yeas and nays were ordered, but there was no response made. Mr. NORRIS. May I repeat my question now to the Senator?

Mr. ASHURST. Yes. Mr. NORRIS. Does the Senator say that the report of the conference committee on the Indian appropriation bill has been agreed to by the House?

Mr. ASHURST. It has. Mr. NORRIS. Now, let me ask the Senator does that report in fixing the various salaries agree with the provision we have now before the Senate on the legislative bill upon which we are about to vote?

Mr. ASHURST. The conference report as agreed to on the Indian appropriation bill by the House adopts what we are pleased to call the House amendment. We were unable to agree what is called the Smoot amendment. There are in the Indian Bureau 5,517 persons whose salaries would be affected by the House amendment and there would be 4,614 persons whose salaries would be affected by the Smoot amendment. If the Senate were to agree to the conference report the total increase in salaries over the Smoot amendment in the Indian Bureau would be \$49,973.30.

I again say to Senators the Senate has a right to reject or agree to the conference report, but I insist, most respectfully of course, that the Senate ought to do one or the other, because if the Senate in its wisdom should see fit to reject the report the House, of course, must reconsider its action and grant a new conference; and the same conference or some other confer-

ence must convene. I submit in all good conscience and in all good faith the Senate ought at least to reject or adopt this conference report, so that if you want to change it or make a new arrangement it can be made the business of the Senate in that regard.

So I give notice that just as soon as the roll call is completed I am going to move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill, and

I am going to ask for a vote thereupon.

Mr. NORRIS. Mr. President, it seems to me after what the Senator from Arizona has just stated there ought to be given an additional reason. I think in itself it is a sufficient reason why we should reject the present conference report. I am opposed to the present conference report on the grounds outlined by the Senator from Washington. I intended to address the Senate on the subject, but the debate, as we all know, drifted into entirely different questions, and when that came up it occurred to me that the feeling which had been aroused on account of it would probably line up the one side, at least, to vote for party reasons in favor of approving the report.

Now, we have this condition: The conference report upon the Indian appropriation bill is here. It is ready to be taken up by the Senate. It has been passed on by the House and approved by the House. The conference report on the legislative bill that we are now about to vote on has not been passed on or approved by the House. We will be in this predicament if we approve this conference report: The House will have adopted one schedule of salaries and the Senate another schedule of salaries, and we will either have a part of the employees doing the same work drawing one salary and another part doing the same work drawing a different salary, or one House or the other must reconsider its action. It seems to me that we ought to thrash this out on one appropriation bill.

Mr. OVERMAN. Mr. President— Mr. NORRIS. I will yield in just a moment.

The PRESIDING OFFICER. The Senator from Nebraska

Mr. NORRIS. I can not yield at the present time. The proper bill upon which that ought to be done is the Indian appropriation bill, because that bill has already been acted upon by one House. If we approve that and follow the action of the House, then to be consistent we must, of course, reject the present conference report. In the interest of reaching the question according to the most expeditious rule and with the shortest consumption of time, it seems to me that we ought to reject this report and take up the conference report on the Indian appropriation bill and then let that end it. If we agree to it, it is all over. If we do not agree to it, of course, we have got it open. I now yield to the Senator from North Carolina.

Mr. OVERMAN. I wish to say for the information of the

Senate that this question was made on this bill and then it was made on the Agricultural appropriation bill, and the question was made in the Senate after there was an agreement just like that on the Indian appropriation bill, and now we will be in this position: We will have one standard of wages in the Indian appropriation bill; we will have another standard in the Agricultural appropriation bill, because in that we have just adopted another standard; and we will have another standard in this bill.

Now, the way to do is to indorse this report and let it go to the other House, and see what the House will do regarding it. Then the conferees on the other bills can get together following the test vote. The Indian bill has passed with a provision for 10 per cent increase on salaries up to \$1,800, and the Agricultural bill with an increase on salaries up to \$1,500.

Mr. NORRIS. Has the conference report on the Agricul-

tural bill been approved by the House?

Mr. OVERMAN. It has been approved by the House and

was brought here, and the Senate rejected it.
Mr. NORRIS. That is all passed; that is water that has passed over the dam.

Mr. OVERMAN. If we do not adopt some such plan in this case, when the conference report on the Indian bill comes up we will have to reject that.

Mr. NORRIS. We will keep on proceeding in that way. It seems to me that the better way is this: We ought to take one of these appropriation bills and thrash the question out. Now, here is one that is half thrashed out. Let us commence with that one, and end it on that one, rather than to thrash it out on all the others.

Mr. OVERMAN. The conferees have agreed on this bill, which was the first great appropriation bill passed; and the only way to settle it is to let this bill go to the House now and let a test be made. Then the conferees on the Indian bill, the

Agricultural bill, and the other appropriation bills will be able

to take the action on this bill as a guide.

Mr. ASHURST. Mr. President, the Senator from North Carolina, of course, appreciates that the conferees on the Indian bill can not act until the Senate has either rejected this report or adopted it. That is what we want done.

Mr. OVERMAN. That is what I say.

Mr. OVERMAN. That is what I say. Mr. SMITH of Georgia. I understand the Senator from Arizona really concurs in the action of the Senate a few days ago upon the Agricultural bill, and will help us reject the con-

ference report on the Indian bill.

Mr. ASHURST. I do not promise how I will vote on the conference report. I am not in the habit of doing that. I may vote "yea" on its adoption or I may vote "nay"; but I do say that the Senate ought to vote the report up or down, because if the Senate does not desire the House amendment we ought to know it, so that we may go back to conference and bring in some other provision. I am giving no indications as to how I am going

Mr. SMITH of Georgia. Mr. President, we acted on yester-day, or day before, upon the Agricultural bill and rejected it because the Smoot amendment had not been agreed to; and now the conferees on the Agricultural bill, in pursuance of the action of the Senate, have agreed on the Smoot amendment. It is about to come up in the House, where I hope it will be adopted. I agree with the Senator from North Carolina that the conferees on this bill have followed the action of the Senate. The House conferees have yielded; they have followed the action of the Senate, and have agreed to place the Smoot amendment on the bill, which we are now asked to approve. It is an action favorable to the action already taken by the Senate.

The PRESIDING OFFICER. The question is on agreeing to

the conference report. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GRONNA (when his name was called). I have a

I have a general pair with the senior Senator from Maine [Mr. Johnson], which I transfer to the senior Senator from Minnesota [Mr. Nelson] and vote "nay."

Mr. SMOOT (when Mr. Gallinger's name was called). desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER]. He has a pair with the senior Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. Mc. CUMBER] to the senior Senator from Texas [Mr. Culberson]

"yea.'

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. Catron] to my colleague [Mr. Gore] and vote

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent from the Senate on account of serious illness in his family. I transfer that pair to the Senator from Maine [Mr. FERNALD] and vote

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. HARDWICK] who, I understand, is detained on ac-

count of illness. I therefore withhold my vote.

Mr. SMITH of Michigan (after having voted in the negative) inquire if the Senator from Missouri [Mr. Reed] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. SMITH of Michigan. Then I withdraw my vote, having a pair with that Senator.

Mr. HARDING (after having voted in the negative). May I ask if the junior Senator from Alabama [Mr. Underwood] has voted?

The PRESIDING OFFICER. He has not voted,

Mr. HARDING. Then I shall withdraw my vote because of my pair with that Senator.

The result was announced-yeas 42, nays 30, as follows:

Johnson, S. Dak. Kern Kirby Lea, Tenn. Lodge McLean Martin, Va. Martine, N. J.	Pittman Pomerene Ransdell Robinson Saulsbury Shafroth Sheppard Simmons			
Myers	Smith, Ga.			
Overman	Smith, S. C.			
	Kern Kirby Lea, Tenn, Lodge McLean Martin, Va. Martine, N. J. Myers Overman			

Stone
Swanson
Thomas
Tillman
Townsend
Vardaman
Walsh
Warren
Williams
TT ASSESSED TO

	N.	AYS-30.	maniero de Ed
Borah Brady Brandegee Clapp Clark Colt Cummins Dillingham	du Pont Fall Gronna Husting Jones Kenyon La Follette Lane	Lee, Md. Lippitt Norris Oliver Page Penrose Polndexter Sherman VOTING—24.	Sterling Sutherland Wadsworth Watson Weeks Works
Broussard Catron Culberson Curtis Fernald Gallinger	Goff Gore Harding Hardwick Johnson, Me. Lewis	McCumber Nelson Newlands O'Gorman Phelan Reed	Shields Smith, Ariz. Smith, Md. Smith, Mich. Thompson Underwood

So the conference report was agreed to.

Mr. WILLIAMS and Mr. SIMMONS addressed the Chair. The PRESIDING OFFICER. The Senator from North Carolina.

Mr. WILLIAMS. Mr. President-

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. WILLIAMS. I thought I rose before the Senator from North Carolina and addressed the Chair before he did.

The PRESIDING OFFICER. The present occupant of the chair has followed the usual custom, and recognized those who have requested recognition in advance; and the Senator from

North Carolina made that request.

Mr. WILLIAMS. I want now, without further debate, to register a protest against the habit of the Chair of extending recognition to Senators who have requested to be heard. That has gone on in the other House for quite a while, because there are over 400 Members there, and it is utterly impossible to control the House in any other way, but that is absolutely a new system in the Senate and is not recognized by any of its rules. The Senator who rises first and addresses the Chair by the positive rule of the Senate is to be recognized. I do not want to discuss that rule now except to lodge this protest, and lodge it most earnestly.

Mr. SIMMONS. Mr. President, I think I addressed the Chair first, but, at any rate, I understand the Chair has recog-

nized me.

The PRESIDING OFFICER. The Senator from North Carolina is recognized. The present occupant of the chair will state to the Senator from Mississippi that he knows the Chair was merely following what has been the custom of the Senate in recognizing the Senator from North Carolina under the cir-

Mr. WILLIAMS. I do not want to discuss the matter with the Chair, but it has not been the custom of the Senate, except

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. SIMMONS. I desire to make a very brief statement, but if the Senator from Mississippi insists, I will yield to him.

Mr. WILLIAMS. Mr. President, I merely desire to ask the

leave of the Senate for about four minutes.

A few moments ago I charged that there was a Republican league, or agreement, or something on the other side of the Chamber, to bring about an extra session, with the motive to prevent the President of the United States from acting in the public safety. I now quote, in corroboration of that statement, the following remarks of the Senator from Massachusetts [Mr. Lodge], which are very wisely worded and very acutely worded. as all remarks of his are, but they are still certain and definite. I got it from the Reporter's room. The language which I quote

No matter what your views may be as to war or peace, it is safer and better for the country that the Congress of the United States should remain in session.

Now, all I charged was that there was an agreement, moved by the fact that these people were not willing to trust the President of the United States, to have Congress remain in session, and the Senator from Massachusetts since that time has fully corroborated that statement.

Mr. SIMMONS. Mr. President—— Mr. ASHURST. Mr. President, I was going to make a motion that is not debatable, if there is going to be any more talk about what has happened in the past. We have got enough to do in the future without talking about the past.

Mr. SIMMONS. Mr. President, I desire to make a brief statement. On last Tuesday there was laid before the Senate a bill, recognized by everybody in the Senate and everyone outside of the Senate as a bill of paramount importance, a bill that must be passed during this session if the great program of pre-paredness that has been adopted by Congress, with the hearty,

approval of the American people, is not to be frustrated and defeated temporarily, if not permanently. That bill, Mr. President, is to supply the money necessary to pay the appropriations carried in the Army and Navy bills, which have passed the House and which are presently to be reported to the Senate from the two committees of this body having charge of those bills. Those bills, as they passed the House, carry appropriations increasing the amount of money appropriated for the Army, the Navy, and for fortifications by the great sum of \$530,000,000, in round numbers, in excess of the appropriations for those purposes for the year 1916, the year before we adopted this program. If this bill is not passed, it will be vain and futile to appropriate this additional sum for these great purposes. It is well known that there will not be in the Treasury, unless this bill passes this session, the money wherewith to pay these sums if they are appropriated. So that, Mr. President, in the fate of this bill is involved the fate of the whole preparedness program so far as the next fiscal year is concerned. Notwith-standing this fact, Mr. President, notwithstanding the further fact that these great appropriations were adopted in the House and will be ratified in this body, if we are allowed to reach a vote on them, by an overwhelming majority of both sides of this Chamber. This bill, essential to give vitality and effect to those appropriations, is met by the most determined filibuster that I have witnessed since I have been a Member of the Senate. If this bill shall fail, and if as a result the great program of putting this country in a condition of defense is held up and suspended for one year, I think it is due the American people that they should know who is responsible for that miscarriage and overthrow of this great national purpose.

Mr. President, we are told that this is not a filibuster. I care not what may be the declaration of those who are responsible for the obstruction of public business for the last five days, Senators know, and the country knows, that this is a filibuster, and it is a filibuster to defeat the revenue bill, carrying \$248,000,000 of taxation, \$226,000,000 of which is placed by the bill upon the great, rich, and powerful corporations of this country. The Senator from Indiana [Mr. Keen], who sits to my right, suggests that there is not a newspaper published in the city of Washington, where the performance is going on, that does not designate it as a filibuster. I think there are very few in the country that do not designate it as a filibuster.

Mr. President, before this bill was taken up I had assurances that there would be no unnecessary delay in its passage, no undue discussion of it, and that probably it might be disposed of in three or four days. It is suggested now that these tactics, these dilatory methods, this consumption of time, these long discussions of immaterial matters, these collateral questions constantly injected, are not indulged in to defeat the revenue bill, but that they are to safeguard the country against the alleged threatened invasion of the Constitution on the part of the Chief Executive; that it is apprehended that there is in contemplation a purpose on the part of the Chief Executive to come to Congress some time between now and the expiration of this session with a request that he be clothed with broad and dangerous powers with respect to the use of the Army and Navy of the United States, and that the object is to prevent action in case that contingency happens.

Mr. President, I do not know what is the purpose of the President of the United States. I question whether anybody knows what his purpose in this matter is. Whether he will or will not come to Congress asking any grant of additional powers in dealing with the present acute international situation, we do not know. What he will ask if he comes we do not know. But in this nebulous condition, with this uncertainty as to whether he will come or not, as to what he will ask if he does come, gentlemen on the other side say: "We do not know, but we are so apprehensive he will ask something dangerous to the liberties and rights of the American people and in disregard of the Constitution, that we can not afford to permit this bill to pass, or to allow action upon it, until we know what the President is going to ask."

Mr. President, I say in all sincerity and solemnity that this excuse for the attitude of the minority with respect to this bill is a pretext. If Senators are afraid of that, tell me why it is necessary to defeat this bill, or to hold it up, in order to protect the country against action by the Congress growing out of the alleged apprehended request of the President. If the request comes, it will not come until later in the session. It will not come for days to come; and the minority who have taken this position have demonstrated to the country, demonstrated beyond controversy, that when it does come, whether it be to-morrow, Monday, Tuesday, or Wednesday, they will be amply able to talk it to death. If they are determined to defeat action upon the

request of the President, they can do it without defeating action upon this bill; and I declare it as my deliberate conviction that when they pretend they are holding up action on this measure in order that they may protect the country against action on the request of the President, if he shall make any request, it is manifestly a pretext, and the real purpose of the filibuster is disclosed, and that purpose is to defeat this bill.

Oh, if has been said to me to-day by a Senator of the minority that while they are not willing there should be action upon this bill just now, they may possibly consent, some time in the future, before Congress adjourns, but not now, because of their fears with reference to this reported intention of the Executive; but that they would consent that we take up and act upon the appropriation bills, and get them out of the way.

appropriation bills, and get them out of the way.

Mr. President, why is it more necessary to get this bill out of the way for the purpose of protecting the country against action upon the request of the President than to get the appropriation bills out of the way? During the last campaign, you remember, after our Republican friends had voted almost unanimously in favor of the great appropriations of that year for preparedness, amounting to nearly \$400,000,000, they went before the country and denounced the Democratic Party for extravagance in making those appropriations and increasing the expenses of the Government to the extent of those appropriations.

Now, we have another situation out of which similar opportunity for misrepresentation may arise. If we shall pass the naval and military appropriation bills, appropriate \$530,000,000 for preparedness, and fail to pass this bill to raise the money to pay that \$530,000,000, and by reason of a lack of funds in the Treasury be unable to carry on this preparedness program, in the campaign to come we may find our Republican friends on the stump telling the American people: "We appropriated the money for preparedness; yes, we championed and forced through these great measures for placing the country in a position to defend itself against the invasion of its rights or its territory, but the Democratic Party, responsible for the administration of the Government, because of its inefficiency, because of its incapacity, failed to provide the money, and the whole scheme of preparedness has fallen to the ground."

Mr. President, the situation is such that I think we would be derelict in our duty to the people of this country, derelict in our duty to those who have demanded, backed, and made possible this great program of preparedness if we did not call the attention of the country to this threatened effort of the minority to make it vain and nugatory, break it down, and suspend it for a year, if not give it a deathblow.

My purpose in rising was to say to the Senators on the other side of the Chamber that we recognize the situation; we recognize the power that is given the minority in this situation under the rules of the Senate; we recognize your ability to filibuster this measure to death; but we want you to assume the responsibility; we want the American people to know that it was your dagger that pierced through the body of this great program and brought it to its untimely death. If you are willing to assume that responsibility, why, go ahead.

Mr. President, we shall not content ourselves to submit to the consequences of the defeat of this measure until we have exhausted every resource at our command and every weapon in our hands. I therefore wish to give notice to the Senate that, speaking not for myself alone, not for the Finance Committee alone, but speaking for the majority represented in this Chamber, after a poll of that majority upon that question, we have decided, if we can do it, that this session of the Senate, the session of to-day of the Senate, shall continue, if we have the physical strength to continue it, until there is a final vote upon this bill.

## INDIAN APPROPRIATION BILL-CONFERENCE REPORT.

Mr. ASHURST. I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill (H. R. 18453).

Mr. PENROSE. I think I should be permitted an opportunity—

Mr. ASHURST. The motion is not debatable under Rule XXVII.

The PRESIDING OFFICER. The Senator from Arizona moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

Mr. GRONNA. Mr. President, a parliamentary inquiry.
The PRESIDING OFFICER. The Senator from North Dakota will state it.

Mr. GRONNA. The Senator from Arizona withdrew the report and it is not before the Senate.

Mr. ASHURST. I beg the Senator's pardon; I withdrew the motion to proceed to the consideration of the report.

Mr. BRANDEGEE. I make the point of order that the motion is debatable after 2 o'clock.

Mr. ASHURST. I ask that Rule XXVII be read. The PRESIDING OFFICER. The Chair has not ruled that it is not debatable.

Mr. BRANDEGEE. The Senator from Arizona stated that it was not.

Mr. ASHURST. I will read Rule XXVII:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

It has been received, Mr. President.

Mr. BRANDEGEE. I think the Senator is correct, and I

withdraw the suggestion.

Mr. SMOOT. I think the Senator is wrong in his position. The rule he has quoted does not apply to the situation at that time. Rule XXVII provides, as the Senator said, that-

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

But the report was received some time ago, other business has intervened, and now it rests in the same position as a motion to take up a bill or resolution of any kind, and that is debatable. If when the Senator presented the report there had been objection to its consideration and had moved then to proceed to the consideration of it, it would have been decided without debate, but the report has been laid upon the table; it was called up once, and upon the request of the Senator it was not acted upon, and now he asks, after a day's delay, when other business has intervened, that it shall be taken up, and he makes that motion.

The PRESIDING OFFICER. The Chair rules that the motion is not debatable. The question is therefore upon taking up the conference report. [Putting the question.] The ayes

Mr. SMITH of Georgia. I call for a division.

Mr. ASHURST. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote.

Mr. DILLINGHAM (when his name was called). Because of a general pair I have with the senior Senator from Maryland [Mr. SMITH], who is compelled to be absent, I withhold my vote.

Mr. GRONNA. I have a general pair with the senior Senator from Maine [Mr. Johnson], which I transfer to the senior Sentent from Misser Company (1987). ator from Minnesota [Mr. Nelson] and vote "yea."

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Arizona [Mr. Smith], I vote "nay,"

Mr. THOMAS (when his name was called). Announcing the same transfer and pair as before, I vote "nay."

The roll call was concluded.

Mr. OWEN. I transfer my pair to my colleague [Mr. Gore] and vote "yea."

Mr. SMITH of Michigan (after having voted in the affirmative). I should like to inquire if the junior Senator from Missouri [Mr. Reed] has voted?

The PRESIDING OFFICER. He has not.

Mr. SMITH of Michigan. Then I withdraw my vote. I have a pair with the junior Senator from Missouri.

The result was announced-yeas 29, nays 32, as follows: YEAS-29.

Ashurst Brandegee Chamberlain Clark du Pont Fall	Hollis Jones Kirby La Follette Lea, Tenn. Lippitt	Owen Page Pittman Poindexter Sherman Sterling	Waish Warren Watson Weeks Williams
Fernald	Myers	Townsend	
Gronna	Norris	Wadsworth	
	NAI	S-32.	
Beckham	Johnson, S. Dak. Kenyon Kern Lane Lee, Md. Lodge McLean Martin, Va.	Oliver	Simmons
Borah		Overman	Smith, Ga.
Bryan		Penrose	Smith, S. C.
Cummins		Pomerene	Smoot
Fletcher		Ransdell	Stone
Hughes		Robinson	Swanson
Husting		Sheppard	Thomas
James		Shields	Tillman

	****	C. T. T. C. 100.	
Bankhead Brady Broussard Catron Chilton Clapp Colt Culberson Curtis	Dillingham Gallinger Goff Gore Harding Hardwick Hitchcock Johnson, Me, Lewis	McCumber Martine, N. J. Nelson Newlands O'Gorman Phelan Reed Saulsbury Shafroth	Smith, Ariz. Smith, Md. Smith, Mich. Sutherland Thompson Underwood Vardaman Works

So Mr. Ashurst's motion was not agreed to.

#### THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes

Mr. PENROSE. Mr. President, I have been greatly surprised at the outburst of the Senator from North Carolina, the chairman of the Finance Committee. He seems to be mentally greatly disturbed and in a feverish condition. When a Senator sees daggers in the air it is time for him to be kept under observation. I want to tell him now, Mr. President—and while I speak primarily for myself I speak from my own conclusions in talking with other members of the minority—that there is absolutely no intention on the part of the Republican minority in this body to defeat the revenue bill.

Mr. SIMMONS. Mr. President-

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. PENROSE. Yes; I will extend the courtesy to the Senator from North Carolina of yielding, although he has abandoned that courtesy as far as I am concerned.

Mr. SIMMONS. The Senator is mistaken. I never object

to yielding to the Senator; and I have never done so, as far as I know. I wish to ask the Senator, in view of his statement, if he will now, in behalf of his side of the Chamber, advise the Senate whether he will consent to a unanimous-consent agreement to vote upon this bill and the amendments thereto on Monday evening at 5 o'clock?

Mr. PENROSE. I am not prepared to be interrupted by a

unanimous-consent request.

Mr. SIMMONS. If the Senator will not-Mr. PENROSE. That is not a proper That is not a proper interruption. It is an evidence that the brain storm has not altogether subsided.

The dagger still appears before the Senator.

Mr. President, I want to tell the Senator from North Carolina again, in the most emphatic terms, and I almost feel justified in saying it more strongly than I did a moment ago, that there is no intention on the part of the minority to defeat this bill, and when he makes that assertion he is deliberately making a statement not founded on fact or his imagination is haunted with ghosts. I can not help what epithets the newspapers apply to the debates in this body, and I certainly am not swayed in my judgment by the terms that they may use. The Senator and his party are responsible for the deficit in the revenues, largely due to their extravagance, and they must also be held responsible to provide for it.

Does the Senator from North Carolina attempt to make the assertion that the minority has had anything to do with the loss of one whole day to-day? The proceedings began early in the morning by the motion of his colleague, the junior Senator from North Carolina [Mr. OVERMAN], to bring up a conference report, which was submitted to a vote of the Senate. I voted against bringing it up, and I believe the great majority of the minority voted against bringing it up. Before the vote was taken it was distinctly understood by the Democratic majority that the senior Senator from Washington [Mr. Poindexter] would speak at length upon certain features of the conference report, and with that knowledge in their full possession the Democratic majority, in control of the legislative business of this body, deliberately voted to proceed with the conference report on the motion of the Senator from North Carolina.

Mr. CLARK. And displaced the revenue bill.
Mr. PENROSE. And displaced the revenue bill. Does the
Senator in his hallucinations about these delays attempt to impute to the minority, directly or indirectly, an overt act or a conspiracy in bringing up the Overman report to-day or of being responsible for the extended remarks of the Senator from Washington, when all had ample notice that those remarks would be

The Senator does not answer, and I conclude that he does not charge the minority with that part of the debate.

Mr. SIMMONS. If the Senator desires me to answer-

Mr. PENROSE. No; I do not desire it, but the Senator can suit himself.

Mr. SIMMONS. The Senator has invited an answer from this side of the Senate. I desire to say that in the consideration of this bill, as the other bills, according to the uniform practice of the Senate, it has been customary to allow conference reports, in order to facilitate the business of the session, to be laid before the Senate and acted upon. Of course, it is understood generally that unnecessary time will not be consumed in that

I recognize, if the Senator will pardon me, the fact that the Senator from Washington gave notice that he would speak, but he did not give notice that after speaking an hour and a half on the conference report he would speak two hours and a half on the Grayson confirmation matter. I do not know why he consumed so much time on the Grayson matter unless he was furthering a purpose on that side to consume time that might have been applied to the consideration of this bill.

Mr. PENROSE. Unfortunately, Mr. President, debate in the Senate is not regulated by a time clock or the Taylor system. The Senator from Washington said he would debate it at length, and I think he was much shorter than many Senators who have gotten up recently and who said they were going to speak briefly.

I voted against bringing up that report, as I think most of the minority did. Hardly were we through with that and started again upon the consideration of the revenue measure when we had the outburst from the Senator from Mississippi [Mr. WILLIAMS]. Does the Senator from North Carolina charge any member of the minority with the effort of the Senator from Mississippi to speak at considerable length and make certain grave charges existing only in his imagination, which required answer from the minority and led to a prolonged debate? And then we had the recent motion of the Senator from Arizona then we had the recent motion of the Senator from Arizona [Mr. Ashurst] to bring up the conference report on the Indian appropriation bill. Does the Senator charge any member of the minority with being in a conspiracy to put the revenue bill aside by that motion? On the yea-and-nay vote I voted against it, and while I did not think it my duty to canvass the minority, I asked those sitting in my vicinity to vote against displacing the revenue bill, and it came within three votes of preventing it. The Democratic votes were the votes in favor of displacing the revenue bill.

Either the Senator is sadly lacking in influence in his own

party as the leader in the contest for the revenue bill, or the revenue bill has some insincere friends on the Democratic side. Therefore, Mr. President, I state, and I challenge contradiction, that during this day every moment has been taken up by the majority side in matters introduced by them and debated by them at length until this hour, nearly half past 6 o'clock. I challenge the Senator from North Carolina, sitting in his seat, to deny the accuracy or the absolute truth of that statement.

Mr. SIMMONS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from North Carolina? Mr. PENROSE. Yes,

The discussion upon a conference report Mr. SIMMONS. has consumed nearly six hours-between five and one-half and six hours-and all the time was taken up on the other side of the Chamber, except possibly 25 minutes which were occupied

by the Senator from Mississippi [Mr. Williams].

Mr. PENROSE. The Senator is simply repeating what he has already stated. He had ample notice that a long speech would be made; and he, from inability or acquiescence, permitted the measure to come before the Senate; and to say that a speech, which only ought to have occupied two hours, occupied three hours, is straining at a very attenuated argu-So much for this day up to the present hour; and I have no doubt the balance of it will be given a good account of.

Can the Senator from North Carolina blame the minority for putting into this measure the oleomargarine amendmentamendment which no candid man can claim is necessary to be put into this bill in order to make it provide adequate revenue? At the very best, no one outside of its author claims that it will raise more than two or three million dollars in a bill estimated to raise several hundred million dollars, and that amendment has occupied nearly all of the time that this revenue bill has been before the Senate. Can the Senator from North Carolina hold the Republican minority in any degree responsible for putting that amendment into the revenue bill—an amend-ment which no candid man will claim is a genuine revenue amendment; an amendment solely in the interest of the cot-tonseed trust and the cattle trust, calculated to raise the cost of living to the wage earner, a direct tax on consumption, in absolute contradiction to every doctrine to which the Senator

from North Carolina has given utterance since he has been chairman of the Finance Committee?

If that amendment, Mr. President, unnecessarily and improperly in the bill, more proper as an entirely measure, had not been in this measure or had been taken out of it, as the Senator from North Carolina indicated to some Senators he was willing it should be if it led to prolonged debate, this bill would have been passed by the Senate and been over in the House of Representatives and the amendments been concurred in before to-day.

But if the Senator from North Carolina, the chairman of the committee, and the Democratic majority did not know that they were deliberately jeopardizing the measure when they put that amendment in that did not belong in the bill, they

unfit for their task or they were riding rapidly to a fall.

The Senator from North Carolina could have risen in his seat three days ago and moved to lay that amendment on the table, and, if there had been enough votes to lay it on the table, it would have been disposed of without further debate. But the debate was permitted to go on; and Senators, aroused and indignant at this attempt to impose a fraudulent competitive article on nearly 5,000,000 farmers of the country, felt compelled to express, and they had a right to express, their sentiments. I ask the Senator, if he was so interested in the speedy passage of this bill, why he did not, when he saw that it was leading to interminable debate, get up and move to lay it on the table, and make up for this two or three million dollars by inventing a new name for a new tax.

Mr. SIMMONS. The Senator from Pennsylvania might as well ask me why I did not get up and move to lay the other amendments of the committee and the entire bill on the table. Mr. PENROSE. It was the Senator's business to do it, as

chairman of the committee.

Mr. SIMMONS. I do not concede that there is much intelligence in that statement of the Senator from Pennsylvania.

Mr. PENROSE. Calling names does not make an argument, Mr. President.

Now, let us look at the history of the measure, showing, in my opinion-and I referred to it at length in my remarks on the bill of September, 1916-the absolute incompetence of the majority to conduct the legislative business and their incorrigible procrastination in pushing it. This measure was not heard of by the American people until Saturday, January 27, Nearly one-third of the legislative session had been permitted to elapse, or nearly two-thirds.

Mr. LA FOLLETTE. More than one-half of it.

Mr. PENROSE. More than one-half of the legislative session, I ought to say, had been permitted to elapse before the slightest intimation was given to the American people or to the Congress by the Treasury Department or by the Ways and Means Committee of the other House that a revenue bill would be

I am not surprised, Mr. President, that this occurred, for the accounts of the Treasury Department are in such a condition of confusion that, while everyone knows the department is bankrupt, no one can tell to what degree the deficit extends. want the Senate to be impressed with this extraordinary condition of incompetence that this party, in possession of both the legislative and executive branches of the Government, with a renewed mandate from the people in the election last November, did not suggest the necessity of a revenue bill until January 27. Before the bill was suggested we had the day preceding the announcement of a Democratic caucus. That was the the announcement of a Democratic caucus. preliminary. On January 26, 1917, there was a caucus of the Democratic Members of the other House. On Saturday, uary 27, 1917, with the session largely half over, a bill was introduced by Mr. KITCHIN in the other House and referred to the Committee on Ways and Means. On Monday, January 29, 1917, the bill was reported to the House by Mr. Kitchin, the period of a day and a half being allowed for discussion and consideration in the newspapers and among the business interests from the Atlantic to the Pacific, from the Canadian border to Mexico, to discuss the burdensome provisions of the bill.

Then, on the next day, Tuesday, January 30, the day after the bill was reported, it was taken up by the House and debated. I must apologize to the Senate for using the word "debated." The next day, Jappary 31, the bill confidence of the senate for using the word "debated." The next day, January 31, the bill continued to be debated. Then, on Thursday, February 1, about 30 days before the adjournment of the Congress by limitation, the bill passed the House of Representatives. Even the speeches made, Mr. President, by many Members of the majority, including the speech made by the chairman of the Ways and Means Committee, did not even appear in the Congressional Record for the information of the minority in both bodies until after the bill had come to the Senate-a most extraordinary proceeding.

On the following day, February 2, the bill came to the Senate and was referred to the Finance Committee. No member of the committee—I will continue, Mr. President, when the chairman ceases conversation and there is order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SWANSON. Mr. President, the conversation is not interfering at all with the proceedings in the Chamber.

Mr. PENROSE. Mr. President, I rise to a question of privilege. I insist that the Senator from Virginia has not the right to turn his back on me when I am speaking and engage in conversation the chairman of the committee, to whom I am addressing my remarks.

Mr. SWANSON. And I insist that the Senator from Pennsylvania has no right to locate, seat, or control Senators of this body. I have a right to conduct a gentlemanly conversation with the Senator from North Carolina. If the Senator will conduct himself in order and with proper propriety in connection with this matter, and not try to interfere with other Senators, he will get along better. [A pause.]

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the pending amendment.

Mr. PENROSE. Now, I will go on, Mr. President, since the Senator has withdrawn his objectionable attitude.

On Friday, February 2, the bill came to the Senate and was referred to the Finance Committee. No meeting of the committee was ever called, but a caucus of the Democratic Senators was held and subcommittees were appointed, on which subcommittees the minority were not represented nor were they even invited to attend or officially notified of their meeting. On Tuesday, February 13, 11 days after the measure had been considered in the Democratic caucus, the bill was reported to the Senate by the chairman, having been previously submitted to a full meeting of the Finance Committee on the afternoon previous, February 12, a perfunctory meeting at 5 o'clock at which the bill was not even read, but a vote was taken and by a strict party vote, the minority recording their dissent and the majority voting their approval, the bill was ordered reported.

That was the first official notice, the first opportunity for participation that the minority in the Senate had had in the history of this legislation, which was only introduced when the session of Congress was considerably more than half over. All information was denied. No information could be had as to the changes contemplated, and even the hearings amounted to nothing, because most of the men of position and knowledge in the world of finance and business who were here were denied a hearing or did not know where they could get one.

On February 20 this measure was taken up by the Senate. Now, mark you, Mr. President, this bill estimated to raise several hundred million dollars of revenue.

Five hundred million dollars or Mr. LA FOLLETTE.

six hundred million dollars.

Mr. PENROSE. Yes; including the loans provided for, many more million dollars. It was not taken up by the Senate until Tuesday, February 20, about 13 or 14 days before the expira-tion of the present Congress by limitation. Could there be a more monstrous evidence of high-handed legislative procedure, Mr. President, than to ask the minority, who had been studiously ignored and kept from any source of information about this measure, to be brutally notified that they must consider this bill for only two or three days within the space of 14 days before final adjournment, because other bills demanded attention?

I do not recall, Mr. President, in the history of legislative bodies in any free government such a roughshod method of procedure as this; but so accustomed have our Democratic friends become to the full deliberation of the caucus and to coming into the Senate and saying "Take this bill and vote," that they become impatient and suspicious and resentful, and their imagination becomes superheated, if the minority attempts to give consideration to it. That is the history of the Mr. President, down to the present time.

Most of the period of the four or five days-not a full five days, of course, because part of each day was devoted to other matters, but in the very brief period referred to-nearly the whole time has been consumed to-day by Democratic orators and debaters, and the rest of the time by the controversy over the oleomargarine amendment and by calling quorums. bill has not come up on a single occasion on the four or five days in which it has been before the Senate that there has been a quorum of the Senate present, and when a quorum has been called it has been necessary to call the roll the second time, and on more than one occasion it has been necessary to send the Sergeant at Arms to bring in absent Senators. So that every morning and every evening and through the day probably two hours have been consumed-from one to two hours-in calling quorums. But the scandalous part of it, Mr. President, is that at the morning hour-

Mr. SIMMONS. If the Senator will permit me to interrupt

Mr. PENROSE. Yes

Mr. SIMMONS. I think he has called about nine-tenths of all the quorums that have been demanded.

Mr. PENROSE. And I was within my rights if I did, Mr. President. There ought to be a quorum, and I do not think the Senator from North Carolina will attempt to argue that a bill of this magnitude should not have a quorum of the Senate present when it is being considered. We certainly should start with a quorum, and simply because there was a quorum of Democratic Senators in a caucus to consider the bill is no reason why there should not be a quorum of Senators, regard-

less of party, to consider it in the light of day.

I say it is a national scandal, Mr. President, that the Senator from North Carolina can sit here in his seat and not be able to deny the statements which I make to him, that this bill has never come up when there was a quorum present. Further, I state, Mr. President-and it can not be contradicted-that when the measure has come up the Republicans have been loyal and have voted, so far as they were present in the Chamber. There can not be a suspicion that they tried to break a quorum or retreated to the lobby, as has sometimes occurred, to endeavor to break a quorum or impede the public business. best illustration of that is that on more than one occasion, perhaps on most of the occasions, when I or some other member of the minority called for a quorum, there were more Republicans who answered to their names than there were Democrats.

I have here the proceedings of this morning. There were 45 Senators who answered to their names when the roll was called, 20 Democrats and 25 Republicans. Does that look like trying to filibuster against the measure, Mr. President? There was no quorum; and on the second call eight Democrats and four Republicans answered to their names, making 57 Senators present, a bare quorum. Does that look like filibustering on the bill, Mr. President, when the Republicans were here, anxious and ready to debate, willing to help the Senator from North Carolina keep a quorum, when his own people were absent from the Chamber? Can the Senator explain to me why this extraordinary lack of interest in pressing the measure exists on the part of the majority? Had they been here, as was their bounden duty, this morning they might perchance have passed the bill, but there might have been more Republicans in the Chamber than there were Democrats, and they did not dare vote on any question.

Now, let us take the day before, February 23. On the roll call 49 Senators answered, barely a quorum. If the Democratic majority had been here in their seats, the mere physical force they would have presented might have passed this bill long ago. The Senator from North Carolina talked very vociferously and very boldly about the policy of "frightfulness" which he expected to indulge in for the rest of the session. He will have to get a good deal more frightful than he has been to disturb the

minority.

Thursday, February 22—let us see how the Senate stood upon that day. There was a roll call demanded by some trouble-making Member of the minority. I have not his name at hand. Twenty-two Republicans were present and 21 Democrats. Again a majority of Republicans were present in the Chamber, and the Senator's colleagues were absent, neglecting their duties, away from the Chamber, when if they had been here in full force they might perchance have passed the bill. I do not know where they were. They evidently had not enough interest to be here and enforce by the physical and moral influence of their presence the passage of the bill.

The second call for a quorum was made. Again the Republicans answered in excess of the Democrats-four Republicans and three Democrats. Fifty answered altogether and a quorum was announced, again the Republicans being in the majority. Does that look like any attempt to filibuster or delay? Every one of those Senators might have retreated to the cloakroom. They might have gone over to the Office Building. They might have held up the business. I have seen the Senator from North Carolina and his Democratic colleagues do it on numerous occasions when they were in the minority, and I do not suppose they would have thought it was much out of the way if we had occasionally done it; but we did not do it. We never thought of

doing it.

Now, let us go to February 21. The roll was called and 22 Republicans and 25 Democrats answered to the roll call. That day, to the surprise of everyone, the Democrats were 3 ahead of the Republicans in answering to the roll, but there was no

quorum, and on the second call, for absentees, 1 Republican and 2 Democrats appeared, making a total of 50-a bare I hope that due note will be taken of the fact that in all these cases the quorum was obtained only after great difficulty, and that in no case was there a margin of more than 1 or 2 votes in obtaining the quorum.

It was the same way on Tuesday, the 20th, when on a roll call 51 Senators answered to their names, 22 being Republicans

and 29 Democrats-just 2 more than a quorum.

Mr. President, after this statement I think the Senator from North Carolina ought to withdraw the statement he made that there was any effort to filibuster on this bill. I do not see how, as an honorable man, he can fail to admit that the Republican minority has been loyal and faithful in helping him to keep a quorum here; that it was within our power every time this bill has come up to have broken a quorum and to have put him to very great inconvenience and loss of time. is not the duty of the minority to maintain a quorum. I think that from an ethical point of view the minority, if they chose, could stay away as long as they were able to stay away, until they were compelled to return by the Sergeant at Arms; but in the case of this bill the Republicans have acted in good faith and have freely come forward to help make the quorum.

I should like to call attention to some of the evening ses-I was just about to overlook them. On Tuesday, February 20, the suggestion of no quorum was raised. Twenty-five Senators answered. The Secretary called the roll of absent Senators, and 10 Senators appeared. After the Senate had been sitting here for nearly one hour the chairman of the committee was compelled to move that the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators. Has he any right to make any charge against the minority of delaying this bill when over one hour was lost on the evening of Tuesday, February 20, the first day the bill was taken up for consideration, when his colleagues in the majority party were so indifferent that they were absent from the Chamber? Mind you, this party has a clear majority of 16 in this Chamber, mostly men in the prime and vigor of life, with no excuse that I can imagine for being absent, unless it is lack of interest in this measure, disloyalty to it, or indifference to it.

That brings us down to February 22, the evening session, There was a call for a quorum. Forty-three Senators answered, The second call, for absentees, was made. Two Senators answered, and the Sergeant at Arms was directed to demand the attendance of absent Senators. Finally, after the usual

delay and trouble, a bare quorum was obtained.

Here is the majority, Mr. President, in this Chamber, so far as I know, nearly every one of them in Washington, except perhaps one or two who are sick, indifferent or unable, with 16 majority in the Chamber, to maintain a quorum of their own, and they have only had a quorum through the generosity of the Republican minority, whom the chairman of the Finance Committee attempts to insult this afternoon by charging them with conducting a filibuster. It is a poor return, Mr. President, for generous treatment, meant and carried out in good faith.

As I said in the beginning, Mr. President, the Senator is unduly alarmed. I can assure him that his bill will pass, so far as coming to a vote is concerned; but I now give him due notice at the same time, notwithstanding his blatant threat of physical force, which he has been unable to make good since the bill was under consideration in the Senate in a parliamentary way to pass it, that the minority will reserve the right to give legitimate discussion to such paragraphs of this bill as they think fairly demand their attention. They will resent the thought that the bill can be handed out to them from a Democratic cancus and that it can be said to them: "Here, take this and gulp it down, and very few words about it at that."

Up to the present time the measure has not had opportunity to be discussed. The discussion on the oleomargarine paragraph was a discussion of a question which never should have been in the bill, which no chairman properly cognizant of his duties, no majority expert in legislation, ever would have permitted to go into the bill. The discussion to-day was largely the consideration of a conference report, which I voted against bringing up, and a tactless and intemperate discussion on the Democratic side about foreign matters. So let us begin to-night and on Monday to discuss this bill in a reasonable way, and I assure the chairman we will try to keep a quorum here, and that early in the week I hope the bill will pass.

Mr. SIMMONS. Mr. President, just a word in reply to the Senator from Pennsylvania. The Senator refers to the hearings. He says I did not deny some of the statements he made. have not considered it necessary to deny all the statements made

by the Senator from Pennsylvania. The Senator is habitually so inaccurate in his statements and so wantonly careless in many of them that if one should attempt to—

Mr. PENROSE. Mr. President, I can not hear the Senator.
Mr. SIMMONS (continuing). If anybody should attempt to
answer all the statements of the Senator from Pennsylvania—

Mr. PENROSE. The Senator talks in such a way

The Senator hears me-if one should at-SIMMONS. cempt to answer all the statements made by the Senator from Pennsylvania in this Chamber that are not based upon the facts of the case he would have no time to do anything else.

Mr. President, I did not go into a statement of the detailed evidence showing the existence of a filibuster. I was content to let the situation here in the Senate, known of everybody here, known of the representatives of the press in the gallery, known of the country, to speak for itself. It is a rule of the courts, and it is a rule of common experience, that matters of common knowledge need not be established by evidence. Courts and legislative bodies take cognizance of well-known facts; and the fact that there is a filibuster on here is so patent, so clear, so indisputable, that it does not require a statement of the evidence on my part, for this reason I did not detain the Senate to make a detailed statement of the facts showing the filibuster. I left the country and the Senate to judge for themselves.

The fact that the Senator from Pennsylvania, a man of remarkable intelligence, great ability, and of exceptional adroit-ness, has labored, as the Senate has witnessed during the delivery of his diatribe, in itself shows how hopeless is his contention, and how utterly unequal his great powers are to acquit

his party of the charge which I have made.

But, Mr. President, if any added evidence were needed to establish the fact that our Republican friends are unnecessarily consuming time, and especially that the Senator from Pennsylvania is unnecessarily consuming time, it can be found in the fact that most of the speech which he has delivered here to-day in reply to me has already twice or three times appeared in the CONGRESSIONAL RECORD.

Mr. PENROSE. The Senator's speech has never appeared in the Congressional Record; so there is a little difference be-

tween the two.

Mr. SIMMONS. Well, as for my speech, it appeared in the RECORD of yesterday; as to the speech of the Senator, and the two which have appeared in the RECORD, the difference is so slight that while they might be differentiated the differentiation would be something like the failure to dot an "i" or cross a "t" in the one case, and a compliance with the well-known laws with respect to that matter in the other case.

If the Senator is as anxious to get a vote upon this bill as he now professes to be, if he has been so anxious during all these five days that we have been discussing this matter as he professes to be to get a vote, I can not understand why he should not be willing now to give unanimous consent to vote upon this bill next Monday. When the bill was taken up I had the most positive assurances that it probably would not take over three

or four days at the utmost to dispose of it.

Mr. PENROSE. Well, Mr. President, it would not-Mr. SIMMONS. Yet we have already spent five days on it, and my proposition is to allow another whole day

Mr. PENROSE. Will the Senator permit me on that point? was assured by him that the oleomargarine amendment would go out of the bill.

Mr. SIMMONS. The Senator never has been assured by me that the oleomargarine amendment would go out of the bill.

Mr. PENROSE. Well, by vote of the Senate.
Mr. SIMMONS. I did state to the Senator, and I stated to others, that I had heard some suggestions from both sides of the Chamber that possibly a motion might be made to lay that amendment on the table.

Mr. PENROSE. That is it.

Mr. SIMMONS. I have never expressed a desire that it should go out of the bill, and the Senator knows I never have.

Mr. CLARK. Mr. President—— Mr. SIMMONS. Now, if the Senator is so anxious to pass the bill, and if he is not satisfied with Monday, I should like to ask him what day next week he will agree to vote on this bill, and to get unanimous consent of his side of the Chamber to have a vote.

Mr. PENROSE. Does the Senator want me to answer?

Mr. SIMMONS. Yes.

Mr. PENROSE. Mr. President, I am speaking in absolute sincerity when I state that in my opinion this bill will pass. That the majority are entitled to a reasonable time to discuss it, and a very short time, in view of the limited period left of the session, I think will be generally conceded. I do not think the Senator from North Carolina need worry about fixing a day for a vote, because I tell him he is going to get a vote, and I have no doubt that he may be able to pass his bill by Monday or Tuesday. I do not think anybody in the history of the Government has ever been able to regulate debate in the Senate. I have known Senators high up in the church, high in religious standards, of undisputed veracity, whose names would be taken without a scratch of the pen for thousands of dollars, to say that they were only going to speak for 10 minutes and then speak for 10 hours. [Laughter.] That is a failing of human nature that I can not curb and that I never could quite analyze; but I will do the best I can to curb and curtail the argument, and I have no doubt the Senator will get a vote early in the week.

Mr. SIMMONS. The Senator is not prepared to designate any day when he will be willing to take a final vote?

Mr. PENROSE. I have no authority from the minority to do it. I suggest the absence of a quorum, Mr. President. Per-

haps the question can be better brought up then.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Brys Johnson, S. Dak,
Jones
Kenyon
Kern
La Follette
Lea, Tenn.
Lee, Md.
Lewis Overman Owen Penrose Pittman Sterling Stone Swanson Thomas Tillman Vardaman Bryan Clark Cummins urtis Pomerene Ransdell Curtis Dillingham Fernald Fletcher Hollis Shafroth Sheppard Sherman Shields Walsh Warren Watson Williams Lodge Martin, Va. Martine, N. J. Norris Simmons Smith, S. C.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present.

Mr. LEWIS. I ask that the absentees be called. The PRESIDING OFFICER. The Secretary will call the

names of the absent Senators.

The Secretary called the names of the absentees.

Mr. BANKHEAD and Mr. BRADY entered the Chamber and answered to their names

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is not a quorum present.

Mr. WILLIAMS. Mr. President, the league, allies, or con-

spirators, whichever may be— Mr. CURTIS. Mr. President, debate is out of order.

The PRESIDING OFFICER. The point of order is sustained. Debate is out of order.
Mr. WILLIAMS. Upon what ground?

The PRESIDING OFFICER. Because there is not a quorum

of the Senate present.

Mr. WILLIAMS. Therefore a Senator can not be heard upon the question whether the Senate shall adjourn or not? It is always in order to move to adjourn and always in order to oppose a motion to adjourn. I am merely opposing a motion to adjourn

The PRESIDING OFFICER. No motion to adjourn has

been made.

Mr. WILLIAMS. Am I not in order now?

The PRESIDING OFFICER. The Senator is not in order.

Mr. WILLIAMS. I merely wanted to say the conspiracy being clearly disclosed, there is no longer any right on anybody's part to object-

Mr. PENROSE. I move that the Sergeant at Arms be di-

rected to notify all absent Senators to attend. I rose to make that motion.

Mr. PENROSE. I am glad it has the approval of the Senator

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Sergeant at Arms be requested to direct the attendance of absent Senators.

The motion was agreed to.
The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. Fall entered the Chamber and answered to his name. The PRESIDING OFFICER. Forty-nine Senators having

answered to their names there is a quorum present.

Mr. LEWIS. I was about to move that the order directing the Sergeant at Arms be vacated, but I think it wise to leave it

as it is. I will not make it.

Mr. FERNALD. Mr. President, I wish to say that I have been wonderfully taught in the methods of farming by distinguished Senators, whom I supposed knew nothing about farming but were lawyers by profession and by their business. However, I understand that even they know something about farming, of which I have known all my life.

I rise not to attempt to delay the proceedings of the Senate in discussing the important matters which come before it, but

coming from a State interested in dairying, engaged largely in the production of a product which we have always thought was a legitimate and honest product, and inasmuch as the amendment to the bill affects the industry which I represent and the farmers of the State from which I come, I thought it only fair that I should give some reasons why I most strenuously object to this provision in the revenue bill.

I wish to say, first of all, that I regret much of the discussion which has been going on here this afternoon regarding foreign matters and regarding the attitude of the Senate and Congress toward any important measure which may be obliged to be taken by the President of the United States or the Congress of the United States in the near future. I wish to say that there is no man in the Senate, no man in Congress, no man in this country who is more loyal to the country, and whatever pro-cedure may be taken by the President of the United States should war be declared with any foreign nation, than I am.

I do not believe there is any difference of opinion in the Senate, in the Congress, or in the country over that proposition, and whenever war shall be declared, if it is declared, we shall be as one people in support of the policy and stand by the President of the United States.

In this revenue bill there seems to be a difference of opinion as to how the revenue should be raised. I, coming from a State made up largely of farmers interested in the products which are attempted to be taxed, am naturally interested in the bill.

It has been said by some Senator that there was a great monopoly among the farmers of the country, and that they had come to Congress demanding that the proposition which is placed in the bill should be defeated. I have not happened to see any farmers around this building, not only for the past week, when we have had this measure under consideration, but at any time during the session of Congress. There are in this country nearly 4,000,000 owners of farms, and, to my knowledge, I have not seen one of them present at the hearings while the bill was under discussion. The total value of the farms in this country is \$40,991,000,000, and would it not be natural that men who own property to the tremendous amount involved here would naturally be interested in a measure which would affect very materially the products which they produce?

This part of the revenue bill, Mr. President, I think is mis-called or misnamed. It seems to me that the proper name should be "A bill to promote, encourage, and increase deception in the manufacture of food products," because, if it means any-

thing, that is precisely what it does mean.

Who are interested in the passage of this oleomargarine provision, or margarine as they propose to call it. About the first thing in the first paragraph suggests that the first part of the name should be dropped, and instead of calling it oleomargarine it should be called margarine from now on. There are a very few people, comparatively, who are manufacturing this product. I am not going to discuss whether it is a palatable, nutritious, or healthful product. That is a matter for every person who places it on his table to decide for himself.

The Senator who is sponsor for this part of the bill has said that a great many laboring people desire to have this article on their table. That may be true. He said that in the logging camps and among a great class of people who were receiving camps and among a great class of people who were receiving low wages it was desirable that they should be able to procure oleomargarine, or margarine, at a low price, and that it will be necessary in order that those of limited means who are working for low wages should have an opportunity to buy a product to take the place of butter. Do you know that in the logging camps of Maine, or that every man who hires out to go into those camps makes a contract that he shall have butter on the table? It is not a fact that a great many people desire margarine in the place of butter. We have in the State of Maine 140,000 cows. Those cows are owned by a large number of farmers, naturally.

We hear much of the high cost of living in these days. It is a great question to know how people are going to live, and I want to say that it is a very serious question for the people of this country at this time.

For the past two years we have been doing everything possible to discourage farming in this country. Recently a bill was passed by the Congress of the United States reducing the duty on almost everything which the farmer produces. Butter had a duty of 6 cents a pound; the duty was reduced 60 per cent, or down to 2½ cents per pound. We had a little butter factory in our town that was handling the product of some 3,000 cows; and in less than one year after the duty was reduced that butter factory was closed to American cream, and there has not been a single pound of American cream manufactured in that butter factory from that day to this. The duty on cream was reduced from 5 cents a gallon to 2 cents a gallon, and every single pound of butter that has been manufactured there has come from Canada from that time to this. Everything has been done to discourage the farmer.

There are in this country about 500,000,000 acres of land that are tillable. With the increase in population, which has been very large and constant, it is necessary that every acre of land should be tilled, and tilled in a scientific way, to produce the largest crops that are possible. In the past two or three years, the past two years particularly, the boys from the farm have been taken into the munition factories, into all of the different establishments that are manufacturing shot and shell and powder with which to kill people. They have been getting enormous wages.

The high cost of living is a natural question. It is not necessary to establish a commission, as has been suggested, at an expense of \$400,000 to determine what is the cause of the high cost of living. It is a simple question; it is a question that can be easily determined. It does not need any commission to travel all over the country to find the real reason for the high cost of living. Every Senator in this Chamber knows what is the cause of the high cost of living in his State. The boys have been going from the farms because they could get higher wages in the cities. Boys on the farm do not wear uniforms; they have no epaulettes; they do not march to music; but have a constant drag of hard work all the time. Instead of working eight hours a day, as is asked by other men in other lines of business, their grind is from 5 o'clock in the morning until 6 o'clock at Naturally the young men on the farms turn to other lines of business, especially at the high wages that are being paid in these days. That constant draw from the farm of the paid in these days. That constant draw from the farm of the young men leaves the older men to do the work, and the farms are not tilled as they were five years ago. I know this, because I am interested in the business. I am not only a farmer, but I handle the products of the farm in more than 50 towns in my own State, and I know that we are obliged to pay the farmer for his products more than twice what we paid him 10 years ago; and even at that price it is not possible to get the acreage planted that we had 10 years ago. When we go to a man to-day and ask him to plant 5 or 10 acres of corn for us to bring to the factory, as he has been doing in years past, he immediately says, "I can not do it, because the boys have gone, and it is impossible to hire labor at present prices; even at the prices that you are paying to-day, which are double what they were 10 years ago.'

The high cost of living, Senators, is a much more serious question than it at first appears to be. I talked to-day with a man who is at the head of a wholesale grocery house in New York, who is the secretary of the National Wholesale Grocers of this country, of New York, Chicago, Boston, and other places, and I have learned that it is a fact that 35 per cent of all the foodstuffs handled by the grocers of this country are products that are placed in tins.

Let me say, Mr. President, that to-day the cheapest foods on the market are foods that are packed in tins. We speak of these things in a mysterious way, as though there were some great monopoly somewhere that was undertaking to determine the price of foodstuffs in this country. Are Senators aware that business men try to get their products, whatever their manufactured goods may be, to the market in the best and cheapest possible way? Every manufacturer in this country who has undertaken to place his goods in any way except through the wholesale grocery house and from the wholesale grocery house to the retail store has failed in his undertaking. It is not possible for the manufacturer to sell his goods direct to the consumer. I pack a certain line of goods, but I can not bring those goods to the people in Washington and sell them direct to the consumer. There is a natural channel for those goods. We sell to the wholesale grocer, the wholesale grocer sells to the retailer, and the retailer distributes to the consumer.

The great trouble with the high cost of foods grows out of the fact that we have had short crops for the past few years. Packers of canned goods have been able to deliver only from 60 to 70 per cent. The large number of people who were producers on the other side of the ocean are in the trenches—millions of men have become consumers instead of producers—and the large number of men in this country that have been taken into the munition factories has made a shortage of help. The farmers can not secure enough help to do their business, to carry it on as they did a few years since.

Let me tell you, as the Senator from New Jersey [Mr. MARTINE] said the other day, this is a most serious proposition. The millions of men on the other side who are in the trenches have to be fed, and they have been fed to a very large degree from our country. Foodstuffs are still going over there; and it is a question, should we get into trouble with any nation on

earth—not that we can not find men enough—but, Senators, the shortage of food to-day is so serious that if the people in this country realized how little we have on hand to carry us along until another crop can be harvested, it would be considered as of much more importance than anything we may have before us at this time to discuss.

Mr. JONES. Mr. President-

Mr. FERNALD. I yield to the Senator for an inquiry.

Mr. JONES. Can the Senator from Maine tell us how much of the exports in the last three or four years have been agricultural products?

Mr. FERNALD. I have not the figures, so I am unable to tell the Senator.

I want to say in passing—because this information may be of some interest to the people—that the educational part of this shortage is a matter of much importance. There are foods to-day which may be purchased at a reasonable price. I refer to a product of the State of the Senator from South Carolina [Mr. SMITH]. I think rice is raised in that State. Rice to-day can be purchased at a very reasonable price, almost for the same price per pound as potatoes, and rice is worth 300 per cent more as a food product than potatoes.

I have referred to the reduction of the duty on butter. Germany was the greatest potato-raising country in the world. Under normal conditions she raises six times as many potatoes as we raise in the United States. The last report I have been able to secure giving definite figures showed that Germany produced in 1912, 1,856,000,000 bushels of potatoes. The Germans are not raising potatoes to-day to any great extent. Before the European war Germany could put the potatoes raised by her into the New York market at a less price than we were able to ship potatoes from Aroostook County, Me., to the New York market.

Mr. President, I have just quoted the figures showing that Germany was the largest potato-raising country in the world under normal conditions, and that she raised more than five times as many potatoes as we raise in the United States. Russia is the next largest potato-producing country in the world. She produces under normal conditions 1,356,000,000 bushels of potatoes.

Now, Senators, it is easy to determine what is the cause of the high cost of living, and particularly of this one product of potatoes, which are, perhaps, higher than ever before known in the history of the world. To-day potatoes are selling for \$1 a peck in this market. France is a large potato-raising country, her product amounting to 583,000,000 bushels, that of Belgium to 121,000,000 bushels, that of the Netherlands to 121,000,000 bushels. During the same year the United States raised 420,000,000 bushels of potatoes. When the men on the other side are consumers instead of producers, and when the men on this side are in the factories manufacturing shot and shell and powder, when the farms are neglected, as they have been, it naturally makes foodstuffs high. Further than that, I have told you that the cheapest articles in the market to-day are canned foods, as any man can tell you who knows anything about food products.

To show you the seriousness of the situation, this very year 2-pound cans that are used for a large variety of foodstuffs have advanced \$9 per thousand, or about 60 per cent. I cite this instance to show you what we are coming to, and that there is nothing mysterious about this proposition in the way of the high price of foodstuffs.

Now, what we need in this country more than anything else is to encourage the farmer, to protect the farmer in every way possible; and in the last few days we have been doing just the opposite thing. We have undertaken to discourage him in everything that he raises. Only recently the duty of 25 cents a bushel on potatoes was removed. Only recently the duty on butter was reduced 60 per cent, or from 6 cents to 24 cens a pound. Only recently the duty was reduced on oats. Only recently all of the farm products in the way of fruits and vegetables have either been placed on the free list or the duty has been greatly reduced.

The way to solve the question of the high cost of living is to give a little encouragement to the farmer; and yet in the bill we have before us to-day you are undertaking to put oleomargarine in competition with cow's butter, and to make it enarries that the farmers than we have made it up to this time. I have told you that farmers work from 11 to 13 hours per day, and in many of the industries it is proposed to make a day's labor 8 hours, thus making it even harder for the farmer, because the boy who can go into a factory and work but 8 hours a day is naturally drifting into those positions, instead of remaining on the farm. Everything that a man eats must come

from the farm, and there is the place where we have got to

remedy the high cost of living.

I have told you it is a most serious proposition. I can not solve the problem. I know that we have no more foodstuffs in this country than are needed for the people of the country until we can gather another crop. How we can retain what we have I can not tell you; but it is a fact, as true as we live, that some proposition must be worked out to reserve what we have here

and look out for our own people first.

I am willing to admit that our people are running into extravagances; but the question we are undertaking to solve to me is so simple that I do not believe it is necessary to have a commission to undertake to determine the cause of the high cost of living. Here are hundreds of thousands of men in the last 10 years that are building automobiles, running automobiles, working as chauffeurs, and they have built up a business and an industry that is almost beyond the conception of man. If those men were on the farms raising wheat and corn there would be no shortage and there would be no extra high price of foods. But until you can take care of the farmer, protect him, and encourage him, and do all that you can to get large crops, the cost of living is going to remain high. There is not going to be a large crop put in this year. Do you know, Senators, that in the 52 towns where we do business the promised crop for next year is not as large as last year, and last year it was only 60 per cent of normal? And when you go to these farmers and ask them the reason of this every man will tell you that he can not hire the labor to do it.

These are questions that ought to be considered by this Congress-not to undertake to form a commission that would report a year hence or two years hence, perhaps, but for immediate action, to determine what we can do now to take care of our

I am ready to admit that there is much extravagance. Thousands of people are owning, or pretending to own, automobiles that ought never to have had them. You can go out on this Avenue and watch the people going back and forth in motor cars, and you can readily determine that 65 or 70 per cent of them ought never to have had a car. You can go down to the theater to-night, where the seats are sold for \$2 each-I happened to be down there the other night when I was wanted in the Senate, and they sent an officer down for me. In looking about that large audience I saw that the house was packed to its capacity, and I would naturally suppose in this great city. with Congress in session, that probably a large percentage of those present were Senators or Members of the House; and yet there were just two Senators in that big audience, and I did not see a Member of the House there. The others were people of You go over to the theaters where the seats are 75 cents each and you will find that theater packed. You go to the where 10 cents is charged, and you will find them packed. It is so with all the amusements that the people in this country have taken up in the past few years, and for which they are spending their money.

Senators, unless there is a halt called and we begin to educate the young people in a different direction, we are going to have more serious trouble in the next few years than anybody at the present time can conceive of. People have got to go to the farm and begin work on the farm, and yet the very bill that we are undertaking to discuss here discourages farming. All the legislation that we have had in the past few years has been to the discouragement of the farmer, reducing his prices, until to-day we find ourselves with his shortage. Men are in the trenches, marching with muskets, shooting each other-and millions of them are doing this on the other side of the ocean-and we over here are furnishing them with the food which they are consuming. Not only that, but our young men are in the munition factories, producing articles of war and shipping them across the water when they ought to be on the farms raising food products for the consumption of our own people.

I listened with a great deal of interest to the Senator from New Jersey [Mr. MARTINE] the other day on this subject. I can not conceive of any way to keep the foodstuffs here. know what we ought to do; but these are questions which should be considered here and now by this Congress, and in every way possible we should try to avoid what is attempted in this bill, making it more discouraging and harder for the farmer.

Mr. REED. Mr. President—
The PRESIDING OFFICER (Mr. Lea of Tennessee in the pair). Does the Senator from Maine yield to the Senator from Missouri?

Mr. FERNALD. For an inquiry.

Mr. REED. Is there anything in this bill that would especially affect the farmer, except oleomargarine?

Mr. FERNALD. That is what I am referring to.

Mr. REED. How would it suit the Senator to give us a vote on that matter and a chance to kill that proposition? It going to be beaten by an overwhelming vote. How would it

going to be beaten by an overwhelming vote. How would it suit the Senator just to get rid of that?

Mr. FERNALD. I am ready to vote on that proposition.

Mr. REED. I think we can get a vote right now, if the Senators on the other side are of a like mind.

Mr. WATSON. Mr. President-

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Indiana?

Mr. FERNALD. I yield to the Senator. Mr. WATSON. I have no desire to take the Senator from Maine off his feet, but I should like to ask him a question, if I may. Is that the ruling of the Chair?

The PRESIDING OFFICER. The Senator is not going to be taken off his feet unfairly. The Chair understands that the Senator from Indiana desires to ask a question.

Mr. WATSON. I rise to a parliamentary inquiry, which is whether or not it is in order to vote on the oleomargarine amendment at this time? Are there not other amendments pending before that amendment can be voted on, and must not they be taken up in their order?

The PRESIDING OFFICER. Unless the Senate should otherwise order, that is true. The pending amendment is not the

amendment known as the oleomargarine amendment.

Mr. REED. It can be taken up at any time, on motion. I shall be glad to make the motion.

Mr. FERNALD. I could hardly yield for a motion. I want

to discuss this matter a little further.

The lands in the United States which are tillable, according to the census of 1910, are about 878,000,000 acres. Part of this acreage is available for cereal crops, or in the neighborhood of 500,000,000 acres. Now, Senators, if we continue tilling just 500,000,000 acres with the increasing population, it is certain that we must raise more from those acres or we must till more ground; and with the discouragement being placed in the way of the farmer in taking the duty off of his products, in placing a product which is a fraud in competition with his honest butter and his honest cream, is that going to increase the number of farmers? Is that going to make more valuable the farms, or is it going to give the farmer that encouragement which is necessary for producing those products?

I know something about the manufacture of butter. It was said by some Senator the other day that the farmers were manufacturing a putrid, rotten product, and that there was no opportunity for the Government to make an inspection of it. I do not know whether the Senator knows it or not, but I do not think there is a State in this Union but that has inspectors to go about to the farms to inspect the stables, to inspect the cows, to see that no disease is prevalent among the cattle. true of my State, and we secure the best men possible to do that-men who thoroughly understand the anatomy of the animals, who thoroughly understand how a stable should be kept clean and sanitary. It is not necessary for the Government to inspect the farms. That is left to the States and is done by the

With the enormous amount of capital invested in the farms of this country, it seems to me only fair that some representatives of those farms should be present at a hearing when such a measure as this is to be considered. There are millions of farmers in this country getting their living on the farm, and there are very few manufacturers of oleomargarine in the country. Now, does it not look as though, if there were any monopoly, it would be much easier to have that among a few men than among millions of men? Every Senator here knows that there is not such a thing as a monopoly among the farmers They are not here. They are at home on their of the country. farms attending to their business; but they know what is going on here, and hundreds of telegrams have been received by Senators on this floor in the last two days asking us to protect their industry, to look out for their interests, to see that no fraud shall come upon the market in competition with their

As a boy I remember seeing an interesting motto over the doors of the old Shaker family down in my town. I do not suppose many of you know what the Shakers are, but they are a religious family, and they are scrupulously honest and sin-The only difference that they have from most of us is that they do not believe in marriage. Over the door of their dining room hung an old motto which appeals to me as apply-ing to this case: "Be what you pretend to be, and pretend to be what you really are."

We are perfectly willing that oleomargarine shall be sold on the market. It is all right to manufacture it if people want to use it, but it is the most unfair and unjust proposition to put that article in such shape that nobody can tell by the looks of

it whether it is the pure article or not.

Mr. President, I am not going to take the time of the Senate for any greater length of time, but I want to enter my protest, as a Member from the State of Maine and a farmer, against the passage of this bill in its present form.

### LIQUOR ADVERTISEMENTS.

During the delivery of Mr. FERNALD's speech,

Mr. JAMES, Mr. President—
The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Kentucky?

Mr. FERNALD. I yield for a question; yes. Mr. JAMES. I do not wish to interrupt the Senator-

Mr. FERNALD. I am very glad to be interrupted.
Mr. JAMES. Or to invoke any point of order against him.
I have received many telegrams—I have not counted them from bankers in Kentucky requesting an extension of the time of going into effect of the so-called Reed amendment, and stating that it will cause a great financial loss to the various banks in Kentucky which have accepted warehouse certificates for the loan of money. What I want to ask is unanimous consent to have printed in the Record, without reading, these telegrams, and to ask that they be referred to the Committee on Post Offices and Post Roads, with the hope that the committee of conference will fix some time to give the business of the State an opportunity to adjust itself to the new conditions.

The PRESIDING OFFICER. Without objection, the request of the Senator from Kentucky is granted.

The telegrams are as follows:

LOUISVILLE, KY., February 24, 1917.

Hon. O. M. James, Washington, D. C.:

The banks of Louisville, through the Clearing House Association, unanimously request the postponement of the operation of the Reed amendment for a reasonable time for the proper adjustment of business conditions made necessary by the new law. Its immediate operation would cause much financial distress and loss.

Louisville Clearing House Association.

OWENSBORO, KY., February 24, 1917.

Senator Ollie James, Washington, D. C .:

We urge you to use your influence in allowing six months or a year for Reed bill to take effect. Labels, cartons, and advertising stock be complete loss, besides loss value whisky stock.

NATIONAL DEPOSIT BANK.

LOUISVILLE, KY., February 23, 1917.

LOUISVILLE, KY., February 23, 1917.

Hon. Ollie James,
United States Senate, Washington, D. C.:

We respectfully urge that you use your influence and vote to secure for the liquor interests sufficient time to adjust their business before the Reed and Bankhead amendments are made operative. A great and serious injustice will be done whisky men, banks, and business generally if sufficient time is not given for the disposition of the large stocks now on hand. Many solveat businesses will be forced into bankruptcy if closed without notice. They should be given at least until January 1, 1918, to close their business.

LOUISVILLE PUBLIC WAREHOUSE CO.

LOUISVILLE PUBLIC WAREHOUSE CO.

MILLERSBURG, KY., February 23, 1917.

Hon. Ollie James, Washington, D. C.:

I, the undersigned banker of Millersburg, Ky., ask your aid and influence in securing passage of joint resolution giving six months to a year before the Reed bill takes effect.

Cashier Farmers' Bank, Millersburg, Ky.

PARIS, KY., February 23, 1917.

OLLIE M. JAMES. Senate, Washington, D. C.:

I, the undersigned banker of Paris, Ky., ask your aid and influence in securing passage of joint resolution giving six months to a year before the Reed bill takes effect.

W. M. MITCHELL, Cashier Farmers & Traders' Bank, Paris, Ky.

CLINTONVILLE, KY., February 28, 1917.

Hon. Ollie James.

Washington, D. C.:

I. the undersigned banker of Clintonville, Ky., ask your aid and influence in securing passage of joint resolution giving six months to a year before the Reed bill takes effect.

G. W. DAWSON, Cashier Farmers' Bank, Clintonville, Ky.

PARIS, KY., February 23, 1917.

Hon. OLLIE M. JAMES, Senate, Washington, D. C.:

I, the undersigned banker of Paris, Ky., ask your aid and influence in securing passage of joint resolution giving six months to a year before the Reed bills take effect.

C. K. THOMAS, Cashier Deposit & People's Bank, Paris, Ky

LOUISVILLE, KY., February 23, 1917.

Senator Ollie M. James, Washington, D. C.:

I believe a great loss will accrue, not only to distillers but to banks, unless distillers be given reasonable time—say, one year—to comply with provisions of Reed bill.

LOUISVILLE, KY., February 23, 1917.

Senator Ollie James, Washington, D. C.:

I think that if the whisky interest can get six months or a year's time before the Reed bill takes effect that it will be a saving to the whisky interest, and to the banks who have loaned it, from loss. I earnestly hope that you will use every effort to aid the financial institutions and the whisky interest in this matter.

OSCAR FINLEY.

OSCAR FENLEY,
President National Bank of Kentucky.

PADUCAH, KY., February 23, 1917.

Senator O. M. James, Washington, D. C.:

Think it only fair and right that the Reed amendment to the Post Office bill should not become operative before July 1, 1918. A date earlier than this practically confiscates stock on hand. Urge your support to amendment delaying operative date as above.

JAMES C. UTTERBACK.

PADUCAH, KY., February 23, 1917.

Senator O. M. James,

United States Senate, Washington, D. C.:

Endeavor to have Reed amendment to Post Office bill become effective not earlier than July 1, 1918. Anything less than this means opposition and confiscation to certain dealers, and they are many.

W. F. Paxton.

PADUCAH, KY., February 23, 1917.

Hon. O. M. James, Washington, D. C.:

I trust you will lend your support to having Reed amendment made effective not earlier than July 1, 1918. Immediate effect means confiscation to dealers and impairment of bank collaterals.

W. F. Bradshaw, Jr.

CATLETTSBURG, KY., February 28, 1917.

Hon. Ollie M. James, Washington, D. C.:

Can not you favor extension Reed amendment to July 1, 1918? Present bill is a hardship locally and entire State.

FARMERS AND MERCHANTS' BANK.

KENTUCKY NATIONAL BANK.

LAWRENCESURG, KY., February 23, 1917.

Senator Ollie M. James, Washington, D. C.:

Please give aid in securing joint resolution giving six months to one year before Reed bill takes effect. ANDERSON NATIONAL BANK.

PADUCAH, KY., February 23, 1917.

Hon. Ollie M. James, Senate Chamber, Washington, D. C.:

Please endeavor to have Reed amendment to Post Office bill become effective not earlier than July 1, 1918. Anything less means hardship and practical confiscation to many dealers.

ROBERT L. REEVES.

LAWRENCEBURG, KY., February 23, 1917.

Hon. OLLIE JAMES, Washington, D. C .:

We respectfully request that you do what you can to get time of Reed bill extended 6 to 12 months before becoming effective.

LAWRENCEBURG NATIONAL BANK.

LOUISVILLE, KY., February 23, 1917.

Hon. Ollie M. James,

Washington, D. C.:

Please use your best efforts to have the date for the Reed amendment to become effective at as late a date as possible. We desire this on account of the large stocks of merchandise that our local houses have on hand, and to enable them to work this stock off would be quite an assistance to the local houses here.

GERMAN INSURANCE BANK.

LOUISVILLE, KY., February 23, 1917.

Hon. Ollie James, Washington, D. C.:

In the interest of the entire business community of this city and State of Kentucky we earnestly request that you use every effort to extend the time of effectiveness of the Reed-Bankhead amendment, Distilling and wholesale interests are heavily involved, and unless time is given to adjust their affairs great losses will be sustained and business interests will suffer.

LINCOLN SAVINGS BANK.

LOUISVILLE, KY., February 23, 1917.

Hon. Ollie M. James, Washington, D. C .:

We respectfully urge that you do all you can to have the time on the Reed bill extended for 6 or 12 months. If this bill takes effect immediately, it will have serious effect on the banking as well as the liquor business. It seems only fair that this branch of business should be given a reasonable time to adjust their affairs. PERCY H. JOHNSTON.

LOUISVILLE, KY., February 23, 1917.

Hon. Ollie James, Washington, D. C.:

Washington, D. C.:

We are informed Reed and Bankhead amendments will completely destroy our 25 large houses here and locally impair the resources of a great majority of the other big distillers and wholesale liquor houses in this State. Feel sure Congress will for mere humanity's sake give these men a year or at least 10 to 12 months to wind up their affairs. Whisky market already seriously affected, and banks here and other points will suffer drastic losses unless time given to adjust the affairs of this tremendous interest.

FIRST NATIONAL BANK.

LEXINGTON, KY., February 24, 1917.

Lexington, Kr., February 24, 1917.

Hen. Ollie James,
United States Senate, Washington, D. C.:

It is very essential to the banking business of Kentucky that the joint resolution be passed giving six months to a year before the Reed bill takes effect. If this time be given, large amounts of whisky collateral held by banks can be disposed of without loss. This collateral has always been considered perfectly good and legitimate. We therefore consider that such summary action taken by the Reed bill is unfair to the bankers of Kentucky.

First and City National Bank,

FIRST AND CITY NATIONAL BANK, J. W. STOLL, President.

LOUISVILLE, KY., February 24, 1917.

Hon. OLLIE M. JAMES, Washington, D. C .:

Washington, D. C.:

We are informed Reed and Bankhead amendments will completely destroy over 25 large houses here and greatly impair the resources of a great majority of the other big distillers and wholesale liquor houses in this State. Feel sure Congress will for mere humanity's sake give these men a year, or at least 10 to 12 months, to wind up their affairs. Whisky market already seriously affected, and banks here and other points will suffer drastic losses unless time given to adjust the affairs of this tremendous interest.

AMERICAN SOUTHERN NATIONAL BANK.

OWENSBORO, KY., February 24, 1917.

Hon. O. M. James, Washington, D. C .:

We urge you to use your influence in securing passage of joint resolution giving six months or one year for the Reed bill to take effect.

A. B. McCarty,

Cashier Fourth Street Bank.

OWENSBORO, KY., February 24, 1917.

Hon. O. M. James, United States Senate, Washington, D. C.:

We urge you to use your influence in securing passage of joint resolution giving six months or one year for the Reed bill to take effect. This will give dealers time to partly dispose of stocks on hand and readjust their business.

CENTRAL TRUST Co., W. L. RENO.

CYNTHIANA, KY., February 24, 1917.

Hon. OLLIE JAMES, Washington, D. C.:

The undersigned banker, Harrison Deposit Bank, asks your aid and influence in securing passage of joint resolution giving one year before Reed bill takes effect.

JAS. A. LEACH, Cashier.

LOUISVILLE, KY., February 23, 1917.

Hon. Ollie James, United States Senate, Washington, D. C.:

United States Senate, Washington, D. C.:

In the interest of entire business community of Louisville and State of Kentucky, earnestly urge you make sure Congress is fully informed of drastic and far-reaching effects of Reed amendment. The distilling and wholesale interests here are heavily involved with shipping houses, and unless some time is given to work out these affairs, collect debts, and make financial adjustments this will be a catastrophe, not only in Louisville and Kentucky, but in many other large centers, where vast quantities of whisky are cwined, and in many cases held as collateral by banks. Surely Congress will grant at least 10 to 12 months before killing this hitherto legal and important industry.

H. J-Angernmeier.

Mr. FERNALD. I want to say further, Mr. President— Mr. REED. Will the Senator from Maine allow me just a word?

The PRESIDING OFFICER, Does the Senator from Maine yield to the Senator from Missouri?

Mr. CURTIS. I rise to a parliamentary inquiry, Mr. President.

Mr. REED. What I desire to say is on the same line.

The PRESIDING OFFICER. The Senator from Kansas

will state his parliamentary inquiry.

Mr. CURTIS. It is not intended, of course, to take the Senator from Maine off the floor.

Mr. REED. Oh, no.

The PRESIDING OFFICER. No advantage will be taken of the Senator from Maine.

Mr. REED. Mr. President, the Senator from Kentucky has presented a number of telegrams. I have an equally large number of telegrams of the same character, and I join in the request that they be referred to the same committee. The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JAMES. I should like to ask the Senator from Missouri | the one I have mentioned.

if he would have any objection to the conferees of the two Houses on the Post Office appropriation bill fixing a time, say, the 1st of July or the 1st of August, when the so-called Reed amendment shall go into effect?

Mr. REED. Not at all.
Mr. JONES. The Senator from Missouri is not the only one interested in that matter.

Mr. JAMES.

I understand that.
The conferees have nothing to do with that, Mr. JONES. Mr. JAMES. I did not imagine the Senator from Washington was directly interested, because, according to my recollec-tion, he voted, as I did, against the Reed amendment. Mr. JONES. I am interested in the conference report.

I understand that. Mr. JAMES.

Mr. JONES. And in anything of this kind that is proposed to be done. There may not be any objection to having it done by a separate resolution, but we do not care to fix up the conference report in that way.

Mr. JAMES. There was no suggestion on my part that there would be anything done to invalidate the conference report. I understand that it can be accomplished by a joint resolution, and I also believe it can be included in the conference report.

Mr. JONES. I reserve my right to object should anything

of that sort with reference to that matter be done.

Mr. JAMES. I do not mean to foreclose any right the Senator may have.

Mr. JONES. I know the Senator did not intend to do that, and he could not do it; but I do not want the matter to go with such an understanding.

### THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for

Mr. SHERMAN. Mr. President, I desire to submit a few observations on the sources of revenue proposed in this measure. It is extremely gratifying that at 9.20 o'clock by the Senate clocks, both the one above the Chair and the one at the south entrance to the Chamber, we have succeeded in obtaining a quorum, after having convened promptly at 8 in accordance with the recess. In the time of trial when we are facing probably great emergencies requiring some two hundred or two hundred and fifty million dollars additional revenue, and a like amount in a probable bond issue, it is particularly pleasing to a Member of this body to find that we are finally able to secure a quorum competent to transact business and to consider a matter of this magnitude. It is possible that the mere matter of raising a few million dollars might be of not much consequence, a mere bagatelle, so to speak, but just at this time when we are seeking out new sources of revenue it is a pleasure to know that preparedness receives such enthusiastic support, and the consuming interest manifested here to-night is certainly one of the gratifying experiences of my service in this body.

I am not laboring under any hallucination, however pleasing it may be, Mr. President, that the quorum has arrived for the purpose of being informed on the revenue bill. The belief haunts me that more than likely most of them know how to vote. It is barely possible that some very salutary amendments might be adopted. I hope they will be. It is my desire to suggest what I would regard as some improvements to the bill. If they should not be adopted, I shall not fall by the wayside or think that wisdom has departed from the Senate Chamber, but I shall charge such perversity to the majority and continue my ministrations in order to inform my erring brethren upon the concentrated viciousness of measures of this character.

In looking at this bill, Mr. President, I am reminded that a large sum of money could have been omitted if proper economy had been manifested at the beginning of this session. There are some bills carrying considerable sums which I expect to support, providing they shall ever reach a roll call. For some time-and it is the first time I have seen it separated from a very great mass of what I consider improper, if not indefensible, legisla-tion—the flood-control bill has reached that dignity where with one other project only on the Pacific coast it could be submitted on its merits. So far the friends of the measure have found no adequate opportunity to bring it before this body. Other bills of more or less importance have been considered, voted on, and some are now from time to time under debate.

I voted to-day, Mr. President, to take up an amendment to the interstate-commerce law, in order that there might be no proper criticism of our refusal to consider that measure, although I do not regard it as of the importance of other bills, especially

A river and harbor bill is expected to be reached at this session. I wish to state that I am against that measure and will use such legitimate methods and arguments to defeat it as I may be able to command and contribute whatever aid I may be able to summon to accomplish that end.

If a public-buildings bill should reach this body from the committee, however much I deprecate many of the items and think they are utterly parasitical and vicious, because of some good measures in the bill I might be disposed with certain amend-

ments to support it.

These three measures carry a very large sum of money. They are readily observed, because in the aggregate each bill presents a sum running into some millions of dollars. If, however, we take many smaller bills, appropriating a few millions each, and put them together, in the aggregate we have a sum mounting up into many millions of dollars. These latter are the ones that the

country does not especially need in this emergency.

Mississippi River has gathered and sent down toward its delta the surface waters from many million acres of land. We have drained our swamps; we have straightened our tributary rivers; we have taken many millions of cubic feet of water that in other days, never in flood time, saw the Mississippi River, and concentrated it rapidly so as to flood and menace the lower Mississippi River country. I regard the passage of that bill as an imperative duty. Still we have not reached the time when that bill can even be considered.

There are other bills of less moment. If the Interstate Commerce Commission, after some 30 years subsequent to the original act creating that body called it into operation, has continued its usefulness for the last few years with seven members, no great emergency exists why we now need just two more, and need them within two weeks of the time when this Congress automatically adjourns. Still that bill was thrust in here today for a consumption of time as if it were something connected with preparedness and the raising of revenue incidental to that preparedness. It is here, and, as I suggested, I voted to bring it before the Senate. I did it more for argumentative purposes than for anything else, and to use it as a horrible example to show how we have manifested our disposition to reach the im-

portent legislation of this body.

Economy! Have we shown it? If we have, I have failed to see it. From the first appropriation bill, Mr. President, that came into this body, until the last one likely to be reported out of the committee, I have not seen, nor do I expect to see, any spirit of economy shown. The economy shown in this body, Mr. President, makes the prodigal son look like a New England

savings bank.

Let us take the bill to add two more members to the Interstate Commerce Commission. What does it propose? To add two members with the ordinary salary? Hardly. We—

Count that day lost whose low descending sun Does not see a salary raised for some deserving one.

The secretary of that commission originally had \$3,500 a year. Following the law of perpetual accretion for the compensation of public officers, from \$3,500 his salary rose in annual appropriation bills to \$5,000. But now, by an amendment to the interstate-commerce act, it is proposed to raise it to \$7,500. secretary of the Interstate Commerce Commission is no doubt a very busy individual; mayhap the pillars of state would topple to their fall if he died and no wise man could be found in this Republic to fill his shoes. Does he pay any campaign expenses? Does he run for office every two years, as does a Member of the House of Representatives? Does he run for office every six years, like a Member of this body? Hardly. He is safe, too, from the sacrilegious hand of the spoilsman; no politician need reach out to do violence to him or suggest a campaign donation. His tenure of office lasts for life; and what reason is there, when we are called upon to discover new sources of revenue, for compelling us to find \$2,500 additional over the ordinary annual appropriation bill for that purpose, an increase of 50 per cent, for the secretary of that commission? It is a small item, it is true, but it is like the chip when the river is coming up, Mr. President, it shows that there is a swelling of the flood and the direction in which the water is traveling.

Before we get through with the Interstate Commerce Commission bill, I propose to offer an amendment to it reducing the salaries of the interstate Commerce Commissioners to \$7,500 a year. I am in complete accord with some of the Senators of this body, who state that they will vote for no more bills raising the salaries of appointive officers beyond the salary of a Member of Congress. Why, even the secretary of the Interstate Commerce Commission is to receive the same salary as a Member of Congress. He holds, in effect, his place for life, and I doubt greatly whether there is any great expense in con-

nection with his tenure of office, as there is with the ordinary elective office in this country.

In the name of preparedness, the title to this act is written. It reads: "A bill to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other pur-Title I.—Special preparedness fund."

I was interested this afternoon in the statement of the chairman of the committee that the people had asked for preparedness and that we must pay the bill. Somebody must pay the bill; that is true. I thought there was a note rather of satirical comment, not altogether unmingled, Mr. President, with a sort of covert charge that we who live near the coast, or that we who have large resources requiring defense from the public enemy, were the persons who had started the cry for adequate military and naval preparation. It was not ex-pressed in so many words, but that criticism might be implied more from the context and from the manner in which the comment was made

I have in my desk, Mr. President, a public document, in which is printed all of President Wilson's addresses in 1916, beginning along in January of that year. I was very glad to see that he had awakened to the condition of the public defense. many of those addresses he used language that would indicate some degree of alarm. At New York; at Philadelphia; at Cleveland, Ohio; at Chicago, Ill.; at St. Louis; at Topeka, Kans.; at Kansas City, and at some other points that I do not now recall, he voiced in sentiment about what most of us who were concerned as to that question were thinking, and was fairly an adequate spokesman for the American citizens who believe that we ought to take some immediate steps.

I know that it was a difficult thing to arouse the public. It is a weakness of a republican form of government that we let things go too long. We never move until there is a public emergency, until we are faced with a difficulty requiring prompt action. We have paid the penalty many times. All Governments are more or less unprogressive. A republican form of government is not so unprogressive as it is careless and indifferent. In the monarchical forms of government two-thirds of them have to have the red tape shot off with bullets or cut off with the sword before they reach the full measure of fitness to meet a public enemy. There is enough red tape even in our country, with much of the ceremonial that goes with an inherited crown omitted, to impair dollar for dollar what we expend; but finally, at least, the public press, citizens who are public-minded, the President, the heads of the executive departments, all joined, and the country awoke to the real conditions that we were facing. It was a difficult thing, though. resurrection of Lazarus seemed a comparatively simple task alongside of rousing the American people to a sense of preparedness, but at last it came.

Then the Senator from North Carolina [Mr. SIMMONS] this afternoon, in rather a reproving tone, turned around and said: "You must pay for preparedness." Well, of course we must Who? I think there ought to be some degree of uniformity and some degree of fairness in the imposition of this burden.

I am glad to see that the majority leader of the House of Representatives in the Congressional Record has disavowed the statement that it was intended that this tax should be raised north of Mason and Dixon's line. I rejoice, because I do not wish to see sectionalism revived in this country. I wish to see it forgotten and that Mason and Dixon's line shall be no more popular in the years to come than the war cry of Cromwell's Ironsides in the days of the Commonwealth when they swept to battle on Naseby Field to meet the troops of Charles I. was an insurrection, a civil war among some of our ancestors. We have done more to reconcile the differences of a half century ago in our country than was done in England in 150 years after the war closed between the protectorate and the royalists. it is eminently proper, and it is eminently fortunate likewise, Mr. President, that the majority leader in the other House disavows ever making such a statement. I shall accept it at its face value. I shall not argue that in the imposition of the taxes to be collected under this bill there was any deliberate intention to place them upon any particular locality or upon any particular enterprise or business undertaking. However, certain things have happened. When it is figured out, the burdens are found in a certain place, and I shall not comment on it in a sectional way. I only call attention to the fact, trying if possible to ascertain if there is not some better way of adjusting the burden.

As a preface to other things, let me say that the easiest thing in the world is to raise the salary of a member of the Interstate Commerce Commission, or a secretary, or a member of the Cabinet, or a member of the Federal Trade Commission or the Federal Reserve Board or the Farm Loan Board.

All of those who live in Washington and receive from \$7,500 a year up to ten or twelve thousand dollars seem to have in mind that they must exemplify the Scripture, that unto him that hath more shall be given, and that unto him that hath not, even that

which he hath shall be taken away.

Why, do you not remember the almost superhuman struggle here of the Senator from Utah [Mr. Smoot] in trying to get a small advance for the department clerks? What the House will do when it gets through, nobody knows. Favorable weather signals have been heard that there might be some small advance to this body of deserving public servants; but what will happen to it in the conference committee, not even the god of battles, Mr. President, could tell; and we poor mortals that creep about under the legs of this mighty colossus called the administration can no more conjecture what it may be than we know of the chemical composition of the rings of Saturn.

I commend this course to the majority side of this Chamber. If they wish to raise salaries, give the increase to somebody that is paying 60 cents a pound for butter, and getting \$2 a day, and has five or six children, who follows the admonitions of the late President of the United States that we should use our utmost endeavors against race suicide, and then under this administration gets less than a thousand dollars a year to carry out the gospel of replenishing the earth. The higher the salary, Mr. President, the fewer the children; so, if you are going to adjust things, in the general fitness of things, raise the compensation of the fellow who is getting the small salary and let the pay of those who

run to other forms of activity stay where it is

I am weary of this salary raising. I am going to vote for no more bills, Mr. President, to raise the salaries of men who are already getting from five to ten thousand dollars a year. I know something of the burdens of living in Washington by hearsay. It is not beefsteak and bread that cost to live in Washington, Mr. President. In the case of these gentlemen who are drawing large salaries, comparatively large—no Government salaries are large from a private viewpoint—it is not the necessaries of life that cost; it is the style, the upkeep, the overhead charges that cost the money; and that is why this eternal clamor for higher salaries is always heard in the land.

I have no objection to their having all that they want. Let them spend as much money as they please, if they spend it out of their own pockets; but I do not wish them, under the guise of revenue bills here, getting their salaries raised. I want some of the evidences of economy first, and if any raise in salaries is contemplated, I want it to go to the man who has a struggle to feed his family. The others will live anyhow. If they do not, they can resign. I never supported Bryan in my life. I never had any very great admiration for his public views; but he did one everlastingly good thing on this earth, and that is when he resigned. It might not have been very patriotic, but it was profoundly sensible just in the juncture that he performed this act. I fail to recall any other who has attempted to perform a like act.

The Army and Navy have made very large demands. I will not stop to figure them out in this case, Mr. President, but by no means are they the causes of all these expenditures. of them ought to be met by issuing bonds, because the public defense is a part of the future debt to be borne by others. do not think we ought to pay it all. I think, like the treaty by which we acquired the islands in the Caribbean Basin, bonds ought to be issued as provided in this bill. There is a treaty, I understand from press reports—I do not know when it will make its appearance in this body—by which we will be expected to pay Colombia \$25,000,000 for the alienation of affections between that country and Panama. I understand that the former President of the United States is alleged to have intervened in the rôle of the villain, and that there was a permanent separation, and this is to be a "solatium," as the lawyers put it, for that episode.

I remember when I was new in this body, Mr. President, I attended a joint session of the two Houses, and the President delivered a message in which he said he would not know what to do unless we repealed the free-tolls Panama Canal act; that he was in such condition, beset by difficulties, that unless it were repealed he would hardly know how to meet the emergency. Well, I thought it ought to be repealed anyhow. I am glad to say that I voted with him on that occasion. I never willingly differ from anybody, and it was repealed. Not long ago, I think, certain Senators from certain States had a hurry-up call from the Chief Magistrate. They proceeded to the point of rendezvous. They were told that certain antialien land legislation was pending in the States, and that if persisted in it might cause a rupture of amicable relations with a certain power, to say the least of it. That was just at the time that the note came from

Germany in which she threatened to renew the frightfulness of submarine warfare, contrary to one of the notes of the Chief Magistrate following on the destruction of the Sussex. There might not be anything more than a coincidence in this, Mr. President. Nevertheless, this request of Senators to bring such influence as they properly might to bear upon the legislatures of the several States concerned before which were pending the alien land-law legislation came just about the critical time of the submarine issue. This was the second instance. Now we have a direction on Colombia. I hope it will not occupy the time of this body, either in executive session or

I wish to say that I have some knowledge, secondhand, maybe-I was not possessed of any first-hand information-on the merits of this proposed treaty with Colombia by which we are asked to pay them \$25,000,000. I regard it as a diplomatic holdup. Still we are told that we are surrounded with great dangers, and that as a matter of securing the good will of Colombia we ought to conclude this treaty; we ought to give them \$25,000,000 because they might become, on our immediate south, readily accessible over an ordinarily smooth sea a rendezvous or a hiding place for a public enemy of ours in the near future; that Colombia might become the base of operations of that enemy. I am glad to see an awakened public conscience on that question in any official; but I am more afraid of Mexico, lying along our southern flank, than I am of Colombia

some miles farther away.

It is suggested that the reason, then, for the payment of this money would be to create friendly relations. If we have to go to South America and pay \$25,000,000 to establish friendly relations with each of the Republics of Central and South America, we had better revamp the revenue bill. We have not enough even to start on the preliminary payment of what the lawyers call earnest money when you make a contract, something merely to show the good faith of what you intend to do hereafter. Now, whether we are going to have peace with Colombia or whether she is going to be a sheltering place for the public enemy, I do not know; but the demand for the \$25,000,000 and the insolent claim of the men who then constituted the alleged Government of Colombia is an attempt at an international holdup, and I hope the ambassador from that Government is within earshot of what I say to-night. With all due respect to his Government, going back to the time this claim originated and the antecedent condition, it is a most unmoral claim, based upon a shameless form of government that afflicted at one time that Republic. It was then a Government made in revolution, attempted to be enforced by a Government that broke faith, that imprisoned by the most treacherous procedure the lawfully authorized President of that Republic because he had adhered scrupulously to his duty in his relations with this Government, in accordance, as I believe, with diplo-matic correspondence, hardly stopping short of a concluded treaty.

There are, therefore, three of a kind, in all of which we have given up something. There may be economy in this. I do not think so. But if it be presented here, so far as I have a voice in the matter, I shall oppose it, and oppose it in every legitimate way known to the parliamentary procedure of this Chamber. The repeal of the tolls exemption for our coastwise shipping in the Panama Canal, the effort to placate those offended by the alien-land acts proposed by certain States, the \$25,000,000 to be paid Colombia, all savor of expedients that yield to demands to gain temporary advantage. No such con-cessions settle anything. They all tend to create fresh demands in the future.

This measure, Mr. President, taken in its entirety, has several vital defects. On page 3, section 201, as proposed to be amended, it provides:

That in addition to the taxes under existing laws there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 plus (b) 8 per cent of the actual capital invested.

From the statistics in the possession of the Federal Trade Commission I learn that in round figures there are about 250,000 private business corporations in the United States. Of the 250,000 total corporate census there are over 100,000 that are not making any money. In spite, therefore, of what is supposed to be a most prosperous era, in which money is about the easiest thing in the world to get, 100,000 of them are without dividends, and are not regarded as making money or as desirable investments. There are only about 100,000 of the remaining number making over \$5,000 a year. The remaining 50,000 are making less than \$5,000 per year. Each of these

corporations now pays an income tax of 2 per cent. They also pay a corporate franchise tax, with a small exemption, of 50 cents on every thousand dollars of their capital stock. It seems to me that this particular form of industry is now bearing a fair share of the public burden. Still, whenever thrift or business ability is manifested by those who conduct the business of these various corporate bodies, they are to have added to them fresh burdens. It is a tax upon industry, upon thrift, upon ability. At least it must be said that the successful ones have shown their fitness to conduct the business of this country. They ought not be singled out because of this for quadruple taxation.

Who is it carries on the business of the country? The greater part of it, especially the larger business, is corporate in form. The individual business is either comparatively small, or if it rises to any magnitude it speedily is incorporated for reasons I need not advance, not to escape liability, not to become a menace to legitimate business of the country, but in order that it may the more fully carry out the purposes intended; that it may assemble the means and not be subject to the fluctuation of a winding up of the business every time an owner or part owner dies. So the corporation is one of the indispensable elements of the business enterprise of this

Now, let me go a step further, Mr. President. After stating in a very cursory way the part that corporations play in the larger business of the country, these corporations, too, serve the general public. Either the service or the commodity goes to merchants and has been distributed at a reasonable price. Transportation has not shared in the general advance. product even of the Standard Oil Co., which is regarded in some quarters as the very acme of an offensive corporate form of business, has not advanced except upon some articles of very general consumption, like gasoline. That has run far beyond the uses of peace and become an indispensable adjunct of war. Other of its products have not been materially advanced in price.

In 1909 the total manufacturing capital in the United States, in round figures, was \$18,000,000,000. There are 10 States in the Union that have nearly \$13,000,000,000 of the \$18,000,000,000 of capital stock of manufacturing concerns. Those 10 States are California, with \$537,000,000 of capital manufacturing stock; Connecticut, with \$517,000,000; Illinois, with \$1,548,000,000; Indiana, with \$508,000,000; Massachusetts, with \$1,-279,000,000; Michigan, with \$583,000,000; New Jersey, with \$977,000,000; New York, with \$2,779,000,000; Ohio, with \$1,300,-000,000; and Pennsylvania, with \$2,749,000,000. In other words, in 10 States of the Union more than two-thirds of all the manufacturing capital of the United States is found, and the other 38 States have the remaining one-third.

The question of manufacturing, of course, is very closely allied with horsepower. I find from the same source of information that of manufacturing in 1909 the total primary horsepower in the United States was over 18,000,000. I take the same 10 States that I have enumerated. I find that California has 329,000 of the primary horsepower; Connecticut, 400,000; Illinois has over 1,000,000; Indiana, 633,000; Massachusetts, 1,175,000; Michigan, 598,000; New Jersey, 612,000; New York, 1,997,000; Ohio, 1,583,000; and Pennsylvania, 2,921,000. There is a total in the 10 States of over 11,000,000 horsepower out of a total in the United States of 18,000,000. Nearly two-thirds, in other words, of the primary horsepower used in manufacturing purposes is found in the 10 States.

The total wage earners necessarily follow and are connected Those 10 States out of a total in the United States of 6,615,000 industrial workers have 4,449,000. Over two-thirds of the total wage earners of the United States are found in 10 States of the 48. Out of a total of \$18,000,000 capital stock, two-thirds are found in the 10 States.

Here is the total number of corporations paying incomes for the year ending June 30, 1915, 174,205. Those are accurate figures, they are not mere conjectures, of all those returning their income tax that were charged with tax. There was, a larger number returned, but some were found not liable, and the remaining 174,205 are the corporations actually found liable to and that did pay an income tax. Out of 174,205 in the 10 States named more than 85,000 are found. Almost one-half of the total income-tax paying corporations were found in the 10 The total corporation income tax of these States is material, because it is connected with the same subject. All the corporations in the United States paid for the year ending June 30, 1916, a total of \$56,653,000 income tax. The 10 States named paid a total of \$41,024,000 of income tax. In other words, the 10 States, the industrial figures of which I have

given, paid nearly three-fourths of the corporate income tax of the country.

It seems to me, Mr. President, that these figures would indicate that the corporate tax referred to in section 201 would show a very unfair portion of the burdens placed within 10 States alone. This can not be by accident. It must be that in the framing of the bill there was either indifference or unhappy design to add this tax to certain enterprises in certain places. It is fair to say that three-fourths of the special tax for the preparedness will be paid by business enterprises inside of the 10 States.

I do not think, Mr. President, that the 10 States ought to bear such proportion, nor are they so vulnerable to attack that it is just to ask them to bear three-fourths of the special taxes levied by this bill. California is far removed from a European enemy unless it should come up by way of Colombia as a base of operations. Connecticut is on the coast. Illinois is as immune from attack as any place in the country. It is in no more danger of being attacked than the Senator's country in Montana or out in bleeding Kansas. Still it pays an undue proportion of this fund for preparedness. Indiana is a long way from the public enemy that might come to its borders. I can not conceive of any Hoosier being smitten with especial fear of an invading enemy. He has a great many obstacles in the race before he reaches the State of our beloved Vice President. If he attempts to come up the Mississippi he must pass the banks of many martial States after he enters the great Father of Waters. Still Indiana comes in for a very material share, to

say the least of it, of the special taxes imposed.

Here is Massachusetts. It is on the coast, it is true, and might be subject to bombardment. But Michigan is not; Michigan is far removed from the public enemy. There is no attack by water so long as we remain at peace with the allies. It is the Great Lakes State, and, like Wisconsin, it is immune, unless we were in a war with England or with the Dominion of Canada, Still Michigan comes in for a tremendous share relatively of the special tax that is to be imposed.

Now we come to New Jersey. It might be subject to bombard-ment if the enemy got within range. It by this measure will, however, be called on to pay a grossly disproportionate part of the burden.

So with New York. It might be vulnerable, it is true, as having the largest city, extensive shipping, and more wealth accumulated than any other one point in the country. It is upon the seacoast practically. It would be an object of attack in the event of a European enemy coming to our shores. It must be remembered, however, it is the counting house of our country. Crippling it cripples the country.

Pennsylvania, with large manufacturing capital, is not especially exposed from the coast. Relatively it is safe, and still it will be burdened with a tremendous part of this special tax imposed in section 201.

I now come, Mr. President, to certain exemptions that age to be provided in section 204, and I take all this subject up together not in the strict order of the numbering of sections. which is immaterial, but rather in the order of the subject:

SEC. 204. That corporations exempt from tax under the provisions of section 11 of Title I of such act approved September 8, 1916, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title, and the tax imposed by this title shall not attach to incomes of partnerships or corporations derived exclusively from personal services.

I turn to this section 11 of Title I of the act of September 8, 1916. What are the exemptions, because the list of exemptions enumerated in this act become in section 204 the exemptions in this bill? Section 11 says:

in this bill? Section 11 says:

Sec. 11. (a) That there shall not be taxed under this title any income received by any—
First. Labor, agricultural, or horticultural organization;
Second. Mutual savings bank not having a capital stock represented by shares;
Third. Fraternal beneficiary society, order, or association, operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;
Fourth. Domestic building and loan association and cooperative banks without capital stock organized and operated for mutual purposes and without profit;
Fifth. Cemetery company owned and operated exclusively for the benefit of its members;
Sixth. Corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;
Seventh. Business league, chamber of commerce, or board of trade, not organized for profit and no part of the net income of which inures to the benefit of any private stockholder or individual—
And enumerating various others, which I will not read, 14 in

And enumerating various others, which I will not read, 14 in number, beginning on page 12 of the act named and ending on page 13. I have read enough to indicate the character of the exemptions here, particularly to note that domestic building and loan associations are exempted. The purposes of those corporations are very well known. They promote the ownership of homes. They are successful in their purpose. What is the difference between them, Mr. President, and the life-insurance policy, especially if it is on the mutual plan? What is the difference between the home and the life insurance policy that supports the home, especially if the insurance is on the mutual plan? What is the difference between a life-insurance policy on the mutual plan that has a reserve provided by the insurance laws and between the same protection written by the third exemption of section 11 of the act of September 8, 1916, covering fraternal beneficiary societies, orders, or associations operating under the lodge system for the exclusive benefit of the members of a fraternity?

What is the difference between a policy written in a fraternal and a policy written by a mutual company? What is the difference between a Modern Woodmen policy and the policy written in the endowment rank of the Knights of Pythias, and a policy written by the New York Mutual, or the Penn Mutual of Philadelphia? Not a particle. They are mutual. There is no more paid by the members in either form than the actual cost of the insurance.

What is the difference between a fraternal organization for insurance purposes and one not fraternal? Only a ritual, an oath, a form, and a lodge goat; that is all. When you have got through with that you have got a fraternal-insurance policy. Essentially the certificate of a fraternal organization furnishes exactly the same benefits, temporarily at least. Most of those of a fraternal character give insurance for a time without a reserve fund. After that time it is the universal history of all the assessment companies, fraternal and others, that they must by the unchangeable law of sound finance and economy provide a reserve to meet the obligation. The very economics of the situation drives them into a legal reserve, backing up the policy and the maturing liability year after year. Why this exemption to a fraternal body? You know why it is. You do not want to tax the Modern Woodmen and similar bodies, because there are in such organizations millions of voters and every one of them would resent it. You do not want to tax the Knights of Pythias, carrying the same kind of insurance, because they are a numerous body. You exempt the Catholic Knights of America because they are a numerous body. They write a policy that is guarded by a reserve; and the reports of the insurance companies of this country, Mr. President, show that the Catholic Knights have a safe reserve. It is almost equal to an old-line company operated on the mutual plan, with a level-up premium paid.

Let me go a little further in order to show the injustice of section 204 in carving out the exemptions in this bill. Here, on page 14 of the act of September 8, 1916, in section 12, is found 'an exemption beginning at the bottom of page 14. It provides there, after the words "Provided further"—

That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policyholders on account of premiums previously paid by them and interest paid upon such amounts between the ascertainment thereof and the payment thereof, and life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policyholder as shall have been paid back or credited to such individual policyholder, or treated as an abatement of premium of such individual policyholder, within such year.

That is the exemption in the act of September 8, 1916. Why should it not be continued? Although it is not in section 204, it only refers to section 11, and adopts the exemption of the various enterprises mentioned in that section. It, therefore, having enumerated the exemptions there, is intended to exclude the exemptions in section 12 of the same act. That is admitted here to be the purpose of the bill itself, avowed by the chairman of the Finance Committee, as I could understand his argument to-day, that it was proper to tax the so-called dividends in the mutual insurance companies. For that reason the exemption in section 12 is omitted from the bill. It is, therefore, for the express purpose of taxing the so-called dividends in a mutual company.

What are those so-called dividends? They are not dividends. What is the cost of insurance, to begin with? In any payment of what is called a "level-up premium" the insurance cost is figured out of certain well-ascertained bases. The one is the mortality table; the other is the expense of carrying on the business, including the managerial services of the men who collect premiums, invest, and take care of the contract, and see that there is an adequate fund back of it to make good the pe-

riodically maturing losses. As against these charges, based on the mortality table, the cost of the business, including the local agent who receives business and forwards it to the home office, the clerks, the bookkeepers, the actuaries, the executive ability, the investment departments, with the financial ability and the best investing ability that there is in the United States is joined in the financial department of the great life-insurance companies, are set the premiums paid by the insured. The managerial ability is a part of the cost of the business. Add to that the taxes that every life-insurance company is now paying. the quadruple taxes under existing conditions. They are the first aid to every bankrupt State treasury in this Republic. No State goes "broke" in any place that it does not immediately begin to write bills when the legislature convenes for the purpose of taxing the life and fire insurance companies upon the gross business done within its borders. More than \$14,-000,000 are paid annually by the life-insurance companies of this country to the several States for the mere privilege of going inside their limits and writing insurance.

There is this peculiarity about a life-insurance contract. Do people ever go and hunt up an insurance agent? He always hunts some prospective customer. It is the most beneficent contract there is in the world; the most self-sacrificing. It is the contract that has promoted thrift and prudence and financial foresight, and is the final expression in a business way of the love that every man bears to those who are dependent on him, and still, even with these beneficent purposes, with this great aid to the public charity in relieving the general public from paying for the dependents that might be cast upon it-in spite of that, Mr. President, the average life-insurance policy is always written upon solicitation. You remember the jests that have been written in other days about life-insurance solicitors. They have been the subject of the caustic comments of humorists, wits, and professional lecturers on the platform for 25 years; that I can remember. Josh Billings talked about them in his palmy days; Bill Nye himself gave them a turn occasionally; Max Adler had a cartoonist draw special pictures in his book called Out of the Hurly Burly, in which he gave special treatment to life-insurance agents; Mark Twain found the life-insurance agent a never ending, perennial source, upon which he could draw, and could always get a laugh from his audience when he referred to him. He likely carried some life insurance when he died, however, showing that he did not think ill of the craft; but human nature is that way. We will put money in a savings bank; we will buy toys for Christmas; we will buy furs for our wives; we will even pay our grocery bills; but we do not buy life insurance until some agent gets after us, and finally, by argument, persuasion, or through personal influence induces us to take out a policy. That is a part of the cost of carrying on this business. It is now recognized that insurance is a business and its men are part of a great army of honorable and useful effort in the country.

So the States come in first. That is one tax. The 48 States in the Union that we represent here in this body, as to each other, so far as a corporation organized under the laws of any other State, are all independent sovereignties; and not a solitary corporation from any one State can go into the State of another, not of its origin, and transact business unless by the permission of that State, which is usually delegated to an insurance commissioner, who examines and collects the necessary fees; but that, too, is a charge, and the taxes then are a charge in addition to the ones I have mentioned in a general way, to be added to the cost of writing insurance.

Then along comes an income tax; that is two; then along comes a tax of 50 cents per thousand shares; that is three; and this tax proposed in section 204 by omitting the exemption will make the fourth tax. Whatever the actual charges may be, all of those taxes are added. There are fixed charges on the cost per thousand, dependent on the age at which each policyholder comes in when he is admitted or accepted as a risk. Those are the costs of carrying the insurance. Balanced against them are what? The payment of the premiums and their investment. It is usually figured that the investments, which act as a reserve for life-insurance companies, will not earn over 3½ per cent. It is the American mortality table, with a 3½ per cent basis, that forms the foundation stone on which every life-insurance policy is written on the level-up premium plan. If the rates of interest could be advanced, the cost could be reduced per thousand; if rents went up on their real estate, the same result would follow.

I do not want to pursue this matter in detail any further, only to indicate the injustice of this proposed tax to be added as another tax that ultimately, for every form of mutual insurance that is embraced within its provisions, will be loaded on the premium and carried back to the policyholder, and so

become a tax upon the thrift, the foresight, and the prudence

of the man who takes out a policy.

In the Napoleonic wars it was proposed at one time in the House of Commons to tax life insurance. The younger Pitt, who was then the great parliamentary voice of the Commons, rose in his majesty of leadership, and said that the person who proposed to tax life-insurance policies in England, even in the mighty struggle with Napoleon, was a public enemy. In the days of the Civil War, Mr. President, Charles Sumner, from the State of Massachusetts, stood in the Senate and said, even in the greatest peril, that it was not for a moment proposed to tax life-insurance policies, because life-insurance contracts were the most humane and beneficent known to civilized man. Are we in any such peril? We do not know; we hope not; but after Bull Run, whose guns could be heard in this Capitol, even in the bloody days of Shiloh, after the Battle of the Wilderness, in 1862 and 1863, when even Union men despaired of success, when public sentiment must have been greatly overwrought, with Greeley shouting, "Let the erring sisters go in peace!' and proposing peace conferences, wanting somebody to go to Niagara Falls and meet commissioners from the Confederate States to negotiate with them some terms of peace by which they would be allowed to found a new empire-even in those perilous days there was no tax laid upon life insurance.

If the protection, Mr. President, afforded in the smallest degree by these humane contracts be taken away, it will to that extent impair their usefulness to their beneficiaries. We must remember that it is not merely a question of the family that is protected, but it is a question finally of saving the tax-payers from the burden of what might become public charity.

Mr. President, I desire to read some figures here about the extent of mutual life insurance outside of fraternal insurance:

The average amount of the policies carried in mutual companies is less than \$2,000. These policies are carried for the protection of widows and children. There are no profits whatever accruing to a mutual life insurance company under these policies, any sum paid to the policyholder in excess of the amount actually required to maintain the insurance being returned to him, not as a profit but to reduce the actual cost of his insurance. If this were fully understood \* \* we believe the bill would now be amended so as to exempt mutual life insurance companies.

After these costs and the probable income are ascertained, Mr. President, the next thing is to figure up the annual cost per thousand. As a matter of prudence they figure that high enough to meet all contingencies. I am sure, Mr. President, if we should undertake to-night to write policies in the Senate that the rate would be very high, because when the absentees were called when a quorum was sought there seemed to be a very large percentage of illness. Mayhap some pestilence has fallen upon this Capitol. Evidently an insurance man would investigate before he wrote a policy on any of the Senators. It may be that they are subjected to some malady that does not afflict the average mortal. Our strenuous labors require rest. I am not greatly in favor of staying here at night if I can help it, but we are facing an emergency; we are seeking to get revenue; we are trying to pay the bills for preparedness. Nevertheless, it seems to me that it would be well enough to exempt a policy that is written on the mutual plan and not burden further the contracts that support the American family.

Now, let us figure out what will happen. We add it as a tax. We can not get something for nothing. We must pay value for everything that is worth anything in this world, not only in a financial way but in every other way. We must pay for it governmentally, and if we add to the cost of insurance here we will pay for it some place else. The laws of compensation, traced by Emerson in his Essay on Compensation, are just as unalterable applied to the principles of this bill as they are to moral and

financial affairs outside of this Chamber.

Here are some further figures that show, in my judgment, the injustice of taxing mutual life-insurance companies:

First, the burden of all taxes on life-insurance funds falls upon the individual policyholder; second, 70 per cent of all the life insurance in the United States is mutual; third, 86 per cent of all the life insurance is participating; fourth, this tax is largely a tax on the widows and orphans of the future. Mutual fire insurance companies, building and loan associations, and savings banks are exempt from this tax.

No good reason will appear why mutual life-insurance companies ought to be included.

I have a very long list of the fraternals with their cost per thousand, with the reserve of such of them as maintain a reserve. They all either collect enough at the beginning to carry it for the year or they give notes or something that represents in some tangible form the premium on the amount of the policy. What is the difference between a fraternal which upon every death assesses and collects from each certificate or policy holder and a mutual, not a fraternal, that at the beginning of the year collects in advance what it considers will be the cost per thou-

sand of carrying the man in that class for the year? At the end of that time, of course, there will be a given cost that is paid out. They have only estimated it before. The bookkeeping is accurate. A life-insurance financial scheme is a mathematical It is capable of being balanced at the end of the period as much as the books of a bank or a business house. There is no chance in it, except as to when the contingency will happen upon which the contract matures. So at the end of the year they figure it up. They know what it has cost to carry the risk in the mutual, where they pay at the beginning a level rate premium. It depends upon many things. Some years it is more than others. The mortality is greater at some times in a given period than at others. In addition to that, the cost of the business varies. Rents may go up or down. Rates of interest may go up or down. The compensation of actuaries, of bookkeepers, of clerks, and officers may increase or decrease. aries may be cut or, in the general advance of the cost of living, salaries may be increased, keeping pace with the general cost of things. If the rate, instead of being 31 per cent, which is the rock-bottom basis for figuring a policy on, suddenly should exceed that-and in some cases I figure out that really they net nearly 5 per cent, some of them 4.1 per cent; some of them fall much below that; some fall below the 31 per cent-but in case the rate of interest is higher, because it can go above the 31 per cent, at the end of the year, if you have paid \$30 per thousand on your level-rate premium, and it has cost \$22, you have a rebate of \$8.

When that is done the \$8 comes back to you. It is called a dividend. You get a draft for it or you can have credit on your next year's premium, paying the rest less the \$8. In any event, what is it? Is it a dividend?

Some of the companies here, whose reports I have, have more than a million policyholders. Some of them have over 900,000 policyholders. Make an average on a \$2,000 policy—and that is the size of the average policy in the United States—make an average on that and a company with 900,000 policies out, where the rebate on a \$2,000 policy is only \$10, \$5 per thousand; multiply it by the 900,000 members, and you find what the so-called dividend is. That so-called dividend is not a dividend. It is not a resource of the company. It is not even added to the reserve. It is not a part of the surplus. It is no part of the earnings of the company, because it does not increase the assets of the mutual. It is merely a credit to the policyholder. It has no capital stock, but it has great resources. The resources consist mainly of the reserve, which is so much of the premiums set aside every year on each thousand and invested in interest-bearing securities. The head of the investment department frames his policies for investment. He takes the reserve on your policy and mine, Mr. President, figured to protect the policy on the mortality table, so that at the end of the time there will be enough of the reserves safely invested, on the 31 per cent basis, as a solid minimum rate of interest, to protect the maturity of that contract.

When that is done, the reserve accumulates every year. It is invested so that with your increasing age and with the coming inevitable time when the contract matures, supposing it to be a life policy straight, or, if it is an endowment policy, at the end of the endowment period—whatever the form may be, it is the same thing—at the end of that time you will have enough of the reserve set aside, invested in mortgages, in bonds, in good securities of some kind, to protect it.

Wednesday, February 21, 1917.

Mr. SHERMAN. Mr. President, last night, upon the conclusion, I was commenting upon the unjust burdens placed upon mutual life-insurance companies. A specific instance is the Northwestern Mutual Life Insurance Co., of Milwaukee, Wis. They have 575,000 policies outstanding. The average face of their policy is about \$2,600. If there be a rebate or a so-called reduction at the end of the year of \$5 per thousand we can estimate approximately the amount of the burden placed upon these policyholders.

If in even numbers, taking the United States over, an average policy is \$2,000 instead of \$2,600 in the Northwestern Mutual, it would be an annual return to the policyholder of \$10 on a \$2,000 policy, or \$5 per thousand. If there were 575,000 policyholders there would be a refund of \$5,750,000. I know the popular phrase is to call it a dividend. It is no more a dividend than what is left unpaid on a mutual fire-insurance company in which the members are farmers, or the millers' mutual, or a shipowners' mutual on the Great Lakes. There are certain forms of carrying risks that are entirely mutual against the hazards of navigation or of fire or of life, and it does not change merely because the character of risk may change. The underlying principle is precisely the same.

Let me take the simplest form of mutual insurance company, and one that is very widely known. It is the farmers' mutual in a township. They pay in no capital stock. They do not create a reserve. They issue their policies of insurance. On a loss each pays proportionately; but as a sort of resource to protect the policy each farmer who is a member of the mutual company gives his note for what is considered to be the cost of carrying the insurance for that year. Whatever losses occur he pays on the note. If at the end of the year the losses distributed to him equal the face of the note, then there is nothing further on the note to be collected, and for the next year a new note must be given. If there is something left on the note in the first year after paying the losses and distributing to him his share for that year, the balance of that note can be carried over to the next year's business and applied then, or the old note can be taken up and a new note given for the next year's business.

In the level-up premium life-insurance company, instead of the member giving a note he pays cash at the beginning of the The quantity of his contribution is determined on the principles I announced last night. The cash is taken by the The treasurer has the custody of it. So much of it company. is set apart to safeguard his policy. That is the reserve. So much of it goes for the charges of the managing of the business-the salaries of the officers, and of accountants, bookkeepers, agents, rents, and the like. So much is set apart and must be used for the payment of taxes. When all the expenses are paid, including the losses on the happening of the contingencies or matured policies for the year, it amounts to a certain sum. If it absorbs the entire payment made by the policyholder then there is no refund to him at the end of the year. If, on the contrary, losses have been light and expenses less than estimated, the income upon investment has exceeded the basis of 3½ per cent, and has gone up to something above that. The business has been good, there remains of the cash payment made by the member of the company at the end of the year, not the balance left on the farmer's note in a mutual fire-insurance company, which might be carried over to a bal-The member has his option then of receiving ance in cash. that balance in cash at the beginning of the next year or of crediting it on his payment for the next year, which we call the premium. They are exactly alike in principle. There can be no difference in the application finally because of the charges of carrying a risk, whether on life or whatever the hazard may be, is loaded on the premium and carried along until it reaches the policyholder.

Now, let me apply that specifically to this one company, the Northwestern Mutual, of Milwaukee, with its 575,000 policyholders, if there be a rebate or a return to the policyholder at the beginning of the next year of an average of \$5 per thousand. We can estimate it at \$5 per thousand; that is not out of the way. As I remember it, the last one I looked at was \$11.42 on a thousand dollars, and it runs higher. In the case of the company referred to, with its 575,000 policyholders, or what is equivalent to that, because one person may have had a policy when 30 years of age and another when 40 years of age, and that would count two policies to the same holder; but the effect would be precisely the same—the 575,000 policies issued may be regarded as equivalent to 575,000 different persons. If there is a rebate of \$5 per thousand there would be at the end of the year, in starting any business for the next year, a refund or a return to the policyholder of \$5 750,000.

This is ordinarily regarded as a dividend. It is called a dividend in the insurance journals, in the market reports, and sometimes in the reports made by the company; at the office where they keep their accounts and strike their ledger balances for the new year it is often called a dividend.

It has created a popular impression that it is some kind of an earning on the business. It is no more an earning than the unpaid balance on the farmer's insurance company note made at the end of the year.

It is that much less than it costs to carry the risk. Out of prudence, in the beginning of the year they collect enough cash to cover every contingency, in order that there may be enough of the cash assets in the hands of the company "to make assurance double sure"; not to depend on credit, but to depend upon cash and securities that are equivalent to cash.

Therefore, these policyholders under this bill as proposed, with no exemption, will be required to pay the sums of money which I have estimated. For instance, there is the normal tax of 2 per cent up to \$20,000; there is the surtax of 1 per cent on amounts above \$20,000 until \$40,000 is reached, an additional rate from \$40,000 until \$60,000 is reached, a further additional rate from \$60,000 to \$80,000, and so on. I shall not

take time to quote the schedule provided in the section of the act of September 8, 1916, but it is sufficient to say that in the entirety the policyholders of the Northwestern Mutual Life Insurance Co. will pay in income tax, or the company will pay—which is equivalent to taking it out of the pockets of the 575,000 policyholders—\$742,800 of income tax under this special preparedness section of the bill.

That is not taken out of the pockets of the company but is a deduction from the refund coming to the policyholders, whose average policy in this company alone is \$2,600, and in the United States is \$2,000. So it bears heavily upon the policyholder. If he is a citizen paying an income tax, he has already paid. He has provided for some insurance, and he is required to pay again, because his refund at the end of the year on the premium that he advances to carry the risk is charged as a dividend on the business, and he is compelled to pay again because his refund is cut that much short; in other words, \$742,000 would be something like \$1.25 or \$1.30 that would be deducted from each policyholder of this company. It imposes upon him a special tax over and above any other taxpayer in his neighborhood merely because he had the prudent foresight to insure his life or to take out some form of contract that will cover the contingency named.

It seems to me like taxing the wrong person. I do not think it can be justified even upon the ground of a national emergency. It can not be justified upon the ground of uniformity of taxation, which is the usual rule, to create some great class on which it is not inequitable to impose a burden. But why create a class of citizens in this country, Mr. President, who are taking out life insurance for the purpose of providing for those dependent upon them, making them a class and imposing special burdens upon them, so that those who enter into a life-insurance plan that is mutual in character will be compelled to carry, as in this one company, over \$700,000 of the special tax? I do not regard it as fair.

There is a general difficulty that is attendant upon this form of taxation. It seems to me that to single out corporations without any regard to whether a corporation is a good one or a bad one; whether it is pursuing its purposes within the law of the land or otherwise; whether it is earning or not earning, if applied to a series of years; and to impose upon it a special form of taxation merely because it is a corporation.

In addition to that there is this further burden, that there is Government-created competition in this country. All of the large concerns are threatened if they sell anything to the Government with governmental competition. I am no defender of those who engage in the manufacture of armor plate-of the Bethlehem Steel Co. or of the other companies-but that is only made a precedent; it is only made the entering wedge for the purpose of permitting this Government, through other forms of activities, to absorb the pursuits that are now carried on by private enterprise. So there is Government competition actually furnished in some cases and threatened in others, in addition to the exercise of the power of taxation upon the private industry. Both of them combined constitute a heavy burden. One is the competition of the Government—I will not stop to discuss that-while the other is the taxation that singles out those who have invested their means in that form of So they bear extraordinary taxes not paid by the enterprise. ordinary citizen.

The particular way, Mr. President, in which this bill is drawn upon the net income, after \$5,000 shall have been reached, of 8 per cent over and above the 8 per cent that is provided, will certainly lead in the course of a very short time to some unsought results. It reads:

A tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 plus (b) 8 per cent of the actual capital invested.

Then there are some rules or some directions for estimating

Then there are some rules or some directions for estimating the assets. Here is the objection I have to that form of taxation: A conservatively managed corporation with a fair payment of capital stock is penalized. I once knew of a railroad in the western country builded by men who lived in that country. I once heard the testimony of the men who built the Chicago & Alton Railroad before it passed into the hands of its present owners or of the owners during the Harriman regime. The testimony showed that not only was there no water in the railway, but that there was \$1.75 of value for every dollar of the face of the stock. It was not watered, but it was a conservatively managed institution. It is so with many corporate enterprises.

I shall assume that in the payment of the stock subscription in the average well-managed corporation it is paid up in money. If it be not paid in money, it is paid in money's worth, as the courts frequently put it. In either case, if there is a conservative valuation of the property or a payment in cash, it is an

honest payment of the shares. The more conservative the money or property that pays the shares subscribed the better the business, the greater the dividends. If the property goes in at an exaggerated value, or if the cash is paid by the subscribers, and is immediately invested in property of doubtful or swollen value, dividends may be low or may not be earned

Good will may be capitalized. Good will is very much like a mine in the Rocky Mountains. In all the numerous lawsuits which have been brought to collect on the unpaid shares of mining companies, who could ever tell what a mining prospect was worth when you capitalized and promoted the company? I have been through that kind of litigation. A prospect may be such as to justify abundantly a given capitaliza-tion, but it may be that when the prospect is worked out there is nothing in it; that the mine is a failure. Still you could not say that the men who promoted it were guilty of fraud in fixing the price, because in the history of mining many times what seemed a large capitalization upon a successful development of the claim really turned out to be low, and high dividends are paid upon what otherwise would have been a very exorbitant valuation of the property.

What I am getting at, Mr. President, is, that this bill enacted into the form of a revenue law, will promote the watering of stock; will promote the increasing of the valuation of good will and the turning in of property at an exaggerated value. It will promote the watering of stock rather than the conservative valuation that ordinarily ought to go with a soundly managed concern. The greater the stock the less the dividend. If a valuation or a stock capitalization of a million dollars earns 9 or 10 per cent and the capitalization be doubled, you will earn 4 or 4½ per cent. In the latter case there would be no tax paid under this bill; in the former case all above 8 per cent would be subject to the tax. Therefore, it promotes the watering of stock, and it is a direct incentive to increased Whenever property is turned in, its value is capitalization. something on which human opinion varies—and it is always an open question—experts may vary regarding it. Whenever I speak of "experts," I think of mining experts, real estate exspeak of "experts," I think of mining experts, real estate experts, financial experts, bond experts, and I think of all as Mark Twain defined a gold mine. Somebody asked him if he used to live out in Nevada, and if he knew what a gold mine was. He said he did. He was asked, "What is it?" and he replied, "It is a hole in the ground owned by (some kind of a) liar." I have expurgated that so as not to shook the compositor, but it only illustrates the ease with which capital stock may be watered and excessive valuations be put upon it. That is promoted in this bill.

Why should a man be conservative-why should he capitalize the value of any property turned in conservatively, and then earn 10 or 15 per cent, and be taxed above 8 per cent, when he could turn it in at a wildcat value, mostly water, and never earn 8 per cent on the capitalization and never pay a dollar of tax? This is a bill to promote fraud and the watering of stock. Talk about "blue-sky" laws, I never saw one in my life like this bill.

Mr. SIMMONS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. SHERMAN. Certainly; I yield.

Mr. SIMMONS. I would not interrupt the Senator but for

the fact that I think he must be laboring under a misappre-

Mr. SHERMAN. I will be glad to be relieved of it.

Mr. SIMMONS. As to the basis upon which capital invested is estimated under the terms of the bill. I judge from the remarks of the Senator that he is under the impression that for the purpose of ascertaining the exemption we would estimate the invested capital upon the basis of stock issued. Is that the theory of the Senator?

Mr. SHERMAN. Upon the basis of what? Mr. SIMMONS. Upon the basis of the amount of stock issued by the company?

Mr. SHERMAN. Certainly. Mr. SIMMONS. I assumed that that was the basis upon which the Senator was making his argument. Mr. SHERMAN. Yes, sir.

Mr. SIMMONS. The Senator is mistaken about that being the basis. The bill authorizes a reduction; that is, it allows an exemption of 8 per cent upon the actual capital invested.

Mr. SHERMAN. Certainly; I have not misapprehended it

Mr. SIMMONS. If the Senator will let me finish, the bill defines specifically the meaning of the phrase "actual capital invested"; and it declares in section 202:

SEC. 202. That for the purpose of this title, actual capital invested means (1) actual cash paid in, (2) the actual cash value of assets other than cash at the time such assets were transferred to the corporation or partnership, and (3) paid-in or earned surplus and undivided profits used or employed in the business.

So that it makes no difference how much stock the corporation has issued, preferred or common, the exemption allowed is 8 per cent, not upon that stock but 8 per cent only upon the actual cash put into the business; and if, instead of cash, property was put into the business, the actual cash value of the property so put into the business at the time that it was put into the business, and not at the time of the return for taxation, plus un-divided profits and surplus. That is the basis under which the exemption of 8 per cent is allowed, and not upon the basis of the stock issued by the company.

Mr. SHERMAN. I understand that. There is no controversy

between the Senator and myself as to that. Let me ask the Senator a question. Suppose I capitalized a dairy company two

years ago

Mr. SIMMONS. It does not make any difference what you capitalized it at. You may capitalize at a million dollars if you want to do so; but you will not be allowed an exemption under this bill on a million dollars. You will be allowed an exemption under this bill only upon the amount of cash that the stockholders paid into the treasury of the company.

Mr. SHERMAN. How are you going to tell that?

Mr. SIMMONS. You will tell that by ascertaining the amount of cash paid in.

Mr. SHERMAN. Can you tell what a cow was worth two years ago?

Mr. SIMMONS. A corporation is not a cow.
Mr. SHERMAN. It is not; but capital stock is paid with
ows in the dairy business. The Senator misapprehends my cows in the dairy business. point.

Mr. SIMMONS. A corporation is an entity. The capital of that corporation may be based upon a stock issue. They may say that their capital is reflected in their stock issue, but this bill says that that shall not be the capital upon which the 8 per cent exemption is to be allowed.

Mr. SHERMAN. I understand that. It is the actual property

invested. Very well.

Mr. SIMMONS. Suppose at the time of the organization of the company stock was issued to the amount of \$1,000,000, but the amount of money actually invested by the stockholders of the organization was only \$100,000, then the 8 per cent would be allowed upon that \$100,000 and not upon the \$1,000,000 of

stock the company had issued.

Mr. SHERMAN. I am familiar with that, Mr. President, but suppose that before this bill receives the signature of the President, in the event it passes, I organize a dairy company. I do not put in a cent; I am already, say, in the dairy business, and three or four of us who are in the dairy business out in the Fox River Valley, near Elgin, or some other dairy section, decide that we want to incorporate. We do not add one dollar our dairy property, a large part of the live assets of which are cattle—milch cows. How can you for

re cattle—milch cows. How can you fix a valuation on them? Mr. SIMMONS. The bill provides for that. If, instead of putting actual cash in you put property in, that property is valued at its cash value at the time it was put in, and upon that cash valuation 8 per cent deduction is allowed.

Mr. SHERMAN. Does the Senator undertake to say that at the time the corporation to which I have referred, for instance, was created, the department here must be consulted by me and by my associates before we can incorporate in order that it may be present and help us value the property in which we are paying our shares?

Mr. SIMMONS. The Senator from North Carolina means to say that in their return the corporation will have to take the amount of actual money they have invested originally or they will have to state the cash value of any property that was put into the company in place of money.

Mr. SHERMAN. Certainly. Mr. SIMMONS. And upon that basis the return will be made and the exemption allowed.

Mr. SHERMAN. Certainly; but in the case I have given there are, say, 1,000 milch cows, and we put a valuation on them of \$300 a head. How is the department ever going to get behind that?

Mr. SIMMONS. The department will accept, I assume, as they have done in the case of the income tax, the report containing the estimates of the taxpayer in the first instance; but if the department is satisfied that that estimate is in excess of the cash value, then the department will undertake, in conjunction with the corporation, to settle the actual cash value. For instance, in the case of the cows, the Senator says that they put 1,000 cows in, and they value those cows at \$1,000 a piece

Mr. SHERMAN. No; \$300 a piece.
Mr. SIMMONS. They value the cows at \$300 apiece. The department in that case would probably say that that was not the actual value of the cows.

Mr. SHERMAN. Whom would they get their information

from here?

Mr. SIMMONS. They would get their information just exactly as they get information about values in other matters

Mr. SHERMAN. Would they get it from the Department of

Mr. SIMMONS. No; not from the Department of Agricul-

Mr. SHERMAN. From whom, then? Mr. SIMMONS. By a proper investigation. The department, I assume, would say that \$300 for a cow was altogether ex-

Mr. SHERMAN. The Senator does not know anything about cows, then, Mr. President. That is a cheap price for a fine

Mr. SIMMONS. For a cow?
Mr. SHERMAN. Yes; for a cow.
Mr. SIMMONS. Very well. Then, if the Senator has cows in his section that are so valuable

Mr. SHERMAN. We have in our section of the country cows that give milk and that are more remarkable for butter fat than

they are for legs and horns.

Mr. SIMMONS. If in the Senator's State cows are worth \$300, I suppose that valuation would be accepted; but down in my country a \$300 cow is a monstrosity, and if a dairy corporation were organized there and its cows were assessed at \$300 it

would be regarded by everybody as unreasonable.

Mr. SHERMAN. There is a vast difference, then, between the dairy section of the Senator's State and the dairy section where I live and the dairy section in Kentucky. The whole thing shows the inherent difficulty of the valuation of the capital stock of corporations as provided in this bill. Suppose I started a race-horse company. Of course, we do not run race horses for money any more; horse racing is only a gentleman's sport. The President himself plays golf, but my Kentucky friends down on the Ohio shore and I may like horses and may take our recrea-

tion in that way.

I had the misfortune once to defend a carrier that had bumped a freight car in which there was a Kentucky race horse, and there was a battle of experts as to what the horse was worth. That opens up to me the difficulty into which the Senator precipitates this Government by a bill of this kind in You have to have trying to put a valuation on property. the testimony of experts; and when it comes to the testimony of race-horse experts, then Greek meets Greek, and then comes the tug of perjury or testimony, or whatever you want to call Why, some of them swore that the race horse was worth \$160,000, and some of them swore that he was not worth as much as an old brood mare. Are you going to get the Department of Agriculture into that kind of a difficulty, with their expert knowledge and after their slaughter of the innocents in their efforts to eradicate the hoof-and-mouth disease? Suppose you start them out on such a work. One of their experts asked if a Holstein cow made good beef. He would not know a Guernsey from a polled Angus or a Jersey cow from a high-bred goat. Where will the Secretary of the Treasury get his information as to whether such a corporation is improperly capitalized? He will go to the experts in the Agricultural Department, who are just the people I do not want to trust with the financial conditions of this country or with exacting penalties upon my constituents who are alleged to overvalue property.

Now, take the section of the Senator from Idaho, or the Senator from Colorado—and the same thing is true of Utah—that is a mining country. There are mining companies out there with the most flattering prospects in which some of my constituents have invested. They have capitalized those companies. They have gone out and built various kinds of smelters and reduction works with the idea that in a little while, like King Midas, all they would have to do would be to touch the claim and it would be pure gold. They have been capitalized by citizens of Chicago and Peoria to the amount of millions of dollars. Now, who can say that that capitalization is unjust? Some of those companies have paid and some of them have not. The courts have held—and I apprehend that the courts yet have

some binding influence upon the affairs of this country, notwithstanding a resolution pending in the Senate, and it is likely that the great body of American citizens will abide the decrees of a court lawfully entered from time to time-that there has been a fair valuation of the property, and that the shares have been paid up to the extent of \$5,000,000 in the mining company or in an agricultural company, as the case may be. How will you get behind the decree of the courts? They pay 4 per cent on their capitalization, and you get no tax under this bill out of them.

Take a railroad company. You say you will put a valuation, for instance, on the Chicago & Alton. As I said a while ago, I knew that road as Mr. Blackstone built it. I heard George J. Charlton, who was the right-hand man in the railroad end of the corporation, testify that there was \$1.75 for every dollar's worth of shares out; that there was not only no water in it, but that the stock was boiled down. After a while it changed hands; a new régime came in; and whereas the stock had sold at one time for \$175 or \$190, and eventually even higher than that under the old management, it went down until I saw it sell for \$42; I saw it sell for \$30. There were millions upon millions of stock issues piled upon the road. How will you get behind that under this bill? You say you will When? I ask the Senator from North Carolina, the chairman of the Finance Committee, when did the Interstate Commerce Commission begin the valuation of the railroads, and how much have they spent, and how much more will they spend, and when in the fullness of time will they complete the valuation? I venture to say that most of the Senators in this body belonging to my generation will have been gathered to their fathers before even a small part of it is done. It presents, in other words-and that is the argument I am trying to enforce here—an utterly impracticable sort of a rule to impose upon citizens who are owners of property in the collection of a tax upon such an 8 per cent basis. It is theoretically correct. It is practically impossible. That is the criticism I make—not that theoretically the rule may not be able to be defended, but that practically, in its operation, it is only an invitation to Justice can get through in a quarter of a century.

This country is the paradise of lawyers. There is no place on the face of the earth where anybody can get as much litiga-

tion for his money as he can in the United States. All they need to do is to keep on hiring lawyers, and I venture to say that by the time the bill has been in force for one year there will be more litigation over that than any known legislation

that ever came out of this body.

I do not want to cover many of those branches, Mr. President. On another part of this bill, on an amendment that is pending or will be pending, I will in my own time take occasion to explain why that amendment and still another should be adopted; but I do not care to take more time in a general way

on this bill, except in one or two particulars.

One is that it is provided here that an inheritance tax shall be levied, increasing the rates on the property that passes under the laws of descent in the several States. It is estimated in the report of the committee that about \$22,000,000 will be collected in that way. What I am interested in is this, Mr. President: If the Government goes on developing new sources of revenue, levying additional taxes on the sources already discovered, raising the rates so that after a while the burden becomes very heavy, and the inheritance tax is doubled, no part of it goes to the States in which the property passes. The income tax is made more burdensome. The franchise tax on corporations of 50 cents per thousand is there. Whenever more money is to be raised, it will be doubled to a dollar or a dollar and a half, and so on. There is no limit, because they have an idea that a bank or any corporation has not anything but It is believed a bank does not owe anything to anymoney. body else. It owns everything it has. It does not owe its depositors anything. It does not owe its stockholders anything. It must earn no dividends. It need not pay its depositors. It owns all the money it has. That seems to be the popular impression. As a matter of fact, if a bank has a million dollars of resources and owes its depositors and stockholders \$950,000, it only has \$50,000 in the world after its debts are paid, although it looks like a millionaire to the average man who comes along and stops on the corner and reads the sign.

With the Government conducted in this way, what will be left after a while for a State to tax? The inheritance tax, the income tax on the earnings of both land and personalty, the franchise tax on corporations of State origin, leave nothing at last to the State to tax except land. The State is compelled to adopt the principles of Henry George and go to a single tax. The inevitable tendency here in Congress, by these methods of taxation, is to drive us to the taxing of land in the States as the sole source of revenue for the support of the State govern-Our heavy local taxation-school tax, park tax, city tax, boulevard tax, library tax, county tax, State tax, and so on-those taxes ultimately, which are heavy taxes, at last will be piled upon land, and we will go to a single land tax if

this method of taxation keeps up much longer.

There is a limit to all these things. The Secretary of the Treasury in his report for the year ending June 30, 1916, shows that out of \$779,664,000 of the ordinary receipts of the Government, \$512,000,000, in round figures, is derived from direct taxation, and \$213,000,000 from indirect taxes or customs. Omitting the miscellaneous receipts, which are comparatively unimportant in this view, I have estimated the percentage in Seventy-three per cent of all our revenues are raised from direct taxation, and 27 per cent from indirect taxation. Of the 73 per cent of direct taxes, three-fourths of those taxes are paid in 10 States of the Union by their business

The tax of 8 per cent on the excess profits, as it is called, is a means to an end. Where did the framers of this bill get the 8 per cent? Where did the magical number come from? Is it the 4-11-44 of the dice shakers? From what source was "eight" derived? I have heard of sevens and nines and elevens, and the seventh son of the seventh son, and so on down, that had omniscient power and could look ahead. I have heard of voodoo practices of that kind, but I never heard of the word "eight" in all the mystical combinations until it obsessed the Democratic Party. "Eight!" How did they get it? Put it on a piece of paper, shake it up in a hat, and pull it out, or put in a lot of numbers, like the members of a jury where they can not settle the damages, and the apostolic twelve in the jury room are likely to hang overnight, and their supply of tobacco gives out, and each one of them decides and writes on a piece of paper how much he thinks the plaintiff ought to have—when they have decided that he ought to have something, from one cent to a million dollars—put all the numbers together in a hat, add them all up, divide the total by 12 and get something, and that is the verdict. I do not know how they got eight, but nevertheless it is in this bill.

Do you know what such legislation does, Mr. President? It penalizes enterprise. It fines industry. It burdens thrift. It reduces ability to terms of confiscation. It puts a premium upon mediocrity. The more you fail, the less you pay; the more successful you are, the more the Government fines you because you have got some sense, thrift, and activity.

I have always had an idea that a community ought to be made up of men and women who could do something; but the principle of this bill is that the more you do the more you pay, and you are to be penalized and driven out of business. class legislation. I have heard of it before. I used to think it was a sort of a war cry of the Populists out in Kansas legislation"-but it is here, and it applies in New Orleans or Chicago; it applies in Topeka or New York. The men who do something, who are not spendthrifts, who do not squander their birthright of ability and opportunity in this country, are penalized by the Government and set apart as a special class to have the burdens of taxation thrust upon them. That is this

They say, "We must raise \$248,000,000, or something like that," in the report, to generalize; "therefore set apart a few; raise it from that class by direct taxation." Those who belong to the economic school of thought I do believe in raising from \$200,000,000 to \$250,000,000 by indirect taxes, by increasing the customs, so that instead of paying it all ourselves we make somebody else pay some of it, to say the least.

Mr. President, I do not want to take up at this time some other branches of this bill connected with the amendments here. I will reserve until some future occasion what I have to say on those matters.

Friday, February 23, 1917.

Mr. SHERMAN. Mr. President, before this matter is passed any further I wish to note briefly the condition under which these bonds are to be issued. Recurring to the bill I find in

section 400:

SEC. 400. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation, the construction of the armor-plate plant, the construction of the Aiaskan Railway, and the purchase of the Danish West Indies, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States not exceeding in the aggregate \$100.000.000, in such form as he may prescribe, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the

Treasurer of the United States as security for the issue of circulating notes to national banks.

So much of this section as I have read contains a provision for The first and the largest item is the one certain expenditures. designed to meet the Mexican situation. By recurring to the committee reports we are able probably for the first time definitely to learn the expenditures on the Mexican border. This would include the expedition into the interior of Mexico. item to cover these expenditures is \$162,418,000. It is possible that other than border troubles are contemplated in this expenditure. It might reach back to the expeditionary naval force to Vera Cruz some two years ago or so, together with such other incidental expenses as belong properly to the Mexican situation.

Mr. GRONNA. I ask for order, Mr. President.

The PRESIDING OFFICER (Mr. Sheppard in the chair).

The Senate will be in order.

Mr. SHERMAN. We can not keep order in the United States, much less in the Senate Chamber. I submit if we can not keep order on the border of Mexico with \$162,000,000 here expended or contemplated we ought not to be at all technical about order

The inquiry I was moved to make was what we have to show for this \$162,000,000. There is no order on the border. Lawless men still come across from the scene of disorder and slay citizens

of the United States.

I remember when I saw trains going west and southwest bearing inscriptions on the cars—it was the direction that was implied in the order from the military department-"Get Villa." have not got Villa; we have not restored order. Villa is very much alive; he is making additional expenses necessary to police the border. All we have to show for a part of these expenditures is a fruitless military excursion into the interior of Mexico.

There is now no use of making complaint about money that has been spent or expenditures incurred requiring the levying of taxes to obtain money to meet those expenses; but it is entirely proper to inquire what we have to show for the \$162,-000,000 up to this time. We have neither pacified Mexico, nor have we pacified the border of our own country adjacent to that scene of trouble. Villa is still alive; he is not even checked. There has not been created in his mind even fear of the consequences of his lawless conduct. We have aroused in his bosom resentment; we have created in his mind a feeling of profound contempt. That is the only net result of the expenditure of what is estimated to be \$100,000,000 caused by the Villa expedition. I refer specifically to the expedition conducted by Gen. Pershing under the orders of the War Department.

After Gen. Pershing reached the scene where some effective action might be had, there was no cooperation from the Carranza government that had been recognized by the United States, and no authority given Pershing to deal with conditions I remember when the question of appointing a minister to Mexico came before this body the question was then asked by the public press, "To what point would our minister proceed when he was sent to that alleged Government?" Would he proceed to Zacatecas, to Queretaro, to Mexico City, to Oaxaca, or some place else? Nobody could tell. The Mexican Government some place else? Nobody could tell. The Mexican Government was in a nebulous condition. Its President was a perambulating executive. His army had not established a capital and been able to hold it. Our diplomatic representative is yet in a state of suspended animation in that country for all practical purposes representing intercourse between nations.

I shall not criticize paying our just debts and levying the necessary taxes so to do; but I am making what I regard as a proper criticism on the folly of the expenditure of this large

sum of money.

Our chickens, which we began to hatch some four years ago this spring, are, to use the backwoods phrase, rapidly "coming home to roost." I recognize several old friends. Here is the Alaskan railway. It was proclaimed, with a great blare of trumpets, that the Government would develop that Territory; that it would destroy monopoly; that it would prevent the selfish promotion sought to be had by various interests in that Territory. So we voted some millions of dollars—I am quoting now from memory—I think \$45,000,000 for the construction of the Alaskan railway.

The construction of the armor-plate plant is another item, involving an expenditure of some \$11,000,000. If, in the present emergency, Mr. President, a controversy that is now pending should reach an acute stage, resulting in war, I wish to inquire from what source will we draw the armor plate that will actually equip the Navy that will fight the battles of this country on the sea? Will it be a Government armor-plate plant? Will it be anything conducted by the Government, or must we draw upon the resources of private citizens for this preparation? All the armor plant has done up to this time has been to cause a liability. It is estimated here as one of the liabilities to be met by the levy of taxes in this revenue bill.

So there is nothing there so far that is anything but a burden. Does any one think, based upon the ordinary diligence shown in establishing any public undertaking, that an armor-plate plant would be in existence in time to be serviceable before the European war ends, even if unhappily we should become involved in it? It has already been in progress going on three This item, therefore, I will repeat, is a liability. of no value in preparedness. It is only an undertaking up to this time that creates the duty of raising more money to establish something which could be of no service in the emergency which we hope to avoid.

Then, there is the purchase of the Danish West Indies, involving an expenditure of \$25,000,000. There is no criticism of that. It may have come at an inopportune time; but it may be that some other Government would have availed itself of Denmark's desire to sell the islands. At any rate, we incurred the liability; the treaty has been concluded; and the only thing

that remains for us is to pay the bill.

It is just 20 years coming now since the question was submitted to the people of this country on the form of security required in this section, which says that both the principal and interest shall be payable in United States gold coin. That has a most ominous sound. If I were disposed to be critical, I might ask whether this is not objectionable upon "sound principles of finance," as enunciated by the great Commoner, who is now as great an apostle of peace as he was an apostle of the free coinage of silver when the phrase "United States gold coin" used in public or private obligations was under the ban. That, however, is a dead issue; and I only refer to it parenthetically as I pass to show that the world moves.

On page 10 of this section I come now to the following

That such bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same.

It will be noted here that this is merely permissive; there is no obligation on the Secretary of the Treasury to offer this bond issue of \$100,000,000 to popular subscription. It is provided here that he may do so. What he will do, nobody knows. vided here that he may do so. What he will do, nobody knows. If we are to judge of how this issue will be marketed by other occurrences, we would presume that this \$100,000,000 at not exceeding 3 per cent interest would be put into the hands of a bond house or of brokers; that it would be underwritten by one or more of the larger houses dealing in investments of that character; that it would be taken by them in its entirety, and then disposed of later on by distribution among the general public by the bond houses. That has been the history of bond

There was a time during the Civil War when popular subscription would not have availed for the sums required; there have been times since then when it would not be possible, when there was a financial stringency, when savings had not accumulated, when there was in the hands of the general public but little surplus money available for investment purposes; but times have changed. We are told—and to a considerable degree there is much truth in the statement—that money is

plentiful; that it is very well disributed; that it is easy to obtain; that many have large amounts to their credit.

This is a propitious time, to say the least of it, for testing the value of offering bonds for public subscription. The merely permissive power given here might be exercised in that way; but the Senate, so far as it has power over revenue legislation, is now acting on this bill. If it favors a popular subscription, the Senate ought to say so. It ought not to leave it in the discretion of the Treasury Department to follow or not to follow the course of offering bonds to the public so as to ascertain whether we can avoid handing them over in their entirety to some investment house in the first instance.

I think, therefore, that this part of section 400, Mr. President,

is subject to criticism. At the proper time, if no other Senator does so, I shall offer an amendment making it obligatory upon the Secretary of the Treasury to offer the bonds to all citizens of the United States alike upon the same terms as provided in this section after it shall have been made obligatory by changing the word "may" to the word "shall."

In the event, then, that the bonds should not be all taken, or that none of them should be taken, by popular subscription, I

would add a further amendment, as follows:

And if the issue of bonds, or any part thereof, shall not be taken by such citizens, the Secretary of the Treasury may otherwise dispose

of such issue, or any part thereof unsold, in accordance with the provisions of this act.

This would make obligatory upon him the duty of first offering the whole issue to the public. I anticipate, in the event that it were done, that it would be subscribed for many times over; it would be a reliance upon the investing ability of

the public.

do not wish to be oversuspicious, but I shall not take too much for granted. However much great wealth may be criticized and its accumulation decried, great wealth is found in many friends of this administration. That is not a criticism of the administration; it is a statement of fact. Men of great wealth may be found friendly to any administration, and to members of the political party that may from time to time be in authority in public affairs here. But there are large bond houses that are accessible. One of the members of the Federal Reserve Board is a former member of a very large New York City bond house. I anticipate that friendly relations have not been suspended. I am not stating in any sense that there will be any improper influence exercised, but those agencies are ready and willing at any time to take such a bond issue in its entirety at, say, not exceeding 3 per cent. Afterwards it can be sold and distributed to the public until the whole of the bond issue is digested by the private investor.

This has been the usual course of many bond houses in the history of the country. During the Civil War, at a time when the credit of this Government was not first class, when rates of interest were high, loans to raise money in what were then considerable sums were underwritten by the large banks of the different cities, principally New York and Philadelphia, and some of the other eastern cities where there were large financial institutions. There is no occasion now, however, for suspecting that the public will not subscribe for the whole amount of

the issue.

Again, it is provided:

Again, it is provided:

That in addition to such issue of bonds, the Secretary of the Treasury may prepare and issue for the purposes specified in this section any portion of the bonds of the United States now available for issue under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909: And provided further, That the issue of bonds under authority of this act and any Panama Canal bonds hereafter issued under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, shall be made redeemable and payable at such times within 50 years after the date of their issue as the Secretary of the Treasury, in his discretion, may deem advisable.

After that provision and beginning after the word "edvice" of the date of the control of the control

After that provision, and beginning after the word "advisable," in line 4, page 11, a similar provision ought to be added:

That all such issues of bonds shall be offered to public subscription as herein provided before being otherwise disposed of by the Secretary of the Treasury.

The bond issue, principal and interest, necessarily calls for a portion of the money to be raised by the different forms of taxation provided in the bill. The objects of taxation that are singled out by the bill are mainly corporate forms of invest-ment. I think it is fair to say that the taxes raised in certain of these sections, for instance, the excess-profits tax, will be paid to the extent of three-fourths by the business carried on by corporations. Banks, for instance, are regarded, as I suggested a few days ago, as a universal source of revenue. Probably the insurance companies, life and fire, are about the first, but the banks would come in a close second. The bankers' associations might be regarded as under suspicion. All of them are supposed to control very many millions of dollars. I have suggested here that the resources of the banks consist largely of their liabili-The greater the bank's assets the greater its liabilities become, so that in a sense the greater the bank's debts the greater the bank. Except as to the sums distributed in dividends and set aside by way of surplus, it owes to its stockholders and to its depositors all the other of its assets.

Under date line of January 24, 1917, the Illinois Bankers' Association sent out what they say is the longest communication mailed by them since it has been organized. It is addressed to the members of the association and is in reference to the proposed new tax on profits over 8 per cent. I quote from that

communication as follows:

THE PROPOSED NEW TAX ON PROFITS OVER S PER CENT FURTHER VIOLATES AMERICAN PRINCIPLES.

ILLINOIS BANKERS' ASSOCIATION, Chicago, January 24, 1917.

To the members of the association:

The administration party leaders are reported as fully approving an amendment to the Federal internal-revenue act providing for a tax of 8 per cent on net income in excess of 8 per cent on capital computed on money actually invested, property used, and surplus and undivided profits of every corporation, joint-stock company, association, insurance company, and partnership whose net income amounts to \$5,000 or more, the tax not to attach to income derived from agriculture or solely from personal services.

Under the terms of the proposed bill capital invested is said to include: (1) Cash paid in. (2) actual value of property at time of payment other than cash paid in, and (3) surplus and undivided profits used or employed in the business. Increases are also proposed on inheritances and other items.

This information is from telegraphic advices, as copies of the new revenue bill are not available. It has been passed upon favorably by the subcommittee and was before the Ways and Means Committee of the House vesterday, and is being considered to-day by the House caucus of the majority Members, after which it will be reported formally. We are advised that passage of the bill will then undoubtedly be expedited in the House, possibly coming to a final vote before the end of next week.

expedited in the House, possibly coming to a final vote before the end of next week.

It is apparent that we are complacently passing through a period of silent revolution which is remorselessly continuing a steam-roller process of attempting to bring successful business concerns down to the level of the mediocre through adding more tax burdens on wisely managed enterprises.

As an illustration of how the proposed tax will work, a bank or other business with a capital of \$50,000, surplus and undivided profits of \$10,000, which earns 20 per cent net on its capital, or \$10,000 a year, would be entitled to a deduction of 8 per cent on the capital and surplus amounting to \$60,000, or \$4,800, leaving the difference between this amount and \$10,000, or \$5,200, upon which a tax of 8 per cent, amount and \$10,000, or \$5,200, upon which a tax of 8 per cent, amount and \$10,000, or \$4,500, leaving the difference between this amount and \$10,000, or \$4,500, leaving the difference between this amount and \$10,000, or \$4,500, leaving the difference between the samount and \$10,000, or \$4,500, leaving the difference between the samount and \$10,000, or \$4,500, leaving the difference between the samount and \$10,000, or \$4,500, leaving the difference between the samount and \$10,000, or \$4,500, leaving the difference between the samount and \$10,000, or \$5,500,000, or \$5,500,000, or \$5,500,000, or \$4,600.

The proposed tax will be in addition to the income tax, which was more than doubled under the act of September 8, 1916, and the special corporation tax of 50 cents a thousand on capital, etc., in excess of \$99,000.

The members of this association are all bearing tremendous tax burdence and the special carriers and the special carriers are supported to the second capital text.

The members of this association are all bearing tremendous tax burdens, proportionately larger than other business interests as their personal property is not concealed from the local assessor and they can not well increase the cost of service. We gladly take the lead in supporting programs for national advancement, but the added burden of this third direct Federal tax leaves no room to doubt that it is time to call a halt. Government revenues must be obtained and there is no disposition to question taxes for legitimate requirements if imposed equitably, in accordance with principles which conform to the spirit of American institutions.

Direct Federal taxation has so recently been instituted and has

Direct Federal taxation has so recently been instituted and has met with so little objection on the part of about 7 per cent of the population now furnishing the Government with revenue aggregating \$131.845,360 that we are apparently losing all thought of reasonable equality in taxation and deliberately entering a new and pernicious era of "special privilege" and exemption for the great mass of the citizenship.

era of "special privilege" and exemption for the great mass of the citizenship.

While fully admitting the social justice of a graduated tax on incomes, it seems manifestly unfortunate, if not indefensible, in both an economic and a political sense, to wholly relieve more than nine-tenths of the voters, who, theoretically, are responsible for the imposition of the tax, from bearing some part of their proportionate share, even if the amount realized from each would be very small. Such contact with the revenue department of the Government is necessary to insure the practice of administrative economy and a reasonable consciousness of the obligations of citizenship. In England, before the great war, all incomes over \$1100 were taxed.

Industries concerned as to the threatened flood of foreign goods after the war, resulting in overproduction, idle mills, panic, and depression, have hoped that immediate consideration would be given to protective measures through a revision of the Underwood Act, such as is believed would, with existing direct taxation, produce adequate revenues, notwithstanding the present curtailment of imports, and that the proposed bond issue covering the expense of mobilization on the Mexican border would carry us through without establishing any more doubtful precedents as to direct taxation. While not offering this as a suggestion, we most emphatically believe that the proposed program is along the wrong lines.

The vertex facts that the officers of our member banks should get in

most emphatically believe that the proposed program is along the wrong lines.

The writer feels that the officers of our member banks should get in touch with the business men in their communities at once and give full consideration to the entire subject. Let us not be charged with the worst possible error—that of taking the easiest way in this matter, instead of standing up for the principles which, if disregarded, will result in our being carried into very dangerous channels.

Having secured an entering wedge, our Representatives in Congress appear willing to drive it further and further between the majority and the minority of the population, separating them still more, instead of attempting to bring them together for cooperation leading toward national efficiency.

The experience of the belligerent nations has proved that service must be universal, whether at the front, in the factory, or in the counting room. This is the world's new conception of democracy for peace and war. It is a step backward for a few to pay all the cost of government, We are losing the essence of Americanism and bringing about representation without taxation, which is as repugnant as would be the right of a few to support the Government and to dominate it.

There is need for sound public opinion, for sound political judgments, and our future for many years to come will be governed by the soundness of the public mind and governmental actions in the next score of months. We must awaken men to the patriotic need for giving the best there is in us to the end that the national answer which will be made to the many questions the world is asking shall be the right answer.

We use you to do your part promptly. Stand up for principle, even

We urge you to do your part promptly. Stand up for principle, even if you happen to be exempt, Write your Congressman upon receipt of this. An insidious evil is creeping into our national life; ask others to help prevent it. Please get general local cooperation.

We are advised that the Chicago Clearing House Association will wire strongly protesting against this further imposition of taxes on those already burdened through recent Federal taxation enactments. Should not all business associations take similar steps? The time for action is very short.

We believe the serious and perhaps unconscious drift of affairs in Congress makes it unnecessary to apologize for the longest letter ever sent the membership. It would have been easier merely to request the members to wire protests against the proposed new iniquitous tax, but it is important that our members begin earnestly to study political economy and endeavor to help form a sound national policy.

Richard L. Crampton, Secretary.

RICHARD L. CRAMPTON, Secretary.

A postscript to this indicates what I think is a very pernicious practice that is attempted without warrant of law:

P. S.—Some of the internal-revenue collectors in Illinois have sent our member banks forms upon which to file returns as brokers and pay a tax of \$30. We feel quite sure this is incorrect and have written the commissioner in Washington for decision regarding it.

It seems to me that the burden proposed to be laid upon corporations will, in the quadruple tax, be an extremely unjust imposition. Banks, as already indicated in this communication, pay their income tax; they pay the corporate-franchise tax; they pay this increased tax proposed, the excess-profits tax, in case they have any; in addition to that they pay the local tax of the State government and its various subdivisions.

I remarked somewhat briefly the other day on the premium placed by the writing of this bill on overcapitalization. From the secretary of the American Mining Congress I have since received a communication on this question which is very pertinent. Omitting certain parts that are not material, he says:

tinent. Omitting certain parts that are not material, he says:

Will you permit me to call attention to the revenue bill (H. R. 20573) as reported by the Senate Finance Committee, and to suggest that the application of section 202 as now worded will, in my judgment, result in putting a premium upon overcapitalization and a penalty upon conservatively managed institutions, and will create a third basis of taxation, the Government having already laid taxes on the bases of income and fair value.

The most successful and efficient business corporations in this country are those which have begun with small capital, gradually adding thereto from their earnings without making charge against the capital account. Such companies would only be permitted to earn the stipulated profit upon the cash paid in and other assets at the time such assets were transferred to the corporation, while the corporation which waters its stock to the limit would escape its just share of the burden by reason of the greater apparent capital upon which an 8 per cent earning is allowed.

Again, if the bill is passed in its present form there will be three separate bases of valuation for the taxation proposed, as shown by the attached brief.

I am sure that Congress does not desire this result, and I beg to call your attention to a hastily prepared brief attached hereto and ask such action as, in your judgment, seems wise.

Very sincerely, yours,

J. F. Callbreath, Secretary.

J. F. CALLBREATH, Secretary.

Then continues a part of the same letter subjoined:

Then continues a part of the same letter subjoined:

Considering the bill as a scientific tax measure its terms are subject to severe criticism and should lead to the rejection of the bill unless substantially modified after careful consideration. The Federal Government now has an income-tax system based on net income. It also has a stock franchise tax entitled "Excise tax on corporations approved September 8, 1916." This tax is "50 cents for each \$1,000 of the fair value of the capital stock." It is now proposed to provide an excess profits tax as a "special preparedness fund" based on "actual capital invested" defined in section 202. as—

(1) Actual cash paid in.

(2) The actual cash value of assets other than cash at the time such assets were transferred to the corporation or partnership, and ploy "Paid in or earned surplus and undivided profits used or employed by the corporation or partnership, whether evidenced by bonds or otherwise."

It is thus proposed to establish three separate bases of valuation for corporation properties in the United States, viz, income, the fair value, and cash paid in. There should be but one basis of value for tax purposes, and corporations dealing with the Government should be entitled to simplicity and directness of the law by having but one basis of taxation so that they can at any time know where they stand and what the charges against them are to be. The deduction allowed in the excess-profits tax of 8 per cent upon the actual cash paid in should be changed to a deduction of 8 per cent upon the actual cash paid in should be changed to a deduction of 8 per cent upon the actual cash paid in should be changed to a deduction of 8 per cent upon the actual cash paid in should be changed to a deduction of 8 per cent upon the actual cash paid in should be changed to a deduction of 8 per cent upon the actual cash paid in should be changed to a deduction of 8 per cent upon the fair value, being the same term as required in the stock franchise tax above mentioned.

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the excess tax will not effect the financial institutions which are the mainstay of the wealth of the States named. The effect of the loose drafting of this act is therefore to create great confusion in the tax system of the Nation, forcing the corporations with extensive litigation to establish their rights, to place a penalty upon conservative financing and a premium upon the watering of stock, resulting in inequality and unfairness.

On a former occasion the chairman of the Finance Committee very lucidly explained that the provision in the bill in regard to the actual cash value of the property that was contributed in lieu of cash payment for the shares subscribed was a protection to the Government. He proceeded to say that the actual value of the property would be estimated by the Treasury Department, and on that the 8 per cent would be computed from the company's business. The inherent difficulty in that lies in the inability to value the property of a corporation that has been in business for a long time—the difficulty of estimating the actual cash value of property turned in in payment of shares many years ago. I can think of a copyright or a trade-mark turned in at a very large value. The business might have been an individual one before. Through extensive advertising, through enterprising salesmen, through the merit of the article sold, in the course of years a very large business was developed. Laterand this follows about the natural course of development-those who founded the business, growing older, incorporate. The question always arises what the going concern shall be valued at in the payment of shares in the corporation taking over the old It is starting a new business in name only, since it conducts precisely the same business and uses the same trademark or copyright used by the old individual busines

The natural effect of the incorporation is to require those who incorporate to estimate the value on which they will capitalize the business. They take what the probable profits have been. If it has been a partnership, they have distributed at stated intervals the profits of the business, after making the proper allowances to keep the business in a going condition. Taking that as the basis, they figure out on the earnings on, say, a 5 per cent basis that they can capitalize—say, the stock is all of one kind, with no division into common and preferred—that they can capitalize at a given number of dollars and still pay 5 per cent on the shares. Accordingly, the capitalization is fixed at that sum. No one can say that it is not a fair valuation 20 years after the valuation is made. The business may have earned from 5 to 8 per cent since that time.

There has always been a motive, Mr. President, for a large capitalization of a going business when changed from an individual or a partnership basis to a corporate one. It might be that the merchandise sold was sold under a patent, which has practically the same effect as a trade-mark or copyright. In that event they capitalize largely in order to show that excessive profits are not made. If it should appear on a low capitalization that the company is paying from 10 to 15 per cent, especially where the shares are quoted on the stock exchanges of the country, it becomes known to the investment public, and so to the general public. Therefore to avoid in many instances the payment of what appear to be excessive dividends, they double or treble the capitalization, and that, of course, either halves or divides by three the dividends paid on the shares.

Where a concern has been financed in that way, where money to be borrowed, it goes upon the same basis. Where a busiis to be borrowed, it goes upon the same basis. ness requires funds for its development to widen out, to engage not only in national but in international trade, those who furnot only in national but in international trade, those who furnish the money on the bonds to be taken figure it at a rock-bottom basis. They know what the business is worth. The bonds are issued accordingly. The shares of stock are fixed with that knowledge, so that they know when these securities are issued, either stocks or bonds, how much will be earned. A certain portion of it will be absorbed in the payment of the interest. What remains after the expenses of the business may go to dividends, but it is adjusted in that way. If the shares go to dividends, but it is adjusted in that way. If the shares were held by those originally subscribing or promoting the business, or if the bonds were held by those who participated in that promotion, if they were still in the same hands, I could understand that with some justice to the general investing public even now there could be some estimate made of the actual value of the business that was turned in.

Conditions, however, are not that way. Either fortunately or unfortunately the general public buy these shares. They buy the bonds issued. The same question comes up that is found confronting the authorities with railway securities. They are in the hands of innocent purchasers for value. The valuation of the property putting it down to a substitution or a reproduction price is often grossly unfair. It would have the effect of injuring the shares of stock. It would naturally result in a depreciation on the stock market of any concern having a considerable issue bought and sold on the exchanges of the country.

So it becomes extremely difficult in the first place, and in many instances, I think, Mr. President, it becomes impossible, to estimate the actual cash value of some of the most successful concerns there are in the country.

I might take a publishing company. Some publishing companies make very large returns in the aggregate, but if measured by capitalization the rates of dividends are very moderate and some of them low. This is because the copyrights of publications, the good will of the companies, have been capitalized at the time the companies were formed, and capitalized at a very large sum of money. In some instances the payment of 3 per cent on the capitalization involved would be more than the 8 per cent, possibly, of a more conservative valuation. The difficulty arises again on the difference of opinion, and the uncertainty naturally growing out of it, when the values of as-sets of this kind are to be fixed. The good will is an intangible asset, and still, where it exists, everyone knows that it possesses a cash value. The difficulty for the general public, or for the employees of a Government department, or the head of a department, is to estimate what the good will is worth. No one knows it except those who conducted the business.

I might think the good will of a business was worth nothing. My neighbor might differ from me. He might have superior means of information. He would know what the business was for a given period. He would know the expenses of conducting the business. To him it would have that value, because he knows how much it will earn; and the public outside, knowing the value of the marchandise with a fived name, continue to ing the value of the merchandise with a fixed name, continue to buy it so long as the business is conducted.

The Government undertakes to fix the actual cash value of good will; and ultimately it must come to that, in many instances. Take the supposed publishing company. Consider some of the popular 15-cent magazines. The good will of those magazines is worth something. It has a cash value. They are found all over the country. Every news stand exposes them for sale. In like manner, the more expensive ones have a name that makes them a current asset. The name of the North American Review is worth something beyond all the physical plant, beyond even the earnings of the company that publishes it. It has a value because of its long term of serving the public with certain high-class reading matter. If anyone were to undertake to fix the value of the North American Review-and I take this because it is a kind of a periodical that is not so generally bought-if anyone were to undertake to fix its good will, there would be the widest divergence of opinion. Even the owners or the shareholders in the company might differ from each other as to what it is worth.

If we were capitalized so as to fall under the 8 per cent referred to in the excess-profits-tax section of this bill, it would escape entirely. If there were a conservative value of the good will, if it were 50 cents on the dollar of what myself and neighbor might think, if it continued to have the same earnings, it would double the dividends, and so make it liable above the 8 per cent for the tax provided in this section.

In the third section this language is used:

Paid in or earned surplus and undivided profits used or employed in the business; but does not include money or other property borrowed by the corporation or partnership, whether evidenced by bonds or otherwise.

It seems there that the money borrowed by the corporation would not be included, although there is some difference of opinion among those who have furnished me briefs on this question.

I have a letter under date of January 25, 1917, from John V. Farwell, of Chicago, on the same question, which I think presents a very fair criticism.

JOHN V. FARWELL Co., Chicago, January 25, 1917.

Hon. LAWRENCE Y. SHERMAN, Washington.

Dear Sir: I notice the program to tax excess profits over 8 per cent on capitalization. I have not seen the details of the bill, but on the face of the statement it seems to offer a premium on capitalizing good will, etc., or any other way of inflating capital stock.

While I have no doubt before the bill is passed some method will be devised to prevent subterfuges of this sort, creating inequalities in taxation, I thought I would call your attention to the matter now, so it can be brought at once before the authorities who are considering this bill.

If the bill should provide for the average amount of capital used in the business, whether borrowed or capital stock, or surplus, and should eliminate capitalizing good will, etc., it seems to me you would have a fair basis of treatment to all concerned. There would be sufficient difficulties in making this bill workable without putting it in what appears to be inequitable shape.

Of course we are against this bill and want it killed, if possible, but if something is sure to be passed we can only hope for best possible. Yours, truly,

JOHN V. FARWELL, President.

A corporation can not be considered apart from the men who conduct it. The personality of a corporation depends upon the controlling element of men who are carrying on its business. It is a fact that the most painstaking and conscientious corporations, especially those long established, have not taken all of their profits out of the business, but have put them into better-ments, extensions, machinery, building up trade connections, establishment of agencies, and the introduction of their manufactured products into new markets. These actual investments have never been segregated into surplus and undivided profits, and then reinvested. The limitation in section 202 to the actual cash paid in and to the other assets at the time the assets were transferred to the corporation, plus earned surplus and un-divided profits, which must have been segregated and put back into the business, would, in many older corporations, deprive them of the greater portion of the 8 per cent exemption. Wildcat corporations, on the other hand, based upon oil wells, mines, patents of presumed but not demonstrated value, and concerns of recent organization would be able to claim a full exemption, while the old reliable corporation would be penalized for its

sound business policy.

It would seem that the Government could not properly estimate the tax basis of a corporation upon a market value, which might be entirely fictitious, and in the extension of the same measure assess an excess-profit tax on a corporation, and declare the corporation should not be credited with its actual value, but would be bound by the original investment at the time the corporation was formed, perhaps many years ago, and to reinvestments of segregated surplus and undivided profits which had actually been first set aside and then returned to the

Another extraordinary provision is that in estimating the cash capital of a business "no exemption is allowed on money or other property borrowed, whether evidenced by bonds or otherwise." This provision penalizes a corporation whose capital is insufficient to finance its business as against the man who has ample capital—the weaker man pays the higher tax.

I have an illustration here. For the sake of brevity the

I have an illustration here. For the sake of brevity the \$5,000 exemption might be omitted in either of the illustrations given.

Assume, under a 50 cent per \$1,000 tax, a corporation of \$30,000,000 capital, the market value of whose stock averaging during the past year, say, \$500. Such a corporation exists, not a mere hypothetical case. The 50-cent tax would be assessed on \$150,000,000 and would amount to \$75,000 per annum. This same corporation, after over 20 years of growth, owing to amazing activity and by putting its profits back into the business, without segregating them as either profits or surplus, would probably be able to show on its original investment the value of the other assets at the time the corporation was formed, plus segregated surplus and undivided profits now the business, probably not more than \$10,000,000 or \$12,000,000, although its physical net assets are certainly \$50,-000,000. On these figures this corporation would be deprived of exemption at 8 per cent on practically \$40,000,000, or \$3,200,000, to which it was really entitled, and would be obliged to pay an unjust tax of \$256,000. If under the income tax, on the other hand, the 50 cents per \$1,000 were based upon actual cash value, the amount paid by the corporation would be \$25,000 instead of \$75,000.

It seems clear that the Government has no right to take this tax both ways, and that only one basis of taxation is just and fair, and that is the actual value of the corporation as a going concern

Take a trade-mark as another illustration of the injustice of the valuation method which evidently is intended to be followed by the department the way this bill is written.

A certain corporation exists whose original investment when the corporation was formed, 20 years ago, as shown by the par value of capital stock turned in, was slightly less than \$1,000,000. It has already established, by 25 years' advertising, a valuable trade-mark under which its goods were sold. During the last 20 years it has spent anywhere from \$500,000 to \$1,000,000 a year in advertising to maintain and enhance the value of its trade-mark. The actual tangible assets turned in, besides the trade-mark, were, however, about \$1,000,000. The corporation was capitalized at \$20,000,000. The stock of the corporation during the whole period has never been below par, and stands to-day somewhat above par. This corporation will probably pay on the 50-cent excess tax on each \$1,000 capital \$10,000 a year. It has for some years paid 6 per cent on \$10,000,000 of its capital stock, called preferred, and 8 or 10 per cent on the common stock. While called upon to pay upon the basis of the full value of its \$20,000,000 income tax ander the revenue bill, it will be allowed 8 per cent on the

exemption only on the actual cash paid in 20 years ago, and some estimate as to the then value of the trade-mark, if that can be considered a tangible asset at the time the trade-mark was transferred to the corporation. While enormous sums of money, probably \$15,000,000 have since actually been invested in the maintenance and development of the trade-mark value of the corporation on which its entire bysiness is based, this was charged on the books as an advertising expenditure, and it was never set aside as earned surplus or undivided profits, which were paid back into the business

were paid back into the business.

Before the Ways and Means Committee of the House, during the tariff discussion, testimony was given by an old gentleman that his father, 60 years before, had started a business on \$1,000 capital, and all rights, title, and interest were finally transferred to a corporation, after 20 years, for \$50,000. That all profits were put back, except reasonable dividends; the business had extended throughout the world; and in building up the business a community had grown up, and the corporation was now capitalized for \$6,000,000, which the old gentleman stated was very conservative, as no estimate was made for a good will, which the high quality of the wares and the trade-marks had established throughout the world, and which probably equaled, and which had practically cost, as much as the actual productive features of the business.

Under section 202 of the revenue bill this old gentleman's corporation might, unless by some system of bookkeeping it had anticipated by 40 years the revenue measure, have to go back to the original \$50,000, if not to the original \$1,000 with which the business started, in claiming its 8 per cent exemption. A modern corporation, however carefully formed, with an investment of \$1,000,000 cash and several million dollars in patent rights, which appear to be, but might not be, valuable, would be able to escape taxation entirely, unless it was paying an excess of 8 per cent on its total capital.

I should like to take two railroads as an illustration, and these are actual illustrations. I have seen many railroads built in my time in the western country, in the northern Mississippi Valley. I have seen them built in various ways. I saw the Chicago & Eastern Illinois built, in which the stockholders built the road and paid for it. When it ran its first train, with Mr. Carpenter as president, my recollection is there was not one dollar of bonds issued for the whole of the company and all its line. Its track was built; it was equipped; its terminal facilities secured; all of its yardage, its shops, and everything needed for a going railroad was secured, and the stockholders paid for it, and there was not a dollar of mortgage or indebtedness against the property.

The Alton road, before my time, was, as I have said, builded in the same way. It was built by the stockholders; it was conservatively managed; it was not watered. It was built under the administration of Timethy B. Blackstone, who was the leading spirit with his associates in financing and building the road between Chicago and St. Louis originally. These men, if living now, would be penalized for being conservative. They were old-time financiers; they were not speculators; they were like the late Mr. Hill; they were builders and not stock speculators on the market.

I said here a few days ago that the manifest effect of the bill was to promote excessive valuation, to promote the watering of corporations, to promote wildcat schemes, and I repeat it to-day. The men who built the two roads I have mentioned, if they had been conducted at the present time under the old management for the last two years, would have made them liable to an excessively large tax under this section of the bill. Their shares of stock were as well known and as sane in value as the shares in a national bank in that part of the country. They would be penalized for that now.

It so happens that the two roads are under a different management; so they are in no danger under the sections of this bill, because the Alton changed its ownership in comparatively recent years and the Chicago & Eastern Illinois was amalgamated with the Frisco system, and on the good, hard security of the going railroads, with the business they have had, and with no indebtedness, they were put into a new combination, with a large issue of securities, for which these companies with their good name furnished the drawing card to enable the public to absorb the issues, and to-day they will escape every penny of this 8 per cent excess tax.

As I suggested here, the war in Europe will be ended many, many years before the valuation from the Interstate Commerce Department will reach the evil of which I speak. We all know that there has been overcapitalization of certain railway systems in the country, not all of them fortunately. They are limited in the whole railway world to only a fractional part. I will not single out so as to be invidious the names of certain

railways that are recognized as plungers on the market whose shares they have gotten hold of for that purpose. They were not railroad builders; they were not like the pioneers who built the early lines and took the chances and who furnished the money and gave hard value in return, with their knowledge of finance and engineering in railway problems. The men of later years who have succeeded them are of the kind named stock speculators and they work the market rather than run railroads. These men, every one of them, will escape, their rail-ways will escape, and there will be no help for them under this bill, because it is not contemplated, I suppose, that this tax will continue forever. When the war is over some readjustment will be made, and long before that readjustment could ever reach these people the valuation that they have put on it will protect

Take the two railroads that I have noted, or rather the two instances. I will not give the names of any railroad in such illustrations for obvious reasons.

In relation to the question of whether money borrowed and used in a business should be considered in establishing a tax to be paid by a corporation, two railroads might be taken as an illustration. Each has \$200,000,000 capital. One consists of \$100,000,000 stock and \$100,000,000 4 per cent bonds.

Here is where the indebtedness becomes material, as the larger the company the greater the inequality and injustice that would be perpetrated. One consists of \$100,000,000 stock and \$100,000,000 4 per cent bonds. The other is capitalized as all stock. Both railroads make a profit of 10 per cent on the \$200,000,000 which they each use. Railroad No. 1

Cash used	\$200, 000, 000
10 per cent Less 4 per cent interest on \$100,000,000 bonds	20, 000, 000 4, 000, 00
Leaving a net profit of 8 per cent exemption on \$100,000,000 capital	16, 000, 000 8, 000, 000
Tax payable	8, 000, 000 640, 000
RAILROAD NO. 2.	200, 000, 000
10 per cent profitExemption, 8 per cent on \$200,000,000	20, 000, 000 16, 000, 000
Excess profit collectible	4, 000, 000 320, 000
In other would the one who harmons is the or	no who nove

In other words, the one who borrows is the one who pays double the tax. In other words, it penalizes a company or an individual who borrows and reduces to corporate form his enterprise. It penalizes him because he does not have the money. It charges him twice the tax because he is poor. I regard it as a most unjust discrimination. It can not be ascertained well unless it is applied to concrete cases. It will be found when the department goes to working out this tax, in the event it passes in its present form, it will penalize the man who does not have money enough to conduct the business, and to the man who puts in 50 cents and borrows 50 cents of every dollar he puts in it will cost twice as much to pay the tax as it will for the man who has the whole dollar to put in at the begin-It therefore is an obstruction to development; it is a hindrance to the man who is enterprising, industrious, and willing to put in his own money and not employ somebody else's

savings.

Mr. WEEKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. SHERMAN. For a question.

Mr. WEEKS. I suggest to the Senator that this might also be the fact in connection with the case he has cited. The bank which is taxed least might be owned by half a dozen very rich men, while the bank which is taxed twice as much might be owned by a large number of small investors who have put their money into that bank because they believed it a safe investment. Therefore the person of comparatively small means would be the one taxed instead of the rich man.

Mr. SHERMAN. Yes, sir. That is a good illustration. It

works out in that event the same way. The comparatively large number of small investors who might take 1 share at the par value of \$100, or 10 shares, and make it their savings bank since they all know each other and have confidence in each other's integrity and organize a business-these men because of those conditions are penalized under this bill and compelled to pay a grossly disproportionate part of the special tax

to be levied.

From the illustration I have given it will thus be seen that the railroad having bonds, under section 202 of the revenue act. will make \$4,000,000 less in profits and pay a tax 100 per cent higher than the stronger railroad, which did not have to borrow

It works out all the way along the line. Building operations are the same way. These matters are to be tested finally when applied to the actual operations of life. All these laws finally must be applied; they are not theoretical; they come finally to the men who are doing business, to the active man, not the retired man who is living on an income, who for practical purposes is living off the active ones, on the men in every active line in life, whether in the arts or industries, in agriculture, in the professions, or what not. We must get down to the specific instance, and in the building illustration it would work

Another illustration especially applies to heavy real estate transactions:

A building in New York costing, with the land, \$20,000,000, with \$15,000,000 4 per cent bonds and \$5,000,000 capital.

That is not an extraordinary valuation in view of 20 and 25 story office buildings that are built on a ground lease in several of the larger cities with fifteen million 4 per cent bonds and \$5,000,000 capital. That is the way it actually would be framed. The experts who figure these things out know exactly how much to put in and where after a term of years it will end. In such a building office space rents at so much per square foot. They know the whole number of square feet in the building from the roof to the basement. They know how much ought to be charged to make it a profitable undertaking. So they figure it out that way; they form a corporation with \$20,000,000—\$15,000,000 bonds and \$5,000,000 in shares. That will cover the ground and the building.

As against a building built on capital stock without bonds, would figure as follows:

BUILDING NO. 1.	
Cash used	\$20,000,000
10 per cent profit Deduct bond interest	2, 000, 000 600, 000
Net profit 8 per cent exemption on \$5,000,000 capital	1, 400, 000 400, 000
Tax	1, 000, 000 80, 000
BUILDING NO. 2.	
Cash employed	20, 000, 000
10 per cent profit Exemption 8 per cent on \$20,000,000	2, 000, 000 1, 600, 000
Tax Excess profit	400, 000 32, 000

It shows again that the person desiring to avail himself of borrowed capital for the development of a business enterprise is compelled under this bill to pay twice as much tax as the man who has the cash to conduct the same enterprise without

Again, a corporation not having enough cash to transact its business, and making less profit, pays over 100 per cent higher profit tax than the corporation which was stronger financially.

I do not always agree with the doctrine that is sometimes urged in this Chamber that those who are strong financially ought to pay the greater part of the burden. I rather incline to the uniformity of taxation, that all pay something. This bill, however, goes upon exactly the reverse, that the weaker the taxpayer the more he will pay of this burden, and it actually will work out that way.

In the illustration given I have not taken out the \$5,000 exemption in the income, because it makes it much shorter, but it works out in exactly the same proportion if that deduction be allowed.

Now, apply it to ships. Get off the land on the sea, and the same thing holds true. A corporation owns a ship in 1913 worth \$250,000 and is capitalized for \$250,000. That is actual cash value. That is within the language of the bill. The war makes the ship worth \$1,000,000. I do not think that is an exorbitant valuation based upon actual advances.

The corporation is offered \$1,000,000 cash for its possessions. The offer is refused. The party offering \$1,000,000 purchases

a sister ship to the one owned by the first corporation at its present market value and pays \$1,000,000 cash. A corporation is organized and business is begun. Each company makes \$80,000 on the operation of its ship during the tax year under the revenue bill. Corporation No. 1 pays taxes under the revenue bill as follows:

20, 000 8 per cent deduction. 60,000 4,800 80,000 80, 000 Nothing.

The exemption exactly balances the income, and the tax paid is nothing, whereas the first paid \$4,800.

It is evident from the above that two corporations, under section 202, doing precisely the same business with sister ships, would in one case pay a tax of \$4,800 and in the other not be taxed at all.

Another illustration follows:

A company organized years ago, possessing a patent of great value, is capitalized as follows-I am taking now an actual illustration:

Total capital
Divided:
Cash
In a valuable patent \$2,000,000 1,000,000

In the course of years the patent expires and is of no value

After a limited time, under the patent laws, the patent runs out. Then it belongs to the public, to the world.

Another company having invested in the business has without the patent and using the same cash capital as its rival succeeded in developing an equal business.

Corporation No. 1 works out as follows:

Annual profits at the present time \$\,\)
Value of cash and assets at the time they were transferred to the corporation, \$2,000,000; exemption 8 per cent \$\,\)
Amount of tax. \$\,\)
Nothing.

In other words, the expired patent has suddenly become valuable, in that it relieves this company of taxation which will continue to apply to its rival, as follows:

Applying the same rule to its rivals:

COMPANY NO. 2.

Capital	\$1,000,000
Present profits	160,000
8 per cent exemption	80,000
Excess profits	80,000
Tax	6, 400

And they are conducting the same kind of business.

That is not fair taxation.

I wish to call attention very briefly to the proposed \$22,-000,000 of the estate tax or death rate, called in England and in some States the inheritance tax. It is estimated that \$22,000,000 will be produced from the increased rate. This has been a source of revenue for States. I think some 23 or 24 States levy and collect this same estate tax. I remarked the other day that slowly the sources of revenue belonging to the States are being absorbed by the General Government. We must

call a halt at some place.

In my own State, for instance, we have collected there something like \$1,000,000 every year. I want to refer to that. The \$1,000,000 that is collected is turned into the State treasury. It is made one of the assets, and a material one, too, in the payment of our expenses from year to year. It can not be supposed that we will permit a double tax to be levied upon estates.

That would be extremely unfair.

I think it very material to here state the amount of inheritance tax collected from some of the States. In my own State it hung at about \$1,000,000 for a good many years, and the last year that I have here \$2,092,000 and over were collected from this source; in Indiana \$233,000 were collected; in Iowa \$318,000 were collected; in Kansas \$270,000 were collected; in Maine \$283,000 were collected; in Maryland \$256,000 were collected; in Massachusetts \$2,308,000 were collected; in Michigan \$501,000 were collected; in Minnesota \$650,000 were collected; in Missouri \$411,000 were collected; in New Jersey \$1,090,000 were collected; in New York \$8,263,000 were collected; in Pennsylvania \$2,516,000 were collected; and in Tennessee \$210,830 were collected.

These amounts are material in the revenues of the States. The revenues of the States are not large in proportion to the sums we are handling here. In my own State of Illinois, for instance, our total revenues for the biennial period aggregate about \$39,000,000 and a fraction-\$19,000,000 and over each year; but of the \$2,000,000 collected from the estate tax, the rest of it barring the income from certain departments, the insurance income, comes from the income from the foreign corporation tax, the licensing of corporations and their creation under the laws of the State, and fees from various other depart-

ments running up into some million dollars annually, necessitating, however, the bulk of our taxes to be collected by direct taxation.

This is but the beginning. If \$22,000,000 can be collected in a single year by the Government, it will not be long until, in the stress of collecting more money under large appropriations, this tax will again be doubled or trebled. It is merely a question of time until this source of revenue will be entirely absorbed, because it will grow so burdensome that State legislatures will, by the property owners of the different States and the voters, become compelled to repeal their State laws collecting revenue from like sources

It will be noted that the \$22,000,000 that it is proposed to collect by this bill just about equals the entire collection of the estate tax in all the 48 States of the Union, though not quite. The total tax collected was \$24,381,000 for the year. How long can it continue until the States will be compelled to wishdraw that source of revenue altogether and to turn it over to the

General Government?

The income tax is continually increasing; it has been doubled. We are not complaining so much about that; I am not complaining about it. So far as the little income tax that I pay is concerned, most of it is held out here by the disbursing officer. If they want to double it again, I can stand it. If the price of potatoes, Mr. President, does not go up too much, I can still live; but if it keeps on, what I am complaining about is that after awhile the income will be at that figure where personal property from which the income is drawn will no longer be a source of revenue for the States. You will either beat the

assessor or you will lose your principal.

We have the double-column plan of assessments of credits as well as other property in my State. We put in one column the actual value of the property, and in column No. 2 the assessor carries out one-third of the value. On that we pay the local taxes. I paid my local taxes a few days ago; and I am paying in my own State \$7.66 on every hundred dollars of valuation for taxpaying purposes. On every credit, on a 5 per cent basis—which is the limit on a municipal bond, and it is the limit in Illinois corn land on real-estate security-on a 5 per cent basis, when you get through, if that is your income, after you pay the income tax to the Government and pay the local taxes out of the same income, you have about 1 cent and three-fourths on each dollar left with which to buy the barrel of potatoes which I spoke about a while ago, Mr. President.

Just about how long it can continue without confiscating property is merely a question of how long, in the wisdom of

gentlemen writing bills of this character, they will continue to

heap on these burdens.

There is another section of the bill which I want to take up in due time; but section 202 has already been passed and section 400 we have reached. I wish to refer to that, and particularly to the oleomargarine amendment, on which I have heretofore refrained from making any comment, but I expect to do so in due time. I will now yield the floor.

# Friday evening, February 23, 1917.

Mr. SHERMAN. Mr. President, this section provides for a possible 50-year issue, which, as the Senator from Massachusetts [Mr. Weeks] says, after 20 years might be a potential 70-There are some of the securities of Great Britain issued in the Napoleonic wars still in the hands of investors. Some of the securities that raised money that ended the struggle at Waterloo are still held in various parts of Europe. But that was a struggle which no historian and no financier, much less any Senator, would undertake to compare with the Spanish-American War, and why a possible extension of 70 years should be given to the very small issue of securities to conduct that war is wholly beyond my understanding.

Thomas Jefferson, the patron saint of the majority party,

and rightfully so, said at one time-it is found in his letters compiled and published in the nine-volume edition of the Government—that he did not think any security ought to last and be binding on any Government after 20 years; he said that each generation should take care of itself; that if the project went over to bind another generation it lacked the moral obligation

that ought to attend the payment of a debt.

Mr. HUGHES. Mr. President—
The PRESIDING OFFICER (Mr. ASHURST in the chair).
Does the Senator from Illinois yield to the Senator from New Jersey?

Mr. SHERMAN. Yes, sir.
Mr. HUGHES. I wish to ask the Senator if he can, out of his accumulation of historical knowledge, tell me whether this Government ever, in paying a bond, offered anything but another bond. I should like to know, as a matter of information,

has the Government ever paid an obligation in the shape of a bond by anything but another bond?

Mr. SHERMAN. It has paid some of its obligations.

Mr. HUGHES. I mean with anything except a bond while they reduced or attempted to reduce the public debt. If they ever attempted to take up bonds except by putting out other bonds, I would like to know under what circumstances it happened.

Mr. SHERMAN. The Government has redeemed and paid many of its obligations. A large part of the issues created during the Civil War have been paid by current receipts. Some have been paid by refunding and issuing new bonds and taking up the old, as proposed here; but the interest-bearing indebtedness of the United States has been very materially reduced out of the current revenues since the war closed.

Mr. HUGHES. I have heard that disputed, I will say to the Senator, and I thought perhaps he could offhand point to some

instance or some legislation where it was done.

Mr. SHERMAN. I have not any of the data before me now, but I can take the bond issues growing out of the Civil War and their reduction since that time to show that some of the bonds have been paid out of current receipts. The interestbearing debt of the United States is very materially less than it was in 1865 or the years immediately following the close of the war. The interest-bearing debt was at its maximum in 1866. It decreased in 1890 or 1891 to less than one-third.

Thomas Jefferson is especially remarkable for another dictum that would appear almost on a par with a 20-year bould that ought to end all obligations. I found it in a letter that he wrote along about the time of the one I referred to, in which he said that all the buildings in the Capital ought to be limited to three stories high; that it was dangerous to go beyond; that it invited calamity from Providence. Elevators had not been invented, and the extension ladders for fire protection, the various methods of saving life, had not yet been presented to the enlarged vision of Sir Thomas. He concluded that three stories ought to be the limit, and that we were inviting great disaster to go beyond a three-story limit. These matters are only offered by way of illustration.

Upon the record, Mr. President, I do not know why we ought to issue \$64,945,460 worth of bonds at all; why we ought to provide for the refunding. It may appear to be the views of a trustful novice, but I turn to the report of the Secretary of the Treasury for the fiscal year ending June 30, 1916. It may be that this is a fairy story. I have heard it intimated that the figures could not be realized in hard cash, but the condition of the Treasury June 30, 1916, is contained in this report on pages 36 and 37. After a complete presentation of the condition of the Treasury, including cash reserve funds, trust funds, with a complete resume of the interestbearing debt of the United States and the debt on which interest had ceased, the debt bearing interest account in the general fund of various kinds, on the other side of the ledger it deducts current liabilities. It then proceeds with this astonishing statement:

Balance in the Treasury June 30, 1916, as per financial statement of the United States Government, \$235,925,945.68.

If we have that balance of cash, and that is what it is reported last June, soon to be a year ago, there was enough in the Treasury to have paid this indebtedness. The average man, Treasury to have paid this indebtedness. as the public comes and goes, thinks that this means cash, and it has so been taken generally in the comments upon the condition of the Treasury.

Of course, this is not available cash; it is not available to pay the public debt or even to pay the current expenses of the Government. It is perfectly apparent that that is so when we turn to some of the cash resources, item by item, as gold coin of \$85,000,000 and over, standard silver dollars of \$9,000,000 and over, and omitting the Federal reserve and United States and National bank note items. It includes the subsidiary silver coin, of which it is found in this report that there are more than \$17,000,000; of minor coin, \$905,000 and over; of silver bullion at a cost of over \$6,000,000; and unclassified and unsorted currency, \$385,000 and over.
Of course, it is perfectly well understood that these several

items, especially the last which I have read, are not available as a cash balance. It is understood that they could not be drawn out and used as a part of the free funds of the United States available for the payment either of current expenses or of taking up the bonded indebtedness that might be matured or of going out on the market and buying the securities. That is the way Great Britain does. Practically her consols are never payable; she issues them and they pass into the hands of investors. When the treasury has a surplus that can be devoted to the payment of the public debt or the reduction of it, I is a very small balance in the general fund.

her officers go out on the market and buy the securities at the very best available rates that can be had. So any surplus in the treasury in years past, when that Government had a surplus, was devoted to the reduction of the public debt in that way, without waiting for the maturity of the obligation,

I turn again to another report of the condition of our Treasury, which will be an estimate for the fiscal year ending on the 30th day of June, 1917. It will not be long until that is here; it is but four months away. The detailed estimates for the fiscal years 1917–1918 are all given here. For this year, 1917, it seems there is reported in the general fund as follows:

Balance in the Treasury, June 30, 1916, as per financial statement of the United States Government, \$235,925,945.68.

Those are the figures brought over from the last financial year and are taken as a credit in the bookkeeping. This balance, therefore, at the beginning of the fiscal year of 1917—which began last June, by the way, and will end on the 30th of June, 1917—is taken as a credit and is carried over. To that are added various items throughout the year—Treasury warrants, matured coupons, interest checks, disbursing officers' checks, and the like, aggregating a total of \$17,000,000 and over deducted—leaving a total, claimed as a credit in the Treasury, on June 30, 1916, free of all current obligations, of \$218,863,995.43.

I am taking the bookkeeping of the Secretary of the Treasury. Whether it is the best bookkeeping or not, I am not stopping to say; I am only taking it as it is written. If the same kind of a record were made in a national bank, and there were no more assets found back of it, the president of the bank would be involved in great difficulties with the Comptroller of the Currency. If this balance is true, we ought to pay the bonds out of the cash in the Treasury. If it is not true, it ought not to be published in such a book as this, a Government publication.

It is stated that there was a balance in the Treasury on June

30, 1916, free of all current obligations. If I have a balance in my pocket free of current obligations, it means that I have discharged what I owe my landlord and my grocer, and such obligations as are pressing on me, or that I have paid all my debts and have a free balance.

Let us go on:

Estimated ordinary receipts, \$975,750,000. Estimated Panama Canal receipts, tolls, etc., \$6,500,000.

That is on the idea that the Panama Canal will be operating and that some tolls will be collected for the year that will end next June.

Estimated deposits for postal-savings bonds, \$2,000,000.

Making our total receipts \$984,250,000. I add free cash balance brought over from the ledger of the 30th day of June, 1916, making a total of \$1,203,113,995 and some cents. authorities take from that the disbursements: they take out of that all of the expenditures for the year and then estimate that the balance in the general fund on the 30th day of June, 1917, will be \$114,937,995.43. If we have \$114,937,995.43, why not take a little over half of it and pay the \$64,000,000 of the Spanish War bonds that are maturing, or that can be taken up, and that are proposed to be taken up by the issue possibly of 50-year bonds and refunded? I have always proceeded on the idea that when I got a free cash balance in my pocket instead of issuing a note for 50 years I would take the cash balance and go out and pay the debt.

Mr. SIMMONS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. SHERMAN. Yes; I yield. Mr. SIMMONS. The Senator is correct in his statement about the balance in the general fund at the beginning of the fiscal year 1917. It was \$218,000,000, I think the Senator said?

Mr. SHERMAN. Yes. Mr. SIMMONS. That is true, but all of the expenses of the Mexican situation, which were not provided for at all, have been paid out of that fund, leaving, as I now recall it, an estimate of \$64,000,000 at the end of this fiscal year. It is estimated that the expenses of the Mexican situation will be \$162,-000,000. That will all be paid during the present fiscal year out of the general fund. There is no other fund with which to pay it. It is estimated that that will leave in the general fund at the end of this fiscal year, \$64,000,000.

The Senator from Illinois says we ought to take that \$64,-000,000 and redeem the Spanish War bonds. If we did so it would leave the Treasury without anything in it at the end of

the fiscal year.

Mr. SHERMAN. I call the Senator's attention to page 9 of the bill.

Mr. SIMMONS. Of cours., safety requires that there should always be kept in the Treasury a reasonable sum, and \$64,000,000

Mr. SHERMAN. I quite agree with the Senator, the chairman of the Committee on Finance, as to the necessity of an adequate working balance in the Treasury, one that shall be liberal, to say the least; but on page 9 of the bill, under title 4, section 400, is provision for an additional \$100,000,000 of bonds to meet public expenditures on account of the Mexican situation. That has nothing to do with the \$64,00,000 provided in the section under discussion now, which are to refund Spanish War bonds already outstanding and maturing some time soon. The \$100,000,000 bond issue provided in section 400 is to meet the Mexican situation. Until very recently, except by press reports, we have not any accurate statement of the expense of the Mexican trouble.

Mr. SIMMONS. The Senator does not state that quite ac-

curately, I think.

Mr. SHERMAN. I wish to be fair about it.
Mr. SIMMONS. The proposition is to take care of the Mexican situation by issuing these bonds. That indebtedness has already been paid or will be paid by the end of this fiscal year out of the general fund. When the bonds are sold, of course, the proceeds will reimburse the general fund that amount. But there are other expenditures to be paid with the \$100,000,000 of bonds besides those incurred on account of the Mexican situation. There is the Alaskan Railroad, involving an expenditure of some

Mr. SHERMAN. Let me interrupt the Senator to say that that expenditure will not all be paid during the ensuing fiscal

Mr. SIMMONS. I am proceeding to explain the \$100,000,000 bond proposition. That would be added to the \$162,000,000. Then, there is the armor-plate plant expenditure to be added— \$11,000,000. In addition to that there is the \$70,000,000 already authorized for the nitrate plant, and the amount needed under the shipping act, and the \$25,000,000 for the purchase of the Danish West Indies, making a total of \$303,000,000 of bonds. There are, however, only something over \$200,000,000 of Panama Canal bonds that can be sold, and, therefore, it is necessary, if we are going to take care of this \$303,000,000 by a bond issue, to issue \$100,000,000 more bonds, or about \$100,000,000 bonds. So the \$100,000,000 of bonds proposed to be issued is the balance of the \$303,000,000, after we have sold the Panama Canal bonds.

Mr. SHERMAN. There is no doubt of that. First, the \$35,000,000 authorized for the Alaskan Railway up to this time has not been expended, or anything like that amount. I have not the latest figures as to the expenditure for that project, but I think I am entirely accurate in saying that the ensuing fiscal year will not call for more than \$5,000,000 for the Alaskan Railroad. The work is progressing, like most of the undertakings of the Govwork is progressing, like most of the undertaking ernment, in a very leisurely manner, and it will be many years ernment, in a very leisurely manner, and it will be many years ernment, in a very leisurely manner, and it will be many years before the \$35,000,000 will be called out of the Treasury. is no necessity for issuing 3 per cent bonds to provide a part of the \$35,000,000, when the proceeds are likely not to be needed for 10 years, and all the while we will be paying 3 per cent on the bonds and getting only about 2 per cent or 1½ per cent from the Government deposits in the national banks when loaned out. That is not a good business transaction.

Mr. SIMMONS. I am unable to say how much has actually been expended. I think it is estimated that over \$21,000,000

will be expended by June 30, 1918.

Mr. SHERMAN. I am not certain about it, but not all of it

has been expended by any means.

Mr. SIMMONS. These bonds will not have to be issued, and will not be issued, I assume, until the money is needed for the purposes for which the bonds are to be issued. We are not raising additional revenue for that work; we are going to take care of it by a bond issue; and the bonds will be issued as the

money is needed for that purpose, I assume.

Conceding that that will be the business Mr. SHERMAN. way in which it may be administered, the same is true as to the armor plant. Nobody knows when the armor plant will be located. It may be located within the next three months, but more than likely it will not be located for some time yet; and after its location it will be quite a long time before the plans can be drawn, before the preliminary work can be done, before the blue prints are made, and before the ground is broken even for the first foundation stone. That is a long way off. Many Congresses will meet and have adjourned before that happens. The nitrate plant, involving an expenditure of \$20,000,000 more, will go along in the same way. That is not yet located.

Yes; but does not the Senator realize the fact that unless we have provided the money or the sources of the money with which to do a particular Government work, the department would not feel itself justified in beginning the work and incurring the liability? An authorization and an appropriation are two very different things.

Mr. SHERMAN. Entirely different things. I understand that.

Mr. SMOOT. I will call the Senator's attention to the fact that in the shipping bill there was provided an authorization for the issuance of \$50,000,000 of Panama Canal bonds. That has already been authorized.

Mr. SIMMONS. Yes; that has already been authorized. Mr. SMOOT. And the bill providing \$20,000,000 for the nitrate plant also carried an authorization for the issuance of

Panama Canal bonds.

Mr. SIMMONS. I mention these only to show that the \$70,000,000 under the shipping act and the nitrate-plant act just subtract that much from the Panama Canal bonds.

Mr. SMOOT. There are about \$240,000,000 of Panama Canal

bonds available

Mr. SIMMONS. No; about \$222,000,000, to be exact.

Mr. SMOOT. On February 21, which was the day before yesterday-

Mr. SIMMONS. I only know from the statement of the

Treasury.

Mr. SMOOT. That is my source of information. The Treasury Department says, as to the Panama Canal bonds, in its daily statement of February 21, that the total amount of Panama Canal bonds authorized by law is \$375,200,980, and the total bonds issued to February 21, 1917, was \$134,631,980, leaving a balance of bonds authorized, but not yet issued, amounting to \$240,569,000.

Mr. SIMMONS. I will not dispute the accuracy of the Senator's statement. I was speaking rather from memory, but it is a fact that we have provided already that \$70,000,000 of the Panama Canal bonds shall be issued under the nitrate-plant and shipping acts. That is the total amount that we have

authorized up to this time.

Mr. SMOOT. That would leave a balance of \$170,000,000. Mr. SIMMONS. Probably so, if the Senator is correct in

his figures

Mr. SMOOT. I am correct, if the statement of the Treasury

Department is right.

Mr. SIMMONS. My statement is that the total amount of bonds, as estimated by the Treasury Department that it would be necessary to issue, including the \$70,000,000 to which I have just referred, under the provisions of this bill would be \$303,000,000, and that there are only, as I recollect, \$222,000,000 of Panama Canal bonds that can now be issued. That would leave the amount of new bonds that it would be necessary to leave the amount of new bonds that it would be necessary to issue, if we are to finance these projects by selling bonds and raising the money in that way, instead of by making direct appropriations out of the Treasury. Of the \$240,000,000 of these Panama bonds authorized but not issued, only so many can be issued as is necessary to reimburse the Treasury for disbursements actually made for the construction of the Panama Canal. The amount so disbursed has not been sufficient to call for the issue of all these bonds. Because of this and of other reasons, the Treasury Department at this time can only issue \$222,000,000 of these bonds for the purpose of reimbursing the Treasury.

Mr. SHERMAN. That is substantially correct as to the different enterprises, and the amount of the Panama Canal bonds still available is \$240,569,000, \$134,000,000 having already been issued out of the total amount, \$375,000,000, that were authorized.

This, however, does not answer the question of the free balance on the 30th day of June, 1917, because when these bonds are issued the expenses of the Mexican situation will be refunded, or that amount will pass into the Treasury. If this free balance of \$235,000,000 last June, and of \$144,937,995 estimated by the Secretary to be in the Treasury June 30, 1917, is correct, all that we have to do is to sell some of the bonds and refund the amount spent on the Mexican border or in the expeditionary force down into the interior. That is a very simple Just as soon as the bonds are authorized all of that alleged free balance in the Treasury can be replaced by the proceeds of a bond issue. Then the rest of the bonds will be available from time to time for the nitrate plant of \$20,000.000, the armor-plate plant of \$11,000,000-no one expects that issue to be made, of course, until the money is needed for the construction of these undertakings—and the \$50,000,000 in the shipping bill will come along and be provided for by bonds. But the point I am making is that the expenses incident to the Mexican troubles will be paid out of the \$100,000,000 bond issue in section 400, and that will replace in the Treasury the sums that have been drawn out from current revenues to meet

these expenses from time to time as they have been made.

Mr. SIMMONS. But by reason of the fact that the Government has paid these Mexican expenses out of the general fund, there is a deficit for the year of \$157,000,000. The \$162,000,000 that will be received from the sale of the bonds to meet the

Mexican situation will pay that deficit and leave only about

Mr. SHERMAN. The singular state of affairs is that notwithstanding this estimate of a free cash balance on the 30th of June, 1917, in one public document—the report of the Secretary of the Treasury—another public document inconsistent with that is laid on our desks here daily. I have in my hand, Mr. President, one of date February 21, 1917; and in that, on page 2, I read from various columns, each under its appropriate head, as follows:

Excess of ordinary receipts over ordinary disbursements this month, 0.

Corresponding period last year, 0. Fiscal year 1917, 0. Corresponding period, fiscal year 1916, 0.

Turning now to the other side of the ledger:

Excess of ordinary disbursements over ordinary receipts this month, \$22,618,335.34.

Corresponding period last year, \$6,760,444.98. Fiscal year of 1917—

Now, this is still the excess of ordinary disbursements over ordinary receipts-

\$162,059,896.80.

These two documents when put side by side constitute the most singular state of affairs in United States finance ever known in the history of this country. It can not be explained by saying that the free balance in the report of the Secretary of the Treasury has been spent by the current liabilities made by the Mexican situation. When it is put alongside of the deficit that appears in the daily reports from the Treasury laid on our desks of \$162,000,000 for 1917, there is no system of finance, there is no system of bookkeeping known, that will adjust the two accounts consistently with each other, or consistently with any free cash balance of the kind named in the report of the 30th of June, 1916, as estimated to be in the Treasury on the 30th day of June, 1917. The \$100,000,000 of bonds provided in section 400 will simply restore, it is suggested by the chairman, the amount of the Mexican expenses paid out of the current revenues, and will do no more.

Mr. SIMMONS. The Senator certainly has misunderstood me or I am misunderstanding him very badly. To me it is very simple. At the beginning of the fiscal year there was in the general fund \$218,000,000. That was the total of the

general fund.

Mr. SHERMAN. That is correct, in round numbers.
Mr. SIMMONS. Now, we incurred on account of the Mexican situation an expense of \$162,000,000, for which there was no revenue provided, and that was necessarily paid out of the general fund. As a result, the general fund was reduced to \$64,000,000, and there is a deficit of \$157,000,000 for the year. Now, when the bonds are sold and that money is placed back in the Treasury, it will wipe out that deficit and add about \$5,000,000 to the general fund in the Treasury from that source. The estimated amount in the general fund on the 30th day of June, 1917, will then be \$218,000,000 plus \$5,000,000, or \$223,000,000. So that after we have paid the expense of the Mexican situation out of the general fund, making a deficit of \$157,000,000, we have wiped out that deficit by selling the bonds and using the funds to pay the deficit, leaving the \$218,000,000 plus the \$5,000,000 difference between the proceeds of the Mexican bonds and the deficit in the Treasury. That \$223,000,000 in the general fund, according to the Treasury Department, will be applied to the discharge of the estimated deficit during the year 1918.

Mr. SHERMAN. Of current liabilities.
Mr. SIMMONS. Yes. That will leave the Treasury empty; and it is proposed that we raise a sufficient amount to replenish the Treasury to the extent of \$100,000,000, the general fund having been wiped out altogether.

Mr. BRADY. The bonds that we sell will take the place of this deficit caused by the Mexican trouble. Is that right?

Mr. SIMMONS. Well, yes; in a sense that would be right. The bonds that we sell for the Mexican situation will pay this deficit of \$157,000,000 that has been brought about by taking out of the general fund the money necessary to pay the expenses of the Mexican situation.

Mr. BRADY. Then, as I understand it, when we sell these bonds the money will be placed in the Treasury to replenish the Treasury for the money we have taken out for this purpose?

Mr. SIMMONS. It will be placed in the Treasury, yes; to

pay the deficit created by the payment of the expenses of the Mexican situation out of the general fund, there having been no provision for additional revenue made to take care of the Mexican situation.

Mr. BRADY. And that has been paid? Mr. SIMMONS. That has been paid.

Mr. BRADY. And when we sell these bonds that will be replaced?

Mr. SIMMONS. It will be replaced. Mr. BRADY. And the funds will take the place of the deficit?

Mr. SIMMONS. When it is replaced, it will wipe out the

deficit. That is my understanding.

Mr. WADSWORTH. Mr. President, will the Senator from

Mr. SHERMAN. Yes, sir. Mr. WADSWORTH. In other words, may I suggest to the Senator from North Carolina, at the conclusion of this operation instead of a deficit in the Treasury we will have a debt? We

will wipe out the deficit by assuming a debt?

Mr. SIMMONS. Yes. We will have paid this expense by issuing bonds instead of by levying taxes. That is all there

Mr. SHERMAN. I have done that a great many times. have extinguished my indebtedness by borrowing the money at the bank

Mr. SIMMONS. Senators will remember that last year, when we were passing the emergency act, we stated in the report on that bill that we had not provided for the payment of the expenses of the Mexican situation; that it was intended that those expenses should be defrayed by selling Panama Canal bonds.

Mr. SHERMAN. Yes, sir. Mr. SIMMONS. If the Secretary had exercised the authority conferred upon him by law and sold those bonds there would have been no deficit in the Treasury this last year; but he did not do that. He took the money out of the general fund and paid the Mexican expenses, and that made a deficit of \$157,-

Mr. SMOOT. I think the Senator is mistaken in saying that

we agreed or decided to pay—
Mr. SIMMONS. No; I do not say the Senate agreed to anything. I say we stated that in the report of the committee, and we did not provide for taxation to pay that expense.

Mr. SMOOT. Why, Mr. President, the last deficiency bill that

was passed in the last session of Congress appropriated so much money for the Mexican expenses

Mr. SIMMONS. Oh, undoubtedly.

Mr. SMOOT. After that, I will say to the Senator, this punitive expedition into Mexica to catch Mr. Villa was ordered, and that is what has caused the extreme amount paid and asked to be refunded to the Treasury by the issuing of bonds. Nobody anticipated that the Mexican expenses would be \$162,000,000.

Mr. SIMMONS. Why, of course; the Senator is correct about At the time we made the appropriation to defray the expenses of the Army, nobody supposed that this trouble in Mexico would arise; but it did arise, and on the 8th of Sep-tember of last year we passed this bill to raise additional revenue. It was then estimated that this unexpected expense would reach \$130,000,000 by the 31st day of December, 1916; and to meet that we made no provision whatever, but we said that it was expected that that expense would be met by the issuance of Panama Canal bonds. Those bonds were never issued. I

do not know what the expense up to December amounted to.

Mr. SMOOT. In September, just before we adjourned, the
estimate was that the total expense for the Mexican war, so
called—as I may term it, at least—would amount to \$130,000,000.

Mr. SIMMONS. That is right, up to December 31.

Mr. SMOOT. Up to December 31; and we had taken care of
all of the expenses of that war by appropriations in the de-

all of the expenses of that war by appropriations in the de-

ficiency appropriation bill.

Mr. SIMMONS. Cash appropriations?

Mr. SMOOT. Cash appropriations.

Mr. SIMMONS. Yes; but the Senator loses sight of this fact: Of course we did not make cash appropriations for the Mexican war before the war broke out, because we did not know that the war would break out.

Mr. SMOOT. Well, it was in September, before we adjourned.

Mr. SIMMONS. But assuming that the Senator is right about that—I am not questioning what the Senator says there is a vast difference between an appropriation and a provision to pay for it. What I am saying is that we made no provision for additional revenue for the payment of that appro-

Mr. SMOOT. Well, we had estimates that went to show that if the revenues of the Government amounted to what they

were estimated to be, they would take care of it.

Mr. SIMMONS, Yes; but if we had added the estimated expenses of the Mexican situation at the time we passed the act of September 8, 1916, to the other expenses that we were

61, 631, 000

levying taxes at that time to provide for, we would have had to make a much larger levy than we did. We provided for all of the estimated deficit at that time except the Mexican situation. We did not provide for that. We levied no tax for that. On the contrary, we said that that expense would have to be met, and we expected it to be met, by the sale of these bonds.

Mr. BRADY. Then it seems to be a condition and not a theory that we are facing. These things have actually occurred, and the money has been spent, and we have appropriated the money, but the appropriations have not been paid in cash?

Mr. SIMMONS. They have been paid in cash, out of the general fund, or will be paid in cash by the end of the fiscal

year; but the bonds have not been sold.

Mr. BRADY. That is my understanding.

Mr. SHERMAN. Then there were about, say, \$64,000,000 used out of the current revenues to meet the expenses of the expeditionary force in Mexico.

Mr. SIMMONS. It is estimated that by the 1st day of July

\$162,000,000 will have been expended.

Mr. SHERMAN. Yes; to be entirely accurate. We are only quoting now from memory, all of us. In that event, how does the Senator figure that the Secretary could estimate that on the 30th day of June, 1917, there would be \$114,000,000 and over of free balance in the Treasury?

Mr. SIMMONS. What date is the Senator talking about? Mr. SHERMAN. The 30th of June, 1917—the coming 30th day of June.

Mr. SIMMONS. When was that estimate made?
Mr. SHERMAN. This report was made or issued on December 4, 1916—last December.

Mr. SIMMONS. I have not examined it. I do not know. The report itself will probably answer the Senator's question.

Mr. SHERMAN. Now, this is the point I am trying to get at, Mr. President: The only way in which that can be accounted for is that a number of items have been included in the \$114,000,000 of balance that ought not to be included in a balsubsidiary coin, silver bullion, amounts carried to the accounts of disbursing officers, and the like, a number of those items—that those have been erroneously transferred and treated as a part of the cash balance.

Mr. SIMMONS. The cash balance that is estimated now as \$64,000,000 at the end of this fiscal year is after making deductions for certain items that are sometimes included in these statements. The statements are made in different ways. Sometimes it is stated that so much will be in the general fund, and then there is a statement that this includes disbursing officers' accounts; sometimes it is stated that there will be so much, excluding disbursing officers' accounts.

Mr. SMOOT. The estimate made by the Secretary of the Treasury could only come true if a greater part of the income

tax was paid before June 30, 1917.

Mr. SHERMAN. Which only adds to the difficulty.

Mr. SMOOT. Which only adds to the difficulty. The balance on February 21, 1917, by the daily statement of the United States Treasury, shows it to be \$67,000,000. The exact amount is \$67,842,933.99; whereas instead of being a net balance in the Treasury of the United States to-day, there is nearly \$47,000,000 short, or, in other words, there is a deficit in the Treasury of the United States to-day of \$47,000,000.

Mr. SIMMONS. You mean in the general fund?

SMOOT. I mean in the general fund. It happens in this In the balance now of \$67,842,933.99 there is included Mr. SMOOT. \$67,648,167.82 credit to disbursing officers' accounts. In other words, Mr. President, it is just the same as if I had \$67,000,000 in bank and issued \$67,000,000 in checks to pay my debts against I could not claim that I had that much credit in the bank.

Mr. SIMMONS. I do not think the Senator's figures bear out his statement. His figures do not show a deficit in the Treasury. It simply shows that the money has been appropriated for the disbursing offices, but has not yet been drawn out of the Treasury. It is in the Treasury as any other money that has been appropriated is there, and it remains there until checks are drawn against it. It is a matter of bookkeeping. It is as if I transferred some of my funds from the bank with which I deposit to another bank solely for convenience. It would be as fair to claim that as soon as Congress appropriates funds for a tertain purpose the general fund in the Treasury, as carried on the books, should be decreased by that amount. All the money in the general fund, as now treated, is available for future exenditures of the Government, and none of it has already been spent.

I attach hereto a statement furnished me by the Actuary of the Treasury Department, which I think will tend to clarify

the questions in controversy between the Senator from Illinois [Mr. SHERMAN] and myself.

FINANCIAL STATEMENT.

[Latest statement furnished by the Treasury Department, revised to Feb. 10, 1917.]

Feb. 10, 1917.]

Amount in general fund, June 30, 1916, including \$41,286,057 disbursing officials' credits after deducting outstanding checks.

Estimated disbursements, fiscal year 1917 \$218, 863, 995

1917 Stimated receipts, fiscal year 1917 \$1, 141, 482, 794

Estimated excess of disbursements over receipts\_\_\_\_\_

Total reimbursement \_\_\_\_\_ 195, 200, 000

Estimated amount in fund June 30, 1917 .... 256, 831, 000

156, 831, 000 374, 080, 000

Additional revenue required for 1918\_\_\_\_\_\_ Estimated margin (this will probably be reduced still further by later deficiency estimate)\_\_\_\_\_\_ 217, 249, 000 30, 751, 000

Mr. SHERMAN. The actuary's statement does not cover the criticism I am making. Money appropriated and passed to the credit of disbursing officers of the various departments is no more assets than money in a bank account segregated by a certified check.

# Saturday, February 24, 1917.

Mr. SHERMAN. Mr. President, last evening when I somewhat prematurely concluded my remarks I was on the eve of explaining my objections to the proposed method of marketing the bonds provided in section 400 of the bill. I now recur to that unfortunate feature for the purpose of placing what I consider a necessary explanation before the Senate before it shall vote, in order that it may be duly advised, to adopt the language of courts that have heard arguments, before it shall have concluded its deliberations. Particularly, Mr. President, I reprobate that portion of the section that seems to provide that the Spanish War bond issues which shall be used are to be offered to the public only at the discretion of the Secretary of the Treasury. The bonds are to be used for refunding purof the Treasury. The bonds are to be used for refunding purposes. That refunding may be accomplished by the substitution when the holders of the present issues present them; o the bonds may be sold, and the proceeds used to retire the old issue as it is presented.

It is provided in this section, on page 12:

That said bonds may be disposed of by sale or exchange by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, and in case of sale all citizens of the United States shall be given an equal opportunity to subscribe therefor. but no commissions snall be allowed or paid thereon, and a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same and the expenses of refunding the bonds of the 3 per cent loan of 1908 to 1918.

The criticism I have of this section, Mr. President, is that it is merely permissive to the Secretary of the Treasury. in mind many bond issues since I began to observe that form of public security, and very seldom in our history has the opportunity been given to the general public to subscribe. I can just remember, because of some boyhood recollections, when the Franco-Prussian War of 1870 closed. A number of Alsatians lived in my country and were neighbors of my people. They were French in origin, but were Germanized by course of law in the captured provinces. They had their sympathies with France rather than with the Fatherland. I heard them talk at the time the treaty of peace was concluded. I did not know precisely what the wording of it was at that time, but it made an impression on me, and I looked it up in later years to understand the significance of it.

For the sum paid by France as indemnity there had been a short, it is true, but a decisive war. That country had lost in the issue of battle and the Prussiars were victorious. Then came the question of the terms of peace. I remember yet one of the earliest diplomatic jests that remains in my mind. One of the Rothschilds was present at the corclusion of the treaty. The Prussian Government, through its diplomatic representatives, imposed a very large sum upon the French Government. The last Napoleon had gone out as the result of that unsuccessful war, brought on contrary to the judgment of many of the public men of France. But France was required to pay the indemnity. It was the sum of one billion francs. A very large sum in those days. One of the French diplomats held up his hands in deprecation of the sum and said, "If a person had begun to count from the Christian era, one person attempting to count this vast amount of money exacted as an indemnity could not have counted it." Rothschild, who was a Hebrew, said: "We provided for that emergency; the Jews number from the beginning of the world, and there is enough time to count it if any curious person should undertake it."

So when the time came to raise the money for the indemnity, and the Prussian Government preferred not to take securities, the French Government was confronted with the task of raising the money for the payment of this large indemnity. I have in my scrapbook, put away, from the memories of those days, a picture of the French people crowding in the little villages out in the grape districts and in the wheat fields of France, all over the fertile portions, where that rural land-loving population cultivate their country like a garden, for the purpose of subscribing to the securities offered by the French Government to raise this great indemnity. It was not offered to a bond house. The entire sum issued by the French Government to settle the war was offered to popular subscription. It brought out the savings of the thrifty French peasant; it brought from the small merchant his little store of francs; it brought the gold 20-franc pieces bearing the superscription and image of Napoleon; they brought from their savings and they subscribed the greater part of the indemnity to be paid by popular subscription. Here in this country, and I am not criticizing any administration for the process followed, I am only telling it as affecting, generally, the condition that has attended the marketing of our securities.

Mr. WADSWORTH. Will the Senator yield?

Mr. SHERMAN. I yield for a question.

Mr. WADSWORTH. As a matter of interest, does the Senator remember how long it took the French people to pay that indemnity?

Mr. SHERMAN. I do not know how long it took to discharge the entire sum of the indemnity.

Mr. WADSWORTH. My recollection is that they did it in

about two years.

Mr. SHERMAN. In a comparatively short time. The Senator is right.

Mr. WADSWORTH. Furthermore, the Prussian Government in fixing the indemnity fixed it at a figure which they calculated

would require the French about 20 years to pay it off.

Mr. SHERMAN. They would naturally suppose it would require a much longer period; and in fixing what was at that time considered to be a very large sum, that it would embarrass the French Government or her people very largely to pay such a sum; but very much to the surprise of the banking houses in this country, if we recur to the history of that time, owing to the resilient qualities of the French people, their hitherto unsuspected thrift in laying up their savings, when the popular subscription was offered it aroused their patriotism and they subscribed of their means so that there was no practical difficulty in floating the entire loan, and later on, as the Senator has suggested, in a very short time they paid it off. It was a matter of pride since the Napoleon regime had ceased and France was succeeded by a republican form of government. I think the Senator is quite right in saying that within a two years' period practically all the indebtedness was discharged. It showed the very great recuperative power of that wonderful people.

If this country, to recur to our practices, as I suggested last night when I was diverted to another subject which I was not able to finish until the adjournment hour came, during the Civil War necessarily popular subscriptions were not practicable. remember at this time from hearsay, because I had not arrived at that age of understanding when I appreciated fully those problems, but from hearsay of what was done when my people came home from the war, they were paid in greenbacks. were mere promises of the Government to pay. Whether they would ever be redeemed in gold or in any form of specie that would return to the ante-bellum days no one knew at that time. But the New York City banks in response to the Secretary of the Treasury, Mr. Chase, upon several occasions before specie payment was resumed went into their strong boxes and gave up many millions in gold in order to support the credit of the Government then engaged in arming and equipping its armies and in blockading the ports of the Confederate States. However, after a time specie payment was suspended and remained suspended until the great financial authority of the State of Ohio in Congress gave the country one of the great periods of his life, the shining moment of John Sherman when we first put in tangible form the resumption act and adhered to its purpose until it was accomplished. The proceeds of the se-

curities that were issued soon melted away. The gold that was received by the Secretary passed into hidden hands. Following the universal law of circulating mediums the more valuable form of money disappeared and there remained nothing but the scrip or greenback. Therefore, for a time the Treasury notes and greenbacks became the accepted form of currency in common use during that period.

But when bonds were issued at that time it was a question who the takers would be. The house of Jay Cooke & Co. negotiated a great many of those bonds in this country and in Europe. It so happened that they were all paid; this country preserved its integrity; the Union endured. The taxing power remained, and so those bonds were paid at 100 cents on the dollar. Other bonds were marketed, and by the fortunes of war and finance some are not paid yet. Unfortunately the resources and securities of the Confederate government went down together, and many millions of those securities are held yet by protesting investors across the sea, awaiting the time when at some hopeful period they may possibly be paid.

But in those periods, in times of stress when coin had disappeared from the hands of trade, when we had almost gone back exclusively to the paper-money transfers or to the rude barter of uncivilized people in transacting our business, there was some reason why bonds no longer should be offered to public subscription. The financial resources of the country must be assembled. It was indispensable at that time that some means be had of waging successful war, and so the great bond houses of that period handled our securities. But in that time it was a matter of necessity. There were no savings in the hands of the people at that time available for great issues of public investment. So it continued until the war closed.

I can remember in later years when other issues were added. During the administration of President Cleveland it became necessary to issue bonds. The plethoric condition of the Treasury had been somewhat relieved, but as usual when there is a change in administration it ceased to annoy us, and a bond issue came. Where were those bonds sold? If I remember aright, and I think a recurrence to the Record will carry out the statement, they were given to certain New York Citybond houses, and afterwards they were sold to the public, as from time to time they were capable of digesting that large issue of securities. Some of those bonds found their way into the hands of the general public but only through the intermediary of bond houses.

It has been the custom since that time with other administrations, both of the Republican and other parties that might have charge of those responsibilities, either to practice or to attempt to practice the same method of marketing securities. I am opposed to that now.

I think now that in this revenue bill, if by the misfortunes of parliamentary procedure we must at last proceed to a roll call and pass it, and it should receive the approval of the President, there ought to be some positive mandatory instruction in the bill that will make it possible for the general public to have an opportunity to subscribe. It might be said that this course is contemplated in this section. It is not, since there is nothing obligatory on the Secretary so to do. It only provides "that said bonds may be disposed of by sale or exchange by the Secretary of the Treasury at not less than par"—"may be disposed of," not "shall"—"under such regulations as he may prescribe, and in case of sale all citizens of the United States shall be given an equal opportunity to subscribe therefor." "In case of sale"—that is, in the event, in the discretion of the Secretary, he orders the sale to the public in the form of a popular subscription.

But the preceding language, investing the power in the Secretary, says that the bonds "may be disposed of by sale or exchange." It does not impose upon the Secretary the duty of offering first to public subscription, because that is not so provided in the section. I doubt whether the department would offer to the general public those subscriptions.

If there ever was a time, Mr. President, this is a time when we could safely take the public into our confidence on the issue of securities, say, of the amount named here, at least; it is \$64,000,000, in round figures, provided for the refunding of the Spanish War bonds; \$100,000,000 of the issue are provided for the purpose of restoring, as the chairman of the Committee on Finance very lucidly explained last night, the sums of money that have been drawn from the Public Treasury.

He explained—and that we all concede—that it was necessary that this sum be taken to meet current liabilities from time to time. The fiscal year beginning June 30, 1916, and ending June 30, 1917, requires the expenditure, as the occasion arose, of sums of money from the Public Treasury not otherwise appropriated. So the available balance that was there was devoted

to many purposes—protecting the Mexican border, meeting the expenditures in the various departments of civil life, the punitive expedition into Mexico, the patrol along the boundary line, and such other expenses as drew upon the Treasury funds then in the Treasury. These funds, therefore, were withdrawn from time to time, and it happened that they aggregated something like the amount that is intended to be covered by this bond issue. It is explained that the bond issue will restore the money that has been depleted in this way, so that there may not be a large deficit at the end of the year.

I am not criticizing the bond issue, Mr. President, just at this time in connection with this section. I am criticizing the possible way in which this bond issue may be marketed. I shall offer, when it reaches the Senate out of the Committee of the Whole, at the appropriate time an amendment requiring this bond issue to be offered to popular subscription. I want to see whether the American people are as patriotic as the French people were in the seventies. I want to see whether the American citizen with some of his savings will crowd to the post office at the crossroads, whether he will crowd to the small city and to the great metropolis of the country, and there subscribe the savings that every prudent man or woman has who has the ability to lay aside something and there invest in these securities. If that is done, whatever the rate may be, say, not exceeding 3 per cent, the public, with their small savings, will be able to get the securities of the Government at a 3 per cent rate without any deduction or commission, such as when it is dealt out to him by some bond house that charges it may be from one-half to 2 per cent before our securities ever reach the private citizen. Pick up the bond quotations. It is a part of every person's business, whoever handles them, whether they are dealers in bonds or not. Sometimes our clients are investors.

Municipal bonds run from 3 to 5 per cent in the middle, northern, and eastern areas of the United States. They range there more than at other points, the rate running from 4½ to as high as 6. But do not for a moment think that the public outside ever gets the bond at that rate. They are universally jobbed in the first instance to the bond house, and by the time you buy them for your client you pay a commission to the bond house for carrying them. I am not complaining about it. I am only stating the fact. For carrying the bonds, for furnishing the ability that assembles that form of marketable security, you pay from, say, one-half per cent to sometimes an even per cent. So that the 4 per cent bonds—you do well if you get them at 3 or 3½. That I want to avoid. In the sale of \$164,000,000 of bonds comprised in both these sections I want the public to have an opportunity to go out and buy a public security at the 3 per cent rate without the intervention of a bond house and the necessary commission.

Let us find out if we have any money in the Treasury. I have heard a great deal about the prosperity that is bursting our banks. Now, let us relieve ourselves and avoid the rupture by investing it in Uncle Sam's securities, giving the people a chance. I have heard the slogan a good many times, "Give them a chance."

In the first instance I propose that the Secretary of the Treasury shall be required to offer a popular subscription.

In section 402 there is a provision, as the bill came from the other House, that the sum of such certificates of indebtedness outstanding shall at no time exceed \$300,000,000. Those are to be issued at not exceeding 3 per cent per annum. This has been increased by the Senate committee to \$500,000,000. It is likely that the short-time certificates would not be as marketable as would be bonds for a long term. The section reads:

SEC. 32. That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as in his judgment may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form and in such dominations as he may prescribe; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe.

This would, of course, permit such certificates to be marketed for 30 days. It necessarily provides for short-term maturities in that form of indebtedness. In all probability the \$300,000,000 or \$500,000,000, in whatever sum, if it shall become law, may be provided, will furnish to the banking houses and the bond houses a sufficient short-term maturity security not exceeding one year. It ought to possess very attractive features as an investment of that kind. If the amount shall remain at \$500, 000,000, it certainly is enough to turn over to the financial institutions of the country as their share. So it seems fair here that we ask as to the bond issues provided for the long-time maturities, that the opportunity shall be given to the public to subscribe. This section, therefore, that I have just read lends

strength to the request that I shall make in the amendment when offered.

The oleomargarine amendment has been thoroughly discussed, Mr. President, and I fear I could add no new light to that. I feel, upon the whole, that it will be my duty to vote against it; perhaps not on the intrinsic merits of the article, but upon the way in which business has adjusted itself to the present conditions and regulations on that subject. Likely in the area which, with my colleague, I have the honor to represent here there is as much, if not more, oleomargarine manufactured than in any other place in this country. It is the great livestock market for the West and the Northwest country. The great slaughter yards of the continent are there. Naturally it furnishes a point for the manufacture of this product. The raw material is there. I do not believe this article is unhealthy. I have eaten a great deal of it. I have heard it criticized. I have also heard some criticism made here on butter. I shall not undertake to decide the relative struggle between these two food articles. Some Senator had some remarks to make upon cottonseed oil, stating that it was used in his section of the country in place of linseed oil with which to mix paint. Well, probably it is useful for that purpose; I hope it is. If so, it only adds to the importance of the product. The more uses that can be discovered for it the better.

I can remember when corn was only used for two or three things. So can my colleague [Mr. Lewis] and other men who come from the corn country. Down on the Kentucky shore I went across one time during a hard-fought campalgn on the other side and met with some Kentucky people whom I once knew over in Illinois. I asked an old lady whether they raised as much corn as we did. She said yes, they raised considerable corn. I said, "How much?" She said, "We raise all the corn we need for whisky, besides what we waste for bread." So those were all the articles in that country that anybody in those days ever thought of using corn for. I have seen corn used for fuel in the western country; I have seen it given for the carrying away. It was an article that could not be marketed because freight rates were high, and it cost more to gather it and get it to market than it was worth.

Since that time, Mr. President, I have seen corn rise from the simple product of my Kentucky lady friend until 103 products, according to the last report I have, were actually manufactured out of corn. Consider the glucose works. I hold no brief for them, but by their chemical researches and industrial activities, they have discovered uses for corn which have hitherto been unknown. So corn has taken its commercial rank, and there is no more cheap corn. No bushel of corn goes begging on the market, nor is it likely to do so in the years to come.

market, nor is it likely to do so in the years to come.

Cottonseed oil is the same way. We can remember, those of my generation, when cotton seed was a drug on the market; earlier it was a nuisance to the cotton raisers; it was like the corncobs at the elevator or in the cornfield, which were burned up or given to anybody for carting them away and keeping them from cumbering the ground. I do not know what corn and cottonseed oil may be used for in the future in the great variety of the dispensations of Providence that bless us—many of these things that are great blessings which we simply do not understand. I do not know what cottonseed oil may be used for in the future, but I know now that lunch-counter doughnuts are made with it. Many a statesman has survived on "sinkers" made out of that article who did not know it, and he has kept perfectly healthy and devastated the whole country. If he had not been told about it by some chemist who went nosing around the country, he would never have known but that they were made out of old-fashiened lard.

Cottonseed oil is palatable. It never hurts anybody if it be pure. It is a vegetable product. The most ultra vegetarian in the world is just as safe in using cottonseed oil in moderate quantities as he is in using peanut oil. It has food qualities about it. It produces no indigestion, unless it is adulterated with something else. So that there can be no complaint made about that. Therefore I am not disposed here to criticize the different kinds of food products under these two classifications. I have eaten both.

I have taken my full share of the milk pail in the morning in my time. I have eaten butter for which I have felt it was almost like a sacrilege to return thanks, even if I did it by proxy. Butter has been renovated; it has been rechurned; it has been treated with boracic acid; it has been many a time given a June shade along about St. Valentine's Day. I do not complain about it, because it is still butter, good, bad, or indifferent. Sometimes it is a very stalwart variety, particularly in hot weather. It could be sold by the Spalding sporting goods company as an athletic merchandise rather than as a food product,

I know all about butter. I began in early life churning it when my good mother, by way of vicarious atonement for fishing on Sunday, used to make me churn on Monday morning. That is what made me moral in early life, to escape invidious tasks of that kind.

Then, I have seen butterine or oleomargarine made. I have seen some that was not fit to eat. I wish to say this in justice to the packing houses. We bought from them for more than four years many, many thousands of dollars' worth of oleomargarine. My associates and myself had 20,000 people to take care of. We furnished them food, clothing, shelter, heat, light, power, medical treatment, and regulations for that period of time. When the price of butter went up in the winter time we could not buy dairy butter; it was impossible; when it reached 40 cents we had to quit, and we had to buy a substitute. It is a mere matter of taste whether you eat the pale or whether you want the yellow streak in it. That is a matter of taste, just like a clean tablecloth is a matter of taste. Mr. President, if you and I go out to a dinner party and there be a soiled tablecloth, it affects our appetite. If, however, there is a quantity of cut glass and silverware and the waiter wears a long-tail coat, there is a difference. All those things make the food more digestible, and a man is happier when he is situated in that way; but in reality they do not add anything to the food product. That is a psychological question, not a manufacturing question or a chemical one; it has to do with the human mind, and the mind has something to do with the digestive apparatus.

Every wise doctor will tell you that you can not eat when you are gloomy; you can not digest so well when you are melancholy; and that is the reason why the good-natured dog is always the one to have, because he is safer, digests his food better, and is better on the chase.

So with the statesman. You might just as well take it goodnaturedly and not be grouchy about it. That does no good,
I never knew anybody to stop a filibuster by getting mad about
it. I remember just before I made my entry into this Chamber
that the minority party, which had not then come into power,
engaged in one, and I have good reason to remember that,
because they killed some of my pets among the postmasters. I
am cursed with a long memory. I wish I did not have it sometimes. A memory-method man came around one time and said
he could teach me so that I could remember everything. I said
I did not care to be so instructed, but if some one would come
around and teach me how to forget some of the things I knew,
I would pay him money for it. I remember that filibuster and
what was done by it. Go back to the records of Congress. You
get the record there. Everybody leaves his tracks behind him.
That is what the poet said:

And departing, leave behind us Footprints on the sands of time.

We leave our speeches in the Congressional Record, which is very much worse. I ought not to leave anything but footprints. I would not mind that, for my number 10's look like anybody else's of the same size, but my speeches sometimes do not, and that is what annoys me when I think of posterity; but, so far as posterity is concerned, that does not trouble me much, for, like Mark Twain, I do not care to do so much for posterity, because "it has never done anything for me."

Oleomargarine is something that has good and bad features about it. I have bought much of it, and I have seen it made. I went into the office of a packing house one time without announcement. I went to their general attorney, whom I had known for a great many years when out in the country we were brush lawyers together, and I said, "Give me a letter; I want to go down and see how you are making your oleomargarine nowadays." I went down without any previous announcement. I know that, because he went with me, and he did not have time to telephone.

Now, but a part of the lard of the hog is used for oleomargarine. They can not take all kinds of lard and make marketable butterine, but they take the good lard, the leaf lard out of the hog and tallow from fat steers fit for market. They take a certain kind of tallow, but not all of it. In the butchering of a cornfed native northern steer there will be found certain layers of tallow that is flaked off; it is a superior quality. It is better than that trimmed from other places, around the muscles and tendons. These are the places where the great accumulation of fat in a good beef steer are found, and that is why one of them is worth more than a scrub. A Hereford, with its well-known characteristics, will not eat any more than a scrub, and it will make beef, while the other will not. So with the milch cattle. The added price of the tallow that can be taken out of a steer on the old-time basis—I do not know what it would be now with higher prices—but the added value for oleomargarine purposes

was \$2 on every average steer that was marketed or killed at the slaughterhouse.

After the lard or tallow is secured it is washed. The washing process is clean. It is washed until it is absolutely purified and is chemically clean. I have seen butter washed. Just as much foreign matter can come out of butter, unless it is very carefully made in a well-managed dairy or creamery or farm or by the housewife—there can be as much impurity gotten out of butter when it is reworked for the market as can be gotten out of the average tallow or lard. It all ought to come out, although if we eat it when it is not purified we may not know the difference. That likely is what the poet meant when he said:

Where ignorance is bliss, 'Tis folly to be wise.

If you do not know it is there and eat it, it is just as good as it was before; but if you know it, it would be nauseating. Many of the people who work around dairies and oleomargarine plants never eat butter afterwards. I worked for several years with a fellow who was once employed in a dairy, and I noticed when butter was passed around he never took any. I asked him why, and he said: "Why, I worked in a dairy one time, and I never ate any butter after that." He said: "It sot me agin it." He came from the State of my friend, the Senator from Indiana [Mr. Warson], who will recognize the dialect of James Whitcomb Riley and Meredith Nicholson, a man who started to the "Port of Missing Men," and lost his best girl on the way.

After the product is washed, cleaned, and purified it is churned with real milk, and when it comes out it has the clear, light color of the uncolored oleomargarine. It tastes just the same

I think butter and oleomargarine are both useful food products. I am not prepared on the oleomargarine amendment to vote for it and to repeal the existing law, to which the business of the country has adjusted itself. Outside of the acts in regard to moonshining and intoxicating liquor, I do not think there was any act of Congress ever enacted that invited so many violations as the oleomargarine act. In Chicago I know men who have violated it repeatedly and who have suffered the extreme penalties of the law. The same thing is true in New York City, and in certain western cities outside of Chicago violations have occurred; but the difference between one-fourth of a cent a pound and 10 cents a pound is so large as to invite adventurous spirits to engage in a contest of hide and seek with the Government in the hope that they may get away, and when they do their profits are so abnormally large that the premium pays for the hazard. Even when they are caught they are able to pay the bill and come out and engage in the business again, if not in their own names in the name of somebody else, which is a very convenient way of going back into the same business.

But we have an anticolor law in many States. The Senator from one State mentioned it—I think the Senator from North Dakota, but, at any rate, some one did. A number of States have anticolor laws. My own State has an anticolor law, passed more than 20 years ago, forbidding the coloring of oleomargarine and substantially similar to the act of Congress. That was passed before, as I remember, the act of Congress was passed; but forbidding this method of coloring is not for the purpose of destroying the food product but of preventing the opportunity to deceive the purchaser. It is because it is colored to such a similitude of butter that nobody except an expert can tell the difference. I do not think I could tell the difference if it is colored unless I should melt it—go into a kitchen or some place where you can melt it in a pan and notice that it is an oily composition and not merely butter fat, and even then anybody but an expert will often be deceived on it.

Butterine was invented or discovered by a French chemist, as I remember. As I recall the history of it from reading it in a work on industrial chemistry several years ago, a French chemist took butter and analyzed it and resolved it into its constituent elements. He found from this analytical process what it was that entered into the natural product; after that was done he assembled like substances of these different elements, and by the synthetic process he combined them, and all he had to do when he got the essential elements together was to add the coloring matter. That is exactly what these people want to do now, to add the coloring matter; and when that is done not one man in a thousand retail purchasers on the general market will tell the difference, and he will buy butterine, not at 10 cents a pound, but at the same price he is paying for genuine dairy butter. That is the reason why I am disposed to adhere to the law as it stands at the present time. It will enable somebody to reap an illegitimate profit at the expense of the ultimate consumer.

There is another provision of this law that I have not fully covered, Mr. President, and to which I return with considerable reluctance. It is the part referring to the method of levying the fax.

During the fiscal year ending the 30th of June, 1916, there were levied and collected by direct taxes, in round figures, \$512,000,000. This, when added to the total ordinary receipts of the current year, makes our total revenue. I am opposed to such a large proportion of our revenue being derived from direct taxes. These figures from the report of the Secretary of the Treasury for the fiscal year ending June 30, 1916, contain the elements of criticism which I now proceed to make.

On page 32 of this report the receipts are itemized, as follows:

Customs \$213, 185, 845, 63
Internal revenue, ordinary \$03, 486, 474, 04
Emergency revenue \$4, 278, 302, 13
Corporation income tax 56, 933, 657, 98
Individual income tax 67, 943, 594, 63

Aggregating the total of which I spoke a moment ago, \$512,-702.028.78.

This emergency revenue was raised under the preceding act of September 8, 1916. That was the act containing the adhesivestamp section, the act containing the licensing or excise tax on many forms of occupations-brokers, commission men, those who had billiard tables, those who ran picture shows, theaters, places of public entertainment. A graduated tax was placed on them according to the size of the city in which they lived. These taxes were extremely obnoxious. They were in force long enough to demonstrate that a stamp tax in time of peace was as obnoxious in 1914 and 1915 as it was in 1776, when the celebrated affair took place in Boston Harbor. Except in time of war there is something that the American people resent about continually licking stamps to transact the business of the coun-These items, along with the stamp tax on telephone and telegraph messages, on express receipts and bills of lading, constituted a most obnoxious feature of the collections of \$84.-278,302 in the item I have quoted; so that was released, for the reasons I have indicated. It was very unpopular.

The corporation income tax and individual income tax continued and prevailed until the 8th of September, 1916. Then the rate was doubled, and the act of 1916 came as the substitute. We have been collecting revenue under that up to the present hour. There were certain miscellaneous receipts from sales of public lands and the like which the fee-earning departments of the Government covered into the Treasury, which, with some other sources, constituted miscellaneous receipts; the total ordinary receipts of the Treasury for this year were \$779,664,552.49.

Then came the expenditures, with which I do not at this time care to deal in detail, save to show that after the expenditures were all accounted for it left a surplus, according to the bookkeeping to which I was referring last night. This bookkeeping, I think, is a fallacious one. I do not think it would be regarded as sound finance in the management of any fair-sized corporation in this country; but it so happened, in the method of adjusting accounts and making reports, that, after revenues were received and expenditures made, it showed a balance on hand in the Treasury, and it is referred to in several instances in this report as a "free balance."

Now, the expert accountants, so far as I can understand them, say that this free balance is one that is available for business purposes, and has charged against it no other expenditures that would legally divert it or segregate it from the general funds in the Treasury. It is free for all the legitimate current liabilities that come along during the fiscal year of that enterprise.

It is to be noted in the total receipts of this year, Mr. President, that but \$213,185,845 are derived from customs duties. Therein, I think, lies the elemental error of this method of taxation. From the beginning of the Government down to the first year of this administration the method of raising revenue through customs was adhered to. The exact method of laying the customs, the framing of schedules, was a matter of controversy which involved partisan politics.

Our brethren on the majority side of the Chamber invariably, for many years, provided in their platforms, by many ringing declarations, for the laying of duties for the purpose of collecting revenue. Their adversaries, while admitting that the revenue was an agreeable incident to customs, said that primarily they levied customs in order to give our own markets the advantage. Republicans had another purpose, which was that when the customs burden was to be distributed they made the person who brought the article through the customhouse pay a portion of our public burden; and so the taxes were laid, not to promote importations, as was the avowed purpose of the 1913 act, but laid for the purpose of protecting the wage earner and the manufacturer of a like kind or the product of a like kind,

whether from the field or the factory, in our country from injurious competition with the like article that might come here from abroad.

This constituted the issue that was joined between those who believed in a tariff for revenue only and those who believed in it for protection, with incidental revenue as a part of the program.

It was universally understood that in collecting customs duties levied by the Democratic Party it was a tax. They levied it upon articles the like of which we could not produce in this country because of lack of natural advantages. To be entirely scientific they ought to have gone the entire length, which they seldom did. They ought to have gone to the length of Great Britain, which from the days of Bright and Cobden had been an avowed free-trade country. They levied with no thought of protection. They levied for the purpose of obtaining the greatest amount of revenue from a given volume of imports.

They are paying the penalty to-day, Mr. President, of their economic folly. When the submarine demonstrated its destructive possibilities on the open sea England faced for the first time her greatest peril since she swept to the end of her Napoleonic wars on the fateful field of Waterloo. When the Deutschland landed at Baltimore from her undersea voyage a year ago this August it demonstrated to the world that no country can depend upon foreign markets in time of war. I heard the senior Senator from Idaho [Mr. Borahl], over three years ago, quoting from some English authorities, and adding to them his own forceful comments on the history of the English Isles. He said: "The saddest thing in the story of England is the way her fields have decayed, the way her farmers have scattered to the four quarters of the earth, the way she has drawn from all other agricultures of the world and let her own decay."

That was before the war came, before the world had heard of the submarine. That was when England's merchant fleet went around the world, when she drew supplies from Cape Town, when her wool came from Australia, when her wheat came from the ports of Argentine, when the great Atlantic was plowed by her freight boats until their ways were like a trail across the plains of the great West. In the plenitude of her merchant shipping she felt that she could feed her multitudes from all the quarters of the world.

Years ago I remember reading about the Holland submarine—the first one that was ever described—in the Scientific American. I read it with some degree of curiosity. It was an American invention. Like all the hellish contrivances that have added to the atrocities of war, it was reserved for some Yankee to give the Germans the thought of mischief that might blow up the naval world. Out of that thought came to the skilled mechanic, the electrician, and to the German chemist in the Old World the thought of making it an instrument of war, and so it was made. The first time that a submarine showed its destructive possibilities it spelled the necessity of a country's developing its own resources; and if it has one acre of fertile land it must raise to the full capacity of that acre every food product that the latitude will permit.

But in all those years England continued a free-trade country. They brought their food from every place. They scorned the thought that the great hunting preserves, the great holdings of land attacked by Lloyd George in later days, would ever be a menace to the Empire. It is not territorially a large country, it is true; but the great hunting regions of that country, the acres of land that are lying idle would spell to-day to England the relief which they may need within the next six months as an indispensable necessity unless they find some method of combating the submarine, which may cut off their supplies from different parts of the world necessary to sustain not only their armies but their civil population.

So we in this country without any of this unpleasant experience, from our understanding of the inherent soundness of the principle, have adhered to the beneficial doctrine of protection. We have traveled that way for many years. George Washington was a protectionist. Would it have been a discordant note to have struck the day his Farewell Address was read, the 22d, in this body if there had risen unconsciously in our minds the thought that he himself was a protectionist? He believed in the development of our own resources, in giving our own people the advantage of our markets. He had no more hatred for a factory than he had for a field. He was a farmer or a planter, and he believed in developing both kinds of undertakings in our country.

Jefferson was of a different belief. In his letters published, the nine volumes of them, which one can read in leisure moments during long winter nights, there is a letter in which he says that he hates the greasy sight of a factory; that he does not think a factory is an invention of God at all; it is an invention of erring man. If he could look upon us to-day, or could be reincarnated and were put down in Pittsburgh, coal smoke, he might not survive. It was not according to his He thought the product of the chase and a way of life. reasonable degree of agriculture furnished all the needs of the human family, and when that was done nothing further was required; because if you wanted clothing, go to France and get All his dress goods came from France. Whenever a visitor called on him and he got off his dressing gown and carpet slippers, he put on something brought from Paris. no use for us to manufacture such articles in this country when we could get them in Paris.

I do not know whether any of us in the Chamber wear anything brought from Paris. I only want to illustrate the point that with the doctrine of protection abandoned, by levying taxes under such a bill as this we surrender the whole principle. Out of \$779,000,000, in round figures, of revenue receipts for

1916 we collected only \$213,000,000 total in customs. I have here some tables that I have worked out which I desire to use in enforcing this point. For instance, in 1906 our free imports were 44.81 per cent and our dutiable imports were 55.19 per cent.

In 1907 the free imports were 44.9 per cent and the dutiable

55.1 per cent.

In 1910—and these were all protection years—the free imports

were 48.51 per cent and the dutiable 51.49 per cent.

In 1913, the last year of a protective series of schedules, 54.47 per cent of our imports were free and 45.53 per cent were

In 1914, which is the first year in part of the revision of the majority party in 1913 for the fiscal year ending June 30, 1914, there is a portion of the results of that act. The free imports were 59.54 per cent and the dutiable 40.46 per cent. A portion of the protective rates producing considerable revenue was continued for some period after October, when the act became operative, and some of them continued until December, 1913, some as far as January, 1914, a portion of the sugar duties reached over to May, 1914, or the spring of 1914, and would have been entirely removed had it not been for the first aid to a bankrupt Treasury in the form of a restoration of these duties less than a year ago.

In 1915, which was the first full tariff year of the act of 1913, 61.73 per cent of all the imports were free and 38.27 per cent were dutiable. In 1916, which is the last year, the fiscal year ending June 30, 1916, the imports are 67.91 per cent free

and 32.9 per cent dutiable.

Now, right along those per cents, or those figures in this method of taxation that has been substituted, lies the whole story of the difference between direct taxation and the plan of levying customs duties for the larger part of our public It has a direct connection with the relation between customs duties and direct taxes. Those are the figures that I desire now to offer in connection with the others.

In 1916, for instance, of our total public revenues 50 per cent were from customs daties and 50 per cent from direct taxes. The greater part of the direct taxes at that time were the ordinary internal revenue, that on liquors, spirituous and malt,

tobacco and its various manufactured forms.

In 1907-I am taking the same years-the per cent between customs duties receipts and direct-tax recipts was still 50 per cent and 50 per cent.

In 1910 it remained the same.

In 1913, which was the year the majority side took control of this question, 45 per cent of our total ordinary receipts were from customs and 55 per cent were from direct taxes.

In 1914, the first full year of the revised tariff act on the principles either of free trade or of a tariff for revenue only, the customs duties were 39 per cent of our total ordinary receipts and the direct taxes were 61 per cent.

In 1915 our total customs receipts, compared with our total ordinary revenue receipts, were 30 per cent and direct taxes

70 per cent.

In 1916, the last fiscal year we have on which to compute these questions, our customs duties were 27 per cent of our total ordinary receipts and the direct taxes were 72 per cent.

The constant tendency on this theory and the applied principles written out in such bills as are pending here tend constantly to take the burden from the customhouses and lay it as a direct tax. A larger part of the special taxes in the particular bill in question is avowedly intended to be placed upon a few persons. This constant tendency is what we criticize. It is why we oppose such a bill. We regard it as unsound in prin-

ciple and infinitely worse in its practical effect upon those called on to bear the burden.

The relations between exports and imports are very material on this same question. In 1906 our exports were 58 per cent of our total foreign trade and our imports were 42 per cent. These were peace years. In 1907 our exports were 57 per cent and imports 43 per cent. In 1910, 51 per cent and 49 per cent; in 1913, 57 per cent and 43 per cent; in 1914, 55 per cent and 45 per cent; in 1915, 62 per cent and 38 per cent; in 1916, the last year, our exports were 66 per cent and our imports were 34 per cent.

What this coming year will show on the 30th day of June, 1917, no one can tell; but the constant tendency in time of peace, not only of this principle in the particular tariff law in force at this time but all bills of a like kind created by the majority party, has constantly been to increase our imports in

time of peace and decrease our export trade.

Accordingly, before the war broke out we found that was the cart result. Then came the great demand caused by disaster. exact result. Farm products, from the live stock, the dairy, the field, everything that contributes to the food of civilized man, had begun to feel the effect of it. It was relieved only by the cataclysm of the nations. Invariably our exports fall off under the operation of this applied principle in time of peace, and our imports increase so that it works both ways. We lose our export trade and we at the same time lose by our imports our domestic trade, and both of them tend to reduce the proceeds of the farmer's annual toil. The business man, the manufacturer, the jobber, all suffer alike.

In lieu of our own products they are supplanted, a great number of them, by the imported article of a like kind that necessarily displaces them; and that is the avowed purpose, because I heard it declared on the floor of the Senate Chamber that the object of increasing the importations was to diminish the price

so as to bring down the high cost of living.

The Senator from North Dakota alluded to that. I think properly so, although he realizes that the entire increase of the cost was not because of domestic legislation or home affairs but upon this demand that I have named. Still, the inherent absurdity of such a process for any permanent relief is evident to everyone who has followed this problem to its logical conclusion.

Here are some of the Republican tariffs applied during these years. In 1906 the per cent from free of duty-that is, of imports duty free-was 44.81 and dutiable 55.15 per cent. free imports that year were \$984,876,000, and dutiable imports \$1,213,000,000. In 1907 there were duty free 44.9 per cent; there were dutiable 55.1 per cent, with free imports of In 1910 \$986,000,000 and dutiable imports of \$1,211,000,000. 48.51 per cent of our imports were free listed and 51.49 per cent dutiable, with free imports of about \$1,600,000,000 and dutiable imports of \$1,131,000,000.

In 1913, the last year in which this act, dutiable in character, was in force, there were duty free 54.47 per cent; there were dutiable 45.53 per cent, with free imports of \$1,197,000,000 and dutiable imports of \$1,000,000,000.

Then a very great difference took place between the imports and exports and the per cent free up until the time the war broke out, when all the operations of this economic principle were necessarily disturbed by conditions that increased our exports vastly over anything ever before known in the country.

It is perfectly evident that this increase of exports is not caused by anything in our domestic policies or in the wisdom in the tariff revision of 1913 or in subsequent amendments to

that act.

I have traced now the importance of these rates in the raising of revenue as a substitute for the method adopted in this bill. Before I leave that I wish to call attention to the fact that if our imports in 1915 had been dutiable at the rates that were laid for the purpose of producing revenues, we would have had abundant revenues even to meet the cost of military and naval preparation.

Let me take some of the imports in our country during those years. For instance, in 1914 our imports were \$1,893,000,000, of \$862,000,000, under the revised tariff of 1913, were

In 1915 our total imports were \$1,674,000,000, of which \$762,000,000 were dutiable. In 1916 our total imports were \$2,197,000,000, of which \$1,000,000,000 were dutiable. The average ad valorem rate of 40.5 per cent on dutiable imports for 1913, if applied in customs duties in 1914 to the dutiable imports-you do not have to make dutiable all the imports-but if it had been applied to the dutiable imports of that year at former protective rates, it would have produced \$345,000,000 that year; in 1915, \$305,000,000; in 1916, \$400,000,000. How much did we get in 1916? That shows the relevancy of these figures. In 1916 we got \$213,000,000. If we had applied the figures. In 1916 we got \$213,000,000. If we had applied the rates that would have been entirely within the bounds of having the same volume of imports it would not have cut off, as our critics say, the imports into this country; but if that rate had been applied we would have collected in 1916 over \$400,000,000, which is very nearly double the sum of money that was collected, and which makes necessary just such an issue as is provided in these bonds or the levying of direct taxes to take the place of the customs duties we have lost.

That is the reason why I think it is very unwise to abandon customs duties and then seek to make it up by a levy of direct taxes. We began the direct taxes in the emergency act of October, 1914. We continued it by joint resolution a year afterwards. It continued in force until September 8, 1916, when a new act was substituted, and now we are seeking to supplement its deficiencies by the special taxes provided in the bill pending

before the Senate.

All of them are a part of the same transaction. While they are divided into chapters, where we began some time ago, they are all connected with the revision that occurred in this Chamber and in the House in 1913. They all came directly from the unwise and unsound provisions of that enactment.

I find, Mr. President, some other things connected with this.

I am somewhat loath to approach them, but I consider it in-dispensable in the proper presentation of the measure proposed.

As we know, money bills must originate in the House of Rep-esentatives. The Senate is powerless to write the simplest resentatives. original bill for the production of public revenue. After such a bill shall have passed the other House and reached this Chamber, we can propose amendments; we can increase or decrease its provisions according to our judgment. When we do so, however, we are acting upon the original initiative for revenue that came from the other House. That is the beginning. So the House after all is the origin of any of these measures embodying what we regard as unfair and unsound principles

Mr. REED. Mr. President-

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN, For a question only. Mr. REED. I desire to make a parliamentary inquiry.

Mr. SHERMAN. And I will also reserve, Mr. President, the right, if the interruption departs from the domain of a question, to myself raise the point of order.

The PRESIDING OFFICER. The Senator from Missouri

rose to a parliamentary inquiry?

Mr. REED. Yes, sir.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. I desire to inquire what the Senator from Illinois is discussing; whether he is discussing the bill itself or an amendment to it; and if so, what amendment?

Mr. SHERMAN. I would just modify the bill, if I had my way, by raising that amount of money by a proper system of duties equal in amount to the direct taxes proposed to be laid by the bill.

Mr. REED. But the Senator did not understand me. To what particular amendment to this bill which is now before the Senate is the Senator addressing himself?

Mr. SHERMAN. The whole of the bill, if that is satisfactory. Mr. REED. Exactly. Then, Mr. President, I make the point of order

Mr. SHERMAN. I wish you to. Mr. REED. That the Senator has addressed himself to the whole of the bill four times within this legislative day.

Mr. CURTIS. Mr. President—
Mr. SHERMAN. I should like to be heard on the point of order.

Mr. CURTIS. I make the point of order that the Senator from Missouri can not take the Senator from his feet on a point of order, and I call the attention of the Chair to the decision on page 429 of the Precedents.

The PRESIDING OFFICER. The Senator from Missouri raised a parliamentary inquiry. He really addressed his question to the Chair to ascertain what was the pending amendment. The Secretary will state the pending amendment for the information of the Senator.

The Secretary. The pending amendment is that reported by the Committee on Finance, on page 13, line 24, to strike out the numerals "\$300,000,000" and to insert in lieu thereof the numerals "\$500,000,000."

Mr. REED. I make the point of order that the Senator from Illinois, having said he is addressing himself to the whole bill, is out of order, because he has spoken four times on this legislative day on the same subject.

Mr. SHERMAN. I have never referred to this section before, Mr. President-to the direct amendment. I might have done so by inference.

The PRESIDING OFFICER. The Senator will pardon the Chair. The rule does not permit a Senator to speak more than twice on any one legislative day upon one question.

Mr. SHERMAN. I am not aware that I have been on my feet to-day before, though I was on my feet last night upon the amendment

The PRESIDING OFFICER. But the Chair holds that at this time, so far as the Chair knows, the Record does not show that the Senator has spoken more than once.

Mr. SHERMAN. That was my recollection.

Mr. REED. The RECORD does show that the Senator has had the floor four times on this legislative day and has addressed the Senate at length. The Record shows that the pending question at the time was the bill. For instance, I call attention to the Record of the calendar day of February 1, on page 4233, which is as follows:

Mr. Simmons. I ask that the unfinished business be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenues to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Then, without any amendment or any proposition being offered, but with the bill itself pending—I hope I am having the attention of the Chair-

The PRESIDING OFFICER. The Senator has the attention

of the Chair.

Mr. REED. I am talking to the Chair. The RECORD shows that-

[Mr. Sherman resumed and concluded the speech begun by him on yesterday. The entire speech will be published hereafter.]

Three times that RECORD-Mr. President, I should like to have the attention of the Presiding Officer, and I should like to have the clerks and the servants of the Senate remain in their places when I am addressing the President.

Mr. SHERMAN. Mr. President, I want to call the attention of the Senator who rises to a parliamentary inquiry to the Congressional Record. I think my memory serves me correctly. I spoke once and addressed myself to the section levying the excess profits tax. That was the subject matter to which, if the RECORD is reproduced, it will show that I then confined myself.

Mr. SMOOT. Mr. President— Mr. SHERMAN. Just a moment. I desire to make a second statement. Last night I addressed myself to the section in reference to the Spanish War bond issue. Those two propositions are the only ones I have specifically discussed. To-night I am finishing what I began last night, and taking up another section.

Mr. REED. The subject to which a Senator addresses himself, in contemplation of law, is not determined by what he If it were, then nearly every Senator could be taken off his feet for talking upon a matter that was not relevant to the subject really before the Senate. Senators are allowed to talk on any kind of a subject, because in contemplation of law they are always talking on the subject which is before the Sen-The subject before the Senate each time the Senator from Illinois has risen has been the bill itself. At the present time an amendment is pending; but the Senator himself confessed that he was not speaking to that amendment, but was speaking to the main bill, as he had been during two or three calendar

Mr. SHERMAN. The Senator from Missouri asked me, as I supposed, to what point I was intending to address my remarks hereafter. I did intend, had no point of order been raised, and I do intend if the point is not sustained by the Chair, to comment upon the bill generally.

Mr. REED. Mr. President, the Senator from Illinois is in

Mr. SHERMAN. I had not reached that point, and the Senator was anticipating disaster, I suppose, which led him to make the point of order.

Mr. REED. The Senator from Illinois is in error. I asked him upon what subject he was speaking.

Mr. SHERMAN. I did not so understand.

Mr. REED. An inquiry that anyone naturally would think would make. I made it in good faith.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah? This is not a debatable questional statement of the senator from Utah?

tion, however, the Chair will suggest.

Mr. SMOOT. But it has been debated for some time.

The PRESIDING OFFICER. Yes; the Chair will hold that it is not debatable, but he will hear the Senator from Utah.

Mr. SMOOT. Mr. President, when the Senator from North Carolina [Mr. Simmons], having the bill in charge, opened the debate he spoke upon the bill. During his remarks he said that he thought the proper way to proceed was, first, to let those who wished to speak upon the bill do so. The Senator from Illinois [Mr. Sherman] spoke upon the bill I do not know how long, but for some time, and the Senate then recessed. The mere fact of the Senate recessing does not take a Senator off the floor, and if he resumes his speech on the following day, even though it be a calendar day, it does not follow that he has spoken twice upon the bill. After the speech that was delivered by the Senator from Illinois upon the bill there had been an amendment before the Senate, as there has been every time the Senator has spoken and as there is at this particular time. The Senator spoke upon the oleomargarine amendment. That was not speaking upon the bill. I will also call the Senator's attention to the fact that the Senate recessed during the course of the Senator's speech.

Mr. REED. Certainly the Senate recessing-

Mr. SMOOT. The recessing of the Senate does not shut the Senator off from continuing his speech the next day, and the

RECORD will so show.

Mr. REED. No.

Mr. SMOOT. The RECORD shows that the Senator's speech will appear hereafter in full.

Mr. REED. But the RECORD shows that something else hap-

pened besides the recess.

The PRESIDING OFFICER. The Chair is ready to rule, The Chair does not want to be discourteous; but this point of order is not debatable.

Mr. REED. I was calling attention to a fact, but I do not

desire to debate it.

Mr. SHERMAN. Mr. President-

The PRESIDING OFFICER. Let the Chair dispose of the point of order. The point of order made by the Senator from Missouri is that the Senator from Illinois having occupied the floor four times in one day-meaning, in the opinion of the Chair, one legislative day, which may embrace many calendar days-is not in order. The Chair thinks the point of order is well taken. Of course, if the Senator from Illinois has spoken more than twice since what the Chair will characterize as the Norris amendment was disposed of, which was last night, the Senator from Illinois would not under the rules be proceeding in order

Mr. SHERMAN. But I had not finished last night when the

recess came. I yielded the floor for the recess.

The PRESIDING OFFICER. The Senator will pardon the That is not the question. The question that is pending, and which has been pending since last night, is the amendment which was stated by the Secretary just a moment ago. Has the Senator spoken more than twice since the last amendment, being the Norris amendment, was disposed of?

Mr. SHERMAN. What does that relate to? I do not specifically recall the connection. Is that the oleomargarine amend-

The PRESIDING OFFICER. It relates to the certificate of indebtedness amendment to the amendment of the committee, found on page 13. The Chair will hold that the RECORD does not show-and the Chair is only bound by the RECORD-that the Senator has spoken more than twice on the pending amendment, but will admonish the Senator-

Mr. SHERMAN. Last night, when the recess came, I had not completed my remarks on the Spanish War bond provision. The floor was yielded at that time in order that a motion for

a recess might be made.

Mr. REED. Mr. President, the trouble with the Chair is that in his ruling, in trying to follow the Record, he finds himself in conflict with the statement made by the Senator himself. Technically speaking, the Record does show that certain amendments were pending, because the bill is before the Senate, and as fast as one committee amendment is disposed of another automatically comes up. The Senator disclaims having been addressing himself to these amendments, but solemnly affirms that he has been speaking to the entire bill, and just now could not tell the Chair whether or not he had been speaking to the Norris amendment, nor did he even know what the Norris amendment was, and, not knowing what the pending amendment is, clearly, when the Senator stands on the floor and confesses that he is not speaking to the amendment, his word must be taken. The reason why Senators are permitted to make irrelevant addresses is because they are always pretending they are talking to an amendment; but when a Senator frankly and honestly admits that he is not talking to an amendment and does not know what the amendment is, but is making the same kind of a speech he has been making for four days, and that he has made at four different times, with intervening business, it is time that the point of order should be raised.

Mr. SHERMAN. May I be heard in response briefly?

The PRESIDING OFFICER. The Senator has the floor. Mr. SHERMAN. I wish to be heard particularly upon the point raised by the Senator from Missouri. First, when I yielded the floor on yesterday evening to a Senator-I have forgotten who it was, but possibly the Senator from North Carolina-to make a motion for a recess, I was prepared to go on; but it seemed that for the convenience of Senators and to enable them to secure a little rest or to quit for the evening at 11 o'clock, the hour at which the Senate has been resting from its labors usually, a motion to recess until 10.30 o'clock to-day was made. I yielded for that purpose. I have taken the first available moment I have had to get the recognition of the Chair, with ordinary consideration for the rights of Senators on both sides of the Chamber.

The Senator from Missouri says he made the inquiry as to what I was addressing myself. At the time he propounded the parliamentary inquiry I was addressing myself in a preliminary way to the whole bill. I had not been doing so up to that time. I had been speaking on two amendments, one the amendment in regard to the method of marketing the Spanish-American War refunding bonds and the other the change back to the House provision for \$300,000,000 of certificates of indebtedness instead of \$500,000,000 of certificates of indebtedness provided by the

Senate Finance Committee amendment.

I asked what the Norris amendment was. I was not aware that this was the Norris amendment designed to restore the House provision. I knew that that was before us for discussion; but I did not know the particular Senator who made We do not-at least, I do not-always keep track the motion. of such matters, because it is impossible at times to hear who makes a motion, especially on the far side of the Chamber, or on either side, if one sits far back. I did not distinguish this amendment by name, but distinguished it by principle, and have been arguing on that principle here to-night in connection with the direct tax that will be required to be met by this bill.

This paragraph of the bill increases the certificates of indebtedness from \$300,000,000, the provision of the House, to \$500,000,000, the provision of the Senate committee amendment; and when the Senator asked me to what part of the bill I was and when the Senator asked he to what part of the bill; and he will remember—at least, others will remember, and so will the Chair—that I added "if that were satisfactory." I was disposed to be courteous to the Senator from Missouri on the point he was making the inquiry about. I was then in a preliminary paragraph going beyond this particular amendment.

Again, Mr. President, I do not know of such a precedent in

this body as has been suggested; but, if it must be made, I am willing that it should be made now by the majority party. will use it for four years to the full limit of whatever capacity

I may have, much or little.

Mr. REED. Mr. President, I should like to have a ruling on

the question.

Mr. SHERMAN. I am not through yet. I beg the Senator's pardon; but will he desist until I am through? I gave him his own time.

The PRESIDING OFFICER. For what purpose does the

Senator from Missouri rise?

Mr. REED. I am asking that the point of order may be sustained, which will take the Senator from Illinois from the floor and allow some Senator to occupy it who has the right to do so

Mr. CURTIS. Mr. President-

The PRESIDING OFFICER. The Chair does not desire to

hear any further debate on the matter.

Mr. CURTIS. I should like to call the attention of the Chair on this point to the precedent found in Gilfry's Precedents of the Senate on page 429, where the President pro tempore [Mr. GALLINGER] held:

The Chair, without expressing an opinion on that point at present, will suggest that the Senator from Nevada can not be taken from the floor in the midst of a speech on a point of order.

The PRESIDING OFFICER. The Chair does not agree with that ruling, and the Chair wishes to say to the Senator from Illinois, if he will pardon the Chair, that the precedents are overwhelmingly to the effect that when a Senator addresses the Chair, and upon any one question which is pending speaks more than twice on the same day, he has forfeited the floor.

There is much force in the point of order made by the Senator from Missouri, but the present very temporary occupant of the chair does not feel warranted just now, in the absence of the complete record, in taking the Senator off the floor, but does admonish him-

Mr. SHERMAN. Mr. President-

The PRESIDING OFFICER. Just a moment-but does admonish the Senator that if he speaks more than twice when any one question is pending he will not again be entitled to the

Mr. SHERMAN. I have not spoken on this matter of the certificates of indebtedness prior to this evening—
The PRESIDING OFFICER. If the Senator will pardon

the Chair, that does not make any difference.

Mr. SHERMAN. And if the Senator from Missouri or the

The PRESIDING OFFICER. The Chair has overruled the

point of order.

Mr. SHERMAN (continuing). Wishes me to confine myself to that, I will do so. I have not heretofore spent any time on

The PRESIDING OFFICER. If the Senator will pardon the Chair, the Chair has not held that the Senator must confine his remarks to any one question. He may speak upon any question he desires. It is the number of times he addresse Senate when a single question is before the Senate that is the material point.

Mr. SHERMAN. I will then continue, and believe I under-

stand fully the wisdom of the Chair's ruling.

The bill will provide by this section relative to certificates of indebtedness, and certain other features which are incidental to it and which can be argued by inference, for an increase of indebtedness of three hundred or five hundred million dollars, as the case may be. Then, in connection with the previous sections of the excess profits tax, taking in a very large number of business concerns, including all forms of insurance companies, it would provide the means, with certain smaller additions, of meeting the revenues desired to be raised by this bill.

Directly connected with this is what I had stated in the last paragraph of my remarks when interrupted by the Senator from Missouri—that the House is the place of origin of money bills. It sent over here these provisions, among which is the item of \$300,000,000, changed here to \$500,000,000. Now, because the House is the source of such bills, it becomes material to know how the House is constituted. It is the popular body. It represents people. The greater the population of a State, the more its Representatives, of course. It was intended from the beginning either to be a large body or that the ratio on which Members are elected should be increased from time to time. Accordingly, we have increased the number from about 30,000 population, the first ratio of representation, until it is more than seven times that amount. About 211,000 constitute the ratio on which representation is now based in the lower House, and out of the lower House comes every money bill that reaches the Senate Chamber finally. Now, it is of some importance to know how the House is constituted.

There are 48 States in the Union. There are 435 Representatives, coming from as many districts in all the country. Each one of these districts approximately has the ratio of 211,000 provided by the last apportionment act of Congress. From the 435 districts apportioned in this way there comes the motive power that is the foundation head of revenue legislation. out it we can do nothing. We are wholly impotent in this body to raise a dollar. All we can do is to help them spend it, and suggest such wise additions or emendations as we may think proper after the bill shall have reached us. So it is of infinite importance to us to know how the House is created and

This has grown to be a government of political majorities, of party; and so long as partisan activity prevails in a republican form of government there will be party divisions, party elections, party nominations and all of the good and the evil that flows from these forms of governmental activity. In accordance with that, in many States the legislatures have gone so far as to interfere. I know what the argument was, and so does the President, against these regulations. I think they have gone to extremes at times. They probably have committed some of the very evils they sought to avoid; but, nevertheless, the laws have been enacted and sustained on the idea that a political party was so connected with public operations, with mental affairs, that the legislature or Congress had a right to regulate, within the domains of their governmental power, such activities of large multitudes of people aggregated for common purposes.

Because of this we have had State primary laws. corrupt practices acts passed by Congress, or publicity acts that have been in force for different periods. There is now pending here something that is supposed to purify popular primaries and elections, something that is supposed to purify the House in order that the source of revenue legislation from which these bills come may be a little more representative, a little more free from suspicion, a little more responsive to the mainsprings of popular action and of popular rule in the various States and districts from which these 435 Representatives come.

To that end the very able and well-informed Senator from Oklahoma [Mr. Owen] has introduced bills to the end that the House might have set for it a higher standard, so that in the ultimate analysis of affairs the fountainhead of revenue legislation would be better and higher and more patriotic and more responsive to the demands of both public and private life than it has been under the old order of things. I believe that that is the purpose of all such legislation. With it I have considerable sympathy.

The bill is pending here, reported out of the committee for these beneficent purposes. If it has any effect at all, it will be to make government better. If it does not have that effect, we have no business to have it here at all. Its purpose must be to improve the House, to improve the character of its legislation, to make fairer its revenue laws, and to distribute the burden in such a way that everybody will come nearer paying his share than he would under the provisions of the bill that is now pending.

This bill, reported out from the subcommittee of the Committee on Privileges and Elections, provided a limited sum that might be spent in primaries and nominations. It provided how much should be paid to newspaper publishers for articles in their columns on election matters. The virtues of no candidate for public office for the nomination or the election can under its provisions be advertised beyond a fixed sum of money, in the discretion of the authors of this bill, or finally in the Senate, when it shall be enacted. In that event it fixes the price of advertising in political campaigns like the price of a bolt of calico or a hat. It puts it on the ground that you can do this if you have any right at all to control the charge for a private service-because advertising in a newspaper ordinarily has no more to do with a public question than the sale of a hat or a bolt of calico. But, at any rate, it is proposed to change the rule and regulate the advertising, fix the price at which a publisher will proclaim the many virtues of the candidate, if you are running, in his columns, so that the public may be informed of your very great fitness for public office.

When that is done you have opened the door, if it shall be constitutional, to regulate the price of anything else. might just as well regulate the price of the subscription of the newspaper and provide that it shall be sold for 1 cent. If you begin to charge for one service, the door is open to charge for all of them. Perhaps that may be thought desirable. I doubt it. I am not undertaking now to settle that. I am only trying to find whether we are going to improve the fountainhead from which such bills as this come; and if we do not, we might just as well let it alone. No improvement can come out of it.

At the census of 1910 we had 91,972,266 people in the whole

of the United States. The estimated increase of 1914, beginning from 1910 and running over, would bring it up to 98,781,324 people in the four years. In 1915 it would increase it to 100,399,318, and in 1916, by the same estimated percentages, we would have 102,035,826 people.

Let me divide those. I want to talk about popular government awhile in connection with revenue legislation, to find out whether the revenue would be improved if we have a more popular form of government than we have now.

Not many weeks ago the National League for the Promotion of Popular Government met in this city. It was to advance the rule of the people, to promote the initiative, referendum, the recall, so as to have elections all the time and to induce people to go to the elections more than they have been in the habit of going in years past.

I have prepared some tables here connected with this question, Mr. President, to find out whether we can make the House more responsive to the population and more really representa-tive of the population. I have here, for instance, several States, beginning with Alabama, in which there is a certain population, total, and divided as to nationality. I shall not pursue the branch which some of my friends might think would be invidious. It is not my purpose to do that, because that is a question which I do not now wish to discuss, and I declare that that is not now any object that I have in presenting these figures. It is purely in the way of noting whether or not the House is a representative body, leaving the other question as something which can not now be solved, and no good purpose would be served by its discussion. I have some sympathies on the question. I know something of its difficulties, and I might not be entirely without a wish on my part to settle, consistently with the rights of civilized, sane government, economical in character and effective, the problem that is presented in many of these States.

Alabama, for instance, has 1,228,832 whites by the census of 1910, and 908,282 negroes, with 979 of all others, or a total population of 2,138,093.

Arkansas has 1,131,026 whites and 442,891 negroes, with 532

of all other population, making a total of 1,574,449.

Florida has a total of 443,634 whites and 308,669 negroes, and

313 of all others, or a total population of 752,619.

Georgia has a population of 1,431,802 whites, 1,176,987 negroes, 332 of all other population, or a total of 2,609,121.
Louisiana has 941,086 whites, 713,874 negroes,

other nationalities, or a total population of 1,656,388.

Mississippi has 786,111 whites, 1,009,487 negroes, 1,516 of all other population, or a total of 1,797,114.

North Carolina has 1,500,511 whites, 697,843 negroes, 7,933

of all other nationalities, or a total of 2,206,287.
South Carolina has 679,161 whites, 835,843 negroes, 396 of

all others, or a total population of 1,515,400.

Tennessee has 1,711,432 whites, 473,088 negroes, 269 of all other nationalities, or a total of 2,184,789.

Texas has 3,204,848 whites, 690,049 negroes, 1,645 of all other nationalities, or a total population of 3,896,542.

Virginia has 1,389,809 of the first, 671,096 of the second, 707

of all other population, or a total of 2,061,612. I do not expect to read these figures at length. I have here all of these tables. These have accumulated into the following

figures: The whites are 14,468,252; the negroes, 7,928,109; 16,053 of all others, or a total population of 22,392,414.

Let me note here particularly that the total population of the foregoing 11 States at the time of the 1910 census was 22.392,414; and the estimates by these same figures, according to the percentages I have employed just preceding the tabulation given, would make the population in 1914 of those States over 24,000,000, in 1915, 24,194,000, and in 1916 nearly 25,000,000.

I insert here what I shall designate as Table A and Table

TABLE 1 Total population, United States.	
Census, 1910.  Estimated 1914 increase 7, 4 per cent over 1910.  Estimated 1915 increase 1, 63 per cent over 1914.  Estimated 1916 increase 1, 63 per cent over 1915.	98, 781, 324

Consus 2015.				
State	Whita	Negro	All other.	Total.
Alabama . Arkansas . Florida . Georgia . Louisiana . Mississippi . North Carolina . South Carolina . Tennessee . Texas . Virginia .	1, 228, 832 1, 131, 025 443, 634 1, 431, 802 941, 985 788, 111 1, 500, 511 670, 161 1, 711, 432 3, 204, 843 1, 389, 340	908, 282 442, 891 308, 669 1,176, 987 713, 871 1,009, 487 607, 843 835, 843 473, 083 690, 049 671, 093	979 532 316 332 1,428 1,516 7,933 393 269 1,645 707	2,138,093 1,574,449 752,619 2,609,121 1,656,333 1,797,114 2,206,287 1,515,400 2,184,789 3,896,542 2,061,612
Total	14, 468, 252	7, 928, 10	16,053	22, 392, 414

Total population foregoin; 11 States, 1910 census.	22, 392, 414
Estimated, 1914. Estimated, 1915.	24, 194, 497
Estimated, 1916.	24, 839, 853

Here are the votes cast in those States of the Union in 1916:

Wilson and Hughes total vote 1916	17, 663, 760
11 foregoing States cast in 1916	1, 792, 800
11 foregoing States have of total populationper cent	24
11 foregoing States cast of actual 1916 votedo	10
11 foregoing States have Representatives in Congress	104

It will be seen that the 11 foregoing States cast in 1916 of the total vote I have just enumerated 1,792,800 votes. They have of the population 24 per cent. They cast of the actual vote 10 per ont. They have Representatives in Congress 104.

I take in another table each of these States in turn with its

population estimated in 1916 on the percentages I have named, the Wilson and Hughes vote added in 1916, and their Representatives in Congress are:

Table No. 2.

State.	Population (estimated), 1915.	1916 vote, Wilson and Hughes.	Represent- atives in Congress.
Alabama Arkansas Florida Georgia Louisiana Mississippi North Carolina South Carolina Tennessee Texas Vircinia	2,301,277 1,713,102 870,802 2,816,289 1,801,306 1,926,778 2,371,095 1,607,745 2,271,379 4,343,710 2,171,014	126,440 162,013 70,719 137,056 86,519 84,636 289,273 63,655 209,448 350,858 152,183	10 7 4 12 8 8 10 7 10 18
Total	24, 194, 497	1,792,800	104

In another table are compared certain other States with their votes and representation. Indiana has 665,068 votes and 13 Representatives. This, I might remark on the way, is nearly five times the vote of Georgia, and Indiana has only one Representative in the lower House more than the State of Georgia.

Iowa cast 502,000 votes and has 11 Representatives. It cast three times as many votes as the State of Georgia, and has one fewer Representative.

Table No. 3 shows the differences in voting power back of Representatives in some districts as compared with others.

Table No. 3.

	Population (estimated), 1915.	1915 vote, Wilson and Hughes	Representatives in Congrass.
Indiana Iowa Maine Michigan Minnesota New Hampshire New Jersey North Dakota Rhode Island Vermont West Virginia	2,798,142 2,221,033 767,633 3,015,442 1,926,778 440,584 2,881,840 713,083 602,765 362,452 1,359,474	665, 063 502, 143 133, 624 625, 872 358, 706 87, 502 480, 000 107, 922 85, 252 62, 958 283, 527	13 11 4 13 10 2 12 3 3 3 2 6
	17, 039, 233	3,392,579	73

It will be seen from this table that these 11 States have 17 It will be seen from this table that these 11 States have 17 per cent of the population; they cast of the actual total vote 20 per cent of the entire vote of the United States, and have in Congress 79 Representatives. They have as population only 17 per cent, as against 27 per cent in the 11 States in the first table. They cast 20 per cent of the votes, as against 10 per cent in the first table. They have 79 Representatives, as against 104 in the first table. With a vote that is double that in the first table, they have 25 fewer Representatives. It is a representative body created in that way, out of which comes such revenue bills as that we are considering here. It is no wonder there is not a distribution of taxes in accordance with sound there is not a distribution of taxes in accordance with sound principles of uniformity and a fair equalization of the burden.

I have taken heretofore the smallest States for this comparison to explain why such revenue bills as this are framed. It sheds light upon that question. New York has a total population of over 10,000,000. I read in this table the exact figures:

State.	Total estimated population, 1915	Wilson and Hughes male vote, 1916.	Representa- tives in Congress.
New York	10, 086, 563	1,632,393	43
Pennsylvania	8, 383, 992	1,225,518	35
Illinois	6, 069, 519	1,259,893	27

The foregoing three States in Table No. 4 cast two and onethird times as many votes as the 11 States in Table No. 2, while the population in the three States is about equal to the 11 States in Table No. 2. The States have only 106 Representatives in Congress, while the 11 States in Table No. 2 have 104.

The 11 States in Table No. 3 have only 79 Representatives in Congress and cast nearly twice as many votes as the 11 States in Table No. 2, which have 104 Representatives in Congress. Unfair voting representation results in unfair taxes.

It would not be fair to take the total vote where there is woman suffrage and compare it with those States in which woman suffrage and compare it with those States in which there is male suffrage only. The three States given have only 106 Representatives in Congress, while the 11 States have a total of 104 Representatives. That is the reason why such bills as the one pending come here in this form. It is because it does not voice any truly representative government. It is a minority government, and you can not expect anything else out of such votes as those. Whether intended or not, it is sectional legislation. I am not reflecting upon the motives. I am only discussing the fact and the reason why such a result appears discussing the fact and the reason why such a result appears here in the tangible form of a printed bill.

I take some of these others for comparison as to why such bills are urged.

South Carolina, with 1,607,000 population and a total vote in 1916 for both Wilson and Hughes of 63,655, has seven Representatives in Congress. I give below four States, as follows:

State.	Total esti- mated popu- lation, 1915.	Wilson and Hughes, male vote, 1916.	Representa- tives in Congress.
South Carolina Mississippi Louisiana Florida.	1,607,745 1,926,778 1,801,306 870,802	63, 655 84, 636 86, 519 70, 719	7 8 8 8
Total	6, 206, 631	305, 529	27

My own State, which with my colleague is represented in this body, has a population of 6,069,000 and cast 1,259,890 male votes, and has just as many Representatives—27—as the 4 States I have enumerated. They cast in the 4 States one-quarter, just about 25 per cent, of the vote we cast in the single State, and out of one-fourth of the vote you get 27 Representatives in the 4 States, and in the single State we get just the same number. That seems to be popular government. That is far from republican government. That is not representation of the people. The House of Representatives as now constituted is not a great popular body. Compare the population, votes cast, and Representatives in Congress of the following States:

	Total estimated population, 1915.	Wilson and Hughes male vote, 1916.	Representa- tives in Congress.
Illinois	6,069,631	1, 259, 890	27
Let me take four other States:			
	Total estimated population, 1915.	Wilson and Hughes male vote, 1916.	Representa- tives in Congress.
Michigan Indiana Texas. Massachusetts.	3,015,442 2,798,142 4,343,710 3,662,339	625, 872 665, 068 350, 858 516, 697	13 13 18 16

We find, Mr. President, the coefficient of values put up by these men of the potential force they represent in the popular body, which makes them not the representatives of the population, but the representation of a particular element in the population. Out of that kind of representation we can not expect anything, in the nature of things, but legislation of this character.

Let me compare a little further. Alabama, with 2,301,000 population—126,440 votes—has 10 Representatives in the House.

	Estimated population in 1915.	Wilson and Hughes vote, 1916.	Representa- tives in Congress.
Alabama	2,301,277 2,246,761	128,440 358,706	10

Precisely the same number, with a population approximately equal, in the one case Minnesota cast nearly three times the vote of Alabama. What I am criticizing is, it is not popular government; it is not representation; it is unfair; it gives you double or treble voting power in the House. Again I submit the following:

	Population (estimated) 1915.	Wilson and Hughes vote in 1916.	Representatives in Congress.
Iowa Virginia. Comecticut Missiscippi New Hampshire South Carolina Vermont Maine Nebraska	2, 221, 038 2, 171, 014 1, 223, 583 1, 926, 778 440, 584 1, 607, 745 362, 452 767, 638 1, 258, 624	502, 148 152, 183 206, 300 84, 636 87, 502 63, 655 62, 958 133, 624 276, 598	11 10 5 8 2 7 7 2 4 6

That is not fair representation. In the old form of the Constitution representation was based upon population, excluding certain persons and Indians not taxed, and giving representation for three-fifths of all other persons who are all now represented here, but excluded from voting.

It will be seen from the foregoing table that Vermont has 362,452 population, cast 62,958 votes, and has two Representatives in the House. Its vote is nearly equal to that of South Carolina. There is a difference of only about 700 votes in the total vote cast in the State for Wilson and Hughes in each State. South Carolina, however, has seven Representatives, and Vermont, within 700 of the same number of votes cast, has two Representatives. The same proportion holds good of other portions of the country when compared. I have tables prepared here that show in the 11 States containing the entire 27,109,000 population referred to, the total white males, the total colored males 21 years of age and over, the per cent of votes cast for Wilson and Hughes in each State of male whites, of colored males of 21 and over, a comparison of the total white population and the total negro population in the State, and the per cent of the total population and of votes in the several States. I do not want to read these at length, because I want to economize time as much as possible, but I can later ask leave and, if indulged by the Senate in that right, I can insert them at length at the conclusion of my remarks.

I only wish to quote certain facts "to point the moral and to adorn the tale" of representation in the House under existing conditions.

Alabama, for instance, had of native whites 288,422. It has that many males over 21 years of age. The foreign born are 10,521, the colored are 214,168; total white and colored, 513,111. That is the potential vote of Alabama, 513,111 votes.

I have further some tabulations here which show at considerable length the percentages carried out, which later on I will insert without reading them at the present time.

The following tables show in the 11 States containing 7,928,109 negro population the total male whites and the colored males of 21 years of age and over, the per cent of the vote cast for Wilson and Hughes in each State is of such white males and of the colored males of 21 and over; the per cent the total white population and the total negro population in each State is of the total population in each State and the per cent of the total population voting in the several States.

A STATE OF THE PARTY OF THE PAR					-	
	Males 21 years and over.					Per cent
State.	Native white.	Foreign- born white.	Colored.	Total whites and colored.	Total 1916 vote, Hughes and Wilson.	vote 1913
Alabama Arkansas Florida. Georgia Louisiana Mississippi. North Carolina South Carolina Tennessee Texas Virginia	288, 422 274, 583 106, 655 345, 655 213, 482 187, 506 354, 315 162, 414 423, 319 723, 810 348, 777	10, 521 9, 718 17, 445 8, 513 26, 519 5, 235 3, 296 3, 355 10, 112 112, 152 14, 882	214, 168 111, 523 89, 884 267,047 174, 918 234, 212 148, 523 169, 277 119, 237 167, 395 159, 873	513, 111 395, 824 214, 195 620, 616 414, 919 426, 953 506, 134 335, 046 552, 668 1,003, 357 523, 532	126, 440 162, 013 70, 719 137, 056 86, 519 84, 036 289, 273 63, 655 269, 448 350, 858 152, 183	42, 58 56, 98 56, 88 38, 76 36, 04 43, 91 80, 80 38, 33 62, 00 41, 98 41, 84
Stat	te.		Per cent of total vote of 1916 of total male whites and male colored in State 21 years of age and over.	Per cent total white popula- tion 1910 of total popula- tion in Table No. 1.	Per cent negro popula- tion 1910 of total popula- tion in Table No. 1.	Per cent total popu- lation voting in 1916.
Alabama Arkansas Florida Georgia Louisiana Mississippi North Carolina South Carolina Tennessee Texas Virginia			24. 60 40. 00 33. 00 22. 00 25. 00 19. 82 57. 15 18. 99 48. 00 34. 96 29. 00	57, 52 71, 81 59, 00 54, 80 56, 85 43, 74 60, 00 44, 81 78, 00 82, 00 67, 60	42, 48 28, 19 41, 00 45, 20 43, 15 56, 26 32, 00 55, 19 22, 00 18, 00 32, 40	5. 91 10. 00 9. 39 5. 25 5. 22 4. 70 13. 11 4. 20 12. 33 9. 00 7. 38

I turn now to the total male population of some of the other States. New York votes 57.54 per cent, which is a very low per cent. It is low in Pennsylvania, likewise. A great number of resident aliens are not registered, and do not vote. The total per cent of the white population of the total population is 98.38 per cent in New York; there are only 1.62 per cent colored; and the total population voting is 17.91 per cent. In Pennsylvania it is 16 per cent, but in Illinois 22.34 per cent; in Ohio, 23.49 per cent; and in Indiana 24.62 per cent.

I might stop to remark here that Iowa only is second, and that Indiana votes the highest per cent of her population of any State in the Union. Nobody seems to get away in that part of the country; they all go to the polls.

State.	Per cent of total vote 1916 of total male whites and male colored in State 21 years of age and over,	Per cent total white popula- tion of total pop- ulation.	Per cent negro popula- tion 1910 of total popula- tion.	Per cent total pop- ulation voting 1916.
New York Pennsylvania. Illinois. Ohio. Indiana Iowa Maine Michigan. Minnesota New Hampshire. New Jersey North Dakota Rhode Island. Vermont Wisconsin West Virginia	53. 07 72. 27 75. 44 80. 86 75. 67 56. 68 71. 86 55. 81 64. 02 61. 95 62. 06 52. 03	98. 38 97. 42 98. 02 97. 64 97. 74 99. 30 99. 69 99. 11 99. 20 99. 84 96. 40 99. 00 98. 13 99. 53 99. 43 94. 73	1. 62 2. 52 1. 93 2. 33 2. 23 66 18 . 60 . 34 4 . 06 3. 53 . 16 1. 75 . 45 . 16	17, 91 16, 00 22, 34 24, 62 22, 56 18, 00 22, 27 17, 28 20, 00 18, 91 18, 71 15, 70 17, 40 17, 75 23, 21

The average number of days in a school year I will not stop to add here, only to remark that, for instance, in South Carolina the average length of the school year is 92 days, whereas it runs up in Oklahoma to 130 days, and other of the States where there is more popular attendance as well as length of time. The distribution of the potential vote is as follows:

Males 21 years of age and over.

State.	Native white.	Foreign born.	Colored.	Total white and colored.	Total vote, Wil- son and Hughes,	Per cent of total vote, 1916, of total male white, in State 21 years of age and over.
New York Pennsylvania Illinois Ohio Indiana Iowa Maine Michigan Mimesota New Hampshire New Jersey North Dakota Rhode Island Vermont West Virginia Wisconsin	1,562,358 1,500,987 1,096,599 712,504 511,135,599 712,504 511,034 186,391 560,045 338,621 94,437 435,195 92,220 84,513 88,754 280,811 410,604	1, 221, 013 741, 610 604, 524 308, 478 88, 927 146, 880 48, 464 302, 177 298, 282 41, 956 309, 648 79, 721 75, 899 23, 759 34, 687 269, 237	53, 402 66, 429 42, 140 39, 788 21, 003 5, 758 872 8, 654 5, 766 275 29, 859 1, 949 3, 422 993 22, 851 3, 902	2, 836, 773 2, 309, 026 1, 743, 182 1, 484, 265 822, 434 657, 814 235, 727 870, 876 642, 668 774, 702 173, 890 163, 834 113, 506 338, 349 683, 743	1, 632, 390 1, 225, 518 1, 259, 518 1, 199, 782 665, 668 502, 148 133, 624 625, 872 358, 696 87, 502 480, 000 107, 922 85, 252 62, 958 283, 527 414, 365	58, 65 54, 64 74, 06 77, 52 82, 98 76, 33 56, 90 72, 59 56, 31 64, 15 64, 48 62, 76 53, 14 55, 95 89, 86 60, 95

It will be seen from the foregoing table that Oklahoma has a fair average of the votes cast. Tennessee has a fair average. North Carolina runs higher than some of the other States, and I am very glad to read their figures, and to give them credit for the large per cent of the total popular vote cast, though under some burdensome conditions at times. Here is the result of the primary law carried out, and it will produce its natural effect the longer it runs and the more extensive its

For instance, in my own State we begin to notice it. It has For instance, in my own State we begin to notice it. It has the same effect in every place. In the State of Wisconsin like results are found. In 1888, 354,744 people voted who were of a voting age in that State; in 1892, 371,000 voted; in 1896, 447,000; in 1900, 442,000 voted. The vote fell off in 1904 to 443,000; in 1912, 399,000 voted. It fell off again considerably. In 1916 a few more voted—414,000—but still there were nearly 33,000 fewer votes cast in 1916 than were cast in 1896.

The same effect is beginning to be noticeable in many other States where the direct primary calls for the nomination for all officers from top to bottom. The voter is bewildered; he is tired of primary elections, because the primary election in that form becomes the same as the general election, and all of these things have their effect in the constitution of the House of Representatives. That is the source of this legislation. Observe the vote cast the following years:

Popular vote for President in Wisconsin.	
1888	354, 744
1892	371, 222
1896	447, 063
1900	442, 613
1904	443, 014
1908	454, 435
1912	399, 972
1916	414, 365

The highest vote in the State was cast in 1908, being 454,435. In 1912 the vote was 399,972, a shrinkage of 54,463. In 1916 the total vote was 414,365, which was 40,070 below the vote of

Oklahoma cast 255,228 votes in 1908, the first presidential election in the State. Two hundred and fifty-three thousand eight hundred and one votes were cast in 1912 and 245,356 in 1916. The heaviest vote in the State was therefore the first one. The second election in 1912 showed a decrease of 1,427 and in 1916 a decrease of 9,872 votes.

There is another thing that is quite material in it. The elec-tion law of Arkansas, for instance, gives the board of county commissioners the power not less than five days before any general election to appoint three judges of election for each of the precincts:

The judges of election \* \* \* shall not all be selected from the same political party.

Then here is this significant proviso:

If competent persons of different politics can be found.

There is the loophole. In all human probability in many places there are no competent persons of the opposite political party who can be found. That has some potential connection with the shrinkage of the vote.

According to the compilation of 1914 of the laws of Florida

it is provided:

### FLORIDA.

# (Comp. Laws, 1914, sec. 205.)

It shall be the duty of the county commissioners in each county, at least 20 days prior to the holding of any general or special election therein, to appoint three intelligent, discreet, and fair-minded inspectors of election, and a clerk of election, for each polling place in each and every election district in such county, all of whom shall be residents and registered and qualified electors of the election district for which they shall be appointed, all of whom shall not belong to the same political party.

It is to be observed, though, that the election commissioners have the discretion as to what representative of the minority party shall be appointed. No political organization names them, if one exists.

In the State of Louisiana, from the compilation of her laws in 1916, I extract the following:

# (Laws, 1916, No. 130, sec. 12.)

(Laws, 1916, No. 130, sec. 12.)

In every parish of the State it shall be the duty of the board of supervisors of election, 30 days prior to any election, to appoint three commissioners and one clerk to preside over the election at each polling precinct, and said commissioners and clerk shall be qualified voters of the ward of which said polling precinct forms part, and shall be appointed from lists to contain not less than six names furnished by each of the several political parties. These lists must be furnished to the board of supervisors of election at least 35 days before the day of election. Any list offered after this date shall not be received, nor shall any such list be received or acted upon or registered by the board of supervisors of election which shall contain the name of any person not registered as affiliated with the party handing in the list. In so far as is practicable the commissioners shall be so apportioned as to equally represent all the political parties authorized by law to make nominations.

That looks very practical on its face, but here are some amendments which have been made since the time the original acts were passed in 1914 and 1916.

The election laws of the State of Louisiana, as enacted and amended, were formed with the special and avowed purpose of forever perpetuating the Democratic Party in that State and to prevent any other party from either having candidates or from attempting to elect other than Democrats to office.

That this is a fact and not an opinion is easily deducible from an examination of the laws relative to elections that have but recently been passed and are now being enforced in that State.

Following the election of a Progressive Congressman in the third district in 1914 and the polling of some 50,000 votes by the Progressive candidate for governor in 1916, the Democratic legislature met and passed several laws, the effect of which is not only to discourage any opposition to the Democratic Party but to make it impossible that there shall ever be the remotest chance of defeating that party in any State election.

Section 1 of act 35 of 1916 provides that hereafter all political parties shall make nominations by primaries which must be held on the same day.

Section 2 of this same act defines what is meant by a political party in this language:

SEC. 2. That the term political party as used in this act is defined to be a political party that shall have cast at least 10 per cent of the entire vote cast in the State at the last preceding general election, whether gubernatorial or congressional.

The joker in this section is at once apparent.

A political party to retain its standing as such must cast 10 per cent of the vote at the last preceding general election, whether

gubernatorial or congressional.

In the last gubernatorial election held in April, 1916, the Progressive Party cast about 50,000 votes, equal to more than 331 per cent of the total vote cast, but in the general congressional election held a few months later, to wit, in November of the same year, the Democratic candidates for Congress—eight in number-had opposition in but one district, and, while the opposition candidate was elected, he having received more than 50 per cent of the votes cast in that district, yet because the Democratic candidates in the other seven districts were without opposition and because he did not alone cast more than 10 per cent of the entire vote cast in the State, his party is now out of existence, and he can no longer become a candidate of the party known as the Progressive Party.

In this election, held in November, 1916, the Progressive Party cast a little over 6,000 votes and the Republican Party cast about the same number of votes, and yet, because the total votes cast in this election amounted to about 90,000 votes, and because both the Progressive and Republican Parties failed to cast 10 per cent of this vote, they are now defunct parties in

that State and no longer have any standing whatever

Section 9 of this same act provides that none but those who have disclosed their political affiliation (by due registration) shall be permitted to become candidates or to vote in any primary election of any political party as defined by the said act, and affixes a penalty of both fine and imprisonment for any violation of this section.

Of course, as there is now but one party in the State of Louisiana, there can be but one primary, and there can now be no violation of this provision, but its unfairness and purpose

are apparent.

The necessary result is that both parties are defunct in that State; that they have no existence under this statute, and can not have a political organization nor present a ticket. This might ordinarily be enough, but, in order to "make assurance doubly sure," this provision was added by the law in 1914:

Any person attempting to vote, or voting, or taking part in any primary election, or aiding or assisting in the nomination or election of a candidate of a political party different from that with which he has declared himself to be affiliated, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined and punished as provided for in section 31 of this act. (To wit, fine and imprisonment.)

I commend that to the friends of popular government all over this country. I might take part in a primary next April; I might vote a certain party ticket, but, as is universally recognized amongst all free voters as a right, after the ticket is nominated, after platforms are formulated, after the campaign progresses, I might change my mind. I do not know of any place amongst the border States, or any place in the great northern, western, or eastern parts of the United States, where if I vote for one ticket in a primary and vote some other way in November I will be fined and sent to jail. That is what this act does in Louisiana. It provides that if one takes any part in an election different from the part he took in the primary he will be fined for it. That is a splendid way and an effective way to promote party regularity.

If that had been the law in many States in 1912, the jails and prisons of the country would have held a majority or a quorum of the great body of the free voters of the Northern and Western States who exercised universally their right to go to the primary and vote one way and to vote for another candidate in the November elections. If the Louisiana law had applied all over the country, President Wilson could not have been elected in either 1912 or 1916. If that had been the law, the voters outside a certain part of the Union, would have been in stockades by the hundreds of thousands, to say nothing of the jails, and this administration would not to-day be facing an inauguration

for a second term.

If the law of Louisiana had applied in the great progressive States when the division came, instead of being exalted into patriots you would now all be wearing a martyr's crown. But in the name of popular government all this is done. Is it any wonder, Mr. President, that such revenue bills come into this body, based on such local election laws?

As I have suggested, I am not here for the purpose of criticizing racial conditions in the Southern States at this time. That is not now my object in offering these remarks. What I am nominations are made.

endeavoring to accomplish is not only that those States themselves, but the border States and all the great States upon whom falls the crushing burden of this tax shall become so aroused because of the manifest unfairness of it that at some time in a proper way and through legal channels the verdict will be reversed in some States. This is a legitimate argument.

Here is a man, for instance, registered in the State, whose law I am now considering, as affiliated with one party. He is

precluded at the general election from voting for anyone save the candidate of the party with which he is affiliated. A man is penalized for not being a Democrat if he ever was one. Once a Democrat always a Democrat, or else a martyr's crown and a term in jail. In other words, if one is registered as a Democrat and at a general election votes for a Progressive or a Repub-

lican, he violates the criminal law. He violates elsewhere only the political law. We all recognize that, and he suffers whatever political punishment may come, ostracism from his party, loss of his good standing, and so forth; but whoever heard of making it a crime and sending him to jail for voting some other

ticket than at the primary?

Again, if a voter participates in a primary election to the extent of voting for one candidate on the ticket and refuses to vote for the others, he is yet bound under the law to vote for each and every candidate of that party at the general election which follows, and, as a matter of fact, every ballot has written thereon a pledge binding the voter to do this, and anyone violating this section of the law must suffer fine and imprisonment, and this in the face of the fact that the State of Louisiana has adopted the Australian ballot, which is supposed to be secret, and to promote the purity of elections.

When I read the corrupt-practices act I find all kinds of provisions prohibiting the use of money, limiting the amount of money that can be paid for legitimate campaign expenses, providing penalties for the voter in certain cases, and for the candidate who corrupts the voter. That leads me to think, Mr. President, that a good many things are corrupt which should be included in a corrupt-practices act besides buying a voter for

a \$2 bill.

The very statute of Louisiana is corrupt; the very legislative breath that gave life to such a statute is utterly indefensible. It is corrupt to defraud a man of his vote; it is corrupt to drive him away from the polls with a shotgun; it is corrupt to suppress votes; it is corrupt to prohibit a voter from changing his mind between primary day and election; it is corrupt to create classes and to exclude some and include others, tests that apply to one part of the population only are corrupt, and are essentially as immoral as buying a vote with money. Grandfather clauses are corrupt and are essentially wrong. While we are embracing the subject of corrupt practices I want nationally to widen the purview of the act and see if we really can not have some cleaning of the stable other than the narrow scope of the pending bill.

I am not now discussing the question of the race issue. discussing the question of the white man; but before I get through, here or some place else, I will put into the RECORD the evidence I have had that the white man himself of the Southern States is tired of having put upon him laws that deprive him of a vote in his own State, complaining that the laws made once to disfranchise the colored man are now used to disfranchise him, and have become essentially corrupt and repressive of the white man in his own country. While we are clearing the air of corruption let us go far enough to effect a complete cure. I am just as interested in the cleanliness of politics in other States as I am in my own. I doubt very much whether some Senators and Representatives who have served for a time in this body and in the other House know that the Members of the House of Representatives from Louisiana are elected under such a suppressive arbitrary decree of its legislature as the one I have read.

As has been seen, act 35 of 1916, known as the primary law, has done away with every party save the Democratic Party, but it remained for another law, known as the general-election

law, to put on the finishing touches.

Section 51 of act 130 of 1916 provides the only manner in which nominations can be made other than by primary elections. and, as we have seen, only a "political party" as defined by statute can hold a primary election. As we have seen, under that statute only a political party casting 10 per cent of the vote comes within the definition.

This section provides that nominations for municipal and parochial offices, as well as for Members of Congress and State officials, may be made by nomination papers signed by a certain number of qualified electors, who must be duly registered and affiliated with the political organization for which such

And section 52 of this same act provides that the organization of a new party must also be done by nomination papers signed by more than 1,000 qualified electors, duly registered as affiliated with the party in process of formation, and must nominate a candidate to be voted for throughout the State. If a candidate thus nominated receives more than 10 per cent of the entire vote cast throughout the State, then the persons signing such nomination papers are recognized as a "lawful political party."

It is profitable to follow the nomination papers through the different provisions of the statute.

Section 55 provides that such nomination papers must be filed within a stated time with the secretary of state and if in apparent conformity with law, and unless objected to within 72 hours after the last day for filing same, shall be considered as regular. But if such nomination papers are objected to, such objection shall be considered by a contest board, composed of the secretary of state, auditor, and treasurer, and two electors to be appointed by the governor, and a decision of a majority of this board shall be final.

In other words, all nominations are referred to a partisan board, two members of which are named by the governor, and the others of which belong to the dominant political party, providing that a majority-so that if there shall be any accident, still they are saved-shall act on the petition, and that their action shall be final. It is not open to any court, it is not open to any tribunal on earth except the one to which it has been submitted and whose final decision is the end of it. This contest board can hold that the nomination papers are not in conformity with law on the merest technicality, or they can throw out such papers without assigning any reasons, as they have done. They do not have to give any reasons whatever, except that in their sovereign displeasure they reject the nomination papers, and that is final.

Suppose the nomination papers get by the contest board. That is not likely, but suppose they do: What chance has a

candidate nominated in this manner for an election?

Sections 11 and 12 of this same law provide that the board of supervisors of election for each parish, which is also partisan, being composed of one member appointed by the governor, one the registrar of voters, and one the civil sheriff, shall meet at a stated time and appoint commissioners and clerks of election, which so far as practicable shall be apportioned so as to represent all political parties authorized by law to make nominations.

But as there is only one political party in the State, that party alone will have all the commissioners, and those who may be nominated by nomination papers are given no representation at the polls save and except watchers, who may remain near

the polls but have no voice in the election.

If you digest the whole of the act by reading it through and considering what impression it leaves of a vital character on your recollection, it amounts to this: That it perpetuates the dominant party. It prevents the nomination or election of It makes it a misdemeanor under the statother candidates. utes of that State to oppose the dominant party in any effort that may be made to defeat it or to establish against it a political contest of any character. However dissatisfied, a voter commits a crime to change his mind and vote another ticket

so as to form a new political party.

Here is our neighboring State, not very far away, Maryland. That is a border State. There is a very singular state of affairs in Maryland. A sample ballot is supposed to be published. We know what the use of the sample ballot is, and the larger the population the more it is needed. In that sample ballot the information is given by which the voter can inform himself. In the general election, where several hundred names are on the ballot, it becomes one of the indispensable guides for the intelligent voter to inform himself how to vote. To one not so accustomed it is equally indispensable that somebody have a sample ballot, so that he may be informed or instructed before he goes to the polls. That is the universal purpose of the sample ballot, so that the person not familiar with how to vote may be informed by another, and his candidate may be satisfac-torily located by the sample ballot before he receives the actual ballot that he takes with him into the booth.

There are, I think, in the State of Maryland only 23 counties. The center of population is Baltimore. A few other cities in the State have a considerable number of votes. Let me call attention to one thing in the State of Maryland. In one single congressional district in the State of Maryland a different rule prevails. That district has 5 counties in it out of the 23. In all of the other counties—here is the practical effect of the all of the other counties—here is the practical elect of the statute—a sample ballot is furnished to guide the voter to vote for some candidate or some ticket. There is no party appellation, but there is a sample ballot. In the five counties, by statute so arranged as to exclude them, there is not a sample ballot. ballot in the whole district. That is the Republican district in the State of Maryland-the district represented by Sydnex MUDD. That is a most remarkable coincidence, as one of Dickens's characters said when he was caught with another's portable property on his person. He said he did not know how it happened. He said: "It is a mere coincidence."

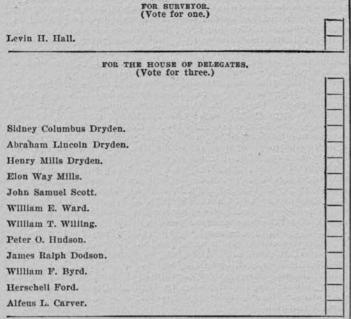
There is the statute, Mr. President. There is no sample ballot in the Republican district. Why? Maybe they are so intelligent in that district that they do not need any guide. Maybe it would be embarrassing. Maybe the cost of print paper has gone up, and they anticipated it, and so they took time by the forelock and reduced the high cost of elections in Maryland in the five counties in Mr. Mudd's district. Anyhow, it happened. I could have printed—and possibly I can, because there are no pictures on them; they do not violate the rule about illustrations—the ballots of some of the elections held in this State.

There is one of them, with divers long black marks horizontally stretched across the ballot. That is a Somerset County official ballot of 1907. Now, those black marks are not mourning for dead candidates. Do not mistake me. There is no solemnity on this occasion. You can reserve your funeral eulogies for some fit occasion. These black marks mean to the initiated, who have the grand password and the hailing sign of the order, that immediately below the black mark is the Democratic candidate. The mourning is for the fellow that is above, not the one that is below.

That is one of the sample ballots. There are others of a like kind—some here that are the most remarkable hodgepodges that have ever been seen in the English language. Never since cold type has been used to designate the name of a human being has such a remarkable collection been found on these ballots, with some others of one or two States that I wish to offer here as a means of illustrating the source of our revenue laws. Do not raise the point of order. It is material. The parliamentary inquiry will go back directly to where such fiscal miscarriages

as these are gotten up.  This is a copy of the Somerset County bal  Somerset Official Ballot of	
FOR CHIEF JUDGE OF THE FIRST JUDICIAL CIR (Vote for one.)	CUIT OF MARYLAND.
John R. Pattison.	
FOR COUNTY COMMISSIONER (Vote for one.)	
James Lankford.	
James G. Webster.	
Joseph R. Reading.	
James D. Anderson.	
FOR ASSOCIATE JUDGE OF THE FIRST JUDICIAL CO (Vote for one,)	RCUIT OF MARYLAND.
Robley D. Jones.	-
FOR COMPTROLLER OF THE TREA (Vote for one.)	SURY.
Frank E. Williams, of Cecil County.	Lizaria neglere
Richard A. Harris, of Baltimore City.	
Mark Jackson, of Baltimore City.	
Joshua W. Hering, of Carroll County.	
CONSTITUTIONAL AMENDMENT	
Against the constitutional amendment,	
For the constitutional amendment.	
FOR REGISTER OF WILLS. (Vote for one.)	
Daniel J. Maddox.	
Sidney Waller.	
FOR SHERIFF. (Vote for one.)	
Edward W. Smith.	multiplication of the
P James Hall	ENERGY DON'T A

William J. Phillips,



These ballots I ask to have preserved in the RECORD, as I regard them as much more illuminating to practical politicians of our country than to the voters in the five counties of the district referred to.

In the State of Mississippi, for whose Senators I have a profound regard, I quote the following from the Code of 1906, sections 4150 and 4152:

Prior to every election the commissioners of election shall appoint three persons for each election district to be managers of the election, who shall not all be of the same political party, if suitable persons of different political parties can be had in the district, and if any person appointed shall fail to attend and serve the managers present, if any, may designate one to fill his place—

That latter is a good provision, and is found, I think, in the laws of most of the States. However, in many places it is en-tirely within the probabilities that no suitable person of an adverse political party could be found; and that may be a very necessary provision in order that there may not be a hiatus in the election board.

I refer now to the laws of Oklahoma. This we might regard as a border State. The State was admitted in 1907. I think I am now referring correctly, by memory, to the time. When it was admitted it had a constitution in which the general right of suffrage, without any undue restrictions, was placed. In 1910 the constitution was amended on the suffrage section so as to require the educational test, but providing that all who were descended from an ancestor who was a voter in 1866 should be exempted from the literacy test. This was set aside by the Federal Supreme Court in connection with a very similar case from the State of Maryland, and these constitute the two cases that were decided at that time.

The governor of Oklahoma appoints the State election board, The State election board appoints the county election board. The county election board names all the judges and clerks in the voting precincts of the several counties. The original act providing for that required representation from the opposite political party. I think I am quoting the opinion of the State supreme court correctly when I say that the Supreme Court of Oklahoma decided that the section requiring representation from the adverse political party was not binding upon the elec-tion officials, and so they were under no obligations of observing it; and in many instances I think I am correct in saying that they do not; so there is no such representation.

South Carolina: There is no "grandfather clause" in the State of South Carolina, contrary to the general impression that prevails in many places. The operation of the election laws of the State, however, accomplishes all practical purposes. The partisan purpose is not even concealed as far as the words of their statute are expressed. It is somewhat self-confident

The executive, judicial, and legislative officials of the State contemplate but one political party in the State, and never seem to have any thought that there would ever be anything else. The statute seems to breathe it. The principal and most effective features used for this purpose, to exclude any other

than the dominant party from the governmental affairs of the State, are the requirements for the registration of the voters both at the primaries and at the general election, the multiplicity of the ballot boxes in every precinct, and the absolutely partisan boards of election officers and managers, every one of whom is appointed under the law solely by the governor of the State.

The provision of the law in that respect I will quote in the RECORD :

It shall be the duty of the governor, and he is hereby authorized and empowered, at least 30 days prior to any general election, to appoint for each county three commissioners of election for governor, lieutenant governor, State efficers, circuit solicitors, members of the general assembly, and county officers, and three other commissioners of election for presidential electors and Members of Congress, or either of said officers, who shall continue in office until their successors are appointed and qualified. The commissioners of election for State and county officers shall appoint three managers of election for such officers; and the commissioners of election for Members of Congress of presidential electors, or either of said officers, shall appoint three other managers of election for said officers for each polling place at each precinct of the county for which they shall respectively be appointed.

The general qualification for voters as set out in article 2.

The general qualification for voters, as set out in article 2 section 4, of the constitution, has the appearance to the casual reader of being fair, in that it states that such qualificaions require the voter to be a male citizen 21 years of age, a resident of the State for two years, of the county for one year, and the polling precinct for four months, and the payment in advance six months before the election of any poll tax due and payable.

The requirement for the possession of a registration cer-tificate, however, upsets the fair application of the above qualifications, in that every person who applies for a registration certificate must be able, to the satisfaction of the Democratic registration board, to "both read and write any section of the constitution submitted, or show that he owns and has paid all taxes collectible during previous year on property in the State assessed at \$300 or more." There is not a Republican, Independent, Bull Moose, or Socialist manager of election in the State, nor is there a member of those parties in charge of passing upon the qualifications of voters with power to issue registration certificates. Could anything be more grossly partisan and outrageous?

In this connection it can be truthfully said that the determination of the Democratic Party of South Carolina to have but one party is further illustrated by the fact that thousands of men in the State who, under the present conditions, quite naturally, and I might say properly, for the present and the immediate future, are willing to vote for the Democratic nominee for governor and local officers, but who desire to vote for a Republican for Congress and Republican electors for President. the partisan purpose in this connection is shown by the fact that the Senators from South Carolina and the Members of Congress from South Carolina and the Legislature of South Carolina all refuse to change the present oath required before a man can vote at the Democratic primary, so as to eliminate the pledge to support the Democratic nominees for Congress and for President. It would seem that even half a spirit of fairness would enable such men to take that portion of the oath before voting which bound them to support only the nominees for governor and local State officers, and leave them free at least to go to the general election for Congress and the presidential electors. But the Democrats will not permit even that elasticity of their laws and regulations. The oath is taken as an entirety, and no division is allowed.

The sections from the Code of 1912, from 206 to 232, I shall not read at length, save to say that they are created in such a way that the election officials and the management of the election are entirely in the hands of the dominant party.

I come now to the magnificent State of Texas. the tables relating to conditions there. In that State 370,000 votes were cast out of a total population of 3,896,542. It would seem like that would be almost sufficient of itself to show that there would be no danger, but to make assurance even more conveniently certain the revised code of Texas of 1911, articles 2920 and 2921, contains the following provision:

# (Rev. Civil Stat., 1911, arts. 2920, 2921.)

(Rev. Civil Stat., 1911, arts. 2920, 2921.)

The county commissioners' court shall, at the February ferm, appoint from among the citizens of each voting precinct in which there are less than 100 voters who have paid their poil tax and received their certificates of exemption two reputable men who are qualified voters as judges of election. They shall be selected from different political parties, if practicable, and shall continue to act until their successors are appointed. When the bounds of the precinct are changed so that one or more judges reside outside of the precinct for which they were appointed, the court shall appoint others to fill such vacancy or vacancles. One of the judges, who shall in all cases belong to the party that at the last general election cast the largest vote for governor throughout the State, shall be designated as the presiding judge of elections; he shall appoint two competent and

reputable clerks, of different political parties if practicable, who are qualified voters, to act as clerks of election. \* \* \* (Art. 2920.)

There is always this condition "if practicable." That leaves

There is always this condition "if practicable." That leaves it in the discretion of the then election judges, or the appointing authority rather, to make the local election officials all of the dominant party. It is so easy when this avenue is presented to find that it is not practicable.

For every precinct in which there are 100 male citizens or more who have paid their poll tax or received their certificates of exemption, the commissioners court shall appoint four judges of election, who shall be chosen when practicable from opposing political parties, one of whom shall be designated as presiding judge. \* \* The presiding judge snall appoint four competent and reputable clerks who have paid their poll tax, and of different political parties, when practicable. \* \* (Art. 2921.)

There is the same phrase again in that section, "when practicable"—  $\,$ 

one of whom shall be designated as presiding judge.

I come to the laws of Virginia.

## VIRGI

### (Pollard's Code, 1904, sec. 64.)

There shall be in each county and city an electoral board, composed of three members, who shall be appointed by the circuit court of the county, or corporation court of the city, or the judge of the court in vacation.

Circuit courts are of general jurisdiction. The judges of these courts appoint within their districts for the several counties an election board.

Each electoral board shall appoint the judges, clerks, and registrars of election for its city or county, including the towns therein, and in appointing judges of election representation as far as possible shall be given to each of the two political parties which at the general election next preceding their appointment cast the highest and next highest number of votes.

There is again the same provision, "as far as practicable," or "as far as possible," and so on, which opens up the way for many things.

Registration is required under this law. The registration board meets at certain stated intervals and the voter goes in order to qualify himself. Let me give you an illustration in a county in Virginia, witnesses for which I can produce. The following incident occurred: A man who was as pale faced as any Caucasian whose ancestors had emigrated from Europe went down to the registration board to register.

There, sitting up in all the plenitude of their pomp and majesty was an election board. One gentleman possessed of a great flood of public information accosted the humble voter when he desired to qualify to exercise the right of the American citizen in the form of a future election.

When he made known his wants, he said, "Sir, I must examine you. There is an educational test that you must meet, sir. Who are the members of the State Board of Education of Virginia?"

Well, the prospective voter began to reflect, and he could not tell of a solitary one of them for his life. He told him, "You can not be registered; you can not meet the educational test."

The would-be voter was very much disappointed. He desired to be heard at the November election and took it greatly to heart. He walked up the street very dejected. He met a friend who was an attorney at law, and it is the lawyer who always makes trouble in this world. He recounted his melancholy experience and said he regretted to be deprived of his vote

The lawyer said, "I know the judge of the circuit court who lives in this town and who appointed that election board and is responsible for the men who rejected your vote. I will go up and see him."

He did so. He found the judge at home. He said, "Judge, tell me the names of the members of the board of education of the State of Virginia."

The judge rammed his hands down in his pockets and looked at his toes, and, with a little bit of a near-profane exclamation, he said, "Blankety blank, if I can do it."

The lawyer said, "Your election board down here has just disfranchised a white man, a citizen of Virginia, because he could not do the same thing. What do you think about it?"

could not do the same thing. What do you think about it?"

The judge said, "Come with me; I will talk to the board."

And he did. He delivered him some information in the way of an admonition to walk in a more godly and citizenlike way, and the rejected voter was registered on the spot, because he knew as much as the judge of the circuit court that created this official gentleman with the swelling bosom and the great wealth of civic information. If it had not been for the accident that he met this pestiferous lawyer who knew this judge of the district who created this Solomon, the voter would have been disfranchised.

It is only when the curtain comes up or when somebody peeps through a knot hole in the fence and sees the game going on

that we understand what is going on behind the scenes across the Potomac River, almost in sight of this Capitol, by which representation in the House of 37 Members—I will figure out before I leave the floor—sit in that House to-day who have no more right to be in there than I have to be in the House of Lords in London, and who represent no more people than a man without a country, much less constituents.

Now that you are purifying elections, just clean them all around; let us have a general house purification. There is more corruption, as I suggested, than merely influencing a man or woman by bribery. It may not be corrupt to refuse to register a man because he can not tell who are the members of the board of education of the State of Virginia, but it gets dangerously close to the line, and it seems to me like there is a set purpose to ask questions of that kind.

It reminds me a good deal of a civil-service examination to find an expert to do something. You pick up something of that kind, prepare a blue print, and you ask what became of the Egyptian kings between the sixth and twelfth dynasties. I met a fellow one time who had been given something like that in a civil-service examination. He said "I could answer." I said "How did you answer?" He said "They are all dead; I would be sure to get it right on that." I said "Could you tell what killed them?" He said "No; they might have died of overeating crocodiles in the Nile, or they might have been killed in battle; they might have died of old age; they might have perished on the sands of the Libyan Desert in some of the military forays, or might have been consumed by lions; nobody can tell."

Still, that would be an educational examination. I looked at some examination papers once, just out of curiosity, when picking the eligibles off a list, to satisfy myself, and it reminded me a good deal of this examination of the election I got through. I wanted to get a stationary officials before engineer. I wished to get somebody who could tell scale in a boiler, who could change the water supply, or prevent it; who knew how to run an engine and to generate power. I sent for There were two. One wrote a very bad hand, the papers. and the drawings he made were not up to the ordinary standard of an engineer on paper. The other one wrote a beautiful hand and drew pictures that would have been a pleasure to an artist. I looked down upon the answer to the question. It said "Where have you been employed, and how many times?" The one who drew artistic pictures had been employed seven times in 9 years and the other one had been employed once in 14 years. The latter's civil-service rating was very low; he was not a great man on paper. I said "Let me look at your examination papers and I will see about it." I saw he had been taking care of an engine all his life, and he had not been drawing pictures. We selected him. I did not want the other fellow. I thought he had had too many employers.

I am reminded by that civil-service examination of this examiner on the election board in Virginia. It was just such a question. The next time the would-be voter came around, instead of asking him who were the members of the education board, he would ask him who were the Senators from Virginia, and he might not know. Of course, they would disfranchise him for lese majesté, and away with him to the bastile. Something had happened. You can always catch a fellow. I can sit down and write a list of questions which nobody in this Chamber can answer, and everyone of you can sit down and write something that I can not answer. I could write a whole string of them. Every fellow has his own experience.

I could stand on my feet here and ask a question about Herodotus that you could not answer, because that is my fad. I have read him ever since I can remember just out of sheer curiosity. I think he was slandered in early life. I sympathize with him. Do you know he is said to have been the father of history? Go over in the Congressional Library and you will see upon the handsome paneled walls graven in stone the name of the historian—Moses, Herodotus, Josephus, and other great names. They call Herodotus the father of history, and an old Greek who was jealous of him said he was not the father of history but the "father of lies." That aroused my sympathy. If he had been living I would not have cared. If anybody calls another one a liar who is living they can get at each other and fight it out, but when both are dead I think it is a mistake to perpetuate the feud.

I can get up a list of questions on Herodotus or some other antique character, present them to the qualified voters as this gentleman was asked to answer by the board in Virginia, and disfranchise him all his life.

I give this as an illustration drawn from actual life. If I had been a painter or sculptor I would have been a realist.

None of the statues of Venus would have been my long suit. I would have drawn you a work horse, something practical, a water buffalo, or something of the kind in ancient times. I do not wish any theory of that kind. So I believe in something practical that will find out whether a voter has the manliness to be able to participate in free government, so that he can elect a Representative some time who will be fit to draw a revenue bill that will not make an American citizen regret for such a horrible example.

Such class legislation had never been seen until they began to write bills like those in this administration. I have the tariff platform written one time when Bryan was a candidate, and there was a tariff fulmination against class legislation. You have it now in this revenue bill. There is nothing but class discrimination in it. If you cut out the classes nothing would be left. If you cut out the class taxes nobody would be left to pay the taxes. The harder working, the more thrifty, the more economical, and the more ability the man has the more he

is penalized because he has it.

I follow the record on qualifying this voter down in that part of the country. I think a great deal of the history of Virginia. It has had some of the greatest men in this country. Look at the census and you will find that in the days of George Washington, John Marshall, Edmund Randolph, Pendleton, and all the men who gave their services in the Revolution and in the formation of this Union it was then the first State in the Union. It preserved that proud distinction for many years. It still has a mighty population and a great strain of blood and good people. Its representatives are still up to the standard; but when we are told by them that they will purify elections and will with their influence and associates put through the corrupt-practices act because they are experts I have some question about accepting them as authority on the question.

The historic Commonwealth of Virginia, for example, gave

Washington and Jefferson and Madison and Monroe and Marshall. The country where now live millions out in the West was then in the hands of the red man and the buffalo and the wild animals of the desert and the plain. The gloomy forests stretched in endless belts from river to river and zone to zone all over that country. Since then that region has been peopled with a mighty population and we are told we must have our elections regulated by Congress. The horrible examples are all

in that region apparently.

It was intended that this should be a representative Republic, representative in this body of the mighty sovereignty that confederated the colonies and won our independence from the British Crown and in the lower House to represent the population.

The judges of the courts, these circuit judges, should ordinarily go back to the people for the renewal of their term of The judges, however, of the circuit court in Virginia are appointed by the legislature. That is their source of judicial power, and they are always not only partisan Democrats-we would expect that-but generally they are of the regular organization type.

Electoral boards are appointed by the judge of the circuit court for counties and judge of corporation court for cities, composed of three men for each of the 100 counties and 20

They are always Democratic in fact, always Democratic in practice, and so far as the law is concerned, except in two or three instances where one Republican of the three officers was selected for "satisfactory reasons," it is solidly a partisan Democratic election board.

The registrars—those gentlemen one of whom I described a while ago—are appointed by the electoral boards of each county and city, being one partisan Democrat for each voting precinct. The officers of election are appointed by electoral boards for each county and city, composed of three judges and two clerks

There is the same provision-"where practicable, all judges shall not belong to the same political party." That is the requirement of the law. In practice two judges and the two clerks are partisan Democrats, and the remaining judge selected to represent the Republican Party by the partisan electoral board is almost always, in close counties and precincts, a man

satisfactory to the Democratic organization.

You see how it works. A man may not be able to vote without having somebody help him mark his ballot; his sight may be defective; possibly he may not understand the language printed on the ballot, and he calls, if he be a Republican, for a Republican judge or clerk, as the case may be, to go in and help him mark his ballot. While he is in the booth there are four regular counties each with an ele-organization Democrats left outside. They, meantime, have sole control of the ballot box, and it takes long enough to in-tically solidly Democratic.

form the voter who is deficient in some way to enable them to investigate if necessary. It is understood that that will be done; and I am informed upon credible authority that it is a regular practice in the few precincts where there is a Republican

officer to spirit him away a while to inform some voter. Then everything is done decently and in order.

The act further provides that the voter must make application to the registrar in his own writing in the presence of the registrar, and he must answer satisfactorily the questions the registrar propounds to him. That is the language particularly—

questions propounded to him."

That opens the floodgates of human knowledge. Everything that opens the hoodgates of human knowledge. Everything that has been stored from the time written language began back to the time of mythology and tradition are open questions—"questions propounded to him." When the Savior was on earth, the first thing that a lawyer did, as you will find in the New Testament, when he approached him was to begin asking him questions, and in this election law the first thing they do to the voter is to enable the registrar to propound questions. They are still at it. We think we are progressive, but there is no change in human nature in 6,000 years. There is nothing new under the sun. Old Solomon was right, Solomon further said there is a time for everything; and it is a good time now to talk about a corrupt-practices act, with a view of purifying such revenue bills as this.

'Mr. President, when the registration is all over, after you have had all the questions propounded to you-whatever that may mean—if the registrar refuses registration the right of appeal to the judge of court is granted. That is what they did

in this case. They happened to find him.

Such judge of a court having been selected as set out above.

Then comes the poll-tax provision, which is a most beautiful piece of tapestry. It is woven so perfectly that it spells a complete work of art. If it were not so serious I would read it alongside the satires of Juvenal as a comment upon popular government among the descendants of George Washington.

If registered the elector can not vote unless he shall have personally paid a poll tax of \$1.50 for each of three consecutive years six months or more previous to the election in which he offers to vote, except in case of a person who has resided in the State only two years must pay poll tax for two years, and a young man just coming of age must pay for one year.

So you see, a young man just coming of age can get by for one year. After he jumps these two hurdles, then he reaches an-

other one.

That reminds me a good deal of an illiterate man who was sticking his head into the court room of a country courthouse at one time, and asked a man who was then coming out: "What is the judge doing in there just now?" The reply was: "He is just reading his obstructions to the jury."

That is what they do in this election lew—just keep on reading obstructions to the voter. He may, in the providence of God, get to the ballot box some day, but he will be pretty well weeded out; he will be one of the elect when he reaches that

spot.

The ballot is secret except as to partisan electoral board, which board has full charge of printing and distributing the ballots to judges of election,

The ballots have no distinguishing mark or symbol, and a pen or pencil mark must be run through at least three-fourths of all names except the name for which the elector wishes to vote.

There is no distinguishing party symbol; just a general Some of the ballots are very peculiar. shotgun ballot. not know what printer set them up. If I should judge by the high degree of the typographical art, I should say, at least that Virginia was not "bone-dry" before he started on the job, because he certainly became cross-eyed in typesetting.

very peculiar looking document.

They must have no distinguishing marks or symbol. Some of the names instead of being spelled with capital letters are spelled with small letters. The initial of John is spelled with a small "j." It reminds me of Bob Ingersoll's lecture when published. He would not show proper respect to the Deity; he always printed it with a small "g."

Of 458,000 males of voting age 300,000 are disfranchised or

do not vote in Virginia; 160,000 of them are white men and 140,000 of them are negroes. There are more white men in Virginia who never vote than there are negroes in the State of Virginia who do not vote.

Now you have reached the last hurdle. There are 120 electoral boards in Virginia. See how it works. One hundred counties each with an electoral board and 20 cities or municipalities. These electoral boards are, without exception, pracWhy is that required if you want to cleanse elections? I commend to some of my friends on the majority side of this Chamber that if you wish to purify the elections, start some place in your own household, and do not begin to talk about corruption in Detroit, Indianapolis, Chicago, or-in St. Louis.

It may be that some wayfaring derelict in the lodging-house districts receives the price of a meal for his proud privilege of American citizenship; that might happen; but is that much worse than to create conditions that keep 160,000 white men in your own State from voting?

your own State from voting?

There are in the State of Virginia 120 electoral boards, solidly partisan Democratic; 2,500 registrars, all partisan Democratic; 5,000 clerks of election, all partisan Democratic; 7,500 judges of election, 5,000 partisan Democrats and 2,500 others selected by Democratic partisan boards for their purposes.

This is the Virginia election machinery.

Now, I want to quote from some of the records of the Old Now, I want to quote from some of the records of the Old Dominion. I will go as far as any of you in enacting a corrupt-practices act. I expect to vote for some kind of a corrupt-practices bill, but I do not wish it to be too narrow in its definition. I want it to be liberal enough, to be broad enough, to remedy the evil; to use the remark of an eminent reforming lecturer I heard on the platform at one time, "I want you to

rise to the great level of your great privilege."
On July 24, 1913, Mr. John Garland Pollard, whom many Virginians know and now the Attorney General of the State of Virginia, made a statement at Louisa Courthouse in opening his campaign for attorney general, to which I desire to call attention. I am not quoting from one in the corrupt and effete East nor the wild and sometimes vociferous West; I am quoting from a citizen of a conservative State that contains within its borders the sacred ashes of the Father of his Country, where the author of the Declaration of Independence once dwelt, where the great expounder of the powers of this Government, John Marshall, had his rise from youth to mature manhood, and in the fullness of his judicial power sat within a few hundred feet of this Chamber, who dignified and em-bellished the bench, and gave to this Republic the vital force of its great national powers under which the laws of both peace and of war are administered. Mr. Pollard said:

I consider the first and most fundamental need of the State to be a thorough purification of her general and primary election laws. The good of the State and the preservation of the party demand that our election laws be put above suspicion.

It is true that no election law, however strong, can ever prevent occasional fraud, but a mere casual examination of our election laws will show that they invite fraud. These laws, though changed in recent years, are in their essence relies of reconstruction days, and now that the Negro is eliminated from polities we, to put it mildly, have simply forgotten to change the character of our election laws after the emergency has passed.

Now, there is a very frank declaration. If any proof were needed, the proof is here.

It is not fair that the men who expose these conditions should be called malcontents, nor that they should be charged with advertising the shortcomings of their State. The real enemies of Virginia are those who supinely rest under such conditions and seek to cast slurs on those who dare protest.

In my opinion there is no graver crime against the State than the violation of the sancity of the ballot. I class the crime along with treason. It is essentially felonious in its nature and it is nothing short of farcical that under the present laws it is classed as a misdemeanor and may be punished—

Note the lightning, the bolts of Jove that fall with destructive fury upon the God-fearless wretch who violates the election laws of Virginia—

and may be punished by a fine of \$2.50 and one day in jail.

It is unconstitutional because it is cruel and unusual punishment. If anything were needed to turn this election law into the jest of the ages, into a combination of Mark Twain, Max Adler, Bill Nye, and all the humorists down to the time of George Ade, it is the last paragraph, the penal clause, providing \$2.50 fine and a day in jail. The guilty party would get there just in time to be furnished a meal at noon, and by the time the lunch hour is over he would again walk abroad in all the pomp anc panoply of American citizenship, clothed with the toga virilis of the Romans, ready to stand up before all the world and say "I am he."

I have been quoting from Mr. Pollard, a name itself that is distinguished in the annals of the Old Dominion and neighboring

States, brave in war and patriotic in peace.

At Marion, Va., on the 14th of January, 1914, a letter was written to Mr. Pollard on the same subject by William C. Pendleton. Probably Mr. Pendleton in that country is known as a Progressive. He was somewhat out of line with the ordinary methods of political thought. He sat down on the occasion named and wrote to Mr. Pollard, attorney general elect of Virginia, the following letter:

DEAR SIR: While a candidate for the nomination for attorney general of Virginia, you expressed yourself very frankly and bravely about the election laws of the State. In your speech—

Referring to the speech, an extract from which I read a while

made at Louisa Courthouse, and repeated at other places, you said:

"I consider the first and most fundamental need of the State to be a thorough purification of her general and primary election laws."

And you stated: "A mere casual examination of our election laws will show that they invite fraud."

Your first assertion, above quoted, presupposes that the general election laws of the State are thoroughly impure. No matter whether this condition is the result of intention or not, it is none the less deplorable and should be corrected as speedily as possible. Unfortunately the means and methods for rectification are both slow and obscure.

As you helped to make the organic law of the State, which contains the basis of our suffrage and election laws, and as you have codified and interpreted the statute laws made in pursuance of the constitutional provisions on the elective franchise, you are peculiarly qualified to point out the evils of these laws and suggest the changes that sound public policy require to be made. I respectfully request that you do this and give your views to the public while the general assembly is in session. By so doing you can greatly accelerate the movement for honest elections and efficient government in Virginia. You said in your speech at Louisa Courthouse:

"If I am elected attorney general of Virginia, I shall let no strict construction of the duties of the office prevent me from suggesting and advocating and using the influence of the office to promote measures which will make effective the will of the people."

Can the will of the people be fairly ascertained under suffrage and election laws that "invite fraud" and that need a "thorough purification"?

At the risk of appearing presumptuous I will name some of the deformities and evils that I believe afflict our present suffrage and election

cation"?

At the risk of appearing presumptuous I will name some of the deformities and evils that I believe afflict our present suffrage and election

laws.

In my judgment there should be no other prerequisite to the exercise of the elective franchise than that named in section 6 of the Bill of Rights, which says "that all men, having sufficient evidence of permanent common interest with and attachment to the community have the right of suffrage."

This means that suffrage inheres to good citizenship as a matter of right, and that any pecuniary prerequisite for voting degrades the right into a privilege or license. For this reason the poll-tax qualification ought not to have been put into our constitution, as it renders abortive the truths written in section 6 of the Bill of Rights.

But there are other reasons why the poll-tax qualification for voting should be repealed. The law as it now exists has been and will be a source of fraud and corruption. No statutory law can prevent it from continuing so. It should be repealed, because it was made to obstruct and restrict the electorate and not for the purpose of raising revenue. This is a great vice, but the greatest is that the constitutional provision has fraud stamped upon its face. The closing sentence of section 22 says:

continuing so. It should be repeated, because it was made to obstruct and restrict the electorate and not for the purpose of raising revenue. This is a great vice, but the greatest is that the constitutional provision has fraud stamped upon its face. The closing sentence of section 22 says:

"The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become three years past due."

This is virtually an offer of a premium on delinquency and an evident inducement for reducing the electorate and a consequent depletion of the revenues that are dedicated to the public schools. Could anything more unwise and wicked have been written in the organic law of the State?

The laws that prescribe the form of ballots to be used at elections and the manner of preparing and using them are all wrong. These laws are seemingly made to confuse, delay, and obstruct the voter. The constitution directs that "the absolute secrety of the ballot shall be maintained," and also directs "the general assembly to provide for hallot swithout distinguishing mark or symbol." This latter prescription has given the general assembly authority to provide a form of hallot that does not preserve the secrecy of the ballot, and that authority has been extended to the electoral boards who have the ballots printed. The result is that the ballots provided and used at elections in Virginia are so complex and puzzling to the voter of ordinary intelligence that he is forced to reveal for whom or what party he is voting to all the election officers or to take the dangerous risk of losing his vote by marking his own ballot. The voters who have registered since January 1, 1904, are required to mark their own ballots. This causes a large percentage of these voters to lose their votes by mismarking their ballots.

The voter is not allowed to see a ballot until one is handed him by the judges in the polling room. This is absolutely wrong and unfair.

There should be some distinguishing mark or symbol on th

amendment he pointed out clearly the possible frauds that could be committed through the absence of an election clerk representing the

amendment he pointed out clearly the possible frauds that could be committed through the absence of an election clerk representing the minority party.

Is there any need for my calling your attention to the very dangerous registration laws we have in Virginia? Is the law right that gives to one man—too often an uncompromising partisan—absolute authority to say who shall register, and with no appeal from his decision when he improperly registers a man? Will it not be right to have registration boards in this State, as they have in other States—bipartisan or nonpartisan—from whose decisions ample provision is made for appeal when their decisions are questioned? Our whole scheme of registration is so complicated and repulsive that reputable young men and citizens who come here from other States are reluctant to pass through the disgusting ordeal of registration.

What is the use of clamoring for honest elections and a pure electorate with our statute books, and even our Constitution, loaded with suffrage laws that are confessedly unfair and that invite fraud? The stream can not be made pure while the source is kept polluted.

What will it avail to say that the government of Virginia is a people's government or a Republic with our suffrage laws so constructed and operated as to deprive or bar from the exercise of suffrage more than two-thirds of the white men of voting age in the State?

Let us hike back as quickly as possible to the honest election methods that obtained under the Constitution of 1851. Let us restore the rule of the people by a return to the suffrage conditions that prevailed under that Constitution—when the only qualification for voting was good citizenship.

Let the people again have the right—that is the foundation of

that Constitution—when the only qualification for voting was good citizenship.

Let the people again have the right—that is the foundation of popular government—of selecting and electing their own magistrates and servants, as was the case when a pure and true democracy governed Virginia under the constitution of 1851.

In addressing you this letter I am inspired by no partisan spirit, but am moved by as deep and abiding affection for my native State and its people as any living man can possibly hold.

Honorable sir, if I have misstated any facts or drawn any false conclusiors. I will be pleased to have you point them out and correct them. I am,

Very truly, yours,

WM. C. Pendleton.

I submit now the reply to the open letter of Mr. William C. Pendleton:

RICHMOND, VA., January 24, 1914.

Mr. WILLIAM C. PENDLETON, Marion, Va.

Mr. William C. Pendleton, Marion, Va.

Dear Sir: I thank you for drawing the attention of your readers to the first and most fundamental need of the State, to wit, a thorough purification of both the general and primary election laws. In aiding in focusing the attention of the people on the necessity for election reform you are rendering your State a distinct service. This is one reform upon which all honest patriotic citizens may unite regardless of party affiliations. The man who does not see the need of honest election laws is past redemption. When you meet such a man it is useless to argue with him. As Mr. Bryan fittingly says, "If a man wishes to convince you that stealing is honest, do not argue with him—search him," and so the man who is satisfied with Virginia election laws should not be argued with, but his record should be searched and you will generally find that he has in some way been a beneficiary of the present dishonest laws.

ally find that he has in some way been a beneficiary of the present dishonest laws.

I do not in the least object to your having called to my attention the piedge which I made in my campaign to suggest, to advocate, and to use my influence to promote measures which will make effective the will of the people. Upon my election I went to work at once to redeem my piedge. I have been studying the election laws of this and other States; I have carried on an extensive correspondence with those interested in the subject; I have drafted measures to correct the evils, and am now using all the influence I have to secure election reform.

I fully agree with you that the constitution should require bipartisan electoral boards. Twelve years ago, as a member of the constitutional convention, I voted in favor of such a board and was sincerely sorry that the measure was not adopted.

I fully agree with you that the law should provide for an appeal from the decision of the registrar in improperly placing upon our registration books men who are not entitled to vote. The present serious defect in our law has been the cause of fraudulent registration, and in my opinion there is urgent necessity for immediate relief.

I wish time would permit me to express my views concerning many other defects in our election laws, but I am now about to leave the city and upon my return will be so engrossed with my official duties that I am unable to discuss the matter more at length, but I assure you of my willingness to cooperate with you and all other patriotic citizens, regardless of party affiliations, in placing upon the statute books of Virginia an election law which will be in keeping with the exalted patriotism for which Virginians have been noted.

Yours, truly,

JOHN GARLAND POLLARD.

Extracts from remarks in the late constitutional convention of Virginia by members of that convention regarding appointment of election officers:

# (Hancock, 3034.)

It is contended that this plan will be productive of fraud, but no one is bold enough to assert on this floor that the fraud thereunder will in any degree compare with that now practiced in the Commonwealth.

## (Braxton, 3038.)

Any electoral board or any other body that appoints officers, and does not of its own motion recognize the propriety of making their appointees nonpartisan or if giving due representation to the various political parties can not possibly be found to adopt them. The so-called Republican they will put on the board will practically be no Republican at all.

# (Meredith, 3031.)

None of us can deny that the electoral boards ought to have on them a representation of both parties. If we recognize the fact, why not say it in the constitution instead of drawing a distinction between the electoral board and the officers of election? We should mark out the path so as to relieve the circuit judges from the temptation of yielding to party desires.

Again:

(Meredith, 3031.)

I call your attention to the fact that you have prescribed here that as to judges of election the two political parties shall have representation, but when you come to the electoral board you make no such requirement. I respectfully submit that that is an indication to the judges that you do not want them appointed that way. You have prescribed that as to the judges of election the two leading political parties shall be represented, but you have made no such provision as to the electoral board, which is the real appointing power. That is an intimation to the circuit judges that they may exercise their political preferences in the appointment of members of the electoral board. If you are going to bring the judges into politics, I respectfully submit that you ought to make a provision that will relieve them as far as possible from the temptation of yielding to party prejudice.

### (Keizell, 3037.)

WILLIAM MEREDITH. Would you be satisfied to have the judges of Rockingham County appoint an electoral board of three Republicans?

Mr. Kelkell. I say that I should feel it was incumbent upon me to go \* \* \*

go \* \* \*

So far as the electoral board of my county is concerned, I have had elected three men of the highest character that can be found in the county—Democrats it is true, but men acceptable to everybody.

Editorial from the Old Dominion Republican, published at Roanoke, Va., April 1, 1913:

#### UNJUST REPRESENTATION.

After the Democratic machine had tricked the people of Virginia into voting for a constitutional convention, and 300,000 men were disfranchised in 1903, it was hoped at least that the much-promised "honest elections" would become a reality.

But what has happened? The same disfranchising constitution commanded the 1912 general assembly to redistrict the State into senatorial and assembly districts based on the census of 1910. That general assembly, however, refused to do so; and its bad example was followed in 1914, the extraordinary session of 1915, and the regular session of 1916.

And what is the result? For more than 10 years injustice has been heaped on injustice. The Democratic (negro) counties are standing still as to population, while the Republican (white) counties of the southwestern and valley sections of Virginia are growing fast in population and wealth.

The following shows how unjustly the sections are represented in the house of delegates:

Democratic (colored) counties.

	White.	Colored.	Total population.	Number delegates.
Appomattox Princess Anne Lunenburg Orange. Gloucester Isle of Wight. Culpeper Charlotte Dinwiddie. Prince Edward.	5,815 5,708 5,969 7,959 6,570 7,416 8,210 7,450 6,074 5,808	3,089 5,818 6,811 5,527 5,907 7,513 5,202 8,335 9,368 8,458	8,904 11,526 12,780 13,486 12,477 14,929 13,472 15,785 14,442 14,266	1 1 1 1 1 1 1 1 1
Total	66,970	66,088	133,067	10

It will be seen that the above counties average 1 delegate for each 13,306 of population, two-thirds of which population is disfranchised; while in the following counties an average of 29,000 people is required for a delegate, or two and one-fourth times as many as in the first set of counties:

# Reprolican white counties.

	White.	Colored.	Total popula-	Number delegates.
Dickenson. Buchanan W ise Tazewell Highland Bath Scott Shenandoah Carroll	9, 192 12, 230 31, 301 22, 126 5, 057 5, 362 23, 311 20, 449 20, 848	7 4 2,861 2,820 260 1,176 503 493 208	9,199 12,334 34,162 24,946 5,317 6,538 23,814 20,942 21,116	111
Total	149,976	8,392	158,368	5}

And the appointment for representation in the State senate is equally unfair.

But let us go a step further in the comparison. In the election for President held on November 7, 1916, the vote in the above two sets of countles totaled as follows:

# Democratic (colored) counties.

Appomattox	833
Princess Anne	582
UnnenburgOrange	924
Gloucester	761 994
Isle of Wight	819

Prince Edward	677 776
Total	8, 482
Republican (white) counties.  Dickenson Buchanan Wise Tazewell Highland Bath Scott Shenandoah Carroll	1, 547 3, 330 2, 699 680 609 3, 062 2, 865
Total	18, 473

You notice that the collection of the poll tax in Virginia is not enforced until after they are delinquent for three years. Why is that? It is so that the delinquents will be disqualified from voting. When they appear before the registration board, that is a cause for disqualification and refusing registry; otherwise the members of the board of registration might exhaust themselves, might intellectually become bankrupt, in the examination of voters. They would so strain their thinkers as to be fatal to their continued sane balance of mind unless they were allowed to disfranchise voters who were three years delinquent on poll tax. In that event they are stricken from the list and not allowed to vote. It is a first aid to the election registration board. It is permitted for the express purpose of disfranchising 160,000 white men in the State; and in the line of the corrupt practices over this country there is nothing more corrupt than such a pro-

over this country there is nothing more corrupt than such a provision as that in a law which expressly invites the disqualification and the denial of the right to vote, and does so designedly. Why, who ever paid a poll tax until he had to? I just got beyond the age of poll tax a few years ago. I never paid it until they came and hunted me out. I remember a lawyer, who used to be an associate of mine in Illinois, who refused to pay his poll tax. He said it was unconstitutional. He said the tax ought to be levied on property and by rules of uniformity, and he litigated it and took it up to the appellate court. It was affirmed. He would not pay it and was arrested and sent to fail, and remained in jail for some time just on the question of paying the remained in jail for some time, just on the question of paying the poll tax. I only cite this to show how difficult it is to collect it. It goes against human nature to levy it upon everybody-rich, poor, sick, well, everybody alike.

I remember a news item a few days ago in Boston, the only place that I travel in all North America where I find a sign reading "Evening Schools of Literature." It is only indicative of the literary progress of Boston. It has not yet been wholly

taken by the Vandals and the Huns. They still read good literature, and in the long winter evenings they talk over the traditions of the Concord Valley, where Emerson and Thoreau and the poets of an earlier time and another generation preached the Gospel and wrote the great epics of New England. preached the Gospel and wrote the great epics of New England. I noticed, even in this city, a place that supports a very large population, that they will not pay their poll tax, and Mayor Curley has had a world of trouble trying to collect it, and finally he decided to write a whole lot of it off the books, although it can be collected by fine and imprisonment. He gave it up. They may be addicted to beans and literary culture, but they simply will not pay a poll tax.

Then you expect them to do that down in Virginia—to go and pay a poll tax before they can register. Why, you know that streak of human nature. When you put that kind of a provision in the law, you know that they will not pay a poll tax; and it is put there in the expectation that it will work out in

and it is put there in the expectation that it will work out in the same way.

The provision of Attorney General Pollard for fair elections was indorsed by the Virginia Progressive Democratic League in its first convention, assembled at Richmond on the 28th day of February, 1914, in which, after reaffirming the declaration of the Virginia bill of rights, resolved, among other things:

the Virginia bill of rights, resolved, among other things:

Election reform, including the enactment of statutes raising the required qualifications of the registrars, providing for the effective purging of the books of registration, penalizing the improper payment of poll taxes, and punishing as felonies deliberate election frauds, and including also a legal, direct preferential party primary, allowing all nominations, State, county, and municipal, to be made under a primary-election statute, that statute that shall embrace these features: (1) A fixed date at a fixed period in advance of the regular election for the holding of primary elections to prevent the juggling of dates by way of favoritism by party committees. (2) The regular election judges to conduct the primaries, thereby preventing the special selection of regular election judges for ulterior purposes, and including the selection of regular election judges of such character and capacity as that they may be entrusted with the conduct of all elections, regular and primary, with full assurance of their honest dealing, integrity, and impartiacity, (3) A definitely prescribed and fixed standard of qualification of voters for participation in party primarles, leaving out the arbitrary discretion of party committees or election judges, the least possible latitude. (4) Severe penalities attached to fraud in all elections and penal prohibition against the exercise by election judges of solicitation for or against candidates or measures on the days of regular or primary elections. (5) All primary election contests to be determinable in the courts with the full authority to compel the attendance of witnesses.

The record of some of the ballots used in the good Common-

The record of some of the ballots used in the good Commonwealth of Virginia, whose Democratic officials so zealously urged the purity of the ballot, should be preserved to all posterity, and I give two samples, one used in Scott County, Va., and the other in Washington County, Va., only a few years ago. Confusion can go no further. I commend them to Senators who sincerely demand a corrupt-practice act for a careful perusal. I ask the compositor to set them, following as nearly as possible the style of the copy.

SCOTT COUNTY, VIRGINIA, OFFICIAL BALLOT.

[EXHIBIT A.-Filed with deposition of I. C. Coley.-J. P. Bellamy, N. P.]

Official Ballot for the County o. Scott, State of Virginia, Election Tuesday November sixth, nineteen hunfrel.

For President of the United States William McKinley of Ohlo.
for vice-president of the United States Theodore Roosevelt of New York.
for electors at large for the state of Virginia Warren S. Lurty of Rockingham county George W. Butler of Warwick county
District Electors
For First District S. B. Hardwick of Westmoreland
For second district John J Deyer of Southampton county

For First District S. B. Hardwick of Westmoreland For second district John J Deyer of Southampton county for Third district Jonas Marcuse of Richmond city for Fourth district R. Bolling Wilcox of Prince George for Fifth district M. D. Martin of Carroll county for Sixth district Jacob S. Baer of Roanoke county for Seventh district Samuel J. Hoffman of shenandoah county for Teighth district D. F. Bailey of Washington county for Tenth district E. L. Mattice of Rock Bridge county For President of the United States William Jennings Bryan of Nebraska for vice-President of the United States Adlai E. Stevenson of Illinois for Electors at Large for the state of Virginia William Hodges Mann of Nottaway county J. L. Jeffries of Culpeper county for Forst district T. J. Downing of Lancaster county for Second district John Whitehead of Norfolk City for Third district S. L. Kelley of Richmond City for Fourth District Robert Turnbull of Brunswick county for Fifth district Eugene Withers of Danville City

county
for Fifth district Eugene Withers of Danville City
for Sixth district Graham Claytor of Bedford county
for Seventh district R. S. Parks of Page county
for Eighth district L. H. Machen of Fairfax county
for Ninth district R. T. Irvine of Wise county
for Tenth district Pembroke Pettit of Fluvanna county

for President of the United States Eugene V. Debs for vice-President of the United States Job Harriman for Electors at large for the state of Virginia John J. Quantz

for Vice-President of the United States Job Harriman for Electors at large for the state of Virginia John J Quantz for district electors for the state of Virginia for First district for Second district for Third district for Fourth district for Seventh district for Seventh district for Seventh district for Seventh district for Ninth district for Third district for Tenth district of Tenth district of Tenth district for Tenth district Otto Blessen of Henrico county for First district Wm. T. Welch of Roanoke City for Second District Louis S. Mayo of Richmond City for Sixth district Wm. T. Welch of Roanoke City for Sixth district Wm. T. Welch of Roanoke City for Sixth district Cotto Blesseh of Richmond City for Seventh district Cotto Blesseh of Richmond City for Sixth district Edward Schade of Newport News for Ninth district I. N. Dunkleberger of Roanoke City for Tenth district Ldward Schade of Roanoke City for Tenth district I. N. Dunkleberger of Roanoke City for Tenth district Hugh O'Connor of Newport News

for president of the United States Wharton Barker of Pennsylvania for vice-president of the United States Ignatius Domnelly of Minnesota for Electors at Large for the state of Virginia W. E. Tinsley of Roanoke County J. Luther Kibler of Shenandoah county for district electors for the State of Virginia for First district for Second district for Second district for Fourth district Cephas N. Stacy of Amelia County for Fifth District for Sixth district Thomas W. Evans of Campbell County for Seventh district Wm. H. H. Martin of Clarke county for Seventh district for Railholstrict for Representative of the ninth congressional district for Tenth district for President of the United States John G. Wooley of Illinois of Rhode Island

or Freshent of the United States John G. Wooley of Illinois for vice-president of the United States Henry D. Metcalfe of Rhode Island for Electors at large for the state of Virginia J. H. Busby D. J. Hoge for district electors for the state of Virginia for First district W. T. Ashby for Second district W. B. Wilder for Third district L. N. Fox for Fourth district E. S. Emory for Fifth district Geo. S. Dyer for Sixth district Go. B. Rucker for Seventh district T. B. Winter for Eighth district S. T. Nichols for Ninth district R. H. Farrier for Tenth district R. H. Farrier for Tenth district D. S. Sheets

OFFICIAL BALLOT FOR THE COUNTY OF WASHINGTON, STATE OF VIRGINIA. ELECTION TUESDAY, NOVEMBER SIXTH, NINETEEN HUNDRED.

EXHIBIT A .- Filed with deposition of R. P. Cummings. -S. R. Preston. Notary Public.

For President Of The United States William Jennings
Bryan Of Nebraska
For Vice-President Of The United States Adla! E.
Stevenson Of Illinois
For Electors At Large For The State Of Virginia
William Hodges Mann Of Nottoway County J. L.
Jeffries Of Culpepper County
For District Electors For The State Of V rginia
First District T J. Downing Of Lancaster County
Second District John Whitehead Of Norfolk City
Third District Sohert Turnbuil Of Brunswick County
Fifth District Engene Withers Of Danville City
Sixth District Graham Clayton Of Bedford County
Seventh District R. S. Parks Of Paga County
Eighth District R. T. Irvine Of Wise County
Ninth District R. T. Irvine Of Wise County
Tenth District Pembroke Pettit Of Fluvanna County
For President Of The United States Eugene V. Debs
For Vice-President Of The United States Job Harriman
For Electors At Large For The State Of Virginia John
J. Quantz
For District Electors For The State Of Virginia
First District

First Distric Second District
Second District
Third District
Fourth District
Fifth District
Sixth District Seventh District Eighth District Ninth District Tenth District

Seventh District Samuel J. Hoffman Of Shenandoah
County
Eighth District M. K. Lowry Of Stafford County
Ninth District D. F. Balley Of Washington County
For Representative in The Fifty-Seventh Congress Of
the United States James A. Walker
For President Of The United States Wharton Barker
Of Pennsylvania
For Vice-President Of The United States Ignatins
Dounelly Of Minnesota
For Electors At Large For The State of Virginia W. H.
Tinsley Of Roanoke County J. Luther Kibler Of
Shenandoah County
For District Electors For The State of Virginia
First District
Second District
Third District

Third District

Third District
Fourth District Cephas N. Stacy Of Amelia County
Fifth District
Sixth District Thos. W. Evans Of Campbell County
Seventh District Wm. H. H. Martin Of Clark County
Eighth District G. W. Bradshaw Of Loudon County
Ninth District Tenth District

For President Of The United States William McKinley
Of Ohlo
For Vice-President Of The United States Theodore
Roosevelt Of New York
For Electors At Large For The State Of Virginia Warren S. Lurty Of Rockingham County George W.
Butler Of Warwick County
For District Electors For The State Of Virginia
First District Electors For The State Of Virginia
First District S. B. Hardwick Of Westmoreland County
Second District John J. Deyer Of Southampton County
Third District Jonas Marcuse Of Richmond City
Fourth District R. Bolling Willcox Of Prince George
County
Fifth District M. D. Martin Of Carroll County
Sixth District Jacob S. Baer Of Roanoke County
Seventh District Samuel J. Hoffman Of Shenandoah
County
Eighth District A. D. Dunkalbaron Of Newport News
Ninth District I. A. Dunkalbaron Of Newport News
Ninth Distri Notary Public.

For President Of The United States Joseph F. Malloney
Of Massachusetts
For Vice-President Of The United States Valentine
Remmel of Pennsylvania
For Electors At Large For The State Of Virginia A.
B. McCulioch Of Manchester City H. D. McTier Of
Roanoke City
For District Electors For The State of Virginia
First District Hugh Bolton Of Hampton City
Second District Louis Pegler Of Elizabeth City
Third District Jos. E. Madison Of Henrico County
Fourth District Jos. E. Madison Of Henrico County
Fifth District Louis S. Mayo Of Richmond City
Sixth District Wm. T. Welch Of Roanoke City
Fifth District Wm. T. Welch Of Roanoke City
Seventh District Otto Blersch Of Richmond City
Eighth District Edward Schale Of Newport News
Ninth District Hugh O'Connor Of Newport News
For Representative in The Fifty-Seventh Congress Of
The United States William F. Rhea
For President Of The United States John G. Wooley
Of Illinois
For Vice-President Of The United States Henry B.
Mctcalle Of Rhode Island
For Electors At Large For The State Of Virginia J. H.
Bushy D. J. Hoge
For District Electors For The State Of Virginia
First District W. T. Ashby
Second District W. B. Willer
Third District L. N. Fox
Fourth District L. S. Emory
Fifth District Geo. S. Dyer
Sixth District O. B. Rucker
Seventh District T. B. Winter
Eighth District S. T. Nichols
Ninth District D. S. Sheets

The Georgia political system is based upon the theory that there should be only one political party. There is no provision even that there should be representatives of two political parties at the ballot box, and as a matter of fact there are only Democrats who conduct the elections throughout that great Commonwealth. Sometimes these Democratic officials permit the counting of the vote as the voter desires it and sometimes they do not. Could we not understand from this system how Mr. Taft could carry a congressional district in Georgia in 1908 and yet the Democratic candidate for Congress get practically all the votes cast for him as against the Republican opponent? Their system is based on the theory that the Democratic Party is the only party that is entitled to have any existence or any representa-tion at the ballot box. Their provision of the law is as follows, taken from their 1914 code:

GEORGIA.

[Pol. Code, 1914. secs. 76, 81.]

The persons qualified to hold elections are ordinaries, justices of the peace, and freeholders. There must be three superintendents, and one must either be an ordinary or a justice of the peace, except in a certain contingency hereinafter to be set forth. (Sec. 76.)

If by 10 o'clock a. m. on the day of election there is no proper officer present to hold the election, or there is one and he refuses, three freeholders may superintend the election. (Sec. 81.)

In the recent presidential election, the Republicans had in all the State not more than five or six Republican clerks, and only one Republican judge; and those were personal appointments pure and simple. In all the other cases they were denied representation at the polls in the persons of judges or clerks.

(2) All political parties are not protected from fraud in casting, delivering, and counting votes. The grossest fraud and willful refusal to permit Republicans to vote exists in this State. The Democratic machinery allow only such ballots to be cast, delivered, and counted as they see fit. They apply any sort of arbitrary and willful misrepresentation to prevent Republicans from voting. They tell the negroes in the country districts that it is not an election in which they can vote, and that it is only a white man's election, or that they have not their names on the list, even though in some and many cases registration has been had; and when this is mentioned they tell the would-be voter that they have not the ordinary's list. In other instances they tell him he can not vote if he can not repeat the entire Constitution of the United States by heart. In many instances, and especially in the last election, they tell the would-be voter he can not use or cast any ballot not found on the table at the polls, where they keep only Democratic ballots; and they destroy Republican ballots or throw them out of the room. So that when a would-be voter approaches the polls with a Republican ticket that has been mailed to him he is asked where he got it and told it is "no good" and it can not be cast there.

Another source of fraud is where the ordinary is compelled to accept registration of white Republicans, and colored as well, when they call at his office for that purpose. He later omits their names from the list he prepares for the election managers and judges, so when they ask to be allowed to vote they are told their name is not on the list. Many ordinaries arbitrarily erase hundreds of Republican names from the lists. Even in the ninth congressional district, where the Republicans are all white, no negroes being permitted to reside there, and where the Republicans have a majority, the ordinaries leave off hundreds of names of registered voters. In 1912 they left off more than 600 names of white Republicans in the ninth.

In most of the country districts, when negroes go to the office of the ordinary to register, they are told that the ordinary is not ready for them, but for them to go home and he will later on in the year make a trip over the county and bring the registration book with him and then he will call on them and let them register. That is the end of that. They never see him and never get to register. That is one of their fakes for withholding registration.

An eminent citizen of Georgia writes me as follows:

When the Democratic managers count the ballots they count to suit themselves. In the county of Dekalb they reported to the secretary of state that Hughes got 12 votes on the regular Republican ticket and 151 on the so-called Progressive ticket, and that Wilson got 1,050. It so happened that we had the only Republican judge appointed at one of the polls in that county, at Stone Mountain, and he told me that he and the other clerks and judges counted and certified to 191 regular Republican votes for Hughes and 9 Progressive votes for him and only 673 for Wilson.

So, you see, we got more than ten times as many regular Republican.

673 for Wilson.

So, you see, we got more than ten times as many regular Republican votes at one voting place in the county than the election managers for the county gave us out of the entire county. Mr. Griffin, the Republican judge, will make affidavit to this. In Atlanta, at one of the polling places, the judges or clerks deliberately tore up and threw on the floor a dozen regular Republican tickets cast by negroes after accepting them and checking off their names on the list, and I have the sworn statement of white business men who saw it done.

They gave us 1,121 votes in Fulton County, in which is located this city. We had 996 negroes registered, and every one of them voted for Hughes and Fairbanks. We had 3,000 Jewish registered votes who came to our headquarters and got tickets and swore they were going to vote for Hughes; and we had, over and above these, at least 1,500 members—whites—of our Hughes Club here. We knew of at least 5,400 votes we should have had, but the election managers gave us only 1,121.

We are utterly helpless, and the case is because the second of the contraction of the case is because of the second of the case is because of the second of the case is because only 1,121.

We are utterly helpless, and the case is hopeless unless Congress takes charge and control of all national elections. Congress should provide the form of ballots for all national elections, both presidential, senatorial, and congresslonal. And Congress should say that unless the Republicans are given equal representation at the polls in clerks, judges, and managers no election could be held, or at least none counted as held. Congress should provide that all ballots be printed on the same sheet; that is, that the sheet should be wide enough for as many columns as there were party candidates in the field. Let the same sheet carry the Democratic ticket with its candidates and the Republican ticket with its candidates, and let no other form or kind of ticket be cast or counted. Then the Democratic managers could not destroy the Republican tickets without destroying their own. Then they could not tell which ticket the voter was going to vote for, and

consequently the man who wished to vote for Republican candidates would not become a target for the abuse and slander and attack of those around the polls and of the clerks and judges who often resort to this intimidation.

Then each ticket should be numbered serially, a serial for each county and each district, each serial consecutively numbered, and when the tickets are given the election judges and clerks they should be charged up with them and made to account for them, either as ballots cast and checked off the list of names or ballots returned and not cast; and no ballot that was not secured from those clerks and judges at the polls should or would or could be counted.

If some law were passed to protect the Republican voters of this and other Southern States, the Nation would open its eyes at the results of a fair count. We would have really two parties in the South, the best thing that could possibly happen for the South. Every man acknowledges it and wants it, but the present method of holding elections and counting votes makes them all feel hopeless and helpless.

A similar situation exists in Florida, where there is no thought in the minds of those who make the election laws to make provision for the existence of more than one political party, and that political party is the Democratic Party.

I give, Mr. President, these brief summaries of the election laws of the Southern States. It is not possible in a short statement to portray accurately the means adopted by the Democratic leaders in those States to preserve Democratic ascend-They use the cry of negro domination and the preservation of the political supremacy of the white race as a means of holding their party in power. Under the laws of the South very few negroes can vote, so these laws apply to the white race, and apply to them exclusively. There are not more than 5,000 negroes that can vote in Virginia, whereas 50,000 white men voted for Mr. Hughes at the last election, or attempted to do so; yet the candidates-and they were all white-of the Republican Party for Congress in that State were not represented at the ballot box, nor are they in any other place in the South.

I commend these practices to the Democrats of the Nation, to the people of the Nation, and believe that when they are understood-not only in the South, where they are practiced, but throughout the Union-that a better sentiment will prevail and these practices will be eliminated along with the other corrupt influences that have been exercised from time to time as people have developed in their exercise of self-government. These are fit subjects to consider with a corrupt-practices act as calling

for relief equally, if not more, than other evils.

Before closing, I add a statement sent me on the election laws of South Carolina.

(Code 1912, 206, 230, 232; art. 2, sec. 4 and (d).)

(Code 1912, 206, 230, 232; art. 2, sec. 4 and (d).)

Contrary to the general impression, there is no "grandfather clause" in the constitution of the State of South Carolina; that is, there is no such discrimination expressed in words, as is the case in the constitution or statute laws of some of the other Southern States.

The operation of the election laws of the State, however, are as partisan and unfair as if that particular form of discrimination against voters was expressed in terms. In fact, the partisan purpose is not even concealed as far as the words of the law are expressed, and the placid, self-confident manner in which the executive, judicial, and legislative officials of South Carolina contemplate but one political party in the State is a reflection, if not a disgrace, upon the sprit of the American people and its free institutions, as well as upon the provisions and meaning of the Federal Constitution itself.

The principal and most effective features used for the exclusion of any other than the Democratic Farty from the governmental affairs of the State are the requirements for the registration of the voters both at the primaries and at the general election, the multiplicity of the ballot boxes at every precinct, and the absolutely partisan boards of election officers and managers, every one of whom is appointed, under the law, solely by the governor of the State.

If may be said that a majority of the few colored men in the State who are permitted to obtain registration certificates do so by the exhibition of tax receipts showing that they have complied with the alternative proposition and have paid taxes upon property "assessed at \$300 or more," for it goes without saying that the registration efficers of the State very seldom, if ever, pass favorably upon the capacity of a colored applicant to "both read and write any section of the Constitution" submitted to him by the registration officers.

It might also be stated that the monopoly of the Democratic Party in the State is such that comparati

I quote as fellows:

It is not so much bad election laws in my State-

Said Congressman BRITT, of North Carolina-

Said Congressman Britt, of North Carolina—
as it is their administration, in many instances, with an evil eye and a
wicked hand. We have minority representation on the various election
boards from the State board of elections down to the precinct poll
holders, but this representation is merely nominal and not potential.
The Democratic members of these boards control the elections absolutely.
They determine the qualifications of every person offering to vote. In
the test of qualifications, if there are doubts, they are usually resolved
in favor of Democrats and against Republicans. The registrars of
election are aiways Democrats to a man, and they have it in their power
to increase their vote enermously by admitting persons not properly
registrable who will vote the Democratic ticket and by denying registration to Republicans who are properly registrable.

Again, the laws are so made as to permit election frauds by minor
election officials, and at the same time place their acts beyond judicial
review. For instance, a county board of elections, a body selected from
the poll holders and always solidy Democratic, is clothed by the statute
with power to judicially determine the number of votes cast for any
candidate, and the courts hold that this is the exercise of discretionary
power, and, therefore not reviewable by the courts. It was in this way

that my seat was unlawfully taken away from me. After prolonged delay, a high-handed and partisan board of county canvassers in Buncombe County made a set of spurious and false returns and wiped out my majority of 13 and gave my opponent a majority of 9. This was an open and notorlous fraud. Nevertheless, both the superior and the supreme courts held that they could not correct the wrong on account of its being, under the law, the exercise of judicial discretion.

The educational qualification is also unfairly administered. Persons who are of Democratic politics can register practically regardless of educational qualification, while those who vote the Republican ticket are subjected to the very severest test. It is in these ways, and divers others, that an election system that might be administered fairly and justly to all is made, through wicked design, an instrument of fraud and corruption.

and corruption.

So what we need in my State is not so much better laws, but a fairer and more impartial administration of such as we have.

Mr. SIMMONS (at 11 o'clock and 50 minutes p. m. Saturday). Mr. President

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Illinois yield to the Senator from North Carolina?

· Mr. SHERMAN. Yes, sir; I yield for a temporary purpose, with the understanding that I may resume before Sunday morning

Mr. SIMMONS. Mr. President, I wish to present a request for unanimous consent to vote upon this bill, and I ask the Secretary to read the proposed agreement.

The PRESIDING OFFICER. The Secretary will read the

proposed unanimous-consent agreement.

The Secretary. The Senator from North Carolina asks unanimous copsent that at 8 o'clock p. m. on Wednesday, February 28, 1917, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 20573, an act to provide increased revenue, and so forth, through the regular parliamentary stages to its final disposition; that the bill shall remain the unfinished business until finally disposed of, and no motion that would displace it shall be in order. If temporarily laid aside by unanimous consent, any Senator shall have the right to bring it immediately before the Senate, either to speak about it or to propose an amendment to it. No motion to lay any amendment on the table shall be entertained by the Chair, provided that it shall be in order on Monday, February 26, at 3 o'clock p. m., to make a motion to proceed for a period of not more than five hours to the consideration of H. R. 14777, the flood-control bill, so called.

The PRESIDING OFFICER. The Senator from North Carolina presents a request for unanimous consent. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Smith, Mich. Smith, S. C. Smoot Stone Swanson Harding Martine, N. J. Ashurst Bankhead Hitchcock Hollis Hughes Husting Norris Overman Owen Page Borah Brady Brandegee Brandegee Bryan Chamberlain Chilton Clapp Clark Colt Cummins Curris Penrose Pittman Poindexter Pomerene Thomas Townsend Underwood Vardaman James Jones Kenyon Kern Kirby La Follette Ransdell Wadsworth Walsh Reed Robinson Shafroth Sheppard Sherman La Follette
Lane
Lea, Tenn.
Lee, Md.
Lewis
Lodge
McLean
Martin, Va. Warren Watson Curtis Dillingham Weeks du Pont Fernald Fletcher Shields Simmons Smith, Ga. Gronna

Mr. CHILTON. I have been requested to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on account of illness

Mr. HUSTING. I wish to announce that the junior Senator from South Dakota [Mr. Johnson] is absent on account of illness

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, there is a quorum of the Senate present. Is there objection to the proposed unanimous-consent request?

Mr. ASHURST, Mr. President, of course I would object unless it is also understood that the conference report on the Indian appropriation bill shall be either adopted or rejected.
All I ask is for the Senate to be frank enough with me and with the situation either to adopt or to reject the conference report on the Indian appropriation bill; and until that conference report is adopted or rejected, I shall object. If, however, the Senate will agree—I do not want it in writing; you are all gentlemen here—if you will agree that as soon as this agreement is disposed of you will adopt or reject that conference report

Mr. OVERMAN. Can we not reject it by unanimous consent?

Mr. ASHURST. Not by unanimous consent; no. That is all I ask. I am entitled to that. You made me the promise two years ago, and you did not keep it. You are going to pass that Indian bill, or you will not have any legislation. You will never break a promise to me again.

Mr. SMOOT. Mr. President, may I suggest to the Senator from Arizona

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. I yield.

Mr. SMOOT. May I suggest that Thursday morning-Mr. ASHURST. No, sir; no, sir.

Well, wait a minute, until I get through. Mr. SMOOT.

Mr. ASHURST. No; you sang me that kind of a song two years ago—"Wait, wait, wait"—and we waited forever. Now. the iron hand: You will pass the Indian bill, or you will get

The PRESIDING OFFICER. Is there objection to the unani-

mous-consent agreement

Mr. ASHURST. I object unless the Indian bill is voted on.
Mr. WILLIAMS. Mr. President, I ask unanimous consent
that one-half hour be given, after we dispose of the flood-control bill, for the consideration and disposal of the Indian appropria-

Mr. SIMMONS. That is all right.
Mr. JAMES. That is all right. Let us agree to it. Let us

dispose of his bill.

Mr. SIMMONS. After this bill is disposed of on Wednesday, at the next session we will take up the conference report on the Indian appropriation bill.

Mr. ASHURST. Mr. President, Wednesday is not satisfactory

to me. I want it done to-night.

SEVERAL SENATORS. Oh, no!

Mr. SIMMONS. You can not do it to-night. It is 12 o'clock now.

Mr. ASHURST. Well, then, do it Monday. I want one hour

Monday—30 minutes Monday.

Mr. VARDAMAN. Mr. President, if I am correctly informed as to what that report contains, I think it is understood by Senators who are particularly interested in the questions treated in the report that it should be adopted; and I think the assurance of Senators who are interested in it to the Senator from Arizona will be all that he desires. Now, I will not object to the consideration of it, and I think it will come up. It can be taken up at any time during the consideration of the revenue bill. There will not be any objection to the confirmation of your

mr. WILLIAMS. Mr. President—
Mr. SIMMONS. Mr. President, if the Senator will pardon me, would there be any objection to putting in a provision that immediately upon the conclusion of the flood-control bill we will set apart five hours for that?

Mr. VARDAMAN. I should not object at all. That will be very satisfactory to me, if it will to Senators on the other side

of the Chamber.

Mr. SIMMONS. We will allow one hour immediately after the consideration of the flood-control bill-

Mr. VARDAMAN. Two hours, if necessary.

Mr. ASHURST. For the consideration and disposal of the conference report on the Indian bill.

Mr. SIMMONS. Yes.

Mr. PENROSE. That is right-consideration and disposal.

Mr. ASHURST. Of the report.
The PRESIDING OFFICER. The Secretary will now state the unanimous-consent request with that suggestion incor-

porated in it.

WILLIAMS. Mr. President, before that request is put, I wish to say that the main thing in the way of an agreement between the two Houses upon the Indian appropriation bill has been disposed of. There was a very live fight upon the subject of the Mississippi Choctaws, but by reducing the amount of the allotment from \$200 to \$100 that is disposed of, and that has been agreed to, because I find there will be plenty of money to secure the claim the Mississippi Choctaws may have. I do not think the Senator from Arizona will need more than half an hour.

Mr. SWANSON. He is given two hours.

Mr. SMOOT. Not to exceed two hours.
Mr. WILLIAMS. Then I express the hope that that will be engrafted upon the unanimous-consent agreement.

Mr. SIMMONS. I ask unanimous consent that immediately

Mr. SHAFROTH. I wish to have some kind of an understanding as to the Porto Rican civil-government bill.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats that the business of the Senate may be transacted.

Mr. PENROSE. Mr. President, I wish to make a statement to the Senate. This thing has gone far enough, so far as the minority are concerned. The proceedings disclose some lack minority are concerned. The proceedings disclose some lack of good common sense. The minority have sacrificed considerably in making this concession to the majority, and if Senators with pet measures are going to write this agreement into a condition where the minority will have no opportunity to express their views, objections will begin to come from the minority. Further than that, I can give full assurance to the Senator from Montana and the Senator from Arizona that neither of them will pass their bills at this session.

Mr. LANE. Mr. President, I should like to understand the

terms of the agreement. I have just come in.
Mr. WILLIAMS. I ask unanimous consent

The PRESIDING OFFICER. The Senator from Oregon has

been recognized.

Mr. LANE. There is a good deal of talk going on, and I wish to understand just what it is about. I wish to know in a general way for information; but I wish to say that the Indian bill is not worth the price of holding up anything else. It ought to be killed right off in a parliamentary way.

The PRESIDING OFFICER. The Secretary will now state

the unanimous-consent agreement as modified.

Mr. SIMMONS. I wish, at the suggestion of the Senator from Ohio [Mr. Pomerene], to make just this addition, which I do not think anyone will object to.

It is agreed by unanimous consent that at 8 o'clock p. m., Wednesday, February 28, 1917, the Senate will proceed to vote—

I have added "without further debate"upon any amendment-

And so forth.

Mr. LA FOLLETTE. That is all right.
Mr. POMERENE. I think the agreement would have been so construed without those words, but I did not want any doubt about it.

Mr. CURTIS. That is all right.
Mr. REED. Let it be read as now modified.
The PRESIDING OFFICER. The Secretary will read the equest for unanimous consent.

The Secretary read as follows:

The Secretary read as follows:

It is agreed by unanimous consent that at 8 o'clock p. m. on Wednesday, February 28, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 20573, an act to provide increased revenue, etc., through the regular parliamentary stages to its final disposition; that the bill shall remain the unfinished business until finally disposed of, and no motion that would displace it shall be in order. If temporarily laid aside by unanimous consent, any Senator shall have the right to bring it immediately before the Senate, either to speak upon it or to propose an amendment to it. No motion to lay any amendment on the table shall be entertained by the Chair: Provided, That it shall be in order on Monday, February 26, at 3 o'clock p. m., to make a motion to proceed for a period of not more than five hours to the consideration of H. R. 14777, the flood-control bill, so called; and, further, that immediately following the conclusion of the consideration of the flood-control bill, H. R. 14777, the Senate will consider and dispose of the conference report upon H. R. 18453, the Indian appropriation bill.

Mr. CLAPP, Mr. President. I wish to warm the Senate that

Mr. CLAPP. Mr. President, I wish to warn the Senate that they may find themselves in a very unfortunate situation. We are near the close of the session. We can not anticipate what matters it may be desirable to bring in. If the agreement was worded, instead of prohibiting a motion, that a motion would not displace the revenue bill as unfinished business it would leave the Senate where they might bring a matter that was very necessary and important by motion before the Senate. where now they can only do it by unanimous consent. I shall not object, but I want to suggest to the Senate that in the closing hours they may find themselves very much embarrassed before they get through.

Mr. NORRIS. As I heard the agreement read in regard to the Indian appropriation bill, it is not limited as to the time

of its consideration. Mr. OVERMAN and others. Two hours.

The PRESIDING OFFICER. The Secretary will state that portion of the agreement.

The Secretary read as follows:

Provided, That it shall be in order on Monday, February 26, at 3 o'clock p. m., to make a motion to proceed for a period of not more than five hours to the consideration of House bill 14777, the flood-control bill so called; and, further, that immediately following the conclusion of the consideration of the flood-control bill (H. R. 14777) the Senate will consider and dispose of the conference report upon House bill 18453, the Indian appropriation bill.

Mr. CURTIS. For two hours.
Mr. NORRIS. The conference report alone might take all the balance of the time.

Mr. SIMMONS. Let it read "not exceeding two hours."

The Secretary read as follows:

The Senate will proceed to consider for a period of not exceeding two hours the conference report upon the Indian appropriation bill.

Mr. LA FOLLETTE. "To consider and dispose of."

Mr. SIMMONS. Very well.
Mr. REED. If I understand the unanimous-consent agreement, with the exception of those particular matters that are referred to as exceptions nothing can take place until next Wednesday in the nature of legislation.

Mr. HUGHES. Except by unanimous consent. Mr. REED. Except by unanimous consent. Mr. LA FOLLETTE. That is true.

Mr. REED. That means that the river and harbor bill can not be passed at this session, and it probably means that several other bills can not be passed. I take it that is the reason why the provision is put in the unanimous-consent agreement that the present bill shall remain the unfinished business until next Wednesday

Mr. PENROSE. Will the Senator permit an interruption on

that point?

Mr. REED. Certainly.

Mr. PENROSE. I, with a number of other Senators, had something to do with the agreement in this connection. I do not think anybody ever thought of the river and harbor bill. I have considered that to be so dead that even its memory was forgotten

Mr. FLETCHER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Florida?
Mr. REED. I yield.

Mr. FLETCHER. I wish to say that I do not feel that I ought to interpose an objection to this unanimous-consent agreement as proposed. At the same time I do intend, after the time mentioned has expired, to propose that the Senate shall take up the river and harbor bill.

Mr. PENROSE. That is all right.
Mr. FLETCHER. I do not think it is dead by any means. I do not believe the Senate has got to a point where it proposes to have over a million dollars of absolute loss to the Government and over a million dollars of absolute waste on improvements already on the way, with an inestimable loss to the commerce of this country. It would be a disaster to defeat legislation which would take care of the rivers and harbors of the country and our commerce. Therefore I shall expect to give the Senate an opportunity of disposing of the river and harbor bill after the time here specified is over, or if I can obtain unanimous consent in the meantime I will try to do that.

Mr. REED. Mr. President, in addition to the river and harbor

bill there are several bills reported from the Committee on the Judiciary which have to do with the present international emergency or with conditions growing out of it. I think it would be very much better if a stipulation was not contained in this unanimous-consent agreement practically prohibiting the enactment of any other legislation until next Wednesday. [A pause.]

The PRESIDING OFFICER. Is there objection?
Mr. REED. I hope the Chair will not be impatient about this matter.

The PRESIDING OFFICER. The Chair is not impatient. The Chair thought the Senator from Missouri had concluded.

Mr. REED. Somebody was speaking near me and talking to

me, and I turned around to ascertain.

I simply suggest the unwisdom of the Senate by unanimous consent attaching a condition of that sort which may rise up to plague us for the reason assigned by the Senator from Minnesota [Mr. Clapp], because, as we know, this unanimous-consent agreement can not be changed afterwards even by unani-

mous consent.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.
Mr. CUMMINS. I think possibly the Senator from Missouri has overlooked this part of the agreement. It makes the revelence of the senator from Missouri has overlooked this part of the agreement. nue bill the unfinished business. If you desire to do it, the majority now have two hours every day each one of these days in which to transact any business you may want to transact.

SEVERAL SENATORS. The morning hour?

Mr. CUMMINS. The morning hour. As it is now the morn-

Mr. CUMMINS. The morning hour. As it is now the morning ing hour is devoted to general business.

Mr. REED. I understand that, and yet I understand this condition was put in here by wise men for a purpose which to them seemed wise, and that purpose is to obstruct the other business which I have referred to, and some which I have not referred to.

I simply want the Senate to fully understand the situation. As far as I am concerned, I am not going to make an objection, but I do think the majority could very well afford to strike out of this agreement the proposition that the pending measure shall remain the unfinished business until next Wednesday, The proved,

hardship of the occasion, the necessity of it, makes it almost impossible to refuse consent, but we have reached this point in our legislative affairs because it has been pretty well understood that obstructive tactics would not be interposed. I think we all understand the situation now, and I trust it will be borne in mind in the future.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and the agreement is entered into.

Mr. SIMMONS. I move that the Senate—
Mr. HUGHES. Will the Senator allow me? I ask unanimous consent for the present consideration of a conference report on pension bill.

Mr. SIMMONS. I yield for that purpose.

PENSIONS AND INCREASE OF PENSIONS-CONFERENCE REPORT.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20451) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 10,

12, 20, 22, 25, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 11, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 27, 29, 30, 31, 32, and 33, and agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20";

and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30";

and the Senate agree to the same.

CHARLES F. JOHNSON, WILLIAM HUGHES, REED SMOOT, Managers on the part of the Senate. ISAAC R. SHERWOOD, JOE J. RUSSELL, JOHN W. LANGLEY, Managers on the part of the House.

Mr. HUGHES. I ask for the adoption of the report.

The report was agreed to.

Mr. SHAFROTH. I ask unanimous consent to take up the conference report on the Porto Rican civil-government bill. It has been agreed to in every respect.

Mr. PENROSE. There will not be a quorum here.

RECESS.

Mr. SIMMONS. I move that the Senate take a recess until 2 o'clock this afternoon.

The motion was agreed to; and (at 12 o'clock and 15 minutes a. m., Sunday, February 25, 1917), the Senate took a recess until 2 o'clock p. m., Sunday, February 25, 1917.

# HOUSE OF REPRESENTATIVES.

SATURDAY, February 24, 1917.

The House met at 11 o'clock a. m. The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father who art in Heaven, let Thy blessing descend upon us in full measure to uphold, sustain, and guide us through the terrible suspense and anxiety which hangs over us, a black and lowering cloud which threatens to break upon us in fury. Help us to prepare for the worst, but to hope and pray for the best. Meanwhile, we pray that in this land of peace and plenty the authorities in State and Nation may find ways and means by which the abnormal prices of foodstuffs may be brought within the reach of the struggling classes, the poor, and needy; that the spectacle enacted in many of our cities recently may not be repeated. In the name of right and truth and justice for humanity's sake. Amen.

The Journal of the proceedings of yesterday was read and ap-

BATTLE FIELD OF GUILFORD COURTHOUSE.

Mr. Speaker, I present a conference report on the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, for printing under the rules.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL

Mr. FLOOD. Mr. Speaker, I present a conference report on the bill (H. R. 19300) making appropriations for the Diplo-matic and Consular Service, for printing under the rules.

### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors

of said war; and
H. R. 19937. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and cersions to certain soldiers and sailors of the Civil war and certain widows and dependent children of soldiers and sailors of said war,

## EXTENSION OF REMARKS.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of rural hygiene.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS ROCK RIVER, WIS.

Mr. BURKE. Mr. Speaker, I call up the bill S. 8227, granting the consent of Congress to the city of Port Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River, a similar bill being on the House Calendar, and ask the Speaker to lay the same before the House.

The SPEAKER. The Chair lays before the House the fol-

lowing Senate bill, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Fort Atkinson, in Jefferson County, in the State of Wisconsin, and to its successors and assigns, to construct, maintain, and operate a bridge, and approaches thereto, across the Rock River in said city at a point suitable to the interests of navigation and at a point where Main Street approaches said river in the county of Jefferson, State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The similar House bill, H. R. 20873, was ordered to lie on the table.

# IMMIGRATION LAW (H. REPT. NO. 1551).

Mr. BARNHART. Mr. Speaker, I submit the following privileged resolution, which I send to the desk and ask to have read. The Clerk read as follows:

House concurrent resolution 73.

Resolved by the House of Representatives (the Senate concurring), That 10,000 copies of the immigration law (Public, No. 301, 64th Cong.—H. R. 10384) be printed for the use of the Senate and House of Representatives, to be distributed as follows: 1,500 copies for the use of the House Committee on Immigration and Naturalization; 1,000 copies for the use of the Senate Committee on Immigration; 4,500 copies to be distributed through the folding room of the House; and 3,000 copies through the folding room of the Senate.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

GASOLINE ENGINES (H. DOC. NO. 2088; H. REPT. NO. 1552).

Mr. BARNHART. Mr. Speaker, I submit the following privileged resolution, which I send to the desk and ask to have read. The Clerk read as follows:

# House resolution 503.

Resolved. That there be printed as a House document the pamphlet entitled "Handbook on Care and Operation of Gasoline Engines," prepared under direction of the Captain Commandant United States Coast Guard, and that in addition there shall be printed 14,200 copies, to be distributed through the folding room of the House.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

# SWEARING IN OF A MEMBER.

Mr. BYRNES of South Carolina. Mr. Speaker, the Hon. PAUL Mr. BYRNES of South Carolina. Mr. Speaker, the Hon. Paul.
G. McCorkle has been elected to succeed the late David Edward
Finley as Representative of the fifth district of South Carolina.
He is here, but without his credentials. Inasmuch as he was not
opposed and there is no question of contest, I ask unanimous
consent that he be permitted to be sworn in.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCobkle appeared at the bar of the House and took the oath of office.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Presiding Officer had appointed Mr. DIL-LINGHAM a conferee on the part of the Senate on the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, in the place of Mr. GALLINGER, who is unable to serve on account of illnes

The message also announced that the President had, on the 21st instant, approved and signed bills of the following titles:

S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes; and

S. 8105. An act granting the consent of Congress to the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of

Representatives was requested:

S. 7905. An act to authorize the Secretary of the Treasury in his discretion to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.

### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors

S. 6692. An act to amend section 6 of an act to expedite the

settlement of title to lands in the State of California;

S. 784. An act to authorize the sale of certain lands at or near

Belton, Mont., for hotel purposes; and

S. 1878. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

## AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the conference report on the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and I ask unanimous consent that the statement be read in lieu of the report

The SPEAKER. The gentleman from South Carolina calls up the conference report on the Agricultural appropriation bill and asks that the statement be read in lieu of the report. As there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

# CONFERENCE REPORT (NO. 1547).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82,

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, 98, 99, 100, 101, 102, 103, 104, and 105, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "Establishment" in said amendment insert a comma and the word "equipment," and strike out "\$20,000" and insert in lieu thereof "\$6,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and

agree to the same with an amendment as follows: On page 9, line 5, strike out "\$1,468,740" and insert in lieu thereof "\$1,455,240"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "\$1,796,640" and insert in lieu thereof "\$1,783,140"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "\$269,200" insert "\$277,580"; and the Senate agree to the

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment" in the Senate amendment strike out the words "and maintenance"; and the Senate agree to the

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "\$2,604,956" insert "\$2,613,236"; and the Senate agree to the

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "\$3,445,326" insert "\$3,555,326"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "\$90,010" insert "\$82,510," and in lieu of "\$15,000" insert "\$7,500"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23,

and agree to the same with an amendment as follows: In lieu of "\$112,200" insert "\$107,200," and in lieu of "\$14,000" insert

"\$9,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "\$2,460,530" insert "\$2,480,530"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "\$3,123,630" insert "\$3,143,630"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "1,200" in the Senate amendment insert the words "not exceeding"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its

disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures "\$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "\$1,814,567" insert "\$1,817,567"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "\$3,261,475" insert "\$3,264,475"; and the Senate agree to the

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "\$5,709,275" insert "\$5,712,275"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of \$2,992,580" insert "\$2,972,580"; and the Senate agree to the

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "\$3,127,660" insert "\$3,107,660"; and the Senate agree to the same.

Amendments numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendmnt as follows: In lieu of | near Middlebury, Vt. The House recedes.

"\$813,395" insert "\$843,395"; and the Senate agree to the

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "\$1,688,575" insert "\$1,718,575"; and the Senate agree to the

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station" and transfer the paragraph as thus amended to page 24, between lines 18 and 19, of the bill; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "\$139,500" insert "\$104,500"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of \$160,000" insert "\$125,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$24,581,213" insert "\$24,679,113"; and the Senate agree to

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "\$25,831,213" insert "\$25,929,113," and strike out the new language added by the Senate amendment; and the Senate agree to the same.

A. F. LEVER, GORDON LEE, G. N. HAUGEN, Managers on the part of the House. E. D. SMITH, HOKE SMITH,

Managers on the part of the Senate.

(Mr. HAUGEN agrees to this report with the exception of the Smoot amendment.)

# STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: This amendment reduces by \$1,680 the appropriation for expenses of the Weather Bureau outside

of the city of Washington. The House recedes.

On amendment No. 2: This amendment reduces by \$1,680 the amount which may be expended by the Weather Bureau for salaries outside of the city of Washington. The House recedes.

On amendment No. 3: This amendment increases by \$15,140 the amount which may be expended by the Weather Bureau for special observations and reports. The House recedes.
On amendment No. 4: This amendment provides \$20,000 for

the establishment and maintenance of a Weather Bureau station at Greenville, S. C. The House recedes and agrees with an amendment inserting the word "equipment" after the word "establishment" and reducing the appropriation from \$20,000

On amendments Nos. 5 and 6: These amendments represent amended totals.

On amendment No. 7: This amendment authorizes repairs and improvements to buildings at quarantine stations.

On amendment No. 8: This amendment increases by \$18,900 the appropriation for animal husbandry investigations. The House recedes and agrees with an amendment making the amount \$277,580 in order to conform to the action of the managers at the conference on amendment No. 10.

On amendment No. 9: This amendment provides \$15,000 for the purchase of lands in the vicinity of the Morgan Horse Farm,

On amendment No. 10: This amendment reduces by \$8,380

the amount which may be expended for experiments in poultry feeding and breeding. The Senate recedes.

On amendment No. 11: The first part of this amendment strikes out the language relating to ostrich investigations. The second part adds new language and provides that \$12,280 may be expended for the equipment and maintenance of the United States sheep experiment station in Fremont County, Idaho. The House recedes and agrees with an amendment striking out the words "and maintenance" after the word "equipment."

On amendment No. 12: This amendment strikes out the words "investigation of tuberculosis in cattle," The House recedes.

On amendment No. 13: This amendment represents an

amended total.

On amendment No. 14: This amendment reduces by \$101,620 the appropriation for meat inspection. The Senate recedes.

On amendment No. 15: This amendment represents an

amended total.

On amendment No. 16: This amendment increases by \$5,000 the appropriation for fruit-disease investigations, with a proviso that \$8,000 shall be available for pecan disease investigations. The House recedes.

On amendment No. 17: This amendment adds new language and appropriates \$300,000 for the eradication or control of the white-pine blister rust. The House recedes.

On amendment No. 18: This amendment increases by \$2,500 the appropriation for soil fertility investigations. The House recedes.

On amendment No. 19: This amendment increase by \$15,000 the appropriation for crop acclimatization and fiber-plant investigations, and provides that this sum shall be used for experiments in cotton seed interbreeding. The House recedes and agrees with an amendment reducing the \$15,000 for such purpose

to \$7,500 and reducing the total by a like amount.
On amendment No. 20: This amendment increases by \$10,000 the appropriation for cereal investigations. The House recedes. On amendment No. 21: This amendment increases by \$10,000

the allofment for black rust and stripe rust investigations. The Senate recedes.

On amendment No. 22: This amendment inserts after the words "flax straw" the words "and hemp" in the paragraph for paper-plant investigations. The House recedes.

On amendment No. 23: This amendment increases by \$10,000 the appropriation for pomological investigations and provides that \$14,000 shall be available for the investigation and improvement of the pecan. The House recedes and agrees with an amendment reducing the amount for such purpose by \$5,000 and reducing the total by a like amount.

On amendment No. 24: This amendment increases by \$2,500 the appropriation for horticultural investigations. The Senate

On amendment No. 25: This amendment increases by \$4,000 the appropriation for the testing and distribution of new and rare seeds and for forage-crop investigations. The House recédes.

On amendment No. 26: This amendment adds new language authorizing the expenditure of \$4,000 for forage-crop investigations in cooperation with the Washington State Experiment Station. The Senate recedes.

On amendments Nos. 27 and 28: These amendments represent amended totals.

On amendment No. 29: This amendment reduces by \$1,000 the appropriation for the Coronado National Forest. The Senate

On amendment No. 30: This amendment reduces by \$2,000 the appropriation for the Lincoln National Forest. The Senate

On amendment No. 31: This amendment strikes out the language authorizing the expenditure of \$1,200, out of any funds hereafter appropriated for the Nebraska National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, for the purchase of land now under lease and used as a nursery site for the Niobrara division of said forest, and inserts new language appropriating \$1,200 for the purchase of the land during the next fiscal year, increasing the total appropriation for the Nebraska National Forest by that amount and providing that the cost of any building erected at the nurseries on the Nebraska National Forest shall not exceed \$1,000. The House recedes and agrees with an amendment inserting the

words "not exceeding" before the figures "\$1,200.", On amendment No. 32: This amendment provides that all moneys received on account of permits for hunting, fishing, or camping on lands acquired under the authority of the Weeks Forestry Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

House recedes and agrees with an amendment transposing the position of the proviso so that it appears after the amount of the appropriation.

On amendment No. 33: This amendment represents an amended total.

On amendments Nos. 34 and 35: These amendments insert language authorizing the eradication of poisonous plants in the national forests. The House recedes.

On amendments Nos. 36 and 37: These amendments represent amended totals.

On amendment No. 38: This amendment reduces by \$10,000 the appropriation for poultry and egg investigations. House recedes.

On amendment No. 39: This amendment reduces by \$4,600 the appropriation for fish investigations. The House recedes, On amendment No. 40: This amendment increases by \$3,000

the appropriations for table sirup investigations. The House recedes.

On amendments Nos. 41 and 42: These amendments represent amended totals.

On amendment No. 43: This amendment increases by \$5,000 the appropriation for the investigation of insects affecting deciduous fruits, with a proviso that \$9,600 shall be available for the investigation of insects affecting the pecan. The House

On amendment No. 44: This amendment makes immediately available \$10,000 of the appropriation for the investigation of insects affecting southern field crops. The Senate recedes.

On amendment No. 45: This amendment provides that \$20,000 of the appropriation for the investigation of insects affecting truck crops and stored products may be used for the investiga-tion of diseases of beans and peas. The Senate recedes. On amendments Nos. 46 and 47: These amendments represent

amended totals.

On amendment No. 48: This amendment restricts the experiments and demonstrations in destroying predatory animals and animals injurious to agriculture to the lands of the United States. The Senate recedes.

On amendment No. 49: This amendment decreases by \$2,440 the appropriation for general administrative expenses of the Bureau of Biological Survey. The House recedes.

On amendments Nos. 50 and 51: These amendments represent amended totals.

On amendment No. 52: This amendment strikes out the lan-guage limiting the loaning, renting, or selling of films to educational institutions or associations for agricultural education not organized for profit and substitutes a proviso that such institutions or associations shall have preference. The House recedes.

On amendment No. 53: This amendment reduces by two the number of clerks, class 3, in the Bureau of Crop Estimates. The House recedes.

On amendment No. 54: This amendment reduces by one the number of clerks at \$900 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 55: This amendment reduces by three the number of messengers or laborers at \$720 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 56: This amendment represents an amended total.

On amendment No. 57: This amendment provides that hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month. The House recedes.
On amendment No. 58: This amendment reduces by \$4,078 the

appropriation for the field investigations of the Bureau of Crop The House recedes. stimates.

On amendments Nos. 59 and 60: These amendments represent amended totals.

On amendment No. 61: This amendment reduces by one the number of clerks at \$900 in the library. The House recedes.

On amendment No. 62: This amendment represents an amended total.

On amendment No. 63: This amendment reduces by \$4,000 the appropriation for the general expenses of the library. House recedes.

On amendment No. 64: This amendment represents an amended total.

On amendment No. 65: This amendment increases by \$15,000 the appropriation for miscellaneous expenses. The House recedes.

On amendment No. 66: This amendment provides for the appointment of a joint committee to investigate the advisability of the erection of additional buildings for the Department of Agri-The | culture. The House recedes.

On amendment No. 67: This amendment strikes out the language authorizing the Secretary of Agriculture to prescribe the form of the annual financial statement required under the acts cited in the paragraph. The Senate recedes.

On amendment No. 68: This amendment increases by \$20,000

the appropriation for the insular experiment stations. The Sen-

ate recedes.

On amendment No. 69: This amendment increases by \$10,000 the allotment for the Hawaii Experiment Station. The Senate

On amendment No. 70: This amendment increases by \$10,000 the allotment for the Porto Rico Experiment Station, with a proviso that \$10,000 may be expended for the maintenance of an experimental substation. The Senate recedes.

On amendment No. 71: This amendment increases by \$5,000

the amount which may be expended for agricultural extension

work in Hawaii. The Senate recedes.

On amendment No. 72: This amendment reduces by \$4,000 the appropriation for home economics investigations. House recedes.

On amendments Nos. 73 and 74: These amendments represent

amended totals.

On amendment No. 75: This amendment reduces by \$3,400 the appropriation for general administrative expenses of the Office of Public Roads and Rural Engineering. The Senate recedes.

On amendments Nos. 76 and 77: These amendments represent

amended totals.

On amendment No. 78: This amendment makes immediately available \$40,000 of the appropriation for the Market News

The House recedes.

On amendment No. 79: This amendment strikes out the paragraph providing \$50,000 for the investigation of the production and marketing of agricultural food products, and inserts a new paragraph appropriating \$25,000 to enable the Secretary of Agriculture to certify to shippers the condition of fruits and vegetables at points of destination. The Senate recedes.

On amendment No. 80: This amendment corrects a typo-

graphical error. The House recedes.
On amendment No. 81: This amendment reduces by \$5,000 the appropriation for cotton standardization. The House re-

On amendment No. 82: This amendment authorizes the Secretary of Agriculture to use \$25,000 of the appropriation for grain standardization for the installation of an experimental flour mill and chemical and baking laboratories in Washington to aid in establishing standards for wheat and other grains. Senate recedes.

On amendment No. 83: This amendment provides \$4,000 for the administration of the standard basket and container act.

The House recedes.

On amendment No. 84: This amendment reduces by \$5,000 the appropriation for general administrative expenses of the Bureau of Markets. The Senate recedes.
On amendments Nos. 85 and 86: These amendments represent

amended totals.

On amendment No. 87: This amendment gives the Secretary of Agriculture power to administer oaths, examine witnesses, The House and call for the production of books and papers.

On amendment No. 88: This amendment adds new language and appropriates \$35,000 for the purchase, preparation, and irrigation of 150 acres of land at Chico, Cal., as an addition to the existing plant-introduction field station. The House recedes and agrees with an amendment striking out the reference to the existing field station.

On amendment No. 89: This amendment adds new language and appropriates \$50,000 to meet the emergency caused by the existence of the pink boll worm of cotton in the Laguna district

of Mexico. The House recedes.

On amendments Nos. 90 and 91; These amendments represent amended totals.

On amendment No. 92: This amendment authorizes the Secretary of Agriculture to establish a quarantine without necessary regard to the determination of the fact of the existence of a dangerous plant disease or insect infestation in the State, Ter-regression of the determination of the State, Ter-regression, or district quarantined. The other changes consist in the incorporation, for purposes of effective administration, of desirable legislation for enforcing effectively the gypsy moth and brown-tail moth quarantine. The House recedes.

On amendment No. 93: This amendment represents an

amended total.

On amendment No. 94: This amendment increases by \$10,000 the appropriation for demonstrations on reclamation projects. The House recedes.

On amendment No. 95: This amendment increases by \$16,396 the appropriation for experiments in dairying and live-stock On amendment No. 96: This amendment reduces by \$250,000

the appropriation for the eradication of foot-and-mouth and other contagious diseases of animals. The House recedes.

On amendment No. 97: This amendment amends the total carried by the bill for the Department of Agriculture and adds new language imposing certain restrictions upon the expenditure in connection or in cooperation with certain corporations and individuals of the funds appropriated to the department. The House recedes and agrees with an amendment making the amount of the total \$25,929,113 instead of \$25,831,213 and striking out the new language.

On amendments Nos. 98, 99, 100, 101, 102, 103, and 104: The effect of these amendments is to lower the limit of salary to which the percentage increases shall apply from \$1,800 to \$1,000 and to provide a 15 per cent încrease in salary for employees receiving \$480 or less and a 10 per cent increase for employees receiving more than \$480 and not exceeding \$1,000. The House

recedes.

A. F. LEVER. GORDON LEE, G. N. HAUGEN, Managers on the part of the House.

Mr. LEVER. Mr. Speaker, I move the adoption of the conference report. Mr. MANN.

Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-three Members present; not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the

Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Hutchinson Riordan Driscoll
Drukker
Dunn
Eagan
Edwards
Flynn
Freeman
Gallivan
Gray, N. J.
Greene, Mass.
Griest
Griffin Hutchinson Johnson, Ky. Kearns Kennedy, R. I. Kiess, Pa. Kreider Lafean Liebel Linthicum Loft Riordan Rowland Rucker, Ga. Rucker, Mo. Sabah Scott, Pa. Scully Shackleford Sisson Snyder Bacharach Barchfeld Barkley Barkley
Beakes
Beales
Benedict
Browning
Bruckner
Caldwell
Capstick
Carew
Carter, Mass.
Cline
Coady
Conry
Costello
Dale, N. Y.
Dallinger
Dewalt
Dixon Loud Madden Matthews Moon Steenerson Steenerson Stephens, Tex. Stout Swift Talbott Vare Ward Wilson, Fla. Winslow Griffin Gnernsey Hart Hart Moon
Hensley Mooney
Hicks Nichols, Mich
Hill Nolan
Hinds Oglesby
Howell
Humphrey, Wash.
Husted Parker, N. J. Mooney Nichols, Mich. Nolan Oglesby Oliver

The SPEAKER. On this roll call 352 gentlemen, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

# EXTENSION OF REMARKS.

Mr. SMITH of Michigan. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise?
Mr. SMITH of Michigan. I rise to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. Mr. Speaker, we are not ready to agree to the conference report. We want some debate on this proposition.
Mr. LEVER. Mr. Speaker, I can not hear what the gentleman

says at all. Mr. MANN. This involves the whole question of increasing the compensation of Government employees. Whatever action is taken on this matter probably will be taken on the other bills, and I think there should be some debate upon it,

Mr. LEVER. What time does the gentleman suggest beyond

Mr. MANN. I think there ought to be an hour to a side.
Mr. LEVER. I would suggest, Mr. Speaker, we agree to an hour and a half, 45 minutes to be controlled by the gentleman from Iowa [Mr. HAUGEN] and 45 minutes by myself, after which time the previous question to be considered as ordered.

Mr. MANN. Very well. Of course, ordering the previous

question does not amount to anything if we agree upon debate.

The SPEAKER. The gentleman from South Carolina asks

unanimous consent that the debate on this conference report be limited to an hour and a half, one half the time to be controlled by himself and the other half by the gentleman from Iowa [Mr. HAUGEN], and at the end of that time the previous question shall be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from South Carolina is recognized for 45 minutes.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentle-

man from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Speaker, there is a unanimous report and a full and complete agreement presented by the conferees on this bill. Therefore, if this report is adopted, the bill will be passed. There seems to be no vital difference between the Members of the House in reference to any provision of this conference report, except the provision in reference to the increase of pay for the employees of this department. Some Members favor a larger increase than is provided in this report. Whatever action is taken on this report will be a criterion which will govern the conferees upon every other appropriation bill, and whatever determination is made by the House with reference to this provision on this bill will determine this question as to this legislation in all the other bills. Now, what is the history of it? There have been numerous votes in reference to this question as to increase pay for employees. The first proposition which was presented to the House was for an increase of 10 per cent for employees who received salaries under \$1,200; a 5 per cent increase for all employees receiving salaries from \$1,200 to \$1,800, inclusive. That provision was adopted in the legislative, executive, and judicial appropriation bill. In view of the adoption of that provision in that bill the same provision was reported on the Agricultural appropriation bill, and upon that provision in the House there was a roll call and it was adopted as part of the Agricultural bill and went to the Senate. When the question reached the Senate they agreed upon a proposition which provided an increase of 15 per cent for those receiving a salary of \$480 and under, and increasing those receiving salaries from \$480 to \$1,000 10 per cent, and not extending the increase to any employee receiving a salary above \$1,000. In other words, the Senate adopted what is well known to the membership of this House as the "Smoot amendment."

Now, the various appropriation bills have been to conference since that, and they have come back here and several votes have been had upon the various propositions. Members have voted on every phase of this salary proposition, and still it goes back to conference and again comes back to the House of Representatives with agreements, disagreements, compromises, all of which have up to this time been rejected. Now, this bill comes back to the House of Representatives with a complete agreement as to every legislative provision in the bill and with a full agreement as between the conferees on the part of the House and the Senate on the increase of salary for the employees of this department, agreeing to the Smoot amendment. Now the sole question, therefore, that is presented to us is whether or not we will adopt this report and pass this bill and finally settle this salary question. That being the only bill and finally settle this salary question. That being the only real issue in it, the vital question presented to the membership of this House is whether or not they wi'l continue to disagree in reference to this increase for the employees in the various departments of the Government and tie up all legislation of this House and take the risk of defeating the appropriation bills and, in all probability, by such action force an extra ses-[Applause.] Now, there never was a time in the history of this House when there was a greater congestion of all legislation than there is at the present time

Mr. THOMPSON. Will the gentleman yield?
Mr. CANDLER of Mississippi. I must decline to yield, because I have not the time.

Practically all the appropriation bills and the revenue bill are yet to be passed. All these bills will have to be passed by both Houses; they will have to be enrolled and they will have to be signed by the President of the United States; and all this work will have to be done within the next six or seven days; and unless it is done in that time, necessarily, all these bills

will fail and there may be, and the very strong probability is there will be, an extra session of Congress. You do not want an extra session, the President does not want an extra session, and the Senate of the United States, I hope, does not want an extra session. It is not best for the country or for the people or for us. It is best for everybody that this legislation be passed and this matter settled, so that we will be able to finish the work of this Congress by the 4th of March and finally adjourn on that date. [Applause.]

The SPEAKER pro tempore [Mr. WEBB]. The time of the

gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask unani-

mous consent for two minutes more.

The SPEAKER pro tempore. Is there objection? [After a pause.] . The Chair hears none, and the gentleman is recognized for two minutes more.

Mr. CANDLER of Mississippi. That being the situation, gentlemen, the question is, What will you do in reference to this one provision? If you vote "yea" when the time comes to vote upon this provision, then you will vote to adopt this report and pass this bill and settle this matter, and when it is thus settled we shall hope that all other appropriations will be agreed to and the work can be completed by the 4th of March and we can adjourn and go home. [Applause.] The question is whether or not you are willing, for the mere sake of trying to secure a larger increase for these employees in the various departments of Washington, to hold up all of the appropriations as well as this appropriation for the great Agricultural Department of this Government, whether or not you are so anxious to secure a larger increase for a clerk or a chief of a division or somebody else in these departments to decline to pass legislation and appropriations that are absolutely necessary to carry on the work of the various departments of the Government and cause a condition to come about which will be deplorable and deny to the people of the country the benefits that will be derived from the enactment of this bill and other excellent legislation. If that condition occurs, you will find it necessary to pass resolutions continuing present appropriations, and you will not secure any increase in salaries. You may force an extra session of Congress, in which all the work of this session would have to be done over again. Would you avoid that result? done over again. Would you avoid that result? If so, vote "yea" and adopt this report and thereby pass this bill. [Loud applause.]

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gen-

tleman from Minnesota [Mr. Anderson].

Mr. ANDERSON. The net result of the labors of the conferees appears to be an increase of appropriations carried by the bill over the amounts carried in the House bill of \$200,000, and over the amount carried in the Senate bill of \$100,000. That rather leads to the suspicion that the conferees have somewhere in the bill increased the amounts allowed by both the House and the Senate. I ask the gentleman from South Carolina [Mr. LEVER] if that is true?

Mr. LEVER. No; that is not true. I had not observed the situation called to my attention by the gentleman, but I can say with all positiveness that we did not increase the amounts.

Mr. ANDERSON. I call attention to amendment numbered 8 on page 14. The amount provided by the House was \$250,300, and by the Senate \$269,200. The amount carried by the conference report is \$277,000, \$8,000 more than was carried by the Senate amendment. I could not but wonder what that additional \$8,000 covered.

Mr. LEVER. The gentleman will notice in amendment numbered 10 that the Senate reduced the item \$8,380. The Senate receded in that proposition, and the amount carried in No. 8 is to take care of it.

Mr. ANDERSON. Yes. But the Senate increased the total amount also.

Mr. LEVER. Yes; I see they did. But they evidently did not increase it to the point of taking care of the \$8,300, which they reduced here and which is probably an error in the print. I am not sure of that.

Mr. ANDERSON. The Senate added \$19,000, which was more than enough to take care of the difference.

Mr. LEVER. The Senate added \$18,900 to this item, and I have the figures here.

Mr. ANDERSON. Well, about that. Mr. LEVER. About that; yes, sir.

Mr. LEVER. About that; yes, sir.
Mr. ANDERSON. But that is more than enough to take care of the difference between \$45,000 and \$37,000. And there is an actual increase over the amount allowed either by the House or the Senate.

Mr. LEVER. The gentleman will also see in the proviso that the Senate added \$12,280 for this sheep business in the West. We had also to take care of that. The House receded

Mr. ANDERSON. That may take care of it, but it does not look like it.

Mr. LEVER. I think it does. I confess candidly I did not look into the figures.

Mr. ANDERSON. I want to ask the gentleman from South Carolina [Mr. Lever] another question or two. The House conferees disagreed to the Senate amendment increasing the appropriation for investigation of the diseases of black and striped rust, and also disagreed to the amendment increasing the appropriation for the investigation of diseases of beans and peas. In view of the fact that the conferees agreed to increases providing for the investigation of methods of cultivating the pecan and diseases of the pecan, I can not under-stand why the conferees disagreed to the amendments relating to these great food crops.

Mr. LEVER. In reference to the matter of the black rust, I will say to the gentleman that the Senate increased the amendment set aside for the black rust and the striped rust by \$10,000, and increased the amount appropriated by the paragraph accordingly. While the conferees did not agree to the amendment increasing the allotment for the investigation of the black rust and striped rust, they did agree to the increase in the lump sum carried by the paragraph, and the \$10,000 additional appropriated by the paragraph will be available for expenditure in connection with the black rust and striped rust.

The SPEAKER pro tempore. The time of the gentleman from Minnesota [Mr. Anderson] has expired.

Mr. LEVER. And that was agreeable to the gentleman from North Dakota, I will say.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gen-

tleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, during the consideration of the appropriation bills last year there was some discussion of the wisdom and propriety of making some increases in the pay of Government employees. During the discussion of the sundry civil bill last year I expressed regret that an increase in the pay of the poorer paid employees of the Government could not be accomplished, and the hope that in this session of Congress we should take such action as would relieve, to a certain extent at least, those employees of the Government whose pay has not been increased in many years and who in many cases are receiving much less than those employed in similar services by The House took the matter up in due time private employers. and came to a decision, after careful consideration, providing for 10 per cent increase in all compensation up to \$1,200 per annum and 5 per cent from \$1,200 to \$1,800.

That certainly is not a liberal provision. Beyond all question and controversy it does not bring the pay of those affected up to a level with the compensation now paid by private employers

the country over for the same kind of work.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield right there for a question?

Mr. MONDELL, In a moment. It does not compensate or nearly compensate for the increase in the cost of living in the

Mr. SMITH of Michigan. I notice by the report that some of the employees are getting only \$480 a year, or \$40 a month. Can the gentleman tell us what Government employees are

working for a year for \$480?

Mr. MONDELL. Most of those whose pay is as low as that are not employed continually, or they are charwomen or boys. The House took the matter up first and discussed it and came to a conclusion in regard to it that was modest and reasonable, and the House has the right to demand that the Senate shall give at least fair and decent consideration to its conclusions.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman

yield?

Mr. MONDELL. I will if I may finish this sentence. The House has the right to demand that the Senate shall give fair and decent consideration to its conclusions in the matter. The House conferees, however, without having contended, as they should have contended, in my opinion, and as we had reason to believe that they would contend, for the position taken by the House, have yielded absolutely to the Senate. We might have agreed to their conclusions if they had accepted the Senate provisions with an amendment. There would have been a compromise. But this is an abject surrender by the House that first made the proposal to the body that took the matter up later and which did not, I fear, carefully consider it.

Gentlemen are opposing the House provision because, they say, it costs too much money. Well, great heavens, have we reached a point in this country and under this Federal Government when we must hesitate to do justice or partial justice I

because it is going to cost a few dollars to do it? We are appropriating money by the hundreds of thousands and millions for all sorts and kinds of purposes.

The SPEAKER pro tempore. The time of the gentleman from

Wyoming has expired.

Mr. MONDELL. Mr. Speaker, will the gentleman yield one minute more?

Mr. LEVER. I am sorry I have not the time.

Mr. HAUGEN. I will yield two minutes more to the gentle-

The SPEAKER. The gentleman is recognized for two minutes more

Mr. MONDELL. We are spending hundreds of millions for all sorts and kinds of expenditures, for example, for preparedness, that may or may not be necessary; we are appropriating for almost every fad and fancy that anyone suggests or proposes; and in this matter of simple justice it should be a question of what we ought to do in good conscience rather than a question of how much it will cost. Now I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. I chanced to meet a man, an employee of the Bureau of Engraving and Printing, the other day, who had served 12 years in the Army, with an unusually excellent record as a private soldier, who is married and has three children and is trying to support them on a salary of \$60 per month. Will the gentleman inform me and the House whether there are many employees in the District, heads of families, that are getting as low as that?

Mr. MONDELL. There are not only quite a number of the employees of the Government in the District of Columbia with families who are receiving not more than \$60 a month, but there are many such employees of the Federal Government throughout the country, particularly custodians and engineers of pub-lic buildings and employees of various bureaus of the Department of Commerce, who are receiving \$60 and \$65.

The SPEAKER pro tempore. The time of the gentleman

from Wyoming has expired.

Mr. LOBECK. Some are receiving \$50 and \$55.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. Page].

The SPEAKER pro tempore. The gentleman from North

Carolina is recognized for five minutes.

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman from Wyoming [Mr. Mondell], my friend, who has just taken his seat, takes the position in the concluding remarks of his speech that the amount of money does not make any difference because we are spending money by millions elsewhere. I can not exactly see the logic in that sort of argument, that because you can not save \$13,000,000 you will not save \$1,000,000, and because you can not save a billion you will not save what you can.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. MONDELL. Does the gentleman think we ought to save in this way by clipping the wages of these low-paid

employees?

Mr. PAGE of North Carolina. I will answer that in my five minutes. Now, the House this morning is confronted with this proposition, aside from any merits that enter into this con-Whether we are going to defeat this Agricultural troversy. appropriation bill because of a controversy over the amount of percentage that we will increase the pay of certain clerks in the Government employment. Now, I occupy this position in regard to this matter; if there is anyone author of the House provision, I am that author. I made the proposition in the Committee on Appropriations as a compromise between extremes; therefore if there is any pride of opinion about it I have reason to entertain that as much as any other gentlemen who is a Member of this House. In another body a different view was taken of this matter, and at one time a majority of that body was not in favor of giving any increase to the Government employees in the way that we are giving But they reached at last a compromise and adopted what is known as the Smoot amendment. The Senate has voted upon it several times. The gentleman from Wyoming intimated that they had given it no consideration.

He contended that the Senate had not given this matter consideration. As a matter of fact, the Senate is on record as having voted 74 to 3 in favor of the Smoot amendment. I know that unless this conference report is adopted on this Agricultural bill, including the Smoot amendment, this bill will not become a law at this session of Congress, but that it will be necessary to pass a continuing resolution for this appropria-tion bill. Gentlemen on the Republican side of the House, who at all other times are such ardent friends of the farmer,

are you willing to surrender this bill, framed in the interest of the great agricultural communities of the country, in order that you may increase the salaries of a few clerks in the Government service? If you are, then vote against this conference report. If you are not, vote for it. The gentleman on that side of the House who is a conferee on this bill signs this report, and yet he says by his exception that he is willing this bill should fail rather than that these clerks should not

have that increase, or rather than accept the Smoot amendment.

Mr. HAUGEN. The gentleman is mistaken. I appreciate
the fact that if this report is turned down the bill will go back to conference. It is in the power of the House to dispose of

the matter. It can go again to conference.

Mr. PAGE of North Carolina. Oh, yes; it has been to conference more than once. It has been there twice, and the gentleman knows, as well as any gentleman in this House, the attitude of the Senate toward this amendment. It is not for us to stand here and say that we are going to have our way about the matter or defeat the legislation. I say to the House that this involves not only the Agricultural appropriation bill, but every appropriation bill that carries this provision in it. If the gentlemen on that side of the House are willing to defeat legislation of this importance and character in order that the House may maintain its position as against the Senate on this matter, then vote "no." Otherwise you had better vote "aye." Mr. GOOD. We will vote "no" on it.

Mr. HAUGEN. I will yield five minutes to the gentleman

from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Speaker, we have just heard the very eloquent arguments of the gentleman from North Carolina [Mr. Page]. I have followed him in several matters on this floor, relating to matters of appropriations, but I can not follow him to-day either on the vote that he advises us to cast,

or in his argument.

We have up before us now the question as to whether the socalled Smoot amendment to the various appropriation bills dealing with the salaries of Government employees shall be adopted, or whether the original House provision in the appropriation bill is going to carry. The Smoot amendment provides that employees receiving less than \$480 shall receive an increase of 15 per cent, and those receiving between \$480 and \$1,000 per annum shall receive an increase of 10 per cent. It stops at salaries of \$1,000 and goes no further. The House provision in the various appropriation bills provides that those Government employees who receive salaries of \$1,200 per annum or under shall receive an increase of 10 per cent and those who receive between \$1,200 and \$1,800 per annum shall receive a 5 per cent increase.

On the 15th of February this House, by a vote of 281 to 59, concurred in an amendment of Mr. Good of Iowa, to the then pending appropriation bill, and showed in a very conclusive fashion the temper of the House on the proposition of increas-

ing the wages and salaries of Government employees.

The gentleman from North Carolina [Mr. Page] has said that

the Senate stood for the so-called Smoot amendment by a large vote, I think I understood him to say by a vote of 74 to 3. But I maintain that the House in which the appropriation bill originates and on which exhaustive hearings are given to these measures, and upon which we have given more time both in the committee and in debate on the floor than the other body has given, is entitled to just as much consideration in the closing hours of the session as the views of the other body. The club has been held over us that if we vote against this Agricultural appropriation bill on this question of salary increase for That is a club clerks it will injure the farmers of the country. which I do not think the Members of this House will submit to, even if it should mean the failure of the bill, which it will not in the end, because if we sustain our former attitude on this matter by a conclusive vote to-day, the other body can not help but yield, because the responsibility will be upon their shoulders and not upon ours.

Mr. GORDON. Do you think that because the House originates appropriation bills it has a right to insist on its own

Mr. MILLER of Delaware. The gentleman did not hear all of my argument. I contend that when this matter has been conclusively decided by this House more than once and placed in one bill by a roll-call vote of, say, 281 to 59, it shows very conclusively the temper of this House. The salaries of clerks to Members of Congress were increased after July 1, 1917, from \$1,500 to \$2,000 a year, a very substantial increase. I m not going to dwell on the various phases which entered into that increase. I voted for it for reasons which I will not enlarge upon here, but I also voted for the original House provision on the salary increase of Government employees, be-

cause I think that the men who are working for the Government in these clerical positions, at a time when the cost of living has gone up beyond all comprehension, which pinches every man here, as we well know, are entitled to our consideration, because if it pinches us, how does it pinch the Government clerk drawing \$1,800 or \$1,200 a year or less. We have voted for appropriation bills carrying millions of dollars for matters of national defense and other public needs, and I for one am only too glad of a chance to vote as many times as we have an opportunity on all these appropriation bills to do plain, simple justice to these underpaid Government em-

I yield back the remainder of my time.

Mr. HASTINGS. Will the gentleman yield for a question? Mr. MILLER of Delaware. I yield to the gentleman. The SPEAKER. The gentleman's time has expired. Mr. MILLER of Delaware. I am sorry I have not time.
Mr. LEVER. Mr. Speaker, I yield five minutes to the gentle-

man from Missouri, Gov. Rubey. [Applause.]
Mr. RUBEY. Mr. Speaker and gentlemen of the House, we Mr. RUBEY. Mr. Speaker and gentlemen of the House, we know as well as anyone else, if we just simply stop to think about it, that there is not a piece of legislation that goes through this body but what is the result of compromise. The great Agricultural Committee labored long and diligently in the preparation of this bill, and the result of its labors was compromise. Every member upon that committee could not get the appropriations that he wanted and get every detail of the bill just as we wanted it. Yet we brought it into this House, this House discussed it, and we passed it and sent it to the other body. They took up the measure there, amended it, and passed it. Now, we have but one means of getting together on the differences between the two Houses, and that is by the method of conference committees. The conference committee has reported, and we have that report here before this body this morning, a unanimous report. After to-day has body this morning, a unanimous report. After to-day has passed and gone we will have only six more days of this session, and at noon on to-morrow week this Congress will adjourn.

We had upon the floor of this House just a few days ago a most excellent address delivered here by the gentleman from Illinois [Mr. Mann]. He told this House then that if we did not get busy and pass these bills, agree to these conference reports, and send them to the enrolling clerks the business of this House would be so congested that we would not be able to get our bills enrolled before adjournment. He made that speech and it was applauded upon both sides of this House. I say to you gentlemen that in the Committee on Agriculture we have never considered politics. On the floor of this House this great bill has never been considered from the standpoint of party politics, and it ought not to be so considered to-day. Here is a great supply bill before this House, with only six more days remaining, and yet if we do not adopt this conference report to-day, and send this bill to the enrolling clerks so that it may be enrolled, and get ready for adjournment, when the 4th of March comes this bill will not have become a law.

Mr. AUSTIN. Will the gentleman permit me to ask him a question?

Mr. RUBEY. Yes. Mr. AUSTIN. Speaking about the compromise between the two Houses on appropriation bills, where is the compromise

when we yield to their amendments?

Mr. RUBEY. The conferees did propose a compromise; they offered as a compromise that the increases shall apply only to clerks receiving as much as \$1,500 instead of \$1,800. submitted to the Senate, and the Senate rejected it. How many times do you expect to vote down this proposition and send it back to conference? Are you going to keep on doing it, as the gentleman said who has just taken his seat?

Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. RUBEY. Yes. Mr. RUSSELL of Missouri. I know that the gentleman is on the Agricultural Committee and is anxious to do the right thing. Does he believe that the passage of this bill will be endangered if this is not agreed to?

Mr. RUBEY. I do not think there is any question about it. The gentleman from North Carolina [Mr. Page], who has been a Member of the House 20 years, made that statement a little

while ago

Mr. RUSSELL of Missouri. Dees not the gentleman think that that conference report contains the best thing to be done for the low-salaried employees of the Government at this time?

Mr. RUBEY. There is no question about that. I voted with the House for the increases which this House adopted—increases up to \$1,800. The House has gone on record and I supported it, but I am ready and willing, if we can not get what we want, to get the best we can. If we do not pass this bill and are compelled to pass a continuing resolution, the clerks in the Department of Agriculture will not get a cent of increase and they will lose the increases that we give them in this conference report. I hope the conference report will be agreed to and that this matter will be settled.

this matter will be settled.

Mr. HAUGEN. Mr. Speaker, it would seem that if the clerks are entitled to any increased pay they are entitled to more than is provided for in the Smoot amendment. This matter has been up for consideration at various times in the House, and the sentiment of the House is well known. In view of my personal views and the action taken by the House at various times, I could not, as stated in the report, see my way clear to agree with the other members of the conferees on the salary proposition.

I am not going to discuss the conference report at length, but I have a list of employees furnished me by the Department of Agriculture, giving the number of employees and salary paid on each of the two pay rolls in the department; time will not permit me reading it but will insert it with my remarks, so that it may be printed in the Record for the information of the House.

Number of employees and annual salary paid those on the lump-sum

roll.	
742 at	\$1,800
41 at	1,740
20 at	1,700
13 at	1,680
350 at	1,620
Gat	1,608
148 at	1, 600
1 at	1,575
27 at	1,560
1 at	1,540
1 at	1,520
137 at	1,500
1 at	1,470
136 at	1,440
569 at	1,400
56 at	1,380
44 at	1,320
44 at	1.300
12 at	1 260
1.289 at	1,200
2 at	1,140
52 at	1,100
	7 000
127 at	1,080
85 at	1,020
19 at	1,008
427 at	1,000
71 at	960
31 at	912
309 at	900
22 at	864
549 at	840
1 at	825
51 at	816
81 at	780
102 at	768
141 at	750
59 at	720
19 at	672
11 /at	660
4.at	-630
99 at	600
20 at	540
1 at	525
2 at	500
53 at	480
18 at	450
3 at	420
8 at	360
6 at	300
1 at	240

Number of employees and annual salary paid those on the statutory roll.

Number of employees on the statutory roll.	Grade.	Total.
77	\$1,800	\$318,600
	1,700	6,800
	1,680	3,360
	1,620	4,860
95	1,600	312,000
7	1.500	115,500
4	1,440	20,160
78	1,400	389, 200
	1,380	
	1,350	11,040 6,750
	1,320	10,580
	1,300	148, 200
4	1,260	12,600
12.	1,200	998, 400
36	1,140	6,840
18	1,100	932, 800
7	1,080	29, 160
	1,050	1,050
16	1,020	108, 120
13.	1,000	303,000
	960	48,960
19	900	503, 100
90	840	134, 400
4	780	26, 520

Number o	f employees and annua	salary paid,	etc Continued.
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Number 3 employees on the statutogy coll.		Tota.
289 39	\$720 360 600 540 480 450 450 420 360 300 240	248, 080 25, 749 117, 000 32, 940 132, 000 2, 250 5, 880 36, 360 5, 100 22, 800

Grand total \$5,040.130
Total number of employees 4.913

According to the list furnished, the number of employees affected by a proposed increase in salary under H. R. 19359 are as follows:

Two thousand three hundred and twenty-five employees on the lump-fund roll and 3,186 on the statutory roll, or a total number of employees of 5,511, receiving a salary of less than \$1,200 per annum would receive 10 per cent increase on their total salary of \$4,681,421, or an increase of \$468,142, and 3,637 employees on the lump-fund roll and 1,727 on the statutory roll, or a total number of employees of 5,364, receiving a salary of not more than \$1,800 and not less than \$1,200 per amum would receive 5 per cent increase on their total salary of \$7,634,903, or an increase of \$381,745. The total number of employees benefited would be 10,875. Total increase, \$849,887 over the total \$12,316,324 salary which they now receive.

Under the Senate amendment 2,000 on the lump-fund roll receiving salaries more than \$480 and not exceeding \$1,000, or a total salary of \$1,708,109, would receive 10 per cent, or \$170,810; \$9 salaries of \$480 or less, total salary \$39,720, would receive 15 per cent, or \$5,958; and 1,691 on statutory roll receiving salaries more than \$480 and not exceeding \$1,000, total salary \$1,399,740, would receive 10 per cent, or \$139,974; 507 receiving salaries of \$480 or less, total salary \$204,390, would receive 15 per cent, or \$30,658.

Total number of employees, 4,287, receiving total salaries of \$3,351,959, would receive a total increase of \$347,400.

# UNDER CONFERENCE REPORT.

Two thousand five hundred and twenty-three on the hungfund roll receiving not more than \$1,500 and not less than \$1,000, a total salary of \$3,205,382, would receive 5 per cent, or \$160,269; 2,089 receiving salaries of \$1,000 or less, a total salary of \$1,747,-929, would receive 10 per cent, or \$174,782, a total increase of \$335,051.

Two thousand three hundred and thirty-four on statutory roll receiving not more than \$1,500 and not less than \$1,000, a total salary of \$2,790,380, would receive 5 per cent, or \$139,519; 2,198 receiving salaries of \$1,000 or less, a total salary of \$1,604,130, would receive 10 per cent, or \$160,413.

Total number of employees, 9,144, receiving total salaries of \$9,347.721, would receive a total increase of \$634,983.

The total number of employees in all the departments is reported to be 7,782 receiving \$1,600 each, or a total salary of \$12,871,200, and 5 per cent increase on that amount would be \$618,560.

The total number of Government employees that would be benefited under the Smoot amendment, estimated to be 172,000 receiving an average annual salary of \$735, would receive an increase of \$13,194,000.

Under the House bill 334,000 employees, receiving an average annual salary of \$1,099, would receive an increase of \$25,600,000, and under the first conference report on the Agricultural bill submitted, and which was rejected by the Senate, 314,000 employees, receiving an average annual salary of \$1,061, would receive an increase of \$22,990,000.

The increase carried in the House bill is \$502,487 in excess of that carried in the Senate amendment. The increase carried in the conference report is \$214,904 less than that carried in the House bill and \$287,583 in excess of that carried in the Senate amendment.

Under the first conference report submitted on the Agricultural bill, and rejected by the Senate, 596 employees receiving salaries of \$480 or less, or a total salary of \$244,110, would receive 5 per cent, or \$12,205 less than is carried in the Senate amendment, and 4,857 employees receiving salaries of not more than \$1,500 and not less than \$1,000, or a total salary of \$5,995,762, would receive 5 per cent, or \$299,788, more than is carried in the Senate amendment, and 1,223 receiving salaries of more than \$1,000 and less than \$1,200, or \$1,329,462, will re-

ceive 5 per cent less, or \$06,473 less than carried in the House bill, and 1,731 receiving salaries of not more than \$1,800 nor less than \$1,500, or \$2,968,603, who were granted a 5 per cent increase, or \$148,430, in the House bill will receive no increase.

If those receiving salaries of \$1,600 and more than \$1,500 were to be added to the conference report, as suggested by some, the 373 in that class now receiving \$595,555 salaries would, if granted the 5 per cent increase, receive \$29,777.75 increase.

Having made that statement, I simply suggest that it does not seem fair to accept an amendment allowing 15 per cent to employees now receiving \$40 a month, or \$480 a year, whose salary if working outside would be much less. These people who receive \$480, many of them, are the charwomen and the students, many of them undoubtedly glad to work at less than that. The charwomen to-day, under the proposed compromise or Smoot amendment, will receive an increase of \$72. The clerks, who have to pass a competitive examination and have spent the best part of their days in school, and spend money in educating and fitting themselves for a position receiving a salary of \$600 per annum, will receive under this provision only \$60 increase. Those receiving more than \$1,000 get nothing. I do not believe that adjustment is fair, and that there should be a more equitable adjustment of salaries.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MILLER of Delaware. Much stress has been laid on the fact that if we do not recede and concur this bill will fail

and injure the agricultural interests of the country.

Mr. HAUGEN. That is for Congress to determine. gress has jurisdiction, time, and power to perfect the bill. This is not the first time that bills have gone back to conference; in the years that I have served here I know of a number of bills that have gone back to conference from time to time. The question is not so much in passing the bill as it is in perfecting the bill. In my opinion we had better pass a good bill or not pass one at all.

Mr. MILLER of Delaware. Last year the was considered a very good bill, was it not?

Mr. HAUGEN. Yes.

Last year the Agricultural bill

Mr. MILLER of Delaware. If this bill should fail we could pass a joint resolution?

Mr. HAUGEN. Certainly; but that is not the proper thing do. We had better send it back to conference and have the

bill made the way it ought to be made.

Mr. MILLER of Delaware. On that I agree with the gentleman, but it takes away the argument that if the bill fails the agricultural interests of the country will be injured. That is the only point I wished to make by interrupting the gentle-

Mr. HAUGEN. The gentleman is quite right. We ought to pass the bill in the shape that it ought to be passed.

Mr. LEVER. Mr. Speaker, I yield two minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I expect to vote for the conference report, but I wish to refer to Senate amendment 72, on page 71 of the bill. This varies the discussion a little from the selection of the clerks. This amendment of the Senate and these salaries of the clerks. This amendment of the Senate reduces from \$39,000 to \$35,000 the appropriation passed by the House from \$39,000 to \$35,000 the appropriation passed by the Induse for the investigation of agricultural products for food, clothing, and other uses in the home, and particularly for food.

The States Relations Service of the department, under which this item occurs, has been engaged in a very valuable investiga-

tion of agricultural products for food purposes. The most recent investigation in which they have engaged is that pertaining to regetable oils, and I am sorry that the conferees felt constrained to agree to the reduction of this appropriation as passed by the other body. I do not wish this opportunity to pass without at least expressing my dissent to the action of the conferees, and I hope that hereafter this very important activity of the States Relations Service in the investigation of agricultural products for the purpose of enlarging our food supply will receive proper attention on the part of the committee and the House.

Mr. NORTON. Mr. Speaker, I desire to ask the chairman of

the committee a question regarding Senate amendment No. 95, on page 90 of the bill. Has an estimate been made as to where the amount covered by this appropriation is to be expended? Is all this to be expended in some of the experimental farms in the southwestern part of the United States where they now

have live-stock experimental stations?

Mr. LEVER. My recollection is that a part of this increase is to be used in the establishment of one of these experimental stations at Delhi, Tex., and the other in the Northwest territory; I do not know exactly the location.

Mr. NORTON. At the Northern Great Plains Experimental Station?

Mr. LEVER. Yes.
Mr. NORTON. I shall expect part of it to be so expended.
Mr. HAUGEN. Mr. Chairman, I yield five minutes to t Mr. Chairman, I yield five minutes to the

gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I was impressed with what the gentleman from Missouri [Mr. Rubex] said in regard to the compromise. I agree with him that neither House should take the unalterable position of not making any concessions, but it strikes me that in this dispute the House conferees offered to make a concession that the Senate rejected, and therefore, instead of making a compromise now, if we accept the report of the conferees, it is a surrender. It is a question now not of compromise but whether we are willing to surrender. When I say that I do not mean that the Senate has no right to make amendments to what the House does on appropriation bills-of course not; but this is not a matter of policy. It is a matter of equity as applied to a great number of Government employees. If we accept this report now, it is not compromise but simply giving up our position-a complete surrender.

Mr. RUBEY. Mr. Speaker, will the gentleman yield? Mr. FESS. Yes; I yield to my friend from Missouri. Mr. RUBEY. Does not the gentleman realize that there were

many differences between the House and the Senate? Senate has receded on a great many of its amendments, and the House on some of its.

Mr. FESS. Yes. Mr. RUBEY. There is where the compromise comes in. This is the only thing now that stands out between them.

Mr. FESS. I dld not understand that the gentleman referred

to the entire bill.

Mr. RUBEY. I referred to the entire conference report. Mr. FESS. Certainly; but the point that has been dividing the two branches of Congress in this and other bills is the thing that we are considering now—the question of increase of salary-and we are asked not to make concessions, but a complete surrender of the position that we stand for. is the thing that appears to me of importance. The figures given by the gentleman from Iowa [Mr. Haugen] are conclusive, to my way of thinking. There are many people to be benefited by the House provision but a very few people to be benefited by the Senate provision. If we are to limit it to the Senate provision, why not eliminate the whole thing? There is not any great benefit that will come from the Senate position. There is a great benefit that will come from the House position. You aid no one above a certain rank of salary, \$1,000. The House proposes to aid by a small percentage the great group between \$1,000 and \$1,800. Every Member of the House knows that the standard of expenditure in clerical positions in Government service is not always fixed by the one who makes the expenditure. It is largely fixed by environment, by the force of custom, established without consent of those upon whom it operates, by conditions that are built up in the Government service.

If an individual accepts a position, he suffers the exactions of that standard of expenditure. When you strike out the men from \$1,000 to \$1,800 you strike a great force of men who certainly suffer from the high cost of living. You strike a very numerous class of our employment that has a standard of expenditure for which they are not responsible. It is all very well to say that if they do not want to occupy such a position they may resign, but it is a matter of little consequence to

make such a statement as that.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes; I yield to my colleague.
Mr. LONGWORTH. I would like to suggest to my colleague that the "compromise" accepted by our conferees is a little bit like that adopted by a friend of mine. He says that one of the reasons he and his wife get along so happily at home is that they always compromise questions of difference that may arise between them. He said, "For instance, if I want to go out after dinner and she wants me to stay in, we always compromise." I said, "How do you do it?" He replied, "I stay in."

Mr. FESS. Mr. Speaker, I thank my colleague for the very apt illustration, which is conclusive, so far as I am concerned, and which relieves me of the necessity for further argument.

The SPEAKER pro tempore. The time of the gentleman from

Ohio has expired.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I favor the adoption of the conference report. The vote about to be taken is really conclusive of what shall be done at this time toward the increase

of compensation of Government employees during the next fiscal year. When an increase was first suggested there were many differences of opinion, and it was with great difficulty that we were able to arrive at a proposal to which the Members of the House would agree. The Senate adopted a different proposition, and all of the appropriation bills that are in conference are now practically being held up because of the difference between the two Houses on these proposals. The amendment which is included in the Agricultural appropriation bill, if included in all the appropriation bills, will take about \$13,000,000. The amendment as proposed by the House would have taken \$26,000,000. There is no doubt, Mr. Speaker, that those who most need some relief are the persons in the lower grades of the Government It is not true that there is a false standard of living to which those who accept clerical positions must conform when they enter the Government service. The fact is that persons who enter the clerical service of the United States enter at a compensation in excess of any compensation that they have ever been able to earn theretofore, unless they happen to be those rather unfortunate persons who, because of some misfortune, are covered into the classified service through Executive order.

Mr. COLEMAN. Will the gentleman yield?

Mr. FITZGERALD. I will. Mr. COLEMAN. While it was true 20 years ago they received a higher compensation, is it true that they receive equal

compensation with persons in outside employ now?

Mr. FITZGERALD. It is true to-day the application papers of the Railway Mail Service show that the compensation of men in the service who now average over \$1,200 a year, the average compensation they were earning when they applied for entrance to the service, my recollection is, was \$720 or \$760 a year. Every man who enters the service is bettering his posi-

Mr. AUSTIN. Will the gentleman yield?
Mr. FITZGERALD. I have but five minutes. The practical question is this: What are we to do now on settling differences on the appropriation bills? They must be enacted; they must be agreed upon; they must be enrolled and sent to the President for signature. We can not go day after day, until the last two or three days of the session, hoping that perhaps the other body will change its view. There have been conferences between those in the House charged with the control of these appropriation bills and those in the Senate, and as a result of those conferences the men in the House who are responsible for the conduct of the business, to some extent at least, because of their position in the House, have reluctantly reached the conclusion that the House must yield its position upon this matter. There is a well-settled rule of parliamentary procedure, Mr. Speaker, controlling in matters of this character on appropriation bills.

When either House proposes new legislation on an appropriation bill and the other House declines to accede to the legislation, the rule is that the House proposing must yield. not insist upon making impossible the enactment of the bills to supply the money to conduct the Government in order to have our way in matters of legislation which are not essential or vital to the Government. We might take the position at times that we would not grant supplies to maintain the Government unless we had the acquiescence of the other body or the Executive to legislation of a vitally essential character for the happiness or welfare of the people

The SPEAKER pro tempore. The time of the gentleman has

expired.

I yield the gentleman two minutes more.

Mr. FITZGERALD. We are not justified in stopping the orderly procedure of business or in refusing to agree and accede and enact the appropriation bills into law, unless there be some vital question involved. I can speak freely upon this question. I believe I suggested during the month of November, before Congress convened, at a meeting of some members of the Committee on Appropriations in considering the legislative bill that we should at that time do something to meet the extraordinary emergency that was confronting the country and from which were suffering. The members of the subcommittee spent considerable time in attempting to reconcile differences that existed, and they finally agreed upon the House provision, and the House acquiesced in it, but we can not persist indefi-nitely in our view. We at the best must compromise, and if nothing else is possible I am anxious to do something for the poorer-paid employees of the Government. Those employees who have some one depending upon them and who are receiving \$1,000 or less in the Government service are the ones who most need some special help at this time. I have some knowledge of what it costs the man getting \$1,200 to \$1,800 a year to live,

and whether he be married or unmarried, he is not as badly off

as the man getting \$1,000 or less.

The SPEAKER pro tempore. The time of the gentleman has again expired

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gen-

tleman from Iowa [Mr. Good].

Mr. GOOD. Mr. Speaker, if the House adopts this conference report we will not obtain any legislation by compromise. On the contrary, our act will be an abject and humiliating surrender. This proposition was first thrashed out in the Committee on Appropriations. The committee looked out over the country and saw that every great manufacturing institution all the way from the Atlantic to the Pacific was increasing the pay of its men in order that they could meet this increased cost of living. We saw every financial institution in the country increasing the pay of its employees, and the question came to us, Can we stand still, remain reactionary, the only reactionaries in all the country, and refuse to give an increase in salary to the Federal employees? We answered that question—that we wanted to give an increase to help them meet the increased cost of living. We wanted to place it so that it could go to those who most deserved it-that is, the heads of families. I take issue with my friend from New York [Mr. FITZGERALD] that this bill aids those who most need the help. We have in the departments an army of stenographers, not heads of families, receiving \$900 to \$1,000 a year. They get 10 per cent increases, but the man with six or seven children, getting \$1,200 a year, paying to-day \$4 per bushel for potatoes with which to feed them, we say to him, "Our heart is closed to your appeal" and to the appeals of hungry children, of illy clad children of Government employees, we turn a deaf ear. You can do that on that side if you will, but this side of the House will show the country that we propose to be as progressive as the rest of the country is and give the Federal employees a fair increase. [Applause.]

The Senate provision does not help those who most need it.

It is the House provision that does this.

I made inquiry of one department, where there are over 700 employees, the Office of the Auditor of the Treasury for the Post Office Department, and he says that the Smoot amendment will aid only 44 out of the 700 employees in his department who are heads of families. The House amendment would aid 185 heads of families in that department. Only 44 heads of families in that department receive an increase! But who are they who get the increase? Charwomen, messenger boys, and junior messengers. Those are the only ones benefited by the 15 per cent provision. The charwomen get \$240 a year for about two

hours' service a day

If you hire one of them to do work in your home, you pay her \$1 a day, but here you ask that she shall have an increase of 15 per cent, although most of them, practically all of them, take in washing or have other employment, and you refuse to grant any increase to the man with a family, who must deport himself in a way the Government clerks are expected to deport them-To that kind of an employee whose salary is over \$1,000 a year you say he shall not have a penny of increase. say the junior messenger, the boy who has no one dependent on him, or the messenger boy, shall be given an increase of 15 per cent, and we will throw out that kind of sop to the House as our answer to the appeal for an increase to people who deserve it. Let us not do this. By your votes send the word to your districts that you propose increases not only to Government employees in Washington, but Government employees at home, to the men who carry the mail to the doors of your houses on the farm and in the city. We on this side will send the word to them that we voted as a unit in favor of a just increase in salaries of Government employees. you on that side of the House send word to the country that you voted as a unit against a slight increase? They say this will mean a defeat of the appropriation bill. Nobody believes that. Nobody in the other end of the Capitol, where they are bluffing, where the conferees of the Senate on this bill did something that they ought to be ashamed of the longest days of their lives, for they signed a conference report on this provision and then went on the floor of the Senate and absolutely refused to stand by their own conference report and asked the Senate to turn down their report. In that body they are still

Take that body, for instance. Ten years ago they appropriated for their clerk hire in that body \$558,000.

Mr. BORLAND. Will the gentleman yield?

Mr. GOOD. I can not.

Last year they appropriated \$860,000, an increase of 40 per cent, for their own clerks; but now, in these times of stress when the prices of everything that is needed for the support of a family has advanced from 25 to 100 per cent, they say to the other employees, except their own, "Go back and sit down." They say that we have no money. They say it will cost about They say that we have no money. They say it will cost about \$13,000,000 more to adopt the House provision over what it would cost to adopt the Senate provision. We recently passed a bill in this House appropriating \$368,000,000 for a Navy, and the Senate that now would cripple the Government service by refusing to grant a small increase to Federal employees, because we do not have the money, increased the Navy bill by \$162,-000,000. Ah, we have lots of money, hundreds of millions for big interests like the Bethlehem Steel Co. and concerns like that, but not a dollar to help pay the increased cost of living to the Federal employees! Yes; they say we have \$162,000,000 over what the House gave for addition to the Navy, but not a dollar, not a penny, for the increased pay of the man who receives \$1,100, \$1,200, \$1,400, \$1,500, \$1,600, or \$1,800. They must work at the same pay they received during normal time

Ah, but some one says that the Government employee "is now paid more than men are paid in private establishments for like I deny that. Many instances may be cited where employment." the reverse is true. We have a provision of law giving laborers \$720 a year. How much do these bills carry? Only \$660. Since 1879, notwithstanding the provisions of law that gives to a laborer \$720, we have been appropriating only \$660 for laborers. And with this increase of 10 per cent he will get \$726. You are giving him \$6 more than he is really entitled to under the stat-

utes of the United States. Wonderful liberality!

Take some Washington employers. Harry Wardman, in accordance with the report I have here, furnished by the Bureau of Efficiency, is paying to his laborers—that is, common laborers—as much as from \$780 to \$930 a year. He is paying to his carpenters \$1,248 to \$1,872 a year. We pay to the carpenters employed by the Government, as a rule, about \$900 to \$1,000 a year. Take steam engineers, for instance, and they are receiving at Woodward & Lothrop's as high as \$1,820 a year. They are receiving from Harry Wardman as much as \$1,200 a year, but we pay them \$900 to \$1,000 a year. The correspondence clerks of the Southern Railway Co., a company that has been condemned here at times because it does not pay high salaries, are paid from \$1,080 to \$2,400 a year, and we are paying them \$1,100 to \$1,600 a year, and we do not propose to increase their salaries by a single penny. You take chief clerks, and most of our chief clerks get around \$2,000 a year, and here is the Southern Railway paying their chief clerks from \$2,000 to \$2,400 a year. This Smoot amendment will add to the salaries of the boys \$72 a year, but to the heads of the families it does not add a single cent.

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. LEVER. Mr. Speaker, I yield two minutes to the gen-

tleman from Indiana [Mr. Moss].

Mr. MOSS. Mr. Speaker and gentlemen, during this controversy I have voted on every roll call to sustain the House. have honestly and earnestly favored the larger increase in salary

for the employees of the Government.

There are, however, two sides to this controversy. terests of the taxpayers rightfully claim consideration at our hands. I have the honor to represent at least 5,000 coal miners, who are as patriotic and hard-working men as there are in the United States. These constituents of mine are taxpayers, and I will guarantee that the average income of these men is well below \$1,000 a year. In the congressional district which I have the honor to represent are many farmers having farms of 40 acres, and I am certain that the average income of these farmers-the net return to them for their labor-is well below \$1,000 per annum. I know of no way by law to grant these taxpayers an advance of even 10 per cent in their incomes. A laboring man who has an income from \$1,200 to \$1,800 per year would indeed be hard to find. I am now closing a service of eight years in this House, and I can not recall a single instance where an employee has been separated from the Government service in my district who did not feel aggrieved and who did not desire a restoration in the service. I may go further and say that but few of my constituents would refuse governmental positions at salaries ranging from \$1,200 to \$1,800 per annum. It is not a fair statement to try to place Government employees in the position of being imposed upon and being peerly paid.

I sympathize with those who suffer from the increase in the cost of living, and on every roll call up to the present time I have voted in the House in their behalf on this proposition to increase salaries. We are now assured by the conferees that the Senate will not yield and that to insist further on the House provision is to defeat this appropriation bill, to cause an extra session of Congress. I do not care to assume the respon-

sibility of defeating all appropriation bills and thereby forcing an extra session, so I shall vote for the conference report.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. LEVER. Mr. Speaker, how many speeches has the gentleman from Iowa?

Mr. HAUGEN. Just one speech. Mr. LEVER. I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER pro tempere. The gentleman from Tennessee is recognized for five minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, the gentleman from Iowa [Mr. Good] spent a good deal of time in eloquently and forcibly discussing the merits of the proposition of a higher raise, of a higher increase of salary than that which is provided in the Smoot amendment. That is not the question which confronts the House to-day. The House has gone on record several times in favor of a greater increase than that allowed under the Smoot amendment. I helped to frame the House provisions. No one will deny that I have done what I could to have it adopted. In my judgment it is eminently fairer than what is known as the Smoot amendment. The question, however, which confronts the House to-day is whether or not the House is willing, by voting down this conference report, to jeopardize the passage of every appropriation bill now pending. I am firmly of the opinion that unless this House shall adopt this Smoot amendment, as proposed by the conferees upon the Agricultural appropriation bill, it will ultimate failure not only of this appropriation bill but of all the other appropriation bills in which the same question arises. For two weeks, as a member of the conference committee upon another appropriation bill, we have been discussing this along with other matters in conference with the Senate conferees. Those conferees have determinedly and repeatedly insisted that they will agree to no compromise between the Smoot amendment and the provision proposed by the House. So I repeat that unless gentlemen here are willing to go upon record to-day as favoring, if necessary, an extra session by reason of the failure of these appropriation bills rather than yield to this proposition of an increase of clerks' salaries, then we ought to adopt this conference report upon the Agricultural appropriation bill.

The original House provision was contained, when first reported to this House, in the legislative, executive, and judicial appropriation bill, which I had the honor to report from the Committee on Appropriations. This House, as I stated, has indorsed that proposition several times in that and other bills. The Senate proposed what is known as the Smoot amendment.

The gentleman from Wyoming [Mr. Mondell] said that the House conferees, in his opinion, had not earnestly insisted on the incorporation of the House provision. I wish to say to him that the conferees upon the legislative bill and the conferees upon this bill and upon other bills have earnestly so insisted. As a matter of fact, the conference committee on the Agricultural bill reported a compromise between the two proposi-That compromise proposition went to the Senate.

Mr. WALSH. Mr. Speaker, will the gentleman yield? Mr. BYRNS of Tennessee. I regret I can not.

The SPEAKER pro tempore. The gentleman declines to

Mr. BYRNS of Tennessee. And after a full and clear discussion in the Senate, in which the statement was made that the action of the Senate would be taken as an indication as to what it would finally and ultimately do, the Senate, by a vote of 72 to 4, refused to agree to the compromise proposed by that conference committee. And, therefore, I repeat, gentlemen, it is a question of whether or not you are willing now, in the closing days of this session, to jeopardize not only the passage of the Agricultural bill but the legislative bill and all the other supply bills containing this kind of a proposition.

It is stated that we can send this bill back to conference, and perhaps something can be done. This bill has been in conference twice. The legislative bill has been in conference twice. The Senators have refused to yield upon the proposition. gentlemen know that we must pass these bills. Some of them must be passed now if we are to hope to have them enrolled during the few days intervening between now and the 4th of March, the day of adjournment. Therefore I insist, gentlemen, that the proposition here to-day is not whether you to see greater increases allowed; the proposition, in my judgment, is whether or not you are willing to go on record as saying you would prefer to see all these appropriation bills fail, if necessary, rather than accept the Smoot amendment, which

proposes an increase of salary to those receiving under \$1,000 [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. LEVER. Mr. Speaker, how much time have we remain-

The SPEAKER pro tempore. The gentleman from South Carolina has 12 minutes and the gentleman from Iowa [Mr. Haugen] has 9 minutes remaining. Does South Carolina desire to close the debate? Does the gentleman from

Mr. LEVER. I desire to yield to myself seven minutes. The SPEAKER pro tempore. The gentleman from South

Carolina is recognized for seven minutes.

Mr. LEVER. Mr. Speaker, the situation which confronts the House should be clearly understood by its membership. The Agricultural appropriation bill has been in conference now for quite a while. The conferees on that bill, both of the Senate and the House, agreed to a compromise which the House conferees at least thought would solve this difficulty. When the Senate conferees called up the conference report in the Senate and moved its adoption the compromise suggested by the conferees was voted down on a roll call by a vote of 74 to 3. The Senate conferees voted against their own report.

Mr. MANN. Mr. Speaker, will the gentleman yield? Mr. LEVER. Yes. Mr. MANN. As long as the gentleman is referring to the proceedings of the Senate, did not the Senate conferees ask the Senate to vote it down?

Mr. LEVER. That is what I said. The Senate conferees voted against it, showing to my mind clearly the feeling of the Senate on this proposition.

Now, then, we are within six days of the close of this session. Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LEVER. I regret I can not. Not a single, solitary great supply bill has received the signature of the President as yet. We are in a legislative jam, which threatens us with having to bring in here continuing resolutions, which mean the defeat of all these great supply bills.

The vote to-day is upon the adoption of the cenference reporta complete report on the Agricultural appropriation bill. The query for each gentleman to answer for himself is this: Am I willing that the great Agricultural appropriation bill, carrying item after item of new and vital importance, items of pressing importance, shall fail because, forsooth, the Senate of the United States is not willing that a clerk receiving \$1,800 a year salary shall have that salary increased \$90? I want to ask my friends if they are willing to vote down the conference report on the Agricultural appropriation bill and insure absolutely the necessity of continuing resolutions in lieu of the great Agricultural appropriation bill, which, for example, is carrying a new item which a continuing resolution would not cover of \$75,000 to begin the work of eradicating tuberculosis in cattle and hogs in this country? Are you willing to delay the inauguration of that great piece of work for 12 months because, forsooth, the Senate of the United States is not willing to increase the salary of a \$1,200 clerk by \$120 per annum?

Again I want to ask you gentlemen if you are willing to delay the work to be inaugurated in the dairy division of the Agricultural Department, for which an increased appropriation of \$117,000 is made, because the Senate is not willing to increase the salary of a \$1,500 clerk \$75 for the year? to ask you gentlemen if you are willing that the Department of Agriculture shall not have the use of the \$60,000 increase for the eradication of hog cholera because, forsooth, the Senate is not willing to increase the salaries of certain Government clerks? I want to ask you gentlemen if you are willing to vote down this report, which carries an increase of \$163,980 for the meat-inspection service of this country, for the protection of the purity of the food of the country, a portion of which in-crease will be used to pay increases in the salaries of the meatinspection force, because the Senate is not willing to increase the salary of an \$1,800 clerk by \$90 per annum? I am appealing to your good sense and your reason. I want to ask you men who are interested in citrus fruits, are you willing to vote down this conference report, with a \$180,000 increase for the citrus-fruit industry of this country, because the Senate will not increase the salary of a \$1,200 clerk? I want to ask you gentlemen of the Northwest and the North if you are willing to vote down this conference report, with a \$105,000 increase in it for farm-demonstration work in your section, because the Senate of the United States is hard-hearted enough to refuse to increase the salary of a Government clerk? I want to ask you gentlemen if you are willing to vote down this conference report and delay the work under the grain-standardization act, for which the appropriation of \$271,000 is carried in this bill, our pay? Have we no opinions of our own? Of course the un-

because the Senate will not increase the salary of a Government clerk? I want to ask you gentlemen of the South if you are willing to vote down this report and endanger the cotton industry, because this bill, and only this bill, carries an appropriation of \$50,000 for the eradication of the pink cotton worm which threatens Texas at this moment, because, forsooth, the Senate will not allow an increase to an \$1,800 Government clerk? I want to ask you men from the Northeast and Northwest and Central West if you are willing that the white-pine industry of this country, valued at \$400,000,000, shall be endangered with the white-pine blister rust because the Senate is not willing to give an increase in the salary of a \$1,500 clerk? If you do, vote down this conference report. If you do not, vote it up. [Applause.]

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN]

has nine remaining minutes.

Mr. HAUGEN. I yield the remainder of my time to the gentle-

man from Illinois [Mr. Mann].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for nine minutes. [Applause.]

Mr. MANN. Mr. Speaker, I have often read in stories how the nurse of some child would endeavor to make the child be good by threatening it with stories about bugaboos and spooks and ghosts, but I never witnessed such a spook exhibition as some of our friends on the Democratic side have given this morning. [Applause.] There is no more danger of the Agricultural bill failing at this session of Congress than there is of the sun not rising to-morrow morning. [Applause.] And I am willing to trust that the sun will rise. They are just trying to scare the House. A pretty cute thing! Here is this proposition upon each one of the appropriation bills, brought to the House for consideration first on the Agricultural bill. Why the Agricultural bill? That was not the first bill passed, and that was not the one upon which this provision originated. It was in order for gentlemen on the floor to say, "Forsooth, will you defeat the Agricultural bill; forsooth!" [Applause.] Pure tommyrot. There is nothing to it. The Agricultural bill will not be defeated. At this stage of the short session of Congress there is always a lot of bluffing going on about defeating the appropriation bills and having an extra session of Congress; but during my experience of 20 years—and that is longer than the experience of any other gentleman now on the floor except the gentleman from Wisconsin [Mr. Cooper]-such a thing has never occurred, and ti will not occur this time. There will be no extra session of Congress because of any failure of the appropriation bills.

What is the situation? Let me say a word. Gentlemen have referred to what I said the other day about the enrolled bills,

and the gentlemen who talk about that are not familiar with the process of enrolling the bills. This Agricultural bill will be enrolled, as far as the enrolled copy is concerned, except the last paragraph in the bill, before to-night or to-morrow night. [Applause.] They will be ready to complete it. In the closing days of Congress many bills are enrolled before they are passed, and as soon as the conference committee agree upon the bill, with only one item practically in dispute, the enrolling clerks go to work, and then the bill is practically enrolled, and they can finish the enrollment of the Agricultural bill in half an hour after the conference report is finally agreed upon. And if the conference report on the Agricultural bill should not be finally agreed upon by both bodies before 10 o'clock on Sunday morning a week after to-morrow, the bill will be ready for the President's signature at half past 11 o'clock on that same morning.

Mr. RUBEY. Will the gentleman yield?
Mr. MANN. For a question.
Mr. RUBEY. Why did the gentleman make the speech he did

the other day, then?
Mr. MANN. Because the conference committees were not at They were not getting the bills into shape where the clerk could commence the enrollment of a bill. [Applause.] Can not the gentleman see the distinction? Here there is only one paragraph in dispute, and that is the last paragraph in the That paragraph can be enrolled in half an hour. what is the situation? The Senate has had one vote upon the proposition. The gentlemen gleefully talk about a vote of 77 to That is, none of them gave the correct figures, but that is what the vote was. They were not accurate even about that. On that vote the conferees who presented the report asked the Senate to vote it down. If our conferees had come in here and asked the House to vote down this report, it would be voted down practically unanimously, with probably no vote against it. The Senate has had one vote. We have had two votes, 280 to about 60, one a little above and one a little below those figures. Has it come to pass that the House of Representatives is obliterated? Do we no longer exist? Are we here merely to draw

written practice in matters of this kind is always that there will be a compromise between the provisions insisted upon by the two respective bodies. This is no compromise. It is ignominious, disgraceful surrender, with absolutely no excuse for it. The House took a vote yesterday, 282 to 61 in favor of the House provision, and walking out of this Chamber the conferees on two bills, without discussing the question, without attempting to get a compromise, walked over to the Senate and abjectly surrendered. [Applause.] I am not going to criticize the action of the conferees. [Laughter.] No; I am merely stating a fact. I believe that the dignity of the House is somewhat at stake. We take orders from the Executive, but up to this time we have not taken orders from the Senate of the United States. We can reject the conference report and before to-night they will agree upon a compromise.

There is no trouble about compromising with the Senate. I have been here long enough to know and to recognize a Senatorial bluff. I am not a poker player, but I can tell a Senatorial bluff—pure bluff. The Senate is no more anxious to defeat appropriation bills than is the House. When the Senate says that "we have got to have our way or we will not play," all you have to do is to tell them to go to! They will come to time. There is no trouble about that. If we have nerve enough—and we have on our side of the House—to say to the Senate "Compromise with us," they will do it; and the conference report would be back in the House for action. I hope we will have the nerve once to stand up for our legitimate prerogatives and rights. [Applause on the Republican side.]

The SPEAKER. The gentleman from North Carolina has five minutes.

Mr. LEVER. I yield five minutes to the gentleman from North Carolina [Mr. Kitchin].

Mr. KITCHIN. Mr. Speaker, the plain question before the House is whether it shall adopt the Senate amendment as to the increase in the clerks' salaries and limit the salaries to which the increase shall apply, or whether the House shall hold out stubbornly in the face of present conditions for the provisions of increase and limits which the House bill contains. I favor the House bill provision. I voted for it. I think it is the fairest and most just and equitable of any that has been suggested-far more just and equitable than the Senate provision. But the question that confronts us is whether we will hold out to what we consider is a fair rate and jeopardize the passage of this bill, jeopardize the passage of the District of Columbia bill, the legislative bill, the Indian affairs bill, the military bill, because the action of the House on this bill will be the action of the conferees on the other bills.

The Senate conferees, both Democrats and Republicans, have notified the House conferees on these bills that they will not yield, that they will not move one peg, and before they will do so they will force an extra session; they would defeat each and every one of the appropriation bills, and force the House either into an extra session or continuing resolutions with respect to them.

The gentleman from Illinois [Mr. Mann] says that since he has been in the House-20 years-he has never known an appropriation bill or a conference report to be defeated by any such bluff as the Senate is putting up. In his experience he has never been confronted by men in this end of the Capitol and at the other end of the Capitol who want an extra session and are willing to force an extra session, and justify it upon the pretext that they are doing it in the interest of the poor clerks and employees. Never since he has been in the House has that proposition confronted the House—that if we refuse to give the increase they want they are willing to put it in the power of the men in this House and at the other end of the Capitol to defeat not only the wise and beneficial legis of the Capitol to defeat not only the union in the lation in this bill, the wise and beneficial legislation in the military bill, in the Indian bill, in the legislative bill, in the District of Columbia bill, but, gentlemen, the wise, just, and righteous legislation in the Post Office bill. [Applause on the Democratic side.]

I would not be a bit surprised, my fellow Members, to learn that a part of the motive behind the determination at this and the other end of the Capitol to defeat these bills and force an extra session or continuing resolutions is not so much the spirit of economy as it is to destroy some provision in the Post Office bill. [Applause on the Democratic side.] Let no man who is a friend of the legislation in that Post Office bill, which had almost the unanimous sanction of this House, be deceived. Men in this House know that it would not do for those who oppose the provisions of the Post Office bill to let all other bills pass, agree on all provisions in the other bills, but stand out in disagreement only on the Post Office bill; but to defeat

some provision in the Post Office bill other than that for increase of salaries without exposing the real motive they, of course, must try to force a disagreement on the provisions in this bill, in the Indian bill, the District bill, and other appropriation bills relative to the salary increase. Gentlemen, they can not fool me. I believe that there are men at the other end of the Capitol that are willing to see every appropriation bill with its beneficent legislation fail and an extra session had in order to defeat the amendment in the Post Office bill which they themselves put on. [Applause on the Democratic side.]

Now, gentlemen, I do not know whether we ought to have any faith in what men say or not. I do not know whether the conferees on the different appropriation bills on the part of the House—whether they should put any faith in what the conferees on the part of the Senate say, but they tell the House that the Senate conferees say they will never yield; that they will force an extra session first, and that the Senate will stand by them. I do not know whether the gentleman from Illinois should put any faith in what Republican conferees say about this; he knows better than I do; he may know that they are not telling

the truth when they say—

Mr. MANN. They have not said it.

Mr. KITCHIN. They say they will not agree to any conference report on these bills with the House increase in it. Not only that, but the author of the Senate amendment said yesterday that the Senate would stand out to the last for the mendment. [Applause.]
The SPEAKER. The question is on agreeing to the confer-

ence report.

The question was being taken, when Mr. Leven demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 190, answered "present" 1, not voting 69, as follows:

#### YEAS-174.

Abercrombie	Dixon	Kincheloe	Russell, Mo.
Adamson	Doolittle	Kitchin	Saunders
Aiken	Doremus	Konop	Sears
Alexander	Doughton	Lazaro	Shackleford
Allen	Dupré	Lee	Shallenberger
Almon	Eagle	Lesher	Sherley
Ashbrook	Estopinal	Lever	Sherwood
Aswell	Evans	Lewis	Shouse
Ayres	Ferris	Lieb	Sims
Bailey	Fields	Littlepage	Slayden
Barkley	Fitzgerald	Lloyd	Small
Barnhart	Foster	Lobeck	Smith, N. Y.
Bell	Gandy	McCorkle	Smith, Tex.
Black		McGillicuddy	Sparkman
Blackmon	Garner	McKellar	Steagall
Booher	Garrett	McLemore	Stedman
Borland	Glass	Maher	Steele, Iowa
Buchanan, Tex.		Mays	Steele, Pa.
Burgess	Goodwin, Ark.	Montague	Stephens, Miss.
Burnett	Gordon	Moon	Stephens, Nebr.
Byrnes, S. C.	Gray, Ala.	Morrison	Stephens, Tex.
Byrns, Tenn.	Gray, Ind.	Moss	Stout Stout
Callaway	Gregg	Murray	Sumners
Candler, Miss.	Hamlin	Neely	Taggart
Cantrill	Hardy	Nicholls, S. C.	Taylor, Ark.
Caraway	Harrison, Miss.	Oldfield	Taylor, Colo.
Carew	Harrison, Va.	Olney	Thomas
Carter, Okla.	Hastings	O'Shaunessy	Thompson
Casey	Hayden	Overmyer	Tillman
Church	Heflin	Padgett	Venable
Clark, Fla.	Helm	Page, N. C.	Vinson
Coady	Henry	Park	Walker
Collier	Hilliard	Patten	Watkins
Connelly	Holland	Pou	Watson, Va.
Cox	Hood	Quin	Webb, va.
Crisp	Houston	Ragsdale	Whaley
Cullop	Howard	Rainey	Williams W E
Davenport	Hughes	Raker	Williams, W. E.
Davis, Tex.	Hull, Tenn.	Rauch	Wilson, Fla.
Decker	Humphreys, Miss.	Darburn	Wilson, La.
Decker	James James	Reilly	Wingo
Dickinson	Johnson, Ky.	Rouse	Wise War
Dies	Jones	Rubey	Young, Tex.
Dill	Key, Ohio	Rucker, Ga.	
Dill	res, onto	renenet, Ga.	

	NAY	S—190.	
Adair Anderson Anthony Benedict Bennet Bowers Britte Browne Buchanan, Ill. Campbell Cannon Carlin Cary Charles Chiperfield Coleman	Cooper, W. Va. Cooper, Wis. Copley Crago Cramton Crosser Curry Dale, Vt. Danforth Darrow Davis, Minn. Dempsey Denison Dillon Dowell Driscoll Dunn	Eagan Edmonds Ellsworth Elston Emerson Esch Fairchild Farley Farr Fess Focht Fordney Fross Frear Fuller Gallagher Gardner	Gillett Glynn Good Gould Green, Iowa Greene, Mass. Greene, Vt. Griffin Guernsey Hadley Hamilton, Mich. Hamilton, N. Y. Hart Haskell Haugen Hawley Hawley
Cooper, Ohio	Dyer	Garland	Heaton

Helgesen Hollingsworth Hopwood Howell Huddleston McArthur Parker, N. Y. Sterling Stiness McCarthur McCracken McCulloch McDermott McFadden McKenzie McKinley McLaughlin Madden Magee Peters Phelan Stone Platt Powers Pratt Sulloway Sutherland Hulbert Hull, Iowa Sweet Switzer Ramseyer Randall Reavis Ricketts Tague Tayenner Temple Tilson Timberlake Tinkham Towner Igoe Johnson, S. Dak. Jehnson, Wash. Johnson, Wash.
Kahn
Keating
Keister
Kelley
Kennedy, Iowa
Kent
Kless, Pa.
King
Kinkaid Mann
Mapes
Martin
Meeker
Miller, Del.
Miller, Minn.
Miller, Pa.
Mondell
Moore, Pa.
Moores, Ind.
Morgan, Okla.
Morin
Mott
Mudd
Nelson
Nichols, Mich.
North
Norton
Oakey
Paige, Mass.
ANSWERED Riordan Roberts, Nev. Rodenberg Mann Rogers Rogers
Rowe
Russell, Ohio
Sanford
Schall
Scott, Mich.
Sells
Siegel
Sinnott
Siemp
Sloan
Smith, Idaho Treadway Treadway.
Van Dyke
Volstead
Walsh
Ward
Wason, Pa.
Wheeler
Williams, T. S.
Williams, Ohio
Wilson, Ill.
Winslow
Woodyard
Young, N. Dak. Lafean La Follette Langley Lehlbach Lenroot Liebel Lindbergh Smith, Idaho Smith, Mich. Smith, Minn. Snell London Longworth Loud Snyder Stafford McAndrews ANSWERED " PRESENT "-1.

Austin

## NOT VOTING-69.

Bacharach	Dewalt		Humphrey, Wash	
Barchfeld	Dooling		Husted	Porter
Beakes	Drukker		Hutchinson	Price
Beales	Edwards		Jacoway .	Roberts, Mass
Browning	Flood		Kearns	Rowland
Bruckner	Flynn		Kennedy, R. I.	Rucker, Mo.
Brumbaugh	Freeman		Kettner	Sabath
Burke	Gallivan	*1	Kreider	Scott, Pa.
Butler	Graham		Lafean	Scully
Caldwell	Gray, N. J.		Linthieum	Sisson
Capstick	Griest		Loft	Steenerson
Carter, Mass.	Hamill		McClintic &	Swift
Chandler, N. Y.	Helvering	-	Matthews	Talbott
Cline	Hensley		Mooney	Vare
Conry	Hernandez		Morgan, La.	Wood, Ind.
Costello.	Hicks		Nolan	
Dale, N. Y.	Hill		Oglesby	
Dallinger	Hinds		Oliver	AL REAL PROPERTY.

So the conference report was rejected. The Clerk announced the following pairs:

Until further notice:

Mr. Beakes with Mr. Bacharach. Mr. Bruckner with Mr. Wood of Indiana.

Mr. BRUMBAUGH with Mr. ROBERTS of Massachusetts.

Mr. CALDWELL with Mr. Browning.

Mr. CLINE with Mr. BUTLER.

Mr. CONRY with Mr. CAPSTICK.

Mr. Dale of New York with Mr. Carter of Massachusetts. Mr. Dooling with Mr. Costello.

Mr. Flood with Mr. Dallinger. Mr. Gallivan with Mr. Drukker.

Mr. Hamill with Mr. Freeman. Mr. Helvering with Mr. Gray of New Jersey.

Mr. KETTNER with Mr. GRIEST.

Mr. LOFT with Mr. HERNANDEZ.

Mr. Morgan of Louisiana with Mr. Hiers.

Mr. OGLESBY with Mr. HUSTED.

Mr. Price with Mr. Hutchinson. Mr. Rucker of Missouri with Mr. Steenerson.

Mr. SABATH with Mr. KREIDER. Mr. Sisson with Mr. ROWLAND. Mr. TALBOTT with Mr. KEARNS. Mr. DEWALT with Mr. SWIFT.

Mr. EDWARDS with Mr. HUMPHREY of Washington.

Mr. HENSLEY with Mr. MOONEY. Mr. OLIVER with Mr. AUSTIN.

Mr. Linthicum with Mr. Parker of New Jersey.

Mr. Scully with Mr. Vare, Mr. Flynn with Mr. Graham.

On the vote:

Mr. Burke (for conference report) with Mr. Hill (against). Mr. Moon (for conference report) with Mr. Nolan (against). Mr. Jacoway (for conference report) with Mr. Hinds (against).

Mr. McClintic (for conference report) with Mr. Kennedy of

Rhode Island (against).

Mr. AUSTIN. Mr. Speaker, I ask permission to withdraw my vote in the negative and answer "present." I am paired with the gentleman from Alabama, Mr. OLIVER.

The name of Mr. Austin was called, and he answered "Pres-

ent."

Mr. FLOOD, Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. FLOOD: No.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. LEVER. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments and ask for a further conference.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, I will not ask for recognition,

though I would be entitled to it. Mr. LEVER. I realize that.

Mr. MANN. But I hope the conferees, when named, will represent the House this time and not the Senate.

The question was taken, and the motion was agreed to. The SPEAKER. The Clerk will report the conferees.

The Clerk read as follows:

Mr. LEVER, Mr. LEE, and Mr. HAUGEN.

#### LEAVE OF ABSENCE.

Mr. BURNETT. I desire to ask for unanimous consent for leave of absence for to-day, Monday, and Tuesday for my colleague, Mr. Oliver, of Alabama, who is away on important official business

The SPEAKER. The gentleman from Alabama asks leave of absence for his colleague [Mr. OLIVER] for to-day, Monday, and Tuesday on account of important official business. Is there objection? "[After a pause.] The Chair hears none.

CIVIL GOVERNMENT FOR PORTO RICO-CONFERENCE REPORT.

Mr. JONES. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. JONES. For the purpose of calling up the conference report on the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, and to move the adoption of the conference report.

The SPEAKER. The Clerk will read the report.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent to have the statement read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The statement was read.

The conference report and statement are as follows:

# CONFERENCE REPORT (NO. 1546).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 16, 19, 21, 25, 35, 36, 39, 42, 43, 81, 82, 90, 91, 92, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 17, 18, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 34, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 71, 73, 74, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, 89, and 93, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States"; and the Senate agree to the

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", subject to disapproval by the governor if he desires to act"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", and he shall perform such other duties, not inconsistent with this act, as may be prescribed by law"; and the Senate agree to the

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40. and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final, subject to such right of action as may be otherwise provided by law"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: and no Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Porto Rico, nor be appointed to any office created by act of the legislature during the time for which he shall have been elected until two years after his term of office shall have expired"; and the Senate agree to the same. Amendment numbered 57: That the House recede from its dis-

agreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "That the first regular session of the Legislature of Porto Rico, provided for by this act, shall convene on the twenty-eighth day after the first election provided for herein, and regular sessions of the legislature shall be held biennially thereafter, convening on the second Monday in February of the year 1919, and on the second Monday in February of each second year thereafter Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of onefifth of the members present, be entered on the journal.

The sessions of each house and of the committees of the whole shall be open.

"Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

"No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

'No act of the legislature except the general appropriation bills for the expenses of the government shall take effect until 90 days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, intro-duced in either house of the legislature after the first 40 days of the session, shall become a law.

"No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members: Provided, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

"No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall void only as to so much thereof as shall not be so expressed.

"No law shall be revived or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the legislature from the treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

"No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made.

'Except as otherwise provided in this act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position.

"All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments, as in case of other bills.

"The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

"Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

"Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

'The offense of corrupt solicitation of members of the legislature, or of public officers of Porto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

"In case the available revenues of Porto Rico for any fiscal year, including available surplus in the insular treasury, are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the governor:
"First class. The ordinary expenses of the legislative, exec-

utive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

"Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like where the inmates are confined involuntarily, shall next be paid

"Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

"Fifth class. Appropriations for all other purposes shall next be paid.

That in case there are not sufficient revenues for any fiscal year, including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for said fiscal year.

"No appropriation shall be made, nor any expenditure authorized by the legislature, whereby the expenditure of the government of Porto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the treasury, unless the legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation or expenditure within such fiscal year.'

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:
"That the qualified electors of Porto Rico shall at the next

general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the Issuance of his certificate of election and shall continue until the 4th of March, 1921. At each subsequent election, beginning with the year 1920, the qualified electors of Porto Rico shall choose a Resident Commissioner to the United States, term of office shall be four years from the 4th of March following such general election."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", but the legislature may consolidate departments, or abolish any department, with the consent of the President of the United States" ; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate, insert the following:
"That nothing in this act contained shall be so construed as

to abrogate or in any manner impair or effect the provision contained in section 3 of the joint resolution approved May 1, 1900, with respect to the buying, selling, or holding of real estate. That the governor of Porto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December, 1917, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of 500 acres.

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate, strike out all of section

40 in the engrossed bill; and the Senate agree to the same.

That the enrolling clerk shall renumber the sections of the bill in accordance with this conference report.

W. A. JONES. FINIS J. GARRETT, H. M. TOWNER, Managers on the part of the House. JOHN F. SHAFROTH, JNO. W. KERN, MILES POINDEXTER, Managers on the part of the Senate.

# STATEMENT.

The managers on the part of the House on the dsagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, state the House has receded from its disagreement to the amendments of the Senate Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 17, 18, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 34, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 71, 73, 74, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, 89, and 93, and agrees to the same.

That the Senate has receded from its amendments Nos. 13, 14,

15, 16, 19, 21, 25, 35, 36, 39, 42, 43, 81, 82, 90, 91, 92, and 94.

The House recedes from its disagreement to the Senate amendments Nos. 9, 32, 33, 40, 55, 57, 68, 70, 72, 75, and 76, and agrees to the same with certain amendments.

Many of the Senate amendments agreed to by the managers on the part of the House relate to the bill of rights contained in the bill, whilst a number of others merely change the language of the sections to which they relate, without changing Others relate to matters of detail, and are not their substance.

Senate amendment No. 6, beginning on line 24, page 4, of the bill, and ending on line 17, page 5, known as the Gronna amendment, agreed to by the House conferees, declares that one year after the approval of this act it shall be unlawful to import, manufacture, sell, or give away any intoxicating drink or drug in Porto Rico, and prescribes the penalty for a violation of It further provides, however, that if within five years after the approval of this act the qualified voters of the island shall vote to repeal this provision it shall thereafter not be in force and effect.

Senate amendment No. 13, on page 8 of this bill, gives those persons who do not desire to become citizens of the United States

one year in which to make declaration to that effect.

Senate amendment No. 26, page 15, strikes out the House provisions which permits heads of departments appointed by the governor to be selected from the elected members of the senate and house of representatives.

Senate amendment No. 37, page 18, reduces the salary of the auditor as fixed in the bill at \$6,500 to \$5,000.

Senate amendment No. 48, page 24, strikes out the provision of the bill which requires that members of the house of representa-

tives shall own taxable property.

Senate amendment No. 69, page 39, declares that at the first election held pursuant to this act the qualified voters shall be those having the qualifications of voters under the present law, and that thereafter voters shall be citizens of the United States 21 years of age or over and have such additional qualifications as may be prescribed by the Legislature of Porto Rico. It also provides that no property qualification shall be imposed upon or required of any voter. The effect of this amendment is to eliminate the educational and property qualifications contained in the suffrage provision of the bill and to inhibit the Legislature of Porto Rico from ever enacting a property qualification for voting.

Senate amendment No. 75, page 44, is agreed to with an amendment. It provides that nothing in this act shall be construed as abrogating or in any way changing section 3 of a joint resolution approved May 1, 1900, with respect to real estate holdings, and directs the governor of Porto Rico to have made and submitted to the next regular session of Congress a report of all the real estate used for the purpose of agriculture and held either directly or indirectly by corporations, partner-ships, or individuals. The managers on the part of the House, believing that the report required in this amendment would entail a large amount of work and considerable cost upon the government of Porto Rico, and that every reasonable purpose and object to be attained can be accomplished by limiting the report to holdings in excess of 500 acres [since subsequent to the enactment of the joint resolution of Congress referred to no corporation engaged in agriculture could secure a charter which did not restrict it to the ownership and control of not to exceed 500 acres of land], have insisted upon such a limitation. The Senate conferees have agreed to this limitation. There are now some 55,000 holdings of agricultural lands in Porto Rico, the vast majority of which are of small acreage.

Section 40 of the bill as amended in the Senate is wholly omitted. The immigration measure recently enacted by Congress accomplishes the purpose sought to be attained in this

section.

The amendments which have been more particularly referred to constitute the more important changes which have been made in the bill.

W. A. JONES, H. M. TOWNER Managers on the part of the House.

Mr. GARRETT. Mr. Speaker, at the time of the completion of this statement I was absent, engaged in work on another committee of the House, and consequently my name does not appear signed to the statement. I was one of the managers on the part of the House; the statement is accurate, and if I had been present I would have signed it.

Mr. JONES. Mr. Speaker, unless some gentleman wishes to

discuss the conference report-

Mr. MANN. Mr. Speaker, I think the gentleman from Virginia or somebody briefly should explain what the action of the conferees is.

Mr. JONES. I shall be very glad to do so. We do not want any long debate. Mr. MANN.

The SPEAKER. The gentleman from Virginia is recognized for one hour.

Mr. JONES. Mr. Speaker, the report upon this bill is a complete one. The managers on the part of the Senate and the House are in full agreement as to every amendment made to the bill in the Senate. The Senate amended the bill in nearly 100 particulars, but only two of all these amendments are of very great importance. The first, known as the Gronna amendment, declares that one year after the approval of this act it shall be unlawful to import, manufacture, sell, or give away any intoxicating drink or drug in Porto Rico.

Mr. STAFFORD. Will the gentleman yield? Is this a bone-

Mr. JONES. In a moment—with the proviso that at any general election within five years after the approval of this act the voters of Porto Rico may, upon petition of not less than 10 per cent of them, determine whether this provision shall remain in force and effect. Now, I yield to the gentleman.

Mr. STAFFORD. The gentleman has virtually answered the question I wished to inquire about. I was inquiring whether it

was a bone-dry proposition, and the gentleman has stated it is except providing a referendum for the voters of Porto Rico.

Mr. JONES. That is the situation exactly. That is the Senate amendment, and the House conferees have accepted it in its entirety. The next most important amendment put on the bill by the Senate and accepted by the House conferees is that which relates to suffrage. The bill as it passed the House provided that voters should either be able to read and write or be bona fide taxpayers. In other words, that citizens of Porto Rico must possess either an educational or a property qualification in order to exercise the right of suffrage. The Senate has stricken out both the alternative educational and property qualifications, and in order to insure against the imposition of any property qualification in the future has declared in its amendment that the Legislature of Porto Rico shall never impose one. Another amendment of some importance is that which removes the property qualification which in the bill as it passed the House attaches to members of the house of representatives. That provision is stricken from the bill by the Senate amend-There are other amendments of more or less importance, but for the most part the others are immaterial. The House accepted, I think, 66 of the Senate amendments, but, in the main, as I have indicated, they are of very little moment, many being merely matters of form or language, and do not change the substance of the bill. A number of provisions have been added to the Bill of Rights of the House bill which appear in some of the more modern constitutions of the States of our Union. The Senate thought fit to hedge the Porto Rican Legislature around with a number of such provisions, some of which the managers on the part of the House have accepted, whilst disagreeing to others. I think I have mentioned all of the Senate amendments which have been agreed to, but if I have overlooked any which any Member may deem of importance and concerning which he desires an explanation I shall be glad to give it so far as I may be able to do so.

Mr. GARRETT. Mr. Speaker, I desire to suggest to my colleague that while he is on the floor he explain the necessity for the joint or concurrent resolution which it will be essential to

pass immediately following this.

Mr. JONES. I will say to the House that if this report is adopted I shall ask unanimous consent for the passage of a joint resolution. It seems a mistake has been made.

The bill has not been enrolled yet.

Mr. MANN. Mr. JONES. The mistake is that of some clerk of the Senate. Mr. MANN. It is the enrolling clerk, but not in the enrollment of the bill.

Mr. JONES. That is true. I did not mean to convey any other idea. I merely wished to say that a Senate clerk had made this mistake. The bill as it passed the House required that both senators and representatives should possess a property qualification. As it came back to the House the property qualification as to representatives had been stricken out, whilst that as to senators had been left undisturbed. It was represented to the House managers by those of the Senate that the Senate had also stricken out the property qualification as to senators, but the record showed differently; and, of course, we were bound by the record. An examination of the proceedings of the Senate shows that the contention of the Senate conferees was correct, and that a clerk of the Senate had made a mistake. This concurrent resolution is to correct that error.

Mr. MILLER of Minnesota. To which provision does the

gentleman refer?

Mr. JONES. It is the property qualification as to sena-The House bill provided that senators should own \$1,000 in property. Now, that was stricken out in the Senate, but as the bill came back to the House it was still in it.

Mr. MANN. There was no Senate amendment that came to

the House.

Mr. JONES. No Senate amendment came to the House.

Mr. MANN. So that officially there is no Senate amendment.

Mr. JONES. Officially there is none. Mr. MILLER of Minnesota. Is it the intention now to bring in a joint resolution that will eliminate from the bill the property qualification for senators.

Mr. JONES. For senators. That is the purpose.

Mr MANN Let us see what the situation is, so that I may get it clear. We passed the bill with the property provision as to senators in one place and as to members of the house in another place?

Mr. JONES. Yes.
Mr. MANN. And the bill comes back to us with the Senate amendment. It has stricken out the property qualification as to members of the house but has not stricken out the property qualification as to members of the senate?

Mr. JONES. Whereas it was done—

Mr. MANN. And the conferees have agreed to the provisions striking out the property qualification as to the members of the

Yes.

Mr. MANN. And that will be agreed to if adopted?

Mr. JONES. Yes.

Mr. MANN. And the conferees think the same provision ought to exist as to senators?

Mr. JONES. Yes.

Mr. MANN. It does not require a joint resolution. The gentleman should have a concurrent resolution-

Mr. JONES. I should have said a concurrent resolution, if I did not.

Mr. MANN (continuing). Directing the enrolling clerk of the House in enrolling the bill to leave that language out.

Mr. JONES. I have the resolution here, and it is a concurrent resolution. I should not have said joint resolution.

Mr. MANN. It is a request to the enrolling clerk, because he knows how it stands and knows where it belongs.

Mr. JONES. The resolution was prepared by Senate officials and sent to me.

Mr. MANN. I will say to the gentleman, never take trust in a Senate amendment to a House bill. It is best to send it here to Mr. Hempstead and let him examine it. If he has charge of it, it will be all right.

Mr. JONES. It has been examined by that official of the House, and it is satisfactory to the conferees of the Senate as well as those of the House. I had intended to make this explanation following the adoption of the report, but, at the suggestion of the gentleman from Tennessee [Mr. Garrett], I now make it.

I shall now be glad to answer any questions which gentlemen may desire to ask, either in regard to Senate amendments or to provisions of the measure itself.

Mr. LONDON. Has there been any expression of opinion on the part of the people of Porto Rico in regard to the prohibition provision?

Mr. JONES. Not that I know of. I can only say to the gentleman that the Committee on Insular Affairs from time to time has received petitions that have been sent here from Porto Rico asking that some provision relating to prohibition be placed in the bill.

Mr. LONDON. Providing for prohibition? Mr. JONES. Yes; providing for prohibition. Mr. SLAYDEN. How many such petitions?

Mr. JONES. Oh, I could not say. It has been some time since any have come, but quite a number came from Sunday schools, ministers of the gospel, and from various organizations in Porto Rico. I can not now recall the number or from whom they all came.

Mr. SLAYDEN. What I mean to ask is whether they were sufficient in number to impress you with the idea that they

reflected the sentiment of the island?

Mr. JONES. They were not so numerous as to impress the Committee on Insular Affairs with the propriety of putting such a provision in the bill. This amendment was put on in the Senate and is known as the Gronna amendment. not the amendment originally introduced in the Senate, but is a compromise measure, so far as the Senate is concerned. As I understand the matter, the friends of prohibition in the Senate accepted the referendum in order to overcome objection in that body to imposing prohibition upon the people of Porto Rico. It is expressly provided that prohibition is not to go into effect in any event for one year after the approval of the bill, and in the meantime the voters of Porto Rico are permitted to say at the next general election, which will be held in July of this year, whether or not it shall ever go into effect.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to have

10 minutes when the gentleman is through.

Mr. JONES. Certainly.
Mr. HELM. Mr. Speaker, will the gentleman yield?
The SPEAKER pro tempore (Mr. Gard). Does the gentleman from Virginia yield to the gentleman from Kentucky?

Mr. JONES. I do.

Mr. HELM. I understand the provisions of this make American citizens out of the people of Porto Rico. Under the existing immigration law it would be illegal to import labor from Porto Rico under contract into the United States; under existing law they not being citizens now of the United States?

Mr. JONES. I am not prepared to say that such is the case. We have recently passed, as the gentleman knows, an immigra-tion law which very much changes the old law, and I have not

been able to familiarize myself with its many features.

Mr. HELM. The point I have in mind is not in the immigration law. I may be mistaken, but it is my opinion that under existing law foreign labor can not be brought into the United States under contract.

Mr. JONES. That is true.

Mr. HELM. Now, in view of the fact that there is a pressing demand for labor of all kinds in the United States, and after the passage of this bill which confers citizenship of the United States on the Porto Ricans, the people of Porto Rico, they could be brought into the United States under a labor contract?

Mr. JONES. That is unquestionably true, I think; and I am not prepared to say it is not now true. The people of the Philippine Islands have never been made citizens of the United States, and yet I do not believe there has ever been any question raised as to the right to bring Filipinos into this country under con-

tract to labor.

Mr. HELM. One further question: After the passage of this law would it be possible and legal for consuls now needed in Latin-American territory to be selected from the citizenship of the island of Porto Rico and become citizens of the United States?

Mr. JONES. I think so; unquestionably.

Now I will yield, if no gentleman wishes to ask me any further questions, 10 minutes to the gentleman from Minnesota [Mr. MILLER]

The SPEAKER pro tempore. The gentleman from Minnesota

is recognized for 10 minutes.

Mr. MILLER of Minnesota. Mr. Speaker, I do not wish to pose in the attitude of a severe critic of this conference report. I expect the report is going to be adopted by the House for two reasons—first, not enough information respecting things that are to be changed is abroad, and the second reason is that the session is about to end, and there ought to be legislation in behalf of Porto Rico. Therefore gentlemen will no doubt feel it their duty to close the matter up once for all.

This bill passed the Senate only a few days ago. It was sent to conference shortly after that. I do not know just how long it was in conference, but I think I am accurate in saying it was not more than two days. Then it was reported to the House late last night, and to-day it is brought up here, and we are asked to adopt it.

That is the easiest way on earth for mistakes to occur. Some mistakes are being made in this bill here and now, mistakes that would not be made if the bill were carefully considered and thoroughly digested before it was brought up for a vote. I am very sorry that the exigencies of legislation did not permit this bill to go to the Committee on Insular Affairs at once, in order that it might be thrashed out for several days.

One important question is the question of the franchise in Porto Rico. The committee struck out all the qualifications that the House committee saw fit to impose on the right to vote in Porto Rico. The House conferees accepted the Senate provision. In other words, manhood suffrage is permitted under this bill. It was not permitted under the bill as it passed the House. Why? Because all the people in Porto Rico in re-

sponsible positions do not want it.

Now, I see a smile on the face of the gentleman from New York [Mr. London]. I am not surprised that he smiles; but I want to say that that smile finds no echo amongst the people who stand for something in Porto Rico; and I want to say to him that that smile will stand for revolution and outrage in Porto Rico before the story is completed and told. There are in the island of Porto Rico a limited number of responsible individuals. There are a great many who are irresponsible. They are ignorant; they have no property; they have no ideals; they are a mob. They can be trained and made good and efficient citizens; but when you put in their hands the instrumentality of voting without first giving them a chance to learn the duties of citizenship you are preparing for trouble, revolu-tion and had government in the island of Porto Rico. You are blundering in the face of experience. You are repeating the great error our fathers committed when they gave the newly emancipated slaves in this country immediately the right to vote.

Now, I believe the negro ought to have the right to vote in the United States, and I have so voted all the time; but we committed a crime against him and against government when we gave him the right to vote before we gave him training in the way he should exercise it. Those so-called reconstruction days are the darkest in America's history. Infinitely better for the negro, infinitely better for the country if we had extended to him the right to vote only as fast as he became proficient in its exercise. By this bill you are placing the ballot in the hands of men in Porto Rico infinitely less qualified to exercise the

responsibilities of suffrage than were the negroes of South Carolina, Georgia, Florida, Mississippi, Texas, if you please, in 1866 and 1867.

Mr. JONES. Mr. Speaker, will the gentleman permit me to

ask him a question?

Mr. MILLER of Minnesota. Oh, the gentleman can have more time of his own.

Mr. JONES. Just a question.

Mr. MILLER of Minnesota. Very well. Mr. JONES. Is it not true—of course the gentleman knows -that they have manhood suffrage there now? This is not

changing the situation.

Mr. MILLER of Minnesota. Ah, but the gentleman well knows that manhood suffrage is restricted there, with a property qualification, and that restriction keeps it pure. Now, I am not a strong advocate of a property qualification anywhere, but something must be done to restrict the franchise in Porto Rico, if you are going to have voting there pure and decent and intelligent.

Mr. JONES. The gentleman does not mean to say there is a

property qualification there now?

Mr. MILLER of Minnesota. I mean to say that the gentleman's statement that there is universal suffrage there now is not correct.

Mr. JONES. But there is, The gentleman is mistaken. Mr. MILLER of Minnesota. I am not mistaken.

Mr. JONES. Oh, but the gentleman is mistaken. Mr. MILLER of Minnesota. The testimony is entirely the other way

Mr. CAMPBELL. I would like to ask the gentleman from Minnesota what his information is upon that question. My understanding is that they have male suffrage in Porto Rico.

Mr. MILLER of Minnesota. I do not know what the gentle-man's understanding is founded upon; but I do know this, that they do not all vote there, and have not done it. They have technically the right to vote in Georgia, but they do not vote. They have the right to vote in Virginia, but they do not vote; and the records all disclose that only a limited number in Porto Rico vote to-day.

Mr. FESS. Will the gentleman yield? Mr. MILLER of Minnesota. Certainly.

Mr. FESS. This limitation that was placed on suffrage by the House committee was placed there upon the recommendation and information presented by a person from Porto Rico

who understood the situation.

Mr. MILLER of Minnesota. The gentleman's statement is absolutely correct, and that is the reason I am stating what I now state. I have never been in Porto Rico. I have never looked the people over. My advice is entirely that of the late Resident Commissioner from Porto Rico, who certainly was interested in his country and his people. My advice is that of all the representatives who have appeared from that island before the committees of this House, interested in their country and in this legislation. So I say before you do that it should be given the most careful consideration and scrutiny. While I expect the conference report will be adopted, for the reasons I have given, I do not think that ought ever to be written into the law.

Now this same vice extends further. The House placed a property qualification upon the senators and representatives in this insular legislature. In order that a man might become a member of the House of Representatives in Porto Rico, under the bill that we passed in the House he had to own some property. He had at least to have a pair of pants, or a cow, or a horse, or a dog, or a garden, or something. Under this conference report he does not need to own anything but a little hair on his back and a purpose in his heart, whatever it may be. He can sit in the house of representatives and decide the fate of the insular government there.

We required that a member of the senate should have prop-

erty of a certain amount. Under this bill anybody who can get the mob to yell for him can sit in the chambers of the mighty, vote taxes and spend them with a profligate hand, a proceeding of which we are not without some knowledge in this

country.

Then I want to direct the attention of the House to one further point. I think those features running through the bill are extremely injurious. They are directly, diametrically opposed to the express desire of every man who has come to this Government from Porto Rico, contrary to the rocommenda-tions of the Porto Rican Resident Commissioner when he was alive and performing his duty, contrary to the recommenda-tions of the committees that have come from there during the past two or three years appearing before the committees of Congress in respect to this legislation which you are now about to enact.

I notice that the Senate placed in the bill a long series of new things associated around the bill of rights. I am glad to see that the House conferees were able to get some of them I have no doubt they did their level best. I feel squeezed out. like congratulating them for the success that they have attained, but I only wish they had stood a little firmer, that they had stood pat a little longer, because there are two or three things that still remain in the bill that ought not to be there. For instance, let me read to you this, which is included in the bill as it is going to stand:

No law shall be passed except by bill, and no bill shall be so altered amended on its passage through either house as to change its original purpose.

What is a court going to say was the original purpose of a bill? What is the use of amending it if you do not change its purpose somewhat? Is it the fundamental purpose, or is it some purpose associated with the details of it? What is a court purpose associated with the details of it? going to say? That provision will produce litigation, and may defeat some meritorious legislation.

Now, let me direct your attention to one more provision:

No act of the legislature except the general appropriation bills for the expenses of the government shall take effect until 90 days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first 40 days of the session, shall become a law.

I have no objection to the last part; but what reason is there, I ask, why it should take a two-thirds vote of both branches of the legislature to make an act effective earlier than 90 days after its passage?

The SPEAKER pro tempore. The time allotted to the gentle-

man from Minnesota has expired.

Mr. MILLER of Minnesota. May I have five minutes more?

Mr. JONES. I yield to the gentleman five minutes. Mr. MILLER of Minnesota. Then let me invite your attention to one further paragraph that I think is somewhat serious:

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

I will suggest to the gentleman that that is Mr. GARRETT. the practice even here.

Mr. MILLER of Minnesota. I understand that, in a way; but the practice in the Congress of the United States is hardly to be followed in many of these State legislatures

Mr. GARRETT. If the gentleman will permit, does he not think possibly that in view of all the circumstances it is much more important that that be done in Porto Rico than it would be that it be done here?

Mr. MILLER of Minnesota. Well, I do not know. It may

be; but let me ask how about bills

Mr. GARRETT. There is this difference in the practice as applied there under this rule: The title must be read before the presiding officer signs it.

Mr. MILLER of Minnesota. Yes.

Mr. GARRETT. Here, of course, the presiding officer signs in the presence of the House and then lays the bill before the There is that difference, and that is all. HILLER of Minnesota. You only allow them 90 days,

Mr. MILLER of Minnesota. and here is a formality required in the closing days of the

Mr. GARRETT. It is a safeguard, in view of all the circum-

Mr. MILLER of Minnesota. I know it is somewhat in the nature of a safeguard, but I question whether it is a wise one. It is a safeguard we ought to have carefully considered before we acknowledge it should be a part of the law.

Let me again ask the membership of the House to note the further step and the last step they have taken in the matter of the franchise. Amendment 69, on page 39 of the bill, saysthis is the proviso:

That no property qualification shall ever be imposed or required of

I say that is going altogether too far. You have taken away from the people of the island of Porto Rico by the power you undoubtedly have the right of a law-abiding, public-spirited, patriotic people of that island to protect themselves against the mob—and I use the term advisedly by reason of the peculiar characteristics of the people of that place—the right to say that property qualification or some qualification attached to the

right to vote is necessary to safeguard the interest and safety

of the people in the island.

Mr. JONES. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 29 minutes.

Mr. JONES. I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER]

Mr. TOWNER. Mr. Speaker, of course, it would be utterly impossible to frame a constitution for the government of a people that would meet the entire approval of any individual. However, let me say this to the House, that fortunately while this is a fundamental constitution of government, it is not so difficult of change as are constitutions of a nation or a state, for the reason that if it shall be found that we as a Congress in giving them this fundamental system of government have made any mistake in regard to any of its provisions, we can change it very quickly by a mere act of Congress. If experience shows that any provision contained in the act is not wise, we can thus easily remedy the difficulty.

I want to call attention of the membership of the House to this fact. It is exceedingly important that this legislation should be passed, and passed now. It is the result of four or more years of consideration in an effort to give these people what they are entitled to, a system of government of some kind. All these years, since they became a possession of the United States, they have been under a provisional government. have never had given to them what they are entitled to, and what we are now about to give them, a finished system of government

under the Constitution of the United States. Let me speak briefly of two or three main considerations that have been regarded as very important questions. These people, a million and a quarter, living in that island for all these years, have been in the anomalous position of not being citizens of any country in the world. We made them citizens of Porto Rico, and Porto Rico is not a country. It is and has been all these years merely a dependency, so that we gave them only a We have been exercising sovereignty over them. have allowed them to use some of the attributes of citizenship, but we did not give them citizenship. This bill makes the people of Porto Rico citizens of the United States.

I think it may be difficult to understand what that will mean to this people. They can have a place now among the citizenship of the world. Previous to that time they have had none. They were aliens in their own land; going to another country they could not claim the protection of this country, because they were not citizens of the United States. We are conferring on them what they ought to have had years ago and what they earnestly desire—the privilege of being American citizens and being placed under the protection of our flag.

There has been criticism because we have given them a too elaborate system of government. In that criticism I join. think that perhaps we ought not to have given them such a complicated system of government. But we had to do this as best we could. We have given them regulations and restrictions as to the operations of their government that have been considered to be valuable by many of the States of the Union. We have given them privileges such as I believe are needed by almost all the citizens of the United States. There ought not to be any serious complaints, and if it should be found that in any respect with regard to any of these provisions we have made a mis-

take, it will be very easy for us to correct such mistake. Criticism has been made on the qualifications for voters. Gentlemen should remember that the present qualification for voters in the island of Porto Rico is that which we enjoy generally in the United States—universal manhood suffrage. Spain in order to recognize the loyalty of Porto Rico to her a few years before the revolution occurred in Cuba, which not only took Cuba out from under the yoke of Spain but also Porto Rico and placed her within the jurisdiction of the United States Spain had conferred universal suffrage on the male population 21 years of age. When we took possession of the islands and started the military government the military government gave to the people universal male suffrage without educational or property qualifications. When we established our temporary form of government, in order to give them a form of government that they have been exercising down to the present time, we still retained what they had possessed both in the Spanish regime and under the military occupancy, we gave them universal manhood suffrage without qualification. The question The question has been a vital and interesting one for consideration during the years we have had this proposition under discussion-the question of what qualification for suffrage ought to be given to the people of the island. I believe that perhaps it will be better for them at least to have an educational qualification. I think that many of the best people of the islands believe that, and they will have the right to establish such requisite if they so desire; but in this bill we give them universal manhood suffrage such as they have had for perhaps 20 years or more until they change it. We are not taking anything away from them, but we do give them the right to make an educational or other qualification for suffrage if they so desire. We have taken away from them the right of making a property qualification, and that is the only restriction that is laid upon the legislature in fixing qualifications for suffrage. It occurs to me that under the circumstances and with the conflicting views that have arisen between the Houses and individuals we have been exceedingly fortunate in being able to reach such a conclusion. Personally I am very well satisfied that this provision is as it is now. I think we have reached a happy solution of that question and also of the question with regard to prohibition. far as we safely can, we give to the people of the islands local self-government in their own interest, with only such restrictions as we considered vital for the protection of their own liberty and welfare.

Mr. FESS. Mr. Speaker, will the gentleman yield? Mr. TOWNER. Yes.

Mr. FESS. I am interested in knowing from what angle this compromise was reached, in view of the fact that the House inserted a property qualification and the Senate went to the other extreme and forever forbade it.

Mr. TOWNER. I prefer to tell the gentleman that in private and not to make it public. [Laughter.] I can only say that we were not able to get all that we desired; we did the best we could under the circumstances.

Mr. JONES. Mr. Speaker, I yield three minutes to the gen-

tleman from Texas [Mr. Davis].

Mr. DAVIS of Texas. Mr. Speaker, I feel an interest now as I have felt an interest in the formation of this bill through all of our committee work. We are dealing with the people who fell into our hands under the destiny of a war that was called divine, and I just want to refer to the very defective and miserable memory of the gentleman from Minnesota [Mr. Miller] when he says that there was nobody before the committee asking for universal male suffrage. He could not speak very good English, but if I remember his name he was Mr. Aglacious—something. He was very careful, and told us repeatedly that he stood for the rice workers and that he stood for certain organizations of mechanics; that he represented, in other words, the district labor organizations in the country, and he said in his broken English, "It will be mighty hard for my people to understand the glories of the great Republic that took them away from Spain if you treat them in point of suffrage worse than the Kingdom of Spain treated them." And I remember, my friends, very distinctly, that he pleaded in his broken English for the proposition that is now in the bill. Our committee did not adopt it; I myself did not fight heroically, although I said, and say now, that I felt it would be a reproach to the glory and the grandeur of our country to take a helpless people, hold them at arm's length and for over 10 years not even make them citizens for ourselves and for themselves, and treat them in point of suffrage more intolerantly than Gen. Weyler, the Spanish despot, did; and so I am very glad the matter has gone like it has.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. DAVIS of Texas. Yes.

Mr. MILLER of Minnesota. Does the gentleman mean that these people have voted in their lives under Spain or outside of

Mr. DAVIS of Texas. They had universal suffrage over six

months the year before our people went there

Mr. MILLER of Minnesota. And never elected a man who took

Mr. DAVIS of Texas. The military government extended it, but they had the right; but whether they exercised it or not is another question. I am talking about the right. The gentleman seems to have a very defective memory on this side, but a very capricious memory on the other side. I am not going to make this speech any further. I am one of those who believe the people in a country in which God has given them birth and existence have a prior right, and when you reach out your strong arm over 2,000 miles away and put your paw on them, you ought at least to see that they get fair treatment. I felt that way.

Mr. MILLER of Minnesota. Just one other question; the

gentleman has been very kind-Yes.

Mr. DAVIS of Texas. Mr. MILLER of Minnesota. Do all the colored people in Texas exercise this God-given right?

Mr. DAVIS of Texas. Every man in Texas has the same right

to vote I have

Mr. MILLER of Minnesota. But do they vote?

Mr. DAVIS of Texas. Black and white, thank God, if they want to. I have got to pay \$1.50 poll tax before I vote, and that goes into the school fund and helps educate the negro children; 48 where they pay one.

Mr. MILLER of Minnesota. Does not the gentleman think

some such property qualification would be proper for Porto

Mr. DAVIS of Texas. We are acting for ourselves down there in Texas, and these people are not acting for themselves. When they treat themselves that way I have no objection, not a bit of it. [Applause.]

Mr. JONES. Mr. Speaker, I yield one minute to the gentle-man from Rhode Island [Mr. O'SHAUNESSY].

Mr. O'SHAUNESSY. Mr. Speaker and gentlemen of the House, I want to congratulate the people of Porto Rico upon the government that is going to be conferred upon it through the generous disposition of the American Congress. I respectfully commend the action of this Congress to the Legislature of Rhode Island. In Rhode Island we have a property qualification, and in this twentieth century the contrast may be very well made. The Porto Ricans shall vote unrestricted, the Rhode Islanders shall be bound by property qualifications. [Applause.]
Mr. JONES. I yield to the gentleman from Missouri [Mr.

BOOHER]

Mr. BOOHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a telegram signed by seven of the banks of St. Joseph, Mo., asking that a joint resolution making the Reed prohibition bill operative after July 1, 1918, be passed.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

The telegram is as follows:

ST. JOSEPH, Mo., February 23, 1917.

CHARLES F. BOOHER House of Representatives, Washington, D. C .:

House of Representatives, Washington, D. C.:

We would request you to assist in securing joint resolution making Reed bill operative beginning July 1, 1918. We believe this would be fair to the great number of men engaged in the liquor business to give them an opportunity to liquidate their business.

GERMAN AMERICAN NATIONAL BANK.
BANK OF BUCHANAN COUNTY,
AMERICAN EXCHANGE BANK.
BURNS NATIONAL.
FIRST NATIONAL BANK.
MISSOURI VALLEY TRUST CO.
EMPIRE TRUST CO.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield me one minute?

Mr. JONES. How much time have I?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. JONES. I yield three minutes to the gentleman. Mr. COOPER of Wisconsin. I will take two. Mr. Speaker, I am very glad indeed that this bill is to grant citizenship—I understand that it does—to the people of Porto Rico. I ask the chairman of the Committee on Insular Affairs if I am correct in that?

Mr. JONES. Certainly.

Mr. COOPER of Wisconsin. I am glad for more than one The people of Porto Rico set an example generations ago which we ought to have followed. There was slavery in Porto Rico, but the people were so filled with the spirit of liberty that they voluntarily taxed themselves, paid for the slaves, and emancipated them. We had to go to war before our slaves could be made free. A people that so recognized the rights of man as voluntarily to tax themselves to destroy human slavery are worthy to be made citizens of this Republic. We are never to give up Porto Rico for, now that we have completed the Panama Canal, the retention of the island becomes very important to the safety of the canal, and in that way to the safety of the Nation itself. It helps to make the Gulf of Mexico an American lake. I again express my pleasure that this bill grants these people citizenship. Some years ago, as the chairman of the Committee on Insular Affairs, I twice reported from that committee to the House bills to grant United States citizenship to the inhabitants of Porto Rico. [Applause.]

Mr. JONES. Mr. Speaker, I merely wish to say, in conclusion, that I sympathize in large measure with what the gentleman from Minnesota [Mr. MILLER] has said in regard to this suffrage

provision.

I agree with much that he has said upon this subject. the subject and the sentiment of the Senate, if I am correctly informed, was strongly against either a property or an educational qualification. And if I remember aright, there was not a single dissenting vote in the Senate against the proposition to

strike both of these qualifications from the bill. In these circumstances the conferees of the Senate felt obliged to insist upon the Senate proposition, and, in my judgment, this bill could not have been passed by this Congress if the House conferees had held out for either a property or an educational qualification; certainly not if they had insisted upon retaining the property qualification.

qualification.

Mr. SNYDER. Will the gentleman submit to a question?

Mr. JONES. I will.

Mr. SNYDER. Will not the gentleman agree with me that, notwithstanding the qualification that our good friend from Rhode Island [Mr. O'Shaunessy] mentions as to his State, that occasionally a good man comes from Rhode Island?

Mr. JONES. Yes. I give my unqualified assent to that statement, and I wish to add that, notwithstanding that neither educational nor property qualifications have found any place in the suffrage laws of Porto Rico during the past two decades, the votors of that island have selected as their representative the voters of that island have selected as their representative at Washington in the person of the late lamented Luis Muñoz Rivera one of the ablest statesmen it has been my good fortune to meet during my somewhat long service in the Congress of the United States. [Applause.]

Now, Mr. Speaker, I move the previous question on the adop-

tion of the report.

The SPEAKER. The gentleman moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was

agreed to.

Mr. JONES. Mr. Speaker, I desire to ask for the immediate consideration of the concurrent resolution which I now send to the Clerk's desk, the necessity for the passage of which I have already explained.

The SPEAKER. The gentleman will send it up to the Clerk.

Mr. JONES. It merely corrects an error in the bill.

The SPEAKER. The gentleman asks for the present consideration of the concurrent resolution, which the Clerk will

The Clerk read as follows:

House concurrent resolution 78, authorizing and directing the Clerk of the House of Representatives to correct the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Let us have the resolution read.
The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That in the reenrollment of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, the Clerk of the House of Representatives be, and he is hereby, authorized and directed to strike out the words "and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000," as the same appears on page 21, lines 22 and 24 in the engrossed bill of the House of Representatives.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The concurrent resolution was agreed to.

## SUNDRY CIVIL APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. Garner in the chair.

Mr. FITZGERALD. Mr. Chairman, I wish to announce that hope to have the House sit to-night until about 11 o'clock. The Members can make their arrangements accordingly.

The CHAIRMAN. The Clerk will report the bill by title.

The bill was read by title.

Mr. BORLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. Borland] offers an amendment, which the Clerk will report. The Chair understands the gentleman withdraws the amendment which was pending when the committee rose last night, and offers this amendment, which the Clerk will report.
The Clerk read as follows:

Amend, on page 55, by adding at the end of line 3 the following:
"For all expenses necessary to carry out the order of the President of
the United States to investigate within the scope of his powers and
to report the facts relating to any alleged violations of the antitrust

acts by any corporation in the production, ownership, manufacture, storage, and distribution of foodstuffs and the products or by-products arising from or in connection with their preparation and manufacture, \$400,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

Mr. BORLAND. I might say to the gentleman that this language has been agreed upon by the chairman of the committee and the gentleman who offers the amendment.

Mr. STAFFORD. The amendment as proposed varies decidedly from the proposition that was submitted by the gentleman yesterday night and the proposal that was submitted to

the full Committee on Appropriations.

Mr. BORLAND. Mr. Chairman, the gentleman will find, however, that it follows literally the wording of the law and the order of the President under the law. Now, it has been agreed, I will say to the gentleman, with the chairman of the committee that in all respects in which the language ought to be amended to include experts, the compensation for traveling expenses, and so forth, we can later agree to make the proper changes if the We will agree later what is the House approves the purpose. proper wording of the amendment if the House authorizes the purpose expressed in the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gen-

tleman yield?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. Is this amendment offered in lieu of the one that the gentleman offered last night?

Mr. BORLAND. Yes; this is offered in lieu of the one that I offered last night.

Mr. MOORE of Pennsylvania. The other was ruled out on a point of order?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. This does not propose to create commission as the other one did?

Mr. BORLAND. No. Neither created a new commission. Mr. MOORE of Pennsylvania. This is to provide for carrying out the order of the President to the Federal Trade Commission?

Mr. BORLAND. Yes. Mr. MOORE of Pennsylvania. The one introduced last night provided for the creation of a commission, did it not?

Mr. BORLAND. It was the same proposition, but that was in the language submitted by the Treasury Department.

Mr. MOORE of Pennsylvania. This is probably one of the most important questions that this House will have to deal with. You propose in this amendment now to have the President himtake up this question of the investigation of the food supplies?

Mr. BORLAND. Oh, no; the gentleman did not catch the reading of the amendment. I will give the gentleman a copy. It carries out the order made by the President to the Federal Trade Commission.

Mr. MOORE of Pennsylvania. Then it puts the jurisdiction in the Federal Trade Commission?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. Or in the jurisdiction of the Attorney General of the United States?

Mr. BORLAND. In the jurisdiction of the Federal Trade

Mr. MOORE of Pennsylvania. Why not put the matter didirectly in the hands of the Attorney General of the United States, with enough money to enable him to go forward and make

his investigations and prosecutions if necessary?

Mr. BORLAND. Well, the gentleman well knows that the President has ordered this investigation at the hands of the Federal Trade Commission, and that the Federal Trade Commission act provides in its terms for such a reference as that. It provides that the President of the United States or either House of Congress may order investigations of this character. The President, in pursuance of that act, has done so, and we were confronted with an estimate of appropriations submitted through the regular channels to cover the expenses of that investigation so ordered by the President. We have nothing before us except that.

Mr. MOORE of Pennsylvania. The gentleman from Missouri has endeavored several times to obtain authority for an investigation of the Beef Trust in the United States, and he has not succeeded up to the present time. Has the gentleman any doubt in his mind as to the power of the Attorney General to proceed under existing law and prosecute the Beef Trust or any other trust that is cornering food supplies?

Mr. BORLAND. Well, is the gentleman asking me a parlia-

mentary question?

Mr. MOORE of Pennsylvania. I am asking the gentleman as a lawyer. The gentleman is a lawyer. Is it not true that the President or the Attorney General now has the power under existing law to proceed against the Beef Trust or any other

trust or combination that is cornering food supplies?

Mr. BORLAND. The Attorney General has unquestioned power to begin isolated prosecutions in any district count ir the United States against any alleged combinations. But that will not accomplish the purpose that the gentleman and I have been working upon, namely, to secure a uniform and complete and universal economic investigation.

Mr. MOORE of Pennsylvania. That is all right. I would

like to have that, but what we should do now is to meet the present-day demands of the people, who want a reduction in the present prices of food supplies. If the gentleman's amendment passes, it means the reference of this whole matter to the Federal Trade Commission for a lengthy investigation and a report perhaps two years hence. What we want in the great cities is an immediate investigation and immediate relief, if it can be obtained. I contend, and the gentleman from Missouri sustains the contention, that the Attorney General has the power now to make whatever prosecutions may be necessary. Mr. BORLAND. The gentleman knows I have been working

Mr. MOORE of Pennsylvania. I know the gentleman has been, and the gentleman has not succeeded in getting at the bottom of this thing. People are knocking now at the doors of the mayor's office in New York City asking relief from lack of

Mr. BORLAND. Mr. Chairman, I must decline to debate this

thing now with the gentleman.

Mr. MOORE of Pennsylvania. Very well; we will debate it later.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.
Mr. MONDELL. I thought we could enlighten the gentleman in a moment by informing him that the Attorney General has just conducted an investigation and has reported that at the

present time he can find no violations of the antitrust laws.

Mr. FITZGERALD. Mr. Chairman, I ask that the question
of order be settled first before this debate proceeds further.

Mr. STAFFORD. Mr. Chairman, as it was my privilege to accommodate the gentleman from New York and others, I withdraw the reservation of the point of order.

The CHAIRMAN. Does the gentleman from Wisconsin re-

serve the point of order?

Mr. STAFFORD. Mr. Chairman, in the confusion I stated

that I withdrew the reservation.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The gentleman from New York [Mr. FITZGERALD]

Mr. BORLAND. Mr. Chairman, I thought I would suggest to the gentleman from New York that we ought to agree upon a time for debate. Several gentlemen want to be heard.

Mr. FITZGERALD. I think the gentleman had better start. Mr. BORLAND. Several gentlemen would like to be heard.

Can we not fix a time for debate?

The CHAIRMAN. The gentleman from Missouri is recog-

Mr. BORLAND. Mr. Chairman-

Mr. MANN. The gentleman can only proceed by unanimous

The CHAIRMAN. Does the gentleman from Missouri ask unanimous consent to address the committee? That is the only way he can get the floor now, as the Chair understands. gentleman has five minutes.

Mr. BORLAND. No: I have had no time. There was a reser-

vation of a point of order.

Mr. MANN. I have no objection to the gentleman speaking. The CHAIRMAN. The gentleman from Missouri is recognized

Mr. BORLAND. Mr. Chairman, I would like to ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, this is an appropriation to meet the expenses of an investigation into the food products situation in pursuance of an order to the Federal Trade Commission by the President dated February 7, 1917. That order is contained in House Document No. 2061, and I would like to ask all the Members here that can to send out to the document room and get copies of that document.

You are aware of the fact that the Federal Trade Commission was created, among other things, not to conduct the kind of investigation which would be involved in an isolated criminal case, the success or failure of which would have no effect except

in an indirect way upon the economic situation, nor to conduct an investigation which involves simply the collection of statistics without the possibility of acting upon them, but to conduct an investigation such as I have been demanding here—an analytical and economic investigation of the causes of the control over the prices of food products.

Mr. FARR. Will the gentleman yield? Mr. BORLAND. No; I am sorry to say, I can not. Mr. FARR. I would like to ask the gentleman a question for information.

Mr. BORLAND. I can not yield. We have been working for a year upon a proposition which originated with the live-stock producers and farmers and agricultural associations of this They were a unit on the proposition that they wanted an investigation into the production, marketing, and distribution of ment products. The American Live Stock Association, the Missouri Cattle, Swine, and Sheep Feeders' Association, the Corn Belt Ment Producers' Association, the Panhandle Association, the Kansas Live Stock Association, and every agricultural association that met, as well as the National Grange, have gone on record for exactly the same thing, and so has the National Dairy Association.

I regard it as a disgrace that such a thing as a shortage of food or extortionate or impossible prices for food to the consumer should occur in a country such as this. [Applause.] Endowed as we are with such magnificent possibilities for the production of human food, there should never be a shortage in this country. It shows a disgraceful breakdown in our entire economic system. It shows that somewhere between the producer and the consumer of the food products, the hand of greed has stopped the natural channels of distribution. [Applause.] Now, the sole question is, gentlemen, do you want to turn on the light? I say to you that the powerful interests concerned in the meat packing and cold-storage business of this country, with the allied banks, have been fighting us here for 15 months before the committees of this House. [Applause,] We ought to have begun this investigation 9, 10, or 12 months ago; and yet we are confronted to-day with food riots in the metropolis of the richest and most productive country on the face of the globe. I say such a thing ought never to be allowed to occur again. We do not want the ordinary investigation that these gentlemen have asked; we do not want simply an investigation by the Bureau of Markets, which is the collection of statistics; because the Secretary of Agriculture himself comes before this Congress and says that his power stops with the voluntary collection of evidence. What we want is the inquisitorial powers with which we clothed the Federal Trade Commission to compel the production of books and papers, to examine into the connection between the stockyards, the cold storage and packing houses, the bankers, and the retail markets, and find out where is the cause of this shortage.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. BORLAND. I regret to say I can not do so.
Mr. HAMILTON of Michigan. The gentleman has just made
a very interesting statement. I would like to make a little inquiry of him for information.

Mr. BORLAND. I would be very glad to yield to my friend from Michigan, but I can not do so now. This group of allied interests is centralized. It reaches not only the production of live cattle and the loaning of money for the feeding, marketing, and slaughtering of them, but it controls the cold storage of food, vegetables, poultry, butter, eggs, and a large amount of the perishable goods that enter into the food products of the country. Not only that, they control the cottonseed oil mills, the peanut oil mills, the soy-bean oil mills, and all the oil mills that produce vegetable oil entering into the food products of the country. Not only that, but they control the transportation and the retail distribution, for one packer before the Committee on the Judi-ciary testified that his firm alone had 400 branch distribution agencies in the United States.

Not only that. They are building packing houses in Montevideo, Uruguay, in the Argentine Republic, in Chile, in Australia, in New Zealand, in Canada, and in every beef-producing region of the world.

Not only so, but they have got the ships to carry the chilled beef here, there, and everywhere. And, crowning it all, they have got the great banks of New York and Chicago and are able to dictate the financial relations of all the men who come into business connections with them. Why, when their products were seized on the sea they did not need to appeal to diplomacy. No; they had a channel through which the beef that was seized upon the sea, carried in American ships, was paid for promptly by the belligerent nations. Did that ever dawn upon you? They are as powerful to-day as the arm of any first-class power

in diplomatic relations. Why, the belligerent nations could not borrow a dollar in this country unless they settled for that cargo of beef that they seized from the Beef Trust.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. I will yield to the leader of the minority;

Mr. MANN. They did appeal to diplomacy, and could not get any pay, and they never got entirely paid for their cargo of beef, and got nothing for a long time, for many, many months.

Mr. BORLAND. They have gotten paid, which is more than

almost anybody else has done.

Mr. MANN. They have never gotten paid the value of the

beef taken by Great Britain,
Mr. BORLAND. The gentleman is pretty familiar with the

I am.

Mr. BORLAND. But the newspaper reports indicated that they had been paid, and that they had paid on the basis of renewing the contracts for the supply of the armies abroad.

Mr. MANN. I am familiar with the facts, because I went to

the State Department to help get relief for them.

Mr. PAGE of North Carolina. The gentleman from Missouri has stated a condition which amounts practically to a combination in restraint of trade. What has become of the Department of Justice and the law already on the statute books?

Mr. BORLAND. I regret that I can not answer for the De-

partment of Justice, but I want to say this—
Mr. HAMILTON of Michigan. Will the gentleman answer a question?

Mr. BORLAND. I think I will have to yield now to my friend

from Michigan.

Mr. HAMILTON of Michigan. It would seem that way. The gentleman stated a while ago that for 15 months the investigation of these nefarious performances had been prevented by these interests, if I caught his statement correctly.

Mr. BORLAND. Oh, delayed.

Mr. HAMILTON of Michigan. It is a very important thing,

and I think all of us would like to have the gentleman elaborate a little. We would like to know how they have been able to prevent this investigation.

Mr. BORLAND. I would like to know myself in some par-

Mr. HAMILTON of Michigan. What influence have they

exerted here in this House?

Mr. BORLAND. There is the ordinary delay, and there is the ordinary difference of opinion, even among men who are honestly backing the same thing, and I have no doubt-

Mr. HAMILTON of Michigan. Have they influenced committeees here?

Mr. BORLAND. No. I have no doubt that there will be an honest difference of opinion still among many of us who are seeking the same thing. And among differences of opinion as to what is the best thing to be done, artfully suggested by the

interests affected, the guilty ones will escape.

Mr. HAMILTON of Michigan. Suppose there should be an honest difference of opinion, would you think it was through the influence of these people?

Mr. BORLAND. I can not yield to my friend further. Unfortunately there has been a long delay. We brought out a resolution from the Judiciary Committee to cover this thing in its entirety and to broaden its scope. A log jam occurred in Congress and there was some doubt about its getting through. While that occurred the press and the people called upon the President urging an investigation. He did not originate the order, but in response to the widespread demand, particularly among the producers and consumers, he finally, after consulta-tion with his advisers, issued this order, under his authority, for the Federal Trade Commission to go ahead. It is in the literal terms that received the approval of the Judiciary Committee.

Now we are confronted with this situation: The President has the same right to initiate the investigation as has the Senate or the Congress. He did so through the proper channels and had estimates for the appropriation sent in. possible for us to veto the efforts of the President by refusing any appropriation. The Federal Trade Commission is operating under three resolutions, solely at the instance of the Senate. We gave them the money to do so because we thought that the Senate acted from proper motives. But the President sends one in, and for some reason or other the appropriation for it was refused.

The CHAIRMAN. The time of the gentleman from Missouri has expired

Mr. MANN. Does the gentleman want any more time?

Mr. BORLAND. Not at present. I may want some at the conclusion of the debate.

Mr. MOORE of Pennsylvania. Will the gentleman yield before he takes his seat? I have read in a paper called the Traffic World a suggestion that certain American commerce can not be had with neutral ports unless the shipments are large enough to practically boycott the belligerent. Does the gentleman know whether there is any truth in that statement?

Mr. BORLAND. No; but I notice particularly the payment for a cargo of beef improperly condemned as a prize. I notice that it was done coincident with the new loan.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous con-

sent, to proceed for 15 minutes.

The CHAIRMAN. The gentleman from New York asks unani-

mous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, last October, during a debate upon the prices of foodstuffs, a member of the British Parliament made a memorable statement. "Nothing," he said. "had so angered the people of Great Britain during the last two years, as the enormous profits made on the supplies of food, except it had been the shameless excuses put up for them by the Government spokesmen.'

That statement is fully applicable to the situation in this country and can be supplemented by saying with equal truth that the Congress has shown an absolute incapacity to deal with the most vital problem affecting the American people to-day. [Applause.] That there would be food riots in New York City was not unknown until a day or two ago. I predicted last November that such a situation would result. I said then that unless drastic steps were taken to relieve the conditions steadily growing more intolerable, that the suffering poor of the country, for the want of food and the inability to purchase it, because of excessive prices, were bound to resort to violence. The riots that have taken place are not the riots of the thriftless and the worthless; it is the outraged and indignant protest of the thrifty, the industrious, and frugal, who can not meet the demands for prices of food that now prevail.

Last November I suggested certain remedies. I did not believe that I was omniscient and could determine with absolute certainty what was advisable, but I desired to suggest some-thing of a practical character to meet the then existing conditions and to avoid the present difficulties. The suggestions were not made at random, neither were they idle promptings of my own imagination. Many solutions had been proposed by persons whose comprehensive knowledge of conditions justified them in proposing remedies. From them I selected those which my experience and knowledge and judgment induced me to believe would be beneficial and would eliminate most of the

causes for complaint.

With the New York statute as a model I prepared a bill to prohibit the shipment in interstate commerce of cold-storage foodstuffs unless the commodity or the original package was marked plainly with the date when the article of food or package had been placed in cold storage, and to prohibit the transportation in interstate commerce of such foodstuffs after they had been more than six months in such storage. The object was to prevent the withholding from the markets for purely speculative purposes of great quantities of foodstuffs, as had been done repeatedly.

To afford opportunities to bring expeditiously and cheaply the products of the farm to the city markets, I introduced a bill abolishing the zones of the Parcel Post System in so far as they affected farm products and manufactured food products, increasing the weight of such packages to 150 pounds and ma-

terially reducing the rate.

I also suggested two food-embargo measures, one an absolute embargo and the other giving to the President discretionary power to place an embargo on foodstuffs. These suggestions were met with ridicule and contempt from innumerable self-appointed guardians of the producers of the country. Ignorant of world conditions, they boldly proclaimed that no legislation could be enacted that would affect the profits of any class, even though such legislation was essential to prevent the great masses of the people from suffering starvation.

I was met with the further objection that to stop the exportation of foods necessary for our own people would probably be taken as an offense by some powerful nation now engaged in a deadly war. Mr. Chairman, I have never gotten over my indignation at the Congress of the United States for changing the Panama Canal tolls upon the plea that our previous action had been displeasing to a great power which incidentally happened to be our keenest commercial competitor. [Applause,] It was a shameful confession that we could not regulate the affairs of the American people unless our action happened to coincide with what was for the best interests of Great Britain and her

And now we are told, when the people are starving, when industrious and thrifty men, and decent and frugal women, are erving for food for their hungry children, that we must not conserve our own foodstuffs for the starving children, lest we may offend a mighty power that dominates one group of the nations now engaged in conflict. We can not put an embargo on foodstuffs lest it may offend some power. But Great Britain, by her Orders in Council, can inhibit the importation into Great Britain of such of our commodities as she does not desire her people to have. Only yesterday she indicated the particular commodities, many of them products of the United States, that she would not permit to be imported into her domain.

The list includes agricultural machinery, boots and shoes of leather, raw fruits, except lemons and oranges, hides, leather, gloves, glass manufactures, linen and yarns and manufactures thereof, canned lobsters and salmon, manufactured silk and skins, cotton hosiery and cotton lace, furs, and many other Such markets as Great Britain has heretofore furnished our manufacturers are closed, while our foodstuffs continue to flow there in an unceasing stream. Controlling the bulk of the cargo ships in the overseas trade, she dictates what will and what will not cross the ocean to her shores. graciously permits us to send the food that our starving people need; and we dare not say that we shall retain it for ourselves. [Applause.] Is it possible, Mr. Speaker, that our great Nation

our commerce, determine our interests, and limit our actions? Mr. DIES. Mr. Chairman, I would like to ask the gentleman whether he has been advocating an embargo upon munitions from which his people have been reaping such rich rewards?

has come to such a pass that the welfare of some other nation

must be the dominant and controlling force that shall regulate

Mr. FITZGERALD. No, I have not; but information which has just come to me to-day from a reliable source may make me change my attitude upon that question. [Applause.]

My attitude in this matter has not been determined by the question of profits for any group or class, or by reason of any bias for, or prejudice against, any of the belligerent nations. I am interested in the vital, overwhelming question of conserving our food supplies for the American people. That is my chief, my sole purpose. So keen is my interest in this matter that I have stated that my position on the shipment of muni-

tions may speedily change.

I have obtained information to-day from an absolutely reliable source that justifies the inquiry whether the food problem may not be seriously involved in the question of shipping munitions abroad. Prior to the war the American-Hawaiian Steamship Co. had a fleet of 26 ships operating from the port of New York to the west coast, touching at San Diego, Los Angeles, and San The Luchenbachs, another Brooklyn concern, had a Francisco. fleet of 15 ships operating from the port of New York to the west coast, as far north as Seattle. Do you gentlemen know why our railroads are so congested and unable to handle the great mass of freight that has been thrown upon them? One very important reason is that all of the cargo ships recently upon the Pacific coast under the American flag, including those fleets of the Luchenbachs and the American-Hawaiian Steamship Co., are no longer engaged in the coastwise trade furnishing a medium to transfer vast quantities of freight from coast to coast by way of the Panama Canal, but they have been diverted to the oversea trade. They are now engaged in transporting from the United States to the allies munitions or such other commodities as the British consuls general at the ports on our Atlantic coast permit them to carry, and a great mass of freight which formerly came from the West to the East through the Panama Canal has been thrown upon the carriers by rail. Their capacity was only sufficient for what they were transporting under normal conditions. Then there came the burden arising from the unusual conditions resulting from the war, and now there has been thrown upon them this enormous quantity of freight formerly carried by water. I understand the important reasons for not prohibiting the export of munitions. I have never advocated such restriction, but if it be necessary to prohibit the export of munitions of war to put food within the reach of the great suffering masses of this country, I am ready to advocate such action, and, if necessary, even to prohibit the exporta-tion of all commodities and products of the United States. [Aption of all commodities and products of the United States. [Applause.] We should be for Americans first. We should not affront them with cheap suggestions. We should stop those preposterous officials who have met the complaint that people can not pay the price demanded for beef, with the statement that they should eat fish.

Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DIES. Our export trade last year was between five and six billions of dollars. Does the gentleman think that the complete curtailment of that export trade of five or six billions of dollars might not have a deleterious effect upon our domestic affairs?

Mr. FITZGERALD. It probably would. I have not suggested, however, a complete embargo upon all exports, and I have proposed a limited embargo upon foodstuffs. for our commodities we are getting gold. In the Subtreasury and assay office in New York City there is more foreign gold than ever before in our history. Since January 1, 1914, we have received every month more foreign gold than in any one year prior to that time. But we can not eat the gold. It is valuable only to exchange for the things we need. that gold heaping and piling up and enriching a certain select and favored group in the country, great masses of the people are suffering from starvation. Is there no remedy? What is our remedy? What is proposed as a solution now, when the

people are rioting and struggling for food?

For two years the mayor of the city of New York has had a committee, known as the mayor's committee, investigating the food question. Last year the Legislature of the State of New York appointed what is known as the Wicks committee to investigate the dairy situation. The governor of the State of New York recently appointed what was known as the Perkins committee to ascertain the causes of the existing evils and to propose remedies. When I suggested last November that there should be an embargo on foodstuffs or that the President should be given power, if in his discretion a situation arose which necessitated it, to proclaim an embargo, there was country-wide approval of the proposal. The President immediately directed the Attorney General to conduct an investigation through the Department of Justice into the situation. The United States district attorney at Boston was put in control of the inquiry. Within a few weeks that investigation was concluded. A report has been made that there is no evidence that the laws have been violated. There will be no effective prosecutions that will serve to deter the food speculators and the manipulators of prices. When the people are compelled to struggle and to fight and become disorderly in their quest for food it is proposed that we spend \$400,000 and take eight months in order to ascertain the trouble and why they are Can there be any greater indictment of the incapacity of a Government than that when the people are crying for food we should give them an investigation? When food is -when the little children are crying to have needed now-nowhunger's pangs allayed-we announce that at the end of eight months we will be able to tell why the prices of food are so high! Mr. Chairman, it is a horrible indictment of our system of government if that be the best that we can do. I believe that the Government is not so powerless. The power exists. We have but to exercise it to bring relief. I am opposed to the pending amendment. Its adoption will be taken as an admission of our helplessness and used as an excuse to defer action upon some practical method of relief. No relief is possible from this amendment. It will not even be effective for the purposes announced by its sponsors.

The Federal Trade Commission submitted an estimate for \$400,000 to make a most comprehensive investigation in eight I called attention to the fact that in a letter to the Judiciary Committee dated within a few weeks, they had stated that the investigation of the meat-packing industry alone was so difficult and complicated that it would take at least 18 menths and cost \$142,000. The commission insists that with \$140,000 they intend to complete practically the same investigation in eight months. The work that they have outlined can not be done by any group of men in the civilized world within that time, and it can not be done for \$400,000. I am opposed to any legislation at this time which will not afford relief, and which is designed—though not intended, but the result of which will be to mislead the people. I saw a statement by Mr. Davies of the Federal Trade Commission the other night that if this money were not voted great distress would result, that already there were food riots in New York and in other cities, and that the commission would insist upon this appropriation. Did he imagine, does anyone assert, that the adoption of this amendment, that the furnishing of this money to the Federal Trade Commission will create a different situation? If the Federal Trade Commission, or any of its members, believe that the mere authorization of an investigation will have any effect whatever upon present prices, that belief in itself demonstrates the incapacity of such men for the proposed task. It can not affect the present

Mr. Chairman, there is an effective remedy. If we will not apply it for our people, mayhap an appeal on behalf of helpless animals will be effective. The scarcity of foodstuffs for cattle in New England is so great that an appeal has been made within a week to certain New England Senators for help in the situation. The President of the Society for the Prevention of Cruelty to Animals in Massachusetts is engaged-

The CHAIRMAN. The time of the gentleman from New York

Mr. HELVERING. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. The President of the Society for the Prevention of Cruelty to Animals in Massachusetts is engaged in an effort to procure food for animals in distress from lack of Yet while the agitation was at its height, while appeals were being made to the Washington officials for relief, 385,000 bushels of oats were shipped from Boston to foreign countries, leaving but 86,000 bushels in elevators there for use in New England. The shortage in New England has not been confined to foed for animals. Under date of November 25, 1916, the mayor of Boston informed me that an investigation by the Boston Health Department, then just completed, disclosed that the meat supply in that city was 50 per cent less than a year previously, and that the supply then on hand, representing the amount stored in 11 public warehouses was but ten and one half million pounds, every ounce of which was contracted for abroad and was merely awaiting shipment. The first announcement that Germany intended to prosecute her submarine warfare caused an immediate drop of \$1 a barrel in flour.

Mr. HAMILTON of Michigan. May I ask the gentleman a question there? Is it his claim that oats are too scarce or too high; what is the difficulty? Is it claimed oats are too high or that there is a scarcity of oats in their relationship to cow feed;

what is the difficulty?

Mr. FITZGERALD. The difficulty is, Mr. Chairman, in my opinion, that there is a world's shortage of foodstuffs. shortage, with our excessive exports, congested transportation, and some manipulation, produces the situation unparalled in this country. I have not the time to discuss the facts relative to the world's supply of foodstuffs. It is notorious that we require about 6 bushels of wheat per capita per year for food and for seeding purposes. We raised last year a little over 600,000,000 bushels; our population is about 100,000,000, and we have exported, my recollection is, in the neighborhood of 300,000,000 bushels. Under such conditions can we avoid a shortage? Last November for the first time in our history a shipload of wheat was landed at Galveston from the Argentine public. Next year, instead of a crop of 25,000,000 bushels wheat, the Argentine will produce but 13,000,000 bushels. Other figures could be produced to show similar shortages the

During a debate in the House of Commons last August considerable light was thrown upon the available supply of foodstuffs. Mr. Prettyman, speaking for the board of trade, stated that a soldier eats one half as much again, whether at home or at the front, as he does in civil life. Calculating the untold millions of men in all countries engaged in this great war who are serving under their respective flags he asserted that the consumption of food among them is anything from half as much again up to twice as much as in normal civilian life. Considering that many of these untold millions consuming so much in excess of the normal supply had been withdrawn from production, two factors of tremendous importance added greatly to the difficulties of the food problem.

Every nation but our own is alive to the seriousness of the question. All of them are conserving their food for their own people. Germany, Austria-Hungary, Belgium, Bulgaria, Denmark, Spain, France and French possessions, Great Britain and Ireland, Greece, Italy, Malta, Norway, the Netherlands, Portugal, Roumania, Russia, Sweden, and Switzerland have all placed embargoes upon the export of foodstuffs. I shall place in the RECORD a comprehensive statement from the International Crop Report and Agricultural Statistics for December, 1916, showing how extensive these embargoes are

It is not alone by embargoes that the food is being conserved. France has two meatless days, Great Britain one, Sweden two, Russia is said to have four. The quantity of food served in public places in France and Great Britain is regulated by the government. Yet we ignore this world condition, and shutting our eyes to the present and ignoring the possibilities of the im-

mediate future, ship, or contract to ship, enormous quantities of needed foodstuffs to alien lands and for alien peoples.

Even if an embargo upon foodstuffs deprived the producers of some anticipated profits it would be justifiable at this time. It will not hurt the

farmers, it will not affect the prices they get, but it will compel the speculator, it will compel the manipulator, it will compel that class of men who have been preying upon the public, who have been gathering together and monopolizing and controlling the foodstuffs of the country, to let them go upon the market in the interest of the masses

Mr. HAMILTON of Michigan. If the gentleman will yield for another question. I am in sympathy with a good deal of what the gentleman says. Is it not possible, is it not probable, that a certain class of middlemen are preying upon the necessities of the people? I think it is true there is a large quantity, for instance, of oats in the West. The price of oats is only about \$1.15 a bushel, or in that vicinity—
Mr. FITZGERALD. That is not a question.

Mr. HAMILTON of Michigan. But it bears on what the gentleman is saying. Oats are cheap, why should they not go to the New England cows?

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD.

I will.

I am asking the gentleman merely for Mr. LONGWORTH. The gentleman intimates there is a necessity, as he suggests, of an embargo on food. Have we, as a matter of fact, been exporting most of those articles of food in which the increase of price has been the most startling lately? stance, eggs, butter, potatoes, and things of that kind?

Mr. FITZGERALD. All of those commodities are related. The egg situation is due to the cold-storage conditions. The bill which I mentioned in the beginning of my remarks covers that problem, and men who are familiar with it say that such legislation would be effective. It requires all the eggs put in cold storage to be marked with the date when they enter cold storage and prohibits their transportation in interstate commerce more than six months after they have been put in cold storage. We are buying perfectly fresh eggs in the city of New York more than eight months old at about 70 cents a dozen, and we ought to stop it.

Mr. LONGWORTH. But are we, in fact, exporting them? Mr. FITZGERALD. And we are exporting our other food-

The CHAIRMAN. The time of the gentleman has expired. Mr. HULBERT. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes. The gentleman promised to yield to me for a question.

The CHAIRMAN. Is there objection to the request of the centleman from New York that the time of the gentleman from New York [Mr. FITZGERALD] be extended five minutes? [After a pause.] The Chair hears none.

Mr. HULBERT. Will the gentleman yield now?

Mr. FITZGERALD. Yes.

Mr. HULBERT. Upon the question of investigation by the Federal Trade Commission of the food situation my recollection is that the Federal Trade Commission began an investigation of the high cost of coal at the beginning of the winter. gentleman tell me what has been done with regard to that, and whether or not such investigation as is proposed by the gentleman from Missouri would be interfered with by the noncompletion of the Coal Trust investigation?

Mr. FITZGERALD. Well, these investigations are not com-

Mr. HOWARD. Will the gentleman yield for one question? Does not the gentleman think, then, the trouble is that the American monopolists of foodstuffs are predicating the prices that they are charging American people upon prices they are receiving in Europe? Is not that about what the trouble is?

Mr. FITZGERALD. If the foreign market is cut off, they will be forced to release those foodstuffs.

Mr. HOWARD. I agree with the gentleman about that, Mr. FITZGERALD. I have here a letter from the Whatcom Fish Products Co., under date of December 11, 1916, in which they call attention to the fact that, although they need 150,000 cases, each containing four dozen empty cans, for next season to pack their salmon, they can not get them because all the can manufacturers or tinplate concerns are shipping their products to Europe. I have a number of letters here which I will put in the Record, sent to me by a wholesale grocer from Rochester, Minn. When I first announced my intention to introduce a bill to place an embargo on foodstuffs these letters were sent to me to prove that there would be a serious shortage if shipments to Europe were not stopped:

TEMPORARY EMBARGO ON NEW ORDERS FOR CAMPRELL'S SOUPS EFFECTIVE OCTOBER 26, 1916.

CAMDEN, N. J., October 26, 1916.

TO OUR CUSTOMERS:

Orders for Campbell's soups have recently become so heavy in number and volume that we are compelled to temporarily stop accepting new

orders so that we may for a necessary time give our entire attention to the orders in hand.

We believe that this plan will best serve all of our customers, for it will relieve the congestion in our shipping department and more quickly permit us to resume normal shipping service throughout the country.

Orders mailed on or before October 26 will be filled in their turn, but after that date we respectfully request that you withhold orders until you receive further notification from this office or from our sales representatives, which should be not later than November 20. During the interim we shall be unable to accept any orders whatsoever.

Yours, respectfully,

JOSEPH CAMPBELL CO.

JOSEPH CAMPBELL Co., C. C. Austin, Sales Manager.

ST. PAUL, MINN., October 23 1916.

REITER-STOLP Co., Rochester, Minn.

GENTLEMEN: Effective immediately, and until further advised, please be advised that our price on Carnation Milk, in all sizes, is herewith temporarily withdrawn.

Yours, very truly,

CARNATION MILK PRODUCTS Co.,

CARNATION MILK PRODUCTS Co., Per R. H. NETTERBERG.

THOMAS CANNING Co., Grand Rapids, Mich., November 7, 1916.

REITER-STOLP Co., Rochester, Minn.

Gentlemen: We acknowledge yours; thanks for your very kind letter of the 6th.

Although we are packing 120,000 cans of pork and beans, red kidney beans, soaked lime beans, and red beans per day, our entire output for November and December is sold. We will, however, in the near future enter the market again, naming prices for January, February, and March shipment, and will be most happy to quote you at that time.

Yours, very truly,

A. R. Husst Sales Manager

A. R. HURST, Sales Manager. Mr. Fitzgerald: Are these men packing for exports only? We can not buy any of their products, although they can 120,000 cans per day. Ernst H. Reiter.

MINNEAPOLIS, MINN., October 27, 1916.

TO WHOLESALE GROCERS.

GENTLEMEN: Our production is sold out for the next 60 or 90 days.

Owing to this fact we are withdrawing quotations on all goods in our line, effective immediately.

All orders from this date and orders in the mail will be subject to delay and to Van Camp official prices and terms prevailing at the time such orders are shipped.

Yours, truly,

VAN CAMP PRODUCE CO.,

DOLPH D BEZGUER

VAN CAMP PRODUCE Co., Dolph D. Bezoier, Division Sales Manager.

CHICAGO, December 1, 1916.

REITER-STOLP Co., Rochester, Minn.

Rochester, Minn.

Gentlemen: We have your letter of the 29th ultimo, wherein you request us to forward you 50 cases of sirup. We are very sorry we can not comply, but we have sold ourselves up for 90 days to come, and have withdrawn offers in all directions. The demand for corn sirup seems to be abnormal, and as a consequence we have not been able to take care of anywhere near the quantity of business which has been offered us.

Yours, very truly,

D. B. Scully Syrup Co.

D. B. SCULLY SYRUP CO. F. A. WHEELER.

HERSHEY, PA., November 1, 1916.

REITER-STOLP Co., Rochester, Minn.

Gentlemen: We are in receipt of your requisition of October 26 for one case of No. 105 and two cases 5-cent almond bars, which we respectfully decline, as we are so far oversold it will take our production to the first of the year, if not longer, to fill the contracts and standing orders we have on file. Perhaps you can pick up a few boxes from one of the other jobbers in Rochester or Twin Cities who may be fortunate in having stock or goods in transit and can be persuaded to accommodate you.

Very truly, yours,

HERSHEY CHOCOLATE Co. (Sales Department).

I have not attempted to discuss comprehensively the statistics. Anyone who We do not need an investigation to know them. will rend the available information can get all the facts that he needs. It is a notorious and undeniable fact that our people, at a time when the country is teeming with prosperity, are suffering from the want of food. If there be sufficient food in the country, they can not get it. We ought to propose some effective remedy. We ought to do something to bring relief. We ought not to fell them that the only thing we can do let be suffered. not to tell them that the only thing we can do is to propose an investigation to continue over a period of eight months. I would sooner appropriate money from the public funds to buy food and give it to the poor than to indulge in any such pre-posterous performance. Moreover it is unnecessary. We have not reached the conditions prevailing in Rome, when it was not reached the conditions prevaining in tonic, when it was necessary for the Government to distribute corn to the people in order to keep them quiet. If we be compelled to distribute food it will be necessary later to furnish amusement at the public expense, and it will mark, Mr. Chairman, the beginning of the decay of the American Republic. If we are so incompetent, if we are so incapable, if 100,000,000 people, with more wealth, more energy, more intelligence, and a greater variety of resources than have ever been marshaled together in a civilized nation, are unable to meet this situation, then we may as well confess that we can not meet the problems of the day. Such a govern-

ment does not deserve to survive. It can not do so. A more efficient one should take its place. We can only justify our existence, we will only demonstrate our capacity, by enacting legislation of a practical character that will bring relief to the suffering masses of the people. [Applause.]

I insert the following memorandum relative to food embargoes

in other countries:

RESTRICTIONS ON EXPORTS OF CEREALS, FLOUR, FODDER, ETC. [From International Crop Report and Agricultural Statistics, December, 1916, pp. 859-866.]

GERMANY.

By imperial orders, dated July 31, 1914, the export of wheat, wheat flour, rye, barley, oats, maize, rice, and cotton since July 31, and of linseed since August 19, 1914, has been prohibited. Exceptions may be granted.

AUSTRIA-HUNGARY.

By ministerial order, dated August 1, 1914, the export of wheat, wheat flour (except fine wheat flour or flour, from wheat of type No. 1 or finer), rye, barley weighing less than 65 kilogram per hectoliter (fodder barley), oats, maize, rice, and raw cotton has been prohibited since the above date. By ministerial order, dated August 6, 1914, the export of all kinds of wheat flour (including those excepted in the order of August 1) has been prohibited since August 7. By ministerial order, dated September 11, 1914, the export of all kinds of barley (including that excepted in the order of August 1) has been prohibited since September 12. By ministerial order, dated October 2, 1914, the export of linseed has been prohibited since October 4.

BELGIUM.

By royal decree, dated August 2, 1914, the export of cereals and of all kinds of foodstuffs has been prohibited since August 3.

BULGARIA.

BULGARIA.

By governmental decree the export of maize was prohibited from January 19, 1915, but permitted for the 1914 crop from July 14, 1915, and again entirely prohibited on November 16, 1915.

The export of rye was prohibited from November 6, 1914, but permitted for the 1914 crop from August 30, 1915, then completely permitted until on October 20, 1915, it was again entirely prohibited.

The export of barley was prohibited from November 6, 1914, but permitted for the 1914 crop from August 3, 1915, for the 1914 crop, and again entirely prohibited from September 20, 1915, in respect to every description of barley.

By governmental decree of November 16, 1914, the expost of wheat, rice, oats, and spelt was definitely prohibited.

DENMARK

DENMARK.

By law dated August 6, 1914, the export of cereals, flour, and fodder has been prohibited since that date. By ministerial order dated October 29, 1914, the export of cotton has been prohibited since the latter date. By ministerial order of December 11, 1914, the export of linseed has been prohibited from that date.

As regards goods in transit and transshipment goods, all such, if of a kind prohibited to be exported from Denmark, are covered by the prohibition unless they are on a through bill of lading to a port in a foreign (non-Danish) country. The prohibition is therefore applicable in cases where the goods are either shipped to a Danish port, "to order," or where the goods are redestined to another port than that originally mentioned in the bill of lading.

The ministry of justice grants licenses to export certain goods, as above, but such licenses are valid only for one month from date.

SPAIN.

By royal decree dated August 3, 1914, the export of wheat, rye, barley, malze, rice, and other cereals and all kinds of flour has been prohibited. By royal decree dated October 20, 1914, the export of rice to the amount of 30,000 tons has been authorized. By royal decree dated December 16, 1914, the prohibition on export was maintained only for wheat and wheat flour. A royal decree of December 19, 1914, fixed an export duty for barley, oats, and rice. In virtue of royal orders dated April 20, 1910, the export duties on barley and oats have been raised from 2 pesetas 50 centimos to 12 pesetas per quintal, as from April 25, 1916.

The export of malze and linseed was prohibited by royal decree of March 13, 1915, but barley may be exported without restrictions under a decree of May 20, 1915. The export of raw cotton has been prohibited since May 31, 1915, by a decree of that date.

By royal decree of January 2, 1916, the prohibition on the export of wheat and flour was removed and an export duty put on these products.

By royal order dated April 24, 1915, no merchandise of which the export is prohibited is allowed to be reexported abroad as transit or transshipment goods, if such merchandise has arrived in a Spanish port accompanied by bill of lading indicating an original destination in Spain, or if no definitive destination is indicated.

Therefore goods accompanied by documents "to order" or without a direct indication of consignment from the original port of shipment to a final destination abroad, and with bill of lading to "bearer" will be considered as having a Spanish destination.

By Royal order, dated November 25, 1916, the export of wheat, barley, oats, rice, and all kinds of flour is again prohibited.

FRANCE, FRENCH COLONIES, AND POSSESSIONS.

FRANCE, FRENCH COLONIES, AND POSSESSIONS.

By presidential decree, dated July 31, 1914, the export of all kinds of farinaceous foodstuffs and fodder has been prohibited since the day when the decree was communicated to the prefects. By presidential decree, dated October 18, 1914, the export of cotton and cotton waste has been prohibited since October 19. Exceptions to these orders may, however, be granted.

By an order of August 22, 1915, raw cotton was declared contraband of war. The export of oleaginous fruits and seeds has been prohibited to all countries except the United Kingdom, British Dominions, colonies, and protectorates (including Egypt), the uninvaded territory of Belgium, Japan, Russia, and American countries.

The ministry of finance is empowered to grant permission for export of certain articles to the Netherlands, provided that they are consigned to the Netherlands Overseas Trust. Permission may also be granted for export to Switzerland in respect of a considerable number of articles, such as wheat, maize, oats, barley, rye, rice, flour, cotton, fodder, etc. Consignment must be made to the Société Suisse de Surveillance Economique.

#### GREAT BRITAIN AND IRELAND.

By Royal proclamation, dated August 5, 1914, the export of everything that may serve as food for men or for live stock has been prohibited. By proclamation, dated August 10, 1914, a detailed list of merchandise forbidden to be exported is given, including the following: Corn, grain, rice, all kinds of meal and flour. By Royal proclamation, dated August 20, 1914, the above specification has been replaced by the following: Wheat, wheat flour, barley, and oats. By order in council, dated August 28, 1914, the export of these products has been permitted if destined for British posessions. Exceptions to these orders may be granted.

If destined for British posessions. Exceptions to these orders may be granted.

As regards exports to the Netherlands permission may be granted if the consignment is made to the Netherlands Government, to a member of the diplomatic or consular services of Great Britain, the allies, or neutral countries, to the Netherlands Overseas Trust, or to a person specially named in the decines as consignee.

By an order in council of May 20, 1915, the export of rice and rice flour has been prohibited for all foreign ports in Europe, on the Mediterranean and Black Seas, other than those of France, Russia (not including Baltic ports), Spain, and Portugal.

By notification, dated July 28, 1915, the export of wheat, wheat flour, oats, and malze has been prohibited to all destinations; the export of rye and rye flour, rice and rice flour, and raw cotton has been prohibited to all foreign countries in Europe and ports on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain, and Portugal. The same limitations have been established for the export of malze meal by order of August 12, 1915, which permitted the export of malze meal by order of August 12, 1915, which permitted the export of malze to the British possessions and protectorates. The export of inseed has been prohibited to all destinations other than British possessions and protectorates.

By proclamation of August 20, 1915, raw cotton was declared contraband of war, and it was officially notified in April, 1916, that foodstuffs, forage, and oleaginous seeds are also treated as contraband.

By royal and ministerial orders the export of cereals, flour, fodder of all kinds, rice, and cotton has been prohibited. Exceptions are allowed in special cases.

#### ITALY.

By royal decree dated August 1, 1914, the export of wheat, rye, barley, onts, maize, rice, and flour has been prohibited since that date. Exceptions may, however, be granted to this order. By royal decree dated August 6, 1914, the export of the above-mentioned products to Italian colonies has been permitted since August 8.

A decree of November 13, 1914, provided that merchandise the exportation of which is prohibited can not be reexported to foreign countries in process of transit or transhipment if it has arrived in an Italian port with bills of lading indicating Italy as the original destination, or if there is no clear indication of destination. For this purpose consignments provided with bills of lading to order not having inscribed in the body of the document the name of a non-Italian destination and those provided only with bills of lading to bearer will be considered as destined for consumption in Italy.

By decree of June 10, 1915, the export of all foodstuffs was prohibited.

By decree of September 2, 1915, raw cotton was declared contraband of war.

The decree of September 15, 1915, introduced an export tax for rice and other cereals in special cases where the export is permitted (by the decree of Aug. 1, 1914).

MALTA.

MALTA.

In virtue of notices issued by the Colonial Government and dated April 10 and 19 and May 15, 1916, the export of wheat, barley, oats, and their products, also maize, to all destinations other than the United Kingdom and British possessions and protectorates is prohibited. The export of maize meal, of rice and rpe with their products, to all foreign ports in Europe and the Mediterranean and Black Sea is prohibited, except with the permission of the collector of customs, and the export of linseed is also prohibited to all countries other than the United Kingdom, British possessions and protectorates, and France, Italy, and Russia (except through Baltic ports).

# NORWAY.

By royal decree of August 2, 1914, the export of cereals and flour has been prohibited, and that of raw cotton since May 23, 1915.

As regards goods in transit, articles destined for a foreign (non-Norwegian) port may be reexported without special permission even if on the list of prohibited exports. The Norwegian Government reserves the right to grant permission to export any of the prohibited articles in exceptional cases.

# NETHERLANDS.

The export of cereals and flour has been prohibited since August 3, 1914, of cotton since August 7, and of linseed since September 24, 1914. The decree of January 26, 1915, suspending provisionally the prohibition on the export of raw cotton has been annulled by a royal decree of June 2, 1915.

By order of the minister of agriculture, dated November 25, 1915, permits may be granted for the export of restricted amounts of linseed of Dutch origin.

The Government reserves the right to grant exceptions in certain cases from these prohibitions of export, and a law of March 11, 1916, enacts that a charge is to be made to cover the cost of issue of any licenses for this purpose.

Export licenses are only issued for definitely described quantities and for a period not exceeding one month. The maximum charge is 50 cents per quintal, or one-eighth per cent ad valorem.

PORTUGAL AND ADJACENT ISLANDS.

# PORTUGAL AND ADJACENT ISLANDS.

The export of cereals and foodstuffs of all descriptions, linseed, and raw cotton is prohibited, and the reexportation, transit, and transhipment of such articles is also prohibited when the consignments on arrival in Portugal or adjacent islands are unaccompanied by a clear indication of the final destination, duly provided at the port of departure.

## BOUMANIA.

The export of wheat since October 3, 1914, of wheat flour since September 30, 1914, of oats since August 7, and of rice since August 1, 1914, has been prohibited. By a decree of March 15 the export of barley and rye has been prohibited.

By royal decree of July 30, 1915, the prohibition of the export of wheat, rye, barley, oats, maize, and linseed was removed, and an export duty levied at the rate of 6 francs per quintal on wheat, rye, and flour;

5 francs per quintal on barley, oats, and meal; 4 francs per quintal on maize; and 10 francs per quintal on linseed.

### RUSSIA.

The export of cereals, flour, and linseed, except to allied countries, has been prohibited since August 8, 1914. Exceptions may be authorized for exports to neutral countries. By imperial ukase of March 10, 1915, the export of foodstuffs and of fodder has been prohibited except under special permit from the Government in each case. By a decree dated May 17, 1915, the export of maize is permitted if destined for allied countries.

An official announcement of November 7, 1916, prohibits the exportation of linseed even to the allied countries.

By royal decree, dated August 1, 1914; the export of cereals, milled and not milled, and of rice has been prohibited since August 2.

#### SWITZERLAND.

By decree of the federal council, dated July 31, 1914, the export of cereals, of flour, and of oats was prohibited under date of August 2, 1914, the prohibition of export was extended to all other foodstuffs and fodder.

By decree of the federal council, dated September 18, 1914, the export of raw cotton was prohibited. Exceptions may be granted.

The importation of cereals and their products including all descriptions of fodder, is reserved exclusively to the confederation. The recxport of such imported articles is absolutely prohibited by a Federal degree of 7th January, 1915.

BARRADOS (ALSO BRITISH GUIANA, GOLD COAST, AND MAURITIUS).

In virtue of various proclamations, the export of foodstuffs and fodder including wheat, wheat flour, maize, barley, oats, and catmeal is prohibited to all destinations other than the United Kingdom, British possessions, and protectorates, while the export of raw cotton, maize meal, rice, and rye with their products is also prohibited to all destinations of the funded Kingdom, France, Italy, Russia (except through Baltic ports), Spain, and Portugal; and that of oleaginous seeds to all destinations except the United Kingdom, British possessions and protectorates, France, Italy, and Russia (except through Baltic ports). The export of flour from British Guiana is also prohibited by proclamation dated 31st January, 1916; those of the Barbados Government are of 28th March, 20th April, and 11th May, 1916; that issued on the Gold Coast is of 5th April, 1916; and proclamation of the Mauritius Government, now in force, are dated 18th December, 1915, 8th and 29th January, 10th February, 14th March, 13th and 14th April, 1916.

#### CANADA.

CANADA.

By Order in Council, dated 29th October, 1914, the export of foodstuffs and fodder destined to foreign ports in Europe, on the Mediterranean and on the Black Seas, other than those of France, Russia (not including Baltic ports), Spain, and Portugal has been prohibited. By a decree dated 27th April, 1915, the export of wheat, flour, barley, oats, maize, and linseed has been prohibited, except to destinations in Great Britain, British possessions and protectorates, France, Russia (except through Baltic ports), Japan, and the United States.

Export to the United States is permitted only on condition that the quantities exported are destined for consumption in the country itself, or that they are in transit with the authority of the Canadian Government.

By an order of 5th June, 1915, the export of the same products authorized to be exported to France, Russia, and Japan, has been permitted in the case of Italy.

The limitations on the export of cereals and linseed, contained in the decree of 27th April, 1915, were applied also to the export of raw cotton by an order of 12th August, 1915, which came into force on 16th August, the export of rice, rice flour, rye, and rye flour has been prohibited to all ports in Europe, on the Mediterranean and Black Seas, other than those of France, Russia (except through Baltic ports), Belgium, Spain, Italy, and Portugal.

The export of wheat, wheat flour, barley, and rye to the Netherlands, Greece, Denmark, and Norway is subjected to regulations of the minister of customs, dated 20th September, 1915.

# BRITISH GUIANA (SEE BARBADOS).

## JAMAICA (ALSO TRINIDAD AND TOBAGO, CEYLON, NIGERIA).

In virtue of various proclamations the export of barley, maize, and oatmeal is prohibited to all destinations other than the United Kingdom, British possessions and protectorates, while the export of raw cotton, maize meal, rice, and rice flour is also prohibited to all destinations in Europe, other than the United Kingdom, France, Italy, Russia (except through Baltic ports), Spain, and Portugal, and the export of rye and rye flour is included among the last named prohibitions, except in the case of Nigeria.

case of Nigeria.

The export of all oleaginous seeds is also prohibited to all destinations other than the United Kingdom, British possessions and protectorates, France, Italy, and Russia.

The restrictions in their present form are dated 10th and 18th February, 3d and 27th March, 19th April, and 14th May, 1916, in Ceylon; 2d June, 1916, in Jamaica, 20th April, 1916, in Nigeria; 16th March, 10th April, and 16th May, 1916, in the colony of Trinidad and Tobago.

# NEWFOUNDLAND.

The export of wheat and oats is prohibited to all destinations; that of maize, linseed, barley, and oatmeal to all destinations other than the United Kingdom and British possessions and protectorates.

The export of raw cotton, maize meal, rice, and rye, with their products, to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain, and Portugal, is also prohibited.
The proclamations now in force are dated 6th September, 5th October, 9th and 23d November, and 14th December, 1916, 4th January, 12th February, 14th and 27th March, and 4th April, 1916.

# TRINIDAD AND TOBAGO (SEE JAMAICA).

By law dated 14th August, 1914, the export of wheat and wheat flour was prohibited until the new harvest. Exceptions were authorized. By a decision of the 24th December, 1914, the prohibition on exportation was removed.

## CEYLON (SEE JAMAICA). CYPRUS.

In virtue of proclamations dated 20th March, 3d April, and 12th May, 1916, the export of wheat and barley, with their products, is prohibited to all destinations, the exports of maize, oats, and oatmeal to all destinations other than the United Kingdom, British possessions and protectorates is also prohibited. The export of maize meal, rice, and rye, with their products, to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain, and Portugal, and that of linseed, with the further exception of Spain and Portugal, is prohibited.

BRITISH INDIA.

The export of wheat was prohibited from 1st April, 1915, till 31st March, 1916, except under authority of the Crown.

On the 30th April, 1916, the Government of India announced that the normal conditions of private export of wheat may for the present be restored, subject to a maximum restriction on the quantity which may be exported.

A consolidated list of the articles of the consolidated list of the articles.

exported.

A consolidated list of the articles, the exportation of which from British India is either prohibited or restricted, is given in a statement dated June 20, 1916, which is issued by the India office.

The export of wheat and wheat flour remains under prohibition unless covered by a permit from the chief customs officer of the port

unless covered by a permit from the chief customs officer of the port of export.

The export of maize (original order dated Nov. 13, 1915) and of fodder is prohibited to all countries in Europe and on the Mediterranean and Black Seas other than the United Kingdom, Russia (except through Baltic ports), France, Italy, Spain, Portugal, and Belgium. The export of raw cotton is prohibited by order of May 8, 1915, to all countries in Europe and on the Mediterranean and Black Seas other than the United Kingdom, Russia (except through Baltic ports), France, Italy, Spain, and Portugal.

The export of linseed is prohibited to all destinations other than the United Kingdom, British possessions and protectorates, France, Italy, and Russia (except through Baltic ports) under orders dated March 13, 1915, and March 20, 1916.

The export of rice is prohibited to Dutch colonies, and to all countries in Europe and on the Mediterranean and Black Seas other than the United Kingdom, France, Italy, Russia (except through Baltic ports), Portugal, and Egypt.

BELGIAN CONGO.

BELGIAN CONGO.

By decree of February 17, 1916, the export of oilseeds was prohibited except to French and British ports. The decree provides that these seeds may be exported to other destinations with special authorization. HONGKONG.

Proclamations dated September 17, October 1 and 29, December 10, 17, 24, and 31, 1915; January 21, March 17 and 24, 1916, have been issued by the Hongkong Government, prohibiting export of raw cotton, malze or maize meal, oats or oatmeal, rice or rice flour, rye or rye flour, and wheat or wheat flour, to all ports in Europe and on the Mediterranean and Black Seas other than the United Kingdom, France, Russia (except through Baltic ports), Italy, Spain, and Portugal, and of Ilrseed to all destinations other than the United Kingdom, British possessions and protectorates, Italy, France, and Russia (except through Baltic ports).

STRAITS SETTLEMENTS.

STRAITS SETTLEMENTS.

Proclamations dated November 1 and 12, December 4, 16, and 24, 1915;
January 12 and 29, February 8 and 24, March 17 and 23, 1916, have
been issued by the Government of the Straits Settlements prohibiting the export of maize and maize meal, barley and barley meal,
oatmeal, and rice flour to all destinations other than the United
Kingdom, British possessions and protectorates, and of linseed with
these exceptions and those of France, Italy, and Russia (except
through Baltic ports). The export of maize meal, rice, rye and rye
flour is also prohibited to all ports in Europe and on the Mediterranean and Black Seas other than the United Kingdom, France, Russia
(except the Baltic ports), Italy, Spain, and Portugal.

FEDERATED MALAY STATES.

By order of March 27, 1916, the exports of malze and its products—of rice flour, barley and meal, and of oatmeal—is prohibited to all destinations other than the United Kingdom, British possessions and protectorates; also of linseed with these exceptions and those of France, Italy, and Russia (except through Baltic ports). The export of maize meal, of rice and rice flour, and of rye and rye flour is prohibited to all ports in Europe and on the Mediterranean and Black Seas, other than those in France, Russia (except Baltic ports), Italy, Spain, and Portugal.

EGYPT.

By decision of the president of the council of ministers dated August 2, 1914, the export of foodstuffs and products (except for necessary supplies to outward-bound ships) has been prohibited since August 3. By

similar decision dated October 18, 1914: (1) Dealers in rice have been authorized to export all their 1913 stock of Baladi rice; (2) if rice is imported, export from the stock existing in Egypt is authorized up to 50 per cent of the amount imported, to take effect from September 25, 1914. By ministerial decision of the 25th of October the export of 280,000 quintals of maize has been authorized. By a ministerial decision of April 20, 1915, the export of maize has been permitted without restriction and the same for wheat by ministerial decision of June 1.

The export of raw cotton is prohibited to all ports in Europe and on the Mediterranean and Black Seas, other than those of Great Britain and Ireland, France, Russia (except Baltic ports), Spain, and Portugal. The export of cotton to Switzerland and to Greece is permitted until further orders. All cotton so exported must be consigned for Switzerland to the Société Suisse de Surveillance Economique, and under recommendation from the British minister at Athens if for Greece. The export of rice is now prohibited to all destinations.

By decision of the council of ministers of September 12, 1916, the authorizations for exports of wheat and maize without restriction were canceled. Consequently these articles again come under the general prohibition imposed by the decision of August 2, 1914.

GOLD COAST. (See BARBADOS.)

MOROCCO.

By orders dated April 1, 1916, quantities of maize which have not been requisitioned for the requirements of the "Service de l'Intendance" may be exported, under license to be issued by the director of the service, to French, allied, or neutral ports, as from the 5th of April, 1916, under the conditions laid down by article 5 of the decree of the 18th of October 1915.

MAURITIUS. (See BARBADOS.)

NIGERIA. (See JAMAICA.)

TUNIS.

By decree dated August 1, 1914, the export of cereals and their byproducts and of all other flour foodstuffs and grain of every kind has
been prohibited since August 2. Exceptions may be authorized. By a
decree of the 17th of November, 1914, the export of cotton and cottou
waste has been prohibited.

The export of wheat to France has been authorized without restriction, for oats up to 250,000 quintals, and for barley up to 500,000
quintals. The export of barley has also been permitted to Great Britain
and Ireland in quantity not exceeding 250,000 quintals.

UNION OF SOUTH AMERICA.

By proclamation dated 5th August, 1914, the export of foodstuffs, except by special permit, has been prohibited. In a communication of 14th August, 1914, it is specified that: (1) the export of cereal foodstuffs to overseas countries (except to ports in Great Britain) is absolutely prohibited; (2) the export of cereals for Great Britain is authorized by special permission; (3) the export of all kinds of foodstuffs for consumption in Basutoland, Swaziland, Bechuanaland Protectorate, Rhodesia, Mozambique Province, and the Congo is permitted.

By orders dated 2d October, 15th and 29th December, 1915, 1st February, 8th March, and 5th April, 1916, the export of foodstuffs, fodder, and all oleaginous seeds is prohibited, except with the permission of the minister of railways and harbors. The export of raw cotton is also prohibited, except with the permissioner of customs and excise. These restrictions apply to all destinations.

AUSTRALIA.

By proclamation dated 7th and 8th September, 1914, the export of wheat and wheat flour to all countries except the United Kingdom has been prohibited. Exceptions may be authorized. By proclamation of 12th November the export of foodstuffs and fodder destined to foreign ports in Europe, on the Mediterranean and on the Black Sea, other than those of France, Russia (excluding Baltic ports), Spain, and Portugal has been prohibited since the above date.

By an order of 7th July, 1915, the export of maize and oats was prohibited, except under written authorization from the minister of commerce and customs. By an order of June 28, 1916, the export of oleaginous seeds, including linseed, was prohibited, except under the authorization of the minister of state for defense.

NEW ZEALAND.

The export of wheat, barley, oats, flour, meal, linseed, and cotton is prohibited to any other destination than the United Kingdom and British possessions and protectorates, except with the consent of the minister of customs. The export of foodstuffs and fodder is also prohibited to foreign ports in Europe or the Mediterranean and Black Seas, other than those of France, Italy, Russia (except through Baltic ports), Belgium, Spain, and Portugal.

Prohibition of export is also in force as regards all goods which for the time being are contraband of war (either absolute or conditional) under any proclamation or order in council of the British Government,

EXPORTATION OF FOODSTUFFS BY PRINCIPAL COMMODITIES. [Comparative statement for fiscal years 1912-13 to 1915-16.]

		MADE STATE OF THE PARTY OF THE	3000	MATERIAL STATES		12 LOS	Contract of the second	Charles Control of
Article.	1912-13		1913–14		1914-15		1915-16	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Cattle Hogs Sheep Animals—all others (including fowls) Barley (bushels) Bread and biscuit (pounds) Buckwheat (bushels) Corn (bushels) Cornmeal (barrels) Oatmeal (pounds) Oats (bushels) Oats (preparations of, for table food) Rice (pounds) Rye (bushels) Rye (bushels) Rye four (harrels)	15, 332 187, 132 17, 536, 703 12, 532, 480 12, 532, 480 49, 064, 967 428, 794 48, 533, 350 33, 759, 177 24, 801, 280	\$1,177,199 151,747 605,725 451,554 -11,411,819 720,067 1,503 28,800,544 1,444,539 1,514,848 13,206,247 2,358,864 765,447 1,200,384 21,311	18, 376 10, 122 152,000 6, 644, 747 12, 645, 551 9, 380, 855 336, 241 15, 998, 286 1, 859, 949 18, 223, 264 2, 222, 934 2, 293	\$647, 288 133, 751 534, 543 408, 23, 149 728, 447 708, 928 1, 165, 891 759, 204 757, 527 2, 323, 412 721, 046 1, 555, 012 31, 119	5, 484 7, 799 47, 213 26, 754, 522 11, 687, 452 413, 643 48, 786, 291 470, 503 68, 394, 979 96, 809, 551 75, 448, 635 12, 544, 888 2, 544, 888	\$702, 847 93, 067 182, 278 202, 817 18, 184, 079 702, 509 396, 987 39, 333, 064 1, 923, 214 4, 16, 608 57, 469, 964 4, 3158, 335 14, 733, 409 416, 182	21, 666 22, 048 52, 278 27, 473, 100 11, 433, 410 515, 304 38, 217, 012 419, 979 54, 748, 747 95, 921, 620 120, 095, 213 11, 532, 437 119, 619	\$2, 383, 765 238, 718 231, 535 331, 337 20, 603, 533 787, 557 481, 014 30, 780, 887 1, 601, 258 1, 885, 622 47, 993, 096 5, 074, 983 4, 942, 373 15, 374, 499 646, 641

United States-Continued.

EXPORTATION OF FOODSTUFFS BY PRINCIPAL COMMODITIES-continued.

	1912	!-13	1913	L-14	1914–15		1915-16	
· Article.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Vheat (bushels)	91, 602, 974	\$89,036,428	92, 393, 775	\$87,953,456	259, 642, 533	\$333,552,226	173, 274, 015	\$215,532,68
Wheat flour (barrels)	11,394,805	53, 171, 537 376, 336	11,821,461	54, 454, 175 336, 940	16, 182, 765	94, 869, 343 1, 934, 166	15, 520, 669	87, 347, 80 1, 668, 65
ocoa and chocolate (prepared or manufactured) offee, green or raw (pounds) offee, roasted or prepared (pounds)	50, 723, 958	8, 679, 422	52, 649, 233	8, 550, 642	49, 177, 146	6, 841, 575	35, 421, 530	5, 369, 75
offee, roasted or prepared (pounds)	1, 469, 043	331, 370 1, 282, 196	1, 815, 835	427,009	2, 421, 664	461,030	1, 851, 100	378, 26
onfectionery. ggs (dozens), ish (dried, smoked or cured) (pounds) ish (dried, smoked or cured) (pounds) ish (pickled) (barrels), ish (canned salmon) (pounds), ish (all other salmon) ish (all other salmon) ish (canned, except salmon and shellfish), ish (cysters)	20, 409, 390	4, 391, 653	16, 148, 849	1, 329, 147 3, 734, 087	20, 784, 424	1, 222, 794 5, 003, 764	26, 396, 206	1, 904, 10 6, 134, 4
sh (fresh, except salmon) (pounds)	5, 517, 248	291, 332	6, 534, 460	366, 871	7, 159, 598	358, 214	26, 396, 206 8, 139, 309	413, 8
ish (dried, smoked or cured) (pounds)	25, 704, 888	727, 371 143, 612	20, 687, 656 35, 887	814, 729 234, 771	13, 398, 443 20, 726	713, 562 146, 511	25, 927, 811	1, 629, 8 112, 7
ish (canned salmon) (pounds)	55, 290, 966	5, 103, 340	87, 750, 920	7, 999, 293	83, 446, 116	9, 072, 083	16, 033 152, 951, 962	15, 032, 4
ish (all other salmon)		2, 122, 566		2, 195, 309		1, 424, 859		790, 1
ish (canned, except salmon and shellfish)		199, 260		118, 836		246, 274		675, 9 508, 5
ish (all other shellfish).		467, 835		323 428	CONTRACTOR MANAGEMENT	365, 207		499 4
ish (olysters), ish (all other shellfish), ish (all other fish and fish products), ruits (dried) (pounds), ruits (apples, green or ripe) (barrels), ruits (berries), ruits (oranges and lemons) (boxes), ruits (pranger ripe pears)	***********	103, 284	142, 260, 275	122, 504	149, 142, 472	132, 734	186, 335, 886	320, 5
ruits (dried) (pounds)	229, 192, 307	15,025,075 7,898,634	1,506,569	10, 675, 886 6, 089, 701	149, 142, 472 2, 351, 501	8 087 466	186,335,886	13,749,2 5,518,7
ruits (berries)	2,100,102	574,449		717.079	Acceptable Comment	535, 479		639. 5
ruits (oranges and lemons) (boxes)	1,145,182	3,375,929	1,628,996	4, 133, 596	1,882,319	4, 223, 794	1,650,112	4,184,0
ruits (all other green rine or dried)		796, 913		2,922,740		992,497		691,7 3,261,1
ruits (prepared or preserved or canned)		5,781,122		5,088,787		6, 333, 945		8,028,6
lucose and grape sugar (pounds)	200,149,246	4,652,396 366,016	199, 530, 874 8, 054, 817	4,565,919 421,367	158, 462, 508 5, 875, 076	3,885,233	186,386,182 8,669,430	4,734,9
ruis (green or ripe pears) ruis (green or ripe pears) ruis (all other, green, ripe, or dried) ruis (prepared or preserved or canned) lucose and grape sugar (pounds) luts (peanuts) (pounds) luts (all other)	7,001,001	367,569	0,004,017	398, 312	5,815,016	377,486	8,009,430	441,5
eat (besf) (canned, fresh, pickled, and cured) (pounds) leat products (oleo oil and oleomargarine) (pounds) leat (hog products) (pounds). leat products (lard and neutral lard and substitutes)	40,059,655	4,249,940	33, 125, 111	3,540,210	277, 558, 938 85, 734, 129	37,087,833	319, 692, 447	42, 273, 7
eat products (eleo oil and eleomargarine) (pounds)	95, 817, 339 420, 883, 634	11, 177, 738 53, 863, 302	99,549,886 411,131,451	10,420,118 55,395,080	85,734,129 603,627,526	9,958,223 82,507,096	108, 072, 135 998, 094, 366	13, 159, 135, 509,
leat products (lard and neutral lard and substitutes)	420,000,004	00,000,002	411, 101, 401	00,000,000	005, 021, 025	02,007,000	220,024,300	100,000,
(pounds)	613, 259, 908	69, 232, 994	569,085,142	63, 162, 286	570, 543, 576	61,508,206	514, 281, 239	56,832,2
est (mutton) (pounds)	5,200,019	591,969 1,303,379	4,685,496	523,023 913,632	3,877,413	448, 221 1, 187, 771	5,552,918	696,8 1,561,3
eat (sausage) (canned and all other) (pounds)	8,011,318	1.085.745	6,009,565	957,914	7,005,483	1,153,387	15,313,321	3,002,0
eat products (all other canned)	2 505 000	1,086,463 872,804	9 909 507	1,350,218 877,453	0.050.704	2, 192, 464		2,835,0
airy products (cheese) (pounds)	2,599,058	441, 186	2,427,577	414, 124	55, 362, 917	2,392,480 8,463,174	13,503,279 44,394,251	3,592,4 7,430,0
airy products (condensed milk) (pounds)	16,525,918	1,432,848	3,393,597 2,427,577 16,209,082	1,341,140	9,850,704 55,362,917 37,235,627	3,066,642	155,734,322	12.404.3
airy products (milk and cream)	215 020 000	474,055 20,736,972	192,963,079	333, 217 13, 843, 179	318,366,525	343,583 21,872,948	266,529,960	835,
alt (pounds)	128,035,915	441,673	149, 123, 465	542,783	165, 619, 386	616, 132	165, 627, 801	22,659,8 600,6
olasses and sirup (gallons)	16, 454, 642	2, 193, 621	12,632,969	1,667,137	12,587,874	1.798.769	14, 419, 062	2,631,9
igar, reined pounds pounds husbals	43,994,761	1,681,302 397,516	50, 895, 726 386, 322	1,839,983 435,953	549,007,411 727,983	25, 615, 016 602, 585	1,630,150,863 563,739	79,390,1 578,7
egetables (beans and dried peas)bushels	400,868	1,080,066	314, 655	875, 493	1,214,281	3,638,526	1,760,383	5,914,
egetables (pickles and sauces)	0.000.001	837,571		928, 611		959.016		1, 166, 5
leat products (lard and neutral lard and substitutes) (pounds) (eat (mutton) (pounds) (eat (poultry and game) (eat (sussage) (canned and all other) (pounds) (eat sussage) (canned and all other) (pounds) (eat products (all other canned) (ear) products (buiter) (pounds) (ear) products (condensed milk) (pounds) (ear) products (condensed milk) (pounds) (ear) products (milk and cream) (ear) products (milk and cream) (ear) (pounds) (olasses and sirup (gallons) (ugar, refined pounds) (ugar, refined pounds) (egetables (beans and dried peas) (egetables (pickles and sauces) (egetables (pickles and sauces) (egetables (canned)	2,028,261	1,646,176 1,819,281	1,794,073	1,463,514	3, 135, 474	2,345,731 1,898,840	4,017,760	3,485,7 2,529,6
egetables (all other)		1,572,927		1,711,950		1 368 453		2,277,1

Source: Fiscal years ending June 30, 1913-1915, from "Commerce and Navigation of the United States," 1915. Table No. 5, pp. 349-751. Fiscal year ending June 30, 1916 from "Monthly Summary of Foreign Commerce of the United States," June, 1916, pp. 25-46.

Note.—Figures for like products of the same denomination have been combined; i. e., different kinds of dried, smoked, or cured fish, or hog products, such as bacon, ham, and pork in all its forms.

Imports of principal foodstuffs into Great Britain from United States, 1913-1916.

[From Accounts Relating to Trade and Navigation of the United Kingdom, October, 1915, and October 1916, pp. 28-56.]

	10 months ending Oct 31.							
	- Quantity.			Value.				
	1913	1914	1915	1916	1913	1914	1915	1916
Wheat         hundredweight           Wheat meal and flour         do           Barley         do           Oats         do           Maize or Indian corn         do           Cattle 1         number	27, 417, 768- 5, 084, 239 4, 059, 500 1, 464, 600 6, 880, 800 9, 893	27, 302, 005 4, 150, 772 3, 270, 400 1, 434, 715 229, 925	29, 945, 200 5, 907, 510 4, 642, 485 6, 606, 800 1, 460, 200	57, 390, 900 4, 547, 242 8, 590, 600 5, 170, 000 5, 820, 200	£11, 353, 427 2, 676, 874 1, 688, 536 474, 024 1, 923, 087 208, 625	£11, 368, 961 2, 258, 739 1, 171, 011 537, 485 72, 362	£19, 311, 211 4, 650, 697 2, 202, 939 3, 817, 868 626, 985	£39, 927, 465 3, 759, 754 5, 488, 288 2, 763, 265 3, 116, 734
Cattle '         number           Sheep and lambs.         do           Beef, chilled.         hundredweight           Beef, frozen         do           Pork, frozen         do           Bacon         do           Hams         do           Pork, salted (not bacon or hams)         do           Meat (unenumerated, frozen)         do           Meat (unenumerated, salted)         do           Poultry, dead         do           Butter         do           Cheese         do           Canned salmon         do           Hops         do           Lard         do           Sugar, refined, sugar candy         do	1,372 8,634	1, 707 2, 079 4, 335 3, 550 1, 233, 303, 304, 214 43, 790 14, 768 35, 895 7, 347 18, 599 435, 712 48, 945 1, 434, 291 1, 350, 761	546, 942 376, 210 27, 845 2, 966, 608 1, 216, 916 52, 085 109, 680 14, 259 57, 349 88, 206 449, 277 494, 531 103, 567 1, 867, 685 2, 083, 551	331, 292 476, 853 1.77, 773 3, 397, 813 1, 215, 586 37, 863 105, 580 21, 362 50, 284 82, 367 239, 744 687, 611 107, 495 1, 698, 225 5, 389, 294	2, 891 24, 651 5, 191, 052 2, 292, 815 90, 843 117, 533 38, 835 211, 956 47, 132 507, 995 397, 374 4, 313, 171	3,000 5,825 9,401 10,496 4,298,949 2,389,012 84,737 105,370 51,015 140,083 36,433 59,045 1,177,422 311,508 3,843,546 1,782,222	1, 857, 116 1, 100, 449 87, 616 10, 490, 119 4, 251, 454 131, 006 266, 052 48, 267 252, 095 384, 203 1, 851, 311 1, 596, 659 435, 398 4, 875, 338 4, 875, 338 2, 865, 686	1, 333, 274 1, 713, 951 675, 913 13, 987, 496 5, 205, 624 121, 603 324, 577 86, 008 243, 919 724, 722 1, 113, 301 2, 159, 648 570, 702 6, 021, 738 7, 887, 046

<sup>&</sup>lt;sup>1</sup> The figures for 1913 and 1914 include some animals imported for breeding purposes, the number and value of which are not ascertainable. From 1915 such animals are included in "Other articles," Class IV.

DEPARTMENT OF COMMERCE, BUREAU OF FOREIGN AND DOMESTIC COMMERCE, WASHINGTON.

Exports of ammunition and firearms from the United States during each month from Aug. 1, 1914, to the latest date for which statistics are available.

Month of-	Cartridges.	Gunpo	owder,	Other explo- sives.	Firearms.
1914. August September October November	Vaiue. \$154,080 421,982 1,452,740 1,231,235 1,098,875	Pounds. 30, 948 193, 037 90, 982 63, 064 55, 352	Value: \$16, 821 65, 465 24, 395 23, 027 27, 989	Value, \$26,336 187,510 56,305 78,062 980,665	Value. \$208, 644 201, 556 692, 146 1, 194, 510 1, 093, 158
January. February March. April May June July August September October. November	1, 381, 970 1, 900, 774 1, 616, 626 2, 648, 667 3, 028, 083 2, 467, 378 2, 427, 761 2, 284, 540 1, 412, 144 2, 241, 729 1, 737, 673 2, 260, 734	372, 085 73, 015 181, 043 645, 690 1, 591, 136 4, 376, 677 5, 504, 772 6, 653, 841 11, 183, 468 9, 679, 904 20, 892, 232 23, 204, 516	129, 617 34, 884 65, 481 417, 919 1, 048, 607 3, 234, 549 4, 567, 929 5, 296, 118 7, 169, 728 16, 730, 384 20, 201, 180	1, 059, 961 1, 020, 904 1, 081, 860 2, 863, 014 4, 439, 777 5, 911, 186 9, 329, 303 6, 967, 046 8, 743, 149 16, 851, 970 13, 495, 527 23, 366, 260	2, 156, 757 584, 694 545, 716 464, 913 1, 101, 751 914, 118 1, 948, 717 693, 413 1, 047, 792 556, 740 1, 197, 768 954, 102
1916. January. February March April. May June July August September October November December	3, 343, 497 3, 616, 702 4, 174, 827 3, 963, 133 5, 390, 715 4, 230, 033 4, 134, 765 4, 287, 617 5, 788, 653 6, 448, 881 5, 174, 062 4, 551, 019	12, 910, 701 13, 483, 939 20, 083, 043 26, 997, 792 27, 487, 570 34, 759, 298 35, 108, 319 32, 518, 535 40, 173, 559 20, 211, 272 38, 124, 884 15, 215, 262	10, 098, 175 12, 043, 610 16, 888, 622 22, 245, 046 21, 300, 332 28, 187, 938 28, 050, 026 26, 299, 669 34, 886, 942 15, 735, 102 34, 718, 981 12, 349, 157	12, 569, 635 32, 665, 681 29, 159, 515 29, 351, 236 41, 384, 610 28, 484, 459 38, 681, 413 42, 293, 211 34, 515, 989 27, 519, 820 37, 705, 275 37, 845, 860	1,513,087 1,902,020 1,568,379 1,933,953 2,576,447 2,173,007 3,139,379 4,301,042 9,259,253 4,622,202 2,476,759 6,659,581
Total, 29 months	84, 870, 895	401, 845, 936	330, 865, 005	488, 635, 539	57, 681, 664

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from Wyoming asks unani-

mous consent that he may proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Missouri [Mr. Borland] for an appropriation of \$400,000 to conduct an investigation into the causes of high-food prices. I think it can be said without exaggeration that never in the history of the world has so deplorable and unfortunate a condition existed in time of peace in a land of fertility, touching the cost of living as compared with the average income as exists to-day in this the fairest, the most fertile land in all the world. With our enormous areas of fertile land, our boundless opportunities for production, our enormous volume of production, our magnificent system of distribution, the finest in all the world, we find prices advancing steadily and continuously through a period of years, until in the last few months they have advanced by leaps and bounds, and many of the absolutely necessary and essential foodstuffs have, in the last six months, advanced 100 and 150 per cent in price.

There is no question now before the American people, in my opinion, so important as the question as to why foodstuffs are high and as to the methods that may be adopted for remedying that situation. You can not cure an unfortunate situation without knowing its cause. The first thing to be done in attempting to reduce the unfortunate and unprecedented high cost of living is to find out what causes it. I think we can well afford to expend a small sum of money for that purpose. Of course, it may be asked by some that so far as our friends on the Democratic side are concerned, Why an inquiry into the high cost of living? They know or should know why prices are high. The oracle has spoken, or did speak, four years ago in the Democratic national platform and declared the cause of high prices. If it were true—and I suppose you Democrats will say it must have been true—then it must be true now. It is worth while to consider what was then said:

We charge that excessive prices result in a large measure from the high-tariff laws enacted and maintained by the Republican Party,

High prices do flow from high-tariff laws. That is their source, according to this fount of Democratic wisdom. true the high-tariff schedules have been reduced, that tariff has been adjusted along Democratic lines, and, that being true, and assuming that the Democratic platform is sound in its declaration, we can reach but one conclusion, and that is that the pres-

ent condition of high prices is psychological and imaginary, that high prices can not exist because the tariff has been reduced.

Mr. GORDON. Will the gentleman yield?

Mr. MONDELL. Yes.
Mr. GORDON. Do you think that taking the tariff off of food-stuffs increased the price of them?

Mr. MONDELL. I am very sure it did not reduce the price of them, and the gentleman does not have to take my opinion

for it. The facts speak for themselves.

Mr. GORDON. What do you want the tariff on for, then, if it

does not raise the price?

Mr. MONDELL. I am not talking about the tariff now. I am talking about Democratic declarations relative to the tariff. The Democratic oracle went on to say that while high prices come in a large measure as the result of high-tariff laws they result also-

From trusts and commercial conspiracies fostered and encouraged by such laws. We assert-

They said-

that no substantial relief can be secured for the people until import duties on the necessaries of life are materially reduced and these criminal conspiracies broken up.

We have had three years of Democratic administration. Mr. HAMILTON of Michigan. Four years.

Mr. MONDELL. It seems longer than that to me, and it may seem longer to the people. Tariffs have been reduced and prices have gone up. How about the prosecution of the criminal trusts. Recently the Democratic Attorney General set himself about to make an inquiry and start in motion, we were told, those forces that would, by the punishment of criminal conspiracies, relieve us from the high cost of living. After having investigated hither and you, high and low, far and near, he reported, according to a statement made in the press of this city a few days ago, that having searched the country over with the fine-tooth comb of his investigating machinery, he had been utterly unable to dis-covery any conspiracy in violation of the antitrust laws. Where were these criminal conspiracies that my friend from Missouri [Mr. Borland] sees all about us, when the Attorney General was seeking for them, with the purpose of punishing them in order to relieve the people? The gentleman from Missouri [Mr. BORLAND], as a Member of Congress, knows these conspiracies

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment. He tells us in moving words of their nefarious practices and their wicked conspiracies, and we can all see without having anyone tell us about it, when we buy the family groceries, how the prices have gone up. But a Democratic Attorney General can not find these combinations that are so plain and patent to the gentleman from Missouri. Now I will yield to the gentleman.

Mr. DIES. I would like to ask the gentleman from Wyoming a question. Is he speaking of the protective tariff or embargo on imports or of this modern embargo on exports? Which does he want-the embargo on imports or the modern embargo on exports?

Mr. MONDELL. I will say to the gentleman, as I said to the gentleman from Ohio [Mr. Gordon], who interrupted me a moment ago, that I am not discussing the protective tariff now. [Laughter.] I am talking about the Democratic oratory touching the protective tariff. [Renewed laughter.]

Mr. GORDON. Mr. Chairman, then I make the point of order that the gentleman is not in order. He is not discussing the question before the House. [Renewed laughter.]

Mr. HAMILTON of Michigan. Maybe the gentleman from Ohio can explain it himself.

Mr. MANN. Nobody can talk about the Democratic Party in an orderly way. That is impossible. [Laughter.]

The CHAIRMAN. Gentlemen will proceed in order. Mr. MONDELL. There are those of us who do not believe that protective tariffs are or ever have been responsible for the high So far as those of us are concerned who do not find conspiracies in restraint of trade behind every bush every time there is a rise in prices, we realize that a situation such as that which now confronts us is worthy of investigation and worthy

of consideration. The President of the United States, on his authority and responsibility—
Mr. HAMILTON of Michigan. Mr. Chairman, will the gentle-

man permit a very serious question?

Mr. MONDELL. Yes, Mr. HAMILTON of Michigan. Does the gentleman know why this investigation has not been commenced heretofore? Here is a situation crying out for investigation and remedy. Why was it not commenced long ago?

Mr. MONDELL. Well, would the gentleman expect a Democratic administration to begin an investigation when it ought to be undertaken? I will not. I will be glad to aid them even in belated attempt to find out what the trouble is. Some of us believe that the main causes of the high prices of foodstuffs can be traced to the European war. Sherman once said war was hell. He might well have said it was all kinds of hell. It not only brings suffering and death and distress in every horrid form; it not only leaves widows and orphans to suffer years after the war is over; it not only leaves an enormous burden of debt upon the people for generations; but during the period of war conditions are created under which a few amass enormous fortunes and under which the common people have levied upon them, in addition to all the other burdens of war, the burdens of prices advanced by reason of the special and peculiar demands of war for certain classes of products. In a war like this, involving the greater part of the civilized world, the demands on us for certain classes of foodstuffs have been so great that in

supplying that demand we have shortened the home supply.

Aye, more than that. By reason of that demand we have made possible manipulations that would not have been undertaken and could not have been carried out in time of peace; manipulations under which, between the producer and the con-sumer, enormous fortunes are rolled up by middlemen.

War and war demands have caused the major portion of these advances. I am not ready as yet to join the gentleman from New York [Mr. Fitzgerald] in an embargo in order to cure the situation in that way, although if conditions continue to grow worse, as they have been Young in the conditions of the conditions. worze, as they have been, I may in time conclude that his remedy may, after all, have some virtue, though I believe it a dangerous remedy, one to be invoked as a last resort. In the meantime we can make inquiry as to the causes of these high prices, other than those of war. We may discover, although the Attorney General never has discovered up to this time, that there are illegal practices and unfortunate conditions that can be cured, prevented, or punished. We can not excuse ourselves, whatever else it may be wise to do, whatever else we should do to remedy the condition immediately and forthwith, when the President himself has ordered such an investigation as we propose and a great organization of the Government is already beginning to make the investigation, unless we appropriate for such an investigation. I am not one of those who hope for any immediate benefit from this inquiry. I do not expect that the investigation will at any time have a very great effect in reducing prices, but I do think the situation is so serious and critical that we can not afford to refuse to at least get all the light we can on the subject.

The CHAIRMAN. The time of the gentleman from Wyoming

has expired.

Mr. GILLETT. Mr. Chairman, I agree with very much that the gentleman from Wyoming [Mr. MONDELL] has said, but I differ entirely from his conclusion. We, all of us, I think, in the last few years have discussed and claimed to know the cause of the high cost of living. I venture to say that nearly every man on that side of the House in the campaign four years ago asserted that the protective tariff was the cause of the high cost of living, and most of us on this side of the House last fall claimed that the Democratic program had contributed to the high cost of living. But the cost of living is getting higher just the same, and to-day we face a crisis. We all know substantially the fundamental reasons which create our present prices, and we all know that an investigation is the last thing that is going to alleviate or tell us how to meet the situation.

The crisis is not going to be met by a report that is coming in eight months or a year from now. By that time very likely the greater part of the present causes will have disappeared. We certainly should hope so. What is this commission going to do? They told us they expected to send out an army of economists all over the country and investigate every kind of production and distribution. They said it would take them at least eight months; that is the best they could offer; that it would cost them at least \$400,000; and they made the impression on my mind that the chances are that their report would not come in until long after eight months, and that the expense would be very much more than \$400,000.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. FARR. Can this exhaustive investigation to which the gentleman refers be made under this resolution?

Mr. GILLETT. I expect it could; a portion of it. I do not think the whole of it could.

Now, an investigation has been going on along these lines for a year or two by the Department of Agriculture. That department has funds for it. They are now investigating it. But and not a shortage of food.

just because we are now facing a tremendous crisis, just be-cause there is widespread popular discontent, is that any reason why we should be frightened and why we should throw out such a ridiculous palliative as to spend \$400,000 by a commission? Why, this investigation by commissions has long been the execuse which every party has brought out to meet a difficulty when it did not know what else to do; but never was the appointment of a commission such a ridiculous remedy as it is to-day. The people are asking immediate relief and we are trying to square ourselves with them and make them think we have done something helpful by spending half a million dollars to employ a lot of economists to investigate for a year. They ask for bread, and I believe they will think such a commission

is no better than a stone.

Mr. HAMILTON of Michigan. How long would it take to conduct an investigation, to arrive at some degree of truth?

Mr. GILLETT. I do not know. The least time suggested is

eight months.

Mr. HAMILTON of Michigan. By that time the crisis would be past.

Mr. GILLETT. We certainly believe and hope it would.
Mr. HAMILTON of Michigan. People would starve to death

meanwhile, unless they were given some relief.

Mr. GILLETT. They probably would. They can not feed on

this commission. Some of them might on the money it would

Mr. KELLEY. Has it not been pretty well established that the trouble is one of transportation?

Mr. GILLETT. Undoubtedly that is one of the largest prob-lems, and if there was time I would like to discuss that; but, of course, if you go into the real causes of that, they are so widespread and there are such differences of opinion in regard to them that it would take almost as long as this commission We all know facts which create that trouble. have different opinions upon them, but we do not need the expenditure of \$400,000 to throw some light upon that; and there are enough factors which we all agree upon to greatly reduce the evil. It seems to me, Mr. Chairman, this is an endeavor by Congress to shift responsibility. The country is calling upon us for relief, and the only thing we can think of is to appoint a commission to investigate and report; and they can not investigate and they can not report until long after the crisis is past which we are asked to relieve. This is not an emergency which can be met by any commission. It is a crisis that has got to be met by the American people, and I have some idea as to how the American people will probably meet it. But it seems to me the last thing in the present juncture is to resort to that stale and leisurely remedy, investigation by commissions. It is a confession of weakness and incapacity; it is a confession that we do not know at all what to do; and I have had some suspicion that it is an endeavor to give employment to an enormous army of political economists, who will furnish a fine assortment of agreeable patronage to the party in power. I think it is a proposition to practically throw away not only \$400,000, but very likely twice that; that it will not even propitiate the public favor, which is its aim; and that the result will be ridiculously disproportionate to the expense.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAINEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Gov-ernment for the fiscal year ending June 30, 1918, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Nebraska. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that he may be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. STEPHENS of Nebraska. Mr. Chairman and gentlemen, the contention of the gentleman from New York [Mr. Firz-GERALD] that an embargo would remove the conditions that exist to-day is in my judgment fallacious. An embargo would temporarily reduce the price of products, but in the long run would increase their price, because production would be decreased thereby. In my judgment the trouble with the situation in these great cities to-day is due to the lack of cars. It is a car shortage

Mr. SMITH of Michigan. Will the gentleman yield just there?

Mr. STEPHENS of Nebraska. I will ask the gentleman to wait a moment until I make a preliminary statement. shortage to-day, as has been developed before the Interstate Commerce Commission, is such that it is practically impossible to get food into these cities in sufficient quantities. Thousands of cars are loaded with coal standing on sidetracks in great centers awaiting an opportunity to be unloaded. The congestion is due largely no doubt to the lack of export facilities. The congestion at the seaboard is very great. Now, the railroads could remove that condition merely by embargoing shipments of products to seaboard ports where there are no facilities for transporting these products across the sea. If we could once remove the car shortage, there would probably be no food riots in cities. The gentleman from New York [Mr. Fitzgerald] has referred to the shipment of oats. Why, I would like to remind him that we have hardly been able to market a bushel of our grain in my State for months, because the elevators are filled to bursting, and we can not get cars to move it. I am a farmer indirectly myself, and my grain has lain outdoors all winter awaiting an opportunity to be marketed, with the elevators full and no cars available to ship it. No wonder there are riots in They are due wholly, in my judgment, to the lack of transportation facilities.

Mr. REAVIS. The gentleman made the statement that there were ample food supplies, the difficulty being the inability to get the food to those who consume it.

Mr. STEPHENS of Nebraska. I think that is true.

Mr. REAVIS. Does not the gentleman know that we are several million cattle shorter to-day than we were 10 years ago?

Mr. STEPHENS of Nebraska. Yes; I am coming to that very point, and I want to cover it in just a moment.

Mr. SHERLEY. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I yield to the gentleman from Kentucky.

Mr. SHERLEY. How does the gentleman think that an investigation by the Federal Trade Commission is going to help

Mr. STEPHENS of Nebraska. Oh, I think the gentleman nows it can not help the car shortage. The Interstate Comknows it can not help the car shortage. The Interstate Com-merce Commission is already making a thorough investigation of the car shortage, and before the Interstate Commerce Committee in this House we have been considering this matter for months. We are trying to solve the car-shortage problem now, and it may be that an embargo of some sort, of a temporary character. by railroads against the shipment of products to the seaboard, where ocean shipping for moving it is not available, would greatly relieve the situation.

Mr. GOOD. The gentleman comes from a large corn-producing section?

Mr. STEPHENS of Nebraska. Yes.

Mr. GOOD. Will not the gentleman admit that corn is selling for 85 cents a bushel?

Mr. STEPHENS of Nebraska. Yes.

Mr. GOOD. And normally corn sells for about 40 cents. So it is not the car shortage.

Mr. STEPHENS of Nebraska. Oh, no; corn has not been selling as low as that. Before the war broke out corn sold on my farm in Nebraska for 75 cents a bushel, and it is only 10 or 12 cents more to-day.

Mr. GOOD. That was because you had a partial failure the vear before.

Mr. STEPHENS of Nebraska. Oh, no; it was not because we had a failure. It was a natural condition.

Mr. SMITH of Minnesota. Will the gentleman yield? Mr. PADGETT, Will the gentleman yield for a question? Mr. STEPHENS of Nebraska. I should like to yield, but I

have only 10 minutes.

Mr. SMITH of Minnesota. Do I understand that the gentleman from Nebraska has the impression that the car shortage is the cause of the present food shortage in the cities?

Mr. STEPHENS of Nebraska. I think it is one of the main causes of it, in the cities where the riots are taking place.

Mr. SMITH of Minnesota. The city of Minneapolis is within 20 miles of the greatest potato-producing section of the United States, and to-day potatoes are selling in Minneapolis for a dollar a peck.

Mr. STEPHENS of Nebraska. Yes.

Mr. SMITH of Minnesota. And they do not have to go into a car at all to reach our people.

Mr. STEPHENS of Nebraska. Very likely there is a shortage

of potatoes, and there are also combinations that are controlling

the prices, and the object of this amendment to this bill is to find out what it is that is adding an artificial price to these products. I believe, if we can get this investigation made, we will be able to solve that problem. Now, the meat problem, for

Mr. HAMILTON of Michigan. I would like to ask the gentleman a question.

Mr. PADGETT. Will the gentleman yield for a question? Mr. STEPHENS of Nebraska. Mr. Chairman, I shall be glad to yield to these gentlemen if I can get the time to do so.

Mr. PADGETT. I want to ask the gentleman a question. Many of the products have relative values-sort of a seesaw. We have the largest circulation, the largest volume of money in this country that this country has ever known-\$43 per capita against \$14 or \$15 in 1896. In Europe, in England, France, and Germany there has been a tremendous volume of paper money issued, and in addition there are something like 20,000,000 soldiers in the fighting countries, and something like 20,000,000 more taken out of the ordinary channels of production and put into the production of munitions, increasing the consumption demand and reducing the production.

Mr. STEPHENS of Nebraska. Yes.

Mr. PADGETT. What does the gentleman think of the money situation, of the increase of the volume of money? Cheap money makes high prices of products and high-priced money makes cheap products.

Mr. STEPHENS of Nebraska. I think the gentleman is right. There is no doubt that the quantity of money in this country has been enormously increased. The quantitive theory of money has been vindicated over and over in the last few months. It has proved just what we contended in 1896-that the quantity of money affected the price of production.

Mr. HAMILTON. Will the gentleman yield? Mr. STEPHENS of Nebraska. I can not yield. Mr. HAMILTON of Michigan. Just one question. Mr. STEPHENS of Nebraska. Well, make it short.

Mr. HAMILTON of Michigan. Did we not discover back in 1896 that it must be money in use and in circulation, and when the Democratic Party was in power money did not circulate

Mr. STEPHENS of Nebraska. Oh, the gentleman is always wanting to drag politics into the discussion of serious problems. I regret that this discussion has drifted into political channels once or twice this afternoon. I believe, gentlemen, that this is the most important and far-reaching piece of legislation that we have considered at this Congress. The present conditions are not temporary, but they have been developing for the past 15 or 20 years. I purpose to discuss the meat situation in this country in order to prove that this is no temporary matter. There are nearly 20,000,000 fewer meat animals in this country than there were in 1900. Why is this so? Here we have the most wonderful cattle-producing country in the world. We produce more corn than any other country in the world; we produce more grain and forage, that go to make fat, than any other country, and yet in spite of these conditions the meat supply has decreased 35 per cent. We have only 65 per cent as much meat per capita in this country as compared with the supply in 1900.

There is only one reason for it, and that is that conditions have not encouraged production. We have two branches of production of meat in this country. We have first the cattle producer, the man who raises the animal on the range, the man who produces this thin stuff to be turned into meat products. He produces it under conditions unfavorable for the producing of fat, and so he ships it at maturity to market centers to be sold to the farmers, who have corn for making fat. They are the meat producers, and the conditions under which the meat producers have labored have been such as to strangle that great industry and decrease the supply of meat of this country

Now, these farmers are not going to take the trouble and risk to produce meat when they know that four great packing concerns own the market and control absolutely the price of meat The grower comes in from the range with cattleanimals millions of them-and they are dumped into the stockyards, and these cattle are sold to the farmers who are competing by the hundreds and the thousands for the purchase of this thin stock. What is the result? The cattle producer gets a fair price, but the man who takes them to his farm and feeds them, with his high-priced corn, is confronted with the situation that when he sends them back to the market again, these four great packing corporations, acting absolutely as a unit, buy his fat stuff at their own price. They have no competition, practically speak-The law of supply and demand has been set in abeyance. Mr. GORDON. Why does not he sell them to somebody else?

Mr. STEPHENS of Nebraska. There is nobody else to sell them to. The great packing concerns control all the fat-cattle markets in the United States. There is no one else to buy them except these packers.

Mr. REAVIS. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes. Mr. REAVIS. Is not it a fact that within the last five years practically every independent buyer has been driven from the

Mr. STEPHENS of Nebraska. Absolutely; these packers own the stock yards; they own the terminals; they own the stock journals; they own the banks that lend the money to the feeders, and everything connected with the marketing of cattle. The producer of that meat has no more show than would a rabbit of getting a reasonable price for his product, based on the cost of production.

Mr. QUIN. Have not we the antitrust laws?

Mr. STEPHENS of Nebraska. Yes; we have the antitrust laws, but they have not broken up this combination.

Mr. QUIN. What is the office of the Attorney General doing? Mr. STEPHENS of Nebraska. The Attorney General's department is not in a position to make this investigation. They The hope I do not know the technical side of this business. have in this investigation lies in the fact that it will be made by the Federal Trade Commission, a commission that is endowed with business qualifications, with a knowledge of the conditions so that they can understand what the situation is when they look into it. It is not a job for lawyers entirely.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. BOOHER. Does the gentleman state that the producers of meat cattle and hogs are complaining at the prices they have

been receiving?

Mr. STEPHENS of Nebraska. No; not now; but I want to call the gentleman's attention to the fact that when we sold fat cattle at \$6.50 a hundred, 15 or 20 years ago, fourteen hundred pound animals, we made more money on them than we are making to-day at 10 and 11 cents a pound. It is not how much you get, but who controls the market, that is the vital thing in this controversy. The packers are not fools. They are the shrewdest and ablest men in the country, and they are not going to pay a cent more for this product than they can get it for, and since they control the markets they can get it at their own price. In my State hundreds of feed yards are going into decay with not an animal in them. Farmers refuse to buy cattle and feed them and take the risk of selling in a market where there is no competition for their stuff.

Mr. BOOHER. According to the gentleman's argument, then, it is the producer refusing to feed hogs and cattle that causes

Mr. STEPHENS of Nebraska. He refuses to feed them in quantities, because he can not depend upon the market. The packers, who control the market, find it to their advantage to cause great fluctuation in prices, which contributes to the ruin of the feeder when he buys stockers at 8 cents and feeds them \$40 worth of corn each and finds when he gets to the market with his fat stuff the market is down one or two cents he is ruined. He can not depend upon the market. I know of five feeders in 1915 living in my neighborhood who lost \$30,000 on their cattle-feeding operations and were nearly bankrupted. Not a one of the five has fed a steer since. That condition prevails everywhere in the corn belt, with the result that we have

a great meat shortage in this country.

Mr. BOOHER. Is not a great deal of the fault to be laid

with the price of stock cattle?

Mr. STEPHENS of Nebraska. I have just explained that there are thousands of men competing for stock cattle, but there are only four representing the packers competing for fat cattle. This gives the grower a fair market, especially if he owns cheap cattle pastures; but down in the gentleman's State and in my State, with \$150-an-acre land, a man can not keep a cow a year to raise a calf, and then raise that calf until it is 2 years old for \$50. Stock cattle are not yet sufficiently high to raise on \$150-an-acre land.

Mr. BOOHER. There are two things that cause the high rice in this country. One is the high price of stock cattle, price in this country. One is the high price of stock cattle, and the other is the high price of corn that goes into them.

Mr. STEPHENS of Nebraska. I know all of that, but that

is not the trouble at all. This trouble existed before the war, it existed 10 years ago, it existed so far back that the supply of cattle and hogs and sheep have diminished 20,000,000 head since 1900, and why should our live stock diminish in this country if the market conditions are right, with all of this splendid facility for producing this stock?

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REAVIS. The gentleman made the statement that there

were only four companies competing for fat cattle.

Mr. STEPHENS of Nebraska. Practically so.

Mr. REAVIS. I would like now to make the statement that there is nobody competing for fat cattle.

Mr. STEPHENS of Nebraska. I think the gentleman is abso-

lutely right about that.

Mr. REAVIS. I sold fat cattle on the market that is in the district of the gentleman from Missouri [Mr. Booher] to Armour & Co., with no competing bids, and when I got the account of sale I found they were divided up between Armour & Co., Swift, and Cudahy. There was no competition. One man bought them, and then they divided them up among the other

Mr. BOOHER. The fact is there is no competition, and you may just as well take the first offer a commission man makes.

Mr. REAVIS. Yes.

Mr. STEPHENS of Nebraska. And we want this investigation for the purpose of breaking up that combination and of restoring again competition, of taking the stockyards out of the hands of the packers and letting them be controlled by and belong to the people.

The CHAIRMAN. The time of the gentleman from Nebraska

has expired.

Mr. GOOD. Mr. Chairman, I believe all of the Members of the House agree that a very deplorable condition exists in many of our large cities, a condition of positive suffering among the laboring classes and their families. Food prices are altogether too high. That condition ought to be improved. The gentleman from New York [Mr. FITZGERALD] made a wonderful speech, I think one of the greatest speeches I have heard since I have been a Member of this House. He tells you that the difficulties, so far as many of the necessities of life are concerned, lies with the middleman, with unlawful combinations of middlemen. The gentleman from Nebraska [Mr. Stephens] who has just taken his seat says that so far as the meat products of the country are concerned the difficulty lies with the packers. Then, why in the name of common sense should we appropriate \$400,000 to send out an army of economists over the country to look into the question of production in this country when we already know where the difficulty lies? That is the question that is before us, and mind you, it is intended to empower the Federal Trade Commission with facilities and a large fund to do this

Over a year ago, according to a newspaper clipping I have, the Federal Trade Commission, empowered by Congress to investigate the question of the price of gasoline, announced to the country they were ready to submit their report. That statement was published in every newspaper, that they were ready then, a year ago, to render their decision on the question of gasoline. Immediately the independent oil producers from every section of the country came to Washington. The Standard Oil Co. sent representatives to Washington a year ago and they have been here off and on ever since, yet to this day that commission has not made its report.

Mr. HAMILTON of Michigan. Why, not, if the gentleman

pleases?

Mr. GOOD. Oh, I do not know why they have not made it, only know they have not made it.

Mr. QUIN. Have they put the price of gasoline down? Mr. GOOD. No; gasoline is about the same price it was before.

Mr. QUIN. And never will.
Mr. GOOD. And they will give no relief in the emergency. But, gentlemen of the House, we have a great arm of this Government organized and empowered to reach out and strangle every trust, every unlawful combination, in this country, and in 1912 you Democrats said in your platform you would do it. Within the last two weeks at least a half dozen Members of this House have asked me who was the Attorney General of the United States. Nobody seems to know. While all this violation has gone on he seems to be asleep. Where is there a violation of law that he has attempted to punish? Where are the great criminals that your Attorney General has put in fail? Name them. Why, the large interests of the country, these unlawful conspirators, have given him a hypodermic and have put him to sleep. He does not bring suit; he does not put anybody in jail; he does not break up unlawful combina-

tions: and he does not enforce the law against the packers and against the great grain elevators and the other trusts and organizations of this country. That is the truth of it. Why, you give him in this bill almost \$1,000,000—\$973,000—to enforce the Sherman antitrust law and other antitrust laws, but he does not enforce them; \$1,000,000 to reach out and cure that very thing of which you are complaining. Why does not he do it? Is he too proud to fight, or too cowardly to fight, or too much in sympathy with the trusts to fight? Write into this bill a direction for him to act and relieve this suffering; and if he does not do it, if he violates our direction and obeys only Col. House, then let the administration answer to the country.

Let him say so in so many words, that he will not enforce the law, but do not give him an excuse to continue his policy. But, gentlemen of the House, we are not getting any enforcement of law through the Department of Justice, the only department that is really clothed with authority to reach out and strangle these concerns that have produced this condition in our great cities that is causing widespread suffering and untold misery. If we want relief, let us demand that the Department of Justice enforce the laws of the United States, a thing that has not been done here during the past four years.

Mr. MONDELL rose.

Mr. GORDON. Will the gentleman yield right there? Mr. GOOD. I yield to the gentleman from Wyoming.

Mr. MONDELL. The administration has failed and failed utterly to perform its duty in the prosecution of violations of the antitrust law and will probably continue so to do, but does the gentleman think that fact justifies us withholding appropriations for an investigation that will attempt to cure all these things and which, if done, may do considerable good and may bring out some facts that will lead to the punishment of those guilty?

Mr. GOOD. It will take eight months to bring out the facts we now possess. How about the thousands who are suffering now? What the condition will be eight months from now no

one can tell.

The CHAIRMAN. The time of the gentleman has expired. Mr. GORDON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none. Mr. GORDON. Why, if the gentleman knows all these things he has recited here so vehemently, does not the gentleman im-

peach the Attorney General?

Mr. GOOD. I am not in that business.

Mr. GORDON. Why not; you are here, you are author-

Mr. GOOD. Will the gentleman tell me where is one criminal that his party talked about in 1912 whom his Attorney General

has put in jail?

Mr. GORDON. I do not recall any, but I do not know as much about this as the gentleman does. If I knew it and I made the claim to know as much, I would impeach him right here now. [Laughter.] Mr. LONDON. Mr. Chairman, I ask unanimous consent to

proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objec-

Mr. MILLER of Minnesota. Mr. Chairman, reserving the right to object, I understand there are a large number of gentlemen who desire to speak, and I really wanted five minutes myself to discuss the present shortage of bread and flour in the East in consequence of the shortage of transportation of flour from Minnesota concerning which I have some facts I wanted to give the House. I have been here an hour or so, but I have no objection to the gentleman having 10 minutes more

Mr. LONDON. I have not started yet.

Mr. MILLER of Minnesota. If I may have five minutes when he is through.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.]

The Chair hears none.

Mr. LONDON. Mr. Chairman, the gentleman from New York [Mr. Fitzgerald] has made a telling speech. I am in entire accord with him in his couclusion that the present food emergency indicates distressing incapacity on the part of the administration. I take it that he intended to include in the word "administration" not only the executive branch of the Government, but the legislative branch, and particularly Congress. I certainly agree with him that both Democrats and Republicans are entirely at a loss when confronted with a serious

economic problem. I have no immediate hope for a Socialist If I had a dozen Socialists here, though, I could get some effective action to meet the situation.

Mr. HAMILTON of Michigan. Would 12 be enough?

Mr. LONDON. It would be enough to compel you to think, for I have had a dreadfully hard job being all alone. [Applause

and laughter. 1

All sorts of reasons are being assigned in explanation of the present emergency. These reasons are mutually conflicting and mutually destructive. Some claim that there is a shortage of foods; others that there is an abundance of food, but a shortage of transportation facilities. Some claim that an embargo would cure the situation; others that an embargo would aggravate it. All, however, admit that they do not know what to do. not a bit surprised that Congress, which has been legislating for so many decades in the interests of certain economic groups, finds itself unable to take a national outlook upon things and to legislate for the great industrial and agricultural masses. find that what is really lacking is an ordinary knowledge of economic law and a lack of social conscience.

Mr. GORDON. Will the gentleman yield?
Mr. LONDON. If I can get a little more time.
Mr. GORDON. Your remedy is just to take those foodstuffs

from those that have them and give them to those who have not got them?

Mr. LONDON. I have credited the gentleman from Ohio with more wisdom than that. I wonder whether it is his advice to take from those that have not and give it to those that have. Your old political platforms, with their numerous planks, offer no hint of a solution. Nothing illustrates more convincingly the complete economic and moral bankruptcy of the present system of individualistic or capitalistic ownership than the shortage of food in our richest cities and in the most prosperous period in the hstory of the country. The individual ownership of the socially necessary means of existence reaches its climax in the bread riots during the richest period in the history of the coun-Rich as never before-and bread riots! Surfeited with gold—and bread riots! A creditor of all the nations of the world—and bread riots! Such is capitalism. Such is the rule of private capital over human society.

If the people are short of food now while the country is at peace, what can we expect if we should be unfortunate enough

to become a participant in the European war?

What has become of the riches of the country? Where is all its prosperity? Where are the returns for the millions of tons of foodstuffs, munitions, and other commerce sent abroad? Have we, like Midas of old, turned everything into gold, and gold only?

The tendency to upward prices has been strong in the last 10 or 15 years throughout the world. The expression "the high cost of living" has been on the lips of every thinking man for the last decade, and many a bitter strike has been waged in a desperate effort to contend with the high cost of living. Translated into simple words it means that it is becoming more and more difficult to obtain the means necessary for existence. We are confronted with a new kind of a crisis. We have had financial crises and industrial crises. We have now a prosperity crisis. It is the legitimate outcome of individualism run mad. Every 15 or 20 years there is one of these cyclonic disturbances of industry and finance, and no sooner do the waves of one crisis recede another one casts its ominous shadow ahead. We have had a crisis in 1819, 1837, 1857, 1873, 1893, 1907, and now we witness what appears to the men unfamiliar with economic evolution the most inex-

plicable of all crises—a prosperity crisis.

The climax of industrial anarchy has been reached now. We are face to face with the results of unregulated and uncontrolled individualism which enables a minority of the com-munity to control the means necessary for the sustenance of the many. There is no permanent remedy short of democratic control of the means of existence. As long as a small group of the community control the food supply and other means of

or the community control the food supply and other means of existence necessary for the people, the people are helpless.

The gentleman who preceded me has told us that four packing concerns now control the packing industry in spite of the so-called antitrust law. That fool antitrust law is powerless. You can not compel four packing concerns to compete when they choose not to compete. The people have only one alternative, and that is either to submit to the dictation of the four packing concerns or to take control of the pecking industry for packing concerns or to take control of the packing industry for the people and run it on behalf of the people.

Mr. HAMILTON of Michigan. May I ask the gentleman a question? What is the gentleman's remedy?

Mr. LONDON. Coming down to the immediate situation, I refuse to admit that there is no possibility of immediate

relief. The mere fact that the problem is a difficult one does not mean that we should abandon all efforts of solving it. We certainly can not afford to let the people starve, nor can we afford to have them become the recipients of charity. Of course anything I may suggest may appear to be unusual, contrary to established precedents, not in line with accepted theories, but that is no matter. We are dealing with an unusual situation. Without going into any far-fetched theories in order to relieve the situation to-day, to-morrow, the 25th of February, 1917, let us immediately appropriate \$5,000,000 and authorize a commission to purchase food, establish fooddistribution centers, and to sell food at reasonable prices directly to the consumer or to State or municipal governments in line with the suggestion contained in the bill which I introduced a few days ago. That is my concrete proposition to meet a present need. I am sure that is not a theory from

Mr. MONDELL. Will the gentleman yield?
Mr. LONDON. I will.
Mr. MONDELL. Who would the commission buy from and how would the gentleman provide the commission should

buy at reasonable prices?

Mr. LONDON. I assume that the commission will purchase food at the cheapest possible prices and sell it at reasonable prices, but if the commission should be unable to obtain food at reasonable prices then we will have to take the next step, and that is to take possession of the foodstuffs and pay the owners a price which the Government will determine under condemnation proceedings. That is exactly what New South Wales has been compelled to do. New South Wales had been generously pouring out her blood and her money to aid her mother country, but when food speculators at home began to take advantage of the enormous exports so as to inflate prices the New South Wales Government found it necessary to seize foodstuffs and proclaim the price at which it would be sold to the people. I intend in my extension of remarks to incor-porate an article on how they kept food cheap in Australia, which appears in Pearson's Magazine for this month. While we are not at war we are suffering from all the evil effects of war.

The CHAIRMAN. The time of the gentleman has expired. Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. LONDON. I shall also extend my remarks by incorporating an article on Government control of food supplies in European countries, which will appear in the Monthly Review of the Bureau of Labor Statistics for the month of March, and which has been prepared by the Bureau of Labor Statistics.
Mr. SHALLENBERGER. Now, will the gentleman yield?

Mr. LONDON. Yes.

Mr. SHALLENBERGER. No doubt the gentleman knows that in New York City, in conformity with his idea, Mr. George W. Perkins has announced in the press that they have already purchased 4,000,000 pounds of rice and that they are going to

sell it at 2 cents a pound?

Mr. LONDON. That is a fact. If the rulers of the Old World have enough intelligence to protect the people from exploitation in times of war, there should be enough will and enough intelligence in this Republic to protect the people in times of peace. Now, Mr. Chairman, a word as to this amendment to appro-

priate \$400,000 for an investigation by the Federal commission.

This investigation will take, it is estimated, about eight months. It can be of no immediate benefit. Still, I favor the amendment. The more light you throw upon all these economic problems, the more you investigate, the more you search, the more you scrutinize, the more you examine, the more knowledge you accumulate, the more intelligent will be the action in the

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman

yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. LONDON. I do.

Mr. SMITH of Minnesota. Seven years ago this Congress turned over to the Interstate Commerce Commission the question of investigating to what extent the refrigerator exclusive car contract existed, and its effect. That commission has never It has never written an article on that line.

Mr. LONDON. Whose fault was it? The fault of Members of Congress who permit themselves to be the distributors of garden seed, who permit themselves to be made agents for private claims, and who do not apply themselves to great national problems which confront this great Republic. [Applause.] |

It is your fault, if nothing has been done. Of course, I do not

mean the gentleman individually.

Mr. SMITH of Minnesota. Oh, I know, my friend, it is not my fault. Repeatedly have I called upon the commission for a report; repeatedly have I written to the commission on this proposition, and each time the commission has said that the report would soon be coming; but it has not come until to-day.

Mr. HAMILTON of Michigan. Has it come to-day?

Mr. SMITH of Minnesota. And now, another thing. not gentlemen complained about existing conditions and refused to study the conditions of which they complain, and in the meantime those conditions have been remedied?

Mr. LONDON. I know that a great deal of information that has been collected on these subjects is buried in libraries; but it is the fault of the men who refuse to study and to take

advantage of the accumulated data.

Let me say in closing, gentlemen, if you have a better or a more immediate remedy for the present emergency than the one I have suggested, please announce it. Let us know. Stop indulging in generalities. Stop talking of investigations. Stop recriminations and accusations. What remedy have you to offer for the lack of food to-day in the city of New York and in the city of Philadelphia and other large cities?

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. KELLEY. I understand that in the elevators in Chicago there are 60,000,000 bushels of wheat. That is enough to

last the city of New York two years.

Mr. LONDON. Who owns that wheat; who has control of those 60,000,000 bushels of wheat? And where would those 60,000,000 bushels of wheat go if there were no submarine warfare? They would go abroad. They would not go to New York or Philadelphia.

The time of the gentleman from New The CHAIRMAN.

York has again expired.

Mr. LONDON. Mr. Chairman, I ask leave to extend my re-

marks by inserting the documents indicated.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks by inserting the documents indicated. Is there objection?

There was no objection.

Mr. LONDON. I submit the two articles referred to in my remarks, as follows:

HOW THEY KEEP FOOD CHEAP IN AUSTRALIA—A JABOR GOVERNMENT'S EXPERIMENT IN PRICE FIXING.

[By Julian Pierce.]

HOW THEY REEP FOOD CHEAP IN AUSTRALIA—A JABOR GOVERNMENT'S EXPERIMENT IN PRICE FIXING.

[By Julian Plerce.]

The method by which the New South Wales labor government has handled the food crisis during the last two years is suggestive as to what the United States Government might do to meet the food crisis that now exists here.

The New South Wales manufacturers and dealers in the necessaries of life gave their interpretation of their social function immediately upon the outbreak of the war. The wheat speculators boosted the price of wheat 30 cents a bushel. The flour manufacturers boosted the price of flour \$3, \$6, \$9, and \$12 a ton. Grocers' associations boosted the price of flour \$3, \$6, \$9, and \$12 a ton. Grocers' associations boosted the price of flour \$3, \$6, \$9, and \$12 a ton. Grocers' associations boosted the price of flour \$3, \$6, \$9, and \$12 a ton. Grocers' associations boosted the price of flour \$3, \$6, \$9, and \$12 a ton. Grocers' associations boosted the price of flour \$3, \$6, \$9, and \$12 a ton. Grocers' associations boosted the price of flour \$3, \$6, \$9, and \$12 a ton. Grocers' associations boosted the price of event and the price of sago and tapice 20 per cent, oatmel 10 per cent, pearl barley 7 per cent.

The wage carners protested vigorously against the price boosting. With wages largely fixed by law, through arbitration courts and awards by Government wage boards, the action of the food capitalists in boost ing prices was equivalent to wholesale wage reductions.

On August 18 the labor government met the situation by instructing Attorney General Hall to introduce a bill called the necessary commodities control act. It passed the house and senate with but little delay and became a law on August 25. It is this law, enacted to meet a "special crisis," that has developed into a permanent policy of the New South Wales labor government.

The necessary commodities control act limits its jurisdiction to meetsary commodities, and defines them as follows: (1) Coal, firewood, coke, or other fuel; (2) gas f

The labor government realized that the predatory manufacturers and merchants might do either of two things. They might be bold enough to sell the commodity at a higher price than that fixed by the Government, or they might refuse to sell the commodity at the declared price.

On dealers who sell commodities for a higher price than the proclaimed price the law imposes a fine of not more than \$487 for each offense, or a jail sentence of not more than one year in jail, or both fine and jail sentence.

With regard to persons who refuse to sell at the declared price, the law permits them to withhold from sale the family requirements for six months. If quantities in excess of the six months' requirements are withheld, the same penalties may be imposed as in cases where the goods are sold at prices higher than the proclaimed prices.

In case its inquiries arouse the suspicion that dealers are withholding more than the permitted quantities the commission is clothed with power to make forcible entry into any premises in search of the goods in question. If excess quantities of the necessary commodities are found, the Government is authorized to seizze and sell the same at the declared price, paying the costs of seizure and sale out of the proceeds and remitting the balance to the owners.

On September 15, 1914, Gov. Strickland published the first price-fixing proclamation. This proclamation declared the maximum price-fixing proclamation. This proclamation declared the maximum price at which wheat, flour, and bread might be sold for consumption in New South Wales. The prices were as follows: Wheat, \$1 a bushel within the State of New South Wales; flour, \$46.37 a ton within the counties of Cumberland and Northumberland, The day before the labor government issued this first price-fixing proclamation the market price of wheat was \$1.26 a bushel. The labor government reduced the price \$6 cents a bushel. The labor government reduced the price \$9.64 per ton. The price of bread was 7 cents per 2-pound loaf, with the Master Bakers

State.

The bread price was the thing that touched the consumer. On August 1 the bakers sold a 2-pound loaf for 7 cents, with flour at \$42.83 a ton. But bread is made of flour. And the flour manufacturers boosted the price of flour from \$42.83 to \$56.01 per ton. Whereupon the Master Bakers' Association declared that if flour remained at such an abnormal level they would have to boost the price of bread to 9 cents a loaf, and perhaps to 10.

So the necessary commodities control commission, in order to protect the consumers from the inordinate increase in the price of bread, threatened by the bread capitalists, found itself compelled to "regulate" both the flour capitalists and the wheat capitalists. In other words, to "stabilize" the price of bread they had to stabilize the price of flour. To stabilize the price of wheat, And to stabilize the price of wheat the commission had to grapple with the millonaire wheat cornerers of New South Wales.

had to grapple with the millionaire wheat cornerers of New South Wales.

Its ability to meet the wheat situation was the test of the labor government in its undertaking to protect the consumers from the greed of the wheat monopolists. And the way the labor government did meet the wheat situation reads like a romance.

On September 15 it was estimated that there were about 3,500,000 bushels of wheat in New South Wales. It was largely owned by the wheat speculators. They had boosted the price from 96 cents a bushel on August 1 to \$1.26 a bushel in September. Moreover, they were storing it, waiting for transportation to ship it to London, the London buyers having "bulled" the market. At this point the labor government arbitrarily reduced the price to \$1 by law, and prohibited the wheat speculators under penalty of fine and imprisonment from selling the wheat in New South Wales for more than the proclaimed price.

selling the wheat in New South Wales for more than the proclaimed price.

If the speculators sold their holdings at the proclaimed price, they would lose 28 cents a bushel on every bushel that left their possession. Would they throw up their hands before the labor government, acknowledge defeat in their price-conspiracy campaign, and assist the Government in its policy of feeding the people of New South Wales rather than feeding the European war?

The next two days told the story of the struggle. And they told it with a revolutionary vigor that makes it one of the most remarkable stories in recent times of a fight between the people and the food lords. The wheat combine had nearly 400,000 bushels of wheat stored in the Government railway sheds on the water front at Darling Island, Sydney. The combine was chartering ships to sell the wheat away from New South Wales. Unless the Labor government could bring the wheat combine to sell the Darling Island holdings to the flour manufacturers at the proclaimed price the law would be nullified at the start, and 9 or 10 cent bread would be a fact rather than a threat.

On September 16 the Labor government instructed George Boss, the manager of the State bakery at Sydney, to buy a few thousand bushels of wheat. Mr. Boss approached wheat speculator after wheat speculator and offered the Government-fixed price of \$1 a bushel for 3,000 bushels of wheat. Every one of them refused to sell a bushel, much less 3,000 bushels. Wheat was worth \$1.26 net in London, and the wheat would go to London unless the New South Wales Government paid that figure.

Mr. Boss made his report to the attorney general's office.

wheat would go to London unless the New South Wales Government paid that figure.

Mr. Boss made his report to the attorney general's office.

The flour manufacturers also tested the intentions of the wheat combine. One miller offered the declared price of \$1 for 15,000 bushels. The wheat combine refused to sell. Other millers reported similar experiences. The flour manufacturers thereupon informed Attorney General Hall that they had flour but none to sell at the Government price of \$46.37 a ton. Their present supply was already sold under contracts. If Attorney General Hall would get them wheat for \$1 they would sell flour for \$46.37. But with wheat at the prevailing price fixed by the wheat combine, \$46.37 flour would mean a loss on every ton manufactured.

Attorney General Hall dismissed the flour manufacturers with the

Attorney General Hall dismissed the flour manufacturers with the declaration that he would get them the wheat.

September 17 closed with a deadlock between the wheat combine and the Labor government. Not a bushel of wheat nor a ton of flour had been sold at the Government price. The rival forces were trimming for

the final test of power. The wheat speculators owned the wheat. In spite of the law they refused to sell it at the price proclaimed by the Labor government. The Labor government on its side controlled the machinery for enforcing the law. It simmered down to a contest between the wheat millionaires owning the wheat and the Labor government controlling the law-enforcing machinery.

Early on September 17 John Darling & Son, the wheat millionaires of Australia, docked the British troop transport steamer Port Lincoln at the water front at Darling Island and requested the railway department to get the loading gear in readiness to load 750 tons of Darling's wheat into the transport. The Port Lincoln was bound for London. The gear could have been prepared in an hour. But it wasn't prepared. The railway department was in communication with the attorney general's department. The agents of John Darling & Son waited hour after hour throughout the day to load the transport. It wasn't loaded. Finally, at half past 4 o'clock, Darling's agents received a letter from the railway department regretting that it could not fix the gear that day.

The wheat speculators had then 400,000 bushels of wheat stored on the water front. At half past 5 o'clock the State government seized every bushel of it.

The seizure was executed by the inspector general of police of New South Wales, who acted under the authority of the following order prepared in the attorney general's office:

NOTICE UNDER SECTION 11 OF THE NECESSARY-COMMODITIES CONTROL ACT, 1914.

1914.

Whereas the commission appointed under the above-mentioned act has reported to me that a certain necessary commodity, to wit, wheat, which in the opinion of the said commission should be distributed for public use, is being stored or withheld from sale at Darling Island, Sydney, and at the rallway stations throughout the State by Messrs. John Darling & Son, Dalgetty & Co. (Ltd.), James Bell & Co., Louis Dreyfus & Co., Lindley, Walker & Co., J. J. Donnelly & Co., R. J. Mulholland & Co.; now, therefore, I, Sir Gerald Strickland, governor of the State of New South Wales, in pursuance of section 11 of the necessary-commodities control act, 1914, do hereby authorize the seizure and distribution of such necessary commodity aforementioned; and I do hereby appoint the inspector general of police of New South Wales, or any other officer of police of the said State, as the person who shall execute this authority.

GERALD STRICKLAND, Governor.

By His Excellency's command,

DAVID R. HALL, Attorney General and Minister of Justice.

The following day Sydney flour manufacturers alone applied to the Government for 390,000 bushels of the seized wheat.

In arranging for the distribution of the wheat the Labor government announced that none of it would be sold to flour manufacturers to be used to fill outstanding contracts for flour at a higher price than the Government price of \$46.37 per ton.

Within a few days the Government sold the entire lot of wheat at the proclaimed price, \$1 a bushel. The costs of the seizure and sale were taken out of the proceeds. The balance was distributed among the seven wheat-speculating concerns who had refused to obey the price-regulating laws enacted by the New South Wales Labor government for the protection of the consumers.

The influence of the Sydney seizure and sale was widespread. The wheat owners with wheat stored at the various railway stations saw that the Labor government was determined to enforce the law. Wheat immediately dropped to \$1 a bushel throughout New South Wales.

With \$1 wheat available the flour manufacturers became tractable. Flour dropped from \$56.01 per ton to \$46.37, the price proclaimed by the Labor government—a drop of \$9.64.

The Master Bakers' Association, able to buy flour at the price fixed, had no valid reason for raising the price of bread higher than the declared price of 7 cents for a 2-pound loaf.

The wheat seizure and sale closed the first period of the price-fixing contest between the Labor government of New South Wales and the organized capitalists of the State.

It was a fight of the workers against the capitalists, with the capitalists owning the means of production and distribution and the workers controlling the Government.

Through its control of the Government the New South Wales Labor Party whipped the wheat and flour speculators to a finish. They were whipped so thoroughly that they never even took the seizure and sale into the courts to test its legality.

With the validity and virility of the law thus emphatically affirmed, the next step in the Labor governme

GOVERNMENT CONTROL OF FOOD SUPPLIES IN EUROPEAN COUNTRIES. INTRODUCTION.

An important upward movement of the price level of commodities in a given country invariably gives rise to much disturbance in the body politic—disturbance commonly taking the form in the first instance of protestations and recriminations on the part of those classes or groups in the community whose own incomes or earnings respond least readily and rapidly to the causes to which the price advance is attributable. Until the process of general adjustment is nearly or quite completed these groups or classes suffer real hardships from the insufficiency of their incomes to meet the added expense of living in the manner to which they have become accustomed. Their plight is rendered all the less easy to bear because they see all about them evidences of the unusual prosperity of other classes or groups, whose economic position is such that increasing prices for commodities are transmuted for them into abnormal business profits and hence abnormally large incomes.

It is, of course, in connection with the high cost of food that an enhancement of prices is most acutely felt. Except perhaps for shelter from the elements, here is the first and, in the case of the great majority, the heavlest and at the same time the least escapable charge upon income. And there is this peculiarity about food that its obvious absolute necessity for existence breeds in average human beings a kind of subconscious belief that they have a natural right to it, and upon terms that are comfortable to themselves. When food prices rise sharply, therefore, the average man, who is himself severely pinched to make both ends meet, but who observes his neighbor aboundingly prosperous by reason of the very phenomena that are correlated with his own trouble, jumps easily to the conclusion that an unfair advantage is somehow being taken of him by that neighbor; that he is a victim of injustice at his neighbor's hands, and steps ought to be taken by those in authority to set the injustice right. ("Government expedients

for controlling the high cost of food," by Arthur Richmond Marsh. Economic World, New York, Dec. 9, 1916, p. 747.)

In ordinary times the authorities have as a rule been loath to take measures for the control of food supplies and have abstained from interfering with the established machinery of food distribution. During war times the attitude of the authorities is necessarily entirely different. With Army and Navy on a war footing the Government must feed a much larger number of men and animals than in peace times. By assuming control of all food supplies and their distribution and fixing maximum prices for them the Government not only insures a sufficient supply for the troops, but by preventing corners in foodstuffs and consequent excessive enhancement of prices also saves millions to the Treasury. To conduct a war successfully a government must, moreover, have the full support of the great masses of its people, which can only be secured and maintained if these masses are enabled to procure the prime necessities of life in sufficient quantity and at reasonable prices. Besides, in case of actual scarcity of food, caused either by blockade or difficulties of transportation, the Government is the only agency which can insure proper distribution of the scant supplies.

For all these reasons and for many lesser not enumerated here we find that during the present world war the Governments of all the belligerent and neutral countries in Europe have taken far-reaching measures for the control of food supplies, and some of these measures in reality involve no less than the setting aside of the established order of things and the reconstruction of the very fabric of the community and of the State.

To compile a collection or even a digest of the enormous number of laws, decrees, and orders of central, local, and military authorities relating to control of food supplies, which were promulgated in the last two and one-half years in the various countries at war and in neutral countries, would result in a work filling volu

# GREAT BRITAIN.

#### UNREASONABLE WITHHOLDING OF FOOD SUPPLIES ACT.

UNREASONABLE WITHHOLDING OF FOOD SUPPLIES ACT.

During the first months of the present war an abundance of food supplies from British colonies and foreign countries permitted the British Government to concentrate all its activities on the enlargement, outfitting, and training of its military and naval establishments and gave but scant attention to regulation of the food supply for the civilian population. To protect, however, the population from corners in food-stuffs a very broad law was enacted on August 14, 1914, under the title "Unreasonable withholding of food supplies act, 1914." This act provides that "if the board of trade are of the opinion that any foodstuff is being unreasonably withheld from the market, they may, if so authorized by His Majesty's proclamation (made generally or as respects any particular kind of foodstuff) and in manner provided by the proclamation, take possession of any supplies of foodstuff to which the proclamation relates, paying to the owners of the supplies such price as may in default of agreement be decided to be reasonable, having regard to all circumstances of the case, by the arbitration of a judge of the high court, selected by the lord chief justice of England." No proclamation was ever made under this power.

#### ROYAL COMMISSION ON SUGAR SUPPLIES.

ROYAL COMMISSION ON SUGAR SUPPLIES.

Sugar is the only foodstuff of the supply of which the Government took charge during the early stages of the war, and this for the reason that for the supply of this article the United Kingdom is largely dependent on importation. On September 11, 1914, the London Gazette announced the appointment of a royal commission to inquire into the supply of sugar in the United Kingdom, to purchase, sell, and control the delivery of sugar, and generally to take such steps as may seem desirable for maintaining the supply.

DEPARTMENTAL COMMITTEES ON THE HOME PRODUCTION OF FOOD.

With the execution of various orders prohibiting the export of

DEPARTMENTAL COMMITTEES ON THE HOME PRODUCTION OF FOOD.

With the exception of various orders prohibiting the export of specified foodstuffs, no further measures relating to the food supply were taken by the Government until June 17, 1915. On this date the president of the board of agriculture and fisheries appointed a departmental committee "to consider and report what steps should be taken, by legislation or otherwise, for the sole purpose of maintaining and, if possible, increasing the present production of food in England and Wales, on the assumption that the war may be prolonged beyond the harvest of 1916." On June 23 the secretary for Scotland appointed a committee to consider the same question in its application to Scotland, and on June 28 the vice president of the department of agriculture and technical instruction for Ireiand committed an identical reference to a committee for Ireland. ("The report of the departmental committee on the home production of food." Economic Journal, vol. 26, No. 101, London, Mar., 1916, pp. 105 ft.)

The English committee was presided over by Viscount Milner, and included representatives of the three political parties, together with men whose familiarity with the present condition of agricultural affairs is beyond question. It did not consider itself called upon by the terms of its reference to inquire into the nature and extent of any possible shortage of imported food supplies, for it felt that the Government alone was competent to judge of this, but it confined itself to the consideration of the steps which could be taken, assuming that an emergency might exist after the harvest of 1916. Recognizing that quick action was necessary, the committee met frequently and presented an interim report (Cd. 8048) on July 17, 1915.

In this report it was laid down that the main problem was how to increase the area under wheat, 35 per cent of the home supply of which is produced in England and Wales. The committee concluded that this could only be solved by extending largely the area of land under tillage. This would enable more of the existing arable area to be put down in the country of the

CONTROL OF SUPPLIES OF "ARTICLES OF COMMERCE" BY THE BOARD OF TRADE.

In the latter part of the year 1916 it had become practically certain that in the event of the war becoming very protracted, the food problem would sooner or later require drastic handling, for, while Great Britain is in the position of having in one sense the world's supplies at its command, with the progress of the war, great and increasing difficulties have to be overcome before commodities, which may be near or far, can be brought to the markets of the United Kingdom and distributed for the advantage of the population. Canada, Australia, India, the United States, and other neutral countries may have supplies greatly in excess of their own requirements, but if transport and man power for their movement and handling are not available the existence of large quantities of foodstuffs can not be of benefit to the British population.

The mercantile marine in its entirety is no longer at the disposition of the individual. A great part of it is in the service of the nation,

and on top of the extensive diversion of merchant ships for purposes of war has been the heavy tell taken by the submarine craft of the enemy, and this at a time when the shipbuilding yards of the country, owing to the lack of skilled labor and the paramount needs of the navy, have been compelled to reduce their output considerably.

Cognizant of this situation, the Government in the fall of 1916 took steps which close observers had for some time regarded as inevitable for the more effective organization and control of Great Britain's food supplies and which the authorities had been frequently criticized for delaying. On October 10, 1916, Mr. Runciman, president of the board of trade, made the following statement in the House of Commons ("Great Britain's control of food." The Northwestern Miller, Minneapelis, Nov. 8, 1916, pp. 377–378):

"Since the outbreak of the war the Government has taken measures, which have progressively become more comprehensive, to insure that the stocks of wheat in the country are sufficiently maintained to guard against any temporary interference with over-sea supplies. In 1914 the grain supplies committee was formed to undertake the purchase of wheat as a reserve against the risk of a temporary interruption of supplies, but the regular trade was left in private hands.

"Early in 1915 the Indian wheat committee was formed to secure. In cooperation with the Indian government, that the surplus of the Indian wheat crop was brought to the United Kingdom at a time when by reason of the delay of the harvest in North America imported supplies were somewhat short.

"At the end of that year the Government suggested to the French and Italian Governments that cooperation was better than competition between the allies in the wheat markets, and as a result a joint committee was formed comprising representatives of the United Kingdom, France, and Italy, which has since met daily in London, and made such purchases of wheat, flour, and corn as were requisite for the three countries.

"The possibility

such purchases of wheat, flour, and corn as were requisite for the three countries.

"The possibility of large quantities of wheat, which are at present locked up in some grain-exporting countries, being freed as the result of military operations has led to the disinclination on the part of the trade to hold more stocks than an absolute minimum, and it has become clear that the supplies during the coming year can not safely be left to private enterprise.

"The Government has accordingly indorsed a conclusion arrived at by the cabinet committee on food supplies, that we must now provide for a further development of importation by the State. The King has approved the appointment of a royal commission intrusted with full power to take such steps as it may deem necessary and desirable to insure adequate and regular supplies of wheat and four for the United Kingdom in cooperation with the committee which since the beginning of the present year has been purchasing wheat and flour for the allies.

"This means that the importation of wheat into the United Kingdom will have to be undertaken largely, if not entirely, under the control of the royal commission, which will in many respects avail itself of the experience of the sugar commission.

"In anticipation of this step the Government has made a very large purchase of Australian wheat. The competition of the world for tonnage last season was greater than the eagerness for wheat, and the Commonwealth government, which had purchased the whole of its crop, found itself with granaries full, but short of facilities for reaching the European markets.

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commonwealth government, which had purchased the whole of its crop, found itself with granaries full, but short of facilities for reaching the European markets.

"Steps have now been taken to provide all the tonnage required for the conveyance of the wheat purchased by His Majesty's Government. Tonnage for the carriage of wheat across the Atlantic has been provided for nearly a year, with excellent results, by the requisitioning (carriage of foodstuffs) committee.

"As the import of wheat into this country will in future be in the hands of the State, and the full benefit of reduction in the cost of carriage will accrue to the State, and not to private individuals, the system adopted by the committee will be continued, with the addition that vessels so requisitioned will be required to provide the space necessary for State importations at fixed, and not variable, rates of freight.

"Further details for the guidance of the corn exchanges will be published expeditiously, and arrangements have already been made, in cooperation with the trade, to prevent any interruption in the regular and adequate supply of wheat to the British and Irish mills during the short transition stage."

Having in this manner indicated its plan of action, the Government, under the wide powers conferred upon it by the "defense of the realm consolidation act, 1914," on November 16, 1916, issued an order in council, further amended on December 5 and 22, 1916, which gave to the board of trade full control of "any articles of commerce, the maintenance of which is important as being part of the food supplies of the country, or as being necessary for the wants of the public or for the wants of any section of the public." (The full text of these orders in council is reprinted here in an appendix to the present article.)

Under these orders the board of trade has the power to regulate waste for unnecessary destruction of stricles, their use, manner of manufacture, mode of sale and of market operations; to determine maximum prices; to requisition su

crisis." The Annalist, New York, Dec. 4, 1916, p. 712), intimates that—
"The Government has no immediate intention of actually limiting the supply of bread, sugar, milk, and other commodities per individual, but it is convinced of the necessity of curtailing consumption, if not by one means, then by another and more drastic, and it will really rest with the public whether the authorities are finally compelled to resort to distribution by food tickets."

Up to the present date the board of trade has limited itself to the appointment of a food controller, the regulation of prices of milk, wheat, oats, and potatoes, the regulation of the milling of flour, restrictions on dealings in seed potatoes, and the taking of a few other similar measures. Digests of the orders relating thereto are given below.

FOOD-CONTROL DEPARTMENT.

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The British Board of Trade Journal of December 14, 1916, reports that it is officially announced that Lord Davenport, as food controller, will henceforth be responsible for administering the recent defense of the realm regulations for the purpose of regulating supplies and prices of food, and for other action in connection with food control. Any action in regard to the making of orders under the above regulations or otherwise requiring formally to be taken by the board of trade will, pending the making of the necessary arrangements

to confer the powers on the food controller, continue to be taken by the board of trade at the request of the food controller.

REGULATION OF THE PRICE OF MILK.

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[Board of Trade Journal (Great Britain), Nov. 23, 1916, p. 570, and Dec. 21, 1916, pp. 860, 861.]

The price of milk has been regulated by two orders, the so-called price-of-milk orders Nos. 1 and 2. The latter is dated December 12, 1916, and amends the first, issued some weeks earlier. They fix maximum prices for both the wholesale and retail trade by stipulating that the price may not exceed by more than a specified amount the price in the corresponding month before the war. This amount is 2d. (4 cents) per quart in the case of retail milk. In the wholesale trade 6jd. (13 cents) per imperial gallon may be added to the prewar price if the milk is delivered on the premises of the buyer and these premises are not used as a creamery or factory and the conditions of sale include an obligation to deliver not less than a specified minimum, and 5jd. (11 cents) per imperial gallon in other cases. The maximum price for "accommodation" milk is raised to 1s. 8d. (41 cents) per imperial gallon, inclusive of all charges for transport to the railway station at which delivery is taken by the purchaser. Contracts for the sale of milk made on or before November 15, 1916, will be allowed to remain valid for their full period (up to Apr. 1, 1917), even if the price stipulated exceeds that otherwise permissible.

FLOUR AND BREAD ORDERS.

FLOUR AND BREAD ORDERS.

[Board of Trade Journal (Great Britain), Nov. 23, 1916, pp. 570-571;
Dec. 14, 1916, pp. 793, 794; Dec. 21, 1916, p. 860.]

On November 21, 1916, the board of trade issued a milling order which fixes for the United Kingdom the percentages of flour that must be extracted from wheat of various origin and qualities. Two subsequent orders issued by the food controller enlarged the scope of the first order. The principal qualities shown in the schedules are these three orders, together with the percentage of flour to be extracted from them, are the following:

Ouality.

Description:

Quality.	Percentage
English	
Scotch	7
Irish	7
Choice Bombay	A STATE OF THE PARTY OF THE PAR
Walla Waila	7
NO. Z red Western	
No. 2 red winter	7
No. 2 new hard winter (1916)	7
No. 1 northern Duluth	7
No. 1 northern Manitoba, old crop	
No. 1, northern Manitoba, new crop	7
No. 2 Chicago spring 1915 crop	
Blue stem	
Australian	7
Choice white Karachi	7
Barletta-Russo, 611 pounds	7
In case the millors are eminding evaluated	notine wheat (English

Rarletta-Russo, 61½ pounds.

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In case the millers are grinding exclusively native wheat (English, Scotch, and Irish) an allowance of 1 per cent will be allowed in the percentage of flour to be extracted, i. e., in milling such wheats they must extract from English or Irish wheat 75 per cent, and from Scotch wheat 74 per cent.

The first milling order provides that, beginning with November 27, 1916, no flour may be milled, except in accordance with the schedules issued. On and after January 1, 1917, only flour milled in accordance with the schedules may be used for making bread or any other article of food. The order states that the percentages shown in the schedules must be regarded as strictly provisional and subject to amendment.

In consideration of the effect of the milling order in regard to the use of flour for sizing purposes, the food controller will grant licenses for milling, otherwise than in accordance with the terms of the order, subject to the following conditions:

(1) That the flour extracted from the wheat so milled, though it may be divided for this special purpose, does not fall below the percentage specified from time to time by order for that class of wheat.

(2) That the miller guarantees that the flour so milled will be delivered to his regular customers for sizing purposes only, and that the amount so delivered to each customer does not exceed the amount of flour ordinarily supplied to him for that purpose.

The Board of Trade Journal (Nov. 23, 1916) states that a subsequent order will be issued, requiring periodical returns of stocks of wheat received and of flour and offalls milled and of all stocks in hand on the date of the milling order coming into operation, i, e., November 27, 1916.

According to an American trade paper (the Weekly Northwestern Miller, Minneapolis, Dec. 20, 1916, p. 819), the net effect of the milling order will be that millers will have to make a long straight grade of flour of about 76 per cent; that is, striking an average of all wheats. This will mean that

bread, though not quite so white as before the coming in effect of the new order.

A special cable of January 12, 1917, to the Northwestern Miller (Board of Trade Journal (Great Britain), Nov. 30, 1916, p. 655), the contents of which are confirmed by a correspondence from London to the Christian Science Monitor (Board of Trade Journal (Great Britain), Nov. 23, 1916, p. 571), states that new milling regulations have been issued, according to which after January 29 British millers must add to the previously fixed percentages to be extracted from wheat a further percentage not less than 5 per cent, either by further milling of the wheat or by the addition of flour derived from barley, oats, corn, or rice. This addition, at the option of the miller, may be raised 10 per cent.

PROHIBITION OF USE OF WHEAT IN MANUFACTURE OF BEER, ETC. [Board of Trade Journal (Great Britain), Dec. 21, 1916, pp. 861-863.]

It having been reported to the board of trade that in consequence of the scarcity and high price of barley purchases of wheat have recently been made by brewers for use in their business, the board of trade issued an order, effective November 27, 1916, prohibiting the use of wheat in the manufacture of beer and similar liquors.

The use of any grain for the production of spirits without the authorization of the ministry of munitions was prohibited by an order dated May 10, 1916.

COMPULSORY RETURNS OF STOCKS OF POTATOES

[Board of Trade Journal (Great Britain), Nov. 23, 1916, p. 571.] Under date of November 20, 1916, the board of trade issorder requiring a return of stocks of potatoes in Great Britain. issued

this order a return of stocks of potatoes and contracts must be made not later than December 7, 1916, by all persons cultivating more than 10 acres of potatoes on any holding in Great Britain. The board of trade has made arrangements with the board of agriculture for England and Wales and the board of agriculture for Scotland to collect and compile the returns on its behalf and to exercise the powers conferred by the defense of the realm regulations on the board of trade for this purpose.

#### RESTRICTIONS ON DEALINGS IN SEED POTATOES.

[The Weekly Northwestern Miller, Minneapolis, Dec. 20, 1916, p. 819.]

[The Weekly Northwestern Miller, Minneapolis, Dec. 20, 1916, p. 819.]

At the request of the food controller, and in consultation with the board of agriculture for England and Wales and the department for agriculture and technical instruction for Ireland the board of trade has issued two orders designed to safeguard the supply of seed potatoes for next year's crop. One of these orders is applicable in Great Britain and the other in Ireland.

The order applicable in Great Britain does not affect existing contracts for potatoes intended solely for seed purposes; the fulfillment, however, of contracts for the sale of potatoes for other purposes may be interfered with by the terms of the order. Briefly summarized, the operative provisions of the order are as follows:

(1) Seed potatoes shall be used for the purposes of seed only; this provision, however, not to affect the use of potatoes in his own household by a grower not being a grower for sale.

(2) The sale of seed potatoes to any person other than an authorized purchaser, and the buying of such potatoes by any person other than an authorized purchaser is prohibited. For the purpose of this provision an authorized purchaser is defined as a person dealing in seed potatoes in the way of his trade or business, or a person who shall, on the occasion of the sale of seed potatoes to him, certify in writing to the vendor thereof that the potatoes comprised in such sale are required and intended to be used for the purposes of seed.

(3) The order does not affect seed potatoes which are diseased or bemished, or which under any order issued under the destructive in sects and pests acts, 1877 and 1907, may not be used for seed.

(4) Persons contravening against these provisions are guilty of a summary offense against the defense-of-the-realm regulations.

(5) In order to be considered as seed potatoes, the potatoes must conform to a description or variety and to a specified size, indicated in a schedule appended to the order.

The order became effective December 18, 1916

#### DISTRIBUTION OF SEED POTATOES.

The Board of Trade Journal (issue of Dec. 21, 1916, p. 863) announces that arrangements have been made by the department of agriculture and fisheries with the treasury to finance a scheme for the distribution of seed potatoes. The president has invited the county war agriculture committees to request borough, urban, and parish councils to ascertain what quantity of seed potatoes is required in each village, to collect eash with orders, and to distribute seed. It is proposed that arrangements should be made to deliver potatoes at convenient distributing centers in 1-hundredweight bags. Not more than 5 hundredweight may be supplied to each grower, and the varieties will necessarily be limited.

#### PRICES FIXED FOR WHEAT, OATS, AND POTATOES.

[Board of Trade Journal (Great Britain), Jan. 11, 1917, p. 96.]

The Board of Trade Journal announces that, after consultation with the agricultural departments of Great Britain and Ireland, the food controller has fixed the following prices to growers for wheat, oats, and potatoes of the 1917 crop:

... 60s, per quarter of 504 pounds. ... 38s. per quarter of 336 pounds.

The prices in each case are for produce of the first quality, delivered as required, in sound, marketable condition. The Journal states that further announcements will be made respecting seed corn and seed potatoes for use in 1918, and early potatoes of the 1917 crop.

GOVERNMENT CONTROL OF CORN AND RICE SUPPLIES.

[U. S. Dept. of Commerce, merce. Commerce Reports, and Jan. 31, 1917, p. 401.]
Bureau of Foreign and Domestic Com-Washington, Jan. 9, 1917, No. 7, p. 99,

A cablegram received from the United States consul general in London states that the British Government has taken control of the corn supplies in the United Kingdom. A later cablegram from the same source announces that the commission on wheat supplies is now in control of rice. Prices to be fixed from time to time. All holders of rice to arrive must furnish particulars before February 1.

RECENT ORDERS OF THE FOOD CONTROLLER RELATING TO VARIOUS FOOD-STUFFS.

The Christian Science Monitor, Boston, Feb. 10, 1917, p. 9.]

A London correspondence to the Christian Science Monitor reports the issuance by the food controller of several new orders, covering bread, wheat, the feeding of game, sweets, cakes and pastry, winter milk, Irish oat exports, and potatoes. The use of wheat except for flour or seed was prohibited by one order. The use of any grains suitable for food or feeding stuffs, or any of their products, for feeding game birds was prohibited by another order. As to sugar and chocolates, an order directed against the manufacture of extravagant sweets enforced a maximum retail price of 3d. (6 cents) an ounce for chocolates and 2d. (4 cents) an ounce for other sweets, the price in each case to include the cost of the article in which the goods are sold. In the same connection one of the orders prohibited the use of sugar or chocolate for the external covering of cakes. During 1917, under this order, no maker will be allowed to use for sugar confectionery or chocolate more than half what he used in 1915. The use of winter milk in making chocolate was prohibited. Except under license, the export of oats from Ireland was forbidden.

Finally, in the matter of potatoes, the food controller had to consider the situation created by the fixing of the price for army supplies from the existing crops. The tendency of this was likely to be a considerable increase of price to the consumer for the remainder of the crop, and it was therefore announced simultaneously with the other orders that an order would be issued fixing the price of potatoes at £8 per ton for the first quality for January and February, rising to a maximum of £9 for later months. Best seed potatoes could be sold at a maximum price of £12 per ton.

CONTROL OF SUPPLIES OF "ARTICLES OF COMMERCE" BY THE BOARD OF TRADE.

[Board of Trade Journal (Great Britain), Nov. 23, 1916, pp. 566-570;
Dec. 14, 1916, pp. 795-796; and Dec. 28, 1916, p. 945.]
Orders in council, dated November 16, December 5, and December 22, 1916, further amend the regulations (called the "Defense of the Realm (Consolidation) Regulations, 1914") under the defense of the realm consolidation act, 1914, for securing the public safety and the defense of the realm. The orders referred to order the following additions to the regulations:

#### "POWER TO APPLY THE PROVISIONS APPENDED.

"POWER TO APPLY THE PROVISIONS APPENDED.

"2F. (1) Where the board of trade are of opinion that it is expedient that special measures should be taken in the interests of the public for maintaining the supply of any article of commerce the maintenance of which is important as being part of the food supplies of the country or as being necessary for the wants of the public or for the wants of any section of the public, the board by order may, with a view to maintaining the supply of the article, apply to that article any of the provisions appended to this regulation.

"(2) Any such order may be made either so as to apply generally or so as to apply to any special locality, or so as to apply to any special supplies of any article, or to any special producer, manufacturer, or dealer; and any such order may direct that all contracts, or any class of contracts, or any special contract affected by any provision applied by the order shall remain in force, notwithstanding anything in the provision as so applied, but subject to any modifications for which provision may be made by the order.

"(3) If any person acts in contravention of or falls to comply with any of the provisions appended to this regulation, he shall be guilty of a summary offense against these regulations."

Provisions Which May Be Applied.

#### PROVISIONS WHICH MAY BE APPLIED. WASTE OR UNNECESSARY DESTRUCTION.

I. A person shall not waste or unnecessarily destroy any article to which this provision is applied; and if the order applying this provision to that article declares that any specified process, action, or other thing done is waste or unnecessary destruction of the article that process, action, or other thing done shall be deemed to be waste or unnecessary destruction for the purpose of this provision.

#### USE OF ARTICLES.

USE OF ARTICLES.

II. Where the order applying this provision to any article specifies the purposes for which the article is to be used, a person shall not (subject to any conditions contained in the order) use the article except for the purposes so specified; and where the order prescribes any special manner in which the article is to be used, a person shall not (subject to any conditions contained in the order) use the article except in that manner; and where the order prohibits or restricts the use of the article for any special purpose a person shall not (subject to any conditions contained in the order), if the use of the article is restricted, use it except in accordance with the restrictions.

## MANNER OF MANUFACTURE, ETC.

III. Where the order applying this provision to any article contains any directions or regulations as to the manufacture or production of the article in such a manner as to secure that the public are supplied with the article in the form most suitable in the circumstances, all persons concerned in the manufacture or production of the article shall comply with those directions or regulations.

IV. Where the order applying this provision to any article contains any directions or regulations as to the mode of sale or the distribution of the article, or as to the consumption of the article, with a view to securing that the available supply of the article is put to its best use throughout the country or in any locality, all persons concerned in the sale, distribution, or consumption of the article shall comply with those directions or regulations.

#### MARKET OPERATIONS.

V. Where the order applying this provision to any article contains any directions or regulations as to the market operations in that article, with a view to preventing an unreasonable inflation of the price of the article as the result of market operations, all persons concerned in market operations shall comply with those directions or regulations.

## PRICES.

VI. A person shall not (subject to any exceptions contained in the order applying this provision) directly or indirectly sell or offer for sale any article to which this provision is applied at a price exceeding by more than the amount named in the order the corresponding price of the article at a date specified in the order (the corresponding price to be settled, in case of difference, by the board of trade); and where the consideration for any sale or offer consists wholly or partly of any conditions made or offered to be made in connection with the transaction, or is otherwise not of a pecuniary character, the value of the consideration, or such part thereof as is not of a pecuniary character, shall, for the purposes of this provision, be taken into account in determining the price of the article.

#### REQUISITION OF SUPPLIES.

VII. All persons owning or having power to sell or dispose of any article to which this provision is applied or any stocks thereof shall, if required by the board of trade, place at the disposal of the board the article, or the whole or any part of the stocks thereof as may be required by the board on such terms as the board may direct, and shall deliver to the board or to any person or persons named by them the article or stocks in such quantities and at such times as the board may require.

Such compensation shall be paid for any article or stock so requisitioned as shall, in default of agreement, be determined by the arbitration of a single arbitrator appointed in manner provided by the order applying this provision; but in determining the amount of the compensation the arbitrator shall have regard to the cost of production

of the article and to the allowance of a reasonable profit, without necessarily taking into consideration the market price of the article at

INFORMATION AS TO STOCKS, ETC.

2G (1) If the board of trade are of opinion that information is required with respect to any article of commerce with a view to the exercise of any powers of the board of trade in relation to that article, the board may by order apply the provisions of this regulation to that article; and if the provisions of this regulation are so applied to any article, every person owning or having power to sell or dispose of the article, or concerned in the manufacture or production of the article, shall, subject to any exceptions or limitations contained in the order, make a return to the board giving such information in such form and within such time as may be specified in the order applying those provisions—

make a return to the board giving such information in such form and within such time as may be specified in the order applying those provisions—

(a) As to the stocks of the article held by him or consigned to him or under order to him; and

(b) As to any contracts for the supply to or by him of the article or any contracts for or in connection with the production or manufacture of the article, or the dealing therein; and

(c) As to the prices paid by him or received by him for or in respect of the article; and

(d) As to the cost of production of the article, and the names and addresses of the persons by whom the article has been supplied to him or to whom the article of commerce has been supplied by him; and

(e) As to any other matters specified in the order applying the provisions, of this regulation with respect to which the board may desire information for the purpose of any of their powers and duties.

(2) For the purpose of testing the accuracy of any return made to the board under this regulation, or of obtaining information in case of a failure to make a return, any officer of the board authorized in that behalf by the board may enter any premises belonging to or in the occupation of the person making or who has falled to make the return, or on which he has reason to believe that any article to which the provisions of this regulation are applied are kept stored, manufactured, or produced, and may carry out such inspections and examinations (including the inspection and examination of books) on the premises as the officer may consider necessary for testing the accuracy of the return or for obtaining any such information.

(3) If any person—

(a) Refuses or without lawful excuse neglects to make a return as required by this regulation to the best of his knowledge and belief, or makes or causes to be made a false return; or

(b) Obstructs or impedes an officer of the board in the exercise of any of his powers under this regulation; or

(c) Refuses to answer or gives a false answer to any question, or ref

that person shall be guilty.

(4) No individual return or part of a return made under this regulation, and no information as to any person or his business obtained under this regulation, shall without lawful authority be published or disclosed except for the purposes of a prosecution under this regulation; and if any person acts in contravention of this provision he shall be guilty of a summary offense against these regulations.

INDUISIES MAY BE HELD.

#### INQUIRIES MAY BE HELD.

2H. (1) If the board of trade, in any special case, are of opinion that before exercising any of their powers under these regulations in relation to any article, it is expedient to hold an inquiry with respect to that article in any locality, the board may appoint such persons as they think fit to hold an inquiry as respects that article and report to the board on such points as the board may direct.

(2) Any persons so appointed shall have power to take evidence on eath and to administer an oath for the purpose.

ARRANGEMENTS WITH OTHER GOVERNMENT DEPARTMENTS.

are and to administer an oath for the purpose.

AREANGEMENTS WITH OTHER GOVERNMENT DEPARTMENTS.

2J. (1) The board of trade may make arrangements with any other Government department for the exercise by that department on behalf of the board of trade of the powers of the board under the regulations numbered 2F, 2G, and 2H with respect to any particular article of commerce, and in such case the department and the officers thereof shall, as respects that article, have and exercise the same powers as are by those regulations conferred on the board of trade and the officers of that board, and the local government board (or as respects Scotland the secretary for Scotland, and as respects Ireland the local government board for Ireland) may by arrangement with the board of trade confer and impose on any local authorities and their officers any powers and duties in connection with the enforcement of the said regulations numbered 2F and 2G.

(2) Nothing in the regulations numbered 2G and 2H shall prevent the exercise by the board of frade of any of their powers in relation to any article under these regulations or otherwise, without having obtained or endeavored to obtain returns under regulation 2G or having held an inquiry under regulation 2H.

(3) Any order of the board of trade under the said regulations numbered 2F and 2G may be revoked or varied as occasion requires.

2L. (1) Where the board of agriculture and fisheries are of opinion that, with a view to maintaining the food supply of the country, it is expedient that they should exercise the powers given to them under this regulation as respects any land, the board may enter on the land (a) without any consent, if the land is for the time being unoccupied, or was unoccupied on the 29th day of November, 1916, or if the land is common land; and (b) in any other case, with the consent of the land, or arrange for its cultivation by any person either under a contract of tenancy or otherwise.

(11) The board may, after entry on any land, do or authorize to be done all

adaptation.

(III) Any person who cultivates land under any such arrangement shall, on the determination, by or on behalf of the board, of the arrangement, if the determination takes effect before the 1st day of January, 1918, receive from the board such compensation as may have been agreed under the terms of the arrangement, or, in default of any such agreement, as the board may consider just and reasonable, and shall not be entitled to any other compensation.

(IV) On the determination of the occupation of any land by the board under this regulation, compensation shall be paid by the board to

any person injuriously affected by any deterioration of the land caused by the exercise of the powers under this regulation, the amount of that compensation to be determined, in default of agreement, by a single arbitrator under and in accordance with the provisions of the second schedule to the agricultural holdings act, 1908.

(v) The board may, with respect to any land, authorize any local authority to exercise on behalf of the board any of the powers of the board under this regulation.

(vi) In this regulation the expressions "occupied" and "unocupied" in this regulation refer to such occupation as involves liability to payment of poor rates, and the expression "common land" includes any land subject to be inclosed under the inclosure acts, 1845 to 1882, and any town or village green and any other land subject to any right of common.

(vii) This regulation (except the last preceding subsection) shall apply to Scotland, with the substitution of the board of agriculture for Scotland for the board of agriculture and fisheries, of arbiter or arbitrator, and of the agricultural holdings (Scotland) act, 1908, for the agricultural holdings act, 1908; and as regards Scotland "unoccupied land" shall mean land in respect of which no person was entered as tenant or occupier in the valuation roll for the year ending on the 15th day of May, 1917.

Mr. STEPHENS of Nebraska, Mr. Chairman, I ask unani-

Mr. STEPHENS of Nebraska. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. FITZGERALD. Mr. Chairman, to accommodate the members of the committee I would like to ascertain, if possible, how much time is desired.

Mr. GORDON. I would like to have five minutes.

A Member. Everybody up! [Laughter.]
Mr. FITZGERALD. Mr. Chairman, this is an important question, and so far as I am concerned I do not want to curtail the opportunity of gentlemen to speak on it. I ask unanimous consent that a vote be taken on this amendment and all amendments thereto at 9 o'clock to-night. I ask unanimous consent that a vote on the pending amendment and all similar amend-

Covering all the paragraph-Mr. KITCHIN.

Mr. FITZGERALD. This is a new paragraph—Mr. KITCHIN. All right.

Mr. FITZGERALD. That a vote on all amendments of this character be taken at 9 o'clock to-night.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this amendment and amendments thereto, and all similar amendments, be voted on at 9 o'clock to-night.

Mr. FERRIS. Mr. Chairman, I have no disposition to object,

but how are you going to parcel out the time?

Mr. FITZGERALD. It will be in control of the Chair.

Mr. FERRIS. There will be a lot of new recruits by that

Mr. FITZGERALD. Mr. Chairman, how many gentlemen have requested time?

The CHAIRMAN. Twenty-six gentlemen have requested time of the Chair.

Mr. BORLAND. I think that proposition is perfectly fair. It will give the Members an opportunity to have their supper and return here in time for a vote.

The CHAIRMAN. The Chair will repeat the request of the gentleman from New York [Mr. Fitzgerald]. The gentleman from New York asks unanimous consent that this amendment and amendments thereto, and all similar amendments, be voted on at 9 o'clock to-night.

Mr. MOORE of Pennsylvania. I would like to know, Mr. Chairman, if the gentleman from New York would consent to a

recess for, say, an hour?
Mr. FITZGERALD. Oh, no. I expect, Mr. Chairman, that the committee will continue in session and that all of this time will be devoted to this debate. It is apparent that a great num-ber of Members wish to speak on it. It has many important phases. We have practically had no general debate on the bill. We may be able to finish the discussion of this subject and save time hereafter.

Mr. MOORE of Pennsylvania. There will be no vote until 9

Mr. FITZGERALD. There will be no vote until 9 o'clock, but I hope Members will remain here and obtain the information which my colleague [Mr. London] says is so badly needed. [Laughter.]

Mr. MONDELL. What does the gentleman mean by "similar amendments"; amendments about the high cost of living, and

so forth?

Mr. FITZGERALD. I mean this, Mr. Chairman, that if this amendment to authorize this investigation should be voted down and some one wants to offer it in a different form we ought to vote on it without further debate.

The CHAIRMAN. The gentleman from New York asks

unanimous consent that the vote be taken on this amendment

and similar amendments at 9 o'clock this evening. Is there

Mr. LENROOT. Reserving the right to object, Mr. Chairman, under the general rules amendments will be in order to this amendment at any time prior to that hour, and Members ought to understand that there may be a vote at any time before that hour on an amendment.

Mr. FITZGERALD. Then I will also ask, Mr. Chairman, that amendments to the pending amendment may be offered and considered as pending, and that a vote may be taken on them

The CHAIRMAN. The gentleman from New York asks unanimous consent that the vote be taken on this amendment and amendments thereto at 9 o'clock, and that in the meantime amendments may be sent to the desk and read for information. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. Shekley] is recognized.

Mr. SHERLEY. Mr. Chairman, the gentleman from New York [Mr. London] closed his speech with the statement that he wanted some one with a better proposal than his to state it, if they were not willing to accept his remedy. In my judgment, therein lies the vice of much of his position and of much of the discussion that is had—the supposition that every situation in the world must be and can be remedied immediately by legislative enactment, a supposition which has not been borne out by any of the past history of the world.

I was not surprised also when the gentleman very highly eulogized the speech of the gentleman from New York [Mr. FITZGERALD]. It was an able speech, and it was the kind of a speech that would appeal specially to the gentleman from New York [Mr. London], because, in order to be carried into effect logically, we ought to go the whole length of the road that the gentleman from New York [Mr. London] would travel, and attempt to do justice to all the people, as we might see justice, instead of undertaking to do it for a limited number of people, on an immediate emergency, as suggested by the gentleman from New York [Mr. FITZGERALD].

I want this House to think seriously of what is involved in the very easily made suggestion of a remedy for high prices by

Mr. LONDON. Will the gentleman yield for just one second? I have not advocated an embargo.

Mr. SHERLEY. I know the gentleman has not, and I am not answering at this particular moment his speech. The makers of the Constitution very wisely provided that there should be no duty on exports. Why? In order that no section, no group having temporary control of the Government, might by an export tax work to the detriment of one group for the benefit of another, or of one section for the benefit of another. They provided that the right to sell should be a free right, and the only reason that the embargo has ever been used in America has been as a war measure against an actual or probable enemy nation and not as an economic measure. I submit to this Congress that no more dangerous precedent could be established than that of using the power of embargo, intended as a war measure, for the solution of economic questions here at home.

Let us consider just for a moment where it would lead us. I come from a city. I appreciate somewhat the conditions that confront people in the cities; but because of a temporary condition, or a city condition, I am not prepared to waive what I think to be great fundamental principles that ought to control this Government. If the city people have the right to place an embargo on foodstuffs in order to lessen the price of those foodstuffs by lessening the demand for them, the country people have the right to place an embargo upon manufactured articles of any and every kind and description, in order that by lessening The high cost the demand for them they may reduce the price. of living is not simply a matter that stops at the breakfast or dinner table. It affects everything, and if we are going to undertake to solve it by denying to the grower, producer, or manufacturer the right to a market-and that is what an embargo means-why then we have got to go the whole length of the proposal of the gentleman from New York [Mr. LONDON] and have the Government step in and determine what a man shall receive for that which he creates, what it shall be sold for, in what quantities and to whom. And then you have State social-

Mr. LONDON. Will the gentleman yield again?

Mr. SHERLEY. Yes; briefly. Mr. LONDON. Would not both the producer and consumer be benefited if the middleman were eliminated?

Mr. SHERLEY. Yes, and no. Mr. LONDON. Oh, no-

Mr. SHERLEY. The gentleman has asked a question, and, of course, I did not expect him to be satisfied with the answer.

Mr. LONDON. No; I am not satisfied.
Mr. SHERLEY. But the gentleman is too experienced a debater to worry about that phase of it. Just a minute. Some of the things that are handled the cheapest to-day, from the ground where they are grown to the consumer, are handled by virtue of the machinery of the middleman. Take all of your produce exchanges, and you will find that the articles dealt in by those exchanges reach the consumer with a less added price over that which the producer receives than articles not so handled through such middlemen.

Mr. LONDON. Who pays the difference? Mr. SHERLEY. But the fact is that the difference is less than when you have not that kind of machinery. Now, the trouble with the assumption of the gentleman from New [Mr. London] is that he assumes a wisdom without limit on the part of governmental agencies, and assumes that thereby you can solve these problems. I deny that New South Wales represents such a condition of equality and such a condition of happiness of life as to warrant us in very hastily following her example in the solution of these problems. Now, the conditions which cause the high cost of living are many. Many men will

Mr. FITZGERALD. Will the gentleman yield?

Mr. SHERLEY, Yes.
Mr. FITZGERALD. The gentleman deprecates the idea—
The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr SHERLEY I would like five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended live minutes. Is The CHAIRMAN. there objection?

There was no objection.

Mr. FITZGERALD. The gentleman deprecates the idea of the Government being compelled to regulate the price of foodstuffs. But would that be essentially different from regulating

the price of transporting the same foodstuffs?

Mr. SHERLEY. Oh, yes; there is a difference. To the gentleman's mind it may be only a difference of degree, but there is quite a difference. The reason why government in America, at least so far, has seen fit to regulate transportation and not all other matters is because transportation has been, by a governmental grant, monopolistic in its very essence, and because it is restricted to limited numbers; and giving a special privilege, the Government claims the right to place upon it the strong hand, to determine the conditions under which it shall be exercised. But heretofore in America the theory of America, and the theory under which it has grown great, has been to leave men free so far as they did not undertake by their action and combinations to interfere with the freedom of other men, and to leave some of the natural laws to apply which will apply, irrespective of legislatures. Germany is to-day going through a regulation of price and of distribution more gigantic than the world has ever seen. Yet it is a bold man who would dare to say that her regulation has meant equity among her people or has produced satisfaction, or that it could have any other justification than the stern necessity of war and of holding all of her reserves and resources for the one primary military purpose. [Applause.]

Mr. FITZGERALD. The gentleman has—
Mr. SHERLEY. I have been trying for some minutes to reach a particular thought, but I will again yield to the

Mr. FITZGERALD. The gentleman gave the reason for the regulation of transportation. Now, in the case of grain ware-houses or elevators, in Munn v. Illinois (94 U. S.), the United States Supreme Court held that a statute of Illinois regulating the rates charged by grain elevators was constitutional-

Mr. SHERLEY. I was not talking about the question of ower. I was talking about the question of policy. There may power. I was talking about the question of policy. be many instances, and certain it is that to-day the Government touches many things that it did not touch in the old days.

But the burden, to my mind, is on the man who makes the proposal. The proposal of the gentleman, I think, is worse than the evil you seek to remedy. The causes for high prices are many, and many men will see parts of the picture, although I doubt if any are wise enough to see the whole of the picture and to know all the elements that go into it. One was suggested awhile ago, and that is the tremendous increase in money, both metallic and of notes of issue, whereby the value of that money in purchasing power has been very greatly lessened. There is always an increased price when there comes in any great amount of fiat money in the life of a nation or of the world. To-day we see the greatest issue of flat money ever known-undreamed of in the past. A great deal of the productive capacity of mankind has been diverted into destructive paths; a great deal of the earth is not being made to yield foodstuffs for the support of life. Of necessity prices had to rise, and of necessity in a society that has grades in it where some men work for one price and some for another, such change in the cost of ordinary articles work great hardships. The laboring man is unable to obtain an adjustment of his wages so as to receive an increase of wage commensurate with the increase in the cost of things that he has to buy. He may be thrifty and industrious and still be put in a position of great hardship. No man with a heart in him wants to minimize the hardships that come.

The whole purpose of my speech, if it has anything to justify it, is to point out that because the evil exists wise men do not undertake governmental activities unless they know the remedy is a real one and one that is not worse than the disease. Some things can and will be done to relieve the situation, chief of which should be the handling of the transportation situation. Drastic action may need to be taken in certain cities and against certain people, but a real reduction in the cost of living will not come until the fundamental causes of reduced production and increased consumption are ended.

But the remedy is not that suggested by the gentleman from New York, and I was not willing to sit quietly by and hear the doctrine of embargo preached. I know the gentleman from New York is sincere in the reasons he urges. But I know how many other men are not sincere in the reasons that they urge, so I thought it was well that the Congress should understand what a great departure it would be from the whole history of America

We tried it once, and the result was that the people of America speedily repealed those laws. You would find that if to-morrow we put an embargo on the statute books every man who now clamors for it would rise up in indignation and protest against the effect it would have.

Mr. LENROOT. Will the gentleman yield?
Mr. SHERLEY. I will yield to the gentleman.
Mr. LENROOT. I was interested in the gentleman's reply to

the gentleman from New York in regard to the regulation of food prices and I agree with the gentleman's general statement, but I would like to have the gentleman's view of this question: In case of a monopoly being found to exist, would the gentleman have the same objection to the regulation of the prices of that monopoly?

Mr. SHERLEY. No. I answer the gentleman frankly in that. If a monopoly is inherent or so economically sound as to justify itself, then the remedy lies in the control of the monopoly. But if the monopoly be unsound economically and not necessary in the nature of the thing, then the duty of the Government is to destroy the monopoly and not make terms with [Applause.]
[Applause.]

"KENT. Will the gentleman yield?

Mr. KENT.

Mr. SHERLEY. Yes.
Mr. KENT. Does the gentleman believe that competition can be forced on such a monopoly?

Mr. SHERLEY. I do not understand the gentleman.

Mr. KENT. Does the gentleman believe that you can force

people to compete?

Mr. SHERLEY. No: but we can force them to go out of business, which is a different proposition. I do not think that you can compel people to compete, but I think that you can in most things create a condition in which the natural desire of men to engage in business profitably will bring competition, and those things that you can not ought to be considered as monopolies and controlled as such.

Mr. LENROOT. Does not the gentleman think that the most effectual way to destroy a monopoly would be the power

to regulate the prices of that monopoly?

Mr. SHERLEY. It might be, and yet again you are faced with the problem whether your remedy is not worse than the I am not willing that the Government should undertake to regulate all the prices at which things shall be bought and sold, because I have not sufficient confidence in their wisdom nor in their equity. The gentleman from New York [Mr. Lon-DON] seems to think that you can create a social conscience in the State, although a social conscience does not exist in any part that goes to make up the State. [Applause.] I do not think the social conscience he talks about is anything other than the class conscience of the dominating group, whether agricultural, labor, urban, or what not, and I would rather leave the competition of men with the natural law operating on all than trust to the social conscience of a socialistic state. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. HULBERT. Mr. Chairman, I ask unanimous consent

that the gentleman's time be extended two minutes, because the gentleman said he would yield to my colleague, Mr. London.

The CHAIRMAN. The gentleman from New York asks that

the time of the gentleman from Kentucky be extended two minutes. Is there objection?

There was no objection.

Mr. LONDON. The gentleman will admit that heretofore Government has more or less represented the law of the dominant group?

Mr. SHERLEY. I am willing to admit that for the sake of argument.

Mr. LONDON. The charge that the Democrats have historically been making against the Republicans is that all of the legislation was in the interest of the group of capitalists who thrived on protection. That was the principal charge in connection with the protective tariff.

Mr. SHERLEY. That was one of the charges.
Mr. LONDON. One of the serious charges. Is it not desirable that we should legislate on behalf of the great masses of the working people-using the term "working people" the broadest sense.

Mr. SHERLEY. The gentleman has asked his question. do not care a rap whether a man is what you call a workingman or not, so far as his rights are concerned, and in my judgment equity deals with men as men and not with the fact that they belong to these various groups. [Applause.]
Mr. LONDON. Does the gentleman realize that I have used

the word "worker" in the broadest sense of the word?

Mr. SHERLEY. Then it means everybody, and it is of no value.

Mr. LONDON. When the gentleman uses the expression equity" in relation to others, is not that a social conception?

Mr. SHERLEY. It is social without being socialistic. Mr. LONDON. The gentleman makes progress in the direction of socialism without knowing it.

Mr. SHERLEY. I thank the gentleman for the intended

compliment, but deny it is deserved.

Mr. DIES. Mr. Chairman, to the extent that the question is partisan, I have not the slightest interest in it. I am opposed to appropriating \$400,000 to find out why prices are high. I presume by "prices" is meant prices of food products. Why appropriate \$400,000 to find out something that the merest tyro already knows all about? When you say prices are high, the prices of products, that is just another way of saying that money is cheap, and that is the precise condition with respect to high prices to-day. In 25 years past the world has produced more gold than was produced in the world for 400 years before that

Mr. LONDON. Mr. Chairman, will the gentleman yield?
Mr. DIES. No; I will not yield.

Mr. LONDON. Just one second.
Mr. DIES. I can understand neither the gentleman's langauge nor his logic, and I will not yield for the present. The first cause of high prices is found in cheap money. The fact that in two and a half decades. 25 years, the world has produced more gold than in 400 years is significant.

Mr. MONDELL. Mr. Chairman, will the gentleman yield? Mr. DIES. Just a moment. Not only that, but an undue and an abnormal part of the world's gold thus produced, and produced and in stock in the years before, has been imported into the United States on account of abnormal conditions. No. 1, the first reason for the high prices.

Mr. MONDELL. Will the gentleman yield?
Mr. DIES. In just a little while. No. 2 is the fact that 20,000,000 men in Europe who a little while ago were in the army of producers have laid aside their shovels and hoes and plows and their implements of husbandry and have walked away from the ranks of the producers and have seized the sword and the gun and cannon, and instead of being producers they are consumers—another aggravation to the high cost of living.

Mr. MONDELL. Now will the gentleman yield? Mr. DIES. Not just yet.

Mr. MONDELL. But my question applies right there.

Mr. DIES. But I do not yield. I want to state my three grounds for the high cost of living and then I shall yield to the gentleman. The third one is this, that the census reports show, without the shadow of contradiction, that for three decades the movement of population has been away from the open country, away from the furrows of the farm, away from the growing fields of grain, to the crowded cities. The farmer and his wife and children, those who formerly lived in the open country and tilled the soil, have succumbed to the lure of the city, and the drift has been away from the place of production to the city of consumption and demand for consumption.

Mr. MONDELL. Mr. Chairman, will the gentleman yield? Mr. DIES. Yes; if the gentleman will make it a question and not a speech.

Mr. MONDELL. When the gentleman was attributing high prices to the increased volume of money, I wanted to ask the gentleman if he believed that accounted for the advance in the price of onions from \$3 to \$17 a hundred pounds in the last six months?

Mr. DIES. Oh, I told the gentleman, and I told all gentlement to start with, that I had no part in the miserable partisan feature of this question. I am looking at it with my intellect and not with my political bias. I know, as the gentleman knows, that prices are made by demand and supply, by conditions, and this is a question for statesmen to deal with above and beyond mere petty politics and partisanship. You gentlemen of this Congress can do nothing with the first one of these causes of high prices, cheap gold-more produced in the world in 25 years than in 400 years before. You are getting ten times your normal amount. It is being dumped upon you and you can do nothing about it.

Mr. SMITH of Michigan. Is interest any lower?

Mr. FERRIS. Yes; it is.

Mr. DIES. The other cause, the war in Europe, which takes 20,000,000 men from the ranks of the producers and puts them into the ranks of the consumers, we can do nothing about. There is a way, however, by the slow process of wisdom and time that you can help matters, and that is not to discourage those who till the soil and produce the wealth of the country by placing an embargo upon their products. When you vote this \$400,000 to find out something which every honest and intelligent one of you already knows, you vote to lay a tax upon production that itself shall finally effect an increase in the price of the products of the country. The CHAIRMAN. The time of the gentleman from Texas has

expired.

Mr. DIES. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DIES. I sympathize with the chairman of the Committee on Appropriations, with his constituents, if he now and then has to have an aberration and demagogue about an embargo. sympathize with my Socialist friend, who has all those wheels in his head running around and around and around; but I appeal to this great American Congress that if you want to talk about this thing and think about this thing and act about it in an intelligent way, you want to recognize the great basic, fundamental principles that lie beneath it. You are not going to get anywhere, so far as cheapening the price of gold is concerned, by legislation. Dr. Adam Smith, the father of political economy, says when the mines are sterile prices are low and when the mines are fertile prices are high. In other words, there is not a man in this body who thinks who does not believe in the quantitative theory of money. You know the great volume of gold has a fected prices in this country. My Republican friends talk about a high tariff affecting prices now. You have got the whole markets of the world for your exports.

Mr. FESS. No; you people did that. Mr. DIES. In 1896, when money was scarce and wheat was 40 cents a bushel and cotton 5 cents a pound, you whined that the low cost of living was ruining the country. Now, when there is plenty of money and cotton is 20 cents a pound and wheat is \$2 a bushel, you whine about the high cost of living ruining the You are as much demagogues as we are, and that is about as much as you could well be on this question of money. [Laughter.] I will tell you about the remedy of the high cost of living. Let the constituents of the gentleman from New York [Mr. London] go out of the crowded tenements and go back in God's open sunlight in the open country.

Mr. FARR. Will the gentleman yield?

Mr. DIES. No. You who complain that the farmer is coming into his own, you who complain that the old mammy who nurses the chickens is getting too much for her eggs, you who complain that the cowboy who rides in the rain and sun is getting too much for the beef of the great prairies of the West, should leave your miserable tenement houses and your munition factories and your crowdedand seething cities and go out and produce the things you now try to seek to get by law. [Ap-

Mr. FARR. Will the gentleman yield for information? Mr. DIES. No. This is a message I am delivering now to

the hundreds and thousands of people who are in the towns to go | minutes more?

out in God's open country. Your speckled hen is clucking there bidding you come and take the eggs she has laid. Your old bossy is lowing for you to come and take the milk and make the butter which the gentleman from New York wants to get by law. The swine are grunting on the hillside, waiting for the corn that they may grow into hams, shoulders, and bacon to supply the world with the things which you want to make by law. Socialists want to make laws to control the price of food, but there are few Socialists who go out and plow old Beck to make the corn to help relieve the situation. My friends, there is a law of compensation in this world that rises higher than your law, and that law is that when you discriminate against the farmers of the country, when you attract men to the cities from the country, you raise the price of the farm products, and God Almighty holds up the purse of high prices for farm products as a lure to have the people of the city take to the country. know a Socialist can no more live in the open country amidst the growing grain, the lowing herd, and the grunting swine than

germs can live in the sunlight. [Applause.]
The CHAIRMAN. The Chair desires to state that he proposes to recognize gentlemen in the order in which they are on a list which he has in order to be impartial to everybody in the House.

Mr. DECKER. On the ground of humanity, I wanted to ask that the gentleman from New York [Mr. London] have one

minute to reply right now.

Mr. GOODWIN of Arkansas. Mr. Chairman, the speech just made by the gentleman from Texas [Mr. Sumners] meets. with the concurrence of my heart. We have both labored somewhat along the same lines since our service here. I believe, gentlemen, that all political economy may be covered by two great fundamental, elementary thoughts-production and distribution. You give me the power to limit, constrict, and restrict distribution and then I can paralyze and destroy for-

ever the producers of this country.

There came a great man back to his native country some two or three years ago whom some people called a dreamer, but he has a great heart, a great conscience, and a rare vision. He brought a message back to his beloved country. He importuned Members of Congress off and on for nearly two years to create a better system of distributing the farm products of the country and thus avert the trouble now upon us. name is David Lubin, who has done more for the agricultural world than any 25 men, I believe, in the past 100 years. He alone is responsible, I may say, primarily, for the rural-credit law, because he came to Nashville when the Southern Commercial Congress was in session in 1912. You could find but little in the Library of Congress about rural credits, because nobody in this country knew anything about it. But then this commission went abroad to study that great subject, and Lubin went with them. He has done many things. He has impor-tuned Members of Congress to enact a law that will distribute the farm products of this country from the producers to the consumers. He has advocated State agencies or commissions and county agencies or commissions and Federal agencies to reach from the township to the county and from the county to the State and from the State to the Nation. In Germany there are no trusts in control of food products, The prosperous people in Germany are to be found among the agricultural people, and the city men and the bankers denounce and hurl epithets at the farmers.

Mr. Chairman, the great philosophers and statesmen in Germany many years ago announced that if Germany was to achieve and maintain mastership and leadership among the nations of the earth she must make prosperous the great masses of the people, the farmers of that country. The agricultural of the people, the farmers of that country. The agricultural people of Germany have made it impossible to form a food trust in Germany. They take the meat and the eggs and other agricultural products away from the trusts by making it possible for the producers of agricultural products to send their products from their farms to the consumers in the towns and cities, thereby eliminating many middlemen, who are wont to feast upon the bounty of the man who toils and produces.

When a dozen men can meet daily, Mr. Chairman, and control the markets of the world, with no limit except their greed and no conscience save their might; when the cotton of the world is cornered, as has been the case, the spindles stopped, and the poor shiver and die from cold, then, sir, to those unfortunates the motto, "Equal rights to all, and special privileges to none," is a sham, and justice but a name. Yet this is a government is a sham, and justice but a name. of and for and by the people.

The CHAIRMAN. The time of the gentleman from Arkan-

sas has expired.

Mr. GOODWIN of Arkansas. Mr. Chairman, may I have five

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GOODWIN of Arkansas. Not just now, please. a few years ago, in the city of Chicago cornered the wheat of the country. Flour advanced \$5 a barrel, while the poor of the land cried aloud for bread. When his greed was gratified he lifted the floodgates of his monopoly and pocketed \$5,000,000 as profits. Why, sir, the Czar of all the Russias would not attempt such as this. Yet this man's act went unchallenged. The gentleman from Texas [Mr. SUMNERS] says it is a sham and a travesty upon this Republic of free men and legislators that conditions exist as they do exist to-day.

Mr. FESS. Mr. Chairman, will the gentleman yield there? The CHAIRMAN. Does the gentleman from Arkansas yield

to the gentleman from Ohio?

Mr. GOODWIN of Arkansas. I do.

Mr. FESS. I appreciate that feature of the middleman that the gentleman is making in his speech.

Mr. GOODWIN of Arkansas. I will say that the middleman is but a small factor in this situation.

Mr. FESS. I once traced the number of the middlemen who would handle meat as between the grower and the consumer in

Mr. GOODWIN of Arkansas. I hope the gentleman will make his question as brief as possible.

Mr. FESS. The number is rather unusual and surprising.

How are you going to eliminate the middleman?

Mr. FARR. How are you going to do without the middleman? Mr. GOODWIN of Arkansas. The middleman for whom I have a tomahawk out is not the man from whom you are accustomed to buy your meat and your vegetables and your apples on the street corners, for those will always be here. They have them in Germany. But it is the great big middlemen, the packers who control the arteries of commerce and trade, backed up by the big bankers of the country, the big elevator and warehouse monopolists who control the meat and breadstuffs of the country. The railroad charges are fairly reasonable, as a general thing, as compared with these other agencies; they are not excessive as compared with the immense profits of the men who reap where they have not sown, who garner where they have not

Mr. FARR. It is stated that the freight rates of this country

are the lowest in the world. Is that true?

Mr. GOODWIN of Arkansas. I am not an expert on freight rates to that extent. I do not know the transportation rates the world over. They may be cheaper in this country than they are elsewhere. They may be possibly too high, and I think they are, as a general thing. You can not argue this question in 10 minutes. But here is your transportation trust, you may say, here is your ice trust, and here is your refrigeratorcar trust, and all these other agencies and activities that stifle and strangle legitimate trade. If you can get the things that the farmer grows as directly as possible to the consumer, then you do eliminate many of these middlemen.

Nobody is raising his voice against the legitimate middleman.

We must always have him. He is a necessity.

Gentlemen, there is a coal trust. There is a leather trust, so to speak; a monopoly. They have squeezed out before this day former competitors. They are largely without rivalry and competition. There are so many elements and agencies that enter into a discussion like this that it is impossible to cover

them in a brief speech.

I do not stand for an embargo on food exportation. The moment the man who has tilled the soil and by his labor has created the wealth of the world hears his pockets jingle with the coin of the realm and sees his pockets stand out and get somewhat plethoric, then some gentlemen say we must have an embargo on the things that grow on the farm. The gentleman from New York [Mr. FITZGERALD] says the embargo will have no appreciable effect upon agricultural products.

The CHAIRMAN. The time of the gentleman from Arkansas

has again expired.

Mr. GOODWIN of Arkansas. May I have two minutes

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for two minutes more. Is there ob-

There was no objection.

Mr. GOODWIN of Arkansas. At the outbreak of this war cotton was selling for 13 cents a pound. At once an embargo was put upon the exportation of cotton for the reason that ships and insurance could not be had. Cotton then and there

dropped from 13 cents a pound to 5 and 6 cents a pound. There were a good many of us who were called theorists and academicians and doctrinaires and moonbeam chasers who wanted Uncle Sam to do a little something, you know, possibly to lend money to certain institutions or to the cotton growers with ample security, in order that the farmer might hold his cotton for a little while, because cotton did go up; and when the embargo was lifted cotton jumped from 5 cents a pound to 12 cents a pound and this last year's crop sold for about 20 cents a pound. We got no help. The lumber people wanted some help, and the coal people. Possibly we could not have given them all help. But, Mr. Chairman, the very moment that the producers of this country profit by an emergency, by abnormal times and conditions, you seek to put an embargo upon the exportation of the products of the farm. Why, the gentleman from New York [Mr. Fitzgerald] comes from a community where a comparatively few men have within the last two years sent several billions of dollars' worth of war munitions abroad. He clamors here to-day for an embargo on the farmers' crops. gentlemen anathematize the farmer and say he is robbing the public by his high prices. I am not in favor of anybody being robbed, but I am happy that the talers of the soil are at last getting their heads above the deep waters of adversity. But these same gentlemen have not a word to say about an embargo on munitions and cotton, woolen, and leather goods, and millions of manufactures generally being exported from their sections; or of the hundreds of millions of money loaned abroad by the bankers of Wall Street. Nobody is to have an embargo on the things made by himself, but the farmer and his exports are to be cut off and his cotton, grain, and meats are to be cut in two. am opposed to all such discrimination.

Why, all things which are the output of the factories have advanced, as well as agricultural products. Take leather, take shoes, take steel, take the output of the mills of the country along all lines, and almost everything has had a phenomenal rise, as well as the product of the man who grows the corn and

grain.

The gentleman from Texas [Mr. Dies] was in a measure right, but not entirely so. I think monopoly has had a great deal to do with this. Congestion of freight cars has had much to The fact that we produced year before last 1,100,-000,000 bushels of wheat and last year only 650,000,000 bushels of wheat has also been a factor in the high cost of bread. Then there has been the car shortage. Why, yesterday morning I read that on the Atlantic seaboard there are 29,300 cars congested in Boston, New York, and Philadelphia alone, and to-day there are about 160,000 cars that are filled with goods, the products of the farm, that can not reach the market. There has been an embargo upon the lumber of my part of the country. You can not ship lumber east. Therefore these abnormal times are upon us. The great, unheard-of, and unprecedented outpouring of gold, as the gentleman from Texas [Mr. Dies] says, has also been a considerable factor in this case.

Mr. FARR. If these abnormal times continue, will not this

question of food become more acute? Mr. GOODWIN of Arkansas. I think so.

Mr. FARR. What is the gentleman's remedy for that?

Mr. GOODWIN of Arkansas. While these abnormal times are on prices will remain abnormally high in most things, and during these abnormal times the remedy can only be a partial remedy, but the key that will unlock the door wherein the secret lies is the key of distribution. That is the remedy, I will say to my friend from Pennsylvania. Bring the producers of farm products and the consumers of these products in closer contact by a system of proper exchange and the problem is solved. Germany is the most efficient nation on earth, and no three elements of her greatness have given her the general prosperity she has enjoyed for the past 50 years as much as her system of agriculture, coupled with the distribution of her agriculture products, and this has given her the unparalleled strength that she has displayed in these three years of the greatest war of all time.

Smaller in size than the State of Texas and with 65,000,000 people, although shut off largely from the outside world, she is self-sustaining, and this has been made possible by her system of distribution of farm products and cooperation more than by

any other one thing.

It is from her system of distributing agriculture products that I would fashion the American system of marketing, and this would give prosperity to those who till the soil, destroy the food monopolists, all the while permitting the consumers to buy these products as cheaply as possible.

Furthermore, I will say to the gentleman from Pennsylvania, that I have had bills pending in this and in the last Congress patterned somewhat after the German idea, and these bills have been indorsed by the great farm organizations throughout the

country, by the agriculture press, and by millions of people generally, but I have been unable to get action on this bill, and I will furthermore say, Mr. Chairman, that no substitute for my measure has been offered that has met with the approval of the committee to which my bill was referred. A bill similar to my bill, Mr. Speaker, word for word, was also introduced by Senator Sheppard, and I incorporate in my remarks a letter written by David Lubin with reference to this bill. The letter is as follows:

THE MOBILIZATION OF AGRICULTURE AS EMBODIED IN SENATE BILL 5793, SIXTY-FOURTH CONGRESS, FIRST SESSION.

SOME ARGUMENTS IN FAVOR OF THE REINTRODUCTION AND PASSAGE OF THIS MEASURE.

Until recently the Old World and the New kept the even tenor of their ways, seeming to travel along the pathway of peace, when, with the suddenness of a cyclone, the whirlwind of war enveloped the Old World in its deadly sweep.

Billions of rife bullets, millions of cannon shells continuously fly on their deadly errand, bringing in their train grievous sorrow, which, like the onrush of a mighty flood, overwhelms all in its path.

The sinewy laborer, harnessed to his daily task, is bound, pledged to years of serfdom, tolling to ransom bonds and their interest.

As a hungry cat greedily laps up milk, so the consuming flames of war are lapping up the wealth of nations, undermining the structure of our passing civilization.

In times gone by it was said, "The king is dead! Long live the king!" Presently there may be cause to say, "Civilization is dead! Long live civilization!"

And so we live in a time of crisis, not merely a crisis of death but a

And so we live in a time of crisis, not merely a crisis of death but a crisis of birth, the death of the old civilization and the birth of the

crisis of birth, the death of the old civilization and the birth of the new.

But what manner of civilization shall that be?

Shall it not be a civilization which shall hurl down the old, decrepit, fox-like and parasitic political idols shrined in the niches of the social structure? Shall not these be replaced by the simple and the truthful? Shall it not be a civilization in which chauvinistic national advantage shall shrink and shrivel before the penetrating rays of God's most intimate servant, Justice?

But what of the quality of the reconstructive power? Aye, that's it. and the manner of its direction? Its clearness of head, its steadiness of hand, its nobility of heart; upon these rests the case.

And where are we to find these qualities? Among the combatants? Behold them! Like infuriated bulls with locked horns they are tightly braced, blinded by hate and drunk with destruction.

But beyond the great sea, peacefully and powerfully majestic, stands the mighty American Republic. Is it not there that we should find the clear head, the steady hand, the noble heart?

Is not the American Republic elect for this very purpose? Then let her press on in the work of reconstruction, reconstruction that shall evolve for the world the newer, grander democracy, the democracy which shall rest upon the principle that Individual welfare is best served by promoting the general welfare, that the welfare of all the nations.

But is the impelling force of the Republic properly charged, properly

But is the impelling force of the Republic properly charged, properly directed for the accomplishment of this task? How can it be so long as the capital and the labor of the cities alone are the motive powers which actuate this force? Each of these, as we know, is swayed politically by preconceived notions, radically insistent in shaping things theirward.

theirward.

But these should by no means be the "all" of the political driving force; there is another element, the agricultural element which must be brought into play, an element potentially great as a political factor, but now dormant. The simpler, worthier ideals of this element, when politically alive, serve as a driven wedge, riving asunder the egotistic political materialism of the capital and the labor of the cities.

The world conflict now going on will not have been in vain for America if it serve to remind us of Rome's ancient cry: "See that the Republic receive no harm!"

And the first thing for us to "see" is the contrast between the

The world conflict now going on will not have been in vain for America if it serve to remind us of Rome's ancient cry: "See that the Republic receive no harm!"

And the first thing for us to "see" is the contrast between the political strength of the cities and the political impotency of the country; the defenseless feebieness of the country and the armored strength and craft of the cities, the craft that can sway legislation by a wave of the hand, the craft that can transmute the landowning farmers into renters, the craft that can corral, lasso, and gobble up the products of the farm and then gingerly deal them out to the consumers as if they were costly drugs.

If the political driving force is to remain thus one sided, would it not be mere mummery to say that the Republic can supply "the clear head, the steady hand, and the noble heart" for the solemn service of reconstruction?

But need this driving force remain one sided? No; for by adopting the Landwirtschaftsrat system, as embodjed in Senate bill 5973 (this measure for a national chamber of agriculture, originally known as Senate bill 5687, was taken up in detall at a convention of the State commissioners of agriculture which met in Washington in May, 1916, for that purpose. The bill as amended by the commissioners was submitted by them to the President at a conference on May 5. The President at a conference on May 5. The President for submissioners. It was then reintroduced on May 12, 1916, as Senate bill 5973, but too late for passage that session. It should now be again reintroduced and acted upon during the present session of Congress), the agricultural industry can be so effectively organized as to achieve solidarity, a solidarity free in its constituent parts yet politically and economically effective as a whole.

It is largely the system here proposed that has rendered the agricultural industry the most effectiveness which has proven to be the power behind the throne in the German Empire—a power which has rendered Germany almost invincible. This i

Third. It would be effective as a means of insuring the equitable distribution of farm products, thus proving of inestimable benefit to the consumers as well as to the producers; and Fourth. It would, above all, be the means which would give the American farmer his "piace in the sun" as a political entity, thus completing the essential elements in the political force of the Nation. This, and this alone, will make possible "the clear head, the steady hand, and the noble heart" required if the Republic is to perform her part in the work of world reconstruction, reconstruction which "shall evolve for the world the newer, grander democracy, the democracy which shall rest upon the principle that individual welfare is best served by promoting the general welfare, that the welfare of the individual nation is best served by promoting the welfare of all the nations."

David Lubin, Delegate of the United States International Institute of Agriculture.

ROME, ITALY, January 2, 1917.

Mr. LINDBERGH. Mr. Chairman and gentlemen, I do not intend to travel over the same road that the other speakers have already traveled. The speeches made have been instructive and interesting and upon the subject involved. The gentleman from Texas [Mr. Diss] referred to the production of gold, and he is right in his conclusion as to the general effect of the increased product of gold. But you can not charge to that increased product the extraordinarily high prices that have been charged within the last few months, because the difference between the quantity of gold now and the quantity immediately prior is not sufficient to cause the extraordinary sudden increase in prices.

I have run down an investigation of 40 different items that are the principal articles of export from this country to see to what extent prices have been affected by export and manipulation. I wish to call your attention to this fact, that since the war began we have exported practically \$8,000,000,000 in value of American products, and we have increased the price to the American consumer on like products in this country approximately \$16,000,000,000. The people in general have gotten comparatively little of the advantage of the \$8,000,000,000 in value of American products exported. The principal advantage that has been derived, if I am permitted to call it "advantage," has been to a few parties who have had a monopoly of the situation. Take petroleum, for instance, as an example. In the 12 months of the year 1916 we consumed in this country 211,000,000 barrels of petroleum, and we exported during that same period 55,000,000 barrels. The cost immediately before the exportation began was 75 cents a barrel for the western product and \$1.54 a barrel for the eastern product. The eastern product was about one-fifth of the consumption and the western product was about one-fifth of the consumption and the western product the other four-fifths. When they began to raise the price because of the excuse that was made on account of the extraordinary foreign export, it went from 75 cents to \$1.55 for the western product and from \$1.54 to \$2.60 for the content of the conten and from \$1.54 to \$2.60 for the eastern product. Now, the difference between the cost before the export started and immediately afterwards amounted to about \$180,000,000 in these United States, and the total amount realized from the foreign export did not begin to equal that \$180,000,000. So of what benefit was it to the people of the United States to export, and thereby reduce the natural resources of the petroleum supply of the country, at the same time increasing the price so immensely to the American consumers that they paid far more above what the price was before than the total amount collected from the export?

Take copper as an other instance. The price of copper during the same 12 months to which I refer, just prior to the war, was 12\frac{1}{4} cents per pound. It rose immediately to 29\frac{1}{4} and 30 cents a pound, and is still higher now. The quantity of copper consumed in America exceeds that which was exported. Can anybody see the benefit to American consumers, to increase the price from 12\frac{3}{4} to 29\frac{1}{2} and 30 cents, simply for the privilege of exporting the copper?

It was not really the export that caused such an enormous increase in the prices as it was manipulation. Upon the 40 items which I ran down and investigated with reference to the prices before the export started and after, on all but 3 the increased price to the American consumer exceeded the total amount realized from the foreign export. Yet we find that at this time we are talking about arming merchant vessels in this country and convoying them to carry away the products of this country, to still further increase the prices of the commodities to American consumers and reduce the natural supply. Now, it is not the export that is the cause of this enormously increased price but the war and the export is made the excuse for the manipulation of prices during the period of the war. That, I say, is given as the excuse, in order to divert the people's attention from the manipulation.

The CHAIRMAN. The time of the gentleman has expired. Mr. LINDBERGH. I ask unanimous consent to extend my remarks, and I have two letters upon this subject which I ask to include in my extension.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. LINDBERGH. Then, Mr. Chairman, I do now extend my remarks along with this discussion upon the cause for the increasing cost of living as germane to the amendment offered. I do not believe the investigation proposed will add to the information that we already have, but it may be the means of informing the people more extensively of the existing system of robbery, and they may take steps to act in their own defense more than they have in the past.

WEALTH AND ADVANTAGES.

Mr. Chairman, who would not jump at a chance to double his income and increase his advantages? Do many of us realize that it is easy to do? Not many, I dare say, or most of us would do it. I never knew anyone who would not grab for an honest dollar and eagerly reach for an advantage. Every industrious toller who depends upon his toil to provide the means that make life worth while may even quadruple his advantages.

that make life worth while may even quadruple his advantages. The isolated individual "self-centered interest" which has hitherto dominated the world in favor of a few prevails because the masses have been kept in ignorance of certain false practices and therefore could not act in support of their "own interests." "Self-interests" nevertheless suggests the "key" to liberate the world from the shackles of industrial slavery. Ninety-odd per cent of the people are thus shackled, but they possess the power to liberate themselves, and it is not conceivable that when the main facts that concern them become known by the people that they will tolerate them to continue in opposition to the "collective self-interest" of the people themselves, which collective interest after all, when understood, results in securing the "self-interest" which means the "best interest" of the greater number of people.

SPECIAL PRIVILEGE.

No law names specific persons who may have "special privilege." No true American would stand for such laws. But what they could not do directly they have done indirectly. The laws and the practices that we follow enable some persons to secure special privileges by forcing burdens upon the rest of us. The law does not prohibit any person getting special privilege if he can, and the very fact that some can makes it certain that the masses can not even secure all that actually belongs to them. Our system is so framed that it robs the masses of the advantages of their most material rights—natural as well as social. Our objection should be to the system that makes special privilege possible, and not to the persons who are the beneficiaries of it, for it makes little difference to us who they individually are. Therefore, when I refer to individuals, as I do occasionally, it is not to create any prejudice against them, for they or others occupying like relations are the inevitable result of the existing system.

"Special privilege" controls three most important levers in

"Special privilege" controls three most important levers in trade: (a) finance; (b) transportation; (c) telegraph and telephone. To these we may add "publicity" for it controls the agencies for the dispatching of news and owns and controls the most extensive publications which to some considerable extent mold opinion in conflict with truth. The "special interests" are in error and in deadly conflict with the truth. Truth is on the side of the masses, but the latter have not known the facts. The public is not only deceived but is charged with the cost of

maintaining a system to do the deceiving.

#### HIGH COST OF LIVING.

To speak the truth about "the high cost of living" invites vicious attack. Each of 10 years during my service in Congress, I have placed in the RECORD some of the causes for the increasing cost of living and have mapped out a remedy. I have introduced resolutions and bills to secure action. The "interests" that are benefited by the existing system have "lambasted" me for that of course, and have had the influence to prevent Congress acting. To those who will take the time from their other diversions nothing will be more "eye opening" to them than to read the book A Prophet in His Own Country, by Henry Clifford Stuart, 2619 Woodley Place, Washington, D. C. It gives the proper viewpoint without putting you to sleep. If you happen to be asleep, it will wake you up for the rest of your life without giving you insomnia.

Present prices are higher than usual—higher than they would be if the war was not raging—higher on most things than they will be immediately after the war; but so far as America is concerned, the war is not the natural cause for the increase on most things. It is made the excuse to raise the prices above what they otherwise could have been raised so suddenly. My discussion of high costs must not be confused with war prices

alone. These are both violently and artificially juggled, while in ordinary times they are juggled without violence.

Farmers and wageworkers, who occupy the most important places in the fields of production, can not fix the prices upon what they have to sell. In nearly every other field of activity the seller fixes the price that the buyer must pay. Consequently the farmer and the wageworker must generally accept what the buyers offer and pay for what they buy what the seller demands. Everybody except the farmer and the wageworker and small business man who has goods or services to sell sets the price. It is the people who fix the price on neither what they buy nor what they sell, that the increasing cost of living affects disastrously.

Everybody is trying to dodge "high costs," either by increasing his own income or by decreasing the other fellow's—often both. Some say to increase the wages enough to meet the costs. Suppose we do that; the increase is added to what the wage earner produces plus the capitalists' profit on the additional investment. If the farmer gets more for his wheat or for what he offers to the market, the extra price and the capitalists' additional profit upon this are added to the bill of fare at the table. Then, again, the wageworker must have better wages to pay what has been added to his bill of fare; that, too, together with a still further profit for the capitalist, must be added to the cost of the product of labor, and so it comes back to be bought by the farmer with the extra cost added. Thus the endless chain runs, taking in all the industries and schemes of mankind from "a" to "z," the "devil running us around the stump," never to quit the chase, presenting us with:

Truth No. 1. To increase wages also increases the cost of the product, and as every commercial necessity must be a product of either wageworkers or of other producers for market and without intervening employers, the process of raising prices, leaving out capital toll, would properly one offset the other, but as efficiency increased the advantages of all the toilers would equally increase.

Truth No. 1 demands reciprocal relations between all toilers occupied in useful industry. Their interests are common. Aside from inequality in a proper employment of time and of income for their work, there would be no conflict. The more they intelligently worked, the richer all would be. When they adjusted the relative value of their services, universal prosperity would be the natural order. The toilers have never attempted to adjust the relative value of services. Each field of workers has fought to increase its income, wages or other, without considering its effect upon toilers in the other fields. They have not realized that the increase is added to their co-toilers' cost of living and reacts upon themselves as already explained. The raising of wages, though necessary under the existing business ways, is not a remedy for the "high cost" of living, for the raise is usually added to the product plus a profit to the capitalist.

Three primary elements concern us in a study of the increasing cost of living. They are, first, the products of labor. Since we can not each economically produce all that we individually need, a second element enters; it is "exchange." Exchange presents a complex problem, for it involves on the part of the worker in addition to the production the need to find a buyer for the product; also to learn where he can buy what he wants for himself—all of which in turn involves the carrying of the products to the places of consumption. This second element, "exchange," has never been worked out economically between the producers and the consumers. They have scarcely tried it. On the contrary, before the producers and consumers ever dreamed of what would ultimately happen, the third element in the high cost of living crept in. It consists of the "privilege of private capital" to "exact a toll," and therein enters the whole extravagance of our system, evolving as it does the concomitant retinue of speculators and gamblers in human affairs. The conflict in the social order of mankind practically begins with the injection of capital as a means of getting extra profit for its possessors without giving anything for it. It matters not whether this profit consists of capital or other special favor, if it is based upon a favor to capital the principle is the same, and presents:

Truth No. 2. The privilege of capital to exact a toll, which toll also becomes new capital and is vested with the same privilege, constantly increases the capital. Consequently the toll becomes heavier, thus giving to a mere material substance the privilege of exacting an increasing proportion of the products of toil. Interest, dividend, rent, and profit is the "wage" capital gets, but unlike labor it returns nothing.

Business, however, is governed on the basis of Truth No. 2. which automatically makes the few successful and the masses unsuccessful, and therefore the older the system grows the worse

it gets. Truth No. 1 should govern business between producers and consumers in order to secure the general welfare. No. 2 in abstract terms gives the reason for the increasing cost of living. No. 1 gives in abstract terms the remedy. Abstract terms, however, will not satisfy most persons. Concrete facts are demanded.

Under business practice, values are measured in dollars-not in labor. Labor creates the value but dollars control it. We are a Nation with 100,000,000 people; 40,000,000 of us we will say, are occupied and producing useful things. The others are children, incapacitated adults, and those who are idle or making a living by useless work or manipulation. The 40,000,000 bear all the burdens. They are on the farm, in the shop, factory, store, study, home, and the many other places of industry necessary to civilization. The initial cost to maintain bare existence must be met for everybody. The 40,000,000 by their toil supply that for themselves and also for the other 60,000,000.

"Special Privilege" attempts to justify existing practices by stating that the masses consume the bulk of products and therefore should not complain of the overwealth of the few. Let us examine the idea. Suppose it costs a farmer over a series of years an average of 79 cents a bushel to raise wheat and he is forced to sell it at an average of 80 cents; suppose at the same time the market manipulators net a profit of 20 cents per bushel off this wheat. The farmer did all the work, furnished the land and the seed, and the manipulator did the speculating. be as fair to say that the farmer should be satisfied with 1 cent profit because he got the most of the price, while the speculator got 20 cents profit, as it is to say that the people should not complain since they get and consume the bulk of the products. takes the bulk of all products to supply the vast population with the necessities to a bare existence. We should starve in with the necessities to a bare existence. We should starve in less than three months if the masses failed to work to keep up the supply. The masses get the bulk of products when we consider the aggregate consumption, but when what they get is divided between them, the average for the individual is ridiculous as compared with what "special privilege" favorites get. Why should the masses be satisfied as long as they do not enjoy the advantages they earn and that of right belong to them? not a question of comparison with what we have heretofore had, with what we get now. The question is, are we getting what we

Let us take another step before analyzing business details. shall use approximate figures to illustrate this important point. We will say that the total receipts for everybody for 1916 were \$30,000,000,000, which represents, first, pay for products of those producers who manage for themselves without intervening employers and for wages and salaries of producers under employers; second, the receipt of speculators and others who are unnecessary to a well-regulated social order. Divide this into three sums of \$10,000,000,000 each and place one to the credit of the farmers, one to the wage and salary workers, and the other to the speculators and other supernumeraries. The first two work their living and include all except a small per cent of the adult population, say 98 per cent. I have stated that the "dollar" controls the value, though the labor of the 98 per cent produces the value. It all resolves itself into this proposition:
The 2 per cent consists of the "special privileged." They

duce nothing, but, on the contrary, are consumers alonetravagant ones at that. They exact one-third of all the incomes and it is measured against the two-thirds income of the 98 per cent, depriving the latter of a portion of their toils product, thus increasing the cost of living in this respect alone 331 per cent. If, however, instead of being extravagantly and lavishly wasteful, as most of them are, the 2 per cent were producing, there would be still more of the needed products to reduce the cost of

living. This brings to notice another fundamental truth.

Truth No. 3. Employment should be in the line of necessitynot merely to be occupied and be paid for time, for unless necessity determines the occupation the time is wasted and those who do properly employ their time are charged a toll for the maintenance of the others, an extravagant maintenance at that.

Necessities include all things required for a well-ordered civilization-not merely the bare necessities for the maintenance of health, vigor, etc., but also for moral, intellectual, and all proper

If employment was governed by Truths No. 1 and No. 3, there would be vastly more of material useful things and more time without drudgery being dragged in with it at the disposal of everyone. All of us would be better informed and would experience a true and better life. One of the strange things in human experience is that it should be opposed to a just and natural plan of economic action, because even the most favored of the present system would still be able to enjoy as much, and I confidently predict more, of the things of real value in life than they

do now. Opposition to a good and scientific practical system is accountable only on the basis of ignorance or because of a selfish desire to be exclusive.

Leslie's Weekly is running weekly articles entitled "The Builders of America." It seeks to make the public believe that Builders of America." It seeks to make the public believe that these "special-interest" men, one of whom has his picture in and is described and eulogized in each weekly issue of that magazine, have done a great service to the public. Anyone who understands the economy of things could appropriately paraphrase the title to embody the idea of the true meaning of the text of these articles but use the same personal cuts and call the title "The Cancers in American Business," and show by the text, conforming it to the true facts, that the subjects of the sketches are the "destroyers of America's independence." That fact notwithstanding, we must not condemn these men but instead change the system that makes them and their like certain to exist.

The specially favored state that each of us have an opportunity to succeed and be prosperous, and as pretended proof of it they cite Rockefeller, now with more than \$20,000,000 annual profit upon his nearly billion capital; the late J. P. Morgan. with nearly as much wealth; and other wealth grabbers, who The evidence they offer is not proof that began as poor boys. there is opportunity for us all, as they state it, but is positive proof to the contrary. This wealth grabbing prevents the success of the masses. The wealth grabbers did not produce what they have, for it is impossible for any one person to earn so much, but they grabbed it from the toilers. The toilers secured that much less for their work. Rockefeller's income alone is said to equal the income of over 40,000 plain toilers.

Some wealthy persons, by invention or by use of better plans for economic results, are entitled to credit for whatever advantage they give to humanity. Edison, Ford, and several others come under this designation. It is not against the man or the plan, when the plan is good, that we object, but we object to predatory wealth. No one that gives it study doubts that Rockefeller's manipulations deprive hundreds of thousands of toilers of much of the fruits of their toil, and, incidentally, in running his business he is forced to employ others to aid him in his schemes. Many of these have also become immensely wealthy preying upon the country's business. these men is true of most great fortune grabbers. Existing laws and the business practices give some of us a remote chance to acquire great wealth. A few are slick enough speculators to get it or secure it by accident, but these laws and the practice under them absolutely destroy the opportunity of the masses. They can not secure the value of the product of their own toil as long as the existing laws and practices prevail.

There is a form of pretended justification for the special favored class. It is that with their fortunes they found colleges, churches, eleemosynary institutions and charitable works of different kinds. The work of these I will consider later, but supposing they did satisfactory work, still I ask the toilers in every field of enterprise, are they willing that any man or set of men, however good and liberal, shall by force of circumstances and practice, be able to take from the products of their toil as these special few men see fit, to use it for any purpose whatever? I assume that those who earn should be in a position to dispose of their own earnings and not forced to watch others do that for

Right now most of us are kicking because of the extreme "high cost" of living. Think of a United States special assistant attorney general given charge of a probe into its cause, telling the people through the press to start a "country-wide boycott," that there is nothing else to do except to abstain and live upon cheap foods until the other foods come down. That is an admission of imbecility and not of progress. Think of Senators and Representatives who have been in Congress a score of years or more with power and authority to act-backed by the best people the world can produce—doing nothing, not even attempting to relieve the people of needless burdens, but instead cringing under the influence of patronage "pork," wasting the time and making expense, sometimes pretending to be progressive, but all the time legislating special favors and making fake investigations to make believe that sometime there will be remedial legislation. Is that progressive? Think of a President pointing to some of the so-called "progressive laws," sponsored by his administration as the "embodiment of progress," yet himself indicting the claim by admitting that it costs more to live than ever, and that too in the face of the fact that more per capita is produced than ever. Is that the result of a progressive administration? not challenge to compare this administration unfavorably with any other for the last 50 years, for none has been progressive enough to deal with fundamental economic problems in a commonsense natural way. They have not dared to. They have been scared by "special privilege." Everyone has been backed off the board of duty to the public by the influence of predatory wealth in implied exchange for support or to head off opposition

in political campaigns.

I have outlined some of the elements in the high cost of living, but to comprehend the enormity of it and the terrible treachery that has taken place in bringing it about and the method of procedure required to stop it, involves the consideration of several related subjects, the main one of which is the "invisible government." When that has been explained the methods of remedy naturally must follow in order to give value to the exposure.

THE MONEY TRUST.

I shall deal briefly with the Money Trust—merely showing its power and how it uses it. I do this because the Money Trust has created the invisible government. A valuable treatise on this subject, by Mr. T. Cushing Daniels, is published by the Monetary Educational Bureau, Washington, D. C., and should be read by all people.

An investigation committee was appointed in 1912 to whitewash the Money Trust as near as it would dare. The members of that committee were mostly disciples of the Money Trust, but they were forced to make some showing to meet what they termed "public clamor." About \$100,000 of the people's tax money was expended to make the proceedings so voluminous and mixed that no one with much work to do would ever have time to read the evidence and but few the report. It stopped just when they got to the point where the system would have been exposed in all its hideousness if the investigation had gone further. The big financiers came to Washington, got down on their knees, begging high officials to put on the lid lest these money sharks would be landed in prison. The Money Trust committee however, must be given a little credit for getting a little spurred at this time and having their eyes opened by the "public clamor" as they called it, for they were forced to go further than they first intended. In September, 1912, they asked the Comptroller of Currency to supply certain data concerning the business and practices of the larger national banks. They were about to reach the "lion in his den" but a mighty roar came forth. The Comptroller of the Currency referred the request to the President for instructions, in compliance with an Executive order issued by President Roosevelt and reissued by President Taft, which prohibited any head of departments from furnishing information without the permission of the President. The "lion in his den" was now lashing his tail, roaring most furiously, so from September until December the matter was held in abeyance and at this most critical period when the point was reached where the country could be given the most startling facts possible and a foundation laid to remedy the evil, President Taft rendered his decision declining to allow the Comptroller of the Currency to furnish the information. This notwithstanding any intelligent unprejudiced person with sufficient experience would have made a more useful report of the facts that concern the public most, if allowed \$10,000 for his time and expenses. The National Monetary Commission had been previously created, which falsely informed the people in order for the Money Trust to lay a foundation to pass the Federal reserve act. That committee went on a junketing trip to Europe. Ordinarily that is about the value of every investigatthe "pork" for the "faithful" to "special privilege."

The backbone of the Money Trust is the banking system. The

The backbone of the Money Trust is the banking system. The banks do not voluntarily occupy that place. On the contrary, with the exception of a few in the large cities, perhaps not to exceed 125 in the United States, the banks are opposed to the Money Trust. Before the Federal reserve act was passed, it was possible, though not easy, for a national bank to keep from directly feeding the Money Trust. Now it is impossible. Law has made every bank that joins the system a part of the Money

Trust. The law compels national banks to join.

On January 1, 1917, there were 7,596 national banks. They directly control nearly one-half of all the banking resources and indirectly control very many of the State banks and most of the trust companies. In order to secure a direct control of all, the Money Trust which engineered the organization of the Federal Reserve System, is using every leverage possible to force the State banks to come in. The Federal reserve act contains a provision for the purpose. So far the Money Trust has not been successful in forcing the State banks because bankers as a rule do not voluntarily become Money Trust feeders.

National and State banks, trust companies, and some old-line life insurance companies, deal mostly with other peoples' money. They are organized on purpose to get possession of it. They do not organize simply to use their own. There are approximately 28,000 of these, including some private banks. New ones are constantly being organized. Eventually the Federal

reserve act, if kept in its present form, will squeeze out many of the smaller banks. The number is now nearing the high mark.

When any of us have money that we do not expect to use immediately, or prefer to draw checks instead of using cash, we dump it into the banks. The banks are the arteries through which the money and credit flows and they supply the Money Trust with a sufficient amount of the very same money that the depositors place in the banks to make the Money Trust the greatest power on earth-a power for evil only. The banks have never at any one time had in their possession as much as \$2,000,000,000 of actual money, but the "special privilege" granted by the Government enables them to manipulate a credit system equal to many times the actual money in their possession. so that now in 1917, depositors have to their credit approximately \$25,000,000,000. More than \$20,000,000,000 is loaned at from 6 to 10 per cent and sometimes at even higher rates. The banks pay on deposits an average of less than 2 per cent. They pay no interest upon commercial accounts as a rule, and many of the deposits that nominally draw interest are drawn upon by the depositor before he can collect interest. The borrower, however, is not relieved from paying interest when he pays a note before it is due—does not expect to be. The difference between what the banks pay on deposits and what they collect on their loans aggregate upon this item alone about \$1,000,000,000 per annum-

yearly becoming greater.

The farmer owning a farm and the urban dweller a modest home are often heard to complain because taxes upon these are too high, and generally the complaint is well founded when the result of the expenditure is considered. That is a direct tax. They go directly into their pocketbooks and pay banks, however, impose an indirect toll upon, in addition to a direct toll upon, the borrowers, which is more than the average taxes paid upon the farms and urban homes. But no kick is heard about the bank collections. It is not paid directly, but is added to the price of the things we must buy. We kick about the price of these, but we do not give it consideration enough to connect it with the banks' charges. The existing system of finances, however, for which the banks are principally responsible, is the cause of the whole trouble. It is not the item of \$1,000,000,000 bank profits to which I refer that play the principal mischief, but it is the high-finance borrowers of the funds that, concentrated in the reserve cities where the speculators are, adds several additional billions to the high cost of living. Every time a billiou dollars of profits is scalped from operating the business of the country you add an average of \$10 per capita to the cost of living for every man, woman, and child. practically all this falls upon the toilers. Therefore the importance of exposing the system and discussing means for a

Our memory is fresh with advertisements carried by the railways in 1916 in the public press, at great expense, with a view to teaching the public that if the hours of toil for the men who run the trains were lessened, that this difference in the cost of operating the roads would be charged to the passenger and freight service and the public made to pay for it. So far as I have been able to ascertain, these advertisements were the first expressions that ever came directly to the public from "special privilege" that in its own admission indicted its own system, and if studied and followed out by the public to its legitimate conclusion would reveal the fallacy of private owner-

ship of any of the public utilities.

It must not be overlooked that the Money Trust fixes the rates of interest that the railways must pay for their financing; they own the banks that finance them; they own the factories that make the materials that go into their construction; they own the telegraphs and telephones that they use; "special privilege" holds the directorates and offices; upon all these they fix their own prices and salaries; through political "pull" they have secured a majority of the members to be appointed on the Interstate Commerce Commission, who have been educated and taught to believe in the existing system of economics, and therefore, conveniently to "special privilege," the Interstate Commerce Commission adds all the costs of the trust-controlled materials and exorbitant salaries of special-privilege officials irrespective of the value of the material and services, to the freight and passenger traffic for the public to pay.

THE MASTER STROKE OF THE MONEY TRUST.

After spending \$287,259 of the people's tax money for the expenses of the National Monetary Commission, the membership of which was mostly made up of Money Trust disciples, and in addition the expenditure by "special privilege" of about \$2,500,000 for the organization of the so-called "Citizens' League" and affiliated subordinate leagues, and the advertising

of the whole thing through those leagues, and by other specialprivilege affiliated concerns, the foundation was laid for the passage of the Federal reserve act, the greatest special-privilege legislation the world has in all time thus far witnessed

I shall not take space to show what finesse was used to secure the Federal reserve law in the final stages of enactment. It is sufficient to show briefly what it is. It consists of 12 so-called Federal reserve banks, named "Federal reserve" for the purpose of making the credulous believe that they are Government banks. Stating it in simple language, the name is a lie. banks are they? By the very terms of the act the public is not permitted to own a dollar of the stock in these banks, neither is the Government. It is all owned by the member banks. It is governed by the banks, subject to the rules of a Federal reserve board and the law, and both were made to suit the banks and not the public. Every now and then flashlights reveal the true facts about the Federal reserve act. Leslie's Weekly, a stanch supporter of special privilege, in an article written by B. C. Forbes, a very capable and careful writer and vice chairman of the Railway Investors' League, in the October 19, 1916, number of that magazine, opens the article with the following

that magazine, opens the article with the following:

Picture a party of the Nation's greatest bankers stealing out of
New York on a private railroad car, under cover of darkness, stealthly
hying hundreds of miles south, embarking on a mysterious launch,
sneaking onto an island deserted by all but a few servants, living there
a full week under such rigid secrecy that the name of not one of them
was once mentioned lest the servitors learn their identity and disclose
to the world this strangest, most secret episode in the history of
American finance. I am not romancing. I give the world for the first
time the real story of how the famous Aldrich Currency Report, the
foundation of the new currency system, was written.

Then the article was on to describe how this heard of exploiters

Then the article goes on to describe how this band of exploiters worked to slip their greatest of all schemes over onto the people,

and names the following among that secret band:

Nelson A. Aldrich, then a United States Senator, who for nearly 20 years was the boss of the Senate; A. Piatt Andrew, Assistant Secretary of the United States Treasury; Henry P. Davison, a leading member in the firm of J. P. Morgan & Co.; Frank A. Vanderlip, President of the National City Bank of New York, one of the largest Money Trust banks; and Paul M. Warburg, of the firm of Kuhn, Loeb & Co., now the leading

member on the Federal reserve board that governs the system that was incubated by "special privilege."

Mr. Forbes, in his article, claims that he gave this information to the world for the first time. I presume he means by that a publication for the first time, for it was known to many people

long before this article was published.

It was designed to make the public believe that the members of the Federal Reserve Board are Government officials. Legally they are; but what do they do and who pays their salaries? Their salaries, though paid to them by the Government, comes out of the earnings of the Federal reserve banks. The government they exercise over these banks and the rulings they make plainly and unmistakably indicate that they have not the public so much in consideration as the private interest of the owners of the big banks—that is, the Money Trust combination. The individual members of the Federal Reserve Board were specialprivilege men before they were appointed and therefore educated in the interest of "special privilege." The leading member, Paul M. Warburg, was secured from the firm of Kuhn, Loeb & Co., the second greatest unincorporated banking house in the world, and shown by the Money-Trust investigation to be one of the five principal houses that conspired to create the Money Trust. Warburg's membership of that firm and his relations to the "high finance" was shown by his own admissions to the Senate committee when the question of his confirmation to membership on the Federal Reserve Board by the Senate was under consideration. The report on the hearings was printed, and it showed so plainly that Mr. Warburg's connections were such that he ought not to be a member of the Federal Reserve Board, but still would be, that they suppressed the report to prevent the public learning its contents. I secured a copy of it before it was suppressed, but it is a book in itself and can not be reproduced here. I placed several important parts of it in the Con-GRESSIONAL RECORD on January 20, 1915. Special privilege is careful not to advertise unfavorably its friends, but this world is so large that everybody sometimes makes mistakes even from their own viewpoint. The Washington Herald, for instance, seldom comments unfavorably upon a supporter of "special privilege," but on January 8, 1917, in an editorial commented on Mr. Warburg as follows:

The Outlook prints an article in which there is a very plain reference to Mr. Paul M. Warburg, the most influential member of the Federal Reserve Board, as furnishing one reason why the entente allies regard President Wilson's peace note as pro-German.

Briefly it is said that Mr. Paul Warburg is a scion of Germany, a former member of the great and long-established house of M. M. Warburg & Co., of Hamburg, a brother of Mr. Max M. Warburg, the active head of the house of Warburg, a holder of the Order of the Prussian Red

Eagle, which was conferred on him in 1912, one year after he had become a citizen of the United States, and an ardent advocate of the German idea of peace for Germany's sake.

It is thus shown that Mr. Paul Warburg is the active man in Federal finances and his brother is credited with being an equally active man in German imperial finances.

Now the point is that Mr. Paul Warburg, in his capacity of member of the Federal Reserve Board, of which he was once chairman, is believed in France to have inspired an attack by the board on the credit of the allied countries in having the Federal Reserve Board issue a warning to the American bankers against investing in the treasury notes of Great Britain and France.

The inference, and, indeed, the logical argument, to be drawn from this article is that Mr. Paul Warburg, in case he really inspired the warning of the Federal Reserve Board, was serving the cause of German peace at the expense of the greatest customers the United States has and overstepping the grounds of propriety, neutrality, and patriotism. But Mr. Paul Warburg is not the entire Federal Reserve Board.

So far as the Herald has been able to observe the conduct of Mr. Warburg has been very circumspect. He resigned from the firm, Kuhn, Loeb & Co. when he was appointed to his present Federal office and he also severed his connection with the firm of M. M. Warburg & Co. in Germany. This is very commendable and while it is perhaps thoughtlessness on the part of Mr. Warburg, it will impress many persons as a mistake that when he was divesting himself of all connection with the firms of M. M. warburg & Co. in Germany. This is very commendable and while it is perhaps thoughtlessness on the part of Mr. Warburg, it will impress many persons as a mistake that when he was divesting himself of all connection with the firms of Mr. Warburg have decoration from a foreign power which is nonrepublican and monarchial in its government.

No American leader of public opinion, no American active in national affairs, no America

Thus, we see what a publication, even friendly to "special

privilege," states of Mr. Warburg.

It is enough to have stated the connection with "special privilege" of a leading member of the Federal Reserve Board-his affiliations well known when appointed by the President and confirmed by the Senate-for I do not intend to discuss individuals except as they deal with economics. The connection of other members of the board, as well as Mr. Warburg, with "special privilege" was shown in my remarks in the Record January 20, 1915. What I then predicted of their acts whenever there is a conflict between "special privilege" and the public weal has proven true. Whether members of the board would or would not intentionally do injustice to the public is not involved in a fundamental economic problem. If only questions of honesty and dishonesty were in issue, it would be a moral and not an economic problem to solve. I discuss neither good nor bad intentions, but the hopelesssness of the plain people ever securing justice in the existing political and economic practices and the changes necessary to be made to secure justice.

Human nature is known to be selfish. History for 6,000 years verifies that condition, so we may presume it continues and give it weight—assume that men will do those things that give them individual advantages when they know how. Human nature, however, is all that we have to deal with. It is ourselves—it is our battle and our life-all that there is for us to follow through to the end. That is why I discuss and in the discussion hold out the promise that if we can reach the masses with the facts, success awaits everybody. It is the future success of the masses that furnishes the motive for collective consistency and co-operation, for the plain people can have no hope of securing their right in the world as now governed. In view of the "selfinterest" which has always dominated the world, it is not possible that the masses, if advised of the conditions, will exchange the sure means that they can adopt to secure success to all for the existing gambler's chance-luck-that can come only now and then to one of them under the existing practices.

Having shown that there are 12 Federal reserve banks and a Federal Reserve Board that makes the general rules for their government, it is important also to note that there is an "advisory council," one member from each Federal reserve district. These, too, are "special-privilege" men; for instance, the one from New York is J. P. Morgan, a son of the late J. P. Morgan and head of the firm of J. P. Morgan & Co., one of the five firms found by the Money Trust investigating committee to have considered to make the Money Trust investigating committee to have considered to make the Money Trust investigating committee to have conspired to create the Money Trust. The other members of the "advisory council" were likewise educated in the atmosphere of "special privilege" and all work to complete the control of "special privilege," which is already practically secured through the Federal reserve act.

These two boards, the Federal Reserve Board and the advisory council, are at the head of the Federal reserve system, and none of the lesser officials, even if they wished, would dare to cross swords with them.

Of course, a scheme so systematically arranged for fleecing the public could not be put through without almost infinite care to secure able assistance and a means provided to pay off the obligations of the original conspirators and main beneficiaries of the act to their subordinate lieutenants who aided in pushing the scheme through. This was partly taken care of by the creation of the 12 Federal reserve banks, each of which has several lucrative offices. The campaign to educate the public to accept of such a monstrous evil was, of course, secretly arranged by "special privilege." To disguise the scheme, a parent organization, named the "Citizens' League," was established in Chicago, and from there State organizations and campaigns were directed. In my own State they selected a prominent, intelligent, able, and respected man for president. He and an equally intelligent man who was selected for secretary managed the campaign, and of course were taken care of when the Federal reserve act took effect, the president, by placing him as one of the heads in the Federal reserve bank at Minneapolis, acting for the ninth district. Any scheme that supports such lucrative places as the Federal reserve act provides for, when considered from a purely selfish personal standpoint, is well worth working for by those who would get the offices. The same plan was carried on in each of the 11 other districts.

Next we have the banks in the system—the little fellows which include all except a few Money Trust banks. Including a few State banks that joined the system, there are over 7,600 and more coming in all the time. It is these little banks and the State banks scattered into all sections of the Nation that gather in the money and credit of the people and control it, and the banks in turn are controlled by the Money Trust, not designedly so, so far as the small bank owners are concerned, but inevitably forced to be by the system. It is not because the banks scalp directly from the people over a \$1,000,000.000 annually for the managers and owners that they are most objectionable, for we all know about that, and if we are so foolish as to permit it, let us not complain of the fact. The colossal wrong consists in turning over to the banks the unrestricted control of the entire finances of the country, thus enabling the insiders to use the funds and credits to fleece the people annually out of several additional billions of dollars in gambling and speculation on the side.

The existing financial machine may be summarized in its make-up as follows:

First. National banks, arranged into three classes—(a) the country banks, the small banks in the cities, and a few large city banks; (b) the larger banks in the "reserve cities"; (c) the largest banks in the "central-reserve cities";

Second. Government postal savings banks, the deposits in which are most of them turned over to the banks to exploit people with;

Third. The new Federal Reserve System; Fourth. State banks and trust companies; Fifth. The new Federal farm loan act; and

Sixth. The old-line life insurance companies and unincor-

porated private banking.

These are the collecting agencies for the Money Trust, not that bankers would as a rule choose to have it that way, but because they have gradually been drawn into it and now are unable to cut loose. Congress has the power to prevent it, but it too has been "drawn into" the support of "special privilege," a matter that I will later consider as related to the subject of political miscarriage in dealing with the money and other problems.

These banks and the other agencies named are distributed into every locality where people can come to dump their money and so on. The 12 Federal reserve banks, however, are exclusive. Only the member banks which own them and the Government is allowed to do business with them. Every other body is prohibited. The Money Trust believed that it would force the State banks to join the Federal reserve scheme, but not many of them have, so of late a new scheme was fixed up to get them in if possible. is to give them the privilege of having their checks cleared without even becoming members, provided they carry deposits in the Federal reserve banks. The Money Trust intends to get the State banks into the Federal Reserve System at any cost. If the new scheme fails other schemes will be devised for the same purpose. They can get along very well, however, without the State banks. Their main purpose in trying to get them is to solidify power and influence. They know that once the people understand that the game is simply to exploit the public there will be an explosion and the Money Trust blown up.

Now we come to a most important point in the use of the system. The banks hold to the credit of depositors about \$25,000,000,000, of which less than \$2,000,000,000 is actual money. The rest is checks, notes, and bookkeeping. The funds are obtained from the depositors and belong to them. The banking plan is designed to do that very thing, not merely to favor the depositors nor for any intrinsic excessive love to accommodate the borrowers; neither for good fellowship. Then what is it for? To rake in profit, of course. Therefore it is important to know:

WHAT DO THE BANKS DO WITH DEPOSITS?

To get at that will be cracking the nut to find its contents. When we see the rich treasure, naturally we will want to know more about how in the name of "thunder" and "more Americanism" (?) did they ever get that scheme approved by the "grand old men" originating from several of the States, "statesmen" (?) that the subsidized press extoll and eulogize, christening them with the names quoted, and by the younger "statesmen" (?) following in the tracks of their more than "holy" seniors, upon whom the same press also stamps its editorial approval. That will seem interesting once we understand that we are deprived of 75 per cent of the results of our efficiency through the legislation these "grand old men" and these young "statesmen" have put upon the statute books and their failure to legislate in a way to meet the demands of an enlightened civilization.

Yes, what do the banks do with the depositors' funds? That is now the question. The country banks and the smaller banks in the cities gather in most of the funds that are deposited by the plain people—toilers, principally. The big fellows, the rich, do not keep on deposit many funds, because they use their funds to exploit the plain people and are borrowing from the big banks and even from the smaller ones the very funds that the plain people deposit, and with these added to their own invested funds multiply their exploits and build larger and larger fortunes at the plain people's expense. That is why the subsidized press, in the interest of special privilege most adroitly attempts to make the plain people believe that they are rich, because in the aggregate they own most of the deposits.

The big banks get part of the deposits out of the little banks and loan them to speculators, who exploit the plain people—among which are fully 99 out of every 100 depositors. The banking system has been built up with that very purpose in view. Of course special privilege knows the necessity of keeping the plain people, a large majority of whom own no deposit, at work most of the time, or there would be no "fleece" for the speculators to "shear" from the "goats," so the banks must loan to the plain borrowers who are able to work enough of the funds on deposit to enable the "goats" to do the work and to supply them at times with the bare necessities of life, and upon such loans the highest rates of interest are charged.

A part of the bank deposits, I repeat, are loaned to small business, to farmers, and wageworkers, who have credit or security in sufficient quantity to keep themselves at work, but they are forced to pay from 6 per cent all the way up to the most exorbitant rates, the rate depending on how difficult it is for the borrower to get money—the borrower may have the blessings of God in the gift of good health, physical and mental activity to strengthen his credit, or the weight of physical and mental misfortune may bear it down—in both cases he will carry the banker upon his back, and the poorer he is the more he must pay. To those whom this system has forced into bankruptcy, the bank doors are absolutely closed. We can not blame the banker for closing the door on the bankrupt. He must do that or he would have to close it on the depositor. It is the banking system that creates so many bankrupts that is to blame and not the banker.

The banks do not do all their loaning in the respective communities from which they receive their deposits and which support the banks. They do not loan nearly as much as they reasonably could and should, and what loans they make there they charge more interest on, as a rule, than they get anywhere else. They prefer to loan at much lower rates away from home and to speculators than to lower the rate on loans at home. The result of the practice is, that after they have loaned at home all they can at the highest possible rates of interest, they will not reduce the rates of interest to home borrowers, who would borrow if they could secure it at lower rates. The remaining deposits, not required to be kept in their tills and with the Federal reserve bank as reserve, they use to buy notes from loan brokers in the cities drawing a lower rate of interest, and redeposit the balance they have to spare in the big city banks and receive 2 per cent interest.

No reports are made anywhere from which it can be learned how much the banks loan away from home. They ought to be required to state the amount, for it is important that the public should know. We do know how much of their deposits are redeposited in "reserve banks." On December 27, 1916, there was released by the Comptroller of the Currency a statement from which I quote extracts as follows:

The growth and development which has taken place in the national banks of this country, as expressed by their increase in resources since the inauguration of our Federal reserve system two years ago, has been three times as great as has ever before been shown in any two-year period in the history of our national banks.

The compilation just completed in the returns of all national banks for the last call, November 17, 1916, discloses a condition of strength, of progress, and of growth beyond all precedent.

On November 17, 1916, the resources of our national banks aggregated \$15,520,000,000, an increase of \$4,028,000,000, or over 35 per cent, in just 2 years and 17 days.

The prodigious growth and development of the national banking system may be better appreciated when we realize that the resources of the national banks throughout the country have doubled since the spring of 1906, 10 years ago.

From October, 1914, to November, 1916, the increase was \$4,028,000,000, or over 35 per cent, an average for these two years of about 18 per cent, or, say, three times as much as the yearly average for the preceding 10 years.

Capital stock: 1,071 millions, an increase as compared with September 2, 1916, of three millions.

Surplus and undivided profits: 1,071 millions, an increase as compared with September 12, 1916, of 23 millions.

It will be noticed by the tenor in which the statement is couched that it is a source of pride to the comptroller. There is no doubt that he is in good faith about it when he says:

The compilation just completed discloses a condition of strength, of progress, and of growth beyond all precedent.

But the comptroller did not go beneath the surface to see what he could have seen if he had, to wit, that the growth which he shows and praises is in fact the growth of a "cancer" in our economic system-the faster it grows the more rapidly destruction awaits us. On top of that growth is also to be counted the growth of the State banks and trust companies. But we will analyze the \$4,028,000,000 growth in the national banks alone and you can add the other growth at your convenience to see how it all eats the vitals out of our social system.

In two years alone, since the Federal Reserve System was inaugurated, the national banks alone have gathered in \$4,028, 000,000 additional debts over what they had before, with which the people are further exploited. Upon this the banks pay less than 2 per cent and collect more than 6, but for calculating purposes we will figure at 6, making the difference in what they pay and what they receive 4 per cent. That is what it costs the public for the banks' profit in the plan on this inflation alone. Figuring 4 per cent upon \$4,028,000,000 it is

\$161,120,000 additional annual charge upon the people.

That is the first "progress" and "growth," "beyond all precedent"—using the comptroller's words—of this cancer in gnawing at the vitals of human existence. We must not confuse this \$161,120,000 by thinking that that is all the banks get out of us, but understand that the sum is added to the billion they were previously collecting, which included all banks, trust companies, and gathering-in agencies in the nature of banks. Neither will we be confused by a statement that interest is lower on the dollar now than at some other time, for it matters not so much what the interest on a dollar is when we are accounting for the increasing cost of living, as what the grand total of interest paid by all the people amounts to, for that is what boosts the price, not for the benefit of the producers but for the speculators. It is a fact that the aggregate of interest that all the people now pay is far in excess of any earlier time. The gross earnings of the national banks for the last six months in 1916 was at the rate of \$628,000,000. The State banks aggregate even more, so it now costs the people more to run the banks than it does to run the Government of the United States.

This expansion is the inflation that has been made under the Federal reserve act for the benefit of Wall Street gamblers and speculators. The second and far the greatest growth of the cancer gnawing at the vitals of humanity is the profits that these gamblers who have had the benefit of the inflation have reaped from speculation; it is many billions of dollars. every billion dollars that you add to the profits of speculators, you fleece the tollers an average of approximately \$30 each, assuming that one-third of us are tollers. Will any one pretend that schemes of this kind, and the kindred schemes that are the growth from it, are not the basis for the increasing cost of living? Certainly no one with judgment will.

When the European war broke loose Wall Street saw an opportunity for reaping a harvest of profits such as never had been witnessed before, and it went to it with the vim characteristic of Wall Streeters. Posthaste they closed the stock exchange, for now with this new colossal condition more credit was required to manipulate the awful outburst of speculation that would result from this most extraordinary event of the world's history. Down to Washington they came with the threat to the President and to Congress that unless "immediate provision' was made for emergency currency in unlimited amount and placed in the banks where they would control it they would forthwith precipitate a panic upon the country that would drag it to ruin. Instantly Congress and the Executive obeyed the command, and not only forthwith passed the required legisla-tion but even in the anticipation of it caused to be shipped on the first fast express to the subtreasury in New York emergency cur-

rency where the Wall Street bankers could get it when the bill signed by the President. They actually took \$369,558,040 of this currency, but they kept the stock exchange closed and manipulated stocks and the produce markets for months in order to make billions of profits.

THE FEDERAL RESERVE ACT WAS A FURTHER SURRENDER OF PUBLIC CREDIT INTO THE HANDS OF PRIVATE MONOPOLY.

This Nation is dominated by a private control of finances. Some of the time wittingly and at other times unwittingly, but always and all of the time Congress serves "special privilege. It frequently acts directly in its interests, as it did when it passed the Federal reserve act, but its greatest and most appreciated service by special privilege beneficiaries consists in the failure of Congress to do its duty to the public. Special privilege needs no action by Congress in order to continue its exploit of the people, but the people require acts of Congress to prevent their being exploited, and Congress fails in this respect.

In my remarks here January 20, 1915, before cited, I explained somewhat in detail how Wall Street engineered the passage of the Federal reserve act for its own special benefit. Since then everything done by the Federal reserve banks have verified my statements. No verification, however, was necessary, for it is self-evident to anyone who will examine the act and has any experience with human nature and particularly the speculators, that it was conceived by the Money Trust and passed expressly for its benefit, and not in the interest of an honest commerce nor of an honest finance system. Of course the act was adroitly drafted so that the scheme would not upon its face glare with "special favor," but, as expressed by Mr. Warburg when he was examined by the Senate committee, inquiring upon his eligibility to serve on the Federal Reserve Board, many things Mr. Warburg then said could be accomplished "in its administration." statement to that effect has become a living fact, for "in the administration," "special privilege" has already reaped billions of dollars profit from it, and these billions have been a part of what the people are paying in the high cost of living. improbable that at that "most secret episode" pulled off at the clandestine meeting on a secret island—referred to by Mr. Forbes in his article—the plans were also laid to secure Mr. Warburg's appointment as a leading member of the Federal Reserve Board in order that he might "administer" the Federal reserve act. If it is a mere coincident that he should have been one of the big boys" on the secret island, and the leading member on the Federal Reserve Board to administer the Federal reserve act they planned, it is an odd coincident indeed.

As a member of the Banking and Currency Committee, when the Federal reserve act was "viewed" by that committee, I filed a minority report against its passage, one paragraph of which I quote as follows:

The last paragraph of section 15 should be amended so as to prevent instead of permit Federal reserve banks opening accounts or establishing agencies in foreign countries. Since it is proposed by this bill to turn over to the Federal reserve banks the Nation's funds, we should not entangle these funds further by permitting the Federal reserve banks to establish agencies in foreign countries for speculation.

It is desirable that our relations with foreign countries should such that whatever exchanges we require will be easy of accomplishment, but it is obnoxious to place them in the control of greed as this act does. At the time I wrote into my minority report the paragraph regarding "foreign agencies" the war had not begun, but it was plainly evident that it would come sooner or later, and the very fact that greedy American speculators engaged in the war trade for speculative profit has several times come near drawing our Navy and Army into the war. In every other respect we have been a party to the war, even to the extent of taxing our people for its maintenance by indirect method so they shall not know how it comes about. The Federal Government has abdicated in favor of the "invisible government. especially so in all matters of finance, for upon this most vital business the Government only acts when constitutionally constituted authority becomes absolutely necessary, and only then to supply the "invisible government" with additional privilege.

A short time since the Nation was ablaze with a demand for "conservation," conservation of timber, conservation of minerals, conservation of all the natural resources. When the war in Europe broke loose conservation was thrown to the four winds. The American press began to boast of an enormous "balance of trade" which it termed "favorable" to the United States. That is, the press claimed that if Europe and the foreign world bought more goods from us than we from them, that the balance of the trade was "favorable." I wish to show by a concrete example what the export trade does in this respect, and I cite petroleum as an example.

For a given 12 months in 1915 and 1916 American consumers used 211,933,000 barrels, and the Oil Trust, in addition to supplying that, exported in the same period 55,466,088 barrels. Prior to the export demand the American price was 75 cents a barrel for the western product and \$1.54 for the eastern product, but the export demand was made the excuse by the Oil Trust to increase the price on the western product to \$1.55 and the eastern product to \$2.60, an increase of 80 cents and \$1.06, respectively. About one-fifth of the American consumption was of the eastern product and the rest of the western. The increase in price of petroleum to the American consumers was \$180,-000,000 over what they had to pay before the export began, a sum far in excess of what was realized for the 55,466,088 barrels exported. In every export commodity controlled by the trusts the price of the like product to the American consumers was increased far in excess of the total realized from the export. Copper increased to nearly three times its former cost, and our home consumption is greater than our export. Maybe it is a good thing for our people to pay \$180,000,000 in a single 12 months more for petroleum than we otherwise would have gotten it for, and pay excess in the same proportion for other products, and at the same time that the additional burden is put upon us to know that the export reduces the resources of the commodifies that we shall ultimately need. I say, maybe that is a good plan, but I am not able to take that view, for it is evident that we forever increase the cost to American consumers when we reduce the supply. I believe in conservation of our resources. It seems to me that we have been silly asses for selling so much of our product and raising the price to American consumers more than twice as much as was realized from the export. It is not alone the \$180,000,000 excess charged for the petroleum for a single 12 months, but petroleum will always be higher for the American consumer than it would be if we had conserved the supply, and the same is true of all our natural resources which we are pouring out to Europe for destruction.

American consumers, by reason of the enormous export that has taken place since the war began and causing a rise in price, have undoubtedly paid over the former cost for an equal amount of like commodities from 11 to 16 billion dollars, in excess of our so-called favorable balance of trade, which is more than twice the amount realized from all our exports. To promote that kind of trade, the Federal Reserve Board recently selected and appointed, through the Federal Reserve Bank of New York, the so-called Bank of England as its agent, thus putting the credit of the United States back of this foreign corporation organized for private gain, which is no longer able to make payment in gold and fails to give a statement of its true condition. The Federal Reserve Board willfully contemplates further alliances with foreign banking institutions, with the object

in view of exploiting both the American and the foreign peoples.

In the same way that the group of Wall Street speculators jack up the prices to American consumers by turning the so-called "favorable balance of trade" to us, they also keep up the interest rates on American borrowers. They have loaned credit supported by our Government to foreign countries already approaching three billion dollars, and this enables them to keep the interest up on loans to American borrowers, forcing the latter to pay in excess of what they otherwise would far more than the total interest that will be realized upon the foreign loans. connection with this statement, I call attention to the National City Bank, New York, the "biggest" money-trust bank yet. Its management knows that the banks have more power over the welfare of the people than even the Government has under existing laws; the National City Bank has the "gall" to assert the power of the banks to fine the people and flaunt it in their faces. It publishes a monthly review. In its February number, after first reviewing the fact that at this time there is a plethora of money and credit available, it comments on the same in the following language:

Under the circumstances, money promises to be in abundant supply, but if the banks have a proper regard for their responsibilities it will not be correspondingly cheap. Compensatory rates for money and ample reserve should be consistently maintained.

My God! Can a Member of Congress who fought for the Federal reserve act and the spurious, cumbersome Federal farmloan act look at such a statement as the above and not blush with shame? Any American who knows what the existing banking system does to the people can have mighty little respect for the Senate and House that passed those acts. Why pick the banks to give special favors to? Why did not the farm-loan act give equivalent advantages to the farmers? The farmers get no money till it is filtered through the banks. The quoted statement of the National City Bank is not the only statement of The Federal Reserve Board made an order in regard to regulating the inflow and outflow of gold that is equivalent to the same thing. Most unfortunately for the people these acts are based upon a power that the banks were granted by Congress. Whenever the "horde of little speculators" get too "ramp-

ant" to suit the "big fellows" the latter impose a fine on the people by increasing the rates of interest. It is a common practice of the banks to establish "compensatory rates"—that is, fine the people in order to regulate finances to suit the banks, a power most monstrous to be lodged in individuals organized solely for profit making.

The worst may yet come. I predicted more than a year ago and placed the prediction in the Congressional Record in hopes that the people might read that we were in grave danger of being drawn into the war from the selfish acts of speculators. The following language is a part of what I then said:

The following language is a part of what I then said:

The Federal Reserve System has already connected us with the conditions of warring nations. These will grow worse as long the war lasts and from the confusion that will follow. The intermingling of our finances with those nations in the way that it is being done is not unlikely to be the one "element," the selfish underlying one, which to save itself from holding securities of bankrupt countries, the Money Trust would seek to enter the United States in war. The method of securing the result would, of course, be screened behind remote incidents in an attempt to prevent the people from suspecting the underlying influence of the Money Trust. That section of the press which is subsidized by the special interests would be depended upon to adroitly fan the flames of passion that arise out of incidents that are sure to occur from time to time in every great war.

The people should fortify themselves against further risks resulting from the war. The nations engaged in war will be bankrupt—a result of their own follies, and we should not make their burdens ours.

As a matter of fact-but the press conceals the real facts in regard to many war occurrences-it is the action of the greedy speculators that has brought us to the very verge of war, which may come any day. They have done the things that have brought about the incidents of the war that are now alleged to be the cause for our entering it, if we do. We have rights which have been grossly violated and we should not waive them, but there is a better way to enforce them than by war. There are a hundred million of Americans, good, true, and patriotic, every one of them who are willing to sacrifice their lives, if that is necessary, for the cause of America. These, however, have contributed no part to bringing about the conditions of war which we now face. It is the speculators and the "thrill seekers" who have brought about the incidents that form the excuse, but back if it all are the greedy speculators-rascals, who for sordid personal gain have angered some of the belligerents, and as a result they have added more to the wreck of human reason. We should pity crazy Europe, not hate it, and bring about peace as soon as it can be done, instead of seeking to drive the world to the limit of human destruction.

Let us not for the sake of vainglory plunge this Nation into the maelstrom of hell. If we do we shall because of needless sacrifice come out with less power than we enter and destroy for a time our ability to conquer the world by the establishment of an economic system that will appeal to all humanity and be accepted for its justness. Everybody must admit that the existing civilization has proven an absolute failure. The battered continent of Europe supplies the gruesome evidence of it. Who with any sense would seek to follow precedents established heretofore by nations that have come to such a state as those now at war? Are we, too, crazy? Surely we have a better opportunity than to plunge to destruction and death and left to be resurrected in the toil and drudgery of more than a hundred million of innocent people. Let us instead now establish the economic system that will make war unnatural. The existing economic practices make war natural. Do we choose the old broken-down civic hulk or will we create a new civic body? To choose the first is cowardly.

Superficially some will answer that times are good and why complain? Times are not good, except in the comparison with poorer times. Under any system of economic consistency times would be better than they ever have been. Take away all special privilege; put commerce on a natural basis; provide so that every worthy person can secure the credit to which he is entitled without putting between him and its use a monopoly with the privilege of charging its own price for loaning it; do all this and the country would burst into a prosperity beyond all precedent.

No sane person who takes the time to reason can believe that the toilers can be employed to produce materials for war and destruction and still have better times than we would have if they were employed in producing materials for the use of the toilers themselves

The main trouble now is that monopolies create unnatural conditions and prevent people producing the things needed to supply the demand and facilitate the necessary exchanges.

The people have never known what they could do for thembecause the very agencies and instrumentalities with selves which they must work have been monopolized by greedy specu lators. Credit is the most important one of them. Surely the war in Europe is a living example and proves one thing above all others, and that is, that when the people of the nations can produce for such enormous destruction, even with their most able-bodied men taken out of the industrial fields, they can also produce enormous wealth for the people generally in time

of peace-many times greater than when at war.

No one who can think rightly and takes the time to do so, believes that the welfare of the people is supported by supplying nations at war with financial and material aid to destroy each other. All our interests are opposed to such action. It matters not whether international laws permit it or not. It can not be required. Precedent, even if it exists, has no force at this time. If the Nation's welfare required us to take part in the war, it should be through the properly constituted author-

ity and not by the cupidity of private parties.

Unfortunately, the people's bank deposits have been gathered into places where the speculators have used them to finance the warring nations for war purposes. The big speculators followed their old practices, and this time were practically unlimited in their venture because they believed that the Federal reserve act gave them assurance that they might take all the risk they pleased, for if they should miscalculate they had the Federal reserve banks ready to render aid if they should strain the finances. Wall Street speculators borrow bank credits at 1 and 2 per cent. Others borrowing for legitimate business are forced to pay high rates of interest. Whether we examine the press files for the last year or for many years, we find practically the same old, old story in contrast—of interest rates paid by Wall Street speculators and what the borrowers for legitimate business must pay. A single transaction illustrates the practice, for it goes on practically the same at all times. Take the press reports of January 23, 1917, as an example. It ran:

NEW YORK MONEY.

New York, January 23.—Call money, steady; high, 2 per cent; low, 12 per cent; closing bid, 12 per cent. Mercantile paper, 32 and 32 per cent.

The above figures are more significant than a mere perusal of them at first suggests, for they are the key to certain situations. For instance, at the same time that money was loaning at those figures in New York, the Federal reserve discount rates to member banks were as follows:

Boston, New York, Cleveland, Atlanta, Chicago, Minneapolis, and Kansas City, the discount rates for agriculture and live-stock paper over 90 days 5 per cent; in Philadelphia, Richmond, St. Louis, and Dallas the same kind of paper was 4½ per cent; in San Francisco 5½ per cent; other discount rates for 16 to 90 days, inclusive, were from 4 to 4½ per cent.

Mr. Chairman, the two sets of discounts-New York money and Federal reserve bank money—the contrast in the rates between the two furnishes a part of the evidence showing that the Federal reserve banks are not only controlled by Wall Street but that they are "administered" for the benefit of Wall Street

speculators.

What member banks of a Federal reserve bank in order to improve the business of their respective localities would rediscount with the latter when they can rediscount with their correspondent banks in reserve or central reserve cities at from 1 to 1½ per cent less, and that, too, with much less red tape? None would, of course. What happens from that condition is this: Banks desiring to rediscount, instead of going to a Federal reserve bank and there paying the higher rate of interest, will rediscount with a correspondent bank at a lower rate. The keeping of the Federal reserve discount rate above the reserve city bank rates causes the reserve money to pile up in the Federal reserve banks. That is exactly what the Wall Street speculators demand, for while that reserve piles up in the Federal reserve banks they can go on fearlessly with their speculation, for if they should be caught in a trap their reserve and central reserve banks would immediately raise the rate of interest to compel bankers who might be rediscounting to pay their loans, which they could do by going to the Federal reserve banks and paying the high rates, which, of course, would react upon the legitimate borrowers. The Federal reserve banks are now administered in a way to form an insurance to the speculators, backed by the Government.

All this talk about not being able to use the Federal reserve banks for rediscounting speculative paper amounts to nothing, for, as was said by a leading member of the Federal Reserve Board, many things can be done by "administration" not directly provided by the law, and he could have added with truth that many things would be done, for they have been, but not in

the interest of the people.

The war conditions are the result of uneconomic laws that govern trade and commerce, the privilege that has been given to a few to make industrial slaves of the rest of us. With a single proper act of Congress the world could be changed, conquered by force of the collective demand of all mankind, when the way was pointed out that would make it sure that the in-

dustrious and intelligent in all the fields of useful work can command success by their own industry. That would result in a peace-loving people rising up everywhere. Let one nation act wisely, really wisely, in the conduct of its economic relations, the rest would follow in quick succession, more so than the unwise act of war was followed by one nation after the other. There need be no war to establish our rights on the high sees. If we adopt the convenience for the stables of the control of the convenience of the stables of the control of the c on the high seas. If we adopt the economic law for our own Government we shall conquer the world, not by drenching it in blood, not by vainglory that would be looked upon by succeeding generations as the last colossal act of American barbarism-no; not in the blood nor in the bravo will we conquer insanity, but in the common sense of a new nation-wide intelligence, applied to adjust business to secure the conveniences and the necessities of life instead of for speculation, can we conquer the world or even ourselves.

The first act in the great drama that will set the stage for the new, true, and sane world will be the repeal of all laws that make special privilege supreme and adopt instead a financial system in control of the Government. That is the first step necessary for a world's permanent peace. Every other economic reform will automatically follow.

On March 10, 1916, I extended remarks dealing with the Chamber of Commerce of the United States, which corporation is knocking at the doors of Congress for a national charter. I maintain that it is an offspring from the Money Trust, the same as the so-called "Citizens' League" was. Both were the ploneer representatives of a new system of lobbying for "special privilege." It is "special privilege" that manipulates and privilege." It is "special privilege" that manipulates and boosts the cost of living, and the said chamber of commerce is its official lobbyist. Mr. H. L. Day, of Minneapolis, who is thoroughly informed upon the subject, made an exhaustive and careful research for the facts and wrote me a letter a year ago accompanying it with diagrams, which I extended into the RECORD March 10. I verified by my own research much of his work. Mr. Day is conservative and does not overstate things. He has been good enough to prepare a new statement embodying in it a letter tracing the "footprints" of the said chamber of commerce down to date, and they always lead from "special privilege" to Congress, seeking to influence Congress to legislate in favor of "special privilege." I shall insert Mr. Day's new letter in my remarks, as it is exceedingly important in connection with the discussion I have made on the rising cost of living. First, however, I will quote from a recent letter of the said chamber of commerce, as follows:

PROPOSED TAX ON EXCESS PROFITS.

PROFOSED TAX ON EXCESS PROFITS.

[Action taken by Chamber of Commerce of the United States of America in annual meeting, Feb 2, 1917.]

Resolved, That the Chamber of Commerce of the United States of America reaffirms its devotion to the program of preparedness which it has approved by vote of its constituent members through referendum No. 15 and through resolutions adopted in annual meeting, and further pledges the support of this body to any just and reasonable measures of taxation which the Government may see fit to adopt under such a program; but while reaffirming its devotion to this policy, it feels compelled to protest against the inequitable and discriminatory methods of taxation proposed in the bill known as H. R. 20573, providing for a tax on excess profits of corporations and copartnerships.

Mr. Chairman, the letter was sent to all Members of Congress, and in addition to what I have quoted it had war propaganda in it, but it opposes taxing the excess earnings of the parties who profit by the war propaganda.

The following is the second letter of Mr. Day, describing the said chamber of commerce and the purpose of its coming into being:

MINNEAPOLIS, MINN., February 8, 1917.

Hon. C. A. LINDBERGH, Washington, D. C.

Hon. C. A. LINDBERGH, Washington, D. C.

My Dear Mr. Lindbergh: In a former letter dated November 29, 1915 (inserted in Congressional Record Mar. 10, 1916). I called attention to the fact that privilege (the Money Trust and allied interests) had organized so-called commercial associations in many cities of the country, including the Minneapolis Civic and Commerce Association and the St. Paul Association of Commerce, as local associations, and the Chamber of Commerce of the United States, Washington, D. C., as the national association, and that privilege, pretending to represent the general business interests of the country through these associations, has the power to control these associations in behalf of the interests of privilege.

I now ant to call attention to the fact that privilege is now using these associations in behalf of the railroad interests of the country.

In showing this to be a fact I will submit evidence to prove that the "inner group of the Money Trust," as shown by the congressional Money Trust investigation to consist of the three banking institutions of New York City, namely, J. P. Morgan & Co., First National Bank, and the National City Bank (J. P. Morgan & Co. are "the recognized leaders" and interlock in stock ownership and the directorate of both the other banks; in the three banks, combined, was the combined influence of the Morgan, Rockefeller, George F. Baker, and James J. Hill interests), have organized through various instrumentalities, mainly by officers and directors of affiliated banking institutions, this system of commercial associations, and that as this "inner group of the Money Trust" controls or dominates the control of all the railroad systems of the country, they are using this system of commercial associations,

centered in, the Chamber of Commerce of the United States, in behalf of the railroads.

The evidence I herewith submit will be to show—
First. That the banks in Wall Street, comprising the "inner group of the Money Trust," as shown by the Money Trust investigation, organized these associations.

Second. That this "inner group of the Money Trust" controls the railroads of the Northwest.

Third. That the Minneapolis Civic and Commerce Association is using its influence locally in behalf of the railroad.

Fourth. That the Chamber of Commerce of the United States, Washington, D. C., is using its influence, in the controversy between the railroads and the four railroad protherhoods, in behalf of the railroads. Fifth. That the referendum of the Chamber of Commerce of the United States in relation to this controversy is blased and not entitled to confidence or respect.

Sixth. That the results of the referenda taken in many cases by the Chamber of Commerce of the United States would indicate that as a rule these referenda are in behalf of privilege.

Seventh. That Congress should not grant a charter of incorporation to the Chamber of Commerce of the United States of America.

Eighth. That a thorough congressional investigation should be made of the influences back of and the real purpose of the Chamber of Commerce of the United States of America.

#### ASSERTION NO. 1.

That the banks in Wall Street, comprising the "inner group of the Money Trust," as shown by the Money Trust investigation, organized these associations.

The local associations in Minneapelis and St. Paul came into existence in the latter part of 1911, and the national association came into existence in April, 1912.

The Money Trust investigation by Congress took place during the year 1912 and the latter part of 1913, immediately after the period of organizing the said associations.

For my present purpose I will not enter into the findings of the Money Trust investigation, except to trace the interrelations of this inner group of banks with certain banks and trust companies in Chicago, St. Paul, and Minneapolis and to show to some extent, by quotations, the power of control this inner group of banks has over financial, commercial, industrial, and public-service corporations of the whole country.

tions, the power of control this inner group of banks has over financial, commercial, industrial, and public-service corporations of the whole country.

The Money Trust investigation found a "Money Trust" in existence and that—I quote from that report—"the inner group consists of J. P. Morgan & Co., the recognized leaders, and George F. Baker and James Stillman in their individual capacities and in their joint administration and control of the First National, the National City Bank." I again quote: "Further, the members of this group, through stock holdings, voting trusts, interlocking directorates, and other relations, have become in some cases the absolute dominant factor, in others the most important single factor, in the control of the following banks and trust companies in the city of New York: Bankers' Trust Co., Guarantee Trust Co., Astor Trust Co., National Bank of Commerce, Liberty National Bank, Chase National Bank, Farmers' Loan & Trust Co."

The First Security Co. is a stockholding adjunct of the First National Bank, and the National City Co. has the same relation to the National City Bank.

The investigation showed affiliation between the said inner group of banks and the First National Bank, the Continental & Commercial National Bank, and the Illinois Trust & Savings Bank in Chicago.

This same inner group, individually or otherwise, are affiliated by interlocking directorate, stock ownership, or otherwise with the Northwestern National Bank, the First & Security National Bank, and their adjunct trust companies in Minneapolis and with the larger banks and trust companies in St. Paul.

One line of interlocking relations through these institutions is exemplified in the late James J. Hill, the recognized dominant spirit of the Great Northern, Northern Pacific, and Chicago, Burlington & Quincy Railroads.

He was a stockholder and director in the First National Bank and Illinois Trust & Savings Bank, in Chicago; and affiliated as stockholder, director, or otherwise with the Northwestern National Bank a

THE LOCAL COMMERCIAL ASSOCIATIONS WERE ORGANIZED BY MON WHO WERE OFFICERS AND DIRECTORS OF THESE LOCAL BANKING INSTITUTIONS.

#### IN MINNEAPOLIS.

In organizing the Minneapolis Civic and Commerce Association there were 52 incorporators, of whom 26 were officers and directors of the Northwestern National Bank, the First National Bank, and the Security National Bank, and 35 were officers and directors of banks or transportation companies, including Edmund Pennington, president of the "Soo"; George H. Partridge, a director of the same road; C. C. Goodrich, president of the Twin City Rapid Transit Co.; the late W. H. Dunwoody, a large stockholder, and soon after elected director of the Great Northern Railroad; and Erle D. Luce, president of the "Luce Electric Line." COMMITTEE.

The committee sent east "to make a study of the work of similar organizations in other cities" consisted of A. R. Rogers and E. P. Wells, both directors of the Northwestern National Bank.

#### IN ST. PAUL.

In the organization of the St. Paul Association of Commerce there were three incorporators, all of whom were officers and directors of banks and trust companies in St. Paul.

#### COMMITTEE.

Mr. Louis W. Hill, president of the Great Northern Railroad, and son of the late James J. Hill, in a talk to the members of the St. Paul Association of Commerce, is reported as saying:

"When the Association of Commerce was first formed I was greatly interested in it. We visited other cities and patterned our association after their models." (St. Paul Pioneer Press, Jan. 13, 1916.)

You will see, then, that officers and directors of transportation companies and officers and directors of local banks in St. Paul and Minneapolis, interlocked or otherwise affiliated with the banks comprising

the "inner group of the Money Trust," organized these two local associations.

Like associations were being organized at this same period of time in many cities of the country on similar lines and by like methods, and, since this "inner group of the Money Trust" banks have like affiliations in all parts of the country, and since these local associations, by means of delegates, organized the Chamber of Commerce of the United States, it is only reasonable to conclude that the "inner group of the Money Trust" devised the system and organized these associations, local and national.

ASSERTION NO. 2.

ASSERTION NO. 2.

That this "inner group of the Money Trust" controls the railroads of the Northwest.

The Money Trust investigation shows the control by this "inner group" of Wall Street banks of the following railroads of the Northwest, namely, Chicago, Milwaukee & St. Paul Railway, Chicago, Burlington & Quincy Railway, Chicago & Great Western Railway, Chicago & North Western Railway, Chicago, Rock Island & Pacific Railway, Great Northern Railway, Northern Pacific Railway, and Illinois Central Railway.

And further shows "that firm members or directors of this inner group together hold 105 directorships in 32 transportation systems, having a total capitalization of \$11,784,000,000," over half of the total rail capitalization of the country (p. 89).

That "through their power and domination over so many financial institutions, which, as buyers, underwriters, distributers, or investors, constitute the principal first outlets for security issues, the inner group and its allies have drawn to themselves the bulk of the business of marketing the issues of the greater railroad, producing and trading, and public-utility corporations, which, in consequence, have no open market to which to appeal; and from this position of vantage, fortified by the control exerted by them through voting trusts, representation in directorates, stock holdings, fiscal agencies, and other relations, they have been able in turn to direct the deposits and other patronage of such corporations to these same financial institutions, thereby strengthening the instruments through which they work" (p. 183).

"It is impossible that there should be competition with all the facilities for raising money or selling large issues of bonds in the hands of these few bankers and their partners and allies, who together dominate the financial policies of most of the existing systems" (p. 180).

"Mr. Morgan was unable to name an instance in the past 10 years

dominate the financial policies of most of the case of the past 10 years in which there had been any railroad building in competition with any of the existing systems." (P. 160.)

"From what we have learned of existing conditions in finance and of the vast ramifications of this group throughout the country and in foreign countries, we are satisfied that their influence is sufficiently potent to prevent the financing of any enterprise in any part of the country requiring \$10,000,000 or over, of which, for reasons satisfactory to themselves, they do not approve. Therein lies the peril of this money power to our progress, far greater than the combined danger of all existing combinations." (Money-Trust Investigation, p. 160.)

ASSERTION NO. 3.

That the Minneapolis Civic and Commerce Association is using its influence locally in behalf of the railroads.

This association, organized by the local banking interests, centralized in the Wall Street "inner group of the Money Trust," which is the controlling railroad factor in our country, has in its membership several of the railroad companies, officers, and agents and many corporate interests in sympathy with railroad interests, including financial, public utility, commercial, and manufacturing institutions, to the extent that these memberships of the association give to it the larger part of the financial income of the association; or, in brief, they finance the association and consequently control financially as well as officially.

This association, pretending to represent the community, does some things in the community's interest in order to retain local support and the better to obscure the real purpose of the association's existence, namely, to work in behalf of privilege.

As an illustration, I will give only two instances, one an instance of action, the other an instance of nonaction in behalf of the railroads.

UNION STATION.

UNION STATION.

The instance of action is the effort made by this association to provide the building of a union station by the city of Minneapolis as a "municipal union station" for the use of the railroads entering the

The instance of action is the effort made by this association to provide the building of a union station by the city of Minneapolis as a "municipal union station" for the use of the railroads entering the city.

It was by the efforts of this association that "the union-station act" was passed by the State legislature to authorize the city to build such a station.

The "inner circle," or controlling factor of this association (as you may know by the way it was organized and is controlled), consists of men who are opposed to real municipal ownership, yet they have attempted by law to do the following:

First. Provide a union station (a Federal utility, because a terminal of interstate railroads and not a municipal utility) for the use of the railroads and use the city's credit for that purpose.

Second. To raise the money necessary to provide for this union station at an estimated cost of from \$17,000,000 to possibly \$25,000,000, or more, by a direct levy of taxes if necessary.

I quote from the "union-station act": "The council shall have power to raise money by a levy of taxes upon the taxable property of the city or by a loan upon the notes or bonds of the city \* \* \* for the payment of expenses, and for the payment of the awards, and for constructing buildings and improving the property for the purposes of this act.

"All moneys raised by taxation or loan or by the operation of the property or otherwise under this act shall be put into the city treasury under a separate fund, known as the "union-station fund."

An opinion that is held by many interested citizens is that the real purpose of this union-station project is twofold, first, to use the city's credit to provide a passenger terminal for the railroads, and, second, to get the credit of the city involved to such a large extent in this project that it would be unable to finance itself in the establishing or acquiring real municipal utilities, like the street railway (whose franchise will expire in 1923) or other utilities, to serve the citizens of Minneap

DEPRESSION OF THE TRACKS OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY.

The instance of nonaction by this association relates to the efforts for several years made by the city of Minneapolis to compel the Chicago, Milwaukee & St. Paul Railway to depress its main tracks which enter the very heart of the city on grade.

The railroad company agrees to elevate, the city insists on depression, and has carried the case into the courts.

Some few manufacturers interested, members of the Civic and Commerce Association, have joined with the railroad and against the city. It is considered essential to the best interests of the city that these tracks be depressed, and although this effort of the city has continued several years, yet the Civic and Commerce Association has given its support to the railroad by nonaction and has failed to support the city by action. by action.

ASSERTION NO. 4.

That the Chamber of Commerce of the United States, Washington, D. C., is using its influence in the controversy between the railroads and the four railroad brotherhoods, in behalf of the railroads.

#### ASSERTION NO. 5.

That the referendum of the Chamber of Commerce of the United States in relation to this controversy is biased and not entitled to confidence or respect.

The integrity of the Chamber of Commerce of the United States must stand or fall with the integrity of their referendum.

This is the most vital fact that faces this national association.

#### THE REFERENDUM.

This is the most vital fact that faces this national association.

THE Nation's Business is the official publication of the Chamber of Commerce of the United States.

In the issue of August, 1916, Mr. R. G. Rhett, president of the association, is reported as saying:

"Before we submit a referendum to the business and professional men of the Nation, the subject to be voted on is thoroughly investigated by a competent committee, with the assistance of our own experts. It happens naturally that there are two reports—one by a majority of the committee and another by a minority. The subject, therefore, as you can see, is carefully considered from all directions. The facts and arguments are sent to the country in printed form.

"Each chamber of commerce or trade organization, after its own investigation, takes a vote. The result of the vote is forwarded to the national body in Washington.

"It is Mr. Rhett's duty to direct the work of making known the judgment of business men, when obtained, to the President and his Cabinet and to the Senators and Representatives in Congress, whether they are Democrats or Republicans or a commingling of both." (The Nation's Business, August, 1916.)

The board of directors of the Chamber of Commerce of the United States, in their annual report, February, 1916, say:

"The referendum system as applied to the work of the national chamber contains many unjuge features and was frankly experimental. To-day it is recognized both inside and outside of the membership as the strongest feature of the chamber's work, carrying with it great weight and influence."

WHAT MAY WE EXPECT?

#### WHAT MAY WE EXPECT?

WHAT MAY WE EXPECT?

In my former letter I explained how this national association was organized by privilege by means of the constituent local associations, also organized by privilege, and I said in regard to the—

"Referendum: The national questions which are considered by this organization, such as changes in tariff, revision of currency and banking laws, development of ocean transportation, inland waterways, railway, and other means of transportation and communication, are all questions vitally affecting privilege, and when this organization comes to consider any legislation pertaining to any of these questions and takes a referendum vote upon such questions, what can we expect as a result?

"The legislation under consideration will be submitted to either a standing or special committee having in hand that particular department. For example, legislation affecting the merchant marine would be submitted to a standing or special committee on merchant marine. That committee may be made up of a membership interested, or whose interests are closely affiliated with, the merchant marine. This committee is supposed to make a report presenting in an unbiased way both sides of this question, and said report is sent out as a basis for such referendum to the membership of this chamber of commerce. Is it logical to suppose that such a report would be unbiased, and that a referendum made upon that report would be an intelligent vote?"

"COMMITTEE ON THE RALEGOD SITUATION."

The Chamber of Commerce of the United States took up the consideration of the contractory between the scale and that the state of the contractory between the scale and the state of the contractory between the scale and the state of the scale and the state of the contractory between the scale and the state of the contractory between the scale and the state of the contractory between the scale and the state of the contractory between the scale and the state of the contractory between the scale and the state of the contractory between the scale and the s

The Chamber of Commerce of the United States took up the consideration of the controversy between the railroads and the four brotherhoods.

Harry A. Wheeler was made chairman of "committee on railroad situation."

The following press quotations will tell us something of Mr. Wheeler and his activities in connection with the work of this association, etc.: "WASHINGTON, March 19, 1916.

"Washington, March 19, 1916.

"The Chamber of Commerce of the United States has elected Harry A. Wheeler, of Chicago, chairman of a special committee of business men to assist and advise with the new Federal Trade Commission on plans to help business."

The Minneapolis Tribune, June 1, 1916, has the following:

"Harry A. Wheeler, one of the 'godfathers' of the Minneapolis Civic and Commerce Association, will be the speaker at a noon meeting of that organization to-day at the West Hotel. Mr. Wheeler at present is vice president of the Union Trust Co., Chicago. He served two terms as president of the Chicago Association of Commerce and was president of the Chamber of Commerce of the United States. His counsel was sought when the civic and commerce association was in progress of organization, and to-day it represents many of his ideas of what the modern commercial and civic body should be."

# WAS THIS COMMITTEE REPORT UNBIASED?

I submit the following letter, which needs no explanation from me: [Transportation Brotherhoods' Publicity Bureau—Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen—1311 American Trust Bullding.]

CLEVELAND OHIO, August 17, 1916.

Mr. H. L. DAY, Minneapolis, Minn.

DEAR SIR: Replying to your letter of August 16, will say that we are inclosing herewith pamphlet issued by this bureau, as you request.

In regard to the action of the Chamber of Commerce of the United States in the present eight-hour-day controversy. I wish to say that they have a committee entitled "Committee on the Railway Situation," of which Harry A. Wheeler, a banker of Chicago, is chairman. This committee claims to have investigated the merits of this movement and decided that a referendum vote of the organizations, comprising the United States Chamber of Commerce, should be taken. Of course it was a foregone conclusion that the referendum vote would be entirely against the wage earners' interests. This committee reached their conclusions without hearing from the employees' side of the question.

Fortunately, however, the scheme of the United States Chamber of Commerce to delay this movement and refer it to the Interstate Commerce Commission was not successful, as the resolution which was introduced by Senator Newlands, at the behest of the United States Chamber of Commerce, was tabled in the committee.

Thanking you for your interest, we are,
Respectfully,
Respectfully,
Transportation Brotherhoods' Publicity Bureau.
Edward Hooker, Manager.

I call especial attention to that part of this letter which says, "This committee reached their conclusions without hearing from the employees' side of the question."

WAS THE RESULTING REFERENDUM YOTE AN INTELLIGENT YOTE!

WAS THE RESULTING REFERENDUM VOTE AN INTELLIGENT VOTE?

The vote could not be intelligent when based on a biased com-

1. The vote could not be intelligent when based on a biased committee report.

2. At the time of the crisis, when a strike of the brotherhoods was imminent and President Wilson was working to secure an agreement between the parties to the controversy, Mr. E. J. Couper, then president of the Minneapolis Clivic and commerce Association, is reported as saying (I quote from the Daily News, Aug. 24, 1916):

"There is nothing inconsistent in the position of the civic and commerce association favoring arbitration, nor in the indorsement of this position by our commercial men and citizens.

"We do not know the merits of the controversy and are not interested in them."

This was less than four months after this Minneapolis association, of which Mr. Couper was president, had taken a referendum vote on this same controversy between the railroads and brotherhoods, and the said vote was favorable to the railroads.

Yet, R. G. Rhett, president of the Chamber of Commerce of the United States, is reported in the Nation's Business, August, 1916, as saying:

as saying:

"When a question is sent to them it is decided, I am sure, conscientiously and intelligently and in the highest every-day wisdom of the American people."

THE REFERENDUM AS SUBMITTED TO THE MINNEAPOLIS CIVIC AND COM-MERCE ASSOCIATION.

The committee on railroad situation made its report.

This report was submitted for referendum to the affiliated associations by the Chamber of Commerce of the United States.

Mr. Rhett, the president, is reported as saying:

"The facts and arguments are sent to the country in printed form."

(The Nation's Business, August, 1916.)

The Minneapolis Civic and Commerce Association, when taking this referendum, submitted in pamphlet form extracts from the report to its members and a blank ballot for voting.

The leaflet contained the information that "a complete copy of the committee's report, to which members may refer, is on file at the office of the Civic and Commerce Association," and also, "Your vote to be counted must be received in the office of the association on or before May 12."

The nature and form of this leaflet would indicate that the Chamber of Commerce of the United States published it to send to all the constituent members and associations for the referendum.

I have like leaflets relating to a number of their past referenda, and they are all of the same nature—"extracts" from the committee report, with the same requirement to study the full report.

Think of 3,500 members of this association (the membership claimed), mostly busy men, being required to go to the office of the association to study the report of a committee on a question of national importance upon which they are asked to vote!

Will they do it? Since the general membership of the association will want to vote intelligently, if they vote, and since the requirement for intelligent voting is as stated in the leaflet, they will probably not vote at all. You see, then, as a result they are practically disfranchised.

# WHAT IS THE RESULT?

I have not the result of the vote taken by the Minneapolis Civic and Commerce Association on this "railroad situation," but I have the press notice of the result of the vote of this association on "preparedness," which should be a fair criterion by which to judge the average reference. dum result.

I quote from the Daily News, May 22, 1916:

"PREPAREDNESS WINS BY 20-TO-1 VOTE,

"By a vote of 20 to 1, the Minneapolis Civic and Commerce Association to-day went on record for preparedness.

"At the request of the Chamber of Commerce of the United States 10 questions on military and naval matters were submitted to all association men in the United States.

"The first question asked was: 'Do you recommend that for the preservation of the peace and honor of the United States the national-defense forces both on sea and land should be so increased and the industrial resources so coordinated as to make fully available the military, industrial, and financial strength of the Nation?

"Ballots marked 'Yes' totaled 414; only 19 votes opposed it.

"By 386 to 34 the members favored a council of national defense.
"By 409 to 22 they advocated raising the Navy to second place in world power.

"By 409 to 22 they advocated raising the Navy to second place in world power.
"Universal military training carried, 359 to 51.
"The organization of private industries for war instead of Government-owned plants carried, 374 to 42."
You will see the largest vote cast is 433 out of a membership of 3,500, I am sure this vote on "preparedness" did not represent the sentiment of the entire membership of the Minneapolis Civic and Commerce Association, for Minneapolis is one of the cities in which the advocates of preparedness did not attempt to "pull off" a parade when they were making such demonstrations in various cities of the country,

ALWAYS ON BALLEOAD SIDE OF CONTROYERSY.

ALWAYS ON RAILROAD SIDE OF CONTROVERSY.

The Chamber of Commerce of the United States during this controversy has advocated the railroad's side at all time,

First they wanted the issue submitted to the Interstate Commerce Commission. (The railroads urged the same.)

The railroad brotherhoods said—I quote from a pamphlet issued by the brotherhoods, A Square Deal for Train Crews.

"The Interstate Commerce Commission has no authority under the

law.

"These questions have been raised by the railroads, and by the roads through the United States Chamber of Commerce, solely to confuse and perplex the public mind in an endeavor to prevent the American people from securing a clear perspective of the social and economic significance of the establishment of a shorter workday." (A Square Deal

cance of the establishment of a shorter workday." (A Square Deal for Train Crews.)

When the controversy reached the crisis the Chamber of Commerce of the United States was for arbitration—so were the railroads.

The railroad brotherhoods replied, "The principal objection, however, of the employees to arbitrate would be on the ground of the inability to secure impartial arbiters who were sufficiently acquainted with the technicalities of a problem of this kind. In a previous arbitration between the employees and the companies the man who was acting as neutral arbiter was a corporation lawyer, representing large vested interests, owners of railroad securities, and who has appeared in numerous cases as attorney of record for the Standard Oil Co." A square deal for train crews.

PRESIDENT WILSON'S TELEGRAM.

#### PRESIDENT WILSON'S TELEGRAM.

PRESIDENT WILSON'S TELEGRAM.

In a telegram to President George Pope, of the National Association of Manufacturers, President Wilson said:

"Allow me to acknowledge the receipt of your telegram of August 18, and to say in reply that I hold to the principle of arbitration with as clear a conviction and as firm a purpose as anyone, but unfortunately there is no means now in existence by which arbitration can be secured. The existing means have been tried and failed. This situation must never be allowed to arise again, but it has arisen. Somemeans must be found to prevent its recurrence, but no means can be found offhand or in a hurry or in season to meet the present national emergency. What I am proposing does not weaken or discredit the principle of arbitration. It strengthens it rather. It proposes that nothing can be conceded except the eight-hour day, to which the whole economic movement of the time seems to point, and the immediate creation of an agency for determining of all the arbitrable elements in this case in the light, not of prediction or forecasts, but of established and ascertained facts. This is the first stage of the direct road to the discovery of the best permanent basis for arbitration when other means than those now available are supplied."

AN EFFORT TO "STAMPEDE" THE PRESIDENT.

# AN EFFORT TO " STAMPEDE " THE PRESIDENT.

In spite of the fact, the brotherhoods refused to arbitrate, and there was no means to force arbitration, yet the railroads would not make the concession asked by President Wilson and insisted on arbitration. The Chamber of Commerce of the United States, through its official representatives and through the commercial associations affiliated with it, brought pressure to bear to flood the President with telegrams in behalf of arbitration—some of the railroads were pursuing the same taction.

As early as August 3, there was a press report intimating that this would be done.

"WASHINGTON, August 3.

"Washington, August 3.

"The deciaration of Harry A. Wheeler, of Chicago, representing the Chamber of Commerce of the United States of America, has set the situation in a new light. Mr. Wheeler is convinced that the railroads and the employees alike will refuse to give way, and that neither side will concede enough to permit arbitration.

"Unofficially it is stated that if the President refuses to take immediate action a general alarm will be sent throughout the country to the 700 commercial bodies in the chamber's membership and a concerted demand from the great trade interests of the country will result."

Upon the arrival of the railroad presidents in Washington, a preliminary indication of the coming "flood" was manifest, as the following press notice will show:

"Washington, August 21.

" WASHINGTON, August 21

"Arrival of the western railroad presidents, including Louis VI., of the Great Northern, and receipt of hundreds of telegrams from commercial and industrial concerns all over the country were the features of the first day of the second week of the President's intervention between the warring railroads and brotherhoods."

The following press report would indicate that the railroad presidents anticipated the coming "flood":

"WASHINGTON, August 23.

"WASHINGTON, August 23.

"Although some of the 60 or more presidents are showing a disposition to prolong the negotiation in the hope that the sentiment of business men of the country will be shown to be opposed to the idea of an eight-hour day, there was a general feeling last night that a definite answer to President Wilson's demand can not be much longer post-

answer to President Wilson's demand to possible the railroad executives, who are counting upon winning the President to their position in the negotiations, say that the case, after all, is to be decided by public opinion and that this will be found to support arbitration and condemn the eight-hour day.

"They made public last night several telegrams from commercial organizations throughout the country upholding arbitration for the settlement of labor disputes and opposing an eight-hour day such as the employees desire."

By August 24 and 25 the "flood" was high and the "stampede was on," as the following press reports show:

"Washington, August 24.

"WASHINGTON, August 24.

"The Chamber of Commerce of the United States last night made public a letter to President Wilson, signed by R. Goodwyn Rhett, its president, supporting the railroads in their contention for arbitration of disputed questions, including the eight-hour day."

Minneapolis papers made the following reports:

"BUSINESS MEN SEND TELEGRAMS BY SCORE.

"Hundreds of telegrams voicing the sentiments of Minneapolis commercial and industrial leaders in favor of arbitration were sent to President Wilson to-day upon solicitation of President E. J. Couper, of the Civic and Commerce Association.

"The association, taking the lead, sent its message to President Wilson Monday, but no announcement was made until to-day, when it was regarded as likely that President Wilson had time to consider the message."

"Hundreds of telegrams are being sent by Minneapolis and Northwest business men." (Daily News, Aug. 24, 1916.)

"INSIST ON ARBITRATION, NORTHWEST MEN WIRE.

"Hundreds of telegrams urging President Wilson to insist upon arbitration in the threatened Nation-wide railroad strike were sent from Minneapolis, St. Paul, and many other points in the Northwest yesterday. Many similar messages will be sent to-day.

"The telegrams will be sent from every part of the United States by business men and members of the United States Chamber of Commerce," One of the strongest telegrams sent from St. Paul was that of the Association of Commerce. The message was sent upon the recommendation of the executive committee of the Association of Commerce." (Minneapolis Tribune, Aug. 24, 1916.)

"BUSINESS ORGANIZATIONS OF MANY CITIES APPEAL TO WASHINGTON FOR

"BUSINESS ORGANIZATIONS OF MANY CITIES APPEAL TO WASHINGTON FOR SETTLEMENT.

"Northwestern farmers and business men to-day were sending messages to Washington urging arbitration. Minneapolis and St. Paul firms and commercial organizations also were wiring the President."

"The Minneapolis Civic and Commerce Association sent a message on behalf of 3,500 members."

"Messages were sent by many St. Paul firms and by the St. Paul Association of Commerce." (Minneapolis Journal, Aug. 24, 1916.)

"Telegrams signed by groups of farmers were sent yesterday or to-day from Eagle Bend, Minn.; Barnesville, Minn.; Glasston, N. Dak.; New Rockford, N. Dak.; Ada, Minn.; Cando, N. Dak.; Marshall, Minn.; Neche, N. Dak.; Fergus Falls, Minn.; York, N. Dak.; Granville, N. Dak.; Rollette, N. Dak.; and Devils Lake, N. Dak." (Minneapolis Journal, Aug. 24, 1916.)

[By Robert J. Bender, staff correspondent, United Press.]

[By Robert J. Bender, staff correspondent, United Press.]

"WASHINGTON, August 24.

"Washington, August 24.

"The brotherhood men charged to-day that the big lines 'are lobbying the Nation' to make it appear that public sentiment is with capital on the strike situation. Station agents and others are the means, they say, whereby this alleged lobby operates. These men, the employees say, have urged the public to flood President Wilson with messages favoring arbitration."

"Stacks of messages seeming to disclose this activity are in the hands of the brotherhoods. \* \* A sample message from Superior, Wis., said to-day a Great Northern agent was endeavoring to have the public to send Wilson arbitration messages." (Dally News, Aug. 24, 1916.)

"Washington, August 25.

"Washington, August 25.

"The brotherhood men placed before the President the charge that a nation-wide lobby is being conducted to influence sentiment in favor of the railroads. They presented telegrams to show that the Northern Pacific is paying for messages forwarded to Washington.

"The following message, the brotherhoods said, was sent by Supt. J. L. Derorce, of the Northern Pacific, to all agents of his road:

"It is highly important to get trainmen question discussed by farmers, stock raisers, dairymen, and merchantmen. Please get as many of these classes as possible in your town and vicinity to send telegrams, rush, to President Wilson, at Washington, urgently requesting him to settle the controversy by arbitration. Telegrams should show business of sender. These telegrams are to be paid for from station funds and statement sent me for voucher, your credit. I want you to send copies of these telegrams to me by wire as soon as transmitted to the President, using our own wires for this. Might be well to have some of the most prominent signers send messages to their Congressmen and Senators in Washington, in addition to those sent to President Wilson. This is very important, and must be given preference over normal business to-day." (Daily News, Aug. 25, 1916.)

#### ASSERTION NO. 6.

That the results of the referendum taken in many cases by the Chamber of Commerce of the United States would indicate that, as a rule, these referenda are in behalf of privilege.

#### A DEVISED SCHEME OF PRIVILEGE

In my former letter, referring to the Chamber of Commerce of the United States, I asked, "Have they abandoned the lobby?" and said, "Finding their old methods discredited, and believing they have a new method that promises to be more effective, they have abandoned the old."

the old."

The Chamber of Commerce of the United States seeks to influence the President, Congress, Federal commissions, and departments of the Federal Government in matters of national importance, most of which affect privilege.

The "referendum" is their weapon.

I have shown that this organization is a creation of privilege.

I have shown that the committee, upon whose report the referendum is based, can be blased.

I have shown that the vote of a local association was not an intelligent vote.

I will now explain more clearly how the vote of the Minneapolis Civic and Commerce Association can be controlled in the referenda in favor of privilege.

#### PROPERTY RIGHTS VERSUS CITIZEN'S RIGHTS.

PROPERTY RIGHTS VERSUS CITIZEN'S RIGHTS.

Privilege always places property rights above human rights, and they have injected this principle into the control of the Minneapolis Civic and Commerce Association.

The membership includes copartnership and corporation members, and these memberships carry a special privilege, namely:

If they pay annual dues of from \$50 to \$500, they have 3 votes; if from \$500 to \$5,000 or more, they have 5 votes.

This class of members includes several of the railroads entering Minneapolis, I believe, all of the public-service corporations, most of the larger corporations of the city; and the number of representative votes of the banking fraternity in the year 1915 was 104.

There are two resulting facts: First, a large proportion of the membership represents copartnerships and corporations; second, much the larger part of the total annual dues comes from this source.

In my former letter, referring to this association, I said:

"Many individual members are officers or employees of privilege, and many other individual members are in sympathy with privilege.

"Special-privilege members are organized—they know what they want—and the general members are unorganized and unaware of the scheme.

You see, then, this described class of membership, or "inner circle," can be depended on to vote for privilege on the question referred. The large general unorganized membership, because they do not receive the committee report but have to go to the association office to be informed, thus being practically disfranchised, do not vote.

You will remember the highest total vote on preparedness was only 433 out of a total membership of 3,500.

TWO STRIKING CHARACTERISTICS.

There are two characteristics of the results of the referenda taken by the Chamber of Commerce of the United States.

First. The vote is as a rule overwhelmingly for or against the question or proposition submitted.

Second. It is, as a rule, favorable to privilege.

These two facts seem to be recognized by Mr. R. G. Rhett, the

president.

He would seem to endeavor to explain the first by the following quotation: "The Nation's Business, August, 1916, reports him as

quotation: "The Nation's Business, August, 1916, reports him as saying:
"Only subjects national in character are sent to chambers of commerce and trade organizations for debate and decision. Our referenda show that the leading men in all American communities think alike, as a whole, in matters of Nation-wide importance."

And the second he would appear to explain when he says:

"The Nation's Business, August, 1916: They are men of action, experience, observation, and reflection.

"We give them a free means by which to express themselves, away from politics and all other relations to which they are bound by sentiment or long association; consequently they speak clearly and independently."

A MORE REASONABLE EXPLANATION.

A MORE REASONABLE EXPLANATION.

Is not the more reasonable and logical explanation to be found in the following facts: THE REFERENDUM.

First. Submitted by a controlled national organization,
Second. Submitting a controlled committee report for referendum.
Third. To a controlled constituent member organization, having a controlled or partially disfranchised membership.
Fourth. Resulting in a referendum vote favorable to the interests that control—privilege.

We get back to my former statement, namely:
"The integrity of the Chamber of Commerce of the United States must stand or fall with the integrity of their referendum."

"This is the most vital fact that faces the national association."

ASSERTION NO. 7.

ASSERTION NO. 7.

That Congress should not grant a charter of incorporation to the Chamber of Commerce of the United States of America.

The annual report of the board of directors of the Chamber of Commerce of the United States, February, 1916, contains the following:

" CHARTER.

"CHARTER.

"The board has not abandoned the hope of securing from Congress a charter of incorporation appropriate to its national and international functions, and believes that in course of time Congress will recognize its fitness. In view of the delay, however, incident to congressional action the board has felt that as a business matter the growth of the chamber and its handling of large funds compelled incorporation, and a charter had been secured under the laws of the District of Columbia."

The Chamber of Commerce of the United States of America is a national organization that pretends to represent the general business interests of the United States, small and large, in a national way. It has associated with it local commercial associations in the various cities of the country that pretend to represent both local business interests, small and large, and civic interests in each locality.

I have shown in my former letter and in this one that these associations, both national and local, have been organized by privilege and are being operated in behalf of privilege. Their pretense as to representing the general business interests, is a subterfuge of privilege. I believe this conclusion is justified by the analysis of these associations presented in my former letter and this one and the evidence submitted.

If this conclusion is correct, then this Chamber of Commerce of the

If this conclusion is correct, then this Chamber of Commerce of the United States of America, as an instrument of privilege, is not only detrimental to the general business interests of the country but a menace to the welfare of every citizen.

ASSERTION NO. 8

That a thorough congressional investigation should be made of the influence back of and the real purpose of the Chamber of Commerce of the United States and the local organizations allied with it.

WHAT EXTENT ARE THE ROCKEFELLER INTERESTS (ASIDE FROM THE NATIONAL CITY BANK) IMPLICATED IN THIS SCHEME?

[By Associated Press.]

KANSAS CITY, Mo., April 24.

Kansas City, Mo., April 24.

Information contained in letters and telegrams passing between John D. Rockefeller, ir., and the officers of the Colorado Fuel & Iron Co., made public here last night by Frank P. Walsh, chairman of the Federal Industrial Relations Commission, caused Mr. Walsh to announce that the hearing concerning the coal miners' strike in Colorado would be reopened and Mr. Rockefeller recalled to the witness stand.

Referring to correspondence between Mr. Rockefeller and Ivy Lee, his publicity agent, Mr. Walsh said:

"The correspondence further discloses the fact that Mr. Rockefeller had a plan for publishing a string of daily newspapers and financing the official organ of the National Chamber of Commerce."

The "centralized control" of the railroads would appear to use the railroads as their own private utility, as the following news item from the Minneapolis Tribune, February 8, 1916, would indicate:

"SHIPPERS TRACE CAR SHORTAGE HERE TO WAR-ORDER INTERESTS.

"SHIPPERS TRACE CAR SHORTAGE HERE TO WAR-ORDER INTERESTS.

"SHIPPERS TRACE CAR SHORTAGE HERE TO WAR-ORDER INTERESTS.

"Evidence that the car, shortage situation which is crippling the business of the country is a manufactured condition has been uncovered in Minneapoits.

"The new phase of the situation here, prominent shippers say, proves conclusively what has been thought all along—that the railroads are operating at the beck and call of large eastern interests in control of purchasing here for the allies.

"Coupled with the discovery of this abuse of the car-supply power has come also the uncovering of the plan of the same eastern interests to tie up the large business organizations of the country so that the car shortage and congestion troubles can be placed back on the public.

"The most unfortunate part of the deplorable car situation is the power exercised by one New York financial institution, which power is being exerted very largely in the interest of shippers engaged in the filling of war contracts."

When will our business men, manufacturers, and shippers realize the fact that they and their local banks are being used by this "inner group of the money trust" as the cat's-paw to pull the chestnuts out of the fire in behalf of this "inner group," and that an accompanying result is that it is discrediting these same men and institutions in their own community?

J. P. MORGAN & CO.

J. P. MORGAN & CO.

The following extracts are taken from a news article in the New York World of November 18, 1916:

York World of November 18, 1916:

"HUGE COMBINE WILL OPPOSE EIGHT HOURS,

"J. P. Morgan is the man behind the secretly organized national industrial conference board which, with its claim to a membership of 15,000 captains of industry, having \$8,000,000,000 of capitals and 6,000,000 workers on their pay rolls, has begun a vast organized warfare on the eight-hour day for railway trainmen."

"Morgan is the chief owner of the General Electric Co., one of the largest employers of labor in the industry, and it was this corporation which, through one of its officials, Magnus W. Alexander, it was learned yesterday, began early this year the formation of the Industrial Conference.

"Applications were considered."

"AFFILIATIONS WITH GENERAL ELECTRIC CO.

"AFFILIATIONS WITH GENERAL ELECTRIC CO.

"Morgan & Co. was one of the organizers of this company and had two representatives, J. P. Morgan and Charles H. Coster, on its first board of directors. Mr. Morgan and Mr. Steele are now directors. The firm is a stockholder and a depositary of the company and markets its security issues." (Money Trust Investigation.)

Morgan & Co. "They are subject to no investigation; their resources, and liabilities are unknown. They are required to keep no reserves and may invest their depositors' money as they see fit." (Money Trust Investigation.)

THE MONEY TRUST, THE CHAMBER OF COMMERCE OF THE UNITED STATES, AND ALLIED COMMERCIAL ASSOCIATIONS VERSUS THE PEOPLE.

THE MONEY TRUST, THE CHAMBER OF COMMERCE OF THE UNITED STATES, AND ALLIED COMMERCIAL ASSOCIATIONS VERSUS THE PEOPLE.

The Money Trust is the heart of privilege and the center of all the large trusts in this country.

"The acts of this 'inner group' as here described have nevertheless been more destructive of competition than anything accomplished by the trusts, for they strike at the very vitals of potential competition in every industry that is under their protection." (Money Trust Investigation.)

This same investigation shows that they dominate the control of the larger financial, commercial, industrial, and other public utility interests of the whole country.

The political, social, and economic ideals and conceptions of the men and institutions comprising this "inner group" are largely unsound in theory and in practice.

Their power of control over banking institutions in various cities of the country is tending to divert the exercise of the functions of these institutions (which should be directed primarily to building up and strengthening local interests) to the selish purposes of this "inner group" of banks and their allies, and thus destroying the integrity of these local banking institutions.

They have devised this system of commercial associations, and are thereby using the prestige of the general business interests (said business interests, in the main, not knowing the purposes.

The use of these commercial associations in behalf of the railroads is only one filustration of the many ways they are using, and have the power to use, these associations in the interests of privilege.

This is the influence back of the Chamber of Commerce of the United States of America and is using this association in behalf of privilege and against the welfare of every other interest in the land.

Very truly, yours,

Mr. Chairman, we read about patriotism these days. "Paid for patriotism" is treason. Much of the present pretended "patriotism" is false and treasonable, because it does not represent true patriotism, such as everywhere rests in the hearts of the plain citizens of this grand country of ours. True patriotism is backed by good reason and common sense, and would lead to a constantly better and better civilization. No true patriot would fail to give all within his power for his country, but the "paid for patriots" try to stir up excitement for selfish reason, and for the pay they get they are willing to give up the earnings and even the lives and freedom of all except themselves. That kind of "patriotism" we read in the paid-for articles in certain newspapers; we see it in moving pictures costing hundreds of thousands of dollars to get up; we hear it in lectures, sometimes even in the pulpit; we see it on posters; we find it in advertisements and numerous other paid-for ways, too often convincing the innocent and securing their active support. All that which is paid for takes not into account "Long live the Nation," but counts the dollars, and would have the many sacrifice for the privileges of the few. Paid for "patriotism" leads to a constantly more complicated and dangerous civilization. This is a time for reason and common sense. The Nation that maintains it will be most likely to lead the world.

In dealing with these fundamental and practical problems I receive letters from everywhere, even from foreign countries, showing that people are waking up. In a resolution that I have introduced the text is as follows:

### House resolution 524.

Whereas large sums of money collected from the taxpayers have been spent by the Government in investigations following out lines of inquiry claimed to be for the discovery of the cause of the high cost of food and other necessaries of life, and thus far without material

Whereas the President is urging Congress to appropriate \$400,000 to make another investigation of the same subject; and Whereas the price of the necessaries of life have become intolerable, causing bread riots and starvation in this country of almost boundless resources; and.

Whereas the loaning of "bank credits" furnishes the means of holding the goods in storage, thus absolutely destroying the operation of the law of supply and demand which should regulate prices; and.

Whereas it appears by the report of the Comptroller of the Currency that the profits of the banks for the last year is the largest in the history of the Nation: Now, therefore be it

Resolved, That the Comptroller of the Currency immediately furnish to Congress the amounts loaned by the reporting banks at this time on food and other necessities of life held in warehouses, cold-storage plants, elevators, and freight cars in the United States, including loans on warehouse receipts, bills of lading, and commercial paper eligible for rediscount with the Federal Reserve and other banks, upon which loans have been made for the purposes hereinbefore named.

The following letter is typical of the interest as well as the

The following letter is typical of the interest as well as the understanding of those who take the time to examine:

FEDERAL RESERVE ACT VERSUS HIGH COST OF LIVING.

NEW YORK, February 23, 1917.

Hon. CHARLES A. LINDBERGH, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Six: Noticing some remarks by you a short while ago concerning the Federal-reserve act, I take the liberty of writing you.

The fundamental cause of the present high prices is due to the academic finance of leaders of the Democratic Party, both in administration circles and in Congress.

By the enactment of the Federal-reserve law they deliberately abolished the "restrictive" credit theory, and substituted "elastic" credit in place thereof.

The practical result has been to place huge amounts of bank credits to low rates of interest at the disposal of food "speculators," who have thus been enabled to borrow, and with their bank loans buy up and hoard great quantities of the necessities of life.

In the New York Times of this morning, second column, foot of page 3, is an estimate of quantities of food stored in New York and vicinity on February 1, 1917, and similar period 1916:

	1917	1916
Frozen and cured meats, held by 132 firms	165,062,736 44,727 8,733,441 4,467,965	132,000,000 159,523 7,159,848 8,122,057

ment is such) when their new bonds are issued. The right to issue currency based on bonds was taken away because the charge was made that banks speculated in the bonds and issued their notes according to the dictates of speculation in place of the needs of trade. There was very little of this, and it was far better than the gamble in food-stuffs that succeeded it. The charge that the currency supplies were decreased by the banks in order to sell bonds was false, and Congress was buncoed into believing it. Actually there was no decrease.

The proper financial basis for the country was the "restrictive theory," so that when an inflation or period of higher prices commenced the increasing demand for currency would cause higher interest rates and the speculators run up against 8 per cent to 10 per cent money. This would be provided by a currency based dollar to dollar on gold, and an "emergency" currency issuable under a higher rate of interest, such as was deliberately done away with.

Instead the evil genii of inflation has been allowed to escape from the casket, and the administration is frightened at the result. It hopes the Federal Trade Commission in investigating the causes of the high prices will stir up enough dust so the administration may escape.

Trusting the foregoing may be of interest, and assuring you that I am at your service if I may be, I am,

Yours, respectfully,

A. N. JORDAN,

124 Front Street, New York, N. Y.

A. N. JORDAN, 124 Front Street, New York, N. Y.

Mr. Chairman, I do not know who the above party is. I have received thousands of letters of the same character from others and they come from every State. It is plain to see that these writers know what they write about. No one who takes the time to investigate will disagree with me, whether they admit it or not, in the statement that I made when the Federal reserve act was passed, and is a matter of record, to wit, that the Federal reserve act was the greatest special privilege ever granted in the history of the world to a few individuals to exploit the people. It has already cost the people billions of dollars in the increased cost of living, and unless materially amended that act furnishes the seeds of destruction for the Nation, The danger is that the people do not know what the cause of their trouble is. They have been stabbed in the back in the dark, and now the sponsors of that act seek to make the people believe that the war makes all the trouble. We have had no war. To cover up the false acts of the past the betrayers that have forced upon America a false administration of finances now, and over the years that have past, are seeking to get us into war. If war comes, every true American will stand by his flag, the "Star-Spangled Banner," whether the thing that truly causes the war is right or wrong. We, as Americans, must stand together as one mighty Nation, and if war comes we must not quarrel among ourselves, but that does not mean that we shall be fools enough to shut our eyes and remain ignorant of the cause. When the sky clears we want to be possessed of the knowledge that will make us able to remedy the fundamental economic wrongs, whether they are our own wrongs or have been imposed upon us.

# WHAT IS A DEMOCRAT?

Mr. LEWIS. Mr. Chairman, the question is sometimes asked you, "What is a Democrat?" Byron, the poet, said, "Democracy—the devil was the first Democrat," while enthusiastic devotees have declared that the first Democrat was the Carpenter of Nazareth. Now, we Democrats belong somewhere between these extremes. Where is it?

Herbert Spencer declared democracy to be the "ultimate social truth." The truth is, my friends, democracy is difficult to define, because it is not a dogma nor a doctrine susceptible of formal statement. It may be better described as that great movement in history which has had for its object the elevation of the common man. It is not a ritualistic profession, but a cardinal sympathy, a world aspiration whose formulas change from age to age. Its ruling thought, its unvarying purpose is, I say, the elevation of the common man. It seeks the temporal salvation of the plain people as religion seeks our spiritual salvation. And let me say that a Democrat, indeed, may belong to any party, may belong to any age; his cardinal characteristic is a sympathy with the common man, and if he strives to advance the movement, active throughout the ages, for the elevation of the plain man, then he is a Democrat, however he may disguise himself by party phrases.

'THE LEAST GOVERNMENT IS THE BEST GOVERNMENT."

Gentlemen, I say the formulas of democracy change from age to age and are adapted to human circumstances like the maxims of a court of equity. The crying evils of the eighteenth century sprang from private and artificial monopolies. By royal grants and prerogatives certain persons favored by the king were given a monopoly in the manufacture or sale of some of the very necessaries of life. The holders of these monopolies used them necessaries of life. The holders of these monopolies used them to raise the prices on the people, and so incurred the ill will and the challenge of democracy. It fought these great monopolies, and its war cry was the formula, "The least government is the best government." With it democracy overthrew the private monopolies of that age and stripped the kings of Europe of their power to establish private monopolies. For the eighteenth-century democrat the "least government" meant no monopolies, no lettres de cachet. It was an age of the misuse of the functions of government for private ends. But, Mr. Chairman, nineteenth-century democracy had different problems to meet, and it formed its formulas accordingly, and the following is still vital:

EQUAL RIGHTS TO ALL-SPECIAL PRIVILEGES TO NONE.

Mr. Chairman, in the courts of democracy "equal rights" mean something more than rights which exist only on paper, rights which the masses have not the facilities to enjoy. mean realized rights; and democracy knows they must be realized before they can be justly called "equal." But the program "equal rights to all"—how is it to be realized? My answer is that its realization calls for the constructive element in democracy. This movement in history for the elevation of the common man designs not merely to prevent unjust attacks upon him or what he has, but through constructive measures to enable him to enjoy, along with the superman, the common ad-vantages and agencies of civilization.

#### "CONSTRUCTIVE DEMOCRACY."

Your superman can happily take care of himself; but where human selfishness is involved, unfortunately, he can not always be trusted to take care of others outside the circle of his blood or friendship. It is democracy's mission to protect the rights of the common man. How? Well, on the negative side by abolishing special privileges; on the constructive side by providing the common man with the opportunities necessary to realize his rights. Let us see what this means in practice. The common man can not build roads for himself like the lord of the manor. Well, sir, democracy takes possession of all the roads and builds a road to every man's house, over which travel your superman and your common man upon conditions of equal opportunity, and so of equal rights. Again, the priceless advantage of education, giving access to the knowledge of the world. For this the equal right was granted and then denied by the want of educational opportunity for the masses. Democracy provided the opportunity.

In the name of society it established the common school, where all the children of men may have their vision opened to the science of our time. And, again, man has need to communicate with his fellows beyond the reach of look or voice. The fortunate man could afford his own courier—which the common man could not—or pay the price exacted by private persons for such service. Democracy again supplied the oppor-It establishes a Postal Service actually reaching to the ends of the earth, over which the communication of the common man moves with the same celerity as his more fortunate brother's and at rates which all can pay. Democracy esteems and applauds the superman, but it loves the plain people; yet while it is striving to elevate them to the great dignity of their species it does nothing to pull down the genius or the man of achievement. The common road has not hindered his travel; it has smoothed and extended it. mon school has not lessened his horizon; it has brightened it. And the postal courier has not obstructed his messenger, but has multiplied his feet a million times.

# "AGENCIES OF CIVILIZATION."

Gentlemen, what is the lesson we learn from history of the mission of democracy? It is that the grant of equal rights to the citizen imposes the duty of providing, when reasonably practicable, for the actual enjoyment of such rights; otherwise they are merely lawyers' quibbles, nothing more. Democracy is wedded to no ism when the question of method is to be solved. It is not a one-fingered philosophy, not a one-geared machine. It adopts such methods, to achieve its great purpose, as reason and experience approve. And, gentlemen, this means the condemnation of agencies which may be found insufficient for its purpose. Democracy pronounced this sentence on the private road, it pronounced it on the private school, and on the private carrier of the written communication. They were weighed by democracy and found wanting in capacity to sufficiently serve the human family. And democracy has recently pronounced the same sentence on the private express carrier. And in all the great countries of the world, our own alone excepted, it has pronounced this sentence on private monopoly in the field of electrical communication. Now, sir, of all these great agencies of democracy—the common road, the common school, and the post office—only the postal agency has been neglected by the Government. It was a half century tardy on the parcel post, and still has taken no effective action to pos-

System to be finally accorded its full rights, its complete functions; and may it be allowed to use all the fingers of the postal hand, like other postal systems?

#### SCENE I.

Mr. Chairman, I take you to an average town on the Continent of Europe and introduce you to the postmaster. You go into his office. It is the express office, the telegraph office, the telephone office, all in one. He shows you his wire system. It converges to one line of poles in the street, carrying the telegraph-telephone The toll telephone wire is also the telegraph wire, and he uses it for both purposes at the same moment. The European postmaster uses all the five fingers of the postal hand, the express package up to 110 pounds, the savings bank, the letter, the telegraphic and the telephonic agencies of communication. Unity, efficiency, economy, and an annual surplus of \$124,000,000 is the result.

The above picture is true of Germany, of all leading countries, Austria, Belgium, Denmark, France, Great Britain, Hungary, Italy, Japan, Norway, Netherlands, Russia, Sweden, Switzerland, and New Zealand; and in 1910 the gross profits from their postal—that is, their mail, express, telegraph, and telephone activities—amounted to \$124,335,217, or 20 per cent of their gross receipts. (1.)

#### SCENE II.

And now, sir, I take you to my own home town and we meet the American postmaster. It would be a misnomer to call him a postmaster in other countries, for his functions have been divided among strangers. Looking from the post-office window he shows you the fragments. You see on one corner the office of Wells-Fargo, on another the Adams, farther down street the American and the National express offices. And even in the field of communication, sacred to the Postal System under the Constitution, what do you see? Well, all still in sight, you see the separate offices of the Western Union and the presumptuously named "Postal" Telegraph companies, all vying with each other and the express companies in a prodigious waste of the postal resources. When Alexander G. Bell found he could talk over a wire the news was cabled to Europe, and the Postal Telegraph engineers soon found they could use the telegraph wires for telephoning and telegraphing at the same moment, and so in Europe you see only one line of poles for both. (Note 1a.) But on the Maryland roads, the glory of the Union, you see three lines of poles-the Western Union, the Postal Telegraph (neither rendering any public telephone service), and the pole lines of the Bell system, a better telegraph structure than either telegraph company's, yet it is rendering no public telegraph service whatever. Three pole lines! yes; even a fourth, for sometimes the pole line of a "competing" telephone company stalks into the phantasmagoria. And in the cities—well, in Washington—the three pole lines do not discontinue; they simply metamorphose into three underground conduits, each independently established and maintained. Waste, waste, a perfect carnival of waste, of overhead, of men, of material, and capital.

Now, some one is paying this egregaious bill of waste. Who? Your constituents and mine, of course. Let us see how the bill is collected. Through their rates, of course. Let us take first the telegraph rates.

Telegraph rates. (2.)

	5	Dist	ance.	
	150	250	700	3,000
	miles.	miles.	miles.	miles.
Europe, average	ξ0.12	\$0,12	\$0.12	1 \$0.24
	.25	.30	.50	1.00

#### <sup>1</sup> Australia and Russia

Before the parcel post we had the highest parcel rates. We still have the highest telegraph rates; they run, as you see, from two to four times as high as with postal systems for the same distance. The effect of these rates is that they choke off about four-fifths of our natural telegraphic correspondence. New Zealand, with our wage and price levels, and with a 12-cent rate, shows nine telegrams per capita, the United States but (1.25) one per capita. And yet with the same letter rates we send talize the electrical communication.

Mr. Chairman, are the American people yet to be allowed to use their Postal System like other peoples? Is our Postal users of the world. (3.) Low rates high utilization, high rates low utilization. Low utilization, high cost per unit of production, high utilization low cost per unit of production. It is only common sense.

Gentlemen, now look at the telephone, the toll or long-distance

rates. They run from three to seven times as high as the postal telephone rates of other countries. (4) Here is a statement of the average rates for nine countries on the Continent of Europe:

			Distance		
	100	300	400	500	700
	miles	miles.	miles.	miles.	miles
Continental rate	\$0, 20	\$0.37	\$0.39	\$0.46	\$0.53
	.60	1.80	2.40	3.00	4,20

That is, for 100 miles we pay three times, for 300 miles five times, for 400 miles six times, and for 700 miles eight times the rate on the Continent of Europe for a three-minute conversation.

Mr. Chairman, I am obliged to make a seemingly sensational statement about these long-distance rates. It costs the American as much to ship his long-distance conversation over the wires, mile for mile, as it costs him to ship a ton of freight over the rails. The railroads get, on the average, 7 mills a mile for moving the ton of freight. The telephone system charges 6 mills a mile for carrying the three-minute conversation. Gentlemen can realize how weighty their conversations sometimes are. They weigh about a ton on the long-distance wires.

SOCIAL RESULTS.

Mr. Chairman, what is the consequence of these abnormal rates? Well, sir, it is to reduce the traffic to a point as abnormally low as they are high. Combining the telegrams and long-distance messages we find that other countries use the wire for such purposes from two to four times as often as we. While Denmark shows 17 such messages per capita and New Zealand 12, we show less than 5. While we rank first in the use of the letter— 101 per capita-we stand but fifth in the combined use of telegrams and long-distance messages—the highest rates and the lowest service rendered among the nations. This is the penalty our Nation pays for permitting a half dozen private monopolies to occupy the postal domain.

Mr. Chairman, the high cost of waste facilities explains our grotesque toll and telegraph rates and consequent nonutilization. But in the field of the local telephone message there is a nonutilization due to grotesquely high rates as well. In Washington, Baltimore, New York, and other American cities the message rates tend to run with the street car fare—going there—and often as much as "coming back." What is the result? Low utilization. The average use of the telephone per annum in other countries is 2,312 local calls, and the rate about 1 cent per call; while the average use of the phone in the United States is about 2,000 local calls. Now look at the following table. The local rates in some of the cities are so high as to lock up the phone against half of its natural use, even when it is fully paid for:

Table showing results of operations of certain telephone exchanges.

City.	Tele- phone rate per 100 local calls.1	Annual calls per phone.1	Ex- pense per 100 calls.2	Profit per 100 calls.3	Invest- ment per phone.	Profit per phone.	Ex- pense per phone. 6
New York, Manhattan <sup>6</sup> Brooklyn <sup>6</sup> Washington <sup>6</sup> Baltimore <sup>6</sup> Philadelphia <sup>7</sup> Pittsburgh <sup>8</sup> Cleveland <sup>6</sup> Indianapolis <sup>7</sup> Spokane <sup>8</sup> Kansas City <sup>7</sup> Rochester <sup>7</sup> Piattsburg Bu ffalo <sup>7</sup> Louisville <sup>7</sup>	\$4.45 4.21 3.53 2.20 1.52 1.48 1.15 1.08 1.05 1.04 .94 .77	962 875 823 993 1,445 1,998 2,000 2,238 2,155 3,366 2,940 2,990 2,710 4,027	\$1.58 1.71 1.51 1.56 1.00 .90 .79 .63 .63 .47 .59 .70 .48	\$2.00 1.44 1.45 1.16 .97 .32 .44 .42 .29 .48 .33 .18 .31 .29	\$109, 00 145, 00 116, 00 132, 00 347, 00 450, 00 127, 09 188, 00 136, 00 173, 00 146, 00 155, 00 180, 00 183, 00	\$22.88 17.80 15.20 11.50 14.38 6.52 9.13 9.40 6.42 16.23 9.92 3.98 8.53 11.96	\$17. 78 21. 17 13. 27 15. 02 14. 86 18. 90 16. 26 14. 16 14. 03 16. 09 17. 73 15. 63 13. 44 12. 07

Not counting toll calls.

2 Toll calls included and rated as equal to 4 local calls.

Not allowing for taxes.

4 Allowing for depreciation, but not for taxes.

Not including taxes or depreciation.

Bell system.

7 Independent.

Mr. Chairman, an inspection of this table shows that the low utilization is due to the high rates. And it shows, too, that the

high rates are not due to high investment or operating cost; although the high rates do spell high operating cost per mes-sage, the unit of service to the public. The message rate here is, indeed, correctly devised for producing the largest net reve-nue; but it does it only at the cost of killing about half the natural traffic. I am referring, of course, to the first four five cities on the list. The call the tells is the unit of service and natural traffic. I am referring, of course, to the first four or five cities on the list. The call, the talk, is the unit of service, and the amount of the service rendered the subscriber is measured by the number of calls per dollar paid. Low rates give high service—that is, per dollar paid, and generally per employee engaged, and per dollar invested in the plant. While otherwise high rates force high expense, high profits per message, with only the lowest yield of product per employee or per dollar of invested capital. In the field of electrical communication the law of increasing returns, of the political economist, operates at its very maximum of efficiency, provided it be granted the stimulus of the postal motive. I shall insert as an appendix the experience of some 79 telephone exchanges, of which the following table gives a summary in part: following table gives a summary in part:

Exchanges.	Operating expenses per phone.	Number of phones per em- ployee.	Operating expenses per em- ployee.
Averaging from 400 to 935 phones:	and the second		THE R
Manual	\$13.75	49.3	\$648, 40
Automatic	10.50	75.2	790.00
Manual	12, 40	56.6	705, 60
Automatic	10. 87	77.5	638. 90
Manual	8.18	73.2	594, 42
Automatic	7.91	87.2	710.00
Averaging from 2,010 to 2,949 phones: Manual	9.54	58.6	577.00
Automatic	8.60	85. 5	778. 80
Averaging from 3,117 to 3,628 phones:	0.00	00.0	110.00
Manual	10, 31	61.0	632,00
Automatic	7.55	86.4	653.00
Averaging from 4,901 to 8,313 phones:	10.01	49.0	658, 00
Manual	16.31 9.07	71.0	631.00
Automatic	9.07	11.0	031.00
Manual	14.73	44.0	700.00
Automatic	10.22	71.4	766.00
Averaging from 34,556 to 451,829 phones:	The second		
Manual	16.12	40.3	633.00
	11.07	65.0	651.00

#### THE WASHINGTON TELEPHONE.

Mr. Chairman, there are from seventy to eighty thousand independent homes in the District of Columbia. Only 20,000 of these have telephones. And yet communication is the most primary requirement of the human being. This was the reason, sir, the Constitution assigned the function of organized communication to the Post Office Department. It alone can have the motive to make that communication so cheap as to be susceptible of common and universal use, a use as wide as the needs of man. There is a road to every man's house; there ought to be a phone, along with the water pipe and the sewer, on the inside. In the United States this communicating ideal can be easily realized through the Postal Department.

While other nations, the older ones, may be slow to realize this ideal, we have twice the social wealth (over \$2,000 per capita), and its current popular distribution is probably the best in the world. Still, three out of four homes are disinherited of this great necessity in communication. Why? Because of prohibitive telephone tariffs, just as with the telegram now, and formerly with the parcel. (Note 2a.)

Mr. Chairman, and still speaking of Washington as our example, a responsible telephone manufacturing and construction company has reported to Judge Moon, chairman of the Post Office Committee of the House, that the Postal System can conduct the telephone plant here at a cost of \$20.51 per phone yearly, which includes also depreciation and interest at 3 per cent on the cost of acquisition. They suggest at first a rate of \$12 a year, 600 calls free, and 2 cents each for additional calls, but that with the development under such a tariff to some 75,000 phones or more the cost will drop to \$19.20, when the rate can be made equal to 1 cent per call.

#### POSTAL TELEPHONE AND TELEGRAPH RATES.

Mr. Chairman, the Postal System so organizes its service, so formulates its rates, that the poorest self-sustaining kuman being can use them whenever he needs to. For the price of a poor cigar it will carry his letter all over the globe, and for 10 cents it will carry a 6-pound parcel 150 miles and deliver it, with a profit of about 2 cents over all expenses. The Postal System has a genius for doing small things cheaply and well. Now, let us see whether it could handle the telephone and telegraph correspondence of the country so cheaply as to place them within the reach of every American citizen. This is a question of financing, not of private financing, but of postal financing, which when applied to really postal subjects, makes the greatest of difference. Now, the electrical communication is as postal in its characteristics as the letter itself.

Mr. Chairman, what would the postal communication by telephone and telegraph cost? Obviously the necessary expenditures for interest, depreciation, material, and wages constitute this cost. According to the census of 1912, including depreciation but excluding interest, and taxes—\$12,411,516—the cost of operating the 7,326,748 telephones, with their 671,686 miles of pole line and 19,020,817 miles single wire, was \$171,279,433. This covered the local and the long-distance lines as well. operators, 96,322, received \$32,474,093, about a dollar a day. About 75 per cent of these, who serve about four years on the average, would be eliminated by the automatic telephone now being generally introduced by postal systems. This would mean a saving of \$24,355,570, and would leave a balance for operating expenses of \$146,923,863. Some 52,000 private branch exchanges would be similarly affected by the automatic. The introduction of the automatic where desirable would cost, it is estimated, \$146,534,960, which, added to the net capitalization of \$942,396,476 given for the telephone system and the \$143,910,631 cost of construction of the telegraphs, would make a total investment of \$1,232,842,067 as of the year 1912. (Note 3a.) If we add interest on this sum at 3 per cent for the Government bonds to the ascertained cost of operation and depreciation, and allow, too, say, 20 per cent advance on the \$71,684,971 of wages to the employees, the following budget of expenses results:

#### STATEMENT OF EXPENDITURES.

Interest on investment	
000,000 messages	28, 000, 000

Total expenditures\_\_\_\_

Thus it appears that throwing the telegraph traffic on the toll telephone lines the total telegraph and telephone operating expenses, including interest and depreciation, would be between 225 and 230 millions per annum.

Now, sir, how should this sum be raised? Three sources are obviously open—the telegraph, the long-distance or toll, and the local telephone charges. In 1912, \$307,418,445 was raised from these sources, of which \$52,337,211 came from the telegraphs. There were 103 million telegrams and 340 million toll talks, together about 4½ such communications per capita. New Zenland shows 11, Germany 7½, and West Australia 7. It is not to be doubted, I think, that their postal telephone and telegraph rates would more than double the traffic here, as parcel-post rates did the parcel traffic.

Communications per capita.							
Country.	Tele- grams per 100 persons.	Interur- ban messages per 100 persons, <sup>1</sup>	Total per 100 persons.	Rank.			
Denmark New Zealand Luxemburg Germany West Australia South Australia Switzerland Queensland United States Sweden Norway New South Wales Victoria Great Britain France Netherlands	97 896 100 94 616 361 135 363 115 69 158 273 230 202 164 109	1,600 261 891 651 73 112 336 100 340 328 223 93 83 80 100 108	1, 697 1, 157 991 745 689 473 471 483 455 397 391 366 313 280 264 217	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15			

<sup>1</sup> Includes interurban messages, but not local calls. PROPOSED TELEPHONE AND TELEGRAPH TARIFFS,

Mr. Chairman, the closest and widest study of the experience

warrants me in proposing in a tentative way the following tariffs for the electrical communication under postal auspices. For telegrams: 10 cents for 10 words up to 300 miles; 15 cents up to 1,000 miles; 20 cents up to 2,000 miles; 25 cents up to 3,000 miles; extra words, one-half cent each up to 1,000 miles and 1 cent each beyond 1,000 miles; signature and address not counted.

For toll: Ordinary rate, 1 cent for each 10 miles of distance, plus 2 cents initial; urgent calls, three times ordinary rate; special night, monthly, and "idle hour" rates.

For local telephone: Two-party line, \$12 per annum, 600 free calls; one-party line, \$24 per annum, 1,200 free calls; all additional calls 1 cent each.

Would these rates produce sufficient revenue? I confidently submit that experience here and abroad justifies that conclusion, Let us see what that experience is. First as to telegrams: An average receipt of 20 cents is predicated for the telegram. The 12-cent rate in Germany produced an average receipt from the domestic telegram of 18 cents; the 10-cent rate in France 13.3 cents; the 10-cent rate in Norway 19 cents; the 12-cent rate in New Zealand 15.7 cents, and the 12, 18, and 24 cent rates of Australia produced 25.9 cents per telegram. With such rates few men would send serious business letters from coast to coast, or beyond the reach of a two-day train. It now costs \$1 from coast to coast, and 7 cents each for extra words. Toll rates: The average Bell toll-rate receipt was approximately 20 cents in 1912, and the A. T. and T. Co.'s average receipt in 1915 from the "long-distance" lines proper was 94 cents. The toll rates, graduated high for peaks and low for idle periods, with night rates, monthly rates, farm-to-kitchen food rates, and urgent rates, designed for the maximum utilization of the wires would more likely result in a billion than half that number of mes-And it is thought that an average receipt of 10 cents per toll talk could be expected as the result of the aggregate of these rates. The local phone: It yielded an average revenue of \$33.25 in 1912, of which about \$7.60 generally (and \$9.21 for the Bell system) was derived from the toll traffic, leaving \$25.65 for the average 1,828 yearly talks on the local exchange. the local tariffs proposed resulted in a utilization of only 1,200 calls (say half-residence and half-business phones), the verage revenue per phone would reach \$21 per annum. If, similarly, the utilization reached 1,800 calls, as now, the average revenue would equal \$27 per telephone. The proposed rate of \$1 per month would carry the phone into every man's home, and a centa-call rate for extra calls would but rarely restrict its use. While in the cities the present minimum tariffs relegate the phone to the homes of the more or less fortunate, the message rates exacted even there lock it up against half its natural use.

Mr. Chairman, with this only too sparing statement of the supportive experience, let us see what the financial results would likely have been under postal handling of the telegraph and telephone communication simultaneously on the same wires,

as postal systems do.

Statement of postal telephone and telegraph revenue.

Credit:	
400,000,000 telegrams, averaging 20 cents	\$80, 000, 000
500,000,000 toll talks, averaging 10 cents	50, 000, 000
7,326,748 telephones, yielding average revenue of \$21 (1,200 calls yearly)	153, 861, 708
Same, yielding \$27 if calls equal 1,800 a year, as	100, 001, 100
now	197, 822, 196
Total receipts (if 1,200 calls per phone)	283, 861, 708
Total receipts (if 1,800 calls per phone)	327, 822, 196

Sir, the one prospect, and that the lowest, gives us a margin of nearly \$60,000,000, with the phone averaging but 1,200 local calls per year, and about \$100,000,000 if the local phone should be used 1,800 times a year as now.

"What? More net revenue, more product per dollar expended from a Government agency than from a private agency?" I hear the critic say. Yes; it is even so—inevitably and inexorably so—in these postal subjects. And the reason is worth detailing at some length.

Mr. Chairman, if I were to say that putting the flag over the

Mr. Chairman, if I were to say that putting the flag over the railroads would permit of doubling the number of passengers and tons of freight without increasing the employees or money expended, I should be making a gross misstatement; but when I make that statement, when I say that postalizing the telephone, telegraph wires will double their service to the public without additional cost, I am making an understatement of the facts. It would do more-substantially more-and in a general way this is explained by the following big operating and financial leaks, broadly referred to as the telegraph-telephone waste:

(a) The three pole-lines maintenance, offices, and so forth, instead of one.

(b) The 6 per cent or 7 per cent required by private invest-

ments, compared with 3 per cent for postal capital.

(c) The commercial expense and accounting burdens of telegraph and telephone companies contrasted with postagestamp methods.

(d) The uneconomical and inefficient manual telephone, replaced elsewhere by the automatic or "girlless" phone—cheaper, quicker, secret, and with an ear that never mistakes the number you give it. (e) Nonutilization, idle plant that is capable of carrying the potential traffic now being killed by high rates, 75 per cent in the telegraphic, 50 per cent in the long distance, and 50 per cent of the local in the large cities, as formerly 50 per cent of the parcel traffic.

In the nonpostal or competitive industries the wasteful or uneconomical agencies are constantly weeded out by failure, but these de facto postal monopolies do not "fail." They simply pass the waste into the price to the public. Our telegraph agencies are reeking with inefficiency, besides. They put the telegraph through some 74 tag and accounting processes (21), 50 of which are eliminated by the postage telegraph stamp. It is costing the express company, for the same reason, much more to handle its parcel than it does the post. (Note 4a.) It is certainly costing both telephone and telegraph companies to handle the communication twice what it would cost the post under postal rates permitting full plant utilization; and it is beyond doubt that any competitive business would "scrap" the costly manual telephone for the automatic, as the postal systems are doing, eliminating one-half the employees and the terrible cost of switchboard obsolescence. The private exploitation of postal functions has never yet failed to spell high rates, high operative cost per unit of service rendered, and with the resulting low patronage, a minimum instead of a maximum service to society. It would be a crime against humanity to wantonly restrict the amount of sunlight, the amount of fresh air, or of pure water within its reach. How near, then, is it to a crime to needlessly deny the common human being that adequate opportunity of communication which is a primary requirement of life and social order? (Note 5a.)

#### DO POSTAL TELEPHONES PAY THEIR WAY?

The American post office does 26 per cent of its work without pay in carrying the Government mails and second-class out pay in carrying the Government malls and second-class matter. Prior to the parcel post this caused recurring deficits, of course. So it would be with the railways if they were obliged to run their passenger trains (about 26 per cent of their traffic) for nothing. These former factitious deficits are made use of by the interests opposed to the American postal system functioning like other postal systems to create doubt as to whether these postal telephone and telegraph systems "pay their way." They do pay their way in nearly all cases, just as private telephone and telegraph companies do. There are exceptions for both private and postal systems. But this just as private telephone and telegraph companies do. There are exceptions for both private and postal systems. But this is not because they are privately or because they are postally conducted. It is because of some mistake or peculiarity of policy belonging to the particular case, which explains it. There is no generic tendency in postal establishments to financial shortcoming; in fact, inspection will show that a smaller percentage of them would disappoint the investor than of any business institutions. Germany, Austria, Hungary, Norway, and others, while paying handsomely, do not segregate the telephone and telegraph expenses from the mail, while the private telephone companies, except in Norway, Denmark, and the Bell system here, do not report their statistics. Comparisons can not be made between private and postal institutions on this account. Senate Document No. 399, Sixty-third Congress, does, however, give the following: does, however, give the following:

#### Telephone finances

and the state of t			
Country.	Cost of construc-	Receipts.	Expenses.
Belgium, state Bulgaria, state Denmark, private Denmark, municipal Italy, state Luxemburg, state Norway, private Notherlands, state Russia, state Switzerland, state Switzerland, state Sweden, state Sweden, state	France. 61, 131, 562 1, 830, 000 43, 587, 261 511, 796 3, 531, 146 6, 330, 700 18, 557, 647 17, 388, 075 55, 168, 468 85, 000, 000	Francs. 11, 558, 048 414, 859 10, 034, 416 48, 544 11, 585, 558 342, 570 1, 780, 786 3, 515, 947 9, 952, 576 12, 107, 641 4, 029, 332 23, 981, 952	Francs. 8, 811, 989 128, 000 4, 529, 560 28, 228 7, 341, 933 175, 541 1, 709, 322 2, 302, 933 5, 948, 189 112, 107, 641 3, 545, 828

<sup>1</sup> Includes interest on capital, and 17 per cent for depreciation and amortization.
<sup>2</sup> Includes telegraphs and telephones, 1912.

# PUBLIC-SERVICE MOTIVE.

Mr. Chairman, it is, of course, not a matter of criticism that our private telephone and telegraph monopolies are lacking in our private telephone and telegraph monopoles are lateral in the great postal faculty—the public-service motive. From pri-vately financed organizations, such a motive is not to be reason-ably asked. And yet there is, as the economists say, "a possible beneficent principle in the form of a monopoly," provided it is

placed under the appropriate rules of financiering. I quote Dr. Adams (20):

Adams (20):

Private financiering: The relations here set forth will present themselves more clearly to our minds if we throw into comparison the rule of public and the rule of private financiering. A private business is managed to secure a profit; and, other things being equal, the higher the price secured for any service rendered, the higher will be the profit. The rule of private financiering therefore is to maintain the price of goods or services at the highest price which has no tendency to curtail profitable business.

Public financiering: The rule of public financiering, on the other hand, conforms to an altogether different principle. It is the purpose of government to render services at the lowest price consistent with efficient service. Price equals cost.

These rules are well illustrated in recent characteristic applications by private and postal functionaries. The Chicago & Milwaukee Telephone Co., doing business between those cities for many years, charged a rate, first, of 10 cents, then of 15 cents, for 10 words, and 1 cent per additional word. After the American Telephone & Telegraph Co. secured control of the company, it raised its rates to 25 cents and 2 cents per word. Under the 15-cent rate in 1909 the service rendered amounted to Under the 15-cent rate in 1909 the service rendered amounted to 103,248 telegrams. In 1912, with the 25-cent rate, the number of telegrams fell to 57,689. The salaries of two operators and two messengers were saved, but the productive cost per telegram went up from about 14 cents in 1909 to 24 cents each in 1912.

What the Bell Co. did in that case was according to the first rules of private financiering. Under postal control, and the public-service motive, the 15-cent rate, while it paid expenses—and it did—would have remained to insure the high social service.

Per contra, now, let me illustrate the action of a postal financier. It was my privilege to demonstrate to Postmaster General Burleson that the parcel rates on the 50 and 150 mile zones were some four times the cost of the service. After the fullest consideration he reduced them from 3 and 4 cents to 1 cent a pound. The traffic, from 1 pound and up in these zones since then has increased by 200 per cent, and from 5 pounds and up by 500 per cent; and yet he is making a good profit at these rates.

#### OBJECTIONS-ECONOMY.

Mr. Chairman, I shall deal with these as presented and in the

"Mr. Van. (president of the Western Union Telegraph Co. and of the Bell System). Government administration is more or less a game of politics and, while with Government operation it may sometimes be possible to have efficiency, it will always be impossible to have economy."

Mr. Lewis. And now read what he says about the excuseless waste of the wire facilities of the country, which I quote in

"Mr. VAIL. The greatest economy and advantage would come from the 'compositing' or simultaneous use of one system of circuits for the two services (that is, the telegraph and toll-telephone service), eliminating entirely one of the wire systems."

\* \* (Two, including the Postal.)

"The two wires which are necessary for one telephone circuit can, by multiplying, be made into four, six, or eight telegraph circuits, and can be used for both telegraph and telephone transmission at the same time.

"If the public insist upon a duplication of plant for each kind of service, then the cost of these plants must be borne by the service and the public must pay the cost. If you hire two carriages to carry two loads that one would carry as well, the

two carriages must be paid for."

Mr. Læwis. You are right, sir, and no postal system maintains two superfluous pole lines, and none charges as much per mile to carry the conversation as our railways charge to carry a ton of freight. But what becomes of your argument about economy? REGULATION.

# "Mr, Vail. Government regulation can effectually curb 'monopoly' and 'selfish exploitation' and make them useful without destroying them by subordinating them to the public for the

public advantage."

Mr. Lewis. But the object is not to curb "monopoly," nor yet to prevent "selfish exploitation." The postal object is not to remedy abuses, but to secure for the American citizen, rich or remedy abuses, but to secure for the American citizen, rich or poor, the fullest communication practicable. What shall it profit the people if the "regulating" commission sits daily in the president's office of the Bell System, the Western Union, the Postal Telegraph Cos. if the three pole lines have still to be maintained and if double postal interest must be paid? Let it be admitted that "regulation," when the citizen makes his fight and wins, may eliminate "abuses," may eliminate obvious excesses, yet how can it eliminate the waste of three pole lines with three securate, extellorures of systemic exprenditures. with three separate catalogues of systemic expenditures-at

least \$40,000,000 for the telegraphs alone, about \$30,000,000 interest savings on Government bonds for the telephones, and the substantial and certain saving from the elimination of nearly all the exchange operators by the use of the automatic? The advocates of regulation ought to give a bill of particulars of the rates which "regulation" would give, as an alternative proposition. Will it give us a \$1 a month phone, will it give us a 10-cent telegram, will it give us a toll rate as low as postal systems? Regulation has its place with quasi public industries, but it is not a substitute for postal institutions, and can not accomplish the universal service of the postal institution.

The post office efficient but not economical? It is both in the highest degree. I know there are men who think private corporations could operate it at less cost-but would they? see how they could pay the employees less and work them longer hours, and they would, doubtless; I do not say this sneeringly—it is natural. But is this all they would do? By no means. They would have higher postage rates for domestic, for foreign service, and plead "the higher wages paid in But the effect, the economic effect? The traffic would be correspondingly reduced, the product per employee be reduced nearly as greatly, and so the operating cost per mail piece would tend to be as great or greater than now. And the rural delivery at 50 millions—would that have been established? Hardly. The 50 millions would have been needed to pay dividends. On what? Well, is there not outstanding 200 millions express-company capitalization? The evolution of the express, the telephone, and telegraph companies tells us what happens with the postal function in private hands. There would have grown up many managements, under conditions of mongrel monopoly and competition, no one of which would complete the letter journey in many cases. Confusing zones, different rates for different parts of the country, intercompany accounting and tagging of the letter, denial of service to unprofitable points would result, just as with the telegraph and express companies which render, can render, no service to the country side. This is what the history of the private de facto postal agencies show. Would they do a 2-cent errand for you to the ice fields of Alaska, to the islands of the far Pacific? By their fruits shall ye know them. A suggestion of private business management in the postal field to obtain economy? It is And this implies no reflection on the principles of private finance. In their true fields they, too, are efficient and economical. But the private financier lacks the universality of action to adopt the most direct and simple methods in the postal field, and the result is a mass of complexity which renders institutional economy impossible.

#### TELEPHONE DEVELOPMENT.

"Mr. VAIL. In the United States there are 9.7 stations (telephones) to each 100 population—more than double that of any other country, nearly six times that of Great Britain, over thirteen times that of France, more than four times that of Switzerland. There are nearly 2,500,000 telephones in rural habitations in the United States-nearly one to every two strictly rural habitations.'

Mr. Lewis. But the same statement is true of the automobile, and the disproportion is probably even greater in favor of the United States, although automobile development is a matter of private finance in all countries. The degree of telephone development, like the extent of automobile ownership, is a question of social wealth. This fact was naïvely demonstrated by Mr. Bethel, president of the New York Telephone Co., when making the same argument, about the Washington situation, presented by Mr. Vail. He stated that among 2,500 families in Washington, paying a monthly house rent of \$20 and less, 250 phones were found; that is 10 per cent; among 15,000 families paying a rent of between \$20 and \$35 there were 3,500 phones, or 23 per cent; and for 17,000 families paying \$35 and above, 14,000 phones, or 82 per cent. That is, under present telephone rates:

ONE HUNDRED FAMILIES, ABLE TO PAY A HOUSE RENT-

Up to \$20, can have 10 phones-10 per cent. Up to \$35, can have 23 phones-23 per cent.

Above \$35, can have 25 phones—25 per cent.

There are 200 phones in the nearest hotel, probably more than in the residences of the nearest 10 blocks—a telephone in each room, at \$6 per annum, with 10 cents for calls, a plethora for wealth; almost complete denial for the average population. And this circumstance directs attention to an important fact: The density figures given by Mr. Vail can not be accepted, for purposes of comparison, at their face value. It is admitted that 39 per cent in Washington and 40 per cent in New York of the telephones are private branch exchanges, just such as these in the hotels-\$6 extension phones of low average use. To throw them into comparison with countries that do not present this hotel and apartment telephone condition is only to sophisticate

the argument from a social-service standpoint. Two hundred phones in a hotel are far from signifying the social service of 200 family phones. That social wealth, and not private organization, determines the density of telephone development is shown by the experience of Manitoba. In 1908 the Province took over the Bell system there; it ther had 14,042 phones. In 1916 this number had increased to 45,040—that is, more than 200 per cent. That 400,000 out of a million telephones in New York State are extension phones, at rentals of \$6 per annum, shows clearly enough that the number of telephones per capita is a question of low initial tariffs, too, as well as of social wealth.

What is desired is to make the telephone facility, like other postal facilities, available to every home, and if a minimum rate of \$1 per month does not accomplish this, other postal methods finally will. It is a task at last only the postal rate maker can

master. (Note 6a.)

#### ADMINISTRATIVE INITIATIVE,

Other objections are that the current extension of the telephone system would have to wait on the committees of Congress for specific appropriations and that the employees of the Bell system for whom pensions await their old age might suffer in the transition. These are provisional objections, and the bill-H. R. 21098—meets them with adequate provisions. For improvements and extensions, bonds to the extent of 10 per cent of the total telephone investment may be issued annually on the recommendation of the board of directors of the Post Office Department, provided in the bill, and the Postmaster General, approved by the President. This, plus the depreciation reserves, would certainly be ample. It gives the most complete initiative as to rates, salaries, extension, improvements, and development to the board of directors and the Postmaster General, without preliminary application to Congress, and their powers over the subject would not be less sufficient for these objects than the present managers. The bill also provides for the retention and extension of the employee's pension system.

#### POSTAL EFFICIENCY.

But, Mr. Chairman, it will be urged, and the conviction is common, that men will not work as earnestly for the public as when supervised by the self-interest of a private employer. Doubtless this is a weakness in some kinds of employment. But there is a fundamental exception to it. It consists particularly of those postal monopolies where the quantity of the work can be measured out in advance and a fixed task be assigned to the employee as a daily duty. Such is the work of the city carrier whose route and deliveries are scheduled. Such, too, are the tasks of the telephone and telegraph operators and messengers, for as the flow of traffic, the number of calls and telegrams be-comes known a fair task for each worker can be adjusted. The effective demand for the product of a postal monopoly is de-termined by the price charged for that product and the plant utilization, and so the cost per unit of production will be high or low accordingly. Let us take a familiar illustration: The work of the American postal employee consists of handling an average of 60,000 mail pieces per annum, the greatest individual

output among postal systems (16).

If the postal rates were to be doubled the traffic would likely fall to one-half. But the 60,000 post offices would still have to be conducted with but a small reduction of employees possible. The average employee might then average no more than 40,000 pieces of mail per annum, as the effect of doubled postal rates. This principle is aptly illustrated again in the telephone field. The service unit in telephony is the call. The average rate per call in Norway is 5 mills; the utilization per phone, 2,322 calls; and the number of calls handled per telephone employee in 1912 was 118,500. The average rate per call of the Bell system in Washington is 4 cents, the calls per phone less than 1,000, and the average number of calls handled per employee was but 44,215 per annum. Among 12 countries permitting comparison, the Bell system ranked but ninth in number of calls per employee, while 5 postal and 3 private systems outranked it (17). In the cities where the rates were twice normal the utilization per phone was less than 1,000 calls per year, while the average for the country is 2,000. But the operating cost per phone was as great in these cities as where the utilization was high. The same principle is exemplified in the telegraph field. The postaltelegraph employee gives a greater product per year than the private American monopoly. In New Zealand the telegraph employee handled 3,980 telegrams per year, the American only 2,933, and yet the American office had a daily supply of 41 telegrams per office maintained on which to work and the New Zealand only 12½ (19). The American telegram cost for handling 48 cents, the highest to be found, and but 27 cents in Australia and 21 cents in Great Britain (18). If the post office copied the red tape of the express companies (22) its parcel rates would be doubled, and if it handled the letter as the telegraph companies do the telegram we would have 8 or 10 cent letter rates

Mr. Chairman, I rest my case upon the truth of the statement that these private functionaries are incapable of adequately discharging the postal function of communication; that their proper motives in financiering spell high rates, low plant utilization, and processes too wasteful to allow of its full discharge. That, in short, they are closing the mouth of communication quite as often as it opens, to the incalculable injury of many millions of our citizens.

#### RELIEF-POSTAL TELEPHONES.

What should we do about it? Well, Mr. Chairman, just what other countries have done. Do what we did with the parcelgive the post office its institutional rights. Sir, last year the parcel post carried about 400,000,000 parcels of a pound and up. Not more than 50,000,000 of these were taken from the express companies, which carried about the same number; that is to say, 350,000,000 parcels-about half the potential trafficby post that would have been "killed" by the prohibitive minima express rates. (Note 7a.) What does this mean? Simply that half the country's parcel traffic for generations has been killed by a private monopoly with methods so uneconomical that it could not make rates low enough to move it. That is what is now wrong with the electrical communication. The homes of the masses are denied this facility, the only postal facility now denied them in the United States. Manifestly the rules of pri-vate finance improperly applied to these postal functions prevent the proper cheapening of the rates of service, and thus restrict the agency to doing not a whole but half a man's work.

What said the great Teacher of Mankind to the steward who brought back the talent safe but without increase? What said He to that other steward who returned his talent multiplied manyfold? Even so, should this function of communication be taken from the private functionary so plainly delinquent and given to the postal department that on the mail piece, and recently with the parcel, gives the maximum of service to the public?

THE POSTAL OBJECT. Mr. Chairman, the opportunity to communicate ought to be made as nearly universal as science and sound business consideration will permit. Mr. Vail, president of the Bell system, has

There is a road to every man's door; there should be a telephone to every man's house.

The parallel is indisputable, but its complementary fact should also be noted. It was society, and not any privately financed monopoly, that built these roads. And only the Postal System can qualify for this universal task.

Now, the postal object is not merely to confer equal privileges in form. It so organizes its service and formulates its rates as to make these rights actually equal in practice; it removes any economic barriers to their use. The poor man can actually pur-chase any form of the Postal Service. Its rates are adapted to

#### A FARM-TO-KITCHEN RATE.

Besides keeping the phone out of the homes of the masses, the high rates prohibit its use for some of the most important purposes. I take time to refer to one, of fundamental importance, a kitchen-to-farm service, by which the consumer might connect with the farm. The farmer could telephone his list of products with the farm. The farmer could telephone his list of products and prices to "Postal Information" and the housewife be directed thus to the farmer actually having, and desiring to sell, the supplies in demand. The mail will not do; a conversation is needed for these retail transactions, and with the telephone available the parcel post would do the rest. Why should not the city consumer be given the use of this obvious public facility to secure the necessaries of life at their first cost, and with their first smell? Need we wonder that the great economic organizations—the American Federation of Labor, the National Grange. the Farmers' Union, the Society of Equity, and the Farmers' Congress—are asking Congress to take this step in the interest of the masses they represent?

## THE POSTAL PROGRAM.

Mr. Chairman, our program is to give the American people their simple postal rights. The existing rates for the electrical communication average-

The telegraph rate from two to four times.

The toll-telephone rates from three to seven times. The local telephone tariffs two to three times.

The tariffs for such services which the postal systems give. If the American post office be but allowed its constitutional right to function in the whole field of communication it can give, as we have seen-

(a) A 10-cent telegram for shorter distances; and (b) A 25-cent telegram for the longer distances.

A toll-telephone rate of a cent per 10 miles, plus a 2-cent initial charge, for ordinary service.

(d) A phone in every home, at a tariff of \$1 per month, with 600 calls free and extras a cent each.

Sir, a nation's system of telephones and telegraph is its nervous organization, discharging the same function of interorganic communication for the body politic, as do the nerves for the body physiological. Alien control is hardly less absurd, hardly less wasteful in one case than the other, and this is the fundamental reason the other nations have postalized all organized communication. It is certain to come here. It is only a question of dates. That all important countries have taken the step does not testify to political accident, but to social, to abiding social, necessity and common sense.

Mr. Chairman, 17 different times have committees of Congress recommended the course now advised. It is a rational, a safe, and practicable program. The experience and examples of all the great postal establishments proclaim it to be soas much so as the parcel post. (Names of 31 countries omit-All these testify that the telegraph and telephone communication belong with the letter to the postal establishment. Is our postal system less worthy than theirs? Are our people less worthy than the subjects of foreign princes? What has our postal system done that it should be disinherited of wellestablished universal rights?

The plain people of the United States have an abiding confidence in the service value of the American post office; and this is not because of patriotism, but of appreciation of what it is not because of patriotism, but of appreciation of what it does for them. It is the one great transportation institution whose single purpose is "servamus"; and this purpose it does accomplish in a truly wonderful way. Taking a postal card half around the planet for a penny. How this strikes the imagination! But does it pay? Perhaps not. But what other institution will render such a service to the beggar, and for a beggar's mite? Where others fall it mounts. Where private initiative and private capital, acting on the instinct of self-preservation, refuse to go, it harnesses the dog and the reindeer, and there it goes, carrying the mother's missive and bringing back the filial succer of the explorer's new-found gold. In individuals the filial succor of the explorer's new-found gold. In individuals this would be but ephemeral heroism, and bring certain failure. But the postal system grows with it and thrives.

All this is, of course, not a mere product of patriotism; but it is the joint product of unification of function and a motive to render the utmost service. Aptly indeed has it been characterized by President Wilson:

Enlarger of the common life. Carrier of news and knowledge. Instrument of trade and industry. Messenger of sympathy and love. Servant of parted friends. Consoler of the lonely. Bond of the scattered family.

# APPENDIX I.

The following numeral notes refer to Hearing on the Postali-The following numeral notes refer to Hearing on the Postalization of the Telephone, January, 1915, before the House Committee on Post Offices, testimony of Hon. David J. Lewis: (1) p. 90; (2) p. 11; (3) p. 12; (4) pp. 15, 16; (5) p. 85; (6) p. 12; (7) p. 25; (8) p. 13; (9) p. 36; (10) p. 38; (11) p. 23.

(Note 1a.) President Vail, of the Western Union and Bell systems, refers to this fact in his report for 1912. He says:

to this fact in his report for 1912. He says:

The two wires which are necessary for one telephone circuit can, by multiplying, be made into four, six, or eight telegraph circuits, and can be used for both telegraph and telephone transmission at the same time.

If the public insist upon a duplication of plant (meaning the Bell toll lines and the Western Union) for each kind of service, then the cost of these plants must be borne by the service, and the public must pay the cost. If you hire two carriages to carry two loads that one would carry as well, the two carriages must be paid for.

He courteously left out the Postal Telegraph system, a rival The total cost of the two telegraph systems in 1912 was \$56,293,469. All of this except the wages of operators and messengers would be saved through the joint use of the toll telephone wires by the postal system, the postage stamp keeping the financial accounts. I place the saving on this account in 1917 at not less than \$50,000,000, enough to pay 3 per cent interest on the cost of purchasing the telegraph and telephone systems.

(Note 2a.) It costs the business man in Washington \$156 for 5,400 calls, about 15 per day. He can get an unlimited service in Berlin and Paris both together for \$120, and the London, Stockholm, and Paris both together for \$120, and the London, Stockholm, and Auckland (New Zealand) unlimited rates combined are but \$141.32. (11) In 1914 the average cost of the local call in Washington was 4½ cents, or \$4.21 per 100. In Buffalo it was four-fifths of a cent, or 79 cents per 100. The Washington rate held down the use of the phone to an average of 823 calls per annum, while in Buffalo the low rate gave a utilization of 2,709 calls. The system of measured-service rates in use in Washington locked up the phone and condemned it to about one-third of its natural use. Indeed, 32,442 subscribers, having limited service, used their phones an average of only 586 calls that year. (Note 3a.)

These are census figures and include only companies reporting annual revenue of \$5,000 or more. That is 1,402,844 phones with 1,228,935 miles of wire, embracing the small companies, and farmers' lines are not included. With these included the total phones would be 8,729,592, and the wire 20,248,326 miles. Since 1912 the increase may be placed at, roughly, 20 per cent in phones.

## (Note 4a.)

## COST OF HANDLING THE POSTAL PARCEL AND EXPRESS PARCEL.

The most expensive postal parcel is the one weighing from 3 pounds and up, average 51. It requires vehicle delivery, which, including carrier's salary, costs now only \$2.70 per 100, having been brought down from \$3.90, the first year's cost. The clerical hire comes to 50 cents, and the railway clerical hire to 50 cents per 100, making the present ascertained cost altogether \$3.70 per 100. The total cost of handling the average mail piece before parcel post was \$1.31 per 100, including railway pay. Adding this as covering the miscellaneous expenses of the parcel, we should have \$5.01 per 100, or 5 cents per parcel, excluding railway pay. The railway pay is at the rate of 1 cent per pound for each 300 miles. The express parcel averages 24 cents for handling and pays a like amount to the railway. The companies give the "pick-up" and "collect" services, not yet granted by post; but, allowing for these, and a somewhat increased expense for a postal parcel as great in weight as the express, the Post Office could handle the express parcel at 12 cents against their 24 cents. About 20 per cent of the present parcel-post revenue profit, which accounts for the disappearance of the postal deficit, while postal wages have been substantially increased. A deficit of \$10,000,000 would unquestionably follow the repeal of the parcel post, saying nothing of at least \$60,000,000 a year saved its patrons as compared with express rates.

#### (Note 5a.)

The truth is that no attempt is made to justify these rates on the grounds of popular efficiency. This is frankly declared by the managers of the Western Union and Bell telephone systems. I quote from the report of the Bell system for 1911:

Instantaneous and immediate transmission of communications is as yet a convenience or luxury, although under modern methods of business and commerce it is an economical alternative to the cheaper mail service in business operations. The use of the telegraph may be a popular convenience, but it is not a necessity and is still confined to the comparatively few, and for that reason should be at the cost of the few that find benefit and profit in that use.

## (Note 6a.)

## THE POSTAL-RATE MAKER.

From the joint revenues of the telegram and toll talk \$130,000,000 revenue is predicated. This would leave about \$100,000,000 to raise from the 7,326,748 local phones, or \$14 each. If the postal-rate maker were sure, very sure, that these phones would be used on the average 1,400 times a year, at a cent a call, the phone could be set in every home and office without requiring any fixed payment. The communicator would pay for his call, by the penny in the slot principle, like he pays for his letters and for his gas as the service is used. But, probable as the fact may be, the rate maker does not know, under these conditions, just what the utilization will be. He knows that 2,000 calls is the average now; that where flat rates only prevail the average rises to 3,000; but that in cities where very high message rates obtain the average falls below 1,000. But how high the utilization, if everybody had a phone, or if the charges were a simple cent a call, he does not actually know, and only experience, for that matter only postal experience, will make sure. It is probable that the experience, when had, will justify that method. If it does the phone in every home would be a self-sustaining program and become a fact at once. The phone would go in with his gas and electricity to be paid for as used, not by depositing actual pennies but, more likely, with postal substitutes canceling themselves as used like postage stamps and thus eliminating all accounting and collection.

But suppose it were found that instead of 1,400 calls an average of 1,000 only resulted? The rate maker would be \$4 per phone short, but he would have found a minimum base rate. The tariff would then be \$4 down per annum plus a cent a call, those calling less than the average be given 2, 3, or 4 party lines, and in the United States these rates would be within the reach of every self-sustaining human being. In this way, in this postal way only, lies the great achievement of universal com-

What would such an ultimate program cost? With a phone to each family, and 5,000,000 business phones, the postal net-work would number about 25,000,000 of phones—there are near 11,000,000 now. The main ganglia having been developed, the toll, long distance, and local exchanges at a cost of \$\_\_\_\_\_, the additional plans should not exceed \$75 each, or about \$1,000,-000,000. But, if such a program were realized, as it will be at length, the Nation would have a nervous system as complete and nearly as wonderful as that of the human body.

## (Note 7a.)

These parcels averaged 4.06 pounds, traveled 400 miles, and paid 14 cents each, saving the patrons not less than \$60,000,000 that year at express rates

The propensity of high rates for killing the potential traffic is here well illustrated. Before the parcel post, in 1912, the express companies carried 318,000,000 parcels, about 3 per capita only, while the number in Switzerland is 10 per capita. Well, in 1915 the companies carried 288,000,000 pieces, and the parcel post carried 400,000,000 pieces, counting only those of a pound and up.

The data below are taken from the reports of the companies to the Interstate Commerce Commission for 1915; Buffalo, Brooklyn, Washington, Baltimore, from reports to local commissions.

Table showing certain financial and operating results for 79 telephone exchanges in the places named, and with reference to the size of the exchange, and whether manual or automatic, [m. (column 1) means manual telephone; a. (column 1) means automatic telephone; a. m. (column 1) means auto-manual telephone; b. (column 1) means Bell system; i. (column 1) means independent system.]

						. (COLUMN	ii 1) mea	us mue	pendene	вувесш.	,							DIE!
1	2	.3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
	Number of phones.	Rate per 100 local calls.	Local calls per phone.	Rate per 100 toll calls.	Toll calls per phone.	Operating expenses per phone.	Exchange revenue per phone.	Toll message revenue per phone.	Investment cost per phone.	Profit per phone.	Number employees.	Number phones per employee.	Number calls per em- ployee, local.	Number calls per employee, toll.	Total number calls per employee.	Operating expense per employee.	Expense per 100 mes- sages.1,3	Profit per 100 mes- sages.1,2
oroup:  Manistique, Mich. (m.) Cherryvale, Kans. (m.) Rockhill, S. C Henderson, Ky. (m.). Frankfort, Ky. (m.). Rhinelander, Wis. (m.). Martinsville, Ind. (a.) Maryville, Mo. (m.).	400 595 612 763 852 889 903 935	\$2.96 1.06 .55 .69 .68 .46 .81	750 2,128 3,046 2,982 2,340 3,322 2,479	\$21.30 16.90 13.95 7.20 6.27 2.30 7.19 7.78	14. 4 30. 7 27. 4 5. 3 28. 2 29. 0 30. 8 23. 4	\$18.47 17.69 18.16 10.85 12.08 8.77 10.50 10.22	\$22.25 18,90 22.68 16.60 20.55 15.86 15.28 20.07	\$3.68 5.18 3.83 .38 1.76 .67 2.21 1.82	\$43.00 \( \text{81.00} \) \( \text{65.00} \) \( 70.00 \) \( \text{81.60} \) \( \text{40.00} \) \( \text{85.00} \) \( 75.00 \)	\$4.46 4.43 5.77 2.98 5.94 4.38 3.18 5.58	9 16 14 15 18 13 12 17	44. 4 37. 2 47. 3 50. 0 47. 3 68. 4 75. 2 55. 0	33, 300 93, 000 155, 000 141, 200 160, 200 250, 000 136, 400	639 1,141 1,200 272 1,333 1,994 2,317 1,287	33, 939 94, 200 155, 272 142, 533 162, 194 252, 317 137, 687	\$\$00.00 657.60 793.60 552.70 571.70 601.40 790.00 561.80		\$0.55 .25 .10 .19 .11 .09
Average: Manual Automatic						13.75 10.50						49.3 75.2				648. 40 790. 00		

<sup>(</sup>Columns 18-19.) The toll message is rated as equal to four local messages in the computations of these columns.

(Column 11.) Allowing for depreciation but not allowing for taxes,

(Columns 7-18.) Expenses do not include depreciation or taxes,

(Does not include toll revenue.

Table showing certain financial and operating results for 79 telephone exchanges in the places named, etc.—Continued.

Tipion, Ind. (m.) 1,600	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Lectropens   Mo. (ms)   1,008   50, 78   256   55.77   20.99   514.44   517.09   51.15   512.00   50.64   518   57.00   50.84   512.00   50.77   52.00   50.		Number of phones.	per 100 calls.	Local calls per phone.	Rate per 100 toll calls.	calls	Operating expenses per phone.	Exchange revenue per phone.		st	Profit per phone.	Number employees.		Number calls per employee, local.			Operating expense per employee.		per 100 sages.
Manual. Automatic.    12.40	Lexington, Mo. (m.) Sumter, S. C. (m.) Tipton, Ind. (m.) Sedalia, Mo. (m.) Pontiae, Ill. (a. i.) St. Marys, Ohio (part a.). Wapakoneta, Ohio (m.) Antigo, Wis. (m.) Battle Creek, Mich. (a.) Portage, Wis. Miami, Fla. Warrensburg, Mo. (m.) Palestine, Tex. (m.) Albia, Iowa (m.) Canton, Ill. (m.) Belvidere, Ill. (m.)	1,034 1,056 1,099 1,101 1,134 1,149 1,160 1,165 1,192 1,218 1,245 1,300 1,438 1,451 1,484	.64 .93 .89 .62 .95 .88 .70 1.09 1.21 1.21 1.21 .95 .69 .75	1,581 1,949 2,692 1,687 1,723 2,800 1,636 1,299 2,435 1,210 3,197 1,800	13.79 5.28 6.33 14.18 6.76 9.20 8.33 8.62 13.30 7.72 6.99	22. 2 34. 0 23. 5 22. 0 26. 4 33. 2 46. 5 10. 8 22. 6 25. 7 9. 7 13. 8 25. 4 38. 7	13. 47 8. 83 13. 57 8. 88 9. 13 8. 20 17. 23 12. 61 8. 62 20. 81 6. 64 15. 98 10. 28 7. 51 13. 15	24. 56 14. 68 17. 39 16. 58 16. 03 15. 18 16. 66 17. 93 15. 71 29. 62 11. 53 22. 22 13. 54 15. 37 18. 03	3. 05 1. 80 1. 48 13. 13 1. 79 3. 05 3. 80 10. 93 3. 01 1. 98 . 68 1. 38 2. 12 12. 16 4. 13	70.00 90.00 202.00 61.00 44.00 73.00 76.00 91.00 68.00 80.00 87.00	9.04 3.65 .75 5.82 7.11 7.19 .23 12.41 4.35 9.56 4.03 3.63 15.02 6.32	26 24 19 16 15 19	39. 8 44. 0 57. 8 68. 9 75. 6 60. 5 35. 1 46. 6 79. 5 39. 3 59. 3 68. 4 68. 5 43. 5	152, 100 69, 589 112, 700 185, 300 127, 500 104, 200 98, 180 76, 240 103, 200 95, 680 71, 770 218, 800 123, 200	882 1,500 1,353 1,519 2,000 2,008 1,636 505 1,800 1,021 587 947 1,742 330	152, 982 71, 080 114, 058 186, 819 129, 500 106, 208 99, 816 76, 745 105, 000 96, 692 72, 348 219, 747 124, 942	534. 60 396. 00 785. 80 610. 90 689. 40 495. 50 605. 60 587. 40 684. 70 817. 60 393. 80 1, 094. 00 703. 80 641. 00 573. 50	.37 .51 .66 .31 .51 .44 .58 .75 .62 .82 .53 .49 .54	\$0. 23 . 21 . 21 . 40 . 39 . 74 . 31 . 34 . 32 . 11
GROUP III.    Lebanon, Ind. (m.)	Manual												56.6 77.5						2001
Lebanon, Ind. (m.). 1,955	GROUP III.			III.									idi	ores				il ce lo	
Manual. Automatic.    Automatic.   Rough ry.   Rough r	Lebanon, Ind. (m.) Rushville, Ind. (a.) Durham, N. C. (m.) Van Wirt, Ohio (a. i.) Red Wing, Minn. (m.)	1,565 1,610 1,695 1,752 1,859	.83 1.146 1.02	3, 186 1, 438 1, 338	15. 40 8. 07 11. 70 9. 36 8. 79	15. 0 13. 5 24. 3 9. 1 19. 0	7. 28 8. 72 9. 96 8. 46 7. 68 7. 10	15. 98 16. 87 26. 36 16. 48 13. 74 18. 06	1. 46 2. 32 1. 09 2. 83 . 85 1. 60	72. 00 73. 00	6. 68 8. 08 8. 64 6. 28 2. 91 10. 48	18 17 25 20 19	86. 9 94. 7 67. 8 87. 6 97. 8 79. 4	216,000 126,000 130,950	1,422 915 2,130 887	216, 915 128, 130 131, 837	644. 40 824. 60 675. 60 741. 50 752. 10 564. 00	.30 .55 .56	.32 .27 .41 .21
GROUP IV.	Average: Manual												73. 2						
Stantson, Va.    Stantson, Va.   2,132   1.14   1,773   7.28   9.8   13.30   14.51   7.2   50.00   6.9   34   63.0   18.50   1,124   692   34.30   33   0.2	The second second	TO A STATE					7.91	2 100	1				01.2			Line in	710.00		
Manual Automatic. 8.60	Jefferson City, Mo. (m.). Staunton, Va. Michigan City, Ind. (m.). Janesville, Wis. (m.) Ottawa, Kans. (m.) Comeaut, Ohio, (a. m.) Dixon, Ill. Decatur, Ill. (a. i.). Delaware, Ohio (m.) Fulton, Ill., et al. Iowa (a. i.). Rochester, Pa. (a.).	2,132 2,143 2,177 2,200 2,248 2,395 2,625 2,677 2,739	1. 14 . 81 . 98 . 50 1. 06	1,684	7. 28 8. 30 14. 90 9. 20	9.8 18.4 7.9 17.2	9.78 13.30 7.80 8.85 8.12 8.43 10.54 8.78 8.82 9.03	16. 92 14. 51 18. 42 16. 64 11. 08 15. 84 17. 87 19. 11 15. 32 15. 42 18. 98	1. 55 .72 1. 53 1. 20 1. 59 3. 05 3. 39 1. 74 1. 53	50. 00 80. 00 82. 00 75. 00 93. 00 96. 00 56. 00	7. 56 . 81 6. 59 7. 89 . 55 4. 50 6. 38 6. 33 5. 24 3. 75	29 28 34 32 58 34 42 34 49	70.3 76.2 63.0 67.8 38.0 65.9 57.0 77.2 54.6	96, 960 143, 500 115, 400 84, 200 96, 000 93, 060	749 1,162 537 653 3,857 7,348	97, 709 144, 662 115, 937 84, 853 99, 857	687. 60 1, 012. 00 343. 30 600. 00 308. 20 558. 00 601. 00 675. 00 482. 10 831. 40 825. 40	1.00 .33 .51 .36 .63	.27 .06 .28 .45 .03 .38
Rochester, Minn. (m.). 3, 117	Manual																		
Manual Automatic 5.00 Manual 6.0	Rochester, Minn. (m.) Kewanee, Ill. (m.) Elyria, Ohio (a.) Kokomo, Ind Jamestown, N. Y	3, 117 3, 176 3, 285 3, 416 3, 597 3, 628	.54 .93 .72		13.40 7.70 9.78	7.6 22.6 26.9	9. 26 7. 55 9. 61 11. 94	12.17 17.03 17.26 19.01	1.01 1.75 2.63 1.13		7. 05 5. 89 3. 20	50 38 61 66	63.5 86.4 56.0 54.5	159, 150 135, 280	******	148, 800 161, 104 136, 790	588.00 651.60 538.10 650.90	.40 .39 .38	0.14 .36 .23
Sioux City, Iowa (m. b.).  Newark, Ohio (a. i.).  5,528  La Crosse, Wis.  5,996  71  2,020  21.00  2.6  7,70  14.37  56  1.18  8.09  16.91  1.18  8.07  84  65.8  173,100  2,229  175,329  659.40  38  20.11  20.20  174,061  866.66  49  184  185  184  195  196.65  197  197  197  197  197  197  197  19	Manual																		
La Crosse, Wis	GROUP VI.			Tank!											7				
Average:	Newark, Ohio (a. i.) La Crosse, Wis Lima, Ohio (a. m.). Staten Island, N. Y. (m. b.).	5,528 5,996 7,130 8,119	.84		8.70	17.1	8.09 7.70 12.76 24.64	16.91 14.37 21.55 29.60	1. 18 . 56 1. 47 20. 70	132.00 170.00	8. 07 4. 08	1 105	65. 8 85. 7 67. 9 42. 0	173, 100 172, 900	2,229 1,161	175, 329 174, 061	503, 00 659, 40 866, 66	.49	.20 .16 1.64
	Average:	8,313		•••••	••••••	•••••		25. 36	.97	143.50	9. 90	110							•••••

 $<sup>^{\</sup>rm j}$  Excluded from group comparisons because partly automatic and partly manual.  $^{\rm s}$  Estimated.

Table showing certain financial and operating results for 79 telephone exchanges in the places named, and with reference to the size of the exchange, and whether manual or automatic.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
	Number of phones.	Rate per 100 local calls.	Local calls per phone.	Rate per 100 toll calls.	Toll calls per phone.	Operating expenses per phone.	Exchange revenue per phone.	Toll message revenue per phone.	Investment cost per phone.	Profit per phone.	Number employees,	Number phones per employee.	Number calls per employee, local.	Number calls per em- ployee, tell.	Total number calls per employce.	Operating expense per employee.	Expense per 100 mes- sages.	Profit per 100 mes-
GROUP 1.								-			Y.							
dt. Home Tel. Co. (m.) Plattsburg, N. Y. (m. b.). Fort Wayne, Ind. (m. i.). Pasadena, Cal. Portland, Oreg. (a. i.). Pittsburgh, Pa. (m.). Indianapolis, Ind. (m.). Rochester, N. Y. (m.). Douisville, Ky. Pokane, Wash. (m. b.).	10,408 10,580 12,298 12,941 13,940 14,478 14,490 15,308 21,128 23,333	.78 .94 .63 1.24 1.52 1.15 1.04 .69 1.08	2, 462 2, 090 3, 100 1, 725 1, 998 2, 238 2, 940 4, 027 2, 155	28.36 25.95 3.43 3.61 16.20 7.93 6.36 10.48	33. 0 40. 0 120. 0 25. 1 23. 7 11. 0 13. 9 13. 7	16, 98 15, 63 8, 99 13, 86 10, 72 18, 90 14, 16 17, 73 12, 07 14, 03	19. 21 19. 74 19. 41 21. 37 25. 95 30. 40 25. 67 30. 65 27. 73 23, 37	9, 29 10, 08 4, 10 , 91 3, 28 3, 84 , 73 , 84 , 88 1, 43	152, 20 154, 95 93, 50 450, 00 188, 00 146, 00 183, 00 136, 00	.73 3.98 4.76 3.77 12.47 6.52 9.40 9.92 11.96 6.42	275 283 191 204 176 474 301 303 520 531	37. 8 37. 4 64. 4 63. 4 71. 4 30. 5 48. 1 50. 5 40. 6 43. 9	93, 180 78, 120 199, 600 109, 150 61, 020 107, 700 148, 500 163, 600 94, 700	1,240 1,489 768 1,595 725 536 563 602	94, 420 79, 609 200, 368 110, 745 107, 700 149, 036 164, 163 95, 302	643.00 584.10 93.50 879.20 766.00 577.20 681.60 895.40 491.70 617.40	.66 .70 .25 .72 .90 .63 .59 .30 .63	.1 .1 .3 .4 .3
Average: Manual Automatic						14. 73 10. 22						44.0 71.4				700. 00 766. 00		
GROUP VIII.  Philadelphia, Pa. (m. i.). Kansas City, Mo. (m.) Irand Rapids, Mich. (a.). Sulfialo (m. and a.) Saltimore, Md. (m. b.) Ancoln, Nebr. (m. and a. i.)	34,556 36,092 38,190 41,911 43,000	2. 20 1. 05 . 79 . 77 3. 53	1,445 3,366 2,677 2,710 993 2,467	12. 42 8. 56 16. 40 29. 80 27. 00	11.3 9.0 26.4 18.0	14. 86 16. 09 11. 07 1 13. 44 15. 02	31, 78 35, 70 21, 29 21, 28 35, 06 19, 04	1.40 .77 4.03 5.47	347. 00 173. 00 105. 00 180. 00 132. 00	14. 38 16. 23 9. 68 8. 53 11. 50 9. 05	814 861 587 995	42. 4 41. 9 65. 0 1 42. 1	61, 310 141, 080 157, 700 114, 200	481 378 1,449 773	61, 791 141, 458 159, 149 114, 973	631. 00 674. 40 651. 80 566. 20	1.00 .47 .40 .48 1.56	1.1
Vashington, D. C. (m. b.) leveland, Ohio (m. b.) bhio cities (m. i.) brooklyn, N. Y. (m. b.) V. Y. Manhattan (m. b.).	51, 361 70, 920 110, 883 152, 678 451, 829	4. 21 1. 48 4. 21 4. 45	823 2,000 875 962	10. 40 10. 91 55. 84 5. 70 7. 36	14. 0 16. 0 9. 0 181. 0 81. 0	13. 27 16, 26 14. 55 21. 17 17. 78	34. 80 29. 66 23. 00 36. 84 42. 86	1. 41 1. 77 5. 26 10. 30 5. 97	116.00 127.00 145.00 109.00	15. 20 9. 13 9. 39 17. 80 22. 88	972 1,815 3,078	52. 0 39. 0 36. 0	43, 473 78, 160	742 635 425	44, 215 78, 795	701. 50 635. 55 521. 00	1.51 .79 1.71 1.58	1.4
Average: Manual Automatic						16. 12 11. 07						40. 3 65. 0				633. 00 651. 00		. 7

<sup>1</sup> Excluded from group comparisons because partly automatic and partly manual.

Mr. QUIN. Mr. Chairman, I have enjoyed this discussion because it has had a wide range, all the way from my Socialist friend, Mr. London, of New York, to the gentleman from Kentucky, Mr. Sherley. The divergent views of all political classes have been placed before this House, but what are we going to do about it? The President of the United States has asked Congress to give \$400,000 to a commission to investigate the high price of food products. Up here in the city of New York and other great cities of this country many poor people are crying for bread. Do you think this commission is going to get bread for anybody? If the commission has taken 18 months to work on gasoline, and gasoline is higher now than it was when it started, what are they going to do about the food problem? Gentlemen, I speak from the viewpoint of the farmer. You can not impose on the farmer by endeavoring to force this embargo nonsense. This is the first time-and I am now 41 years of age and more-that I have ever seen the farmers of America get really what their labor is worth, and we hear men on this floor say that they are getting too much. friend, I wish to say that the farmer is not getting too much for his produce. The President seems not to know what is the matter. Does he not know that the great trusts-the Meat Trust, for instance—control the meat products of this country? Does he not know that four great conspirators not only control the meat products, after they get the meat in their own ware-houses, refrigerators, and in the cars that are sidetracked by the tens of thousands in this country, but that they control that product from the time it leaves the poor producer's hands? Not only that, but the grain conspirators are doing the same The elevators are bursting with wheat and corn, cars are sidetracked all the way from the southern portion of this Republic to Canada, all the way from the Atlantic to the Pacific Ocean, with food products stored therein. In to-day's paper I saw where a woman bought an egg up here in Brooklyn, N. Y., that was seven years old, which bore the date when it was wrapped, with the name of the lady that wrapped it-unmistakable evidence that the cold-storage people are principally responsible.

Mr. KELLEY. That was an outlawed egg, and the statute of limitations ought to run against it.

Mr. QUIN. And these trusts are controlled by the great money power of this country as every Congressman knows. Every State in the United States has a lot of district attorneys. Has not the Federal Government district attorneys appointed by the President himself—more than 200 of them in the United States—and they are sitting down flat and paying no attention on earth to these great conspirators that are robbing the people every day of the year. Why does not the President wake up these officials and make them land those robbers and oppressors of humanity in the penitentiary?

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes; for a question.

Mr. FARR. Was not the legal department aroused two and a half years ago at this question at the outbreak of the war, and was it not urged to take up the question, and did they not study it, but has the gentleman discovered any results?

Mr. QUIN. Why, it is getting now that the women and children are running over one another like beasts of the jungle in the market places in the city of New York and elsewhere, crying for something to eat. Everybody knows there is a scarcity of food in these cities. The man is a blatant fool who does not realize that. We know that there is some cause for the abnormal prices in the cities of this country of food products, and at the same time every honest man who is familiar with conditions knows that the producer, the farmer, is not getting too much for his product. Then, who is to blame for it, and what is your commission going to do? Understand me, I think I will vote for this resolution, but I tell the President of the United States that he may just as well take this \$400,000 of the people's money and throw it into the back of a hot burning old-fashioned fireplace, because the commission, after it spends all of that \$400,000, can not tell him another thing more than I am telling right now. Every sensible man in public or private life, if he is a reading man, knows the facts about these things just as I have stated them.

The CHAIRMAN. The time of the gentleman has expired.
Mr. QUIN. Mr. Chairman, I ask unanimous consent for five
minutes more.

The CHAIRMAN. Is there objection? There was no objection.

Mr. FARR. What is the gentleman's remedy? Mr. QUIN. I introduced a bill here, and part of it has been put into law, known as the bill creating the Bureau of Markets. This Government can not sit here and do nothing. There must be a legitimate and honest distribution of food products, and I mean by food products, the products of the farm.

The farm products of this country cost much labor and money to produce. The producer has been for years producing farm products, as a rule, at a loss. We produced cotton in my country ever since 1875 at a loss up until recently, and still some people made great profits out of cotton. The interests and the speculators were able to do it, but the real farmer who produced the cotton generally died with less than he started with; and now the farmer of the South, especially, is getting a just value for his product. Cotton has been bringing a good price, and hogs a good price, and cattle a good price, but the man in the city never did get this product at any too cheap a price, and for that reason the President of the United States must realize this is no theory, but that legal machinery must be built up to bring the producer and the consumer together, that all of the great expenses of the middlemen's profit, speculations, storage, buying at low prices and holding it for high prices, must be stopped. The bill i introduced is an absolute remedy for it.

Where is it now?

Mr. QUIN. It has been shifted to the pigeonhole, but part of it is in the law which created the Bureau of Markets. But we can not remedy this thing by any mushroom talk, we must have the absolute machinery of the law on the part of the Federal Government itself. They can have all the men they want to talk about investigating and investigate from now till Gabriel blows his horn, but that will not change anything.

Mr. KELLEY. What, in the gentleman's opinion, is the real present difficulty in cities like New York and Philadelphia?

Mr. QUIN. I think that these cars the railroads have sidetracked from one end of the country to the other, with meat—refrigerating cars—with wheat, with corn, with coal and lumber, lying there idle while the people are starving, is the There is plenty of food all over the country, but most of it is held by manipulators and speculators, and, fur-ther, cars are not furnished to haul it to the markets. You have not food enough right here in Washington now to last a week longer, if the newspapers can be believed, and in a few instances I believe some things they say.

Mr. KELLEY. Further, what, in the gentleman's opinion, is

the cause of the congestion of the cars in those localities?

Mr. QUIN. One thing is these concerns do not want that meat put on the market. Another thing is they are afraid they can not get certain freight across the ocean at this time.

Mr. KELLEY. Is not that the real cause?

Mr. QUIN. No; that is not the real cause of it, because of the fact there has been all of this last year a shortage in cars. There was a shortage of cars last April when the truck from the section I have the honor to represent was endeavoring to go north, and the great railroad companies, the big trunk lines, could not supply cars enough to get that truck off, and the Interstate Commerce Commission was good enough to me to have cars ordered there, in order that the perishable fruits and vegetables might be transported to the markets.

Mr. KELLEY. Does not the gentleman think just now temporarily this very order of which he speaks, of the Interstate Commerce Commission ordering empty cars west—they have been going west by the trainload empty—is contributing somewhat to the shortage of cars where they are already short, and

does it not intensify the present situation?

Mr. QUIN. No; because the cars have to bring food back. They have to go to this country and bring food into the great cities.

Mr. KELLEY. They ought to go loaded.

Mr. QUIN. Yes.

Mr. KELLEY. And come back loaded.

Mr. QUIN. The cars generally take one kind of freight and bring back another.

Mr. KELLEY. Now they are going back empty. Mr. QUIN. They can not go from New York City with something to eat. They have got to go to the great producing sections of this country to get the grain, to get the meat, to get the sugar, to get the rice, to get everything that the farmer produces to carry back to those cities. Now, I want to discuss the proposition of an embargo that has been talked about by my friend from New York [Mr. FITZGERALD].

Mr. FESS. Before the gentleman begins on that.

Mr. QUIN. I can not yield. I would love to do so if I had the time, but I can not. I would like to know what the farmers of this country are to expect if by the time they begin to

make a little profit on their labor an embargo by act of Congress is laid on what they produce and it be reduced down to a price lower than it costs to produce it.

That would be the inevitable result if the gentleman from

New York had his way about it.

The gentleman's bill to place an embargo on all the food produced in this country is a monstrous outrage on the farmers. I shall maul his bill on the head every time it pokes out. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.
Mr. KENT. Mr. Chairman, my deepest interest in this investigation concerns a phase of food production in which I have long been personally employed, that which relates to live stock and meat. It can not be fairly demanded that such a search should produce any immediate amelioration of extraordinary conditions, but before any constructive steps can be taken it is necessary that the live-stock business shall be considered as a whole, from the range, the farm, through the stockyards and packing houses, through transportation and distribution, and through retailers as well.

The statement that such necessary economic study properly rests in the hands of the Department of Justice is so absurd as to carry with it its own refutation when once the scope is de-

I take it that prosecutions, based on violations of antitrust laws, are aimed solely to provide possibilities for fair and open competition and free and unclogged distribution, but I can not be made to believe that either the law or the enforcement of the law by any court procedure ever has compelled or can compel people to compete who do not desire to compete and who refuse to compete.

The claim that the Agricultural Department, through its Bureau of Markets, can make such an investigation as is needed is belied by the fact that the Bureau of Markets has no inquisitorial powers and is stopped by a blank wall when it endeavors to investigate the business of those who wish to maintain secrecy in their business, and who, through complicated systems of bookkeeping, possibly through overloaded overhead charges, are enabled to feed the public with cheap sophistry and high-

Speaking as a producer of live stock, both on the range and in the feed yard, I can say that we producers have nothing to conceal, that at the present time we are making no complaint of prices which would be shown to be profitable, but we are entitled and the consuming public is entitled to know the whole story and to have no blank, unexplored regions in the actions of a monopoly, when the whole business should be wide open to the sunlight from beginning to end.

The packers through costly advertising are telling the public of the smallness of their profit per pound of produce; but why should we accept their figures when the whole field of by-products is unknown territory, and the best of men can be deceived and

These minimum profits, which they claim, do not accord with the consistent, steady, and tremendous growth of their development and their monopolization of the foodstuffs of the western

world, as well as the retail markets of Europe.

can deceive themselves by systems of bookkeeping?

Even granted that their profits have been moderate, what assurance have we that their handling of live stock and meats is along the line of proper economies? They buy their live stock in congested markets where it is impossible for sellers to carry their stock from day to day; they buy on a ragged market which they themselves create; they employ their labor by the hour and not by the day in a congested labor market. They are the daily customers of the commission men whose sporadic but paying clients are the live-stock sellers. There can be no possible livelihood for a commission man who has the temerity to oppose the packers' interests. They control the Union Stockyards. They largely control the banks to which live-stock producers must have recourse for credit. They control a large proportion of the retail trade directly and vastly more of it indirectly.

Even though their profits per pound may be low, which their obviously increasing wealth denies, their practical monopoly makes it possible for them to indulge in wasteful practices and

tends continually to discourage production.

Men of self-respect naturally desire some say in the transaction by which their stock is sold, and many a man has been driven out of the live-stock business in wrath by the dictatorial and uncontrolled monopoly exercised by the packers.

The system forces the shipment of live stock from long dis-

tances, whereby it is subject to serious shrinkage and loss of quality. The distant producer, even though it would be profitable to slaughter his stock and waste much of the by-product, rather than suffer shrinkage in weight of the live animal, can find no market for his dressed meat, if, indeed, he could secure refrigerator cars to carry it to market.

On standard corn-fed cattle the margin of profit may be comparatively small, but when we consider the prices paid for stuff that is not standard, for bulls that go to make bologna sausage and broken-down dairy stock that goes into cans, the producers are lucky if they receive due payment for the hides. Furthermore, at times when the best range-fed meat goes to the market, meat that is equal in quality to corn-fed, the packers have shamelessly cut the price for which they purchased the range animals and have marketed them on the same basis as the corn-fed cattle for which they may have paid 3 or 4 cents a pound more.

Mr. KELLEY. Are the packers engaged in the production of

cattle in this country?

Mr. KENT. Not to any appreciable extent. As an example, one of the packing concerns at one time had feed yards adjoining us in Nebraska, but they found after years of experiment that it was much cheaper to buy our cattle below cost than to feed their own, and they abandoned their yards. I believe that Swift & Co. have a ranch in Texas, but outside of that they have learned that they can better squeeze the producer than go into

the business for themselves.

Mr. KELLEY. I understand that they were engaged in the

raising of cattle in South America?

Mr. KENT. I am informed that they are there engaged very largely in production as well as in packing. There is no question of the cheapness of such production, and controlling the markets of the world as they do and having a view of the whole world situation they are obviously wise in seeking the cheapest fields to produce for themselves while taking the change out of those who are producing in this country.

Mr. EAGLE. Does the gentleman, then, propose slaughter-houses on the range?

Mr. KENT. The gentleman proposes a detailed investigation of all the conditions that relate to live-stock production, and doubtless there would in many cases be a large saving by

slaughtering on the range.

One great abuse that afflicts the producer to-day is that from the range and feed yards, whence most of the meat comes, no one can sell it at home, where it can be cheaply carried. The packers will not buy it there. The moment he reaches a central market he is first loaded down by the stockyards companies, owned by the packers, with extortionate charges for feed. The ghrinkage which naturally comes to live stock as a result of ravel and strange surroundings is working against him, so that ne is forced to sell on the day of arrival. This is an unnecessary and burdensome system. The proof that it is unnecessary is found in the markets of California, where, as a result of competition by wholesale butchers as opposed to the packing plants provided by the packers, the live stock is bought on the range and in the feed yards, when it can be carried from day to day with a minimum of expense and no shrinkage. Some years ago in Nebraska, where we have been feeding cattle for 30 years, we were able to sell at home. Prospective purchasers from New York, and even from Chicago, who were interested in the export trade would see our cattle, learn their condition, and then, in confidence of our doing a legitimate business and being punctilious about filling orders, they would deal with us as to the price of certain yards of cattle that were feeding. When they were fit for shipment we so notified the buyers, and then bargained as to price. The transactions were mutually satisfactory, and we had something to say about the prices to be paid. But these buyers eventually went into the Packing Trust, and thereafter we had no possible outlet except in the Union Stockyards of Chicago, Omaha, and Kansas City, where we had to accept what was handed us with as much grace as we could command.

Mr. EAGLE. In other words, you were at the mercy of the

packers'

Mr. KENT. Absolutely. Another point that is well known to those who have had the misfortune to market live stock in these markets is that there are certain days of the week when there are larger supplies than on other days. If, for instance, on a Monday there should appear in the market 5,000 more cattle than the packers estimated would be on hand, and they make all the estimates, largely controlling, as they do, the live-stock papers, they would use this surplus as an excuse for breaking the market. On Tuesday they would put the market up again to encourage large shipments on Wednesday and Thursday, when again the market would be broken down. As a result of this ragged market, which they absolutely controlled, they might purchase 85 per cent of the stock bought in the week at lower prices and purchase 15 per cent at higher prices, while the whole produce of the week's shipments would go out to the retailers

Again, I would state that while the meat producers of the country are urging this investigation, they are not urging it in the hope of higher prices. At the present time they are doing

well; but, whether investigation and subsequent action will increase or decrease their profits, they hope for a time when they may have some assurance of freedom from present monopoly and due encouragement to go into the task of increasing the meat supply of the Nation on any margin that may be moderately

profitable and reasonably secure.

An investigation by a competent commission ought to go to the essence of costs. It ought not to overlook the increased value of land, which value must be paid out of product. It ought not to overlook the conservation of the range, which can only be done by proper control of the range. It ought to consider whether present methods of feeding stock are economical or wasteful; whether the transmutation of 25 pounds of corn into 4 pounds of beef and 1 pound of pork is economically sound, or whether less expensive methods of feeding may be used. must follow through the retailers' costs, including rent, his delivery charges, his waste and loss in cutting, and his losses through deterioration and decay. And here the experience of the commissary department on the Isthmus would be of the greatest value, for on the Isthmus at a time when the best cuts of packers' meats were selling at 38 cents a pound in Washington I saw similar cuts from the same source sold at 20 cents a pound, because there was no rent and no waste and every scrap and bone was used for soup and soap and there was a minimum of delivery cost. For the packer is not alone charged with the responsibility to eliminate waste, but the duty and the need extends clear down the line to the heedless consumer.

Then we have questions of transportation, wherein the commission must work with the Interstate Commerce Commission. All through the investigation, as the President wisely suggested in his letter, there must be complete cooperation, which the Depart-

ment of Agriculture is anxious and willing to furnish.

The last, and comparatively a less important duty, although it is also of great importance, is involved in the questions that may properly come before the Department of Justice.

A brief survey of the situation must compel anyone capable of thinking to realize the need of complete and careful work done in a short time by many investigators and justifies the estimate upon which we are to vote. If we give to the Federal Trade Commission what they ask for, and what seems to be necessary, it will be up to them to report such information as would justify legislation or prosecution. They will be empowered to make suggestions that will be of value to the producers, distributors, and consumers of food products, and can doubtless point out just where the strong hand of the Department of Justice should be placed.

I have confined my remarks to the meat question, because that is one in which I have been particularly interested and concerning which I am best informed, but no one should overlook the fact that the amount requested is intended to cover a vastly greater field of investigation—grains, dairy products, fruits, green vegetables, canned goods, and many other commodities that enter into the food supply.

For which reasons I urge the need and the justification for

the expenditure.

The CHAIRMAN (Mr. Ferris). The time of the gentleman from California has expired. The gentleman from Minnesota [Mr. Smith] is recognized for five minutes.

Mr. SMITH of Minnesota. Mr. Chairman, a food famine is now knocking at the doors of many of the inhabitants of our cities. This is not confined to the improvident and unfortunate but extends alike to the frugal and thrifty. Many hard-working and industrious men and women are finding it more and more difficult to obtain the necessary food for themselves and their starving children.

In Philadelphia and New York food riots are a daily occurence. To meet this situation, the administration asks Congress to appropriate \$400,000 for the purpose of investigating the cause of high prices. Such a suggestion is neither a temporary remedy to meet the present crisis, nor a permanent remedy to prevent its reoccurrence. It will take at least 18 months to complete the investigation. In the meantime, we may starve to death. The hungry are "asking for bread," and we are "giving them a stone."

If there were no facts available upon which to base a conclusion as to the cause of this horrible situation, an investigation would be necessary; however, as I will hereafter clearly demonstrate, there are now in the possession of the Government sufficient facts upon which to determine the cause of exorbitant food prices. Then why this extensive investigation.
Undoubtedly, if it is conducted along the proper lines and the

investigators are given ample time and money, they will be able to ascertain and set forth minutely and in detail all the elements that enter into food cost. We are not so much concerned about details as we are to bring relief to the suffering people.

Carefully prepared statements as to the cause will bring no relief. This is a case that demands immediate action. The relief suggested is manifestly only an excuse for delay. The withholding of relief only prolongs and intensifies the suffering and agony. Is the administration willing to admit that it is unable to suggest a remedy? It must know that the course it intends to pursue will bring no relief. Is it possible that the Government is unable to save its citizens from starvation when the food storehouses of the Nation are filled to their capacity? If so, democracy itself has proven a failure.

Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. KENT. I would like to suggest to the gentleman that this high figure of the appropriation, \$400,000, is absolutely based upon the hypothesis that these people will get through their investigation in eight months. They could string it along for a greater length of time and it would cost less money, but they want to get it in in eight months.

Mr. SMITH of Minnesota. That is the proper way to get at it. Mr. KENT. Mr. Chairman, will the gentleman yield again? Mr. SMITH of Minnesota. Yes.

Mr. SMITH of Minnesota.

Mr. KENT. Is it not worth knowing the facts in this situ-

Mr. SMITH of Minnesota. Certainly it is, but we know suffi-

cient facts already to warrant us adopting a relief measure. Mr. KENT. If you are going to make the investigation in a hurry, it takes a larger appropriation.

Mr. SMITH of Minnesota. Yes; you must appropriate more. You can not do it for \$400,000; \$1,000,000 will be required.

FACTS NOW IN THE POSSESSION OF THE GOVERNMENT.

The total volume of business, industrial and commercial, involved in feeding the 100,000,000 people of the United States runs into tens of billions of dollars annually. As man is a terrestrial animal and human life rests primarily upon food, the production and distribution of food is necessarily the most fundamental and vital industry of a nation.

It is essentially so in the United States, where a rural population of 50,000,000 produces on 900,000,000 farm acres not only

about 97 per cent of the food required for 100,000,000 Americans but has an export surplus of \$500,000,000 to \$1,000,000,000 an-

nually to feed the hungry of other countries.

Furthermore, the "production and dis production and distribution" of food products will continue to be of increasing importance in our industrial progress, both because of our large untilled or partially tilled acreage and the rapid growth of our population. Of our land area of 1,903,000,000 acres, less than half, or about 900,000,000, are owned as farms; and, again, only a trifle more than half of the farm acreage or 480,000,000 acres, are improved, while only a comparatively small percentage of the improved acreage is cultivated by scientific methods up to the maximum of productive yield.

Our population is increasing at the rate of about 15,000,000 in 10 years. During the decade 1900 to 1910 the urban population increased 11,000,000 and the rural population about 5,000,000. In the same 10-year period the improved acreage devoted to food production increased close upon 64,000,000 acres. The fact, however, that the urban population in this decade made double the increase shown by rural population proves the neces sity of a greater agricultural expansion and at the same time explains in part the phenomenal increase in farm values.

During this 10-year period, when our population increased 21 per cent and our improved farm acreage increased 15.4 per cent, the value of farm land increased 118 per cent, of farm buildings 77.8 per cent, of farm implements and machinery 68.7 per cent, of farm animals 60 per cent, while the total value of the farm property of the United States devoted in the main to the industry of food production advanced \$20,000,000,000, or a fraction over 100 per cent. This unprecedented growth in the volume of farm capital may have been in part the result of increasing market values of products, and, at the same time, may have had its effect in a further uplift of food prices.

The growth of farm wealth produced, in the form of staple crops and live-stock products, advanced from \$5,009,000,000 in 1900 to \$9,037,000,000 in 1910, or about 80 per cent. Though the value of farm production did not advance by quite so high a percentage as the value of farm land, this growth of agricultural food values at the same time was nearly four times the rate of population increase. That is to say, while American population from 1900 to 1910 increased 21 per cent, the farm value of the total agricultural product increased 80 per cent. This increase appears to be about equally divided between food quantity and quality, on the one hand, and price uplift on the other hand.

The above increase noted in value of farm products, it must

be borne in mind, however, is simply the increase in farm value

as estimated by the Department of Agriculture. The wholesale and retail market values are entirely a different matter and, as we shall see hereafter, are not only vastly greater, because of added handling charges and dealers' profits, but often show a percentage of gain much greater than that of the average farm price. We shall see, also, that there is not only a marked difference between farm price and market wholesale price, and between wholesale and retail market price, but between domestic and export prices—these margins of difference often working strongly against the interests of both producer and domestic consumer.

AMERICAN FOOD BILL EXCREDS \$25,000,000,000 A YEAR.

The Department of Agriculture estimate of the farm value of crops and animal products on December 1, 1916, was \$13,449,-000,000. Though the production averaged about 16 per cent lighter in crop yield, as compared with 1915, the increase in value was \$2,674,000,000, notwithstanding the fact that 1915 was the previous high-water mark in total value of farm production

Taking the gross value of the census farm production of 1899 as represented by 100, the Department of Agriculture works out the value by years from 1879 to date as follows: For 1879, 46.9; for 1889, 52.2; for 1899, 100; for 1909, 181.4; for 1914, 209.8; for 1915, 228.4; and for 1916, 285.1.

Since 1880 the population of the United States has doubled, while the value of farm production has multiplied sixfold. Since 1900 the population of the United States has increased 41 per cent and value of farm products 285 per cent. From 1910 to 1916, the estimated population increased approximately 10 per cent, while the value of farm products increased about 60 per cent. In other words, the gross value of the annual food product of the United States appears to be increasing at a rate about six times the rate of increase in population.

The \$13,449,000,000 estimated by the Department of Agriculture as the value of the crops and live-stock products of 1916 represents merely the value on the farm. Before the product gets to the consumer there must be added the costs of transportation, handling, interest, and insurance, the profits of warehousemen, wholesalers, manufacturers, and retailers, which are multiplied according to the number of hands through which the products pass, together with perhaps the accumulated Iosses of middle men on goods which are not consumed and the artificial profits due to speculation and combination in restraint of

Approximately one-half of the farm production passes through some form of manufacture. Based on the late returns of the census of manufactures taken in 1914, the total food product turned out by mills and factories approximated in that year \$7,000,000,000. The 1914 manufactured food product was more than \$2,000,000,000 larger than that reported in the census of 1909 and approximately double that of 1904.

Doubtless the mill and factory value of the manufactured food productions of the United States in 1916 exceed \$8,000,-000,000. That part of the farm product used for food purposes represent in 1916 approximately \$12,000,000,000. The total of the farm and factory food values, therefore, approximates \$20,000,000,000. From this total must be deducted the duplication represented in the cost of mill and factory materials received from the farm-about \$4,000,000,000. The bulk of the \$500,000,000 of agricultural imports, as well as the value of fishery and other sea products, are subject to some process of manufacture and may be considered as included in the above manufactured total.

We have a net total, therefore, of about \$16,000,000,000 worth of food productions, valued at farm and factory prices, as the basis of our estimate of the total ultimate outlay for food consumption. To this is to be added the total of costs and profits from the farm and factory through all hands of middle men to the consumer. As showing to what enormous total the food bill of the American people to-day reaches, let us do a little figuring. If on the way from the farm and factory to the home of the ultimate consumer the \$16,000,000,000 worth of farm and factory production increases in value only 50 per cent the total American food bill would reach \$24,000,000,000 annually. If the increase in value plus all charges and profits of dealers, speculators, carriers, and warehousemen aggregate 100 per cent, the homes and transient consumers of the United States would stand a yearly food bill of \$32,000,000,000.

Again, if the average American consumer paid out \$1 a day

for food, the aggregate food bill of the 100,000,000 would reach \$36,000,000,000 per annum. It is apparent that the total is not far from \$30,000,000,000 a year, and that the most conservative estimate would place it at over \$25,000,000,000.

The purpose of the above computation is to lay a foundation for an estimate of the amount of capital and commercial machinery engaged in the business of food distribution and in apparent control of food prices paid by the American people.

Approximately one-half of the net industrial income of 100,-000,000 people in our Republic goes for food. Of 6,000,000 people employed in trade and transportation, a large proportion handle food products. Of 12,000,000 engaged in agriculture, the vast majority handle food products. There are a million or more engaged in some form of manufacture of food productions.

The greatest manufacturing industry in the United States in value of product is the slaughtering and meat-packing in-dustry, which is credited by the census of 1914 at \$1,651,965,000, or more than 50 per cent larger than the product of the iron

and steel works and rolling mills.

The flour and grist-mill product was valued in 1914 at \$877,-680,000, or next after the value of the steel product. bread and bakery industry represents a product valued at \$491.893.000. Butter alone stands for a factory product of \$243,379,000; and the canning and preserving industries turn out a product valued at over \$180,000,000.

The interests which control the packing houses also control

the stockyards and feeding stations of the country, as well as the wholesale and retail meat agencies, including local butchers and retail merchants; and the same interests through operation of special freight lines and refrigerator service likewise largely control the transportation of meat products and much of the dairy and poultry and fruit trade.

The milling interests are largely allied with grain ware house and elevator companies, as well as grain exchanges and boards of trade, and have a large voice both in the price of grain on the farm and the price of flour and bread to the con-

The sugar interests in the same way control in large measure not only the production, but the distribution and price of sugar. In the poultry market we have our egg kings. There are the brewing and distilling, the glucose and starch-making interests, the oleomargarine and linseed oil, the ice and malt companies, and the commission companies which control the distribution of fruit and vegetables.

Then there are the warehousemen, who are organized for the maintenance of warehouse charges; the jobbing associations; the produce and grain exchanges; and the banking and transportation companies, which finance and carry the products

The commercial machinery thus organized makes for efficiency and economy of handling. It has been organized by some of the greatest of the mercantile and financial captains of the age. Its operations are world-wide, and reach not only all domestic but foreign markets. We are now to ascertain the general effect of this consolidation of food-handling machinery upon the price trend and the pocket of the producer and consumer.

## PRICE TREND OF THE PAST 20 YEARS

Granting the temporary effect of European war and partial crop shortage at the last harvest as important factors in the ruling high food prices at the present time, we are confronted with the fact that the uplift in food prices is not a temporary incident, but is part of a general 20-year trend. Last year's short crop and war demand simply mark the apex of the curve of the high-price trend.

The United States Bureau of Labor Statistics (Bulletin No. 181) reports the trend of prices in the United States for the 25-year period, 1890-1914, from which it appears:

The average wholesale market price of 30 farm products rose from the index figure of 52 in 1896 to 100 in 1914—which is a

gain of 92 per cent in 18 years.

The average wholesale price of 87 food commodities rose from an index figure of 66 in 1896 to 104 in 1912-a gain of 57.5 per cent in 16 years.

The average wholesale price of 297 commodities, covering pretty much the entire field of raw and manufactured commodities in general use, rose from 67 in 1896 to 102 in 1912-a gain of 52.2 per cent in 16 years.

This is sufficient to indicate the general trend of wholesale prices during the 20 years prior to the war. The price trend was almost steadily upward during this period, and more strongly in food articles than in general commodities. There is no doubt that part of this rise in prices was normal and just because of the abnormally low price level of prices following the panic and depression of 1893–1896. It is quite apparent, on the other hand, that the price-uplift movement has long since passed the point of normal recovery from panic prices of 1893-1896, and that artificial factors have acted as price-making causes.

FARM PRICES VERSUS MARKET PRICES OF FOOD PRODUCTS.

The Statistical Abstract, issued by the Department of Commerce, gives prices of staple farm crops for a 30-year period-on the one hand, the farm price estimated by the Department of Agriculture, and, on the other, the wholesale market price at leading exchanges-which offer an opportunity for interesting comparison.

For example, the farm price of wheat on December 1 of each year, as estimated by the Department of Agriculture, indicates a rise from 72.6 cents per bushel in 1896 to 92 cents in 1915-a 20-year rise of 19.4 cents. On the other hand, the average annual New York market price rose from 78.1 cents in 1896 to \$1.291 in 1915—a rise of 58 cents in the same period, or nearly three times the gain shown in the farm price.

The farm price of corn rose from 21.5 cents in 1896 to 57.5 cents in 1915, or 36 cents per bushel for the 20-year period, while the New York average annual market price rose from

34 cents to 83.7 cents, a 20-year gain of 49.3 cents.

During the same period the farm price of oats in the United States rose 17.4 cents and the New York market price rose 58.8 cents per bushel.

The New York market uplift of other commodities than crop products is indicated by the following: Lard rose from 4.42 cents per pound in 1897 to 12.52 in 1910.

Beef, extra mess, per barrel, rose from \$7.51 in 1896 to \$19.70 as the 1914 annual New York average.

Pork, mess, per barrel, rose from \$8.85 in 1897 to \$22.76 in

1914.

Coffee (No. 3 New York Exchange standard) rose from 6.75 cents per pound in 1902 to 15.6 cents in 1912.

On the basis of the above comparisons it is apparent that the New York average annual wholesale market price of staple food products not only has more than doubled in many cases but has made gains 50 per cent or more in excess of the gains in farm

Perhaps a better idea of the general price trend after the influence of the 1893-1896 depression had been dissipated may be had by taking the decade 1901-1910. The average farm price of 10 staple crops, selected by the Department of Agriculture, rose from the index figure of 106 in 1901 to 116 in 1910, an increase of 10 points, while the wholesale market price of 30 farm commodities quoted by the Statistical Abstract rose from the index figure of 70 in 1901 to 100 in 1910, an increase of 30 points. All comparisons indicate greater uplift of market prices than of farm prices, a fact which points to the artificial influence of the markets and middle men in price control.

RETAIL PRICE UPLIFT GREATER THAN WHOLESALE.

Just as the wholesale market price of food staples has advanced with greater strides than the farm price, the retail prices of food articles have increased more rapidly than wholesale prices. Data for this comparison would weary the reader and cumber the brief space allowed in the RECORD.

It will suffice for this purpose to take the comparatively recent analysis of the Bureau of Statistics of the United States Labor Department. Taking the prices of the year 1914 as represented by the index figure 100, the Bureau of Statistics reports the average wholesale price of principal food commodities in about 40 cities of the United States rose from 86 in 1907 to 100 in 1914, or 14 points in the seven-year period.

In a similar manner the Labor Department investigation of retail prices of principal food articles in the leading cities rose from 80 in 1907 to 100 in 1914, a gain of 20 points in the period

Average wholesale prices in the United States for principal food articles in leading cities, therefore, rose between 1907 and 1914 approximately 16 per cent, while retail prices rose 25 per cent. As the investigation was general and applied to all principal food articles and leading markets, the conclusion appears to follow inevitably that retail prices show a general trend of gain at a rate substantially greater than the wholesale price trend.

DOMESTIC PRICES HIGHER THAN EXPORT PRICES. Another phase of the modern system of food distribution is the apparent fact that export prices range below domestic Without going into tedious detail on this point, take the export prices quoted by the Department of Commerce for the recent month of January, 1917, and compare them with prices paid by the average American consumer.

Here are a few examples taken from the Monthly Summary of Foreign Commerce, issued by the Bureau of Foreign and Domestic Commerce, giving average export prices at American

ports for the month of January:

Wheat flour, \$8.09; green coffee, 13.9 cents; eggs, 34 cents; canned salmon, 11.2 cents; dried apples, 7.7 cents; prunes, 8.8 cents; raisins,

5.9 cents; glucose and grape sugar, 3.3 cents; fresh beef, 11.7 cents; corn beef, 11.7 cents; bacon, 15.8 cents; ham and shoulders, 17 cents; lard, 16.5 cents; salt pork, 14.4 cents; butter, 35.1 cents; refined sugar, 6 cents; potatoes, \$1.81; apples, \$5.10 per barrel; rice, 4.1 cents per pound.

Comparison with wholesale domestic prices show that the January export prices are substantially under the domestic market; while any housekeeper who keeps track of daily grocery prices knows that the above export prices range all the way from 20 per cent to 40 per cent under domestic retail prices. Doubtless shipment in large contract lots accounts in part for the much lower figures on export than on domestic supply. At the same time, the comparison shows that there is a serious lack in our system of domestic distribution and sale if the American consumer is compelled to pay as a general proposition higher prices for American food products than foreigners abroad pay for the same commodities.

SUMMARY OF THE ABOVE FINDINGS OF FACT.

The foregoing analysis of facts touching the volume and

prices of American food production and distribution leads to the following summary of conclusions:

1. That the farm and factory value of American food prod-ucts has reached the volume of approximately \$16,000,000,000 per annum.

2. That the retail food bill of the 100,000,000 American consumers exceeds \$25,000,000,000 a year and probably approximates \$30,000,000,000.

3. That the wholesale and retail prices, and in many cases the volume of production, are largely influenced by a well-organized commercial system, which includes jobbers, commission firms, exchanges, warehouse companies, transportation agencies, and related industrial and financial institutions.

4. That the general price trend under this commercial system during the past 20 years has been strongly and almost

steadily upward.

5. That, while farm prices of food products have moved upward, wholesale market prices have advanced more rapidly than farm prices.

6. That retail food prices have advanced still more rapidly than wholesale prices; and that domestic food prices range substantially higher than export prices.

From the above findings of fact it is fair to assume:

(a) That the control of markets and prices under our modern system of food distribution, however it may have worked for efficiency in developing and extending trade, bears heavily upon the domestic consumer and absorbs an undue proportion of the savings of the American people.

(b) That the return to the agricultural producer, though steadily increasing during the 20-year period, is proportionately

materially less than to the organized middle men.

(c) That the interests and welfare of the country demand a system of Government regulation and control of distribution of food products that will yield both producer and consumer greater equity, freedom, and exemption from commercial tolls and exactions, and if this can not be had, then the only alter-

native is Government ownership of the means of distribution.

In this brief analysis of the food problem no attempt is practicable in the way of presenting the methods by which the public has suffered through undue and unjust food costs.

ASPECTS OF PRIVATE COMMERCIAL CONTROL OF FOOD SUPPLY.

The public is well informed, however, in regard to many of the current conditions incident to present private control of food distribution and prices. It is scarcely necessary even to outline the situation. The farmer knows that the packinghouse company absolutely controls his market for live stock, as well as the price he receives, and in practical results both transportation and all charges connected with the live-stock business The local butcher and greeer know that absolute conformity with the price schedules fixed by the packing houses is required in order to secure either supplies or credit. The local dairyman knows he can get only the price of milk offered him by the dairy company, though that price be only half the price paid by the consumer. In the Mohawk Valley, within six hours' ride of the great city of New York, the farmer is receiving but 4 cents a quart for his milk, while the consumer in the city of New York is paying 12 cents a quart. The great fruit business is consolidated in a few hands beyond any power of the fruit raiser to make successful protest, and the consumer has no option but to pay fruit prices several times those realized at the orchard. If the grocer rebels at the fixed price schedules when the consumer has no option but the process of the fixed price schedules. imposed upon him by the organized sugar, coffee, flour, milk, fruit, meat, and general grocery jobbing associations or industrial trusts, he can get neither credit nor supplies and must retire from business.

The large associations and industrials exercise control not only through superior commercial organizations, but through

strong and effective cooperation both of railways, water carriers, market centers, exchanges, and financial institutions. Railways find it greater economy to handle freight in large lots through well organized and centralized associations or industrial corporations, than to gather it up in small lots from small shippers. Banks will handle the commercial paper of strong dividend-earning commercial and industrial companies, thoroughly established with powers to control large and profitable business, at much lower interest rates than they can afford to extend to small producers and dealers; and from a financial point of view are justified in seeking the larger loans. Moreover, there is no question that this modern system of organized food distribution makes for a certain large efficiency and for the development of business. The logical result is a consolidation of the instrumentalities of commerce on a basis similar to that we find among the industrials. Centralization controls food distribution and marks up the price schedules conformable in a certain degree to the world law of supply and demand.

ECONOMY OF OPERATION AND HIGH COSTS TO CONSUMER.

The striking anomaly of conditions under the present commercial control is this: That after the highest point of efficiency and economy of handling has been achieved by the food-handling trade, the consumer to whom the commodities are delivered pays the highest prices in history. In other words, costs to the consumer have been multiplied under the system which has cut down costs to the middlemen. This appears to be the absolute proof of the inequity of the present private control of food distribution.

If there is any justification for the existing commercial organization of the food-distribution system, it is in the increased efficiency and economy resulting. It will be admitted that efficiency and economy of operation have been achieved. Who, then, has got the benefit? The consumer plainly has not received benefit. On the other hand, he is paying enormously more for his products than ever before. The producer has been benefited only in part. He has received somewhat larger returns, but, as demonstrated by the comparison of farm prices with market prices, his returns bear no comparison with the food costs paid by the consumer. It is therefore certain that the chief savings of the economies effected have gone to the great organization of middlemen-the jobbers and retailers, the commission men and carriers, the investors and speculators, the industrial trusts and the commercial trusts-which have controlled the distribution and prices from the time the product leaves the ground until it is delivered in the home of the ultimate con-

It is not difficult to ascertain where the large margins of profits in food articles have gone. The immense capitalization of the industrial and commercial companies, including the warehouse and commission companies, the jobbing and transportation companies, which handle the country's food products, and the large dividends frequently realized, point the destination of a large volume of profit.

It has not been uncommon for some of the consolidated industrial and jobbing companies engaged in the distribution of food products during the past few years to declare an extra dividend of 10 to 50 per cent in addition to the annual dividend

of from 6 to 8 per cent.

The testimony given before the Interstate and Fereign Commerce Committee of the House by Mr. Ferguson, president of the Western Fruit Growers' Association, clearly explains how the dealers in food products make exorbitant profits in the distribution of food from the producer to the consumer. At the time Mr. Ferguson gave the following testimony there was a controversy between the railroads and the shippers as to the use of what is known as the Armour refrigerator car. This car was operated by the railroads under what is known as the "ex-clusive contract" with the Armour Refrigerator Car Co. The shippers vigorously objected to the use of the car because it multiplied the charges many times. At the present date every railroad in the United States uses this car exclusively. Evidently the shippers and the Armour Car Co. have arrived at terms satisfactory to themselves, as they are now making no complaints.

At the hearing just referred to Mr. Ferguson testified as fol-

Mr. Ferguson. We were able to obtain the service prior to the exclusive contract, under the railroad system of handling the business, at a charge varying from \$5 to \$15 a car, according to the weather and to the constant movement of the car.

Mr. Stevens. What was it afterwards?

Mr. Ferguson. \$45.

Mr. Stevens. A uniform price?

Mr. Ferguson. A uniform price?

Mr. Stevens. For the same kind of service?

Mr. Ferguson. Yes, sir.

Mr. STEVENS. Was the service, before the exclusive contract, satisfactory?

AIT. STEVENS. Was the service, before the exclusive contract, satisfactory?

Mr. Ferguson. As good in every respect.

Mr. Stevens. You were getting fruit through in as good condition?

Mr. Ferguson. Yes, sir.

Mr. Stevens. Did you get the facilities that you wanted?

Mr. Ferguson. Yes, sir.

Mr. Stevens. The cars arrived?

Mr. Ferguson. Yes, sir.

Mr. Stevens. Were the facilities changed in any way afterwards—
after the exclusive contract was made?

Mr. Ferguson. In some respects; yes, sir. After the exclusive contracts were made the facilities were almost entirely the Armour cars.
I believe in some instances when Armour cars were not available for some markets other cars were used, but then the Armour charge obtained just the same. Prior to the contracts we frequently received our shipments in an Armour car, but the Armour price was not demanded. The regular railroad charge was all that was asked. Now the refrigerating charges often exceed the amount paid for freight.

Mr. REHLLY. What is the gentleman's remedy, to outlaw the

Mr. REILLY. What is the gentleman's remedy, to outlaw the

Mr. SMITH of Minnesota. No; I think it is a good thing, but it must be placed under either the control or ownership of the Government.

SOME OF THE PROPOSED REMEDIES.

It is not my purpose to enter into a detailed discussion of reme-

It is not my purpose to enter into a detailed discussion of remedies. I suggest only an outline. The national need of more thorough public regulation and supervision of commercial agencies will be generally admitted. Efficient as may be the present system in many respects it is filled likewise with abuse of power and frequently marked by extortion.

Production is discouraged by artificial depression of market demand and wholesale purchase price. Quantities of products are either destroyed or deliberately allowed to waste in order to secure control of supply; as witness the destruction of 20,000 tons of fish by dealers at Los Angeles, as noted by the press the other day. Inequality of trade, transportation, and financial other day. Inequality of trade, transportation, and financial conditions force small dealers to the wall and eliminate the possibility of free competitive trade. Above all, the homes of America are taxed for the means of subsistence far beyond a just and

fair return to labor and capital employed in food distribution.

There is no question that the establishment of municipal markets is one of the remedies that is likely to receive more or less general support. The local public market will meet many of the evils, and at the same time make for equity, efficiency, and economy. At the same time, it will not prevent the larger monopoly of productive supply and distribution, or prevent speculation in food supply. Federal supervision and control will be necessary in the case of interstate commerce in food articles, and the gradual extension and increased exercise of power by the Federal Trade Commission may eventually solve much of the interstate phase of the food supply problem.

We have placed railway transportation under the Federal supervision of the Interstate Commerce Commission. Something like 30 States have supervision over public utilities. ney General and Federal Trade Commission have charge of the enforcement of the antitrust law affecting industrials. Both the Federal Government and the States exercise supervision over banks and other financial institutions. The power of private commercial organization over the Nation's food supply, involving as it does the power to extort unjust food prices from every rank of industrial life, now compels us to develop efficient public control over the distribution and sale of food, which we now apply to banks, railways, and various industrial activities. It is an intricate problem in which State, municipality, and Nation must join.

Mr. Chairman, I would not speak upon this question if it were not that it seems to me the farmers of this country have a right to be defended in some degree at least against the charges that naturally grow out of the high cost of living. We are proposing an investigation of conditions that any person using reasonable foresight could have foreseen two years ago. I desire to call the attention of the House to an article that I wrote which was published in the Indiana Farmer under date of August 29, 1914, in which was predicted exactly the situation that now exists. I read from the Congressional Record, volume 51, part 17, Sixty-third Congress, second session, page 882, in which the article appears This is the language that I then used in summing up conditions which Indiana farmers might reasonably expect from the conditions that were to confront the world:

Turn any way you may and you will be confronted with a demand for the products of our Indiana farms which will exceed our ability to supply for years to come. From this conclusion there is no escape. We are entering a long period of high prices for farm products which no governmental investigation can prevent. The prices of these products must rise until they reach the limit of the ability of the purchaser to pay. We are entering, for the first time in the history of our Nation a period when the necessities of life are to be measured out to men, not in proportion to their ability to consume, but in proportion to their ability to pay the prices which the hunger of the world will place upon an inadequate food supply. This is the in-

evitable result of this stupendous crime against future as well as the present civilization of the world.

No report from the Industrial Commission can give a more accurate description of existing conditions.

It did not require the gift of prophecy. It simply required a common-sense view of the situation—not only from an economic viewpoint, but also from a political one as well. If prices of food were to rise, we would propose an investigation. The causes which lead up to the present agitation are very well known, and you may investigate until the end of time, yet you can not overcome the great laws that control the activities of men

in fields of production.

The term "high cost of living" is a relative term—people speak by comparisons. We are now comparing our present prices with prices which prevailed in our markets in the past. We are not comparing either our past prices with prices of similar food products in European markets of the same period, or comparing our present prices with prices now prevailing in European markets. If we were to do so, it would be found that our markets are supplied now and have been at all times in the past with food products more cheaply than any well-civilized country on the European Continent, if not in the entire world. It is not true to assert that this country alone is paying high prices for food products, nor is it true to assert that our citizens are paying abnormal prices when compared with other countries of the world. It is true that prices of food products have risen all over the world, because more than three-fourths of the world's population is at war. Soldiers consume more than civilians and produce less. The natural and inevitable result, when these abnormal conditions extend over a long period of time, is a scarcity of food stores and consequent high prices. It is one of the punishments which go with war; and, as a matter of fact, starvation has terminated more wars than deaths occurring on the battle fields. But it does not require an investigation, costing vast sums of money, to ascertain what every intelligent person already knows.

During the decades since the Civil War our Nation has enjoyed the cheapest food supply of any other great industrial nation. This result grew out of certain developments. The homestead law by which our public domain was given to actual settlers was one of these causes. The building of the great transcontinental railways by Government subsidy, which gave these lines of transportation in advance of the natural development of the Continent, was another. The improvement in American agricultural machinery about this time was a third. Universal immigration attracted European farmers to our Nation. The actual result was a superabundant food supply with consequent low prices. Those were the dark days in American agriculture. Long hours of hard daily toil and a very meager family income. The result was inevitable. We could not develop a rational scientific agriculture. Other lines of industry paid better returns than agriculture and received the attention of our best minds. We were a Nation growing faster than any other great nation, and one in which agriculture was receiving less attention than any other useful pursuit. by year the margin of supply over demand in food products in America grew more narrow until even in normal times we were dependent upon good crops for a surplus. The European war has drawn more heavily than usual on our stores and nature has been less bountiful. We have had poorer crops than usual, with a heavier foreign demand. The result is a growing scarcity and consequent rising prices. To the extent that these great causes have contributed to our present situation, no investigation can supply a remedy.

Unfortunately we have a poorly developed system of distribution; we have no general system of warehousing. There is thus present a fertile field for speculation and it may be for extortion. It seems to be true that our transportation system has broken down under the present industrial activity. But all these conditions can be reached so far as it is proper to deal with them by our Government without any special investiga-One of the beneficial results of this situation will be useful education of the American public to a higher scale of prices for food products. It is not to be expected that the ruinously low prices of the past can return. Such a result would be a crime against our rural civilization. We are not now paying a higher price for food products in the general American markets than prevailed on the Continent of Europe before the present war and our people have a much greater purchasing power than did their population. I am not distressed at the probability of sustained generous prices for farm products to American producers. It may be true that certain of our great cities—like New York—which have grown up like mushrooms have neglected to safeguard their food supplies or to take proper steps to guard against artificial scarcity and

resultant extortion. If so, that is their municipal problem. It is not the fault of the American farmer and gardener. The late freeze which destroyed the early crops in the South perhaps has supplied our produce merchants with an excuse for an

advance in certain lines of food supplies.

The certain result of fair prices for farm products will be to stimulate farm operations and increase the food supply of the Nation. It will have the result to build up a more intensive cultivation of the soil and to increase the acreage production of our principal crops. We are now on the upgrade in the production of live stock—that is, the supply is gaining on our consumption. This gratifying result is due directly to the better prices for cattle which have prevailed now for some years. A similar result will follow in other lines of production if prices are sustained. Great Britain has offered to guarantee British farmers a certain price for wheat in order to increase the production of that cereal on the British Isles, well knowing that

such a policy will stimulate production.

The proposal of the gentleman from New York to place an embargo on food products is in striking contrast and is unfair to the producers who live on the farms of our Nation. I do not ask for our farmers any special privileges. They are entitled, however, to a free market for their products. it were possible for the United States to wholly escape the effects of this European war, but we can not do so. In many ways we must share in its evils and its economic losses. One of these evils is rising prices; and if the war shall be prolonged another year we may have to forego some of our American extravagances in the waste of food supplies and be called upon to practice some of the commendable economies of the older nations. It is universally admitted that the wealth of the French Nation is largely due to the wonderful thrift of the French housewives, but of all nations ours is the most wasteful. It is inevitable that we will have to reform our national habits as our Nation grows older; this needed reform may be forced on us by this world war. It is certain that the whole world must bear the burdens of this war, and our Nation can not escape its part.

I do not care as to the fate of this amendment authorizing this proposed investigation. The present rising prices are in the main a result of causes which can not be overcome or set aside. You can not decrease the price of food in this country until either the supply is increased or the world demand is diminished. Personally, I do not believe that monopoly is adding to the general level of prices prevailing in our open markets for food supplies. It is possible that in certain municipalities that artificial prices may obtain. We had a sugar scare in this

city a few days ago and prices jumped temporarily.

Since the last harvest I have sold wheat from my own farm for \$1.20 per bushel, and in the last 10 days I purchased a thousand bushels of corn at 89 cents per bushel at the cribs of the owner. No person can in justice charge that these prices are exorbitant or that monopoly obtains in a country where grain is freely sold at such prices. It is, of course, possible to place an embargo on the shipments of supplies of any class of products and thereby lower the price at this particular moment, but the inevitable result of such a policy will be to drive out producers until the supply is reduced to the volume of our home We will then be threatened at all times with a Thus in the end you will defeat your avowed purpose and will entail disaster and economic loss on the entire Nation. Rather let us order the Department of Justice to institute prosecutions if, in any city like New York, extortion shall be practiced. Let our railroads be ordered to give foodstuff preference over all other classes of freight if it shall be shown that a scarcity prevails in any market center of our country. Let us distribute or present food supply impartially, use it economically, and give every encouragement to the people of our Nation to increase our food supply and thereby increase the wealth, security, and prosperity of our Nation. You do neither by your proposed investigation or by an embargo.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to

proceed for 10 minutes,
The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I have listened with a great deal of interest to this discussion, and the House has been entertained by some very excellent speeches on both sides of the proposition. I am against this amendment because I believe unnecessary-a waste of time and money-a farce and a delusion. The pending bill carries an appropriation of \$200,000 on page 131, for the Department of Justice to be used in the enforcement of the antitrust laws. There are 88 United States | if he is not willing to try it?

district attorneys and 104 United States district judges. So here is all the machinery necessary to enforce antitrust laws in every State and every important city in the country-88 prosecuting attorneys in addition to the Attorney General's office in Washingon City, which has a special appropriation of \$200,000 for antitrust prosecutions. The former chairman of the Trade Commission made a statement that it would require two years to complete this investigation if it was thorough, and that it would cost \$1,000,000.

Mr. BORLAND. When was that statement made? Mr. AUSTIN. He made it in private conversation, and I know the gentleman to whom he made it, and the very fact that the gentleman's [Mr. Borland] original amendment to this bill provided that the money should be used beyond one year was an admission upon his part that it would require more than 12 months within which to complete the investigation, and when the point of order was made against it he modified his amendment and changed it to bring it within the year.

Mr. BORLAND. Does the gentleman realize that the testi-mony in the hearings by the Federal Trade Commission is

to the effect that it can be done for \$400,000 in eight months.

Mr. AUSTIN. Oh, yes; I know how these estimates are made

and how misleading.

Mr. BORLAND. Does the gentleman realize that that particular estimate was made with more care than the mere ex

parte statement of an ex-official?

Mr. AUSTIN. We have had an evidence in this very bill of how much money it would take to pass upon the valuation of the railroad property. In the beginning it was said that it would cost \$3,000,000, and already it has reached \$6,000,000, and the prediction is made that it will cost \$12,000,000, if not \$20,000,000. We started out on an investigation of the immigration question and it was to cost about \$200,000. As a matter of fact it cost \$900,000 and took four years and the publication of

40 volumes of testimony and hearings, which nobody read.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Let me get started first.

Mr. MONDELL. The gentleman is going well.

Mr. AUSTIN. Here is the plank in the platform of the Democratic Party upon which the present administration was elected in 1912:

A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal as well as the civil laws against trusts and trust officials and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

An administration committed to that declaration last year filed only one bill under the Sherman antitrust law, the very law which it promised to rigidly enforce, and in four years 17 bills or indictments were presented. There was 1 bill in 1916, 5 in 1915, 8 in 1914, and 3 in 1913, or a total of 17. In addition to the Sherman antitrust law, practically a majority of the States in the Union have antitrust laws, one of which is the State of Missouri, from which the gentleman, Mr. Borland, hails, who offers this amendment. If, as admitted and charged by the gentleman from Missouri [Mr. BORLAND] and others that there are unlawful combinations and trusts in restraint of trade, here is a Federal statute, and there are statutes in a majority of the States of the Union, and if they are not enforced, then some

one is at fault. Who is at fault?

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Not now. Who is at fault? Those under the law who are charged with the responsibility of prosecuting the violators of the law in the State and the Federal courts. After making a declaration four years ago to enforce the Sherman anti-trust law, four years in power under that pledge, you come here at the eleventh hour, right upon the end of the first four years of the administration, and you do not propose to enforce existing laws, but you want to get up some sort of a useless and expensive investigation, lasting, according to your own state-ment, eight months and beginning with an appropriation of \$400,000.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?
Mr. AUSTIN. This is a fulfillment of that pledge and that
promise which you and your party made to the American people

in 1912 and upon which you were elected.

Mr. BORLAND. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BORLAND. Leaving all partisanship out of the question, did not the gentleman vote for the Federal Trade Commission law?

Mr. AUSTIN. I do not know whether I did or not.

Mr. BORLAND. Well, the gentlemen did. Why did the gentleman vote for a law providing for this kind of an investigation

Mr. AUSTIN. As has already been stated, we have tried it. This very commission undertook to investigate another question, and we have waited a year, and it has not yet submitted a report in that case, and if that is the character of service it is rendering to the America people, then the gentleman and I made a mistake in voting to create such a commission.

Let me ask another question. Mr. BORLAND. tleman opposed to the finding of the Federal Trade Commission that is going to lower the price of print paper to every country newspaper in the land? Does the gentleman say that that does

not justify an investigation?

Mr. AUSTIN. Are you? Mr. BORLAND. No; I am in favor of it. I think it was a

good piece of work.

Mr. AUSTIN. Do you discredit the officials in your own city and county and district who under the laws of the State of Missouri should prosecute and put into the penitentiary every man whom you charge is violating the law in the packing industry in your own home town?

Mr. BORLAND. Is it not better to bring down the price of

print paper than to send somebody to jail?
Mr. AUSTIN. No.

Mr. AUSTIN. No. Mr. BORLAND. Is the gentleman opposed to this proposition?

Mr. MADDEN. There is no print paper in this resolution,

is there?

Mr. AUSTIN. If the gentleman, through the Attorney General's office and the 88 prosecuting attorneys, will put into the penitentiary a half dozen of these men he claims are violating the law, then he will end unlawful combinations and trusts in the United States.

Mr. BORLAND. How many did the gentleman's party send

Mr. AUSTIN. Oh, you accused my party of failing to do its duty in that regard, and you promised a new departure, and I am asking you not to delay the fulfillment of your promise, but to keep it in good faith by prosecuting these men whom you asserted in your platform were violating the antitrust laws. What is that law?

Here is the first section:

Every combination in the form of trust or otherwise or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal—

And fixes a severe penalty. Now, I ask the gentleman from Missouri [Mr. Borland], if he has information as to illegal combinations, if he can better serve his constituents and the American people than by going with his testimony to the Attorney General in Washington City or the district attorney in his home town and submitting the same to a United States grand jury?

Mr. MONDELL, Will the gentleman yield? Mr. AUSTIN. In a moment. Now, we have had in the last eight years seven investigations by commissions and committees. We had the Money Trust investigation; we had the Sugar Trust investigation; we had the Steel Trust investigation; we had the industrial investigation; we had the immigration investigation; we had the Colorado coal strike and the Michigan copper investigation; and the Post Office Department was investigated in the Sixty-second Congress. We have had seven investigations, and they covered over 100 volumes of testimony and hearings, costing countless thousands of dollars, and to this good day there is not a man, to my knowledge, who has ever read a single volume of the testimony; and in the line of legislation practically nothing has been done.

Mr. MONDELL. And the leak investigation.

Mr. AUSTIN. And the leak investigation.
Mr. GARRETT. That was not our job; it was yours.
Mr. AUSTIN. I did not know we were running the House.
The CHAIRMAN. The time of the gentleman has expired.

Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

There was a query made by the gentleman from Wyoming which the Chair was not able at the moment to answer, but there are 30 applications for time and there is an hour and 10 minutes in which to hear those speeches, and it would be impossible to hear all this evening. The Chair recognizes

the gentleman from Indiana.

Mr. BORLAND. Mr. Chairman, in order at this time that there may not be any misunderstanding about it or any personal application, I am going to object to extension of time of any gentleman so that as many as possible may have an opportunity to speak. I make that announcement now so that

there will not be any personal application to my objection.

Mr. CULLOP. Mr. Chairman, the condition to-day in certain cities of the United States is deplorable. It is a calamity,

and there must be some good reason for the shortage of foodstuffs in those cities where riots have existed. Now, there are three reasons, in my judgment, for these unfortunate conditions; one is the foreign demand, which is enormous at this time, and another is the shortage of crops. Last year our wheat crop was more than 300,000,000 bushels short and our corn crop was more than 400,000,000 bushels short. Those two shortages contribute in part to this result. Now, there is another reason, the third one, for the condition that exists, and that is the existing transportation facilities of the country. recent investigation of the Committee on Interstate and Foreign Commerce clearly demonstrated that many of the cars which should be used in transportation were to-day idle upon the sidetracks in the different cities of the country. Thousands of them were idle at terminals and they have been there for quite a while.

If those had been employed in the transportation facilities of the country, the deplorable conditions would not exist. The products are in the country to feed the people of these great cities, but the transportation facilities are not taking them to the markets. That is one of the great troubles. Hundreds and hundreds of idle freight cars are found in every terminal and have been standing there for a long time idle and not employed, with their wheels rusting to the rails. Now, one of two things is apparent: Either the railroads are making this condition intentionally by not moving these empty cars in commerce, or they are not able to manage their business-are incapable. One of two conclusions absolutely is certain. Is it the latterthat they are absolutely incapacitated to manage properly their business-or are they by design producing this condition for the purpose of compelling the Government to take over their properties? It is well to look into this condition and see whether or not it is correct. Is it contrived for the purpose of bringing about this condition and compelling the Government to take over their properties at their inflated values, at their overcapitalized bond and stock holdings? Now, what is the condition in many sections of the country? Schools have had to close in my State for the want of fuel, within 200 miles of great coal mines, coal mines which are capable of abundantly supplying the markets. But they could not get the cars to haul the coal to the market, and yet the cars were in the country and within 250 miles of the mines that wanted them to haul their product to market. Gentlemen, it is time to consider what steps should be taken to remedy this evil which exists in this country to-day. It is an evil, and it is a serious evil. The food products are in the West. There is enough wheat to-night in the Chicago elevators to supply New York City, the entire population, for three years, and yet they can not get transportation facilities to haul it to the people who want to purchase it at good prices

Mr. MONDELL. Will the gentleman yield? Mr. CULLOP. Certainly,

Mr. MONDELL. When does the lake transportation open? Does it not open soon so that the grain can be carried by water? Mr. CULLOP. Oh, lake transportation, I will say to my friend from Wyoming, cuts but a very little figure in this matter. If the railroads have the cars, as they have, why when the lakes are frozen up should they be permitted to punish the people and starve them? No man can give a good reason for that.

Mr. MONDELL. I take it the gentleman is not assuming I

think it is good.

Mr. CUILOP. I hope not. I assume that some time the ice will thaw out of the lakes and they will have transportation which will open up a supply for the starving mouths in these great cities; but why delay it when facilities are at hand but

not employed?

Now, Congress has the power to provide the means for investigating this in the manner here proposed, and I hope it will employ it. I know many here scouted the idea of the usefulness of the Trade Commission, ridiculed its purpose when it was created, but time has vindicated its beneficial function, and the good already resulting from its work has proven its usefulness to the people and the splendid purposes it can serve. The paper investigation it has just concluded demonstrates what profitable purpose to the people it can serve. If it should do nothing more, its splendid work in this respect has amply vindicated those who advected its creation. It brought to time to cated those who advocated its creation. It brought to time, to its feet, pleading for mercy, those avaricious manufacturers who were plundering a helpless public by extorting unreasonable prices from consumers, and they surrendered the right to the commission to fix prices at which their products should be sold hereafter to the consumer, and the price it will fix will be a satisfactory one to the consumers and one that will provide a reasonable profit to the manufacturer. This was a notable victory, one that fully establishes the wisdom of its creation.

Give it the means here required and it will, in my judgment, solve this problem, secure relief, and teach those responsible for the existing conditions that a repetition will not be tolerated. and if ever attempted, those who do so will feel the talons of

the law visiting proper punishment upon them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to insert in the RECORD a letter which I have written on this

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the Record. [After a pause.] The Chair hears none. Is there objection?

The following is the letter referred to:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES, Washington, D. C., February 23, 1917.

The following is the letter referred to:

House of Representatives of the United States,

Washington, D. C., February 23, 1917.

To the Editor of The Day: Answering yours of the 21st instant, will say that I have recognized the fact that the prices charged for food within the past six months in the city of New York are exorbitant, and have given the matter some study for quite some time.

Before I express any opiulon as to the relief to be had from the high food prices in the city of New York, let me say that by riots nothing is gained in the eyes of the public and the Nation at large. That conditions are bad is conceded, and relief is necessary, but it can be obtained in a country like ours by appealing to public officials in an orderly manner and not by destroying the stocks of vegetables of poor peddlers, many of them maimed and crippled, who, with the hardest kind of work and long hours barely make a living.

There never will be a real and genulne reduction in the price of food in the city of New York unless public markets, convenient to the people in each part of the city, are opened, and then the housewife will be able to go to such public market, purchase her food supplies, and take same home herself.

There must be a different system of distribution of food in the city of New York, and I know of no reason why food supplies can not be carried during the night from one part of the city to another by making use of the subways.

There should be a large terminal market in the Borough of The Bronx, and close enough to the Borough of Manhattan as the Harlem conference called by the Harlem Home News, of which I am a member, suggested.

There is, of course, the big question as to whether there is constitutional authority to make it a crime for one individual to gather certain products necessary for the sustenance of human life and then hold same until he obtains a higher price. It seems to me that the Legislature of the State of New York should enact such a law making it a felony and then let us have the questio

they can lose nothing by their investment and at the same time relieve conditions.

As far as the coal situation is concerned, I would have the Interstate Commerce Commission take more active charge of the matter and the Federal Trade Commission get busy, the same as it has done in the matter of paper required by newspapers.

I introduced a bill, copy of which I inclose, and delivered a speech on the floor of the House yesterday, which, I think, can bring temporary relief.

The session is short, and it is a question as to how much can be accomplished here, but you have my sincere and earnest wish that in concerted action you will obtain what I hope will be permanent relief, and to that I pledge you my most hearty and full support.

Were the foreign situation less critical, I would be glad to attend the conference, but my duty, as I see it, requires me to stay here. If there is anything else that may suggest itself at the conference that I can do, I would ask you to communicate immediately with me.

Very sincerely, yours,

ISAAC SIEGEL.

Mr. DAVIS of Texas. Now, Mr. Chairman and fellow Members, in five minutes it will be impossible to discuss even cursorily the greatest problems that confront civilization. Blackstone tells us the distinguishing difference between civilization and barbarism is found in the production and distribution of life's comforts, called commerce. He tells us that schools, colleges, courts, and the like are only the necessary adjuncts, the concomitants, to preserve public order, capacitate men, and protect the equities in production and distribution.

Now, listen! I would like to speak for an hour. tion and distribution make the distinguishing difference between civilization and barbarism, then there are three elements in production and distribution that no Government on earth can ever allow monopolized without introducing injustice and unever allow monopolized without introducing injustice and unnatural, abnormal conditions in life. Men, machinery, and money are the three elements in production and distribution applied to nature's storehouse which God gave to man—the earth. If you allow a monopoly of money, then people who monopolize the money will control the machinery and hire the men, get the profit of both, make mountains of wealth for themselves, live in mansions bedecked in all the splendors of the universe; and they will control production and distribution. And what will be the result? When the men who run the ma-

chines can not consume what they and the machine produces, then the fellow who owns both of them will shout "overproduc-tion," throw the men into the junk pile, and close down the machine and have a panic. So civilization then begins to eat itself up.

Now, just lay that down as fundamental. I will not have

time to discuss it.

The next point I want to get to is that my friend, MARTIN Dies, portrayed beautifully the quantitative theory of money. want to make this declaration-I will not discuss it, but to put myself on record, and somebody years from now will read what "Cyclone" Davis says—any government on earth will be subject to panics, subject to upheavals, subject to bread riots, that issues its currency on the debts of the country instead of productive industry. You divide society into three classes—the farming and agricultural class, the mechanical and industrial class, and the other the business and creditor class. We issue the money to the creditor class, and the latter will finally control the men who work on the farms, will own the soil they work, will control the men who work in the shops, and will own the machinery they operate. And that is the accursed civilization we have now. If you will issue money on the productive industry you can not keep the producer from being the most prosperous man on earth—a just distribution; and as production increases consumption will increase, and civilization will move forward in leaps and bounds and beautify the earth with magnificent homes and fill it with comfort and content-

But Mr. Dies, in discussing the money problem, beautifully wound up by stating that all things were governed by supply and demand.

The CHAIRMAN. The time of the gentleman has expired.
Mr. DAVIS of Texas. Oh, there are so many fellows who have asked for 10 minutes that ordinary folks did not get in in time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

COLEMAN] is recognized.

Mr. COLEMAN. Mr. Chairman, this is a most important question and the debate, on the whole, has been both interesting and instructive. We have heard a good deal in the course of the discussion about the packing houses and the neglect of enforcing the antitrust law. On these particular lines I have no reliable information. But I know the President had said in his letter of February 7 that in comparison with 1900 the meat product of this country is 29 pounds per capita less. That would indicate to me that we can find a reason for the present high prices in the old reliable law of supply and demand. And when you add to this the fact that we are exporting our products to take care of the millions of men that have been withdrawn from their ordinary peaceful pursuits to engage in war we have a further reason for believing that the high prices are the result of this same economic law.

And I do not see how we can hope to have these prices reduced until the present abnormal times have passed away and peace again comes to reign among the warring nations abroad.

For the present reign of high prices there may be other contributing causes, and I shall support this amendment in the hope that it will result in furnishing reliable information on which to base legislative action. For if the evil can be reached and remedied by legal enactment, surely the public are entitled

I listened with a good deal of attention to the colloquy between the Representative from New York [Mr. London], who stands for socialistic principles, and the reply from the very able gentleman from Kentucky [Mr. Sherley]. They had considerable to say about legislating for groups instead of for the general interest of the country. And my opinion is that in this Congress, which is soon to adjourn, we have done considerable injury in our attempt to legislate for groups instead of having the broader vision of the great interests of all the people of the country. [Applause.] It is legislation for the farmer, and it is legislation for the shipper, and it is legislation for the railroad man, and we seem to forget that there is a great Nation com-posed of many different classes of people, and that the people of that Nation as a whole should be our concern, and that we should allow these various groups to work out their own salvation under the old competitive system, in which I still believe.

In reference to the railroad legislation, to which I have re-

ferred, I wrote a letter trying to explain my vote at the time to the members of a railroad organization, and they would scarcely listen to the reading of it. I have in my hand a letter from one of the officers of that same organization from which I

quote, as follows:

To-day, however, your letter of September 8, 1916, would be greeted with applause by the very men that ridiculed you.

This proves the evil of legislating for groups. In this case you wandered away from very substantial principles of government, and you have pleased nobody in your wanderings from those principles. We ought to keep in mind that we are representatives of the National Government, and we should, in our conduct in this body, hold fast to those true principles of government that have served us so well and faithfully thus far. And I am one of those who still believe in the old idea of individual liberty and the right of men to work out their own salvation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLEMAN. Mr. Chairman, under leave granted to extend my remarks I insert in full the text of the letter to which I have referred.

[Three Brothers Lodge, No. 235, Brotherhood of Locomotive Firemen and Enginemen.]

PITTSBURGH, PA., February 14, 1917.

Hon. William H. Colbman,
Thirtieth District Representative,
House of Representatives, Washington, D. C.

Thirtieth District Representative,
House of Representatives, Washington, D. C.

Dear Sir: On September 5, 1916, I wrote you asking why you voted against the Adamson bill. Your answer was full and complete, and the views expressed therein were in accord with my own. I read your letter before the members of our lodge at regular meetings, and also at special meetings of the four transportation brotherhoods.

It appeared to be unpopular to express such views at that time. However unpopular, it was my firm conviction that such was the truth, and I continued to so express myself. During the several weeks prior to election I caused a large number of my best friends to become very unfriendly toward me because I opposed the Adamson bill, some of the men using very strong words, others saying that I was opposed to the eight-hour movement, when, as a matter of fact, I was a real advocate of a genuine eight-hour movement, while my opponents were the supporters of an imitation eight-hour movement.

To-day, however, your letter of September 8, 1916, which I have carefully preserved, and my views on this movement as expressed prior to election would be greeted with applause by the very men that ridiculed you and me several weeks ago. This, in effect, has proven conclusively that we are right and they are wrong.

I have just finished reading your speech on compulsory arbitration January 22, and wish to say that the views as expressed therein are the product of a very careful investigation of the progress of the human race from abject slavery to the present form of freedom, for which you deserve a full measure of appreciation from all lovers of humanity and freedom, regardless of political affiliation. I intend to impress upon my fellow workers the necessity of a careful perusal of this valuable document for the educational information it contains and the simplicity of its structure that the most uneducated workingman can readily understand. You have done a great service to all humanity by raising your voice in protest against

JOHN H. DUXBURY, Legislative Representative No. 235.

Mr. BLACK. Mr. Chairman, the discussion on the Borland amendment to authorize and direct the Federal Trade Commission to conduct an investigation into the production, ownership, manufacture, storage, and distribution of foodstuffs has assumed a wide range and has been very thorough, I would not consciously vote against any measure or any amendment to this bill that I thought would be for the benefit of the whole people. I think an ancient writer expressed the correct idea as to all legislative enactments when he said that "no law can possibly meet the convenience of everyone." We must be satisfied with it if it is beneficial on the whole and to the majority.

Now, I believe that such an investigation as is provided in the amendment of the gentleman from Missouri [Mr. Borland] will probably be beneficial on the whole and to the majority of the people of the United States, and therefore I will vote for it. It is true that the sum it appropriates, \$400,000, is a large amount to be expended in an investigation, but the subject is extensive and covers a wide scope, and the plans laid out for its prosecution are thorough and comprehensive.

Undoubtedly some of the blame for the present high cost of living will be definitely traced to artificial means, such as monopolizing and manipulating the markets, and these should encounter the strong arm of the law from the Department of Justice, and that as rapidly as possible. But while we are ordering this investigation it is well that we bear in mind that all the present high cost of living is not due to artificial causes. but much of it arises from fundamental causes, and these fundamental causes can not be corrected by speech making and legislating. We might stay here until next Christmas and resolute and pass laws and make speeches, but that would not produce a single additional bushel of wheat, bale of cotton, pound of potatoes, gallon of molasses, or hoof of hogs and cattle. Persuasive as is the eloquence of the gentleman from Missouri and other Members who have spoken on this question, it will not make old Speck lay any more eggs or old Bossie give any more milk

and butter. Gentlemen can orate until they turn blue in the face, but it takes the great wheels of production to turn out the stuff that feeds folks' stomachs. "One wintry day down in the South," says a Washington man, "I met an old darkey in rags plodding along. The cold wind beat the many holes in his tattered garments. Yet despite his evident poverty he was carrying a whole side of bacon on his shoulder. 'Uncle,' I asked, 'why don't you spend your money on a warm coat, instead of all that bacon?' 'Well, suh,' said the old man gravely, 'when I asks my back for credit, I gits it'; then patting his stomach he added, 'but dis heah, suh, dis heah, always calls for cash.' And so it is, gentlemen of the House, the stomach calls for the real staff of life, and all the imagery of fine words will not satisfy it very long. The real problem in this matter is not artificial; it is fundamental and can not be reached by legal expedients.

To my mind the most important, and I might say supremely vital, consideration at the present moment to this country is how to stimulate and encourage an increased production of foodstuffs in the United States for 1917. You gentlemen of the Congress who represent city constituencies might as well understand that it is impossible for the farmers and producers of this country to produce their crops under the present high prices which they themselves have to pay for everything which enters into their production and then sell this production at the old prices. We have no reason to expect butter and eggs, meat and lard, flour and meal, cotton and corn, to be sold at the prices which used to prevail, when everything which the farmer bought was correspondingly low. It can not be done, and it is foolish to talk about it. The whole pendulum of production will have to change before it can be done. Any policy of government which would try to make him do so would be suicidal, and while it might mean cheaper prices for a while it would be ruinous in the long run. Such a policy would be no wiser than Æsop's fabled cottager who killed the hen that laid the golden egg.

It may surprise some gentlemen to know that a study of farm statistics will reveal that the farm laborer is to-day, on the whole, the poorest paid laborer in the United States.

Gentlemen who represent city constituencies may not expect to see wages in the city improve and shorter hours and better working conditions prevail—and I congratulate them that these results are being obtained—and then expect laboring conditions on the farm to remain the same and agricultural products to stay cheap.

England's great premier, Lloyd George, in this the most critical hour of Great Britain's history, has grasped the full importance of the necessity for an increased food production, and just this week, in a speech which he delivered before the English House of Commons, he discussed ways and means of bringing Among the measures which he suggested was one which absolutely guarantees to the farmers of Great Britain remunerative prices for agricultural products during the next four years, and also a measure guaranteeing the farm laborer a scale of wages that will put him on a just par with other classes of labor in the British Empire. Of course I do not believe that similar measures are necessary in the United States to stimulate production, because I believe that result will be taken care of by the natural law of supply and demand if we do not do the foolish thing and put into effect an embargo such as has been suggested by the gentleman from New York [Mr. FITZGERALD] and other Members who have spoken in the same vein during this discussion.

What could be more unwise and unjust than to lay an embargo on products which the farmer produces and leave the markets of the world open to the things which he has to buy? It ought not to be done, and I do not believe that it will be

Now, Heaven knows I have no prejudice whatever against the man who lives in the city. For just as one stone laid well upon the other makes the massive structure when it is completed, with all of its beauty and symmetry, just so does the citizenship of the country and the citizenship of the city blend together and make our great Commonwealth what it is to-day.

And any man who tries to array one class against the other, in my opinion, is a dangerous demagogue and an enemy to the peace and welfare of the country.

RAPID INCREASE OF URBAN POPULATION.

The problems which we have been discussing should appeal to the unselfish patriotism of every good citizen, regardless of politics or whether he lives in the city or in the country.

During this discussion I have procured a copy of the most recent statistical abstract issued by our Census Bureau, and,

turning to it, I find that, in 1890, 36.1 per cent of the popu-

lation of the United States resided in the cities, in 1900 it had grown to 40.5 per cent, and in 1910 to 46.3 per cent, and, I dare say, the next decennial census to be taken, in 1920, will show that this has increased to anywhere from 50 to 55 per cent.

Do gentlemen of this House think that kind of a thing can continue to go on and prices of foodstuffs remain stationary and normal? If you do you are destined to meet with a rude awakening.

I am glad that farming throughout the United States is now on a profitable basis. It is vital to our welfare that it should remain so, for only in that way can the exodus to the cities be stopped and the serious economic problems which it brings be checked.

In our efforts to bring relief to our city brethren, let us be careful that we do not give them a remedy which in the end would work more harm than the ill sought to be cured. It would not be an inappropriate time to quote the words of Lord Chatham:

Trade increases the wealth and glory of a country, but its real strength and stamina are to be looked for among the cultivators of the land.

Princes and lords may flourish or may fade, A breath can make them, as a breath has made; But a bold peasantry, their country's pride, When once destroyed, can never be supplied.

CONCLUSION.

Therefore, Mr. Chairman, I hope that all agitation for an embargo will cease; that the Department of Justice will be active and vigorous in its prosecution of any and all violations of our antitrust laws, and especially those which it may find to be connected with the sale of food products; and, last of all, but most important of all, that our farmers-North, East, South, and West-will plant the largest acreage of foodstuffs this year in the history of our Republic, and that these crops, under the benign influence of the sunshine and the rain and the stimulation of the husbandman's toil, will bring forth such an abundant harvest as the country has rarely ever seen before. This would bring more help than all the investigations in Christendom could possibly avail.

Mr. GREEN of Iowa. Mr. Chairman, I am not in favor of

this amendment. I favor more prosecutions and fewer investi-

Mr. GORDON. Mr. Chairman, will the gentleman yield right there?

Mr. GREEN of Iowa. No; I regret I can not. Mr. GORDON. Whom would you prosecute?

Mr. GREEN of Iowa. I will explain that a little later on.
Mr. GORDON. That is the point.
Mr. GREEN of Iowa. I confess that a human jumping jack-in-the-box bothers me a little sometimes [laughter], and with the gentleman bouncing up without asking the Chair at all, it does not help about speaking. [Laughter.]

The best place to investigate extortion and monopoly is in the grand-jury room.

Mr. GORDON. If you have evidence; yes.

Mr. GREEN of Iowa. If the gentleman is through, I will go on. Otherwise I will wait until he gets through. What can this investigation produce? What result can it give us? The gentleman from Missouri [Mr. Borland], who introduced the resolution, said that we might find some evidence of unlawful trusts or combinations. If that is what he expects to find through this investigation, the best place to find that is in the grand-jury room. When the grand jury meets, then is the time when thieves and extortioners are likely to get their dues. When rogues fall out honest men stand some chance.

But what do these people care for an investigation? What harm does an investigation do them? How does it interfere with their unlawful transactions? I must confess that I have but little faith in the results of investigations conducted by the Federal Trade Commission or in any prosecution based on the results of their investigations. The Federal Trade Commission law was not created for that purpose. We were told at the time it was passed that it was to avoid the necessity of prosecution, and it seems to have avoided prosecutions entirely.

Recently we were told in the newspapers that an investigation had been conducted by the Federal Trade Commission and that the commission had found out that the present high prices of print paper were due to a combination among the manufac-turers, by which they held up the American people to the extent of about \$30,000,000 in the past year or two, and what was going to be done about it? Why, these parties that were in this combination came forward and stated that if no prosecutions were instituted they would cease from their illegal combination and would put the prices down to where they ought to be-for

a while, at least. [Laughter.] Then the newspapers went on to narrate that thereupon the grand jury ceased its operations, and we are informed further that the prosecutions are to be

The result of this Federal Trade Commission seems to be that these trusts are investigated; we find out that they exist and that they have been violating the law; and then it is said, "Naughty trusts; don't do it any more," and the trust responds that it will not—until the next time. [Laughter.]

That is the end of it. And so through all this administration the trusts and combinations have been running riot, and we find them on every hand. That they exist in relation to the present high prices no one has any doubt or can have any doubt. Whether our law is sufficient to reach them now I am not able to state.

Mr. MONDELL. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman. Mr. MONDELL. The gentleman says no one has any doubt about combinations controlling food prices. Why, the Attorney

General within less than 10 days has reported that after an investigation he finds no violations. There is an exception which should be noted.

Mr. GREEN of Iowa. If the Attorney General stops the grand jury from prosecuting, as it is reported he has recently stopped the print-paper investigation, of course he will not find anything. No one finds anything if he is determined not to see it.

Now, there is another horn to this dilemma. Perhaps gentlemen will say that if we carry on this investigation we will find that our processes of distribution are archaic and cumbersome; that there is too much intervening between the producer and consumer; that too much is absorbed by the middleman. That is all true. We know all that already. We have known it for a long time, and we ought to take some action with reference to it. But it will not help the situation to investigate this matter, to bring out simply what we have already known. As the gentleman from New York [Mr. FITZGERALD] stated in his very interesting speech that he made here to-day, they have been investigating these matters for two years in New York, and they have a commission investigating them nowmission to report on the best methods or improved methods of distribution, and a further commission, with some authority, as I understand, to buy food and sell it at what might be called reasonable prices to those who are seeking food. But all this has brought no result so far, apparently; at least not to satisfy those who are complaining.

The gentleman from New York [Mr. Fitzgerald] says he wants an embargo put upon our exports. But how would that help the prices of potatoes, of onions, of butter, of eggs, and other commodities like them, which are not exported at all?

The CHAIRMAN. The time of the gentleman has expired. Mr. HAUGEN. May the gentleman have another minute? The CHAIRMAN. The gentleman from Iowa asks that the time of his colleague be extended one minute.

jection?

There was no objection.

Mr. HAUGEN. Is it not a fact that, if this investigation should be made, the commission should be clothed with the power that is necessary in order to make an effective investigation, and that the commission is not now clothed with the power of search and seizure, which is necessary in order to make the investigation effective? The attorney for the commission stated the other day, before the conferees on the Agricultural bill, that it has not the power under the statute.

Mr. GREEN of Iowa. It will not get it by this amendment.

Mr. HAUGEN. An investigation without that power amounts to very little.

Mr. GREEN of Iowa. That power is not given by the amendment, and the commission does not have it. I agree with my colleague, but think it is useless to talk about what might be accomplished by a power that does not exist. What we ought to do is to pass the bill of the gentleman from Wisconsin [Mr. Esch] giving the Interstate Commerce Commission power to control the car situation on railroads. When the railroads are compelled to return the cars which have arrived at the seaboard, even if they have to be returned empty, plenty of foodstuffs will be shipped to New York.

Mr. Chairman, there is wheat enough in the Chicago elevators to-day to feed the city of New York and Brooklyn for more than a year. There are 60,000,000 bushels waiting for cars. The country elevators are filled to bursting waiting for The great Minneapolis mills are overflowing with flour cars. which they can not ship, and only running one-third of the time—not for lack of wheat but for lack of cars. There is food enough in the country if we would quit investigating and act.

Mr. RAINEY. Mr. Chairman, this is a proposition to appropriate a considerable sum of money for the purpose of investigating the increased cost of food products in this country. We have listened already to 12 or 15 gentlemen who have discussed this subject, and there are 25 or 30 other gentlemen who have announced their intention of discussing this question if there is time for that purpose under the agreement reached by the committee some time ago. The discussion, as far as it has proceeded, absolutely demonstrates the necessity for this investigation-not a single gentleman who has addressed the committee has been able to give one logical reason for the increase in the price of food products in this country, and no gentleman who will address the committee during the remainder of the time we have this subject under consideration will be able to give a single logical reason. The situation is not logical. All the laws of supply and demand seem to have failed in the present emergency.

THE INCREASE IN COST OF BREAD.

I want to call attention to the increase in the cost of bread, and the cause for that increase can be easily ascertained. Early last summer, in Salt Lake City, the National Association of Master Bakers held their convention. One of the principal officers in that association announced at the convention that throughout the country a concerted movement would commence to increase the price of bread. He said that it would take lots of money to bring it about; that it would be necessary to assess the members of the association and to organize a publicity campaign in the country for the purpose of boosting the price of bread. The assessments were made and the advertising campaign commerced, and has gone on to this day. Now, where is there any law on our statute books which will reach that sort of a situation? There seems to be no combination here among bakers, but bakers belonging to this association and to the associations within the States, contribute money for the purpose of carrying on a publicity campaign to convince bakers throughout this country that they ought to increase the price of bread, and to convince the public that they ought to submit to the increase in the price of bread. That is exactly what is going on in the United States to-day. Wheat has been \$2 a bushel before, and bread has sold for 5 cents for 14 ounces during all that period of time. Three or four times since the Civil War wheat has been just as high as it is now, and during that time bread was made in a more expensive way, but it sold for 5 cents a loaf. As the result of this advertising campaign, this publicity campaign, the price of bread has gone up, and with it the price of potatoes. Potatoes did not advance until, as a result of this combination among the bakers of this country, a combination that you probably can not reach by law, the price of bread went up, and potatoes, of course, went along with it. I want to read to the committee a letter written by Mr. J. M.

Bell, of the National Association of Master Bakers, of which

organization he is the secretary:

[National Association of Master Bakers. Organized, 1897. Association letter No. 46, serial p. 77. Issued from the office of the secretary, Royal Insurance Building, 160 West Jackson Boulevard.]

CHICAGO, ILL., December 13, 1916.

To members of the National Association of Master Bakers:

A letter was received in this morning's mail which is so significant of conditions in many parts of the country that the secretary is publishing it, without names, in the hope that it may be an admonition to some and a benefit to all. We do not vouch for the accuracy of the statements contained in it, but because of what we have heard from other States, and verified to some extent, we are not disposed to entirely discredit the report

The letter follows:
"Please find inclosed check for \$15 for increased dues. Sorry we did not send it sooner, but the high cost of material kind of gives a man the blues sometimes, although we received a great deal of benefit from the national association, especially this year, and the money is

man the blues sometimes, although we received a great deal of benefit from the national association, especially this year, and the money is well spent.

"We have the majority of bakers here lined up to the 10-cent loaves and are putting on a 10-cent loaf advertising campaign. Expenses are defrayed by the bakers pro rata per barrel of flour used.

"But we have several bakers, among them is our State president, who still sells three loaves for a dime, and after we went to 6 cents for the small loaf, he went to 5 cents, but sells three for a dime as a leader. He does not cooperate with us at all, and is the worst drawback we have to the State association, our city association, and naturally does not do the national association any good. I have advocated all the national association recommendations, and it does some good in the way of holding us together, yet to get new members for the national association is nearly impossible, with Mr. ——'s method of doing business as an example.

"After his return from the Salt Lake City convention he reported that the national association is only for the larger bakers; that the small baker has no business there."

I believe the notion that the national association does not welcome or does not benefit the smaller baker is now pretty generally exploded, and I will not refer to it here, except to say that my heavy correspondence during the last two or three months has been almost entirely with the smaller bakers.

What I do want to say in connection with this letter is that bakers who find themselves in positions of honor and responsibility among their fellows can not be considered as less than renegades in the industries.

try, if they fail to serve their associates, as well as themselves, by practicing in their own business as the cooperation for which their organizations must stand, if they stand for anything. Very truly, yours,

In other words, this campaign for the increase in the price of bread is being carried on upon the theory that the baker in this country who does not increase the price of his loaf is a renegade. I know of no reason why any manufacturer should not increase the cost of his product if he considers it necessary to do so in order to conduct his business with the reasonable margin of profit to which he may be entitled. But I know of no reason why he should become a party to an expensive publicity campaign to convince his competitors in business and all who are engaged in the same business, whether competitors or not, that they ought to make similar increases in the cost of their product. The officers of the National Association of Mas-ter Bakers may have already rendered themselves liable to the penalties of this law—and if this law is not sufficient to reach all those who have contributed to this publicity fund it ought to be amended so that it will reach them. The increase in the bread bill of the people of the United States made possible by this publicity campaign will amount to over \$300,000,000, and the profits of the large commercial bakers of the country have

been correspondingly increased.

Mr. FESS. Mr. Chairman, on last Wednesday the gentleman from New York [Mr. London] was calling attention to the bread riots in New York, and he said he had introduced a bill looking to making such conditions impossible. I interrupted him to ask whether his measure was a temporary measure to relieve a temporary situation or whether it was permanent legislation. His answer to me was that all radical measures were temporary, but would ultimately become permanent. I stated that if the matter was temporary, to relieve the existing situation, I had considerable sympathy with its purpose Of course, this membership well knows that these suggestions of our Socialist friend are only a part of a program well known to those familar with the principles of the Socialist propaganda. An unfortunate situation which makes possible bread riots appeals to me as worthy of legislation by Congress. It was this situation which induced my answer of sympathy for such temporary relief, although it may be socialistic.

It must have been that answer that was the cause of one paper in the city announcing that I was going to introduce a resolution and attempt to force it upon this Congress. In other words, the paper went to the extent of giving me a good deal more recognition than any individual of the House would deem I had. It did not stop here, but has taken a wider circulation until I have come into some recognition as a foster-father of this sort of legislation.

Now, Mr. Chairman, I rose to say that for this sort of legislation suggested by my friend, Mr. London, which he says is to be permanent, I have no sympathy at all as permanent legislation. I never thought of introducing such a resolution, nobody had ever suggested it to me, and I had suggested it to no one. I have listened to all this debate on this subject. I have heard many suggestions of remedies. One is that we shall eliminate the middleman. Everybody knows that we can not do that unless we reorganize our entire industrial and social organization, and that would be permanent and not temporary. Others have suggested that the Government shall go into the building of certain plants, control all production as well as the distribution of food products. That would so change our methods in America and be so un-American that I could not support it.

Mr. FIELDS. Will the gentleman yield? Mr. FESS. I will yield for a question.

Mr. FIELDS. Does the gentleman believe that it would be possible to distribute the supplies of this country without the aid of the middleman?

Mr. FESS. I think it is impossible. I have listened to all of the suggestions in this debate, and none of them are for temporary relief, except that of the chairman of the committee [Mr. FITZGERALD], who proposes an embargo. This case would most surely be a remedy worse than the disease. Our former experience with embargoes would argue our duty to avoid such methods of relief. This resolution looks to investiga-tion which will require eight months to report, and which can not and does not look to the relief of the present situation that is mentioned by my friend, Mr. London of New York. The high price of articles from which the country suffers was well presented in an able argument by the gentleman from Texas [Mr. Dies], who declared that high prices were due to conditions that are not subject easily to legislation. They are due to fundamental principles of trade, the laws of supply and demand.

Now, in addition to the three reasons that have been mentioned by the distinguished Texas Member, I wish you would listen to one other, and that is that 15 nations, representing over three-quarters of the population of the world, are at war. of these nations at war 11, those of the entente allies, are demanding our products and they say to us, "We will give you any price that you may ask if it is necessary to get them." That abnormally stimulates the price current of everything that is in the channels of trade to such a degree that in sympathy everything in America has gone up in price until it is abnormal, from which the people in the cities suffer. This legislation will not relieve the situation, and for that reason I withhold my support of it. I will vote for any reasonable measure to relieve the situation.

The CHAIRMAN. The time of the gentleman from Ohio has

expired.

Mr. REILLY. Mr. Chairman, I am in favor of the pending amendment, which provides the necessary funds to enable the Federal Trades Commission to make an investigation into the food situation in this country as authorized by the President of the United States in his recent communication to the said commission.

The debate had on this amendment indicates the striking differences of opinion as to the cause or causes of the recent food riots in New York and other large cities, and I take it that the said disagreement constitutes the best argument that can be offered in favor of the passage of the pending amendment.

When the Members of this body differ radically as to the

cause or causes of an economic situation, then certainly some person or body should be authorized to make the necessary investigation in order that there may be no disagreement as to the facts involved in any economic problem requiring congressional

One of the functions of the Federal Trade Commission is to investigate economic and industrial problems, and it is the Government's best instrumentality for gathering facts that will be of value to Congress in legislating upon the food problem, if

legislation should be necessary.

It is most deplorable that in our country, a land of plenty, there should be food riots or that any of our citizens should suffer the pangs of hunger. Such a situation is undoubtedly due to one of three causes, or perhaps all three causes may be more or less responsible for the situation. People are starving in New York to-day in the midst of plenty because of the greed and avarice of certain food speculators and manipulators, or be-cause the transportation facilities of the country have broken down and have utterly failed as food distributors, or because the enormous exportations of our food products to the warring nations of Europe have depleted our food supply to such an extent that we have not enough left at home to feed our own

What Congress wants to know is which one of the foregoing causes is entirely or partially responsible for the present food

situation in this country.

The gentleman from New York [Mr. FITZGERALD] has made an eloquent plea for an embargo on foodstuffs. As a general proposition I am not in favor of placing an embargo on foodstuffs, but if the proposed investigation should develop the fact that our food supply is not sufficient at the present time to supply our own people as a result of a short crop and of the heavy exportations of foodstuffs to foreign countries, I am in favor of Congress taking such action as will place the food demands of our people before the food demands of the people of the war-ring nations. Charity begins at home, and if we are sending too much of our food supply out of this country there can be no doubt at all of the imperative duty of Congress to act so as to protect our own people from starvation.

If it should appear from the proposed investigation that there is plenty of food in this country, but that our transportation facilities are inadequate to handle the huge task of distributing properly the food supply of the country, then Congress will be in a position to legislate intelligently so as to remedy such a defect in our transportation system. Again, on the other hand, if as the result of an investigation it should appear that there is plenty of food in this country and that it is properly distributed, but that the present high prices for food are due to the greed and avarice of a few speculators, then Congress should act and act quickly and deal out just punishment to the men who would build up enormous fortunes at the expense of starving Americans.

Mr. LEVER. Mr. Chairman, this has been an exceedingly interesting debate, participated in by some twenty-odd Members, and the only thing that these 20 men agree upon is the fact that the food situation in this country is acute at this time. Practically every gentleman who has spoken has offered a different reason for the existing conditions and has suggested a

different remedy. No two have agreed on the same proposition. The gentleman from Texas [Mr. Dies] says that these high prices of food products are due to the fact that practically all of the gold of the world has come to this country and money is cheap. The gentleman from Ohio [Mr. FESS] suggests that on account of the warring conditions in Europe the demand for our food products has inordinately increased and, therefore, has increased the price of such products. The gentleman from Wisconsin [Mr. Reilly], who has just taken his seat, says this whole situation is largely a matter of psychology; and there you go from one extreme to the other, none of us agreeing either as to the reason for the situation or as to a remedy. I do not believe there is a man living who can put his finger on all of the reasons leading to this situation or who can suggest a remedy

which will cure the situation.

If this debate has developed any one thing it has developed a necessity for a broad, impartial, strong, economic investigation of the whole problem of the high cost of living in this country. [Applause.] I think nothing more greatly emphasizes such a necessity than the divergence of opinion that has cropped out in this debate. The body constituted to conduct such an investigation is the Federal Trade Commission. The President of the United States, under authority given him in that act, has directed the Federal Trade Commission to make this investigation in cooperation with the Federal Department of Agriculture. The amendment proposes an appropriation of \$400,000 to do that work. I do not know whether that is too much or too little. I know it is not too much if we can develop from the facts ascertained by this investigation legislation which will give to our country a safeguard against the recurrence of this kind of thing in the future. I believe myself that the difficulty lies in a number of directions. I think probably there is food speculation. I think probably our whole system of distribution is wasteful and uneconomical. I am not willing to say that, because I do not absolutely know. I have a very well-defined remedy in my mind for preventing the recurrence of this kind of a situation in the future. I do not know whether it is a remedy that will cure the situation. I would like to know the facts; I would like to have an impartial investigation made of the whole situation, in the hope that impartial economic minds might suggest to Congress some line of thought which would give a basis for legislation upon this subject.

Mr. KEATING. Will the gentleman yield?

Mr. LEVER. For a brief question.

Mr. KEATING. What will these hungry women and children

do while the investigation is proceeding?

Mr. LEVER. I confess to my friend from Colorado I have no remedy and no suggestion for the immediate relief of this situa-What I am trying to do and what Congress should do is to give a permanent remedy against this thing. That is what I am seeking for in this investigation, and therefore I shall vote gladly for the amendment suggested by the gentleman from Mis-

souri. [Applause.]

Mr. LENROOT. Mr. Chairman, with most of what has been said concerning the waste of money in investigations in the past and their uselessness I am fully in accord; but, Mr. Chairman, when the Government is not in possession of facts that it ought to have to act intelligently upon a given situation, I know of no way in which those facts can be ascertained except through an investigation, and because I believe this situation is one of the most important that Congress in the future will be called upon to deal with I am in favor of this amendment now. I have not such confidence in this trade commission as to believe all of this \$400,000 will be wisely expended-I am sure it will not-but I do believe that an investigation will develop facts that will be of the greatest value to Congress in dealing with this question; and I think upon both sides of the aisle we must assume that in the very near future we have got to confront this question of the high cost of living by the enactment of new legislation. What its form shall take, I do not know, and I do not know that anyone has proposed a remedy except the gentleman from New York [Mr. London], and nobody here agrees with him. Now, if by this investigation it shall develop that the present high cost of living is due to fundamental law, as the gentleman from Ohio [Mr. FESS] states, or is due to the law of natural supply and demand, the farmer who raises the products getting a reasonable price, and the middleman and the transportation man, and all along the line to the ultimate consumer getting a reasonable profit, then I assume there is nothing we can do except to hope to increase the production in this country; but if, upon the other hand, the high cost of living is due to the simple plan "that he shall take who has the power, and he shall keep who can," then Congress has got to meet that situation in some way. How it shall be done I do not know, and we can not know until we have the facts that will take these commodities, beginning with the source of production, and follow them all along the line to the consumer and find out where the sore spot is and let us know about it. Then we will be able to act with some intelligence upon the subject.

[Applause.]

asked the gentleman from Kentucky [Mr. Sherley] whether he believed the regulation of the price of products controlled by a monopoly might not be the best means of destroying that monopoly, and he said he did not know but that that might be so, but that he did not believe that that was the way to go about it. I do not know, but I am inclined to think, that that may be the best way to go about it; and the combinations in restraint of trade, so far as destroying them by civil prosecution has fallen to the ground both under Republican and under Democratic administrations. The Standard Oil case, the American Tobacco Co. case demonstrated that. I do think you gentlemen on this side of the aisle are guilty of gross negligence in not bringing criminal prosecutions during the past four years as you have promised to do, and yet I am not wholly satisfied that that will prove a remedy. I think we must find some remedy; that instead of going through years and years of litigation in court, some administrative power in this Government, finding the fact that a monopoly exists, should have the right to say to that monopoly that it will regulate the price of the commodity that that monopoly controls, and while I am not committing myself at this time, of course, to any matter of legislation, that at least presents one possible remedy for the situation that exists.

But we can not tell those things unless we have facts on which we may base intelligent action. And there is nobody here to-night, there will be nobody in the next Congress, that without investigation by somebody will have those facts upon which intelligent action can be based. The gentleman from New York [Mr. FITZGERALD] proposes an embargo. Even if that were feasible, it offers no solution of this question, except temporarily. This problem began before the European war started. This problem will remain with us after the European

war is over. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, the pending amendment proposes an investigation by the Federal Trade Commission. It has been assumed that that commission can make such an investigation as will furnish the Congress accurate information upon which at some time in the future it may act. While great divergence of opinion has been manifested as to the cause of the present situation, most of those who have discussed the matter have asserted that to some extent the question of transportation is a vital one in the situation. And yet the committee is proposing an investigation by a commission which by the terms of the organic act is prohibited from investigating transportation companies engaged in interstate commerce.

The act creating the Federal Trade Commission provides

The commission shall have power to gather and compile informa-tion concerning and to investigate from time to time the organization, business, conduct, practice, and management of any corporation en-gaged in commerce, excepting banks and common carriers, subject to the act to regulate commerce.

So that the question of financing the holding or production or manufacture of foodstuffs and the question of transporting those foodstuffs can not be investigated by this commission.

Unless the commission can investigate these questions, the

investigation will be absolutely worthless.

The gentleman from Kentucky [Mr. Sherley] referred to the embargo proposed by me as undesirable for many reasons. I realize that under normal conditions the embargo is not desirable nor sound as an economic policy. But we are not living in normal times. Normal conditions do not exist. Every country in Europe for more than a year has had an embargo upon foodstuffs.

I intend to place in the Record, in connection with the re-marks which I made earlier in the day, the information furnished me by the State Department showing that Denmark, Greece, Holland, Norway, Spain, Sweden, Switzerland, Austro-Hungary, France, Germany, Great Britain, Italy, and Portugal have placed an embargo upon the principal foodstuffs. Why do they place an embargo upon foodstuffs? Because it is a notorious fact, not requiring investigation, that there is a world shortage of foodstuffs.

Mr. Prettyman, the president of the British Board of Trade, stated in the House of Commons in October that the men un-der arms in the belligerent countries were consuming from onehalf to twice as much food as they did in ordinary times, and that that fact, and the fact that a great number of men under

arms have been withdrawn from production, had created a shortage of foodstuffs in those countries.

We have had short crops. We have exported enormous quantities of foodstuffs in excess of our normal exports. confronted with a situation where we have a shortage of foodstuffs, and while I should not advocate an embargo merely to regulate prices, I believe an embargo will shortly become imperative in order that we shall retain for our own people the necessaries of life. They say we are at peace, and that the embargo should be used for a war measure. We are not engaged in war, but every other great nation of the world is engaged in a most deadly, destructive, and wasteful war. They are conserving the things essential for the sustenance of their people, and we with blinded eyes are sending forth our necessaries and taking the gold of the world that can not be beneficially utilized. We are exchanging what should be retained for what is of little use unless it can be exchanged for the very things we are so foolishly permitting to go from the country.

I hope this amendment will not be adopted.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that may have three minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that he may have three minutes. Is there objec-

tion? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I heartily favor any investigation to relieve the existing condition, but may I suggest that if an investigation is to be made we should clothe the investigators with the proper and necessary power. The attorney for the Federal Trade Commission appeared before the conferees on the Agricultural bill the other day and said that the commission has not that power. So we have a proposed expenditure here of \$400,000, to be appropriated for a commission to expend that has not the necessary power. I favor a commission, not for the purpose of locating the sore spot, as referred to by the gentleman from Wisconsin, for that is not necessary. That is a fact known to everybody.

If the gentleman from Wisconsin [Mr. Lenboot] will furn to his local papers, he will find that the price paid to farmers to-day is but a small advance over those paid a few months ago. Last fall potatoes were selling from 80 cents to \$1.30 per bushel in the country and \$1.60 in the city. The first of this week they were quoted in Fergus Falls, Minn., in a potatogrowing district, at \$1.50, in Minneapolis \$3, and in Washington \$4 a bushel. That is an increase to-day of only about 50 cents to the farmer, but an advance of nearly \$2.50 a bushel

to the consumer.

As stated before, we do not need this investigation to locate the sore spots. Everybody must know where they are, for that is common knowledge. All that is necessary to do is to ascertain the price paid the producer and that paid by the consumer. That can be ascertained by merely referring to quotations. Nearly every country paper gives the market reports, and the retail price can be obtained from the merchant. In looking over the papers of my district I find the following quotations: Northwood Anchor and Worth County Index, Northwood market, Feb. 22.

	Cen
Eggs Dairy butter	
Creamery butter	
Lansing Mirror, Lansing market, Feb. 25.	. Cen
Eggs	
Butter	38 to
Howard County Times, Cresco market, Feb.	20. Cen
Cggs	
Mitchell County Press, Osage market, Feb.	
Eggs airy butter reamery butter	
Mason City Daily Globe-Gazette, Mason City market	et, Feb. 22.
	Cen
Eggs	
Sleepy Eye Progressive, Feb. 22.	Cen
leggs	
Butter	
Fergus Falls Daily Journal, Feb. 21.	00 10
ggs	\$0.
Butter	
	bushel 1.
Potatoesper	pusuei 1.

sold in the country stores at about 45 cents per pound and dairy butter at about 40 cents. Fresh eggs from 30 to 35 cents per dozen.

The farmers in the potato-growing section of the country are receiving about \$1.50 per bushel. Potatoes, when shipped into my section of the country, are being retailed, according to quotations, from \$2 to \$3 per bushel. The present price here in Washington is:

\$0. 55-\ 65 --bushel- \$0. 55-\ 4. 00 Strictly fresh eggs\_\_\_ Fresh butter\_\_\_\_ Potatoes.

Anyone desiring to do so can place his order with the country merchant, as many do, for a case or half case of eggs, and have them shipped by express for about 4 cents a dozen. The same them shipped by express for about 4 cents a dozen. The same applies to butter. By so doing, instead of paying 45 cents for counterfeit oleomargarine or renovated butter or 65 cents for sweet creamery butter, he can have the best creamery butter laid down at his door at about 46 cents per pound. Instead of paying 45 and 50 cents for stored eggs or 65 for fresh eggs, he can have strictly fresh, high-quality eggs for about 40 cents per dozen. As I have said, the price paid to the producer and the price paid by the consumer can easily be ascertained and the sore spots located. They stand out so plain and clear that he who runs can read. After ascertaining the prices paid the producer, and after considering the present wages paid by the farmer, his annual earnings, which are, according to Mr. Spillman, Chief of the Office of Farm Management, page 21, hearings before the Committee on Agriculture, Sixty-fourth Congress, first session, a net average of \$142 cash and \$260 worth of food, rent, and fuel for his year's work, which includes the service of his family, averaging 4.6 people; after an examination of Bradstreet's report giving the rating of merchants, and after considering the industry, intelligence, and long hours devoted, as well as their net earnings, I believe that any fair-minded man will exonerate the producer and the country merchant from any charges of extortion; if so, they may be eliminated from the investigation. Then, what is necessary is to get after the other fellows who combine and manipulate prices, who are openly and persistently violating our antitrust laws, to get action on the Department of Justice, to do as suggested by my colleague, Judge Green, bring them before the grand jury, and send them to the pen, where they belong; or if an investigation is to be made by the Federal Trade Commission in cooperation with the Department of Agriculture, as directed by the President, certainly the investigators should be clothed with the necessary power. I take it that all are agreed that if it is necessary to investigate, it is also necessary to arm the investigators with power to conduct the investigation.

The Department of Agriculture has not the necessary power. If you will turn to the statement of Mr. Hall, in charge of the marketing of live stock, meat, and animal by-products, Office of Markets and Rural Organization, page 1397, Hearings before the Committee on Agriculture, Sixty-fourth Congress, first session,

you will find this statement:

I want to say that we are familiar with the conditions in these stock-yards, although we have not any authority to go in and secure evidence on some of these matters that have been mentioned.

This was said in referring to splitting of consignments, whispering, and combinations. On page 1404, in response to my question whether in his investigation he found any selling agreement between the commission men and the packers, the following answer was made:

Mr. Hall. No, sir. We have not attempted to discover anything of that kind.

Mr. Brand. That would be in restraint of trade, and it would be investigated by the Department of Justice and not by the Department of Agriculture.

The proposed amendment reads:

For all expenses necessary to carry out the order of the President of the United States to investigate within the scope of his powers and to report the facts relating to any alleged violations of the antitrust acts by any corporation in the production, ownership, manufacture, storage, and distribution of foodstuffs and the products or by-products arising from or in connection with their preparation and manufacture, \$400,000.

The attorney for the Federal Trade Commission, Mr. Walsh, appeared before the conferees on the Agricultural bill, and according to his statement the commission has not the power. Its power is limited to investigation of corporations alleged to be in violation of antitrust laws. The exact language of the act creating the commission, approved September 26, 1914, reads:

(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

(e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

Evidently neither the commission nor the department has the necessary power. At the suggestion of the solicitor for the

department and the Secretary an effort was made to grant the power, but such an amendment to an appropriation bill would be subject to a point of order, so nothing so far has been done, except that the conference report on the Agricultural bill carries an appropriation of \$50,000 in the following language:

To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products or any of them by any individuals, groups, associations, combinations, or corporations, \$50,000.

And Senate amendment No. 87 provides that:

Hereafter, in the performance of the duties required of the Department of Agriculture by the provisions of this act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, examine witnesses, and call for the production of books

It will be observed that the Department of Agriculture will, if the conference report is agreed to, have power to administer oaths, examine witnesses, and call for the production of books and papers, but no penalty has been provided for those refusing to testify or produce books or papers; therefore the department is without power to compel them to do so.

The authority invested in the commission is limited to investigation of corporations alleged to be violating the antitrust law, so any violation outside of corporations can not be investigated by the commission under the existing law. As a result, persons and combinations outside of corporations can not be reached by the department or the commission, and the splitting of shipments, the tagging for sacrificed prices from one central market to another, uniformity of prices fixed for the packers by those outside of corporations, and other methods evidently resorted to for the purpose of lowering the prices to the stockmen and raising the price to the consumer will continue notwithstanding the proposed \$400,000 appropriation. Congress has made liberal appropriations. The department has been investigating. As stated by its representatives, it has not the necessary power and can obtain no material information. As indicated in the hearings, it knows nothing about stockyard manipula-When in the stockyards investigating and seeking information they were politely told that it was none of their business. It goes without saying that if further investigations are to be made, power should be given to make an effective investigation to establish facts well known to shippers and those having experience in the stockyards as to the unsatisfactory conditions surrounding live-stock industries, as to the reason for the depression in the price of beef cattle and the increase cost of beef, and, as alleged in the resolutions passed by live-stock, feeders', and various other associations, why, after buying and feeding feeders, a farmer is compelled to sell them to the packers at ruinous prices, why they do not receive just recompense for their labor, why the packers have destroyed competition between the great cattle markets of the land, why a cattle feeder who ships to a given market must sell at that market, and why the price of beef on the hoof is depressed and lowered when the price to the consumer remains the same, why the Beef Trust has ignored the honest laws of supply and demand and by an illegal conspiracy it has controlled and is controlling now, the price of fat cattle at all our great markets.

If appropriations are made Congress should at least do what is proposed by the department which is to partly conduct the investigation. Not only to give it the necessary funds but power to effectively investigate and ascertain facts bearing upon questions as to whether there are manipulations, controls, trusts, combinations, and conspiracies in restraint of trade, as is proposed in the following amendment submitted by the department:

Hereafter, in performing the duties prescribed by the clauses of this or any other act relating to the Bureau of Markets, the Secretary of Agriculture may compel the giving of testimony and the production of documents; and for such purposes he and his duly authorized agents shall have the same powers in these respects as are conferred on the United States Tariff Commission and its duly authorized agents by the act of September 8, 1916, subject to all the provisions of sections 706 and 708 of that act.

It will be observed that what is desired in order to effectively conduct the proposed investigation is not to confer the power upon the investigators which is conferred upon the Federal Trade Commission, but to confer the power upon them which is conferred upon the United States Tariff Commission, a power which will make the finding of facts and a comprehensive report

When armed with the proposed power it should, among many other things, ascertain and report why merchants are compelled to buy from trusts at excessive prices, why they pay for and sell inferior butter and eggs at higher prices than they can be shipped in for, why fat cattle are sold exclusively to the Beef Trust, why stockers and feeders are sold exclusively to the scalpers, why feeders and stockers can not be bought direct from commission men but must be bought from scalpers, why the country meat market is supplied with meat often shipped hundreds of miles by the Beef Trust instead of slaughtering and supplying its market. These are not secrets. It is common knowledge, and if there is to be an investigation the investigators should be fortified with power to compel thorough investigation. As before stated, we have appropriated large sums of money, and a large army of officials have investigated. Manipulation goes on, and prices to the consumer soar higher than Set aside every dollar of the \$26,000,000 appropriated for the department, put every one of its 16,000 employees to investigating the high cost of living, but without the necessary power, its endeavors will be fruitless, its results will be that of the numerous other unsuccessful investigations ordered in recent years. We will be long on experience and short on cash. Of course, combinations and manipulations of prices in restraint of trade are not the only causes for the high cost of living.

It is unnecessary to say that the practice of buying in small quantity, or from day to day, and prompt delivery, as is the practice in the city, makes the distribution more expensive and adds to the cost to the consumer. Increased taxes, short hours, and increased pay to employees also add to the cost. Short hours and increased pay sound good, but, as the saying goes, "You can not eat your cake and have it too." Reckless expenditures and waste appropriations add to the burden of the pro-Reckless expendiducer and the merchant, which in the end falls largely upon the consumer. Besides, the increased transportation rates have added several hundred millions to the cost of living and reduced the net earning to the producer. It will be remembered that in 1914 the railroads asked for a 5 per cent increase in rates. The Interstate Commerce Commission gave their claims careful consideration, and after an exhaustive investigation reported against an increase. But after its adverse decision, and after the President's conference with representatives of the railroads, and after he had made known his views on the subject, the commission ordered a rehearing and immediately granted an increase, notwithstanding its previous adverse report and in spite of the fact that the railroads' report showed net operating revenue on railroad carriers operating 221,748.58 miles of road as \$939,956,996.47 for 1913, which was \$85,478,329.97 in excess of net operating revenue for 1912. The operating revenue for 1913 was reported to be more than \$3,000,000,000. Five per cent of that amount is \$150,000,000 per annum. The consumer and producer can at least charge that much up to the President, and had he had his way a year ago to allow railroads to increase their rates to make up the difference of wages under his proposed eight-hour proposition, which Congress averted by providing for an investigation instead of agreeing to his plan, the consumer and producer would have another increase to pay.

Considering the abuse, combinations, and manipulating of prices in restraint of trade everywhere, the injustice done both to the producer and the consumer, the proposed appropriation of \$400,000 can do no harm and will undoubtedly do some good,

even with the limited power given the investigators.

Mr. DECKER. Mr. Chairman, I ask unanimous consent to

speak for five minutes

The CHAIRMAN. The gentleman from Missouri [Mr. Decker] asks unanimous consent to speak for five minutes. there objection?

Mr. MANN. Reserving the right to object, how many more gentlemen wish to speak?

Ten Members rose.

Mr. FITZGERALD. Mr. Chairman, that is unreasonable.

Mr. MOORE of Pennsylvania. You have heard from the country pretty thoroughly, but there have been very few speeches made from the cities. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Is there objection to the request of the

gentleman from Missouri [Mr. DECKER] to proceed for five

Mr. MANN. Unless the other gentlemen are to be accommodated I shall have to object.

The CHAIRMAN. The gentleman from Illinois objects. All time has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

Mr. CARY. Mr. Chairman, I would like to offer a substitute amendment to the amendment.

The CHAIRMAN. The gentleman from Wisconsin CARY] offers an amendment to the amendment, which the Clerk

The Clerk read as follows:

Substitute for the Borland amendment, offered by Mr. Cary: That the President of the United States and the Attorney General are hereby authorized and directed to issue orders to the various trans-

portation companies of the United States and the corporations and individuals controlling the cold-storage and other large supplies of food and fuel to release the same for free sale and marketing, and to furnish the necessary cars and equipment for the immediate transportation of the same to the cities where distressing lack of food and fuel supplies prevail, and upon neglect or refusal of any of the said transportation or other corporations to obey such order the Attorney General is hereby directed to at once apply to the United States courts in the jurisdiction where said corporations are located for the immediate appointment of a Federal receiver, who is hereby directed to operate said corporations in accordance with the terms and for the purposes set forth in this resolution, to the end that immediate relief be given to the suffering people from an intolerable situation.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The point of order is sustained. question is on the amendment offered by the gentleman from Missouri [Mr. Borland].

Mr. MAHER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from New York offers an amendment by way of substitute, which the Clerk will report. The Clerk read as follows:

amendment by way of substitute, which the Clerk will report.

The Clerk read as follows:

That at any time within two years from and after the passage of this act the President of the United States is authorized and empowered, whenever in his opinion because of excessive prices the public interests shall so require, to prohibit by proclamation the exportation from the United States of all farm products, fish, game, and manufactured food stuffs, or such of them as he shall specifically designate, for a period not to exceed one year, and to continue or revoke such inhibition within the two-year period as he may determine advisable.

Sec. 2. That whenever the President of the United States shall issue a proclamation as provided in section 1 of this act it shall be unlawful, during the period named in such proclamation or any extension of such period, to export from the United States, by land, water, or otherwise, except as hereinafter provided, any farm products, fish, game, or manufactured foodstuffs as provided in such proclamation: Provided, That ships or vessels clearing from ports of the United States shall be permitted to carry the necessary provisions and sea stores for the voyage; that railroad trains shall be permitted to transport the necessary provisions for the use of the train crew and passengers on trains; and that upon a special certificate to be issued by direction of the President of the United States such of the prohibited articles as may be required for the use of officers of the United States and their households accredited to foreign Governments, or for the use of American citizens necessarily residing within beligreent countries, or for the relief of people made destitute as the result of war, pestilence, or other extraordinary events, may be exported under such rules and regulations as the President may determine without incurring the penaltics provided by this act.

Sec 3. That the President of the United States is authorized and empowered to issue all necessary instructions to the officers

Mr. BORLAND. Mr. Chairman, I notice from the wording of the amendment that it is subject to a point of order. I make the point of order on it.

The CHAIRMAN. The gentleman from Missouri makes the point of order on the substitute. The point of order is sustained. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. FITZGERALD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were-ayes 83, noes 51.

So the amendment was agreed to.
The CHAIRMAN. The Clerk will read.
Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to

revise and extend my remarks in the RECORD. The CHAIRMAN. Is there objection to the request of the

gentleman from Kentucky? There was no objection.

By unanimous consent, leave to extend their remarks in the Record was granted to Mr. Van Dyke, Mr. Maher, Mr. Doolittle, Mr. Connelly, Mr. Treadway, Mr. Olney, Mr. Fess, Mr. Garland, Mr. Farr, Mr. Hulbert, Mr. Hull of Tennessee, Mr. FERRIS, Mr. CARY, Mr. HAUGEN, Mr. HELGESEN, Mr. POWERS,

Mr. Esch, Mr. Coleman, Mr. Ayres, Mr. Cooper of West Virginia, Mr. Davenport, and Mr. Steele of Iowa.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend my remarks on another subject.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection. The Clerk read as follows:

FEDERAL TRADE COMMISSION.

FEDERAL TRADE COMMISSION.

For 5 commissioners, at \$10,000 each; secretary, \$5,000; 5 clerks to commissioners, at \$1,500 each; chief clerk, \$2,000; disbursing clerk, \$2,000; clerks—4 of class 4, 5 of class 3, 10 of class 2, 17 of class 1, 21 at \$1,000 each, 21 at \$900 each; messenger; 4 assistant messengers; 9 messenger boys, at \$480 each; messenger; 4 assistant messengers; 9 messenger boys, at \$480 each; general mechanic (carpenter, etc.), \$840; 3 watchmen; 2 elevator conductors, at \$720 each; 3 laborers, at \$660 each; telephone operator, \$720; forewoman, \$300; 6 charwomen, at \$240 each; in all, \$172,920.

For compensation, travel expense, and per diem in lieu of subsistence at the rate of \$4, of such special attorneys, special experts, special examiners, special agents, clerks, and other employees as may be necessary for the purpose of carrying on the work of said commission; no salary shall be paid hereunder exceeding the rate of \$5,000 per annum, \$300,000.

For contingent and miscellaneous expenses, including the purchase of professional and scientific books, law books, books of reference, periodicals, pamphlets, maps, stationery, furniture and repairs to same, carpets, matting, olicloths, filing cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating, freight and express charges, street car tickets, postage to foreign countries, telegraph and telephone service, type-writers and calculating machines, including their exchange, and for all other necessary miscellaneous supplies not otherwise provided, \$20,000.

For vental of building or quarters, \$15,000.

For rental of building or aparters, \$25,000.

For rental of building or quarters, \$15,000. For witness fees, and mileage, as provided in section 9 of the Federal Trade Commission act, \$15,000.

Mr. MANŃ. Mr. Chairman, I move to strike out the last word. The CHAIRMAN. The gentleman from Illinois moves to strike

out the last word.

Mr. MANN. I would like to ask the gentleman from New York if the Bureau of Efficiency has any control over any of the actions or work of the Federal Trade Commission or anything to do with making an investigation there?

Mr. FITZGERALD. It has authority under the statute to

establish an efficiency rating in any of these agencies.

Mr. MANN. Very well. I have considerable admiration for Mr. MANN. Very well. I have considerable admiration for the Bureau of Efficiency and the chief of that bureau, Mr. Brown, who I think is a very competent man. I hold in my hand the report of the United States Bureau of Efficiency for the period from March 25, 1913, to October 31, 1916, including 'a message from the President transmitting herewith the report

of this Bureau of Efficiency."
When I read this report I wondered how efficient the Bureau of Efficiency was. It is not signed by anybody. It is not addressed to anybody. It seems to be a remarkable report; it seemed that it is so efficient that they save the expense of printing the name of the person to whom the report is made and the name of the person who makes the report. It is just that kind of a document that your secretary might write and you would find it as a scrap and get the President to report it as coming from the Bureau of Efficiency. I do not think that is very efficient bureau work. If you tear off the letter of transmittal and read it you would never know who produced it or to whom it was sent.

Mr. TREADWAY. Or what it was about. [Laughter.]
Mr. MANN. Oh, it is pretending to tell, or it is telling,
what great work they have done in the different departments.
Mr. FITZGERALD. Could you not tell by reading who

did it? Mr. MANN. No; you could not, because they are not the only ones who brag of themselves. [Laughter.] It might have been written by anybody. It might have been written in any department. I think it shows a rare lack of efficiency. I say that with all due respect.

Mr. FITZGERALD. Somebody might take it for a speech

delivered by a Member of Congress. [Laughter.]

Mr. CANNON. Does not psychology come in there in some [Laughter.]

Mr. MANN. Now, having relieved myself in this manner, I do not care whether they get a certain rating in efficiency in this Federal Trade Commission or not. They would have hard work in my judgment to find anything there to rate as

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For salaries and expenses of the United States Tariff Commission, as authorized under Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, \$300,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. I want to ask the chairman of the committee if any schedule of appointments has been made by this Tariff Commission?

Mr. FITZGERALD. While some of the members have been selected, so far as I am officially informed, none have been appointed.

Mr. MOORE of Pennsylvania. They ask for \$300,000 to start with.

Mr. FITZGERALD. That is the amount authorized by the statute to be expended by that board. Of course, the gentleman knows what I think about commissions of all kinds, and a tariff commission does not stand highest in my estimation.

Mr. MOORE of Pennsylvania. I think the gentleman is more consistent in that respect than some of his colleagues on that side of the House

Mr. FITZGERALD. On both sides. Mr. MOORE of Pennsylvania. The gentleman has expressed an independent view that is very commendable on the part of a gentleman from New York. I would like to ask whether the hearings developed anything as to the men to be employed?

Mr. FITZGERALD. We did not have any hearings. I insisted on putting this item in the bill. There was not even an estimate and I notified the Treasury Department that an estimate was needed. When the bill creating the Tariff Board was under consideration, it was suggested that a committee might exist in this House at some time which would determine that it was inadvisable to provide for the board. To relieve myself from such suspicion I insisted that the Treasury Department send an estimate, and I inserted the item without having consulted with anybody. I think that is a very virtuous [Laughter.] deed.

Mr. MOORE of Pennsylvania. The newspapers report that

the President appointed the commission.

Mr. FITZGERALD. Well, the gentleman and myself do not pay much attention to what appears in the newspapers. [Laughter.]

Mr. MOORE of Pennsylvania. Possibly the gentleman can tell me whether there is any authenticity in the report that Prof. Taussig, of Harvard, has been appointed president of the Tariff Commission?

Mr. FITZGERALD. It has been stated in the press that Prof. Taussig, of Harvard, has been offered and has accepted the place, with the expectation that he was to be chairman. When it is attempted to find men to sit on a tariff board who have no political views upon the tariff, or who can sit in an impartial manner when considering the tariff question, a job has been marked out for the man who has the selecting to do. It may be possible to find six men in the United States not all belonging to one great political party who will admit that they can be impartial in passing upon questions of the tariff; but I would not place any too much reliance on their professions of impartiality unless I selected them myself. [Laughter.]

Mr. MOORE of Pennsylvania. I see the gentleman is in harmony with his views of four years ago concerning a tariff commission; but I am very anxious to obtain information as

to the operations of this commission up to date.

Mr. FITZGERALD. I have told the gentleman all I can tell im. In the last Congress, when the bill was passed in which the Tariff Board was created, there was carried an appropria-tion of \$300,000 for the Tariff Board. Very near the end of the sundry civil appropriation bill hearings I inquired about the Tariff Commission, and ascertained that no estimate was before Congress for an appropriation for that board. I notified the Secretary of the Treasury, and asked him to start the ma-chinery necessary to have an estimate sent to Congress. There was no Tariff Board. I did not know who could speak in its behalf or who could give any information about it. Congress insisted that it should spend not more than \$300,000 a year, and the committee included that sum in the bill, with the expectation that when the board does get organized and appoint their force we will look them over with a somewhat critical

Mr. MOORE of Pennsylvania. The gentleman was vigilant, as he usually is in the matter of these appropriations. But, free trade being dead, and no longer an issue with the Democracy the gentleman may inform us about a report that a tariff bill might be reported in the next session of Congress by the party in power in order to restore the revenues of the Government. Does the gentleman know whether this commission has so far organized as to lead us to expect a tariff bill in the near future?

Mr. FITZGERALD. I move to strike the last word. Like

a good many men in public life, I sometimes become discouraged

at the trend of events, particularly when I think perhaps my colleagues do not exhibit the greatest wisdom when they refuse to accept my advice; but I hope the Democratic Party will never become so demoralized and dilapidated as to offer in the House of Representatives a tariff bill satisfactory to the gentleman from Pennsylvania. [Laughter.] If it ever should reach such an unfortunate condition, I should, I fear, be inclined to consider the advisability of joining some other political party.

Mr. BURNETT. The Prohibition Party?

Mr. FITZGERALD. For a sensible man like the gentleman from Pennsylvania to talk of any political party in the United States favoring free trade has no other effect than to make some men somewhat suspicious that some of the recent criticisms of the gentleman from Pennsylvania may have some justification. [Laughter.] There never has been any justification for asserting that the Democratic Party is for free trade. Any party proposing to raise almost \$300,000,000 annually by a tariff bill through customs dues is at least \$300,000,000 away from free trade; and comparing the free list in the McKinley and Dingley tariff laws and the iniquitous Payne-Aldrich tariff law—

Mr. MOORE of Popularian

Mr. MOORE of Pennsylvania. Now add the Underwood bill

and the list will be complete.

Mr. FITZGERALD. And the Underwood law, it would be a very clear and consistent assertion that the Democrats were no nearer free trade than the Republicans. My opinion is that the Republicans had just as many articles upon the free list as The only difference was that in fixing the rates the Democrats. The only difference was that in fixing the rates in a tariff bill the Democrats have endeavored to frame the legislation in such a way that the burden would not fall upon the great masses of the poor who are unable to bear them, but would fall upon those who are well enough off in worldly goods to be able to bear them, while the Republican tariff is always designed to put the burdens on the poor and relieve the idle

rich from the burdens of taxation.

Mr. MADDEN. With all this free-trade generosity of the Democratic Party with a view to reducing the cost of living, why is it that the cost of living has increased about 60 per

Mr. FITZGERALD. Do I have to go all over that again? I thought I had demonstrated, at least to the satisfaction of the gentleman from Illinois [Mr. MADDEN], who comes from a big city, the reasons for the high cost of living.

Mr. MADDEN. The reason is Democratic inefficiency, is it

Mr. FITZGERALD. Oh, Democratic inefficiency is not nearly as actual as Republican buncombe. Everybody-except those who voted for this absurd investigation [laughter]-knows the cause of the present conditions. Of course if the gentlemen on that side propose to relieve the starving people of the country by making the tax upon imports higher in order to reduce prices, I hope they will offer that as a solution for the present situation.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. FITZGERALD. I hope I have satisfied my friend.

Mr. MONDELL. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD], whose mind is generally as clear as crystal, has confused two entirely separate and different things. He has confused the possible bringing in by the Democratic majority of a tariff measure largely protective in character with the conversion of the Democratic Party to the principles of protection. Now, in my opinion, it is altogether possible and quite probable that if the gentlemen on the other side shall control the next Congress, which heaven forbid, we shall see a protective-tariff measure of a sort brought in from that side. It may not be just the kind of a protective measure that my friend from Pennsylvania, Mr. Moore, or I would approve, but it might be a very fair sort of a protective measure But the fact that such a measure was brought in and supported on that side would not necessarily prove that that side had been converted to the protective-tariff policy. We have seen at one time and another legislation enacted by almost unanimous vote on that side relative to which we had very serious doubts as to whether the gentlemen really approved their votes or the measures they supported.

We had a fine illustration of that in the Panama Canal tolls matter, which the gentleman from New York so feelingly spoke

of this afternoon.

Mr. FITZGERALD. I have not shifted my position.

Mr. MONDELL. No; the gentleman has not, and I do not think his party shifted in their views; they only shifted in their votes. [Laughter.] When this Tariff Commission the Demo-cratic Party has provided for has brought in a report clearly justifying a protective-tariff measure, a gentleman dwelling for four years more at the other end of Pennsylvania Avenue

might-and I for one would not be surprised if he did-appear here with a message clothed in that matchless English of which he is the master, declaring that while his party stood solidly where the party always has stood, against protection as a principle, and firm as a rock for free trade or a tariff for revenue, still, as another distinguished Democrat once said, "It is a condition and not a theory which confronts us." All the world, the President might say, is organized in groups of powers for the purpose of benefiting their commerce, increasing their manufactures, and spreading their trade; in the face of such a situation, peace by that time having come, but commercial war being rampant, the President might present to us a very persuasive argument in favor of meeting the situation by a tariff framed for the purpose of matching the trade and tariff measures of the Old World with protection as a purely emergency

If there should be a Democratic majority in the next House, should expect such a message from the present occupant of the White House. If that time comes, I should expect to see, provided the Democrats control the House, otherwise nothing of the sort-I should expect to see the gentlemen on the other side, as I have often seen them before, firm as a rock in their devotion to Democratic principles but voting as the President

suggests. [Applause on the Republican side.]

Mr. CANNON. Mr. Chairman, I move to strike out the last The English language is a wonderful language. three words. Webster's Unabridged Dictionary is a wonderful dictionary, and once in a while a new word is coined. I recollect a law-suit in which I was engaged when a young man and a witness that I depended upon to make out my client's case was very effectually impeached. I cross-examined the witnesses as to the neighborhood in which he lived, how many neighbors they heard talk of him, and finally I got an old man on the stand that I was cross-examining, and he said, "Joe Cannon, do you know that Cy Tompkins pretends one thing and protends another?" [Laughter.] My friend from Wyoming means that the great leader of the Democratic Party who issues the commands, which have been obeyed so far, pretends one thing and protends another. [Laughter.]

Mr. BENNET. Mr. Chairman, possibly the position that I shall take will seem somewhat ungracious, but I purpose as near as I can within human limitation to tell the exact and pre-There is less suffering in the city of New York this year than there has been at any time in the last 15 years, in the wintertime. [Applause.] I suppose, as a partisan Republican, I ought not to say that, because this is a Democratic administra-We have had what they call food riots. two things about these riots that ought to attract your attention, if you give any analytical thought to them.

First, the leader of the first food riots participated in by about 200 estimable ladies of the East Side was the Socialist candidate for assembly, sixth assembly district, at the election of 1916, and a lady who for some reason or other is described as "Sweet Marie" Gans, who is a rather prominent member of the Industrial Workers of the World. My colleague [Mr. Lon-pon] represents a labor district. So do I. He has, I think, 13,000 voters in his district. I have 61,000 in mine. I have not received one single letter from a single soul in my district and in my Claremont Parkway section I have as poor people as he has in his district-protesting against conditions in New York. Most of us are married and therefore we realize when you raise the price of potatoes 300 per cent and meat 300 or 400 per cent that you will hear from your wife. I do, so do other men, and until women have voted for 40 or 50 years, which will be some time from now, they will not really get to a point where they will be drawn to a realization that you can not correct everything at once by legislation. I am not decrying hunger or suffering. I have seen a lot of it in New York, both under Republican and Democratic administrations. I am just simply telling the truth and describing I am not opposed to any man who comes forward with anything that will make them better than they are. my colleague [Mr. London] proposes would not have any effect He simply would appropriate eight or ten million dollars and go out in the public market and buy food, as he says, at cost, which is the present high prices, and sell at cost.

Mr. GORDON. Reasonable prices.

Mr. LONDON. Does the gentleman know that Senator Borah advocates the very same thing in the Senate?

Mr. BENNET. Simply because a Republican advocates it, that does not make it any more effective.

Mr. LONDON. Not if it happens to serve the interests of the people, not from the standpoint of the gentleman from New York now addressing the House.

Mr. BENNET. I do not know whether that is an insult or a compliment, therefore I will pass it over. I was speaking of facts. My colleague proposes, as he has a right to propose, some way or other—of course, we would have no constitutional power to do it—to appropriate \$10,000,000 to buy food, and proposes they buy at prevailing prices and sell at reasonable prices. Now, he proposes one of two things, one of three things possibly. Either to sell at cost, which would mean a reduction of 10 or 15 per cent, and which really would not be noticed, or that we sell below cost, which would be either confiscation or compelling a portion of the taxpayers to contribute to the support of another portion, or reasonable prices with a certain amount of profit, and any one of those three things could not ameliorate conditions in New York if they are as bad as some people say they are. I believe one thing ought to be done, and if the legislature proposed it I would be for it. I have introduced a bill to confer on the Health Department of the District of Columbia, in exercising its general police power, the power to issue orders to do away with waste in food. That is sound economic doctrine. I would even give them the power to regulate the amount of food that can be served in any public hotel or restaurant in any one day to any one person. Why? Because we are suffering from a world condition in part and a local condition in part. The gentleman from Missouri was correct—that we can not escape the results of the European war; that we can not economically escape them so long as 30,000,000 are not producing and we are feeding them and their dependents as well as our own. The law of supply and demand makes it inevitable that prices go up, and that is a law you can not repeal by any legislation.

Mr. KEATING. Will the gentleman yield? Mr. BENNET. If I can get my time extended.

Mr. KEATING. I would ask that the gentleman be given a

Mr. FITZGERALD. I will not object to the extension of a short time, but I shall object to any further discussion after the gentleman has finished.

The CHAIRMAN. Is there objection to the time of the gentleman being extended five minutes? [After a pause.] The Chair hears none.

Mr. KEATING. Will the gentleman yield now for a question? Mr. BENNET. For a question.

Mr. KEATING. I want to know if I had understood the gentleman. I understood that he suggested that the Health Department of the District of Columbia be given power to determine how much food should be served to each citizen of the District of Columbia in any one day?

Mr. BENNET. I did not. I give them the power to regulate the awful waste of the hotels and restaurants of the city of Washington, but I do not propose to invade the homes of the

Mr. KEATING. Does the gentleman propose to limit the amount of food a man may order in a restaurant in Washington?

Mr. BENNET. The amount that may be served him; yes.

Mr. CARY. Will the gentleman yield? Mr. BENNET. I will for a question.

Mr. CARY. Does the gentleman know there has been an embargo placed on the city of Washington now-placed there to-day by the railroads-and it will-

Mr. BENNET. If there is, I am against it. Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET. I will.

Mr. FITZGERALD. The gentleman spoke of the character of persons engaged in this controversy in New York. My colleague is acquainted with Rabbi Stephen W. Wise.

Mr. BENNET. Yes. Mr. FITZGERALD. A Republican.

Mr. BENNET. Well, he voted for President Wilson. Whether that made him a Republican or not I do not know.

Mr. FITZGERALD. Every intelligent man did that, even Republicans. [Laughter.] But he is a Republican.

Mr. MANN. The genteman from New York [Mr. FITZGERALD]

Mr. FITZGERALD. Well, I am intelligent, too. He made an address before the mayor of the city of New York yesterday, in which he spoke of the extreme, pressing situation regarding food in the city of New York. Do you think he was just an ordinary agitator, ignorant of conditions? He, with the settlement workers, with whom he is associated, presented to the mayor of the city the inability of the poor of New York to obtain food.

Mr. BENNET. This is my night for telling the truth, and I am going to answer that. Dr. Wise is a very warm personal friend of mine, but he is rather given to extreme statements.

I never believed, for instance, what he said the night after the dinner had been given to Richard Croker, when he stated that all those good Democrats who attended that dinner were unworthy to associate with respectable men because they had been to the dinner. [Laughter.]

Mr. FITZGERALD. The gentleman is trying to get away from the question. Here is one of the most beloved rabbis in the city of New York, in politics a Republican, with occasionally lucid moments, when he votes the Democratic ticket, engaged in extensive settlement work, who appeared yesterday before the mayor of the city of New York, urging him to take drastic measures in order to furnish food to thousands of persons who are unable to purchase it. There has not been a situation in the last 15 years that necessitated men like Rabbi Wise making any such proposition.

Mr. BENNET. I am rather surprised to have my colleague

admit and attempt to prove that under a Democratic administration want and destitution pervade the city in which we both

Mr. FITZGERALD. The city of New York has not a Demo-cratic administration. It is one of those hybrid Republican administrations under which we are always suffering and always in want.

Mr. BENNET. I think my colleague will have to agree with me that it is still a part of the United States of America and that the conditions which affect the country generally affect New York. Now, I will answer my colleague's question.

Mr. FITZGERALD. I want to know about Rabbi Wise, whether he is one of these unreliable, anarchistic agitators who are trying to mislead the public?

Mr. BENNET. As I said, this is my night for telling the truth, and I am going to tell it.

Mr. FITZGERALD. Well, I know it is hard. [Laughter.]

Mr. BENNET. I will admit that, and therefore I deserve the more credit. [Laughter.] Dr. Wise is one of the best men in New York City. He has a heart as large as all out doors, but frequently when an economic situation arises and you see a committee going down to the mayor headed by eminent clergymen-Jewish, Catholic, or Protestant-their position is usually one with which the unthinking can sympathize, but which, economically analyzed, is unsound.

Now, Dr. Wise probably went down there and talked about the thousands of people who were suffering. Of course, they are suffering to the same extent that a man is suffering who has been accustomed to eating a porterhouse steak, but on account of the high price now is unable to get it. Taking that right on down the scale, when people find potatotes have gone up 300 per cent, and they either have to eat less of them or substitute cheaper food, they are suffering, but they are not starving. And Dr. Wise, when he had gotten this outburst, which did his heart credit, out of his system, did not have anything to propose except that the mayor should have \$1,000,000 appropriated for the relief of the poor. One million dollars for a city in which there are 5,000,000 population, all of whom have a prejudice in favor of eating three meals a day. It would be just simply a drop in the bucket.

Mr. FITZGERALD. Is that any more ridiculous than Mr. George Perkins's statement that they were going to buy 3,000,000 pounds of rice, to cost \$180,000, in order to control the price of foodstuffs in New York? He is a progressive Republican and Rabbi Wise is a Republican. Rabbi Wise, with the East Side settlement workers, called upon the mayor to point out the necessity of the poor getting food. They are paying 10 cents a pound for potatoes, which means \$18 a barrel; 15 cents a pound for onlons, which means \$27 a barrel. Talk about them eliminating waste! They do not get anything at all. There is no waste.

The CHAIRMAN. The time of the gentleman from New

York [Mr. Bennet] has expired.

Mr. BENNET. I have not had any time at all. Can I have two minutes?

The CHAIRMAN. The gentleman from New York [Mr. Benner] asks unanimous consent that he may proceed for two Is there objection?

Mr. MANN. Reserving the right to object, I would just like to know if the two gentlemen from New York are going to canvass all the people in New York before they finish the debate? If they do, all the rest of us may as well go home. I am not interested

Mr. BENNET. I can not answer. Two minutes is all I may require.

Mr. MANN. And you will not get much of that at the present rate

Mr. BENNET. I have not got any of it yet.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. BENNET. During which I shall ask not to be interrupted. I assert at the outset, that if my colleague and I, both being politicians in New York City, had been asked to go with that committee with Rabbi Wise, we probably both would have gone, because it is a popular thing in New York, and

easy to do.

And I want to say that I was quite largely in favor of my colleague's embargo proposition. I want to say that at first I was not in favor of my colleague's embargo proposition in New York, because when I came down here in December I thought it was economically unsound. But there is one thing that has happened since then that has possibly made it economically sound. The reason why it was economically unsound was if you put the farmers' prices down where he does not make profit he will switch around somehow next year to make some other sort of crop; but when this House overruled the President of the United States on his immigration bill veto and prevented this country from getting labor that was needed, they voted whether they realized it or not, for higher prices to be paid by the consumers in the large cities, where we are dependent upon the products of the farm for our living, and therefore my colleague's proposition, which would have been unsound if we had left the labor market free to come and go in accordance with the law of supply and demand, has not only now become sound, but if we persist in that unwise course and continue to deprive ourselves of the opportunity to obtain labor, we will make it inevitable that we will have to put an embargo on our products in order to keep them in this country so that we can consume what our shortened labor market will enable the farmers of the country to produce. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The Clerk will read. Mr. LONDON. Mr. Chairman, I ask unanimous consent for one minute

Mr. FITZGERALD. I am going to object to any more unanimous consents.

Mr. MANN. I am going to ask the gentleman to move to rise if we are to meet at 11 o'clock on Monday. This is 10 o'clock on Saturday night.

Mr. FITZGERALD. Well, I am going to ask that the Clerk

read the bill for a while.

Mr. MANN. That is impossible. We will not reach the bill to-night.

Mr. FITZGERALD. Yes; we will.

Mr. MANN. No; I do not think so.

Mr. FITZGERALD. I think we will. Let us run on for an hour. I have to work all day to-morrow.

Mr. MANN. Well, I have to work two

Well, I have to work two or three hours after we quit here

Mr. FITZGERALD. I ask that the Clerk read.

Mr. MANN. If the gentleman insists I will object to cur meeting at 11 o'clock Monday. I do not think the gentleman from New York has been in favor of progress to-night.

Mr. FITZGERALD. I think they have been about talked out

Mr. MANN. No; everybody around here is filled up with I am even getting into the spirit myself. [Laughter.] It is Saturday night. Let us be reasonable.

Mr. FITZGERALD. No; we have not done anything yet.

I ask that the Clerk read.

Mr. MANN. I give the gentleman fair warning. I will object to meeting at 11 o'clock Monday.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES SHIPPING BOARD.

UNITED STATES SHIPPING BOARD.

For five commissioners at \$7,500 each; secretary, \$5,000; in all, \$42,500.

For all other expenditures authorized by the act approved September 7, 1916, including the compensation of attorneys, officers, naval architects, special experts, examiners, clerks, and other employees in the District of Columbia and elsewhere; and for all other expenses of the board, including rental of quarters in the District of Columbia and elsewhere, law books, books of reference, and periodicals, printing and binding, and actual and necessary expenses of members of the board, its special experts, and other employees while upon official business outside of the District of Columbia, \$300,000.

Mr. MANN. Mr. Chairman, the salaries of this Shipping Board, of course, are restricted by law. How many employees are they to have under this?

Mr. FITZGERALD. All together?

Mr. MANN. Yes.

Mr. FITZGERALD. About 145.

and time clerks get \$2,000. They expect to have 50 clerks, 10 of whom will get \$1,600 each, 10 will get \$1,500 each, 10 will get \$1,400 each, \$10 at \$1,200 each, 10 at \$1,000 each. The cashier gets \$2,000, the bookkeepers get \$3,000, 2 chiefs of division get \$3,000 each, experts of different kinds get from \$250 to \$300 a month. Examiners are to receive from \$100 to The whole schedule of organization was filed \$300 a month. with the committee.

What are these people going to do? Mr. MANN.

Mr. FITZGERALD. Why, the Shipping Board explained hat. Under the law they could do one of two things. They could either apply to Congress for the money necessary to conduct all of the functions of the board, or else they could organize a corporation, and by the organization of a corporation engage their forces and avoid coming to Congress.

What are those employees going to do?

Mr. FITZGERALD. They are going to be engaged—
Mr. MANN. If the board itself does not know what it is going to do, how do the employees know?

Mr. FITZGERALD. The board knows what it is going to do. Mr. MANN. The gentleman says "if" and "in case" and provided," "or else," but—

Mr. FITZGERALD. The Shipping Board will perform the

many and manifold and various duties imposed upon it by the shipping act. One is to investigate discriminations against American commerce; to investigate complaints filed in regard to discriminations against American shipping; to investigate matters pertaining to American oversea lines and the encouragement of American shipping, the securing of vessels to be operated by private concerns, and a great many other duties imposed by the act. The board has outlined a very comprehensive scheme of organization. It has detailed the kind of work it expects it will be required to do. Nobody can tell whether their estimate of what will be presented to them is accurate or not. They made one guess; we made another. [Laughter.]

Mr. MANN. Well, here is the Tariff Commission, that has the most arduous work that there is for any commission to perform. They get \$300,000. It is proposed to give to these other people \$500,000. Now, nobody knows what they are going to do, and

the gentleman can not tell.

Mr. FITZGERALD. Well, they have \$50,000,000 that they can spend.

Mr. MANN. Oh, no; they have not got 5 cents. Mr. FITZGERALD. Well, they can get it.

Mr. MANN. That depends.
Mr. FITZGERALD. Unless it is all gone before they start. [Laughter.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois [Mr. Mann] wants to know what the Shipping Board is going to do. The gentleman from Illinois [Mr. Mann] did not inform us in regard to the remarkable plan of organization proposed by this Shipping Board, although I am quite confident he knew about it. A man as thorough as he is surely did not allow as interesting a matter as that to escape him.

I was not much in favor of the shipping bill, but I am rather favorably disposed toward the Shipping Board, because I have discovered that the Shipping Board as now organized proposes to make an earnest and, I hope, an entirely successful effort to avoid doing some of the things for which it was organized.

[Laughter.]

I wish it good luck and all sorts of success in that effort. am sorry that I have not the time in the moment allowed me to read from the statement made by the chairman of the Shipping Board, a very able gentleman, who appeared before us and gave us an outline of what he expected to do and what he hoped to be able to avoid doing which the law contemplated that he should do.

In connection with that statement, they presented to us an outline of their proposed organization, and surely it is going to be a splendid organization, for it is as artistic an outline of organization as I ever saw. If after one has followed these organization as I ever saw. If after one has followed these plans and maps and specifications, outlines of organization that the various commissions have gotten up, one after the other, and finds one that is more alluring than all the balance, it is

surely doing good work.

The gentleman from New York, in answer to the gentleman from Illinois, gave some of the salaries proposed to be paid by the Shipping Board in these various divisions; but I notice that through inadvertence, I have no doubt, he did not in every case give the larger salaries. As I heard him, he gave the smaller salaries, or at least in some cases. These gentlemen expect to do good work, and I hope that they will. I realize that in Mr. MANN. What salaries are those people to receive?
Mr. FITZGERALD. Well, they vary. The chief clerks get \$3,000, the assistant chief clerks get \$2,000, the appointment order to carry on their important work it will be necessary to

employ some deserving Democrats who are deserving of goodly salaries. They start out with a Division of Investigation, the chief expert of which is to get \$7,200 a year, and others along The Chief of the Division of the Regulation of Transportation by Water is to get \$7,500 a year. The Chief of the Law Division must be a good attorney, and he is to get \$800 a month, which, I believe, is a little less than \$10,000 a year. The naval architect who is Chief of the Division of Vessels and Terminals is to be content with the more moderate salary of \$6,000 a year. The Chief of the Division of Shipping Management, which will be an important division, will have to struggle along on \$1,500 a month, which is a fair salary even in these days of the high cost of living; and so it goes.

Mr. KELLEY. Is it proposed to hire all these men before

we buy any ships?

Mr. MONDELL. I do not know that that is the purpose. No; I think not. Up to this time they have not engaged any considerable number of people. As a matter of fact they have a very small organization, and have not squandered money up to this time, in my opinion. But they have outlined a plan that is a perfect beauty in the matter of expenditure.

Mr. MANN. They have been trying to do something, but have not bought any ships.

Mr. MONDELL. That is what they are trying not to do.

Mr. MANN. This high-priced organization is trying to do

something without carrying out the law.

Mr. MONDELL. That is why I indorse them.

Mr. CANNON. The gentleman thinks that the employees of these commissions-and God knows how many there are, I do not-who get on the pay roll will not suffer for food, will they?

They will get it from the Treasury?

Mr. MONDELL. Whatever may be the condition of the balance of the world, after a careful examination of this plan and outline of this board, I must say I can say to the House with confidence that the gentlemen employed under this schedule will not suffer greatly by reason of the present high cost of [Laughter.]

The Clerk read as follows:

For all other expenditures authorized by the act approved September 7, 1916, including the compensation of attorneys, officers, naval architects, special experts, examiners, clerks, and other employees in the District of Columbia and elsewhere; and for all other expenses of the board, including rental of quarters in the District of Columbia and elsewhere, law books, books of reference, and periodicals, printing and binding, and actual and necessary expenses of members of the board, its special experts, and other employees while upon official business outside of the District of Columbia, \$300,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee where an authorization is made for the employment of clerks, and there is no reference that they shall be outside the classified

Mr. FITZGERALD. The shipping act itself provides that all employees under the Shipping Board, except experts, and the secretary and the private secretary to each commissioner, shall

be from the classified service.

Mr. STAFFORD. The law expressly states that, but there has been a doubt in the legislative subcommittee as to whether when we provide authority for the appointment of clerks for a board they are in the classified service.

Mr. FITZGERALD. Under the Executive order— Mr. STAFFORD. Oh, I know it rests with the President to place them in the classified service; but without the order are they in the classified service?

Mr. FITZGERALD. I do not know.

Mr. STAFFORD. I did not know but that the gentleman could tell me. It is a matter of doubt in the legislative subcommittee. Some of us hold that they are in the civil service and others claim that it requires an order from the President. I understand that under the shipping act they are under the civil service.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. This appropriates \$300,000 to the Shipping Board. Under this scheme one employee of the Shipping Board is to receive a higher salary than any other official or employee in the United States anywhere, except the President. Really, that is going some. Here is a new Shipping Board that does not yet know what it is going to do. It may be that they need an adviser to tell them what to do. They are to be provided with high salaries up to \$18,000. Nowhere else can we pay such salaries. When the Shipping Board bill was before Congress my recollection is—although I may be mistaken—that it was proposed to pay the commissioners \$10,000 a year each.

Mr. ALEXANDER. When the bill passed the House it provided for \$10,000 each, but it was amended in the Senate.

Mr. MANN. I understand. Congress reduced the amount to

\$7,500 a year each. The fact that it was amended in the Sen-

ate does not make any difference. The House agreed to the amendment, and agreed to it, I may say, willingly; and I might add, I think more gladly since it learned who were appointed on the board-not all of them, perhaps; I will not say all of them; I leave myself some leeway. But now here is a salary of \$18,000 a year. How in the world did an item like this get by the great committee on economy of the House? The gentleman from New York [Mr. FITZGERALD] has consistently opposed \$10,000 a year salary.

Mr. FITZGERALD. No; I have not. I think I ought to get

that much. [Laughter.]

Mr. MANN. The gentleman has always opposed them. has not always had his way about it. Congress at one time passed a bill providing for the Customs Court at \$10,000 a year When it came to make the appropriation, the committee declined to give the judges \$10,000 a year each.

Mr. FITZGERALD. That was a Republican committee.

Mr. MANN. Well, that shows that we are more economical than you. You want to squander money at \$18,000 a year. We had the nerve and the sand to put it down to \$7,500, and put it into the law. Why did you not have as much nerve? will give the gentleman the credit. He was a member of the Committee on Appropriations then, and did his very able and efficient part in doing this thing. Nobody ever resigned from the customs court on that account. I am opposed to starting in with these new boards and paying exorbitant salaries, because when you do, you have got to extend them to those already created. We raised the salaries of the Interstate Commerce Commission from \$7,500 a year apiece to \$10,000; and with all due respect—and I have a great deal of respect for the Interstate Commerce Commission—we have not improved the quality of the personnel by the raise, not a bit. think, probably, on the average, it is not of quite as high quality as it was when they got \$7,500 a year apiece. It certainly is no better. You do not get better men by it in the Government service. If you did I would not mind paying the amount, but you do not get better men. All you do is to start the custom of paying enormous salaries, and then, when it comes to paying a little increase to the poorly paid clerks, that side of the House in the main votes against it. [Applause.] Think of the conscience of the majority of the Democratic side who will vote against giving a temporary increase, in time of high prices, an increase of 5 per cent to the man who gets \$1,100 a year, and then turn around and vote another man \$18,000 a year.

Mr. FITZGERALD. Terrible.

Mr. MANN. Well, it is terrible. It is almost beyond belief. If it was said about any other party on earth except the Democratic Party, nobody would believe it.
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the investigation of foreign discrimination against vessels and shippers of the United States, \$175,000, of which sum \$100,000 shall be available immediately.

Mr. MANN. I reserve a point of order on the paragraph. What jurisdiction does this commission have to make this investigation?

Mr. FITZGERALD. Under the provisions of the shipping

What provision of the shipping act?

Mr. FITZGERALD. Section 22, I think.

Mr. MANN. The gentleman has reference to section 26. I will help him out that much.

Mr. FITZGERALD. Section 26.

Mr. MANN. What is there in it which authorizes this?

Mr. FITZGERALD. Section 26 provides that-

Mr. FITZGERALD. Section 26 provides that—
The board shall have power, and it shall be its duty whenever complaint shall be made to it, to investigate the action of any foreign Government with respect to the privileges afforded and burdens imposed upon vessels of the United States engaged in foreign trade whenever it shall appear that the laws, regulations, or practices of any foreign Government operate in such a manner that vessels of the United States are not accorded equal privileges in foreign trade with vessels of such foreign countries or vessels of other foreign countries, either in trade to or from the ports of such foreign countries, or in respect of the passage or transportation to such foreign country, or passengers or goods intended for shipment or transportation in such vessels of the United States, either to or from ports of such foreign country, or to or from ports of other foreign countries.

Mr. MANN. Like pot see anything in that above the such states are not accorded to the countries.

Mr. MANN. I do not see anything in that about shippers.
Mr. FITZGERALD. Oh, yes; the same thing.
Mr. MANN. If there is anything it has escaped my attention.
This provides for the investigation of foreign discrimination against vessels and shippers of the United States. If there is anything in that section in reference to shippers I have not seen it, though I have read the section.

Mr. FITZGERALD. This is for the investigation of foreign

discrimination against vessels of the United States.

Mr. MANN. Oh, yes; that is all right.
Mr. FITZGERALD. It was intended to cover the situation where the action or discrimination of the foreign Government not only affected our ships but the things they carry; and the persons who will make the complaint are those who ship the

Mr. MANN. The gentleman is reading something into the

law that is not in the law.

Mr. FITZGERALD. No; I am stating what is the plain in-

Mr. MANN. If it is the plain intent of the law, the gentleman does not need to add the word "shippers" there.

Mr. SHERLEY. I think section 17 taken in connection with section 26 will answer the gentleman's inquiry. Section 17

That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors. Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudical rate, fare, or charge.

Mr. MANN. But that is a power given over the shippers, not to investigate discrimination against the shippers.

Mr. SHERLEY. The one involves the other of necessity.

Mr. MANN. Oh, not at all. Mr. SHERLEY. I think it does.

Mr. MANN. This is discrimination by a foreign government against the shippers. It would be nonsense to say that the Interstate Commerce Commission has the power to make an investigation of discrimination which some foreign Government should make against the railroads in the United States. It has nothing to do with rates.

Mr. SHERLEY. Foreign discrimination does not necessarily mean discrimination by a foreign Government. It may be foreign shippers or foreign transportation agencies, and necessarily the rates they make and the effect upon shippers will be subject to investigation under the two sections that have

Mr. MANN. The gentleman does not seriously

Mr. SHERLEY. Oh, the gentleman is quite serious about it.

Mr. MANN. He must be very hard pressed.

Mr. SHERLEY. That is the gentleman's conclusion. If the gentleman will read the testimony that was given by the chairman of the board as to the character of discriminations that exist and the complaint that it appears exists and that need to be investigated he will see, I think, that the matter is clearly one that must in the very nature of things come within the scope and duties of the shipping board.

Mr. MANN. I do not say that the investigation ought not to be made, but I say that nobody has given any information upon that subject up to date. The law does not authorize it.

Mr. FITZGERALD. The statement made was that there

were 4,000 complaints of this character now on file.

Mr. MANN. Of what character, may I ask?
Mr. FITZGERALD. Complaint of discriminations and regulations by foreign Governments which affect American exporters and shippers

Mr. MANN. Where are these on file?

Mr. FITZGERALD. In the State Department. There we no other place at the time to file them. They were filed there. There was Mr. MANN. I am rather surprised that there are only 4,000

Mr, FITZGERALD. The statement was made that there are

4,000. Mr. MANN. What is the character of these complaints;

what do they say the discrimination consists in?

Mr. FITZGERALD. For instance, we have this nature of complaints: Vessels refuse to take freight of American shippers unless the representative of another Government gives a cer-

tificate that it can be taken on the ship. Mr. MANN. The Shipping Board does not need to investigate

that. Everyone knows that.

Mr. FITZGERALD. That is true, but there is certain information that must be had in order to have these claims premation that must be had in order to have these claims premation. sented. Foreign Governments are adopting regulations of various kinds that act in a way detrimental to American shippers. There are a great number of them. The truth of the matter is this, that certain foreign Governments to-day are utilizing their

power very seriously to affect the American overseas trade.

Mr. MANN. We all understand that and I would be glad to see it stop, but who is going to stop it? Everybody knows the facts. That is, we do not know all about it, but we know enough of the fact. Is the Shipping Board going to usurp the

functions of the State Department? Is the Shipping Board going to make a report stating that Great Britain or Germany or some other country is unjustly and unfairly discriminating against American vessels and American shippers and have it go out to the world that that is our plan-to be followed up

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield? Mr. FITZGERALD. They propose to follow it up in one way y furnishing information to Congress upon which it may enact legislation to either prevent or to impose restrictions.

Mr. MANN. That is all right. Mr. ALEXANDER. Will the gentleman yield at that point?

Mr. MANN. In just a moment. This afternoon the gentleman from Missouri [Mr. Borland] made a statement that the packers of Chicago forced foreign Governments to accede to their terms, because otherwise they would not furnish them money to carry on the war. I went to the State Department right after the war commenced, very shortly after it, in behalf of a number of Chicago packing houses who had had vessels of meats consigned to neutrals in neutral countries seized by the English Government. The State Department informed me that English Government. The State Department informed me that the seizure was absolutely contrary to international law and illegal. I said, "I wish you would demand that Great Britain would cease doing this." They said, "We can not do that." I said, "Why not?" "We will protest, but if we make a demand, Mr. Mann, it may mean war. Do you want war?" I said, "I do not want war. Of course, I want something more than these polite social pink-tea notes you are going to send over, but I do not want war." If you take this matter out of the hands of the not want war." If you take this matter out of the hands of the State Department when you know that it is an illegal and unjustifiable and improper regulation, is the Shipping Board going to declare war themselves?

Mr. ALEXANDER. Will the gentleman yield at that point? Mr. FITZGERALD. What the Shipping Board intends to do is to study during the war the conditions that exist and they believe may exist after the war. I shall read the statement of Mr. Denman, who is chairman of the Shipping Board. He is an admiralty lawyer of experience and a man of very distinguished attainments.

Mr. MANN. And a nice-looking man and a pleasant gentle-

man to talk to.

Mr. FITZGERALD. He is a very able gentleman, too. He

As we understand it, what Congress had in mind when it gave us this authority was that it wanted us to study during the war the conditions that would undoubtedly prevail after the war, when the European nations, having nationalized their resources, begin to compete with us as national units. If Congress did not have that in mind, I am sorry, because it must be perfectly apparent to anybody who has studied European conditions to-day that Europe intends—each country possibly by itself—to enter into the world of trade as if entering into a big international war, and the instrumentalities they will use will be all the instrumentalities of government.

You know about the bunkering agreements which they now have, under which they are squeezing everything into the line of their trade and the ways they want their trade to run our ships. I had a client in San Francisco who had a bill of goods for Manila. This man, of an American house, was on the black list, and was the largest American exporting house on the Pacific coast outside of a certain foreign house. He wanted to send a bill of goods to Manila to an old customer. He found that the American steamship line going there would not take his goods, because the steamship line going there would not take his goods for a blacklisted person. Now, this was an American house, 50 years old, with a competitor who was a member of the legislative branch of a foreign Government, trying to send his goods on an American steamship line to an American customer in the Philippines, and was not able to get it there.

That is an illustration of the situation by which Americans desiring to ship to places under the American flag by American steamships can not do so because some foreign Government objects to their sending their goods there.

Mr. MANN. We all know that; but what is the Shipping Board going to do? The State Department can not do anything by diplomatic relations; what is the Shipping Board going to do-declare war? It does not take any investigation to find out the facts.

Mr. FITZGERALD. Well, it is necessary to obtain some facts. These claims are presented ex parte and the State Department has no force to make an investigation and perhaps the Shipping Board has

Mr. MANN. The State Department has an emergency fund. Is not this largely the purpose of the Shipping Board at present? These seizures and acts of Great Britain being held in this country to be illegal and contrary to international law, our country declining—and I am not criticizing that—to enforce the rights of Americans; but is it not going to be the fact that every one of them will have a claim against the United States, and this Shipping Board is going to send out people to take the testimony

upon which these claims will be based and hereafter paid at the expense of the Government of the United States?

Mr. FITZGERALD. No; they will have no claim against the

United States

Mr. MANN. Oh, of course the gentleman knows they will have a claim.

Mr. FITZGERALD. I do not know so; they will not have anything of the kind.

Mr. MANN. Well, they may make a claim against the United

Mr. FITZGERALD. They are not making any claim against the United States. Mr. MANN. Not yet.

Mr. FITZGERALD. It is against these foreign Govern-

Mr. MANN. Yes; but we have not protected their rights, and we paid a few years ago a portion of the French spoliation claims, and in the course of the next 50 years we will pay the balance of the French spoliation claims.

Mr. FITZGERALD. We got all of that money from France.

Mr. MANN. We did not get a nickel from France.

Mr. FITZGERALD. Oh, yes; we did.

Mr. MANN. We did not get a nickel from France, and we did not enforce the rights of American citizens against France; on the contrary, we said, "We will take care of your claims," and because we did not enforce their rights we paid claims a few years ago, 110 or 115 years since they occurred.

The great-great-grandchildren of the gentleman from New York, in the House here and in the Senate, will vote to pay some of those claims probably, if they are not paid before, though I suspect if we take the testimony at the expense of the Government, showing that the claims are valid claims, we will pay them long before.

Mr. FITZGERALD. We are not going to pay them. We had better get the facts. They do not expect we will pay them.

Mr. MANN. If we take the testimony, we have got the information. And then we pass a bill providing that the claimants shall have the right to use all the papers in the files of the Government, and the attorneys for the claimants shall have access to all these papers. That sort of provision is in all these claims bills, and we put it in. We take the testimony at Government expense, turn it over to the attorneys for the claimants, turn them into the Court of Claims. We furnish them the evidence upon which they sustain their claims, and do not even make a decent defense against them; and then they make the claim. That is the custom.

Mr. FITZGERALD. This is a Democratic administration.

That is not the custom now.

Mr. MANN. That will be so much worse. Mr. FITZGERALD. It used to be the custom.

Will the gentleman yield? Mr. MOORE of Pennsylvania.

Mr. FITZGERALD. I yield.

Mr. MOORE of Pennsylvania. Mr. Denman in his testimony stated we may have to send out there to Hongkong to take testimony in order to report on that case. Although it has not the basis of a claim, although it is a method of discrimination, there is nothing to be done except to send these attachés of the department off to these various foreign countries to take testimony.

Mr. Brent, on page 1426, says:

Mr. Brent. It might arise in this way, Mr. Mondell: The man might live across the water, and he would not dare to put certain facts relating to the matter in writing. In order to get at the true facts we would have to go and sit down with him or send somebody to sit down with him who could get us the facts, not for publication but for the benefit of the United States Government. Those things are occurring in our own country to-day. We know there are things they want to tell us, but they do not dare to put it in writing for fear they will be immediately cut off.

Now, it would appear as if the board intends to use its clerks and its agents to go all over the world wherever a complaint is made, particularly one that the claimant does not want to put in writing, and at the expense of the Government trace out all these claims and bring back the testimony and practically put it up to the agencies for collection here.

Mr. FITZGERALD. Does the gentleman insist on the point

of order?

Mr. MANN. With the explanation made by the gentleman, but more particularly with the lack of information furnished by the gentleman, I withdraw the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming [Mr. Mon-DELL] has the floor.

Mr. MONDELL. Mr. Chairman, I did not vote for the shipoing act. I thought at the time the act passed there was very little good in it. I am not entirely sure now it has much virtue.

Mr. MANN. Will the gentleman yield? The gentleman knows that the committee that reported it thinks there is very little good in it, because they want to amend nearly everything that is

Mr. MONDELL. True. I am not very much of a sailor, I do not pretend to a very great amount of knowledge of these things, and I do not represent an entirely maritime con-

Mr. MANN. The gentleman has a good many schooners in his district.

Mr. MONDELL. Well, up to date, but they are not likely to last long with the present wave that is passing over the country. Schooners, prairie and otherwise, are disappearing from the country, East and West, and all around. But I was much impressed with the statement made by Mr. Denman relative to the duties and activities of this board under section 17 and section 26 of the law, and particularly with his suggestion of present conditions, and probably future conditions, rendering it important that there should be somebody under the Government to give careful consideration to discriminations against American ships and American shippers. The complaints are filed with the State Department, and it might be said that the State Department should investigate the matter and take whatever action may be necessary. The State Department is not constituted for the purpose of investigating this sort of thing with the view of suggesting legislation. It has not the personnel, or is likely to have the personnel, necessary for a thorough investigation of these matters along lines other than those related to presenting claims and demanding redres

Mr. Denman told us very interestingly, and I advise the gentlemen who are interested in that sort of thing to read his testimony, of the practices of certain foreign Governments of various and divers and sundry kinds and character, the effect of which is to very greatly harm and prejudice American ships and American shipping. These practices are now carried on under the pretense of the necessity of war, and under that pretense neutral shipping and commerce is interfered with as never

before in modern history in civilized lands.

It is the opinion of many that after peace shall come, while these measures can not be continued under the pretense of the necessities of war, they can be and probably will be continued in a slightly different way, giving other excuses for them. The probability is that at the close of this war in Europe we shall see combinations of Governments made for the purpose of aiding their own shipping and that of their allies to the harm and detriment of the balance of the world to an extent never before known.

The CHAIRMAN. The time of the gentleman has expired. Mr. MONDELL. Mr. Chairman, I ask for five minutes more. The CHAIRMAN. Is there objection to the request of the

gentleman from Wyoming? There was no objection.

Mr. MONDELL. Now, under conditions like that is it not well that we should have some agency that can go into those matters carefully and thoroughly? Gentlemen have asked why, for what purpose, with what object? For the purpose, first, of making up more complete cases than the State Department with its organization can well make, cases on which the State Department can not only intelligently present claims, but under which the State Department can make its requests and demands for better treatment more intelligently than it might do with the limited information that is at its command, and second, for the purpose of reporting to Congress with suggestions of legislation that might cure these conditions under which foreign powers owning coaling stations and controlling ports the world around largely exclude from a large portion of the commerce of the world the vessels of the nations other than their own and those of their allies.

Mr. FESS. In consonance with what the gentleman men-tioned in reference to agreements, it might be well to recall the meeting of the allies at Paris, where they resolved and published their plans of controlling the sea, as affecting net only the allies, but the enemies, after the war ends.

Mr. MONDELL. My understanding is that prior to that meeting there was a similar meeting held by the central allies.

Mr. FESS. That is true.

Mr. MONDELL. At which they entered into agreements relative to trade and commerce. While I am not entirely converted to this Shipping Board, I am thoroughly converted to an understanding of the importance of the kind of work the board contemplates under this particular item of appropriation, and I have a great deal of confidence in the man at the

head of the Shipping Board.

Furthermore, as I said awhile ago, I am somewhat of a partisan of the Shipping Board, because I think the gentlemen

in charge of the Shipping Board are earnestly, faithfully, and conscientiously endeavoring to avoid doing some of the things for which the board was instituted, and which were at that time deemed highly important. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Wyom-

ing has expired.

Mr. MANN. Mr. Chairman, this is such an important matter that I think there ought to be a quorum here to discuss it. I therefore make the point of order that there is no quorum present

Mr. RAINEY. Mr. Chairman, I was about to make that same point. If the gentleman will withhold for a moment, I want to say that I have sat here all evening, and we have not made a particle of progress on this bill since 4 o'clock this We have read only a few lines. There seems to be a filibuster on that side which has been acquiesced in by the gentlemen in charge of the bill.

There has been no filibuster. There was an amendment on that side on which six hours were spent which ought to have been disposed of in six minutes. The gentleman

was one of the talkers. I was not.

Mr. FITZGERALD. Mr. Chairman, I wish the gentleman would withhold his motion for a moment. I wish to state to the gentleman from Illinois [Mr. RAINEY] that his statement is not only inaccurate, but it is a gratuitous affront. I have sat here all day attempting to expedite the consideration of this bill, and I am not like the gentleman—absent most of the time during the consideration of the bill. If the gentleman will control his side of the House and help us expedite the business I should be glad to have his assistance; but he should control his apparently uncontrollable desire to cast reflections on the conduct of those in charge of this bill.

Mr. RAINEY. If the gentleman is correct in the statement he has made, I want to apologize to him. I did not want to

offend him.

Mr. FITZGERALD. I endeavored to have the House, from 10 o'clock to 11 o'clock, make progress on the bill. Last night we made more progress than is usually made in three days on an ordinary appropriation bill, and the gentlemen who insisted on speaking on the Borland amendment made it necessary to spend more time on it than we otherwise would have spent.

Mr. RAINEY. Mr. Chairman, I make the point of no quorum

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum present.

Mr. FITZGERALD. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Garner, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Jacoway, for to-day, on account of illness in his family.

DANISH WEST INDIES.

Mr. FITZGERALD. Mr. Speaker, at the request of the gentleman from Virginia [Mr. Floop] I desire to present a conference report on the Danish West Indies bill (H. R. 20755) for printing in the RECORD.

The SPEAKER. The conference report will be printed in

the RECORD under the rule.

The conference report and statement of the House conferees are as follows:

CONFERENCE BEPORT (NO. 1556).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert

"That, except as hereinafter provided, all military, civil, and "That, except as hereinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in

such person or persons as the President may appoint and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: Provided, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: And provided further, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: And provided further, That the compensation of all persons appointed under this act shall be fixed by the President.

"Sec. 2. That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections 239 and 240 of the Judicial Code, the judgments, orders, and decrees of such court shall be final in all such cases.

"SEC. 3. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be

admitted free of duty.

"Sec. 4. That until Congress shall otherwise provide, all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: Provided, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of \$8 per ton of 2,000 pounds, irrespective of polariscope test, in lieu of any export tax now required by law.

"SEC. 5. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of said islands under such rules and

regulations as the President may prescribe.
"Sec. 6. That for the purpose of taking over and occupying said islands and of carrying this act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this act the sum of \$100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

"SEC. 7. That the sum of \$25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate of the United States

on the 7th day of September, 1916.
"Sec. 8. That this act, with the exception of section 7, shall

public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section 7 shall become immediately effective and the appropriation thereby provided for shall be immediately available."

And the Senate agree to the same.

H. D. FLOOD, PAT HARRISON, HENRY ALLEN COOPER, Managers on the part of the House.

WM. J. STONE, G. M. HITCHCOCK, H. C. LODGE, Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between the said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes, state that the House has receded from its disagreement to the Senate amendment and agreed to the same with an amendment. The amendment embraces the entire bill.

The conference adopted the first section of the House bill with three provisos. The first authorizes the President to assign an officer of the Army or Navy to serve as governor of the West Indian Islands. The second provides that the governor of said islands shall be appointed by and with the advice of the Senate, and the third authorizes the President to fix the compensation of all persons appointed under this act.

The second section of the Senate bill was agreed upon after slight amendment to be incorporated as the second section of the bill agreed upon in conference.

The second section of the House bill is incorporated in the bill

agreed upon in conference as section 3.

Sections 3 and 4 of the House bill were almost identical with sections 4 and 5 of the Senate bill, but the conferees agreed to accept the verbiage of sections 4 and 5 of the Senate bill with slight changes, which were made, and which were preferable to sections 2 and 3 of the House bill, and so incorporated them in the bill agreed upon in conference as sections 4 and 5.

Section 7 of the Senate bill and section 6 of the House bill are very similar, and differ only in verbiage and in the amount of appropriation carried. The House bill carried \$50,000 and the Senate bill carried \$100,000. The conferees felt that probably \$100,000 would be needed, and for that reason adopted this section of the Senate bill and incorporated it in the bill agreed on in conference as section 6.

Section 7 of the bill agreed on in conference is identical with section 5 of the House bill, and section 8 of the bill agreed upon in conference is identical with section 7 of the House bill.

> H. D. FLOOD, PAT HARRISON, HENRY ALLEN COOPER. Managers on the part of the House.

## LEAVE TO EXTEND REMARKS.

Mr. BENNET. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

## HOUR OF MEETING MONDAY.

Mr. FITZGERALD. I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Monday

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a.m. on Monday. Is there objec-

Mr. MANN. I object.

## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p. m.) the House, under the order previously made, adjourned until to-morrow, Sunday, February 25, 1917, at 12 o'clock noon.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting letter stating certain facts in connection with the contemplated transfer of the New York Quarantine Station and property from the State of New York to the Federal Government (H. Doc. No. 2089); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting letter with statement in regard to deficiencies in certain public-building appropriations (H. Doc. No. 2090); to the Committee

on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20352) to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes, reported the same with amendment, accompanied by a report (No. 1553), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (S. 1782) for the relief of Joseph Gorman, reported the same without amendment, accompanied by a report (No. 1554), which said bill and report were referred to the Private Calendar.

Mr. QUIN, from the Committee on Military Affairs, to which was referred the bill (S. 650) for the relief of Wallace Metcalf, reported the same without amendment, accompanied by a report (No. 1555), which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 21036) to submit to the people of the District of Columbia the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed therein or prohibited by law; to the Committee on the District of Columbia.

By Mr. MORIN: A bill (H. R. 21042) providing for the issuing of bonds by the United States for the defense of its coats and shores and the protection of its people and their properties from invasion or aggressions of foreign nations; to the Committee on Ways and Means.

mittee on Ways and Means.

By Mr. LOBECK: Resolution (H. Res, 529) authorizing the continuation of the employment of certain session clerks until March 31, 1917; to the Committee on Accounts.

By Mr. BENNET: Resolution (H. Res, 530) proposing an amendment to paragraph 1, Rule XIII, Rules of the House of Representatives; to the Committee on Rules.

Also, resolution (H. Res, 531) proposing an amendment to paragraph 3 of Rule XXIII of the House of Representatives; to the Committee on Rules.

to the Committee on Rules

By Mr. WEBB: Resolution (H. Res. 532) providing for the consideration of S. 5126; to the Committee on Rules.

By Mr. BENNET: Joint resolution (H. J. Res. 380) to reduce the cost of food supplies in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOON: Joint resolution (H. J. Res. 381) deferring the operation of section 5 (Senate amendment 34) to Post Office appropriation bill (H. R. 19410) until July 1, 1917; to the Committee on the Post Office and Post Roads.

By the SPEAKER (by request): Memorial from the Legislature of the State of Oregon, favoring the passage of Senate bill 7604, authorizing the President to appoint J. Benjamin Hayes a first lieutenant in the United States Army; to the Committee on Military Affairs.

Also, memorial from the Legislature of the State of Washington, favoring the passage of a bill to provide for the conington, favoring the passage of a bill to provide for the construction of a military highway along the north bank of the Columbia River connecting Forts Vancouver and Canby, in the State of Washington; to the Committee on Military Affairs.

Also, memorial from the Legislature of the State of Oregon, favoring the passage of Senate bill 7487, having for its purpose

the reclamation of arid and swamp lands of the United States by cooperation between the Federal Government and irrigation and drainage districts of the States containing such lands; to

the Committee on Irrigation of Arid Lands.

By Mr. GRIFFIN: Memorial from the Legislature of the State of Pennsylvania, favoring the passage of a bill known as the Volunteer retired bill, giving Civil War Volunteer retired officers the same aid according to rank as that given to retired officers of the Regular Army; to the Committee on Military

Also, memorial from the Legislature of the State of Arizona, favoring legislation permitting the franking of all reports of births, deaths, and communicable diseases to the proper officer, and all printed matter of an educational character issued by the State board of health to the people of the State in which such matter is issued; to the Committee on Interstate and For-

Also, a memorial from the Legislature of the State of Pennsylvania, favoring the passage of a bill known as the Volunteer retired bill, giving Civil War Volunteer retired officers the same aid according to rank as that given to retired officers of the

Regular Army; to the Committee on Military Affairs.

Also, memorial from the Legislature of the State of Oregon, favoring the submission to the several States of an amendment to the Constitution of the United States authorizing the President to disapprove of any item of a bill making appropriation of

money; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of Arizona. favoring the submission to the several States of an amendment to the Constitution of the United States to prohibit the manufacture of and the traffic in intoxicating liquors; to the Com-

mittee on the Judiciary.

Also, memorial from the Legislature of the State of Pennsylvania, favoring the submission to the several States of an amendment to the Constitution of the United States, prohibiting the sale, manufacture, transportation, importation, and exportation of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of Oregon, favoring legislation to build and maintain a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities; to the Committee on Military Affairs.

By Mr. CRAGO: Memorial from the Legislature of the State of Pennsylvania, relative to creating a Civil War Volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. VARE: Memorial of the Legislature of the State of

Pennsylvania, protesting against the Kitchin revenue bill; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of the Legislature of the

State of Pennsylvania, favoring the passage of Volunteers' retirement bill; to the Committee on Military Affairs.

By Mr. ESCH: Memorial of the Legislature of the State of Pennsylvania, favoring the passage of the Volunteer retired

bill; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial of the State Legislature of Pennsylvania, favoring the passage of the Volunteer

retired bill; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of Pennsylvania, assuring the loyal support of that State to the President and the Government in every undertaking necessary to protect and vindicate American rights, dignity, and honer; to

the Committee on Foreign Affairs.

Also, memorial from the Legislature of the State of Washington, favoring the passage of legislation to reimburse the State of Washington for extraordinary expenses incurred in the recent mobilization of the National Guard; to the Committee on Claims.

By Mr. DARROW: Memorial of the Legislature of the State of Pennsylvania, favoring the passage of the Senate bill 392, known as the Civil War Volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. EAGAN: Memorial of the Legislature of the State of Pennsylvania, favoring the passage of Senate bill 392, known as the Civil War Volunteer officers' retirement bill: to the Com-

mittee on Military Affairs.

By Mr. DARROW: Memorial of the Legislature of the State of Pennsylvania, expressing emphatic disapproval of the proposed plan to impose a Federal tax upon profits of corporations, etc., or any extensions by the Federal Government of taxes upon

sources heretofore relied upon by the States for their revenue; to the Committee on Ways and Means.

By Mr. CARY: Memorial of the Legislature of the State of ennsylvania, favoring the passage of Senate bill 392, known as the Civil War Volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Memorial of the Legislature of the State of Pennsylvania, protesting against excess profits tax on corporations; to the Committee on Ways and

Also, memorial of the State of Pennsylvania, favoring the passage of the Volunteer retired bill, Senate bill 392; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 21037) to authorize the change of name of the steamer Fred G. Hartwell to Harry W. Croft; to the Committee on the Merchant Marine and Fish-

Also, a bill (H. R. 21038) to authorize the change of name of steamer Harry A. Berwind to Harvey H. Brown; to the Committee on the Merchant Marine and Fisheries.

By Mr. DILL: A bill (H. R. 21039) granting an increase of

pension to Mrs. Sarah M. Gibbins; to the Committee on Pen-

By Mr. GRIFFIN: A bill (H. R. 21040) to waive the age limit and the disqualification of being married in the appointment of John J. Byron as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. KETTNER: A bill (H. R. 21041) to reimburse the Southern Pacific Co. the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request). Memorial of East Washington Citizens' Association relative to the question of prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of the Connecticut Society, Sons of the American Revolution, pledging their efforts to the President and Congress toward the maintenance of the rights and honor of our country; to the Committee on Foreign Affairs.

Also (by request), petition of citizens of Paynesville, Mo., protesting against the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. BUCHANAN of Illinois: Petition of employees of Steamboat-Inspection Service at Chicago, asking increase in

pay; to the Committee on Appropriations.

By Mr. DALE of New York: Petition of the executive committee, National Association of Life Underwriters, appealing to Senators and Representatives to exempt from taxation in the proposed revenue law all life-insurance premiums and funds; to the Committee on Ways and Means.

Also, petition of R. J. Caldwell, New York City, relative to the Federal child-labor act; to the Committee on Labor. By Mr. EAGAN: Petition of E. V. Myers, East Orange, N. J.,

relative to the excess-profits revenue bill; to the Committee on Ways and Means.

Also, memorial of Bankers' Association of the District of Columbia, relative to the proposed amendments to the Sterling

intangible-tax law; to the Committee on Ways and Means.

Also, petition of the executive committee, National Association of Life Underwriters, appealing to Senators and Representatives to exempt from taxation in the proposed revenue bill all life-insurance premiums and funds; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the executive committee, National Association of Life Underwriters, appealing to Senators and Representatives to exempt from taxation in the proposed revenue law all life-insurance premiums and funds; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Alexander Kidd, of Oglesby, Ill., favoring prohibitory bills; to the Committee on the Judi-

Also, petition of the Rockford (Ill.) Chamber of Commerce for the daylight-saying bills; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Illinois Society, Sons of the Revolution, favoring adequate preparedness; to the Committee on Military

Also, petition of 16 citizens of Kirkwood, Ill., favoring the migratory-bird treaty bill, House bill 20080; to the Committee

on Foreign Affairs.

Also, petition of 15 citizens of La Salle, Ill., asking that the question of war or peace be submitted to a popular vote; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of Christine B. Wheeler, Roxbury, Mass., favoring a referendum vote before a declaration of

war; to the Committee on Foreign Affairs.

Also, petition of Herbert M. Presto, M. D., Boston, Mass., opposing a referendum vote before a declaration of war; to the

Committee on Foreign Affairs.

By Mr. GRIFFIN: Memorial of the Northeastern Association of Fish and Game Commissioners, with reference to anadromous fishes; to the Committee on the Merchant Marine and

Also, petition of Dannemiller Coffee Co., Brooklyn, N. Y., favoring the Sheppard-Webb resolution for national prohibition;

to the Committee on the Judiciary.

Also, petition of the executive committee National Association of Life Underwriters, appealing to Senators and Representatives to exempt from taxation in the proposed revenue law all life insurance premiums and funds; to the Committee on Ways

Also, petitions of engineers, firemen, conductors, and trainmen of New York State, against passage of House bill 20752; to

the Committee on Interstate and Foreign Commerce.

By Mr. MAGEE: Petition of 75 people of Syracuse, N. Y., for national censorship of moving pictures; to the Committee on the Judiciary.

Also, petition of 500 people, Brown Memorial Church, Syracuse, N. Y., for national censorship of moving pictures; to the

Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Memorial of the Philadel-phia Board of Trade, favoring the passage of the Webb bill, House bill 17350, eliminating two amendments passed by the House: to the Committee on the Judiciary.

By Mr. MORIN: Petition of soldiers' welfare committee, the National Civic Federation, to committee on national defense, and indorsed thereby, with reference to universal military training; to the Committee on Military Affairs.

Also, petition of Miss Jessie Childs, Mrs. Clarence J. Gee, Miss N. L. Jones, Miss M. Place, Miss Isabel Clingensmith, all of Pittsburgh, Pa., with reference to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of the East Hartford Local, So cialist Party of Connecticut, deploring severance of diplomatic relations and urging that no steps be taken to bring about war;

to the Committee on Foreign Affairs.

By Mr. RANDALL: Petition of Long Beach (Cal.) Woman's Christian Temperance Union, against exportation of New England rum to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. ROWE: Petition of the Kings County Republican Club, Brooklyn, N. Y., approving the action of the President in severing relations with Germany; to the Committee on For-

eign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, protesting against the passage of the mail-exclusion bills; to the Committee on the Post Office and Post

Also, petitions of sundry citizens of Brooklyn, N. Y., favoring passage of the migratory-bird treaty act; to the Committee on

Foreign Affairs.

Also, petition of New York State Forestry Association, favoring appropriation for fighting pine-blister rust; to the Committee on Agriculture.

Also, petition of the Merchants' Association of New York, protesting against certain amendment to the Federal reserve act; to the Committee on Banking and Currency.

By Mr. SMITH of Idaho: Petition containing 97 signatures of citizens of Fruitland, Idaho, urging the enactment of prohibition legislation; to the Committee on the Judiciary.

By Mr. SNYDER: Petition from various residents of Vernon, N. Y., for the enactment of House bill 20080, relating to migra-

tory birds; to the Committee on Foreign Affairs.

Also, petition of the Joint Legislative Board of Railroad Employees of the State of New York, against the enactment of House bill 20752; to the Committee on Interstate and Foreign

By Mr. THOMAS: Petition of citizens of Bee Spring, Ky., against this country in war with any nation; to the Committee

on Foreign Affairs.

By Mr. TILSON: Petition of Men's Class of Westville (Conn.) Methodist Episcopal Church, for national prohibition; to the

Committee on the Judiciary."

By Mr. TINKHAM: Memorial of the Northeastern Association of Fish and Game Commissioners, with reference to anadromous fishes; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the University Club of the city of New York. indorsing the recent action of the President in severing diplomatic relations with Germany; to the Committee on Foreign

By Mr. WARD: Petition signed by 53 residents of Woodbourne, N. Y., and vicinity, favoring prohibition measures; to

the Committee on the Judiciary.

Also, petition of Friends' Church, Plattekill, N. Y., and members of the Woman's Christian Temperance Union, favoring prohibition measures, including Smith, Randall, and ersham bills; to the Committee on the Judiciary.